

## **APPLICATION LUC-2020-405: SMOOTH HILL LANDFILL, 700 & 750 BIG STONE ROAD, DUNEDIN**

Department: Resource Consents

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### **BACKGROUND**

The applicant (Dunedin City Council) collects residential waste and manages the disposal of both residential and the majority of commercial waste for the Dunedin City area and environs. The Council has embarked on the Waste Futures Project to develop an improved comprehensive waste management and diverted material system for Dunedin, including future kerbside collection and waste disposal options. As part of the project, the Council has confirmed the need to develop a new landfill to replace the applicant's current Green Island Landfill which is envisaged to reach full capacity in the next few years.

The applicant commenced siting studies for a new landfill location in the late 1980's and early 1990 and selected the Smooth Hill site. The site was subsequently designated in the 2006 Operative Dunedin District Plan, signalling and enabling its future use as a landfill site. This designation was carried down into the Proposed Dunedin City Council Second Generation Plan (2GP). As part of the Waste Future's Project, the applicant has reconfirmed the technical suitability of the Smooth Hill site for the disposal of waste, including its attributes that support the natural containment of waste and proceeded to develop a concept design for the landfill, and associated road upgrades.

Consents are sought from Otago Regional Council (ORC) and Council's consenting authority arm required to enable the construction, operation, and aftercare of the landfill, and construction of the associated roading upgrades.

The application was originally made in August 2020. Further information was requested and the application was subsequently modified in May 2021 as a response to the questions posed. The further information is considered to form part of the application.

The matters considered in this report are restricted to those which fall under the jurisdiction of the Dunedin City Council as consent authority, namely upgrades to McLaren Gully Road (including its intersection with State Highway 1), and Big Stone Road. As noted above, the landfill is designated under both the 2006 Operative District Plan and the Proposed 2GP. The applicant advises that the second stage of this project will involve an outline plan application pursuant to section 176A of the Resource Management Act 1991 but an outline plan is not submitted as part of this application.

### **DESCRIPTION OF ACTIVITY**

Resource consent is sought from Dunedin City Council as consent authority to undertake the proposed roading upgrades associated with the establishment and operation of the landfill.

The applicant proposes that vehicle access to the site will be from SH1 via McLaren Gully Road and Big Stone Road. Secondary alternative access is also available via Big Stone Road where it connects through Brighton and Dunedin, in the event that SH1 or McLaren Gully Road are inaccessible. Traffic will access the site from Big Stone Road from a new access located approximately 350 m from the intersection of McLaren Gully Road and Big Stone Road. The access will be used by all operational staff, construction traffic, and waste and leachate trucks. No public access will be allowed. The access is approximately 200 m long and will be formed with an 8 m wide sealed carriageway, and have a lockable gate at the entrance. Stormwater from the access will be collected and discharged to the landfill perimeter drain and attenuation basin. For completeness, I note that the internal access arrangements within the landfill fall outside of the matters able to be considered under this report.

The applicant proposes to upgrade the SH1 / McLaren Gully Road intersection. Upgrades include the addition of a southbound left turn lane on the state highway, and lighting. McLaren Gully Road and Big

Stone Road will also be upgraded, widened, and sealed as far as the new site access to ensure these can safely accommodate two-way traffic and increased traffic demands arising from the operation of the landfill. The applicant advises that the concept design has been based on the standards in the DCC Code of Subdivision and Development 2010, and provides for:

- Vertical gradients limited to 10%.
- Two 3.5 m sealed lanes, with widening to accommodate design vehicle swept paths.
- Shoulders of 0.25 m sealed plus 0.25 m unsealed.
- Swales with a 5H:1V road side slope, 1 m base and 4H:1V boundary side slope. Swales will discharge into watercourses and wetlands where they occur adjacent to the road.
- The legal road boundaries will be adjusted where the upgraded roads fall outside the existing road reserve.

The updated design for the upgrade of McLaren Gully Road and Big Stone Road has taken into account the occurrence of wetlands along the road margins. To the extent practicable, wetlands have been avoided through the updated road design. This has included adjustment of the road centreline and grade.

The applicant advises that the construction of the roading upgrades outside of the site are anticipated to require approximately 46,700 m<sup>3</sup> of cut, and 18,470 m<sup>3</sup> of fill, representing an excess of cut material in the order of 28,230m<sup>3</sup> which will be stored at the stockpile areas for reuse. The road upgrades will involve:

- Cut slopes generally up to 4 m in height, but with two sections being between 5 m and 7 m in height.
- Embankments up to 7.5 m in height, but with sections of retaining structures of between 0.5 m and 2.5 m, particularly where the road corridor is adjacent to roadside wetland areas.
- Cut face slopes will rise at a slope of 1V:0.2H, while fill embankments will slope at 1V:2H.

Vehicle movements to and from the site will include those for worker transport, delivery of waste/clean fill, leachate and water tanker transport, commercial deliveries, service vehicles, and construction vehicles during initial site development and development of each landfill stage. The average number of truck movements is expected to reach approximately 25 per day. In addition, there is expected to be up to 25 light vehicle movements per day.

Resource consent is also required for the clearance of approximately 16.5m<sup>2</sup> (0.0017ha) of indigenous wetland vegetation, roadside lizard habitat in exotic grasslands and riparian wetland along Otokia Creek Tributary between Designation Site and McLaren Gully Road.

## **SITE DESCRIPTION**

The landfill site is located approximately 28km southwest of Dunedin in the hills between the Taieri Basin and the South Island east coast. Access to the site is primarily from State Highway 1 (SH1), McLaren Gully Road and Big Stone Road to an existing vehicle entrance located on the south eastern boundary of the site. The majority of the site until recently was covered by a mature pine forest plantation. Following harvesting in 2017, the site now comprises of a mixture of scrub, bare earth, forestry waste, and newly planted pine seedlings. The landscape in this area forms rolling to steep hill country, within which the site is contained within folded gullies and ridges and largely concealed from view.

The landfill site is accessed primarily from SH1, McLaren Gully Road, and Big Stone Road. An existing vehicle entrance is located on the south eastern boundary of the site fronting Big Stone Road. SH1 is the main road link between Dunedin and Southland, and within the project area is named as Allanton-Waihola Road. McLaren Gully Road and Big Stone Roads are low volume rural roads providing vehicle access to primarily to surrounding commercial plantation forests, and rural residential properties. Access to McLaren Gully Road from State Highway 1 is via a priority T intersection. The roads are unsealed and the existing road corridor and formed carriageway do not fully align with the legal road boundaries in places, particularly at

the bottom end of McLaren Gully Road closest to State Highway 1. There is no formal provision for walking or cycling on the existing roads.

The land use surrounding the landfill site and along McLaren Gully Road and Big Stone Road predominately consists of commercial plantation forestry on large landholdings. Much of this land has been harvested and replanted in the last 5 years resulting in a landscape comprising a mixture of scrub, bare earth, forestry waste, and recently planted pine seedlings. Some localised areas of pastoral farming exist, notably adjacent to the sites north eastern boundary, and land at the bottom end of McLaren Gully Road. Rural residential activity exists in isolated pockets and at low densities in the surrounding area. Two houses are located along McLaren Gully, approximately 1km from the SH1 intersection, and approximately 1.7km from the landfill site. Two further houses are located in the hills between Big Stone Road and the coast, approximately 380m and 605m southeast of the landfill site respectively. Other houses are located at distances beyond 1km along Big Stone Road in the direction of Brighton.

Until recently, the designation in the 2GP fell over two separate land parcels bisected by an unformed paper road that ran through the site between McLaren Gully Road and Big Stone Road. The road was formally declared as being stopped by the Minister for Land Information New Zealand on 21 July 2020. The applicant subsequently applied to alter the designation boundary under section 181(3) of the RMA to encompass the stopped road into the designation. The Consent Authority issued a decision formally altering the designation on 26 March 2021. As such, the legal description of the subject land is set out below:

The landfill site is legally described as:

- Part Lot 1 DP 457417 and Section 1-2 SO 547235, held in Record of Title 971405 and comprising an area of 118.8517 hectares
- Lot 2 DP 457417, held in Record of Title 598006 and comprising an area of 58.9603 hectares.

The legal description of the land within the road upgrade area includes:

- Part Section 71 Irregular Block East Taieri Survey District, Section 2 of 6, Section 8-9, Section 2 of 17, Section 26-27, Section 1 of 28, Section 2 of 28, Section 3 of 28, Section 1 of 29, Section 41, Part Section 10-11, Part Section 1 of 19, Part Section 2 of 29, Part Section 7 and Part Section 30 Block II Ōtokia Survey District and Deposited Plan 2677, held in Record of Title OT17C/503 and comprising 467.9659 hectares.
- Lot 1 DP 19819 held in Record of Title OT11A/153 and comprising 12.02 hectares.
- Lot 7 DP 21420 held in Record of Title OT19C/49 and comprising 20.4150 hectares.
- Lots 3-5 DP 21420 held in Record of Title 244203 and comprising 42.86 hectares.
- Lot 6 DP 21420 held in Record of Title 209912 and comprising 38.2199 hectares.
- Lot 1 DP 21420 held in Record of Title 209914 and comprising 24.5 hectares.
- Lot 2 DP 21420 held in Record of Title 209913 and comprising 185.5 hectares.
- Section 2 of 19 and Section 21 Block II
- Ōtokia SD held in Record of Title OT7A/953 and comprising 74.4622 hectares.
- Section 2 of 22, Section of 23, and Part 34 Block II Ōtokia Survey District (CFR OT253/283) held in Record of Title OT253/283 and comprising 26.1022 hectares.
- Part Section 3 of 23, 2 of 25 Block II and Part Section 1 of 22 Block III Ōtokia Survey District held in Record of Title OT13C/900 and comprising 69.8226 hectares.
- Section 1-2 Section 21 Block III Ōtokia Survey District held in Record of Title OT245/105 and comprising 23.6565 hectares.
- Lot 1 DP 21447 held in Record of Title 209915 and comprising 436.5960 hectares.
- Lot 8 DP 427870 held in Record of Title 510238 and comprising 26.9539 hectares.

The applicant advises that they are in negotiations with the relevant landowners to purchase the necessary land needed for the upgrade works. The final footprint of the planned roading upgrades may result in some of the sites identified above not being affected by road widening.

## REASONS FOR APPLICATION

Dunedin currently has two district plans, the 2006 Dunedin City District Plan (2006 District Plan) and the Proposed 2GP. The decisions on the 2GP were released on 7 November 2018 and the rules of the 2GP have legal effect. The appeal period of the 2GP closed on 19 December 2018 and rules that have not been appealed are deemed operative. An appeals version of the plan was released on 13 February 2019.

Section 86F of Act states that:

- (1) *A rule in a proposed plan must be treated as operative (and any previous rule as inoperative) if the time for making submissions or lodging appeals on the rule has expired and, in relation to the rule,—*
- (a) no submissions in opposition have been made or appeals have been lodged; or*
  - (b) all submissions in opposition and appeals have been determined; or*
  - (c) all submissions in opposition have been withdrawn and all appeals withdrawn or dismissed.*

The site is zoned Rural Coastal under the 2GP. The following annotations are relevant for the site:

- The landfill site is designated for use for 'proposed landfilling and associated refuse processing operations and activities' (D659).
- The landfill site and surrounding area is also covered by a Dunedin International Airport Ltd designation for the airports obstacle limitation surfaces to prevent the encroachment of obstructions into airspace that may affect aircraft operations (D274).
- SH1 is designated by the New Zealand Transport Agency for 'state highway purposes' (D463).
- Sections of the upgrade areas for McLaren Gully Road fall within an Archaeological Alert Layer.
- Sections of the upgrade areas for McLaren Gully Road are adjacent to an Area of Significant Biodiversity Value (ASBV) covering the McLaren's Gully Covenant, described as an 'area of native bush gullies, podocarps including totara and kahikatea' (C075)

The majority of the rules of the 2GP relevant to this proposal are beyond challenge, and therefore treated as operative under section 86F of the RMA. I note that the application identifies rules relating to indigenous vegetation clearance, and earthworks as being subject to various appeals. At the time of writing this report, it appears that the relevant appeals relating to indigenous vegetation clearance (Rule 16.3.4.26) have been resolved. With regard to the earthworks rules, a number of these are under appeal but the scope of the appeal is narrow and does not affect this application. As such all 2GP rules relevant to this application are deemed to be operative and the equivalent rules in the Operative Dunedin City District Plan inoperative.

For completeness, I note that Variation 1 to the Plan was notified on the 20th of November 2019, and decisions were issued by the Council on the 18th of July 2020 and those changes now form part of the 2GP. Variation 2 was notified on 3 February 2021 and include a suite of changes to enable additional housing capacity. The provisions of Variation 2 are not relevant to the proposal.

### Proposed 2GP

The following 2GP rules are triggered by the proposal:

#### City Wide Activity

Rule 6.3.2.2 provides for new roads or additions or alterations to existing roads as a discretionary activity. Discretionary activities are assessed under Rule 6.12.3.2.

Rule 8A.3.2 provides for Earthworks – Large Scale as a restricted discretionary activity. The earthworks associated with the upgrade of McLaren Gully Road, Big Stone Road, and the State Highway 1 intersection will not comply with the following earthworks- small scale standards:

- a) Earthworks will exceed the maximum 2 m change in finished ground level for the rural zone, and maximum 0.5 m within 20 m of a water body as specified in Rule 8A.5.1.3.
- b) Earthworks will exceed the maximum 25 m<sup>2</sup> area within 20 m of a waterbody as specified in Rule 8A.5.1.4.
- c) Earthworks will exceed the maximum volume of combined cut and fill in the rural zone, and within 20 m of a water body, as specified in Rule 8A.5.1.5.
- d) Earthworks will not be setback from property boundaries as specified in Rule 8A.5.4.
- e) Earthworks will not be setback 5 m from any water body as specified in Rule 10.3.3.

Earthworks large scale are assessed as a restricted discretionary activity and assessed under Rule 8A.7.

#### Land Use Activity

There are no relevant land use rules for this proposal.

#### Development Activity

Rule 16.3.4.24.a provides for Indigenous vegetation clearance – large scale as a restricted discretionary activity, subject to the vegetation clearance standards set out in Rule 16.6.11. Activities which trigger this rule are assessed under Rule 16.10.3.3.

In respect of Rule 16.6.11, the areas of removal are not within an Urban Biodiversity Mapped Area or a hazard overlay zone. Rule 16.6.1.1 directs the plan user to the standards set out in Rule 10.3.2. The clearance will result in vegetation clearance within 5 m of a waterbody as specified in Rule 10.3.2.2 and in areas where threatened fauna species listed in Appendix 10A.2 may be present, specifically the southern grass skink (Rule 10.3.2.3). Breaches of Rule 10.3.2 are assessed under Rule 10.5.3.

No other development activity performance standards are considered relevant to this proposal.

#### **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 soil contamination NES and/or might require resource consent.

The applicant has undertaken a Preliminary Site Investigation of the historical presence of HAIL activities. The investigation did not find any HAIL activities associated with the landfill site or proposed road upgrades. The landfill site, and land underlying the road upgrades have historically been used for farming, forestry, and road transport activities. As no HAIL activities have been identified, the NESCS does not apply to the project and resource consent is not required under the NESCS. While a landfill is a HAIL activity the NESCS is concerned with the consequences of existing or historic land usage rather than an activity that is yet to be established. Furthermore, this application is restricted to consideration of the effects of the road realignment and not the landfill activity.

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.

In this case, there is more than one rule involved, and the effects are linked. As a result, having regard to the most restrictive activity classification, the proposal is considered to be a discretionary activity.

## **OTHER APPROVALS REQUIRED**

The applicant identifies the additional approvals required for this proposal:

- Any obstruction (landform, buildings) within the designated airport obstacle limitation surfaces, requires approval from Dunedin Airport Ltd under section 176(1)(b) of the Resource Management Act 1991. In addition, the Director of the Civil Aviation Authority must be notified under CAA rule Part 77 for a determination as to whether the obstruction constitutes an aeronautical hazard.
- Works required to upgrade the SH1 / McLaren Gully Road intersection requires approval from Waka Kotahi under section 176(1)(b) of the Resource Management Act 1991, and sections 51 and 52 of the Government Roading Powers Act 1989.
- Works resulting in the destruction or modification of any archaeological site, requires an authority from Heritage New Zealand under the Heritage New Zealand Pouhere Taonga Act 2014.
- Works disturbing or requiring the catching and release of protected wildlife, requires an authority from the Department of Conservation (DOC) under the Wildlife Act 1953.
- With regard to the realignment of McLaren Gully Road and Big Stone Road, the road realignment required for the upgrade of McLaren Gully Road and Big Stone Road involves the acquisition of private land for road, right of support easements, and stopping of road. This process is to be progressed pursuant to Section 17 of the Public Works Act 1981 (PWA).

## **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

- The application is not for a resource consent for one or more activities, where those activities are subject to a rule or national environmental standard that requires public notification:
- An application must be publicly notified, if under s95D(8)(b), the activity will have or is likely to have adverse effects on the environment which are more than minor (s95A(2)(a)). An assessment under s95D is made below.

## **Assessment of Effects on the Environment (S95D)**

Section 95D requires consideration of the effects of the activity. This assessment is restricted to those matters set out in the rule assessment above.

### *Mandatory Exclusions from Assessment (s95D)*

- A: Effects on the owners or occupiers of land on which the activity will occur and on adjacent land (s95D(a)).
- B: An adverse effect of the activity if a rule or national environmental standard permits an activity with that effect (s95D(b) (the permitted baseline, refer section 3.2 below).
- C: The activity is not a restricted discretionary activity, and no matters have been disregarded (s95D(c)).
- D: Trade competition and the effects of trade competition (s95D(d)).
- E: All effects on the parties which have provided written approval to the application are disregarded. In this instance, there are no parties who have provided written approval to the application and no effect on any party is disregarded.

### *Permitted Baseline*

Under sections 95D(b) 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. In this situation, the road upgrades which fall within the existing formed road corridor or legal road are a permitted activity. Furthermore, all public vehicle movements, including the heavy vehicle movements associated with permitted farming and forestry activity, within the existing road network are also permitted. It is the effects of the proposal beyond the permitted baseline which is critical in making this assessment.

### *Assessment Matters*

Consideration is required of the relevant assessment matters in the 2GP.

### **Effects of the roading upgrade**

The application was forwarded to Dunedin City Council Roading department for assessment by Mr Logan Copland. Mr Copland advises that the following assessment was also peer reviewed by an external consultant traffic/transportation engineer.

The Transportation Planner, Mr Logan Copland notes that the key considerations from a transport perspective are:

- The ability of the surrounding transport network to cater for the anticipated additional vehicle movements, including heavy vehicle movements once the facility is operating.
- Whether or not the proposed roading upgrades will ensure that the transportation network will operate safely and efficiently.
- The temporary effects of the proposed roading upgrades on the ongoing operation of the transport network, during the construction phase.
- The new vehicle access to Big Stone Road.
- The realignment of McLaren Gully Road and Big Stone Road.

Mr Copland advises that McLaren Gully Road and Big Stone Road are both classified as Local Roads in the 2GP's Road Classification Hierarchy, whereas Allanton-Waiholo Road (State Highway 1) is classified as a Strategic Road. DCC is the road controlling authority (RCA) for McLaren Gully Road and Big Stone Road, and Waka Kotahi – NZ Transport Agency (Waka Kotahi) is the RCA for Allanton-Waiholo Road. For completeness, Mr Copland advises that Waka Kotahi is the RCA responsible for the safe and efficient operation of the State Highway 1/McLaren Gully Road intersection.

Mr Copland advises that his assessment is limited to the effects of the proposal on the local transport network and does not extend to actual or potential effects on the State Highway Network. Such effects will need to be considered and assessed by Waka Kotahi as the RCA for Allanton-Waiholā Road.

Mr Copland noted that the application is supported by an integrated transport assessment (ITA) prepared by GHD, which has been updated as part of the further information response. Mr Copland's assessment relates to the updated version of the ITA, dated 30 May 2021.

Mr Copland noted that the proposal has decreased in scale since application was originally lodged. In particular, the size of the landfill has been reduced. The entirety of the revised landfill lies within the footprint of Stage 1 and Stage 2 of the original design and the original western Stages 3, 4 and 5 no longer form part of the proposal.

With regard to surrounding transport infrastructure / accessibility, Mr Copland notes that the site has frontage to Big Stone Road along its south-eastern boundary, where vehicle access to the landfill is proposed. The main vehicle access route to the landfill will be via Allanton-Waiholā Road, McLaren Gully Road and Big Stone Road. McLaren Gully Road intersects with State Highway 1 with a T-intersection configuration, which is controlled via give-way signage and road markings on the McLaren Gully Road leg.

McLaren Gully Road runs in a south-eastern direction some 4000m from State Highway 1 before it reaches its intersection with Big Stone Road. Mr Copland notes that the road surface is metalled at this location and there does not appear to be any formal intersection controls. From this intersection, the route will continue in a southwestern direction along Big Stone Road, some 350m before reaching the proposed vehicle access location to the landfill.

Mr Copland advises that McLaren Gully Road and Big Stone Road are currently unsealed and have substandard geometry to safely and efficiently accommodate two-way vehicular traffic. According to a recent estimate (June 2020) sourced from Council's RAMM Database, McLaren Gully Road has an estimated ADT of 70 vpd, and Big Stone Road has an estimated ADT of 50 vpd where it runs past the proposed vehicle access location.

Mr Copland notes that State Highway 1 has a posted speed limit of 100km/h as it passes the McLaren Gully Road intersection. McLaren Gully Road and Big Stone Road both have a posted speed limit of 100km/h. The 85<sup>th</sup> percentile operating speeds on McLaren Gully Road and Big Stone Road is unknown since there has been no speed data recorded on these roads. There is no dedicated pedestrian or cycling infrastructure on McLaren Gully Road or Big Stone Road.

Mr Copland notes that the ITA recognises several residential properties that use McLaren Gully Road and Big Stone Road as their main vehicle access. Mr Copland advises that these properties will likely experience effects from the proposed road upgrade works.

In respect of traffic generation, Mr Copland acknowledges that the ITA includes an assessment of traffic generation associated with the landfill when operating at full capacity, and traffic generation associated with the construction phase. Mr Copland notes that there will be no public access provided to the landfill and that the site will only receive deliveries from commercial operators. These are expected to be primarily by way of heavy commercial vehicles (HCVs), ranging from 6-wheel trucks through to truck and trailer units and B-Trains. Mr Copland notes that the revised ITA calculates that the landfill will generate an average of 10 heavy vehicle return trips per day, with a maximum of 25 per day. Additional truck movements (up to 25 per day) will be generated for the first 9 years, which will also include cartage of leachate/water. While public access will be excluded, the facility will still generate light vehicle traffic associated with landfill staff. The ITA estimates that the facility will generate up to 25 light vehicle movements per day.

The application promotes the upgrading of McLaren Gully Road and Big Stone Road, as well as the McLaren Gully Road/State Highway 1 intersection, in light of the anticipated traffic increases. While the ITA draws conclusions of the effects of the proposed landfill on the safety and efficiency of the McLaren Gully Road / State Highway 1 intersection, Mr Copland considers that it is reasonably clear that the proposed



development will have effects on the State Highway network that are potentially more than minor. In that regard, consultation with Waka Kotahi is considered necessary to ensure that these effects are mitigated through appropriate measures as agreed between the applicant and Waka Kotahi.

With regard to construction traffic, Mr Copland notes that this is to occur over two construction seasons, generally defined between October-May. From a transport perspective, he notes that the initial construction activities will include the upgrade to the McLaren Gully Road / SH1 intersection plus the McLaren Gully Road and Big Stone Road upgrades. The site access from Big Stone Road will also be constructed in the initial stages.

The applicant proposes to prepare a Construction Traffic Management Plan (CTMP) and submit to Council and Waka Kotahi for approval. Mr Copland supports the preparation and implementation of a CTMP as offered by the applicant but advises that as McLaren Gully Road is currently utilised for logging/forestry operations, it will also be important for the CTMP to manage ongoing co-ordination with traffic generated by those activities, during the construction phases.

In respect of the proposed roading upgrades, Mr Copland has separated this out into two components as follows:

- the first being the upgrades to McLaren Gully Road and Big Stone Road and
- the second being the upgrades to the McLaren Gully Road/State Highway 1 intersection.

*McLaren Gully Road and Big Stone Road upgrades:*

The applicant proposes that McLaren Gully Road and Big Stone Road are to be upgraded from the State Highway 1 intersection (inclusive), up to the point of the proposed landfill vehicle access location on Big Stone Road. The purpose of the upgrades is to ensure the road formations are sufficient to safely and efficiently accommodate two-way vehicular traffic for the design vehicle. Details of the upgrade are set out in the ITA.

Taking into account the surrounding land uses on Big Stone Road and McLaren Gully Road, and while acknowledging that these roads do serve a limited number of residential properties, Mr Copland accepts that there is little demand for active transport infrastructure, such as footpaths or cycle-lanes on these roads. On that basis, he considers that the proposed typical cross-section and design parameters as set out in the ITA are generally appropriate for the anticipated use of these roads, however, he notes that detailed design for these are to be provided prior to construction.

*McLaren Gully Road/ State Highway 1 Intersection upgrades:*

Mr Copland notes that the ITA promotes improvements to this intersection, to ensure that it will operate safely, and to an appropriate Level of Service. The ITA states that improvements are primarily required to address perceived and anticipated road safety concerns associated with increased demand at the intersection, which will be created by the operation of the proposed landfill. The ITA also notes that there are secondary benefits associated with intersection efficiency and capacity.

Mr Copland notes the speed management assessment at the intersection undertaken within the ITA, which concluded that implementing an Intersection Zone (ISZ) using Rural Intersection Activated Warning Signs (RIAWS) would be appropriate. The ITA considers that such measures would improve safety without having to permanently reduce the posted speed limit on the State Highway. That said, the ITA advises that after consultation with Waka Kotahi, the applicant is aware that this section of State Highway 1 is being considered as part of an overall corridor speed management study. Mr Copland understands from the ITA that Waka Kotahi decided against supported RIAWS at this intersection until such time that the study is complete. The feasibility and appropriateness of any upgrade of this intersection will need to be undertaken in consultation with Waka Kotahi as the RCA for State Highway 1.

With regard to site access, the main access to the site will be from Big Stone Road, approximately 350m southwest of the McLaren Gully Road/Big Stone Road intersection. There is an existing vehicle access in this location, which will be upgraded in accordance with Council's Industrial Specification for Vehicle Entrances. This vehicle access will be used by all staff, construction traffic, waste and leachate trucks. As noted above, public access will not be permitted. Mr Copland notes that the vehicle access assessment is limited to the location and design of the vehicle crossing to Big Stone Road and does not extend to the internal site boundary at this stage.

Mr Copland notes that Big Stone Road has a posted speed limit of 100km/h. Therefore, a minimum sight distance of 139m is required for this vehicle access. The available sight distance to the south/southwest exceeds this requirement, however, the available sight distance to the northeast is slightly short, at around 125m. Sight visibility is currently affected by a crest on Big Stone Road. Attention should therefore be given to sight lines at the vehicle access as part of the upgrade to Big Stone Road.

Overall, Mr Copland finds that the proposed upgrades to Big Stone Road, McLaren Gully Road and the McLaren Gully Road/State Highway 1 intersection are likely to have effects on temporary access to residential properties that rely on these roads for vehicle access. Additionally, as there are reasonably substantial upgrades proposed to the McLaren Gully Road / State Highway 1 intersection (albeit noting that these are proposed with the intention to mitigate potential effects on the safety and efficiency of the transport network once the facility is operating), the proposal is likely to have effects on the State highway network that are potentially more than minor. The assessment by Mr Copland is adopted for the purposes of this report and I consider that, with the exception of the parties identified above, the transportation effects are assessed as no more than minor.

### **Effects on Biodiversity**

The proposal has been assessed by the Council's Biodiversity Advisor, Mr Richard Ewans. Mr Ewans notes that in respect of biodiversity, the proposal seeks to undertake activities which may affect indigenous biodiversity outside the designated landfill area such as the upgrade of access roads.

Mr Ewans advises that the relevant areas and activities for this proposal are as follows:

- **Area 1: Roadside Wetlands**  
The upgrade of access roads (McLaren Gully Road, Big Stone Road and the State Highway 1 intersection) require resource consent for the clearance of approximately 16.5m<sup>2</sup> (0.0017ha) of indigenous wetland vegetation, specifically:
  - i. 0.0014ha of (purei) / (Yorkshire fog - cocksfoot) – rautahi sedgeland; and
  - ii. 0.0003ha of [purei] - wiwi/ rautahi -exotic grass rushland.
- **Area 2: Roadside lizard habitat in exotic grasslands**  
The road upgrades will occur in some areas where threatened fauna listed in 2GP Appendix 10A.2 may be present, specifically, southern grass skink in roadside rank exotic grassland. 7.
- **Area 3; Riparian wetland along Otokia Creek Tributary between Designation Site and McLaren Gully Road**  
Hydrological changes to the main waterway (Otokia Creek Tributary) 200-300m below the designation site (in the form of reduced water flow from groundwater and runoff from the landfill) may reduce the perennial extent of the waterway and result in conditions that are less favourable to some indigenous wetland plant species.

Mr Ewans notes that all of Areas 1-3 above were identified in the application as significant indigenous vegetation (wetlands, Areas 1 and 3) or likely significant habitat of indigenous fauna (roadside exotic grassland, Area 2).

With regard to Area 1 Mr Ewans advises that the immediate ecological effect of the proposal on wetlands outside the designated area is the removal of a very small area of roadside wetlands associated with the upgrade of access roads. He notes that following road redesign which avoided wetlands where practicable, approximately 16.5m<sup>2</sup> (0.0017ha) of indigenous wetland vegetation is proposed to be removed. The

proposed mitigation/offset package to enhance 0.49ha of existing wetland modified by invasive weeds within the landfill site is sufficient to ensure no net loss of indigenous biodiversity. Mr Ewans notes that mitigation is detailed in the Draft Vegetation Restoration Management Plan.

With regard to Area 2, Mr Ewans notes that rank exotic grassland along the roadsides may support southern grass skink, a species classified as At Risk – Declining. No survey has been carried out to establish or quantify the presence of this species in these grasslands in the ecological assessment work carried out for the proposal. The clearance of exotic grass in this area does not breach any 2GP performance standards, however the site has been identified as likely significant habitat of indigenous fauna. The Draft Lizard Management Plan describes a detection and salvage regime for lizards along the roadsides prior to construction. As part of the Draft Lizard Management Plan, the use of salvage as a mitigation tool and the salvage regime are proposed be reviewed prior to road widening works. Mr Ewans considers that provided the detection and salvage regime is sufficiently robust to identify and relocate a high proportion of lizards present, particularly southern grass skink, adverse ecological effects should be low.

In respect of Area 3, Mr Ewans notes that a reduction in water flow into the Otokia Creek Tributary below the designation site may result in medium-long term changes to the structure and composition of riparian wetland vegetation, with potential reduction or localised loss of some indigenous wetland species that prefer wetter conditions. Mr Ewans advises that it is likely a reduction in flow would only affect the riparian wetland vegetation 2-300m below the designation site. Below this point, a large pond is likely to moderate and ensure continuous flow, and the East Gully tributary enters the waterway slightly further downstream. Mr Ewans notes that this effect is difficult to predict or quantify accurately due to the number of other variables affecting hydrology. He considers that the most likely effect (if any occurs) is a minor loss of purei, which may be replaced naturally with rautahi or another indigenous species such as flax or wiwi. However, exotic species may also replace purei, potentially creating a contravention of 2GP Rule 10.3.2.2.b.ii. 23. That said Mr Ewans considers that the proposed mitigation/offset package to enhance 0.49ha of existing wetland within the landfill site is likely to be sufficient to ensure no net loss of indigenous biodiversity in this context.

Overall, Mr Ewans considers that the proposed Draft Conditions of Consent – Ecology are appropriate and notes the offer of further approval for the final versions of the Vegetation Restoration Management Plan and Lizard Management Plan prior to any construction works.

Mr Ewans assessment is adopted for the purposes of this report and I subsequently assess that the effects of the proposed indigenous vegetation removal are no more than minor.

### **Effects on Landscape**

The application has been reviewed by Council's Landscape Architect, who notes that several changes were made to the initial design, following the further information request, including a realignment of McLaren Gully Road. The landscape architect notes that there are identified wetlands on both sides of McLaren Gully Road and initially, a larger area of these wetlands was to be affected by the proposed road widening. Following these most recent revisions, the area of wetland affected by the widening will be reduced to approximately 16.5m<sup>2</sup>. The landscape architect notes that his comments focus on the visual and landscape effects of the proposed upgrades of McLaren Gully Road (including its intersection with State Highway 1) and Big Stone Road.

The landscape architect notes that the proposed widening will result in earthworks either side of the existing road. The Visual Landscape Assessment (VLA) that supports the application indicates that cut batters generally reach a maximum of between 2- 4m at 1(v):0.3(h). However, due to constraints within the roadway around wetland areas, these batters will reach up to 7.4 – 7.6 m in two locations (chainage 2860 and 2440) at a grade of 1(v) in 0.2(h). The applicant is proposing that these slopes will be scarified and hydroseeded where possible or left to weather and tie-in with the surrounding vegetation. There will also be localised areas of fill extending up to 6m, but predominantly between 2 and 4m at (1v):2(h).

The landscape architect notes that View Location 4 of the VLA provides a visual simulation of the appearance of the proposed upgrade works at the intersection with SH1. In addition to earthworks associated with road widening, some localised removal of existing gum trees within the road reserve will occur in the vicinity of 108 and 109 McLaren Gully Road.

The landscape architect agrees with the applicant that during construction, earthworks required as part of the proposed road widening and realignment will create some temporary adverse effects associated with disturbing existing landform and vegetation and exposing worked ground. The landscape architect also agrees that all completed cut and fill batters should be seeded with grass as soon as possible to restore a cover of vegetation and enable visual integration in this rural setting. The landscape architect notes that, based on observations of existing cuts, the clay conditions of some of these surfaces may make it difficult for successful establishment of vegetation. Nevertheless, the landscape architect recommends that hydroseeding is attempted on all cut faces, including the two highest areas at chainage 2860 and 2440.

The landscape architect acknowledges that the reason for these highest cuts relates to the attempt to avoid wetland areas where possible. As such, the landscape architect considers that any potential adverse effects on amenity values associated with the cuts should be seen in this context. Further, the landscape architect notes that there are no residential properties located near the largest/highest cut areas. As such, effects on visual amenity will largely be restricted to transitory views available to passing motorists.

While the road upgrade has been realigned to avoid as much of the nearby wetland areas as practicable, it is noted that the proposed widening of the road will result in the removal of approximately 16.5m<sup>2</sup> of wetlands. The landscape architect accepts that these water bodies adjoin an established road corridor, which passes through a modified rural environment. The landscape architect agrees that from a landscape amenity/natural character perspective, the removal of 16.5m<sup>2</sup> of wetland will result in a relatively low level of effect. Any ecological effects of this loss, in the context of other proposed ecological planting associated with this application, are not considered as part of these landscape comments.

The landscape architect notes that the gum trees proposed to be removed near 108 or 109 McLaren Gully Road do not appear to serve a critical visual screening function for the residents of either 108 or 109 McLaren Gully Road. Both dwellings are set well back from the road edge and both properties contain well-established vegetation that will act as a visual buffer between the dwellings and the road. As such, it is considered that the removal of the gum tree will have relatively low effects on the amenity of the residents of these properties and the general amenity of the surrounding area.

The assessment of the landscape architect is adopted for the purposes of this report, and I consider that the landscape and visual effects of the proposal will be no more than minor.

### **Noise Effects**

With regard to noise effects arising from the road realignment, consideration of these effects is limited to where the areas of the newly created road corridor as noise generated within the existing noise corridor is exempt pursuant to Rule 9.3.6.h. When considering noise generation, I note that for the Rural zones, noise is to be measured at the notional boundary being the line 20m from any side of a residential building, or the site boundary where this is closer to the residential building.

In this regard, I consider that noise effects from the new road realignment will be unlikely to extend beyond the adjacent properties and the adverse noise generation effects on the wider environment will be no more than minor.

### **Summary: Effects on the Environment (s95A(2))**

Overall, I consider that, for the purposes of notification, the proposed activity is likely to have a no more than minor adverse effects on the wider environment overall. Therefore, public notification is not required under Step 3.

### **Step 4: Public notification in special circumstances**

Public notification is required if:

- There are special circumstances that warrant the application being publicly notified (s95A(9)).

Current case law has defined ‘special circumstances’ as those “*outside the common run of things which is exceptional, abnormal or unusual, but they may be less than extraordinary or unique.*” Current case law outlines certain cases where the courts have considered special circumstances in relation to the public notification of resource consent applications. In particular, the court found that special circumstances are deemed to apply where there is likely to be high public interest in the proposal [*Murray v Whakatane DC [(1997) NZRMA 433 (HC), Urban Auckland v Auckland Council [(2015) NZHC 1382, (2015) NZRMA 235]*].

In this instance, the upgrade of the road is not considered to generate a situation where special circumstances apply, were the DCC consent requirements to be assessed in isolation. That said, the applicant has applied to both ORC and DCC for related consents and the application is to be considered jointly by both Consent Authorities. In this regard, I consider that special circumstances do apply because of the joint Council process. It would be an anomaly to have the applications to each Council considered through different notification processes and heard at the same hearing. This approach would be likely to lead to complications and confusion for all parties involved as to the scope of submissions, the hearing of evidence, and add unnecessary complexity to the subsequent decision on the applications. In this regard, because ORC have determined that the application is to be processed on the publicly notified basis, it is appropriate that this application also be processed in the same manner. Overall, these are the special circumstances which apply to this application which warrant public notification.

#### **Recommendation - S95A Public Notification**

Pursuant to s95A(5)(b)(i), public notification of the application is not recommended

#### **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.
  - The effects on persons in assessed below

#### **Assessment of Effects on Persons (S95E)**

The applicant has submitted a list of parties who they consider to be adversely affected by this application:

<b>Name</b>	<b>Address</b>	<b>Potential Effect/Reason</b>
Waka Kotahi New Zealand Transport Agency	PO Box 5245, Moray Place Dunedin 9058	Improvements made to intersection with SH1 and McLaren Gully Road.
Te Rūnanga o Ōtākou	45 Tamatea Rd, R.D.2, Otakou, Dunedin 9077 office@tro.org.nz	The Cultural Impact Assessment identified minor adverse cultural effects.

	ph 03 478 0352	
Graeme John Wallace Cook Allan Gibson Trustee Company Limited	909 Allanton-Waihola Road, Mosgiel 9092	Upgrade to McLaren Gully Road will directly affect this property.
Peter Karl Huemmer, and Jillian Mary Huemmer	108 McLaren Gully Road, Mosgiel 9092 <a href="mailto:otokia@farmside.co.nz">otokia@farmside.co.nz</a>	Upgrade to McLaren Gully Road will directly affect this property.
Crown Forestry Management Limited (being transferred to Ngai Tahu)	109 McLaren Gully Road  Crown Forestry Management Limited c/o Jeff Reidy Property Advisor / Managing Director APL Property Queenstown Limited  <a href="mailto:jeff.reidy@aplproperty.co.nz">jeff.reidy@aplproperty.co.nz</a>	Upgrade to McLaren Gully Road will directly affect this property.  Nearest receiver to proposed roadworks (identified as R9 in Acoustic report). 2GP rules will be complied with and potential noise effects will be less than minor, and in any event effects are more properly addressed through the outline plan of works to be submitted for the designation.
Saffhill Forestry Estates Limited	200 McLaren Gully Road and 350 Big Stone Road c/o Adrian Green <a href="mailto:ag@islingtoncapital.co.nz">ag@islingtoncapital.co.nz</a>	Upgrades to McLaren Gully Road and Big Stone Road will directly affect this property.
Wenita Forest Products Limited	11 Hartstonge Ave, Mosgiel, Dunedin, 9024  <a href="mailto:forestry@dn.wenita.co.nz">forestry@dn.wenita.co.nz</a>	Wenita has a registered forestry right over the Saffhill land and is therefore considered to be affected by the upgrades to McLaren Gully Road
Lawrence George Henderson	211 McLaren Gully Road L Henderson PO Box 3326 Bluff Point Geraldton Western Australia 6350 Australia	Upgrade to McLaren Gully Road will directly affect this property.
George McLeod, Eunice McLeod, Russell Melville and David Brent	Land title OT245/105 748 Taieri Mouth Road Brighton 9091 <a href="mailto:pete@netspeed.net.nz">pete@netspeed.net.nz</a>	Upgrade to McLaren Gully Road will directly affect this property
Ngai Tahu Forest Estates Limited	645 Big Stone Road	Upgrade to Big Stone Road will directly affect this property.
GL and JL Adam Ltd	3 Henley Road Mosgiel 9092	Improvements made to intersection with SH1 and McLaren Gully Road.
Minister of State Owned Enterprises	Land along McLaren Gully Road	There are registered archaeological, conservation and forest research area covenants which affect some of the land which will be affected by the upgrades to McLaren Gully Road.

I consider this list to be comprehensive and the effects on these parties are clearly set out. I have not identified any other party who is potentially affected by this proposal.

#### Step 4: Further notification in special circumstances

- I consider that there are no other special circumstances (apart from the implications of the joint hearing noted above) which apply to this application which warrant limited notification.

**Recommendation -s95B Limited Notification**

Pursuant to s95B(1), limited notification of the application is not recommended.

**OVERALL RECOMMENDATION**

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

This application be processed on a publicly notified basis, pursuant to section 95A of the Resource Management Act 1991.



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Kirstyn Lindsay  
**Consultant Planner**

Date: 14 September 2021

**DECISION**

I have read both the notification assessment in this report. I agree with the recommendation above.

1. Under delegated authority on behalf of the Dunedin City Council, I accordingly approve the processing of the application as a publicly notified application, pursuant to section 95A – 95F of the Resource Management Act 1991.
2. I agree that the application be heard at a joint hearing with the Otago Regional Council and that the Otago Regional Council will act as lead agency for the notification and hearing process.



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Campbell Thomson  
**Senior Planner**

Date: 14 September 2021