

Before the Hearing Committee in Dunedin

Under: the Resource Management Act 1991

In the matter of: an application for resource consent (LUC 2017-49 & SUB 2017-49) to subdivide the land into 15 residential lots , a pedestrian access way, with three lots having access to Mountford Street (SH87).

By: Balmoral Developments (Outram) Ltd
Applicant

Before: **Dunedin City Council**
Consent Authority

STATEMENT OF EVIDENCE OF JULIE ANNE MCMINN



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Introduction and Qualifications

- (1) My name is Julie McMinn. I am a Consultant Planner with the Dunedin Regional Office of the NZ Transport Agency. I am on secondment from and am employed by Opus International Consultants as a Principal Planner.
- (2) I hold the qualifications of Diploma of Regional and Resource Planning from Otago University a Bachelor of Science and post Graduate Diploma in Engineering Geology from Canterbury University. I have 20 years planning experience.
- (3) I am authorised to make the following comments on behalf of the NZ Transport Agency (Transport Agency).
- (4) I have also have with me today Mr Graham Hall the Manager, Systems Management – Lower South Island. Mr Hall is here to answer any questions the commissioners may have around the Transport Agency investigation of the blocked culvert under SH87 but will not be providing any written evidence.

Scope of Evidence

- (5) My statement will address the following matters:
 - The Transport Agency – its statutory objective and role and the reason for its involvement in this process;
 - the strategic significance of the State highway system;
 - the role and characteristics of State Highway 87;
 - the Transport Agency's submission;
 - Planner's Report and Alternative Layout;
 - Applicant's evidence – Storm water;
 - Conclusion.

NZ Transport Agency

- (6) The Land Transport Management Act (LTMA) defines the objective of the Transport Agency as to undertake its functions in a way that contributes to an effective, efficient, and safe land transport system in the public interest land transport system (section 94).
- (7) When carrying out its functions (section 96), one of the operating principles the Transport Agency must exhibit is a sense of social and environmental responsibility.

- (8) It is from this premise that the Transport Agency submitted on this proposal.

Strategic Significance of the State Highway System

- (9) In a national context, State highways form an integrated national network of inter-regional and inter-district routes, and major urban arterials. While State highways form part of a wider roading network in New Zealand, the distinguishing functions of State highways among others are to:

- Connect major centres of population;
- Provide access to ports, airports, major industrial areas, major primary production areas and major tourist areas; and
- Service major urban corridors.

- (10) I am aware that case law has affirmed that the State highway network is a physical resource of national importance under the Resource Management Act 1991.¹

The role and characteristics of State Highway 87

- (11) The State highway is defined in the One Network Road Classification as a Secondary Collector Route. Secondary Collector routes link population and economic sites. They may be the only link available in some local areas.
- (12) The value and importance of State Highway 87 is obvious in this context. It connects several places of significance to Otago, the Taieri Plains, Strath-Taieri Valley particularly connecting Mosgiel and Outram and a number of small rural towns including Lee Stream, Clarks Junction, Sutton, Middlemarch and Hyde before terminating at Kyeburn east of Ranfurly at the intersection with SH85.

NZ Transport Agency Submission

- (13) The Transport Agency lodged a neutral submission. The submission outlined safety concerns around the existing poor sight distance visibility towards Outram along SH87 from the existing access into the subdivision.
- (14) The submission sought to have a number of conditions attached to the consent if the committee was of a mind to grant the consent.

¹ *Auckland Volcanic Cones Society Inc v Transit New Zealand* [2003] NZRMA 316 (HC) 327–328.

Planner's Report

- (15) I note in the section 42A report the Planner/Engineer discusses the Transport Agency submission in relation to the request to impose a building line restriction over Lots 3,4,5, and 6. I acknowledge that although the Transport Agency remains concerned about sight distance visibility in this location the requested condition cannot be imposed as part of this consent.

- (16) The Planner/Engineer also discusses the Transport Agency's suggested condition that the proposed pedestrian access way is converted to a right of way to enable vehicle access for Lots 42,45 and 46 on to the cul de sac. They agree with the intent of the suggested conditions but would prefer that the access way is left as a walkway. Instead, they suggest alternative provisions should be explored to enable them to be accessed from the cul de sac. If another alternative access arrangement can be identified where these Lots do not have access from SH87 or conditions to this effect are imposed on the consent then this would satisfy the Transport Agency's concerns over this matter and the condition requested in our submission would be unnecessary.

- (17) The Planner also notes on page 17 of their report that there is a possibility to change the layout and access of the subdivision. The alternative layout could use Lots in the adjacent consented subdivision (SUB-2017-32) as a ROW and reduce the number of accesses onto the highway.

- (18) I also note that the applicant has picked up this thread and offered an alternative layout for the subdivision as part of Mr Bowen's evidence where all internal allotment accesses would be from Holyhead Street and a new internal road for both the current application and the adjacent earlier consented subdivision SUB-2017-32. This alternative layout would remove all proposed accesses from SH87.

- (19) The Transport Agency would strongly support the alternative layout as suggested by Mr Bowen. The removal of accesses from the highway would help mitigate the potential for adverse safety effects on the highway resulting from the location of the proposed accesses on a section of the highway with poor sight distance visibility.

- (20) Unfortunately as pointed by Mr Bowen the alternative layout can only occur as a consent variation to SUB-2017-32 and a variation to the current application if consent is granted. It therefore does not resolve the Transport Agency's safety concerns around the current application unless some other layout specific to the application can be proposed to mitigate our concerns.

Applicant's Evidence – Storm water

- (21) The applicant provided further information dated the 31 August 2017 after submissions closed to provide comment on the effects of the flood event that occurred on the 22 July 2017. This information included the comment that flooding was exacerbated by a blocked culvert under SH87. Comment was also made on the Preliminary Storm water Management Plan for the site which notes one key component was the continued use of the 375mm diameter drain under SH87 to the west of the subdivision. This particular culvert also directs water to the Otago Regional Council (ORC) scheduled drains in the area.
- (22) The applicant's Water Resource Engineer Mr Dent also notes in his evidence if the Proposed Storm water Management Plan including the pump station is put in place the amount of water being discharged to the ORC scheduled drains from the site would be reduced. Although the area between SH87 and Holyhead Rd southwest of the site and from the SH87 carriage way would continue to drain through the culvert under the highway.
- (23) However, if the Proposed Storm water Management Plan continues to be developed and the applicant requires or is required to assess the capacity of the culvert under the highway as part of their Storm water Management Plan then any requested upgrade to the culvert would be required to be designed and constructed to the appropriate Transport Agency design standard and would be at the applicant's cost. Any works required within the State highway corridor would also be subject to an approval process under the Government Rounding Powers Act

Conclusion

- (24) The objective of the NZ Transport Agency is to operate the State highway system in a way that contributes to an integrated, safe and sustainable land transport system.
- (25) For the reasons that I have stated, I recommend that if you are of a mind to grant consent that you do so subject to either of the following conditions:
- *That proposed Lot 50 is widened to become a right of way for vehicle access to Lots 42, 45 and 46 from Lot 48. A vehicle restriction will be constructed at the northern end of the right of way to prevent through traffic*

OR

- *That the layout shall be revised so that Lots 42,45 and 46 can be accessed from the cul-de-sac (Lot 48), creating a Right of way easements as necessary.*

Julie McMinn

8 November 2017