

PLAN CHANGE 1 – MINOR IMPROVEMENTS

SUBMISSION FORM 5

CLAUSE 6 OF FIRST SCHEDULE, RESOURCE MANAGEMENT ACT 1991



This is a submission on Plan Change 1 to the Partially Operative Dunedin City Second Generation District Plan (2GP). Your submission must be lodged with the Dunedin City Council by midnight on 18 December 2024. 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 Plan Change 1. 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 or 03 477 4000.

Make your submission

Online: dunedin.govt.nz/2gp-plan-change-1 **Email:** districtplansubmissions@dcc.govt.nz

Post to: Submission on Plan Change 1, Attn: City Development, Dunedin City Council, PO Box 5045, Dunedin 9054

Deliver to: Customer Services Agency, Attn: City Development, 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): Gladstone Family Trust

Contact person/agent (if different to submitter): Emma Peters, Consultant, Sweep Consultancy Ltd

Postal address for service: P.O. Box 5724

Suburb:

City/town: Dunedin

Postcode: 9054

Email address: emma@sweepconsultancy.co.nz

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 Plan Change 1 can only be made on the provisions or mapping which are proposed to change, or alternatives that are clearly within the 'purpose of proposal and scope of change' statements for the related Change ID given in the Section 32 report and in the summary of changes document. Submissions on other aspects of the 2GP may not be considered by the hearing panel.

You must indicate which parts of the plan change your submission relates to. You can do this by identifying the relevant Change ID and either making a submission on:

- all changes related to that Change ID or alternatives within the associated 'purpose of proposal and scope of change'; or
- specific provisions that are being amended as part of that Change ID.

The specific aspects of Plan Change 1 that my submission relates to are:

Change ID (please see accompanying Plan Change 1 – Summary of Changes document, Section 32 Report, or find the list on www.dunedin.govt.nz/2gp-plan-change-1)

Res13

For example: Res13

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

121 Chain Hills Road, addition of a Stormwater Open Watercourse Mapped Area
& Rules 10.3.3.4 & 9.5.4.4.

For example: Rule 9.5.4.4, or the stormwater open watercourse mapped area at 123 Street

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

See attached information

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.

See attached information

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:



Emma Peters, Consultant, Sweep Consultancy Ltd.

Date: 17/12/24

Supporting Information for Submission on Plan Change 1 by Gladstone Family Trust

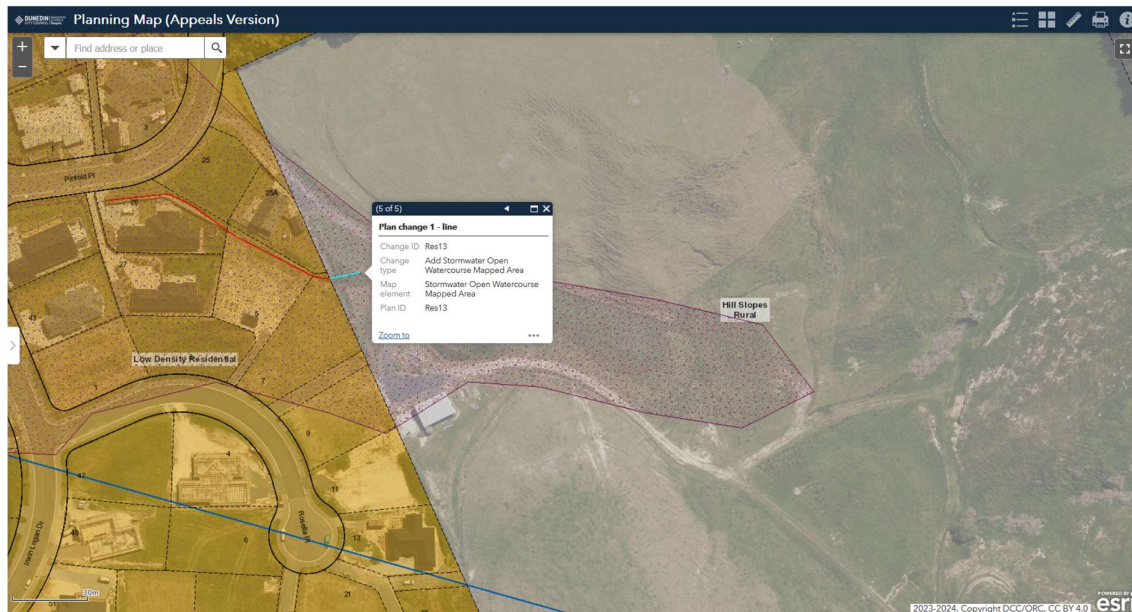
Change Res13 of Plan Change 1 2024 (**PC1**) of the Partially Operative 2024 Dunedin City Second Generation District Plan (**2GP**) seeks the addition of a Stormwater Open Watercourse Mapped Area in various locations as well as changes to various provisions within the 2GP.

At paragraph 31 of a memorandum to the Variation 3 (now PC1) Team City Development, the 3 Waters Team, states:

“The purpose of Change Res13 is to review:

- a. whether the provisions for the management of stormwater open watercourses, which currently apply only in the new areas of the General Residential 2 (GR2) Zone that were added by Variation 2 to the 2GP, should be extended to other areas that contain these watercourses;*
- b. whether any modifications to the stormwater open watercourse setback requirements are needed;*
- c. the matters of discretion that apply to contraventions of Rule 10.3.3.X, which requires a minimum setback from stormwater open watercourse mapped areas;...”*

Change Res 13 seeks the addition of a Stormwater Open Watercourse Mapped Area on a property located at 121 Chain Hills Road, Taieri as shown below:



Change Res13 proposes amendments to Rule 10.3.3 (setback from coast and waterbodies) and Rule 9.5.4 (assessment of performance standard contraventions in overlay zones or mapped areas). These changes, as they relate to 121 Chain Hills Road, are:

- Rule 10.3.3.W: *“...new buildings and structures, additions and alterations, earthworks - large scale, storage and use of hazardous substances, and network utility activities must be set back a*

minimum of...w. 20m from a stormwater open watercourse mapped area in the rural zones..."

- Rule 9.5.4.4 provides the assessment criteria for contravention of Rule 10.3.3.W.

Gladstone Family Trust **rejects** the addition of a Stormwater Open Watercourse Mapped Area on 121 Chain Hills Road.

Reasons:

1. Rule 10.3.3.3 and 4 adequately provide for setbacks from water bodies in the rural zones.
2. The fact that some of the assessment criteria in the current rules in relation to contravention of a required setback are not always relevant is not sufficient reason for the addition of a 'Stormwater Open Watercourse Mapped Area' and consequential changes to provisions. An assessment pursuant to the existing provisions can simply state that any particular criteria is 'not applicable' when appropriate.

Alternatively, Gladstone Family Trust **accepts with modification** to Rule 10.3.3.W, as set out below, the addition of a Stormwater Open Watercourse Mapped Area on 121 Chain Hills Road as shown above. The modification sought by Gladstone Family Trust to Rule 10.3.3.W is highlighted yellow below:

- *"...new buildings and structures, additions and alterations, earthworks - large scale, storage and use of hazardous substances, and network utility activities must be set back a minimum of...w. **20** **7**m from a stormwater open watercourse mapped area in the rural zones..."*

Reason:

1. The setback required by the Otago Regional Council Flood Protection Management Bylaw 2022 in relation to scheduled drains is 7m. The Stormwater Open Watercourse Mapped Area is similar in nature to a scheduled drain on the Taieri. There needs to be consistency between the requirements of the two authorities.

We also note that an **overt link between Rules 10.3.3.W and X and the assessment criteria for performance standard contravention in Rule 9.5.4.4 requires inclusion in the 2GP**. This could be included either within the body of Rules 10.3.3.W and X or at Rule 10.3.3.8 by inclusion of the following words or words to the same effect:

Either:

Rule 10.3.3.W: *"...~~20~~ 7m from a stormwater open watercourse mapped area in the rural zones with activities that contravene this performance standard being restricted discretionary activities with the discretion of Council is restricted to those matters set out in Rule 9.5.4.4;..."*

and

Rule 10.3.3.X: *"...5m from a stormwater open watercourse mapped area in all other zones with activities that contravene this performance standard being restricted discretionary activities with the discretion of Council is restricted to those matters set out in Rule 9.5.4.4;..."*

Or:

Rule 10.3.3.8: “Activities that contravene this performance standard are restricted discretionary activities. For activities that contravene either Rule 10.3.3.W or X, the discretion of Council is restricted to those matters set out in Rule 9.5.4.4.”