

## Roxanne Davies

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**From:** Andrew Robinson <Andrew.Robinson@ppgroup.co.nz>  
**Sent:** Wednesday, 3 March 2021 05:23 p.m.  
**To:** District Plan Submissions  
**Subject:** 32 Salisbury Street  
**Attachments:** Salisbury Street supporting document.docx; Salisbury Street Variation 2 Submission Form 5.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Roxy

Hi, Please find attached, a submission from Jason Hewlett regarding 32 Salisbury Road. They could not gain a trade advantage as a result of this submission. They would like to speak at a hearing and they would consider a joint submission.

Thanks, Andrew

# VARIATION 2 – ADDITIONAL HOUSING CAPACITY

## SUBMISSION FORM 5



CLAUSE 6 OF FIRST SCHEDULE, RESOURCE MANAGEMENT ACT 1991

This is a submission on Variation 2 to the Second Generation Dunedin City District Plan (2GP). Your submission must be lodged with the Dunedin City Council by midnight on 4 March 2021. **All parts of the form must be completed.**

### Privacy

Please note that submissions are public. Your name, organisation, contact details and submission will be included in papers that are available to the media and the public, including publication on the DCC website, and will be used for processes associated with Variation 2. This information may also be used for statistical and reporting purposes. If you would like a copy of the personal information we hold about you, or to have the information corrected, please contact us at [dcc@dcc.govt.nz](mailto:dcc@dcc.govt.nz) or 03 477 4000.

### Make your submission

**Online:** [www.dunedin.govt.nz/2GP-variation-2](http://www.dunedin.govt.nz/2GP-variation-2) | **Email:** [districtplansubmissions@dcc.govt.nz](mailto:districtplansubmissions@dcc.govt.nz)

**Post to:** Submission on Variation 2, Dunedin City Council, PO Box 5045, Dunedin 9054

**Deliver to:** Customer Services Agency, Dunedin City Council, Ground Floor, 50 The Octagon, Dunedin

### Submitter details (You must supply a postal and/or electronic address for service)

First name:

Last name:

Organisation (if applicable):

Contact person/agent (if different to submitter):

Postal address for service:

Suburb:

City/town:

Postcode:

Email address:

### Trade competition

*Please note: If you are a person who could gain an advantage in trade competition through your submission, your right to make a submission may be limited by clause 6(4), Schedule 1 of the Resource Management Act.*

I could gain an advantage in trade competition through this submission: ☐ Yes ☐ No

If you answered yes, you could gain an advantage in trade competition through this submission, please select an answer:

☐ Yes ☐ No

My submission relates to an effect that I am directly affected by and that:

- adversely affects the environment; and
- does not relate to trade competition or the effects of trade competition.

### Submission

Submissions on Variation 2 can only be made on the provisions or mapping which are proposed to change, or alternatives that are clearly within the scope of the 'purpose of the proposals', as stated in the Section 32 report. Submissions on other aspects of the 2GP are not allowed as part of this process.

You must indicate which parts of the variation your submission relates to. You can do this by either:

- making a submission on the Variation Change ID (in which case we will treat your submission as applying to all changes related to that change topic or alternatives within the scope of the purpose of that proposal); **or**
- on specific provisions that are being amended.

## The specific aspects of Variation 2 that my submission relates to are:

Variation 2 change ID (please see accompanying Variation 2 – Summary of Changes document or find the list on [www.dunedin.govt.nz/2GP-variation-2](http://www.dunedin.govt.nz/2GP-variation-2))

*For example: D2*

Provision name and number, or address and map layer name (where submitting on a specific proposed amendment):

*For example: Rule 15.5.2 Density or zoning of 123 street name.*

**My submission seeks the following decision from the Council: (Please give precise details, such as what you would like us to retain or remove, or suggest amended wording.)**

- ☐ Accept the change
- ☐ Accept the change with amendments outlined below
- ☐ Reject the change
- ☐ If the change is not rejected, amend as outlined below

**Reasons for my views (you may attach supporting documents):**

If you wish to make multiple submissions, you can use the submission table on page 3 or attach additional pages.

## Hearings

Do you wish to speak in support of your submission at a hearing: ☐ Yes ☐ No

If others make a similar submission, would you consider presenting a joint case at a hearing: ☐ Yes ☐ No

Signature:

Date:

Multiple Submissions Table

| Variation 2 change ID<br>or provision name and<br>number or address and<br>map layer name | Decision Sought<br>a. Accept the change<br>b. Accept the change with<br>amendments outlined<br>c. Reject the change<br>d. If the change is not rejected,<br>amend as outlined | Reasons for my views |
|-------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
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## **1 Residential Density Policy Provisions**

The submitter is supportive of all of the proposed residential policy changes, including an increase to density of the GR1 zone, the provision for duplexes, and the replacement of family flats with ancillary residential units. This support does not extend to NDMA and infrastructure matters, as discussed later in this submission.

The submitter has several suggestions-

1. There should be a requirement that subdivision of duplex developments can only be completed once the new units have been constructed. This will avoid subdivisions being undertaken on empty land, and owners then attempting to seek consent for stand-alone houses on the subsequent sites (which may be as small as 200m<sup>2</sup>). The submitter suggests that there is a provision inserted into Variation 2 that requires the framing of both duplex units to be complete before the s224c certificate can be issued for an associated subdivision.
2. Duplex developments should be enabled through a suitable planning provision to share foul and stormwater drains (e.g. a drain in common). Without this provision it may be difficult to obtain a building consent for the duplex unit construction (in a duplex pair) while the site is still a single site (i.e. prior to the subdivision being completed). A drain in common between two duplex units is consistent with certain types of subdivision (e.g. Unit Title) and has the benefit of reducing house construction costs. Christchurch City Council allows shared drains for up to 4 residential units, and this seems to operate reasonably well.

The submitter also supports the decision to reject the A1-Alt1, A2-Alt1, A2-Alt2 and A2-Alt3.

## **2 NDMA/Infrastructure Provisions**

This submission relates to land that is affected by a proposed NDMA overlay and/or affected by proposed infrastructure controls. The discussion below is relatively comprehensive and has been separated into various headings depending on how the NDMA and infrastructure provisions should relate to different categories of residential land. The initial section contains general discussion that applies to all NDMA/infrastructure provisions.

### ***2a NDMA/Infrastructure Provisions General***

The submitter has a number of concerns relating to NDMA overlay regions and infrastructure controls. In general, these relate to the following-

- (i) Inadequate (incomplete) research has been undertaken by Council's 3-Water departments, particularly in regard to stormwater modelling, resulting in a knowledge gap. It appears that this is being resolved through a precautionary approach that could result in infrastructure being installed where it may not be required.
- (ii) The imposition of these elements of Variation 2 will have a very real detrimental effect on the feasibility, and therefore the rate, of residential development. This is directly contrary to the purpose of Variation 2.

- (iii) The National Policy Statement on Urban Development 2020 requires the provision of adequate infrastructure by the Local Authority to enable residential capacity. Passing the obligation to provide this infrastructure onto landowners and developers (except where the infrastructure is related to new greenfields land) is not appropriate. One of the largest bottlenecks to housing development is the cost of infrastructure, and accordingly if Council wishes to realise a greater level of housing then the City must be prepared to invest in the necessary supporting infrastructure (passing the costs on will not resolve the bottleneck).
- (iv) Council has a development contributions policy and a rating program that generates increased income as new residential sites are created. Both of these income sources provide funding that is intended to be spent on City infrastructure (development contributions for network upgrades, rating income for maintenance). While income from these sources is being collected by Council it is inappropriate (and a form of double-dipping) for network infrastructure upgrades to be imposed as conditions of development.
- (v) Council has access to funding from national government for infrastructure improvement projects. The Otago Daily Times has recorded (05/08/2020; <https://www.odt.co.nz/news/dunedin/water-reform-south-could-get-more-60m>) that Dunedin City is able to secure \$7.92 million directly (plus a share of the wider \$20.6million regional allocation) for water reforms. It is the submitter's view that this funding source, and others like that this might be available, should be Council's priority method for resolving the existing infrastructure network constraints.
- (vi) The proposed infrastructure provisions are overly complex, without adequate definition and will be problematic to implement (particularly where NDMA regions contain multiple land ownerships). These provisions are likely to delay, if not obstruct altogether, many residential developments from being advanced.
- (vii) Rule 15.4.X. appears to seek to remove the permitted baseline assessment, as provided for in the RMA, from Council's consideration of stormwater matters. This is a fundamentally flawed position, which seeks to construct a rule in a lower-level regulation to override that of a higher-level regulation. Recent consent decisions, made independently and in accordance with the RMA, have clearly found that the permitted baseline assessment is an appropriate test in respect of stormwater management (in the same way as this applies to the consideration of other effects). This proposed Rule must be rejected.

#### Proposed Adjustments to Variation 2-

- (i) Reject the proposed infrastructure controls from all new development and subdivision activities, until such time as Council's knowledge in respect of the areas of constraint is complete.
- (ii) Reject the proposed infrastructure controls from all new development and subdivision activities, except where the infrastructure relates to new greenfields land (and i above is satisfied).

- (iii) Reject the proposed infrastructure controls from all new greenfields land regions, until the stormwater management plan provisions can be amended into a workable arrangement.
- (iv) Reject Rule 15.4.X.

*2b NDMA/Infrastructure on existing residential land*

A number of sites within the City's existing Residential zones have been proposed to have a new NDMA overlay and/or new infrastructure controls applied. These sites do not enjoy any specific rezoning advantage (e.g. GR1 to GR2), although they might benefit from an increase in residential yield as a of the proposed changes to the density policy provisions.

The submitter feels that it is both inappropriate and unreasonable to impose NDMA/infrastructure controls onto any property in which the zoning format is not proposed to be changed to enable a greater yield of development. Reasons for this view include (in addition to the general discussion above)-

- (i) There remains a question over the quality and completeness of Council's infrastructure modelling, with particular regard to the stormwater network. It appears that Council's 3-Waters department has taken a precautionary approach to infrastructure, whereby it is simply easier to require all new developments to meet the new infrastructure standards, despite some of these areas not necessarily being subject to an infrastructure constraint. If this is the case then this will lead to the installation of infrastructure, proposed to occur at the cost of the landowner/developer, that serves no purpose. This is inappropriate and contrary to the outcomes sought by Variation 2. If Council's infrastructure modelling knowledge is incomplete, it is essential that this is resolved before any new infrastructure controls are implemented.
- (ii) The imposition of new development controls, which will inevitably result in additional development costs, where there is little anticipated return in respect of site yield, is directly contrary to the purpose of Variation 2 (which is ultimately to enable development so that houses can be built).
- (iii) The NPS-UD requires Local Authorities to provide the infrastructure necessary to support residential capacity. If there are elements of the public infrastructure network that cannot support development of the City's existing residential land, then the Local Authority is required to upgrade these elements. This is not an obligation that can appropriately be passed on to landowners/developers.
- (iv) The land enjoys a particular set of existing use rights at present. The zoning is not proposed to change, so there will be no beneficial offsetting for the landowner of the negative impact of the new infrastructure requirements.

**Proposed Adjustments to Variation 2-**

- (i) **PREFERRED:** Reject the NDMA overlay and all proposed infrastructure controls from the submission land.
- (ii) **ALTERNATIVE A:** Insert a provision that exempts any development and/or subdivision within the submission land from the requirements of the NDMA/infrastructure control provisions while the density of the development and/or subdivision is consistent with the current zone density expectations (e.g.

500m<sup>2</sup> in the GR1 Zone). This would maintain the status quo until such time as a developer proposed a density of residential activity that exceeds the current zone allowance.

- (iii) ALTERNATIVE B: Restructure the NDMA/infrastructure control provisions into a form that recognises that there are existing-use-rights associated with the land and re-design the new controls in such a manner as to minimise development cost increases (for instance, specify nominally-sized rooftop water detention tanks on each developed site – these can be cost effective if implemented by way of a standardised method).
- (iv) ALTERNATIVE C: Rezone the submission land to a residential zone that provides for a greater development density than the current zone, which might then justify the application of an NDMA overlay and/or a greater degree of infrastructure control. Then re-design the stormwater management plan provisions to result in a workable arrangement.

## *2c NDMA/Infrastructure on existing RTZ land*

A number of sites within the City's existing Residential Transition (RTZ) zones have been proposed to have a new NDMA overlay and/or have new infrastructure controls applied. These sites do not enjoy any specific rezoning advantage (i.e. they are not being rezoned to residential as a result of Variation 2), although might (eventually) benefit from an increase in residential yield as a result of the proposed changes to the density policy provisions.

The submitter feels that it is both inappropriate and unreasonable to impose new NDMA/infrastructure controls onto any property in which the zoning format is not proposed to be changed to enable a greater yield of development sites (a number of infrastructure controls already apply within the existing RTZ provisions, and these are not proposed to be removed). Reasons for this view include (in addition to the discussion above)-

- (i) There remains a question over the quality and completeness of Council's infrastructure modelling, with particular regard to the stormwater network. It appears that Council's 3-Waters department has taken a precautionary approach to infrastructure, whereby it is simply easier to require all new developments to meet the new infrastructure standards, despite some of these areas not necessarily being subject to an infrastructure constraint. If this is the case then this will lead to the installation of infrastructure, proposed to occur at the cost of the landowner/developer, that serves no purpose. This is inappropriate and contrary to the outcomes sought by Variation 2. If Council's infrastructure modelling knowledge is incomplete, it is essential that this is resolved before any new infrastructure controls are implemented.
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- (iii) The NPS-UD requires Local Authorities to provide the infrastructure necessary to support residential capacity. If there are elements of the public infrastructure network that cannot support development of the City's existing residential land,

then the Local Authority is required to upgrade these elements. This is not an obligation that can appropriately be passed on to landowners/developers.

- (iv) The land enjoys a particular set of existing use rights at present (being residential activity subject to the existing RTZ provisions). The zoning is not proposed to change, so there will be no beneficial offsetting for the landowner of the negative impact of the new infrastructure requirements.
- (v) The existing RTZ infrastructure provisions are seen as adequate to control residential development within the RTZ regions.

## Roxanne Davies

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**From:** Peter Rawson  
**Sent:** Tuesday, 4 May 2021 08:38 a.m.  
**To:** District Plan Submissions  
**Cc:** Roxanne Davies  
**Subject:** FW: 32 Salisbury Street

**Categories:** Roxanne dealing with

Roxy

Can you please add this response to the Variation 2 submission for Jason Hewlett (submission 296)

Thanks

Regards

Peter

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**From:** Andrew Robinson  
**Sent:** Thursday, 29 April 2021 11:18 a.m.  
**To:** Peter Rawson  
**Subject:** RE: 32 Salisbury Street

Hi Peter,  
I'm really sorry about the delay in responding and the submission lacking clarity. I was rapidly succumbing to the office cold when I prepared a number of these submissions and don't have a clear recollection of it. The same bug had already claimed our planner and she was at home following a Covid Test.

However, after conferring with the partner in charge, the submitter was particularly concerned that NDMA15 had been applied to their site, and the zoning for their site remained Rural Residential 2 with a Transitional Overlay. They would like their property to become General Residential 1 under Variation 2, and feel that the NDMA 15 requirements are redundant.

Thanks, Andrew

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**From:** Peter Rawson <[Peter.Rawson@dcc.govt.nz](mailto:Peter.Rawson@dcc.govt.nz)>  
**Sent:** Tuesday, 27 April 2021 2:31 p.m.  
**To:** Andrew Robinson <[Andrew.Robinson@ppgroup.co.nz](mailto:Andrew.Robinson@ppgroup.co.nz)>  
**Subject:** FW: 32 Salisbury Street

Hi Andrew

I am summarising the relief sought of Jason Hewlett.

I have noticed that the last topic, which you have titled '2c NDMA/Infrastructure on existing RTZ land' in the attached Salisbury Street supporting document, does not have what proposed changes to Variation 2 the submitters seek.

I assume that this is just an oversight (on your part)

Can you please email me back with the changes which are sought under this heading – I assume they will be consistent with all the other submissions that you lodged.

Thanks

Regards

Peter

**Peter Rawson**  
**SENIOR PLANNER**  
**CITY DEVELOPMENT**

P 03 477 4000 | DD 03 474 3331 | E [peter.rawson@dcc.govt.nz](mailto:peter.rawson@dcc.govt.nz)

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Thanks, Andrew

## Roxanne Davies

---

**From:** Peter Rawson  
**Sent:** Wednesday, 5 May 2021 12:11 p.m.  
**To:** District Plan Submissions  
**Cc:** Roxanne Davies  
**Subject:** FW: 32 Salisbury Street - Jason Hewlett submission number 296

**Categories:** Roxanne dealing with

Hi Roxy

The email below is from Andrew Robinson of Paterson Pitts Group and relates to the submission from Jason Hewlett (number 296) to Variation 2

Can you please add this email to G drive, Spoken and include in physical submissions folders for this submission

I will update the moderated submission in Spoken accordingly

Thanks

Cheers

Peter

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**Peter Rawson**  
**SENIOR PLANNER**  
**CITY DEVELOPMENT**

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