

Submission on Variation 2 – Additional Housing Capacity

By Dunedin City Council

4 March 2021

Approved by:

**David Benson-Pope, Chair of the Planning and Environment Committee &
Sophie Barker, Deputy Chair of the Planning and Environment Committee**

Variation 2 change ID; or Provision name and number; or Address and map layer name.	Decision Sought	Reasons for my views
Drafting Changes		
All changes	<p>Accept the change with amendments outlined Make any amendments to the wording of provisions being amended to ensure that they can be clearly interpreted, monitored and enforced, and where achieving this may require a substantive change (for example addition of further limits) ensure that the substantive change is the most appropriate to achieve the objectives of the 2GP and the purpose of the proposal.</p>	There is a need to ensure all changes are the most appropriate to achieve the objectives of the 2GP and the purpose of the proposal.
Change A1 – Family flats	<p>Accept the change with amendments outlined Clarify that the area within any attached garage in an ancillary residential unit counts towards gross floor area.</p> <p>Proposed change Amend the definition of Gross Floor Area as follows, and make any further alternative or consequential changes that may be necessary to fully give effect to this submission:</p> <p>Gross Floor Area <i>The total internal floor area used for the stated activity. This includes all normal parts of the activity, for example storage, <u>garaging</u>, warehousing, office and staff facilities.</i></p>	Clarification is required over whether garages for ancillary residential units are to be counted towards the gross floor area for the purpose of the associated performance standards.
Change A1 – Family flats	<p>Accept the change with amendments outlined In Policy 2.6.1.2.b, do not replace “family flats” with “ancillary residential units”, rather just add “ancillary residential units”.</p>	The deletion of “family flats” from Policy 2.6.1.2.b is an error as this is still the term used in rural residential and rural zones.

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Change A2 – Duplexes and 2 units in a single residential building	<p>Accept the change with amendments outlined Ensure that the provisions regarding common walls are clear that they apply to party walls where relevant.</p> <p>Proposed changes Amend the definition of Common Wall, as follows, and such further, alternative, or consequential relief as may be necessary to fully give effect to this submission:</p> <p><u>Common Wall</u> <i>A wall, or two abutting walls, that form the dividing partition between two adjoining buildings. For the sake of clarity, this includes party walls.</i></p>	To clarify that ‘a wall’ in this definition includes a ‘party wall’ as this has been raised as a potential issue by plan users.
Change A2 – Duplexes and 2 units in a single residential building	<p>Accept the change with amendments outlined Make any amendments required to ensure that the new provisions for duplexes and two residential units in a single residential building are clear as to when a development constitutes one residential building or two residential buildings. Ensure that a physical connection between two residential buildings cannot be relied on to consider them a single residential building for the purposes of the density performance standard in Rule 15.5.2.</p>	The proposed wording of Rule 15.5.2.1.a may present some interpretation issues and potential for the rule to be applied in a way that is not intended. For example, an argument could be made that two residential buildings touching in some way are one residential building. This is not the intent of the provisions as proposed in Variation 2.
Change A2 – Duplexes and 2 units in a single residential building Change B5 – Management of density for residential character	<p>Accept the change with amendments outlined Consider whether policy direction on why duplexes and 2 units in a single residential building are provided for on sites as small as 500m² but not two standalone residential units is necessary to assist in consideration of applications</p>	There is a need to clarify why duplexes and 2 units in a single residential building are provided for compared to standalone units. This will help manage any challenges to the approach as justification to undertake undersized site subdivisions and/or development of

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	for over-dense development or undersized site subdivisions.	more separate buildings in an area than intended by the changes in Variation 2.
Change A2 Change A3 Alternative A2-Alt3 Change IN01-IN13 Change GF01-16 RTZ1-3	Neutral As an alternative to rejecting any changes that provide for intensification or new residential zoning in response to submissions opposing them, consider the need for additional plan provisions to better manage any adverse effects as an alternative.	
Change A2 Change A3 Change IN01-IN13	Accept the change with amendments outlined Make any amendments required to ensure safe, accessible storage, movement and collection of solid waste and recycling bins is provided for all existing and future residential units where intensification of residential activity is provided for. Proposed change Consider assessment rules for subdivision and multi-unit development which enable consideration of “effects on efficient solid waste management” and such further, alternative, or consequential relief as may be necessary to fully give effect to this submission.	The accumulation of solid waste bins at the roadside on waste collection days can cause adverse effects with respect to: <ul style="list-style-type: none"> • Safety and efficiency of the transport network, where bins obstruct accessways and carparks, topple onto the road, or cause road congestion (Objective 6.2.3) • Health and safety, where the contents of bins litters footpaths and surrounding areas when bins remain on the street for extended periods and topple or are blown open (Objective 9.2.2) • Residential amenity, where bins are left out on the street for extended periods due to difficulties moving them between residential units and the street; and where the contents of bins litters footpaths and surrounding areas when bins remain on the street for extended periods and topple or are blown open (Objective 15.2.3)

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		<p>By providing for intensification of residential activity, there is the potential for these adverse effects to be exacerbated unless they are appropriately managed.</p> <p>The current performance standard for service areas (which applies only to residential activity with 3 or more residential units on a site) may be insufficient to manage these issues.</p>
<p>Rule 15.5.2 Density Rule 15.7.4 Minimum site size</p>	<p>Neutral Consider whether the density and minimum site size rules in Section 15 should be amended to ensure that development potential is not reduced if 3 Waters require a separate service lot to be provided for shared services as part of a multi-unit development/subdivision.</p>	<p>In some instances, 3 Waters may request a separate lot be created and vested in Council containing shared services as part of a multi-unit development/subdivision (where shared services are proposed by the applicant). This may have the effect of reducing the development potential of the site/s by reducing the land area that can be counted towards density and minimum site size. This may be an undesirable unintended consequence of requiring separate service lots and should be factored into the density and minimum site size performance standards.</p>
<p>Change B1 – MSS averaging</p>	<p>Neutral Consider whether non-developable sites should be excluded from the minimum site size averaging calculation in Rule 15.7.4.2.X.</p>	<p>Non-developable sites, such as those created and used solely for a scheduled Area of Significant Biodiversity Value or QEII covenant, reserve, access, utility, or road may be relied on as part of the proposed wording of the minimum site size averaging rule in Rule 15.7.4.2.X. Consideration needs to be given to whether this is appropriate to achieve the objectives of the Plan or whether amendments are required to exclude the counting of these sites in all or some cases.</p>

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Change B3 – A residential unit on a site of any size	<p>Accept the change with amendments outlined Amend the wording of the exception to the density performance standard providing for a single residential unit on a site of any size (Rule 15.5.2.1.k.i) so that it is clear that the other performance standards in the Plan continue to apply in their own right and that this rule does not provide a blanket exception to those performance standards.</p> <p>Proposed change Amend Rule 15.5.2.1.k.i to clarify that other relevant performance standards still apply.</p>	<p>The current wording of the exception may be unclear that the other relevant performance standards, such as those for bulk and location of buildings still apply.</p>
Change B6 – Exception to MSS for subdivision of established dwellings	<p>Accept the change with amendments outlined Reconsider whether the approach preventing family flats and ancillary residential units from meeting the exception to the minimum site size performance standard for lawfully established residential buildings in Rule 15.7.4.1.j.X.1 is appropriate in terms of the practicalities of implementing this rule and in terms of achieving the objectives of the Plan.</p>	<p>In accordance with Change A1, family flats provisions will no longer apply in the residential zones. The proposed reference to family flats in the new exception to the minimum site size performance standard for established residential buildings was intended to ensure that buildings established as family flats under the 2GP provisions prior to Variation 2 will continue to not be eligible for undersized site subdivisions.</p> <p>It is possible that such units would meet the definition and rules for ancillary residential units. However, those established through resource consents might not (e.g. where they are of a gross floor area of greater than 80m²). There needs to be clarity over whether these would be eligible for subdivision or not, especially given the amendment to Policy 2.2.4.4 and Policy 15.2.4.3 under Change A1</p>

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Change B6 – Exception to MSS for subdivision of established dwellings	<p>Accept the change with amendments outlined Amend the wording of the new exception to the minimum site size performance standard for lawfully established habitable residential buildings in Rule 15.7.4.1.j.X to clarify the meaning of ‘habitable’ or otherwise clarify the extent to which a residential building must be completed to qualify for the exception.</p> <p>Consider whether this change creates an undesirable loophole or may be exploited in a way that was not intended and does not meet the objectives of the Plan.</p>	<p>There needs to be clarity as to what constitutes a ‘habitable’ residential building for this exception to apply. For example, it could require that it has a Code Compliance Certificate or Certificate of Acceptance under the Building Act 2004.</p> <p>Clarity is needed to ensure that the presence of derelict, transportable or partially completed buildings is not relied on to undertake an undersized site subdivision, followed by demolition of the buildings to provide for new development not anticipated by the Plan. This is to ensure Plan integrity and that the rule is implemented as intended to achieve Objective 2.4.1 and related Objective 15.2.4.</p>
Change D1 – NDMA general changes	<p>Accept the change with amendments outlined Consider whether it would be helpful to add an Appendix to list the sites where a new development mapped area (NDMA) is being included in the Plan, including giving each mapped area a name.</p> <p>Add the NDMA names for each area to the pop-ups in the planning maps.</p>	<p>The addition of an Appendix listing the NDMA sites will improve the usability of the Plan by ensuring there is specific reference to each NDMA area within the Plan provisions, rather than just in the planning maps. This will enable Plan users to easily know how many NDMA's there are and where they are located.</p>
Change D1 – NDMA general changes	<p>Accept the change with amendments outlined Consider applying the new development mapped area (NDMA) and associated provisions to any greenfield residential rezoning sites added to the 2GP since notification of Variation 2 through the resolution of rezoning appeals. For clarity, this may include any sites that are subject to appeal seeking rezoning to any</p>	<p>Where appeals are resolved allowing rezoning to a residential zone, it is desirable to apply the NDMA and associated provisions to ensure that subdivisions of large areas of greenfield residential land are well designed, in accordance with the individual changes proposed that link to the NDMA method. These include:</p>

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	residential zone in Section 15 of the Plan. These are identified on the 2GP planning map.	<ul style="list-style-type: none"> • Change D4 on provision of social and recreational spaces • Change D5 on solar access • Change D6 on protection of natural environmental values • Change D7 on providing for amenity planting and public amenities • Change D8 on providing for efficient use of land • Change F2-2 on rules for stormwater management in large greenfield areas • Change F3-2 on wastewater detention in selected large greenfield areas
Change D2 – Assessment of roads at subdivision	Accept the change with amendments outlined Amend Policy 6.2.3.Y and assessment Rule 6.11.2.7 regarding provision of roads in subdivisions to ensure that the potential for development of more than one residential unit per site is a consideration in the assessment of whether a road will be required as part of a subdivision.	The proposal in Policy 6.2.3.Y currently states “Require subdivision activities to provide for new roads where any proposed vehicle accessway will service more than 12 sites...”. However, given the other changes proposed in Variation 2, such as Change A2 and new GR2 rezonings, it will become increasingly likely that more than one residential unit will be developed per site. This should be considered as part of assessing whether a road is required.
Change E1 – Residential zone descriptions	Accept the change with amendments outlined Clarify the zone descriptions for Large Lot Residential 1 and 2 zones and Township and Settlement Zone in 15.1.1.5, 15.1.1.6, and 15.1.1.7 regarding the fact that some of these areas are not serviced for reticulated water supply or stormwater. Amend the reference to “stormwater storage” as this is not strictly correct.	The proposed zone descriptions for the Large Lot zones and Township and Settlement Zone outline that some areas within these zones are not serviced for wastewater. For completeness it would be good to also outline that some of these areas are not serviced for water supply or stormwater.

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		The proposed descriptions for the Large Lot zones also refer to “the need for onsite stormwater storage” as a reason for applying these low-density zones. This is not strictly correct and should be amended.
Change F1-2	<p>Accept the change with amendments outlined In Rule 9.5.3.3.a.iii, replace the reference to Policy 9.2.1.6 with reference to Policy 9.2.1.1A, as Policy 9.2.1.6 is proposed for deletion through Change F1-2.</p> <p>Proposed change Amend Rule 9.5.3.3.a.iii as follows, and such further, alternative, or consequential relief as may be necessary to fully give effect to this submission:</p> <p><i>In determining whether Policy 9.2.1.6 9.2.1.1A is achieved, Council will consider the cumulative effects of the proposed development together with existing development and permitted development that is likely to arise in the future.</i></p>	This is a consequential change for Change F1-2 that was omitted from the proposed drafting in error and should be corrected.
Change F1-5 - Firefighting	<p>Accept the change with amendments outlined Amend the proposed changes to the Firefighting performance standard (Rule 9.3.3) so that it accurately reflects the New Zealand Fire Service Firefighting Water Supplies Code of Practice it references and provides for effective compliance.</p>	The amendments to the Firefighting performance standard regarding new residential buildings being located within 135m of a fire hydrant may not accurately reflect the Code and it is unclear how this distance is to be measured (e.g. as the crow flies or along the vehicle access etc.).
Change F2-3 - Effects on efficiency and affordability of infrastructure	Accept the change with amendments outlined	The amendments made to Rule 15.11.2.5.a for the assessment of supported living facilities, and Rule

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for supported living facilities and subdivision	<p>Ensure that effects on the wastewater and water networks can still be considered in the assessment of all subdivision activities and supported living facilities in the residential zones.</p> <p>Proposed change Remove the term “(stormwater)” from the matter of discretion for “Effects on efficiency and affordability of infrastructure” at Rule 15.11.2.5.a and Rule 15.11.4.1.c, and such further, alternative, or consequential relief as may be necessary to fully give effect to this submission.</p>	<p>15.11.4.1.c for the assessment of all subdivision activities (adding “stormwater” in brackets after the matter of discretion for “Effects on efficiency and affordability of infrastructure”) has the effect of removing discretion to consider effects in terms of wastewater and water. This was unintended and should be corrected by reversing this change.</p>
Change F2-4 - Stormwater notes to plan users	<p>Accept the change with amendments outlined Consider whether a note to plan user should be added regarding any requirements for fencing of stormwater detention ponds under relevant legislation.</p>	<p>In some instances, stormwater detention ponds may need to be fenced to meet requirements outside the Plan. A note to plan user regarding this would help ensure developers are aware of these requirements and assist DCC Building Services.</p>
Change F3-2 - Wastewater detention in selected large greenfield areas	<p>Accept the change with amendments outlined Consider whether a service connection performance standard for development should be added under Rule 15.6 and Rule 9.3.7 regarding connection to a communal wastewater detention system by any development in a new development mapped area listed in Rule 9.6.2.Y that will discharge wastewater.</p> <p>The scope of this submission includes such further, alternative, or consequential relief as may be necessary to fully give effect to this submission, including potential amendments to Policy 9.2.1.BB.</p>	<p>The current proposal regarding communal wastewater detention in specified new development mapped areas does not address connections to wastewater services for permitted land use and development. A rule similar to that proposed for stormwater management in Rule 15.6.X would ensure these provisions are not undermined and make the wastewater servicing arrangements for these sites clear to Plan users.</p>

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Change F4-1 - Note to plan user for water service connections	<p>Accept the change with amendments outlined</p> <p>Consider whether to add a note to plan users regarding DCC 3 Water's preference for separate water supply connections to be provided for each residential unit developed on a site, rather than shared connections.</p> <p>The scope of this submission includes such further, alternative, or consequential relief as may be necessary to fully give effect to this submission</p>	<p>DCC 3 Waters prefer that each residential unit has its own separate water supply connection to ensure that potential water safety issues arising from backflows, and issues with rates billing of shared connections are appropriately managed. These issues can be compounded when multiple residential units on a site are then subdivided and sold on to separate landowners, at which time the service connection performance standard for water supply in Rule 9.3.7.Y applies, which requires each resultant site to have a connection. A note to plan user outlining this would assist both 3 Waters and developers in managing these issues where development occurs prior to subdivision.</p>
Zoning changes		
Change GF05 - Sunnyvale Change IN07 – Kaikorai Valley Rd	<p>Accept the change with amendments outlined</p> <p>Instead of adding reference to “any Restricted Development Area (Hazard)” to Rule 11.6.2.1, remove the reference to the Hazard 2 (land instability) Overlay Zone.</p> <p>This change is associated with the structure plan mapped area performance standards for GF05 and IN07.</p> <p>Proposed change</p> <p>Amend Rule 11.6.2.1.i as follows:</p> <p><i>In the Hazard 2 (land instability) Overlay Zone and any Restricted Development Area (Hazard), a</i> <i>A</i> report by a suitably qualified person confirms that the risk to the</p>	<p>Rule 11.6.2.1 covers the assessment of a wide range of consenting situations relevant to natural hazards. Reference to specific mapped areas precludes consideration of this matter for other situations, which does not make sense in the context of this assessment rule. This change will ensure the rule will accurately cover all consenting situations that are directed to this rule, including within the new mapped areas.</p> <p>This is a minor change to what is proposed in the variation and makes no further substantive changes to the provisions in the 2GP.</p>

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	<i>activity, or resulting from the activity, will be no more than low.</i>	
Change GF08 – Main South Road, Concord Change GF10 – Honeystone Street Change RTZ1 – Selwyn Street	<p>Accept the change with amendments outlined Amend the proposed vegetation clearance rules in the following structure plan mapped area performance standards: Rule 15.8.AB for GF08; Rule 15.8.AA for GF10; and Rule 15.8.AC for RTZ1, to improve drafting and correct errors.</p> <p>Proposed changes: See Attachment A</p> <p>Make any such further, alternative, or consequential relief as may be necessary to fully give effect to this submission.</p>	<p>These changes are proposed to improve clarity and correct two errors in the proposed drafting, as follows:</p> <p>The structure plan rules relating to GF08, GF10 and RTZ1 each include an exception relating to maintenance of fences. However, the associated clauses relate to new fencing, and were included in error. It is submitted that these should be removed.</p> <p>The structure plans relating to GF8 and GF10 protect vegetation within 5m of water bodies. This protection was intended to apply to all vegetation within 5m (apart from the noted exceptions), consistent with the approach in Rule 10.3.2.2. However, the rule incorrectly refers to indigenous vegetation clearance only. It is submitted that the wording be amended to refer to all vegetation clearance.</p>
Change GF14 – 336 & 336A Portobello Road, The Cove	<p>Accept the change with amendments outlined Consider whether the boundary of the proposed General Residential 1 rezoning area at 'GF14' The Cove should be amended in light of the 2GP appeal by the Preservation Coalition Trust to include this site in a significant natural landscape overlay zone.</p>	<p>The area of the proposed rezoning was subject to an appeal by the Preservation Coalition Trust (PCT) at the time that Variation 2 was notified to extend the significant natural landscape (SNL) over the site. Discussions have occurred between the parties and this may result in the area subject to the SNL being amended. This is a relevant consideration for rezoning part or all of the site to residential.</p>
Change IN03 – Green Island	<p>Accept the change with amendments outlined</p>	<p>The DCC has become aware of potential land instability issues within and around the proposed rezoning area</p>

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	<p>Consider amending the boundary of the proposed General Residential 2 rezoning area at 'IN03' Green Island, or imposing performance standards, to ensure any land instability hazards within or adjacent to the rezoning area are appropriately managed to achieve Objective 2.2.1.</p> <p>Proposed changes: Details of specific changes are not proposed at this time, as investigation of land instability hazards in the area is ongoing. Once the results of these assessments are available, details of an appropriate response can be provided.</p>	<p>'IN03' at Green Island, beyond those that are mapped in the 2GP planning maps. This is being investigated by geotechnical engineers and the results of this investigation will inform recommendations for any necessary changes to the proposal through the hearing process.</p>

Attachment A – Proposed changes to structure plan rules relating to biodiversity

Changes proposed through this submission are shown in strikethrough and underline.

GF08

15.8.AB.1 ~~Indigenous v~~Vegetation clearance

- a. ~~Indigenous v~~Vegetation clearance must not occur within 5m of the water body that is identified on the Main South Road Concord structure plan and labelled 'Water Body' (see Figure 15.8.ABA). Note the location of the water body on the map is indicative only. This setback must be measured perpendicular from the bank of the water body at the point of its annual fullest flow or annual highest level without overtopping its bank (see Figure 10.3.3A and Figure 10.3.3B under Rule 10.3.3 Setback from Coast and Water Bodies).
- b. The following types of ~~indigenous-vegetation~~ clearance are exempt from Rule 15.8.AB.1.a, ~~indigenous-vegetation clearance that is:~~
 - i. Clearance that is part of conservation activity involving vegetation clearance and replacement with indigenous species;
 - ii. clearance for the maintenance of fences (including gates), ~~provided:~~
 1. ~~any fence posts are located outside of the dripline of mature indigenous trees listed in Appendix 10A.3; and~~
 2. ~~the erection of new fences does not damage:~~
 1. ~~specimens of threatened plant species listed in Appendix 10A.1;~~
 2. ~~important breeding, refuge, feeding or resting sites for indigenous fauna listed in Appendix 10A.2; or~~
 3. ~~mature indigenous trees listed in Appendix 10A.3.~~
 - iii. clearance for the maintenance (but not extension) of existing network utilities, irrigation infrastructure, tracks, drains, structures, roads, or firebreaks;
 - iv. clearance that is consistent with or provided for as part of a conservation management strategy, conservation management plan, reserve management plan or covenant established under the Conservation Act 1987 or any other Act specified in the First Schedule of the Conservation Act 1987;
 - v. clearance that is required to remove material infected by unwanted organisms as declared by Ministry for Primary Industries' Chief Technical Officer, or to respond to an emergency declared by the Minister for Primary Industries under the Biosecurity Act 1993;
 - vi. clearance of a pest plant listed in Appendix 10B to Section 10 of the Plan;
 - vii. clearance that is necessary to maintain the flow of water free from obstruction or for natural hazard mitigation activities;

- viii. clearance of non-indigenous plant species and replanting within 3 months with indigenous or non-indigenous plant species, not on the pest plant list in Appendix 10B to Section 10 of the Plan, that will attain at least the same height and coverage as the plants that have been cleared. **{Change GF08}**

GF10

15.8.AA.1 ~~Indigenous v~~Vegetation clearance

- a. ~~Indigenous v~~Vegetation clearance must not occur within 5m of the water body that is identified on the Honeystone Street structure plan and labelled 'Water Body' (see Figure 15.8.AAA), except for the construction of a crossing point for a single accessway to the part of the structure plan mapped area that is on the northern side of the water body. Note the location of the water body on the map is indicative only. This setback must be measured from the bank of the water body at the point of its annual fullest flow or annual highest level without overtopping its bank (see Figure 10.3.3A and Figure 10.3.3B under Rule 10.3.3 Setback from Coast and Water Bodies).
- b. Indigenous vegetation clearance must not occur within the area shown hatched green on the Honeystone Street structure plan and labelled 'Restricted Development Area (Biodiversity)'.
- c. The following types of indigenous vegetation clearance are exempt from rules 15.8.AA.1.a and 15.8.AA.1.b, ~~indigenous vegetation clearance that is:~~
 - i. ~~clearance that is~~ part of conservation activity involving vegetation clearance and replacement with indigenous species;
 - ii. clearance for the maintenance of fences (including gates), ~~provided:~~
 - 1. ~~any fence posts are located outside of the dripline of mature indigenous trees listed in Appendix 10A.3; and~~
 - 2. ~~the erection of new fences does not damage:~~
 - 1. ~~specimens of threatened plant species listed in Appendix 10A.1;~~
 - 2. ~~important breeding, refuge, feeding or resting sites for indigenous fauna listed in Appendix 10A.2; or~~
 - 3. ~~mature indigenous trees listed in Appendix 10A.3.~~
 - iii. clearance for the maintenance (but not extension) of existing network utilities, irrigation infrastructure, tracks, drains, structures, roads, or firebreaks;

- iv. clearance that is consistent with or provided for as part of a conservation management strategy, conservation management plan, reserve management plan or covenant established under the Conservation Act 1987 or any other Act specified in the First Schedule of the Conservation Act 1987;
- v. clearance that is required to remove material infected by unwanted organisms as declared by Ministry for Primary Industries' Chief Technical Officer, or to respond to an emergency declared by the Minister for Primary Industries under the Biosecurity Act 1993;
- vi. clearance of a pest plant listed in Appendix 10B to Section 10 of the Plan;
- vii. clearance that is necessary to maintain the flow of water free from obstruction or for natural hazard mitigation activities;
- viii. clearance of non-indigenous plant species and replanting within 3 months with indigenous or non-indigenous plant species, not on the pest plant list in Appendix 10B to Section 10 of the Plan, that will attain at least the same height and coverage as the plants that have been cleared. **{Change GF10}**

RTZ1

15.8.AC.1 Indigenous vegetation clearance

- a. Indigenous vegetation clearance must not occur within the area shown hatched green on the Selwyn Street structure plan and labelled 'Restricted Development Area (Biodiversity)' (see Figure 15.8.ACA), except for ~~indigenous vegetation clearance that is:~~
 - i. clearance that is part of conservation activity involving vegetation clearance and replacement with indigenous species;
 - ii. clearance for the maintenance of fences (including gates), ~~provided:~~
 - ~~1. any fence posts are located outside of the dripline of mature indigenous trees listed in Appendix 10A.3; and~~
 - ~~2. the erection of new fences does not damage:~~
 - ~~1. specimens of threatened plant species listed in Appendix 10A.1;~~
 - ~~2. important breeding, refuge, feeding or resting sites for indigenous fauna listed in Appendix 10A.2; or~~
 - ~~3. mature indigenous trees listed in Appendix 10A.3;~~
- iii. clearance for the maintenance (but not extension) of existing network utilities, irrigation infrastructure, tracks, drains, structures, roads, or firebreaks;

- iv. clearance that is consistent with or provided for as part of a conservation management strategy, conservation management plan, reserve management plan or covenant established under the Conservation Act 1987 or any other Act specified in the First Schedule of the Conservation Act 1987;
- v. clearance that is required to remove material infected by unwanted organisms as declared by Ministry for Primary Industries' Chief Technical Officer, or to respond to an emergency declared by the Minister for Primary Industries under the Biosecurity Act 1993;
- vi. clearance of a pest plant listed in Appendix 10B to Section 10 of the Plan;
- vii. clearance that is necessary to maintain the flow of water free from obstruction or for natural hazard mitigation activities;
- viii. clearance of non-indigenous plant species and replanting within 3 months with indigenous or non-indigenous plant species, not on the pest plant list in Appendix 10B to Section 10 of the Plan, that will attain at least the same height and coverage as the plants that have been cleared. *{Change RTZ1}*