

Applicant Responses to Relevant Comments from the DCC on the Southern Link Inland Port Project

Comment	Applicant Technical Input	Where Addressed in the Application Documents / Response	Response
NES-CS			
Proposed changes to conditions 31, 32, 33, 34 and 35. <i>p.6, Paragraph: 37</i>	Planning	Part C.01 - Proposed Conditions - Dunedin City Council	DCC Conditions 31-34 relating to contaminated soils management have been updated as suggested.
Transport			
Express concern that the proposed condition 81 merely requires that the design plans for roading upgrades be submitted to the council, but not certified, and recommended that this be amended. <i>(the proposed upgrades to Dukes Road North, including a new access into the site, are a key aspect of the proposal. They consider that it is critical that the council has oversight of the design, construction and testing of the upgrades because any improvements to the road will be vested in council)</i> <i>p.8, Paragraph: 49 (Appendix 2)</i>	Transportation	Part C.01 - Proposed Conditions - Dunedin City Council	DCC Conditions 72-75A relating to Transport and Roading have been updated. The requirement for the plans to be prepared in accordance with DCC Condition 72, which appropriately set out the design requirements, is sufficient, and certification of these design plans is not necessary and too onerous.



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They advise that Dukes Road North, east of Stedman Road is currently not formed to a standard that would be suitable for the anticipated heavy vehicle volumes; and that the upgrades should include the full length of the carriageway, from the Stedman Road intersection (including the level crossing) to the northern end of the site's road frontage. <i>p.9, Paragraph: 50</i>	Transportation	Attachment 10 SOE of Mr Rossiter, Section 2	This is addressed in Section 2 in the SOE of Mr Rossiter. The existing formation of Dukes Road North, east of Stedman Road, is assessed as providing sufficient width to accommodate two-way movement of HPMVs. Widening is not deemed necessary to accommodate the SLIP for capacity reasons.
Recommend that a pedestrian crossing be integrated into the design of the main vehicle entrance to ensure any pedestrians crossing the main entrance can do so in a safe manner. <i>p.9, Paragraph: 51</i>	Transportation	Attachment 10 SOE of Mr Rossiter, Section 2 Legal Submissions	This is addressed in Section 2 in the SOE of Mr Rossiter. SLPL has agreed to provide a footpath along the front of the boundary of the SLPL site, but not beyond the Site and over the KiwiRail owned land, noting that pedestrian movement demands are very low for this area and construction for a pedestrian railway level crossing would require third party approvals.



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The DCC requested that concept designs for the intersection allow for a greater length in the right turn bay, to allow for stacking space of approximately 56m for two B trains, should two B trains seek to access the site at the same time. They note that the plans appear to provide for only 30m and recommended that this be amended to 56m at the detailed engineering design stage, to minimise the risk of heavy vehicles blocking Dukes Road North while waiting to turn right into the site. <i>p.9, Paragraph: 52</i>	Transportation	Part C.01 - Proposed Conditions - Dunedin City Council Attachment 10 SOE of Mr Rossiter, Section 3	This is addressed in Section 3 in the SOE of Mr Rossiter. The 56m has been agreed to DCC Condition 72.
Recommend that the street lighting be extended along Dukes Road North from Stedman Road to the site entrance, to ensure the safety of the new access/intersection. <i>p.9, Paragraph: 53</i>	Lighting	Attachment 18 SOE, Ms Macdonald, Section 2	This is addressed in Section 2 in the SOE of Ms Macdonald. Although SLPL have offered to install lighting along Dukes Road North, there is currently no street lighting on any of Dukes Road North from Sinclair Road through to the intersection with State Highway 87.



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Request clarification about whether swales parallel to Dukes Road North will be vested in council or part of the SLIP, observing that the boundary locations in the application plans are unclear. They support the applicant retaining responsibility for maintaining vegetation along the site frontage. <i>p.9, Paragraph: 55</i>			The swales will be located within the SLIP boundary, and these will be maintained by SLPL. Therefore, the associated infrastructure does not require vesting with Council.
Request that the parking and manoeuvring conditions proposed by the applicant be amended to refer to the 2GP specifications/requirements, rather than the AS/NZS 2890.1:2004. <i>p.10, Paragraph: 56</i>	Transportation	Part C.01 - Proposed Conditions - Dunedin City Council Attachment 10 SOE of Mr Rossiter, Section 2	This is addressed in Section 2 the SOE of Mr Rossiter. DCC Condition 77 has been updated to reflect this recommendation.



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The plans provided show the applicant's intention for swales and the footpath to be located within the site boundary. This makes sense in relation to the maintenance of the swales as part of stormwater and flood hazard management, but it will mean that a pedestrian Right of Way easement in gross in favour of the DCC will be required to secure public use of the footpath. This will require an additional application under Section 348 of the Local Government Act. <i>p.11, Paragraph: 64</i>	-		SLPL acknowledges this comment and notes that this process, if it is to be undertaken, falls outside of the scope of this application.
The pedestrian crossing over the railway line. To make the proposed footpath to the site safe and efficient DCC Transport seek that Condition 72.3(g) requires the footpath design to connect to Stedman Road. This connection is across a railway line, and therefore construction of the railway crossing connection will require a 3rd party approval from Kiwi Rail. <i>p.12, Paragraph: 69</i>	Transportation	Attachment 10 SOE of Mr Rossiter, Section 2 Legal Submissions	This is addressed in Section 2 in the SOE of Mr Rossiter. Conditions should not be imposed that can only be achieved by third party agreement.



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Identified by DCC Transport's recommendation for proposed condition 72.3(h) that seeks that lane widening extending from Stedman Road be undertaken by the applicant as this is not currently part of the concept drawings for road upgrades <i>p.12, Paragraph: 70</i>	Transportation	Attachment 10 SOE of Mr Rossiter, Section 2 Part C.01 - Proposed Conditions - Dunedin City Council	This is addressed in Section 2 in the SOE of Mr Rossiter. DCC Condition 72.3(b) has been amended to include the widening of a section of Dukes Road North to accommodate the creation of a full right-turn bay in length into the main access to the SLIP site that provides for a minimum of 56m of queuing space for two B-Train vehicles.
Earthworks			
It is noted that Condition 35 of the DCC consent controls disposal of contaminated material and it requires the disposal of potentially contaminated spoil to an approved facility, but Conditions 21 and 38 for earthworks simply require the identification of a location for offsite disposal. An additional condition is considered appropriate to ensure disposal of uncontaminated spoil from the site is to an approved or permitted location. Appendix 9 – see condition <i>p.16, Paragraph: 93</i>	Earthworks	Part C.01 - Proposed Conditions - Dunedin City Council	DCC Condition 43B has been included to reflect this recommendation.



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Condition 19 provides for a response in the event potential impacts on adjacent land, infrastructure, buildings and structures, prior to earthworks commencing which is supported by the council. It is noted the wording of the condition appears to make the condition subject to a 3rd party approval(Condition 1.b), therefore it may be appropriate to reword the condition to require consultation with the potentially affected party on appropriate mitigation. Appendix 9 <i>p.22, Paragraph: 134</i>	Earthworks	Part C.01 - Proposed Conditions - Dunedin City Council	DCC Condition 19 1.b has been updated to say that the Consent Holder must provide evidence that the relevant affected party has been consulted on the proposed mitigation and feedback has been considered must be provided.



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Under the proposed conditions a construction management plan is required to be submitted to the DCC for certification (condition 20) and detailed earthworks design plans including submitted 20 days prior to works commencing (condition 38). While the proposed conditions appear adequate, it is noted that an additional condition could be included requiring immediate contact with the relevant network utility operator and for the applicant to meet repair costs, in the event of inadvertent damage. <i>p.23, Paragraph: 144</i>	Earthworks	Part C.01 - Proposed Conditions - Dunedin City Council	DCC Condition 43A has been added to ensure that any damage to service infrastructure arising from earthworks activities on the site must be reported to Council's 3 Waters Department, Chorus or Aurora as relevant, as soon as it is discovered, and must be repaired at the Consent Holder's expense.



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Risk from Natural Hazards			
In terms of new buildings/structures and large-scale earthworks being set back from water bodies sufficiently to avoid risk from natural hazards (including flooding and erosion), they note that setback standards are not met and recommends conditions to certify outlet/bank protection design, require maintenance of erosion protection, and to tie discharge throttling to pre-development flows under current and future rainfall intensities. Setbacks and structures near waterbodies: New buildings/structures and large-scale works within the setback from waterways must either meet Rule 11.4.2.7 or be supported by a suitably qualified and experienced professional assessment demonstrating that flood risk is avoided or no more than low. Outlet/bank protection works must be designed and certified to avoid adverse effects on flood conveyance and levels. <i>p.26, Paragraph: 155 / 159</i>	Natural hazards	Attachment 5 SOE of Mr Craig, Section 3	This is addressed in Section 3 in the SOE of Mr Craig.



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Would prefer that further evidence be provided to confirm hydraulic neutrality but is satisfied that the potential for the development to exacerbate natural hazard risk can be managed by design conditions to be no more than low. He considers that there are gaps in the applicant's proposed condition in the ORC conditions suite (B21) and he has recommended an alternative condition: Flood hazard performance outcomes The development must not create, transfer, or exacerbate flood risk beyond the site. This can be accomplished by achieving hydraulic neutrality which is interpreted as "modelled peak flood levels, volumes and velocities, upstream and downstream of the site, must be no greater than the baseline (pre-development) case for the critical events (1% AEP event and 0.2% AEP event, with and without climate change)". Prior to construction of buildings or works that affect flood conveyance, provide a Flood Hazard Design Report prepared and certified by a suitably qualified	Natural hazards	Attachment 5 SOE of Mr Craig, Section 3 Part C.02 - Proposed Conditions – Otago Regional Council	SLPL do not agree with the condition proposed which is unnecessarily onerous and consider that information on hydraulic neutrality is more appropriately provided as part of detailed design when demonstrating compliance with condition ORC Condition B.21. This is addressed in Section 3 in the SOE of Mr Craig.



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and experienced professional to DCC confirming that:

(a) finished floor levels comply; and

(b) the detailed design achieves hydraulic neutrality/no off site risk transfer for at least the 1% AEP event and 0.2% AEP event, with and without climate change. This report must be supported by an independently peer reviewed hydraulic model constructed for the purpose of assessing hydraulic neutrality

p.29, Paragraph: 159 / 170



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Finished floor levels should meet specified flood levels and freeboard. (floor levels are generally set at building consent stage but recommends that all new buildings and critical operational infrastructure have finished floor levels at or above the modelled 0.5% AEP + climate change (RCP8.5 2081–2100) flood level with a minimum 300mm freeboard, as certified by a suitably qualified and experienced professional using DCC-adopted rainfall and climate change guidance) <i>p.26, Paragraph: 158</i>	Natural hazards	Attachment 5 SOE of Mr Craig, Section 3	SLPL do not agree with the suggested basis for setting floor levels and freeboard ahead of detailed design. This is addressed in Section 3 in the SOE of Mr Craig.



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With regard to the request by DCC City Growth / 3 Waters that conditions 45, 49 and 52 be amended to require that they be accepted by 3 Waters prior to works being carried out on the site, it is not considered reasonable to require that the design plans and drawings be “accepted by 3 Waters” with no specific timeframe. It is however deemed appropriate that they be provided to the council for certification, and subject to the same process as other plans presented for certification. The 20 working days promoted in the condition proposed by the applicant is considered a reasonable timeframe.	Natural hazards	Part C.01 – Proposed Conditions - Dunedin City Council	It is considered that the requirement for the plans to be prepared in accordance with DCC Conditions 45, 49 and 52, which appropriately set out the design requirements, is sufficient. Certification of these design plans is not necessary and too onerous.
<i>p.29, Paragraph: 171</i>			



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Noise			
A site limit should be retained at the boundary of the site, and the 2GP nighttime noise limit of 40LAeq should be applied to nighttime emissions for properties that are more than 350m from the existing industrial zone. Condition 58 as it is currently worded does not adequately control noise emissions from the proposed activity. <i>p.35, Paragraph: 220</i>	Noise	Attachment 19 SOE of Mr Shanks, Section 2	This is addressed in Section 2 in the SOE of Mr Shanks. The proposed noise limit is considered to be reasonable and in proportion to the proposed activity, given the proximity of the SLIP to the industrial zone.



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As the experts are not in agreement in relation to the appropriate conditions to control noise emissions from the site it may be appropriate for the Panel to direct expert conferencing on this issue. It is noted that to provide certainty that the activity will comply with the specified limits, the Panel may want to consider including an additional condition requiring verification noise testing to be undertaken prior to the commencement of operations at each development stage. This will enable the applicant to confirm compliance with the noise limits in the conditions, or take immediate action to address any non-compliance prior to the activity commencing. <i>p.36, Paragraph: 222</i>	Noise	Part C.01 - Proposed Conditions - Dunedin City Council	SLPL believe this suggestion is unnecessary because the SLIP is required to comply with the operational noise conditions proposed in DCC Conditions 58 – 60A. These conditions also include a Operational Noise Management Plan, and the objective of the Operational Noise Management Plan is to establish the best practicable option management, and mitigation measures necessary to achieve compliance with the noise limits in Condition 58.



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Lighting			
In relation to the southern boundary with the Silver Stream the Council should consider maintaining the 1 Lux requirement for operational lighting at the southern boundary and along Dukes Road North. This is because the southern boundary adjoins an esplanade area for the Silver Stream and as Dukes Road North is not currently illuminated <i>p.37, Paragraph: 234</i>	Lighting	B.08 - Assessment of Environmental Effects – Lighting, Section 5.1.6.2	The lighting design principles and mitigation measures set out in the Lighting Assessment have been developed to align with the recommendations of the Ecological Assessments. In particular, the use of controlled lighting distribution, shielding, minimisation of spill beyond operational areas, warm-spectrum lighting where practicable, and avoidance of unnecessary illumination near stream margins and revegetated areas directly respond to the ecological sensitivities identified. With these measures in place, lighting is not identified as a primary ecological stressor, and any residual ecological effects associated with artificial lighting are anticipated to be low and consistent with the effect ratings and conclusions of the Ecological Assessments.



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It appears that the applicant's expert report is only concerned with site lighting and the Council review was undertaken on that basis. The report does not appear to directly assess the amenity implications for existing residential sites within the rural zone from extended road lighting along Dukes Road Nth, which will be required as part of the proposal and secured under Conditions 72 and 73. <i>p.38, Paragraph: 237</i>	Lighting	Attachment 18 SOE of Ms Macdonald, Section 2	This is addressed in Section 2 in the SOE of Ms Macdonald. The inclusion of street lighting along Dukes Road North has been incorporated at the request of DCC Transport as part of post application engagement.

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Unlike Citywide Rule 9.3.5 that exempts street lighting, the rural zone performance standard Rule 16.5.5.3 requires all light spill (excluding vehicle headlights) to be restricted to 3 Lux during the hours of 10pm and 7am. It is not clear whether it is feasible for this 3 Lux light spill limit to be complied with when the road lighting along Dukes Road is upgraded. I note that the applicants report indicates that under a suburban streetlight the expected light level is between 5 and 30 Lux. It is considered appropriate for the applicant to address this issue and advise the Panel what the predicted lighting level from street lighting will be at the road boundary of the site at 273 Dukes Road Nth. If there is non-compliance with the 3 Lux standard specified in Rule 16.5.5.3 at the road boundary of the site at 273 Duke Road, then this should be assessed and appropriate mitigation considered. <i>p.38, Paragraph: 238 / 239</i>	Lighting	Part A.02A - Southern Link Inland Port - Substantive Application, Section 6.8 Attachment 18 SOE of Ms Macdonald, Section 2	This is addressed in Section 2 in the SOE of Ms Macdonald. DCC Condition 67A has been added to require that any street lighting required on Dukes Road North adjoining the road frontage of the site must be designed to achieve a light spill level that does not exceed 3 lux within the boundary of any rural zoned site used for residential activity.



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Although street lighting is considered appropriate for road safety reasons, the extended street lighting along Dukes Road will result in an amenity and character change as low levels of lighting are a characteristic of a rural environment. As it will be contributor to adverse effects on rural character and amenity it is also discussed in the amenity section below <i>p.38, Paragraph: 240</i>	Lighting	B.08 - Assessment of Environmental Effects – Lighting, Section 3.2.3 Attachment 18 SOE of Ms Macdonald, Section 4	This is addressed in Section 2 in the SOE of Ms Macdonald. The inclusion of street lighting along Dukes Road North has been incorporated at the request of DCC Transport as part of post application engagement.

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In relation to the southern boundary along Silver Stream, notes that the indicative site layout identifies that there will be water management swales within the site along this boundary and an acoustic barrier. This may potentially allow a lower 1 Lux light spill level to be contemplated on this boundary, and this lower lighting level may assist with ecological enhancement proposals for the riparian margins of the Silver Stream. <i>p.38, Paragraph: 241</i>	Lighting	B.08 - Assessment of Environmental Effects – Lighting, Section 5.1.6.2	The lighting design principles and mitigation measures set out in the Lighting Assessment have been developed to align with the recommendations of the Ecological Assessments. In particular, the use of controlled lighting distribution, shielding, minimisation of spill beyond operational areas, warm-spectrum lighting where practicable, and avoidance of unnecessary illumination near stream margins and revegetated areas directly respond to the ecological sensitivities identified. With these measures in place, lighting is not identified as a primary ecological stressor, and any residual ecological effects associated with artificial lighting are anticipated to be low and consistent with the effect ratings and conclusions of the Ecological Assessments.



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Biodiversity Values			
Uncertainty in relation to the retention of riparian vegetation that creates a risk of earthworks resulting in unmanaged clearance within the waterbody setback. She recommends changes to conditions to support replacement of pest species with ecologically appropriate species and the best practice maintenance of planting within the riparian margin or maintenance in accordance with a certified planting plan <i>p.41, Paragraph: 261</i>	Terrestrial Ecology	Part C.01 - Proposed Conditions - Dunedin City Council Attachment 11 SOE of Ms Gilbert, section 4.	DCC Conditions 68-71A relating to Landscaping have been updated. Condition 69 references that a Landscape Management Plan must be prepared in general accordance with the Landscape Concept Plan and the Landscape and Natural Character Effects Assessment which will outline the requirements for exotic plant removal and infill planting in the Silver Stream corridor and landscape maintenance obligations.
Recommends that a Lizard Management Plan (LMP) and its implementation be secured by conditions and recommends the condition include contingency action if the salvage and release of lizards is not successful. <i>p.42, Paragraph: 264</i>	Terrestrial Ecology	Part C.01 - Proposed Conditions - Dunedin City Council Attachment 24 Lizard Management Plan	DCC Condition 92 outlines the requirement to prepare an LMP. A draft LMP has been prepared that include details of the lizard salvage and transfer methodology, timing, realise sites and includes a requirement for post release monitoring.



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In relation to effects on avifauna, Ms Lunniss agrees that the potential effects on avifauna are likely to be no more than minor, provided riparian vegetation is maintained in a condition to support avifauna foraging and movement. To secure effective management of the effects she seeks that improved conditions are adopted. <i>p.42, Paragraph: 265</i>	Terrestrial Ecology	Part C.01 - Proposed Conditions - Dunedin City Council	DCC Conditions 87-90 outline the pre-construction, construction and operation monitoring requirements of avifauna including a condition (DCC Condition 90) that restoration planting must be undertaken if monitoring show a change in behaviour or use of the riparian vegetation. DCC Conditions 68-71 outline the planting management requirements including undertaking annual checks for pest or weedy plants that have reestablished and remove them and planting appropriate indigenous vegetation along the bank as outlined in the Landscape Management Plan.
Recommends the removal of freshwater conditions from the DCC resource consent from as they are not under DCC jurisdiction. <i>p.42, Paragraph: 266</i>	Freshwater Ecology	Part C.01 - Proposed Conditions - Dunedin City Council	All DCC Conditions referencing freshwater ecology have been removed.



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Rural Character and Amenity / Cultural Landscapes			
It is a large addition to the neighbouring industrial area and in strong contrast to the identified values of the rural zone. Consequently, he considers that greater consideration could have been given to the cumulative effects of this development, when considered alongside the neighbouring industrial area. Adverse effects on rural character and visual amenity from public places will be more than minor. The council also agrees that more than minor visual effects will also be experienced at two, and possibly three existing residences being the residences at 231 and 273 Dukes Road and potentially 340 Dukes Road which was identified by Mr McKinlay. <i>p.44, Paragraph: 288/ 297</i>	Landscape	Attachment 11 SOE of Ms Gilbert, Section 5	This is addressed in Section 5 in the SOE of Ms Gilbert. The proposed boundary mitigation planting, an ongoing commitment to planting establishment and maintenance, visually recessive building colour controls, and lighting controls will ensure that the development is distinguished from the established industrial development to the south and will, in time, sit comfortably into its broader rural setting thus avoiding significant adverse cumulative effects.



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Mitigation planting will take time to develop <i>p.44, Paragraph: 296</i>	Landscape	Part A.02A - Southern Link Inland Port - Substantive Application, Section 2.26 Part-B.07 - Updated Landscape and Natural Character Assessment, page 16	All areas to be planted will be protected from pests and competing grasses/weeds until the planting has established. Plants will be irrigated and mulched as required for successful establishment and growth. Plantings will be monitored for a period of three years for survival with dead plants replaced. These measures are outlined in DCC Conditions 68-71A. Boundary screening tree belts are a visual mitigation measure whose effectiveness increases as the planting matures, and that the screening will develop progressively over time rather than immediately. The Landscape Assessment recognises that meaningful screening requires several years of growth before the landscape mitigation is fully effective.
Considers that it would be beneficial for building colours to be slightly varied.	Landscape	Attachment 11 SOE of Ms Gilbert, Section 5	This is addressed in Section 5 in the SOE of Ms Gilbert.
Considers it would be beneficial to retain the trees in the northwestern corner of the site. <i>p.45, Paragraph: 292</i>	Landscape	Part C.01 – Proposed Conditions – Dunedin City Council Attachment 11 SOE of Ms Gilbert, Section 5.6	This is addressed in Section 5 in the SOE of Ms Gilbert. It is agreed that this is beneficial and DCC Condition 70 has been updated to be considered in the Landscape Management Plan.



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Considers adverse visual effects in relation to 340 Dukes Road moderate rather than low-moderate. <i>p. 45, Paragraph 297</i>	Landscape	Attachment 11 SOE of Ms Gilbert, Section 5 Part-B.07 - Updated Landscape and Natural Character Assessment, page 26.	This is addressed in Section 5 in the SOE of Ms Gilbert. The visual effects in relation to 340 Dukes Road are low-moderate.
It is noted that compensatory mitigation measures can be considered in cases where the adverse effects are more than minor and, in the case of 273 Dukes Road Nth, it may be appropriate for the applicant to consider what further mitigation is appropriate to mitigate the adverse effects at the 273 Dukes Road site and which can be offered to the site owners. <i>p.49, Paragraph: 326</i>	Landscape	Part C.01 – Proposed Conditions – Dunedin City Council Attachment 11 SOE of Ms Gilbert, Section 5.7	This is addressed in Section 5 in the SOE of Ms Gilbert. New DCC Condition 71B has been included that requires the preparation and implementation of a Amenity Mitigation Plan that will ensure mitigation for 273 Dukes Road North will be provided.

