

BEFORE THE DUNEDIN CITY COUNCIL

IN THE MATTER OF the Resource Management
Act 1991

AND

IN THE MATTER OF Balmoral Developments (Outram)
Ltd
(SUB 2017-49 & LUC 2017-255)

STATEMENT OF EVIDENCE OF WARREN HANLEY

8 November 2017

Introduction and Experience

1. My name is Warren Hanley. I hold a Diploma in Resource Management and hold the position of Senior Resource Planner – Liaison Officer at the Otago Regional Council. I have previously held the position of Resource Officer with the Otago Regional Council for four and a half years.
2. I am authorised by the Otago Regional Council (ORC) to present information on issues relating to consent applications.
3. I have read the documents relevant to these consent applications.
4. I have been to the subject site at 94 Holyhead Street, Outram.
5. Although this is not an Environment Court hearing, I have read and agree to comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note for Expert Witnesses (2014). I have complied with it in the preparation of this evidence.

Scope of Evidence

6. My evidence will cover the matters raised in the ORC submission and the ORC's current planning position on these matters.

Otago Regional Council Submission

7. The planner's report outlines the history of the applicant's proposal to rezone 94 Holyhead Street and the subsequent decision of the Environment Court to allow a partial rezoning of the site. ORC opposed PC-2012-14 (plan change 14).
8. ORC lodged an opposing submission on Balmoral Developments (Outram) Limited's consent application (SUB 2017-49 & LUC 2017-255) dated 30 May 2017 in respect to the proposal to develop the rural zoned land of this site. ORC's concerns relate to an increase in potential and residual natural hazard risk as a result of the proposed

development. ORC's technical experts will address these issues. ORC's submission also addressed matters of a planning nature which my evidence will focus on.

High Class Soils

9. The DCC planner's report gives reasons for declining the consent in respect to high class soils.
10. The planner's report recognises that the Environment Court's decision on Plan Change 14 discussed that there was no justification for the loss of high class soil.
11. In respect to high class soils, the planning report's recommendation gives effect to the policies and objectives of both the operative Regional Policy Statement for Otago (RPS) and the Proposed Regional Policy Statement for Otago (PRPS – the Decisions version dated 1 October 2016).
12. Policy 5.5.2 of the operative RPS promotes the retention of existing high class soils.
13. While the PRPS does not have full weight yet due to appeals, section 104 of the RMA requires that regard is given to its provisions.
14. Objective 3.2 of the PRPS and its policy suite relates to identifying, protecting and enhancing Otago's highly-valued natural resources. High Class Soils are a subset of what the PRPS classifies as significant soils. Policy 3.2.18 requires that areas of significant soils are protected. Policy 5.3.1 requires in rural areas that activities must minimise the loss of significant soils.
15. In a recent decision, DCC declined development on land in Outram which contained high class soils (91 Formby Street). While acknowledging the site had limited agricultural use (a matter the Environment Court did not consider as justification for allowing high class loss in PC-2012-14), DCC recognised its requirement to sustainably manage high class soils under the RMA. This decision supports the planning report's recommendation to decline development of the rurally zoned area of 94 Holyhead Street.

Section 106 of the RMA

16. Section 106 of the RMA addresses certain circumstances in which consent for subdivision may be declined

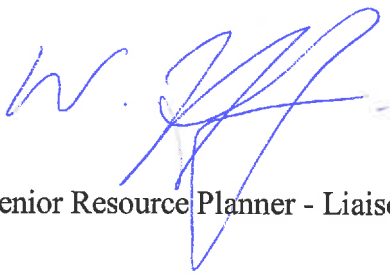
17. The applicant has not yet confirmed a stormwater management proposal with sufficient detail, and that is acceptable to ORC, for the site. ORC does not support the applicant's preferred option for disposing of stormwater via a pipe over the ORC's floodbank to the Taieri River. I understand the applicant's request for bylaw and designation approval from the ORC to enable this option has been declined.
18. The applicant has indicated to ORC it may have an alternative option for disposal of stormwater from the storage pond but sufficient detail has not been provided to ORC. ORC expects the applicant may address this further at the hearing.
19. Overall, the ORC agrees with the recommendation in the planner's report that, on the information provided by the applicant to date, there is insufficient evidence to be confident that the effects of stormwater on the site will not have more than a minor effect on the land or the proposed housing development. This is particularly important given the recent example in July 2017 where the storm event resulted in flooding throughout the wider Taieri area, including Outram.
20. ORC's technical experts have addressed where further information is required before there can be greater confidence that the proposed development will not have an adverse effect on the ORC's flood protection assets that provide protection to not only the site, but the wider Outram community. These matters are listed in point 23.
21. If the panel considers there is significant risk from natural hazards, it may consider declining the application for subdivision consent.

Conclusion

22. ORC considers that there is insufficient information for consents to be granted at this time in respect to the matters listed in point 23.
23. Three matters require specific consideration, being:
 - A stormwater management proposal;
 - An assessment of liquefaction vulnerability risk for the site;
 - Further information to demonstrate that during construction and operation, the stormwater detention pond will not compromise the integrity of the ORC floodbanks.

A sufficiently robust stormwater management proposal should be provided in support of the application. It should be sufficient that the panel can be confident that, if granted, a condition of consent would be appropriate requiring a detailed design for the proposal to be provided at a later stage.

24. Any uncertainty of natural hazard risk must be considered pursuant to section 106 of the RMA.
25. Further, the proposed use of the land would result in the loss of high class soils for primary production. This is inconsistent with the objectives and policies of both the operative RPS and decisions version of the PRS. The recent DCC decision on an application to develop 91 Formby Street in Outram supports not granting consent for the applicant's proposed development due to the loss of high class soils.

A handwritten signature in blue ink, consisting of stylized initials and a surname, positioned above the title.

Senior Resource Planner - Liaison