

18 December 2024

Attn: City Development Manager

Dunedin City Council
PO Box 5045
Dunedin 9054

Submission sent via email: districtplansubmissions@dcc.govt.nz

**KĀINGA ORA – HOMES AND COMMUNITIES SUBMISSION ON PLAN CHANGE
1 FOR MINOR IMPROVEMENTS TO THE SECOND-GENERATION DUNEDIN
CITY DISTRICT PLAN UNDER CLAUSE 6 OF SCHEDULE 1 OF THE RESOURCE
MANAGEMENT ACT 1991**

This is a submission on Plan Change 1 (“PC1”) (Minor Improvements) from Dunedin City Council (“the Council” or “DCC”) on the Second-Generation Dunedin City District Plan (“the Plan” or “2GP”)

Scope of submission:

The submission relates to PC1 in part. Kāinga Ora supports the notified Plan Change in Part, and seeks specific amendments as indicated below, and with Appendix 1 providing the substantive detail of submission matters.

The Kāinga Ora submission is:

1. Kāinga Ora seeks amendments to the notified PC1 proposal:
 - i. Specific provisions and chapters related to PC1 which Kāinga Ora either supports, seeks amendment to, or opposes; and
 - ii. Proposed heritage scheduling changes based on the Kāinga Ora submission.
2. The changes are sought to ensure that the established and consented use of the properties that Kāinga Ora own, and any future redevelopment of these properties is provided for in the 2GP. This is to:

- i. Ensure that Kāinga Ora can carry out its statutory obligations;
 - ii. Ensures that the proposed provisions are the most appropriate way to achieve the purpose of the Resource Management Act 1991; and
 - iii. Reduce interpretation and processing complications for decision makers so as to provide for plan enabled development and clarity within the 2GP.
3. The Kāinga Ora submission points and changes sought can be found within Table 1 of **Appendix 1**.

The amendments Kāinga Ora is seeking are:

PC1 – Chapter 1.4: Definitions

4. Kāinga Ora supports in part the proposed changes to the definition of 'Standard Residential' to address "peoples living accommodation" as opposed to "residential activity". However, the proposed changes to the definition create inconsistency with the identification of 'social housing' as a separate sub-activity with specific provisions under 'standard residential' activity. Social housing is indistinguishable as a residential activity and should be approached as either a 'Standard Residential' or a 'Multi-Unit Development' activity. Kāinga Ora seeks all references to 'social housing' are deleted from the definition and further consequential changes are made across the entirety of the 2GP to give effect to this (see Appendix 1), this includes changes to any objectives, policies, rules or assessment criteria to give effect to the requested amendment to the definition.
5. Kāinga Ora also seeks minor amendments to a number of definitions amended throughout PC1 to align with the National Planning Standards Framework. See Appendix 1.

PC1 – Chapter 5: Network Utilities

6. Kāinga Ora seeks more appropriate mechanisms and methods for assessing the setback requirements in relation to three waters infrastructure located within the road reserve. Kāinga Ora considers that a more appropriate way to address this issue is to manage the required distances outside of the plan and via a site-specific technical report prepared by an experienced professional. Kāinga Ora therefore seeks the deletion of Rule 5.6.2.1.

PC1 – Chapter 10: Natural Environment

7. Kāinga Ora notes that Council have extended the ‘Stormwater Open Watercourse Mapped Areas’ that will have an effect on residential intensification and development in the city. Kāinga Ora consider that further clarification is required as to the accuracy and completeness of the Water Services Map data source before this is incorporated into the Plan. Additionally, the Council’s ‘Work in Progress Map’ is not publicly available at the time of this submission. The map as described on the Council website is intended to indicate the recent work completed around the existing mapped areas. Kāinga Ora seeks that this overlay is removed from this plan change until such a time that all information is public and finalised.
8. Kāinga Ora consider that an additional assessment criterion should be added to 10.6 in response to the addition of Rule 10.3.3 to allow for a site specific assessment by a suitably qualified person to be included as a potential circumstance that may support a consent application in regard to encroaching the 5m setback.

PC1 – Chapter 13: Heritage & Schedule A

9. Kāinga Ora accepts the contribution that historic heritage makes to the social and cultural well-being of the people and communities of Dunedin. However, Kāinga Ora considers that the scheduling of the building at 11 Wilkinson Street, Liberton does not strike an appropriate balance between the protection of identified historic heritage values and the on-going efficient use and development of 11 Wilkinson Street.
10. While state housing delivery throughout the ‘inter-war’ period is a feature of New Zealand’s past, the very nature of state ‘public housing’ was and remains at its core, to provide housing for those in need. Much of the existing public housing stock throughout Dunedin is nearing the end of its serviceable life. Placing a heritage listing on such houses effectively-ascribes heritage value to past urban development patterns that are demonstrably no longer an efficient use of land and present a loss of opportunity cost for public housing delivery. Since its construction, there has been significant changes in New Zealand’s population, and an increase demand and changed public housing need.

11. Kāinga Ora is concerned with the methodology and assessment used to identify specific heritage buildings through PC1. The Council Heritage assessment¹ applies a bespoke rating to the established significance criteria in Policy 2.4.2.1.b of the 2GP. This rating system is not consistent with that used elsewhere, for example, where a ranking of “meets criteria” would not justify inclusion in a historic heritage schedule². It is also not consistent with the national ranking used by Heritage New Zealand Pouhere Taonga (‘HNZPT’)³. Areas that are identified as just ‘meeting the criteria’ would not typically meet the threshold for section 6 protection under the RMA.
12. As such, Kāinga Ora opposes the newly identified proposed heritage building and seeks its deletion from PC1. An assessment should be undertaken in reference to the established criteria in the Otago Regional Policy Statement and 2GP and use a significance rating that has consistency with those utilised elsewhere in New Zealand. The following schedule ranking approach is considered to have greater consistency with established practice across New Zealand:
 - Plan ranking A (equivalent to HNZPT Category 1 places nationally significant)
 - Plan ranking B (equivalent to HNZPT Category 2 places, regionally or nationally significant)
 - Moderate value (locally of interest, but not nationally significant under Section 6f), to qualify potentially as an ‘other matter’ under part 7.
13. Kāinga Ora generally supports the need to ensure the protection of specific buildings which contribute to the historic heritage of Dunedin and the Otago Region, and that are of national significance under section 6 of the RMA.
14. However, for the reasons outlined above in relation to proposed heritage scheduling, Kāinga Ora opposes the identification of new buildings as ‘built heritage’ through PC1 which do not meet what it considers to be ‘historic heritage’ status under s6 of the RMA to the degree that they are of national significance.

PC1 – Chapter 7 Scheduled Trees & Schedule A

¹ ‘Heritage Assessment for Scheduled Heritage Building: 11 Wilkinson Street – Dunedin’s First State House (1930s State Housing Scheme)’, prepared by Dunedin City Council, 26 July 2024, attached as Heritage Assessment 11 Wilkinson Street to the PC1 2GP documentation.

² Auckland Unitary Plan, Schedule 14.1 ‘Schedule of Historic Heritage’ and Chapter D17. ‘Historic Heritage Overlay’.

³ ‘Significance Assessment Guidelines – Guidelines for Assessing Historic Places and Historic Areas for the New Zealand Heritage List/Rārangī Kōrero’, Rebecca O’Brien with Joanna Barnes-Wylie for Heritage New Zealand Pouhere Taonga 2019: <https://www.heritage.org.nz/the-list/-media/fcf2e3c8de8c44a5bf5afcc95b24816a.ashx>

15. Kāinga Ora supports in part for the need to protect scheduled trees and their contribution to the amenity values of the wider environment, and therefore supports the spatial identification of scheduled trees within the streetscape.
16. Kāinga Ora seeks clarification as to the accuracy of the new location of the existing scheduled tree (T396) and whether the Council has considered the assessment carried out under the recent resource consent application approved for the site at 13 Durham Street⁴.

Kāinga Ora seeks the following decision from Dunedin City Council on PC1:

That the specific amendments, additions or retentions which are sought as specifically outlined above and in **Appendix 1**, shown in red and are struck through or blue and underlined, are accepted and adopted into the PC1, including such further, alternative or consequential relief as may be necessary to fully achieve the relief sought in this submission.

Kāinga Ora wishes to be heard in support of their submission.

Kāinga Ora seeks to work collaboratively with the Council and wishes to discuss its submission on PC1 to address the matters raised in its submission.

We would be prepared to consider presenting our submission in a joint case with others making a similar submission at any hearings.

Kāinga Ora will not gain an advantage in trade competition through this submission.


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Brendon Liggett
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Kāinga Ora – Homes and Communities

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⁴ '13 Durham Street, Dunedin (SUB-2022-109 & LUC-2022-318)' accessed via "Search all resource consents decisions": https://www.dunedin.govt.nz/do-it-online/search/search-all-decisions?search_page_757373_submit_button=Submit&queries_decision-search_query=%2213+Durham+Street+Dunedin%22&search_page_757373_submit_button=Submit

Appendix 1: Decisions sought on Plan Change 1 (Minor Improvements) from Dunedin City Council

The following table sets out the amendments sought to Plan Change 1 for Minor Improvements and also identifies those provisions that Kāinga Ora supports.

Proposed changes are shown as ~~strikethrough~~ for deletion and underlined for proposed additional text.

Table 1

ID	Issue / Provision	PC1 Summary of Changes reference	Kāinga Ora's Position (Support / Oppose)	Reasons for Submission	Relief Sought
Maps					
1.	Stormwater Open Watercourse Mapped Areas	Maps	Oppose	Kāinga Ora notes that Council have extended the 'Stormwater Open Watercourse Mapped Areas' that will have an effect on residential intensification and development in the city. Further clarification is required as to the accuracy and completeness of the Water Services Map data source before this is incorporated into the Plan. Additionally, the Council's 'Work in Progress Map' is not publicly available at the time of this submission. The map as described on the Council website is intended to indicate the recent work completed around the existing mapped areas.	Kāinga Ora seeks that this overlay is deleted from this plan change until such a time that all information is public and finalised.
Chapter A: Section 1.4 - Definitions					

ID	Issue / Provision	PC1 Summary of Changes reference	Kāinga Ora's Position (Support / Oppose)	Reasons for Submission	Relief Sought
1.	Standard Residential	Res18	Opposes in Part	<p>Kāinga Ora opposes in part the proposed changes in PC1 so far as it identifies 'social housing' as a separate sub-activity with specific provisions under 'standard residential' activity and seeks all amendments on 'social housing' provisions are deleted from 2GP.</p> <p>Kāinga Ora is of the view that the proposed provision is unlawful in terms of not achieving the purpose and principles of the Act and other legislation. In that regard, Kāinga Ora opposes the proposed amendments to establish a separate activity classification for social housing as set out in 2GP.</p> <p>Amendments sought.</p>	<p>Standard Residential The use of land and buildings for people's living accommodation at a domestic scale. For the sake of clarity, this definition includes:</p> <ul style="list-style-type: none"> • Short-term house rentals boarding houses • Accommodation of guests at a domestic scale • Supported living accommodation (with 10 or fewer residents); and • Emergency and refuge accommodation. <p>This definition excludes:</p> <ul style="list-style-type: none"> • Supported living facilities; and • Visitor accommodation. <p>Papakāika and social housing are is managed as a sub-activities sub-activity of standard residential.</p> <p>Standard residential is an activity in the residential activities category.</p> <p>Also,</p> <p>Remove all reference to social housing as different from standard residential from the plan, including consequential changes to remove any objectives, policies, rules or assessment criteria to give effect to the requested changes to the definition.</p>

ID	Issue / Provision	PC1 Summary of Changes reference	Kāinga Ora's Position (Support / Oppose)	Reasons for Submission	Relief Sought
2.	Building	Res7	Support in Part	Kāinga Ora supports in part the proposed changes in PC1 but seeks minor amendments to a number of definitions amended throughout PC1 to comply with the Planning Standards.	<p>Building A structure that includes a roof that is, or could be, fully or partially enclosed with walls.</p> <p>The definition of building includes:</p> <ul style="list-style-type: none"> • a movable building (e.g. a tiny home on wheels or a caravan); and • the parts of a buildings defined as building utilities and rooftop structures. <p>This excludes any motorised vehicle or other mode of transport that could be moved under its own power.</p> <p>For the sake of clarity, water or other storage tanks, other than as captured in the definition of building utilities, are a structure not a building.</p>
3.	Earthworks	Earth1	Support in Part	Kāinga Ora supports in part the proposed changes in PC1 but seeks minor amendments to a number of definitions amended throughout PC1 to comply with the Planning Standards.	The disturbance and alteration of land surfaces by the re-contouring of land and/or the excavation or deposition of materials including clean fill, soil, or rock moving, removing, placing, blading, cutting, contouring, filling or

ID	Issue / Provision	PC1 Summary of Changes reference	Kāinga Ora's Position (Support / Oppose)	Reasons for Submission	Relief Sought
					<p>excavation of earth (or any matter constituting the land including soil, clay, sand and rock).</p> <p>This definition excludes:</p> <ul style="list-style-type: none"> • earthworks associated with cultivation, harvesting and tilling, which are included as part of the definition of farming; • earthworks associated with quarrying or mining, which are included as part of the definition of mining; • vegetation clearance that is associated with earthworks, which is included as part of the definition of vegetation clearance; • earthworks associated with the maintenance of: sports fields, landscaping or gardens, farm tracks, private roads, private ways, dams, farmyards, drains, farm service areas, silage pits, and fences; which are not managed by the Plan; and • earthworks that meet the definition of natural hazard mitigation earthworks.; and • earthworks as part of site investigation, which are included as part of the definition of construction and site investigation. <p>The following activities are managed as sub-activities of earthworks:</p> <ul style="list-style-type: none"> • earthworks - large scale; and

ID	Issue / Provision	PC1 Summary of Changes reference	Kāinga Ora's Position (Support / Oppose)	Reasons for Submission	Relief Sought
					<ul style="list-style-type: none"> earthworks - small scale. <p>Earthworks are an activity in the earthworks activities category.</p>
Chapter 5: Network Utilities					
4.	Rule 5.6.2.1	NU2	Oppose	<p>Kāinga Ora opposes the proposed changes in PC1 and the inclusion of setback requirements from network utility structures in the plan.</p> <p>Kāinga Ora is of the view that the proposed provision should be managed outside the plan for both publicly and privately owned property.</p>	<p>Earthworks must be set back at least 1.5m from network utility structures, except where the network utility structure is located on a privately owned property that it exclusively serves.</p> <p>X.— Rule 5.6.2.1 does not apply to any of the following types of earthworks:-</p> <p>earthworks within 12m of a National Grid support structure, which are managed through Rule 5.6.1;</p> <p>earthworks within 12m of Critical Electricity Distribution Infrastructure which are managed through Rule 5.6.X.2;</p> <p>earthworks ancillary to network utility activities including earthworks associated with roading/accessways leading to and from network utility activities;</p> <p>earthworks ancillary to the maintenance or replacement of underground fuel storage systems; and</p>

ID	Issue / Provision	PC1 Summary of Changes reference	Kāinga Ora's Position (Support / Oppose)	Reasons for Submission	Relief Sought
					<p>earthworks ancillary to the operation, repair and maintenance of the roading network.</p> <p>Y.— Earthworks are exempt from Rule 5.6.2.1 in relation to underground network utility structures where all of the following criteria are met:</p> <ul style="list-style-type: none"> a.— the maximum depth of excavation is no more than 350mm; b.— for water, stormwater, or wastewater network utility structures, at completion of the earthworks the minimum depth below finished ground level will be the lesser of: <ul style="list-style-type: none"> i. 750mm; or ii. the existing depth of the network utility structures prior to the commencement of earthworks; and c.— for all other network utility structures, at completion of the earthworks the minimum depth below finished ground level will be the lesser of: <ul style="list-style-type: none"> i. 600mm; or ii. the existing depth of the network utility structures prior to the commencement of earthworks.

ID	Issue / Provision	PC1 Summary of Changes reference	Kāinga Ora's Position (Support / Oppose)	Reasons for Submission	Relief Sought
					<p>Z.— The setbacks required in Rule 5.6.2.1 are to be measured as horizontal distances from the outside edge of the network utility structure.</p> <p>2.Activities that contravene this performance standard are restricted discretionary activities.</p>
Chapter 10: Natural Environment					
5.	10.6.3 – Assessment Criteria for Rule 10.33	Res13	Support in Part	Kāinga Ora supports in part the proposed changes in PC1 but seeks minor amendments to the assessment criteria to include allowing for a site specific assessment by a suitably qualified person to support the application.	Potential circumstances that may support a consent application include: <ul style="list-style-type: none"> v. The development incorporates conservation activity that will have significant positive effects on biodiversity or natural character values. vi. A site specific assessment by a suitably qualified person has established an appropriate alternative setback.
Chapter A1: Schedules					

ID	Issue / Provision	PC1 Summary of Changes reference	Kāinga Ora's Position (Support / Oppose)	Reasons for Submission	Relief Sought					
					Site Number	Item/Building Name	Address	HNZ Category	HNZ List Number	Protection Required
6.	A1.1 Scheduled Heritage Buildings	SHB3	Oppose	Kāinga Ora opposes the proposed changes in PC1 for the proposed heritage scheduling of the building located at 11 Wilkinson Street and seeks that BX079 is deleted from A1.1.						
					BX079	Dunedin's first state house	11 Wilkinson Street			Entire external building envelope
7.	A1.3 Schedule of Trees	Tree1	Support in Part	<p>Kāinga Ora supports in part the proposed changes in PC1 to correct the location of an existing scheduled tree.</p> <p>Kāinga Ora is of the view that confirmation is required as to the location of the scheduled tree at 13 Durham Street.</p>						
					T396	13 and 15 Durham Street Dunedin	Fagus sylvatica 'Riversii'	Copper beech		

