

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

Under the Resource Management Act 1991 (**RMA**)

In the Matter of Hearing 4 of the Proposed Variation 2 (Additional
Housing Capacity) of the Second Generation Dunedin
District Plan – Appeals Version (**2GP**)

By **Ron & Suzanne Balchin**

**Brief of Evidence of Emma Rayner Peters
on behalf of:**

Ron & Suzanne Balchin
(Submission 229 – GF05 & GF05a)

Dated 15th 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.

Notificaton of Variation 2

4. GFO5 which contains land located at at 353 Main South Road, Sunnyvale was notified as being rezoned from *Rural Residential 2* to *General Residential 1* pursuant to Variation 2 of the 2GP – see Figure 1 below. GF05 contains approximately 11 hectares.

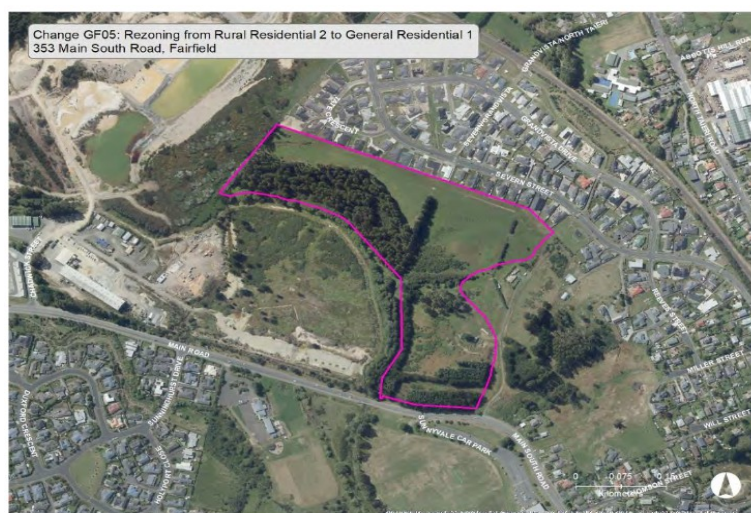


Figure 1: GF05¹.

¹ Source: s32 Report, Appendix 6.5 – copy appended at Appendix 1.

Submission 229

5. A submission was made on behalf of Ron and Suzanne Balchin in support of change area GF05 located at 353 Main South Road being rezoned from *Rural Residential 2* to *General Residential 1*². A submission was also made to rezone the area east of the existing residential dwelling and allow one dwelling in this area. Ron and Suzanne own 353 Main South Road.

S42a Report

6. The reporting planner recommends in the s42a report at page 96 that: *"As noted above, I am unable to recommend rezoning based on the hazards information currently available. I therefore recommend that the zoning remain Rural Residential 2 and that the submissions seeking rejection of Change GF05 are accepted. Should the Panel consider that zoning is appropriate, I would recommend that an additional rule is included within the existing structure plan (Rule 15.8.Y), as discussed above. This is: - A requirement for a road linking Severn Street with Main South Road...The other expert evidence obtained does not oppose rezoning GF05a as proposed by the submitter. However, given Santec's advice, I do not recommend rezoning GF05a, even for a single building platform."*
7. The s42a details the submissions and further submissions and canvasses these in relation to topics discussed.

Further Geotechnical Information

8. The submitters engaged GeoSolve who have undertaken subsurface investigations of GF05 and GF05a and have produced a report appended to the evidence of Mr Mrak Walrond.
9. In relation to GF05, the report concludes at page 7: *"...risk of slope stability for most of the property (GF05 area) can be managed by ensuring that sufficiently detailed geotechnical investigation is in place to support subdivision intentions and design is applied at the design stage for individual dwellings, depending on their eventual locations and construction styles. In addition, any proposed earthworks should be subject to specific geotechnical assessments to ensure that these do not promote global slope instability and this work should include determination of bedrock persistence, bedrock dip angles and any potential zones*

2 Original submission 229.

of shearing. These items can be addressed during preparation of future geotechnical report to accompany the subdivision consent application and individual building consent applications.

Particular emphasis on geotechnical advice should be applied to any proposal for residential development on land steeper than 15 degrees or within the gully area/Miller St landslide shown approximately on Figure 6. These areas may be better suited to reserves, however with sufficient engineering and acceptance of risk, some areas such as these could be considered for development."

10. In relation to GF05a, the report concludes at page 8: *"Our main recommendation in landslide terrain is to ensure that structures are piled with easy access underneath to enable re-levelling in the event of any movement. The general intent should be to minimise earthworks as far as possible..."* The report goes on at page 9 to set out nine specific recommendations in relation to the single proposed site within GF05a.

Other Matters Raised in Further Submissions & s42a Report

11. Comment on behalf of the submitters is made in relation to each of the following matters.

Reverse Sensitivity

12. In relation to the submission of Fulton Hogan, the submitters agree with the reporting planner's statement at page 93 that: *"...I note that the Grandvista subdivision immediately north of GF05 is also located adjacent to the Scheduled Mining Activity SMA004. There is no setback in place for the Grandvista subdivision, with dwellings constructed close to the boundary. It seems unlikely that effects on dwellings in GF05 would differ from those in Grandvista, such that additional reverse sensitivity issues were of concern."*
13. The submitters note that there is currently approximately 95m from the boundary of GF05 to the closest worked face of the quarry, with Fulton Hogan's land directly to the east of GF05 rising to a point approximately 12m higher in elevation – see Figure 1 below. In these circumstances there is no need for a planted buffer.

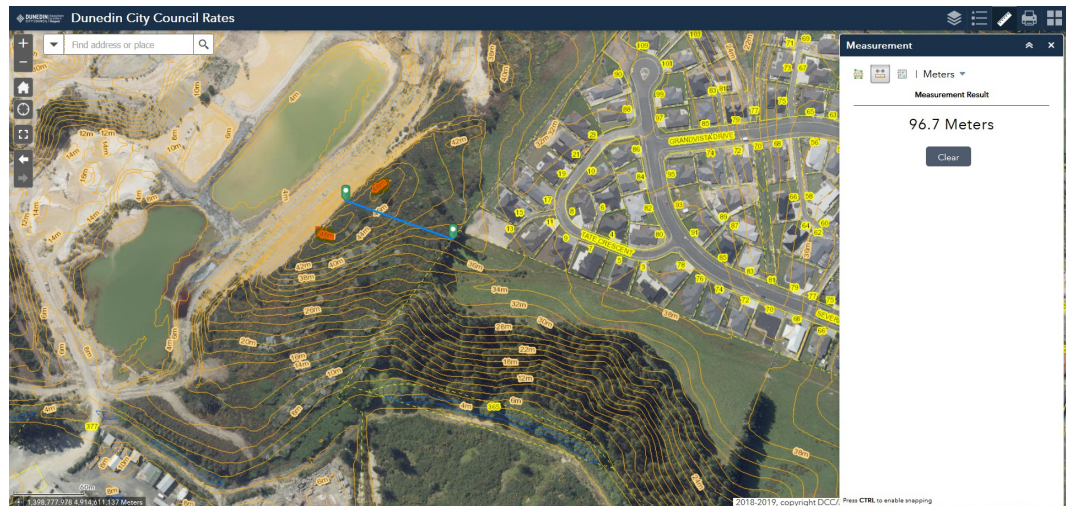


Figure 1: Approximate Distance to Quarry Face & Rising Elevation.

14. With respect to the Tuapeka site at 375 Main South Road, the submitters note that there already exists a band of trees within the Tuapeka site and/or Council owned reserve land at 365 Main South Road and/or legal road as shown in Figure 2 below. These trees are controlled by Tuapeka, trees located within 375 Main South Road, and Council respectively. Again there is no need for a planted buffer with respect to the boundary with 375 Main South Road.



Figure 2: Band of Trees Located within 365 (Reserve) and 375 (Tuapeka) Main South Road.

15. Both the Tuapeka land and the Fulton Hogan land is zoned Industrial. As such, any purchasers of future lots within GF05 will be well aware that industrial activity exists within this zone. That industrial activity still needs to comply with relevant performance standards or consent conditions relating to noise, air quality and the like.
16. The submitters propose that a performance standard be included in the structure plan rules that residential units must be located a minimum of 12m from the boundary of GF05 with either 375 Main South Road or 377 Main South Road as the case may be.

Transport

17. The submitters agree that a link road between Severn Street and Main South Road should be provided through GF05. The alignment of that connecting road is to be in alignment with the existing 150mm water pipe and corresponding easement that connects from Severn Street through 48 Severn Street and GF05 to Main South Road as shown in Figure 3 below.

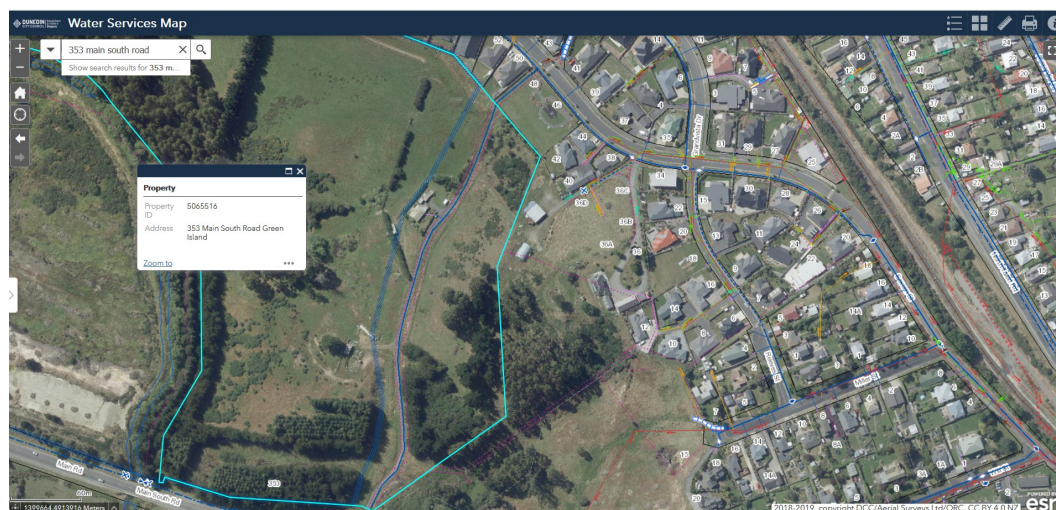


Figure 3: Alignment of Link Road to Follow Existing Easement for 150mm Water Pipe.

Rural Character & Amenity

18. The submitter agrees with the reporting planner's statement at page 95 that: *"I acknowledge the recommendations of Mr McKinlay above. As discussed earlier, if rezoning does proceed, provision of an outdoor amenity space would be dealt with at the time of subdivision. I do not consider it appropriate to require that greenspace is provided along the entire northern boundary of GF05, given this is the flatter area of the site and the most readily developable area of the site with respect to slope. The effects of concerns are limited to a small number of joining residents. Mitigation is not required to address broader landscape issues. Likewise, I do not consider that this is necessary or appropriate to limit dwelling heights within the rezoning area, for the reasons set out under the discussion on general amenity above."*

3 Waters

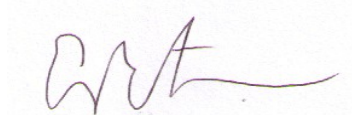
19. The s42a report states at page 96: *"The original section 32 assessment noted a number of 3 Waters upgrades that would be required for development of this site. 3 Waters has advised that the 10 year plan includes funding for all costs associated with extending 3 Waters servicing to new sites, where 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."

Conclusion

20. GF05 rates well against the 2GP rezoning criteria as demonstrated by the s32 analysis. GF05a was excluded from notification due to concern over slope stability hazard risk.
21. The only impediment to rezoning raised in the s42a report was certainty with respect to potential slope stability hazard. Subsurface investigations have now been undertaken by GeoSolve and a report produced. The test pits established that GF05 can be rezoned residential with a structure plan rule requiring detailed geotechnical investigation at the time of application for both subdivision and building consent as per the recommendations contained in the GeoSolve report. Likewise, GF05a can be rezoned subject to the same requirements with respect to further geotechnical investigation but also with the nine specific recommendations set out at page 9 of the report.
22. This rezone site is located within City boundaries. It rates well with respect to the compact and accessible city criteria. The site will provide much needed zoned capacity that will become available to the market in this sought after area.

Dated this 15th day of August 2022

A handwritten signature in purple ink, appearing to read 'ERT', is written over a light blue rectangular background.

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

		west direction.
Accessibility – Public Transportation	Very good	The nearest high frequency bus stop is approximately 400m away
Accessibility - Centres	Ok	Green Island principal centre is approximately 900m away.
Accessibility – Schools	Very good	Abbotsford School (primary and intermediate) is approximately 480m away, accessed by foot through the Grandvista subdivision. Te Kura Kaupapa School is 150m from the southern part of the site. St Peter Chanel School and Green Island School (primary and intermediate) are within 1.5km.
Rural character/visual amenity	Some issues	The rural character in this location consists of grazed farmland, trees and scrub. Residential development will result in loss of some of this green area but will have a minor impact on rural character and visual amenity on a wider scale.
Impacts on productive rural land	Some issues	The majority of the site is mapped as having LUC Class 3 soils. A small area of the site contains high class soils mapped area. Overall, this site is assessed as having relatively low productive value.
Reverse sensitivity	Some issues (manageable)	The site adjoins a scheduled mining activity. A setback of 200m from the boundary is required for housing. This will reduce development potential at the western end of the site unless resource consent can be obtained to reduce this setback.
Significant indigenous biodiversity	No issues	
Natural landscapes and natural coastal character	No issues	
Access to the coast and water bodies	No issues	
Significant Trees, heritage items, important vistas or viewshafts, important green or open spaces	No issues	
Natural Hazards	Significant issues (manageable)	This site assessment has indicated a high-level hazard associated with slope instability. An area on the eastern part of the site is subject to landslide hazard. Extensive geotechnical assessment is required in relation to any earthworks or development. The western part of the site has been identified as being of lower risk with

		potentially developable sites. As a result, the eastern part of part is not proposed to be rezoned. Part of the remaining area will be subject to a structure plan requiring geotechnical investigation prior to any development.
Potable water supply	Some issues (manageable)	Some network upgrades required and are budgeted in the draft 10 Year Plan.
Wastewater supply	Significant issues (manageable)	Significant infrastructure is required to connect site to the network. Some downstream wider network upgrades may be required and is budgeted in draft 10 Year Plan.
Stormwater management	Some issues (manageable)	Stormwater from the sub catchment travels via overland flow to Abbots Creek before flowing to the coastal marine area. Attenuation is required to mitigate erosion of the natural flow channels downstream of the site which may be caused by the development.
Transport effects (local)	Some issues (manageable)	Consideration of connectivity will be required at subdivision stage.
Transport effects (wider network)	Significant issues (manageable)	There are existing safety issues at the North Taieri Road / Severn Street intersection (railway bridge) where current visibility is limited. No improvements are currently planned/funded.
Compact city – proximity to existing residential areas	No issues	
Compact city - ability to develop land efficiently	Good	The site has an approximate feasible capacity of 49 dwellings under General Residential 1 zoning.
Effects on Manawhenua values	No issues	
Issues for: • network utility operators • Southern District Health Board • Ministry for Education • FENZ	No issues	

Other constraints on development (encumbrances, owner aspirations, appeals)	No issues	The site is subject to a 2GP appeal by The Coalition Preservation Trust to rezone the land from Rural Residential to Rural.