

Dunedin City District Plan  
**DISTRICT PLAN CHANGE 16**  
**Formby Street, Outram**

Decision Incorporating Submissions

3 March 2014



**DUNEDIN CITY**  
**COUNCIL**  
Kaunihera-a-rohe o Otago  
**CITY PLANNING**



## 1.0 INTRODUCTION

Private Plan Change 16 Formby Street, Outram (Formby Street) sought to change the zoning of an area of land that is currently zoned Rural to Residential 5. The land in the application is part of the properties at 39A and 81 Formby Street, Outram, legally described as Part Section 1 Block V West Taieri Survey District (held in Computer Freehold Register OT15A/945), and comprises 7.7413 hectares. The site is currently split zoned, where 39A Formby Street is largely zoned Rural comprising approximately 7.6ha. 81 Formby Street is approximately 0.1413ha and a small part of 39A Formby Street are currently zoned Residential 5 and form part of a row of residential sites along the Formby Street carriageway.

Twenty-seven submissions were received on Private Plan Change 16. Two further submissions were received in response to these submissions. Of the 27 primary submissions received:

- 4 submissions support the entire plan change;
- 8 submissions unconditionally opposed the plan change;
- 14 submissions conditionally opposed the plan change; and
- 1 submission was neutral to the plan change.

The key issues raised in submissions relate primarily to loss of residential amenity, design of future dwellings, infrastructural capacity, potential loss of high quality soils, demand, the sustainable use of the land, and provision of sufficient water for fire-fighting purposes.

All of the submissions and further submissions are considered in this report.

## 2.0 BACKGROUND

### 2.1 Existing Provisions

The Dunedin City District Plan was made fully operative on 3 July 2006. The Plan has adopted a zoning approach *"to provide for uses and developments which are compatible within identified areas"* (Policy 4.3.7 – Sustainability Section). This application uses the existing Residential 5 zoning in the Plan as the basis for its proposed change.

Council has the ability to consider private plan change requests. Part 2 of Schedule 1 of the Resource Management Act 1991 ('the Act') sets out a process whereby any person may seek a change to an operative plan.

On 22 November 2011, Urbis Ashburton Limited, on behalf of Two Note Limited, lodged a private plan change request with the Council pursuant to Section 73(2) (Preparation and change of district plans) and Part 2 of Schedule 1 (Private plan change process) of the Act. The private plan change will have the effect of changing the zoning of land from Rural to Residential 5 under the Plan. Residential 5 zoning generally provides for 1,000m<sup>2</sup> sized sites and standards for specific residential areas, which often do not have connection to Council-owned reticulated water and/or wastewater systems.

The purpose of the plan change is to provide additional land for residential activity.

## 2.2 Consultation

The applicant advised in both the application and during the hearing they had consulted with key stakeholders including:

- Officers of the Dunedin City Council
- Otago Regional Council
- Kai Tahu ki Otago (on behalf of Te Runaka o Otakou)
- Willowfields Development (a development across Formby St to the east)
- Outram Charitable Trust
- Outram Primary School
- Mosgiel/Taieri Community Board

## 2.3 Section 32

The applicant completed and submitted an evaluation under Section 32(1)(d) of the Resource Management Act 1991 ('RMA') with their application. Pursuant to s32(2)(a) of the Act, before making a decision under clause 29(4) of Schedule 1, a further evaluation must be made. Overall, the Planning Officer concurred with the s.32 evaluation as submitted, which found support from the Committee. The proposal does not introduce any new objectives, policies or methods into the Plan. The rules proposed were regarded as generally the most appropriate for achieving the existing objectives of the District Plan.

## 2.4 New Provisions and Changes to the District Plan

The applicant has adopted the Outline Plan approach, which means that key components of the Plan Change are identified and designed to give some certainty to how the development will be established. The key components included in this proposal are fee simple residential lots, roading, pedestrian walkways, and recreation and storm water reserves. A wastewater treatment plant would be owned, operated and maintained by a body corporate.

The Plan Change seeks to rezone most of the site from Rural to Residential 5 in accordance with the provisions of that zone defined in Section 8 of the Plan.

The proposal seeks to add the following changes to the District Plan:

- Amend District Plan map 7 to provide for the Residential 5 zone to include the new Outline Development Plan
- Amend the Noise Map 67 to include Outline Development Plan
- Add the following to Chapter 8- Residential 5

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| <b>Permitted Activities 8.11.2(xxiii) Mockford Outline Development Plan</b> |
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| <i>Any development within the area shown in the Mockford Outline Development Plan shall be undertaken in accordance with the Outline Development Plan included as Appendix 8.6 Mockford Outline Development Plan of the Dunedin City Council.</i> |
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- Add the following to Chapter 18- Subdivision

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| <b>Rule 18.5.12(d) Structure Plans</b> |
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| <i>Any subdivision and/ or development within the Mockford Outline Development Plan shall be undertaken in general accordance with that Outline Development Plan included as Appendix 8.6 Mockford Outline Development Plan.</i> |
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## **2.5 The Residential 5 Zone**

The proposal sought to rezone a block of Rural land into the Residential 5 zone. This zone is typically in small rural townships and settlements that have developed independently of main urban centres. Residential 5 properties are usually not serviced by a municipal reticulated sewerage scheme, therefore each site relies on treatment via a septic tank system. Sites need to be of a sufficient size to accommodate the nutrient loading and adequately treat wastewater prior to any interaction with groundwater or adjoining landholdings.

Generally Residential 5 zoned properties are of very low density, where developments are set back from carriageways. From an infrastructural perspective, the zone typically enjoys less development of footpaths, kerb and channelling, but has wide grass berms as compared to other zones.

The District Plan notes Residential 5 land is characterised as having:

- Large front yards, generally more than 6m deep
- Side yards 2m or more giving good space between buildings
- Generally large sites, greater than 1,000m<sup>2</sup>
- Low site coverage (20% or less)
- Small dwelling size
- Low population density
- A number of vacant sites
- No, or limited infrastructure.

## **2.6 Notification and Hearing**

The Private Plan Change request was formally lodged with the Council on 22 November 2011. Council had the options of rejecting the request, adopting the plan change as their own, or treating the request as a resource consent application. On 8 February 2012, the Council's Planning and Environment Committee considered the request and agreed to accept the Private Plan Change request for processing. This was a procedural decision and did not imply any support for the merits of this Plan Change.

The Private Plan Change was notified on 13 June 2012 and received 27 submissions and 2 further submissions. All submissions and further submissions were received within notified time frames and all submissions are considered to be valid as they are in accordance with the requirements of the Act.

## **3.0 HEARING**

A public hearing for Plan Change 16 took place on 22-23 November 2012. Councillor Colin Weatherall (Chair), Councillor Andrew Noone and Councillor Kate Wilson formed the Hearing Committee. Council staff in attendance were Mr Paul Freeland (Senior Planner-Policy), Mr Darryl Sycamore (Planning Officer), Ms Lisa Clifford (Senior Transportation Planner), Ms Rachel East (Consents and Compliance Officer, Water and Waste Services) and Ms Wendy Collard (Governance Support Officer).

The applicant was represented by Michael Nidd (Legal Counsel for the Applicant), Gordon Mockford (Company Director for Two Note Limited), David Harford (Planner for the Applicant), Wayne Gallot (Transportation Planner for the Applicant), Andrew Tisch (Principal Engineer), Dr Marke Jennings-Temple (Hazardous Sites Scientist), and John Eaton (previous landowner of the site).

Messer's Trevor Braid, Craig Werner, and Brian Miller and Ms Teresa Stevenson, all submitters in their personal capacity, were also present at the hearing.

### 3.1 Procedural Matters

The sole procedural matter raised was a statement from Councillor Weatherall that Mr John Eaton is his daughter's father-in-law. No parties raised any concern with the relationship.

### 3.2 Presentations

#### Planning Officer:

**Mr Sycamore** introduced his planning report, giving a brief overview of the purpose and methodology of the private plan change, the nature of the submissions received, and the recommended amendments to the plan change in response to submissions. It was his view that the proposal to rezone the Rural site to Residential 5 exhibits a range of factors that are both negative and positive in terms of effects, where some are significantly challenging. The application in its original form did not address some key issues, and consultation with Council Departments had revealed a range of matters that required clarification.

Mr Sycamore commented on the key issues raised in submissions and by Council Departments. He reiterated the key issues/observations of contention, specifically:

1. The proposal is likely to adversely affect the amenity of adjoining landowners.
2. The proposal was generally inconsistent with the objectives and policies of the Sustainability Section of the Plan.
3. The proposal was generally inconsistent with the Spatial Plan's overall objective for Dunedin's urban form and future development.
4. The site comprises High Class Soils. The proposal will effectively negate the ability to use those soils in a productive capacity for either current or future generations.
5. The landfill had not been sufficiently defined, or assessed. The extent of any potential issues relating to the landfill should be addressed prior to the rezoning to residential use. Issues relating to persistent agricultural chemicals had not been sufficiently discussed.
6. The NES provisions had not been considered, and should be clarified to the standard set out in the NES to confirm the site is suitable for residential activity prior to rezoning to Residential 5 taking place.
7. The Council's Water and Waste Services Department stated that the reticulated water supply would be inadequate to accommodate the development for potable supply, general household use or fire-fighting purposes. Further infrastructural upgrades will be required to provide sufficient capacity to both existing and future dwellings should the plan change proceed.
8. The Council's Water and Waste Services Department had expressed concern that storm water runoff or the siting of dwellings may compromise their ability to utilise the oxbow retention pond as part of managing Outram's storm water system. Water and Waste Services were concerned that the development may affect the ability to comply with the discharge consent associated with the storm water management.
9. The Council's Transportation Planning Department held the view the roading elements, in particular the staggered intersection with Formby near Lynas Streets had not been sufficiently considered. They also sought pedestrian pathways on both sides of the proposed carriageway, which had not found support with the applicant.
10. The Council's Parks and Reserves Department had indicated that they did not wish to take over and manage the proposed reserve areas set out in the original Concept Plan. The applicant had not addressed how that land would be managed.

Overall, while some aspects of the original application required clarification and the subject site represented some challenges, Mr Sycamore recommended the application be declined in its current configuration.

### **The Applicant's Team:**

**Mr Nidd** introduced Mr Mockford and the applicant's team of experts. He presented his written submission in support of Two Note Limited's Private Plan Change.

Mr Nidd described the original proposal comprising 36 (34 additional) residential lots and the subsequent reduction to 28 (being 26 additional) residential lots to address concerns on amenity and issues arising from flood risk. The revised number of lots has allowed for a re-arrangement of the development offering additional land to accommodate surface water during flood events.

He discussed the recommendation of the Planning Officer with respect to potential soil contamination arising from earlier agricultural practices. It was the applicant's view further soil testing could be carried out to determine the extent of soil contamination from persistent agrichemicals once the plan change is approved. Mr Nidd noted the costs associated with a soil chemistry investigation were significant and the applicant would carry out that work once a positive outcome was concluded. In short, it would be unwarranted to carry out soil analysis (to the standard of a Detailed Site Investigation prescribed under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES)) up front in the event the plan change was not approved by Council.

Mr Nidd discussed the overall vision for the development, including a desire to provide affordable housing on the Taieri. Mr Nidd then described the legal framework in which the proposed plan change was to be considered.

Mr Nidd was questioned on a number of aspects of the proposal including flood risk and avoidance, affordable housing and how contaminated soils and the NES would be managed.

**Mr Mockford**, a director of Two Note Limited, presented and spoke to his written submission. He detailed the background to the site and the proposal. He detailed the previous land uses and his recall of historic flooding levels. Mr Mockford responded to a number of questions. He advised that the applicant was amenable to the use of covenants to restrict development zones.

**Mr Tisch** presented his written submission on stormwater and wastewater matters relating to the proposal. He discussed the body corporate arrangement that would oversee the management of the wastewater treatment plant and disposal field. He concluded that the treatment plant was of sufficient capacity for the site and would produce high quality effluent.

Turning to stormwater, Mr Tisch discussed the surface flows, stormwater dispersion rates and how they will relate to the oxbow water feature on the margin. Mr Tisch detailed modelling of the surface-water and ground water dissipation relationships. It was his finding that the amended development over the subject site would not materially alter the rate or volumes of surface water infiltration via the oxbow feature.

Mr Tisch discussed the recommendation (by the Water and Waste Services Department) that a significant capital upgrade for network infrastructure will be required to provide sufficient reticulated water services. He advised that Two Note Limited was comfortable contributing a fair share of any costs associated with any upgrade.

Mr Tisch responded to points made by submitters, and the comments of Council staff in the Planning Officer's report. He concluded that, from a water management perspective, there are no reasons why the proposed amended plan change should not be adopted.

**Mr Gallot** spoke to his written submission regarding the transportation planning provisions of the proposal. He also discussed the key concerns of the submitters, and commented on points made by the Planning Officer in his report. Mr Gallot discussed the implications of a

number of roading and footpath designs including the potential for transport issues between the proposed development and the Lynas and Formby Street intersection. He reassured the Committee that the demand on that intersection would not be sufficient to the extent engineered traffic calming devices would be warranted.

Mr Gallot provided a number of modelled assumptions which detailed likely pedestrians, key walking routes and vehicle movements.

Following the lunch break, **Mr Nidd** suggested the applicant would offer a Structure Plan to incorporate a revised site layout, including setbacks, pathways and road design which would potentially address the concerns of design layout raised by the Committee, Council staff and some submitters. He would accept a 7m height restriction and 10m setback from existing Residential boundaries for proposed Lots 1, 2, 4, 7, 8, 11, 12, 15, 16 & 18 of the original Potential Development Plan (now Lots 1-10 of the Formby Street Structure Plan – Appendix A).

**Mr Eaton** provided a summary of the previous land use activities on the site. He commented on the siting of the old landfill away from the proposed rezoning and the extent of the market gardens. He clarified the location of sheds where agrichemicals had previously been stored.

He emphasised that while the District Plan records the site as containing high class soils, the soils are relatively infertile. He described a season where a third party tried unsuccessfully to grow potatoes, and how the site was unable to support high stocking units due to the inability to produce sufficient feed.

Mr Eaton recalled the flooding in the area, and how that related to the subject site, and wider environment including the designated ponding areas used to mitigate the effects. He then clarified a number of issues raised by the Committee.

**Mr Harford** tabled and spoke to his written planning evidence. He explained how the plan change layout had evolved, with particular emphasis on surface water management and accommodating the wastewater treatment system and its disposal field.

Mr Harford discussed the cluster-style building arrangement and agreed that while it was achievable, the cluster-concept was not ideal. Mr Harford answered questions on a number of aspects of the proposal for the Committee's clarification.

**Dr Jennings-Temple** tabled and spoke to his written submission. He interpreted the composite samples taken to date, and formed the view the samples were indicative of the overall site. He spoke of the soil profile, composition, climate and detailed how each relates to cropping. It was his view the soil was not of a high quality.

Dr Jennings-Temple clarified a number of matters and conceded that further soil testing would provide an overall improved understanding of contamination arising from historic land use.

### **Submitters:**

The submitter **Mr Braid** tabled a written submission and expressed concern at infrastructure constraints, in particular who is going to fund and manage any upgrades to infrastructure as a result of increased stormwater demand arising from the proposal.

Mr Braid detailed to the Committee how the stormwater ponds on his own property operated during high rain events. He expressed frustration that only a few properties were responsible for all surface water migration within Outram. He was concerned at siltation arising from the development within the oxbow feature which diminished the capacity for surface water to seep into the gravel profile. Mr Braid asked for clarification of who will be responsible for the ongoing maintenance relating to siltation risk exacerbating widespread flood potential.



He supported the position of the applicant with respect to the wastewater management siting and methodology. It was his view the system was appropriate for the site taking into account loading and topography.

**Mr Miller** spoke to his tabled evidence. He expressed dissatisfaction at the application by Two Note Ltd which states widespread consultation had been carried out within the community. As a Community Board Member, he stated the applicant had not engaged with the local Community Board.

Mr Miller talked about the rural community and the value of high quality soils. He discussed the quality of Taieri soils, in particular *Pomahaka* soils. He offered up published evidence as to soils in the area as evidence for his submission.

**Mr Werner** spoke to his written evidence. He reiterated his position that the site is not appropriate for further development given Outram has few infrastructural services to support additional demand. He noted a significant number of vacant sites within both Outram and the Taieri Plains, and promoted the view further greenfield sites are also not necessary.

Mr Werner presented his view on being a great small city in context with landscape. The Committee sought a number of points of clarification from Mr Werner.

**Ms Stevenson** tabled and spoke to her submission, noting her submission was as a citizen rather than as a Councillor. She reiterated her view that cluster developments within the rural zone would provide scope for productive use of the land rather than often redundant larger sites that resemble the Rural Residential layout.

She clarified a number of points and commented on concern relating to further development on the Groundwater Protection Zone.

### **3.3 Council Officer's responses to evidence presented at the Hearing**

**Ms Clifford** reaffirmed her concern at the pedestrian walkway on one side of the carriageway. She noted that a guiding document, the Code of Subdivision and Development, required new developments to provide dual pathways.

Ms Clifford indicated a preference for a cul-de-sac instead of a connection to Formby Street near the intersection with Lynas Street. The cul-de-sac would still need to allow a pedestrian /cycle link to Formby Street

**Ms East** presented an overview of the existing Outram Water Scheme. She advised that there was sufficient capacity within the Outram reservoir to supply the additional development proposed, however the difficulty was getting the water to the development under sufficient pressure without adversely impacting on the wider network.

Ms East advised that Water and Waste Services are about to undertake a process of modelling the Outram Water supply network. This modelling would identify the most cost effective and equitable approach for supplying the proposed development. The results of the modelling work would not be available till late June.

### **3.4 Planning Officer's response to evidence**

After hearing the evidence of the applicant, the submitter's comments, and Council officer responses, **Mr Sycamore** reassured the Committee that a number of original concerns have been addressed in evidence. He concluded by supporting the application on the proviso:

- that the applicant carry out soil sampling consistent with the NES methodology that confirmed the site was suitable for residential use;
- that the applicant provide a Structure Plan, to the satisfaction of the Committee, which supports the application taking into account transportation and bulk /location matters raised throughout the hearing; and
- that the applicant agrees to accept fair costs of the infrastructural upgrade.

Mr Sycamore held the view the plan change application could be granted where effects on the environment or immediate receiving environment could be sufficiently managed provided the above issues were addressed.

### **3.5 Right of Reply by Two Note Limited:**

**Mr Nidd** spoke on certain points raised during the hearing. He thanked the Planning Officer for the revised recommendation to grant the proposal.

He advised the Committee that Two Note Limited would take on board the suggestions of the Planning Officer, where a Structure Plan would be prepared to support the application. The Plan would incorporate a number of iterations relating to transportation aspects raised in the hearing. Mr Nidd also confirmed detailed soil sampling consistent with the NES methodology would be forthcoming although there may be delay in turnaround time.

With respect to the oxbow pond feature and margin, Mr Nidd agreed that area could be retained as Rural. He noted there was not a lot of difference between the Planning Officer's recommended conditions for bulk and location elements, and those of the applicant.

## **4.0 DELIBERATIONS**

### **4.1 Other Matters**

Pursuant to Section 74 of the RMA, Council must consider other matters when modifying its district plan. In addition to other statutory requirements, Council is required to have regard to any management plans or strategies prepared under other Acts. Council adopted '*Dunedin towards 2050 – a Spatial Plan for Dunedin*' in September 2012, a key policy for setting the strategic direction for growth and development of Dunedin in the next 30 years. It was considered appropriate to reflect on how the application has regard to the Spatial Plan for Dunedin.

The Spatial Plan established 6 strategic directions that combine to provide the vision and strategic policy framework by outlining what kind of City we want to have. Each strategic direction has objectives and policies. An overall urban form objective of a Compact City with resilient townships has been identified as best meeting the strategic directions and relevant objectives and policies.

Relevant objective and policies include:

| Spatial Plan Objective/Policy   | How Plan Change 16 has regard   |
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| <p><i>ESR 1 The productive and ecosystem services provided by the rural environment are maintained or enhanced</i></p> <p><i>(a) Ensure any development or subdivision on rural land provides for the continued use and effective management of that land for productive purposes or ecosystem services. Strongly discourage any residential development or subdivision on rural land that undermines these functions or the objectives of the urban-rural boundary</i></p> | <p>PC 16 seeks to use productive land which is comprised of high class soils, for residential purposes. This is contrary to this objective and policy. Although the site is classified as having high class soils, evidence presented on historic use of the site, indicated cropping had been unsuccessful and cattle grazing had been the prominent use of the majority of the property over many years.</p>                    |
| <p><i>ESR 5 The threats posed by natural disasters and climate change are reduced</i></p> <p><i>(a) Discourage development in areas subject to, or potentially subject to, instability, severe flooding or tidal inundation in the future</i></p>   | <p>While some of the original PC16 area is potentially subject to flooding, the removal of the low-lying areas from the rezoning has reduced the likelihood of the potential residential development being in an area which will flood.</p>   |
| <p><i>ESR 9 Systems of wastewater and storm water treatment and disposal are delivered in a cost effective manner with a positive environmental impact</i></p> <p><i>(a) Discourage development in areas where there are major infrastructure constraints (e.g. where existing systems are at or over capacity and engineering solutions would be prohibitively expensive to implement)</i></p>   | <p>The wastewater and storm water treatment systems proposed for PC16 will be at the cost of the developer. Ongoing operational and maintenance costs will be met by the owners of the individual properties via a body corporate arrangement.</p>  |
| <p><i>ESR 11 Dunedin's outlying settlements and townships have reasonable self-sufficiency and resilience to rising fuel prices</i></p> <p><i>(a) Encourage and promote the retention and establishment of essential services and facilities in townships (e.g. schools, dairies, petrol stations)</i></p>  | <p>Adding to the population of Outram will arguably contribute to greater self-sufficiency and resilience as the greater population will be able to support the retention and establishment of services and facilities. The site development was also seen to be community focussed because of its location and as a cul-de-sac less car focussed – providing for good pedestrian links to school and other community assets.</p> |
| <p><i>MEM 1 The diverse character of Dunedin's rural and coastal environment is maintained and enhanced</i></p>   | <p>The proposal is an extension of an existing urban area, and will not significantly detract from the distinct rural community of Outram. It also may take pressure off development of</p>   |

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| <i>(b) Protect the character and identity of the distinct rural and coastal communities by preventing urban development in defined inter-urban breaks (rural or natural areas between settlements)</i> | other residential 5 sites that were of high class soil and being used productively. |
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The Spatial Plan pattern of development overall objective for urban form and future development for Dunedin is to have a Compact City with Resilient Townships. The following policies are relevant to this plan change:

| Urban Form Policies   | How Plan Change 16 has regard   |
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| <p><b>Urban Form (a)</b></p> <p><i>Establish an urban-rural boundary that sets the limit of urban development. The boundary will be determined based on the following criteria:</i></p> <ul style="list-style-type: none"> <li>- ensure efficient use of available land and infrastructure capacity in existing urban areas;</li> <li>- avoid pressure for unplanned expansion of services and infrastructure;</li> <li>- avoid the creation of new isolated urban areas;</li> <li>- avoid areas of high rural productivity (including high class soils), significant natural values or hazards;</li> <li>- avoid the fragmentation of rural land or loss of productive soils; and</li> <li>- avoids conflicts over water resources.</li> </ul> | <p>The current urban-rural boundary is between rural zoned land and land zoned for other urban purposes. Plan Change 16 is effectively seeking to move the urban-rural boundary to include land which is mapped as having high class soils. The proposed rezoning is partly based upon the lack of available land in Outram for residential development, and does not create any pressure for unplanned services or infrastructure, or create any new isolated urban areas. The plan change area is partly zoned residential at the moment and the nature of the site is such that it is effectively landlocked from other rural land by landscape features and may be a nuisance to adjoining residential landowners if it is actively farmed.</p> |
| <p><b>Urban Form (b)</b></p> <p><i>Prioritise the use of existing capacity in land already urban in nature, prior to consideration being given to the expansion of urban limits as defined by the urban-rural boundary.</i></p>   | <p>Outram's residentially-zoned land has approximately 321 residential properties of which only 29 are not developed for residential use but many are developed as gardens or needed for waste reticulation and disposal. Outram is virtually full from a residential perspective, and potentially expansion is appropriate to meet residential demand in Outram. Some of the residential 5 sites that would be able to be developed are being used for market gardening and have high class soils.</p>   |

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| <p><b>Urban Form (c)</b></p> <p><i>Promote urban consolidation by identifying opportunities to use existing urban land more efficiently, including through promotion of more mixed-use residential development in the central city and suburban centres and provision of intensification of residential activity in appropriate locations.</i></p>  | <p>It is unlikely that Outram will meet the requirements for intensification of residential activity.</p>   |
| <p><b>Urban Form (d)</b></p> <p><i>Ensure there is an adequate supply of land to support the urban form objective by regularly reviewing the levels of unconstrained capacity compared to potential demand in urban Dunedin, or townships where population growth is determined to be beneficial on balance.</i></p>  | <p>The amount of land available for residential development in Outram is limited. Outram has experienced considerable growth within the township itself in recent years. There are currently very few residential sections available.</p>   |
| <p><b>Urban Form (e)</b></p> <p><i>Only consider expansion of the boundary when current urban land capacity is inadequate and options for urban consolidation are deemed inappropriate or unachievable.</i></p>   | <p>As the available residential capacity of Outram is limited, and Outram is unlikely to be deemed appropriate for consolidation or intensification, it is appropriate to consider the expansion of Outram.</p>   |
| <p><b>Urban Form (f)</b></p> <p><i>Manage urban expansion to ensure it occurs in suitable locations and un-coordinated urban expansion is avoided. Suitable locations should be identified through a city-wide strategic assessment of the best locations for future development, following the premise that growth should be accommodated in the main urban area of Dunedin, and in a way that best meets the objectives and policies of the Spatial Plan.</i></p> | <p>Although the Spatial Plan indicated initial changes to management approaches through key highlights, no changes to Outram were proposed. A city-wide strategic assessment of the best locations for future development has not been undertaken. It is unlikely that the City Council will be able to resource such an investigation across the City in the near future. The Second Generation Plan may well be the catalyst for identifying the best locations for future development.</p> |
| <p><b>Urban Form (g)</b></p> <p><i>Discourage private plan changes for urban expansion that do not align with this objective and related policies.</i></p>  | <p>The current private Plan Change request to a degree aligns with this objective and related policies, as additional residential development contributes to the population and therefore resilience of the township by helping to retain services and achieve a degree of independence.</p>  |

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| <p><b>Urban Form (h)</b></p> <p><i>When urban expansion occurs, ensure the subdivision design and housing types best meet the relevant objectives and policies outlined in the strategic directions and uses land as efficiently as practical.</i></p> | <p>The subdivision design and housing types are likely to be consistent with the existing development in Outram, and it is considered that the proposal will result in the land being used as efficiently as practical. In comparison Residential 6 sites have not been seen to be in demand.</p> |
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In summary the expansion of what is obviously a popular, and relatively full, township does not result in an unplanned expansion of services or infrastructure, or an isolated settlement, and an increased population base generally results in a more resilient community in that services and facilities have a larger support base. Overall the proposal is generally consistent with the objectives of the Spatial Plan as it proposes to use less productive landlocked rural land to meet residential demand and reducing the demand on other more productive land that is zoned residential.

## 4.2 Post-Hearing Deliberations

Following the initial hearing on 22<sup>nd</sup> and 23<sup>rd</sup> November 2012, the Committee elected to adjourn the hearing to enable the applicant to undertake soil tests, and prepare a Structure Plan in accordance with what was offered by the applicant through the hearing. The adjournment was also necessary to enable Council's Water and Waste Services Department to determine the most cost-effective and equitable solution for enabling the proposed development without reducing the pressure or supply of water to existing landowners in Outram. The Committee, together with Mr Freeland, carried out a site inspection of the property on Friday 23<sup>rd</sup> November 2012.

The initial iteration of the Structure Plan (originally referred to as the Mockford Outline Development Plan) was received on 19 February 2013, and the *Detailed Environmental Site Inspection – 39A Formby Street* report (Geoscience Consulting (NZ) Ltd.) on 18 March 2013 which addressed all concerns about the soil quality. The *Outram Water Model Summary Report* was completed by Water and Waste Services on 27 August 2013. This confirmed that there were no water supply issues, only issues as to pressure and how those issues could be alleviated. The Committee reconvened on 16 September 2013 to consider the additional material provided and were satisfied that the land could be put to residential use, with sufficient water pressure, and a Structure Plan that ensures that the development design is consistent with what was presented at the hearing.

The need for an additional water main or improvement to an existing water main had been identified, and will need to be installed before the proposed housing development can be started. To ensure payment for this necessary infrastructure at the appropriate time, the developers have agreed to enter into a private development agreement with Council. The Committee note that a Private Development Agreement has been entered into between the developer and the Council ensuring that the developer pays their fair share of the costs for necessary improvements to Council infrastructure as a result of the proposed development has been entered into.

The Deed of Agreement for Private Development will be recorded in an encumbrance or other similar instrument with a rent charge clause and registered against the Computer Freehold Register of the land to bind the Developers or any other owner of the land until the works are complete.

It is also noted that, in addition to the requirements of the Private Development Agreement, the Developer will be required to pay Citywide development contributions for reserves, for instance, at the time of resource consent, building consent or service connection as set out in Council's Development Contributions Policy in the Dunedin City Council Community Plan 2009/10 – 2018/19.

After consideration of the issues raised in submissions, in evidence tabled by submitters during the hearing, and those matters addressed in the Officer's right of reply, the Committee determined that the proposed changes be incorporated in the District Plan for the reasons discussed in section 4.0 below.

## 5.0 DECISIONS ON SUBMISSIONS

To facilitate the summary of submissions on this plan change and to ensure that decisions are made in relation to all issues raised in submissions, submissions have been grouped in relation to the specific part or provision of the plan change to which they relate. Where submissions have raised points that are relevant to a number of themes, these submission points have been discussed in relevant sections of the report. Submissions on plan change provisions will be considered in the following order:

- Entire Plan Change
- Character & Demography of Outram
- Effects of Bulk on Amenity, Shading, Sunlight & Frost
- Loss of High Quality Soils
- Sustainability
- Effects of Additional Demand for Reticulated Water
- Capacity for Stormwater System to Accommodate Additional Loading
- Adequacy of Wastewater Treatment Plant
- Infrastructural Costs & Effects
- Road Design and Hazards
- Wetland Ponding
- Community Resilience
- Demand for Housing
- Sustainable use of Fossil Fuels & Smoke Discharges
- Precedent
- Potential Historical Site Contamination
- Hazards

## 5.1 WHOLE PLAN CHANGE

### *Submissions*

| Submitter                          | Decision Sought                              | Further Submission                               |
|------------------------------------|--|--|
| Barbara Milne (PC-16-8/a)          | Support the Plan Change in its current form. | Craig Werner (PC-16-FS1) opposes the submission. |
| David Cottle (PC-16-9/a)           | Support the Plan Change in its current form. | Craig Werner (PC-16-FS1) opposes the submission. |
| Anne Warrington-Blair (PC-16-10/a) | Support the Plan Change in its current form. |  |

|  |  |  |
|--|--|--|
| Lynda Choie (PC-16-12/a)   | Support the Plan Change in its current form.                     |  |
| Department of Conservation (PC-16-3/a)   | Neutral position to Plan Change.                                 |  |
| Craig Werner (PC-16-1/a)   | Opposes the Plan Change in its entirety.                         |  |
| Angela & Sasha Anderson (PC-16-2/a)  | Opposes the Plan Change in its entirety.                         |  |
| Maree Harrington (PC-16-4/a)   | Opposes the Plan Change in its entirety.                         |  |
| Henry Flett (PC-16-5/a)  | Opposes the Plan Change in its entirety.                         |  |
| Paul Johnston & Frances Sleeman (PC-16-6/a)  | Opposes the Plan Change in its entirety.                         |  |
| Peter & Lauren Watkins (PC-16-7/a)   | Opposes the Plan Change in its entirety.                         |  |
| Brian Miller (PC-16-9/a)   | Opposes the Plan Change in its entirety.                         |  |
| Bernadette Hay, Sue Whitty , Pamela Grant, Peter & Rosina Crossan, Susan Miller, Neil Simpson, Neil Johnston, Seaton Ager & Garrett Hogan (PC-16-13 to 21/a) | The group of submitters opposes the Plan Change in its entirety. |  |
| Patricia Bosshard-Browne (PC-16-22/a)  | Opposes the Plan Change in its entirety.                         |  |
| Teresa Stevenson (PC-16-25/a)  | Opposes the Plan Change in its entirety.                         | Teresa Stevenson (PC-16-FS2) reasserts the view the Plan Change should be declined in its entirety, or alternatively redesigned significantly. |

## Discussion

Four submissions are in support of the entire plan change. The submissions also comment on some key issues about the proposal which are addressed elsewhere in this report. They submit the proposal will fit in with the existing Outram community and will be a positive addition to the township.

Robin Thomas on behalf of the Director General for the Department of Conservation provided a neutral submission to the proposal. The Department did not promote any conditions or alterations of the proposal to address their interests.

Eighteen submissions, including a joint submission comprising nine submitters, requested the proposal be declined in its entirety were received and considered. While some of those submissions raised specific elements to be addressed elsewhere in the report, the desire of the submissions primarily is that the Plan Change be declined outright.

### Decision PPC 16/5.1

The Committee's decision is to:

- (i) **accept** the submissions of Barbara Milne (PC-16-8/a), David Cottle (PC-16-9/a), Anne Warrington-Blair (PC-16-10/a and Lynda Choie (PC-16-12/a).
- (ii) **accept** the submission on behalf of the Department of Conservation (PCV-16-3/a).



- (iii) **reject** the submissions by Craig Werner (PC-16/1), Angela & Sasha Anderson (PC-16/2), Maree Harrington (PC-16/4), Henry Flett (PC-16/5), Paul Johnston & Frances Sleeman (PC-16/6), Peter & Lauren Watkins (PC-16/7), Brian Miller (PC-16/9), Bernadette Hay, Sue Whitty, Pamela Grant, Peter & Rosina Crossan, Susan Miller, Neil Simpson, Neil Johnston, Seaton Ager & Garrett Hogan (PC-16-13 to 21/a), Patricia Bosshard-Browne (PC-16/22) and Teresa Stevenson (PC-16/25).
- (iv) **reject** the further submissions of Craig Werner (PC-16-FS1) and Teresa Stevenson (PC-16-FS2).

### ***Reasons for Decision***

- (i) Re-zoning of the area for residential use is assessed as being the most appropriate method to address residential demand in Outram in accordance with the provisions of the RMA, including Part II.
- (ii) The original provisions of the plan change did not address all of the Committee's concerns or of submitters to the extent that the submissions could initially be accepted. The applicant, through the hearing, clarified a number of issues and offered a Structure Plan approach which provided further confidence in the design; including setbacks and rationalisation of the site. On this basis the Committee are prepared to approve this Plan Change.

## **5.2 CHARACTER & DEMOGRAPHY OF OUTRAM**

### ***Submissions***

| <b>Submitter</b>                    | <b>Decision Sought</b>  | <b>Further Submission</b>   |
|-------------------------------------|---|---|
| Angela & Sasha Anderson (PC-16-2/b) | The submitter stressed the unique ambience and character of Outram, and that it is a significant factor in being desirable for families to live there. They suggest Outram is a destination location due to its ambience that will be altered by increased residential units. They seek the plan change be declined or alternatively they seek a fencing treatment that will help offset the loss of privacy. | Teresa Stevenson (PC-16/FS2) supports this submission that the development will affect the rural amenity. |

| Submitter                             | Decision Sought  | Further Submission  |
|---------------------------------------|--|---|
| Maree Harrington (PC-16-4/b)          | The submitter is concerned the proposed development will affect the rural outlook, character and privacy. Is concerned the additional residential units will result in noise issues that will affect the local and wider environment. That the plan change is declined or alternatively they seek a fencing treatment that will help offset the loss of privacy. | Teresa Stevenson (PC-16/FS2) supports this submission that the development will affect the rural amenity. |
| Peter & Lauren Watkins (PC-16-7/c)    | The submitters state the increase in residential units/ vehicle movements will adversely affect the distinct character of Outram. They seek the proposal be declined.  | Teresa Stevenson (PC-16/FS2) supports this submission that the development will affect the rural amenity. |
| Patricia Bosshard-Browne (PC-16-22/d) | Submits that Outram is currently a destination location attracting visitors due to the character and ambience. She states the proposal will result in a loss of character and seeks the proposal be declined.  |   |

### **Discussion**

The proposal sought to rezone the Rural-zoned part of the site to Residential 5 zoning. An Outline Development Plan formed part of the amended application which promoted 28 residential properties ranging between 1,000m<sup>2</sup> to 2,400m<sup>2</sup> in size. Four submitters expressed concern about how the increase in residential activity within Outram will affect the character and demography of the township. During the hearing, the applicants offered a Structure Plan concept to provide further surety in the design and layout, and therefore the scope of potential effects both on the immediate area and wider Outram.

Angela and Sasha Anderson stated that Outram has a unique ambience, creating a character that is a significant reason why the township is so desirable. The ambience in their view creates a place suitable to bring up families, and is the reason why Outram has become a destination location for people visiting local cafes or enjoying area recreationally. This view was essentially shared by three other submitters, who submitted that the proposed plan change will negatively affect the exact characteristics that make Outram unique. At a personal level, the submitters sought an appropriate fencing treatment to buffer the effects of the development on their residence.

Maree Harrington raised concerns about the additional noise and how that will compromise the ambience both at an immediate level as a neighbouring property owner, but also within the wider township. She sought that the proposal be declined which would address those effects on the wider environment. As an adjoining landowner, the submitter sought that should the plan change request be granted, an appropriate fencing treatment be required to address some of the localised effects.

The proposal sought to establish additional residential activity in the township, which will lead to a commensurate increase in residential activity. Some submitters hold the view a further 28 residential properties in Outram would result in a perceivable increase in activity. While the additional residential dwellings may potentially alter the demographic profile of Outram, the Committee was not of the opinion that this would necessary adversely affect the ambience of the rural township. Furthermore, it is its opinion that the resultant effects of the additional units on the character of Outram will be negligible.

#### **Decision PPC 16/5.2**

The Committee's decision is to:

- (i) **reject** the submissions of Angela & Sasha Anderson (PC-16-2/b), Maree Harrington (PC-16-4/b), Peter & Lauren Watkins (PC-16-7/c) and Patricia Bosshard-Browne (PC-16-22/d).
- (ii) **reject** the further submission of Teresa Stevenson (PC-16-FS1).

#### **Reasons for Decision**

- (i) The proposal seeks to increase the number of residential units in Outram by less than 10%. The Committee do not consider that the ambience/character of Outram will be adversely compromised by some additional residential activity on the periphery of the township because of the location, and the proposal design.
- (ii) From a farming perspective the property is, to some extent, a landlocked site where efficient use is compromised by the topographical constraints and adjoining residential land uses. Stock movement onto and off the site for example, would require movement via the portion of land zoned Residential 5 and adjoining Formby Street. The proposal is to some extent an in-fill development and represents a logical expansion of Outram.

### **5.3 EFFECTS OF BULK ON AMENITY, SHADING, SUNLIGHT & FROST**

#### **Submissions**

| <b>Submitter</b>                    | <b>Decision Sought</b>  | <b>Further Submission</b>  |
|-------------------------------------|---|--|
| Angela & Sasha Anderson (PC-16-2/c) | The submitters live on an adjoining site. They are concerned at the loss of amenity as a result of development on the proposed site. They seek the proposal be declined or the developers erect a new fence to offset some effects. | Teresa Stevenson (PC-16-FS2) supports the view of this submission. |
| Maree Harrington (PC-16-4/b)        | The submitter lives on an adjoining site and is concerned about the loss of amenity. They seek the plan change be declined, or alternatively install a fencing treatment that offsets some of those effects.                        | Teresa Stevenson (PC-16-FS2) supports the view of this submission. |

|  |   |  |
|--|---|--|
| Henry Flett (PC-16-5c)   | The submitter states he built the family home on the site knowing it would not be built out. He is concerned at the effects on the amenity on his family's property. He is concerned at a loss of sunshine from any future bulk and the effects of shade increasing frost retention periods. He seeks the proposal be declined.   | Teresa Stevenson (PC-16-FS2) supports the view of this submission. |
| Paul Johnston & Frances Sleeman (PC-16-6b)   | Are concerned about their rural view being discounted. They were concerned about relocatable houses being established on the site and the loss of amenity from any form of development. They are concerned at the heights of any future dwellings and that they may increase shading on their property. They seek the proposal be declined.   | Teresa Stevenson (PC-16-FS2) supports the view of this submission. |
| Peter & Lauren Watkins (PC-16-7/d)   | Submitters are concerned at the loss of privacy, loss of views and how that will affect their family home. They are concerned that the Lot sizes may encourage multi-storied dwellings. They are also concerned about vehicle noise and how it will affect their rural amenity. They seek a restriction on dwellings should the proposal be granted or ideally that it be declined.   | Teresa Stevenson (PC-16-FS2) supports the view of this submission. |
| Bernadette Hay, Sue Whitty , Pamela Grant, Peter & Rosina Crossan, Susan Miller, Neil Simpson, Neil Johnston, Seaton Ager & Garrett Hogan (PC-16-13 to 21/c) | <p>The group of submitters hold the view the rezoning will permanently affect the amenity, both in the immediate and wider context. They note the proposal does not enhance the rural amenity values of the area and therefore are in conflict with s7(c) of the RMA.</p> <p>The group of submitters are concerned about noise from both increased residential pressure and also vehicular movements.</p> <p>The group state the rezoning would allow for 9m high dwellings, located 2.0m from the side boundary which could result in significant development on the eastern boundary.</p> | Teresa Stevenson (PC-16-FS2) supports the view of this submission. |
|  | <p>Sue Whitty (PC-16-14/c) states her residence adjoins the entrance to the subject site. She is concerned about noise and light spill.</p> <p>The group of submitters seek the proposal be declined, and a noise report which comments on potential noise issues arising from both the future residential activity and vehicle movements. They also seek a 10.0m setback for any buildings from the eastern boundary and a maximum height across the development of 4.5m for any dwellings.</p>  |  |

|                              |   |  |
|------------------------------|---|--|
| Brian Doherty<br>(PC-16-26a) | Is concerned with the loss of rural views and amenity. The submitter seeks the consent be declined. |  |
|------------------------------|---|--|

## **Discussion**

Submissions generally are concerned about the effects of the development and the addition of bulk in the proximity of existing residential properties. Additional effects such as noise or lighting, and how that may affect the amenity of those existing properties, was also raised as being likely to create a nuisance. The Committee accept that the original development would create new effects, some of which may be more than minor to the existing residents. The applicant responded by offering up setback and height restrictions on a number of sites that would address issues of amenity arising from the development.

Henry Flett, Paul Johnston & Frances Sleeman, Peter & Lauren Watkins and Brian Doherty submitted on the loss of rural views that were not anticipated when their respective properties were purchased or established. While views are not protected under the RMA either in the immediate term or in perpetuity, it is reasonable to consider how the development may impinge on the rural outlook of the submitters. The site comprises approximately 7.74ha mostly zoned Rural in the Dunedin City District Plan. The site is discrete in that given the topographical boundaries of the site feature the oxbow, permanently wetted area, where amalgamation with another Rural site is challenging. The minimum lot size for subdivision in the zone is 15ha, and therefore it is not unreasonable for the submitters to consider the likelihood of a significant development occurring on the site is minimal. As populations grow, and household demographics change, it is not unusual for urban settlements to expand to meet increased residential demand. Anyone living on the periphery of an urban area should be open to the possibility of additional urban development on adjacent rural land, as is proposed in this instance. The Committee accept the view of the submitters with respect to their presumption that the area was not likely to be built out.

Angela & Sasha Anderson, Maree Harrington, Paul Johnston & Frances Sleeman and Peter & Lauren Watkins promoted a form of restriction on development to mitigate or offset the effects of any future developments. A & S Anderson and M Harrington seek a new fence be established along the boundary to buffer some of the visual and aural effects should the proposal be granted. As an alternative mechanism, P Johnston & F Sleeman and P & L Watkins seek a restriction on the height of dwellings or siting of dwellings should the proposal be granted. They express concern at the potential to establish multi-story residential units situated near the boundaries that will alter the amenity significantly from their perspective.

Some submissions detailed the effect of bulk on shading, loss of sunshine hours and an altered rate of frost thaw as a result of that bulk should the development be approved. They noted under the permitted activity provisions of the Residential 5 zone, any new bulk could be sited 2.0m from the site yard boundary and up to 9m in height, assuming the 63° height plane angle is met. The proposed zoning would potentially provide for significant bulk along the eastern extent of the subject site, where existing landowners may feel the amenity enjoyed on their site was severely hampered.

The group of submitters (PC-16/13-21/C) in their submission were concerned about the rezoning and how it will permanently affect the amenity in both the immediate and wider context. Much like the submitters above, they have concern at the effects of bulk, light and noise emanating from vehicular movements. It is their view that the proposal will not enhance or maintain the rural amenity values of the area and as such is inconsistent with section 7(c) of the Act. They sought the applicant commission a noise report to assess the likely noise issues associated with the increased residential activity and vehicle movements to help form a better appreciation of effects.

Sue Whitty (who is one of the group of submitters) also commented that the access to the development will adjoin her property boundary and stated that the noise associated with vehicle movements, loss of privacy and light spill will significantly affect the amenity enjoyed on her property.

Annexure 6 of the proposal indicates the possible layout of the site. Along the eastern margin of the subject site and adjoining the existing residential properties, is a series of ten 1,000m<sup>2</sup> lots proposed. The layout of the existing Outline Plan indicates the lots adjoining the existing residential units are approximately 45m long. While the submitters seek the application is declined outright, they promote an alternative whereby if granted, a setback of 10m from the existing boundary of any building will help alleviate any direct effects on the residents. In conjunction with that setback, the majority of submitters who commented on amenity, loss of sunlight, frost and shade, also sought a maximum height restriction on any new buildings to address their concerns. Discounting noise from vehicle movements, the extent of the proposed site layout provides scope to address the concerns of submitters with respect to the amenity issues.

During the hearing, the applicant's reaffirmed their position to establish bulk and location restrictions to help address the concerns of some submitters. After further submissions were received, the applicant indicated they would be amenable to considering a setback distance being established for the lots adjoining the eastern margin to mitigate the effects of bulk. During that meeting the applicants also volunteered a 6m maximum height on those sites. Two Note Ltd proposed a 7m height restriction and 10m setback from existing residential boundaries for new Lots 1,2,4,7,8,11,12,15,16 & 18.

It is accepted that any proposed mitigation, such as setbacks or height restrictions offered by the applicant would help offset many of the concerns expressed by the submitters. The Committee are of the view that the 6.0m maximum height as volunteered during earlier discussions was appropriate for those proposed lots adjoining existing residential boundaries.

### **Decision PPC 16/5.3**

The Committee's decision is to:

- (i) **reject** the submissions of Angela & Sasha Anderson (PC-16-2/c), Maree Harrington (PC-16-4/b), Henry Flett (PC-16-5/c), Paul Johnston & Frances Sleeman (PC-16-6/b), Peter & Lauren Watkins (PC-16-7/d), Bernadette Hay, Sue Whitty, Pamela Grant, Peter & Rosina Crossan, Susan Miller, Neil Simpson, Neil Johnston, Seaton Ager & Garrett Hogan (PC-16-13 to 21/c) and Brian Doherty (PC-16-26/a).
- (ii) **reject** the further submission of Teresa Stevenson (PC-16-FS2).

### **Reasons for Decision**

- (i) While the Committee accept that the proposal to develop the site for residential purposes could not be anticipated while the property was zoned Rural, the Committee consider that to cater for demand and growth, the orderly expansion of an urban area on its periphery is a sensible and efficient planning approach.
- (ii) The rules of the Residential 5 zone promoted by the applicant would permit as of right the ability to establish up to 10 residential units along the boundary with the existing residential sites. Setbacks provided for under Residential 5 rules would restrict permitted developments to a setback on 2m from the existing boundaries, where future dwellings could be up to 9m in height.

|       |  |
|-------|--|
| (iii) | At a pre-hearing meeting Two Note Limited offered a 6m maximum height limit, and 10m setback from existing residential boundaries in response to the concerns of the submitters. During the hearing Two Note revised the restrictions to a 7m maximum limit. The Committee hold the view a 6m limit as originally proposed was appropriate. They noted from their site visit that many of the existing dwellings fronting Formby Street had little glazing or outdoor living directed towards the subject site, and many had garages or established trees along the shared boundary to negate some visual effects. |
|-------|--|

## 5.4 LOSS OF HIGH QUALITY SOILS

### *Submissions*

| Submitter  | Decision Sought  | Further Submission |
|--|--|--------------------|
| Henry Flett (PC-16-5/f)  | The submitter is concerned at the loss of productive soils to residential development. He seeks High Class Soils are retained for productive use.  |                    |
| Peter & Lauren Watkins (PC-16-7/h)   | They note the subject site comprise High Class Soils, that have been used for grazing, growing winter feed and as a market garden. They are concerned the fertile soils and ideal microclimate for growth should not be used for residential development. They seek the consent be declined or an alternative site be found should further residential demand in Outram exist. |                    |
| Brian Miller (PC-16-11c)   | The submitter is concerned the development will result in the permanent loss of High Class Soils, namely the deep silty loam 'Pomahaka' soils most valuable to horticulture. He seeks the proposal be declined.  |                    |
| Bernadette Hay, Sue Whitty , Pamela Grant, Peter & Rosina Crossan, Susan Miller, Neil Simpson, Neil Johnston, Seaton Ager & Garrett Hogan (PC-16-13 to 21/j) | They state the proposal does not result in the sustainable use of natural and physical resources, and is therefore contrary to s5(b) of the RMA.<br><br>They seek the application be declined on the basis that the High Class Soils will be lost by future residential development.   |                    |

| Submitter                                | Decision Sought  | Further Submission |
|--|--|--------------------|
| Patricia Bosshard-Browne (PC-16-22/f)    | Is concerned with the loss of High Class Soils, and the wider implications of horticulture being pushed further from built areas. The effects of distributional costs then extend onto the consumer. The submitter seeks the proposal be declined to preserve the High Class Soils for productive use. |                    |
| Raymond & Evelyn Beardsmore (PC-16-23/f) | They note previous subdivisions in the area have compromised the ability to utilise the High Class Soils for agricultural or horticultural use. The submitters note the excellent microclimate in conjunction with the High Class Soils makes the land ideal for productive use.                       |                    |
| Teresa Stevenson (PC-16-25/g)            | The submitter is opposed to the loss of High Class Soils that are valuable for production for present and future generations. The submitter seeks the proposal be declined or if granted, suggests a cluster model using less residential sites and enabling the bulk of the land for productive use.  |                    |

## **Discussion**

The proposed development seeks to convert approximately 4.9ha of Rural zoned land into what is effectively Residential 5 zoned land to provide for up to 26 new residential units (in addition to the two sections already provided for). In recent times, the land has been used for grazing or the production of winter feed. Previously the site has been in part used as a nursery and market gardens, which recognises the highly versatile and productive soils. The Planning Officer considered the site comprises High Class Soils.

Submissions raised a range of concerns about converting the land to residential use. The submissions by Henry Flett, Peter & Lauren Watkins, Brian Miller and Raymond & Evelyn Beardsmore state that the proposed use of the land for residential use is not compatible with the productive capacity of the High Class Soils. They promote that the microclimate in conjunction with the soils makes the area unique for production purposes which should be retained.

The group of submitters (PC-16-13 to 21) commented further, noting the proposal does not sustain the natural and physical rural land for rural purposes. They comment the application is contrary to Section 5(b) of the RMA as the productive capacity of the High Class Soils will be lost in perpetuity.

Patricia Bosshard-Browne (PC-16-22) refers to the consequence of losing significant tracts of High Quality Soils. She refers to food production being displaced to further afield from community centres and the costs associated with diminished productive capacity and increased transportation costs.



While the submitters above seek the proposal be declined, Teresa Stevenson (PC-16-25) promotes an approach where the productive capacity is retained in part. Her submission seeks the proposal be declined, however encourages the applicant to redesign the proposal with less lots, where dwellings embrace a cluster model leaving a large portion of the site to be used for productive use. Turning her idea into practicality, the submitter refers to the 'farm park' model used elsewhere in the City.

Referring to Policy 6.3.10 of the District Plan, the proposal does not seek to protect the High Class Soils in a way which sustains the productive capacity of the land. The proposal in effect neuters the ability to use the soils for anything beyond serving each household for their own gardens. In the context of the Taieri Plains, the loss of 4.9ha of high class soils is relatively minor.

During the course of the hearing, The Committee heard evidence from the applicant's team detailing the soil profile and fertility. They discussed previous cropping failures including a season of growing potatoes by a third party. Two Note Ltd held the view that the soil was not High Class soils as promoted in the Planning Officer's report.

During our site visit the Committee members noted the sparsely growing grass, and mediocre crop being grown on part of the site. In this instance it prefers the evidence presented by the applicant's experts, that the quality of the soils on the subject site have been overstated.

#### **Decision PPC 16/5.4**

The Committee's decision is to:

- (i) **reject** the submissions of Henry Flett (PC-16-5/f), Peter & Lauren Watkins (PC-16-7/h), Brian Miller (PC-16-11/c), Bernadette Hay, Sue Whitty, Pamela Grant, Peter & Rosina Crossan, Susan Miller, Neil Simpson, Neil Johnston, Seaton Ager & Garrett Hogan (PC-16-13 to 21/f), Raymond & Evelyn Beardsmore (PC-16-23/f) and Teresa Stevenson (PC-16-25/g).
- (ii) **accept** the evidence of the applicant that the soils on the site are not regarded as being High Class soils.

#### ***Reasons for Decision***

- (i) While the Committee agree that High Class Soils are a finite resource and it is important to consider and protect those soils for the needs of current and future generations, in this instance the Committee consider that the loss of approximately 4.9ha of high class soils is relatively minor in the context of the availability of high class soils on the Taieri.
- (ii) The location of the subject site, including topographical constraints, and adjoining land uses, restricts the range of rural uses the site could reasonably be put to.
- (iii) The evidence promoted by the applicant suggests the subject site does not comprise High Class soils and from the Committee's site visit the Committee prefer the evidence of the applicant's experts.

## 5.5 SUSTAINABILITY

### *Submissions*

| Submitter  | Decision Sought  | Further Submission   |
|--|--|--|
| Craig Werner (PC-16-1/b)   | The submitter holds the view the proposal is contrary to the current planning principals of densification. The proposed expansion is not a sustainable use of the finite resource. Mr Werner states that development in areas beyond established settlements will result in an increased reliance on vehicles. He seeks the consent be declined.   | Craig Werner (PC-16-FS1) reaffirms the proposal is contrary to rationalising and containing infrastructural costs. He notes the 'distributed development' model promoted by the Operative District Spatial Plan means investment in areas beyond central Dunedin which are already self-sustaining or close to doing so. |
| Henry Flett (PC-16-5/b)  | Is concerned with a residential development being sited over productive soils. He holds the view this is not a sustainable use of a finite resource. The submitter seeks the consent be declined.  |  |
| Barbara Milne (PC-16-8/a)  | The submitter holds the view proposal will positively contribute to the sustainable, social and economic wellbeing of the community by providing for future growth in the Outram community.  | Craig Werner (PC-16-FS1) does not accept the submission as the proposal as development will in his opinion not satisfy demand, but rather attract demand which will result in an unsustainable use of the Cities resources.  |
| Bernadette Hay, Sue Whitty , Pamela Grant, Peter & Rosina Crossan, Susan Miller, Neil Simpson, Neil Johnston, Seaton Ager & Garrett Hogan (PC-16-13 to 21/b) | The group of submitters hold the view the use of productive land for residential purposes is contrary to s5(b) of the RMA as it will remove the present and future ability for that land to be used for productive purposes. They seek the proposal be declined.   |  |
| Patricia Bosshard-Browne (PC-16-22/c)  | The submitter is concerned the proposal is not represent a sustainable use of resources as productive land will be lost for present and future food production. The submitter notes a desire to retain High Class Soils for future food production purposes rather than displace areas of food production resulting in increased costs, reliance on fossil fuels and transport costs which will be passed onto the consumer. |  |

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| Raymond & Evelyn Beardsmore (PC-16-23/b) | Is concerned at the loss of productive areas for efficient food production. The submitter requests no further subdivisions on High Class Soils are approved.  |  |
| Teresa Stevenson (PC-16-25/c)            | The submitter is concerned that the proposed use of land for low density housing is not a sustainable use of the resource. The proposal will result in the loss of High Class Soils available for the use of present and future generations. The submitter seeks the proposed layout be modified to feature less units, where they are more centralised and the majority of land can then be used for productive use. | Teresa Stevenson (PC-16-FS2) reaffirms her view the proposal does not represent a sustainable use of the resources for present and future generations. |

### **Discussion:**

The District Plan seeks to manage development in a way that is consistent with the RMA that is sympathetic with the sustainable needs of the built and natural environment. Sustainable use of a resource is a fundamental aspect of managing activities within the City and is a key element in considering the effects or implications of an activity on both the immediate and wider environment.

Each member of the community views sustainability in a differing way. The Resource Management Act 1991 provides guidance in what sustainability is in a wider, holistic context. The purpose of the RMA is set out in section 5. It states:

- (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 well being and for their health and safety while -*
  - (a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonable 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.*

The District Plan promotes several policies relating to sustainability. Of relevance, the following policies are directly relevant to the proposal:

- Policy 4.3.2 seeks to avoid developments which will result in unsustainable expansion of infrastructural services.

This key policy refers to key infrastructural elements such as reticulated water, sewerage and roading, where they are typically to a high standard within the urban/rural fence, and to a lesser standard beyond. The proposal addresses wastewater management to a reasonably high degree from an infrastructural perspective (the implications of surface water flows over the disposal field are considered later in the decision).

Regarding the proposed roading infrastructure, the application defers costs of developing the roading asset onto the developer, where Council will then take over the maintenance and operation. This is accepted as a standard and appropriate method. With respect to reticulated water, the Council's Water and Waste Services Department commented that there is sufficient capacity for the development but that pressure for the development and other existing units in Outram and for firefighting will be inadequate. It was advised that infrastructural upgrades will be required to provide an acceptable level of service to both the existing residents of Outram, and those in the proposed development. During the hearing, Two Note Ltd accepted to pay a fair share of those infrastructural costs. The Council's Water & Waste Services Department have completed modelling of Outram's water network and determined that a new watermain (insert description) is required to provide adequate water pressure to the proposed development. The cost of the new watermain needed to improve water pressure for the development will be met by the applicant and recorded in a Private Development Agreement. Additional Outram-wide upgrading of the water network is also required and will be rates funded.

- Policy 4.3.4 seeks to provide for the protection of the natural and physical resources of the City commensurate with their significance at a local, regional or national level.

The explanation attached to the policy refers to a range of features found within the City, which owing to their value are attributed special provisions in the Plan to assess the effects of land use activities on them. High Class Soils are one such resource afforded additional considerations, and one that is relevant to the proposed development. It is accepted that although the land technically contains High Class Soils, the anecdotal evidence provided by the applicant's witnesses together with what was observed on the site visit confirms that the land is not highly productive.

- Policy 4.3.5 seeks a level of infrastructural services at an appropriate standard to provide for the communities social, economic and cultural wellbeing.

The Committee heard that the proposed development falls short in providing adequate water pressure to sufficiently accommodate the demands of residential activity, or for firefighting purposes. The applicant seeks to (in financial co-operation with Council Departments) upgrade the reticulated network where piping is regarded as insufficient to accommodate an adequate service level. As noted above, the applicant confirmed they are comfortable with paying a fair contribution to any upgrades where the proposed development will affect the quality of supply.

- Policy 4.3.7 seeks to provide for uses or zoning which are compatible within identified areas.
- Policy 4.3.9 seeks to require consideration to those activities that could give rise to adverse effects, or give rise to effects that are not as yet understood.

The explanation notes that the community seeks a high degree of certainty as to the amenity which necessitates the use of zoning to provide surety as to the range of activities that may take place. Several submitters raised the concern that they purchased, or built the existing residential properties under the impression the wider rural area is unlikely to be 'built out'. Key concerns related to the effects of bulk on amenity, shading, loss of sunlight, or the additional noise associated with the residential use or vehicle movements. This may be especially so given the subject site is technically undersized for rural subdivision and has

physical features that make amalgamation with other rural sites challenging. The position of the submitters is acknowledged and more restrictive bulk and location performance standards than those in the Residential 5 section of the District Plan have been included to help offset any effects on the existing adjoining residential areas.

Turning to the submissions, the Committee noted that several submitters, including the joint submission by nine, commented on how the proposal relates to sustainability. Barbara Milne (PC-16/8) submitted that the proposed development should be approved as it will positively contribute to the social, economic wellbeing of the Outram community. She holds the view the future of the community will have improved resilience as a result of the additional residences. Mr Craig Werner (PC-16-FS1) refutes the position promoted by Barbara Milne.

Mr Werner in his own submission (PC-16-1) holds the view that the proposed development is inconsistent with the sustainability provisions and good planning principals in the context that Outram does not contain sufficient infrastructure to sustain itself. He states that the development will draw on Council resources where those resources would be better directed elsewhere.

Patricia Bosshard-Browne (PC-16-22) suggests the loss of productive capacity will lead to horticulture being displaced to land further afield from community demand. She suggests the displacement may lead to increased vehicle movements and fuel use which is not sustainable. The group of submitters (PC-16-13 to 21) also hold the view the use of productive land for residential purposes is contrary to section 5(b) of the Act as it will remove the ability for the land to be used for productive rural purposes.

The balance of submitters who referred to sustainability matters, being Henry Flett (PC-16-5), Raymond & Evelyn Beardsmore (PC-16-23) and Teresa Stevenson (PC-16-25) all sought that the Committee decline the development in reliance on the loss of the productive capacity of productive land comprising High Class Soils.

#### **Decision PPC 16/5.5**

The Committee's decision is to:

- (i) **reject** the submissions of Craig Werner (PC-16-1/b), Henry Flett (PC-16-5/b), Bernadette Hay, Sue Whitty, Pamela Grant, Peter & Rosina Crossan, Susan Miller, Neil Simpson, Neil Johnston, Seaton Ager & Garrett Hogan (PC-16-13-21b), Patricia Bosshard-Browne (PC-16-22/b), Raymond & Evelyn Beardsmore (PC-16-23/b) and Teresa Stevenson (PC-16-25/c).
- (ii) **accept** the submission of Barbara Milne (PC-16-8/a) who held the view the proposal will positively contribute to the sustainable, social and economic well-being of the community.
- (iii) **reject** the further submissions of Craig Werner (PC-16-1/FS1) and Teresa Stevenson (PC-16-25/FS2).

#### ***Reasons for decision***

- (i) The sustainable use of valued finite resources, such as high class soils are an important consideration in assessing new land use activities. The Committee is not convinced that the high class soils on this site are highly productive.

- (ii) The Committee hold the view that the site is non-contiguous with other Rural-zoned land, where farming is impractical on land immediately adjoining the residential ribbon fronting Formby Street.
- (iii) The Committee find that the proposal will provide for future residential growth in the Outram community where lot size and density are consistent with many other properties in Outram.
- (iv) The Committee consider that it is likely that the development will positively contribute to the sustainable, social and economic well-being of the Outram and Taieri Plains community.
- (v) Development of the subject site may help alleviate pressure to develop other land zoned Residential 5 that is currently being used for market gardens and does comprise High Class Soils.

## 5.6 EFFECTS OF INCREASED DEMAND FOR RETICULATED WATER

### *Submissions*

| Submitter                                   | Decision Sought  | Further Submission |
|---|--|--------------------|
| Paul Johnston & Frances Sleeman (PC-16-6/f) | The submitter has concern the additional loading as a result of the proposal will adversely affect the existing water users and result in an increased demand of potable water. They seek the proposal be declined to avoid any additional loading on supply.  |                    |
| Peter & Lauren Watkins (PC-16-7/f)          | The submitters state they have been advised by Council's Water & Waste Services Department that the existing water supply to Outram does not have capacity to serve additional demand for potable supply or fire-fighting purposes. They seek the proposal be declined or alternatively request any additional costs of increasing capacity is borne by the developer. |                    |

|  |  |  |
|--|--|--|
| Anne Warrington-Blair (PC-16-10/b)   | The submitter has raised concern the increased demand in potable supply will affect existing users. She questions whether there is sufficient capacity to serve the development. The submitter also notes there is a further private plan change in the area which will have an additional draw-down on capacity. The submitter seeks that clarification is made as to whether there is sufficient capacity to accommodate the proposal.   |  |
| Bernadette Hay, Sue Whitty , Pamela Grant, Peter & Rosina Crossan, Susan Miller, Neil Simpson, Neil Johnston, Seaton Ager & Garrett Hogan (PC-16-13 to 21/g) | <p>The group of submitters note a discrepancy in the application where the applicant promotes there will be few issues in terms of the water pressure and that Council has confirmed there is sufficient capacity. They then note in Appendix 4 of the application that there is an issue regarding water pressure and fire-fighting capacity.</p> <p>The group of submitters seek:</p> <ol style="list-style-type: none"> <li>1. Clarification on water pressure and if so, that all costs of any upgrades are borne by the developers.</li> <li>2. They also seek no existing users of the Outram water supply are affected by the proposal.</li> <li>3. They seek no costs are passed onto existing users as a result of the proposed development.</li> </ol> |  |
| Brian Doherty (PC-16-26/b)   | <p>The submitter has the view the existing potable supply has insufficient capacity to service the proposed development.</p> <p>He seeks the proposal be declined.</p>   |  |

### **Discussion**

The Committee heard evidence from both the applicant and Council's Water & Waste Services Department (W&WS) with regard to the capacity of the water network to provide sufficient water for the proposed development.

The Committee accept that the Outram Water Treatment Plant has capacity to pump and supply water to Outram Township. A review of that network indicated there is sufficient supply for the proposed development, although flow and pressure is considered to be only marginally adequate, and could compromise the service level to other existing properties. Water pressure within the development would be low, with dwellings requiring header tanks and a low-pressure mains system to maintain a reasonable pressure and flow to provide drinking water and for general household use.

The W&WS noted that as the drinking water supply is only marginally adequate; the pressure to meet firefighting purposes for the development will also be inadequate. Water pressure

tested in Formby Street by the NZ Fire Service in 1996, assessed the static pressure at 400kPa and 200kPa from a single hydrant with a flow of 16-18 l/sec. The proposal recognises the lack of provision for firefighting purposes, as being insufficient to meet both 60% of the peak demand flow in the network and the minimum flow of 12.5 l/sec. The W&WS noted at the time of providing technical comments that these issues have not been addressed in the application.

The applicant referred to discussions with Council staff which identified a range of upgrades that would be required should additional demand in Outram be established. Cast iron piping in Holyhead Street is of an age and dimension where aerodynamic roughness creates friction to an extent where flow is compromised. The applicant noted raw water pumps and the treatment plant will probably need to be upgraded to accommodate an increase in daily capacity in order to meet any additional demand, noting water usage in Outram is on average high per residential unit compared to other similar townships.

Following a meeting of Council staff with the applicant and his consultants, Two Note Ltd promoted a special consultative procedure (under s83 of the Local Government Act) to address water supply issues should the proposal be approved. The applicant intended under that process to begin discussions with Council on financial contributions required to upgrade the network to address these matters. The committee was uncomfortable with this approach, and the applicant responded by agreeing to pay a fair share of capital upgrades that correlate with the additional loading created by the development.

The Water and Waste Services Department have advised that the rural-zoned land is outside the Water Bylaw boundary, but that each new lot shall be serviced from an Individual Point of Supply as defined by the Council Water Bylaw 2011. Those new water connections must be in accordance with the requirements of Section 6.6.2 of the Dunedin Code of Subdivision and Development 2010.

As noted in the sustainability section above, the District Plan makes reference to the sustainable use of infrastructure and encourages development that is appropriate to the level of infrastructure in place. Several submitters raised concern at the level of existing infrastructure and the implications of increasing demand. All the submissions relating to potable supply demand question the ability for the existing infrastructure to accommodate the development. The group of submitters (PC-16-13 to 21/g) expressly state all costs of any infrastructural upgrades shall be borne by the developer. They also seek confirmation that the demand by the development (if approved) does not compromise the existing standard of supply to the Outram community. Anne Warrington-Blair (PC-16-10/b) notes a further private plan change in Outram is under consideration, and seeks confirmation the additional drawdown by the developments will not compromise the community water supply.

The Committee accepts the views of these submitters and note that the applicant has entered into a Private Development Agreement with Council which details the costs to be paid by the applicant to supply the necessary additional Council infrastructure required as a result of the proposed Plan Change and associated potential development.

#### **Decision PPC 16/5.6**

The Committee's decision is to:

- (i) **accept** the submissions by Paul Johnston & Frances Sleeman (PC-16-6/f), Peter & Lauren Watkins (PC-16-7/f), Bernadette Hay, Sue Whitty, Pamela Grant, Peter & Rosina Crossan, Susan Miller, Neil Simpson, Neil Johnston, Seaton Ager & Garrett Hogan (PC-16-13 to 21g), Brian Doherty (PC-16-26/b) and Anne Warrington-Blair (PC-16-10/b) relating to the concerns of additional demand on existing capacity.



**Reasons for Decision**

- (i) The submitters raise a relevant concern of the resilience of the existing community supply, and how it may affect their own supply should the development be approved.
- (ii) The Committee found it reasonable for submitters to assert that Council or the community shall not be exposed to costs or reduced water supply as part of this proposal.
- (iii) The Committee note that the applicant has entered into a Private Development Agreement with Council to ensure that the developer pays the reasonable costs of new Council infrastructure required based on the increased level of demand arising from the Plan Change and associated potential development.

**5.7 CAPACITY FOR STORMWATER SYSTEM TO ACCOMMODATE ADDITIONAL LOADING.****Submissions**

| Submitter   | Decision Sought  | Further Submission |
|---|--|--------------------|
| Angela & Sasha Anderson (PC-16-2/e)   | <p>The submitter questions whether the existing stormwater system can accommodate additional loading as a result of the development.</p> <p>The submitter seeks the proposal be declined.</p>  |                    |
| Paul Johnston & Frances Sleeman (PC-16-6/g)   | <p>The submitters have concern about the ability to accommodate additional stormwater loading.</p> <p>They seek the proposal be declined.</p>  |                    |
| Bernadette Hay, Sue Whitty, Pamela Grant, Peter & Rosina Crossan, Susan Miller, Neil Simpson, Neil Johnston, Seaton Ager & Garrett Hogan (PC-16-13 to 21/h) | <p>The group of submitters comment that the development may alter the stormwater flow characteristics in the area.</p> <p>They seek:</p> <ol style="list-style-type: none"><li>1. All stormwater is managed and controlled onsite.</li><li>2. Assurance no additional runoff affects adjoining properties.</li></ol> |                    |

|                                     |  |  |
|-------------------------------------|--|--|
| David Cottle (PC-16-9/c)            | <p>The submitter holds the view that the proposal has adequately considered the effects of the development on the existing stormwater system.</p> <p>The submitter supports the Private Plan Change, and in particular the provisions relating to stormwater.</p>  |  |
| Otago Regional Council (PC-16-24/a) | <p>The submitter discussed the Regional Policy Statement (RPS) and the Regional Plan: Water (RP: W) and the policies therein.</p> <p>They suggest the proposal has the ability to degrade the water quality of the wetland area (being the oxbow river formation). The ORC holds the view that stormwater management has not been adequately addressed in the proposal.</p> <p>They seek:</p> <ol style="list-style-type: none"> <li>1. The consent authority be assured the level of contaminants from storm-water runoff does not increase as a result of the proposal.</li> <li>2. That the applicant undertakes further investigations to address stormwater quality and quantity concerns.</li> </ol> |  |

### **Discussion**

The Committee heard a significant breadth of evidence with respect to the management of storm-water on the site. They noted the development included the construction of grass swales to direct storm water to the existing soakage pond sited along the western margin of the subject site. With respect to the oxbow feature, the Council uses the oxbow as a key storm water disposal facility serving the wider Outram Township. The oxbow area has been used by Council for the disposal of storm water since 1978, for which the Council holds a resource consent to discharge up to 2,520m<sup>3</sup> of storm water per hour (Consent 2001.638). Over 60% of the Outram Township discharges to this location.

The Water and Waste Services Department expressed concern that the proposed development at the site for residential use may put the storm water discharge consent at risk of non-compliance. They sought an assurance that practicable measures are used to mitigate erosion and to control and contain sediment-laden storm water run-off from the site during any stages of site disturbance that may be associated with the development. An erosion and sediment management plan will be required prior to any works commencing. Ongoing management of sediment laden stormwater be managed to address siltation of the oxbow feature. The Committee accepted that siltation of the oxbow has the potential to exacerbate

flooding within the subject site and also the wider Outram community. However it was noted that continued rural use could equally lead to siltation issues and currently there was no mechanism to mitigate or avoid siltation.

Several submissions referred to the management of storm water. Angela & Sasha Anderson (PC-16-2/e), Paul Johnston & Frances Sleeman (PC-16-6/g) and the group of submitters (PC16/13 to 21/h) all questioned whether the existing storm water network could accommodate additional loading. The group of submitters sought an assurance that no additional runoff will affect adjoining properties. The Otago Regional Council (PC-16-24/a) suggested the runoff from the proposed development has the potential to compromise the oxbow wetted area. The ORC sought an assurance the level of contaminants from storm water runoff does not increase as a result of the proposal. They also sought the applicants carry out further investigations to address storm water quality and quantity concerns.

In contrast, Mr David Cottle (PC-16-9/c) endorsed the proposed development and suggested the effects of storm water runoff had been sufficiently considered. He supported the Private Plan Change, with particular reference to the storm water provisions.

#### **Decision PPC 16/5.7**

The Committee's decision is to:

- (i) **reject** the submissions of Angela & Sacha Anderson (PC-16-2/e), Paul Johnston & Frances Sleeman (PC-16-6/g), Bernadette Hay, Sue Whitty, Pamela Grant, Peter & Rosina Crossan, Susan Miller, Neil Simpson, Neil Johnston, Seaton Ager & Garrett Hogan (PC-16-13 to 21/h), Otago Regional Council (PC-16-24/a).
- (ii) **accept** the submission of David Cottle (PC-16-9/c) and Trevor Braid (PC-16-27/a).

#### ***Reasons for Decision***

- (i) Assuming best practice during development, sediment migration from the site into the oxbow should be sufficiently avoided to ensure changes in chemical characteristics of the runoff are limited.
- (ii) The Committee accept that should the site be stocked (with cattle for example), the runoff quality to the oxbow would likely be less than that of a residential development appropriately managed.
- (iii) The storm water runoff from the development should not be materially different to that in the existing arrangement. The Committee accept the evidence that impermeable surface site coverage restrictions of the Residential 5 Zone will apply and contribute to groundwater migration behaviour typical of the rural environment.
- (iv) The Committee note that the amended proposal to reduce the total number of residential sites, set them further back from the oxbow feature, and retain some Rural zoning of the site to restrict development, was an appropriate response to managing surface water ponding.
- (v) The site inspections by staff during the June/July 2013 weather events that led to high water tables in the area did not result in flooding of the proposed residential sections as per the amended proposal.

## 5.8 ADEQUACY OF PROPOSED WASTEWATER TREATMENT SYSTEM

### *Submissions*

| Submitter                                    | Decision Sought  | Further Submission |
|--|--|--------------------|
| Angela & Sasha Anderson (PC-16-2/f)          | <p>The submitters state their residence is sited near the proposed wastewater treatment plant and disposal field to serve the development.</p> <p>They seek to be informed of potential odour issues and how they will be managed.</p> |                    |
| Henry Flett (PC-16-5/e)                      | <p>The submitter has raised a concern at the hazards associated with the failure of the waste-water treatment plant and/or disposal field.</p> <p>He seeks the proposal be declined to avoid environmental risks.</p>                  |                    |
| Paul Johnstone & Frances Sleeman (PC-16-6/h) | <p>The submitters are concerned about additional loading of nutrients that has the potential to enter and degrade groundwater.</p>   |                    |
| Peter & Lauren Watkins (PC-16-7/g)           | <p>The submitters note Outram does not have a reticulated wastewater treatment plant. They are concerned about the potential to compromise the groundwater aquifer.</p>  |                    |
| David Cottle (PC-16-8/d)                     | <p>The submitter holds the view the wastewater treatment plan is sufficient to address demand and ensure the groundwater is not compromised.</p>   |                    |
| Anne Warrington-Blair (PC-16-10/c)           | <p>Supports the proposal and has the view the wastewater treatment plant is adequate to address nutrient issues to groundwater.</p>  |                    |
| Brian Miller (PC-16-11/b)                    | <p>Mr Miller has the view no further developments should occur within Outram until a reticulated wastewater treatment plant is installed.</p>  |                    |

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| Bernadette Hay, Sue Whitty, Pamela Grant, Peter & Rosina Crossan, Susan Miller, Neil Simpson, Neil Johnston, Seaton Ager & Garrett Hogan (PC-16/13 to 21/i) | <p>The group of submitters supports the view the proposed wastewater treatment plant will sufficiently address the treatment issues and is preferable to individual septic tanks.</p> <p>Susan Miller expanded on the group submission expressing concern at cumulative effects on groundwater interactions</p>  |  |
|   | The group seeks the treatment plant be vested to Council to ensure consistent operation and management of the plant.   |  |
| Raymond & Evelyn Beardsmore (PC-16-23/e)  | Is concerned about the potential to compromise groundwater.  |  |
| Otago Regional Council (PC-16-24/b)   | Notes the applicants have obtained resource consent for the discharge of human wastewater to land.   |  |
| Teresa Stevenson (PC-16-25/f)   | <p>Is concerned that while Outram has reticulated water, the development will rely on a wastewater treatment plant which will go to ground. She suggests that increased water use may flush nutrients to ground as water supply will not necessarily be used sparingly.</p> <p>She seeks the number of residential units be reduced or an improved treatment plant be established to address flushing potential.</p> |  |
| Trevor Braid (PC-16-27/a)   | The submitter opposes further development in Outram until a reticulated sewerage system is established.  |  |

### **Discussion**

To address wastewater treatment the applicant has designed a wastewater treatment plant suitable to manage the loading relative to the characteristics of the area. Resource consent from the Otago Regional Council has been obtained for the disposal of human waste-water to land.

The Committee heard that the site is within a relatively sensitive receiving environment. The soils in Outram enjoy a high transmissivity, and as such water and dissolved nutrients can migrate freely in the soil profile. The depth to groundwater in the area is likely to be approximately 1.7m-4.0m below ground level at a median depth of 103.47m RL. The site is outside (but in close proximity) to the Groundwater Protection Zone (GPZ), an area identified by the Regional Council as being vulnerable to land use practices. The Planning Officer

suggested the GPZ boundary is an arbitrary line in the District Plan where the extent of the shallow aquifer is not as clearly defined or understood. He had little doubt that the groundwater under the subject site is directly connected with the aquifer that the GPZ provisions seek to protect. The Planning Officer also recognised that the plans indicate the proposed disposal field is above the ponding level during any flood event and therefore not subject to inundation. During flood events, water would spill from the site into Outram before the disposal field would be compromised.

Having considered the wastewater treatment plant proposed for the development, the Planning Officer expressed confidence that the design of the system sufficiently considered the likely loading, soil profiles and aquifer sensitivity. Consent was issued for the proposed loading and design and as such those effects should be adequately addressed.

The Committee accept the comment by Teresa Stevenson (PC-16-25/f) that having a reticulated water supply will not encourage residents to be sparing in water use, and therefore the loading on the treatment is likely to be greater than had any dwellings been served by rain harvested potable water.

The Planning Officer noted that the ORC consent (RM10.361.01) for the discharge of wastewater has a maximum discharge of 25m<sup>3</sup> per day. Based on that figure, and the proposed 28 residential units, that would allow each dwelling to discharge 0.89m<sup>3</sup> per day on average. It was his opinion that the development overall will not comply with the conditions of the discharge consent as each residential site is likely to exceed that volume. The additional flushing of the treatment plant may encourage nutrients to disperse into the groundwater in an accelerated manner compared to the existing Greenfields site. If the discharge volume exceeds the limit in the discharge permit, that is a matter for the Otago Regional Council to address.

The Committee heard a range of submissions relating to the wastewater treatment plant. Henry Flett (PC-16-5/e), Paul Johnston & Frances Sleeman (PC-16-6/h), Peter & Lauren Watkins (PC-16-7/g), Raymond & Evelyn Beardsmore (PC-16-23/e) and Teresa Stevenson (PC-16-27/f) raised concern at the risk of contamination to groundwater from the treatment plant. In contrast, the group of submitters (PC16/13 to 21/i), David Cottle (PC-16-8/d) and Anne Warrington-Blair (PC-16-11/b) accepted the adequacy of the treatment system would not compromise the aquifer health.

Brian Miller (PC-16-11/b) and Trevor Braid (PC-16-27/a) promoted the view that no further developments should occur until a reticulated wastewater treatment plant for Outram township has been commissioned. Angela & Sasha Anderson (PC-16-2/f) expressed concern at odour emanating from the treatment system. The Otago Regional Council (PC-16-24/b) confirmed a resource consent had been obtained to service the development as described in the application. The ORC are responsible for managing any complaints relating to odour which may arise from this proposal.

Overall, it was accepted that while the groundwater is connected to the sensitive aquifer, the proposed wastewater treatment plant is likely to be sufficient to accommodate the loading described in the application.

#### **Decision PPC 16/5.8**

The Committee's decision is to:

- (i) **accept** the submission of Angela & Sacha Anderson (PC-16-2/f), Otago Regional Council (PC-16-24/b).

- (ii) **accept in part** the submission by Bernadette Hay, Sue Whitty, Pamela Grant, Peter & Rosina Crossan, Susan Miller, Neil Simpson, Neil Johnston, Seaton Ager & Garrett Hogan (PC-16-13-21i) with respect to the wastewater treatment system containing sufficient capacity.
- (iii) **accept in part** the submission by Teresa Stevenson (PC-16-27/f) relating to the use of water-saving devices to limit the loading on the wastewater treatment system.
- (iv) **reject** the submissions by Anne Warrington-Blair (PC-16-10/c), Henry Flett (PC-16-5/e), Paul Johnston & Frances Sleeman (PC-16-6/h), Peter & Lauren Watkins (PC-16-7/g), Raymond & Evelyn Beardsmore (PC-16-23/e), David Cottle (PC-16-9/d), Brian Miller (PC-16-11/b) and Trevor Braid (PC-16-27/a) that the wastewater treatment plant is inadequate to address potential loading and the system may result in nutrient loading into the aquifer.
- (v) **reject in part** the submissions by Teresa Stevenson (PC-16-25/f) and Bernadette Hay, Sue Whitty, Pamela Grant, Peter & Rosina Crossan, Susan Miller, Neil Simpson, Neil Johnston, Seaton Ager & Garrett Hogan (PC-16-13-21i) with respect to the wastewater treatment system having insufficient capacity for the likely demand.

#### ***Reasons for Decision***

- (i) The wastewater treatment plant has been designed to accommodate the loading proposed in the application, taking into account climate, soils and depth to groundwater.
- (ii) The applicant has obtained a resource consent which has been assessed against the relevant provisions of the Regional Plan: Water.
- (iii) While odour emanating from the system can occur, if managed correctly, any odour should be minimal. The consent holder will be required to ensure odour is not a nuisance and provisions under the consent or RMA are available to address any issues.

## **5.9 INFRASTRUCTURAL COSTS & EFFECTS**

### ***Submissions***

| <b>Submitter</b>         | <b>Decision Sought</b>  | <b>Further Submission</b> |
|--------------------------|---|---------------------------|
| Craig Werner (PC-16-1/e) | <p>The submitter is concerned the development will lead to further Council costs associated with managing infrastructure.</p> <p>The submitter seeks all costs of upgrading infrastructure is borne by the developer.</p> |                           |

|   |   |  |
|---|---|--|
| Angela & Sasha Anderson (PC-16-2/d)   | <p>The submitter is concerned the development will lead to further Council costs associated with managing infrastructure.</p> <p>The submitter seeks all costs of upgrading infrastructure is borne by the developer.</p>   |  |
| Bernadette Hay, Sue Whitty, Pamela Grant, Peter & Rosina Crossan, Susan Miller, Neil Simpson, Neil Johnston, Seaton Ager & Garrett Hogan (PC-16/13 to 21/f) | <p>The submitter is concerned the development will lead to further Council costs associated with managing infrastructure.</p> <p>The submitter seeks all costs of upgrading infrastructure is borne by the developer.</p>   |  |
| Teresa Stevenson (PC-16-25/e)   | <p>The submitter states the existing infrastructure is insufficient for residential expansion. She states the Outram community have sought infrastructural upgrades to remove the reliance on septic tanks, and this proposal may contribute to pressure on Council for an upgrade.</p> |  |

### ***Discussion***

Several submitters raised concerns at the likelihood of costs being passed onto the Outram community as part of infrastructural upgrades. They sought all costs to be passed onto the developer. Regarding water pressure shortfall, submissions have commented on the adequacy of the supply. The applicant recognises the water pressure shortfall that will affect both potable supply, the general use associated with the residential site and also firefighting capabilities.

With respect to water infrastructure, the Committee accepted the advice of the Council's Water & Waste Services Department (W&WS) that all costs associated with the development and upgrades required to accommodate that proposal will fall on the developer. The Committee note that a Private Development Agreement has been entered into between the Developer and Council to ensure that the costs of the additional watermain needed as a result of this development are met by the developer.

### **Decision for PPC 16/5.9**

The Committee's decision is to:

- (i) **accept** the submissions of Craig Werner (PC-16-1/e), Angela & Sacha Anderson (PC-16-2/d), Bernadette Hay, Sue Whitty, Pamela Grant, Peter & Rosina Crossan, Sue Miller, Neil Simpson, Neil Johnston, Seaton Ager & Garrett Hogan (PC-16-13 to 21/f) and Teresa Stevenson (PC-16-25/e).

### ***Reasons for Decision***

- (i) The Committee are of the view that any reasonable costs arising from increased demand on infrastructure be met by the applicant and not at the general ratepayer's expense. A Private Development Agreement between the applicant and Council will ensure ongoing costs and management are appropriately considered.



## 5.10 ROAD DESIGN & TRAFFIC HAZARDS

### ***Submissions***

| <b>Submitter</b>  | <b>Decision Sought</b>  | <b>Further Submission</b> |
|---|---|---------------------------|
| Angela & Sasha Anderson (PC-16-2/g)   | <p>The submitters express concern at any potential increase of traffic on Formby Street. They note Outram is a family orientated settlement where children walk to school and play along Formby Street.</p> <p>They submitters note the roads are narrow and any further traffic will exacerbate the existing pressure.</p> |                           |
| Peter & Lauren Watkins (PC-16-7/i)  | The submitters are concerned the development will lead to an increase in traffic movements. They comment on the applications conclusion the development will lead to a further 350 vehicle movements daily.   |                           |
| Anne Warrington-Blair (PC-16-10/d)  | Is concerned with increased traffic movements and how it may affect safety, in particular with respect to school buses.   |                           |
| Bernadette Hay, Sue Whitty, Pamela Grant, Peter & Rosina Crossan, Susan Miller, Neil Simpson, Neil Johnston, Seaton Ager & Garrett Hogan (PC-16/13 to 21/k) | <p>The group of submitters acknowledge the Traffic Impact Assessment provided in the application.</p> <p>They do not accept an increase of 350 vehicle movements per day is "<i>very minor</i>" and suggest the effects will adversely affect the roading network.</p>  |                           |
| Raymond & Evelyn Beardsmore (PC-16-23/g)  | The submitters state the existing carriageways are congested and further development will lead to increased vehicle movements.  |                           |

### ***Discussion***

Evidence from Council's Transportation Operations and Planning Departments raised a number of concerns about the layout from a traffic/ pedestrian perspective.

#### Access

The off-set position of the intersection between the proposed looped carriageway and Formby Street (in relation to Lynas Street) was a safety concern to the Transportation Operations Department. A minimum 20m offset from edge to edge, rather than centre to centre, is generally required. In this instance the off-set appears to be approximately 10m. Other low volume examples in the City featuring similar offsets have created problems in the past and required retrofitting at the Council's expense. The applicant suggested that there will be little or no demand for using Lynas Street, but that was not accepted as Lynas Street provides equally direct access to central Outram as any of the surrounding streets, and is potentially more attractive as it enables a bypass of most of Holyhead St. Further, the existing land-use

on Lynas Street may change in future so an insufficient offset should be avoided for future proofing the network.

Transportation Operations also expressed concern at the carriageway design comprising a loop, some 10m in formed width which exceeds that specified in the DCC Code of Subdivision and Development 2010. The applicant did not share the Council's view the configuration may lead to 'road racing' and suggested a series of traffic calming measures could be introduced to alleviate the temptation to exceed the speed limit. Based on the additional information, Transportation Operations accept the proposed 10m width carriageway. They would however, promote a narrower carriageway with indented parking.

The possibility of two cul-de-sacs was suggested and the applicant agreed to prepare a Structure Plan which utilised this layout. This layout will eliminate the need for traffic-calming devices and effectively half the likely traffic movements through the access close to the Formby Street/Lynas Street intersection and therefore mitigate safety issues.

#### Pedestrian Crossing

Transportation Operations questioned whether a formal pedestrian (zebra) crossing will be required at Formby St as a result of increased pedestrian movements between the Plan Change area and the school. As children are among the most vulnerable road users, it is considered an adequate assessment of this need is fundamental. The applicant's Transport Planner, **Mr Gallot**, provided an assessment of the likely number of pedestrian movements from the Plan Change area to the school and provided an analysis of the roading environment in terms of visibility, traffic movements and pedestrian safety. The Committee was satisfied that given the roading environment, and low number of additional pedestrian movements, that a pedestrian crossing across Formby Street was not necessary at this time.

#### Internal Access/Pedestrian Connectivity

Regarding pedestrian connectivity, Transportation Planning advocated for improved pedestrian connectivity through the development. It was noted that the two cul-de-sac approach may result in increased walking distances for some residents wanting to get to specific destinations. A pedestrian walk-way between the two cul-de-sacs was promoted and has been incorporated into the proposed Structure Plan.

#### Footpaths

With respect to the footpath being provided on only one side of the new road formation, the Council promotes the formation of a footpath on both sides of the carriageway, and generally to a formed width of 2.0m. The applicant recognises the layout does not comply with the guidelines in the DCC Code of Subdivision and Development 2010, or the NZS4404:2010 standard. The applicant suggested that as the development now consists of two cul-de-sacs and has two connections to Formby Street, pedestrian demand will be distributed between the two accesses. The Committee accepts that the provision of a footpath on only one side of the new road formation is appropriate given the small number of dwellings that each cul-de-sac will serve.

#### Structure Plan

The Committee requested the applicants to reconsider the layout of their proposed development in light of some of the evidence raised by the Transportation Operations Department. Two Note Limited agreed to provide a revised proposal for consideration in the form of a structure plan. The resultant structure plan (Appendix A) prepared by Two Note Limited now incorporates two cul-de-sacs linked by a pedestrian walkway. This layout is acceptable in that it reduces the traffic movements on the Formby Street/Lynas Street intersection, and maintains pedestrian and cycle accessibility through the development to the

school and other locations in Outram. Each cul-de-sac will now only a maximum of 15 dwellings, a footpath on only one side of each cul-de-sac is also acceptable.

#### Road Capacity

Turning to the comments of the submitters, who comment on the safety of the transportation network should additional vehicle movements be associated with the development. They hold the view that, for Outram township an additional 350 vehicle movements daily represents a significant increase and a relative increase to safety. It was agreed that vehicle numbers will be increased by the development however the roading network has sufficient capacity to accommodate additional loading.

#### **Decision PPC 16/5.10**

The Committee's decision is to:

- (i) **accept** the submissions by Angela & Sacha Anderson (PC-16-2/g), Peter & Lauren Watkins (PC-16-7/i), Anne Warrington-Blair (PC-16-10/d), Bernadette Hay, Sue Whitty, Pamela Grant, Peter & Rosina Crossan, Susan Miller, Neil Simpson, Neil Johnston, Seaton Ager & Garrett Hogan (PC-16-13 to 21/k) and Raymond & Evelyn Beardsmore (PC-16-23/g).

#### ***Reasons for Decision***

- (i) The Traffic Impact Assessment provided with the application suggests approximately 350 additional vehicle movements will occur as a result of the proposed development. It confirms that additional traffic is not likely to alter the safe operation of the roading network and the Committee agree with that assessment.
- (ii) The Committee sought a further revision of the roading designs based on the advice of the Transportation Operations Department. The Structure Plan provided by the applicant, incorporating design elements such as the cul-de-sacs linked by a pedestrian walkway, will provide sufficient pedestrian and cycling connectivity while limited traffic movements at the Formby Street/Lynas Street intersection.

## 5.11 WETLAND PONDING

### *Submissions*

| Submitter                                   | Decision Sought  | Further Submission |
|---|--|--------------------|
| Paul Johnston & Frances Sleeman (PC-16-6/g) | The submitter notes the oxbow wetland feature is permanently wetted. They note a concern with the oxbow feature in close proximity to new dwellings.   |                    |
| Raymond & Evelyn Beardsmore (PC-16-23/h)    | The submitters note the permanently wetted oxbow feature has previously been responsible for mosquito nuisance.<br><br>They note the oxbow is a remnant of the historic Taieri riverbed and is concerned about how it functions during flood events and flooding issues. |                    |
| Teresa Stevenson (PC-16-25/e)               | The submitter suggests the oxbow riverbed and its interaction with flood events may render some areas unsuitable for residential use.  |                    |

### *Discussion*

The Committee were advised that the oxbow is a permanently wetted water feature and is a remnant of the Taieri River scroll channel. Stormwater has been diverted since 1978 from the wider Outram area into the retention area which then dissipates into the soil profile. The Council's W&WBU submitted insufficient consideration has been given to the proposal and how it will affect ponding in the wetland. This is mirrored by a submitter concerned that the proposal may alter the runoff of surface water as a result of the development.

Submitters raised concern at the potential for surface water ponding to flood residential units. Two Note Limited assured us that the proposal has sufficiently considered the flooding potential and has designed setbacks from the lower portions of the site in response to the flooding potential.

Overall, the Committee accepted that the residential development near the oxbow retention pond can be managed in a manner to ensure the issues raised by the submitters are effectively addressed.

### **Decision PPC 16/5.11**

The Committee's decision is to:

- (i) **accept** the submissions of Paul Johnston & Frances Sleeman (PC-16-6/g), Raymond & Evelyn Beardsmore (PC-16-23/h) and Teresa Stevenson (PC-16-25/e) with respect to flooding potential.
- (ii) **reject** the advice of the Council's Water and Waste Services Department, that the development may adversely affect the ability of the oxbow feature for Outram storm-water management.

### ***Reasons for Decision***

- (i) The Committee noted that the applicants had reduced the number of residential sites, and limited their location to higher ground further from the stormwater pond, to avoid any potential issues associated with the operation of the stormwater pond.
- (ii) The Committee are of the view that the development could proceed without adversely altering the ability to use the oxbow feature for stormwater management serving the wider Outram community.

## **5.12 COMMUNITY RESILIENCE**

### ***Submissions***

| <b>Submitter</b>             | <b>Decision Sought</b>   | <b>Further Submission</b> |
|------------------------------|--|---------------------------|
| Barbara Milne<br>(PC-16-8/b) | The submitter holds the view the development would increase community resilience.<br><br>The submitter seeks the proposal be approved.   | Craig Werner (PC-16-FS1)  |
| David Cottle<br>(PC-16-9/b)  | The submitter suggests an increased population will contribute to the viability of the community, the businesses within the community and recreational clubs.<br><br>Mr Cottle seeks the proposal be approved. | Craig Werner (PC-16-FS1)  |

### ***Discussion***

An increased population will lead to a more resilient community. That is to say, an increased population will contribute to an ability to tolerate and recover from sustained adverse effects. At a differing level resilience can be a reduced reliance on other centres to contribute to the viability of another.

The Committee heard the endorsement of two submitters promoting the concept that a greater population will mean a greater level of spending within the local environment resulting in more viable or new businesses. Alternatively, a greater population base means a greater number of potential individuals to attend social clubs, churches or schools and therefore retaining the viability of those activities. The Planning Officer agreed the comments were valid at a level where the population is small and relatively static. Outram comprises a static, but slowly growing population, limited in part by available land suitable for residential use.

Craig Werner spoke to his further submission, promoting an alternative view commenting that the rezoning to Residential 5 will decrease resilience. It is his view the application is contrary to those planning principals suggesting that the expansion of Outram will in turn lead to greater expenditure by the City, sourced from the ratepayer. He questioned why a settlement with little infrastructure enjoys expansion when self-sustaining townships like Mosgiel have an array of undeveloped vacant residential sites, and the infrastructure in place to support it.

### **Decision PPC 16/5.12**

The Committee's decision to:

- (i) **accept** the submissions of Barbara Milne (PC-16-8/b) and David Cottle (PC-16-9/b).
- (ii) **reject** the further submission by Craig Werner (PC-16-1/FS1)

#### ***Reasons for decision***

- (i) On balance, the Committee consider that an increase to the population of Outram will increase its resilience; given that there will be more people to support the school, shops and other services offered by Outram.

## **5.13 DEMAND FOR ADDITIONAL HOUSING**

### ***Submissions***

| <b>Submitter</b>                         | <b>Decision Sought</b>   | <b>Further Submission</b> |
|--|--|---------------------------|
| Peter & Lauren Watkins (PC-16-7/b)       | The submitter questions the need for additional residential units where vacant sites within the urban/rural fence of Outram are not developed.   |                           |
| Patricia Bosshard-Browne (PC-16-22/c)    | Notes there are a number of sites in the wider area not fully developed.   |                           |
| Raymond & Evelyn Beardsmore (PC-16-23/d) | Holds the view there are several developments in the Outram and Mosgiel area that should be supported before extending into the rural zone.  |                           |
| Teresa Stevenson (PC-16-25/e)            | The submitter holds the view there are a number of existing residential sites that are currently undeveloped in the immediate and wider area. She holds the view further expansion into the rural zone is unnecessary. |                           |

### ***Discussion***

During the hearing, the Committee heard that Council records indicate Outram currently has capacity for 309 residential sites. Of those, 29 were unoccupied. Mosgiel, several kilometres from Outram and comprising a very different character features a breadth of undeveloped residential sites, with a range of recently approved large subdivision consents.

Both submitters and the applicant acknowledge Outram appears to be reasonably full, and is desirable to inhabit; which the occupancy level indicates. The wider area is the subject of development, and in the Planning Officer's view there is likely to be demand for the residential sites promoted by the applicant. Demand is likely to be heightened further by the applicant's stance on creating a range of sites. Two Note Limited promoted that the sites would help address affordable housing challenges in the Taieri, where properties may be sold at below market cost. The Council's Planning Officer dismissed the suggestion the developer would on-sell titles for below market value, and suggested those comments were erroneous.

### **Decision PPC 16/5.13**

The Committee's decision is to:

- (i) **reject** the submissions of Peter & Lauren Watkins (PC-16-7/b), Patricia Bosshard-Browne (PC-16-22/c), Raymond & Evelyn Beardsmore (PC-16-23/d) and Teresa Stevenson (PC-16-25/d)

#### ***Reasons for decision***

- (i) Outram is a desirable place for a range of the community to live in. Outram has a unique character and ambience and the residential areas are mostly utilised. There is a perceived demand for additional housing opportunities in Outram. The proposal will contribute a further 10% more residential sites to the township. Overall, the Committee is of the view the development would result in new demand for the vacant sites.

## **5.14 SUSTAINABLE USE OF FOSSIL FUELS/ SMOKE**

### ***Submissions***

| <b>Submitter</b>                            | <b>Decision Sought</b>  | <b>Further Submission</b> |
|---|---|---------------------------|
| Craig Werner (PC-16-1/d)                    | The submitter holds the view expanding residential development in a settlement where there is little commercial infrastructure will promote reliance on fossil fuels.   |                           |
| Paul Johnston & Frances Sleeman (PC-16-6/e) | The submitters are concerned about the expansion resulting in addition use of fossil fuels, and the subsequent increase in air pollution arising from domestic burners. |                           |
| Patricia Bosshard-Browne (PC-16-22/e)       | The submitter states Outram has little in the way of services, and additional development will increase the reliance on fossil fuels and the subsequent pollution.      |                           |

### ***Discussion***

Some submitters consider Outram as a settlement comprising little in the way of infrastructure. That in part contributes to the ambience and character of the area, and the resulting desirability. A number of submissions asserted should the application be approved, that the additional residential units on the site will accommodate individuals that rely on private motor cars and fossil fuels. Whether more fossil fuel may be used by increased residential activity is difficult to determine, and no evidence was provided to us to consider. Families may relocate from the City proper, increasing vehicle movements. Alternatively some may relocate from further afield where Outram is closer to key infrastructure and generally using less fossil fuel. The Committee acknowledge the position of the submitters with respect to increased vehicle movements.

In their submission, Paul Johnston and Frances Sleeman expressed concern at increased air pollution arising from an increase of domestic burners. National Environmental Standards for air quality were set by the Government in 2004. Ambient air pollution from domestic burners is addressed as part of the Standard. While the development may result in an increase

number of domestic burners in Outram, the Committee are of the opinion that the quality of the discharge will be of sufficient standard to create negligible effects.

#### **Decision PPC 16/5.14**

The Committee's decision is to:

- (i) **note** the submissions of Craig Werner (PC-16-1/d), Patricia Bosshard-Browne (PC-16-22/e).
- (ii) **reject** the submission of Paul Johnston & Frances Sleeman (PC-16-6/e).

#### **Reasons for decision**

- (i) It is recognised that additional demand on fossil fuels will likely occur as result of the proposed development. Overall the Committee do not consider the effects of increased vehicle movements arising from the development are sufficient to decline this Plan Change request.
- (ii) The revised road layout featuring the cul-de-sac and pedestrian walkways make the development more connected with Outram proper and will encourage pedestrian use within the township.
- (iii) The potential use of domestic burners as a result of the additional residential units will in our opinion not adversely affect the ambient air quality. Compliant burners (for sites in this Airshed and under 2ha) shall not exceed 1.5g of PM<sup>10</sup> per kilogram of fuel. The quality of the discharge, should any residents choose to use a domestic burner, is of a sufficient standard to mitigate amenity or respiratory health concerns.

### **5.15 PRECEDENT**

#### **Submissions**

| <b>Submitter</b>                         | <b>Decision Sought</b>   | <b>Further Submission</b>                              |
|--|--|--|
| Anne Warrington-Blair (PC-16-10/a)       | The submitter is concerned that should the development be approved, it will create a precedent assisting those wishing to develop other rural sites.               | Teresa Stevenson (PC-16-FS2) supports this submission. |
| Patricia Bosshard-Browne (PC-16-22/b)    | States the proposal will create an undesirable precedent for further development.  | Teresa Stevenson (PC-16-FS2) supports this submission. |
| Raymond & Evelyn Beardsmore (PC-16-23/a) | States the proposal will create an undesirable precedent for further development.  | Teresa Stevenson (PC-16-FS2) supports this submission. |
| Teresa Stevenson (PC-16-25/b)            | The submitter states the proposal will create a precedent where other landowners with High Class Soils will consider developing the land into Residential 5 zones. |  |



## **Discussion**

The Committee noted that submitters raised concerns that the proposal will create a precedent whereby other landowners will be motivated to consider similar developments on their land. While that may be potentially the case, the site does enjoy some distinguishing features. Notably it is bounded by a natural water feature that separates it from the remaining rural land in the wider area. The site, in the opinion of the developer is a natural extension of the Outram Township.

Few properties share the key features of the subject site. While in general terms, other landowners may be buoyed by a positive outcome, they may not gain much traction relying on the precedent argument.

### **Decision PPC 16/5.15**

The Committee's decision is to:

- (i) **reject** the submissions of Anne Warrington-Blair (PC-16-10/a), Patricia Bosshard-Browne (PC-16-22/b), Raymond & Evelyn Beardsmore (PC-16-23/a) and Teresa Stevenson (PC-16-25/b).
- (ii) **reject** the further submission by Teresa Stevenson (PC-16-FS2).

### **Reasons for decision:**

- (i) In the Committee's opinion the subject site contains characteristics that distinguish it from most other rural properties and therefore is unlikely provide much in the way of a precedent.

## 5.16 POTENTIAL SITE CONTAMINATION

### *Submissions*

| Submitter   | Decision Sought   | Further Submission |
|---|---|--------------------|
| Bernadette Hay, Sue Whitty, Pamela Grant, Peter & Rosina Crossan, Susan Miller, Neil Simpson, Neil Johnston, Seaton Ager & Garrett Hogan (PC-16/13 to 21/I) | The group of submitters note the presence of a historic landfill on the subject site.<br><br>They state no information as to the extent, depth or composition of that landfill are known and under the NES for Assessing and Managing Contaminants to Soils to Protect Human Health, the applicants should carry out extensive sampling to determine the extent, depth of profiles and composition of fill. |                    |
| Raymond & Evelyn Beardsmore (PC-16-23/i)  | Notes the site features a landfill that is a historic site and therefore should be afforded the appropriate level of protection. The submitter suggests the landfill should be identified and given some form of historic status.   |                    |
| Otago Regional Council (PC-16-24/c)   | The submitter notes the presence of a landfill, and the recent land use activity as a commercial nursery. They suggest it is likely the soils are contaminated and any disturbance of the land will require a resource consent under Rule 5.6.1 of the Regional Plan: Waste.  |                    |

### *Discussion*

Several submitters raised the issue of previous land use activities on the site, including the possibility of closed landfill somewhere on the site. Two Note Limited, and Mr Eaton advised us that the landfill is on a neighbouring property and has no relationship with the subject site. The Committee accepted this evidence on the balance as no opposing evidence was supplied for consideration.

With respect to persistent agrichemical residues, a number of submitters noted the previous land use activities over the decades. The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 were put in place to ensure that land affected by contaminants in soil is appropriately identified and assessed before it is developed - and if necessary the land is remediated or the contaminants contained to make the land safe for human use. A change such as is proposed to the intended use of the land will require that the NES is followed. A suitably qualified practitioner will be required to carry out this work. The site currently has been also used as a plant nursery which may also have implications under the NES for the use of the land depending on the usage of chemicals and their storage. Further investigation into this portion of the land will be required.

The applicant's soil scientist, Dr Jennings-Temple, commented on previous soil sampling, and advised in his view, the results are indicative that the site is sufficiently safe for residential activity. The Committee were not satisfied that two composite samples taken from the top 10cm of ground profile is insufficient to gather a sufficient understanding of soil contamination. The Committee asked for, and the applicant agreed to supply, further analysis as required under the NES, being a Detailed Site Investigation to gather a thorough understanding of what persistent analytes remain in the soil profile. The applicant subsequently supplied additional soil analysis data which indicated that there is little evidence

of soil contamination on the site. The Committee noted that any application for subdivision will still require soil sampling to meet the NES DSI criteria.

### **Decision PPC 16/5.16**

The Committee's decision is to:

- (i) **reject** the submissions Raymond & Evelyn Beardsmore (PC-16-23/i).
- (ii) **accept in part** the submissions by Bernadette Hay, Sue Whitty, Pamela Grant, Peter & Rosina Crossan, Susan Miller, Neil Simpson, Neil Johnston, Seaton Ager & Garrett Hogan (PC-16-13 to 21/l) and the Otago Regional Council (PC-16-24/c) relating to soil contamination matters.
- (iii) **reject in part** the submissions by Bernadette Hay, Sue Whitty, Pamela Grant, Peter & Rosina Crossan, Susan Miller, Neil Simpson, Neil Johnston, Seaton Ager & Garrett Hogan (PC-16-13 to 21/l) and the Otago Regional Council (PC-16-24/c) relating to the landfill.

### **Reasons for Decision**

- (i) The Committee accepted the evidence relating to the historic landfill being located on an adjoining property to the subject site.
- (ii) The Committee were not satisfied with the evidence provided during the hearing and sought further clarification. Soil analysis data provided after the hearing suggested soil contamination is limited on the site. The applicant accepted soil sampling to the NES DSI criteria is required prior to subdivision.

## **5.17 HAZARDS**

### ***Submissions***

| <b>Submitter</b>                    | <b>Decision Sought</b>  | <b>Further Submission</b> |
|-------------------------------------|---|---------------------------|
| Otago Regional Council (PC-16-24/d) | <p>The ORC notes a bund as described in the Concept Plan will require a resource consent as a defence against water.</p> <p>They note the oxbow water feature partially held in the subject site has been mapped as an overland flow path under the Flood Protection Management Bylaw 2012.</p> |                           |

### ***Discussion***

Like much of the Taieri Plains, the subject site features in the Councils Hazards Register as being subject to earthquake amplification by virtue of alluvial deposition. It is also subject to actual and potential flooding hazards as described in the ORC Taieri Flood Report 2007.

The Committee heard advice from Council's Water & Waste Services Department with respect to potential hazards. They noted significant concerns regarding the potential flooding of the site, which the application does not adequately address. The W&WBU considers the following consent notice must be placed on each title adjacent to the existing soakage pond: 107m Relative Level (lowest point in Formby Street).

- The minimum finished floor level of each residential dwelling shall be 107m RL (being the lowest point in Formby Street).

They also consider the following consent notice must be placed on each title to alleviate concerns about the risk of flooding of the subject site and beyond:

- Development shall not cause flooding of habitable areas.

In addition, an advice notice should be included to alert potential owners/occupiers of the dwellings that the area is used for storm water disposal by the Dunedin City Council.

Turning to the submission by the ORC, they note two aspects of the proposal which have potential to require consideration. They suggest the plan titled '*Calculation for Flood Storage*' indicates the bund at RL106.8 will constitute a defence against water as defined in the Regional Plan: Water. They state a consent will be required under Rule 14.3.2.1 of the Regional Plan: Water. They also note that the wetted area partially contained within the subject site has been mapped as an overland flow path under the Flood Protection Management Bylaw 2012 which became operative on 1 September 2012. Any connection of a pipe, channel or conduit may therefore also require resource consent from the Otago Regional Council.

#### **Decision PPC 16/5.17**

The Committee's decision is to:

- (i)** **accept** the technical advice from the Water & Waste Services Department with respect to notices on titles highlighting building constraints and flood risk.
- (ii)** **note** the submission of the Otago Regional Council (PC-16-24/d).

#### **Reasons for decision**

- (i)** The Committee are satisfied that the residential units will be located on land that will not be subject to flooding.
- (ii)** Any further consenting requirements with the ORC are for the applicant to address and are beyond the scope of the application.

## **6.0 PLAN AMENDMENTS**

The following amendments to the District Plan are made in accordance with the decisions set out in Section 5.0 above. The significant changes from the original proposal are the reduction in the number of lots from 36 down to 24, and the reduction in the areas to be rezoned from 7.7413ha (of which approximately 0.3938ha is already zoned Residential 5) to 4.9811ha (of which approximately 0.2550ha is already zoned Residential 5).

## Volume 1

### Section 8 – Residential

#### Rule 8.11.1(i) Permitted Activities – Amended as follows:

- (i) Residential Activity at a density of not less than 1000 m<sup>2</sup> of site area per residential unit except :
  - (a)** That a single residential unit may be erected on any existing residential site in Aramoana.
  - (b)** **Formby Street Structure Plan area (Appendix 8.6), only one residential unit may be established on each of Lots 1-28. [Amended by Plan Change 16]**

#### Rule 8.11.2 (i) Minimum Yards Front or Rear Sites– Amended as follows:

- (i) **Minimum Yards**
  - (a) **Front Sites**
    - (i) Front Yard 4.5 m
    - (ii) All Other Yards 2.0 m

**Except Lots 1-10 Formby Street Structure Plan, the minimum yard along the eastern site boundary is 10.0 m. [Amended by Plan Change 16]**
  - (b) **Rear Sites**
    - (i) All Yards 2.0 m

**Except Lots 1-10 Formby Street Structure Plan, the minimum yard along the eastern site boundary is 10.0 m. [Amended by Plan Change 16]**

#### Rule 8.11.2 (iii) Maximum Height - Amended as follows:

- (iii) **Maximum Height**

9 m.

**Except Lots 1-10 Formby Street Structure Plan, the maximum height is 6.0 m. [Amended by Plan Change 16]**

### Section 18 - Subdivision

#### Rule 18.5.12 Structure Plans – Amend as follows, add:

- (e) Formby Street Structure Plan – Appendix 8.6 [Inserted by Plan Change 16]**

Insert Appendix 8.6 – Formby Street Structure Plan (Appendix A).

## Volume 2

Amend Zoning Map No. 7 (Appendix B) to include the rezoned land in the Residential 5 zone.

Amend High Class Soils Map No. 75 (Appendix C) to show the rezoned land as 'Urban Land' and remove any mapping of high class soils from the rezoned land.

Amend Noise Map No. 67 (Appendix D) to include the rezoned land in the 50Dt/35Nt dBA, 45SP dBA noise area.

### 6.1 MINOR CONSEQUENTIAL PLAN AMENDMENTS

A number of minor amendments to the District Plan are made in accordance with Clause 16(2) of the First Schedule to the RMA, which states that:

*"A local authority may make an amendment, without further formality, to its proposed policy statement or plan to alter information, where such an alteration is of minor effect, or may correct any minor errors."*

The minor amendments are principally the correction of typographical and formatting errors, and do alter the effect of the Plan Change and have no wider effects on existing District Plan provisions.

### Dunedin City Council Hearings Committee

Councillor Colin Weatherall (Chair)



Councillor Andrew Noone



Councillor Kate Wilson



Dated: 3 March 2014

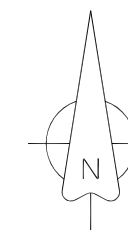
**Appendix A**  
**Formby Street Structure Plan**







## Appendix 8.6

### Formby Street Structure Plan *[Inserted by Plan Change 16]*

As part of any application for resource consent to subdivide within the Formby Street Residential 5 Zone, the applicants shall ensure compliance with the annexed Formby Street Structure Plan, with particular regard to the following matters:

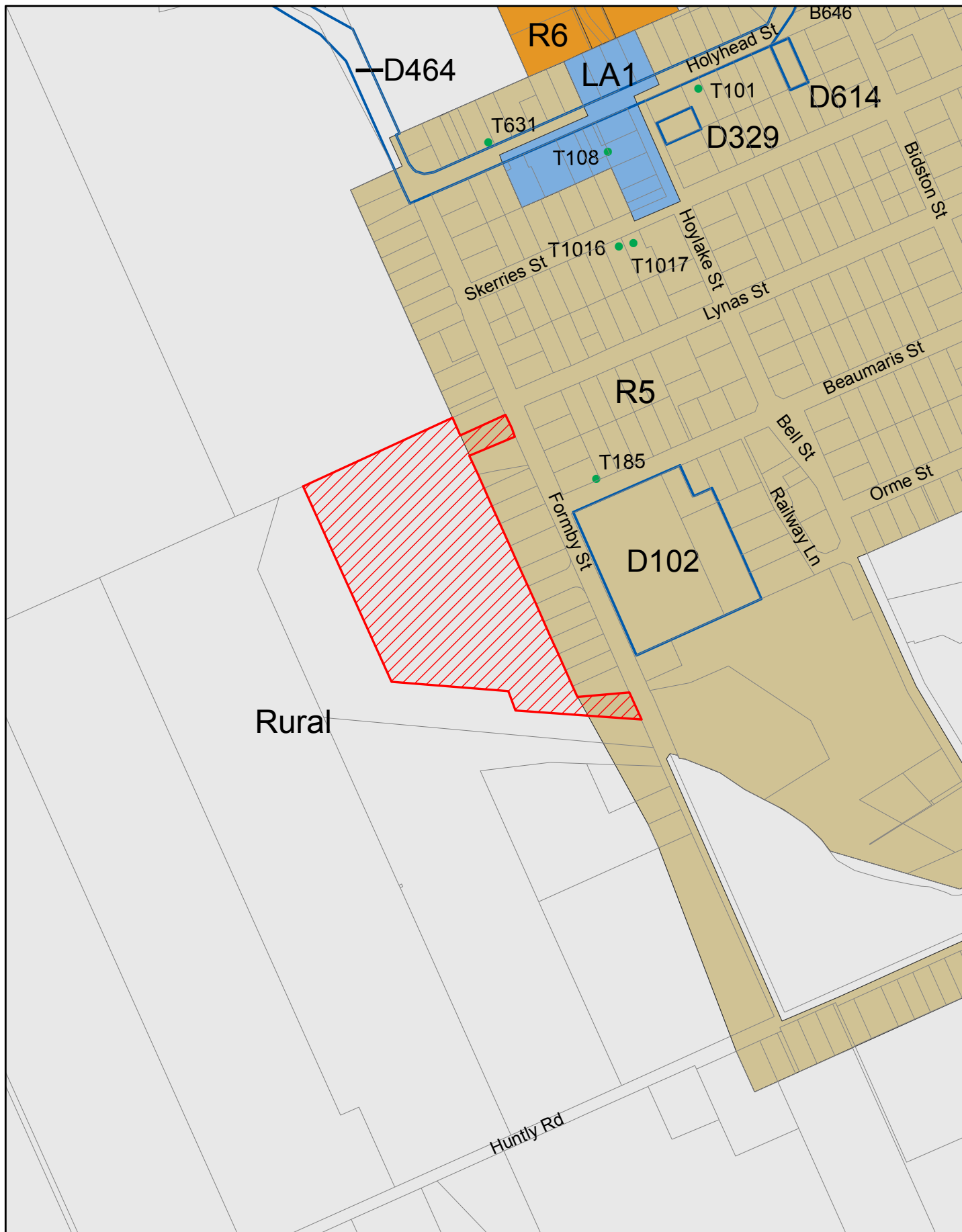
- (i) The establishment of a proprietary wastewater treatment facility in the ‘Wastewater Treatment Area’.
- (ii) The establishment of a public walkway with a minimum width of 1.5m along the ‘Possible 1.5m Footpath’ line.
- (iii) A minimum legal road width of 16m for the two cul-de-sacs proposed, with a footpath on at least one side of each of the cul-de-sacs.



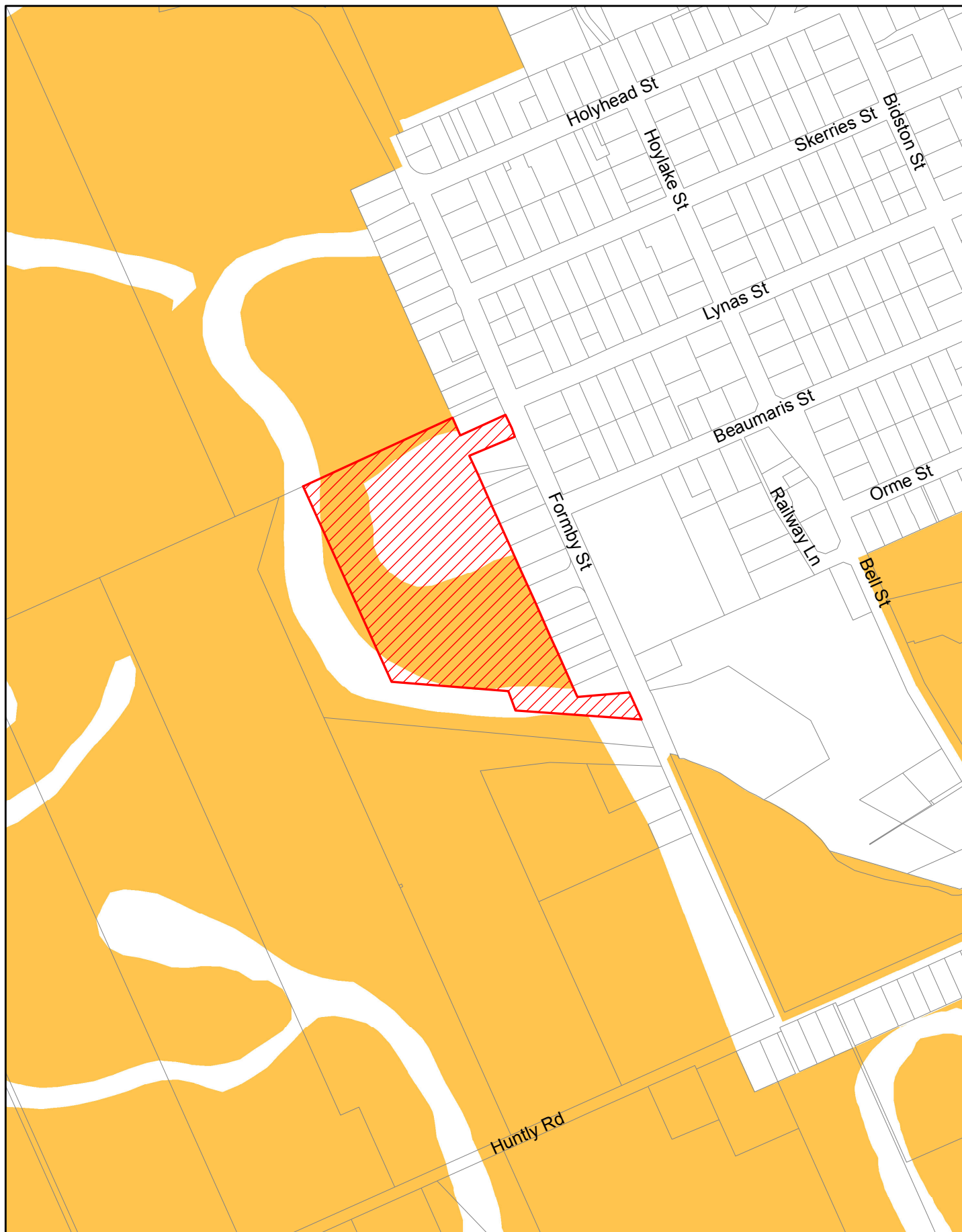
| LEGEND  |                                    |
|---|------------------------------------|
|  | Existing Building                  |
|  | Possible Road                      |
|  | Possible 1.5m Footpath             |
|  | Possible Lot Boundary              |
|  | Waterway                           |
|  | Possible wastewater Treatment area |





**Appendix B**  
**Zoning Map 7**



**Appendix C**  
**High Class Soils Map 75**




**Legend**

-  Proposed Zone Change into R5
-  DP High Class Soils






**Appendix D**  
**Noise Map 67**



#### Legend

 Proposed Zone Change into R5

#### DP Noise

-  60Dt/Nt dBA
-  55Dt/40Nt dBA
-  50Dt/40Nt dBA, 45SP dBA
-  50Dt/35Nt dBA, 45SP dBA
-  55 Dt/40Nt dBA within 50m of a residence