

5 October 2022

Willowridge Developments Ltd
C/- Alison Devlin
Paterson Pitts Group
PO Box 5933
Dunedin 9054

Via email: Alison@willowridge.co.nz

Dear Alison

RESOURCE CONSENT APPLICATIONS: **SUBDIVISION: SUB-2021-130**
LAND USE (SUBDIVISION EARTHWORKS): LUC-2021-343
LAND USE (RESERVE WORKS): LUC-2022-377
11 CENTRE RD, 357 TOMAHAWK RD, & 1 DOMAIN AVE
DUNEDIN

Your application for resource consent was processed on a non-notified basis in accordance with sections 95A to 95G of the Resource Management Act 1991. The application was considered by a Senior Planner, under delegated authority, on 5 October 2022.

The Council has granted subdivision consent and land use consent with conditions. The assessment of the application, including the reasons for the decision, is set out in the report attached to this letter. The consent certificates are attached to the rear of this letter.

Please note that the processing of this application could not be completed within the 20 working day time limit prescribed under section 115 of the Resource Management Act 1991. The time limits for the processing of this consent have been extended pursuant to sections 37A(2)(b) and 37A(4)(b)(i) of the Resource Management Act 1991.

The consent certificates outline the conditions that apply to your proposal. Please ensure that you have read and understand all of the consent conditions.

You may object to this decision or any condition within 15 working days of the decision being received, by applying in writing to the Dunedin City Council at the following address:

Senior Planner - Enquiries
Dunedin City Council
PO Box 5045
Dunedin 9054

You may request that the objection be considered by a hearings commissioner. The Council will then delegate its functions, powers and duties to an independent hearings commissioner to consider and decide

the objection. Please note that you may be required to pay for the full costs of the independent hearings commissioner.

Alternatively, there may be appeal rights to the Environment Court. Please refer to section 120 of the Resource Management Act 1991. It is recommended that you consult a lawyer if you are considering this option.

You will be contacted in due course if you are due a partial refund or you have to pay additional costs for the processing of your application. Given the nature of your intended works/activity, this consent will require one inspection (for the works in the reserve). The fee for your scheduled inspection will be included in the invoice for your application. If additional inspections are required beyond those scheduled, then you will be invoiced at that time in accordance with the Council's fees schedule.

Development contributions are payable for this resource consent. A development contribution notice will be sent in due course outlining how the development contribution has been calculated and when payment is required.

Please feel free to contact me if you have any questions.

Yours faithfully

A handwritten signature in black ink, appearing to read "Lianne Darby". The signature is written in a cursive, slightly slanted style.

Lianne Darby
Associate Senior Planner

APPLICATION SUB-2021-130, LUC-2021-343 & LUC-2022-377: 11 CENTRE ROAD, 357 TOMAHAWK ROAD & 1 DOMAIN AVENUE, DUNEDIN

Department: Resource Consents

BACKGROUND TO APPLICATION

At the time the application was lodged, the subject site was confined to 11 Centre Road, Dunedin. This is a large property of General Residential 1-zoned land situated at the eastern end of Tomahawk. It is legally described as Lot 1 Deposited Plan 484848, held in Record of Title 687845, and has an area of 6.3630ha. It is an irregular shape, and has a generally westerly aspect. There is frontage to Centre Road along its southeast side, and the end of Lombardy Street on its northwest side. There was an existing dwelling on the site at the southern corner, next to Centre Road, and much of the property was covered in self-established vegetation.

Land use consent LUC-2020-626 was issued on 21 January 2021 to undertake large scale earthworks over three stages. The earthworks were being undertaken in anticipation of the land being subdivided into 48 residential lots and roading although no subdivision application accompanied the application for the earthworks. LUC-2020-626/A was varied on 10 August 2021 so as to allow truck movements associated with the earthworks to access the roading network via 357 Tomahawk Road. The objection LUC-2020-262/B was issued on 30 August 2022, and clarified the requirements for monitoring of noise and vibration effects.

Resource consent to subdivide the subject site into 49 residential lots, three roads to vest, pedestrian access to vest, and a reserve area to vest was lodged at Council on 18 June 2021. Council sent the applicant a further information request on 25 August 2021 on behalf of Transport and 3 Waters which resulted in a revised layout for the subdivision. New plans were received at Council on 7 July 2022 (confirmed on 1 September 2022) which has altered the layout and the number of proposed lots. It has also incorporated another property into the development proposal so that the subject sites of this application are now:

- 11 Centre Road, being the land legally described as Lot 1 Deposited Plan 484848, held in Record of Title 687845, and having an area of 6.3630ha.
- 357 Tomahawk Road, being the land legally described as Lot 16 Deposited Plan 548915, held in Record of Title 968488, and having an area of 501m². This site has frontage to Tomahawk Road.

Earthworks on-site have largely been completed, and the site, including the stormwater pond, has been contoured. The roading and shared private accesses have been formed to a metalled standard. Some vegetation remains on-site, but the majority of the land is grassed. The former house has been removed from the property, leaving the site without any established residential activity.

DESCRIPTION OF ACTIVITY

The proposal is now to subdivide the subject sites into 52 residential lots. These will range in size from 520m² to 2780m². Most lots will be of irregular shape, and there is a general westerly aspect to the subdivision. Earthworks have, in some cases, created almost level building areas while other lots are currently sloping ground or a mixture of generally level and sloping topography.

Proposed Lot 100 will define the proposed roading. This will consist of a road entering the site at 357 Tomahawk Road, travelling in a northeast direction before looping back to travel south and then out to Centre Road. A short cul-de-sac will branch off this loop road to provide access to six or seven lots.

A number of the residential lots will be accessed via access lots. There will be three access lots extending from the internal loop road and one from Centre Road. These will be Lots 53 to 56. Ownership of these access lots will be held in undivided shares by those lots that have no alternative access, although in some

cases additional lots will be given right of way over the access lots. There will also be two rights of way. One will be over Lot 42 in favour of Lot 41, and the other over Lot 33 in favour of Lots 51 and 52. Those lots having frontage to Centre Road but, with alternative access available within the subdivision, will have direct access to Centre Road restricted.

Stormwater is to be diverted to a stormwater management area, Lot 101, situated on the western (lower) side of the subject site. From there it is to be released, via a 375mm diameter pipe to slow its discharge, through Right of Way A, the new road, and across Tomahawk Road so as to discharge to the Ocean Grove Reserve via an inground soakage area. The stormwater management area, Lot 101, is to vest with Council.

Earthworks for the subdivision were consented by LUC-2020-626 and have largely been completed. The applicant has applied for retrospective consent for earthworks in order to 'reset' the ground levels for the purposes of calculating building height on each lot. A plan showing the post-earthworks contours of the site was submitted to Council on 1 September 2022.

The design for stormwater management involves the discharging of stormwater to a soak pit to be installed in Council's Ocean Grove Reserve, on the far side of Tomahawk Road. The proposed soak pit will be constructed on land occupied in part by the car park, and the rest within the vegetated sand dunes. It will have an area of 160m², split 50/50 between the two areas. The total depth of earthworks will be 3.0m, and the volume, 480m³.

Additional land use consent is required for the removal of vegetation from the Reserve during the construction period of the soak pit. The land use application LUC-2021-343 was updated on 1 September 2022 so as to address the reserve works at the same time as subdivision. The subject site of the reserve is legally described as Section 49 Block VII Otago Peninsula Survey District, held in Record of Title 482679, and has an area of 25.0000ha.

On 8 September 2022, the applicant applied to have an existing building line restriction cancelled.

REASONS FOR APPLICATION

Dunedin currently has two district plans: the Operative Dunedin City District Plan 2006 (the "Operative District Plan", and the Proposed Second Generation Dunedin City District Plan (the "Proposed Plan"). Until the Proposed Plan is made fully operative, both district plans need to be considered in determining the activity status and deciding what aspects of the activity require resource consent.

The activity status of the application is fixed by the provisions in place when the application was first lodged, pursuant to section 88A of the Resource Management Act 1991. However, it is the provisions of the district plans in force at the time of the decision that must be had regard to when assessing the application.

The Proposed Plan was notified on 26 September 2015, and some Proposed Plan rules had immediate legal effect from this date. Some rules became fully operative following the close of submissions, where no submissions were received. Additional rules came into legal effect upon the release of decisions. Those additional rules become fully operative if no appeals are lodged or once any appeals have been resolved.

In this case, the application was lodged on 18 June 2021 when the Proposed Plan rules were already in effect. The relevant zone and rules of the Proposed Plan are mostly beyond challenge. Accordingly, the relevant rules of the Operative District Plan are considered to have been superseded, in accordance with Section 86F of the Resource Management Act 1991.

Variation 2 of the Proposed Plan was then notified on 4 February 2021, and decisions on Variation 2 were released on 31 May 2022. The application was lodged prior to the release of decisions for Variation 2; consequently, the Proposed Plan rules determine the activity status of the application as this is determined at the time of lodging the application. The application is assessed, however, under the rules in effect at the

time of issuing the decision. As such, the assessment is in respect of the Proposed Plan rules except where replaced by rules of Variation 2.

Proposed Plan

The subject sites of 11 Centre Road and 357 Tomahawk Road are zoned **General Residential 1**. There is an **Archaeological Alert Layer Mapped Area** situated over the southeast portion of the site.

The Ocean Grove Reserve is zoned **Recreation**. It is a **Dune System Mapped Area, Urban Biodiversity Mapped Area, Coastal Character Overlay Zone** and has an **Archaeological Alert Layer**.

Subdivision

Rule 15.3.5.2 lists general subdivision as being a restricted discretionary activity in the residential zones subject to performance standards. The proposed subdivision will fail to comply with the following:

- Rule 15.7.6.2 requires each lot to have building platforms available with slopes of 12° or less. The earthworks have recontoured much of the greater site, in some cases providing lots with more or less level building platforms on what is shown on Council's data map as being sloping ground. Elsewhere, the building platforms will be on the original slopes which range up to 20° or steeper. Accordingly, not all lots will comply with the slope requirement although more are compliant than what the GIS mapping suggests.

Activities which contravene this rule are considered to be a **restricted discretionary** activity pursuant to Rule 15.7.6.5.

Rule 6.3.2.3 lists new roads where part of a subdivision consent as being a restricted discretionary activity. The road of proposed Lot 100 is a **restricted discretionary** activity.

Overall, the proposed subdivision is considered to be a **restricted discretionary** activity.

Land Use

The proposal falls under the definition of *standard residential activity, parking, loading and access, and earthworks*. Under the Proposed Plan, activities have both a land-use activity and a development activity component. In addition to management zone rules for these components there are also citywide rules that apply.

Land use

Rule 15.3.3.3 of the Proposed Plan states that standard residential activity is a permitted activity provided that it complies with the relevant performance standards. Based on the information currently available, the future residential activity of Lots 1 to 52 will be a permitted activity. Further assessment will be made once there are building proposals for the new lots.

Development

The definition of 'ground level' in the Proposed Plan reads:

'The natural surfaced of the ground prior to any earthworks on the site; or if the land has been subdivided and earthworks assessed, the level of the ground existing when assessed earthworks associated with the prior subdivision of the land were completed (but before filling or excavation for new buildings on the land has commenced).'

In order for the current ground levels of the proposed sites to be accepted as existing ground level when applying bulk and location controls at the time of development, the earthworks must be assessed as part of the subdivision. Accordingly, although the earthworks of LUC-2020-626 have been largely completed,

the applicant seeks retrospective land use consent for the earthworks in order to reset the ground levels of the new lots for future development.

Retrospective Subdivision Earthworks

Rule 8A.3.2.2 lists earthworks – small scale as being a permitted activity subject to performance standards.

Rule 8A.5.1.1 lists those earthworks considered to always be earthworks – small scale. The construction of the road and contouring of the new lots is not listed. Rule 8A.5.1.2 specifies that earthworks – small scale not listed in Rule 8A.5.1.1 must comply with Rule 8A.5.1.4 or 8A.5.1.5 to be considered earthworks – small scale. The intersection earthworks failed to comply with the following:

- Rule 8A.5.1.3.a.i specifies a maximum change in finished ground level of 1.5m. The proposed works resulted in up to 6.1m depth of cut and 5.3m fill, therefore exceeding this amount by 4.6m and 3.8m respectively.
- Rule 8A.5.1.5.a.i specifies a maximum volume of earthworks as determined by the slope of the ground. The Data Map shows this site to have had slopes ranging from 0° to 26°. Taking the most onerous slope values (as per Rule 8A.5.1.5(c)), over an area of works of approximately 3.300ha, the maximum volume of earthworks allowed in order to comply with the small scale thresholds is 10m³ per 100m² of site area, or 3330m³ in this case. There was approximately 53,000m³ of earthworks over the entire site.

Rule 8A.5.1.2.a directs that earthworks which do not meet the thresholds for small scale earthworks are to be considered earthworks – large scale. Rule 8A.3.2.3 states that earthworks – large scale are considered to be a **restricted discretionary** activity.

The earthworks will fail to comply with the following performance standards:

- Rule 8A.5.3.a.b states that maximum fill batter is 1 in 2. The batters are steeper than this along the edges of the roading in specific locations, all internal to the development.

An activity which contravenes this performance standard is considered to be a **restricted discretionary** activity pursuant to Rule 8A.5.3.3.

Installation of the Soak Pit in the Reserve

The proposal involves the undertaking of earthworks over Tomahawk Road and through the Reserve, and the clearance of vegetation within the Reserve. The earthworks are, however, exempt from consideration of maximum area of works and volumes (Rules 8A.5.1.4.e and 8A.5.1.5.d), as they are in respect of a network utility.

- Rule 8A.5.6 requires earthworks to comply with Rule 5.6.2 which requires earthworks to be set back at least 2.5m from any water mains and at least 1.5m from all other network utility structures. The earthworks will comply with this requirement within the subject site, but will pass over or under Council services within Tomahawk Road.

As Tomahawk Road is not part of the subject sites, consent is not required for this aspect of the proposal.

Rule 20.3.4.21 lists indigenous vegetation clearance – small scale, and Rule 20.3.4.23 lists all other vegetation clearance, as being permitted activities within the Recreation Zone, subject to compliance with the performance standards. The proposal will fail to comply with the following:

- Rule 20.6.11.1 requires vegetation clearance to comply with the small scale thresholds of Rule 10.3.2.1. Rule 10.3.2.1.a specifies the types of vegetation clearance always considered to be

indigenous vegetation clearance small scale. The list does not include the extension of network utilities.

- Rule 10.3.2.1.b lists all indigenous vegetation clearance within a natural coastal character overlay to be large scale.

There is some question as to whether or not the existing vegetation on the dunes is entirely indigenous. Taking the most onerous situation, the clearance of vegetation is a **restricted discretionary** activity pursuant to Rule 10.3.2.1.e.ii.

- Rule 20.6.11.2 requires vegetation clearance within an urban biodiversity mapped area to comply with Rule 10.3.2.4.
- Rule 10.3.2.4.a specifies that vegetation clearance in an urban biodiversity mapped area must not exceed 20m² on any site over any three-year period. The area of clearance will possibly exceed this amount.

The rule is not specific to indigenous vegetation. Therefore, the proposed activity is considered to be a **restricted discretionary** activity pursuant to Rule 10.3.2.4.d.

- Rule 20.6.11.3 requires vegetation clearance in a protected area to comply with Rule 10.3.2.2.
- Rule 10.3.2.2.b directs that no indigenous vegetation clearance must occur in a coastal environment mapped area.

Again, treating the existing vegetation as indigenous, the proposed clearance is considered to be a **restricted discretionary** activity pursuant to Rule 10.3.2.2.e.

- Rule 20.6.11.5 requires vegetation clearance in a dune system mapped area to comply with Rule 11.3.2.
- Rule 11.3.2.4 directs that vegetation clearance must not occur in the dune system mapped area except for specific reasons. The proposed activity is not listed among the acceptable reasons.

The rule is not specific to indigenous vegetation. The proposed activity is considered to be a **restricted discretionary** activity pursuant to Rule 1.3.2.5.

Overall, the proposal is considered to be a **restricted discretionary** activity.

Operative District Plan

Most of the relevant rules of the Proposed Plan for this zone and site have not been appealed and so the rules of the Operative Plan have been superseded. They do not need to be considered as part of this subdivision application. At the time the application was lodged, Rule 6.6.3.9.a.i was appealed in respect of the minimum legal width for a driveway serving one to six residential units. Therefore, this rule must be considered as the activity status of an activity is determined at the time of lodgement, although this rule is no longer in effect. In this case, the accesses are all compliant for legal width under Rule 20.5.7(v)(b).

National Environmental Standards

The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 came into effect on 1 January 2012. The National Environmental Standard applies to any piece of land on which an activity or industry described in the current edition of the Hazardous Activities and Industries List (HAIL) is being undertaken, has been undertaken or

is more likely than not to have been undertaken. Activities on HAIL sites may need to comply with permitted activity conditions specified in the National Environmental Standard and/or might require resource consent.

The applicant has had a search of the Dunedin City Council's records undertaken (HAIL-2020-178). The search did not find any reference within the records to specific HAIL activities having occurred on this land. The Otago Regional Council's HAIL database did not identify any known HAIL activities for the subject sites either. The application notes:

'HAIL searches have been undertaken for the site and have not identified any HAIL activity taking place on-site.'

Accordingly, it is accepted that the NES CS does not apply to this land. There are no other National Environmental Standards relevant to this application.

Overall Status

Where an activity requires resource consent under more than one rule, and the effects of the activity are inextricably linked, the general principle from case law is that the different components should be bundled and the most restrictive activity classification applied to the whole proposal.

The application was lodged on 18 June 2021, after the release of the decisions for the Proposed Plan. The Proposed Plan rules were in effect at that time, and accordingly, the activity status of the application is determined by the Proposed Plan (prior to any changes brought about by Variation 2).

The activity status of the proposed subdivision is therefore determined by the Proposed Plan and is considered to be a **restricted discretionary** activity. The activity statuses of the land use applications are also determined by the Proposed Plan and are considered to be **restricted discretionary** activities.

WRITTEN APPROVALS AND EFFECTS ASSESSMENT

Affected Persons

No affected party approvals have been submitted with the application. No persons are considered to be affected by this proposal for the reasons given below in the section on the Effects on the Environment.

Effects on the Environment

Permitted Baseline

Under sections 95D(b) and 104(2) of the Resource Management Act 1991, the Council may disregard an adverse effect of the activity on the environment if the district plan or a national environmental standard permits an activity with that effect.

This is the permitted baseline. Neither the District Plan nor the Proposed Plan allows any subdivision to occur as of right. All subdivisions are either restricted discretionary activities where the proposal meets all District Plan requirements, or restricted discretionary or non-complying activities where the proposal does not. Council rarely declines consent for proposals that create new sites meeting the minimum lot size, access, servicing and other requirements of the District Plan. In such cases, the subdivision consent is a means of ensuring to Council's satisfaction that all necessary subdivision matters, e.g. infrastructure, are adequately addressed, and is not an indication that the proposal is deficient in some way.

At the time the application was lodged, residential activity was a permitted activity at a density of not less than 500m² per residential unit or on an existing site of any size subject to conditions. The rules now provide for a density of not less than 400m² per residential unit, or for a duplex to be constructed on a site of 500m². While rules for multi-unit development require consent for 3 or more dwellings to be built at one time, this

only affects the timing of development, not the overall intensity of residential activity anticipated by the plan for this site.

The construction of residential buildings smaller than 300m² in footprint are also permitted activities.

A certain amount of earthworks is permitted, based in part on the slope of the ground, and the zoning of the land.

It is considered that this is the appropriate baseline against which the activity should be considered. As a result, it is the effects arising from the proposal, beyond the permitted baseline, that are the crucial elements for consideration.

Receiving Environment

The existing and reasonably foreseeable receiving environment is made up of:

- The existing environment and associated effects from lawfully established activities;
- Effects from any consents on the subject site (not impacted by proposal) that are likely to be implemented;
- The existing environment as modified by any resource consents granted and likely to be implemented; and
- The environment as likely to be modified by activities permitted in the district plan.

For the subject site, the existing and reasonably foreseeable receiving environment comprises a vacant site with preliminary works for a residential subdivision and development, situated on the urban and coastal edge of Dunedin. The land has residential zoning.

For adjacent land, the existing and reasonably foreseeable receiving environment comprises medium density residential development to the south and west, and low density housing within a rural landscape to the north and east. The Otago Coast is a short distance to the south.

It is against these that the effects of the activity, beyond the permitted baseline, must be measured.

Assessment Matters/Rules

Consideration is required of the relevant assessment matters in the Operative District Plan and the relevant assessment rules in the Proposed Plan, along with the matters in any relevant national environmental standard. In regard to the land use consent, this assessment is limited to the matters to which the Council's discretion has been restricted. No regard has been given to any trade competition or any effects of trade competition.

1. Lot Size and Dimensions and Physical Limitations (Operative Plan 18.6.1(q) & 18.6.1(k); Proposed Plan 15.11.4.1)

The revised layout will create 52 residential lots, roading, reserve, and access lots. The residential lots will range in size from 520m² to 2780m² with the larger lots being situated on the steeper ground to the north. The lots will be of irregular shape but will be large enough to accommodate a 7.0m by 10.0m building platform, although the platform will not be necessarily on land sloping by less than 12°.

At the time the application was lodged, minimum site size for the General Residential 1 zone was 500m². All the proposed lots will comply with this requirement. Variation 2 has revised the minimum site size requirement so that it is now 400m² for the General Residential 1 zone, with a duplex being permitted on a site of 500m² or more. The new lots will not only comply with the new rules, but there is now potential for a duplex to be built on all the lots, and half the proposed lots will be large enough for further subdivision (c.f. seven lots under the original Proposed Plan rules). This might not

have been the intention of the developer at the time of lodging the application. While the Council will not enforce a density requirement of one residential unit per 500m² of site area (being the rule when the application was lodged), the applicant has the opportunity to do so through a private covenant if so desired.

The new roading will consist of a road, with a U shape, linking Tomahawk Road to Centre Road. This will provide access directly or indirectly, via cul-de-sac, access lot or right of way, to the majority of the lots. The exceptions are Lots 8, 11, 12, and 13 which will be dependent on access directly to Centre Road via their frontages, with Lots 7, 9 and 10 having the option of access to the road or to the adjacent access lot. Lots 1 and 6 will have frontage to Centre Road but the topography next to the road makes access impractical and access will be provided via Access Lot 55.

The cul-de-sac will provide access to five or seven residential lots depending on whether Lots 20 and 26 use the cul-de-sac or the link road for access. The application plan shows a planned vehicle crossing for Lot 26 onto the cul-de-sac, but not Lot 20. If alternative access is sought, then approval will have to be obtained from Council's Transport department.

The access lots will be as follows:

Access Lot	Owners (shares)	Users (rights of way)
53	46, 47, 48	43, 44, 45, 46, 47, 48
54	14, 15, 31, 32	14, 15, 30, 31, 32
55	1, 2, 3, 4, 6	1, 2, 3, 4, 5, 6, 7
56	16, 17, 18	9, 10, 16, 17, 18

Ownership of the access lots will be confined to those lots which are dependent on the access lot for vehicular access. The potential users will, however, include those lots which have the option of using the access lot and might benefit from doing so. No widths are shown on the application plan for the subdivision, but the final design drawings received at Council on 31 August 2022 show the carriageway widths of Lots 53 and 54 to have a 6.0m wide carriageway, while Lots 55 and 56 will have a 5.0m wide carriageway. The legal widths will be wider again. It will be a condition of consent that legal widths of all access lots and rights of way are compliant.

Two rights of way are also promoted. Right of Way D is shown over Lot 33 in favour of Lots 51 and 52. It is steep and winds up the slope to service the most northerly lots. Right of Way F is over Lot 42 in favour of Lot 41. Again, the proposed right of way is quite steep. It is located at the southwest corner of the proposed subdivision. The design drawings provide the width of the proposed rights of way. Right of Way D will have a carriageway 5.0m wide, and Right of Way F, 4.5m. Legal widths will be wider.

Lot 101 will be a stormwater management area, to be vested with Council. It contains a lined pond to hold stormwater until it can be discharged at a reduced rate to the Ocean Grove Reserve.

The 52 residential lots are all of practicable size and shape to accommodate a residential unit although pole house construction might be advisable for some of the steeper slopes. There are no known geotechnical issues expected to compromise the building potential of the new lots. Accordingly, there is no expectation that the proposed subdivision will create a site with physical limitations rendering it unsuitable for future use.

2. Easements (Operative Plan 18.6.1(i))

Registered on the titles of the subject sites are the following easements, covenants, building line restrictions and consent notices:

- Building line restriction **X21203** is registered on the titles of both 11 Centre Road and 357 Tomahawk Road. The document refers to a Scheme Plan 988 which is not attached to the document and does not appear to be available at Land Information New Zealand. Fortunately, Paterson Pitts Group, being a survey firm with a long history, was able to provide a copy of the scheme plan which is now registered in Council's records. The plan, dating from 1958, shows a residential subdivision of 77 lots intended for the subject site. This included a link road, a cul-de-sac and a pedestrian access. The building line restriction applies to the edges of Tomahawk Road, Centre Road, and all the internal roading, by varying amounts.

This then raises the question of whether or not a building line restriction can apply to roads that have never been created. As the document is registered on the title of the subject sites, it is accepted that it applies to the frontages along Tomahawk Road and Centre Road. Taking the most onerous view, it is accepted by Council as applying to the other 'roads' of the scheme as well, thereby creating strips through the subject site which supposedly cannot be developed.

The building line restriction is of no consequence along the Tomahawk Road frontage as this is to be vested as legal road. Centre Road has a 20.12m wide legal road reserve outside proposed Lots 1 and 6 to 8, and a 12.07m wide legal road reserve outside proposed Lots 9 to 13. It will therefore affect approximately 5.0m of the lots next to the wide section of road, and 9.0m of the lots next to the narrow section. The applicant has applied to cancel the building line restriction. This is discussed below in the section on transportation.

- Covenant **11400722.2** is a private covenant registered on the title of 11 Centre Road. It places a height restriction over development within the Sunset Terrace development in favour of the subject site. All the new lots within the underlying 11 Centre Road will inherit this covenant unless specifically cancelled. The Council does not administer private covenants.
- Easement Instrument **11979739.26** provides 11 Centre Road with drainage rights over 4 Sunset Terrace. Again, all the lots with the underlying 11 Centre Road will be able to take advantage of this drainage right unless the easement is specifically cancelled. The servicing plan for the subdivision does not suggest that this easement will be utilised for drainage of sewage.
- Consent notice **101080410.6** is concerned with development earthworks on 357 Tomahawk Road and was imposed as part of the underlying subdivision of DP 484848. The new site of 357 Tomahawk Road inherited the consent notice at the time of DP 548915. The clauses are all standard earthworks conditions which will not be relevant following this subdivision as 357 Tomahawk Road is to be vested in entirety with Council as legal road. The consent notice can be cancelled in respect of 357 Tomahawk Road (Lot 16 DP 548915) only.
- Consent notice **11979739.23** was placed on the title of 357 Tomahawk Road at the time of DP 548915. It requires the owner of 357 Tomahawk Road to maintain the swale drain from Sunset Terrace where it passes through the site. This will be situated in legal road following the completion of this subdivision and is already piped. Consequently, the consent notice regarding the maintenance of a swale is already redundant. It can be cancelled from the title of 357 Tomahawk Road.
- Consent notice **11979739.24** was also imposed on the title of 357 Tomahawk Road at the time of DP 548915. It is in respect of stormwater requirements to be installed for new residential development on the site. As the site is not to be developed for residential use,

the requirements are no longer relevant and the consent notice can be cancelled from the title of 357 Tomahawk Road.

- Easements H and I DP 548915 were created by Easement Instrument **11979739.27** over the subject site of 357 Tomahawk Road. As this land is to become legal road, the easements will become redundant. They are to be cancelled.
- Covenant **11979739.31** is registered on the titles of the residential lots of Sunset Terrace (including 357 Tomahawk Road) and is in regard to future residential development. It will be no longer relevant to 357 Tomahawk Road when it is vested as road. Ideally, this covenant should be cancelled in respect of Lot 16 DP 548915 only but is a private covenant that Council does not administer.

The revised plan shows rights of way over the access lots which will, in some cases, provide for more users than owners, and two rights of way over private lots. Right of Way D will be over Lot 33 in favour of Lots 51 and 52, and Right of Way F will be over Lot 42 in favour of Lot 41. It will be a condition of consent that the rights of way will be compliant legal widths.

Service easements will be required wherever private pipes pass through lots other than the lots they service. Likewise, easements in gross will be required wherever Council-owned services pass through private lots.

On 30 August 2022, the Council consented to the creation of an easement over Ocean Grove Reserve for the installation of a pipeline and related infrastructure for stormwater drainage. The easement has been assessed against the General Policies Reserve Management Plan. The easement will be created as part of the certification and works of this subdivision consent.

3. Infrastructure (Operative Plan 18.6.2(d), (e), (i), (j), (n), (o), & (p); Proposed Plan 15.10.5.5)

Following the lodgement of the application, the Council's Subdivision Engineer, 3 Waters, requested further information regarding the proposed stormwater management for the subdivision. A Catchment Study Report was subsequently prepared on Council's behalf by WSP on 20 August 2021. It considered the characteristics of the catchment, the soil permeability, and flood and coastal risks to the subject site. Following the receipt of the report, 3 Waters was still of the view that the applicant should be providing a stormwater management plan (SWMP) with the application. Accordingly, a formal information request was sent on 25 August 2022.

In response, the applicant proposes constructing the stormwater management pond to hold the stormwater from the subdivision which is then to drain via a 375mm diameter pipe from the pond through the subdivision, across Tomahawk Road, and discharging into a soak pit within the Ocean Grove Reserve. 3 Waters accepted that the methodology was acceptable but an easement for the soak pit required formal approval at a Full Council Meeting. This approval was provided on 31 August 2022. The SWMP was then approved by 3 Waters on 1 September 2022.

The Subdivision Support Office, 3 Waters, provided comment on 2 September 2022 regarding the overall servicing of the subdivision. She comments as follows:

Modelling - Assessment of effects on 3 Waters infrastructure

The Council has hydraulic models for many of the City's water, wastewater and stormwater networks. The effects of new development on those networks can be evaluated against current performance, and against the foreseeable future demand. District Plan zoning indicates where development is anticipated, and the density of development.

Development beyond that anticipated by the District Plan may:

- *Be accommodated by existing infrastructure, both now and in the foreseeable future.*
- *Be accommodated by existing infrastructure only because anticipated permitted development in other areas has not yet occurred; or*
- *Not be able to be accommodated without upgrade or expansion of existing infrastructure.*

The Subdivision Support Officer comments that where there are capacity issues in the water network, it may not be possible to physically supply water, and the proposed development could cause pressure losses to existing customers. Where there are capacity issues in the drainage network, downstream wastewater and/or stormwater surcharge and flooding will be exacerbated. The 3 Waters Hydraulic Modeller has assessed this application as described below.

Water

No issues have been identified with supplying water to this development; however, there are a known number of properties along Centre Road that have historically low water pressure.

Wastewater

No issues have been identified with accommodating wastewater drainage from this development.

Stormwater

This site is in close proximity to a marine environment; therefore, the discharging of stormwater must be undertaken in accordance with the approved SWMP.

Existing Services

The Development Support Officer, 3 Waters, has considered the application. A review of Council's GIS records indicates that there is a 150mm diameter water supply pipe in Centre Road. There is a 100mm diameter wastewater pipe in Lombardy Street and a 100mm diameter water pipe, a 150mm diameter wastewater pipe and a 225mm diameter stormwater pipe in Oregon Street. In Tomahawk Road, there is a 150mm diameter water pipe and a 150mm diameter wastewater pipe.

Infrastructure requirements

Dunedin Code of Subdivision & Development 2010

All aspects of this development shall be undertaken in accordance with the requirements of the Dunedin Code of Subdivision and Development 2010.

Water services

The Dunedin City Council Water Bylaw 2011 sets out the requirements for connections to the water supply network.

Each lot must be serviced from an individual Point of Supply. New water connections are required for the residential lots. For a new water connection or any change to an existing water connection, an "Application for Water Supply" is required. Proposed Plan Rule 9.3.7 requires that all services be laid at least 600mm into resultant sites. Therefore, when the connections are established, the water supply pipes must be laid at least 600mm into the lots.

Firefighting requirements

All aspects relating to the availability of water for firefighting should be in accordance with SNZ PAS 4509:2008, being the Fire Service Code of Practice for Fire Fighting Water Supplies.

There are numerous fire hydrants surrounding the development and new fire hydrants are planned within the development. Based on SNZ PAS 4509:2008 a FW2 (25l/s) zone requires a fire

hydrant within 135m and a second within 270m. The proposed development will be compliant with these requirements.

Stormwater services

3 Waters advises that, in order to allow adequate pervious area for natural stormwater drainage, the maximum site coverage specified in the District Plan should be complied with when the sites are developed or redeveloped. Please note that there are new site coverage rules in the Proposed Plan for both building coverage and maximum site imperviousness, and any contravention of these rules will require additional resource consent.

This is a large green field site with minimal stormwater infrastructure so any development will significantly increase the impervious surface and have the potential to create downstream adverse effects. A SWMP has been submitted and approved by 3 Waters. The construction of the stormwater infrastructure must be undertaken in accordance with the approved SWMP, and the stormwater management pond, Lot 101, must be vested with Council.

Wastewater services

New wastewater services will be required for this development.

New infrastructure – Engineering Design

The consent holder will need to provide detailed engineering design (plans, long-sections and calculations) for the proposed new water/wastewater/stormwater infrastructure to the Dunedin City Council 3 Waters Subdivision Engineer well prior to any works commencing on site.

The engineering plans and associated calculations must meet the requirements of the Dunedin Code of Subdivision and Development 2010 and the NZS4404:2004 standard.

Construction and installation of infrastructure shall be undertaken in accordance with the approved engineering plans, the Dunedin Code of Subdivision and Development 2010 and NZS4404:2004 standard.

On completion of construction of the servicing infrastructure, as-built plans shall be submitted to the Dunedin City Council, 3 Waters Subdivision Engineer for approval. The as-built plans shall be accompanied by a quality assurance report. A maintenance period of three-years will apply to the stormwater pond and utility reserve (including vegetation), and a one-year period of all other service infrastructure to be vested with Council.

Existing services

Any existing services that will not be utilised as part of the new development will need to be cut and plugged at the boundary.

Erosion and Sediment Control

It is important that erosion and sediment control measures are utilised to control and contain sediment-laden stormwater run-off into neighbouring properties and the Council stormwater network from the site during any stages of site disturbance associated with this development. This could include diversion drains, sediment fencing, erosion control blankets etc. This is provided for as a condition of consent.

Private Drainage

The Technical Support Officer, Seepage Control Unit, has considered the application. He advises that, currently, there are no Council-owned drainage services located within the subject site.

Lots 1 to 52 are to have individual foul and stormwater drains to the Council-owned reticulated services or an acceptable outfall. Approval for connection and the design of the proposed foul and stormwater infrastructure will be required.

Lot 100 is to vest with Council as road. This will require stormwater drainage from impervious surfacing.

Lot 101 is to vest as a stormwater management area.

Summary

Overall, 3 Waters and Seepage Control have no issues with the proposal subject to conditions consistent with the above.

The Parks and Recreation Services (PARS) Planner has considered the purpose and design of the proposed stormwater soak pit and disposal infrastructure to be installed within the Ocean Grove Reserve. The proposed structure will be 2.0m long by 8.0m wide, and will be at a depth of 2.25m. The stormwater management plan for the subdivision includes a pond within the subdivision itself (proposed Lot 101). This will discharge to the soak pit structure.

The proposed soak pit will be located approximately 10.0m north of a separate soakage structure approved in May 2020 for the stormwater drainage of Sunset Terrace. It will be situated partially within the gravel vehicle turning area used by a wide variety of vehicles including buses. The rest of it will be located within the dune system of the reserve, and will require both earthworks and vegetation clearance. The PARS Planner understands that the final siting of the structure will be subject to the approval of both 3 Waters and PARS staff.

4. Transportation (Operative Plan 18.6.1(c); Proposed Plan 15.11.2.1(b), 15.11.4.1(d) & 15.11.4.2)

The layout of the subdivision as originally submitted to the Council was for 48 lots. The proposed roading was for a doubled headed cul-de-sac coming in from Centre Road, and a second cul-de-sac from Lombardy Street. The two roads were to be joined by a pedestrian walkway.

The initial assessment from Transport resulted in an informal information request regarding the design of the roading. A revised plan was received at Council on 23 July 2021 which changed the roading layout to the present proposal of a link road between Tomahawk Road and Centre Road, with connecting one cul-de-sac. Council's Planner – Transport assessed the proposal and made some suggestions on design elements. This was followed by a formal information request letter sent to the applicant on 25 August 2021 requesting consideration of pedestrian links, the road width of the cul-de-sac, road longitudinal gradients, sight distances, vehicle accesses, and footpaths.

Further discussion between Council and the applicant followed while a number of design matters were finalised. The applicant submitted a report on 24 May 2022, prepared by Avanzar, which commented in response to the formal further information request.

Council's Planner – Transport assessed the further information and the revised layout (not formally submitted to Council) with the link road (Road 1) and cul-de-sac (Road 2) in a memo dated 27 May 2022. He noted that Tomahawk Road is a Collector Road in the Proposed Plan roading classifications, and Centre Road is a Local Road.

Roading

The Planner – Transport commented that Transport is generally supportive of the proposed layout. The roading linkage between Tomahawk Road and Centre Road will ensure adequate movement of vehicles, pedestrians and cyclists through the existing and proposed roading network is available. As Tomahawk Road is a Collector Road, the Tomahawk Road/Centre Road route should be retained as

the primary route between Tomahawk and the Otago Peninsula. This means that Road 1 will need to be a local road and designed so as to deter external traffic from choosing to use the road as a through route rather than as access to a destination. In the Planner – Transport’s view, both the horizontal and vertical alignments of Road 1 will assist with achieving this outcome, combined with proposed isolated carriageway narrowing and pedestrian crossing points which will ensure operating speeds within the subdivision are appropriately managed. Furthermore, it would not be convenient for through traffic to use Road 1 since this would require intersection turning movements.

Road 1 will have a reserve width of 20m where it meets Tomahawk Road but will reduce to 16m as it continues through the development site. These widths comply with Table 3.1R of the DCC Code of Subdivision for a residential road serving less than 100 dwelling units and is therefore acceptable, subject to detailed design. Standard conditions relating to the design, construction and certification of Road 1 are recommended accordingly.

Road 2 is proposed to have a legal width of 12.0m. This does not comply with Table 3.1R of the DCC Code of Subdivision and Development for a short cul-de-sac serving less than 10 dwelling units, which requires a reserve width of 14.0m. Based on the locations of vehicle crossings shown on the plans, Road 2 will serve 6 properties. In Transport’s view, it is therefore appropriate that Road 2 be altered so as to become a privately owned and maintained access lot. This is because the number of lots served by Road 2 is small and the legal width of Road 2 does not comply with the Code of Subdivision requirements for a legal road. There is no sufficient reason for the Council to accept a legal road width that does not comply with the Code of Subdivision when other viable alternatives are available. The Planner – Transport recommended conditions which require Road 2 to not become a legal road, and for the intersection design to be accordingly changed so that is a standard vehicle crossing with a continuous footpath along Road 1.

Road 1 will generally have footpaths along both sides, except between CH150 and 210 where the road adjoins a proposed stormwater management area via a steep slope. The applicant has advised that this makes construction of a footpath in this location impractical. Mr Facey (Avanzar) has reviewed this arrangement and notes that whilst undesirable, the number of pedestrians inconvenienced by this will be small and that safe crossing points will be provided to ensure a continuous pedestrian network is available. The Planner – Transport agreed with this assessment and considered the proposed design solution to be practical given the constraints.

Intersection Design

Road 1 / Tomahawk Road intersection

Transport raised concerns with respect to the Road 1/Tomahawk Road intersection, primarily due to its location in relation to the existing neighbouring vehicle access which services 363 Tomahawk Road. Mr Facey has assessed the location of the intersection in his TAR report. He noted that Rule 6.6.3.4.a.iii requires a minimum separation of 10m between the tangent point of the kerb return of the intersection and the vehicle access serving 363 Tomahawk Road. He confirms that, when measured against Figure 6B.17 of the Proposed Plan, there will be no separation between the vehicle crossing and the intersection. The Planner – Transport commented:

‘In assessment of this, Mr Facey cites other recent subdivisions which he states have accepted vehicle accesses being close to new intersections. I note that the examples cited in Mr Facey’s report have not been ‘accepted’, and to my knowledge are currently being considered through the resource consent process. In any event, I do not consider that it is overly relevant to cite other examples of ‘similar’ situations since each proposal is required to be assessed on its merits. I therefore do not give any weight to this part of Mr Facey’s assessment.

‘That notwithstanding, Mr Facey does provide some useful analysis of the non-compliance as it relates to the issue at hand, which is the proximity of the proposed intersection to the existing driveway at 363 Tomahawk Road. He states that it is anticipated that traffic from the development will typically travel to and from the north towards Dunedin. This will require a left turn in and a right turn out of Road 1. He considers that very little traffic is likely to drive past the access to 363 Tomahawk Road.

‘Due to the geographic location of the subdivision in relation to the city, I generally agree with Mr Facey in this regard. I do, however, note that traffic intending to enter the subdivision approaching from the south, say from Smails Beach or from the Otago Peninsula, would be required to pass the driveway before turning right at the intersection. If the vehicle was intending to enter the driveway instead of the intersection, I consider there is potential for confusion because other road users are likely to anticipate that the vehicle was turning at the intersection instead of the driveway. This confusion could lead to a following vehicle making contact with the turning vehicle via a nose-to-tail as the turning vehicle would be slowing down and turning slightly sooner than the following vehicle will have originally anticipated.

‘However, if confusion did arise from this scenario, I consider the risk to be low because of the good forward sight visibility on this section of Tomahawk Road which will allow following drivers to see a vehicle that is indicating to turn right and will be able to reduce their speed accordingly until such time that the turning vehicle has completed their manoeuvre. Additionally, this turning manoeuvre would take at most, a few seconds with no delays expected because of the relatively small number of traffic movements on Tomahawk Road.’

In order to further evaluate the level of risk, it is also important to understand the anticipated frequency of its occurrence. To do this, the Planner – Transport reviewed the estimated average daily traffic (ADT) volumes on Centre Road as shown on Mobile Roads. The estimated ADT is 900vpd, which would typically equate to a peak hour volume in the order of 90vph. Assuming that this traffic is split evenly between the two directional traffic lanes, this would equate to less than one vehicle per minute travelling along Tomahawk Road in a northern direction toward the city.

The Planner - Transport acknowledged that these volumes would increase as development intensifies in the area but considered this to be largely inconsequential in terms of his assessment because the increases are unlikely to be significant. Based on standard trip generation data, from NZTA Research Report 453, the existing house at 363 Tomahawk Road is likely to generate one vehicle movement during this peak hour period, or at most, 1.2vph. As with traffic generated by the subdivision, it is likely that these manoeuvres will primarily be a right turn out of the driveway in the morning peak and a left turn in the afternoon peak. Right turns into the driveway are expected to be infrequent for the reasons described by Mr Facey. It is also highly unlikely that a driver would choose to turn from Road 1, onto Tomahawk Road, and then directly into the driveway to 363 Tomahawk Road, or vice-versa.

From the above analysis, Transport has concluded that the low frequency of a vehicle turning right into the driveway, combined with the relatively low number of northbound traffic movements on Tomahawk Road during the peak network hours, will assist with reducing the potential for confusion generated by a vehicle turning right into the driveway of 363 Tomahawk Road.

The other potential source of confusion could arise when a vehicle is waiting to turn out of Road 1 whilst a vehicle on Tomahawk Road indicates left to either turn into Road 1 or the driveway to 363 Tomahawk Road. The driver waiting at the limit line of Road 1 may incorrectly assume that the driver on Tomahawk Road was indicating to turn into Road 1, in which case they could pull out onto Tomahawk Road. If the driver was in fact indicating to turn into the driveway of 357, there is a risk of a collision. In this situation, the two drivers would have good inter-visibility, and the driver at the

limit line of Road 1 will be aware of the presence of the adjacent driveway, and the associated possibility that the indicating vehicle could be turning into it. Acknowledging this potential and noting that drivers are likely to be familiar with the arrangement, it is therefore unlikely that a driver would choose to pull out onto Tomahawk Road from Road 1 until the indicating vehicle has completed its manoeuvre, or until such time that it was clear which entrance the vehicle was intending to use. Since the traffic volumes on all approaches will be very low, the frequency of this potential occurrence is also expected to be small and has been assessed as being acceptable in this instance.

The Planner – Transport commented:

‘However, Mr Facey also originally noted that the access to 363 Tomahawk Road is to a single dwelling with sufficient on-site manoeuvring to allow vehicles to turn around on site and drive out onto Centre Road in a forward gear. It is not clear what has informed this statement made by Mr Facey, and based on my assessment of aerial photography, I question this. The existing garage on 363 Tomahawk Road faces Tomahawk Road and is accessed by an existing driveway of about 3.0m wide, widening to a parking area in the order of 5.5m wide. There is no clear manoeuvring area onsite. Based on this assessment, I did not agree with Mr Facey’s comments in this regard. In fact, I consider that it is highly likely that vehicles parked on 363 Tomahawk Road would be required to reverse either onto or off Tomahawk Road.’

On request, Mr Facey reassessed this arrangement on the assumption that a vehicle would need to reverse off 363 Tomahawk Road onto Tomahawk Road. Mr Facey noted:

‘If a driver chose to reverse onto Tomahawk Road from 363 Tomahawk Road, they would be carrying out the same manoeuvre they currently do. Most of the traffic generated by the new subdivision will not be driving past the access since it will be driving towards Dunedin. A driver reversing from 363 Tomahawk Road will have good visibility to any traffic approaching along Road 1 and can gauge their intentions before they reach the intersection. Few [from Road 1] will turn left and the reduced kerb return radius noted below would ensure any left turning vehicle could only turn left at low speed. Given that the 363 Tomahawk Road access is existing, and drivers currently successfully negotiate the exit from the property, it is considered that the new Road 1 intersection will have no impact on the safe use of the vehicle access.’

While Council’s Planner – Transport considers the location of the existing accessway serving 363 Tomahawk Road in relation to the proposed intersection to be not ideal, he found Mr Facey’s assessment to be reasonable in this instance. In addition, the available berm width on Tomahawk Road (4.5m) will allow a driver exiting the property to wait and see up Road 1 before having to reverse onto Tomahawk Road. Drivers on Road 1 will also have good visibility of a vehicle reversing out of the driveway. This combined with the excellent sight distances in both directions from 363 Tomahawk Road, and the very low use of the vehicle access act to mitigate any adverse effects caused by the location of the vehicle access insofar as it relates to the new intersection.

In terms of engineering mitigation, Mr Facey noted that it would be acceptable to reduce the kerb return radius from the currently designed 6.0m on the southern side of Road 1 to allow a greater separation between the intersection and the driveway, and also to reducing cornering speeds adjacent to the access. This is because Road 1 is unlikely to carry a significant amount of heavy traffic (likely only rubbish trucks), and that most traffic will likely turn right out of Road 1, which means that the reduced kerb radius on the southern side will affect only a small number of road users. He commented that this would have no effect on the few light vehicles that are turning left out of Road 1 onto Tomahawk Road. The Planner – Transport agreed with Mr Facey in this regard, and noted that Section 3.3.7 of NZS4404:2010 requires all road intersections in ‘live and play’ areas below arterial class should have a kerb radius at intersections of 4m to 6m. This matter could be addressed during the detailed engineering design for the subdivision.

In respect of the issue of access to 363 Tomahawk Road insofar as it relates to the proposed Road 1/Tomahawk Road intersection, Mr Facey concluded:

*‘I consider that reducing the kerb return radius on the southern side of Road 1 would create adequate separation between the existing vehicle crossing [to 363 Tomahawk Road] and Road 1 **and could be used safely**’ (Emphasis added by Transport).*

The Planner – Transport agreed with this conclusion and was of the balanced view that the arrangement can be supported from a transport perspective, subject to detailed design.

Road 1 / Centre Road Intersection:

Sight distances at the Centre Road / Road 1 intersection have been shown on Sheets 305 and 306 of the design drawings as exceeding the safe intersection sight distance requirements of Drawing RS-024 in the Code of Subdivision and are therefore accepted by Transport. The recontouring of the embankment to the south in order to provide a new footpath will also improve sight distances.

Transport identified that the approach sight distance at this intersection as defined in Austroads could not be complied with due to the geometric alignment of Road 1, which slopes down from Centre Road with a 15m vertical curve. Mr Facey has reviewed the approach sight distance and recommended that additional warning devices in the form of signage should be installed so that drivers are aware of the presence of the intersection. In view of the topographical constraints and the assessment provided by Mr Facey, the Planner – Transport accepted that the intersection will be able to operate safely and efficiently, subject to detailed design.

Footpath on Centre Road

Upon Transport’s request, the applicant proposes to construct a footpath along Centre Road, starting at the north-eastern corner of Lot 13 and connecting into the existing footpath adjacent to existing footpath adjacent to Sunset Terrace, south of the site. Transport is supportive of this inclusion. The plans (Sheet 314) show this footpath to be 1.5m wide. The footpaths within the subdivision site (on Road 1) will be 2.0m wide as is required by the Code of Subdivision, and Transport requested that the footpath on Centre Road to be similarly widened to 2.0m. The Planner – Transport did not consider there to be any reason why a 2.0m wide footpath could not be provided.

Property Access

Rights of way, access lots, and Road 2 will extend of Road 1 to provide access to some of the lots, as necessary. Long sections for the access lots and rights of way have been provided which confirm compliance with the District Plan gradient requirements within Rule 6.6.3.7. Other sites will obtain access directly from Road 1 or Centre Road (a subsequent redesign of the subdivision shows an access lot from Centre Road as well). Vehicle crossing locations have been shown on the plans and it is therefore expected that these are constructed as part of the subdivisional civil works.

Lots 1 and 6 to 13 will have frontage to Centre Road. Lots 7 and 8 will be corner sites with frontage to Road 1 and also Centre Road. Lots 8 and 11 to 13 are to have access directly from Centre Road, Lots 9 and 10 will obtain access via Right of Way E over Access Lot 56. The designs on Sheets 305 and 306 show new vehicle crossings to Lots 8, 12, 11 and 13, as well as a new vehicle crossing to the existing dwelling at 23 Centre Road which sits between Lots 11 and 12. It is advised that the applicant consult with the owner of 23 Centre Road prior to construction to ensure disruption to that property owner is minimised as far as practicable.

The vehicle crossing to Lot 26 is slightly closer to the intersection than is permitted by the Proposed Plan rules. Transport recommended that this crossing be shifted slightly to the west, as close to the

Lot 25 boundary is as practicable. The location of the vehicle access to Lot 8 is more than 20m away from the intersection and is therefore acceptable.

Access to Lot 34 will have restricted sight distance due to the curve in Road 1. Transport recommended that a consent notice be placed on the title of Lot 34 so as to restrict the height of any fencing along the road boundary, if necessary, in order to maintain a sight distance of at least 30m from the vehicle access. This sight distance is sufficient as per NZTA RTS 6 – Guidelines for visibility at driveways for a low volume access fronting a local road with an operating speed of 40km/h.

Transport requires rights of way to be constructed in accordance with the minimum requirements of the District Plan. It is also recommended that a formal agreement be drawn up between the owners/users of all private accesses in order to clarify their maintenance responsibilities.

Car Parking and Manoeuvring

No development proposals for the individual lots have been submitted as part of the subdivision. This is not unusual. It is therefore advised that in the event of future development on the site, Transport will assess provisions for access, parking and manoeuvring at the time of resource consent or building consent application.

On-site manoeuvring will need to be incorporated into the designs for any rear sites and it is further recommended that any sites accessing Centre Road are designed to incorporate manoeuvring on-site. This cannot be required because this section of Centre Road is a Local Road, but given the speed environment, the Planner – Transport was of the view that this would be a safer outcome.

The carriageway width on Road 1 will be 9m wide, measured between the kerb inverts (except for sections with isolated narrowing). This width is generally sufficient for kerbside parking to occur within the movement lane without adversely affecting the ‘movement’ function of the road. This is with the exception of the sharp curve adjacent to Lot 34, where visibility is restricted, and kerbside parking could therefore create an adverse safety effect. Transport considered that this can be addressed via installation of broken yellow no stopping lines, if required. This can be managed through suitable detailed engineering design, or at a later date once the road has been constructed and its practical operation has been reviewed. On this basis, Transport accepted that the required on-road parking rate of one space per four dwelling units will be significantly exceeded in the case of Road 1.

Generated Traffic

The subdivision is expected to generate in the order 47 to 63 vehicle movements during the peak hours and between 427 and 567 vehicle movements per day.

Since the traffic volumes on Tomahawk Road are relatively low, the Planner – Transport was of the view that this amount of traffic can be absorbed into the existing transportation network, with no more than minor effect on its safe and efficient operation.

Conclusion

Transport advised that it considered the effects of the proposal on the transport networks to be no more than minor subject to conditions. These included road design, a wider footpath on Centre Road, rights of way design, and construction of vehicle crossings. The Planner – Transport also wanted Road 2, the cul-de-sac, to be converted to a cul-de-sac.

The applicant submitted revised design plans to the Council on 7 July 2022 to address Transport concerns regarding Road 2. The proposed road is to have a wider berm, but has not been converted to a private access lot. The revised design plans were reviewed by Council’s Consulting Planner – Transport. She advised that the alignment of Road 2 is now satisfactory.

Building Line Restriction

The building line restriction X21203 imposes restrictions on building in relation to roads shown on the Scheme Plan 988 (submitted to Council on 7 September 2022 as part of the application SUB-2022-130). With the exception of Tomahawk Road and Centre Road, the roads of the scheme plan do not exist. Nevertheless, because the building line restriction is registered on the titles of the subject sites, it is accepted as applying as directed in the document, meaning that there are strips of land through the subject site as well as along Tomahawk Road and Centre Road which cannot be developed.

The applicant has applied to have the building line restriction cancelled. The applicant's agent notes in an email dated 7 September 2022 that the Centre Road upgrade as part of the subdivision works will provide kerb and channel and a 1.8m wide footpath along the side of the existing carriageway, all within the existing road corridor.

Council's Network Assets Team Leader has assessed the proposal. He has no issues with the cancellation of the building line restriction in relation to the non-existent roading. There is no logic in retaining the building line restriction in these locations, and unless cancelled, the building line restriction will have significant implications for many of the new lots. The cancellation of the building line restriction is therefore acceptable in relation to the internal, non-existent roading.

The building line restriction along Tomahawk Road will become legal road with the vesting of proposed Lot 100. It does not need to be retained and will be automatically lifted with the vesting of road.

Centre Road is 20.12m wide at its southern end, narrowing to 12.07m about halfway along the frontage of the subject site. As such, the building line restriction along the frontage of Centre Road will have variable impact on the proposed lots. It will affect approximately 5.0m of proposed Lots 1 and 6 to 8, and 9.0m of Lots 9 to 13. The Network Assets Team Leader has agreed to the cancellation of the building line restriction along the frontages of proposed Lots 1 and 6 to 8 as the Proposed Plan setback requirements will largely recreate the restriction on building. The existing road width is also considered adequate to accommodate any future widening of the carriageway.

Transport sees benefits in retaining the building line restriction along the frontages of Lots 9 to 19 (and Lot 56) given the narrower width of the legal road corridor in this location. It is also noted that these proposed lots will be approximately 35.0m to 40.0m deep which provides sufficient space for development clear of the building line restriction. Following further discussion with the applicant, Transport has agreed to reducing the area affected by the building line restriction by 3.0m (i.e. from approximately 9.0m of land within the lots to 6.0m). As the building line restriction document cannot be altered so as to make the land affected narrower, the building line restriction is to be cancelled in full and a new building line restriction imposed by consent notice on these lots.

5. *Hazards (Operative Plan 18.6.1(t); Proposed Plan 15.11.4.1(b))*

Section 6(h) of the Resource Management Act 1991 requires the Council to recognise and provide for the management of significant risks from natural hazards, as a matter of national importance. In addition, under section 106 of the Resource Management Act 1991, the Council may decline the subdivision consent, or it may grant the subdivision consent subject to conditions, if there is a significant risk from natural hazards.

The assessment of the risk from natural hazards requires a combined assessment of:

- (a) *the likelihood of natural hazards occurring (whether individually or in combination); and*
- (b) *the material damage to land in respect of which the consent is sought, other land, or structures that would result from natural hazards; and*

- (c) *any likely subsequent use of the land in respect of which the consent is sought that would accelerate, worsen, or result in material damage of the kind referred to in paragraph (b).*

Council's Consulting Engineer, Stantec, has reviewed the application in relation to the Hazards Register, street files and available aerial photography. No site investigation reports have been provided. The Hazards Register shows the subject site to be subject to the following hazards:

- Hazard ID 10111: Seismic – Intensified Shaking (earthquake Possible Amplification)
- Hazard ID 10127: Land Stability – Land Movement (Peninsula Landslides Class 1 – Very slight risk)
- Hazard ID 10127: Land Stability – Land Movement (Peninsula Landslides – Coastal Sands, Alluvium or Estuarine Silts)

The Consulting Engineer's review was undertaken prior to the earthworks being undertaken. At that time, there were, and possibly still are, some locally steep slopes up to 26°; however, most of the site is sloping by less than 20°. The underlying geology consists of second main eruptive phase volcanics. There is likely to be overlying loess/coastal sands overlying this rock. The shallow soils are predominantly dune sand deposits and loess near surface. While there are only general natural hazards present in the Proposed Plan around this title, there seems to be obvious signs of shallow land movement visible on the aerial imagery for this site, in conjunction with highly variable steep/shallow slopes and humps/hollows.

The Consulting Engineer comments that the underlying lithology is generally globally stable at moderately steep slope angles; however, the sands on the surface are not. Instability is generally limited to the overlying deposits (loess) and dune sand.

Where slopes are greater than 15°, certification will be required by a suitably qualified person that the proposed work will not create any instability on this or adjacent properties.

Stantec recommends that the application not be declined on the ground of known natural hazards, subject to conditions regarding general earthworks conditions.

The applicant has identified an area of Lots 31 and 33 which is to be planted as part of the subdivision works because the land in this location is steep. This is a private initiative, on private land. While it may well be a good outcome for this land, Council does not require this to happen, and will not monitor any planting undertaken on this land.

6. Earthworks – (Operative Plan 17.7; Proposed Plan 8A.6)

The earthworks to facilitate the subdivision were granted consent as LUC-2021-626 on 21 January 2021. This consent provides for approximately 53,000m³ of cut and fill to occur on the site of 11 Centre Road, up to a maximum depth of 7.0m cut and 5.0m fill. The consent was varied on 10 August 2021 by LUC-2020-626/A which extended the subject site to include 357 Tomahawk Road, allowing for truck movements out to Tomahawk Road.

The earthworks of LUC-2020-626/A are largely completed, with small areas of cut and filling still to be undertaken. The site is currently contoured and grassed, with many building platforms (level and sloping) for the proposed lots completed. The roads, access lots, and rights of way have been formed more or less to final levels, and covered with metal suitable for vehicle use. The stormwater management pond has also been excavated and lined.

When undertaking future development on the new lots, the changes in ground levels and the bulk and location specifications for new buildings are determined in relation to the existing ground level. In this case, the subdivision earthworks have changed the original ground levels considerably. The definition of *ground level* in the Proposed Plan reads:

‘The natural surface of the ground prior to any earthworks on the site; or if the land has been subdivided and earthworks assessed, the level of the ground existing when assessed earthworks associated with the prior subdivision of the land were completed (but before filling or excavation for new buildings on the land has commenced).’

This definition allows the subdivision to recontour a greater site and the subsequent development on the lots to be assessed in terms of the completed subdivision earthworks. In this case, the consent of LUC-2020-626 is not directly associated with the subdivision i.e. the earthworks were undertaken independently of the subdivision consent. Accordingly, the applicant has requested retrospective earthworks consent to tie the works to the subdivision, thereby allowing the second clause of the above definition for *ground level* to be applicable when determining ground levels for development of the lots. A plan showing the as-built contours of the subdivision was submitted to Council on 1 September 2022 so that these levels are now known. As the works are mostly completed, no conditions of consent for the retrospective consent application are necessary except to link the works with the conditions of LUC-2020-626/A.

Earthworks within the Reserve for the installation of the stormwater network utility (soak pit and discharge field) are exempt from the rules for earthworks because of being a network utility where otherwise they would contravene maximum area and volume thresholds. Although Council is not issuing consent for this work, it is recommended that the applicant undertake the earthworks within the Council Reserve in accordance with best practice and any applicable conditions of LUC-2020-626. Advice notices are attached to this consent specifying 3 Waters expectations for the undertaking of this work.

7. *Maximum area of vegetation clearance (Proposed Plan 10.5.3.3 – 10.5.3.5)*

The proposed works within the Reserve will be undertaken close to the stormwater disposal system serving the subdivision of Sunset Terrace, and as such, the effects of the proposed works on the Reserve will be very similar. In this case, half of the earthworks will occur within the parking and turning area which will involve no clearance of vegetation which means the effects of the proposal on vegetation clearance will be lesser than those assessed as part of LUC-2020-72 for the Sunset Terrace stormwater soakage.

The proposal for LUC-2020-72 was considered by Council’s Biodiversity Advisor as the works are located in an urban biodiversity mapped area, dune system mapped area and a coastal character overlay zone. He noted that there will be potential adverse effects on biodiversity values from earthworks on the subject site relating to the clearance of vegetation. Clearance of vegetation within an urban biodiversity mapped area is limited to 20m² over three years.

The Biodiversity Advisor stated that, of the plant species present within the Reserve, only monbretia and wandering willy can be cleared beyond the 20m² performance standard as they are listed as pest plant species in Appendix 10B of the Proposed Plan. The clearance of the majority of vegetation present requires consent, except that it was noted:

‘However, the proposal may meet the exception provided for vegetation clearance in UBMA’s under 2GP 10.3.2.4.vii, which provides for “clearance of non-indigenous plant species and replanting within 3 months with indigenous or non-indigenous plant species, not on the pest plant list in Appendix 10B, that will attain at least the same height and coverage as the plants that have been cleared’.

The Biodiversity Advisor also noted that the combined area of indigenous plants present is not likely to exceed 20m² (in this case, there will be a smaller area of works occurring within the sand dunes, and there is even less chance of the rule being contravened). Taupata is not native to the Dunedin area, or anywhere in the lower South Island. Provided that all of the area cleared is replanted

appropriately within three months, this exception could be met with appropriate management conditions on the plantings to ensure vigour and survival. Vegetation clearance will result in the destruction of the vegetation present but this is proposed to be replaced once project works are completed.

The decision of LUC-2020-72 noted the following which is also relevant for this proposal:

'The vegetation is considered to have low indigenous biodiversity values. In addition, the likely size of the area to be cleared is relatively small in the context of the overall dune system in UBMA 10. Therefore, the effects of vegetation clearance are minor. If the mitigation plantings were to be comprised of indigenous species appropriate to the site, rather than replacing the adventive (weedy) vegetation currently present, then this would represent a modest biodiversity gain for the site, provided the plantings were managed to remain weed free and healthy until well established, and assuming no deleterious effects from the ongoing functioning of the dispersion field.'

'Regarding the effects on biodiversity values from the on-going functioning of the dispersal field, the Biodiversity Advisor comments that these are more difficult to assessed. The extent of lateral dispersion of water, additional cumulative time of wet substrate (sand) and frequency of high rainfall and overflow events is outside the experience of the officer. He notes that changes in the substrate properties, such as more frequent and prolonged damp or wet sand, may affect vegetation composition and structure, possibly promoted some species (e.g. flax) over others less tolerant of damp soils.'

The Biodiversity Advisor advised at the time of LUC-2020-72 that:

*'Prior to clearance by humans, the site would have been covered by sand dune podocarp-broadleaved forest likely characterised by Hall's totara (*Podocarpus laetus*), ngaio and kanuka (*Kunzea robusta*). The opportunity should be taken to replant with eco-sourced native species appropriate to the area, rather than replacing the adventive vegetation currently present. A species list is provided in Appendix 2.'*

'The mix of species should be prescribed in the consent conditions along with prescriptions for planting maintenance and management to ensure the ongoing health and vitality of the plantings until they reach 2m in height (see Appendix 3).'

'The species to be replanted should be ngaio (mostly), broadleaf, kanuka, mapou, cabbage tree, shore koromiko and flax.'

Flax should be used in the areas closer to the dispersion field outlet where periodic substrate wetness may be most frequent and more sustained.'

'It is important that revegetation plantings are monitored to track vigour and survival, and if changes in hydrology caused by the dispersion field are suspected to be impacting on the plantings negatively, then more tolerant species and used to replace blanks (dead plantings).'

The Biodiversity Advisor concluded that the effects on indigenous biodiversity values of the proposed earthworks and vegetation clearance of LUC-2020-72 would be minor. The effects on indigenous biodiversity values of the dispersal field were expected to be limited to a relatively small area. Revegetation at the site was to be comprised of plant species indigenous to the Dunedin Ecological District that are ecologically appropriate for sand dune ecosystems. The above details are also relevant for this consent, and restoration of the vegetation clearance for the installation of the soak pit of this consent will be required.

8. Shape (Proposed Plan 15.10.5.6)

A number of the proposed lots will have building platforms which are steeper than 12°. The earthworks of LUC-2020-626/A has recontoured the land so that many of the lots will be compliant with this rule, with the smaller lots being generally more level than the larger lots. However, several of the new lots have slopes of up to 26°.

The Proposed Plan directs Council to consider the non-compliance of slope in relation to the assessment matters for earthworks – large scale, presumably on the basis that a steeper site will require more earthworks to develop than a flat site. Any effects relating to the undertaking of the earthworks will be temporary during the construction period, and will be mitigated by the actual development and landscaping of the site. Council's Consulting Engineer, Stantec, requires supervision by a suitably qualified person of earthworks on slopes greater than 15° to minimise the risk of destabilising the land. In reality, it is possible that development of the very steep sites will involve pole houses which will minimise earthworks. In general, while the building platforms on some slopes will be steeper than 12°, the sizes of the steeper lots are such that the lots should be developable without contravening bulk and location requirements for new buildings, and without having earthworks destabilise the land.

9. Amenity Values and Character (Operative Plan 8.13.5; Proposed Plan 15.11.4.1(a))

The proposal is for a residential subdivision in a residential area, and in this respect, the effects of the proposal are anticipated by the Plans. One means by which the District Plans seek to maintain and enhance amenity values is through the density provisions. The density provisions of the Proposed Plan have changed for the General Residential 1 zone since the application was lodged. The change has intensified the permitted density from one residential unit per 500m² of site area to one residential unit per 400m². A duplex with two residential units can be constructed on a site of 500m².

All of the proposed lots will comply with the new density provisions, but the revised rules have the potential to result in almost double the number of residential units on this land from that anticipated by the applicant at the time of lodging the application. The applicant may wish to preserve their original intentions for the subdivision overall and restrict development of the lots, including further subdivision, by registering a private covenant on the titles of the new lots. This will be at the discretion of the applicant and will be for the parties of the covenant to enforce. It should be noted that Council does not administer private covenants and will assess any development proposal submitted to Council against the rules of the relevant planning regime at the time.

The new lots range in size from 520m² to 2780m², with the smaller lots being generally flatter and easier to develop than the large sites. There are currently no building proposals for the proposed lots. Land use consent has not been provided for contraventions of the land use or development performance standards, and the development proposals for each lot will either need to be compliant with the rules or obtain further land use consent. The effects on amenity values of the rule contravention will be assessed at that time.

NOTIFICATION ASSESSMENT

Public Notification

Section 95A of the Resource Management Act 1991 sets out a step-by-step process for determining public notification. Each step is considered in turn below.

Step 1: Mandatory public notification in certain circumstances

- Public notification has not been requested.
- There has been no failure or refusal to provide further information.
- There has been no failure to respond or refusal to a report commissioning request.
- The application does not involve the exchange of recreation reserve land.

Step 2: If not required by Step 1, public notification precluded in certain circumstances

- There are no rules or national environmental standards precluding public notification.
- The application does not involve: a controlled activity, nor a boundary activity. As a result, public notification is not precluded under Step 2.

Step 3: If not precluded by Step 2, public notification required in certain circumstances

- There are no rules or national environmental standards requiring public notification.
- The activity will not have, or be likely to have, adverse effects on the environment that are more than minor.

Step 4: Public notification in special circumstances

- There are no special circumstances that warrant the application being publicly notified. There is nothing exceptional or unusual about the application that makes public notification desirable.

Limited Notification

Section 95B of the Resource Management Act 1991 sets out a step-by-step process for determining limited notification. Each step is considered in turn below.

Step 1: Certain affected groups and affected persons must be notified

- The activity is not in a protected customary rights area; the activity is not an accommodated activity in a customary marine title area; and, the activity is not on or adjacent to, or might affect, land that is the subject of a statutory acknowledgement.

Step 2: If not required by Step 1, limited notification precluded in certain circumstances

- There are no rules or national environmental standards precluding limited notification.
- The application does not involve a controlled activity that is not a subdivision.

Step 3: If not precluded by Step 2, certain other affected persons must be notified

- The application does not involve a boundary activity.
- There are no persons where the activity's adverse effects on the person are minor or more than minor (but are not less than minor).

Step 4: Further notification in special circumstances

- There are no special circumstances that warrant the application being limited notified. There is nothing exceptional or unusual about the application that makes limited notification to any other persons desirable.

SUBSTANTIVE DECISION ASSESSMENT

Effects

In accordance with section 104(1)(a) of the Resource Management Act 1991, the actual and potential adverse effects associated with the proposed activity have been assessed and outlined above. It is considered that the adverse effects on the environment arising from the proposal are no more than minor.

Offsetting or Compensation Measures

In accordance with section 104(1)(ab) of the Resource Management Act 1991, there are no offsetting or compensation measures proposed or agreed to by the applicant that need consideration.

Objectives and Policies

In accordance with section 104(1)(b) of the Resource Management Act 1991, the objectives and policies of the Operative District Plan and the Proposed Plan were taken into account when assessing the application.

Operative District Plan

- **Objective 4.2.1 and Policy 4.3.1 (Sustainability)** seek to maintain and enhance the amenity values of Dunedin.
- **Objective 8.2.1 and Policy 8.3.1 (Residential)** that seek to ensure the adverse effects on the amenity values and character of residential areas are avoided, remedied or mitigated.
- **Objective 8.2.2 and Policy 8.3.6 (Residential)** seek to ensure that activities do not adversely affect the special amenity values of rural townships and settlements.
- **Objective 17.2.3 and Policy 17.3.9 (Earthworks)** seek to ensure earthworks are undertaken in a manner that does not put the safety of people or property at risk and minimises adverse effects on the environment.
- **Objective 18.2.1 and Policy 18.3.1 (Subdivision)** seek to ensure that subdivision activity takes place in a coordinated and sustainable manner.
- **Objective 18.2.2 and Policy 18.3.5 (Subdivision)** seek to ensure that physical limitations are identified and taken into account at the time of subdivision activity.
- **Objective 18.2.7, Policy 18.3.7 and Policy 18.3.8 (Subdivision)** that seek to ensure that provision is made at the time of subdivision activity for appropriate infrastructure, including management of associated subdivision and development.
- **Objective 20.2.2 and Policy 20.3.2 (Transportation)** seek to ensure that land use activities are undertaken in a manner which avoids, remedies or mitigates adverse effects on the transportation network.
- **Objective 20.2.4 and Policy 20.3.6 (Transportation)** seek to maintain and enhance a safe, efficient and effective transportation network.

Proposed Plan

The proposal is considered to be consistent with the following Proposed Plan objectives and policies:

- **Objective 6.2.3 and Policies 6.2.3.3, 6.2.3.4 and 6.2.3.9 (Transportation)** which seek to ensure that land use, development and subdivision activities maintain the safety and efficiency of the transport network for all travel methods.
- **Objective 6.2.1 and Policy 6.2.1.3 (Transportation)** seek to ensure that transport infrastructure is designed and located to ensure the safety and efficiency of the transportation network.
- **Objective 9.2.1 and Policy 9.2.1.1 (Public Health)**
These seek to have land use, development and subdivision maintain and enhance the efficiency and affordability of public water supply, wastewater and stormwater infrastructure.
- **Objective 9.2.2 and Policy 9.2.2.7 (Public Health)**

These seek to have land use, development and subdivision activities maintain or enhance people's health and safety.

- **Objective 11.2.1 (Hazards)** seeks to have land use and development located and designed in a way that ensures the risks from natural hazards is low in the short to long term.
- **Objective 15.2.1 (Residential)** seeks to ensure that residential zones are primarily reserved for residential activities.
- **Objective 15.2.2 (Residential)** seeks to ensure residential activities, development, and subdivision activities provide high quality on-site amenity for residents.
- **Objective 15.2.3 and Policy 15.2.3.1 (Residential)** seek to ensure activities in residential zones maintain a good level of amenity on surrounding residential properties and public spaces.
- **Objective 15.2.4 (Residential)** seeks to ensure that subdivision activities and development maintain or enhance the amenity of the streetscape, and reflect the current or intended future character of the neighbourhood.

Objectives and Policies Assessment

The zoning and most of the relevant rules of the Proposed Plan are beyond challenge. Accordingly, greater weight has been given to the objectives and policies of the Proposed Plan. However, regardless, the proposal is considered to be consistent with the objectives and policies of both district plans.

Part 2

Based on the findings above, it is evident that the proposal would satisfy Part 2 of the Resource Management Act 1991. Granting of consent would promote the sustainable management of Dunedin's natural and physical resources.

RECOMMENDATION

After having regard to the above planning assessment, I recommend that:

1. This application be processed on a non-notified basis, pursuant to sections 95A and 95B of the Resource Management Act 1991.
2. The Council grant consent to the proposed activity under delegated authority, in accordance with sections 104 and 104C of the Resource Management Act 1991.
3. The time limits for the processing of this consent be extended pursuant to sections 37A(2)(b) and 37A(4)(b)(i) of the Resource Management Act 1991.



Lianne Darby
Associate Senior Planner

Date: 5 October 2022.

DECISION

I have read both the notification assessment and substantive decision assessment in this report. I agree with both recommendations above.

Under delegated authority on behalf of the Dunedin City Council, I accordingly approve the granting of resource consent to the proposal:

Subdivision: SUB-2021-130

Pursuant to Part 2 and sections 34A(1), 104 and 104C of the Resource Management Act 1991, and the Proposed Second Generation Dunedin City District Plan, the Dunedin City Council **grants** consent to a **restricted discretionary** activity being the subdivision of the land legally described as Lot 1 DP 484848 (RT 687845) and Lot 16 DP 548915 (RT 968488) into 52 residential lots, road, and utility reserve at 11 Centre Road and 357 Tomahawk Road, Dunedin, subject to conditions imposed under sections 108 and 220 of the Act, as shown on the attached certificate.

LUC-2021-343

Pursuant to Part 2 and sections 34A(1), 104 and 104C of the Resource Management Act 1991, and the Proposed Second Generation Dunedin City District Plan, the Dunedin City Council **grants** consent to a **restricted discretionary** activity being retrospective large scale earthworks contravening volume and change in ground levels and earthworks contravening batter slopes on 11 Centre Road and 357 Tomahawk Road (Lot 1 DP 484848; RT 687845 and Lot 16 DP 548915; RT 968488) subject to conditions imposed under section 108 of the Act, as shown on the attached certificate.

LUC-2022-377

Pursuant to Part 2 and sections 34A(1), 104 and 104C of the Resource Management Act 1991, and the Proposed Second Generation Dunedin City District Plan, the Dunedin City Council **grants** consent to a **restricted discretionary** activity being the removal of vegetation on 1 Domain Avenue (Section 49 Block VII Otago Peninsula Survey District; RT 482679) and Tomahawk Road, Dunedin, subject to conditions imposed under section 108 of the Act, as shown on the attached certificate.

and

That, having taken into account:

- The interests of any person who may be adversely affected by the time extension,
 - The interests of the community in achieving an adequate assessment of effects of a proposal, policy statement or plan, and
 - Its duty under section 21 to avoid reasonable delay,
- the Council has, pursuant to sections 37A(2)(b) and 37A(4)(b)(i) of the Resource Management Act 1991, extended the requirement outlined in section 115 regarding the time in which notification of a decision must be given after the date the application was first lodged with the Council.



Campbell Thomson
Senior Planner

Date: 5 October 2022.

Consent Type: Subdivision Consent

Consent Number: SUB-2021-130

Purpose: Subdivision creating 52 residential lots, access lots, road and utility reserve.

Location of Activity: 11 Centre Road and 357 Tomahawk Road, Dunedin.

Legal Description: Lot 1 DP 484848 (RT 687845) and Lot 16 DP 548915 (RT 968488).

Lapse Date: 5 October 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 revised plan prepared by Paterson Pitts Group, entitled, 'Proposed Residential subdivision – Revised Concept 28-03-22,' received at Council on 1 September 2022, attached to this certificate as Appendix One, and the information provided with the resource consent application SUB-2021-130 received by the Council on 18 June 2021, and further information received on various dates, except where modified by the following conditions.*
2. *Prior to certification of the survey plan, pursuant to section 223 of the Resource Management Act 1991, the subdivider must ensure the following:*
 - a) *If a requirement for any easements for services, including private drainage, is incurred during the survey then those easements must be granted or reserved and included in a Memorandum of Easements on the cadastral dataset.*
 - b) *That Lot 100 must vest with Council as road. Lot 100 will contain all the land of the present Lot 16 DP 548915 (357 Tomahawk Road) as well as the roading promoted through 11 Centre Road.*
 - c) *That Lot 101 must vest with Council as utility reserve – stormwater management area.*
 - d) *That an easement over Ocean Grove Reserve (Section 49 Block VII Otago Peninsula Survey District; RT 482679) must be duly created or reserved for stormwater drainage infrastructure and disposal, and must be shown on the survey plan in a Memorandum of Easements in Gross.*
 - e) *That Right of Way A must be duly created or reserved over Lot 53 in favour of Lots 43 to 48, and must be shown on the survey plan in a Memorandum of Easements. The right of way must have a minimum legal width of 3.5m.*
 - f) *That Right of Way B must be duly created or reserved over Lot 54 in favour of Lots 14, 15, and 30 to 32, and must be shown on the survey plan in a Memorandum of Easements. The right of way must have a minimum legal width of 3.5m.*
 - g) *That Right of Way C must be duly created or reserved over Lot 55 in favour of Lots 1 to 7, and must be shown on the survey plan in a Memorandum of Easements. The right of way must have a minimum legal width of 6.0m where serving seven residential units, but can be 3.5m wide were serving six or fewer.*

- h) *That Right of Way D must be duly created or reserved over Lot 33 in favour of Lots 51 and 52, and must be shown on the survey plan in a Memorandum of Easements. The right of way must have a minimum legal width of 3.5m.*
- i) *That Right of Way E must be duly created or reserved over Lot 56 in favour of Lots 9, 10 and 16 to 18, and must be shown on the survey plan in a Memorandum of Easements. The right of way must have a minimum legal width of 3.5m.*
- j) *That Right of Way F must be duly created or reserved over Lot 42 in favour of Lot 41, and must be shown on the survey plan in a Memorandum of Easements. The right of way must have a minimum legal width of 3.5m.*
- k) *That the following amalgamation conditions must be endorsed on the survey plan:*

'That Lot 53 hereon (legal access) be held in three undivided 1/3rd shares by the owners of Lots 46, 47 and 48 hereon as tenants in common in the said shares, and that individual records of title be issued in accordance therewith (see CSN Request 1813510).'

'That Lot 54 hereon (legal access) be held in four undivided 1/4 shares by the owners of Lots 14, 15, 31 and 32 hereon as tenants in common in the said shares, and that individual records of title be issued in accordance therewith (see CSN Request 1813510).'

'That Lot 55 hereon (legal access) be held in five undivided 1/5th shares by the owners of Lots 1,2, 3, 4 and 6 hereon as tenants in common in the said shares, and that individual records of title be issued in accordance therewith (see CSN Request 1813510).'

'That Lot 56 hereon (legal access) be held in three undivided 1/3rd shares by the owners of Lots 16, 17 and 18 hereon as tenants in common in the said shares, and that individual records of title be issued in accordance therewith (see CSN Request 1813510).'

The wording of the above amalgamation conditions must be confirmed with the Council's Subdivision Planner at least ten working days prior to the submission of the application for s223 certification.

- l) *That an easement in gross must be created over any Council-owned water, foul sewer or stormwater pipes within private lots, and must be shown on the survey plan in a Memorandum of Easements in Gross. The easement must be created in accordance with the relevant section of the Dunedin Code of Subdivision and Development 2010.*
 - m) *That Easements H and I DP 548915 created by Easement Instrument 11979739.27 should, if possible, be cancelled in respect of Lot 16 DP 548915 only, and must be shown on the survey plan in a Schedule of Easements to be Cancelled.*
3. *Prior to works commencing, the subdivider must complete the following:*
- a) *The consent holder must provide notice to the Resource Consent Monitoring team by email to rcmonitoring@dcc.govt.nz advising who their representative shall be for the design and execution of the engineering works required in association with this subdivision and shall*

confirm that this representative will be responsible for all aspects of the works covered under NZS4404:2004 "Code of Practice for Urban Land Subdivision" in relation to this development.

- b) That detailed engineering plans, long-sections, and associated calculations for new water, stormwater and wastewater infrastructure must be submitted to rcmonitoring@dcc.govt.nz for approval prior to any works commencing on the site. The engineering plans and associated calculations must meet the requirements of the Construction Plan Check List, the Dunedin Code of Subdivision and Development 2010, and the NZS4404:2004 standard.
 - c) The consent holder must submit to rcmonitoring@dcc.govt.nz road names for the road and cul-de-sac (Lot 100) as well as any private access serving five or more properties. The names must comply with the requirements of Council's Road Naming Policy.
 - d) That detailed engineering plans shown in the details of the construction of the roading infrastructure must be submitted to rcmonitoring@dcc.govt.nz for approval by Transport. The plans must address the following:
 - Road 1 (the link road) must be designed in accordance with the Dunedin Code of Subdivision and Development 2010 except that a footpath is required on one side of the road only between CH150-210 (approximately). The design must also include the recommendations made in the Avanzar Consulting Memo dated 24 May 2022.
 - Road 1 must achieve a design speed of 30km/hr
 - The footpath on Centre Road must have a minimum formed width of 2.0m.
 - Road 2 must be designed in accordance with the Dunedin Code of Subdivision and Development 2010 unless otherwise agreed upon between the consent holder and Council.
4. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the subdivider must complete the following:

Earthworks

- a) All earthworks for this subdivision must be undertaken in accordance with the rules in Section 8A of the Proposed Plan and the conditions of LUC-2021-343, or any further resource consent for earthworks obtained for this development.
- b) The installation of the soak pit and stormwater disposal field within the reserve must be undertaken in accordance with the conditions of LUC-2022-377.

Infrastructure

- c) Stormwater management must be undertaken in accordance with the SWMP approved by Council on 1 September 2022. If necessary, a consent notice must be prepared in consultation with Council's Subdivision Planner for registration on the titles of Lots 1 to 52, as applicable, for any on-site retention required.
- d) Construction and the installation of the infrastructure must be undertaken in accordance with the approved engineering plans of condition 3(b) above, the Dunedin Code of Subdivision and Development 2010, and the NZS4404:2004 standard.

- e) *A separate water service must be installed for each residential lot. An "Application for Water Supply" must be submitted to the Council's Water and Waste Services Business Unit for the new connections. Details of how each lot is to be served for water must be provided to the Three Water Group for approval. This detail can accompany the application for water supply.*
- f) *New water connections must be installed for each residential lot at least 600mm inside the boundary of each lot.*
- g) *Wastewater laterals for each residential lot must be installed at least 600mm inside the boundary of each lot. This work will require a building consent under Section 40 of the NZBC 2004.*
- h) *The consent holder must confirm that all aspects relating to the availability of the water for fire-fighting are in compliance with SNZ PAS 4509:2008, being the Fire Service Code of Practice for Fire Fighting Water Supplies, unless an alternative is approved by the New Zealand Fire Service. Details of any alternative approval must be provided to Dunedin City Council.*
- i) *That Lot 101 must be fully grassed or vegetated to 3 Water's satisfaction at the consent holder's expense.*
- j) *That the ponding area of Lot 101 must be fenced from public access at the consent holder's expense.*

Transport:

- k) *Construction of the roading and footpaths, including the upgrading of Centre Road, must be undertaken in accordance with the approved detailed design of condition 3(d) above.*
- l) *Upon completion of the construction of the new road and footpath and any other related public roading assets, all works must be tested to demonstrate that they meet the acceptance requirements of the DCC Transport Group.*
- m) *Upon completion of all of the roading works, the works must be certified as having been constructed in accordance with the approved plans and specifications, and as-built plans accompanied by a fully populated asset management spreadsheet (provided by DCC) must be provided to the DCC Transport Group.*
- n) *All rights of way must be formed to a minimum width of 3.0m where serving one to six residential units, and 5.0m where serving seven or more. They must be hard surfaced and adequately drained for their entire lengths.*
- o) *All vehicle crossings shown on the plans must be formed to a width of 3.0m to 6.0m, and be hard surfaced from the edge of the carriageway towards the property boundary for a distance of not less than 5.0m, and be adequately drained. The vehicle crossings to all lots must be compliant for sight distance requirements or separation distances from intersections, or further land use consent will be required.*
- p) *Any damage to any part of the footpath or road formation as a result of the construction works must be reinstated at the consent holder's expense.*

Consent notices and Building Line Restriction:

- q) *That consent notice 101080410.6 must be cancelled in respect of Lot 16 DP 548915 only.*
- r) *That consent notice 11979739.23 must be cancelled in respect of Lot 16 DP 548915 only.*
- s) *That consent notice 11979739.24 must be cancelled in respect of Lot 16 DP 548915 only.*
- t) *That building line restriction X21203 must be cancelled in respect of the land of Lot 1 DP 484848 (RT 687845) and Lot 16 DP 548915 (RT 968488) only.*
- u) *A plan must be prepared for Lots 9 to 13 and 56 showing a building line restriction applying to the first 6.0m of these lots along the northwest boundary of Centre Road. The plan must be clearly labelled and dimensioned, and must be attached to the consent notice of 4(v) below.*
- v) *A consent notice must be prepared for registration on the titles of Lots 9 to 13 and 56 for the following on-going condition:*

“No residential dwelling must be constructed within the building line restriction as shown on the attached plan as this land may be taken by the Council as road in the future should the widening of Centre Road be necessary. Any detached garaging or other accessory building may only be constructed within the building line restriction if specifically approved by Council’s Transport department, and Council may require its removal, without compensation, for road widening purposes in the future.”

- w) *A consent notice must be prepared for registration on any lot having slopes, following the earthworks of LUC-2021-343, of 15° or greater for the following on-going condition:*

“Any residential development on this site on land steeper than 15° must have its earthworks and foundations designed, and its construction supervised, by a suitably qualified person to ensure the land stability of this site and adjoining properties is not compromised by the works.”

- x) *A consent notice must be prepared for registration on the titles of Lots 1 and 6 for the following on-going condition:*

‘All vehicular access to this site must be achieved via the private access lot. No vehicle access must be formed directly to Centre Road.’

- y) *A consent notice must be registered on the title of Lot 34 for the following on-going condition:*

“Any fence constructed, or vegetation grown, on or near the roadside boundary of this site must be maintained at a height that provides a minimum sight distance of 30.0m from the vehicle access.”

Following the completion of subdivision works:

- z) *That as-built plans of the servicing infrastructure must be prepared and submitted to the Council for approval. The as-built plans must be accompanied by a quality assurance report.*

Advice Notes:

Transportation

1. It is advised that a 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 (pursuant to the Local Government Act 1974), in order to ensure that the vehicle crossing is constructed in accordance with Council's Vehicle Entrance Specification (note: this approval is not included as part of the resource consent process).
2. The provisions for access, parking and manoeuvring on each of the new lots will be assessed by Transport at the time of building consent or resource consent application for any new development proposal.
3. It is recommended that a formal agreement be drawn up between the owners and users of the shared driveways in order to clarify responsibilities for maintenance.
4. It is recommended that the consent holder give advance notice to the owner of 23 Centre Road to ensure that disruption to that property owner during the Centre Road upgrades is minimised as far as practicable.

Earthworks

5. This consent does not address future earthworks associated with the development of Lots 1 to 52. Should future earthworks contravene the rules of Rule 8A of the Proposed Plan, additional resource consent will be required.
6. The following documents are recommended as best practice guidelines for managing erosion and sediment-laden run-off:
 - The Erosion & Sediment control Toolbox for Canterbury found on the ECan website link CRC Erosion & Sediment Control Toolbox <http://esc Canterbury.co.nz>.
 - Dunedin City Council "Silt and Sediment Control for Smaller Sites" (information brochure).

Infrastructure

7. All aspects of this development shall be compliant with Parts 4, 5 and 6 of the Dunedin Code of Subdivision and Development 2010.
8. Detail of the water supply application process can be found at:
<http://www.dunedin.govt.nz/services/water-supply/new-water-connections>.
9. All aspects relating to the availability of water for fire-fighting should be in accordance with SNZ PAS 4509:2008, being the Fire Service Code of Practice for Fire Fighting Water Supplies, unless otherwise approved by the New Zealand Fire Service.
10. It is noted that some proposed lots will have new servicing infrastructure (to vest in Council) located within the lots. Any buildings constructed on these lots must meet the requirements of Section 5.5 of the Dunedin Code of Subdivision and Development (2010) in relation to building in close proximity to Council infrastructure, unless otherwise approved by the 3 Waters Group.
11. Requests for required infrastructure inspections shall be made to 3 Waters with at least three working-days' notice provided.

12. To reduce water consumption and therefore the volume of wastewater generated, the developers of the new lots are encouraged to implement water saving devices, including but not limited to, low-flow shower heads, 6/3 dual flush toilets and aerated sink mixers.

General

13. 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.
14. 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.
15. 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.
16. The lapse period specified above may be extended on application to the Council pursuant to section 125 of the Resource Management Act 1991.
17. This is a resource consent. Please contact the Council's Building Services Department, about the building consent requirements for the work.

Issued at Dunedin on 5 October 2022.



Lianne Darby
Associate Senior Planner

Consent Type: Land Use Consent

Consent Number: LUC-2021-343

Purpose: Retrospective large-scale earthworks for SUB-2021-130.

Location of Activity: 11 Centre Road and 357 Tomahawk Road, Dunedin.

Legal Description: Lot 1 DP 484848 (RT 687845) and Lot 16 DP 548915 (RT 968488).

Lapse Date: There is no lapse date as the consent has already been given effect.

Conditions:

- The proposed activity must be undertaken in general accordance with the plan prepared by Paterson Pitts Group, entitled, 'Proposed Residential Subdivision – Revised Concept 28-03-22,' received at Council on 5 September 2022 attached to this certificate as Appendix Two, and the plans and cross sections submitted with the application of LUC-2020-626, and the information provided with the resource consent applications LUC-2021-343 received at Council on 18 June 2021, and LUC-2020-626 received by the Council on 3 December 2020 (and further information received on 10 November 2020), except where modified by the following conditions:*
- The earthworks must be undertaken in accordance with the conditions of LUC-2020-626.*

Advice Notes:

Earthworks

- 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.
- The following documents are recommended as best practice guidelines for managing erosion and sediment-laden run-off:
 - The Erosion & Sediment control Toolbox for Canterbury found on the ECan website link CRC Erosion & Sediment Control Toolbox <http://esc Canterbury.co.nz>
 - Dunedin City Council "Silt and Sediment Control for Smaller Sites" (information brochure).
- All construction noise should comply with the following noise limits as per New Zealand Standard NZS 6803:1999 refer G:\Planning\RMA\Processing_Resource\Current_Templates\Standard_Conditions\Noise_Condition_Guidance.docx

General

- 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. 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 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.
7. The lapse period specified above may be extended on application to the Council pursuant to section 125 of the Resource Management Act 1991.
8. This is a resource consent. Please contact the Council's Building Services Department, about the building consent requirements for the work.

Issued at Dunedin on 5 October 2022.

A handwritten signature in black ink that reads "Lianne Darby". The signature is written in a cursive, slightly slanted style.

Lianne Darby
Associate Senior Planner

Consent Type: Land Use Consent

Consent Number: LUC-2022-377

Purpose: Earthworks and the clearance of vegetation for the installation of a stormwater dispersal field in Council reserve.

Location of Activity: 1 Domain Avenue & Tomahawk Road, Dunedin.

Legal Description: Section 49 Block VII Otago Peninsula Survey District (RT 482679).

Lapse Date: 5 October 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 plan prepared by Paterson Pitts Group, attached to this certificate as Appendix Three, and the information provided with the resource consent application LUC-2022-377 received by the Council on 1 September 2022, except where modified by the following conditions:*

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

2. *A planting plan for reinstatement of the cleared vegetation must be developed in consultation with Parks and Recreation Services, and must be submitted to rcmonitoring@dcc.govt.nz prior to any vegetation clearances commencing. The plants must be indigenous to the Dunedin Ecological District which are ecologically appropriate for sand dune ecosystems. The planting plan must also address the maintenance and management of the new plantings to ensure the ongoing health and vitality of the plantings until they reach 2.0m in height (refer LUC-2020-72 for examples of appropriate species and details).*
3. *The consent holder must provide notice to the resource consent monitoring team by email to rcmonitoring@dcc.govt.nz of the start date of the vegetation clearance. This notice must be provided at least five (5) working days before the works are to commence.*

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

4. *Any sand excavated from the site must be redistributed or moved to a location by the consent holder at the direction and approval of Parks and Recreation Services. Resource consent for the deposit of the fill at a new site might be required and should be obtained prior to filling commencing.*

Conditions to be met following the conclusion of site works or construction

5. *Remedial planting in accordance with the approved planting plan of condition 3 above must be undertaken at the consent holder's expense within three months of the original vegetation clearance. The consent holder shall be responsible for the maintenance of the planting in accordance with the requirements of the planting plan of condition 3 above.*
6. *The parking and turning area of the Reserve must be reinstated and re-metalled to the satisfaction of PARS staff.*

Advice Notes:

Earthworks

1. The consent holder should provide notice to the resource consent monitoring team by email to rcmonitoring@dcc.govt.nz of the suitably qualified person who will be designing and supervising the earthworks so that the Council knows who to contact in the event of issues arising with the works.
2. Any sand excavated from the site must be redistributed or moved to a location by the consent holder at the direction and approval of Parks and Recreation Services. Resource consent for the deposit of the fill at a new site might be required and should be obtained prior to works commencing.
3. It is recommended that third party insurances are in place prior to works commencing to identify nearby structures which might be adversely affected by excavations.
4. Temporary stability might be a concern on this project, and remains the responsibility of the developer. Temporary slopes should be inspected and signed off by a suitably qualified person.
5. All measures (including dampening) should be undertaken to ensure that dust, resulting from the proposed earthworks, does not escape the property boundary.
6. All construction noise should comply with the following noise limits as per New Zealand Standard NZS 6803:1999 refer G:\Planning\RMA\Processing_Resource\Current_Templates\Standard_Conditions\Noise_Condition_Guidance.docx. Construction noise is also required to comply with Rule 4.5.4.1 of the Proposed Plan or further resource consent will be required.
7. 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.
8. The following documents are recommended as best practice guidelines for managing erosion and sediment-laden run-off:
 - Environment Canterbury, 2007 “Erosion and Sediment Control Guideline 2007” Report No. R06/23.
 - Dunedin City Council “Silt and Sediment Control for Smaller Sites” (information brochure)

Infrastructure

9. The consent holder will be required to provide to rcmonitoring@dcc.govt.nz site plans and cross sections showing the proximity of the earthworks and new pipe to the Council-owned water and wastewater pipes in Tomahawk Road and/or the reserve, as appropriate, prior to works commencing. The engineering plans and associated calculations must meet the requirements of the Construction Plan Check List, the Dunedin Code of Subdivision and Development 2020, and the NZS 4404:2004 standard. No works must commence until the plans and cross sections have been approved.
10. The installation of the pipe across Tomahawk Road will cross over or under Council-owned pipes. It will be necessary as part of the building consent process to CCTV film the Council-owned wastewater pipe in Tomahawk Road prior to any works commencing. A copy of the film will need to be submitted to Council prior to any works commencing. The pipes will need to be CCTV filmed again once the works have been completed to determine if there has been any damage to the Council-owned pipes. If so,

the developer will be expected to rectify the damage to a standard comparable to the original state of the pipes.

Heritage

11. Buildings built before 1900 or sites which were in use before that time are considered archaeological sites under the Heritage New Zealand Pouhere Taonga Act 2014. Before disturbing an archaeological site, or to check whether a site is an archaeological site, the consent holder is advised to discuss their proposal with Heritage New Zealand.
12. 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.

Transport

13. A traffic management plan prepared by a suitably qualified person will need to be provided to Transport for the management of traffic on Tomahawk Road during the trenching across the road. No works on Tomahawk Road must commence until the traffic management plan has been approved.
14. Any work within legal road is required to be undertaken by a Council-approved contractor and will require an approved corridor access request (CAR).

15. The consent holder, and their contractor, are required to comply with the New Zealand Transport Agency's 4th edition of the Code of Practice for Temporary Traffic Management (COPTTM). It is the responsibility of every person or organisation that is carrying out work or other activity on Council roads to comply with the procedures within COPTTM, which includes the requirement to have a Temporary Traffic Management Plan (TMP) and for that plan to be prepared by a qualified Site Traffic Management Supervisor (STMS). Contractors and other operators are reminded by Council of their responsibility to ensure that the worksite that they are on meets the requirements of the Local Road Supplement of COPTTM when that site is on a Council road or the work involves worksite equipment and or personnel working from the road.

General

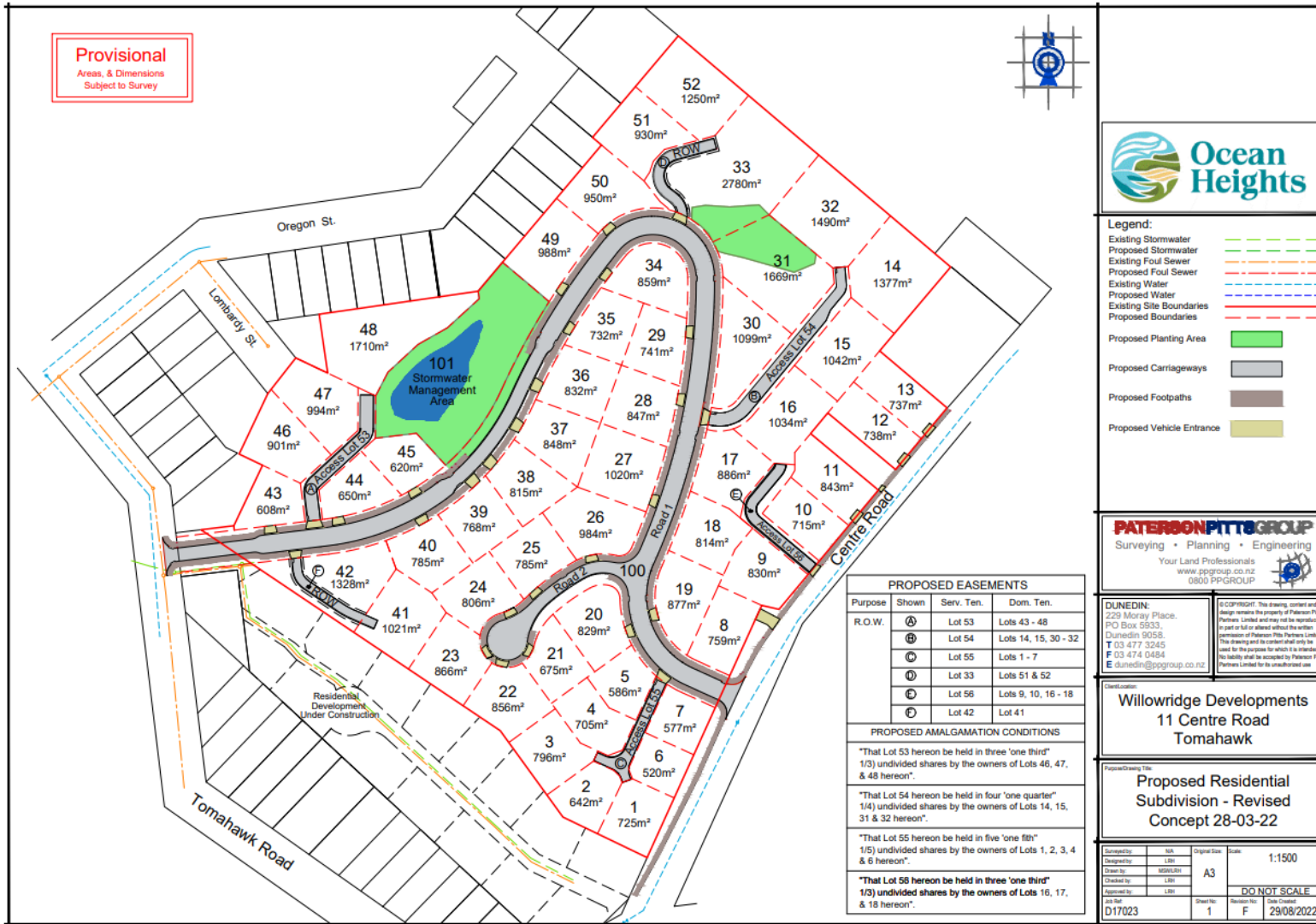
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19. The lapse period specified above may be extended on application to the Council pursuant to section 125 of the Resource Management Act 1991.
20. This is a resource consent. Please contact the Council's Building Services Department, about the building consent requirements for the work.

Issued at Dunedin on 5 October 2022.



Lianne Darby
Associate Senior Planner

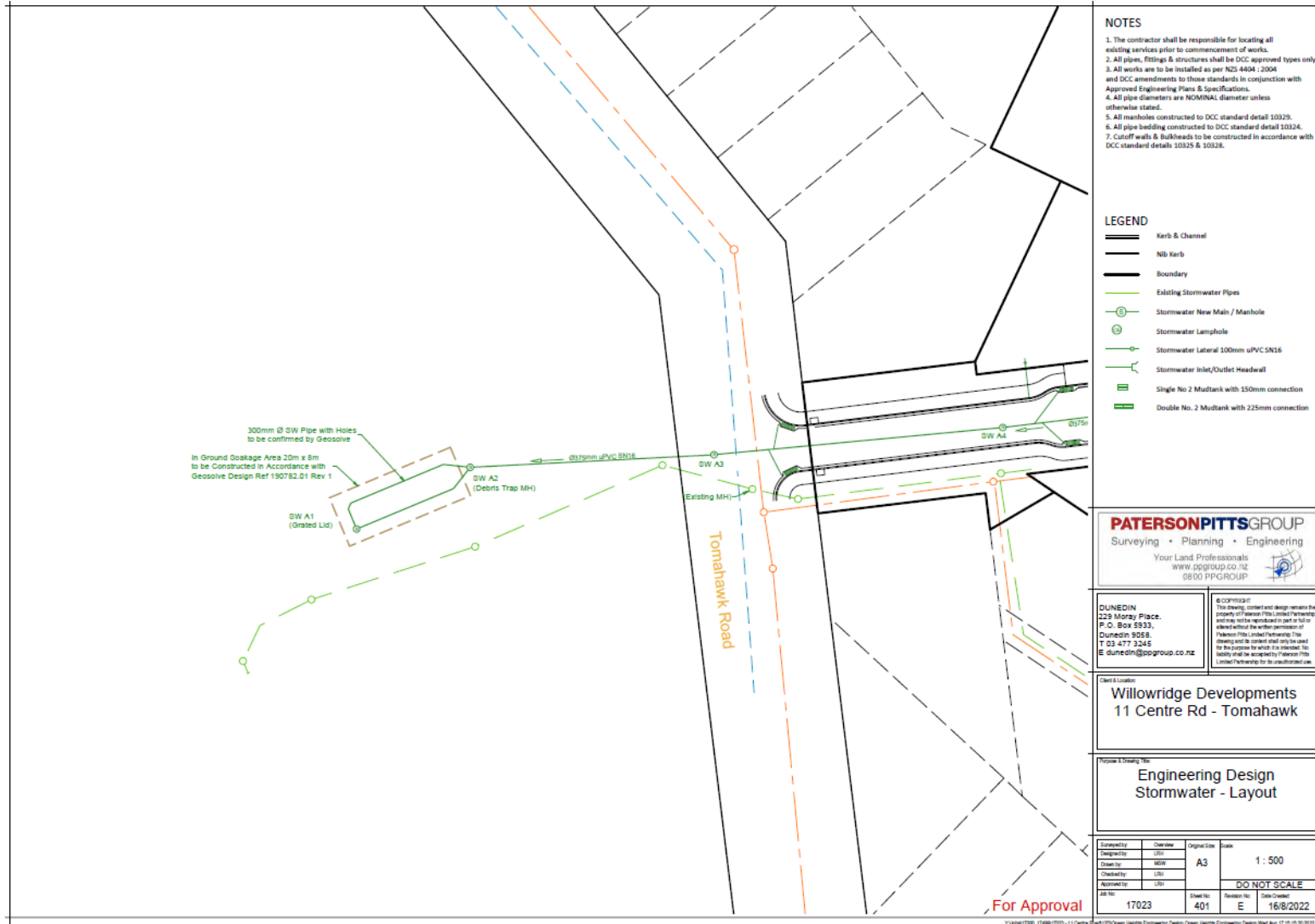
Appendix One: Approved Plan for SUB-2021-130 (scanned image, not to scale)



Appendix Two: Approved Plan for LUC-2021-343 (scanned image, not to scale)
 Contours of site following earthworks.



Appendix Three: Approved Plan for LUC-2022-377 (scanned image, not to scale)



- NOTES**
1. The contractor shall be responsible for locating all existing services prior to commencement of works.
 2. All pipes, fittings & structures shall be DCC approved types only.
 3. All works are to be installed as per NZS 4404 : 2004 and DCC amendments to those standards in conjunction with Approved Engineering Plans & Specifications.
 4. All pipe diameters are NOMINAL diameter unless otherwise stated.
 5. All manholes constructed to DCC standard detail 10329.
 6. All pipe bedding constructed to DCC standard detail 10324.
 7. Cutoff walls & Bulkheads to be constructed in accordance with DCC standard details 10325 & 10326.

- LEGEND**
- Kerb & Channel
 - Nib Kerb
 - Boundary
 - Existing Stormwater Pipes
 - Stormwater New Main / Manhole
 - Stormwater Lamphole
 - Stormwater Lateral 100mm uPVC S116
 - Stormwater Inlet/Outlet Headwall
 - Single No. 2 Mudtank with 150mm connection
 - Double No. 2 Mudtank with 225mm connection

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Client's Location:
**Willowridge Developments
 11 Centre Rd - Tomahawk**

Project's Drawing Title:
**Engineering Design
 Stormwater - Layout**

Drawn by	Checked by	Original Size	Scale
LSH	LSH	A3	1 : 500
LSH	LSH		
LSH	LSH		
DO NOT SCALE			
Job No:	Sheet No:	Revision No:	Date Created:
17023	401	E	16/8/2022

For Approval