

## 12. Urban Land Transition Provisions {Was "Transitional Provisions" - ULS cl.16}

### 12.1 Introduction

Future urban land may be required over the timeframe of the Second-Generation Plan 2GP Plan **{PO cl.16}** in order to respond to population and business growth.

In response to this issue, the strategic directions chapter section **{PO cl.16}** of the 2GP Plan **{PO cl.16}** outlines the objectives and policies that guide when and where urban expansion should occur, including the criteria that were used to identify the transitional **{ULS cl.16}** areas. The strategic directions are based on the Dunedin Spatial Plan's goal of being a compact city with resilient townships, and the objectives and policies contained within.

A number of preferred areas for transition to, or between, urban uses are identified in the 2GP this Plan **{ULS cl.16}**, and rules included which provide for their transition/re-zoning to a different zoning **{ULS cl.16}** if and when they are required due to a shortage of land available in existing zoned areas. Such areas include:

1. areas for future General Residential-1 residential **{ULS cl.16}** zoning, which have been identified in a General Residential-1 Transition Residential Transition Overlay Zone (GR1TZ RTZ **{ULS cl.16}**);
2. areas for future industrial zoning, which have been identified in an Industrial Transition Overlay Zone (IndTZ); and
3. areas for future harbourside edge zoning, which have been identified in a Harbourside Edge Transition Overlay Zone (HETZ).

The transition of land is being **{ULS cl.16}** managed through a certification process, where land is released by the Chief Executive Officer or their delegate, once identified triggers are met, requiring a resolution of the Council (meaning the elected body) which **{ULS 350.6}**

The future zoning of each Residential Transition Overlay Zone is identified through the overlay name on the Planning Maps, for example: Residential Transition Overlay Zone (General Residential 1 Zone). **{ULS 350.6}**

1. for transition to residential zoning, considers: **{ULS 350.6}**
  1. the need for land (using a five year forward projection) based on current capacity information and other relevant evidence on changes in the land market; and
  2. the general housing market including trends in land values;
2. for all transitional zones, considers: **{ULS 350.6}**
  1. the availability of infrastructure; and
  2. the design and staging of the development.

## 12.2 Objectives and Policies

Objective 12.2.1	
Land within the General Residential 1 <u>Residential</u> Transition Overlay Zone (RTZ) <b>{ULS cl.16}</b> is able to be released and developed in a coordinated way as General Residential 1 <u>residential zoned</u> <b>{ULS cl.16}</b> land, <u>in advance of the when there is a</u> <b>{ULS 394.18}</b> need for additional residential land <u>capacity</u> <b>{ULS 350.6}</b> to accommodate growth.	
Policy 12.2.1.1	<p>In the General Residential 1 <u>Residential</u> Transition Overlay Zone (GR1TZ RTZ) <b>{ULS cl.16}</b> provide for land to transition from rural or rural residential zoned land to General Residential 1 <u>residential</u> <b>{ULS cl.16}</b> zoned land through a <u>resolution by the Council certification process by the Chief Executive Officer or their delegate</u> <b>{ULS 350.6}</b> when all of the following are met:</p> <ol style="list-style-type: none"> <li><u>the estimated total residential capacity is less than 120% of the projected total residential demand in the RTZ residential capacity assessment mapped area over the next five years; and</u> <b>{ULS 350.6}</b></li> <li><u>water supply, wastewater and stormwater infrastructure capacity is sufficient to support the additional residential development; and.</u> <b>{ULS 350.6}</b></li> <li><u>an agreement between the DCC and the developer on the method, timing and funding of any necessary transportation infrastructure is in place.</u> <b>{ULS 350.6}</b></li> <li>the Council is satisfied that the amount and location of land reflects both: <b>{ULS 350.6}</b> <ol style="list-style-type: none"> <li><u>an appropriate amount of land based on projected land needs in the catchment for a five year period; and</u></li> <li><u>an appropriate location based on a logical staging of development from the point of infrastructure provision; and</u></li> </ol> </li> <li>the Council is satisfied that the design of the proposed development as outlined in a structure plan or other development plan, appropriate for the scale of development, will meet the relevant objectives and policies of this Plan; and <b>{ULS 350.6}</b></li> <li>the average market value of residential properties (as measured by Quotable Value) has not decreased in the residential catchment area in the last, not less than three-monthly, assessment cycle; and <b>{ULS 350.6}</b></li> <li>in the relevant residential catchment area either: <b>{ULS 350.6}</b> <ol style="list-style-type: none"> <li>the residential capacity falls below 50 sites (see Appendix 12A for catchment areas and Appendix 12B for methodology for calculating capacity); or</li> <li>there is other evidence that there is significant land shortage in the residential catchment area;</li> </ol> </li> <li>for priority 2 GR1TZ land, a minimum of 70% in area of priority 1 General Residential 1 Overlay Zone (GR1TZ) land has been released, and adjoining priority 1 GR1TZ land has been subdivided into residential sized sites. <b>{ULS 350.6}</b></li> </ol>
Policy 12.2.1.2	<p>Avoid <u>landfills and mining activity or other activities</u> land use activities that may <u>otherwise</u> inhibit future use of General Residential 1 <u>Residential</u> Transition Overlay Zone (GR1TZ RTZ) <b>{ULS cl.16}</b> land for residential activity, including <u>mining and landfill activity, or other rural activities that might create by creating</u> contaminated land, <u>unless the activities will be designed or located to have no more than minor potential adverse effects on the future use of the land for residential activities</u> <b>{ULS 796.22}</b>.</p>

### Objective 12.2.1

Land within the General Residential-1 Residential Transition Overlay Zone (RTZ) **{ULS cl.16}** is able to be released and developed in a coordinated way as General Residential-1 residential zoned **{ULS cl.16}** land, in advance of the when there is a **{ULS 394.18}** need for additional residential land capacity **{ULS 350.6}** to accommodate growth.

Policy 12.2.1.3 Only allow forestry and ~~factory farming~~ intensive farming **{RU 1090.3}** in the General Residential-1 Residential Transition Overlay Zone (GR1TZ RTZ) **{ULS cl.16}** where these activities will not inhibit future use of the land for residential activity.

Policy 12.2.1.4 Only allow subdivision activities **{ULS cl.16}** where:

- after land has been released by a resolution of Council **{ULS 350.6}**, it is in accordance with the objectives and policies of the General Residential-1 Zone specified future residential zone **{ULS cl.16}**; or
- prior to land being released, the subdivision will not undermine or inhibit the future development of the area as residential land.

### Objective 12.2.2

Land within the Harbourside Edge Transition Overlay Zone is able to be released and developed in a coordinated way as Harbourside Edge zoned land when there is a need for additional land to accommodate growth.

Policy 12.2.2.1 In the Harbourside Edge Transition Overlay Zone (HETZ), provide for land to transition from industrial zoned land to Harbourside Edge zoned land through a ~~resolution by the Council certification process by the Chief Executive Officer or their delegate when,~~ **{ULS350.6}** when all of the following are met:

- ~~an agreement between the DCC and the developer on the method, timing, and funding of any necessary public infrastructure provision is in place; and~~ **{ULS 350.6}**
- ~~at least 70% of the zone area in the Harbourside Edge Zone, excluding roading, amenity areas and land required for public accessways and the public walkway, is being used for residential or commercial activities.~~ **{ULS 350.6}**
- ~~the Council is satisfied that the amount and location of land reflects both:~~ **{ULS 350.6}**
  - ~~an appropriate amount of land based on projected land needs for a five year period; and~~
  - ~~an appropriate location based on a logical staging of development from the point of infrastructure provision; and~~
- ~~the Council is satisfied that the design of the proposed development as outlined in a development plan, appropriate for the scale of development, will meet the relevant objectives and policies of this Plan; and~~ **{ULS 350.6}**
- ~~either:~~ **{ULS 350.6}**
  - ~~at least 70% of the sites, including any proposed sites that are still in the process of subdivision, have been re-developed; or~~
  - ~~there is other compelling evidence that there is significant shortage of Harbourside Edge zoned land;~~

Policy 12.2.2.2 Only allow subdivision activities **{ULS cl.16}** where:

- after land has been released by a resolution of Council **{ULS 350.6}**, it is in accordance with the objectives and policies of the Harbourside Edge Zone; or
- prior to land being released, the subdivision will not undermine or inhibit the future development of the area as Harbourside Edge-zoned land.

### Objective 12.2.3

Land within the Industrial Transition Overlay Zone is able to be released and developed in a coordinated way as industrial zoned land when there is a need for additional land to accommodate growth.

Policy 12.2.3.1	<p>In the Industrial Transition Overlay Zone (IndTZ), provide for land to transition from rural zoned land to industrial zoned land through a <del>resolution by the Council; certification process by the Chief Executive Officer or their delegate</del> <b>{ULS 350.6}</b> when <del>all of the following are met an agreement between the DCC and the developer on the method, timing, and funding of any necessary public infrastructure provision is in place.</del> <b>{ULS 350.6}</b></p> <p>a. <del>the Council is satisfied that the amount and location of land reflects a logical staging of development from the point of infrastructure provision; and</del> <b>{ULS 350.6}</b></p> <p>i. <del>there is sufficient existing or planned and approved transport, wastewater and stormwater infrastructure capacity to accommodate industrial development; and</del></p> <p>b. <del>the Council is satisfied that the design of the proposed development, as outlined in a development plan appropriate for the scale of development, will meet the relevant objectives and policies of this Plan.</del> <b>{ULS 350.6}</b></p>
Policy 12.2.3.2	<p>Only allow subdivision <del>activities</del> <b>{ULS cl.16}</b> where:</p> <p>a. <del>after land has been released by a resolution of Council</del> <b>{ULS 350.6}</b>, it is in accordance with the objectives and policies of the industrial zone <del>Industrial Zone</del> <b>{ULS cl.16}</b>; or</p> <p>b. prior to land being released, the subdivision will not undermine or inhibit the future development of the area as Industrial-zoned land.</p>

## **12.3 Rules for Transition Overlay Zones {Was "Transitional" - ULS cl.16}**

### **Rule 12.3.1 Release of land in the Residential Transition Overlay Zone (RTZ) {Was: Release of General Residential 1 Transition Overlay Zone land - ULS cl.16}**

1. In a General Residential 1 Residential Transition Overlay Zone (GR1TZ RTZ) **{ULS cl.16}**, the provisions of the General Residential 1 Zone specified future residential zone **{ULS cl.16}** will apply to any part of that zone that is "released" through a resolution of the Council to that effect: by the Chief Executive Officer or their delegate certifying that the requirements in Rule 12.3.1.2 (a), (b) and (c) are met. **{ULS 350.6}**
2. The Council must only resolve to release land in a General Residential 1 Transition Overlay Zone (GR1TZ) once: The Chief Executive Officer or their delegate must certify to release land in a Residential Transition Overlay Zone (RTZ) following receipt of an application demonstrating that: **{ULS 350.6}**
  - a. the estimated total residential capacity is less than 120% of the projected total residential demand in the RTZ residential capacity assessment mapped area over the next 5 years, as indicated by analysis undertaken by the DCC in accordance with the National Policy Statement for Urban Development Capacity and published on the DCC website; and **{ULS 350.6}**
  - b. the DCC has published a statement on its website that: **{ULS 350.6}**
    - i. further development within the Residential Transition Overlay Zone will meet the following criteria, demonstrated by modelling using accepted industry practice: **{ULS 350.6}**
      1. fire flows within the piped treated water network servicing the Residential Transition Overlay Zone meet the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ 4509:2008); **{ULS 350.6}**
      2. water pressure within the piped treated water network servicing the Residential Transition Overlay Zone is maintained between 300-900 kPa; and **{ULS 350.6}**
      3. surcharge of pipes and flooding out of manholes will not occur during a design rainfall event (10% AEP) within the wastewater network necessary for the servicing of potential development that is being released; or **{ULS 350.6}**
    - ii. a contract has been awarded that will ensure any necessary infrastructure upgrades required to meet the tests in Rule 12.3.1.b.i are completed within three years; and **{ULS 350.6}**
  - c. an agreement between the DCC and the developer on the method, timing and funding of any necessary transportation infrastructure is in place. **{ULS 350.6}**
- a. the Council is satisfied that the amount and location of land reflects both: **{ULS 350.6}**
  - i. an appropriate amount of land based on projected land needs in the catchment for a five year period; and **{ULS 350.6}**
  - ii. an appropriate location based on a logical staging of development from the point of infrastructure provision; and **{ULS 350.6}**
- b. the Council is satisfied that the design of the proposed development as outlined in a structure plan or other development plan, appropriate for the scale of development, will meet the relevant objectives and policies of this Plan; and **{ULS 350.6}**
- c. the average market value of residential properties (as measured by Quotable Value) has not decreased city wide or in the GR1TZ Overlay Catchment area in the last assessment cycle; and **{ULS 350.6}**

- d. in the relevant **GR1TZ Overlay Catchment** area, either: **{ULS 350.6}**
    - i. the residential capacity falls below 50 sites (see Appendix 12A for **GR1TZ Overlay Catchment** area and Appendix 12B for methodology for calculating capacity); or **{ULS 350.6}**
    - ii. there is other evidence that there is significant land shortage in the residential catchment area; and **{ULS 350.6}**
  - e. for priority 2 GR1TZ land, a minimum of 70% in area of priority 1 GR1TZ Overlay Zone (GR1TZ) land in the **GR1TZ Overlay Catchment** area has been released, and adjoining priority 1 GR1TZ land has been subdivided into residential-sized sites. **{ULS 490.17}**
3. Areas that have a Residential Transition Overlay Zone may be released in whole or in part, and where more areas are requested to be released than can meet the criteria above, they will be released on a first come first served basis following an application to the Chief Executive Officer or their delegate that meets the criteria outlined in Rule 12.3.1. **{ULS 350.6}**
  4. The analysis required by clause 2(a) above will be completed and published on the DCC website as follows: **{ULS 350.6}**
    - a. Residential capacity will be calculated at least annually **{ULS 350.6}**
    - b. Residential demand will be calculated at least every three years. **{ULS 350.6}**
  5. The statement on water supply and wastewater infrastructure capacity may specify the number of additional dwellings for which there is infrastructure capacity. **{ULS 350.6}**

#### **Note 12.XX - General Advice**

1. Stormwater management will be assessed at the time of building consent, subdivision consent or service connection application. **{ULS 350.6}**

### **Rule 12.3.2 Release of Harbourside Edge Transition Overlay Zone land**

1. In a Harbourside Edge Transition Overlay Zone (HETZ), the provisions of the Harbourside Edge Zone will apply to any part of that zone that is "released" by the Chief Executive Officer or their delegate certifying that the requirements in Rule 12.3.2.2 (a) and (b) are met, through a resolution of the Council to that effect. **{ULS 350.6}**
2. The Chief Executive Officer or their delegate Council, must only resolve certify to release land in a Harbourside Edge Transition Overlay Zone following receipt of an application demonstrating that one: **{ULS 350.6}**
  - a. an agreement between the DCC and the developer on the method, timing and funding of any necessary public infrastructure provision is in place; and
  - b. at least 70% of the zone area in the Harbourside Edge Zone, excluding roading, amenity areas and land required land for public accessways and the public walkway, is being used for residential or commercial activities.
  - a. the Council is satisfied that the amount and location of land reflects both:
    - i. an appropriate amount of land based on projected land needs for a five year period; and
    - ii. an appropriate location based on a logical staging of development from the point of infrastructure provision; and
  - b. the Council is satisfied that the design of the proposed development as outlined in a development plan; appropriate for the scale of development, will meet the relevant objectives and policies of this Plan; and



- c. either:
- i. at least 70% of the sites, including any proposed sites that are still in the process of subdivision, have been re-developed; or
  - ii. there is other compelling evidence that there is significant shortage of Harbourside Edge zoned land. **{ULS 350.6}**

### **12.3.3 Release of Industrial Transition Overlay Zone land**

1. In an **{ULS cl.16}** Industrial Transition Overlay Zone (IndTZ), the provisions of the Industrial Zone will apply to any part of that zone that is "released" by the Chief Executive Officer or their delegate certifying that the requirement in 12.3.3.2 is met through a resolution of the Council to that effect. **{ULS 350.6}**
2. The Chief Executive Officer or their delegate Council must certify only resolve to release land in an Industrial Transition Overlay Zone once following receipt of an application demonstrating that an agreement between the Dunedin City Council and the developer on the method, timing, and funding of any necessary public infrastructure provision is in place: **{ULS 350.6}**
  - a. the Council is satisfied that the amount and location of land reflects both:
    - i. an appropriate location based on a logical staging of development from the point of infrastructure provision; and
    - ii. any necessary public infrastructure is available, including any necessary infrastructure upgrades are completed or a programme of upgrades is agreed between the Council and the developer; and
  - b. the Council is satisfied that the design of the proposed development as outlined in a development plan, appropriate for the scale of development, will meet the relevant objectives and policies of this Plan: **{ULS 350.6}**

#### **Note 12.3A - General Advice**

1. Where the release of land in a Transition Overlay Zone depends upon additional or upgraded public infrastructure, the developer may be required to enter into a Private Development Agreement with the Dunedin City Council. This will normally be required where the Dunedin City Council's Development Contributions Policy does not clearly set out the specific contribution towards the costs of the additional or upgraded public infrastructure required. The Private Development Agreement will normally include a lease clause, and be registered against the Computer Register (Certificate of Title) for the land, to ensure that the developer meets their agreed obligations. **{ULS cl.16}**

### **Rule 12.3.4 Information requirements Transition Overlay Zones**

Subdivision activities **{ULS cl.16}** in a Transition Overlay Zone must have a structure plan or other development plan that shows, as a minimum, the following:

1. allotments;
2. stages of development; and
3. roads; and **{PO cl.16}**
4. public infrastructure.

<sup>1</sup> **PO cl.16:** Roads are now included in the definition of public infrastructure.

### Rule 12.3.5 Assessment of Discretionary Activities

1. Discretionary activities will be assessed in accordance with section 104 and 104B of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rule 12.3.5.3 provides guidance on how a consent application for the listed discretionary activities will be assessed, including:
  - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
  - b. general assessment guidance, including any effects that will be considered as a priority.

#### 12.3.5.3 Assessment of discretionary activities in a Transition Overlay Zone

Activity	Guidance on the assessment of resource consents
<p>a. In a <b>General Residential 1 Residential Transition Overlay Zone (GR1TZ RTZ) {ULS cl.16}</b>:</p> <ul style="list-style-type: none"> <li>• <del>Factory farming</del> <u>Intensive farming</u> <b>{RU 1090.3}</b></li> <li>• Forestry</li> </ul>	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> <li>i. Objective 12.2.1</li> <li>ii. <del>Forestry and factory farming are only allowed in the General Residential 1 Transition Overlay Zone (GR1TZ) where these</del> <u>The {ULS cl.16}</u> activities will not inhibit future use of the land for residential activity (Policy 12.2.1.3).</li> </ol> <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> <li>iii. Council will consider the location and scale of the activity in assessing the likelihood that the activity may render the site, or any surrounding sites that are zoned as <u>GR1TZ RTZ land {ULS cl.16}</u>, unable to be developed as <del>General Residential 1 Zone</del> <u>residential zoned {ULS cl.16}</u> land when required.</li> </ol>



### Rule 12.3.6 Assessment of Non-complying Activities

1. Non-complying activities will be assessed in accordance with section 104, 104B and 104D of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rule 12.3.6.3 provides guidance on how a consent application for the listed non-complying activities will be assessed, including:
  - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
  - b. general assessment guidance, including any effects that will be considered as a priority.

#### 12.3.6.3 Assessment of discretionary non-complying {ULS cl.16} activities in a Transition Overlay Zone

Activity	Guidance on the assessment of resource consents
a. In a <b>General Residential 1 Residential Transition Overlay Zone (RTZ) {ULS cl.16}</b> : <ul style="list-style-type: none"> <li>• Mining</li> <li>• Landfills</li> </ul>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> <li>i. Objective 12.2.1</li> <li>ii. <del>Land use activities that may inhibit future use of General Residential 1 Transition Overlay Zone land for residential activity are avoided, including mining and landfill activity, or other rural activities that might create contaminated land</del> <u>The activities will be designed or located to have no more than minor potential adverse effects on the future use of the land for residential activities {ULS 796.22}</u> (Policy 12.2.1.2).</li> </ol> <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> <li>iii. Council will consider the location and scale of the activity in assessing the likelihood that the activity may render the site, or any surrounding sites that are zoned as GR1TZ RTZ land <b>{ULS cl.16}</b>, unable to be developed as General Residential 1 Zone <u>residential zoned {ULS cl.16}</u> land when required.</li> </ol>

## **Appendices**

### **Appendix 12A {Confirmed for deletion - ULS 394.22}**

#### **~~General Residential 1 Transition Overlay Zone Catchments {ULS 394.22}~~**

## **Appendix 12B {Confirmed for deletion- ULS 350.6}**

### **General Residential 1 Transition Overlay Capacity Methodology {Confirmed for deletion- ULS 350.6}**

1. The methodology for determining the residential capacity of a General Residential 1 Transition Overlay Zone (GR1TZ) catchment is firstly to remove land in public ownership, and land with an area divided by perimeter ratio of less than 3, from the land to be considered. From the balance of the residential zoned land in the relevant General Residential 1 Transition Overlay Zone (GR1TZ) catchment, the residential capacity is the sum of the following:
  - a. The total number of vacant sites with an area between 100 and 1000m<sup>2</sup>, and less than 10 years old; and
  - b. For vacant sites with an area between 100 and 1000m<sup>2</sup>, and 10 years or older, 80% of the total number of sites; and
  - c. For vacant sites with an area of 1000m<sup>2</sup> or more, and 5 years or older, 10% of the number of potential sites (total land area divided by 700); and
  - d. For vacant sites with an area of 1000m<sup>2</sup> or more, and less than 5 years old, the total number of potential sites (total land area divided by 700); and
  - e. For occupied sites with an area of 1000m<sup>2</sup> or more, 2% of the total number of potential sites (total land area less any existing residential development, divided by 700).

