

2GP VARIATION 2 ADDITIONAL HOUSING CAPACITY - HEARING 2 INTENSIFICATION

CHANGE IN05 REZONING FROM GENERAL RESIDENTIAL 1 TO GENERAL RESIDENTIAL 2 MORNINGTON

(Section 42A Report 12 October 2021, pages 58 and 59; Appendix G Elizabeth Prior S148.001)

PROPOSAL TO REZONE 1 NAPIER STREET, BELLEKNOWES, DUNEDIN, FROM GENERAL RESIDENTIAL 1 TO GENERAL RESIDENTIAL 2 SUBMISSION BY ELIZABETH PRIOR ON BEHALF OF JOINT OWNERS STUART PRIOR AND ELIZABETH PRIOR

INTRODUCTION

My name is Elizabeth Prior and I am a joint owner, with my brother Stuart Prior, of the property at 1 Napier Street . We inherited it from our parents, who purchased it in around 1964. I have submitted that the proposed rezoning of 1 Napier Street from General Residential 1 to General Residential 2 should be rejected. I asked to speak to the submission to provide the Hearing Panel with a more extensive understanding of the property than can be gained from maps, plans and aerial photographs.. My comments are based on direct knowledge and experience of the property over the past 57 years.

There are two bases for opposing the rezoning:

- * The topography and nature of the site
- * The fragility of the stormwater infrastructure

TOPOGRAPHY AND NATURE OF THE SITE

The site is not a flat section from which half the property could be subdivided for additional housing. The phrase "not in my back yard" is not the issue, because there is no back yard. The section is steep and sloping. It drops away below the house on the southern and eastern sides. There is a steep drive part-way down the section to the garage under the house, but there is no vehicle access beyond that to the gully. There is a single pathway to the gully from below the

drive, but it can be wet, slippery and precarious in bad weather. The lower part of the hillside to the eastern boundary contains a variety of mature trees including tree ferns, cabbage trees, kowhai trees, lancewoods and native fuchsia, as well as flaxes and ferns. The bottom of the section along the eastern boundary is naturally damp and boggy as that is the lowest part of Napier Street and it takes surface run-off water from the road and a neighbouring leg-in drive that services three Beaumont Road properties.

WATERCOURSE

My submission is based on personal knowledge and observation of the watercourse since our family moved to the property in around 1964. I went down to the gully to check the state of the watercourse last week, on Wednesday 27 October 2021.

I refer to the Section 52A Report of 12 October 2021 on Variation 2, Additional Housing Capacity (Part 2a Intensification Zoning), page 59, under the heading Expert Technical Evidence Sought, where at the second bullet point Mr Jared Oliver from DCC 3Waters is referred to and the report states:

"In summary, it is noted that all three submitters have private open channel or piped watercourses on their properties ... These private watercourses are not owned or managed by the DCC."

At page 70, in relation to a separate proposed rezoning, there is a statement "DCC 3 Waters notes that watercourses are the responsibility of the landowners whose properties they pass through".

I wish to provide a different perspective on those statements. The open creek in the gully behind the lower Napier Street houses is the remaining natural part of a larger gully that extended from Kenmure Road through which water flowed down off the hill towards the harbour. The watercourse is part of the Dunedin stormwater drainage system. When Jubilee Street was formed across the upper gully, the creek was piped down to, and under, Jubilee Street, from which it

emerged as an open creek once more until it reached the lower south-eastern boundary of 1 Napier Street. Just beyond that boundary the water re-enters the underground stormwater system, via an old 9-inch diameter clay pipe, to join the stormwater system that travels down via Lonsdale Street, Hawthorn Avenue and Serpentine Avenue.

The diameter of the old clay pipe is too small for peak water flow in heavy rain and floods the low-lying land that surrounds it. Three properties are affected at this point: a small piece of land belonging to 2 Beaumont Road (on which the pipe and two other stormwater access points are situated); 30A Hawthorn Avenue and 1 Napier Street. The pipe and two back-up stormwater access points beyond it (one horizontal in the grass, one upright 2-3 metres beyond that) are situated on land that is part of 2 Beaumont Road and is on the same level as 1 Napier Street and 30A Hawthorn Avenue. There is a distance of a few metres where the creek flows between 1 Napier Street and 30A Hawthorn Avenue on its way to the pipe. In heavy rain, when the volume of water is too great for the pipe, the water flows over the top of the pipe and across the grass to a slight depression containing the horizontal grating above the underground stormwater. The vertical grating behind that is a back-up. It is clear that the system was designed as an overflow ponding area. There are times when all three entrances to the stormwater system block, as they can in heavy rain when leaves and debris are carried down, and water forms a small lake in that ponding area. In the past there would be some collateral temporary flooding on 1 Napier Street within a few metres of the pipe, but nothing major. There is more of a risk in that area to 30A Hawthorn Avenue as the land is adjacent to the ponding area.

When we moved to the property in 1964, the banks of the Hawthorn Avenue sections leading down to the creek were all undeveloped. They were covered with trees and bushes, and rain water percolated down them to the creek. Two adjacent sections have since been developed, at 34A and 40B Hawthorn Avenue. Two more are as yet undeveloped (46B and 46A Hawthorn Avenue), but I understand that the present land owners intend to build upon them. It is a very different scenario when development of sites leads to stormwater being discharged directly into the creek. Along the boundary of 1 Napier Street the creek passes through a 2 metre cutting in volcanic rock, but lower

down there are just mud banks. In heavy rain, by the time the water reaches the lower part of Napier Street it can form a 2 metre high roaring torrent.

DCC 3 Waters implies that the DCC has no responsibility for this watercourse, but that cannot be correct.

Firstly, the watercourse is not taking water solely from the properties it passes through in lower Napier Street. The water is travelling from much further up the hill and under Jubilee Street before it arrives in the lower gully. Street water from the gutter on the eastern side of Jubilee Street also enters the watercourse. The volume of water that roars down the watercourse in heavy rain is much more than simply run-off from the small number of sections neighbouring the watercourse in lower Napier Street.

Secondly, actions taken by the DCC have a direct effect on the watercourse:

(a) As I mentioned earlier, in 1964 none of the Hawthorn Avenue sections adjoining the watercourse along our boundary had been developed. The DCC subsequently consented to the building of a residential property at 34A Hawthorn Avenue. That property is adjacent to, and on the same level as, the overflow/ponding area of 2 Beaumont Road, but there was no requirement for flood protection as a condition of the building consent for the house. To reduce the risk of flooding to that house and its land, some of the vegetation on our land near the pipe entrance has been removed so that more water escapes on to our property.

(b) Within the past couple of years the DCC has also allowed the owner of 40B Hawthorn Avenue to develop the steep slope above the watercourse for parking. All the trees and vegetation were cleared with a digger down to the mud bank of the creek. An enormous wooden retaining wall consisting of huge upright posts and horizontal planks was then constructed and backfilled. The base of the retaining wall is about three metres above the watercourse, and part of the land below the wall is now just mud.. During the clearing of the bank a large boulder and other debris entered the creek and were not removed. It was raining on the day the concrete was poured for the upright posts for the retaining wall, and concrete slurry flowed down into the creek and on to the entrance to the pipe. This was at the shallowest, narrowest part of the creek, and when the concrete set in

the creek it both raised the creek bed and narrowed the width of the creek.

I am particularly concerned at the effect on the watercourse of the work at 40B Hawthorn Avenue. In addition to the concrete slurry and debris in the creek, there are three new pipes (two parallel pvc pipes and a black drainage coil) discharging stormwater directly into the creek at its shallowest point just a few metres upstream of the pipe entrance. Further, a pit that was dug in a section of land below the retaining wall to insert a connection into the old foul sewer pipe was left open for several months before the work was carried out and never completely filled in afterwards, so that mud is now washing straight down into the creek. I was dismayed on my inspection of the watercourse last week to see two fresh collapses in the mud bank of the creek on the southern (i.e. Hawthorn Avenue) side. This recent deterioration has occurred in a watercourse that had been stable for over 50 years. It is clear that the creek is now flooding our land at a point several metres upstream of the previous flood area near the pipe entrance.

There are still two undeveloped sections upstream, at 46B and 46A Hawthorn Avenue, which I understand the current owners intend to build upon. Even if those builds are residential 1, any additional stormwater discharges into the watercourse will add further stress on an already fragile system.

Those are the matters that I wished to put forward to the Hearing Panel in support of my submission to reject the proposed rezoning of 1 Napier Street.

Elizabeth Prior
4 November 2021