

**Before a Panel Appointed by the
Dunedin City Council**

In the Matter of the Resource Management Act 1991 (**RMA**)

And

In the Matter of Proposed Variation 2 of the Second Generation
Dunedin District Plan – Appeals Version (**2GP**)

**Brief of Evidence of Emma Rayner Peters
on behalf of Dunedin City Baptist Church
(Submission 239 – GF08)**

Dated 5th August 2022

Background

1. My name is Emma Rayner Peters. I hold a BA and LLB both from the University of Otago and a First Class Honours degree and MA with Distinction, both from the University of Canterbury. I have worked as a solicitor in the areas of commercial and environmental law. I have been the principal of Sweep Consultancy Limited since 2003 providing resource management advice predominantly in the Dunedin City, Clutha, Waitaki, Queenstown Lakes and Central Otago districts.
2. I have prepared this evidence based upon my investigations and knowledge of the submissions and Variation 2 of the Dunedin City Second Generation District Plan Appeals Version including Council's s42a report and evidence from Council staff.
3. I acknowledge we are not before the Environment Court. However, I have read the Code of Conduct for Expert Witnesses within the Environment Court Consolidated Practice Note 2014 and I agree to comply with that Code. This evidence is within my area of expertise, except where I state that I am relying on the evidence of another person. To the best of my knowledge, I have not omitted to consider any material facts known to me that might alter or detract from the opinions expressed in this evidence.

Notification of Variation 2

4. GFO8 which contains the land located at 19 Main South Road, Concord was notified as being rezoned from *Rural – Hill Slopes* to a mixture of *General Residential 1* and *General Residential 2* pursuant to Variation 2 of the 2GP – see Figure 1 below. GFO8 contains approximately 7.3 hectares.



Figure 1: GFO8 as Notified¹.

¹ Source: s42a report page 106.

Submission 239 from Dunedin City Baptist Church

5. A submission was made on behalf of Dunedin City Baptist Church supporting rezoning of change area GF08 from *Rural – Hill Slopes* to a mixture of *General Residential 1* and *General Residential 2* pursuant to a structure plan with the Dunedin City Baptist Church seeking to amend GF08 so that all of GF08 is rezoned *General Residential 2*. The Dunedin City Baptist Church owns the land contained in GF08 and has its church facility within the site.

S42a Report

6. The reporting planner recommends in the s42a report at page 109 that: *“In addition to the criteria specified in Policy 2.6.2.1, rezoning to a medium density zoning such as General Residential 2 requires consideration of additional factors as set out in Policy 2.6.2.3. In particular, this includes being close to public transport and other facilities/amenities, having lower quality housing stock more likely to be able to be redeveloped, having topography that is not too steep, receiving reasonable levels of sunlight, and having market desirability.*

The section 32 report states that the site meets the above criteria and is suitable for General Residential 2 where the slope allows higher density development. I understand that the site owners originally sought rezoning to a mix of GR1 and GR2 density, although they now seek GR2 for the entire site. I agree that the site as a whole, broadly aligns with the criteria for medium density zoning specified in Policy 2.6.2.3. While some small sub-areas of GF08 have slopes of up to 15 – 20 degrees, the vast majority of the site has a slope of less than 12 degrees...Overall, I consider that more of the site is suitable for General Residential 2, as the areas of higher slope appear small and discrete, and if necessary can be managed through subdivision design. However, balanced with this is the need to ensure development is undertaken at a density that appropriately considers the reverse sensitivity issues outlined above.”

7. The reporting planner continues at page 110 stating: *“Based on the above, I am not opposed to extending General Residential 2 zoning over more of the site. However, this is conditional on further discussion at the hearing with respect to identifying any additional development controls needed to mitigate potential adverse effects from reverse sensitivity. It may be the case the higher density development is not appropriate for areas in close proximity to the motorway and/or structure plan rules are required to manage these effects.”*

Council Site Assessment of GF08

8. Council undertook a site assessment of GF08 against rezoning criteria which determined that the site rated quite well for rezoning to a mixture of *General Residential 1* and *General Residential 2* with any issues arising being 'manageable'².

Other Submissions

9. Five other submissions or further submissions were received on GF08
- *Dunedin City Council* (submission 187) supported GF08 but sought an amendment in relation to restricting vegetation clearance within 5m of the waterbody identified on the structure plan.
 - *Professor Yolanda Van Heezik* (submission 82) supported GF08 but sought amendments so that: (a) housing footprints are minimised as is loss of private gardens to hard landscaping; (b) require protection of vegetation cover at sites adjacent to major biodiverse areas; and (c) in new development areas require biodiversity protection and easement measures to ensure no overall reduction in vegetation area or fragmentation of existing vegetation corridors.
 - *Andrew Rutherford* (submission 71) opposed GF08 due to concerns about reverse sensitivity including SH1. The *Southern Heritage Trust* put in a further submission supporting Mr Rutherford's submission (further submission 226).
 - *Waka Kotahi* (submission 235) opposed GF08 unless a specific assessment of GF08 is undertaken to determine if there needs to be additional developmental controls to mitigate potential effects on the motorway prior to rezoning of this area.

Comments from Dunedin City Baptist Church (Submission 239)

10. The submitter supports the recommendation made by the s42a reporting planner that all of GF08 be rezoned General Residential 2. In the interests of completeness, the submitter makes comment on the following items.

² See Appendix C.8 of the s42a report – copy appended at Appendix 2.

Background to the Church

11. Mr Mike Simpson, who is a Pastor at the Dunedin City Baptist Church, states:
"Dunedin City Baptist Church (DCBC, formerly Hanover Street Baptist) has a long and rich history in Dunedin. The church has existed since 1863 being one of the first churches in Dunedin and one of the first Baptist churches in New Zealand. In 1864 it constructed a church on the corner of Hanover and Great King Street and then after significant growth a Sunday School block was built adjacent in the 1880's. Due to further growth, in 1910 the existing church building was demolished and the current brick building was built.

Right from the start the church had a vision to reach outwards. In its first few years DCBC was instrumental in starting many other Baptist churches in the city and played a key role in organising our national organisation, the Baptist Union of New Zealand and founding the Baptist Missionary Society, becoming the first Baptist church in New Zealand to send missionaries to serve the poor overseas. In the late 1880's after the Sunday School Room building had been built it was offered as a free reading room to the city in the absence of a public library and work was begun to care for Chinese immigrants who had settled in Dunedin after the Central Otago gold rush.

While we no longer occupy Hanover Street, having outgrown and sold that building in the 1990's, we remain committed to caring for and serving our city. Our new building at 19 Main South Road (the first stage of which has been finished since Dec 2015), was designed to be a modern multifunctional facility useable for our own purposes (for open public church services, children's programs, youth work etc), for funerals and weddings, and for the local community. It is frequently hired by community groups, schools, education groups, NZ robotics, and individuals for community events, performances, seminars, workshops, conferences, fitness classes and even children's parties.

A number of our initiatives and programs reach out into the community around us. Servants Health Centre (on Princes Street), Concord after-school ministry, free public Fitness and Pilates classes, free music and movement for mothers with pre-Schoolers, are examples. Additionally, our grounds now host a community garden providing free vegetables through a food bank and food kiosk as well as a free firewood ministry.

Since purchasing the 19 Main South Road site in 2006 we have been aware of the

amazing potential that such a large site offers to allow DCBC to pursue its aims of being a citywide church, reaching out to and serving the city. Until this point, we have been focused on building our first stage and developing plans for the second stage to complete our church building. The opportunity of rezoning opens up the possibilities for us to develop and contribute further to our surrounding community and the wider city – social housing, landscaping to promote community, possible subdivision/selling portions of the site to fund other developments or even investigate aged care, early childhood and other housing options. We have only just begun dreaming about what we could do on those fronts. Times are currently very tough but we want to continue to be an active part of the community, a beacon of hope, helping people's physical, mental & spiritual wellbeing and sense of connection to community."

Vegetation by Stream & Landscaping as Part of Development

12. Submission 187 by the Dunedin City Council seeks to amend the structure plan Rule 15.8.AB in relation to management of vegetation clearance close to the stream on the southern boundary of the site being Stevensons Creek, a tributary of Kaikorai Stream.
13. The Dunedin City Baptist Church always planned to retain the riparian planting its members have undertaken in relation to Stevensons Creek and for which it received a grant. As such, the Dunedin City Baptist Church supports the reporting planner's recommendation that the amendments to Rule 15.8AB be adopted³.
14. The Dunedin City Baptist Church supports the reporting planner's recommendation that a *Variation 2 Mapped Area* is applied to any part of GF08 that is zoned General Residential 2. The *Variation 2 Mapped Area* provides for minimum landscaping requirements in General Residential 2 zones in response to the submission by Professor Yolanda Van Heezik as well as others.

New Development Mapped Area & Subdivision Performance Standards

15. The reporting planner recommends applying a '*New Development Mapped Area*' to GF08. Performance standards attaching to NDMA's and pursuant to subdivision will ensure that detailed assessment and design with respect to items such as the transportation network, stormwater management, amenity plantings and community spaces form part of the subdivision design and consent process.

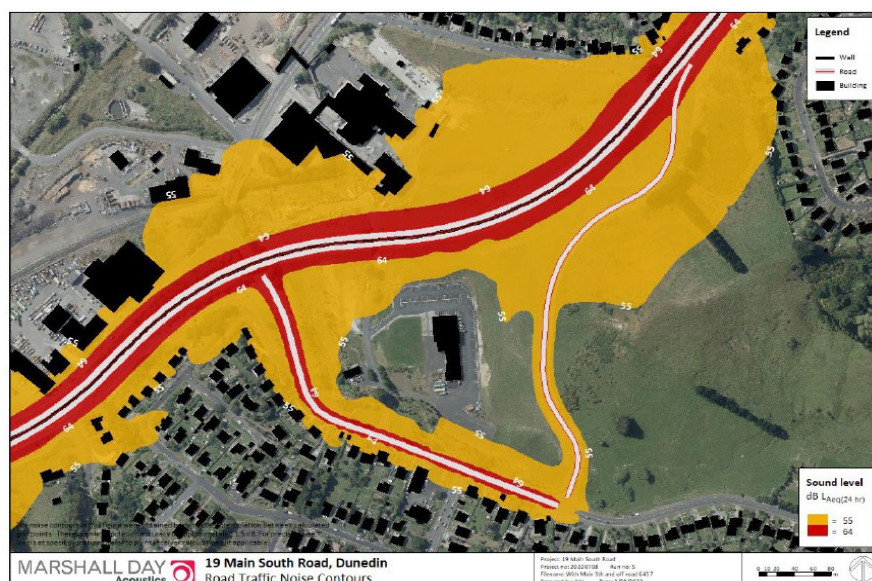
³ See s42a report page 26.

16. The reporting planner and Council experts are correct in their findings that these matters are best dealt with at the time of subdivision and do not present an obstacle for rezoning GF08 residential and in particular *General Residential 1*.

Reverse Sensitivity with Respect to SH1

17. The s42a report at page 107 states: *“Waka Kotahi suggests that due to the unique situation of the site (a high speed area where cars are braking and accelerating), the standard 2GP acoustic insulation rules may not be sufficient. It requests that an assessment is undertaken to determine if there needs to be additional development controls prior to rezoning. I acknowledge the concerns of Waka Kotahi. I agree that a specific assessment should be undertaken to identify whether any additional development controls are needed to mitigate potential adverse effects from reverse sensitivity. If this information is available at the hearing, any additional controls required could be incorporated into the proposed structure plan (Rule 15.8.AB). Alternatively, a requirement should be included in the structure plan rules for such an assessment to be undertaken prior to any development, to inform those processes.”*
18. The Dunedin City Baptist Church engaged Mr Brendon Shanks of Marshall Day Acoustics to undertake a preliminary assessment of GF08 with respect to reverse sensitivity (noise) in relation to SH1. Evidence from Mr Shanks has been filed with the noise assessment appended to that evidence..
19. The summary at page 4 of the noise assessment report states: *“Our assessment shows that areas of the site that are far enough away from SH1 may be developed without any specific noise controls. In other areas, development would be acceptable provided the construction of dwellings controls noise to provide a suitable internal noise environment. Noise levels in parts of the site that are close to SH1 would be inappropriate for residential development due to the elevated traffic noise levels. A noise barrier along the motorway could mitigate traffic noise and reduce the area of the site where no residential development or controls would be required. We consider that rezoning the site to ‘Residential’ would be acceptable, provided no development occurs within the high noise “Buffer area” and development in the “Effects area” achieves suitable internal noise levels. A detailed assessment of a proposed subdivision would be required at resource consent stage to refine where specific controls should be applied.”*
20. Figure 3 of the noise assessment report shows the approximate extents of the

'buffer' no build areas (shown in red) and 'effects' areas (shown in orange). Figure 3 has been reproduced below.



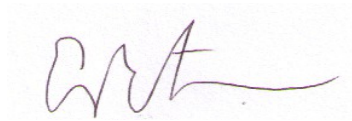
21. The red 'buffer' (no build) areas and orange 'effects' areas have been overlain on the structure plan. This means that the controls recommended in the noise assessment report can be included as performance standards attaching to the structure plan. These controls include:
 - A detailed noise assessment shall be conducted for future subdivision;
 - Dwellings shall not be constructed in areas with noise levels above 64 dB LAeq (24 hour) shown as the buffer areas on the structure plan; and
 - Façade construction shall achieve a maximum internal noise level of 40 dB LAeq (24 hour).
22. The façade requirements are set out in Table 2 of the noise assessment report reproduced below.

Dwelling location	Façade requirements
Within 40m of SH1 – Detailed assessment shows external noise level no greater than 64 dB LAeq (24 hour)	Compliance with 2GP rule 9.3.1 Maximum internal noise level of 40 dB LAeq (24 hour) in Living and Sleeping areas Mechanical ventilation and cooling will be required
More than 40m from SH1 – Detailed assessment shows external noise level between 55 and 64 dB LAeq (24 hour)	Maximum internal noise level of 40 dB LAeq (24 hour) in Living and Sleeping areas Mechanical ventilation and cooling will be required
More than 40m from SH1 – Detailed assessment shows external noise level less than 55 dB LAeq (24 hour)	No façade controls No mechanical ventilation will be required

Conclusion

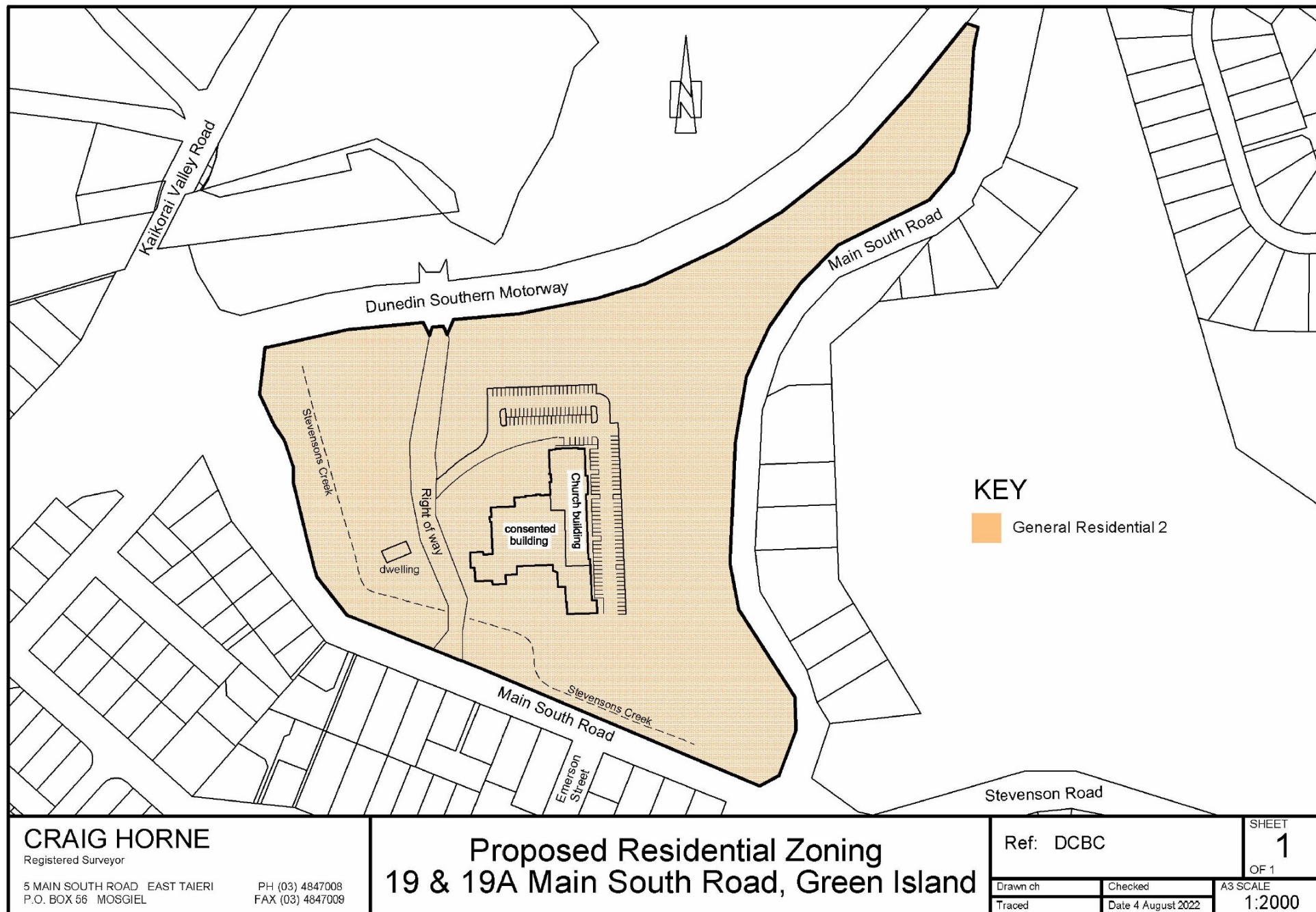
23. The s42a report concludes that GF08 meets the rezone criteria for General Residential 2. The reporting planner had reservations based on further submissions regarding reverse sensitivity in relation to SH1. The noise assessment report identifies a no build 'buffer' area and an 'effects' area in which residential development can occur provided that mitigation measures are undertaken in relation to the construction of dwellings. Both the no build 'buffer' area and the 'effects' area are now shown on the structure plan.
24. There are no impediments to all of GF08 being zoned *General Residential 2*.

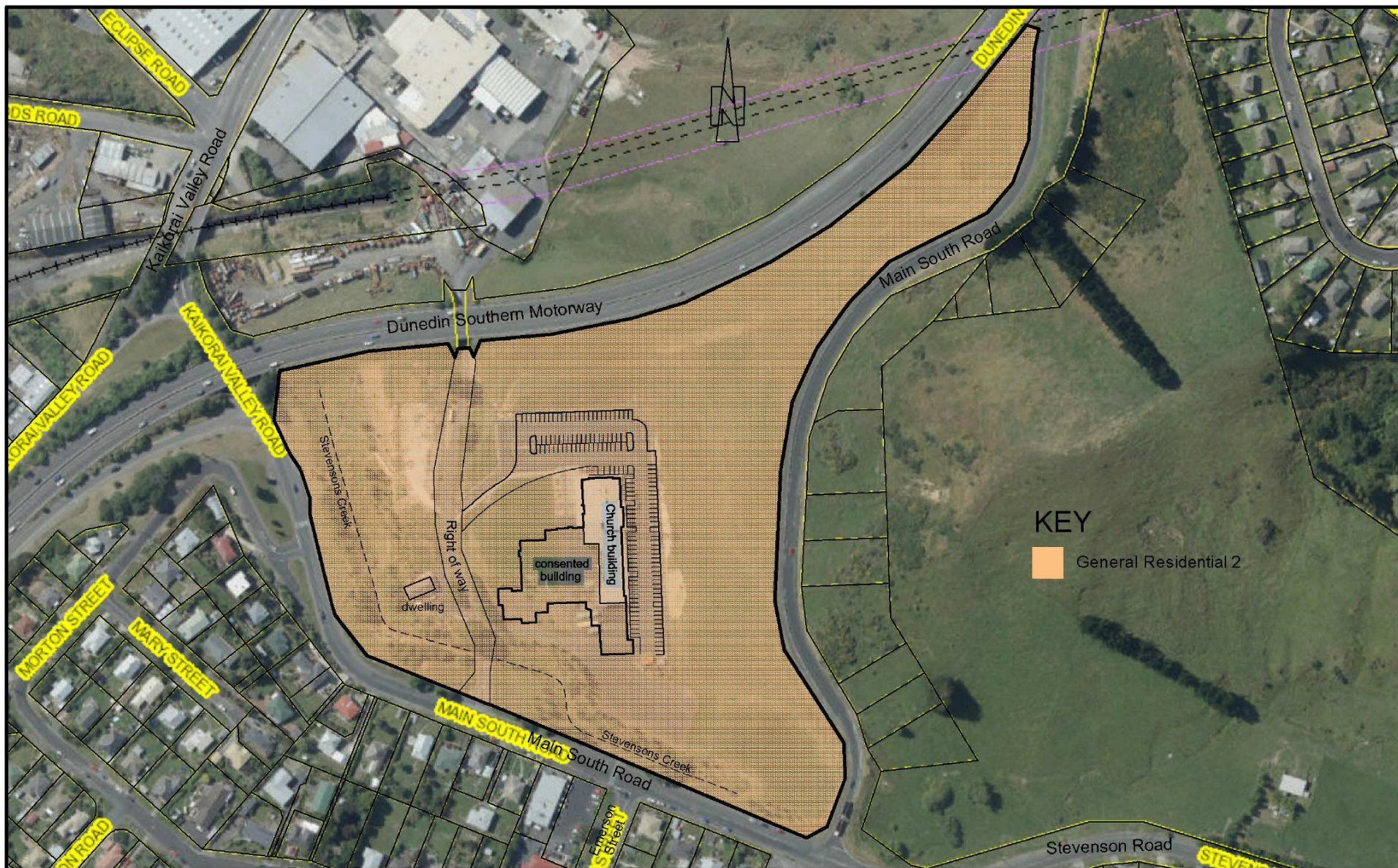
Dated this 5th day of August 2022

A handwritten signature in purple ink, appearing to read 'ERT', followed by a long horizontal flourish.

Emma Rayner Peters (BA (First Class Honours), MA (Distinction), LLB)

Appendix 1: Amended Structure Plan for GF08.





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Registered Surveyor

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Proposed Residential Zoning 19 & 19A Main South Road, Green Island

Ref: DCBC

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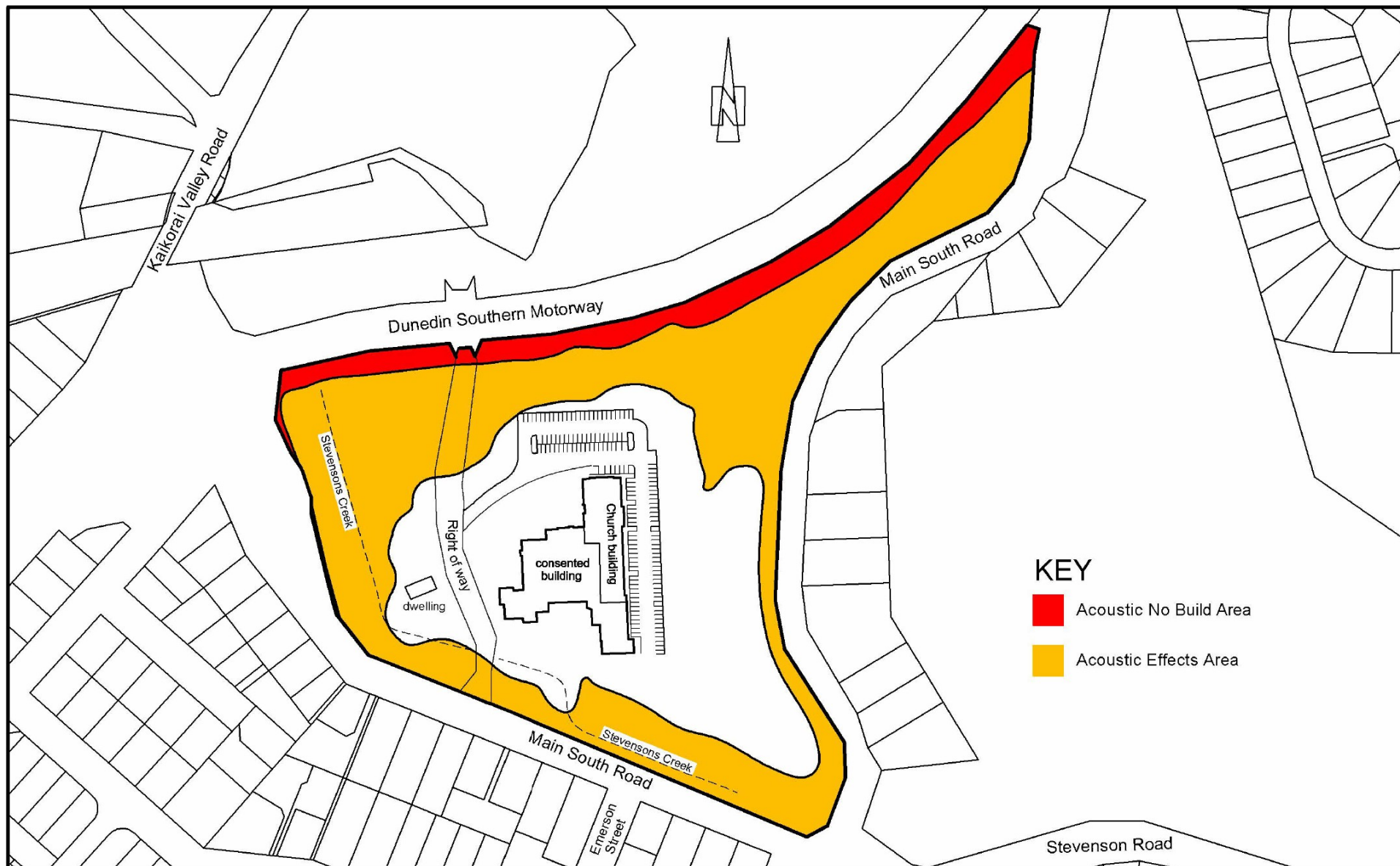
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Date 4 August 2022

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KEY

- Acoustic No Build Area
- Acoustic Effects Area

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Appendix 2: s42a Report Appendix C.8 Rezoning Assessment Sheet – GF08.

APPENDIX C.8 Rezoning Assessment Sheet – 19 Main South Road, Concord (GF08)		
SITE DETAILS		
Change Number	GF08	
Site outline image	 <p>Change GF08: Rezoning from Rural to General Residential 1 and 2 19 Main South Road, Concord</p> <p>General Residential 1 General Residential 2</p>	
Site Address	19 Main South Road, Concord	
Full area assessed	As shown in map above	
Site Area	7.4 hectares	
Current zoning	Rural (hill slopes)	
PROPOSAL DETAILS		
2GP Zone assessed	General Residential 1 / General Residential 2	
ASSESSMENT CRITERIA		
Slope	Some issues	The site generally slopes gently with some areas of moderate slope
Aspect - Solar access	Ok to poor	Generally southwest facing, and moderately sloping
Accessibility – Public Transportation	Very good	The site is within 100 metres from a high frequency bus route.

Accessibility - Centres	Poor	Corstorphine neighbourhood centre is approximately 1,900m away. Although not identified in the 2GP as a centre, there is also a small collection of services (hairdresser, takeaways and pub) in Concord, approximately 160m away.
Accessibility – Schools	Very good	Concord School (primary) is approximately 750 metres from the site.
Rural character/visual amenity	No issues	<p>The site is located in a small area of rural land surrounded by residentially zoned land, adjacent to the southern motorway. It has a large church building and car park within the site. Rural amenity and character values are low.</p> <p>(Updated 2022 comments): The existing assessment for GF08 is largely accurate, residential rezoning will have relatively low effects on existing landscape character values. It is noted, however, that the northern part of the site appears less suitable for residential development than the lower slopes, due to steep topography and the narrow form of this area between Main South Road and SH1. Protection of the area of native planting along the creek should be maintained. A buffer strip adjacent to SH1 should be created to maintain amenity.</p>
Impacts on productive rural land	No issues	
Reverse sensitivity	Some issues (manageable)	The site adjoining the Southern motorway (SH1). 2GP performance standards require acoustic insulation within 40m of a state highway.
Significant indigenous biodiversity	Some issues (manageable)	Native riparian revegetation plantings along the creek (a tributary of Kaikorai Stream) have been partially funded by DCC Biodiversity Fund grant. These are proposed to be protected through a structure plan rule.
Natural landscapes and natural coastal character	No issues	
Access to the coast and water bodies	Some issues (manageable)	There is a small watercourse on the site. Access can be considered during any subdivision application.
Significant Trees, heritage items, important vistas or viewshafts, important green or open spaces	No issues	
Natural Hazards	No issues	The site is assessed as having a low hazard level associated with slope instability.

Potable water supply	Some issues (manageable)	Minimal network extension required. Some downstream network upgrades required. The 10 year plan includes funding for all costs associated with extending 3 Waters servicing to new sites, where this is necessary or desired. The 10 year plan also includes the majority of funding required for existing network upgrades across the city, however the exact upgrades funded aren't yet confirmed.
Wastewater supply	Some issues (manageable)	Minimal network extension would be required. There is a 375mm trunk main adjacent to the site but DCC is unable to determine the capacity of the network due to a lack of information. There are also several rising mains discharging into the trunk main immediately downstream from the site. The discharge from these rising mains is not known, however if they are flowing at full capacity the trunk main capacity may not be adequate. Some downstream network upgrades would be required. The 10 year plan includes funding for all costs associated with extending 3 Waters servicing to new sites, where this is necessary or desired. The 10 year plan also includes the majority of funding required for existing network upgrades across the city, however the exact upgrades funded aren't yet confirmed.
Stormwater management	Some issues (manageable)	Stormwater from the site (and further upstream) flows through a culvert to the west of the property. The capacity of this culvert is not known but based on a high level assessment and contours, the culvert appears to have adequate capacity to accommodate development within the proposed site. Discharge is to the Kaikorai Stream and attenuation of flows on the site is likely to be required.
Transport effects (local)	Some issues (manageable)	<p>There may be a requirement for traffic calming in the form of speed humps / raised tables along this section of Main South Road. The access will need to be carefully considered at the time of subdivision.</p> <p>(Updated 2022 comments): Any new roading and intersections would be expected to comply with the Dunedin Code of Subdivision, Austroads Guide to Road Design Part 4A – Unsignalised and Signalised Intersections, and NZS 4404:2010 – Land Development and Subdivision Infrastructure. It is considered that such matters can be addressed at the time of subdivision</p>
Transport effects (wider network)	Some issues (manageable)	<p>There are a number of existing issues with the Kaikorai Valley 'on and off' ramps from the SH1 southern motorway. This intersection is currently being assessed with a view to installing roundabouts to improve SH1 access and egress arrangements.</p> <p>(Updated 2022 comments): It is considered that the transport infrastructure in the vicinity of the site is generally sufficient to support a development of this size. It is not anticipated that any significant upgrades to existing transport infrastructure would be necessitated by the rezoning.</p>
Compact city –	No issues	

proximity to existing residential areas		
Compact city - ability to develop land efficiently	Very good	Estimated feasible capacity 32 - 54 dwellings under a mix of General Residential 1 and General Residential 2 zoning.
Effects on Manawhenua values	No issues	
Issues for: <ul style="list-style-type: none"> • network utility operators • Southern District Health Board • Ministry for Education • FENZ 	No issues	
Other constraints on development (encumbrances, owner aspirations, appeals)	Some issues (manageable)	The site is subject to a number of easements, an encumbrance and other matters. It is not clear of the impact of these on development of the site. However, the site owners have requested rezoning to a mix of GR1 and GR2 density, so it is presumed that these matters will not significantly affect development.