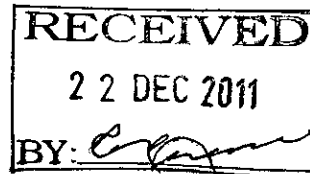


D 2011-5.

22 December 2011

The Planning Manager
Dunedin City Council
PO Box 5045
DUNEDIN



Dear Sir

**RE: REQUEST FOR PRIVATE PLAN CHANGE – BALMORAL
DEVELOPMENTS (OUTRAM) LTD
SECTION 73(2) AND CLAUSE (21) OF THE FIRST SCHEDULE OF THE
RESOURCE MANAGEMENT ACT 1991**

1. On behalf of the applicant, Balmoral Developments (Outram) Ltd, we hereby lodge a formal request for a Private Plan Change in accordance with the attached application.
2. The application includes an explanation of the purpose and reasons for the change, an Assessment of Environmental Effects in accordance with the Fourth Schedule of the RMA 91 and an evaluation under Sec 32 of the RMA 91.
3. One unbound and two bound copies of the application are enclosed.
4. The application is site specific and does not involve any District-wide or cross-boundary implications.
5. A cheque for \$10,000.00 being the application processing deposit for a plan change of moderate effect is enclosed.

Yours faithfully


D JOHNSTON
Consultant

BALMORAL DEVELOPMENTS (OUTRAM) LTD

Request For Plan Change



**Reasons, Section 32 Evaluation and
Assessment of Environmental Effects
in support of a request for a private plan change
to the Dunedin City District Plan**

Balmoral Developments (Outram) Ltd

November 2011

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1. INTRODUCTION

This report has been prepared in accordance with the requirements of the Resource Management Act (RMA) for a request for a plan change, and in particular Clause 22 of the First Schedule to the Act. This clause states:

- "(1) A request.... shall explain the purpose of, and reasons for the proposed plan... change... and contain an evaluation under section 32 for any objectives, policies and rules and other methods proposed....*
- (2) Where environmental effects are anticipated, the request shall describe those effects, taking into account the provisions of Schedule 4, in such detail as corresponds with the scale and significance of the actual and potential environmental effects anticipated from the implementation of the change..."*

The land subject to this request by Balmoral Developments Ltd for a plan change comprises two parcels currently zoned Rural which may be described as follows:

- (a) An area of 6.3518 hectares situated to the north of Holyhead Street and bounded on the west by State Highway No 87.

This land may be legally described as Lot 2 DP 20759 and is contained in OT 12B/346 and is held in the ownership of Balmoral Developments Ltd.

- (b) An area of 3843m² bounded by State Highway No 87, the Taieri River and the Balmoral Developments Ltd land on the south-western boundary. The land may be legally described as Lot 1 DP 17247 and is contained in OT 8C/253 and is held in the ownership of Robert Allan Capil and Michelle Antionette Capil.
(See Attachment A Appendix 5)

The Balmoral part of the application has historical significance in that the existing homestead "Balmoral" was erected in 1857 and fronted Holyhead Street which at that time was the main street of Outram and a direct connection to the river crossing that existed over the Taieri River at that time.

Over time the Balmoral property has been modified by the taking of an area of 2.3056 hectares for the purpose of the erection of stop banks adjoining the Taieri River and by the taking of additional land from the property for the realignment of what is now State Highway 87 (D464 - "State Highway Purposes (SH87)").

In 1940 the property was acquired by Mr F Ferguson who developed the site as a market garden. In 1980 the property was transferred to Neville Raymond and Catherine Jan Ferguson who continued to operate the property as a market garden until 2003.

With the deterioration in the economics of market gardening the operation became uneconomic and the property has been grazed since 2003.

The current zoning of Rural has restricted the sale options for the property particularly the existing historical dwelling and motivates the desire to have the land rezoned to facilitate the subdivision to make more efficient use of the land resource for residential purposes.

The smaller portion of land forming part of this request and contained in OT 8C/253 was purchased in 2009 by Mr & Mrs Capil and has erected upon it a residential dwelling and associated outbuildings.

2. PROJECT DESCRIPTION

2.1 Overview

The sites subject to the requested plan change are situated on the eastern entrance to Outram which is a residential community located within Dunedin City.

It is self-contained community with a population at the 2006 Census of 642 people.

Outram's historical purpose was to service the needs of the surrounding rural community which for many years specialised in horticulture due to its location on land identified as High Class Soils.

More recently the farming activity has been predominantly pastoral farming with a mixture of sheep and dairying.

To a large extent Outram has retained its rural servicing role although over the last decade there has been an increasing demand for residential development to accommodate commuters who are employed in the urban centres of Mosgiel and Dunedin.

This popularity has resulted in a demand for residential sections which is currently not met from historical or new subdivision within the township. Preliminary site survey would indicate that there are only three historical 1000m² sites presently vacant, there is the potential of a further nine sites zoned residential but currently utilised as part of a large market garden, and two sites in excess of 3000m² available in the existing Residential 6 Zone.

2.2 Request for Plan Change

The request for a plan change to the Dunedin City District Plan by Balmoral Developments (Outram) Ltd and Mr & Mrs Capil is influenced by characteristics of the site in terms of location and by the limitations imposed by the current zoning.

The sites subject to this request have an area of 6.7361 hectares and are bounded by residential development and zoning on its south-western boundary; the stop banks of the Taieri River on their eastern boundary; while on the western boundary the sites are contained by State Highway 87.

It is proposed to delete the existing Rural zoning and rezone the sites Residential 6 consistent with the urban environment within which the sites are situated. The future layout for the subdivision and development ultimately proposed for the Balmoral land is illustrated in the Concept Plan (Schematic Proposal) which forms part of this request. (For the Balmoral land see Attachment A – Appendix 4).

The utilisation of these sites for residential purposes does not give rise to a potential for pressure to extend residential development onto other rurally zoned land due to the sites physical constraints. The requestor considers that in this case the sites are unique and can be distinguished from proposals to expand Outram in any other direction.

2.3 Soils, Ground and Surface Water and Climate

CPG New Zealand Ltd (CPG) has been engaged to evaluate the servicing of the proposed development of the land to be rezoned and as part of that investigation undertook soil testing of the site and reported on the issues of Groundwater, Surface Water and Climate.

These matters are addressed in Section 1.4 and 1.5 of the CPG report which is attached as Attachment B - Appendix 1 dated October 2011 and are adopted as part of this assessment.

No investigation was undertaken on the Capil land because that site is fully serviced and no development is proposed for it.

2.4 Infrastructure Feasibility Assessment

CPG have also been engaged to evaluate the feasibility of servicing the proposed development of the land to be rezoned with water supply (potable and fire fighting), wastewater, stormwater, solid waste, electricity and telecommunications. It should be noted that the latter two are provided by private suppliers and are not addressed further in this report except to note that any electricity or telecommunications to the site associated with the subdivision and development of the site would be underground. This is in accordance with Council requirements for subdivision under its revised Code of Subdivision.

2.4.1 Existing Context

The current dwelling on the Balmoral site is provided with water services from the existing reticulation in Holyhead Street and additional points of service for irrigation purposes from the existing reticulation in State Highway 87.

Wastewater treatment for the existing Balmoral dwelling is by way of septic tank. Stormwater discharge is by way of natural gravity to existing drains along the State Highway 87 frontage and to a ponding area adjoining Holyhead Street where it is dispersed by way of natural filtration. This ponding area also provides storage for a large number of dwellings in Holyhead Street that are subject to surface flooding after heavy rainfall events.

The existing Capil dwelling is fully reticulated for water supply, its wastewater disposal is by way of septic tank and its stormwater disposal is by way of existing soakage. No change in services are proposed for this site.

2.4.2 Wastewater, Water and Stormwater

CPG's detailed reports on these issues are attached as Attachment B – Appendix 2 & 4 and forms part of this report. The matter of stormwater disposal is of particular significance given that part of the site is located in the Ground Water Protection Zone A as shown on Map 7 of the Dunedin City District Plan.

2.4.3 Solid Waste

The development will maximise use of the existing and future waste minimisation and solid waste services provided by the DCC and community groups eg. recycling collection services, recycling centres, green waste collection and/or composting facilities, refuse collection services and transfer stations.

2.4.4 Community Integration

Integration of the proposed development into the Outram community is a fundamental objective of this proposal. Consistent with this, integrating the development's infrastructure with DCC and the wider community's infrastructure is considered beneficial to all parties and obvious examples are:

- More efficient stormwater and flooding solutions can be achieved by the requestor and the DCC working together to alleviate the flooding problem in the Holyhead Street area of the site.
- The provision of improved sewage disposal systems and the direct benefits that will accrue to the Ground Protection Zone A.
- The contribution that the inhabitants of the rezoned land can make to the community fabric of Outram including the education, retail, religious and sporting activities of the community.

2.4.5 Sustainability approach

There are national, regional and local guidelines that promote practical ways of achieving more sustainable solutions of providing infrastructural requirements. These include in the context of the future subdivision and development of the land to be rezoned:

- Use of efficient household plumbing and appliances that conserve water and energy (eg. dual flush toilets, low water use appliances).
- Management of potable water demand by implementation of water conservation techniques including education.
- Use of water sensitive and low water demand plants in the landscaped areas.
- The option for the collection of first flush stormwater flows and provision of natural treatment of this water in storage and detention pond.
- Use of roofing and spouting material which does not contaminate roof water run-off.
- Design and provision of elements to promote walking and cycling as attractive alternatives to private car transport.
- Promotion of waste minimisation through education, and techniques and facilities for the management of residual solid waste including recycling facilities.

2.4.6 Conclusion

The planning approach adopted is to secure the general framework for the development by means of a Concept Plan (Schematic Proposal). The infrastructure components necessary to serve the future subdivision and development of the land to be rezoned will be subject to conditions of resource consent such that the appropriate on-the-ground response can be determined at the detailed development stage. However the feasibility assessment undertaken by CPG summarised above

and attached in Attachment B - Appendix 1 demonstrates that there are a range of technically feasible options available to provide required services to the land subject to this request which are capable of subdivision.

Adoption of sustainable approaches and solutions has been identified as one of the key drivers in the provision of infrastructure.

3. OUTLINE OF PLAN CHANGE AND APPROACH TAKEN

3.1 Overview of Plan Change

Under this request for a private plan change it is proposed that the existing Rural zoning be deleted and Residential 6 zoning is substituted instead.

The plan change includes:

- The adoption of the issues, objectives, policies and rules (with minor amendments) for the Residential 6 Zone.
- The minor amendment of a new Rule 8.12.1 Permitted Activities by the insertion of a new location:
 - (n) Outram (North) at a density of 2000m² of site area per residential unit.
- The amendment of Rule 8.12.2(xi)(a) by the insertion of a new (xvii) to read:
 - Outram (North) 2000m² provided that there shall be not more than 25 residential allotments and that each new allotment is provided with a wastewater treatment with secondary treatment
- The amendment to Map 7 by the deletion of Rural Zone over the sites and the substitution of Residential 6 Zone instead.
- The amendment to Planning Map 7 to relocate Historic Building Registration B651 into its correct location [being onto Lot 15 as shown on the Concept Plan [Schematic Proposal]].

The reason for this plan change relies on the fact that the site is an isolated pocket of rurally zoned land which is out of character with the adjacent residential subdivision and development at Outram.

3.2 Planning Approach

The approach to the plan change is to adopt the existing issues, objectives and policies currently provided in the Dunedin City Council District Plan for the Residential 6 Zone and to adopt rules to achieve a better outcome for this land resource.

It is envisaged that the Concept Plan (Schematic Proposal) which is attached to this request will form the basis of a future application for resource consent.

The requested plan change provides for the following approach in the subdivision and development of the site.

- (i) Residential zoning should proceed on the same basis as for the Residential 6 Zone with rules to be amended as detailed above.
- (ii) Subdivision and development should proceed on the basis of a Concept Plan (Schematic Proposal).
- (iii) The existing site coverage and density controls that apply to the Residential 6 Zone shall apply to the sites.

The existing issues, objectives and policies require no change.

3.3 Rules

There are no proposed rule changes for the Residential 6 Zone other than the amendments to Rules 8.12.1 and 8.12.2 relating to minimum site area.

The permitted activities shall comply with the provisions of Rule 8.12.1 for the Residential 6 Zone.

4.0 STATUTORY FRAMEWORK FOR ASSESSMENT OF PLAN CHANGE

4.1 Overview of Statutory Framework

A plan change is required to be prepared and assessed under several sections of the RMA. In overview, the plan change needs to be prepared reflecting:

- The purpose and principles of the RMA.
- The Regional Policy Statement.
- Relevant Regional plans.
- Iwi management plans.
- Management strategies and plans under other Acts.

An evaluation needs to be prepared under section 32 for any plan change.

In addition where environmental effects are anticipated the request for a private plan change must be accompanied by an assessment of environmental effects

The relevant statutory provisions are set out below.

4.2 Section 74 of the RMA

Section 74 of the RMA sets out those matters to be considered by a territorial authority in preparing a change to its district plan. Section 74 states:

"(1) A territorial authority shall prepare and change its district plan in accordance with its functions under section 31, the provision of Part 2... its duty under section 32 and any regulations

(2) In addition to the requirements of section 75(3) and (4), when preparing or changing a district plan, a territorial authority shall have regard to-

(a) Any -

(i) Proposed regional policy statement; or

- (ii) *Proposed regional plan of its region in regard to any matter of regional significance or for which the regional council has primary responsibility under Part 4; and*
- (b) *Any –*
 - (i) *Management plans and strategies prepared under other Acts; and*
 - (ii) *Repealed.*
 - (iia) *Relevant entry in the Historic Places Register; and*
 - (iii) *...*
- (c) *The extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities.*
- (2A) *A territorial authority, when preparing or changing a district plan, must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on resource management issues of the district.*
- (3) *In preparing or changing any district plan, a territorial authority must not have regard to trade competition or the effects of trade competition"*

4.3 Section 75 of the RMA

Section 75 of the RMA relates to the contents of district plans. Section 74 states:

- "(1) *A district plan must state-*
 - (a) *the objectives for the district; and*
 - (b) *the policies to implement the objectives; and*
 - (c) *the rules (if any) to implement the policies.*
- (2) *A district plan may state-*
 - (a) *the significant resource management issues for the district; and*
 - (b) *the methods, other than rules, for implementing the policies for the district; and*
 - (c) *the principal reasons for adopting the policies and methods; and*
 - (d) *the environmental results expected from the policies and methods; and*
 - (e) *the procedures for monitoring the efficiency and effectiveness of the policies and methods; and*
 - (f) *the processes for dealing with issues that cross territorial authority boundaries; and*
 - (g) *the information to be included with an application for a resource consent; and*
 - (h) *any other information required for the purpose of the territorial authority's functions, powers, and duties under this Act."*
- (3) *A district plan must give effect to –*
 - (a) *any national policy statement; and*
 - (b) *any New Zealand coastal policy statement; and*
 - (c) *any regional policy statement.*

- (4) *A district plan must not be inconsistent with-*
 - (a) *a water conservation order; or*
 - (b) *a regional plan for any matter specified in section 30(1)."*

4.4 Section 31(1) of the RMA

Section 31 states the functions of territorial authorities under the RMA.

- "(1) Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:*
 - (a) The establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:*
 - (b) the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of-*
 - (i) the avoidance or mitigation of natural hazards; and*
 - (ii) the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances; and*
 - (iia) the prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land:*
 - (iii) the maintenance of indigenous biological diversity:*
 - (c) Repealed.*
 - (d) The control of the emission of noise and the mitigation of the effects of noise:*
 - (e) The control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes:*
 - (f) Any other functions specified in this Act."*

4.5 Part 2 of the RMA

Part 2 of the RMA sets out the purpose and principles of the Act as follows:

"5 Purpose

- (1) The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while-*
 - (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
 - (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

6 Matters of national importance

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- (a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
- (b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
- (c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- (d) The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
- (e) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.*
- (f) The protection of historic heritage from inappropriate subdivision, use, and development.*
- (g) The protection of protected customary rights.*

7 Other matters

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to-

- (a) Kaitiakitanga:*
 - (aa) The ethic of stewardship:*
- (b) The efficient use and development of natural and physical resources:*
 - (ba) The efficiency of the end use of energy:*
- (c) The maintenance and enhancement of amenity values:*
- (d) Intrinsic values of ecosystems:*
- (e) Repealed.*
- (f) Maintenance and enhancement of the quality of the environment:*
- (g) Any finite characteristics of natural and physical resources:*
- (h) The protection of the habitat of trout and salmon:*
- (i) The effects of climate change:*
- (j) The benefits to be derived from the use and development of renewable energy.*

8 Treaty of Waitangi

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi)."

4.6 Section 32 of the RMA

Section 32 outlines a rigorous statutory process for testing the appropriateness and effectiveness of proposed plans, policy statements, plan changes and variations prepared under the RMA.

Section 32 of the RMA states:

- "(1) *In achieving the purpose of this Act, before a proposed ... change ... is publicly notified.. an evaluation must be carried out by –*
 - (a) ...
 - (b) ...
 - (c) ...
 - (d) *the person who made the request, for plan changes that have been requested and the request accepted under clause 25(2)(b) ... of Schedule 1.*
- (2) ...
- (3) *An evaluation must examine-*
 - (a) *the extent to which each objective is the most appropriate way to achieve the purpose of this Act; and*
 - (b) *whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.*
- (3A) ...
- (4) *For the purposes of the examinations referred to in subsections (3) ... an evaluation must take into account-*
 - (a) *the benefits and costs of policies, rules, or other methods; and*
 - (b) *the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.*
- (5) *The person required to carry out an evaluation under subsection (1) must prepare a report summarising the evaluation and giving reasons for that evaluation.*
- (6) *The report must be available for public inspection at the same time as the document to which the report relates is publicly notified or the regulation is made."*

4.7 Regional Policy Statement

The following objectives and policies from Sec 9 (Built Environment) of the plan are relevant to this plan change application.

Objective 9.4.1

To promote the sustainable management of Otago's built environment in order to:

- (a) Meet the present and reasonably foreseeable needs of Otago's people and communities, and*
- (b) Provide for amenity values; and*
- (c) Conserve and enhance environmental and landscape quality; and*
- (d) Recognise and protect heritage values.*

Objective 9.4.2

To promote the sustainable management of Otago's infrastructure to meet the present and reasonably foreseeable needs of Otago's communities.

Objective 9.4.3

To avoid, remedy or mitigate the adverse effects of Otago's built environment on Otago's natural and physical resources.

Policy 9.5.2

To promote and encourage efficiency in the development and use of Otago's infrastructure through:

- (a) Encouraging development that maximises the use of existing infrastructure while recognising the need for more appropriate technology; and*
- (b) Promoting co-ordination amongst network utility operators in the provision and maintenance of infrastructure; and*
- (c) Encouraging a reduction in the use of non-renewable resources while promoting the use of renewable resources in the construction, development and use of infrastructure; and*
- (d) Avoiding or mitigating the adverse effects of subdivision, use and development of land on the safety and efficiency of regional infrastructure.*

Policy 9.5.3

To promote and encourage the sustainable management of Otago's transport network through:

- (a) Promoting the use of fuel efficient modes of transport; and*
- (b) Encouraging a reduction in the use of fuels which produce emissions harmful to the environment; and*
- (c) Promoting a safer transport system; and*
- (d) Promoting the protection of transport infrastructure from the adverse effects of landuse activities and natural hazards.*

Policy 9.5.4

To minimise the adverse effects of urban development and settlement, including structures, on Otago's environment through avoiding, remedying or mitigating:

- (a) Discharges of contaminants to Otago's air, water or land; and*
- (b) The creation of noise, vibration and dust, and*
- (c) Visual intrusion and a reduction in landscape qualities; and*

- (d) *Significant irreversible effects on:*
 - (i) *Otago community values; or*
 - (ii) *Kai Tahu cultural and spiritual values; or*
 - (iii) *The natural character of water bodies and the coastal environment;*
Or
 - (iv) *Habitats of indigenous fauna; or*
 - (v) *Heritage values; or*
 - (vi) *Amenity values; or*
 - (vii) *Intrinsic values of ecosystems; or*
 - (viii) *Salmon or trout habitat.*

Policy 9.5.5

To maintain and, where practicable, enhance the quality of life for people and communities within Otago's built environment through:

- (a) *Promoting the identification and provision of a level of amenity which is acceptable to the community; and*
- (b) *Avoiding, remedying or mitigating the adverse effects of community health and safety resulting from the use, development and protection of Otago's natural and physical resources; and*
- (c) *Avoiding, remedying or mitigating the adverse effects of subdivision, landuse and development on landscape values.*

4.8 Regional Plans

4.8.1 Water (RPW)

The issues arising from the RPW are addressed in greater detail in CPG Report entitled "Infrastructure Services Report : Wastewater, Water and Stormwater" attached as Attachment B Appendix 1 dated December 2011.

4.8.2 Air Plan

The most relevant matter to be considered is that of the air standards relating to the use of solid fuel for home heating. The area of the plan change is located within Air Zone 3. Woodburners that have a discharge of less than 1.5g/kg of fuel burnt and have a thermal efficiency of not less than 65% are a permitted activity under Rule 16.3.1.5(a). A ban on solid fuel heating under this plan change is not considered to be appropriate because the discharges do not have significant adverse effects on the surrounding land environment and, in particular on neighbours.

4.8.3 Waste Plan

So far as is known, there are no hazardous substances, or contaminated sites within the proposed plan change area. The relevant waste minimisation objectives and policies are:

- 4.3.1 *To minimise the amount of waste generated at source in Otago.*
- 4.3.2 *To maximise the opportunities for the reuse, recycling and recovery of materials from the waste stream.*
- 4.4.2 *To encourage, support and facilitate integrated waste management by (in order of priority)"*

- (a) *Minimising the effects on the environment by reducing the quantity and/or toxicity of material entering the waste stream;*
 - (b) *Reusing materials;*
 - (c) *Recycling materials, where practicable, that cannot be reused;*
- 4.4.4 *To encourage the composting of appropriate organic waste material.*

The management of waste for their sites is addressed in Section 6.6.2 of this report.

5. ASSESSMENT OF ENVIRONMENTAL EFFECTS

5.1 Fourth Schedule Requirements

In accordance with Clause 22(2) of the First Schedule of the RMA, a request for a private plan change is required to describe the environmental effects of the proposal taking into account the provisions of the Fourth Schedule which sets out matters which should be included in an assessment of effects. Those matters of relevance include:

- (a) A description of the proposal.
- (b) Where it is likely that an activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity.
- (c) An assessment of the actual or potential effect on the environment of the proposed activity.
- (d) A description of the mitigation measures (safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect.
- (e) Identification of the persons affected by the proposal, the consultation undertaken, if any, and any response to the views of any person consulted.

These matters are covered in the various sections of this AEE report, and in the attached specialist reports and plans. Sections 5.3-5.8 which follow deal specifically with the assessment of actual or potential effects, and a discussion of the mitigation measures embodied within the Concept Plan (Schematic Plan) design and provisions of the proposed plan change. The consultation undertaken to date is outlined in Section 5.9.

5.2 Permitted Baseline

In accordance with relevant case law, a local authority must have regard not only to the existing environment but also to the reasonably foreseeable environment, including the environment as it might be modified by permitted activities under a district plan.

As outlined previously the site's environment is pre-determined by the features and development which have occurred at its boundaries.

To the north-east one residential property zoned Rural is a non-complying Rural allotment which is constrained by State Highway 87 and the Taieri River. To the east the site is constrained by the Taieri River and its stop bank.

To the west and north State Highway 87 restricts development in that direction as does the rising ground which limits and also constrains the location of the carriageway of the State Highway.

To the south and west is historical residential subdivision and development with a prescribed minimum area of 1000m² in terms of Rule 8.11.2(xi) consistent with the lot area provided for in the towns original layout.

While on the eastern boundary there is a residential dwelling situated on a sub-standard site in terms of the Rural zoning and which forms part of this application.

The sites have no functional connection to any significant areas of adjoining land which are zoned Rural.

5.2.1 Activities Permitted under Rural Zoning

In considering the "environmental effects: to determine the permitted baseline it is appropriate to consider the types of activities which are permitted under the existing Rural zoning. In this context it cannot be assumed that the existing limited pastoral farming will continue to operate from the site.

Reference to Section 6.5 Rural Zone Rules of the Dunedin District Plan identifies the following permitted uses:

6.5.2(i) *"Farming Activity" which is defined as "means the use of land and building for the primary purpose of the production of vegetative matter or commercial livestock."*

This could permit the use of the site for say commercial pig production.

(ix) *"Recreational Activity"*

(x) *"Rural Processing Activity" which is defined as "means the use of land and buildings (including offices and staff facilities) for the purpose of the subsequent processing of animals or plants or the produce of animals or plants grown on the site."*

5.3 Landscape & Visual Amenity

No specific landscape study has been undertaken as it is considered the environment within which the site is located is urban in character and any residential development of the property in question will be sympathetic to that environment.

What is relevant in terms of the landscape and visual amenity is the dramatic change which is defined by the river and its bridge crossing. When travelling from Dunedin to Outram the landscape is dominated by rural activity with open pastures and grazing livestock.

Having crossed the bridge this amenity changes significantly.

Initially the road is flanked by the higher ground on the northern side which is in itself defined by the historic buildings which flank its crest. On the south side of the State Highway there is a significant area of park like setting with established trees and well maintained lawn.

This in essence is the landscaped entrance to the urban area of Outram.

5.3.1 Conclusion

In general terms, the requested plan change will bring about a more uniform and less fragmented landscape treatment of the site than the existing situation:

- The larger 2000m² lots proposed allow the built form to be concentrated into specific parts of any lot (when compared to the existing situation on 1000m² sites) and allows for a more even spread of housing over the land to be rezoned.
- The maximum building footprint on the 2000m² lots provides additional amenity open space around the dwelling.
- All buildings will comply with a comprehensive set of design controls that will govern design, materials, colours and heights.

5.4 Ecological Values

No particular study has been undertaken to determine any ecological values on the site.

5.4.1 Existing Vegetation

The vegetation on the Balmoral site has been subject to a long history of disturbance (fire, pastoral activities, horticultural activities) culminating in change of vegetation type from pre-settlement woodland vegetation to dryland herbaceous grassland, through to horticulture and now pasture for grazing.

Over a long period of time the land was subject to the implementation of intensive farming practices (ploughing and production of horticultural products) and these activities occupied almost 95% of the site.

5.4.2 Ecological Values

Because the Balmoral site has been subject to horticultural activity over a considerable length of time no investigation has been undertaken as to the existence of any indigenous species on the site.

Since 2003 the site has reverted to pastoral farming and been replanted in European grasses.

5.4.3 Recommendation

There are no recommendations relative to the protection of ecological values on this site.

5.4.4 Conclusion

The site has a long history of vegetation disturbance. Over 95% of the site consists of highly modified grassland of low ecological value and little intrinsic biodiversity value. The property can therefore be developed without impacting on ecological values.

5.5 Cultural Values

5.5.1 Cultural landscape and nohoaka issues

The Kai Tahu ki Otago Natural Resource Management Plan 2005 (NRMP) sets out a range of issues and policies relating to cultural landscape and nohoaka issues. While the Kai Tahu ki Otago NRMP does not identify the subject site as having any specific values, the site concerned sits within a wider cultural landscape. Virtually all of the Kai Tahu takiwa within Te Wai Pounamu has cultural landscape qualities and can be identified as special for one or more reasons. Changes to the physical landscape as a result of activities such as earthworks, vegetation clearance, water abstraction, or the establishment of structures have the potential to modify or even destroy associated cultural landscape values.

5.5.2 Archaeological Sites

Preliminary research undertaken indicates there are no recorded archaeological sites located directly on the site. However though no sites were identified on the subject site it should be noted that there are recorded Maori archaeological sites in the vicinity and there is the potential to disturb unrecorded sites during any earthworks.

5.5.3 Recommendation for Site Development

- An accidental discovery protocol will be put in place before any earthworks are undertaken including preliminary earthworks.
- Best practices will be adopted for all site management to stop the spread of weeds and proliferation of material waste.

These recommendations will be incorporated into the detailed design stage any application for resource consent.

5.6 Heritage Values

Research shows that the Balmoral dwelling was built by Donald Borrie who arrived at Dunedin in 1852 from Dunkeld, Scotland, and was one of the earliest settlers in the Outram area. The publication "Taieri Buildings, Daphne Lemon 1970" records the history of the site and Balmoral as follows:

"He [Donald Borrie] built his first solid hut near the ford over the Taieri River and became the self-appointed ferry man. In 1857 the first part of Balmoral was a twin dorm's which now face onto the river bank and was built a little above the track from the ford.

This ford was well known to the Maori's. When the settlers began to take up land at West Taieri and Maungatua, this was where they crossed the river with all their possessions, provisions and stock for their farms. In 1857 Donald Borrie was appointed the official ferry man with fixed charges and supplied with a boat. In June 1861 the great trek to the goldfields began a government hotel, hoovers hotel

was built near the ferry and a small township sprang up quickly just beyond Balmoral.

A photograph taken about 1865 shows the bridge and toll house. The road turns acutely left from the bridge going past Hoovers Hotel and then past Balmoral and straight on into Holyhead Street, the main street of Outram today. In the photograph some buildings of the old township can be seen. At this time Balmoral was a 12 roomed house it is now as the back room extension had been added.

In February 1868, with hardly any warning, the river suddenly rose and swept away the old ferry township. The new township called Outram after one of the Generals in the Indian Mutiny, was laid out according to a plan drawn up by Mountfort in 1861. [This plan is reproduced as Figure 1.] The West Taieri River Board was formed and in 1871 banks were built to protect the new township and the farmland. Today the road from the bridge is near the foothills and there is a high flood bank in front of Balmoral instead of the main road. Only a short section of Holyhead Street remains of the old ferry township and today Outram is almost the same as it was laid out after the 1868 flood."

In 1988 the house was repositioned and repiled to take better advantage of the sun. The building itself was completely refurbished using where possible similar materials to that of the original building. The house itself has been continually occupied since 1857.

5.6.1 Heritage Sites Values

The existing Balmoral (dwelling) is identified on the Dunedin City District Plan as B 651. It has a Category II classification by the New Zealand Historic Places Trust which covers the entire external building envelope on the site. (see Attachment A – Appendix 6).

The New Zealand Historic Places Trust Registration Number is 3232.

It should be noted that B651 is incorrectly identified on Planning Map No 7; and that the requested plan change seeks to remedy this error.

5.6.2 Recommendation

That the significance of the Balmoral homestead is to be recognised by way of sufficient land area around the dwelling to maintain its existing setting consistent with its identification and registration as an historical building.

5.7. Traffic Assessment

No detailed traffic assessment has been undertaken with respect to the requested plan change and the associated Concept Plan (Schematic Proposal). Consultation with the NZ Transport Agency (NZTA) highlights the need to address a number of issues as to the likely effects of future subdivision and development on the transport network.

5.7.1 Existing Traffic Infrastructure

In the 24 lot residential subdivision envisaged for part of the land subject to the requested plan change there are 11 allotments which have legal frontage to State Highway 87 (Mountfort Street). This section of State Highway provides a major transport link between Dunedin and Central Otago via Middlemarch and the Strath Taieri.

While the effects of future subdivision and development upon the State Highway are limited they do raise issues that need to be addressed in relation to this Plan Change. While State Highway 87 through Outram is not designated a "limited access road" regard has to be had to the likely effects to be generated on this arterial route.

The Concept Plan (Schematic Proposal) provides for the construction of a short cul-de-sac (Lot 26) which gives rise to the need to rationalise the existing entrance with the connection point to the State Highway carriageway.

At the present time there is an existing entrance which historically has provided access to the property and to the vegetable stall which has operated at the site for many years.

This existing entrance is somewhat ill defined and provides physical access to the site for a distance of some 50 metres. See Attachment A – Appendix 4.

5.7.2 Proposed Intersection

It is proposed that the new intersection will be designed in full accordance with the DCC Code of Subdivision and NZTA design guidelines to safely accommodate all intersection turning manoeuvres associated with traffic that will utilise Lot 26 to achieve access to the future subdivision. This includes an ancillary left turn lane for west bound traffic approaching the intersection and a right turn bay for traffic approaching from the east.

5.7.3 Existing Sight Distances

While no detailed sight distance measurements have been undertaken, preliminary design assessment indicates that the centreline of the new street could follow the general alignment of the farm access track extended to intersect with the State Highway carriageway.

The sight distances at this point are influenced by two factors.

The speed indication sign on the State Highway reduces to 85kph on the Dunedin side of the bridge over the Taieri River.

The speed limit reduces further to 50kph in the position shown on the Concept Plan which is generally opposite the mid point of Lot 7. These speed limits have a marked effect on the safe sight distances required.

Based on the Transit Planning Policy Manual (Version 1) the sight distance in the 50kph zone should be 113 metres. The unobstructed sight line travelling Outram to Dunedin is 240 metres from the proposed intersection while the distance from the 50kph speed restriction sign to the proposed intersection is 155 metres.

Travelling from Dunedin to Outram the unobstructed sight line to the proposed intersection is 225 metres.

5.7.4 State Highway Maintenance

It should be noted that 8 allotments (Lots 18-24 and Lot 1 DP 17247) have access to the new entrance via a portion of the old carriageway remaining from an earlier alignment of the State Highway. This old sealed carriageway also provides vehicular access to the residential property that already exists on the north-eastern boundary of the site.

It is proposed that the existing sealed carriageway (some 30 metres to the south of the current State Highway carriageway) shall be maintained by the 8 allotments utilising this carriageway. This requirement is to be achieved by way of suitable covenants registered against Lots 18 – 24 at the time of subdivision and protected by way of consent notices.

5.7.5 Holyhead Street Frontage

There are six allotments which will have access via Holyhead Street. This section of Holyhead Street terminates at the eastern boundary of the land to be rezoned and is a 20 metre wide road carrying low density of traffic.

5.7.6 Restricted Access to the State Highway

Lots 7, 8 and 9 are to have legal frontage and access to State Highway 87.

In order to reduce the potential conflict of traffic movements onto State Highway 87 it is intended to provide these allotments with an access lot which will direct traffic through the new road (Lot 26) to the controlled intersection with State Highway 87.

5.7.7 Proposed Pedestrian/Cycleway

There is no specific provision on State Highway 87 for pedestrians and cyclists. It is intended to provide a pedestrian/cycleway linkage from the cul de sac head of the new road through to a connection with Holyhead Street.

The purpose of this cycleway is to provide an alternative means of access for both pedestrians and cyclists into the residential area of Outram via the urban road network of Outram thereby providing separation from the traffic volumes already existing on the State Highway.

5.7.8 Traffic Noise Effects

It is recognised that the existing traffic volumes in State Highway 87 potentially generate sufficient noise that justifies the provision of some acoustic insulation.

This is particularly relevant to Lots 7-9 where the carriageway is located some 7 metres from the property boundary. In order to mitigate this effect it is proposed that acoustic insulation will be compulsory on Lots 7, 8, 9 and 10.

A less significant effect relates to Lots 18-21, 23 and 24 and Lot 1 DP 17247. In the case of these allotments the separation distance between the property boundary and the carriageway of State Highway 87 is some 30 metres in distance. There is also a difference in contour and native vegetation between the existing and former State Highway carriageway which provides screening to mitigate effects on these properties.

It is intended therefore that acoustic insulation on these allotments will be optional.

5.7.9 Internal Network

The Concept Plan (Schematic Proposal) for the land subject to the proposed plan change incorporates the development of a short cul-de-sac (Lot 26) some 150 metres in length.

It is proposed that this cul-de-sac be provided and constructed to the design standards specified under the Dunedin City Council's Code of Subdivision. This will provide for a legal width of 15 metres, a 5.5 metre carriageway, 2 metre footpath and appropriate parking facilities or berms.

In relation to carparking it is considered that given the size of the proposed allotments off-street carparking is adequately provided for.

5.8 Proposed Detention Pond

The CPG report in Attachment B - Appendix 1 at page 13 highlights the present function of Lot 25 being the existing ponding area.

"An urbanised area outside the south-western boundary of the site adjacent to Holyhead Street currently drains into the site and ponds on Lot 25 that also receives runoff from approximately 52% of the area within the site. The ponded stormwater infiltrates gradually from the pond to the groundwater table that is typically 5m to 8m below ground surface in the Outram area. All areas south and west of the site drain to disposal in a natural depression beyond the western boundary of Outram. During extreme events the pond that forms on Lot 25 overflows across Holyhead Street and the overflow joins the natural drainage path through Outram to the southwest. The overflow across Holyhead Street has a frequency of approximately once every 10 years (10 year Average Return Interval (ARI)). The landward side of the stopbank on the east boundary of the site drains to Lot 25 but the eastern side of the stopbank drains to the Taieri River."

It is evident that this Detention Pond on Lot 25 plays a significant role in resolving an existing surface flooding problem for other properties fronting Holyhead Street.

Given that situation it is proposed that this "detention pond" be constructed in a manner which will enable it to be used for the majority of time as a "Local Purpose Reserve for Amenity Purposes". It is intended to vest Lot 25 for this purpose at the resource consent stage.

5.9 Consultation

Because of the very restricted nature of effects the request for Plan Change consultation has been quite specific as to the parties consulted.

5.9.1 Adjoining Owners

During 2011 Balmoral Developments Ltd have approached the following adjoining owner explaining the proposal and receiving a positive response and no adverse comments.

It is acknowledged that this process does not preclude affected property owners from lodging submission, if they wish, when the "Request for Plan Change" is publicly notified.

The following owners fall within this category:

Mr & Mrs T Gibson	56 Holyhead Street
Mr & Mrs J Bryan	58 Holyhead Street
Noleen Green	59 Holyhead Street
Mrs & Mrs F Crompton	61 Holyhead Street
Mr & Mrs DJ Pennington	63 Holyhead Street
Mr & Mrs KL Rowe	65 Holyhead Street
Mr C Gilmour	67 Holyhead Street
Mr & Mrs A Robertson	25 Mountfort Street
Mr & Mrs B Lloyd	21 Mountfort Street
Mr & Mrs C Page	24 Mountfort Street

5.9.2 Dunedin City Council

In early 2010 the owner Mr Neville Ferguson and Phil Page of Gallaway Cook Allan (GCA) had preliminary discussion with Paul Freeland (Dunedin City Council) to discuss rezoning options. On 29 November 2011 the same parties met again to discuss the proposal for a Request for Private Plan Change.

5.9.3 Otago Regional Council

On 28 November 2011 Anthony Steel (CPG) and Chris Thompson (GCA) met with Raymond Strong and Sarah Valk, Otago Regional Council (ORC) to discuss details of proposal.

5.9.4 New Zealand Transport Authority

Dave Johnston (JW) met with Ian McCabe of the New Zealand Transport Authority (NZTA) on 20 June 2010 and 31 October 2011.

NZTA's position is that generally they are comfortable with the concept but would address the following issues at the time of resource consent.

- (i) The detail of intersection design of the new street with SH No 87.
- (ii) The staging of the development and the effect on intersection reconstruction relative to vehicles per day from the subdivision.
- (iii) The implementation of noise mitigation measures.
- (iv) The practical implication of vehicular access off some sites to SH 87.
- (v) The satisfactory resolution of on-going maintenance of the physical access that occurs within the road reserve and is part of SH 87.

5.9.5 Kai Tahu

Following initial discussion with Tony Vial of KTKO Ltd on 31 October 2011, Johnston Whitney lodged a formal request to Kai Tahu requesting advice as to whether the site had any cultural significance to Maori. Their response is attached as Attachment D Appendix 1.

5.9.6 NZ Historic Places Trust

On 18 November 2011 D Johnston (Johnston Whitney) met with Owen Graham and Jane O'Dea of NZHPT to discuss implication of current registration of the historic dwelling. Their response is attached as Attachment D Appendix 2 dated 30 November 2011.

6. STATUTORY ASSESSMENT

6.1 Introduction

The following section assesses the proposed plan change against the relevant statutory and non-statutory documents specifically:

- The Dunedin City District Plan.
- The Otago Regional Policy Statement.
- Regional Plans including the Regional Air Plan and Regional Water Plan.
- Kai Tahu ki Otago National Resource Management Plan.

The two key documents in relation to this proposal are the Regional Policy Statement and the District Plan.

A discussion of the policy framework contained in the District Plan and an assessment of the proposal against the more relevant objectives and policies of the applicable statutory and non-statutory documents is set out below.

6.2 Development In Residential 5 and 6 Areas

6.2.1 District Plan Provisions

In relation to residential development in this locality it is appropriate to refer to the Dunedin City District Plan as it relates to the Residential 5 and 6 Zones. The provisions contained within these zones recognises the effect of residential development on the existing urban service infrastructure. In essence these policies direct attention to the need to ensure that the development in rural townships and

settlements does not exceed the limitations of the urban service infrastructure or have any adverse effects on the environment. These policies are addressed under Policy 8.3.5, 8.3.6 and 8.3.7.

6.3 Landscape & Amenity Effects

6.3.1 District Plan Provisions

The Dunedin City District Plan provides an overview of landscape issues faced by the District. Although this site is not identified as being an "Area of Outstanding Landscape Value" there is recognition by the plan of the relevance of how land in the District has been developed and how the development must be encouraged to maintain and enhance the quality of the Dunedin landscape.

This philosophy is enunciated under Objective 14.2.3 of the Plan which states:

"Ensure that land use and development do not adversely affect the quality of the landscape."

Explanation

Landscapes will change naturally over time. Human impacts on landscapes may occur in a positive or negative way. It is important that those significant aspects of a landscape's character are not adversely affected by land use activities and developments. The effects of a development need to be managed to achieve a harmony with the landscape. If it is not possible then adverse effects must be avoided, remedied or mitigated."

6.3.2 Regional Policy Statement Landscape Provisions

The Operative Regional Policy Statement (RPS) identifies Otago's landscape qualities as being important to the region as they define its distinctive character, and add to the settings for the region's tourist industry and lifestyles. The RPS seeks protection of outstanding natural features and landscape from appropriate subdivision, use and development.

In terms of the built environment and urban development, significant resource management issues identified include the impacts of development on landscape and amenity values and on heritage resources. Objectives and policies and objectives therefore seek to promote and encourage efficient use of the built environment to protect the features and values that contribute to the community's quality of life and minimise adverse effects on the environment.

6.3.3 Discussion

The characteristics of this site that make it suitable for residential subdivision and development have been outlined in previous sections of this document. The site is unique in its location, located as it is in a position which has existing residential development on its northern, western and southern boundaries and is constrained by the stop bank of the river on its eastern boundary. The proposed plan change provides for a logical extension to the existing residential area of Outram.

The conclusion reached is that the residential subdivision and development facilitated by the proposed plan change will have minimal effect on the landscape qualities of the area.

6.4 Significant Indigenous Vegetation and Wildlife

6.4.1 District Plan Provisions

Objective 16.2.2 of the Dunedin City District Plan is to recognise and provide for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna in the City and its coastal margins. That objective is supported by Policy 16.3.3 which is to avoid the effects of land use activities where these effects may compromise the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna in the City.

6.4.2 Discussion

As has been previously outlined the site subject to the proposed plan change has been subject to cultivation over approximately 95% of its area and to a large extent any indigenous values of the site are unlikely to be significant.

6.5 Cultural Values Planning Framework

6.5.1 Regional Policy Statement

The (RPS) addresses Otago's significant resource management issues to provide sustainable integrated management of natural and physical resources. Chapter 4 of the RPS sets out the Manawhenua Perspective, and contains a range of issues, objectives and policies of resource management significant to Manawhenua within the Otago region, as developed by Kai Tahu. This policy framework aims to recognise and provide for, amongst other things, Waahi Tapu (sacred places), Waahi Taoka (treasured resources), Mahika Kai (places where food is produced or procured), Kaitiakitanga (guardianship), Whenua Papakaika (ancestral land), and the principles of wairua and mauri in relation to the management of water. Policies set out in various chapters of the RPS are also relevant to Tangata Whenua including:

- 5.5.1 – To recognise and provide for the relationship Kai Tahu has with Otago's land resource through appropriate measures to protect cultural values.
- 6.5.1 – To recognise and provide for the relationship Kai Tahu have with the water resource in Otago through avoiding the direct discharge of sewage to water, and consulting with Kai Tahu over any application that would result in the mixing of waters.

6.5.2 District Plan

Section 5 of the Dunedin City District Plan identifies significant resource management issues for Manawhenua within the District. Similar to the RPS above and based on the Kai Tahu ki Otago Natural Resource Management Plan 2005 (NRMP) this includes such issues as Kaitiakitanga, Waahi Tapu, Waahi Taoka, Mauri and Mahika Kai. This policy framework within the District Plan aims to

recognise and provide for such issues. The District Plan also recognises the importance of the Kai Tahu ki Otago NRMP and the need for ongoing communication and dialogue with Kai Tahu ki Otago.

6.5.3 Kai Tahu ki Otago Natural Resource Management Plan

The Kai Tahu ki Otago NRMP establishes Manawhenua of Otago and provides a framework for consultation and partnership. The provisions of this plan are outlined in Section 5.5 above. As noted previously, the iwi management plan does not identify the subject site as having any specific values; however management guidelines outline the importance of consulting with Kai Tahu on key development issues identified including services (water supply and effluent disposal), site works and vegetation removal, hazardous materials and discharges.

6.5.4 Discussion

To mitigate effects on cultural values, the following NTKO recommendations will be implemented:

- Further consultation will be undertaken with Kai Tahu through the various stages of the proposal.
- An accidental discovery protocol will be put in place before any earthworks are undertaken, including any preliminary earthworks and shall follow the following procedure as outlined in Attachment D Appendix 1:

"If koiwi (human skeletal remains), waahi taoka (resource or object of importance including greenstone/pounamu), waahi tapu (place or feature of special significance) or other artefact materials are discovered work shall stop, allowing for a site inspection by the appropriate Runaka and their advisors. These people will determine if the discovery is likely to be extensive and whether a thorough site investigation will be required. Materials discovered should be handled and removed by takata whenua who possess knowledge of tikanga (protocol) appropriate to their removal or preservation."

- Best practice will be adopted for all site management, to stop the spread of weeds and proliferation of building material waste.

The landscaping, infrastructure and sustainability initiatives and construction methodologies which will be implemented as part of the detailed design of the development will further ensure that effects on cultural values are appropriately avoided, remedied or mitigated.

6.6 Effects of Infrastructure

In terms of infrastructure Policies 8.3.6 and 8.3.7 for the Residential Zone and Policy 18.3.7 of the Subdivision Activity section of the Dunedin City District Plan provides for sustainable management of infrastructure and requires that developers will be responsible for the provision of all necessary access, infrastructure and services for any development in residential areas.

Development of new infrastructure must be integrated with existing works to ensure safety and efficiency is not compromised. Integration of the proposed development into the overall community is a fundamental objective of this project.

6.6.1 Waste Water Management

The CPG report Attachment B Appendix 1 sets out the current situation relating to the Outram township. Under the heading Background in Section 2.1 the report records:

"The proposed development is located in the Outram township. Currently all Outram residents dispose of their wastewater via on-site septic tanks and disposal fields as there is no reticulated wastewater system."

In discussions with the Dunedin City Council there is currently no intention to build a reticulated sewerage system for Outram in the near future. Given that situation the CPG report goes on to say under Section 2.3 that:

"Given the site lies partly within a Groundwater Protection Zone, conventional wastewater systems (septic tanks and soakage trenches) are not considered desirable. Additionally, discharge of sewerage onto land within a Groundwater Protection Zone is a discretionary activity under the Regional Plan : Water for Otago and therefore requires an approved resource consent application. It is expected that the ORC will require all wastewater to be treated to a high standard prior to dispersal into the receiving environment."

The investigation undertaken within this report recommends a larger site area to achieve effective disposal and the installation of wastewater treatment systems with secondary treatment prior to dispersing the treated effluent to land.

6.6.2 Solid Waste Management

It is proposed to maximise use of the existing and future waste minimisation and solid waste services provided by the DCC and community groups (eg. recycling collection services, recycling centres, green waste collection and other composing facilities, refuse collection services and transfer station).

The adoption of sustainable approaches and solutions has been identified as one of the key drivers in the provision of infrastructure for the land subject to this proposed plan change.

6.6.3 Stormwater Disposal

The CPG report identifies in detail the current problems that exist on the Balmoral site in relation to the collection and disposal of stormwater. On page 13 that report highlights that the ponding area fronting Holyhead Street currently provides the stormwater disposal system for a significant area of residential development in Holyhead Street.

At the present time there is a limited water right which enables a limited amount of discharge by way of pumping from this ponding area into the adjoining Taieri River. This right is however limited to the "washing of products".

This report investigates two options for the disposal of stormwater from the site.

Under Section 4.5.3 (page 20) the preferred stormwater solution is pumping from the East Catchment Detention Pond (EDP) directly over the stopback into the Taieri River.

This solution recognises the 12 hour time delay before the flood peak from the Taieri River arrives at the site.

Such a solution would be the subject of a separate application for a "water right" from the Otago Regional Council.

Stormwater disposal on Lot 1 DP 17247 is by way of traditional soakpits which works successfully.

6.6.4 Water Supply

Water is currently supplied to the existing Balmoral site by way of connections to the existing reticulation in Holyhead Street and a further connection to the existing major water supply to the Outram community which is serviced by bore water pumped to a treatment plant next to a water reservoir located in close proximity to the property.

CPG's report of October 2011 (Attachment B – Appendix 1) addresses in detail the minimal effect of development facilitated by the proposed plan change on the existing water supply.

Lot 1 DP 17247 is serviced from a direct connection from the existing watermain in the State Highway Reserve.

6.6.5 Air Quality

The Regional Air Plan promotes voluntary actions to avoid effects of domestic heating, through advocacy and information (Policy 8.2.7). The Plan only seeks to control discharges from domestic heating appliances in scheduled areas. The subject site is located outside the scheduled areas and discharges from domestic heating appliances are therefore permitted (Rule 16.3.1.4).

6.7 Transport Planning Framework

The Regional Land Transport Strategy (RLTS) for Otago describes the district wide strategic implementation of the strategies for the District as part of the wider Otago region. In so far as the matter of the proposed plan change is concerned, the transport related effects can be readily accommodated by the existing road network subject to the implementation of several physical improvements, in a manner that is generally consistent with the RLTS.

6.7.1 District Plan Transport Objectives

The relevant Dunedin City District Plan objectives and policies that relate to the transportation aspects of the proposed plan change include the following:

"Objective 20.2.2

Ensure that land use activities are undertaken in a manner which avoids, remedies or mitigates adverse effects on the transportation network.

Policy 20.3.4

Ensure traffic generating activities do not adversely affect the safe, efficient and effective operation of the roading network."

The framework of objectives and policies in relation to transportation within the District Plan is clearly focussed around the safety and efficiency of land use activities, their parking and loading provisions and the methods of access to and from the supporting public road network. These considerations have been central to the upgraded intersection proposed to State Highway 87 and to the mitigation measures promoted to minimise the adverse effects of traffic noise on some of the adjoining allotments.

The proposal also promotes provision for pedestrian cycleway movement that again avoids and mitigates effects on the State Highway network.

7. SECTION 32 EVALUATION

7.1 Approach to Section 32 Evaluation

Section 4 of this report sets out the requirements of Section 32 of the RMA. The Ministry for the Environment Quality Planning website has provided a best practice guide to Section 32 evaluations for the preparation of district plans. The Section 32 evaluation process is more applicable to the evaluation of objectives, policies and rules on a district wide basis rather than to a request for a plan change that promotes a specific zone change, which is more akin to a 'major' resource consent. However the best practice guide has been applied to this evaluation as set out below.

Section 32 should be applied in a sequential process as follows:

1. Identify the resource management issue that needs addressing – this will necessarily be in the context of the property concerned in this case (as a whole district plan review is not proposed).
2. Identify the objectives – outcomes that would result from resolution of the issue – including longer term outcomes.
3. Assess whether the objectives are the most appropriate – this is part of an iterative process. If, for example, the costs of pursuing a particular objective are too high compared to the benefits, then some assessment of whether the objective is appropriate needs to be made. In addition, some assessment needs to be made of the objectives in the context of Part 2 of the RMA.
4. Evaluate the policies – whether they will achieve the objectives, are consistent with the RMA, or whether there are other feasible and practical policies to achieve the objectives.

5. Examine the methods being used to achieve the stated objective having regard to efficiency and effectiveness. This includes a consideration of methods outside of the RMA. It is no longer necessary to evaluate alternative means since the 2003 amendment to the RMA.
6. Analyse the benefits and costs of the proposed rules and other methods utilised to achieve the objectives. Methods can be analysed as a package if they are used together to achieve objectives. The evaluation should consider environmental benefits and costs, and social and economic benefits and costs.
7. The risks of acting or not acting also need to be identified.

7.2 Resource Management Issues

The Dunedin City District Plan includes the Significant Resource Management Issues in Section 8.1 for the residential areas.

Apart from identifying the location of this plan change within the descriptive sections of the District Plan and providing for a minimum allotment area of 2000m² on the land to be rezoned no other changes to the objectives, policies and rules of the Dunedin City District Plan are promoted.

7.3 Relationship of Issues to Objectives

	Issue 1 Protection of Residential Amenity	Issue 2 Effects on Community	Issue 3 Protection of Heritage Values & Historic Buildings	Issue 4 Provision of Urban Infrastructure	Issue 5 Transportation Network	Issue 6 Sustainability
Existing Relevant Objectives						
Obj 8.2.1 Adverse effect on amenities to be mitigated	Yes					
Obj 8.2.2 Special amenity values of township not to be adversely affected		Yes				
Obj 8.2.4 Sustaining infrastructure for future generations				Yes		

Schedule 25.1 Obj 8.2.5			Yes			
Obj 20.2.2 Mitigation of adverse effects on transportation					Yes	
Obj 4.2.2 Level of services appropriate to intensity of development						Yes

	Issue 8.1.1 and 8.1.2 Protecting the amenity of Residential area	Issue 8.1.5 Adverse effect on heritage are mitigated	Issue 8.1.4 Sustainability of Urban Infrastructure
Existing relevant objectives			
Obj 8.2.1 & 8.2.2 Policy 8.3.1, 8.3.2, 8.3.8 & 8.3.10	Yes		
Obj 8.2.5 Policy 8.3.12		Yes	
Obj 8.2.4 Policy 8.3.4, 8.3.5, 8.3.8			Yes

7.4 Do the Policies and Other Methods Achieve the Objectives

The only modifications to the Residential 6 Zone rules relate to a density/lot area of 2000m² and reference to the disposal of wastewater. The existing objectives and policies for the Residential 6 Zone remain unchanged. The proposed plan change is consistent with the relevant objectives and policies of the Dunedin City District Plan.

7.5 Costs Benefits and Risks

Considering the costs, benefits and risks of policies, rules and other methods is a requirement under section 32(4) (a) of the Act. As sections 32(3) (a) and (b) have been satisfied this assessment of costs, benefits and risks addresses the plan change as a whole. These matters have already been addressed in the discussion above and are represented in summary form in the table below.

Section 32(4)(b) of the Act also requires that the relative risk of “acting or not acting” if there is uncertainty about the subject matter or insufficient information is available to make an informed decision. In the case of the requested plan change it is considered that the greatest risk would be to maintain the status quo which would result in the site becoming poorly maintained and detracting from this entrance to Outram and possibly being utilised for a use which is out of keeping with the Residential environment.

The status quo also diminishes the opportunity of achieving a buyer for the historical building on the site thereby diminishing its chances of on-going maintenance and retention.

The following Table sets out the costs, benefits and risks in terms of the issues relevant to the requested plan change.

Issue	Related Provisions	Costs	Benefits	Risks
Effect on rural township	Issue 8.1.2 Objective 8.2.2 Policies 8.3.2, 8.3.6, 8.3.9	No additional community costs	- Significant economic and social benefits associated with the increase in residential population. - Additional economic activity for Outram businesses – development will create an increased demand for local goods and services. - Employment opportunities created by the development of this land and construction.	Development not implemented in accordance with the concept plan will be detrimental to the functioning of Outram
Landscape and amenity	Issue 8.1.1 Issue 8.1.2 Objective 8.2.1 Objective 8.2.2 Policy 8.3.9 Policy 8.3.2 Policy 8.3.7	Significantly increased intensity and scale of development with associated landscape and visual effects.	- Utilisation of an isolated pocket of land zoned Rural. - Best use of land.	The adverse visual effect of land under utilised for Rural purposes
Intensity of Development	Issues 4.1.2 and 8.1.2 Objectives 4.2.2 and 8.2.2 Policies 4.3.2, 4.3.5, 8.3.2, 8.3.6 and 8.3.7		- Planning framework establishes appropriate development through: <ul style="list-style-type: none"> • Bulk and location requirements for building which protect amenity. • Height restrictions placed on buildings. • Design requirements for buildings. - Restriction on adverse effects from noise, glare and electrical infrastructure. - Increased open space requirements for dwelling.	Limited opportunities for use as a sub-standard Rural allotment

Provision of infra-structure	Issue 4.1.2 Objective 4.2.2 Objective 4.2.3 Policy 4.3.2 Policy 4.3.5	Additional demand for water and wastewater treatment services generated by development. Environmental effects of the provision of infrastructure.	<ul style="list-style-type: none"> - Rationalisation of existing infrastructural facilities avoiding the proliferation of septic tanks and disposal fields. - Significant potential to integrate subdivisional infrastructure with the Council's infrastructure including potable water supply and/or wastewater treatment and disposal to create win-win solutions (eg. economies of scale, improved level of service, wider area being serviced, better environmental outcomes). - Potential future improvement in the down-gradient aquifer groundwater quality due to the provision of a reticulated service rather than the proliferation of large numbers of septic tank systems. - Inclusion of sustainability principles in development of infrastructure options. 	<p>Works required are more extensive or intrusive than the preliminary assessment suggests.</p> <p>Urban development may have a detrimental impact on the Ground Water Protection Zone.</p> <p>The need to ensure that development of the detention pond does not affect the integrity of the existing stop bank.</p>
Soil	Issue 4.1.3 Objective 4.2.4 Policy 4.3.4	The site is identified on Planning Map 75 as containing high class soils.	<ul style="list-style-type: none"> - Best use of un-economic rural site. 	The zoning remains Rural and the property is not maintained.
Sustainable development	Issue 4.1.2 Objective 4.2.2 Objective 4.2.3 Policy 4.3.2 Policy 4.3.5		<ul style="list-style-type: none"> - Development underpinned by environmentally sustainable principles and practices. Extensive sustainable development mechanisms proposed as part of the plan change including waste minimisation, collection of first flush stormwater, minimising the extent of impermeable surfaces, etc. 	Development not implemented in accordance with the concept plan.
Ground Water Protection Zone	Rule 6.5.3 (vii)(e)	The change to Residential zoning places greater emphasis on Ground Water Protection Zone.	<ul style="list-style-type: none"> - The site limitation imposed by the ORC Flood Protection Bylaw 2008 be carried down onto the individual titles. 	That these restrictions are not recorded on the title.
Historical Significance	Schedule 25.1 Heritage Buildings and Structures	Amendment to minimum site area to ensure maintenance.	<ul style="list-style-type: none"> - Creation of more practical site area to ensure utilisation and retention of existing building. 	The historic building becoming dilapidated and fall in disrepair.

8. CONCLUSION

The analysis of statutory policy documents including the Dunedin District Plan, the Regional Policy Statement and regional plans indicates that the most important issues to be addressed include mitigating adverse effects on amenity values and the provision of appropriate infrastructure. The proposed plan change is consistent with the relevant objectives and policies of the Dunedin City District Plan that address these issues and is consistent with the purpose and principles of the RMA.

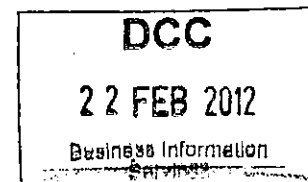
The site itself has a long history of modification and vegetation disturbance. Over 95% of the site consists of highly modified grassland, and the property can be developed without impacting ecological values. The proposed plan change provides for the efficient use of the land resource and will facilitate the on-going use and retention of a heritage building, consistent with principles inherent in Section 6(f) of the RMA.

The rezoning proposal offers the opportunity to create a logical boundary to the north-eastern corner of Outram based on natural physical features and resources.

It avoids the potential development pressure on High Class Soils that occurs on the western and southern boundaries where there are no natural physical limitations on incremental residential growth.

21 February 2012

Mr P Freeland
Dunedin City Council
PO Box 5045
DUNEDIN 9058



Dear Paul

RE: PRIVATE PLAN CHANGE
BALMORAL DEVELOPMENTS (OUTRAM) LTD

In response to your letter of 19 January 2012 we attach a brief report from CPG addressing the likely traffic movements generated by the Structure Plan forming part of this application.

We hope this satisfies your request but please contact the writer if you require any further information on the Private Plan Change.

Yours faithfully
JOHNSTON WHITNEY

A handwritten signature in black ink, appearing to read 'D Johnston'.

D JOHNSTON
Consultant

cc. Chris Thomsen, Galloway Cook Allan, PO Box 143, Dunedin 9054
N Ferguson, Sierra Motels, PO Box 204, Omarama



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16 February 2012

Johnston Whitney Resource Management Consultants
PO Box 3
Mosgiel
DUNEDIN

Attention: Mr Dave Johnston

Dear Dave

Proposed Subdivision – Balmoral Developments (Outram) Ltd

Thank you for engaging CPG to provide advice on the access of the subdivision onto State Highway 87.

We see the matters of interest to the New Zealand Transport Agency and Dunedin City Council as being:

- The impact of traffic from the subdivision on the state highway and adjacent streets.
- The nature and safety of the intersection which will link the subdivision to the state highway.

The state highway, adjacent to the subdivision has a legal speed limit of 100km/h, reducing to 50km/h for westbound traffic adjacent to Lot 7.

Traffic

The subdivision, including Lot 1 DP 17247, contains 25 residential dwellings, 19 of which have access to the state highway, and the remaining six which have access to Holyhead Street. The NZTA Planning Policy Manual, Version 1, Table App5B/5, suggests that that each dwelling will generate 10.4 vehicles per day, and at during peak hour traffic, 1.2 vehicles per hour. It is estimated that 198 vehicles per day will enter or exit the state highway by means of the intersection and that 23 vehicles will do so during the peak hour. For Holyhead Street, the numbers are 62 vehicles per day and 7 vehicles per hour, respectively.

Traffic counts on SH87 at Wylies Crossing are considered to give an appropriate indication of traffic volumes adjacent to the subdivision. Between 2006 and 2010, these varied between 2650 and 2850 vehicles per day. For the purpose of this exercise, a value of 3,000 vehicles per day would be appropriate to use.

If it is assumed that the peak hour volume equals 10% of the daily traffic volume, following peak hour statistics result:

- 300 vehicles per hour
- 5 vehicles per minute
- 1 vehicle per 12 seconds.



Proposed Subdivision – Balmoral Developments (Outram) Ltd

Page 2 of 2

As shown above, peak hour traffic from the subdivision is 23 vehicles per hour, or one vehicle per 156 seconds. This equates to one vehicle entering the state highway traffic stream every thirteenth gap. It is considered that the current configuration of the state highway has adequate capacity to accept traffic from the subdivision.

Holyhead Street, upstream of its intersection with Bidston Street, appears to have 15 or sixteen existing dwellings, consequently the additional six dwellings will constitute a potential increase in traffic of some 40%. It is considered that Holyhead Street also has adequate capacity to accept traffic from the subdivision, as do the other streets and intersections of Outram which will also accept this traffic.

It should be understood, that the split between traffic directions during the peak hour is unknown, although it is expected that most traffic will be travelling from Outram to Mosgiel during the peak hour. Gaps between vehicles will also not be consistent but will vary around the times presented here.

Intersection

It is understood that the proposed intersection will have both a left turn lane and a right turn bay for traffic entering the subdivision from the state highway. It is recommended that the design of the intersection be guided by the NZTA Manual of Traffic Signs and Markings, Part 2, Figures 3.25 to 3.27.

Traffic approaching the intersection has a 100km/h legal speed limit. The development of this subdivision has the effect of moving the urban boundary of Outram eastwards, and it may be appropriate for the 50km/h speed limit to be moved eastwards also, so that the safety of the intersection is enhanced by increased sight distance and gap times.

Sight distance for a legal speed limit of 100km/h, in accordance with the NZTA Planning Policy Manual, can be achieved in the easterly direction. However, this will require some of the trees adjacent to the state highway carriageway east of the intersection being removed. In the westerly direction, a hedge presently restricts visibility, however inspection of an aerial photograph suggests that sight distance for 85km/h could be achieved if the hedge were removed and limits were put on vegetation and fences at the fronts of Lots 7, 8, 9 and 10.

Conclusion

The additional traffic generated by the proposed subdivision will have an impact on the existing traffic and roading infrastructure at Outram. The magnitude of the impact, however, can be accommodated by the existing infrastructure with the addition of an improved intersection including a left turn lane and a right turn bay.

Additionally, safety at the intersection could be enhanced by moving the location of the 50km/h speed restriction signs to the east.

Should you need any further information, please do not hesitate to call Chris Baughen on 03 477 7133.

Yours faithfully
CPG

A handwritten signature in black ink, reading 'C. Baughen'.

Christopher D K Baughen

