

BEFORE DUNEDIN CITY COUNCIL

In the matter of

the Resource Management
Act 1991

And

In the matter

Resource Consent Application
LUC 2016-384, 58 Nairn
Street, 25 Shetland Street and
25 Lynn Street Dunedin
(Being the Shetland Street
Reserve and Kaikorai
Common between
Bishopscourt and School
Street).

STATEMENT OF EVIDENCE BY JULIE ANNE MCMINN

INTRODUCTION

1. My name is Julie Anne McMinn (MNZPI).
2. I hold the degrees of Bachelor of Science in Geography and Geology from the University of Canterbury and I hold a Diploma in Regional and Resource Planning from the University of Otago.
3. I am a Full Member of the New Zealand Planning Institute.
4. I have over twenty years of professional experience in the field of Resource Management Planning. I have been employed as a Resource Management Planner by Opus International Consultants since 1994. I am responsible for the provision of consulting services in resource management and planning to a range of public and private clients including government departments and regional and territorial authorities.
5. My planning experience includes preparing and processing numerous resource consents, notices of requirements (NOR's), outline plans, submissions and planning evidence for a variety of clients.
6. I have been engaged by the Dunedin City Council (DCC) to present planning evidence at this hearing. I am familiar with the issues concerning this proposal having been involved with the project since Opus was commissioned to undertake the design and planning work January 2016. I have visited the site on several occasions, helped the DCC with their consultation for the project and prepared the Resource Consent which is the subject of this hearing
7. I confirm that I have read the code of conduct for expert witness contained in the Environment Court Practice Note 2014 and that I agree to comply with it. I confirm that I have considered all of the material facts that I am aware might alter or detract from the opinions expressed here and have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

SCOPE OF EVIDENCE

8. In my evidence I will discuss:
 - (i) Activity Status of the Application;
 - (ii) Consultation carried out;

- (iii) Key effects identified; and
- (iv) Respond to the Council Officer's Report and proposed conditions

ACTIVITY STATUS

- 9. Mr Nirainjanan has described the project and the reasons why it needs to be carried out. The project has also been described in the application and Ms Darby in her 42A report. Therefore I won't expand on the description of the proposal further.
- 10. I agree with Miss Darby's planning assessment that the site is located in the Residential 1 zone and the Urban Landscape Conservation Area (16) (UCLA) I also agree with her assessment that the proposed activity is determined by the operative Dunedin City District Plan. In particular Rule 13.8.2(i) which lists the removal of the vegetation as a **restricted discretionary activity**. The Council's discretion is restricted to:
 - i) The health of the vegetation and effect of removal of plants on the health of the remaining plant community;
 - ii) The visual impact;
 - iii) The reasons for carrying such work;
 - iv) The extent to which any adverse effects on the environment can be avoided, remedied or mitigated
- 11. I also agree with Ms Darby's assessment that the environmental effects of the proposal are related to the removal of vegetation within the ULCA. as the replacement of the pipes and associated earthworks are a permitted activity.

CONSULTATION CARRIED OUT

- 12. The DCC has consulted with the key stakeholders as part of this project.
- 13. The DCC held an open day on the 8 December 2015 at the Kaikorai Rugby Club inviting the local community to discuss the Kaikorai Pipeline Replacement. The open day covered all the project phases of the works in the Kaikorai area including the work proposed as part of this application.

14. Consultation undertaken by the DCC during 2016 as part of the ongoing development and design and planning of the project has mostly consisted of one on one meetings and site visits with key stake holders.
15. The groups met with on a one on one basis included the Dunedin Environmental Centre Trust, The DCC Parks and Recreation Department (PAR) and DCC Transportation Group. KTKO attended the initial design kick off site visit.
16. Undertaking this consultation has allowed the DCC to identify more fully the potential environmental effects from the project and gauge key stakeholders response to the project. This includes a lot of time taken with DECT and Parks and Recreation to discuss the replanting of the area after the works. The feedback from this consultation has meant the DCC has been able to prepare the Indicative Vegetation Management Plans with the agreement of these parties.
17. Consultation with DECT has resulted in DCC appointing them to become the nominated sub-contractors to undertake the removal, replanting and reinstatement work alongside the main contractor. Once the contract is complete DECT will also continue their existing relationship with PAR to maintain the plantings into the future.
18. Contact with landowners has included letters sent early in 2016 to landowners adjacent to informing them of site investigations to be undertaken.
19. Also in June 2016 an information letter was sent out to landowners directly affected by the works.
20. Further consultation with landowners is proposed once more detail on how the works will affect people's property is identified. These discussions will include discussing the removal of the vegetation but will also include discussion on the full scope of the project particularly where pipes on private property may need to be replaced. These discussions will be similar to any other DCC pipe replacement project undertaken around the city.
21. As consultation with landowner's progress any issues identified will inform the contract and how construction may be modified on those properties identified.

22. It should also be noted that the DCC has prepared and recently lodged a resource consent application with the Otago Regional Council that addresses the effects of this project on the tributary to the Kaikorai Stream that runs through the site. As part of that process the DCC has consulted with and obtained the following written approvals for the works from the following parties:

- Department of Conservation
- Kai Tahu Ki Otago Ltd
- Dunedin Environmental Centre Trust
- Otago Fish and Game Council
- The DCC Parks and Recreation Department
- The DCC Transportation Operations Team
- Chorus

23. Therefore, although not directly related to this application a range of stakeholders who have a wider interest in the two reserves have been consulted with.

KEY EFFECTS /SUBMITTERS CONCERNS

24. As a restricted discretionary activity the key effects to to remove vegetation from a ULCA are restricted to the following

25. **Effects on the health of the Vegetation:** 30% of the total vegetation of the two reserves may be removed to upgrade the foul sewer and stormwater pipes. The vegetation removed will be within the indicative 8 metre wide construction access corridor. However, it is possible depending on the contractor's methodology not all the vegetation within this access corridor will be required to be removed.

26. DECT has been chosen to remove, replant and maintain the new vegetation because as a group as they have developed and maintained the two reserves over the last 20 years. They have knowledge to successfully replant/replace the vegetation removed as well as to maintain the plantings alongside the area not affected by the works. The removal of the vegetation growing in the construction access cannot be avoided. However plants and trees removed will be reused where practicable. Once the works are

complete the area **will** be replanted in accordance with the Final Vegetation Management Plan. I consider although it will take time for the plantings to re-establish in the long term, the effects from the works on the health of the replanted vegetation will be mitigated.

27. Therefore the DCC is willing to accept the proposed condition relating to the Final Vegetation Management Plans being submitted to Council suggested by Ms Darby in her report.
28. **Visual Effects of the Works:** As discussed in the paragraph above the removal of vegetation from the construction access area is unavoidable. The construction process and the removal of the plants will affect the amenity of people using the reserve area until the re planted area grows. I therefore concur with Mr Knox's comment in the 42A that the visual effects of removing the vegetation in the short to medium term will be significant. However, these effects will be temporary and mitigated in the long term by the proposed replanting. The new plantings will include riparian plants and other plantings along the re-established walkway that will grow over time, eventually returning a similar amenity along the track as the existing environment.
29. **The reasons for carrying out the work:** Mr Nirainjanan has outlined the some of the reasons for the work and I won't repeat these here.
30. However I also consider the replacement of existing foul sewer and stormwater pipes is necessary for the sustainable management of the DCC wastewater management system. I consider this network as an existing physical resource to the City. The upgrade will enable the DCC to continue the level of the wastewater service to the Kaikorai area into the future.
31. The construction process however means approximately 30% of the vegetation within ULCA16 will be removed during construction. AS stated previously I consider this effect will be temporary and mitigated in the long term by the restoration and maintenance of the new plantings in accordance with the Vegetation Management Plan.
32. These effects must be weighed against the positive effect resulting from the sewer upgrade and realignment.
33. In my opinion I consider overall the proposed realignment and replacement of the sewer and replacement/new installation of the stormwater pipes is consistent with purpose and the principles of the RMA.

34. **The extent to which any adverse effects on the environment can be avoided, remedied or mitigated:** Submitters have raised a number of concerns some of which could be considered as potential adverse effects resulting from the works.
35. Submitters Nic and Cherry Hart, the Summerset Group and Kathleen Goodman all raise potential effects from the works that may affect their properties including including effects on: enjoyment and use of their properties, effects on fences and the safety of the Summerset residents. The DCC considers that these issues can be addressed through contacting and discussing the works with each affected property once the detail of how the construction will be undertaken has been determined. As a result, the DCC are happy to accept the consultation conditions suggested by the planner in the 42A report.
36. Please also see above (paragraphs 12 to 23) for a discussion on the consultation undertaken on the project so far.
37. Andrew Hunter and Emma Christmas have also raised issues in regards to the safety of Balmacewan School children using the walkway through the construction site. Given the narrow nature of the two reserves the walkway will be closed during construction for safety reasons. To provide an alternative within the existing reserves, would involve the removal of further vegetation and this is not considered appropriate or feasible. Therefore children using the walkway will be required to change their route and use the footpath along the street and walk around the block to get to school.
38. Ms Christmas raises the concern of increasing traffic along Chapman St given that parents will want to drop their children closer to school. I do not consider this would necessarily follow. If parents are usually happy to have their children walk through the Shetland Street Reserve, they may still continue to drop their children off in Shetland Street and allow them to walk along the footpath on the same side of the road as the school and around the corner into Chapman St to school. This route will be longer but in my opinion not significantly so. In any case this will only be a temporary effect during construction.
39. The DCC however is willing to accept the conditions suggested by Ms Darby to advise all schools in the area of when the walkway will be closed. The DCC is also willing to accept the conditions relating to signage being

displayed at public entry points of the reserves, advising closure of the walkway.

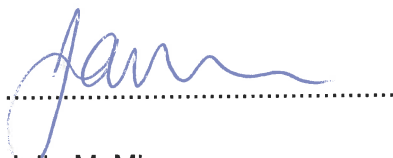
40. Mr Hollows raises concerns about the potential for the site office to be located adjacent to Wales Street where a previous contract site office was located and a number of concerns the resident had with this. Mr Nirainjanan has noted in his evidence it is not clear exactly where the site office for this project will be as this is something the successful contractor will work through once the contract is let. I agree with Ms Darby's comments in her report that the establishment of a site office in Wales Street and/or Bishopscourt is outside the scope of this consent. I also agree with her comment like any other permitted activity in the residential zone construction is also permitted activity. However, in terms of transparency around how the DCC will manage construction effects the following condition is suggested:
41. *A Construction Management Plan will be developed that will be kept on site and include but not limited to the following:*
 - I. Traffic Management Plans;*
 - II. Final Vegetation Management Plans ;*
 - III. Mitigation measures to reduce the potential adverse effect of sediment runoff;*
 - IV. All mitigation measures taken during construction to reduce adverse effects on adjoining properties, including, dust, noise and safety of people visiting the site;*
 - V. The archaeological authority for the project and the protocols to be followed in the event of a discovery of an archaeological site;*
 - VI. A complaints register to keep record of the community's concerns raised with the contractor and any resulting mitigation carried out to address the concerns raised;*
 - VII. Appropriate auditing requirements to ensure performance of all components of the construction management plan.*
42. This condition outlines the DCC's expectation of the contractor's responsibilities to manage construction effects as well as any community concerns and the management of these. It is also a condition that has been offered as part of the Otago Regional Council application.

PLANNERS REPORT

43. I have read the planners report and agree with the description, summary of submissions, assessment of effects, assessment of the project against the objectives and policies of the District Plan and assessment against section 104 and Part Two of the Resource Management Act.
44. Also for clarity the DCC accepts the conditions suggested by Ms Darby.
45. The DCC has also suggested an additional condition as described in paragraph 41 above.

CONCLUSION

46. The removal of vegetation in the Shetland Street Reserve and the Kaikorai Common is necessary to replace the sewer and stormwater pipes that are now close to the end of their design life.
47. I consider the effects of the removal of vegetation along the proposed construction access corridor will be temporary. These effects will be mitigated in the long term by the proposed restoration and maintenance of the newly planted as well as the ongoing maintenance of the reserves as a whole.
48. I agree with the planner's assessment of this project and I consider the project, including recommended conditions as being consistent with Part Two of the Resource Management Act.



Julie McMinn

Principal Planner