

Roxanne Davies

From: Andrew Robinson <Andrew.Robinson@ppgroup.co.nz>
Sent: Thursday, 4 March 2021 01:30 p.m.
To: District Plan Submissions
Subject: Flat Iron Group
Attachments: Mornington Road supporting information.docx; Scope Document.pdf; Flat Iron Group Ltd - Submission Form.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Roxy

Hi, Please find attached, a submission from the Flat Iron Group regarding 179-183 Mornington 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 or 03 477 4000.

Make your submission

Online: www.dunedin.govt.nz/2GP-variation-2 | **Email:** 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:	Flat Iron Group		
Last name:	Flat Iron Group		
Organisation (if applicable):			
Contact person/agent (if different to submitter):	C/- Paterson Pitts Group		
Postal address for service:	PO Box 5933 Moray Place		
Suburb:			
City/town:	Dunedin	Postcode:	9058
Email address:	Vyvienne.Evans@ppgroup.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 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)

A1, A2, A3, B1, B3, B4, B6, E9, A1-Alt1, A2-Alt3 and a change with no ID as of yet.

For example: D2

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

As relate to the above Change IDs, and the mapped area at 179 and 183 Mornington Rd.

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

Accept all of the changes proposed by the following Change ID's: A1, A2, A3, B1, B3, B4, B6, E9.

Accept Council's proposal to reject the following Change ID's: A1-Alt1, A2-Alt3.

Amend the 2GP maps so that the Urban Biodiversity Mapped Area (UBMA) encompassing 179 and 183 Mornington Rd follows the extent of the existing forest cover on these sites.

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.

We believe that the proposed changes to the minimum size, density and family flats standards will be effective in addressing the projected shortfall in Dunedin's residential development capacity over the short and medium term.

Regarding the UBMA at 179 and 183 Mornington Rd, these sites have some forest cover where they border Caversham Valley Forest Reserve. The reserve is the area of this UBMA with the highest biodiversity values; under its exotic canopy secondary growth māhoe (whiteywood) and remnant kōtukutuku (tree fuchsia) are thriving, and it is home to a population of the endemic velvet worm (*Peripatus* species). However, most of 179 and 184 Mornington Rd lack any forest cover, and their unforested area is unlikely to hold any biodiversity values. Furthermore, the UBMA in its current form reduces the feasibility of residential development on these sites, as resource consent will be required even if

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 or provision name and number or address and map layer name	Decision Sought a. Accept the change b. Accept the change with amendments outlined c. Reject the change d. If the change is not rejected, amend as outlined	Reasons for my views

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 200m²). 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.

Submitter's Position in respect of 'Scope'.

A principal purpose of Variation 2 is to enable Dunedin City Council to meet its residential capacity obligations under the National Policy Statement on Urban Development 2020. It has been recognised by the Council that the existing housing capacity, as provided for by the 2GP, is currently insufficient. Variation 2 has been designed to address the identified shortfall through mechanisms such as new residential zone areas and adjustments to the density rules within existing residential zones.

Variation 2 has employed a 'selective' assessment method to narrow down the extent to which new residential zone areas have been identified. In support of this, the Council has stated:

Proposed changes have been informed by initial work on the next Future Development Strategy (Spatial Plan), which will look at how and where the city will grow over the next 30 years. A small number of areas were selected for more detailed evaluation as part of Variation 2. Other sites were suggested by landowners or Dunedin residents as part of the Planning for Housing survey in 2019 and key stakeholder consultation. That feedback aimed to help shape how and where the city should grow and has helped develop the proposed changes in Variation 2. All sites were evaluated against criteria including (but not limited to) natural hazards, the availability of 3 Waters infrastructure and access to services and public transport. The process involved ongoing discussions with key stakeholders and, for greenfield sites, landowners whose sites were evaluated as part of Variation 2.¹

Variation 2 is not a full review of the 2GP's residential section's rule framework or zoning across the city. A more comprehensive updated plan for the next 30 years will be developed separately as part of the next Spatial Plan, which will be jointly prepared with the Otago Regional Council (ORC).²

The 2GP is still in the appeal phase and re-opening large parts of the plan to a new variation will slow the progress towards making the plan fully operative. Until the 2GP is operative, parts of the 2006 District Plan continue to apply along with the 2GP provisions, which increases the complexity and costs of processing consents. The changes proposed in Variation 2 are therefore as focussed as possible, and scope has been deliberately limited to avoid re-consideration of a wide range of provisions.³

Whilst the submitter applauds Council desire for the Variation 2 process to be implemented as quickly as possible, it is considered that the selective identification of assessment properties cannot be relied upon as a technique to identify the complete package of parcels of land that best achieves the principal objective of Variation 2. In this regard, the section 32 report, which assesses only the parcels that have been selectively identified, is considered to be incomplete.

The Resource Management Act 1991 (RMA) sets out the requirements for preparation of a section 32 report (underlined text is author's emphasis)-

¹ https://www.dunedin.govt.nz/data/assets/pdf_file/0007/806182/Variation-2-General-Public-Fact-Sheet.pdf

² <https://www.dunedin.govt.nz/council/district-plan/2nd-generation-district-plan/plan-change-dis-2021-1-variation-2#doc>

³ https://www.dunedin.govt.nz/data/assets/pdf_file/0007/806182/Variation-2-General-Public-Fact-Sheet.pdf

s32 *Requirements for preparing and publishing evaluation reports*

(1) *An evaluation report required under this Act must—*

- (a) *examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and*
- (b) *examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—*
 - (i) *identifying other reasonably practicable options for achieving the objectives; and*
 - (ii) *assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
 - (iii) *summarising the reasons for deciding on the provisions; and*
- (c) *contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.*

The overarching objective of Variation 2 is to enable Dunedin City to meet its statutory residential capacity obligations. Section 32(1)(a) RMA requires that this objective is met in the manner that is most appropriate to achieve the purpose of the Act. Section 32(1)(b)(i) RMA requires the s32 evaluation to consider all reasonably practicable options for achieving the objective.

The purpose of the RMA is (underlined text is author's emphasis)-

5 *Purpose*

- (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 reasonably 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.*

It is submitted that the Council's decision to limit the scope of Variation 2 to only a selection of nominated land parcels presents a risk that the most appropriate method of achieving the objective of the variation may not be reached. It is clear that there are many parcels of land within the City have not had their potential for residential rezoning evaluated. Accordingly, it is the submitter's view that the s32 report completed in support of Variation 2 is currently incomplete and that the report may not be consistent with the expectations of the RMA, with particular regard to the consideration of 'other reasonably practicable options' as required by s32(1)(b)(i).

This matter is further complicated by the National Policy Statement on Urban Development 2020 (NPS-UD), which requires (underlined text is author's emphasis)-

3.2 *Sufficient development capacity for housing*

- (1) *Every tier 1, 2, and 3 local authority must provide at least sufficient development capacity in its region or district to meet expected demand for housing:*
 - (a) *in existing and new urban areas; and*
 - (b) *for both standalone dwellings and attached dwellings; and*
 - (c) *in the short term, medium term, and long term.*
- (2) *In order to be sufficient to meet expected demand for housing, the development capacity must be:*
 - (a) *plan-enabled (see clause 3.4(1)); and*
 - (b) *infrastructure-ready (see clause 3.4(3)); and*
 - (c) *feasible and reasonably expected to be realised (see clause 3.26); and*
 - (d) *for tier 1 and 2 local authorities only, meet the expected demand plus the appropriate competitiveness margin (see clause 3.22)*

The expectation of the NPS-UD is that residential capacity is achieved in areas that are 'infrastructure-ready' and 'feasible and reasonably expected to be realised'. The RMA requires identification of the most appropriate options. It is not unreasonable to consider that there might well be any number of parcels of land within the City that have not been evaluated through the Variation 2 process, which may also present an appropriate option to satisfy the residential capacity obligations.

Until a further s32 evaluation process is undertaken (as per s32AA RMA), with a view to assessing the suitability of the submission land to contribute to the City's residential capacity, it is impossible to have confidence that the purpose of the RMA will be best served by Variation 2.

The submitter concludes the following-

1. The property referred to in the associated submission may offer an appropriate method to the City to increase its residential capacity.
2. The s32 evaluation undertaken as part of Variation 2 to-date is incomplete as this evaluation has not considered the submission property. A further s32 evaluation is necessary in respect of the submission property.
3. The submission cannot be considered 'out-of-scope' of Variation 2 as it seeks to provide for an outcome that achieves the City's obligations under the NPS-UD in a manner that is consistent with the purpose of the RMA.