



SECOND GENERATION DISTRICT PLAN

Variation 2 – Additional Housing Capacity

First Decision Report:

Provisions and Intensification Rezoning

Decision of the Variation 2 Hearing Panel:

Commissioner Gary Rae – Chairperson

Commissioner Jim O'Malley

Commissioner Steve Walker

31 May 2022

Table of Contents

List of Tables	1
List of Abbreviations	2
1 Introduction	4
1.1 Variation 2 process to date	4
1.2 About this decision.....	5
A. Decisions on broad matters raised in submissions and rule changes (excluding 3 waters)	7
A.1 Introduction	7
A.1.1 Scope of the decisions covered in Part A.....	7
A.1.2 Changes where no decisions were required.....	7
A.1.3 Evidence considered	7
A.2 Consideration of broad matters raised in submissions.....	10
A.2.1 Broad submissions in support of intensification proposals	11
A.2.2 Loss of character and amenity or green space and biodiversity	11
A.2.3 Capacity of 3 waters infrastructure to service intensification	16
A.2.4 Stormwater management on private land and open watercourses.....	17
A.2.5 Noise	20
A.2.6 Communal outdoor play areas	21
A.2.7 Solid waste management	21
A.2.8 Traffic and transportation.....	23
A.2.9 Car parking demand.....	25
A.2.10 Heritage	26
A.2.11 Other broad matters	31
A.3 Decisions on specific change proposals (Changes A-C).....	32
A.3.1 Change A1 (Family Flat Provisions) & Alternative A1-Alt1.....	32
A.3.2 Change A2 (Duplexes and two units in a single building) and alternatives	34
A.3.3 Change A3 (Minimum site size and minimum site area)	37
A.3.4 Change B1 (Minimum site size averaging)	38
A.3.5 Change B3 (Density and units on existing sites of any size).....	39
A.3.6 Change B4 (Counting of access legs towards minimum site area & size)	40
A.3.7 Change B6 (Exemptions to minimum site size for existing development)	40
A.3.8 Change B5 (Removal of policy link between density and character).....	44
A.3.9 Change C1 (Better provide for social housing)	46
A.4 Decisions on specific change proposals (Group D)	53
A.4.1 Broad submissions on NDMA changes (other than 3 waters provisions).....	53

A.4.2	Change D1 (Broad changes linked to NDMA) & Alternatives	55
A.4.3	Change D2 (Transportation connections in subdivisions).....	56
A.4.4	Change D4 (Social and recreation spaces in NDMAs).....	61
A.4.5	Change D5 (Solar access in NDMAs)	62
A.4.6	Change D6 (Natural and environmental values in NDMAs).....	63
A.4.7	Change D7 (Amenity planting and public amenities in NDMAs)	64
A.4.8	Change D8 (Efficient use of land in NDMAs).....	66
A.5	Decisions on specific change proposals (Group E)	68
A.5.1	Change E1 (Residential zone descriptions)	68
A.5.2	Change E2 (Clarify the RTZ, HETZ and IndTZ provisions)	70
A.5.3	Change E5 (Strategic direction policies related to structure plans)	71
A.5.4	Change E6 (Policy on applying overlays at time of rezoning)	71
A.5.5	Change E7 (Long stay areas for people living in transportable homes).....	72
A.6	Miscellaneous other matters	74
A.6.1	Telecommunications infrastructure	74
A.6.2	Roof design for new buildings	78
A.6.3	Effects on heritage from development of growth areas	78
A.6.4	Change RC1 (Notification rules).....	81
A.6.5	Adding assessment criteria to multi-unit housing.....	81
B.	Decisions on intensification rezoning areas.....	82
B.1	Scope of the decisions covered in Part B	82
B.2	Evidence considered	82
B.3	General submissions on intensification rezoning areas (rezoning from General Residential 1 to General Residential 2 Zone)	84
B.4	Submissions on specific intensification rezoning areas (rezoning from General Residential 1 to General Residential 2 Zone)	85
B.4.1	Decisions on change proposals covered entirely in decision on broad topic areas	85
B.4.2	Change IN01 Mosgiel Medium Density extension.....	85
B.4.3	Change IN02 (Burgess Street and surrounds) and Change IN02a.....	87
B.4.4	Change IN03 Green Island	88
B.4.5	Change IN05 Mornington North	90
B.4.6	Change IN06 Roslyn (south).....	92
B.4.7	Change IN07 133-137 Kaikorai Valley Road.....	93
B.4.8	Change IN08 and IN08a Roslyn (north)	96
B.4.9	Change IN09 Maori Hill	98
B.4.10	Changes IN13 and IN13a, Andersons Bay.....	101
C.	Decisions on Provisions (3 waters)	104

C.1	Scope of the decisions covered in Part C	104
C.1.1	Evidence considered	104
C.2	Broad submissions on Council's funding and provision of 3 waters infrastructure	106
C.2.1	Decision and reasons	107
C.3	Proposals with no submissions seeking specific changes	109
C.4	Submissions seeking changes to specific 3 waters proposals	110
C.4.1	Change F1-2 (General policies on water supply and wastewater)	110
C.4.2	Change F2-6 (NDMA – Provision of 3 waters connections to adjacent land)	113
C.4.3	Change F2-1 (Performance standard for connections to stormwater).....	113
C.4.4	Change F2-2 (NDMA - Add rules for stormwater management in large greenfield areas)	115
C.4.5	Change F2-3 (Rules for residential stormwater management other than in large greenfield areas) and alternative of on-site stormwater tanks	131
C.4.6	Change F2-5 (Impermeable surface permitted baseline)	137
C.4.7	Wastewater package	138
C.4.8	Minor 3 waters changes	143
C.4.9	NDMA mapping on existing residential zoned land.....	150

Appendix 1 Changes to Provisions

Appendix 2 Additional Changes to Mapping

LIST OF TABLES

Table A1: Submitters who presented at Hearing 1.....	8
Table B1: Submitters who presented at Hearing 2.....	82
Table C1: Submitters who presented at Hearing 3.....	104

LIST OF ABBREVIATIONS

2GP	Second Generation Dunedin City District Plan
Act	Resource Management Act 1991
ASBV	Area of Significant Biodiversity Value
CBD	Central Business District Zone
CMU	Commercial and Mixed Use Zones
DCC	Dunedin City Council
DI Airport	Dunedin International Airport
EV	Electric Vehicle
FDS	Future Development Strategy
GR1	General Residential 1 Zone
GR2	General Residential 2 Zone
HETZ	Harbourside Edge Transition Overlay Zone
ICMA	Infrastructure Constraint Mapped Area
ICR	Inner City Residential Zone
IndTZ	Industrial Transition Overlay Zone
LGA	Local Government Act 2002
NC	Non-complying
NCC	Natural Coastal Character Overlay Zone
NDMA	New Development Mapped Area
NECC	Neighbourhood Convenience Centre Zone
NEDC	Neighbourhood Destination Centre Zone
NES	National Environmental Standard
NPS-UD	National Policy Statement on Urban Development 2020
NPS-UDC 2016	National Policy Statement on Urban Development Capacity 2016
ORC	Otago Regional Council
P	Permitted
PARS	Parks and Recreation
Plan	Second Generation Dunedin City District Plan
Rec	Recreation Zone
RC	Rural Centre Zone
RD	Restricted Discretionary
RMA	Resource Management Act 1991
RPS	Otago Regional Policy Statement

RTZ	Residential Transition Overlay Zone
S32	Section 32 of the RMA
SWMP	Stormwater Management Plan
T&S	Township and Settlement Zone
The Spatial Plan	Dunedin Towards 2050: A Spatial Plan for Dunedin
UBMA	Urban Biodiversity Mapped Area
VA	Visitor Accommodation
WCMA	Wastewater Constraint Mapped Area

1 INTRODUCTION

1. This decision is the first decision on changes proposed as part of Variation 2 (Additional Housing Capacity) to the Dunedin City Second Generation District Plan (2GP). It addresses changes proposed to provisions and the intensification rezoning areas. This decision does not address greenfield rezoning proposed as part of Variation 2, as the hearing on that subject is yet to be held.
2. We, the Variation 2 Hearing Panel ('the Panel'), have been appointed by the Dunedin City Council (DCC) under s34A of the RMA to make decisions on all procedural and jurisdictional matters, and to consider and make decisions on submissions in relation to Variation 2 to the 2GP. The Panel is comprised of:
 - Commissioner Gary Rae, as Chairperson
 - Councillor Jim O'Malley, in his capacity as Commissioner
 - Councillor Steve Walker, in his capacity as Commissioner
3. Below we provide some background on the Variation 2 process to date and the approach we have taken in this decision report. Our decisions then follow, divided into three parts:
 - Part A covers our decisions on changes to provisions (excluding 3 waters provisions) and broad matters and issue-based concerns that were traversed primarily in Hearing 1 and 2;
 - Part B covers our decisions on intensification rezoning areas that were traversed in Hearing 2; and
 - Part C covers our decisions on changes to 3 waters provisions that were traversed in Hearing 3.

1.1 Variation 2 process to date

4. In February 2021, the DCC notified Variation 2 – Additional Housing Capacity to the Dunedin City Second Generation District Plan (2GP).
5. A variation is a set of proposed amendments to a proposed plan before it is made fully operative. Under Clause 16A of Schedule 1 of the RMA 1991 a local authority may initiate variations to provisions in a proposed plan at any time before the approval of the plan. Variation 2 is the second variation to the 2GP.
6. Variation 2 proposed a discrete set of changes to 2GP provisions and zoning to respond to a projected shortfall in housing development capacity for the next 10 years, and to resolve implementation issues with some residential and 3 waters infrastructure provisions. Variation 2 was developed in the context of the National Policy Statement on Urban Development 2020 (NPS-UD) and some of the changes will assist in giving effect to its requirements to provide sufficient housing development capacity.
7. Further information about the background to Variation 2 can be found in the Section 32 Report, available from the DCC.
8. The changes proposed as part of Variation 2 were broadly divided into four topic groups and the DCC decided to undertake separate hearings for each group, being:

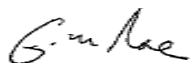
- Hearing 1 - provisions (excluding 3 waters provisions), held on 13-14 September 2021;
 - Hearing 2 - intensification rezoning, held on 3-4 November 2021;
 - Hearing 3 - 3 waters provisions, held on 8-9 December 2021; and
 - Hearing 4 - greenfield rezoning, yet to be held.
9. We received a comprehensive section 42A report from the reporting officer/s for each hearing which were informed by reports from specialist staff, complemented by end-of-hearing reply reports. Each section 42A report summarised the submission points and recommended to the Panel whether changes should be made in response.
 10. We also received evidence and legal submissions from submitters ahead of each hearing in accordance with procedural directions that we issued.
 11. During the hearings, submitters tabled statements and gave verbal presentations. We endeavoured to conduct the hearings with a minimum of formality to an extent that allowed for fairness to all submitters.
 12. Further information about the evidence we received and appearances at each hearing is detailed in Part A of our decision for Hearing 1, Part B of our decision for Hearing 2, and Part C of our decision for Hearing 3.
 13. Hearing 1 and Hearing 3 were livestreamed on the DCC's YouTube channel due to COVID-19 restrictions in place at the time of those hearings and submitters and experts were able to attend via Zoom.
 14. Following the completion of the public hearings, we deliberated on the matters raised in the submissions, made decisions on them, and prepared this decision report.

1.2 About this decision

15. We reiterate that this decision report addresses changes proposed to provisions and the intensification rezoning areas and does not address greenfield rezoning proposed as part of Variation 2 (as the hearing on that subject is yet to be held).
16. In making our decision, we have considered the matters that section 74 of the RMA requires us to consider, including relevant national policy statements and the proposed regional policy statement. Details of the relevant documents and provisions have earlier been provided in the section 32 report and section 42A reports.
17. We have also had particular regard to the evaluation report prepared and publicly notified by the DCC, dated 21 February 2021, and prepared in compliance with section 32, and Clause 5 of Schedule 1, of the RMA ('the Section 32 Report'). We adopt the relevant parts of the section 32 report, in particular section 1.2.1 which describes the statutory and planning context for Variation 2.
18. To avoid unnecessary repetition, and as provided for by section 113(3)(b) of the RMA, we adopt the 'summary of decisions sought' for each submitter as contained in the three section 42A reports. In some cases, having carefully considered the submissions and evidence presented, we agree with reporting officers' assessments and recommendations. Where that occurs, we state that we adopt those assessments and

recommendations. A consequence of our approach is that parts of the section 42A report that we adopt and cross-refer to are to be read as forming part of this decision report.

19. Where we have come to a different conclusion to the reporting officer based on our own assessment of the submissions and the evidence lodged by submitters, we set out our own reasons with our decision.
20. Section 32AA of the RMA requires a further evaluation of any changes made to Variation 2 after the initial evaluation report. The further evaluation can be the subject of a separate report, or it can be referred to in the decision-making record. We confirm that we have used the second option and have undertaken a further evaluation in this report of any amendments to Variation 2 proposals that are additional to those evaluated and recommended by the reporting officers for Hearing 1 to 3. We recognise that our evaluation is not confined to assessing the benefits and costs. The evaluation must include the duties prescribed by the Act and higher-order instruments.
21. All changes to provisions made as part of this decision (whether they remain as notified or are amended by our decision) are shown in Appendix 1 (provisions). Appendix 2 (mapping) only shows changes to mapping where they were amended by our decisions. Changes to mapping that remain as notified can be viewed in the 2GP planning maps. The appendices do not contain any changes that have been deemed operative.
22. Our decisions are given on a topic basis and may or may not list every individual submitter who made a submission on that topic, by name. However, our decision report addresses all the decisions requested within each topic.
23. Submitters can refer to the contents page to find our decisions on topics they submitted on. Submitters can also use the search function (Ctrl>F) to find any specific reference to their submission by searching for their surname, submitter number (e.g. *S123*), and/or, where they were represented by a surveying or planning consultancy, the name of the consultancy or consultant.
24. We hereby issue this decision in accordance with the authority afforded us by the DCC:



Gary Rae
Independent Commissioner, Chairperson



Jim O'Malley
Commissioner



Steve Walker
Commissioner

A. DECISIONS ON BROAD MATTERS RAISED IN SUBMISSIONS AND RULE CHANGES (EXCLUDING 3 WATERS)

A.1 Introduction

A.1.1 Scope of the decisions covered in Part A

25. This section of our decision covers all the broad matters and issue-based concerns that were traversed primarily in Hearing 1 and 2 as well as our decisions on change proposals that were included in Hearing 1. Decisions on change proposals that were included in Hearing 2 are addressed in Part B of our decision, and decisions on change proposals that were included Hearing 3 are addressed in Part C of our decision.
26. The sections in Part A that address decisions on individual change proposals generally follow the structure of the relevant section 42A report. Where a submission is addressed in another part of our report, we have mostly noted this, but the broad matters traversed in section A.2 are also relevant to many submissions on the rule changes and medium density rezoning areas.
27. Our decisions are given on a topic basis and may or may not list every individual submitter who made a submission on that topic, by name. However, our decision addresses all the decisions requested within each topic.

A.1.2 Changes where no decisions were required

28. We note that the following change numbers had no submissions seeking amendments and therefore were deemed operative, and no decisions are required:
- Change E3 – to correct errors in RTZ, HETZ and IndTZ assessment rules;
 - Change E9 – clarification of activity status for Rule 15.5.2.4;
 - Change E10 – corrections to assessment of structure plan standards;
 - Change H1 – capacity and demand criteria in Policy 2.6.2.1.a; and
 - Change H2 – housing capacity release trigger for RTZ land.
29. There were no submissions seeking amendments with respect to Change E4, which is a change to correct duplication between Objectives 2.2.2 and 2.2.5, and so no decisions were required on this. However, some of the provisions amended through this change were also the subject of Change D2 or Change D4 so could not be deemed operative.

A.1.3 Evidence considered

30. The decisions in this report relied mainly on the evidence from Hearing 1 (outlined below) but evidence from Hearing 2 was also considered where relevant (see Part B of our decision report for a summary of evidence received for Hearing 2).
31. Hearing 1: Provisions (except 3 waters provisions) was held on 13 and 14 September 2021 in the Edinburgh Room, Dunedin Municipal Chambers. The hearing was livestreamed on the DCC's YouTube channel ([2GP Variation 2 Hearings - 13 September 2021 - YouTube](#),

[2GP Variation 2 Hearings - 14 September 2021 - YouTube](#)) and some submitters presented their submissions via Zoom due to COVID-19 restrictions in place at the time.

32. Table A1 below summarises all who appeared or tabled evidence at the hearing. This evidence was considered in addition to reading all the relevant submissions.

Table A1: Submitters who presented at Hearing 1

Submission Number	Submitter	Represented by / experts called	Topic
S122.001 and others	Peter Dowden	-	Public transport; Roof design
S125.003 and others	Bus Users Support Group Ōtepoti-Te Roopu Tautoko Kaieke Pahi ki Ōtepoti	Peter Dowden and Alex King	Public transport
S153.001	David Murray	-	Heritage
S224.006 and others	Spark Trading NZ Ltd and Vodafone NZ Ltd	Graeme McCarrison, Spark Trading NZ Ltd, Colin Clune, Vodafone NZ Ltd and Chris Horne, Planning Consultant	Height contraventions; Consultation with network utility operators; New development mapped areas
FS226.11 and others	Southern Heritage Trust	Jo Galer and Ann Barsby	Heritage
Various	Various	Kurt Bowen, Surveyor/ Planning Consultant on behalf of various submitters	Various
S282.001 and others	Survey & Spatial NZ (STSNZ) Coastal Otago Branch	Kurt Bowen, Surveyor/ Planning Consultant and Mark Geddes, Surveyor	Various
S194.002 and others	Barry Douglas	-	Various but primarily relating to Change IN05 Rezoning at Belleknowes
S246.001	TGC Holdings Ltd	James Nicol, Giles Lucas and Tom Naylor on behalf of TGC Holdings Ltd	Exemptions to minimum site size
S271.004	Ōtākou Health Ltd	Donna Matahaere- Atariki, director Ōtākou Health Ltd, Matt Matahaere, Principal Iwi Advisor, and Nigel Bryce, Planning Consultant	Social housing

Submission Number	Submitter	Represented by / experts called	Topic
S234.003	Kāinga Ora – via Zoom	Nick Whittington, Counsel for Kāinga Ora	Social housing
Various	Various	Emma Peters, Planning Consultant on behalf of various submitters	Various
FS28.1 and others	Aurora Energy Ltd	Joanne Dowd, Planning Property and Environment, Aurora Energy Ltd and Simon Peirce, Legal Counsel	Height contraventions; Consultation with network utility operators; New development mapped areas

33. Appearances for the Dunedin City Council were:

- Ms Emily McEwan, reporting officer;
- Ms Andrea Farminer, DCC Heritage Advisor; and
- Mr Michael Garbett, DCC legal counsel (Anderson Lloyd).

34. Council evidence, legal submissions, submitter evidence, statements tabled at the hearing and right of reply documents for Hearing 1 (as outlined below) can be found on the Variation 2 webpage ([Plan change - DIS-2021-1 \(Variation 2\) - Dunedin City Council](#)).

35. Council evidence:

- Provisions (excluding 3 waters) section 42A report authored by the reporting officer, Ms Emily McEwan, which included expert evidence for the DCC provided by:
 - Chris Henderson, DCC Waste and Environmental Solution team;
 - Logan Copland, Planner DCC Transport Group;
 - Jared Oliver, Engineering Services Team Leader 3 Waters;
 - Peter Christos, Urban Designer DCC City Development team;
 - Dr Andrea Farminer, DCC Heritage Advisor;
 - John Brenkley, DCC Parks and Recreation Services;
 - Richard Ewans, DCC Biodiversity Advisor; and
 - Ian Munro, Urban Planner and Urban Designer.
- Ms McEwan’s reply report to the Panel’s pre-hearing questions.

36. Legal submissions:

- Legal submission on behalf of DCC;
- Legal submission on behalf of *Aurora*;
- Legal submission on behalf of *Kāinga Ora*; and

- Memo to the Committee from DCC legal counsel.
37. Submitters' evidence:
- Evidence from *Aurora Energy Ltd* (Joanne Dowd);
 - Evidence from Emma Peters on behalf of various submitters;
 - Evidence from *Spark NZ & Vodafone NZ* (Chris Horne);
 - Joint evidence from *Spark Trading NZ Ltd* (Graeme McCarrison) and *Vodafone NZ Ltd* (Colin Clune); and
 - Evidence from Nigel Bryce on behalf of *Ōtākou Health*.
38. Statements tabled at Hearing 1:
- Tabled evidence on behalf of *Ōtākou Health Ltd* – Shared Equity Housing Presentation;
 - Tabled evidence from Donna Matahaere-Atariki on behalf of *Ōtākou Health Ltd*;
 - Tabled evidence from Patterson Pitts on behalf of various submitters;
 - Tabled summary of verbal submission – *Richard Farry*;
 - Tabled summary of verbal submission – *David Murray*; and
 - Tabled statement from *Barry Douglas*.
39. Rights of reply to Hearing 1:
- Council's right of reply;
 - Council planner's right of reply part 2;
 - Council planner's addendum to right of reply;
 - B6 agreed provisions;
 - DCC reply to Minute 6; and
 - DCC reply to Minute 6 – 22 October 2021.
40. Planning assistance to the Panel was provided by:
- Dr Anna Johnson, City Development Manager; and
 - Paul Freeland, Senior Planner.
41. Where the Plan has been amended through our decisions, the changes are shown in Appendix 1 (provisions) and Appendix 2 (mapping) with the change number followed by the submission point being referred to, e.g. Change A1/SXXX.XXX.

A.2 Consideration of broad matters raised in submissions

42. Our decisions on broad 'issues-based' submissions, for example, concerns about the loss of greenspace and biodiversity, and concerns about impacts on heritage, are covered in the following sections of the report (sections A.2.1 to A.2.11). These decisions address

broad 'issues-based' submissions primarily from Hearings 1 and 2, but also include some aspects from Hearing 3.

43. Our decisions on the broad issues raised by submitters add some new provisions to the Plan to manage these issues. We note that the scope of Variation 2 proposals enabled us to do this because the main changes which provide for intensification (the rule changes addressed in Hearing 1 and the intensification rezoning addressed in Hearing 2) included as part of their purpose statements:

...making any consequential changes to Plan rules necessary to manage any adverse effects of increased density if existing rules are deemed inadequate to ensure the proposal is the most appropriate way to achieve the objectives of the Plan (rule changes); and

...the need for specific plan provisions (for example, overlays or site-specific rules) to manage adverse effects of development of the sites being rezoned (rezoning).

44. We also note that Variation 2 contained rejected alternatives to the proposed rule changes. Alternative A2-Alt3 also provided scope for us to make changes to manage broad issues arising from intensification, because it examined whether additional controls to manage effects on residential character and amenity should be added as part of Change A2 and Change A3 (changes to provide for duplexes and reduce the minimum site size and minimum site area). While 23 submissions were received seeking continued rejection of this alternative (see section 4.2.3 of the section 42A report), we have rejected these submissions in responding to other submissions seeking changes, as addressed in the following sections.

A.2.1 Broad submissions in support of intensification proposals

45. We have considered the large number of submissions that were received in support of Variation 2, the proposed rule changes, and the proposed intensification rezoning. Many of these are summarised in section 4.1.1 and 4.2.1 of the section 42A report for Hearing 1, and in section 4.1.1 and 4.1.2 of the section 42A report for Hearing 2. For example, *Ryman Healthcare Ltd (\$189.003)* and *Retirement Villages Association of NZ (\$205.003)* supported retaining changes in Variation 2 that address residential development capacity constraints and contribute towards achieving the targets for housing development capacity in the 2019 Housing Capacity Assessment for Dunedin and other relevant strategies.
46. We accept in principle the arguments made about the positive effects of providing for additional housing capacity through the range of changes which provide for intensification, and this acceptance has influenced our decisions on each change proposal.

A.2.2 Loss of character and amenity or green space and biodiversity

47. This section discusses those submissions which were addressed in section 4.1.7 of the section 42A report for Hearing 1 and sections 4.1.3, 4.1.4 and other site-specific rezoning sections of the section 42A report for Hearing 2, which included submissions which were broadly concerned with intensification and loss of character and amenity, and loss of green space or effects on biodiversity. Other submissions in these sections that are addressed elsewhere include:

- *Liz Angelo (S176.002 and others)* – section A.2.5; and
 - *Rebecca Post (S59.002 and others)* – section A.2.6.
48. *Marita Ansin-Johnson (S9.002 and others)* and *Megan Goodwin (S306.003 and others)* opposed all the changes that provided for intensification because they did not want to see Dunedin change to become like other cities that have intensified, with associated loss of space between buildings and outdoor living areas. *Hilary Hutton (S309.001 and 2)* opposed intensification due to a range of concerns, including amenity effects from increased pet density and social change. *John Burton (S8.001 and others)* and others raised similar concerns about wanting to maintain green spaces.
 49. *Saddle Hill Community Board (S56.003)* sought provisions so that any consent would take into account the effect on current residential landscape, views and environment.
 50. *Melissa Shipman (S310.003 and S310.004)* and *Lucille Taneatualua (S314.002)* sought to consider the addition of provisions to manage the design of infill housing to support existing bulk and location controls in order to maintain streetscape amenity, or to ensure harmony with other buildings.
 51. Kate Hall (S95.001 and others), Lisa Johnston (S133.001), and two submitters whose names are withheld (Name Withheld B S97.002 and others, and Name Withheld C S69.001 and others) raised broad concerns regarding intensification in the Abbotsford/Grandvista area. Their concerns related primarily to a proposal for a greenfield rezoning site on adjacent Rural Residential zoned land (Change GF05).
 52. *Paul Mooney (S151.002 and others)*, *Malgosia Szukiel (S155.001 and others)*, and *Ola Szukiel (S157.001 and others)* raised broad concerns regarding intensification in the Warrington/Park Road area. They opposed the proposed rule changes for the Township & Settlement zone, as it applies to Warrington due to effects on amenity. *Paul Mooney (S151.001 & S151.002)* opposed the proposed rule changes as they would apply to 6 Park Road, due to significant alteration to the “sleepy village” character of the township, inadequacy of infrastructure, loss of greenspace and effects on wildlife.
 53. The *Dunedin City Council (S187.006 and S187.007)*, as an alternative to rejecting any changes that provide for intensification, sought to encourage consideration of additional plan provisions to better manage the adverse effects of the loss of greenspace due to intensification (if required).
 54. *M & K Dooher and others (S214.002)* sought to remove rezoning at Mosgiel (Change IN01) due to loss of greenspace.
 55. *Karen Oben (S90.001)* and *Trish Brooking (S183.001)* sought to remove the proposed intensification of the ‘hill suburbs’ (including intensification areas IN06 Roslyn South, IN08 Roslyn North & IN09 Maori Hill) due to the potential loss of biodiversity. *Kate Logan (S17.001)* also expressed concerns about amenity effects in IN08 Roslyn North and *Lorraine Wong (S22.001)* regarding IN13 Andersons Bay.
 56. *Gisela Sole (S208.001)* sought to amend Change IN09 (rezoning from General Residential 1 zone to General Residential 2 zone at Maori Hill, and associated changes) to retain the gully's habitat of mature trees (the gully is located between Prestwick and Monro Street).

57. Professor van Heezik (S82.004 and others) sought amendments to:
- Reduce housing footprints while increasing density, particularly regarding access/drives. This could include the use of housing styles that have the same footprint (e.g. low rise, common walls, shared drives/access);
 - Protect vegetation cover, at sites adjacent to major biodiverse areas;
 - Implement compensatory plantings/greenspace creation to ensure there is no overall reduction in vegetated area;
 - Put conditions on infill and new development regarding biodiversity protection and enhancement measures, including planting and creation of corridors. No new development should further fragment existing corridors; and
 - Minimise hard landscaping resulting in incremental loss of permeable surfaces in private gardens as her own data indicated that over a five-year period about 19ha of permeable surface was likely to have been lost from private gardens across Dunedin's main urban area.
58. *Professor van Heezik*, appeared at Hearing 2 in support of her submission and spoke to the need to reduce the loss of good quality bird habitat that is present in the inner city suburbs. In her submission, she noted that biodiversity is a necessity not a luxury and is vital to people's wellbeing. She noted that research on children and older people showed how important it is for them to connect with nature in places close to their houses, with privately owned gardens playing a key role. She also highlighted examples of places where intensification had occurred and the consequent loss of green space and biodiversity. Her key concern was that with intensification the areas of biodiversity that remain may be extremely small and not provide an adequate habitat for wildlife.
59. *Professor van Heezik* noted the importance of the town belt to bird life in Dunedin, providing a corridor for birds to travel through the city. She noted that the gardens around the edge of the town belt can lessen the impact of the 'edge', as these gardens provide many mature and productive trees.
60. She provided an example of Auckland having lost over 12,500 trees in 10 years due to infill development or the equivalent of 60 rugby fields of canopy cover, at a time when overseas cities have been increasing tree coverage to reduce the impacts of climate change. She also raised that the increase in impermeable surface areas is to the detriment of greenspace.
61. *Elizabeth-Anne Gregory (S198.001)* raised concerns about effects on amenity, character and loss of green space and biodiversity in some areas proposed for intensification (Roslyn and Maori Hill). She appeared at Hearing 2 in support of her submission. *Ms Gregory* is an architect but has not practiced for many years. She commented that she is not opposed to change but considered that development needs to be managed well and she highlighted the negative impacts on Christchurch and Auckland due to intensification. She considers that Dunedin does not have these pressures and there is still time to plan. In her view Dunedin is a beautiful city and she doesn't want to see it lose green space or character buildings in Roslyn and Maori Hill due to development.
62. *Barry Douglas (S194.001 and others)* opposed various changes to provisions and sought that Belleknowes be removed from the area to be rezoned GR2 due to concerns about privacy, shading and views. He spoke at Hearing 1 and Hearing 2 and noted that while his

comments primarily relate to the Mornington rezoning proposal, they also relate to Roslyn (south), Roslyn (north) and Maori Hill which share a similar topographical aspect. He noted that Belleknowes is a peaceful suburb, close to the inner city where spatial privacy, afforded by site size, sunshine and often uninterrupted views of the city are highly valued. He was concerned about the overshadowing of existing housing from additional housing units on smaller lots and considered housing intensification would compound solar access limitation during winter months impacting on home energy requirements, natural light and the wellbeing of affected occupants.

63. With respect to issues regarding amenity and character and loss of greenspace and biodiversity more broadly, this was covered at Hearing 1, with evidence received from Mr Christos, which Ms McEwan relied on in her section 42A report. Mr Christos, in response to these submissions, advised that the 2GP generally provides for adequate yard space, setbacks and height constraints to ensure that suitable amenity is provided for within proposed General Residential zones.
64. Regarding submissions opposing intensification in Warrington/Park Road (*Paul Mooney and others*), Ms McEwan noted she did not have any evidence to support why the proposed rule changes should not apply at 6 Park Road, or to Warrington as a whole, compared to other townships and settlements.
65. In the section 42A report for Hearing 1, Ms McEwan did not recommend any changes to address amenity concerns.
66. However, prior to Hearing 2, in response to the evidence of *Professor van Heezik and others* regarding the loss of greenspace and biodiversity, Mr Freeland sought further evidence from Mr Ian Munro, a consultant urban planner and designer, who noted that prior to development existing tall trees are almost always removed from sites. To better provide for tall trees (either retained or new) Mr Munro suggested that a plan performance standard that requires a certain percentage of the site area dedicated as landscaped area be provided for the specific purpose of accommodating tall trees in the urban environment.
67. In his s42 report, with subsequent amendments in his Reply Report to include additional requirements, Mr Freeland recommended a new performance standard for all intensification areas (all changes 'INxx', which rezone land to the General Residential 2 zone; except Change IN12 which is the rezoning of a single site). This was to ensure that native tree and garden plantings are provided for as part of any new development, to buffer the amenity effect of intensification on public places and to encourage urban biodiversity. He recommended a minimum height for new trees of 2 metres at the time of planting. Mr Freeland also recommended a new assessment rule for subdivision in the same areas.
68. Mr Ewans, DCC Biodiversity Advisor, initially recommended that blocks within IN05, IN06, IN08 and IN09 that support larger areas of biodiversity, and a buffer of 200 metres around the town belt, not be rezoned from General Residential 1 to General Residential 2. However, he subsequently acknowledged that the land not being rezoned for intensification would not necessarily ensure the protection of biodiversity. He supported considering inclusion of biodiversity protections for the General Residential 1 zone as part of a future plan change, but in the interim to use the proposed new performance standard suggested by Mr Freeland for the General Residential 2 zone.

69. In response to this issue and to submissions about impermeable surfaces limits and/or concerns about the effects of intensification on open water courses and private drains (see section A.2.4), Mr Freeland also recommended that the maximum impermeable surface area be reduced from 80% to 70% in the GR2 intensification areas to assist in limiting the loss of greenspace while enabling the same amount of site coverage permitted in the existing General Residential 1 zone.
70. We questioned Mr Ewans and Mr Freeland about whether it would make sense to allow for some non-native trees that supported bird life. While both he and Mr Ewans acknowledged that non-native trees could benefit native birds, their view was that the ability to produce a definitive list of non-native trees that may be a food source for native birds would be problematic.
71. We also questioned the officers on the setback from boundary provisions for trees as we had some concerns that this would constrain the use of outdoor space. However, we were satisfied with the responses that this was necessary to protect trees from damage if neighbours pruned trees that extended across property boundaries.

A.2.2.1 Decision and reasons

72. We accept in part all submissions addressed above expressing concerns about loss of character, amenity, green space and biodiversity arising from intensification rezoning. We adopt Mr Freeland's final recommendation and associated drafting given in his reply report to add a new requirement for minimum landscaping for development and subdivision, with some amendments as noted below.
73. Due to the limited scope of Variation 2, we understand that these new provisions can only be added to the new intensification areas (areas subject to a change 'INXX', being rezoned to General Residential 2) and so the rules will be applied to these areas (except IN12) using the 'Variation 2 mapped area' as per Mr Freeland's revised recommendation. We note we are also using the same mapped area to apply other new rules in response to submissions on other topics, saving application of multiple mapped areas to the same locations.
74. Our decision on Mr Freeland's recommendation to amend the impermeable surface performance standard is given separately in section A.2.4 below.
75. The amendments to give effect to our decision with respect to development include:
- Apply the Variation 2 mapped area to all intensification rezoning areas except Change IN12 (a single site) and Change IN03 (which is being rejected for rezoning – see Part B).
 - Add a new clause Y to Rule 15.6.10 (Maximum Building Site Coverage and Impermeable Surfaces performance standard) to require 20% of the site area or 30m² (whichever is the greater) as minimum landscaping which must meet specified requirements. This rule has been applied to any new development in the Variation 2 mapped area, rather than using the minimum landscaping mapped area originally recommended by the reporting officer. We have also made some amendments to the wording to clarify the application of the rule.
 - Add new assessment Rule 15.10.6.Y to provide assessment guidance for consents where Rule 15.6.10.Y is contravened in a Variation 2 mapped area. We note we

have made a minor amendment to the wording of the rule, so it is clear it does not apply when only the impermeable surface aspect of Rule 15.6.10 is contravened in the Variation 2 mapped area.

76. The amendments to give effect to our decision with respect to subdivision are listed below. We note that these amendments include additional changes beyond those shown by the reporting officer in the reply report, as necessary (i.e. to also apply a minimum landscaping requirement to resultant sites that will contain established development after subdivision).
- Apply the Variation 2 mapped area to all intensification rezoning areas except Change IN12 (a single site) and Change IN03 (which is being rejected for rezoning – see Part B).
 - Add new Rule 15.7.Y (Minimum landscaping performance standard for subdivision).
 - Add reference to ‘Minimum Landscaping (Rule 15.7.Y)’ in assessment Rule 15.10.6.Y for application in the Variation 2 mapped area (instead of adding a new assessment rule at Rule 15.11.5.AA as identified in the reply report).
 - Add links to the new performance standard from the subdivision activity status table for all subdivision activities (at Rule 15.3.5.1.Z and Rule 15.3.5.2.AA).
 - Amend Policy 15.2.4.1 to relate to ‘activities’ not just ‘development’, thereby encompassing subdivision.
 - Consequential changes to the paraphrasing of Policy 15.2.4.1 in Rule 15.10.6.Y.
77. These changes are shown in Appendix 1 and Appendix 2 with the reference ‘Change A2 Alt 3 IN-LANDSCAPE/S82.004 and others’.
78. In making our decision, we gave considerable weight to *Professor van Heezik’s* evidence about the importance of green space and biodiversity and to other submitters who raised concerns about the potential loss of green space and biodiversity due to intensification.
79. We weighed the evidence in regard to providing for a 200 metre buffer around the town belt and accepted the reporting officer’s recommendation not to make this change. We note that further changes to protect greenspace and biodiversity can be considered as part of a future plan change relating to biodiversity.
80. We reject the submissions outlined above that raised concerns regarding intensification arising from the rule changes addressed in the section 42A report for Hearing 1. We accept Ms McEwan’s evidence that additional controls to manage character and amenity effects or loss of greenspace are not required in the areas affected by the rule changes, including with respect to submitters’ specific locations of concern, such as for Warrington/Park Road (*Paul Mooney and others*) and Abbotsford/Grandvista (*Kate Hall and others*).

A.2.3 Capacity of 3 waters infrastructure to service intensification

81. This section deals with a subset of the submissions in section 4.1.5 of the section 42A report for Hearing 1 and section 4.1.2 of the section 42A report for Hearing 2. Section 4.1.5 was focused on submitters who sought removal or reconsideration of some or all of the rule changes that could increase density due to concerns about 3 waters

infrastructure or transport issues. The submissions that were related to transportation and parking concerns are dealt with in sections A.2.8 and A.2.9 below. Section 4.1.2 was focused on broad submissions on proposed intensification rezoning.

82. We note that submissions on specific 3 waters proposals included in Variation 2 are addressed in Part C of our decision.
83. *Rebecca Post (S59.001, S59.010 and S59.011)* requested that changes that increase housing density be amended to ensure there is adequate 3 waters infrastructure. Similarly, *Hillary Hutton (S309.001 and S309.002)* sought that changes providing for intensification be removed due to concerns around 3 waters infrastructure. *Cameron Grindlay (S60.001; S60.002; S60.003)* sought to retain Variation 2 changes subject to the required infrastructure being adequately funded and capable of handling the development. *Brian Miller (S110.004 and S110.005)* sought removal of the rule changes that provide for an increase in dwellings in the Mosgiel urban area until infrastructure is upgraded. *Matthew Zacharias (S12.002 and S12.003)* sought to amend changes to ensure there was adequate clean water in Mosgiel. None of these submitters appeared at the hearing or tabled any evidence to support their submissions.
84. In preparing her section 42A report, Ms McEwan obtained updated expert evidence from Mr Jared Oliver, DCC Engineering Services Team Leader on 3 waters infrastructure to respond to the submissions.
85. Mr Oliver confirmed that the proposed rule changes were likely to have only minor effects on water supply and wastewater networks (including in Mosgiel) which would be mitigated by other factors, such as upgrade works already being identified and budgeted for. Ms McEwan in her section 42A report relied on the evidence from Mr Jared Oliver that the rule changes proposed in Variation 2 are acceptable from a 3 Waters perspective. She noted that the conservative approach to 3 waters modelling to inform Variation 2 ensures that anticipated levels of development can be accommodated within existing and planned infrastructure networks. Mr Oliver confirmed during the course of the hearings that upgrades required to provide for changes proposed in Variation 2 have been included in the 2021-2024 LTP budget, though as was explored on more depth in Hearing 3, for stormwater these upgrades rely on on-site stormwater management in many circumstances.

A.2.3.1 Decision and reasons

86. We reject the submissions seeking to amend rule changes due to broad concerns over 3 waters infrastructure capacity. We adopt Mr Oliver's evidence on water supply and wastewater infrastructure that these changes can be accommodated within the 3 waters network or programmed upgrades.
87. We note that stormwater management requirements for development and subdivision are primarily addressed in Part C of our decision, but the following section is also relevant.

A.2.4 Stormwater management on private land and open watercourses

88. At Hearing 2, specific concerns were raised regarding the effects of intensification on stormwater open water courses on private land. These submissions were addressed in

various sections of the section 42A report on intensification rezoning in specific locations. Several submissions raising similar concerns were also allocated to Hearing 3.

89. *Elizabeth Prior (S148.001)* presented her concerns at Hearing 2 about the effect of stormwater from development on her land and land near her property at 1 Napier St, Belleknowes. This land is within Change IN05 at Mornington North. *Ms Prior* raised concerns about gravelled areas used for parking or manoeuvring of vehicles which were creating stormwater runoff. She said there is a watercourse through her property and in heavy rain the volume of runoff is too great for the stormwater network. She described the bottom of Napier Street as a “roaring torrent” in heavy rain. She was concerned that there are currently vacant lots that can be developed adjoining her land and enabling further development would exacerbate the problem. We note concerns about open water courses were also expressed by *Jeanette Allan (S98.001)* and *Anthony Reid (S143.001)* in relation to IN05; *Ben Mackey (S130.002)* in relation to the Change IN03 at Green Island; and *Barbara Kennedy (S141.001)* and *Gisela Sole (S208.001, S208.002 & S208.003)* in relation to IN09 at Maori Hill.
90. Submissions related to the need for additional stormwater management were also included in section 4.3.4 of the Hearing 3 section 42A report. *Peter Schwartz (S43.001)* sought additional stormwater management provisions as he was concerned about a private piped watercourse passing through his property at 86 Cannington Road, Maori Hill. He discussed that this private pipe receives stormwater from many other properties, particularly those on the opposite side of the road which are extremely susceptible to occasions of heavy flow. *Mr Schwartz* sought a requirement for all new development to install an on-site stormwater detention system where stormwater could enter his private watercourse, as the 70% impermeable surface limit will probably not suffice. At the very least, *Mr Schwartz* sought no increase in the stormwater inflow to his pipe because DCC declines to take responsibility for this part of the network. *Ms McEwan* recommended rejecting this submission point because there was insufficient information available to support the development of a performance standard. She noted other changes being recommended through Variation 2 for stormwater management, including in existing urban areas.
91. *Penny Turner (S107.005)* made a submission seeking that the site coverage and impermeable surfaces limits for the General Residential 1 zone be increased to better achieve compact urban form. The increase sought was an additional 5% to each limit (to then be 45% and 75%, respectively). *Ms McEwan* recommended rejecting this submission because there are existing issues with stormwater discharges in the city which could be exacerbated, and because infrastructure upgrades would be required to support a higher impermeable surface limit.
92. *Peter Dowden (S122.003)* sought to add a provision so all development must have the same or better stormwater runoff rate per unit of area as it had before development began. *Ms McEwan* recommended rejecting this submission because a requirement for no increase in stormwater runoff because DCC 3 Waters evidence noted that additional runoff does not always result in adverse effects on the network. Furthermore, she considered that additional provisions for stormwater management, particularly for greenfield areas, had been included in Variation 2 to appropriately manage adverse effects from runoff.
93. Regarding submissions addressed at Hearing 2 on intensification rezoning, the DCC appeared to largely accept the issues with open water courses on private land. *Mr Oliver*,

in his evidence for Hearing 2, discussed that DCC 3 Waters has a “Watercourse Programme” that considers private watercourse issues. Private watercourses with stormwater flooding issues are scored and prioritised for investigation/mitigation. DCC assist landowners of priority sites with solutions and projects to address issues. He noted the project manager for the watercourse programme has been asked to contact these landowners so their sites can be considered for inclusion in the programme.

94. Mr Freeland provided a revised recommendation in his reply report to address concerns regarding issues with stormwater and open water courses on private land. The recommendation included retaining the maximum area for impermeable surfaces in the new General Residential 2 zones at 70% instead of 80% implemented via the Variation 2 mapped area (rather than the stormwater constraint mapped area as notified), and a suite of new provisions to help protect stormwater open watercourses from development activities, implemented via application of a stormwater open watercourses mapped area.
95. The Reply Report was circulated to submitters on 14 December 2021 as part of our Minute 8 and we gave submitters the opportunity to comment on the proposed new provisions by 24 December 2021.
96. No feedback was received from submitters on this matter.

A.2.4.1 Decision and reasons

97. We accept in part the submissions outlined above which opposed changes or sought additional provisions to ensure stormwater is appropriately managed as part of intensification arising from rezoning to General Residential 2 (all submissions outlined above from Hearing 2 and the submission from *Peter Schwartz*).
98. We adopt the recommendation of Mr Freeland given in his reply report to retain the impermeable surface limit at 70%, rather than 80%, in the intensification areas. The changes made by this decision impact the proposal made under Change 2-7 to introduce the stormwater constraint mapped area by effectively replacing it with the Variation 2 mapped area. The changes are:
- Applying the Variation 2 mapped area to all intensification rezoning areas except Change IN12 (a single site) and Change IN03 (which is being rejected for rezoning – see Part B).
 - Amending Rule 15.6.10.b & X to refer to the Variation 2 mapped area instead of the stormwater constraint mapped area as proposed under Change F2-7;
 - Consequential changes to the following provisions due to renaming the mapped area:
 - Policy 2.6.2.3 to remove reference to the application of a stormwater constraint mapped area;
 - Zone description for General Residential 2 zone at 15.1.1.2 to refer to Variation 2 mapped area not stormwater constraint mapped area; and
 - Remove the stormwater constraint mapped area it from the planning maps.
99. The changes are shown in Appendix 1 and Appendix 2 with reference ‘Change A2 Alt 3 IMPERMEABLE/S148.001 and others’.

100. We also adopt the recommendation of Mr Freeland given in his reply report to introduce new stormwater open watercourse provisions and make other changes to ensure stormwater effects on open watercourses are appropriately managed. The changes made by this decision are:
- Amending the definition of impermeable surface to include examples based the Auckland Unitary Plan;
 - Adding a new definition for stormwater open watercourse;
 - Adding a new Policy 9.2.1.4B related to protecting stormwater open watercourses from nearby development;
 - Adding an assessment rule at Rule 9.5.3.BB (with a link from assessment Rule 15.10.6.Z);
 - Amending Rule 10.3.3 Setback from Coast and Water Bodies to include a setback from the stormwater open watercourses mapped area;
 - Adding stormwater open watercourse mapped areas to the 2GP Planning Map for stormwater open watercourses within the Variation 2 mapped area (all intensification rezoning areas except Change IN12 (a single site) and Change IN03 (which is being rejected for rezoning – see Part B)).
101. The changes are shown in Appendix 1 and Appendix 2 with reference 'Change A2 Alt 3 IMPERMEABLE/S148.001 and others'.
102. We reject the submissions from *Penny Turner (S107.005)* and *Peter Dowden (S122.003)* for the reasons given by the reporting officer in the section 42A report for Hearing 3.
103. We note that decisions on other aspects of stormwater management, addressed in Part C of our decision, will provide additional relief, especially with regard to the stormwater management provisions that will apply across the city (see section C.4.5.5).

A.2.5 Noise

104. This section addresses the submissions of *Liz Angelo (S176.002 and others)* addressed in section 4.1.7 of the section 42A report on Hearing 1 and section 4.1.3 of the section 42A report for Hearing 2. *Ms Angelo* sought changes to require new dwellings to be soundproofed and to ensure that new homes are acoustically designed to minimise noise for occupants. She had particular concerns about intensification providing more accommodation for students.
105. In her section 42A report for Hearing 1, Ms McEwan recommended that these submissions be rejected as noise from residential activity is properly managed by the 2GP's performance standard for noise, and associated enforcement procedures, and because there is a need to provide housing for all members of the community. Mr Freeland reached a similar conclusion in his section 42A report for Hearing 2.

A.2.5.1 Decision and reasons

106. We reject the submissions by *Ms Angelo* and accept the evidence of the reporting officers given in their section 42A reports.

A.2.6 Communal outdoor play areas

107. This section addresses the submissions of *Rebecca Post (S59.001 and others)* addressed in section 4.1.7 of the section 42A report on Hearing 1 and section 4.1.3 of the section 42A report for Hearing 2. *Ms Post* sought amendments to require communal, outdoor, children's play areas to be provided within each larger development.
108. Mr Christos (DCC Urban Designer) provided evidence that was relied on for both section 42A reports. He considered that a requirement for additional communal play space for multi-unit development of 4 or more residential units would reduce the flexibility over the use of any shared amenity space and may not provide the best outcome for all residents. He noted that the current outdoor living space performance standard requires provision of outdoor living space with good solar access, and that good provision of accessible public playgrounds can provide sufficient opportunities for shared play space without additional requirements for private land.
109. Based on this evidence the reporting officers both recommended rejecting the submissions from *Ms Post*. However, Mr Freeland noted that, if we were of a mind to, additional assessment guidance could be added for multi-unit development consents.
110. Ms McEwan noted the proposed new assessment rules for subdivision in new development mapped areas, which added discretion for Council to consider provision of social and recreational spaces in large greenfield subdivisions (via Change D4, discussed in section A.4.4 of our decision).

A.2.6.1 Decision and reasons

111. We reject the submissions from *Ms Post* and accept the evidence of Mr Christos and the reporting officers. We do not consider it necessary to add assessment guidance for the provision of play space as part of multi-unit development, based on the evidence provided by Mr Christos.

A.2.7 Solid waste management

112. This section addresses submissions that sought changes to Variation 2 proposals to better address the potential effects of intensification on solid waste collection, which were addressed in section 4.1.3 of the section 42A report. We note that submission points relating to Change D2 on transportation connections in subdivisions (addressed in section 4.6.1 of the section 42A report) also raised issues regarding waste collection where multiple residential units are accessed by a private way. These issues are covered in part by the current section of this report, but we note that the decision on Change D2 in section A.4.3 of this report is also relevant.
113. The key submissions on this topic came from the *Dunedin City Council (S187.009, S187.010, S187.034)* which sought amendments to Variation 2 proposals which provide for increased density to provide for the safe and effective collection of solid waste, including amendments to the assessment rules for multi-unit development and subdivision (in all areas affected by Variation 2).
114. *Hilary Hutton (S309.001)* sought to remove the rule changes that provide for intensification, including due to concerns about rubbish.

115. Mr Henderson, DCC Waste and Environmental Solutions, provided written evidence on behalf of the *Dunedin City Council* as a submitter. He noted that existing issues with solid waste disposal could be exacerbated by the proposed changes which provide for intensification. He said the existing issues are to do with insufficient on-site storage for refuse or recycling bins in multi-unit developments or private ways being unsuitable for collection vehicles, creating liability issues for damage they may cause. The latter issue requires bins to be placed on the nearest public road for collection, leading to congestion and obstruction of footpaths.
116. In the section 42A report, Ms McEwan recommended accepting the submission of the *Dunedin City Council* and proposed new provisions to better enable assessment of effects on the safe and efficient collection of solid waste for multi-unit development and subdivision. Following the hearing, in her right of reply report Ms McEwan noted that the changes proposed in the section 42A report go beyond the scope of Variation 2. Accordingly, she recommended the new provisions only apply in areas where development capacity will be meaningfully increased through Variation 2 proposals.

A.2.7.1 Decision and reasons

117. We accept the *Dunedin City Council* submission points (*S187.009, S187.010, S187.034*) and accept in part the submission from *Hilary Hutton (S309.001)* relating to solid waste issues arising from intensification.
118. We adopt the evidence of the reporting officer in her right of reply report to add a new assessment matter for multi-unit development and subdivision activities related to solid waste collection, linked to a new policy to guide the assessment of consents. We note that our wording diverges from that recommended by the reporting officer where we felt it could clarify that the provisions should consider effects on both public roads and private accessways in line with our decision on Change D2. We also amended the matter of discretion from “effects on safe and efficient collection of solid waste” as recommended, to “effects on the safety and efficiency of the transport network” because that is the matter of discretion that is used for provisions relating to Objective 6.2.3 in the rest of the Plan.
119. The amendments are shown in Appendix 1 and Appendix 2 with the reference ‘Change A2 Alt 3/IN WASTE/S187.009 and others’ and include changes to the following provisions:
- A new Policy 6.2.3.Z which reads:
Only allow multi-unit development and subdivision activities where the activity is designed to ensure:
 - a. the safe and efficient operation of waste collection vehicles; and*
 - b. any on-street solid waste collection will not obstruct footpaths, private accessways or roads.*
 - Add a new matter of discretion ‘effects on the safety and efficiency of the transport network’ and assessment guidance in Rule 6.11.2.X for all subdivision and multi-unit development in the areas affected by Variation 2 to ensure new Policy 6.2.3.Z is achieved.
 - Add new assessment Rule 15.11.3.Z for multi-unit development in the General Residential 1 Zone and Township & Settlement Zone (except within a no DCC

reticulated wastewater mapped area). Note this is instead of adding a matter of discretion to Rule 15.11.3.X, as the rule must only be applied in the zones affected by Variation 2 rule changes.

- Add new assessment Rule 15.11.5.AA for multi-unit development in the Variation 2 mapped area to link to the new assessment matter in section 6. Note this is in addition to the above assessment rule, so it applies in intensification rezoning areas.
- Applying the Variation 2 mapped area to all intensification rezoning areas except Change IN12 (a single site) and Change IN03 (which is being rejected for rezoning – see Part B).

120. Due to our decision to change the matter of discretion, a new linking rule for subdivision in Rule 15.11.4.1.Y is no longer required, as one already exists regarding transportation.

A.2.8 Traffic and transportation

A.2.8.1 Traffic issues at Mosgiel

121. This section deals with a subset of the submission points addressed in section 4.1.5 of the section 42A report for Hearing 1 relating to traffic issues at Mosgiel.
122. *Zig Zag Trust (S201.001, S201.003 and S201.004) and Mathew Zacharias (S12.002 and S12.003)* raised concerns with respect to traffic congestion in Mosgiel as a result of residential intensification (section 4.1.5 of the section 42A report).
123. Ms McEwan sought advice from Mr Logan Copland (DCC Transport). He acknowledged existing issues with congestion at key Mosgiel intersections at peak commute times. However, he considered the issues were not so severe as to prevent additional housing capacity being provided for in Mosgiel. He noted that DCC has allocated funding in its Long Term Plan to provide better alternative options to private motor vehicle use for commuting to the city centre, which should help alleviate the current dependence on private vehicle travel from Mosgiel. Further discussion on transportation issues in Mosgiel raised in submissions on intensification rezoning is included in Part B.4.6.
124. Ms McEwan considered that the transportation effects arising from the proposed rule changes were acceptable and will not unduly impact the achievement of Objective 2.7.1 on Efficient Public Infrastructure and Objective 2.7.2 on Efficient Transportation. She recommended no changes in response to these submissions for the reasons outlined at pages 23-24 of her section 42A report.

A.2.8.1.1 Decision and reasons

125. We reject those submissions seeking a removal of the intensification rule changes in Mosgiel for the reasons given by the reporting officer. We accept the evidence of Mr Copland that transportation issues are not so severe as to prevent additional housing capacity being provided for in Mosgiel and that actions are being taken to encourage greater use of other travel modes.

A.2.8.2 Public transportation

126. This section deals with a subset of the submission points addressed in section 4.1.5 of section 42A report for Hearing 1, relating to public transportation. It also addresses the submission from *Peter Dowden and others* addressed in section 4.1.2 of the section 42A report for Hearing 2.
127. *Generation Zero (S177.001)*, *Peter Dowden (S122.001)* and *Hilary Hutton (S309.001)* raised broad concerns regarding the need to ensure adequate access to public transport to support new housing (see section 4.1.5 of the section 42A report). *Generation Zero* sought amendments to the provisions for the Township and Settlement zone where additional housing is being provided for so that access to public transport must be considered for the addition of any further housing. *Peter Dowden* had a similar request. One further submission was received from *Otago Regional Council (FS184.13)* supporting *Peter Dowden's* submission.
128. In her section 42A report, Ms McEwan considered the requested changes to be inappropriate when DCC has no direct control over the design and location of the public transport network and when the proposed changes are still only providing for a relatively low density of residential activity. She considered that retaining the proposed rule changes may actually result in new or upgraded public transport networks being more feasible over time.
129. *Mr Dowden* appeared at Hearing 1 and spoke to his submission and he and Alex King spoke on behalf of *Bus Users Support Group Ōtepoti-Te Roopu Tautoko Kaieke Pahi ki Ōtepoti*. They advocated for a change in thinking when there is intensification of new areas to ensure they have good public transport access. These submitters also suggested the need for better engagement with the ORC on public transport infrastructure when zoning new areas.
130. In her reply report, Ms McEwan suggested the publicly available 2GP data map (which does not form part of the Plan) could be amended to show bus stop locations and routes and classify them in terms of whether they meet the 2GP definition for “frequent public transport services” or not. Ms McEwan considered this could provide some relief for *Mr Dowden's* and *Generation Zero's* concerns regarding public transport.
131. Submissions on public transport more specifically related to new medium density rezoning areas were addressed in section 4.1.2 of Mr Freeland's section 42A report on intensification rezoning. Submissions were received from *Peter Dowden (S122.005)* and *Bus Users Support Group Ōtepoti-Te Roopu Tautoko Kaieke Pahi ki Ōtepoti (S125.007)* and sought amendments to ensure that intensification rezoning areas have good access to public transport and that new housing is within appropriate walking distances to bus stops. The *Public Health Association of NZ, Otago-Southland Branch (S184.001)* also sought that public and active transport be accounted for in the choice of proposed development locations.
132. In his section 42A report, Mr Freeland said that intensification areas were assessed as having very good access to public transport but noted that the DCC does not have direct control over public transport networks in Dunedin and so cannot guarantee how these might change in future (for the better or worse). He recommended that no changes to the proposed intensification rezoning areas were required with respect to public transport.

133. *Mr Dowden* also appeared at Hearing 2 regarding his submission on public transport within intensification rezoning areas and made similar points to his first appearance at Hearing 1.

A.2.8.2.1 Decision and reasons

134. We reject the submissions from *Peter Dowden* and others with respect to submissions on public transport. We accept the evidence of the reporting officers given in their respective section 42A reports.
135. Regarding Ms McEwan's suggestion for amendments to the 2GP data map to show bus routes, stops and the location of frequent public transport services, we note that the 2GP data map is not part of the Plan so is beyond the scope of the Panel to amend. Nevertheless, we recommend that the DCC consider the suggestion to respond to *Mr Dowden's* and *Generation Zero's* submissions.

A.2.9 Car parking demand

136. This section deals with submissions addressed in section 4.1.5 of the section 42A report for Hearing 2 regarding the effects on car parking due to intensification and other relevant submissions from the sections on specific intensification rezoning areas.
137. A group submission from *Matthew & Karen Dooher and others (S214.001)* sought reinstatement of the minimum on-site car parking performance standard for residential zones, after their removal in accordance with Policy 11 of the NPS-UD.
138. Various submitters who sought removal or amendment of specific intensification rezoning areas raised concerns about the demand for additional car parking resulting from intensification and associated effects on off-site parking access and traffic, particularly given that there are no longer requirements for minimum car parking in the 2GP (*Barry Douglas S194.001, Virginia Theis S57.001 & S57.002, Kate Logan S17.001, Helen Thomas S35.001, and Carey Woodhouse S115.001*).
139. *Mr Dooher (S113.001)* noted the uptake in electric vehicles and questioned the ability to charge these vehicles where no parking is provided on site.
140. Mr Logan Copland, Planner, DCC Transport, provided expert evidence in respect of parking issues. He noted that as part of the Shaping Future Dunedin Transport programme the DCC will be developing a parking management policy to strategically manage the supply of parking in the city. This will include guidance for residential areas. He said that DCC Transport are also likely to promote other transport options to reduce private vehicle use which will reduce the need for providing storage for cars on the street.
141. Mr Freeland considered that based on the NPS-UD requirement to remove minimum car parking requirements, and Mr Copland's expert evidence, no changes were required in response to these submissions.

A.2.9.1 Decisions and reasons

142. We reject the submissions from *Mr Dooher and others* who sought amendments to manage effects from car parking arising from intensification rezoning. We accept the evidence from the reporting officer and Mr Copland.
143. We note that while the proposed intensification will increase pressure on on-street parking and reduce accessibility for residents to the on-street parking resource, the NPS-UD means requiring minimum car parking is no longer a method that can be used in the 2GP. We also note that developers can choose to provide on-site parking (and facilities for electric cars), and in many cases may continue to do so if this is what the market demands.

A.2.10 Heritage

144. This section relates to submissions about effects on heritage arising from the Variation 2 proposals providing for intensification, which were addressed in section 4.1.6 of the section 42A report for Hearing 1, and section 4.1.6 and other site-specific rezoning sections of the section 42A report for Hearing 2.
145. We note that many of the other submitters who raised matters with respect to heritage (see section 4.1.6 of the section 42A report for Hearing 2) were primarily submitting on specific intensification rezoning areas and our decisions on those zone changes are given in Part B of our decision. However, the present section traverses heritage concerns.
146. *Mr Farry's* submission (*S58.002*) that was addressed in section 4.1.6 and 4.5.1 of the Officer's report for Hearing 1 is dealt with in section A.6.3 of this decision report.
147. *Andrew Rutherford* (*S71.006*) sought changes to the proposed intensification rezoning areas so that effects on character and heritage are managed. *Mr Rutherford* did not speak to his submission.
148. *Virginia Theis* (*S57.001 and S57.002*) sought to remove Change IN06 Roslyn (south) and IN08 Roslyn (north) and *Trish Brooking* (*S183.001*) and *Elizabeth-Anne Gregory* (*S198.002*) sought to remove Change IN09 Maori Hill in part due to concerns about potential loss of heritage buildings.
149. *Mr David Murray* (*S153.001*), a long-time advocate for Dunedin's heritage buildings, also sought changes to ensure that increased residential density is integrated with complementary amendments to heritage provisions. *Mr Murray* appeared at Hearing 1 to outline his concerns about the potential effects on Dunedin's heritage arising from the proposed rule changes. *Mr Murray* considered that current heritage protections in the Plan are inadequate in light of development that is being provided for through Variation 2. Jo Galer and Ann Barsby from the *Southern Heritage Trust* (*FS226.11*) appeared at Hearing 1 and Hearing 2 in support of *Mr Murray's* and other submissions.
150. *Mr Murray* and *Southern Heritage Trust* highlighted that many important heritage buildings would, in their opinion, meet the criteria for scheduling but have not been scheduled. They considered that more work is needed by the DCC to update the heritage schedule in the Plan.

151. *Mr Murray* suggested that heritage protections be targeted in some way, to protect the best examples of heritage buildings, however he stopped short of saying how or where that targeting should occur.
152. The *Southern Heritage Trust* also expressed concerns about subdivision, additions and alterations to heritage buildings, or the design of neighbouring buildings impacting on heritage buildings. They also expressed a desire to be consulted with respect to changes to heritage buildings and areas.
153. Ms McEwan in her section 42A report for Hearing 1 acknowledged that in providing more opportunities for development in suburban areas there is an associated risk of the loss of buildings with heritage values. She noted the protection of historic heritage from inappropriate subdivision, use, and development is a matter of national importance as set out in section 6 of the RMA.
154. Ms McEwan recommended further evaluation of an option to add a 'blanket provision' to manage the potential for loss of buildings with significant heritage values through uptake of the proposed rule changes which provide for intensification.
155. DCC's Heritage Adviser, Dr Andrea Farminer suggested in preliminary comments, and in response to questions at the hearing, that a new 'blanket provision' could take the form of a rule to require a resource consent for the demolition of pre-1940's buildings, to allow a heritage assessment to occur. If that assessment then showed that the building met the criteria for significance, its demolition would need to be assessed against the policy which guides consents for scheduled buildings. The cut-off date of 1940 was considered by Dr Farminer to be an appropriate starting point.
156. Ms McEwan noted in her section 42A report that any 'blanket provision' to manage heritage effects would only be able to be applied to areas affected by Variation 2 due to scope limitations.
157. Ms McEwan also noted that while a 'blanket provision' could increase the cost of development, this could be managed through the appropriate use of non or limited notification clauses (for example to Heritage New Zealand only).
158. The DCC (Mr Stocker) provided us with estimated figures for the number of sites that would be feasible to develop that would have buildings that are pre-1940s. The analysis showed a higher proportion of pre-1940s dwellings in areas closest to the CBD, with further clusters in outlying townships such as Port Chalmers. There were large areas with very few pre-1940s dwellings, including Mosgiel, Fairfield, Waldronville, Concord, Corstorphine, southern parts of Kaikorai Valley, Brockville, Helensburgh, Pine Hill and Waverley. Several of these areas were first developed as part of state housing schemes, which commenced in 1937.
159. Mr Stocker estimated 88 pre-1940s dwellings could be demolished over the next 10 years, based on his development capacity modelling (which considers what development is feasible and reasonably expected to be realised).
160. *Mr Murray* and the *Southern Heritage Trust* expressed support at the hearings for the proposed new provision as recommended by the officers.

161. Ms McEwan, in the Reply Report on Part 1 Provisions (except on social housing) dated 28 September 2021, confirmed her recommendation for a new provision to require a resource consent for the demolition of pre-1940 buildings, but did not provide drafting.
162. Mr Freeland supported this recommendation in his section 42A report on intensification rezoning.

A.2.10.1 Decisions and reasons

163. We accept the submissions from *Mr Murray* and others who sought amendments to manage effects on heritage arising from intensification.
164. We broadly adopt the reporting officers' recommendations to add a provision requiring a resource consent for the demolition of pre-1940 buildings where Variation 2 changes will apply. We have departed from the recommendations in so far as we have added Southern Heritage Trust as an affected party in the notification rule, rather than Heritage New Zealand, due to their local knowledge and interest.
165. In reaching our decision, we gave particular weight to the evidence from *Mr Murray (S153.001)*, the *Southern Heritage Trust (FS226.11)*, and the DCC Heritage Advisor, Dr Farminer, about the number of significant heritage buildings that may not be on the Schedule. We note that heritage values are a matter of national importance that requires us to be satisfied that the Plan gives adequate protection.
166. We also considered the analysis of Mr Stocker that the proposed rule would generate an estimated 88 resource consents for demolition over the next 10 years. In this context, we consider the consenting costs will not be significant.
167. To implement our decision, we have made the following amendments to the Plan:
- add a new Rule 15.3.4.X which will require a resource consent as a Restricted Discretionary activity for demolition of all buildings built prior to 1940 in the General Residential 1 Zone, Township and Settlement Zone (except within a no DCC reticulated wastewater mapped area), or in the Variation 2 mapped area (which covers the new intensification rezoning areas). These are the areas where Variation 2 changes will provide a substantive increase in development capacity, based on the nature of the rule changes and rezoning:

Activity	Activity Status	Performance Standards
<u>Demolition of a building built on or before 1st January 1940 in the General Residential 1 Zone or Township and Settlement Zone (except within a no DCC reticulated wastewater mapped area) or in the Variation 2 mapped area</u>	<u>RD</u>	

- Add new Rule 13.6.X to guide the assessment of these RD consents (and add new rules linking to this assessment in Rule 15.11.3.Y for General Residential 1 zone and Township & Settlement zone (except within a no DCC reticulated wastewater mapped area), and in Rule 15.11.5.AB for in a Variation 2 mapped area), as follows:

Activity	Matters of Discretion	Guidance on the assessment of resource consents
Demolition of <u>a building built on or before 1st January 1940 in the General Residential 1 Zone or Township and Settlement Zone (except within a no DCC reticulated wastewater mapped area) or in the Variation 2 mapped area</u>	a. <u>Effects on significant heritage values</u>	<p><u>Relevant objectives and policies</u></p> <ul style="list-style-type: none"> i. <u>Objective 13.2.1</u> ii. <u>The demolition of buildings and structures, or parts of buildings and structures, that have significant heritage values, including but not limited to the protected parts of scheduled heritage buildings or scheduled heritage structures is avoided, unless the following criteria are met:</u> <ul style="list-style-type: none"> a. <u>the building or part of the building poses a significant risk to safety or property; or the demolition is required to allow for significant public benefit that could not otherwise be achieved, and the public benefit outweighs the adverse effects of loss of the building; and</u> b. <u>there is no reasonable alternative to demolition, including repair, adaptive re-use, relocation or stabilising the building for future repair; and</u> c. <u>for buildings and structures located within a heritage precinct:</u> <ul style="list-style-type: none"> i. <u>development post demolition will maintain or enhance the heritage streetscape character and amenity in accordance with Policy 13.2.3.6; and</u> ii. <u>conditions will be imposed which would give reasonable certainty that this will be completed within an acceptable timeframe (Policy 13.2.1.7)</u> <p><u>General Assessment Guidance:</u></p> <ul style="list-style-type: none"> iii. <u>For demolition of a building built on or before 1st January 1940, Council will assess whether the building is a significant heritage building using the criteria contained in Policy 2.4.2.1 (see Special</u>

		<p><u>Information Requirements in Rule 13.9). If it is assessed as significant, Policy 13.2.1.7 will be considered in assessing whether demolition is appropriate.</u></p> <p>iv. <u>For buildings that are not assessed as significant Policy 13.2.1.7 will not apply and heritage values will only be relevant if the building is in a heritage precinct and identified as a character-contributing building.</u></p>
--	--	---

- Amend the special information requirements Rule 13.9.X (after 1), as follows:
For resource consent applications proposing demolition of a building built on or before 1st January 1940, Council may require a heritage assessment to determine if the building is has significant heritage values using the criteria outlined in Policy 2.4.2.1. If the Council has reason to believe that the building may meet the criteria for significance, a Heritage Impact Assessment as outlined in clause (1) above will generally be required.
- Add a new Notification Rule to Rule 15.4 after clause 2, as follows:
X. With respect to resource consent applications, the Southern Heritage Trust will be considered an affected person in accordance with section 95B of the RMA where its written approval is not provided for the following:
 1. Demolition of a building built on or before 1st January 1940 in the General Residential 1 Zone or Township and Settlement Zone (except within a **no DCC reticulated wastewater mapped area**) or in the **Variation 2 mapped area** where the building has been assessed as having significant heritage values and requires consent under Rule 13.6.3.X.
- Amend Objective 13.2.1 so that it does not just refer to scheduled buildings and structures but buildings and structures that have significant heritage values, as follows:
~~Scheduled heritage buildings and structures~~ Buildings and structures that have significant heritage values are protected.
- Amend Policy 13.2.1.7 for similar reasons, as follows:
Avoid the demolition of buildings and structures, or parts of buildings and structures, that have significant heritage values, including but not limited to the
~~a protected parts of a scheduled heritage buildings or scheduled heritage structures,~~ unless the following criteria are met:
...
- Amend Policy 2.4.2.1 for similar reasons, as follows:
 - Protect buildings and structures that have significant heritage values, including by:

- i. ~~Identify~~ identifying in a schedule (Appendix A1.1) buildings and structures that have significant heritage values; and
- ii. ~~use~~ applying rules to buildings and structures that have, or may have, significant heritage values to:
 - 1. manage additions and alterations, or removal for relocation of, in a way that maintains important heritage values;
 - 2. restrict demolition except in limited circumstances;
 - 3. support adaptive re-use, heritage conservation and restoration; and
 - 4. prioritise protection of heritage values over compliance with other performance standards where there is a conflict.
- b. Identify heritage buildings and structures based on the following criteria:
 - i. historic and social significance;
 - ii. spiritual/cultural significance, including significance to Māori;
 - iii. design significance; and
 - iv. technological/scientific significance.
- Applying the Variation 2 mapped area to all intensification rezoning areas except Change IN12 (a single site) and Change IN03 (which is being rejected for rezoning – see Part B).

168. These changes are shown in Appendix 1 and Appendix 2 with the reference 'Change A2 Alt3/IN-HER/S153.001'.

A.2.10.1.1 Section 32AA evaluation

169. In our view, these changes will better achieve the objectives of the Plan, recognising in particular that heritage is a matter of national importance, and the evidence of Dr Farminer and *David Murray* that the current provisions would be ineffective given the incompleteness of the District Plan's heritage schedule.

170. In weighing up the costs and benefits of the change we concluded that the costs of the proposed provisions would be reduced by preventing public notification, so the provision could not be misused to progress other issues unrelated to heritage protection.

171. We also note this blanket approach is an interim measure to allow time for work to occur to update the schedule of heritage buildings in the 2GP as part of a future plan change, if that is the intention of DCC.

A.2.11 Other broad matters

172. A submission from *Public Health Association of NZ, Otago-Southland Branch (S184.001)* addressed in section 4.1.2 of the section 42A report for Hearing 2 sought changes to ensure intensification doesn't inadvertently cause negative outcomes for renters (due to poor housing design) and to ensure that housing design responds to climate change mitigation and adaptation. In his section 42A report, Mr Freeland considered there was no scope to make amendments to require design responses for climate change as part of Variation 2 or to improve outcomes for renters.

173. *Marita Ansin-Johnson (S9.006 and others)* submitted to remove several of the change proposals that are linked to residential use of greenfield land (such as the new

assessment rules for subdivision in new development mapped areas proposed under the 'D' group of changes), as she was generally opposed to such use. These submissions were addressed in section 4.1.7 of the section 42A report for Hearing 1.

174. *Generation Zero (S177.003)* also opposed changes linked to the new development mapped area method because of overall opposition to the residential use of greenfield land. This submission was addressed in section 4.1.7 of the section 42A report for Hearing 1.
175. Ms McEwan, in her section 42A report, noted that the submitters' concerns regarding greenfield rezoning are more properly considered in Hearing 4 (for which they also have separate submission points). Regarding the submission points allocated to Hearing 1, Ms McEwan recommended that they be rejected because the changes they oppose are intended to better guide the subdivision and development of greenfield areas. The changes may address some of the submitters' concerns about the use of greenfield land (e.g. by encouraging the efficient use of land).

A.2.11.1 Decision and reasons

176. We reject the aspects of the submission from *Public Health Association of NZ, Otago-Southland Branch (S184.001)* seeking changes to provisions for house design and accept the evidence of the reporting officer that these requests are outside the scope of Variation 2 to consider.
177. We also reject the submissions of *Ms Ansin-Johnson (S9.006 and others)* and *Generation Zero (S177.003)* to remove or amend changes that are intended to better manage the use of greenfield land. We adopt the evidence of the reporting officer given in her section 42A report.

A.3 Decisions on specific change proposals (Changes A-C)

A.3.1 Change A1 (Family Flat Provisions) & Alternative A1-Alt1

178. This section addresses the submissions covered in section 4.2.2 of the section 42A report, which dealt with Change A1.
179. Change A1 proposed several changes to the provisions on family flats in the residential zones to expand when they can be used. It did not affect family flats provisions for the rural and rural residential zones.
180. 71 original submissions were received on Change A1 with over two-thirds in support. Two further submissions were received in support of an original submission supporting Change A1 in the General Residential 1 zone and Township & Settlement zone. One further submission was in opposition due to general opposition to a rezoning requested by the original submitter at RS157, 90 Blackhead Road.
181. 22 original submissions were received supporting the rejection of Alternative A1-Alt1 (which considered the addition of controls for the design of family flats/ancillary residential units).
182. There were several specific amendments sought through submissions.

183. *Garry and Bronwyn Applegarth (S233.002)* sought the application of Change A1 to GR2 zones. The reporting officer recommended this be rejected because ancillary residential unit provisions are not required in the General Residential 2 zone, as that zone already provides for two residential units per site as a permitted activity.
184. *Penny Turner (S107.003)* sought amendment of the definition of “ancillary residential units” or “residential units” to reduce confusion over what a residential unit is because it is currently unclear. Ms McEwan noted in her section 42A report that ancillary residential units are a type of residential unit and this is clear from both their name and the associated definitions and she did not recommend any changes.
185. The *Dunedin City Council (S187.001)* sought to amend the definition of “gross floor area” to clarify whether garages in ancillary residential units are to be counted because there is inconsistent interpretation at present. Ms McEwan recommended accepting this submission because while she considered that the current definition of gross floor area should be interpreted to include the area of any garage, it would be beneficial to clarify this to ensure consistency in interpretation across all Plan users.
186. The *Dunedin City Council (S187.002)* sought to amend Policy 2.6.1.2.b to not replace “family flats” with “ancillary residential units” but rather just add “ancillary residential units” because family flats provisions are still used in rural residential and rural zones and this term had been deleted in error. Ms McEwan in the section 42A report agreed that the term “family flats” should not be deleted from Policy 2.6.1.2.b.
187. The *Otago Regional Council (S271.002)* sought consequential amendments to Change A1 that they considered had been missed in error. Ms McEwan in the section 42A report noted she had checked the notified drafting and did not see any errors in this regard except in Policy 2.6.1.2.b as noted above.
188. *Retirement Villages Association of NZ and Ryman Healthcare Ltd (S205.027, S189.027)* sought amendments to remove the focus on maintaining the character and amenity of the area and better reflect that amenity is a dynamic concept that will change over time, to achieve better consistency with the NPS-UD. Ms McEwan in the section 42A report considered that it is still valid to control and assess these effects to ensure Objective 15.2.4 is achieved.
189. No submitters appeared or tabled evidence at the hearing on this topic.

A.3.1.1 Decision and reasons

190. We accept the *Dunedin City Council* submission point (S187.001) to amend the current definition of gross floor area to make clear it should be interpreted to include the area of any garage and accept retaining the term “family flats” in Policy 2.6.1.2.b in response to *Dunedin City Council* submission point S187.002. We adopt the reasons of the reporting officer for this change. These changes are shown in Appendix 1 with the reference Change A1/S187.001’ and ‘Change A1/S187.002’.
191. We accept in part the *Otago Regional Council’s* submission (S271.002) alerting the DCC to potential missed consequential changes, and this is given effect to in our decision above.

192. We reject *Garry & Bronwyn Applegarth's* submission (S233.002), as ancillary residential unit provisions are not required in the General Residential 2 zone, as that zone already provides for two residential units per site as a permitted activity.
193. We reject *Penny Turner's* submission (S107.003) seeking changes to clarify what a residential unit is, based on the reporting officer's evidence.
194. We reject the submissions from the *Retirement Villages Association of NZ* (S205.027) and *Ryman Healthcare Ltd* (S189.027) seeking removal of the focus on the maintenance of character and amenity for ancillary residential units. The Panel accepts the evidence of the reporting officer that it is appropriate to continue to assess and control matters relating to character and amenity for ancillary residential units.

A.3.2 Change A2 (Duplexes and two units in a single building) and alternatives

195. This section addresses our decisions on submissions in section 4.2.3 of the section 42A report relating to Change A2 and Alternatives A2-Alt1 and A2-Alt2. The following submission points that were allocated to this topic in the section 42A report are addressed in other parts of our decision:
- our decision on submissions relating to the stage to which a duplex must be developed before it can be subdivided is given in section A.3.7 on Change B6;
 - our decision on the submission by *Dunedin City Council* (S187.005) that sought policy direction be provided on why duplexes are provided for but not two standalone residential units is addressed in section A.3.8 on Change B5; and
 - our decision on submissions relating to Alternative A2-Alt 3 (which examined whether additional controls to manage effects on residential character and amenity should be added as part of Change A2 and Change A3) is given in section A.2.2.
196. Change A2 sought to amend the density performance standard to permit duplexes in the GR1 and T&S (serviced)¹ zones on sites with a minimum site area of 500m². It would also permit two residential units in one residential building to enable partitioning of an existing residential unit into two, or other types of two-unit developments in a single building.
197. Alternative A2-Alt1 examined whether to provide for two standalone residential units per site in the GR1 and T&S (serviced) zones. It was rejected from the final proposal for Variation 2.
198. Alternative A2-Alt2 examined whether the density standard for GR1 and T&S (serviced) zones should be amended to apply a habitable room approach rather than the current site area per residential unit approach. It was rejected from the final proposal for Variation 2.
199. 27 original submissions were received on Change A2 with about one-third in support of the changes and 16 original submissions were received regarding Alternative A2-Alt1 and/or Alternative A2-Alt2, mostly seeking continued rejection of these alternatives.

¹ 'serviced' means the Township & Settlement Zone is not within a no DCC reticulated wastewater mapped area.

A.3.2.1 Habitable room approach to density

200. *Shay Dewey (S170.002)* sought amendments to Change A2 to permit two standalone residential units per site, and amendments to use the habitable room approach to density (*S170.003*), as is used in the medium density zones, rather than the current site area per residential unit approach. Mr Dewey did not appear or table evidence in support of his submission.
201. Ms McEwan recommended rejecting this submission point as she considered this approach would be less efficient and effective in achieving Objective 2.4.1 (form and structure of the environment) and Objective 2.7.1 (efficient infrastructure) than the proposal. She relied on evidence from Mr Peter Christos and Dr Andrea Farminer regarding the potential effects on residential character from providing for two standalone residential units per site (included in the s32 report). It concluded that duplex development is preferred over two standalone units as it provides for a more efficient building footprint and avoids the potential loss of amenity space between buildings, where required for fire separation.
202. Ms McEwan also noted that in many instances where someone wishes to add a second dwelling to a site they may still be able to under other changes proposed in Variation 2. That is, either through the proposed reduction in minimum site size (Change A2) or the changes to the family flats provisions (Change A1).

A.3.2.1.1 Decision and reasons

203. We reject the submissions from *Mr Dewey* for the reasons given by the reporting officer.

A.3.2.2 Definition of a common wall

204. The *Dunedin City Council (S187.003)* sought an amendment to the definition of “common wall” to ensure it is clear that it includes party walls.
205. Ms McEwan recommended amending the definition of “common wall” to expressly include reference to a party wall in response to this submission. While Ms McEwan considers that a party wall technically fits within the definition as notified, this amendment will make it clear.
206. *Dunedin City Council* did not speak to their submission on this matter.

A.3.2.2.1 Decision and reasons

207. We accept the submission of the *Dunedin City Council* for the reasons given by the reporting officer. These changes are shown in Appendix 1 with the reference ‘Change A2/S187.003’ and amend the definition of ‘common wall’.

A.3.2.3 Definition of standalone units and one up, one down layout

208. The *Dunedin City Council (S187.004)* sought an amendment to clearly distinguish when a development constitutes one residential building or two residential buildings so that the changes do not provide a loophole for development of effectively two standalone residential units. It also sought to clarify the wording so that it cannot be misread in such

a way that a physical connection between two residential buildings can be relied on to consider them a duplex.

209. To address the *Dunedin City Council's* concerns on this matter, Ms McEwan recommended amending the definition of "duplex" to include a building with a 'one up, one down' layout, or partitioning of an existing residential unit into two. She also recommended amending Rule 15.5.2 Density (and any other consequential changes) to no longer refer to "two residential units in a single building" to manage the risk that two residential units that for all intents and purposes are standalone cannot meet the proposed rule by simply having an element of each building touching.

210. The *Dunedin City Council* did not speak to their submission on this matter.

A.3.2.3.1 Decision and reasons

211. We accept the submission of the *Dunedin City Council* for the reasons given by the reporting officer.

212. The amendments to give effect to this decision are shown in Appendix 1 with the reference 'Change A2/S187.004' and include changes to the following provisions:

- Definition of "duplex" to include a building with a 'one up, one down' layout, or partitioning of an existing residential unit into two;
- Rule 15.5.2 Density to no longer refer to "two residential units in a single building";
- Consequential changes to the following provisions:
 - Policy 2.6.1.2.X; and
 - 15.1.1.1 General Residential 1 zone description.

A.3.2.4 Drains in common

213. *Mr Kurt Bowen (S206.005), Mr Mark Geddes (S128.002)* and others sought amendments to allow duplexes to share foul and stormwater drains.

214. Mr Oliver, DCC 3 Waters, provided expert evidence that the development of drains in common is undesirable due to potential issues with ownership and maintenance responsibilities. The DCC's position is to require separate 3 waters connections for each residential unit and Mr Oliver was opposed to provisions which may encourage development of new shared private 3 waters infrastructure. This position was supported by Mr Neil McLeod, DCC Principal Advisor Building Solutions.

215. Ms McEwan accepted the evidence of Mr Oliver regarding the provision of drains in common and she recommended rejecting the changes sought by submitters. In her view, making such changes would detract from achieving Objective 2.7.1 Efficient infrastructure and requirements regarding making connections to DCC infrastructure are managed through other processes.

216. *Mr Bowen and Mr Geddes* spoke to their submissions at the hearing where *Mr Bowen* tabled a range of documents from other Councils demonstrating provision for shared drains.

217. In response to questions from the Panel, *Mr Bowen* acknowledged that changes to the DCC's Code of Subdivision and Development may be a more appropriate mechanism to grant the relief sought than changes to the 2GP.

A.3.2.4.1 Decision and reasons

218. We reject the submissions from *Kurt Bowen (S206.005)*, *Mr Mark Geddes (S128.002)* and *others* for the reasons given by the reporting officer and based on the evidence of Mr Oliver.
219. While the Panel understands the arguments made by *Mr Bowen (S206.005)* and *Mr Geddes (S128.002)* about why this type of infrastructure may sometimes be appropriate, we consider that any changes of this type would be better considered as part of changes to the Code of Subdivision and Development than through this change to the District Plan.

A.3.2.5 Other

220. *Gladstone Family Trust (S219.006)* sought to amend the provisions "so that townhouse and duplex type housing is permitted on existing vacant sections in any residential zone provided there is infrastructure capacity and performance standards for this type of housing (to be developed) can be met".
221. The reporting officer's advice was that this relief is already provided for as part of the proposal for the General Residential 1 zone and Township & Settlement zone (served).

A.3.2.5.1 Decision and reasons

222. We reject the submission from *Gladstone Family Trust (S219.006)* for the reasons given by the reporting officer.

A.3.3 Change A3 (Minimum site size and minimum site area)

223. This section addresses the submissions covered in section 4.2.4 of the section 42A report on Change A3.
224. Change A3 amends the minimum site size and density performance standards for the GR1 and T&S (served) zones by reducing the minimum site size for subdivision and the minimum site area for a residential unit (other than a family flat) from 500m² to 400m².
225. 14 original submissions were received on Change A3 with the majority in support of the proposal and one submitter seeking it be removed. Several submitters also sought amendments to change A3.
226. *Barry James Douglas (S194.003)* opposed Change A3 due to broad concerns about change in neighbourhood character and amenity, especially in Belleknoves. Our decision on this submission is given in section A.2.2 with regard to concerns about character and amenity.
227. *Barry Timmings (S104.002)* sought that that the maximum development potential for General Residential 1 zone be increased from one habitable room per 100m² site area to one habitable room per 75m² site area to provide more development options, including for duplexes on 500m² sites. Ms McEwan recommended that this be rejected as this

would increase the potential for adverse effects on public infrastructure and residential character. Ms McEwan considered that further increasing the permitted density in the General Residential 1 zone and Township & Settlement zone (except within a 'no DCC reticulated wastewater mapped area') would also undermine the distinction between these zones and the General Residential 2 zone.

228. *Penny Turner (S107.001)* sought to further reduce the minimum site size to 350m². Ms McEwan in the section 42A report considered that further reducing the minimum site area would be even more unacceptable than increasing the maximum development potential sought by *Mr Timmings*. Analysis of the potential effect a further reduction in the minimum site size to 350m² showed that 13% of the properties in GR2 and Township and Settlement Zones (excluding no reticulated wastewater mapped areas) are between 700m² and 800m² in area and could potentially be subdivided as a result of such a reduction in minimum site size compared to the proposal, almost doubling the number of affected properties. Ms McEwan considered that this may significantly impact anticipated 3 waters infrastructure and transportation demand and recommended rejecting the submission.
229. *The Dunedin City Council (S197.022)* sought to amend the density and minimum site size performance standards to not reduce the development potential of a site if 3 Waters require a separate service lot for shared services as part of a multi-unit development or subdivision. Ms McEwan considered that this change was undesirable in light of evidence provided from Mr Jared Oliver for Change A2 above regarding DCC's preference to not have shared 3 waters connections. Ms McEwan recommended rejecting the submission.
230. No submitters appeared or tabled evidence at the hearing on this topic.

A.3.3.1 Decision and reasons

231. We reject the submissions from *Mr Timmings (S104.022)*, *Ms Turner (S107.001)* and *Dunedin City Council (S187.011)* for the reasons given by the reporting officer.

A.3.4 Change B1 (Minimum site size averaging)

232. This section addresses the submissions covered in section 4.2.5 of the section 42A report on Change B1.
233. Change B1 amends the existing averaging provision in the minimum site size performance standard (Rule 15.7.4.2) so the number of sites that can be undersized will be unlimited, provided the other conditions are met, rather than the current limit of one undersized site.
234. Most submissions supported the change with only one broad submission being opposed and one submitter seeking an amendment.
235. *Barry James Douglas (S194.003)* opposed Change B1 due to broad concerns about change in neighbourhood character and amenity, especially in Belleknowes. Our decision on this submission is given in section A.2.2 with regard to concerns about character and amenity.
236. *The Dunedin City Council (S187.012)* sought an amendment to prevent resultant sites created and used solely for utility, access, road or reserve from being included in the averaging calculation. This is because including non-developable resultant sites in the

averaging calculation will effectively increase the density provided for in the developable parts of the subject site.

- 237. Ms McEwan recommended accepting the submission from the *Dunedin City Council* and recommended changes in her section 42A report to address the submission. Her reasons were that it will prevent issues arising from 'over-dense' development, including effects on amenity and infrastructure, and will help discourage the use of private accesses to achieve a higher development yield.
- 238. Ms McEwan also recommended a slight change to the structure of the rule (which can be made as a minor and inconsequential change under clause 16) so that it does not contain two instances of the qualifier 'where'.
- 239. Ms McEwan also advised of the need to remove the reference to 'minimum car parking space' in Rule 15.7.4.2.a to give effect to Policy 11 of the NPS-UD.
- 240. No submitters appeared at the hearing to speak to their submission.

A.3.4.1 Decision and reasons

- 241. We accept the submission of the *Dunedin City Council (S187.012)* for the reasons given by the reporting officer. We adopt the amendment proposed by the reporting officer in the section 42A report to address the submission. These changes are shown in Appendix 1 with the reference 'Change B1/S187.012' and amend Rule 15.7.4.2.a to ensure resultant sites to be used for road, access, utility, or reserve, are not included in minimum site size averaging calculations.
- 242. We support Ms McEwan's recommendation to make the minor change to the structure of the rule to delete the additional "where". This change is shown in Appendix 1 with the reference 'Change B1/Cl.16' and is not part of our decision but is made by the DCC in accordance with clause 16 of Schedule 1 of the RMA.
- 243. Ms McEwan's recommendation to delete the reference to the minimum car parking performance standard has not been implemented. Instead, we support this reference being replaced with a reference to minimum mobility car parking, consistent with other changes the DCC earlier made to comply with Policy 11 of the NPS-UD. The change is shown in Appendix 1 with the reference 'Change B1/NPSUDPOL11/1' and is not part of our decision but is made by the DCC in accordance with Policy 11 of the NPS-UD.

A.3.5 Change B3 (Density and units on existing sites of any size)

- 244. This section addresses the submissions covered in section 4.2.6 of the section 42A report on Change B3.
- 245. Change B3 amends the exemption to the density performance standard that allows a single residential unit to be erected on a site of any size (Rule 15.5.2.1.k) to remove the requirement for compliance with all other performance standards.
- 246. *Mark Geddes (S128.005)* submitted in supported of this change.

247. The *Dunedin City Council* (S187.013) sought amendments to make it 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 from those performance standards.
248. The reporting officer in her section 42A report recommended rejecting the *Dunedin City Council* submission and retaining Change B3 as notified because she said it is standard practice that exemptions given within a performance standard only apply to that performance standard. She also considered that when the mark-up for the proposed changes was removed from the Plan any potential for confusion would be addressed.
249. No submitters spoke to their submission at the hearing.

A.3.5.1 Decision and reasons

250. We reject the submission by the *Dunedin City Council* (S187.013) and retain Change B3 as notified for the reasons given by the reporting officer.

A.3.6 Change B4 (Counting of access legs towards minimum site area & size)

251. This section addresses the submissions covered in section 4.2.7 of the section 42A report on Change B4.
252. Change B4 amends the density performance standard so that access legs are included in the calculation of minimum site area² (Rule 15.5.2.2.b). It also amends the minimum site size performance standard (Rule 15.7.4) so access legs are included in minimum site size for GR1 and T&S sites up to 1200m² (except within the no DCC reticulated wastewater mapped area), and for all sized sites in other zones.
253. *Mark Geddes* (S128.012) submitted in support of Change B4.
254. *Barry Douglas* (S194.004) opposed Change B4 due to broad concerns about change in neighbourhood character and amenity, especially in Belleknowes. Our decision on this submission is given in section A.2.2 with regard to concerns about character and amenity.
255. The reporting officer recommended that Change B4 be retained as notified, as her assessment given in the section 32 report remained unchanged.

A.3.6.1 Decision and reasons

256. We accept the submission from *Mark Geddes* (S128.012) for the reasons given by the reporting officer and retain Change B4 as notified.

A.3.7 Change B6 (Exemptions to minimum site size for existing development)

257. This section addresses the submissions covered in section 4.2.8 of the section 42A report on Change B6.
258. Change B6 amends the minimum site size performance standard (Rule 15.7.4) to add an exemption where lawfully established residential buildings will be located on each

² Note this change does not affect the GR2 or ICR zones as these zones don't manage density via Minimum site area for a residential unit

resultant site to avoid triggering the need for non-complying consent for the fee simple subdivision of multi-units, duplexes, and existing residential buildings with established effects.

259. *Mark Geddes (S128.013)* submitted in support of Change B6.
260. The submissions which sought amendments to this change and our decisions on these are summarised under the following sub-topics.

A.3.7.1 *Addition of a new ‘note to plan user’*

261. Two submitters sought the addition of a ‘note to plan user’ explaining that for the purposes of determining whether a building is lawfully established, existing use rights must apply or it must be a permitted activity or undertaken in accordance with an approved land use resource consent (*Ōtākou Health Ltd S268.004, TGC Holdings Ltd S246.001*).
262. In her section 42A report, Ms McEwan recommended rejecting these submissions because she had recommended removal of the term “lawfully established” from Rule 15.7.3.1.j.X in response to other submissions.
263. In Minute 6, we directed the parties to carry out further discussion on Change B6 and report back on any provisions that had been agreed to. We note that the copy of agreed drafting included the notified version of amendments at Rule 15.7.4.1.j.X, rather than the version recommended in the section 42A Report which deleted the term “lawfully established”. These amendments were excluded in error. While this could be taken to be acceptance from the two submitters that they do not wish to pursue this particular relief, we note that the amendments shown in the section 42A report were required to provide relief to other submitters who were not party to the further discussions held after the hearing.

A.3.7.1.1 *Decision and reasons*

264. We reject the submissions from *Ōtākou Health Ltd* and *TGC Holdings Ltd* which sought the addition of a note to plan users for the reasons given by the reporting officer.
265. Our decision on the alternative amendments to Rule 15.7.4.1.j.X recommended by the reporting officer, and the drafting agreed to by the parties for other aspects of Change B6, is addressed separately below.

A.3.7.2 *Preventing established family flats from being eligible for subdivision*

266. The *Dunedin City Council (S187.014)* sought a review of whether the approach preventing family flats and ancillary residential units from being eligible to use the exemption to minimum site size was appropriate in terms of achieving the objectives of the Plan. The *Dunedin City Council* was concerned that larger family flats which had already been granted resource consent would not be able to take advantage of the changes proposed in Change B6, due to the wording excluding application to family flats or ancillary residential units.
267. The reporting officer Ms McEwan, in section 4.2.8 of her section 42A report, noted she had reviewed the data on the number of consents granted for family flats in residential

zones since the 2GP decisions were issued. She found that only three resource consents had been granted for family flats over 80m² in gross floor area and only one of these was for a site less than 800m² where an exemption to minimum site size might be required to enable subdivision as a restricted discretionary activity. However, that specific family flat was in the basement of a house and could not be subdivided fee simple anyway any event. Therefore, Ms McEwan recommended rejecting the submission of the *Dunedin City Council* as the change was not required.

A.3.7.2.1 Decision and reasons

268. We reject the *Dunedin City Council's* submission point (S187.014) for the reasons given by the reporting officer.

A.3.7.3 Meaning of “habitable” in Rule 15.7.4.1.j.X and ensuring duplexes are developed prior to subdivision

269. The *Dunedin City Council* (S187.015) sought clarification of the wording of 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 minimum site size exception.
270. Submissions on Change A2 (duplexes and two units in a single building – see section 4.2.3 of the section 42A report) also sought that duplexes be developed to a certain degree prior to subdivision (*Patterson Pitts Group* (S206.005) and others) and accordingly Ms McEwan considered these with respect to Change B6.
271. Ms McEwan recommended changes to Rule 15.7.4.1.j.x in her section 42A report to clarify when a residential building had been established, including by removing the wording “lawfully established habitable” and adding wording about the issuing of a code compliance certificate or building permit. She recommended this not only in response to the submission from *Dunedin City Council*, but also in response to the submissions on Change A2 outlined above.
272. As outlined in section A.3.7.1 above, these recommended amendments were omitted in error from the drafting agreed to by *TGC Holdings Ltd* and *Ōtākou Health Ltd* in response to Minute 6. Despite the drafting being omitted, Mr Freeland supported the earlier recommendation of Ms McEwan in his Response to Minute 6 (para. 8.d).
273. No submitters spoke to their submissions on this matter at the hearing.

A.3.7.3.1 Decision and reasons

274. We accept the *Dunedin City Council's* submission S187.015 (and others on Change A2 in part), for the reasons given by the reporting officer. We adopt Ms McEwan's recommended wording for Rule 15.7.4.1.j.X as provided in the section 42A report. The amendments to give effect to this decision are shown in Appendix 1 with the reference ‘Change B6/S187.015 and others’ and include the following changes:

- amend Rule 15.7.4.1.j.X to remove the term “lawfully established habitable” and add a requirement for a code compliance certificate or building permit to have been issued.

A.3.7.4 Applying for subdivision in accordance with existing or concurrently approved land use consent

275. Submissions from Ōtākou Health Ltd (S268.003 and S268.005) and TGC Holdings Ltd (S246.001) sought amendments to Change B6, as follows:
- amendments to apply the exemption from the minimum site size performance standard to subdivision in accordance with an existing or concurrently approved land use resource consent; and
 - addition of a matter of discretion that subdivision relating to an approved land use consent must comply with the relevant consent and all attached conditions and approved plans.
276. The *TGC Holdings* submission referred to the approach provided for in the Auckland Unitary Plan where subdivision of land which has an approved land use consent has a restricted discretionary activity status (Rule E38.4.2.(A14)).
277. Nigel Bryce, on behalf of *Ōtākou Health Limited* provided a written statement (10 September 2021) before Hearing 1. At Hearing 1, Mr Bryce and James Nicol (as representatives of *TGC Holdings* and *Ōtākou Health*) discussed the need for alternative drafting of Rule 15.7.4(2) relating to an exemption to the minimum site size performance standard for lawfully established development. Mr Nicol considered that the recommended provisions were not clear in how they would apply and that this was contrary to the principles of good plan drafting.
278. We discussed the recommended drafting at the hearing and agreed that further discussion between the planning experts would be of assistance. In our Minute 6, we directed the reporting officer (or Mr Freeland the Senior Planner in support for the DCC) to liaise with the witnesses for those submitters and provide a statement with any agreed wording to assist the Panel for its consideration.
279. Mr Freeland then met with representatives for *TGC Holdings Limited* (James Nicol) and *Ōtākou Health Limited* (Nigel Bryce) and provided a Response to Minute 6 on 15 October 2021. He also noted in his response that he had discussed this approach with Ms Lianne Darby, DCC Planner - Resource Consents, and she confirmed that as a matter of practice, and provided the land use has existing use rights, is a permitted activity, or is in accordance with and an approved land use resource consent, the associated subdivision consent is granted regardless of the activity status.
280. Mr Freeland also explained in his response to Minute 6 on 15 October 2021 that the DCC's principal concern is that small sites may be created before any residential units are built, with resultant issues with the density of development and the ability to provide sufficient 3 waters infrastructure. The agreed changes manage this by noting that a condition of the subdivision consent will require the development to be established in accordance with the approved land use consent prior to certification of the survey plan pursuant to section 223 of the RMA.

A.3.7.4.1 Decision and reasons

281. We accept the submissions from *TGC Holdings* (S246.001) and *Ōtākou Health Limited's* (S268.003) in part. We adopt the officer's evidence in his Response to Minute 6, which

we understand the other parties were satisfied with, to make the changes listed below. The amendments to give effect to this decision are shown in Appendix 1 with the reference 'Change B6/S246.001 and others':

- Add a new clause Y to Rule 15.7.4.2 to apply restricted discretionary activity status for contravention of the minimum site size performance standard for fee simple subdivision of a proposed multi-unit development that is applied for concurrently with the subdivision application or already has land use consent but has not been built, where it meets the density performance standard; and
- Amend the assessment rule for restricted discretionary contravention of performance standards for subdivision at Rule 15.10.5.4 to include assessment guidance, including conditions of consent that may be imposed.

282. We support the reporting officer's recommendation in the Response to Minute 6, which identifies a rule referencing error for correction. The change is shown in Appendix 1 with the reference 'Change B6/Cl.16' and is not part of our decision but is made by the DCC in accordance with clause 16 of Schedule 1 of the RMA:

- Amend Rule 15.7.4.2.X to correct rule referencing errors.

283. We were satisfied that this outcome will require compliance with the Density performance standard (Rule 15.5.2) but will also enable subdivision that requires resource consent for other contraventions (or where land use consent has been granted and the development has not been established) to be processed at the same time but as a restricted discretionary activity rather than a non-complying activity. This will create a more efficient and less costly process while still enabling the Plan's objectives to be achieved.

284. We did not accept the aspects of the submissions that requested a new matter of discretion because conditions of consent can be applied under the existing matters of discretion, as clarified by the amendments to the assessment guidance outlined above.

A.3.8 Change B5 (Removal of policy link between density and character)

285. This section addresses the submissions covered in section 4.3.1 of the section 42A report on Change B5.

286. Change B5 proposes to amend policies relating to density to remove the link between density and effects on character and amenity. Specifically, it amends Policy 2.2.4.4 to delete clause (c) setting up rules that require density to reflect character outcomes.

287. This section also addresses a related submission point from *Dunedin City Council (S187.005)* covered in section 4.2.3 of the section 42A report on Change A2 (duplexes and two units in a single building) regarding the reasons for enabling duplexes rather than two standalone dwellings.

288. Generation Zero (Dunedin) (S177.002), Ryman Healthcare Ltd (S189.002), Retirement Villages Association of NZ (S205.002) and Garry and Bronwyn Applegarth (S233.004) supported Change B5 because it removes an element of duplication and allows the existing development standards to work as intended; the current approach limits development; and the changes begin to better reflect the approach to amenity in the NPS-UD.

289. *Barry James Douglas (S194.005)* opposed Change B5 due to broad concerns about change in neighbourhood character and amenity, especially in Belleknowes. Our decision on this submission is given in part in section A.2.2 with regard to concerns about character and amenity and in part below.
290. *Dunedin City Council (S187.005)* sought addition of policy direction on why duplexes and two units in a single residential building are provided for but not two standalone residential units (see section A.3.2). Ms McEwan noted this was relevant to Change B5 because the proposed duplex provisions use the density performance standard to manage built form and related effects on residential character. Ms McEwan in her section 42A report also noted that the family flats / ancillary residential units' provisions (Change A1) have a similar function.
291. Ms McEwan recommended amending Change B5 because the primary reason for provisions for duplexes and ancillary residential units (which are provided for through the density performance standard) is to manage effects on residential character and streetscape amenity rather than other effects. If the policy regarding the link between density and residential character and amenity effects was removed, this would make the purpose of the duplex and ancillary residential unit provisions less clear.
292. Ms McEwan noted that while the density performance standards apply to land use and not development (which was the original reason for the proposed deletion of Policy 15.2.4.2), they also impact on built form by constraining the number of residential units per site area. This influence on built form generates expectations regarding residential character outcomes by the public.
293. Overall, Ms McEwan recommended reinstating an amended version of Policy 15.2.4.2 to provide clearer guidance for assessing applications for contravention of the density performance standard. Her recommended wording emphasised effects when viewed from public places and aligned the policy wording with the 2GP Style Guide. It also linked to the residential zone descriptions given in section 15.1 of the Plan, to assist Plan users in understanding the existing and intended future character of the various residential zones.
294. Ms McEwan also recommended reinstatement of other provisions that were deleted as part of Change B5 and amendments to the residential zone descriptions in section 15.1 of the Plan to better reflect why ancillary residential units and duplexes are provided for.

A.3.8.1 Decision and reasons

295. We accept in part the submissions from *Barry James Douglas (S194.005)* and *Dunedin City Council (S187.005)* for the reasons given by the reporting officer. We adopt Ms McEwan's recommended drafting given in the section 42A report, with one minor amendment noted below. The changes are shown in Appendix 1 with the reference 'Change B5/S194.005&187.005', as follows:
- Reinstatement of the following provisions which were proposed for deletion as part of Change B5:
 - Policy 2.2.4.4.c (strategic direction on using rules managing density to maintain streetscapes and residential amenity);

- Policy 2.4.1.5 (strategic direction on using rules managing density to maintain streetscapes and residential amenity); and
- Rule 15.13.5.1.b (reference to Objective 15.2.4 and Policy 15.2.4.2 in the assessment rule for non-complying density contraventions).
- Reinstate and amend Policy 15.2.4.2 to provide better assessment guidance. We note that our wording has retained the “Only allow...” wording, rather than the recommended “Avoid...unless...” wording to align with the 2GP Style Guide, because this policy will also be used in our changes for social housing (see our decision on Change C1 in section A.3.9).
- Amend the residential zone descriptions in 15.1 to better reflect why family flats and duplexes are provided for.

A.3.9 Change C1 (Better provide for social housing)

296. This section deals with submissions considered in section 4.4.1 of the section 42A report for Hearing 1 on Change C1, with the exception of *Waka Kotahi (S235.009)*, which is dealt with in section A.6.5.
297. Change C1 makes several changes to better enable the development of social housing. The main proposal is to make contravention of the density standard by social housing in the General Residential 1 zone or Township & Settlement zone (except in a no DCC reticulated wastewater mapped area) a restricted discretionary activity (rather than non-complying), provided it complies with the density performance standard for the General Residential 2 zone.

A.3.9.1 Submissions

298. *Bruce Cloughley (S174.002) Ōtākou Health Limited (S268.006)* and the *Disabled Persons Assembly NZ (S278.001)* submitted in support of Change C1 as they consider more social housing is required including for people with a disability.
299. *Waka Kotahi (S235.004 and S235.007)* submitted in support as they consider the proposed Policy 6.2.2.X on accessibility encourages multi-modal transport options and Rule 15.3.4.5 for the assessment of multi-unit development will ensure that they can be assessed for impacts on adjoining roading networks, including state highways.
300. *Barry Timmings (S104.001)* submitted that social housing be subject to the same requirements as other housing. He also submitted that GR2 zoned areas (existing and proposed) should provide sufficient scope for medium density housing or should be extended if they will not (*S104.001*). He raised concerns about the provisions being used to develop medium density housing outside the medium density zones and concerns about the adequacy of 3 waters infrastructure to support additional development. Ms McEwan recommended rejecting these submissions in her section 42A report because the social housing provisions are intended to address a known deficit of social housing particularly, and that effects on infrastructure will be considered through the consenting process.
301. *Kāinga Ora (S234.003)* opposed Change C1 because they consider the social housing provisions are unlawful in terms of the purpose and principles of the RMA and other legislation. This was supported by a further submission from *Otago Regional Council (FS184.52)*. Ms McEwan recommended rejecting this submission in her section 42A

report because legal advice provided to the DCC considered that the proposed provisions were lawful.

302. Ōtākou Health Limited (S268.006), Survey and Spatial NZ and others (S282.027, S128.006, S300.024, S206.027) and Dunedin City Baptist Church (S239.010) all sought for the social housing provisions to be extended to include other social housing providers who are not registered or to be available to all developers. Otago Regional Council (S271.003) sought to amend the provisions so the relaxed density rule only applies where there are no infrastructure constraints and to then make the provisions available to all people. Ms McEwan recommended rejecting these submissions in her section 42A report to assist with managing significant cumulative effects on 3 waters infrastructure while providing for social housing.
303. *Dunedin City Baptist Church (S239.010)* also sought the addition of performance standards for good design outcomes. Ms McEwan recommended rejecting this submission in her section 42A report because the performance standards for all residential activity will continue to apply to social housing, because the proposal amended the multi-unit development rule so that consent is required in all residential zones, and because social housing providers have their own design guidance for social housing.
304. *Generation Zero (Dunedin) (S177.004)* sought application of the changes to Inner City Residential zone and General Residential 2 zone. Ms McEwan recommended rejecting this submission in her section 42A report because these zones already provide for medium density housing.

A.3.9.2 Hearing evidence

305. Mr Garbett appeared at the hearing for the DCC and spoke to his legal submission. In his legal submission he drew our attention to the High Court decision in *Infinity Investment* and noted the following points:
- The decision of the High Court in *Infinity* has expressly determined that the purpose of the RMA is sufficiently broad and enabling that affordable/community housing is a concept that plans can validly address.
 - Provided that plan provisions are aimed at providing for people's social or economic wellbeing they are validly within the purpose of the RMA.
 - As the *Infinity* decision is of the High Court, the ruling is binding on the Environment Court and the Variation 2 Hearing Panel.
 - The principle addressed in *Infinity* is directly applicable to the Variation 2 proposal for social housing.
 - The social housing proposal includes a clear link between the provisions and the effects being managed (e.g. the matters of discretion to be considered in assessing applications clearly link to the effects of increased density).
 - District plans can lawfully provide for specific entities and institutions such as the social housing providers listed in the proposed definition for social housing.
 - The benefits of enabling greater density for social housing outweigh any perceived negative effects, such as negative stigma, referred to by Kāinga Ora.

306. Nick Whittington, Counsel for *Kāinga Ora*, appeared via Zoom in support of his legal submission. Mr Whittington argued that the proposed provisions (which apply to density) do not have a clear effects link to social housing, as distinct from any other housing, and were therefore unlawful. He further argued that Council had not provided any evidence regarding the stigmatising effect that the proposed provisions would have on social housing clients. He did not appear to be able to answer a question on how the submitter would balance the perceived negative stigmatising effect against the positive effects that might arise from the proposal in terms of relaxed standards for social housing providers to be able to meet their social housing needs. Overall, in response to questions from the Panel, Mr Whittington appeared to concede that including provisions for social housing within a district plan is lawful.
307. Emma Peters presented at the hearing on behalf of the *Dunedin City Baptist Church (DCBC)*. She sought for the social housing provisions to apply to any 'not-for-profit' organisation, as she was not sure the *DCBC* would want to register as a community housing provider to enable them to apply the social housing provisions. Ms Peters noted that *DCBC* owns land at Concord which is proposed for residential rezoning as part of Variation 2, some to the General Residential 2 zone. Ms Peters considered that there is a need for a performance standard or assessment guidance to ensure that residential units are not too small and would result in a good living standard for tenants. She noted previous examples of community housing with a gross floor area of 38-40m² and considered this to be inadequate. Ms Peters also raised concerns about the social housing provisions potentially being used in a way that might lead to the creation of 'ghettos', especially where large/greenfield areas are developed for social housing.
308. Nigel Bryce, Planning Consultant, Donna Matahaere-Atariki and Matt Matahaere appeared at the hearing on behalf of *Ōtākou Health Limited*. It sought the definition of social housing provisions to be extended to include other social housing providers who are not registered. Ms Matahaere-Atariki noted Ngāi Tahu's desire to bring forward their own solutions to assist their people in accessing housing. She noted that the types of initiatives Ngāi Tahu would be eager to support not only included rental housing, but also options to assist people into homeownership through shared equity schemes.
309. Kurt Bowen and Mark Geddes appeared at the hearing on behalf of *Survey and Spatial NZ and others (S282.027, S300.024, S206.027)*. They argued for extending the social housing provisions to all housing providers or to developers that can meet set development criteria. This would include provision of reduced accommodation costs, achieving set design standards, and maintaining the affordability of the property for a set period of time or indefinitely.
310. At the hearing, in response to questions regarding why the social housing provisions had been reserved for use by specified social housing providers, Ms McEwan explained that this was necessary in order to reduce the risk of cumulative effects, particularly on 3 waters infrastructure capacity.
311. Ms McEwan reconsidered her recommendations for the social housing proposal in her Reply on Social Housing (23 September 2021) and responded to the matters raised by submitters at the hearing.
312. In response to the legal submission from *Kāinga Ora*, Ms McEwan specifically addressed her view that the provisions were effects-based. Her evidence at paragraph 19 of her reply was that she disagreed with *Kāinga Ora's* position for two key reasons:

- *“There is evidence of an operational need for social housing providers to deliver more medium density social housing in a range of locations to meet demand and this cannot be wholly provided for through medium-density rezoning and other Variation 2 changes, primarily due to constraints on 3 waters infrastructure. In my opinion, targeting provision of more medium density social housing will provide positive effects on the social well-being of those who rely on access to social housing but are currently excluded due to a shortage of suitable social housing stock; and*
- *These positive social wellbeing effects can be distinguished from those arising from meeting housing demand generally because they are likely to relate more directly to meeting the basic human need for shelter, rather than responding to other market forces operating in the housing sector. This is directly relevant to achieving Objective 2.6.1 (Housing Choices) in terms of providing for “the community’s needs”. The provisions also provide positive effects in terms of providing for medium density housing in a wider range of locations to meet residents’ locational requirements (such as proximity to a particular school, workplace, or other family) and can assist in providing for ageing in place.”*

313. Overall, Ms McEwan recommended generally retaining the social housing provisions as notified, especially in terms of limiting it to the providers listed in the proposed definition and limiting it to rental housing. However, Ms McEwan did recommend considering various amendments as outlined below.
314. Firstly, Ms McEwan recommended amendments to enable a maximum percentage of standard residential activity as part of a social housing proposal. This was recommended to enable greater flexibility in how the provisions are applied (e.g. by enabling some parts of a proposal to include non-rental housing, such as shared-equity scheme housing) and to improve social well-being outcomes. Ms McEwan suggested considering a maximum percentage of 30% standard residential activity.
315. Secondly, Ms McEwan recommended amendments to manage the use of social housing density provisions in greenfield areas. This was recommended to help manage the potential for significant 3 waters infrastructure issues in any particular location and to encourage integration of social housing with other housing. Ms McEwan noted four potential options, including limiting the area within a new development mapped area where the social housing provisions could apply; limiting application of the social housing provisions to only the redevelopment of existing developed sites; amending the assessment guidance for social housing proposals to enable consideration of the extent to which medium density housing is occurring ‘out of zone’; or not making any changes and relying on the assessment of effects on 3 water infrastructure to indicate when a proposal should be declined.
316. Thirdly, Ms McEwan recommended amendments to make the definition of social housing clear that letting can occur on behalf of any of the providers listed in the definition (by adjusting the use of punctuation), and to note that social housing is a sub-activity of standard residential, which is standard wording for the definition of a sub-activity in the Plan.

A.3.9.3 Decision and reasons

317. We reject the submission by *Kāinga Ora (S234.003)*. We have considered the legal submission presented by Nick Whittington, Counsel for *Kāinga Ora* and that provided by Michael Garbett Counsel for the DCC, regarding the lawfulness of the provisions. Overall, we were more swayed by the argument of Mr Garbett for the DCC and accept his view that the social housing provisions are lawful. We note Mr Garbett's submission that an alternative (and more liberal) consenting pathway is already provided in the Plan for supported living facilities, including student hostels and rest homes, and no legal challenges have been raised with respect to those provisions being lawful.
318. We also accept the case of the DCC that the provisions are designed to allow (not require) social housing providers to take advantage of an alternative consenting pathway in cases where they propose social housing that exceeds the density standards. Where social-type housing does not take advantage of this consenting pathway, it will continue to be managed as for any other housing.
319. We note that Mr Whittington argued that there needed to be an effects-based rationale for the social housing provisions. We are satisfied that an effects-based rationale has been established by the DCC and note Ms McEwan's evidence in reply.
320. We received no evidence from any submitter to convince us that enabling social housing providers to, if they wish, make use of these alternative density provision and consenting pathways will lead to an increased risk related to the stigmatisation of tenants. We consider that the need to enable and promote social housing outweighs any potential risks arising from the changes.
321. We reject the submissions seeking a widening of the social housing provisions (*Ōtākou Health Limited (S268.006)* Survey and Spatial NZ and others (*S282.027, S128.006, S300.024, S206.027*) *Dunedin City Baptist Church (S239.010)* and *Otago Regional Council (S271.003)*). While we had some sympathy for the arguments to extend the provisions beyond social housing providers, we have not adopted Ms McEwan's recommendation of providing for a maximum percentage of standard residential activity as part of a social housing proposal. No strong evidence was presented at the hearing to support such an approach and we consider that a hybrid approach would add complexity to the rules.
322. We consider there is a need to constrain who the provisions apply to in order to draw clear boundaries around the provisions and to manage potential cumulative effects. We accept Ms McEwan's evidence that this is necessary to manage effects on 3 waters infrastructure.
323. We reject the submissions from *Barry Timmings (S104.001)*, *Generation Zero (S177.004)* and *Dunedin City Baptist Church (S239.010* - for the addition of performance standards for design outcomes) for the reasons given by the reporting officer in her section 42A report and reply.
324. We accept in part the submission of Ms Peters on behalf of *Dunedin City Baptist Church* for the need to manage the use of the social housing provisions in greenfield areas. However, we have not adopted any of Ms McEwan's four suggested options set out in her Reply on Social Housing on this matter. Rather, to address this issue we decided to make the following amendments:

- Amend assessment Rule 15.10.3.X for the social housing density contravention to add a new matter of discretion for “Effects on neighbourhood residential character and amenity” as clause (c);
- Add assessment guidance for the new matter of discretion, as follows:

Relevant objectives and policies:

- i. *Objective 15.2.4*
- ii. *Where residential activity exceeds the permitted density, the built form of any new development, as viewed from public places, reflects the existing residential character or intended future character of the zone as set out in the residential zone descriptions. (Policy 15.2.4.2)*

General assessment guidance:

- iii. *In assessing the effects on neighbourhood character and amenity from social housing proposals that contravene the density standard, Council will only consider character effects in terms of the proposed scale and built form of development and this consideration will be made without public or limited notification (see Rule 15.4)*
- iv. *The assessment of character and amenity will consider the potential adverse effects from repeated, standardised, or visually monotonous design of large blocks of similar housing and will consider what design tools have been used to create visually diverse neighbourhood appearance.*

Potential circumstances that may support a consent application include:

- v. *For large scale social housing proposals an appropriate mix of building typologies and design elements is proposed.*

- Add a non-notification rule at Rule 15.4.1.X, as follows:

Applications for resource consent for the following activities will be considered without the need to obtain a written approval of affected persons and will not be notified in accordance with section 95A or section 95B of the RMA, unless Council considers special circumstances exist in relation to the application that require public notification:

...

X. social housing.

325. These changes are shown in Appendix 1 with the reference ‘Change C1/S239.010’. The non-notification provisions and assessment guidance are included to ensure that assessments focus on the effects of the built form rather than on the occupiers of social housing. Our s32AA assessment for these changes is provided later in this section.
326. We support the recommendation in Ms McEwan’s Reply Report that a minor clarification should be made to the definition of ‘social housing’ to make it clear that letting can occur on behalf of any of the listed providers, and to note that social housing is a sub-activity of

standard residential, as follows. We note that this change is not part of our decision but is made by the DCC in accordance with clause 16 of Schedule 1 of the RMA.

Social housing

Residential activity where premises are let by or on behalf of the DCC; or by Kāinga Ora-Homes and Communities or a registered community housing provider where in accordance with the Public and Community Housing Management Act 1992.

Residential activity where premises are let by or on behalf of the DCC, Kāinga Ora-Homes and Communities, or a registered community housing provider, where in accordance with the Public and Community Housing Management Act 1992.

Social housing is a sub-activity of standard residential.

327. These changes are shown in Appendix 1 with the reference 'Change C1/Cl.16'.

A.3.9.3.1 Section 32AA Assessment

328. We adopt the s32 assessment overall for the social housing provisions as notified. Below we set out our further evaluation of the changes made through decisions and why these were considered more appropriate to achieve the plan's objectives and our consideration of effectiveness and efficiency, costs and benefits for the aspects of the social housing.

329. Overall, our changes are intended to ensure that Objective 15.2.4, and associated Objective 2.4.1, are effectively achieved through implementation of the social housing provisions.

330. Objective 15.2.4 seeks that:

Activities maintain or enhance the amenity of the streetscape, and reflect the current or intended future character of the neighbourhood.

331. Objective 2.4.1 seeks that:

The elements of the environment that contribute to residents' and visitors' aesthetic appreciation for and enjoyment of the city are protected and enhanced...

332. We acknowledge that changes already made as part of the social housing proposal will provide for assessments against Objective 15.2.4 in many cases. This is via the changes to the multi-unit development rule (Rule 15.3.4.5) to ensure it applies in all residential zones. This rule makes 'multi-unit development' (defined as "The construction of a single or multiple buildings that contain three or more residential units on a site within a two year period") a restricted discretionary activity to ensure the design of such developments is appropriate to the context. It links to Policy 15.2.4.8 ("Only allow buildings over 300m² footprint or multi-unit developments where they are designed to ensure that streetscape and neighbourhood amenity and character is maintained or enhanced.") and Objective 15.2.4.

333. However, we consider that the provisions for multi-unit development are insufficient by themselves to ensure that Objective 15.2.4 will be achieved for all potential social housing proposals. Our concerns particularly relate to proposals for large social housing developments, most likely on greenfield sites. In these situations, it would be possible for

a large site to be subdivided into many sites prior to development proceeding, thus enabling the multi-unit development rule (which applies to 'sites') to be circumvented and built-form to not be the subject of a resource consent for social housing.

334. We acknowledge that one of the reasons why the notified social housing proposals did not include a matter of discretion for effects on residential character and amenity was out of concern that such provisions could potentially be abused by neighbours who may be identified as affected parties progress 'NIMBY' concerns about social housing. We agree that such an outcome would be undesirable, and likely unlawful. To manage this risk, we have carefully worded the new provisions (including Policy 15.2.4.2 under Change B5) to clearly regard built form only. We have also added a non-notification rule for social housing to further manage the risk of abuse of the provisions. We consider that this approach will ensure that Objective 2.6.1 on housing choices can also be effectively achieved, which was the primary intent of the social housing proposal.

335. Objective 2.6.1 seeks that:

There is a range of housing choices in Dunedin that provides for the community's needs and supports social well-being.

336. We also considered the alternative options suggested by the reporting officer in section 5.2 of her right of reply on social housing but concluded they would be less efficient and effective in achieving the relevant objectives of the Plan than the approach set out above.

A.4 Decisions on specific change proposals (Group D)

337. The 'D' group of changes primarily include a package of new Plan content applied via the NDMA method. These changes were designed to provide better policy direction, guidance, and information requirements to ensure that larger scale greenfield sites would be subdivided and developed in a way that better meets the objectives of the Plan. The changes apply additional assessment matters for subdivision in the mapped areas and targeted performance standards for stormwater and wastewater.

338. Our decision on specific NDMA changes D1, D4, D5, D6, D7, D8 and E5 are addressed in the following sections of this report. Our decision on the 3 waters aspects of the NDMA method and its mapping over existing residential zoned or RTZ land (changes F2-2, F3-2 and NDMA2-15) are provided in Part C. Mapping of NDMA over greenfield rezoning areas proposed in Variation 2 (GF01-08, RTZ1 and RTZ2) will be addressed in a later decision report after Hearing 4.

339. Our decision on Change D2 (transportation connection in subdivisions) is also given in the following sections. However, we note that this change applies in all locations, not just within the new development mapped area.

A.4.1 Broad submissions on NDMA changes (other than 3 waters provisions)

340. This section addresses the broad submissions covered in section 4.5.1 of the section 42A report on the new development mapped area (NDMA) method and associated changes.

341. The submission from *Mr Farry (S58.002)* regarding heritage effects is dealt with in section A.6.3 of this decision report.

342. The submission from *Generation Zero (Dunedin) (S177.003)*, who was broadly opposed to all provisions linked to greenfield rezoning, is dealt with in section A.2.11.
343. Submitters represented by Paterson Pitts Group (*S293.006 and others*) and *Terramark Limited (S220.003)* opposed the NDMA method primarily due to the associated 3 waters provisions. These submissions are dealt with in Part C of our decision.
344. *Trevor Scott (S78.004)*, *Retirement Villages Association of NZ (S205.005)* and *Ryman Healthcare Ltd (S189.005)* supported the NDMA changes except where any amendments are required to grant relief sought in their other submission points.
345. The *Disabled Persons Assembly New Zealand (S278.002)* sought incorporation of the Urban Street Design Guide into urban design policies. Ms McEwan obtained expert evidence from Mr Peter Christos, DCC Urban Designer, who considered this was not necessary because the proposed changes will provide for good urban design outcomes, and the DCC is already a signatory to the Global Street Design Guide and the Ministry for the Environment's Urban Design Protocol. Ms McEwan agreed with this evidence and recommended rejecting the submission.
346. *Waka Kotahi (S235.005)* sought addition of a further policy under Objective 12.2.X to "only allow subdivision in a new development mapped area where the subdivision is designed in consideration of the surrounding environment including strategic infrastructure". This was to enable consideration of the design of a development and how it interacts with an adjoining state highway, including positioning of lots, dwellings and outdoor living space, and contours and elevations between a site and state highway.
347. *Waka Kotahi (S235.010)* also sought an associated change for addition of another assessment matter for subdivision in a NDMA regarding "where a site adjoins significant infrastructure, Council will consider the design of the development and the relationship between the site and strategic infrastructure".
348. Ms McEwan recommended rejecting the submissions from *Waka Kotahi (S235.005 and S235.010)* because she considered that effects on the safety and efficiency of the transport network (including state highways) could already be considered in assessing any subdivision applications (not just those in an NDMA). Furthermore, Ms McEwan highlighted amendments notified as part of Change D2, which add reference to effects on the state highway network in Rule 6.11.2.7.a.Z. She considered no further changes were required in response to the submissions.
349. Overall, Ms McEwan recommended retaining the NDMA method, except in response to submissions on each specific aspect of the method, which are dealt with in other sections of our decision

A.4.1.1 Decision and reasons

350. We reject the submissions from *Disabled Persons Assembly New Zealand (S278.002)* and *Waka Kotahi (S235.005 and S235.010)* for the reasons given by the reporting officer.

A.4.2 Change D1 (Broad changes linked to NDMA) & Alternatives

351. This section addresses the submissions and matters covered in section 4.5.2 of the section 42A report, which related to Change D1, Alternative D1-Alt1 and alternative D1-Alt2.
352. Change D1 provided overarching changes to support the addition of the new NDMA method which were not associated with the topic-focused aspects of the method.
353. Two generic alternative methods to the NDMA method were also assessed as part of the s32 report, these being Alternative D1-Alt1 (Performance standards in new development mapped areas instead of assessment rules) and Alternative D1-Alt2 (Assessment rules for subdivision in all areas). These alternatives were rejected from inclusion in the final Variation 2 proposal. However, these alternatives are relevant to some of the submissions received.
354. The submissions from *Marita Ansin-Johnson*, who was broadly opposed to all provisions linked to greenfield rezoning, are dealt with in section A.2.11.
355. *Mark Geddes (S128.014)* submitted in support of Change D1.
356. The *Retirement Villages Association of NZ* and *Ryman Healthcare Ltd (S205.028 and S189.028)* sought application of Alternative D1-Alt2 (Assessment rules for subdivision in all areas), so that the new assessment rules proposed for the NDMA would instead apply to subdivision in all areas, not just in the NDMA. This was to ensure Plan better reflects the National Policy Statement for Urban Development. Ms McEwan recommended rejecting the submissions because this alternative would make the assessment of smaller-scale infill subdivisions overly complex by requiring assessment of matters that are unlikely to be relevant (because they address matters more relevant to large greenfield subdivisions).
357. The *Retirement Villages Association of NZ (S205.006)* and *Ryman Healthcare Ltd (S189.006)* also sought amendment of Objective 12.2.X to read “Future residential growth areas are developed in a way that achieves in general accordance with the Plan’s strategic directions...” to better reflect the NPS-UD. Ms McEwan recommended rejecting these submissions, as she considered it could undermine the strategic directions of the Plan.
358. The *Dunedin City Council (S187.016)* sought addition of an appendix to list all areas where an NDMA is applied and name each area, including on the planning maps, to assist Plan users. Ms McEwan recommended accepting the submission for Plan clarity.
359. No submitters appeared or tabled evidence at the hearing on this topic.

A.4.2.1 Decision and reasons

360. We accept the submission of the *Dunedin City Council (S187.016)* for the reasons given by the reporting officer. We adopt the drafting recommended in the section 42A report. The changes are shown in Appendix 1 and Appendix 2 with the reference ‘Change D1/S187.016’ and include addition of the following provisions:

- Appendix 12C to name and list all new development mapped areas being added to the Plan as a result of our decisions on hearings 1-3
- Named pop-ups on the planning maps for all new development mapped areas being added to the Plan as a result of our decisions on hearings 1-3.

361. We note that further NDMAs will be added to Appendix 12C as part of our future Variation 2 decision on greenfield rezoning.

362. We reject the submissions from *Retirement Villages Association of NZ* and *Ryman Healthcare Ltd* for the reasons given by the reporting officer in her section 42A report.

A.4.3 Change D2 (Transportation connections in subdivisions)

363. This section addresses the submissions covered in section 4.6.1 of the section 42A report on Change D2.

364. Change D2 reviewed the policy framework and assessment guidance for transportation connections in new subdivisions, including whether it is necessary to provide improved guidance on when DCC will require new roads to be vested with the DCC. Change D2 applies to all subdivisions, not just those in a new development mapped area.

365. There were two submissions in support of Change D2 from *Generation Zero (Dunedin) (S177.005)* and *Otago Regional Council (S271.004)*. Reasons for support given by *Otago Regional Council* included that the change promotes the requirements of the updated Otago/Southland Regional Land Transport Plans 2018-2021, specifically Policies 7, 8 and 13.

366. There were several submissions that opposed or sought amendments to Change D2. These are summarised under the various sub-headings below, and our decisions are given on each sub-topic.

A.4.3.1 Submissions from Dunedin Tunnels Trails Trust, Bus Users Support Group Ōtepoti, and Ministry of Education

367. The *Dunedin Tunnels Trails Trust (S160.012 and others)* sought the addition of provisions to ensure connections to existing and planned cycleways, walkways and public transport routes, EV car and e-bike charging infrastructure, prioritisation of walking and cycling in design (especially on flat land), cycle storage and other cycle infrastructure. This was supported by a further submission from *Otago Regional Council (FS184.200)*.

368. The *Bus Users Support Group Ōtepoti (S125.003)* sought amendments so the design of the road and path network optimises walking distances to bus stops.

369. The *Ministry of Education (S218.001 and S218.002)* sought amendments to Policy 2.2.2.4.X and Policy 6.2.3.Y to provide greater clarity and direction about how the specific urban design outcomes are required to be achieved. This was specifically in terms of connectivity between schools and new greenfield sites, and amendments to Policy 6.2.3.Y to consider safety near schools, possibly including assessment matters relating to the implementation of enhanced safety measures such as the promotion of public transport and active transport linkages, traffic calming and signalised crossings where appropriate.

370. Ms McEwan in her section 42A report noted that requests for provisions on infrastructure other than transportation connections, such as charging facilities, cycle storage and cycle infrastructure other than cycleways are not within the scope of Change D2 to consider.
371. Regarding the other aspects of the submissions on ensuring connections to cycleways, walkways, bus stops and schools, Ms McEwan recommended amendments to Policy 2.2.2.4.X, Policy 6.3.2.12, and associated assessment guidance, to ensure good connections by active modes, to existing or planned cycleways, walkways, schools and public transport stops. She considered that these amendments would provide for connections by alternative modes even when a subdivision does not involve a new road. She also said that cycle and charging infrastructure can still be provided by individual landowners on their own property, or communal charging facilities can be installed by commercial providers where it is considered commercially feasible to do so.

A.4.3.1.1 Decision and reasons

372. We reject the submission by the *Dunedin Tunnels Trails Trust (S160.012 and others)* that sought requirements for EV car and e-bike charging infrastructure, as we agree with the officer's recommendation that these changes are outside of scope. We also consider we did not receive enough evidence from the submitter to justify these changes in terms of our requirements under section 32.
373. With respect to the other parts of the submissions from Dunedin Tunnels Trails Trust (S160.012 and others), the Bus Users Support Group Ōtepoti (S125.003), and the Ministry of Education (S218.001 and S218.002) to provide for connections to existing and planned cycleways, walkways, schools and public transport routes, we accept these submissions in part and adopt the reporting officer's recommendations as set out in the section 42A report with minor amendments. The changes are shown in Appendix 1 with the reference 'Change D2/S160.012 and others' and include changes to the following provisions:
- Amend Policy 2.2.2.4.X to include reference to the need for connectivity to existing or planned schools, cycleways, walkways and public transport stops and improve the structure of the policy;
 - Amend Policy 6.2.3.12 to:
 - ensure connectivity is considered not only via roads, but also via private ways and other pedestrian and cycling connections (note we have simplified the recommended wording for clarity);
 - ensure connections maximise active mode and public transport connections to existing and planned schools, public transport stops, and other facilities;
 - to clarify when connections will be required to neighbouring land;
 - improve structure of the policy;
 - Amend Assessment Rule 6.11.2.8 to update the paraphrasing of Policy 6.2.3.12 (note this is instead of deleting the policy as recommended, as otherwise there would be no section 6 policy to support the assessment);
 - Amend Assessment Rule 6.11.2.8 to delete reference to the strategic direction Policy 2.2.2.4 (which is implemented by Policy 6.2.3.12), and because strategic directions are typically not referred to in assessment rules for restricted discretionary activities (note this change is in addition to those recommended by the reporting officer); and

- Amend Assessment Rule 6.11.2.7 to add reference to Policy 6.2.3.12.

A.4.3.2 Requirement for a road to be provided

374. Three submitters, represented by local survey firm *Terramark (\$220.009 and others)*, considered that private access serving an unlimited number of sites is reasonable. In their submission they sought amendments so the new Policy 6.2.3.Y and associated assessment rules 6.11.2.7 and 6.11.2.8 will only require a legal road where needed for reasons of network connectivity and/or safe and efficient operation of the transport network. The submitters also considered that the provisions should be drafted in a way that enables safe and efficient development, and so that Council's discretion is clearly understood.
375. *Mark Geddes (\$128.009)* sought amendments to Rule 6.11.2.7 to remove the limit on number of users if the road is of adequate width and a purchaser has bought a site knowing the maintenance requirements and potential traffic flows for their private road.
376. Several submitters (*\$282.026 and others*) represented by local survey firm Paterson Pitts Group sought removal of Policy 6.2.3.Y and associated assessment rules 6.11.2.7 and 6.11.2.8 altogether. These submissions also included requests for provisions requiring turning bays and easements for rubbish trucks on private accessways.
377. The *Dunedin City Council (\$187.018)* sought amendments to Policy 6.2.3.Y to ensure that the potential for development of more than one residential unit per site is a consideration in the assessment.
378. Ms McEwan in her section 42A report considered that Policy 6.2.3.Y and associated assessment rules should not be removed because the guidance they provide on when to require a road is necessary to ensure connectivity through urban growth and to manage other issues arising from a proliferation of private accessways (e.g. ongoing maintenance). This was supported by the evidence of Mr Copland from DCC Transport. Ms McEwan considered that the proposed provisions do in fact provide flexibility to only require a road when this is necessary and do provide guidance on how this will be assessed.
379. Evidence from Mr Chris Henderson, DCC Group Manager Waste and Environmental Solutions, on provisions for solid waste disposal also highlighted issues arising from high numbers of residential units being accessed via a private way. Our determination on this matter is addressed in part by the following decisions and is further addressed in section A.2.7 on solid waste management.
380. In response to concerns raised by submitters represented by Paterson Pitts Group, Ms McEwan in her section 42A report recommended amendments to assessment Rule 6.11.2.7 to expand on how DCC will apply Policy 6.2.3.Y in terms of discretion not to require a road for more than 12 units. Ms McEwan also recommended changes to the assessment rule to provide guidance on provision of turning areas for rubbish trucks on shared driveways (in section 4.1.3 of her section 42A report).
381. Mr Kurt Bowen of Paterson Pitts Group spoke to these recommended changes at the hearing and tabled a paper suggesting further amendments to clarify the approach. In her Reply Report, Ms McEwan recommended additional guidance on legal constraints that may prevent an applicant vesting a road in Council.

382. Mr Bowen also suggested at the hearing that the reference to ‘likely to service more than 12 residential units’ in Policy 6.2.3.Y, as recommended in the section 42A Report (to replace ‘12 sites’), could be interpreted as sites of at least 500m² being eligible for two residential units in the form of duplexes, thereby creating uncertainty as to whether Council will require legal road for as few as 6 sites of that size.
383. In Minute 6, we directed that the parties meet or otherwise exchange information to provide a statement with any agreed wording to assist the Panel regarding the above matters. This step was undertaken by Mr Paul Freeland, the reporting officer for Hearing 2 rather than Ms McEwan.
384. In his Response to Minute 6, Mr Paul Freeland outlined further changes recommended in response to issues discussed with Mr Bowen. These included:
- referring to “12 residential sites or a development with an equivalent amount of trip demand”, rather than to “12 residential units” (as earlier recommended in the section 42A Report in response to the submission from *Dunedin City Council, S187.018*); and
 - adding assessment guidance regarding Council’s ability to accept roads designed to a lesser standard than required by the Code of Subdivision and Development 2010 where those standards are not achievable.
385. The recommended drafting for these changes was agreed to by the parties, as well as the additional assessment guidance on matters Council will consider in determining whether it is inappropriate to require a road, as earlier recommended by Ms McEwan in her section 42A report and Reply Report.

A.4.3.2.1 Decision and reasons

386. We accept the recommendations of the reporting officers for Policy 6.2.3.Y and assessment rules 6.11.2.7 and 6.11.2.8, including the drafting agreed to by the parties in the Response to Minute 6, with some changes to clarify and assist implementation. Therefore, we accept in part the submissions from *Survey & Spatial New Zealand Coastal Otago Branch (S282.026)* and others represented by Paterson Pitts Group. The amendments are shown in Appendix 1 with the reference ‘Change D2/S282.026 and others’ and include changes to the following provisions:
- Amend Policy 6.2.3.Y to refer to “12 residential sites or a development with an equivalent amount of vehicle trip demand”, as set out in the Response to Minute 6 dated 22 October 2021;
 - Amend Assessment Rule 6.11.2.7 to:
 - add four clauses to clarify the matters Council will consider in determining whether it is inappropriate to require a road, as set out in the Reply Report but with amendments to the wording for clarity;
 - add a clause regarding circumstances when Council will consider alternative engineering standards to those set in the Dunedin Code of Subdivision and Development 2010 and/or the most recent NZS 4404, as set out in the Response to Minute 6 dated 22 October 2021 (note we have simplified the agreed wording for clarity);

- add a clause to guide assessment of whether a development creates “an equivalent amount of vehicle trip demand” to that anticipated from 12 residential sites, added by us to support implementation;
- amend clause AB under the heading ‘Conditions that may be imposed include’ to indicate that Council will generally require roads to be designed in accordance with the Dunedin Code of Subdivision and Development 2010 and/or the most recent NZS 4404, as set out in the Response to Minute 6 dated 22 October 2021;
- add guidance on provision of turning areas for rubbish trucks where access is via a private way, as set out in the Response to Minute 6 dated 22 October 2021; and
- update the paraphrasing of Policy 6.2.3.Y to reflect the changes described above.

387. We also note that a minor amendment has been made to the general assessment guidance in clause Y to refer to “12 or fewer sites” rather than “fewer than 12 sites” as notified, for consistency with the 2GP drafting style. The amendments are shown in Appendix 1 with the reference ‘Change D2/Cl.16’ and are not part of our decision but are made by the DCC in accordance with clause 16 of Schedule 1 of the RMA.

A.4.3.3 Increase the legal width of driveways rule for 7 or more residential units

388. A number of submitters (*S203.026 and others*) represented by Paterson Pitts Group sought amendments to replace the changes with an amendment to Rule 6.6.3.9.a.ii to increase the legal width of driveways for 7 or more residential units. These 13 submission points were all opposed in further submissions by *Otago Regional Council (FS184)*.

389. Ms McEwan, in her section 42A report, included evidence from Mr Logan Copland, Planner, DCC Transport. Mr Copland considered that a key issue with Rule 6.6.3.9 Width of driveways is that the rule for 7+ units applies a minimum formed width of 3.5m and minimum legal width of 4.5m and this is unable to accommodate safe and efficient two-way vehicle traffic. The width of driveways performance standard applies when a road is not required, and so Mr Copland considered that amendments are required.

390. In response, Ms McEwan recommended amendments to the width of driveways rule to increase the minimum legal width from 4.5m to 6m and the minimum formed width from 3.5m to 5m for driveways serving 7+ residential units, for the reasons set out in the section 42A report. Ms McEwan also recommended addition of a note to plan user to clarify that the width of driveways performance standard does not apply to roads.

391. We note Mr Kurt Bowen of Paterson Pitts Group did not speak to this aspect of his submissions at the hearing and did not challenge the changes to the width of driveways rule recommended in the section 42A report.

A.4.3.3.1 Decision and reasons

392. We accept in part the submissions lodged by Paterson Pitts Group on behalf of their clients, for the reasons given by the reporting officer in the section 42A report.

393. The amendments are shown in Appendix 1 with the reference 'Change D2/S203.026 and others' and include changes to the following provisions:
- Amend Rule 6.6.3.9.a Width of Driveways to increase the minimum legal and minimum formed widths for driveways serving residential activities with seven or more residential units to provide for two-way vehicle traffic (amend to 6m and 5m, respectively); and
 - Add a clause to Note 6.6.3A – General advice to clarify that the driveway width requirements do not apply to roads.

A.4.4 Change D4 (Social and recreation spaces in NDMA's)

394. This section addresses the submissions covered in section 4.5.3 of the section 42A report on Change D4.
395. Change D4 reviewed and added provisions that direct the provision of social and recreational spaces as part of the subdivision of large greenfield residential areas.
396. *Mark Geddes* submitted in support of Change D4.
397. The submissions from *Marita Ansin-Johnson*, who was broadly opposed to all provisions linked to greenfield rezoning, are dealt with in section A.2.11.
398. The *Dunedin Tunnels Trails Trust (S160.004)* sought an amendment to Policy 2.3.3.1 to refer to connectivity and mode shift and support development where this is accessible. This submission was supported in a further submission from *Otago Regional Council (FS184.135)* because it will help give effect to the Otago/Southland Regional Land Transport Plan 2015-2021, specifically policies 7, 8 and 13.
399. The reporting officer recommended rejecting this submission stating it would be inappropriate to amend Policy 2.3.3.1 to include the concept of mode shift (*S160.004*), as this policy, and the objective it sits under, are primarily concerned with provision of recreational, sporting, social and cultural facilities and spaces. Ms McEwan said the notion of accessibility is already incorporated in Objective 2.3.3 and within the proposed Policy 12.2.X.1. She also considered that broader transportation outcomes are addressed under Change D2.
400. A number of duplicate submissions were received from the clients of planning consultant Emma Peters seeking a new performance standard to set the minimum requirements for provision of greenspace for each new development mapped area, and/or a trigger mechanism only requiring provision of greenspace where a proposal has more than a set number of lots or total area. She considered this was preferable to applying the proposed assessment rule for subdivision in an NDMA (*S223.003 and others*). She said the submitters also have concerns about how the provisions will be applied when the NDMA is over areas that are in multiple ownership.
401. These submission points were supported by further submissions from *Otago Regional Council (FS184)* for the reason that the changes would add clarity for developers. We note that the *Otago Regional Council* did not speak to this point.
402. In response to these submissions, Mr Brenkley, DCC Parks and Recreation, said his department is unable to set out specific requirements for recreation spaces in all new

residential areas. That is because currently there is no overall recreation spatial strategy to determine these requirements. He suggested the proposed assessment matters are a good start to better manage the provision of open space, as the current approach is ad hoc and does not necessarily result in good outcomes for Parks and Recreation Services or the community.

403. Ms McEwan in the section 42A report agreed that performance standards setting out open space requirements for specific large residential rezoning areas could be applied through application of structure plans to rezoning areas through the later hearing on rezoning (where the necessary information is available to do so). Ms McEwan noted that the Plan already provides for this option, as will be reinforced through the addition new Policy 2.6.2.AA (Change E6). However, she did not support this being the only method to ensure appropriate recreation spaces are provided and considered the detailed information required to put in place performance standards is not always available at the time of rezoning, particularly in the case of DCC initiated plan change areas where the current landowners are not yet sure of how they might wish to develop the land.
404. Overall, Ms McEwan recommended that Rule 12.X.2.5.c be amended to include some general assessment guidance to note that Council will consider the contents of the New Zealand Recreation Association Parks Categories Framework in assessing consents. This was to provide partial relief to the submitters by providing more detail regarding the assessment Council would undertake, rather than adding a performance standard.
405. Ms Emma Peters appeared at the hearing on behalf of her clients regarding Change D4. In response to questions, she acknowledged that additional detail about requirements for social and recreational spaces could be provided through an update to the Code of Subdivision and Development, rather than additional changes to the Plan.

A.4.4.1 Decision and reasons

406. We reject the submission from the *Dunedin Tunnels Trails Trust (S160.004)* for the reasons given by the reporting officer.
407. We accept in part the duplicate submissions (*S223.003 and others*) by adding assessment guidance instead of a performance standard, for the reasons given by the reporting officer.
408. The amendments are shown in Appendix 1 with the reference 'Change D4/S223.003 and others' and include changes to the following provisions:
- Amend Rule 12.X.2.5.c.

A.4.5 Change D5 (Solar access in NDMA's)

409. This section addresses the submissions covered in section 4.5.4 of the section 42A report on Change D5.
410. Change D5 provides improved guidance on how solar access should be considered as part of the subdivision of large areas of greenfield residential land.
411. We note the only submission on this change was from *Marita Ansin-Johnson (S90.024)* whose submission was related to general opposition to greenfield rezoning. Her

submission was opposed in a further submission from *Otago Regional Council (FS184.136)* as solar access is important.

- 412. Mr Peter Christos, DCC Urban Designer, considered that the proposed assessment rules will adequately guide the assessment of subdivision consents in terms of solar access as the policy addresses the matters critical to solar access while providing flexibility to consider site-specific conditions.
- 413. Ms McEwan recommended retaining Change D5 as notified because it will help ensure good urban design outcomes for large greenfield rezoning areas, including for energy efficiency from solar access.

A.4.5.1 Decision and reasons

- 414. We reject *Marita Ansin-Johnson's* submission (*S90.024*) for the reasons given by the reporting officer and retain Change D5 as notified.

A.4.6 Change D6 (Natural and environmental values in NDMAs)

- 415. This section addresses the submissions covered in section 4.5.5 of the section 42A report on Change D6.
- 416. Change D6 provides for consideration of the protection of natural environmental values (including indigenous biodiversity) as part of the subdivision process in large greenfield residential areas. The scope of this change does not include reviewing existing methods for protection of natural environment values in urban environments including urban biodiversity mapped areas and rules, esplanade require.
- 417. *Mark Geddes (S128.007)* supported the proposal because he believes there is greater need for consideration of indigenous biodiversity in greenfield subdivisions.
- 418. The submissions from *Marita Ansin-Johnson*, who was broadly opposed to all provisions linked to greenfield rezoning, are dealt with in section A.2.11.
- 419. Planning Consultant, Emma Peters, submitted on behalf of a number of clients (*S223.004 and others*) who sought amendments to Policy 12.2.X.2 to provide a definition of 'significant natural environmental values' to clarify the policy intent. These were all supported by further submissions from *Otago Regional Council (FS184)*.
- 420. Some further submission points in opposition (as summarised in the section 42A report) were received on selected submission points, linked to opposition to greenfield rezoning, but they did not specifically address the Change D6 proposal.
- 421. In her section 42A report, Ms McEwan sought expert evidence from Mr Richard Ewans, DCC Biodiversity Advisor in response to submissions seeking changes to the definition of 'significant natural environmental values'. He considered it may be prudent to avoid using the word 'significant' in relation to natural environment values due to its specific meaning in relation to section 6(c) of the RMA and related 2GP provisions, and to instead use the word 'important'. He also considered the term 'waterways' should be replaced by 'water bodies', which is defined in the 2GP, and the meaning of 'important natural environment values' should be clarified to capture the range of values described for

Urban Biodiversity Mapped Areas through adding an advice note and defining 'natural environment'.

422. Mr Peter Christos, DCC Urban Designer, concluded that retaining landscape features is not only important in terms of ecological systems but also in terms of "preserving sense of place and avoiding bland subdivisions that lack context". In his view the assessment matters could be improved by clarifying they extend to the protection of existing landscape features such as wind breaks, orchard and groups of established trees. He recommended that Policy 12.2.X.2 should be amended accordingly.
423. In her section 42A report, Ms McEwan recommended amending Change D6 to address the concerns raised by the submitters regarding lack of clarity over the meaning of 'significant natural environment values'. Ms McEwan did not recommend adding a definition of natural environment, as suggested by Mr Ewans, as this term is already used in multiple places in the Plan (including it being the title of Chapter 10) and the addition of the definition may have unintended consequences for other provisions. Instead, she recommended that clarification of the meaning of natural environment could be achieved by adding to the assessment guidance for the new provisions.
424. In her evidence, Ms Emma Peters agreed to the amendments recommended in the section 42A report on behalf of the submitters she represents. In addition, she sought an amendment to Rule 12.X.2.5.d so that plants listed on the 2GP Pest Plant List or ORC Pest Management Plan are excluded from Council's consideration as examples of "aspects of the natural environment which make an important contribution to the sense of place or the character of the landscape". Ms McEwan agreed with this request in her reply report.

A.4.6.1 Decisions and reasons

425. We accept in part the submissions made by the various submitters represented by Ms Peters for the reasons given by the reporting officer. We adopt the recommended drafting from the section 42A report and Reply Report. These changes are shown in Appendix 1 with the reference 'Change D6/ S223.004 and others' and include amending the following provisions:
- Policy 12.2.X.2 to refer to water bodies instead of waterways, to refer to important natural environment values instead of significant natural environment values, and a minor wording change for clarification;
 - Rule 12.X.2.5.d to make changes consequential to the amendment of Policy 12.2.X.2, and to add general assessment guidance on the matters Council will consider; and
 - Rule 15.11.5.Y.d to make changes consequential to the amendment of Policy 12.2.X.2.

A.4.7 Change D7 (Amenity planting and public amenities in NDMAs)

426. This section addresses the submissions covered in section 4.5.6 of the section 42A report on Change D7.
427. Change D7 improves guidance on the provision of amenity planting and public amenities as part of the subdivision of large greenfield residential areas.

428. *Mr Mark Geddes (S128.008)* supported Change D7 to assist in getting more appropriate planting and public amenities in greenfield subdivisions.
429. The submissions from *Marita Ansin-Johnson*, who was broadly opposed to all provisions linked to greenfield rezoning, are dealt with in section A.2.11.
430. Planning Consultant, Emma Peters, submitted on behalf of a number of clients (*S191.005 and others*) who sought amendments to include a trigger for the provision of amenity planting and public amenities (i.e. number of lots / size of development area) and /or provision of guidance on what constitutes ‘adequate’ areas of amenity planting and public amenities.
431. A number of further submission points in opposition (as summarised in the section 42A report) were received on selected submission points, linked to opposition to greenfield rezoning. However, these did not specifically engage with Change D7.
432. Mr John Brenkley, DCC Planning and Partnerships Manager, Parks and Recreation (PARS) noted that due to the diverse range of open spaces, PARS have adopted the New Zealand Recreation Association Parks Categories Framework. This provides a general framework within which PARS can determine the number and type of amenities required based on the type of open space and adequate provision of amenities.
433. Mr Peter Christos, DCC Urban Designer, provided a description of amenity planting considerations that should be made at the time of subdivision. He considered that an assessment rule will adequately guide the assessment of subdivision consents in terms of provision of amenity planting and public amenities and provides flexibility to consider the scale of development proposed and site-specific opportunities and constraints.
434. In the section 42A report, Ms McEwan recommended amendments to Rule 12.X.2.5.b (the assessment guidance related to this new matter of discretion) to provide more guidance on what constitutes ‘adequate’ amenity planting and public amenities as set out in evidence from Mr Christos. Ms McEwan did not recommend including a trigger for the provision of amenity planting and public amenities, as she considered this is not wholly a scale-based assessment and depends on the context. Regarding Mr Brenkley’s evidence, Ms McEwan recommended including a reference to the New Zealand Recreation Association Parks Categories Framework in other more relevant provisions as part of Change D4 (see section A.4.4 above).
435. Ms Emma Peters in her evidence agreed with the changes recommended in the section 42A report and supported the need for a change to the Code of Subdivision and Development to further address this issue.

A.4.7.1 Decisions and reasons

436. We accept in part the submissions from *Roger and Janine Southby (S191.005) and others* and adopt the reporting officer’s recommendation to amend Rule 12.X.2.5.b (the assessment guidance related to this new matter of discretion), for the reasons given by the reporting officer. These changes are shown in Appendix 1 with the reference ‘Change D7/S223.004 and others’.

437. However, we reject the aspects of the above submissions that sought a trigger for the provision of amenity planting, for the reasons given by the reporting officer in the section 42A report.
438. We note that further guidance could be provided through an update to the Landscape Design and Practice Guide in the Code of Subdivision and Development, which sits outside the 2GP.
439. We also note Ms McEwan's explanation that structure plan provisions regarding amenity planting and public amenities could still be applied to specific greenfield rezoning areas as part of considering the rezoning proposals at the upcoming hearing on rezoning, should evidence be provided to support this.

A.4.8 Change D8 (Efficient use of land in NDMAs)

440. This section addresses the submissions in section 4.5.7 of the section 42A report on Change D8.
441. Change D8 provides a new policy framework and assessment guidance for the efficient use of land as part of the subdivision of large greenfield residential areas.
442. The submissions from *Marita Ansin-Johnson*, who was broadly opposed to all provisions linked to greenfield rezoning, are dealt with in section A.2.11.
443. Planning Consultant, Emma Peters, submitted on behalf of a number of clients (*S13.005 and others*) who opposed one clause in Rule 12.X.2.5.e.iv.3. The submitters contend that the required assessment of the potential cumulative effects of inefficient development on the loss of rural land would already have been undertaken as part of the rezoning of the land. These submissions were all opposed in further submissions from *Otago Regional Council (FS184)*.
444. Ms McEwan provided some background on the need to better manage the efficient use of land, in answer to our pre-hearing questions. She outlined that where development is undertaken at a lower density than the Plan enables, this results in the inefficient use of 3 waters infrastructure, which is designed and installed based on maximum development potential. Furthermore, Ms McEwan noted that lower density development tends to result in development of larger, less-affordable houses, detracting from providing a range of housing choices and meeting the demand for smaller housing types. Ms McEwan also noted that where land is developed at a lower density, it can drive demand for more greenfield land for urban expansion, resulting in the loss of productive land and other values associated with undeveloped land.
445. Ms McEwan did not recommend any changes in response to submissions in her section 42A report.
446. Ms Peters', in evidence, agreed to the retention of Rule 12.X.2.5.e.iv.3 if the rule included consideration of wider reasons why land might be subdivided to a lesser density than provided for by the zone (i.e. for reasons other than to just achieve the 2GP's objectives and policies).
447. At Hearing 1, Ms Peters also noted, in alignment with discussion on other matters canvassed at the hearing by the reporting officer (e.g. regarding the social housing

proposal in Change C1), that an assessment of cumulative effects is difficult to undertake as part of a resource consent application.

448. Ms McEwan responded to Ms Peter's evidence in her Reply Report and recommended amendments to Rule 12.X.2.5.e to achieve the following outcomes:

- remove the reference to cumulative effects assessment;
- recognise that slope can be a relevant factor in reducing yield; and
- recognise that Council would generally anticipate a yield of at least 70% of maximum development capacity to account for the provision of roads, reserves and stormwater management areas (as a standard 'rule of thumb' in calculating site yield, earlier traversed in her answers to our pre-hearing questions).

449. Ms McEwan did not provide detailed drafting for these recommended amendments in her Reply Report.

A.4.8.1 Decision and reasons

450. We accept in part the submissions lodged by Ms Peters on behalf of her clients and broadly adopt the reporting officer's recommendations as set out in her Reply Report.

451. In preparing the drafting, we have not referred to the 70% of maximum development capacity terminology the reporting officer suggested. We prefer reference to sites being at or close to the minimum site size. Our approach is in response to the evidence of Ms Peters that site characteristics such as slope, land constraints, or roading needs can create significant variation from the 70% figure.

452. Based on the reporting officer's recommendations in her Reply Report, we make the following amendments to the general assessment guidance in Rule 12.X.2.5.e on "Whether subdivision design supports efficient use of land":

General assessment guidance:

- v. In assessing whether a subdivision design for an NDMA ensures the efficient use of land, Council will generally expect developable sites to be at or close to the minimum site size (for either a single dwelling or duplex) or, if part of a proposed comprehensive development or staged subdivision, otherwise enable an require subdivision in a NDMA to enable the maximum equivalent residential development capacity allowed under considering the applicable rules and after deducting land allocated to roads, reserves, stormwater management areas and other non-developable areas. and as can be achieved while still achieving the other objectives and policies of the Plan (e.g. as many sites suitable for residential development as practicable or through other means of maximising development capacity).
- vi. Where a subdivision proposes a residential yield development capacity less than anticipated by clause (iii) above what is allowed by the zoning and where this is not required to achieve other plan objectives or policies, Council will consider:
 1. the extent to which this is required to achieve other plan objectives or policies, for example to protect on site values or manage risk from natural hazards;

2. the extent to which the slope of the parent site makes achieving a higher yield impractical;
3. how ~~this~~ the lower yield might affect the affordability and efficient delivery of public infrastructure; and
4. how ~~this~~ the lower yield might affect the affordability of land or housing within the subdivision, ~~ability to provide a reasonable amount of affordable housing in the development; and~~
5. the potential cumulative effects of inefficient development on loss of rural land.

453. The changes to Assessment Rule 12.X.2.5.e are shown in Appendix 1 with the reference 'Change D8/S13.005 and others'.

454. We also note the following amendment has been made by the DCC in accordance with clause 16 of Schedule 1 of the RMA and is not part of our decision. The change is shown in Appendix 1 with the reference 'Change D8/Cl.16':

- Amend Policy 2.7.1.2, clauses (a) and (Z) to correct the list grammar so semi-colons, the use of "and", and full-stops are correctly placed.

A.5 Decisions on specific change proposals (Group E)

A.5.1 Change E1 (Residential zone descriptions)

455. This section addresses the submissions covered in section 4.7.1 of the section 42A report on Change E1.

456. Change E1 makes amendments to the residential zone descriptions in the Section 15 introduction to better describe the type of development enabled in each zone.

457. Marita Ansin-Johnson (S9.018) and Generation Zero (Dunedin) (S177.006) submitted in support of Change E1.

458. Submissions seeking changes are addressed by topic below.

A.5.1.1 Retirement villages

459. *Retirement Villages Association of NZ* and *Ryman Healthcare Ltd* sought to amend the zone descriptions for General Residential 1 zone, General Residential 2 zone and Low Density Residential zone to specifically mention retirement villages (*S205.008, S205.009, 205.010, S189.008, S189.009, S189.010*).

460. In her section 42A report, Ms McEwan recommended accepting the submissions in part by adding a paragraph to the Introduction to the Residential zones in Section 15.1 of the Plan, rather than specifically mentioning retirement villages in each requested zone description. However, Ms McEwan also recommended including a reference to retirement villages in the zone description for the General Residential 1 zone, as it already specifically mentioned other types of supported living facilities.

461. No submitters appeared or tabled evidence at the hearing on this matter.

A.5.1.1.1 Decision and reasons

462. We accept in part the submissions from *Retirement Villages Association of NZ* and *Ryman Healthcare Ltd* for the reasons given by the reporting officer in the section 42A report. We adopt the changes recommended by the reporting officer to amend the following provisions:

- Section 15.1 Introduction to refer to provisions for retirement villages; and
- Section 15.1.1.1 (zone description for the General Residential 1 zone) to refer to provisions for retirement villages.

463. These changes are shown in Appendix 1 with the reference 'Change E1/S205.008 and others'.

A.5.1.2 Submission from Dunedin City Council

464. *Dunedin City Council (S187.019)* sought to amend the descriptions for the Large Lot Residential 1 and 2 zones and Township and Settlement zone to clarify that some of these areas are not serviced with reticulated water supply or stormwater and amend the reference to stormwater storage, as this is not strictly correct.

465. In response to the submission, Ms McEwan recommended deleting the reference to "onsite stormwater storage" from the zone descriptions for Large Lot Residential 1 Zone and Large Lot Residential 2 Zone. Ms McEwan recommended deleting the reference to stormwater altogether because other zone types may also require stormwater attenuation but there was no scope to add reference to this through submissions and the inconsistency may cause confusion.

466. Ms McEwan also recommended amendments to the zone descriptions for Large Lot Residential 1 Zone, Large Lot Residential 2 Zone, and Township and Settlement Zone to clarify that some of these areas are not serviced with reticulated water supply or stormwater.

467. No submitters appeared at the hearing to speak to their submission on this matter.

A.5.1.2.1 Decision and reasons

468. We accept the submission from the *Dunedin City Council (S187.019)*. However, we have not adopted the aspect of the reporting officer's recommendation which deletes the reference to "onsite stormwater storage". We consider deleting the reference would send the wrong message, as managing stormwater effects on-site is a relevant consideration and should be referenced in the zone descriptions. Instead, we have amended the wording where "stormwater storage" is referenced to read "stormwater attenuation".

469. We adopt the other aspects of the reporting officer's recommendation to clarify that some zones are not serviced with reticulated water supply or stormwater.

470. The amendments are shown in Appendix 1 with reference 'Change E1/S187.019' and change the following provisions:

- Zone descriptions 15.1.1.5 to 15.1.1.7.

A.5.1.3 Terrace style developments

471. *Jeremy Callandar (S75.001)* sought to amend 15.1.1.1 (General Residential 1 zone description) to remove mention of "terrace style developments" due to concerns about a shortage of car parking to support this type of development if off-street parking is not required.
472. Ms McEwan in the section 42A report did not recommend removing the reference to 'terrace style' developments because terrace style developments are already provided for in the General Residential 1 zone where the sites are large enough to meet the density and minimum site size rules, and where the exception to the setbacks rule applies for buildings sharing a common wall (Rule 15.6.13.1.a.viii.2).
473. No submitters appeared at the hearing to speak to their submission on this matter.

A.5.1.3.1 Decision and reasons

474. We reject the submission from *Jeremy Callandar*, for the reasons given by the reporting officer in the section 42A report.

A.5.2 Change E2 (Clarify the RTZ, HETZ and IndTZ provisions)

475. This section addresses the submissions covered in section 4.7.2 of the section 42A report on Change E2.
476. Change E2 makes minor changes in the introduction to the urban land transition provisions in Section 12 for the Residential Transition Overlay Zone (RTZ), Harbourside Edge Transition Overlay Zone (HETZ) and Industrial Transition Overlay Zone (IndTZ) and adds two appendices to clarify which zone each RTZ and IndTZ is intended to transition to.
477. *Marita Ansin-Johnson (S9.019)* submitted in support of Change E2.
478. *Ryman Healthcare Ltd* and *Retirement Villages Association of NZ (S189.012 and S205.012)* sought a new provision in Section 12 specifying which zones objectives, policies and rules must be considered in an area subject to the transition zone overlays. Ms McEwan considered that no changes were necessary as Change E2 includes the addition of Appendix 12A and Appendix 12B which list the existing and transition zones for each Residential and Industrial transition zone area so it is clear which zones objectives, policies and rules apply before and after transition.
479. Ms McEwan recommended retaining Change E2 as notified.
480. No submitters appeared or tabled evidence at the hearing on this topic.

A.5.2.1 Decision and reasons

481. We reject the submissions from *Ryman Healthcare Ltd* and *Retirement Villages Association of NZ*, for the reasons given by the reporting officer in the section 42A report.

A.5.3 *Change E5 (Strategic direction policies related to structure plans)*

482. This section addresses the submissions covered in section 4.5.8 of the section 42A report on Change E5.
483. Change E5 makes several changes to strategic direction and urban land use provisions to clarify expectations around when structure plans should be used and is linked to the introduction of the new development mapped area provisions.
484. The submission from *Marita Ansin-Johnson (S9.008)*, who was broadly opposed to all provisions linked to greenfield rezoning, is dealt with in section A.2.11.
485. *Megan Goodwin (S306.004)* opposed the proposed change in wording in Policy 2.4.1.7.a. as she considered this would mean the policy is no longer about maintaining a compact city but now provides for urban sprawl.
486. Ms McEwan in the section 42A report recommended retaining Change E5 as notified, as she was of the view that the changes proposed do not change the intent of the Plan regarding urban expansion, as maintaining a compact city does not necessarily mean there should be no urban expansion.
487. No submitters appeared or tabled evidence at the hearing on this topic.

A.5.3.1 *Decision and reasons*

488. We reject the submission from *Megan Goodwin* for the reasons given by the reporting officer and retain Change E5 as notified.

A.5.4 *Change E6 (Policy on applying overlays at time of rezoning)*

489. This section addresses the submissions covered in section 4.7.5 of the section 42A report on Change E6.
490. Change E6 adds a new strategic direction policy (Policy 2.6.2.AA) that guides the consideration of applying overlays and mapped areas at the time of plan changes to rezone land.
491. The submission from *Marita Ansin-Johnson (S9.006)*, who was broadly opposed to all provisions linked to greenfield rezoning, is dealt with in section A.2.11.
492. Transpower New Zealand Limited (S28.002) and Aurora Energy Ltd (S217.001) supported Change E6.
493. The reporting officer recommended retaining Change E6 as notified as the new policy will assist in ensuring that the objectives of the Plan are achieved as part of any greenfield rezoning.
494. No submitters appeared or tabled evidence at the hearing on this topic.

A.5.4.1 Decision and reasons

495. We accept the submissions from *Transpower New Zealand Limited (S28.002)* and *Aurora Energy Ltd (S217.001)* and the reporting officer's recommendation to retain Change E6 as notified, for the reasons given by the reporting officer in the section 42A report.
496. We also note the following amendment has been made by the DCC in accordance with clause 16 of Schedule 1 of the RMA and is not part of our decision. The change is shown in Appendix 1 with the reference 'Change E6/Cl.16':
- Amend Policy 2.6.2.AA to refer to Policy 2.6.1.4 instead of Policy 2.6.1.3, as Policy 2.6.1.3 has been deleted from the 2GP since notification of Variation 2 as part of the resolution of 2GP appeals.

A.5.5 Change E7 (Long stay areas for people living in transportable homes)

497. This section addresses submissions covered in section 4.7.6 of the section 42A report on Change E7.
498. Change E7 makes changes to the Plan to include provision for long-stay areas for people living in transportable homes within the definition of campgrounds (which are a sub-activity of visitor accommodation), and a related change to the definition of visitor accommodation.
499. Six submissions were received on Change E7, 5 seeking amendments and 1 in opposition.
500. The submission from *Marita Ansin-Johnson (S9.007)*, who was broadly opposed to all provisions linked to greenfield rezoning, are dealt with in section A.2.11.
501. *Toni McErlane (S14.001)* sought to make establishing a campground an easier and more affordable process. Ms McEwan recommended rejecting this submission because the activity status for visitor accommodation or campgrounds appropriately ranges from permitted to prohibited depending on the zone in which they will be located. Ms McEwan explained that the appropriate activity status for these activities was recently reviewed as part of the 2GP process.
502. *Generation Zero (Dunedin) (S177.007)* sought to ensure campgrounds are appropriately serviced with 3 waters infrastructure. Ms McEwan recommended rejecting the submission because the activity status for campgrounds in most zones is either discretionary or non-complying and this enables consideration of infrastructure effects as part of the consenting process. In residential zones, it was also proposed (under Change F5) to add a matter of discretion for 'effects on efficiency and effectiveness of infrastructure'.
503. *Lucille Taneatualua (S314.001)* sought addition of a rule to provide for adaptive re-use of motels to accommodate assisted housing. Ms McEwan recommended rejecting this submission because she considered it to be outside the scope of the purpose statement for Change E7 or other changes included in Variation 2.
504. *School of Surveying, University of Otago (S158.001)* sought changes to provide for small modular units that are not transportable or to add a new definition (e.g. "pioneer village") to better capture alternative forms of long-stay or semi-permanent

accommodation. Ms McEwan recommended rejecting the submission because she considered it to be outside the scope of the purpose statement for Change E7 or other changes included in Variation 2.

505. *Nancy Earth (S159.002)* sought to amend the term 'long-stay' in the definition of campgrounds to a more appropriate term to provide for permanent accommodation. Ms McEwan recommended removing the term 'long-stay' from the definition of campgrounds altogether to avoid confusion over the meaning of this term. She considered that the definition of campground could then rely on the word 'temporary' that is in the visitor accommodation definition (noting that campgrounds are a sub-activity of visitor accommodation). Ms McEwan considered that these changes, along with the requirements that ensure the transportable accommodation remains legally and physically moveable, will reflect the 'temporary' rather than 'permanent' nature of these accommodation types.
506. Ms McEwan observed from the content of the submissions that the definition of campgrounds could be further clarified regarding what a transportable tiny home is. She considered that some submissions, such as that from *School of Surveying, University of Otago (S158.001)*, indicated that the term 'transportable' could be misunderstood to mean the same as relocatable or portable. Consequently, she recommended a clarification be made under clause 16.
507. Ms McEwan also recommended amending the "and/or" conjunction between the clauses in the definition of campgrounds to just use "or" to improve clarity, also as a clause 16 'minor' change.
508. No submitters appeared at the hearing to speak to their submissions on this matter.

A.5.5.1 Decision and reasons

509. We accept in part the submission of *Nancy Earth (S159.002)* and the reporting officer's recommendations to amend the definition of campgrounds to remove the term long-stay for the reasons given in the section 42A report. These changes are shown in Appendix 1 with the reference 'Change E7/ S159.002'.
510. We support Ms McEwan's recommendations to clarify the definition of campgrounds regarding what a transportable tiny home is and to make other improvements to the structure of the definition. These changes are shown in Appendix 1 with the reference 'Change E7/Cl.16' and are not part of our decision but are made by the DCC in accordance with clause 16 of Schedule 1 of the RMA.
511. The overall changes made to the definition of campgrounds are shown below:

Campgrounds

The use of land and buildings for the purpose of:

X. providing visitor accommodation primarily in the form of tent, caravan, or campervan sites, but may also include visitor accommodation units; ~~and/or~~

Y. providing for long-stay accommodation for in transportable homes in the form of caravans, house buses/trucks or 'tiny houses' provided these meet the meaning of

“motor vehicle” in the Land Transport Act 1998, are road legal (warranted and registered), and are movable.

This definition excludes freedom camping which is managed through a DCC by-law.

Campgrounds are a sub-activity of visitor accommodation.

512. We reject the other submissions addressed above, for the reasons given by the reporting officer in the section 42A report.

A.6 Miscellaneous other matters

A.6.1 Telecommunications infrastructure

513. This section addresses submissions from *Spark NZ & Vodafone NZ* and the further submissions from *Aurora Energy Ltd* that were covered in section 4.1.2 of the section 42A report. These submissions sought amendments to provide for consultation with telecommunications network utility operators at the time of rezoning or developing new urban land, and amendments to enable consideration of effects on telecommunications transmission when the height performance standard is contravened.
514. Our decisions on submissions from *Spark NZ & Vodafone NZ* regarding the service connections performance standard are given separately in section C.4.8.1 and section C.4.8.2.
515. Councillor Walker removed himself from hearing the submissions and discussion around *Spark NZ and Vodafone NZ* due to a potential conflict of interest.

A.6.1.1 Consultation with telecommunications network utilities operators at the time of rezoning

516. *Spark NZ & Vodafone NZ's* submission (S224.006) sought amendments to the Plan to provide for consultation with telecommunications network utilities operators as part of planning for urban growth.
517. In her section 42A report, Ms McEwan recommended rejecting this submission because it is already standard practice for Council to consult with telecommunications providers at the time of rezoning (and this is required by Policy 10 of the NPS-UD), and provisions which might be amended to provide for consultation are outside the scope of Variation 2 to amend for this purpose.
518. The submitters responded to this recommendation in the written evidence provided prior to the hearing, effectively agreeing that changes to the Plan were not required as originally requested. The evidence of Mr McCarrison and Mr Clune stated that the rezoning stage is probably too soon to undertake network planning and that this should be done during the development of new areas. Furthermore, the written evidence of the submitter's planner, Mr Horne, stated that consultation with telecommunications operators prior to a plan change was “probably more of an education matter rather than requiring a specific amendment to the 2GP” (para 16).

A.6.1.1.1 Decision and reasons

519. We reject the submission from *Spark NZ & Vodafone NZ (S224.006)* for the reasons given by the reporting officer. While we acknowledge the importance of consultation regarding infrastructure provision at the time of rezoning, we agree that there is no need to make amendments to the 2GP to require consultation.

A.6.1.2 Consideration of infrastructure and network utilities when future growth areas are developed

520. *Spark NZ & Vodafone NZ* also sought amendments to Objective 12.2.X and associated provisions to ensure infrastructure and network utilities are considered when future growth areas are developed (*S224.004 and S224.006*). A further submission from *Aurora Energy Ltd (FS28.1)* supported this submission.
521. Ms McEwan did not make a recommendation regarding these submissions in her section 42A report because she considered further information was required.
522. The submitters provided further information in the joint evidence by Mr McCarrison and Mr Clune lodged prior to the hearing. They clarified their concerns lay with how mobile network infrastructure may be provided in urban growth areas, particularly installation of mobile towers for mobile coverage, rather than installation of landline connections to individual site boundaries. They noted issues that arise when mobile coverage is not dealt with early in the development process because it could result in towers needing to be installed after dwellings are constructed, which can lead to a range of technical difficulties (para. 4.4 of the joint evidence).
523. In her Reply Report (dated 28.09.21, section 5.1.2), Ms McEwan acknowledged that the provisions currently in the Plan to ensure Objective 2.3.1 is achieved (e.g. the service connections performance standard) do not resolve the issues highlighted by the submitters. She also noted the potential for adverse social and economic effects, and health and safety effects, on future residents of an area should mobile coverage be compromised by a lack of early planning. She also agreed that the provisions in the National Environmental Standards for Telecommunication Facilities 2016 (NESTF) did not sufficiently provide for the submitters' concerns to be addressed.
524. Overall, Ms McEwan agreed with the submitters that the status quo does not support achieving Objective 2.3.1 and she recommended changes to the NDMA provisions to address this.

A.6.1.2.1 Decision and reasons

525. We accept the submissions of *Spark NZ & Vodafone NZ* and *Aurora Energy Ltd* for the reasons given in the evidence of their witnesses and in Ms McEwan's reply. Accordingly, we have made amendments to Objective 12.2.X to include a reference to Objective 2.3.1 as it concerns the need to consider infrastructure when developing future residential growth areas. New policy direction is also provided, as well as new assessment guidance.
526. The new drafting was circulated to submitters in Minute 10 on 8 April 2022. *Spark NZ & Vodafone NZ* and *Aurora Energy Ltd* responded that they were satisfied with the new drafting.

527. Our drafting for these changes is shown below and in Appendix 1 with the reference 'Change IN- TELCO/S224.004'.

528. Amend Objective 12.2.X as follows:

Future residential growth areas are developed in a way that achieves the Plan's strategic directions for:

- a. facilities and spaces that support social and cultural well-being (Objective 2.3.3);
- b. indigenous biodiversity (Objective 2.2.3);
- c. environmental performance and energy resilience (Objective 2.2.2);
- d. form and structure of the environment (Objective 2.4.1);
- e. a compact and accessible city (Objective 2.2.4); ~~and~~
- f. efficient public infrastructure (Objective 2.7.1); and
- g. land, facilities and infrastructure that are important for economic productivity and social well-being (Objective 2.3.1).

529. Add Policy 12.2.X.6 as follows:

Only allow subdivision in a **new development mapped area** where the subdivision design will enable any new or upgraded electricity or telecommunications network utilities necessary to service the anticipated future development to be efficiently and effectively provided by network utility operators.

530. Add Rule 12.X.2.5.f as follows:

12.X.2 Assessment of restricted discretionary activities in a Transition Overlay Zone or mapped area			
Activity		Matters of discretion	Guidance on the assessment of resource consents
...
5.	In a new development mapped area: <ul style="list-style-type: none"> All subdivision activities 	f. <u>Effects on efficient and effective operation of network utilities (electricity and telecommunication s)</u>	<u>Relevant objectives and policies:</u> <ul style="list-style-type: none"> i. <u>Objective 12.2.X</u> ii. <u>Subdivision in a new development mapped area is designed to enable any new or upgraded electricity or telecommunications network utilities necessary to service the anticipated future development to be efficiently and effectively provided by network utility operators (Policy 12.2.X.6).</u> <u>General assessment guidance:</u> <ul style="list-style-type: none"> iii. <u>In determining whether</u>

			<p><u>Policy 12.2.X.6 is achieved, Council will consider feedback from all relevant telecommunication and electrical network utility operators on the subdivision design, undertaken by the applicant and provided with the application.</u></p> <p>iv. <u>In assessing whether Policy 12.2.X.6 is achieved, Council will only consider whether the design enables new or upgraded network utilities that utility operators may need to install to provide services to future development enabled by the subdivision. Requirements for telecommunications and power supply service connections within subdivisions are covered by Rule 9.3.7.</u></p>
--	--	--	---

531. Amend 15.11.5.Y by adding a new clause g. with a matter of discretion which reads “Effects on efficient and effective operation of network utilities (electricity and telecommunications)” and which links to the assessment guidance in Rule 12.X.

A.6.1.3 Assessment matter for contravention of height limits

532. *Spark NZ & Vodafone NZ (S224.007 & S224.005)* also sought addition of an assessment matter for contravention of the maximum height performance standard so that reverse sensitivity effects on adjacent infrastructure networks can be considered. The submitter considers that increased residential densities may result in pressure for development to exceed maximum height to maximise development yield. They argued that taller buildings could potentially block transmission from existing network infrastructure resulting in high costs to providers to relocate infrastructure. Further submissions from *Aurora Energy Ltd* were received in support (*FS28.3 and FS28.2*).
533. Ms McEwan’s section 42A report requested that the submitters provide further evidence on the significance of this issue to enable her to make a recommendation. This was addressed in the written evidence provided by *Spark NZ & Vodafone NZ*.
534. Ms Joanne Dowd attended the hearing and spoke to *Aurora Energy Ltd’s* further submission and its concerns regarding the proximity of development to electrical transmission lines.
535. In her Reply Report, Ms McEwan considered the evidence presented but recommended rejecting the relief sought by *Spark NZ & Vodafone NZ* and the associated further submission from *Aurora Energy Ltd* with respect to the height performance standard. Her

reasons for recommending rejecting the submissions were that it would be difficult to implement the requested assessment rule due to potential interpretation issues and uncertainty around where the issue may arise; a lack of information about how other councils manage the same issues; and a view that other options might more efficiently manage the issue (such as using mapped areas to identify specific areas of concern).

536. However, Ms McEwan recommended inclusion of an advice note regarding the New Zealand Electrical Code of Practice for Electrical Safe Distances (at Note 15.6.6A) in response to the matters raised by Ms Dowd in particular.

A.6.1.3.1 Decision and reasons

537. We accept in part the further submission from *Aurora Energy Ltd* and adopt the reporting officer's recommendation in her reply report to add an advice note (at Note 15.6.6A) on the requirements of NZECP 34:2001. These changes are shown in Appendix 1 with the reference Change IN-TELCO/S224.007.
538. We consider that it would be more appropriate to defer consideration of the need for additional matters of discretion for contravention of height standards to future plan change processes, as we did not receive adequate evidence as part of this process to be satisfied under s32 that these provisions were more appropriate than the status quo. Further, we believe these provisions should be subject to a full submission process. We also consider that if these changes do pass a s32 evaluation it would be appropriate to apply them across all areas of the city, not just in response to Variation 2 changes.

A.6.2 Roof design for new buildings

539. This section addresses the submission from *Mr Dowden (S122.02)* on roof design for new buildings that was addressed in section 4.1.4 of the section 42A report. He requested that rules be added so that the roofs of all new buildings in all zones must have a 'green' roof, have solar panels, or high light reflectance value coatings.
540. The reporting officer recommended rejecting this submission, as it is largely outside the purpose of changes proposed as part of Variation 2. To the extent that the submission may be within scope, the reporting officer considered it likely to be an inefficient method to combat global warming as no evidence to the contrary had been provided by the submitter. The costs of requiring green roofs or solar panels are likely to be high and may discourage development. High light reflectance roof coatings can result in glare issues for neighbours and the surrounding environment. There would also be conflict with heritage provisions.

A.6.2.1 Decision and reasons

541. We reject *Mr Dowden's* submission (*S122.002*) and adopt Ms McEwan's evidence. We agree that this matter is outside the scope of Variation 2, and even if it was within scope the matter has not been thoroughly investigated and evaluated to the point where amendments can appropriately be made to the Plan.

A.6.3 Effects on heritage from development of growth areas

542. This section deals with *Richard Farry's* submission (*S58.002*) that was addressed in sections 4.1.6 and 4.5.1 of the section 42A report for Hearing 1.

543. *Mr Farry (S58.002)* sought the addition of a further assessment matter in Rule 15.11.5.Y regarding “whether the subdivision maintains, enhances, detracts from or detrimentally affects a heritage precinct or scheduled heritage item”. Rule 15.11.5.Y is the proposed assessment rule for subdivision in a new development mapped area, added under the ‘D group’ of changes.
544. In the section 42A report, the reporting officer noted that *Mr Farry* may have misunderstood the provisions as broadly applying to all subdivision, rather than being concerned with subdivision within NDMA areas only. Initially Ms McEwan had stated in the section 42A report that there are no heritage items within or adjacent to an NDMA. However, she corrected this in her opening statement, noting that there are two heritage buildings adjacent to proposed NDMA, one being on *Mr Farry’s* property (adjacent to NDMA03).
545. Initial evidence from Dr Andrea Farminer, DCC Heritage Advisor, was that the protection of scheduled heritage items is limited to the elements specified in the schedule and a greenfield subdivision is very unlikely to require a need for assessment of effects on protected elements.
546. Ms McEwan recommended rejecting the submission because she agreed with the evidence provided by Dr Farminer.
547. *Mr Farry* appeared at the hearing and explained that his interest relates to the historic property he owns with a Category 1 scheduled heritage building – B425 Bishopgrove 16 Patmos Avenue. He said his concern is due to the potential effects arising from the development of the adjacent land at 18 Patmos Ave which was rezoned residential through the 2GP process (and is also subject to an appeal to increase the permitted density of housing). That land is currently serviced by a shared driveway that passes the front of the historic building on *Mr Farry’s* site by right-of-way. We were advised that a new development mapped area (NDMA03) is also proposed for the land at 18 Patmos Ave as part of Variation 2 to help manage the subdivision of this land as it is developed for residential use. The structure plan for the adjacent land does not contain rules that prevent the residential zoned area using the shared driveway for access.
548. We understand that currently the protection of scheduled heritage items is focused on development activities that affect the elements specified in the schedule, and subdivision does not have any matters of discretion related to heritage where the site subject to subdivision does not contain a scheduled heritage item. *Mr Farry’s* submission was seeking that heritage effects can be considered when the NDMA adjacent to his property is subdivided and developed to address the potential impacts of vehicle access to the new development area on his heritage building. We understand that subdivision activity that meets the performance standards for subdivision in the zone would have discretion restricted to effects on neighbourhood residential character and amenity, risk from natural hazards, effects on efficiency and affordability of infrastructure (stormwater), effects of stormwater from future development (these stormwater matters are as amended through variation 2), effects on the safety and efficiency of the transport network, plus the additional items in Rule 12.X.2.5 that relate to the matters internal to the NDMA.
549. In her right of reply, Ms McEwan retained her recommendation to reject the submission, noting that effects on the curtilage of a scheduled heritage building are not a matter for consideration (as protection does not extend to the curtilage). She also noted that

effects on the ‘ambience’ of a property (for which *Mr Farry* expressed concerns) relate more to amenity than the protected heritage values of a scheduled heritage building.

A.6.3.1 Decision and reasons

550. We accept *Mr Farry’s* submission (S58.002) which sought the addition of a further assessment matter in Rule 15.11.5.Y regarding “whether the subdivision maintains, enhances, detracts from or detrimentally affects a heritage precinct or scheduled heritage item”.

551. We have amended the following provisions to give effect to this decision. These changes are shown in Appendix 1 with the reference Change IN-HERTG SUBDIV/S224.007:

- Amend Objective 12.2.X to add a new clause “h. heritage (Objective 2.4.2)”
- Add a new Policy 12.2.X.7 that reads:

552. *“Only allow subdivision in a new development mapped area where the subdivision design (including any associated off-site access and infrastructure) maintains or enhances any significant heritage values.”*

- Amend 12.X.2.5 and add a new clause (g) with:
 - A matter of discretion which reads: “whether the subdivisions design (including any associated off-site access and infrastructure) maintains or enhances significant heritage values”.
 - Assessment guidance to include reference to:
 - Objective 12.2.X
 - The text of Policy 12.2.X.7 (paraphrased in accordance with the style guide)
 - General assessment guidance, which reads:

“Where significant heritage values are identified or suspected in any area that may be developed as a result of the subdivision (including any associated off-site access and infrastructure), Council will require an assessment of those heritage values by a suitably qualified professional and a plan which indicates how the significant heritage values will be maintained or if values are to be diminished by aspects of the activity why there is no practicable alternative to that loss.”
- Amend assessment Rule 15.11.5.Y by adding a new clause (h) with a matter of discretion which reads “whether the subdivisions design (including any associated off-site access and infrastructure) maintains or enhances significant heritage values” and which links to the assessment guidance in Rule 12.X.

A.6.3.1.1 Section 32AA assessment

553. Our section 32AA assessment for this change is that it is more appropriate than the status quo in terms of achieving objectives 13.2.1 and 13.2.2. We note that protection of heritage values is a matter of national importance. We were convinced that there was a gap in the plan with respect to ‘offsite’ works associated with subdivisions including

roading and other infrastructure, as is the case of the situation with *Mr Farry's* property. This matters if 'on site' would normally be covered by Policy 13.2.1.6 so this change is consistent with that existing policy. We consider that the costs of these new provisions will be relatively low as the evidence showed there are very few instances of this situation.

A.6.4 Change RC1 (Notification rules)

554. This section addresses a submission related to Change RC1 that was addressed in section 4.9.1 of the reporting officer's section 42A report.
555. Change RC1 was a rejected change that was not included in the final proposal for Variation 2 and examined whether to add further non-notification rules to the Plan at Rule 15.4 to limit notification for some types of consents for residential activity, development and subdivision.
556. The *Saddle Hill Community Board (S56.001)* submitted seeking that provisions be amended to ensure a robust process for resource consents to be notified, heard and with open scrutiny.
557. The reporting officer recommended rejecting the submission in her section 42A report because it is seeking greater public notification, not reduced public notification. Therefore, she considered the submission to be outside the scope of Variation 2. Furthermore, the reporting officer considered that the Plan and RMA together already provide a robust process for resource consents to be notified, heard and open to scrutiny.
558. The submitter did not appear at the hearing.

A.6.4.1 Decision and reasons

559. We reject the submission of the *Saddle Hill Community Board* for the reasons given by the reporting officer.

A.6.5 Adding assessment criteria to multi-unit housing

560. This section addresses the submission from *Waka Kotahi (S235.009)* that was addressed in section 4.4.1 of the section 42A report on Change C1 (social housing).
561. The submission sought the addition of an assessment matter for multi-unit development (which is a restricted discretionary activity) to allow consideration of the design of the development where a site adjoins strategic infrastructure, with respect to amenity effects.
562. The reporting officer in her section 42A report considered this submission was outside of the scope of Variation 2 to consider.

A.6.5.1 Decision and reasons

563. We reject the submission from *Waka Kotahi (S235.009)* for the reasons given by the reporting officer.

B. DECISIONS ON INTENSIFICATION REZONING AREAS

B.1 Scope of the decisions covered in Part B

564. This section of our decision contains our decisions on submissions related to areas proposed for rezoning from General Residential 1 Zone to General Residential 2 Zone. These submission points were addressed in the section 42A report for Hearing 2 on intensification and, like the section 42A report for Hearing 2, our decisions are organised under headings by the individual change numbers. Where a submission that was attributed to that change proposal in the section 42A report is addressed in another part of our report, we have noted this. As for other sections, our decisions are given on a topic basis and may or may not address by name every individual submitter who made a submission on that topic. However, our decision addresses all the decisions requested within each topic.
565. The parts of the Hearing 2 section 42A report that are addressed more fully in Part A of our decision relate to submissions on:
- Loss of character and amenity and concerns regarding loss of green space and biodiversity (A.2.2);
 - 3 waters infrastructure and rule changes (A.2.3);
 - Stormwater management on private land and open watercourses (A.2.4);
 - Traffic and transportation issues (A.2.8);
 - Effects on car parking demand due to intensification (A.2.9); and
 - Heritage (A.2.10).

B.2 Evidence considered

566. The decisions in this report relied mainly on the evidence from Hearing 2 (outlined below) but evidence from Hearing 1 was also considered where relevant (see Part A of our decision report for a summary of evidence received for Hearing 1).
567. Hearing 2 was held on 3 and 4 November 2021 in the Shanghai Room, Dunedin Centre. Table B1 below summarises all who appeared or tabled evidence at the hearing. This evidence was considered in addition to reading all of the relevant submissions.

Table B1: Submitters who presented at Hearing 2

Submission Number	Submitter	Represented by / experts called	Topic
S244	Southern Heritage Trust	Jo Galer and Ann Barsby	Heritage
FS133/FS66	Katie Ford and Daryl and Anne-Marie Mckay	Katie Ford	Change IN02a Burgess St
S82	Yolanda van Heezik	-	Green space and biodiversity

S15	Mike Cowan	-	Change IN08a Roslyn (north)
S286	Karen Knudson and Ross Brown	Kurt Bowen	Change IN07 133-137 Kaikorai Valley Road
S198	Elizabeth-Anne Gregory	-	Change IN08 Roslyn and Change IN09 Maori Hill
S148	Elizabeth Prior	-	Change IN05 Mornington North
S194	Barry Douglas	-	Change IN05 Mornington North
S35.001	Helen Thomas	Conrad Anderson	Change IN09 Maori Hill
S122.005	Peter Dowden	-	Public transport
S125.007	Bus Users Support Group Ōtepoti	Peter Dowden	Public transport

568. Appearances for the Dunedin City Council were:

- Mr Paul Freeland, reporting officer; and
- Mr Nathan Stocker, DCC Research and Monitoring team leader.

569. Council evidence, legal submissions, submitters evidence, statements tabled at the hearing and right of reply documents for Hearing 2 (as outlined below) can be found on the Variation 2 webpage ([Plan change - DIS-2021-1 \(Variation 2\) - Dunedin City Council](#)).

570. Council evidence:

- Intensification rezoning section 42A report authored by the reporting officer, Mr Paul Freeland, which included expert evidence for the DCC provided by:
- Logan Copland, Planner DCC Transport Group and Trevor Watson, Contractor Transport;
 - Jared Oliver, Engineering Services Team Leader 3 Waters;
 - Peter Christos, Urban Designer DCC City Development team;
 - John Brenkley, DCC Parks and Recreation Services;
 - Richard Ewans, DCC Biodiversity Advisor; and
 - Ian Munro, Urban Planner and Urban Designer.
- Mr Freeland's reply to the Panel's pre-hearing questions;
- Jonathon Krause, Project Manager 3 Waters on water courses work programme;
- Forecast Model evidence (transport modelling for Mosgiel), Amanda Klepper, Jacobs;
- Tabled examples from DCC reporting officer (landscaping rules from other councils);

- DCC's right of reply to Hearing 2; and
- Response to Hearing Panel Questions from Mr Nathan Stocker.

571. Submitters' evidence:

- Evidence from Emma Peters on behalf of *K Wilson and A Campbell*; and
- Evidence from Conrad Anderson on behalf of *H Thomas*.

572. Statements tabled at Hearing 2:

- Tabled statement from *Barry Douglas*; and
- Tabled statement from Stuart and Elizabeth Prior.

573. Planning assistance to the Panel for Hearing 2 was provided by:

- Dr Anna Johnson, City Development Manager.

574. Where the Plan has been amended through our decisions the changes are shown in Appendix 1 (provisions) or Appendix 2 (mapping) with the change number followed by the submission point being referred to e.g. Change A1/SXXX.XXX.

B.3 General submissions on intensification rezoning areas (rezoning from General Residential 1 to General Residential 2 Zone)

575. Eight original submissions were received in general support for Variation 2. Five submitters supported rezoning intensification areas from General Residential 1 Zone to General Residential 2 Zone. We acknowledge the general tenor of submissions in support of Variation 2 with respect to the positive effects of providing for additional housing capacity through these changes.

576. However, we also acknowledge other submitters who raised concerns about intensification areas, some broadly (for example *Hillary Hutton (S309.002)* regarding broad concerns about infrastructure capacity and traffic congestion arising from intensification) and some in relation to specific areas. We have addressed all submissions raising broad issues in Part A of our decision report. Our discussion and decisions on those matters are not repeated here though our decisions on those matters form an important context to our decisions on the appropriateness of each specific rezoning proposals. This includes our decisions with respect to effects on heritage, stormwater management and open watercourses, loss of character and amenity and green space and biodiversity, 3 waters infrastructure, noise, communal outdoor play areas, traffic and transportation, car parking, and solid waste management. We encourage all submitters whose concerns were mainly related to a particular rezoning area to also read our decisions on these matters.

577. In considering the concerns raised by submissions regarding the adequacy of 3 waters and transport infrastructure in intensification areas, to a large extent we have relied on the advice of Mr Oliver for DCC 3 Waters and Mr Copland for DCC Transport and on their assessment of whether the capacity of infrastructure is adequate to support the proposed rezoning.

B.4 Submissions on specific intensification rezoning areas (rezoning from General Residential 1 to General Residential 2 Zone)

B.4.1 Decisions on change proposals covered entirely in decision on broad topic areas

578. There were four change proposals for which there were no specific submissions received in opposition to the changes, or where the only submissions relevant to the changes were the broad submissions which we have addressed in Part A of our decision report. As we did not receive any additional evidence that challenged the appropriateness of these proposals, our decision is to retain the following change proposals as notified, except where consequential amendments as a result of our decisions in Part A are required to add the Variation 2 mapped area, including to replace the stormwater constraint mapped area:

- Change IN10 26-32 Lynn Street, Maori Hill to rezone from GR1 to GR2 and apply the wastewater constraint mapped area and Variation 2 mapped area;
- Change IN11 Wakari to rezone from GR1 to GR2 and apply the Variation 2 mapped area;
- Change IN12 98 Blacks Road, Opoho to rezone from GR1 to G2 and apply the wastewater constraint mapped area; and
- Change IN04 Concord to rezone from GR1 to GR2 and apply the Variation 2 mapped area.

B.4.2 Change IN01 Mosgiel Medium Density extension

579. This section of the report contains our decisions on submissions on Change IN01 at Mosgiel, which were outlined in section 4.2.5 of the section 42A report for Hearing 2.

580. Seven original submissions were received on Change IN01, with three in support and four in opposition.

581. Some submitters opposed or sought amendments to Change IN01 due to broad concerns about adverse effects on biodiversity and loss of greenspace (*Yolanda van Heezik, M & K Dooher and others*) or car parking and traffic effects (*M & K Dooher and others S214.002*). These aspects of submissions have been dealt with in Part A of our decision on broad concerns.

582. Other submissions opposed Change IN01 over concerns regarding the following adverse effects at a local scale:

- traffic effects in Mosgiel (*Matthew Zacharias S12.001, Mathew Dooher S113.001, Zig Zag Trust S201.002 & M & K Dooher and others S214.002*);
- loss of amenity and character, including effects on privacy and shading and housing typology (*Matthew Dooher S113.001 and M & K Dooher and others S214.002*); and
- concern regarding the availability of adequate 3 waters infrastructure capacity (*Matthew Zacharias S12.001, Matthew Dooher S113, Brian Miller S110 & M & K Dooher and others S214.002 (stormwater)*)).

583. Mr Copland, DCC Transport, in his written evidence, noted that initial modelling of the additional housing through potential rezoning at East Taieri and Mosgiel indicated that without planned traffic improvement projects there would be a worsening of level of service at a number of intersections between Mosgiel and Dunedin. However, he considered that these were not so severe to prevent additional housing in Mosgiel for transportation reasons. He noted that there are several programmed transportation projects to address traffic issues which will address the effects identified. Mr Copland said that despite known issues with transportation infrastructure for which Waka Kotahi is responsible (State Highways 87 & 1), *Waka Kotahi* had not sought any changes to Variation 2 proposals in relation to effects on its infrastructure at Mosgiel as part of its submission. *Waka Kotahi* was supportive of the approach in Variation 2 which distributes housing capacity across a wider area and that if the pressures on Mosgiel intersections increase over time, Waka Kotahi or DCC (as relevant) upgrades may be required.
584. Mr Oliver, DCC 3 Waters considered that applying the 'stormwater constraint mapped area' to this proposed rezoning will ensure that the amount of impermeable surface permitted by the existing GR1 zoning is not increased with the proposed GR2 rezoning. We note here it is relevant that section A.2.4 of Part A discusses our decision not to increase the amount of impermeable surfacing for areas rezoned to General Residential 2 through Variation 2.
585. Mr Peter Christos, DCC Urban Designer, and Dr Andrea Farminer, DCC Heritage Advisor, undertook Medium Density character assessments in February 2021. They considered the new GR2 area proposed in Mosgiel could absorb the potential increase in intensification from a residential character perspective, due to its existing, well-developed character. Mr Christos provided further comments responding to submissions from *Matthew Dooher (S113.001)* and *M and K Dooher and others (S214.002)*. While he acknowledged their concerns regarding the existing residential character of East Mosgiel he considered that the area could accept a more diverse range of housing, whilst providing for some architectural diversity and improved housing choice.
586. Based on the evidence provided, the reporting officer recommended retaining Change IN01 at Mosgiel as notified.
587. No other evidence from submitters as was tabled or presented at the hearing.

B.4.2.1 Decisions and reasons

588. We reject all submissions outlined above that opposed Change IN01 at Mosgiel for the reasons given by the reporting officer and we retain Change IN01 as notified. However, we note that in line with our decisions in Part A, the stormwater constraint mapped area is being replaced with the Variation 2 mapped area.
589. We accept the evidence from Mr Copland regarding transportation effects, the evidence of Mr Oliver with respect to 3 waters infrastructure, and the evidence of Mr Christos and Dr Farminer with respect to effects on residential character.
590. While we accept that the proposed rezoning to General Residential 2 is likely to result in changes in character and a moderate cumulative loss of gardens and greening over time, we consider that the benefits of providing additional housing capacity within the existing urban area outweigh any potential adverse effects of this change. We consider that our decisions related to stormwater, character, amenity, greenspace, and biodiversity given

in Part A may provide some relief to submitters who raised concerns about rezoning at Mosgiel.

591. We refer to our decisions on broad issues addressed in Part A of our decision, which include changes to address the concerns raised by the following submitters:

- Biodiversity and loss of greenspace (*Yolanda van Heezik, M and K Dooher and others*)
- Traffic and parking (*Mathew Zacharias and others*)
- Loss of amenity and character (*Mathew Dooher and others*)
- 3 waters infrastructure (*Mathew Zacharias and others*).

B.4.3 Change IN02 (Burgess Street and surrounds) and Change IN02a

592. This section of the report contains our decisions on submissions on Change IN02 and IN02a at Burgess Street and surrounds, Green Island, which are outlined in section 4.2.4 of the section 42A report for Hearing 2.

593. There was one submission in support of this change area (*W David and M Whitney S86.001*). There were no specific submissions in opposition to Change IN02. *Yolanda van Heezik's* submission (*S82.006*) regarding loss of biodiversity and greenspace is addressed in our decision in Part A.

594. *Alana Jamieson (S3.001)* sought to extend the GR2 rezoning area to include Lot 4, 41 Burgess Street (Change IN02a). Two further submissions in support were received from *Katie Ford (FS133.1)* and *Anne-Marie McKay (FS66.1)*.

595. Evidence included in the section 42A report from DCC Transportation concluded that any site-specific transportation matters could be dealt with at the subdivision stage. Evidence from DCC 3 Waters indicated that the addition of Change IN02a was unlikely to have a significant effect on the demand or capacity of infrastructure.

596. The reporting officer recommended accepting the submission seeking extension of the rezoning area to include Change IN02a because he accepted this evidence with regard to infrastructure, and the site adjoins residential development, some separation from the remaining rural part of the site is provided by the access adjoining the eastern boundary, and there are no mapped hazard areas over the site.

597. The reporting officer also recommended retaining Change IN02 as notified.

598. *Katie Ford* attended Hearing 2 via Zoom. Her parents own 41 Burgess Street. They are seeking to add Lot 4, 41 Burgess Street to Change IN02 to rezone from Rural Coastal to General Residential 2. She noted this site is separate from the rest of her parent's land and is too small for stock.

B.4.3.1 Decision and reasons

599. We accept the submission of *Ms Jamieson (S3.001)* to rezone Lot 4 DP 23545 of 41 Burgess Street from Rural Coastal to General Residential 2 Zone, for the reasons given by the reporting officer in the section 42A report.

600. The changes are shown Appendix 2 with the reference 'Change IN02a/S3.001' and include the following changes:
- Rezoning of Lot 4 DP 23545 of 41 Burgess Street from Rural Coastal to General Residential 2 Zone; and
 - Application of the Variation 2 mapped area consistent with our decisions in Part A.
601. We also accept the submission of *W David and M Whitney (S86.001)* and the recommendation of the reporting officer to retain Change IN02 as notified, in the absence of submissions specifically seeking changes to this rezoning area. However, we note that in line with our decisions in Part A the Variation 2 mapped area is being added to Change IN02.
602. We refer to our decisions on broad issues addressed in Part A of our decision, which include changes to address the concerns raised by the following submitter:
- Biodiversity and vegetation cover (*Yolanda van Heezik*).

B.4.4 Change IN03 Green Island

603. This section addresses the submissions covered in section 4.2.1 of the reporting officer's section 42A report for Hearing 2, which dealt with Change IN03 at Green Island. We note we have dealt with *Dr van Heezik's* submission in section A.2.2 of our decision report.
604. *Adam Binns (S47.001)* supported Change IN03 to rezone part of Green Island from General Residential 1 to Residential 2 zoning, specifically the properties at 6 Kirkland Street and 19A Church Street. He considered that intensification of new development within the city boundaries will allow quicker development and help protect greenfield areas.
605. A number of submissions were opposed to Change IN03, or sought amendments, and are addressed below.

B.4.4.1 Traffic effects

606. *William McArthur (S34.001)* sought measures to either address traffic effects by introducing speed control measures along Derby and Edinburgh Streets, or if this is not able to be provided then his submission was to reject the proposed rezoning.
607. Mr Copland, for DCC Transport, advised that the most recent traffic counts for Derby Street and Edinburgh Street show that most vehicles are travelling at an appropriate speed within the threshold of the posted speed limit. He concluded that this issue is unlikely to change with the proposed rezoning.
608. Mr Freeland recommended rejecting the aspect of the submission seeking additional traffic controls, based on the evidence from Mr Copland.

B.4.4.2 Stormwater networks

609. *Ben Mackey (S130.001 and 130.002)* supported Change IN03 but sought an assessment of the stormwater network and potential relocation and upgrading of pipelines from private

property to enable increased housing capacity, along with removal of the stormwater constraint mapped area.

- 610. In his section 42A report, Mr Freeland referred to evidence from DCC 3 Waters on two projects that are underway to upgrade existing infrastructure and provide for new infrastructure for areas of intensification. Mr Oliver advised that realignment of some pipes may be possible without compromising the functioning of the infrastructure.
- 611. Mr Freeland recommended rejecting the submission and the proposed rezoning of Change IN03, including because of risks to land stability associated with privately owned stormwater pipes and uncertainty about the capacity of the stormwater infrastructure.

B.4.4.3 Land instability hazards

- 612. The *Dunedin City Council (S187.033)* sought Change IN03 be reviewed to ensure any land instability hazards within or adjacent to the rezoning area are appropriately managed. The *Otago Regional Council (FS184.513)* submitted in support of the *Dunedin City Council* submission.
- 613. Engineering consultants Stantec were commissioned by the reporting officer to undertake a hazard assessment following notification of the 2GP. Their report, attached as Appendix G to the section 42A report, identified known land instability issues and a history of damaged houses due to historic slips at the end of Corbett Street. While these slips are outside the proposed rezoning area, they have contributed to 'medium level hazards' associated with slope instability in the area and 'high-level hazards' associated with slope stability on adjacent land. Stantec recommended that controls on stormwater discharge (i.e. to the Council network only) and controls on earthworks be applied within the proposed rezoning area. We were advised that under the 2GP performance standards, any site located within a Hazard 1 (land instability) overlay zone has additional controls for maximum change in finished ground level and maximum volume of combined cut and fill (Rules 8A.5.1.3 and 8A.5.1.5), although IN03 is not currently within a Hazard overlay zone.
- 614. In his section 42A report Mr Freeland recommended rejecting Change IN03. His reasons were due to the risks associated with privately owned stormwater pipes, uncertainty about the capacity of the stormwater infrastructure, and the land instability hazard risk. He considered that intensification could also lead to more earthworks which could exacerbate the hazard risk in this area.
- 615. We asked Mr Freeland to consider other options to address hazard risk, for example, reducing the size of the rezoned areas or other mechanisms that might be used to manage risk. In his Reply Report, Mr Freeland noted his preference would be to commission a more detailed geotechnical report to understand the extent of the land instability in order to answer this question.
- 616. We also requested evidence on the take-up of residential development in the existing GR2 zone at Green Island, which is bounded by Shand, Muir, Howden, and Church Streets. Mr Freeland advised that initial investigations indicate that no substantial residential development has taken place in this area since the zone was established following decisions on the 2GP which were released in late 2018. However, he noted that because of appeals on the 2GP there has only been around 12 months for development to occur.

B.4.4.4 Decision and reasons

617. We accept the submission of the *Dunedin City Council (S187.033)* based on the officer's evidence in his section 42A report, and his reasons why the land at Green Island should not be rezoned for intensification. We consider there is a risk arising from the stormwater and land stability issues to the extent that this area should not be seen as a high priority for intensification at this stage, particularly when there are other areas of Dunedin that appear more suitable for intensification. We also note the lack of evidence of any particular demand to develop the existing GR2 Zone in Green Island at this time.
618. Overall, we consider adequate housing capacity will be provided through a combination of other changes proposed in Variation 2, and through the potential resolution of appeals to the 2GP.
619. We reject the other submissions addressed above for the reasons given by the reporting officer.
620. The changes are shown in Appendix 1 and Appendix 2 with the reference 'Change IN03/S187.033' and include the following:
- Remove the change to the default zone for Green Island School from Appendix A9;
 - Remove the 'stormwater constraint mapped area' from the area within Change IN03 and do not include it within the 'Variation 2 mapped area'; and
 - Retain General Residential 1 Zone for the area within Change IN03.

B.4.5 Change IN05 Mornington North

621. This section of the report contains our decisions on submissions on Change IN05 at Mornington North, which were outlined in section 4.2.7 of the section 42A report for Hearing 2.
622. Six original submissions were received on Change IN05 with one in support (*Alex King S129.005*), two in opposition, and three seeking amendments.
623. Several submitters opposed Change IN05 or sought amendments due to broad concerns about effects. The submissions from *Yolanda van Heezik (S82.012)* regarding biodiversity and loss of greenspace, *Ms Elizabeth Prior (S148.001)*, *Anthony Reid (S143.001)* and *Jeanette Allan (S98.001)* regarding stormwater effects, and *Barry Douglas (S194.001)* regarding general concerns about character and amenity effects have been dealt with in Part A of our decision on broad concerns.
624. *Barry Douglas (S194.001)* sought that the northern area as bounded to the south by Hawthorn Avenue and to the west by Kenmure Road, this being the suburb more generally identified as Belleknowes, be removed from the area to be rezoned GR2. In his submission he raised concerns about privacy, shading and views. He spoke at Hearing 2 and noted that while his comments primarily relate to the Mornington rezoning proposal, they also relate to IN06 Roslyn (south), IN08 Roslyn (north) and IN09 Maori Hill which share a similar topographical aspect. He noted that Belleknowes is a peaceful suburb, close to the inner city where spatial privacy, afforded by site size, sunshine and often uninterrupted views of the city are highly valued. He was concerned about the overshadowing of existing housing from additional housing units on smaller lots and

considered housing intensification would compound solar access limitation during winter months impacting on home energy requirements, natural light and the wellbeing of affected occupants.

625. With regard to issues to do with amenity and character and open space, Mr Christos' (DCC Urban Design) evidence was that intensification can lead to loss of green amenity and character through demolition and poor-quality infill. Mr Christos considered that the architecture within Belleknowes is mixed, and while there are good examples of large villas in sound condition, there are also plenty of examples of more modest and contemporary housing on smaller sites. Mr Christos considered the built character is not reliant on a single typology but more reliant on good architecture in general, high levels of property upkeep and green amenity. He said there has been a reasonable amount of historic subdivision and redevelopment without appearing to have impacted on the suburbs' character.
626. Mr Christos also said that there is capacity (especially at the rear of sites) for further intensification without overly impacting on residential character and streetscape values. We further note his evidence that current provisions within the Plan provide for sufficient amenity and that as the city's housing stock increases, there are likely to be locations (other than heritage precincts) where improved architectural outcomes would be necessary to preserve existing neighbourhood character and particularly where demolition and site amalgamation occurs. In these instances, design guides could aid the consent process while encouraging good design outcomes.
627. Mr Freeland recommended that the zoning of Change IN05 be retained as notified.
628. We also note a submission received from *Beverly Stacey (S26.001)* regarding an area of land adjacent to Change IN05 in the vicinity of 21 Rosebery Street (RS87). This area of land was assessed for potential rezoning as part of Variation 2 but was rejected from the final proposal due to potential adverse effects on streetscape character in and near the Windle Settlement Residential Heritage Precinct. This submission was not addressed in the section 42A report for Hearing 2. However, *Ms Stacey* supported the rejection of this area for rezoning and no other submitters sought its inclusion. Therefore, no decision is required and the area covered by RS87 is excluded from potential rezoning as part of Change IN05.

B.4.5.1 Decision and reasons

629. We reject all submissions outlined above that opposed Change IN05 at Mornington North for the reasons given by the reporting officer, based on the evidence of Mr Christos, and we retain Change IN05 as notified. However, we note that in line with our decisions in Part A, the stormwater constraint mapped area is being replaced with the Variation 2 mapped area.
630. While we accept that the proposed rezoning to General Residential 2 is likely to result in changes in character and a moderate cumulative loss of gardens and greening over time, the benefits of providing additional housing capacity within the existing urban area outweigh any potential adverse effects of this change. We consider that our decisions related to stormwater, character, amenity, greenspace, and biodiversity given in Part A may provide some relief to submitters who raised concerns about rezoning at Mornington North.

2. We refer to our decisions on broad issues addressed in Part A of our decision, which include changes to address the concerns raised by the following submitters:

- Biodiversity (*Yolanda van Heezik*);
- Stormwater (*Elizabeth Prior*); and
- Amenity and loss of open space (*Barry Douglas*).

B.4.6 Change IN06 Roslyn (south)

631. This section of the report contains our decisions on submissions on Change IN06, which were outlined in section 4.2.8 of the section 42A report for Hearing 2.
632. *Yolanda van Heezik (S82.001)* submitted in opposition due to broad concerns about loss of green space and biodiversity. We have addressed this submission in Part A of our decision.
633. *Virginia Theis (S57.001)* submitted in opposition to part of Change IN06 (the area generally between Scarba, Sheen and Ross Streets and Highgate) due to increased pressure on parking, 3 waters infrastructure, and potential loss of heritage buildings. She requested that increased off-street parking be provided for in the District Plan. Our decision on this submission with regard to heritage and parking is given in Part A. Assessment of the other elements of the submission are outlined further below.
634. Expert evidence from Mr Jared Oliver of DCC 3 Waters noted that while there are stormwater issues in the area, the proposal to keep the maximum impermeable surface limits at the General Residential 1 limit would mitigate any adverse effects.
635. Mr Freeland noted that upgrades of the network for water supply and wastewater are required and are proposed to be included in the 10-year plan and DCC's infrastructure Strategy. A wastewater constraint mapped area is also applied to limit development potential to one habitable building per 100m² of the site, compared to the normal General Residential 2 limit of one habitable room per 45m² of site area.
636. The Medium Density Character assessment from Mr Christos noted that "a further gradual increase in dwellings or dwelling types are unlikely to substantially alter the current development and streetscape character of Roslyn South". He considered that there was a need to maintain the generous green amenity identified across the zone to avoid risking substantial loss of often mature vegetation across this area.
637. Mr Freeland in his section 42A report recommended retaining Change IN05 as notified, based on the above evidence.

B.4.6.1 Decision and reasons

638. We reject the submissions in opposition to Change IN06 outlined above for the reasons given by the reporting officer in the section 42A report, and we retain Change IN06 as notified. However, we note that in line with our decisions in Part A, the stormwater constraint mapped area is being replaced with the Variation 2 mapped area.
639. While we accept that the proposed rezoning to General Residential 2 is likely to result in changes in character and a moderate cumulative loss of gardens and greening over time, the benefits of providing additional housing capacity within the existing urban area

outweigh any potential adverse effects of this change. We consider that our decisions related to stormwater, character, amenity, greenspace, and biodiversity given in Part A may provide some relief to submitters who raised concerns about rezoning at Roslyn (south).

640. We refer to our decisions on broad issues addressed in Part A of our decision, which include changes to address the concerns raised by the following submitters:

- Biodiversity (*Yolanda van Heezik*)
- Traffic and parking effects (*Virginia Theis*)
- Stormwater effects (*Virginia Theis*)
- Capacity of 3 waters infrastructure (*Virginia Theis*)
- Heritage (*Virginia Theis*).

B.4.7 Change IN07 133-137 Kaikorai Valley Road

641. This section of the report contains our decisions on submissions on Change IN07, which were outlined in section 4.2.9 of the section 42A report for Hearing 2 and section 4.6.2 of the section 42A report for Hearing 3.

642. The Variation 2 proposal for this land includes application of:

- a ‘new development mapped area’ with associated requirements for on-site stormwater and wastewater management, along with other new assessment matters for subdivision;
- a ‘structure plan mapped area’ to require a comprehensive geotechnical intensification report; and
- a ‘stormwater constraint mapped area’.

B.4.7.1 Concerns with application of NDMA

643. *Karen Knudson and Ross Brown (S286.002, S286.004, S286.005 & S286.021)* who own 133 - 137 Kaikorai Valley Road, opposed Change IN07 primarily because they were concerned that the application of a New Development Mapped Area to their site would create an unnecessary burden, given their plan to develop within the existing General Residential 1 Zone density for the site.

644. At the hearing, *Mr Brown* provided some indicative plans showing the potential layout of the intended development. The plans showed approximately 25 sites with access off Northview Crescent, a large site intended for *Mr Brown and Ms Knudson’s* house and intensive Unit Title type development on the remaining land. We were advised that the site is subject to several resource consent applications that would provide for fewer residential units than would be permitted under the current General Residential 1 density rules. *Mr Brown* explained that the request for General Residential 2 zoning was to provide future flexibility for housing development should it be needed for Dunedin.

645. Proposed Rule 9.6.2.Y would require a communal wastewater system for the area to be constructed and vested in Council. *Mr Brown* considered this to be unreasonable given that the land is already zoned to provide for the scale of their proposed residential development.

646. Mr Freeland, in his Reply Report, noted that requiring a communal wastewater system would be inappropriate if the site was developed to the existing zoning density. This was discussed with Mr Brown at Hearing 2 and he agreed that removing the requirement for a communal wastewater system would largely address his concerns. Applying a wastewater constraint mapped area to the site instead would ensure that future development would be restricted to a density similar to the existing General Residential 1 density.

B.4.7.1.1 Decision and reasons

647. We accept in part the submissions from *Karen Knudson and Ross Brown* by adopting the recommendation of the reporting officer in his reply report, for the reasons he gave. These changes are shown in Appendix 1 and Appendix 2 with the reference 'Change IN07/S286.004':

- remove Kaikorai Valley Road (Change IN07) site from Rule 9.6.2.Y (Assessment of restricted discretionary activities) and Rule 15.11.5.Z (a linking rule) to no longer require a communal wastewater system
- apply a wastewater constraint mapped area to Change IN07

B.4.7.2 Transport

648. Several submitters opposed or sought amendments to Change IN07 due to concerns about traffic noise and safety (*Nicola Wood S119.001, Yoel George S126.001, Rebecca Crawford S54.001*) and access to the land (*Rebecca Crawford S54.001, Yoel George S126.001*).
649. Mr Copland, DCC Transport, provided evidence to the effect that access would likely need to be provided from Kaikorai Valley Road and Northview Crescent to ensure safe and efficient operation of the network. Mr Copland noted DCC Transport would not support a through route, to reduce the impact on Kaikorai Valley Road during peak periods.
650. Mr Freeland in his section 42A report recommended adding a performance standard to the Structure Plan to ensure that no through roads for motor vehicles are created on the site due to the steep topography of the site, the narrow road widths of Northview Crescent Road, and the inability to accommodate large increases in traffic.

B.4.7.2.1 Decision and reasons

651. We accept in part the submissions outlined above which sought amendments to Change IN07 to address concerns regarding access to the rezoning area. We adopt Mr Freeland's recommendation and make the following changes shown in Appendix 1 with the reference 'Change IN07/S119.001':
- add a performance standard to the structure plan mapped area at Rule 15.8.Z.4 to ensure no through roads for motor vehicles are created.

B.4.7.3 Loss of green space and need for reserves

652. *Yoel George (S126.001)* opposed Change IN07 due to concerns about the loss of green space or requested it be amended to require a reserve.

653. Mr Brenkley from DCC Parks and Recreation considered a reserve was not required due to the proximity to other parks in the area, and DCC Biodiversity Advisor Richard Ewans suggested the structure plan could be amended to allow for native re-plantings.
654. However, in his officer's report, Mr Freeland noted the New Development Mapped Area proposed over Change IN07 includes assessment matters relating to maintaining or enhancing areas with natural environmental values (Rule 12.X.2) and proposed Policy 12.2.X.2 seeks to ensure that any future land use and development will protect, and where necessary restore, any waterbodies, areas of important indigenous vegetation or habitats of indigenous fauna. Therefore, he recommended rejecting the submission.

B.4.7.3.1 Decision and reasons

655. We reject Yoel George's submission (S126.001) as we adopt Mr Brenkley's evidence that a reserve is not required and accept Mr Freeland's recommendation that any areas identified as requiring native replacement planting could be assessed at the time of the resource consent application via the new development mapped area provisions.

B.4.7.4 Reference to the Hazard 2 Overlay Zone

656. The *Dunedin City Council* (S187.028) sought to amend Rule 11.6.2.1.i to remove specific reference to the Hazard 2 Overlay Zone and any Restricted Development Area (Hazard).
657. Mr Freeland in his section 42A report recommended amending Rule 11.6.2.1.i to remove specific reference to the Hazard 2 Overlay zone and any Restricted Development Area (Hazard) in response to the submission from the *Dunedin City Council* (S187.028). He noted that Rule 11.6.2.1 covers the assessment of a wide range of consenting situations relevant to natural hazards and reference to specific mapped areas would preclude consideration of this matter for other situations, which does not make sense in the context of this assessment rule. He considered that the recommended change would ensure the rule will accurately cover all consenting situations that are directed to this rule, including within the new mapped areas.

B.4.7.4.1 Decision and reasons

658. We accept the submission from *Dunedin City Council* (S187.028) for the reasons given by the reporting officer. These changes are shown in Appendix 1 with the reference 'Change IN07/S187.028':
- Amend Rule 11.6.2.1.i to delete the references to hazard overlay zones and mapped areas.
659. We note an additional amendment has been made to Rule 15.12.3.X, the assessment rule for contravention of the hazard rules in the structure plan for Change IN07. The rule is now numbered Rule 15.12.3.Y. This has been done so that there are separate rules for Change IN07 and Change GF05 because Change GF05 will be considered separately in our decision after Hearing 4. This change is shown in Appendix 1 as 'Change IN07/CI.16' and is not part of our decision but is made by the DCC in accordance with clause 16 of Schedule 1 of the RMA.

B.4.7.5 Summary of decisions on IN07

660. Overall, we adopt Mr Freeland's recommendations with minor amendments as follows:

- retain the proposed General Residential 2 zoning;
- retain the proposed structure plan mapped area but with addition of a performance standard to ensure there are no through roads created for motor vehicles at Rule 15.8.Z.4;
- replace the stormwater constraint mapped area with the Variation 2 mapped area consistent with our decision in Part A;
- retain the new development mapped area but remove 133-137 Kaikorai Valley Road from Rule 9.6.2.Y (Assessment of restricted discretionary activities) and linking Rule 15.11.5.Z;
- apply a wastewater constraint mapped area;
- remove specific reference to hazard overlay zones and mapped areas from Rule 11.6.2.1.i.

B.4.8 Change IN08 and IN08a Roslyn (north)

661. This section addresses the submissions covered in section 4.2.2 of the reporting officer's section 42A report for Hearing 2, which dealt with Change IN08 at Roslyn (north).

662. *Ryman Healthcare Ltd (S189.029)* supported Change IN08, as it considered rezoning this area provides for a reasonable increase in feasible development capacity on *Ryman Healthcare Ltd's* existing sites.

663. Several submitters opposed Change IN08 due to broad concerns about adverse effects. These submissions, from *Yolanda van Heezik (S82.002)* regarding biodiversity, *Virginia Theis (S57.002)* regarding heritage, *Virginia Theis (S57.002)* and *Kate Logan (S17.001)* regarding parking effects, and *Kate Logan (S17.001)* and *Elizabeth-Anne Gregory (S198.001)* regarding effects on amenity and loss of open space, have been dealt with in Part A of our decision on broad concerns.

664. Other reasons for opposition to Change IN08 included concerns around potential local adverse effects, including:

- traffic effects (*Virginia Theis, S57.002, Kate Logan S17.001*); and
- capacity of 3 waters infrastructure and stormwater effects (*Virginia Theis, S57.002*).

665. *Mike and Clare Cowan (S15.001)* sought to include the properties at 16 Wright Street and 37 Tyne Street within the rezoned area to provide them with more flexibility for future land development on their properties. This request is identified as Change IN08a.

666. Mr Copland and Mr Watson from DCC Transport provided evidence on traffic effects that Change IN08, and Change IN08a, would have minimal impact upon the wider road network.

667. Regarding stormwater effects, Mr Jared Oliver highlighted that, from work done as part of the section 32 assessment, there are known stormwater flooding issues downstream that would be managed by application of the proposed stormwater constraint mapped area.
668. Regarding the additional sites covered by Change IN08a, Mr Oliver noted wastewater constraints for the Kaikorai Valley catchment to which these properties connect.
669. Based on the evidence received, Mr Freeland recommended retaining Change IN08 as notified and not extending it to include Change IN08a.
670. *Mike Cowan (S15.001)* appeared at the hearing in support of his submission seeking to add two additional sites he owns (16 Wright Street and 37 Tyne Street) into the rezoned area. These properties are located to the west of change area IN08 and contain existing dwellings. He outlined his aspirations for his sites and the rationale for changing them to enable a vehicle access to be moved and to be able to keep one site and eventually sell the other one. Mr Freeland at the hearing noted that he believed that the proposal could be achieved under the proposed rules for GR1 (in particular the reduction in the minimum site size to 400m²) without the need for rezoning through Variation 2.

B.4.8.1 Decision and reasons

671. We reject all submissions seeking amendments to, or rejection of, Change IN08 at Roslyn (north), including the submission from *Mike and Claire Cowan* to expand the rezoning area to include their two properties. We accept the evidence provided by the reporting officer and Mr Oliver, Mr Copland and Mr Watson and we retain Change IN08 as notified.
672. With respect to 3 waters concerns, we accept the evidence that the proposed 'stormwater constraint mapped area' will manage stormwater effects by limiting impermeable surfaces to the maximum that is currently permitted. However, we note that in line with our decisions given in Part A, this limitation will now be applied by way of the Variation 2 mapped area, rather than the stormwater constraint mapped area.
673. While we accept that the proposed rezoning to General Residential 2 is likely to result in changes in character and a moderate cumulative loss of gardens and greening over time, we consider that the benefits of providing additional housing capacity within the existing urban area outweigh any potential adverse effects of this change. We consider that our decisions related to greenspace, heritage and biodiversity given in Part A may provide some relief to submitters who raised concerns about rezoning at Roslyn (north).
674. We refer to our decisions on broad issues addressed in Part A of our decision, which include changes to address the concerns raised by the following submitters:
- Biodiversity (*Yolanda van Heezik*)
 - Stormwater (*Virginia Theis*)
 - Heritage (*Virginia Theis*)
 - Amenity and loss of open space (*Kate Logan and Elizabeth-Anne Gregory*).

B.4.9 Change IN09 Maori Hill

675. This section of the report contains our decisions on submissions on Change IN09, which were outlined in section 4.2.10 of the section 42A report for Hearing 2.
676. Nine original submissions were received on Change IN09, four seeking changes and five in opposition to the rezoning of the area.
677. Some submitters opposed or sought amendments to Change IN09 due to broad concerns about adverse effects on biodiversity and loss of greenspace (*Yolanda van Heezik S82.003*), or heritage (*Trish Brooking S183.001* and *Elizabeth-Anne Gregory S198.002*). These aspects of submissions have been dealt with in Part A of our decision on broad concerns.
678. Other reasons for opposition to Change IN09 included concerns over potential adverse effects in the local area, including:
- traffic and parking effects (*Helen Thomas S35.001*, *Trish Brooking S183.001*);
 - loss of character (*Trish Brooking S183.001*, *Elizabeth-Anne Gregory S198.002*);
 - shading effects (*Helen Thomas S35.001*);
 - loss of trees, greenspace and effects on streetscape amenity and character (*Karen Oben S90.001*, *Helen Thomas S35.001*, *Trish Brooking S183.001*, *Elizabeth-Anne Gregory S198.002*, *Gisela Sole S208.001*); and
 - stormwater effects and infrastructure capacity (*Karen Oben S90.001*, *Trish Brooking S183.001*, *Barbara Kennedy S141.001*, *Gisela Sole S208.003*).
679. Amendments sought to Change IN09 included:
- to exclude properties adjacent to Brent Street, Baxter Street, Henry Street, Brownville Crescent (and streets of similar widths) from the area of Change IN09 due to traffic effects and parking issues on narrow streets (*Chris Palmer S172.001*);
 - to exclude the gully between Prestwick Street and Monro Street or consider stormwater effects and loss of trees within this area (*Gisela Sole S208.001* and *S208.003*); and
 - to exclude the Cannington Road and Cairnhill Street area due to stormwater effects (*Barbara Kennedy S141.001*).
680. Two further submissions were received from the *Southern Heritage Trust (FS226.5)* supporting the submissions received from *Elizabeth-Anne Gregory (S198.002)* and *Helen Thomas (S35.001)*.
681. Mr Copland and Mr Watson from DCC Transport provided evidence on traffic and parking issues in the area in response to the submissions from *Helen Thomas (S35.001)* and *Trish Brooking (S183.001)*. They noted that DCC Transport have plans for road safety improvements around the Maori Hill School area for the next financial year. Improvements are likely to include 40km/h speed limits around the school zone, raised crossings and buildouts. In terms of parking, the Shaping Future Dunedin Transport Programme would initiate the development of a parking management policy with

guidance for residential areas. Any related parking management plans are to be developed and implemented over the next three years.

682. Mr Oliver from DCC 3 Waters provided evidence on stormwater issues identified within the area and concern regarding the capacity of the infrastructure to deal with the additional growth in response to submissions from *Karen Oben (S90.001)*, *Trish Brooking (S183.001)*, *Barbara Kennedy (S141.001)* and *Gisela Sole (S208.001 and S208.003)*. He noted that existing issues raised by *Mrs Kennedy* and *Mrs Sole* relate to private watercourses which the Council does not manage, although areas with issues can be added to the DCC 3 Waters 'Watercourse Programme' as resourcing allows.
683. In response to concerns regarding the future impact on a watercourse in a gully between Prestwick and Munro Streets, Mr Oliver noted that watercourses are the responsibility of the landowners whose properties they pass through and as the infrastructure is private, DCC is not proposing any upgrades to this area. He noted the application of a 'stormwater constraint mapped area' to the proposed rezoning area would ensure that the amount of impermeable surfaces permitted by the existing General Residential 1 zoning is not increased. This would minimise the risk of stormwater created on a site increasing beyond what is already permitted by the existing zone. With respect to private drains and watercourses that form part of the 'informal' stormwater network, we note that this matter is primarily dealt with in Part A, section A.2.4 of our decision.
684. Mr Ewans, DCC Biodiversity Advisor, provided evidence on the points raised in the submission relating to effects of the loss of biodiversity in the gully area between Prestwick Street and Munro Street by *Karen Oben (S90.001)*, *Elizabeth-Anne Gregory (S198.002)* and *Trish Brooking (S183.001)*. He noted that the current 2GP rules require a 5 metre setback from water bodies for earthworks (large scale) and new buildings or structures (Rule 10.3.3.5). These standards do not prevent vegetation clearance or require riparian planting to maintain the natural environment values. Mr Ewans suggested investigating options to either remove these properties from Change IN09 or review options to require riparian plantings to compensate for vegetation removal along the waterway as part of the subdivision consent. However, he considered that the reporting officer's recommended minimum landscaping provisions (see section A.2.2 of Part A of our decision) would provide partial relief to these submitters.
685. Peter Christos, DCC Urban Designer, provided evidence on concerns raised in submissions regarding loss of character from *Helen Thomas (S35.001)*, *Elizabeth-Anne Gregory (S198.002)* and *Trish Brooking (S183.001)*. Mr Christos acknowledged the submitters' concerns but considered that the suburb provides excellent opportunities for intensification due to the location being close to existing services and amenities. He considered that the General Residential 2 standards provide for adequate yard space, setbacks and height constraints to ensure a suitable level of amenity, providing new development is well designed and integrated with the surrounding neighbourhood.
686. Mr Freeland in his section 42A report said that potential effects on amenity and character from loss of landscaped and green spaces on sites, and associated effects on biodiversity from intensification in areas being rezoned, have been addressed through the recommendation to require minimum landscaping requirements (see section A.2.2 of our Part A Decision).
687. Mr Freeland recommended retaining Change IN09 as notified based on the evidence gathered.

688. *Elizabeth-Anne Gregory* appeared at Hearing 2 in support of her submission on Change IN08 Roslyn and Change IN09 Maori Hill. She is an architect but has not practiced for many years. She commented that she is not opposed to change but considered that development needs to be managed well. She noted the negative impacts on Christchurch and Auckland due to intensification but considered Dunedin doesn't have these pressures and there is still time to plan. In her view Dunedin is a beautiful city and she doesn't want to see it lose green space or character buildings in Roslyn and Maori Hill because of development.
689. Conrad Anderson appeared at Hearing 2 in support of *Helen Thomas (\$35.00)* who sought for Change IN09 to be rejected due to concerns with loss of heritage and mature green space and traffic concerns arising from narrow streets. Mr Anderson noted that the section 32 assessment had estimated that the changes proposed through Variation 2 rezoning would result in an additional 45 new dwellings in Change IN09 within 10 years. He sought evidence of how this modelling was arrived at and raised concerns about the accuracy of the modelling.
690. The Panel sought evidence from Mr Stocker, Team Leader Research and Monitoring at the DCC, to gain greater clarity around the modelling used to determine how many new dwellings would be enabled through the notified rezoning to General Residential 2 in Change IN09. In his Response to the Hearings Panels Questions, dated 9 December 2021, Mr Stocker provided the Panel with an explanation and overview of the approach and terminology used in DCC's housing capacity assessment that has been undertaken as required by the National Policy Statement on Urban Development (NPS-UD). He said that an independent review of the DCC's housing capacity assessment commissioned by the Ministry for the Environment had confirmed it was consistent with the guidelines of NPS-UD.

B.4.9.1 Decision and reasons

691. We reject those submissions outlined above that sought to remove Change IN09 or reduce the extent of rezoning, for the reasons given by the reporting officer and other DCC experts. We retain Change IN09 as notified. However, we note that in line with our decisions in Part A, the stormwater constraint mapped area is being replaced with the Variation 2 mapped area.
692. In particular, we agree with Mr Christos that the suburb provides excellent opportunities for intensification due to the location being close to existing services and amenities. While we accept that the proposed rezoning to General Residential 2 is likely to result in changes in character and a moderate cumulative loss of gardens and greening over time, the benefits of providing additional housing capacity within the existing urban area outweigh any potential adverse effects of this change. We consider that our decisions related to stormwater, character, amenity, greenspace, and biodiversity given in Part A may provide some relief to submitters who raised concerns about rezoning at Maori Hill.
693. We have considered the concerns raised by Mr Anderson about the figures calculated by the DCC as to what housing capacity would be plan enabled as a result of rezoning in this area. We have also considered the evidence of Mr Stocker in paragraph four of his Response to the Hearing Panel's Questions which explained that the housing capacity figures included housing that would be 'feasible and reasonably expected to be realised'. We understand that this measurement is estimated based on factors that exist at a point in time and may change (up or down) over time as demand or other market conditions

change. It was not our understanding that the reporting officer's or Mr Christos' evidence in support of the change was dependent on the figure of 45 new dwellings being the maximum development that would occur. We accept the cautionary note of Mr Anderson that this figure could be an underestimate. However, even with that in mind we were still convinced that the change to zoning was appropriate for the reasons given by the DCC experts, noting we did not have any compelling evidence to the contrary.

3. We refer to our decisions on broad issues addressed in Part A of our decision, which include changes to address the concerns raised by the following submitters:

- Biodiversity (*Yolanda van Heezik*)
- Traffic and parking effects (*Helen Thomas S35.001, Trish Brooking S183.001*)
- Loss of character including heritage (*Trish Brooking S183.001, Elizabeth-Anne Gregory S198.002*)
- loss of trees, greenspace and effects on streetscape amenity and character (*Karen Oben S90.001, Helen Thomas S35.001, Trish Brooking S183.001, Elizabeth-Anne Gregory S198.002*); and
- stormwater effects and infrastructure at capacity (*Karen Oben S90.001, Trish Brooking S183.001, Barbara Kennedy S141.001*).

B.4.10 Changes IN13 and IN13a, Andersons Bay

B.4.10.1 Change IN13 Andersons Bay

694. This section of the report contains our decisions on submissions on Change IN13 at Andersons Bay, which are outlined in section 4.2.3 of the section 42A report for Hearing 2.
695. There were three submissions in support of Change IN13, from *Daniel Anfield (S61.002)*, *Rachel Wallace (S44.001)* and *Conrad Anderson (S66.003)*, who supported the proposal because of the need to increase housing capacity in Dunedin and the area proposed for rezoning is located close to amenities.
696. *Daniel Anfield (S61.001)* also sought to include the properties at 125, 127, 129, 133 and 135 Tomahawk Road within the rezoned area. This request is addressed separately in the following section.
697. Some submitters opposed or sought amendments to Change IN13 due to broad concerns about adverse effects. These submissions, from *Lorraine Wong (S22.001)* regarding character and amenity, *Carey Woodhouse (S115.001)* regarding parking, and *Yolanda van Heezik (S82.013)* regarding biodiversity and greenspace, have been dealt with in Part A of our decision on broad concerns.
698. Other reasons for opposition to Change IN13 included concerns around potential local adverse effects, including:
- Concerns about traffic effects, infrastructure capacity for future development and timing of establishing it (*Carey Woodhouse, S115.001*);
 - Concerns about potential development at Andersons Bay Bowling Club (31 Bayfield Road), including:

- outlook of neighbouring properties due to height of new development (*Kevin Gough, S4.001, Allan Miller, S29.001, and Carey Woodhouse, S115.001*);
 - loss of green space (*Marion Lindley, S32.001*);
 - bus transport and effects of narrow road (*Kevin Gough, S4.001*);
 - traffic effects and safety particularly with regards to congestion and busy pedestrian area on streets surrounding the bowling club sites (*Marion Lindley, S32.001*); and
 - likelihood of roads being dug up again for new pipes (*Kevin Gough, S4.001*).
699. In response to submissions about traffic safety concerns, Mr Copland noted DCC Transportation has recently imposed speed restrictions on Bayfield Road and Elliot Street during pick-up and drop-off times to improve the road safety for vulnerable road users. Overall, he had no concerns regarding safety and congestion in the area and considered that any site-specific issues as a result of new development can be assessed at the time of resource consent.
700. Mr Oliver, DCC 3 Waters, provided evidence on the capacity of Council's infrastructure in response to concerns raised by *Carey Woodhouse (S115.001)*. He noted that capital funding has been approved through the 10-year plan for new capital and renewals to support growth.
701. Mr Peter Christos, DCC Urban Design Advisor, provided expert evidence in response to the concerns about the loss of character and outlook, particularly regarding rezoning Anderson's Bay Bowling Club from GR1 to GR2. Mr Christos acknowledged the submitters' concerns about changes in character due to intensification but considered the General Residential 2 standards including setbacks and height constraints will ensure a suitable level of amenity.
702. Regarding potential development of the Anderson's Bay Bowling Club, Mr Freeland also noted that the current GR1 zoning of the site could already provide for development. He agreed with Mr Christos that performance standards for bulk and location, outdoor living space, and impermeable surfaces would ensure that sufficient open space is provided.
703. Based on the above evidence, the reporting officer recommended retaining Change IN13 as notified.

B.4.10.2 Decision and reasons

704. We reject the submissions in opposition to rezoning Change IN13 from GR1 to GR2 addressed above for the reasons given by the reporting officer and based on the evidence provided by Mr Copland, Mr Oliver and Mr Christos, and we retain Change IN13 as notified. However, we note that in line with our decisions in Part A, the stormwater constraint mapped area is being replaced with the Variation 2 mapped area.
705. While we accept that the proposed rezoning to General Residential 2 is likely to result in changes in character and a moderate cumulative loss of gardens and greening over time, we consider that the benefits of providing additional housing capacity within the existing urban area outweigh any potential adverse effects of this change. We consider that our decisions related to character, amenity, greenspace, and biodiversity given in Part A may provide some relief to submitters who raised concerns about rezoning at Andersons Bay.

4. We refer to our decisions on broad issues addressed in Part A of our decision, which include changes to address the concerns raised by the following submitters:

- Biodiversity (*Yolanda van Heezik*)
- Loss of greenspace (*Marian Lindley*)
- Loss of character and amenity (*Lorraine Wong*)
- Traffic and parking (*Carey Woodhouse*)
- Infrastructure capacity (*Carey Woodhouse*).

B.4.10.3 Change IN13a to include 125, 127, 129, 133 and 135 Tomahawk Road

706. *Daniel Anfield (S61.001)* sought the addition of the sites at 125, 127, 129, 133 and 135 Tomahawk Road to the area proposed to be rezoned from General Residential 1 to General Residential 2 through Change IN13. This was coded as Change IN13a.
707. Mr Oliver, DCC 3 Waters, raised concerns over stormwater effects downstream where drainage is provided through private watercourses. While he acknowledged that the stormwater constraint mapped area would help to manage stormwater flows, he considered that the extent of private downstream stormwater drainage made the extension of IN13 a risk to downstream properties.
708. The reporting officer considered the evidence and concluded that the additional five properties would not exacerbate the overall risk from stormwater.

B.4.10.4 Decision and reasons

709. We accept the submission from *Daniel Anfield (S61.001)* to rezone the properties at 125, 127, 129, 133 and 135 Tomahawk Road to General Residential 2 from General Residential 1 for the reasons given by the reporting officer.
710. The changes are shown in Appendix 2 with the reference 'Change IN13a/S61.001' and include the following:
- Rezone the area covered by Change 13a from General Residential 1 Zone to General Residential 2 Zone; and
 - Apply the 'Variation 2 mapped area' instead of the 'stormwater constraint mapped area', consistent with our decisions in Part A.

C. DECISIONS ON PROVISIONS (3 WATERS)

C.1 Scope of the decisions covered in Part C

711. This section addresses the matters and submissions that were in the 3 Waters provisions section 42A report and addressed at Hearing 3 for Variation 2. Decisions relating to specific intensification areas are covered in Part B of our decision report and decisions on provisions other than for 3 waters are covered in Part A. Submissions on greenfield rezoning have not yet been heard and will be addressed in a later decision.

C.1.1 Evidence considered

712. The decisions in this report relied mainly on the evidence from Hearing 3 (outlined below).

713. Hearing 3: 3 Waters Provisions was held on 8 and 9 December 2021 in the Edinburgh Room, Dunedin Municipal Chambers. The hearing was livestreamed on the DCC's YouTube channel ([2GP Variation 2 Hearings - 13 September 2021 - YouTube](#), [2GP Variation 2 Hearings - 14 September 2021 - YouTube](#)) and some submitters presented their submissions via Zoom due to COVID-19 restrictions in place at the time.

714. Table C1 below summarises all who appeared or tabled evidence at the hearing. This evidence was considered in addition to reading all the relevant submissions.

Table C1: Submitters who presented at Hearing 3

Submission number	Submitter (Submission number)	Represented by / experts called	Topic
S122.003	Peter Dowden	-	Stormwater management
S197.002 & S197.003	Keep Halfway Bush Semi Rural	Alice Wouters and Valerie Dempster	NDMA05 at Dalziel Road; NDMA10 at Taieri Road
S311.002 & S311.003	Alice Wouters	-	NDMA05 at Dalziel Road; NDMA10 at Taieri Road
S195.001	Valerie Dempster	-	NDMA10 at Taieri Road
Various	Various	Kurt Bowen, Surveyor/ Planning Consultant on behalf of various submitters	Various

Submission number	Submitter (Submission number)	Represented by / experts called	Topic
Various	Various	Emma Peters, Planning Consultant on behalf of various submitters	Various
S217.002 - S217.006	Aurora Energy Ltd	Simon Pierce and Joanne Dowd	Service Connections
S271.001 and others; FS184.252 and others	Otago Regional Council	Dr Jean-Luc Payan, Michelle Mifflin, Anita Dawes	Various

715. Appearances for the Dunedin City Council were:

- Ms Emily McEwan, reporting officer;
- Mr Paul Freeland, reporting officer;
- Mr Jared Oliver, Engineering Services Team Leader, DCC 3 Waters; and
- Ms Jacinda Baker, Policy Analyst, DCC 3 Waters.

716. Council evidence, legal submissions, submitters evidence, statements tabled at the hearing and right of reply documents for Hearing 1 (as outlined below) can be found on the Variation 2 webpage ([Plan change - DIS-2021-1 \(Variation 2\) - Dunedin City Council](#)).

717. Council evidence:

- 3 Waters Provisions section 42A report authored by the reporting officers, Ms Emily McEwan and Mr Paul Freeland;
- 3 Waters expert evidence; and
- Staff responses to the Panel's pre-hearing questions.

718. Legal submissions:

- Legal submission on behalf of Aurora Energy Ltd – Simon Peirce.

719. Submitters' evidence:

- Evidence from Fire and Emergency New Zealand – Scott Lanauze, Advisor Risk Reduction Otago;
- Evidence from Spark NZ & Vodafone NZ – Graeme McCarrison and Colin Clune;
- Evidence Aurora Energy Ltd – Joanne Dowd;
- Otago Regional Council – Policy and Planning Manager;
- Otago Regional Council – Manager, Natural Hazards;
- Otago Regional Council – Engineering Manager;
- Evidence from Emma Peters, Mark Geddes and Kurt Bowen on behalf of various submitters; and

- Supplementary evidence from Kurt Bowen on behalf of T and L Richardson.
720. Statements tabled at Hearing 3:
- Reporting officer's opening statement;
 - Dunedin City Council 3 Waters' opening statement;
 - Tabled statement from Valerie Dempster;
 - Presentation from Manager, Natural Hazards, Otago Regional Council; and
 - Tabled statement from Alice Wouters and Keep Halfway Bush Semi Rural.
721. Rights of reply to Hearing 3:
- Reporting officer's Closing Statement;
 - Otago Regional Council/Dunedin City Council joint statement; and
 - Reporting officer's Report on Outstanding Matters.
722. Planning assistance to the Panel was provided by:
- Dr Anna Johnson, City Development Manager.
723. Where the Plan has been amended through our decisions the changes are shown in Appendix 1 (provisions) and Appendix 2 (mapping) with the change number followed by the submission point being referred to e.g. Change A1/SXXX.XXX.

C.2 Broad submissions on Council's funding and provision of 3 waters infrastructure

724. Sections 4.1.2, 4.1.3, 4.2.1, 4.2.2 (and others) of the section 42A report include broad and specific submissions relating to Council's provision and funding of infrastructure. For example, there were several duplicate submissions from *Paterson Pitts Group* and Paterson Pitts Group on behalf of their clients (*S293.008 and others*) who sought to remove the infrastructure controls from all new development and subdivision activities until such time as Council's knowledge in respect of the area of constraint is complete. Other examples were the duplicate submissions from *Terramark Limited* and Terramark Limited on behalf of their clients (*S202.002 and others*) that sought to add provisions so Council upgrades the infrastructure network to enable development permitted under Variation 2, and that infrastructure upgrades are funded by either development contributions or rates, and that network upgrades are not a condition of development. Details of other submissions can be found in the relevant sections of the section 42A report for Hearing 3.
725. Several broad matters were raised through submissions seeking changes including:
- Whether, similar to wastewater, it is the responsibility of the DCC to respond to growth by enabling additional stormwater from sites to be discharged into its network rather than requiring developers to maintain stormwater discharges to existing levels;

- Whether this is required by the NPS-UD with respect to growth areas being ‘infrastructure-ready’ (Clause 3.4(3) of the NPS-UD (2020));
- That provisions requiring on-site stormwater management should only be applied in areas where Council has completed modelling to demonstrate that development of the area is likely to lead to unacceptable adverse effects downstream (*S76.015 and others; S220.007 and others*);
- That provisions be added to require infrastructure upgrades to only be funded by development contributions or rates;
- Whether Council should access government funding for 3 waters infrastructure;
- Providing a “clawback mechanism” for multiple landowner development areas;
- That provisions be amended to not require developers to provide 3 waters infrastructure to connect to neighbouring land, due to funding concerns; and
- That Council should provide infrastructure upgrades upon a developer lodging a “notice of development intent”.

726. We also note submissions in support from several private individuals who sought that the provisions be retained due to concerns about stormwater management (*Marita Ansin-Johnson, Barry James Douglas*).

727. We note that the reporting officers, both in the report and at the hearing, addressed all of the above matters and we generally accept the recommendations made by them.

728. We found the explanation given at the bottom of page 22 in the section 42A report particularly helpful, and this is reproduced below.

... to facilitate the growth that will be enabled through Variation 2 greenfield rezoning proposals, it is necessary to require developers to assess and design their developments to ensure that adverse effects from 3 waters are managed. This is particularly the case for stormwater because of incomplete information about the state of the network and its ability to absorb changes in flows, and partly because programmed infrastructure upgrades to support growth may not have been completed at the time a development is proposed. Overall, if there are no mechanisms in the Plan to enable the 3 waters effects of development to be appropriately managed through the development process, many of the greenfield rezoning areas proposed through Variation 2 would no longer be able to be supported in terms of achieving Objective 2.7.1 on Efficient public infrastructure, and this would have significant cumulative implications for achieving Objective 2.6.2 on Adequate urban land supply.

C.2.1 Decision and reasons

729. Our findings on the matters raised are as follows.

730. We reject submissions seeking amendments to the 3 waters provisions due to the submitters’ assertions that the NPS-UD creates a requirement that Council ‘pipe’ away all stormwater. We accept the evidence of the reporting officer that the NPS-UD does not contain such a requirement. We also accept the evidence of Mr Oliver that if such

- servicing was to be provided, it would be some time before growth could be accommodated in most parts of Dunedin. We heard from Mr Oliver that the infrastructure upgrades included in the long-term plan for Dunedin assume on-site stormwater management where required, so a change in approach would result in many proposed greenfield rezoning areas no longer being appropriate.
731. For similar reasons, we reject the submissions seeking that provisions be added to require that infrastructure upgrades to support growth are funded by development contributions and rates, and that network upgrades are not able to be imposed as a condition of development.
 732. We reject submissions seeking removal of 3 waters controls until DCC has full knowledge of the constraints (e.g. that modelling is completed). We accept the evidence from Mr Oliver that the modelling programme which is underway could take 3 years to complete. Overall, we were convinced that the precautionary principle requires the DCC to manage the potential effects of stormwater and wastewater even where the information is uncertain or incomplete.
 733. On this matter we have considered and taken account of the presentation by Dr. Jean-Luc Payan (*Otago Regional Council*, Manager Natural Hazards) on the flooding issues facing Dunedin, and also the evidence from Ms Anita Dawe (*Otago Regional Council*, Policy and Planning Manager), with respect to the new requirements under the National Policy Statement for Freshwater Management 2020 (NPS-FM) to manage the effects of both stormwater and wastewater on freshwater.
 734. With respect to the requests that Council access government funding for 3 waters infrastructure, we consider that this is not within the scope of this Panel to decide.
 735. We reject the submissions seeking amendments to the 3 waters provisions to provide a 'clawback mechanism' for funding of infrastructure development within multiple landowner development areas. We have some sympathy for the matters raised by submitters, and we note that it appears the DCC also acknowledges that on-site infrastructure agreements and funding can be a challenge in these situations. We understand that the proposal for 'clawback mechanisms' would be an equitable method, however the evidence was that this would not be readily reconcilable with the current Development Contributions Policy. In any event we received no particular evidence or definite proposal that might work. However, we note that in our decision in section C.4.4.3, we have accepted the recommendation from the reporting officer with respect to making stormwater management plans more workable in situations where there are multiple landowners.
 736. We reject the submissions that sought removal of the requirements for 3 waters infrastructure to be designed by developers to connect to and provide capacity for future urban development on neighbouring land, where required. We accept the DCC's assurances that the requirements do not pre-suppose that other landowners and/or the DCC do not have a role in ensuring infrastructure costs are fairly distributed based on relative benefits. Our decision below to accept the recommendation to include a 'note to plan user' describes this principle.
 737. We reject the submissions that sought that Council install required 3 waters infrastructure on receipt of a notice of development intent. We accept the evidence of

Mr Oliver that such an approach would be inappropriate due to the requirements for project planning and funding across the city.

738. We accept in part the submissions that raised concerns about how infrastructure is provided and funded by adding Notes to Plan Users in the 2GP for clarity on these topics, as recommended by the reporting officer. We note the DCC's responses to our questions at the start of the hearing around the principles that should sit behind funding decisions, which were as follows, and are summarised in the new Notes to Plan Users:

- 'Network infrastructure growth costs' is to do with the broad programme of upgrades that have been identified in the 10-year plan to cater for growth across the different network catchments. The programme of upgrades caters for growth anticipated through intensification as well as new urban growth areas that were known at the time of planning and budgeting for the 10-year plan. Growth areas that were not known at that time (for example areas added through plan decisions or appeals) in many cases will not have all network upgrades planned or budgeted. The more detailed level of transportation and 3 waters assessment that occurs at the time of subdivision may also reveal the need for upgrades that haven't previously been identified and budgeted for (or included in development contributions).
- Where new upgrades (that are not identified in the 10-year plan) are identified, funding allocation is determined by looking at the beneficiaries of the infrastructure upgrade. In the case of an upgrade to network infrastructure that is triggered or driven by a new growth area, the growth area will receive a benefit from the upgrade higher than the average because the upgrade may not otherwise have been required and the upgrade allows for the growth area to proceed where it might otherwise have not been able to. However, it may be determined that the upgrade also has a broader public benefit so cost sharing is appropriate. The principle is that costs should be shared based on relative benefit.

739. We have adopted the recommended wording for the Notes to Plan Users, except for minor amendments to refer to Integrated Transport Assessment (rather than 'Transportation'), as this is the term used in the Plan, and to add the rule reference for these assessments. We have also tailored the note to its locations in Section 6 (Transportation) and Section 9 (Public Health and Safety). The changes are shown in Appendix 1 with the reference 'Change F2-2 and others/FUNDING/S300.001 and others' and add the following provisions:

- Note 6.11.1A; and
- Note 9.6.1A.

C.3 Proposals with no submissions seeking specific changes

740. For some of the proposed changes considered in this hearing there were no submissions seeking specific changes, rather the only submissions were those broad submissions discussed above or submissions in support of the proposed change. The proposed changes in this category are:

- Change F5 on 3-waters management for visitor accommodation (discussed in section 4.2.3 of the section 42A report);

- Change F3-1 on location of available public wastewater infrastructure (discussed in section 4.5.10 of the section 42A report);
- Change F3-4 on Health and safety effects from wastewater (discussed in section 4.4.3 of the section 42A report);
- Change E8 on changes to Policy 2.7.1.2a on structure plans (discussed in section 4.5.1 of the section 42A report);
- Change F1-7 to remove Policy 2.7.1.2.b on Development Contributions Policy and requirements for developers to pay for infrastructure (discussed in section 4.5.7 of the section 42A report);
- Change F1-8 to amend Policy 2.7.1.2.c on consideration of the long-term costs to the DCC of new infrastructure (discussed in section 4.5.8 of the section 42A report);
- Change F3-3 to rename the ICMA - infrastructure constraint mapped area (discussed in section 4.5.12 of the section 42A report); and
- Change F2-7 on the stormwater constraint mapped area method for GR2 (discussed in section 4.3.7 of the section 42A report).

741. For all of these changes, the reporting officer recommended that the changes be retained as notified.

742. We accept, or accept in part, those submissions in support of the above changes. However, we note that there may be amendments to provisions linked to these changes as a result of decisions on other matters. For example, Change F2-7 has been amended as a result of our decision on stormwater management on private land and open watercourses, given in Part A. The decision effectively replaces the stormwater constraint mapped area with the Variation 2 mapped area. See section A.2.4 of our decision for further details.

743. We also note the following amendment has been made by the DCC in accordance with clause 16 of Schedule 1 of the RMA and is not part of our decision. The change is shown in Appendix 1 with the reference 'Change E8/Cl.16':

- Amend Policy 2.7.1.2.a to refer to "structure plan mapped area" not "structure planned mapped area" as this is not the correct name for the mapped area.

744. We also note for completeness that no submissions were received specifically requesting that rejected Alternative F2-Alt1 (to reduce the impermeable surface performance standard limits) be reconsidered.

C.4 Submissions seeking changes to specific 3 waters proposals

C.4.1 Change F1-2 (General policies on water supply and wastewater)

745. This section addresses the submissions covered in section 4.2.1 of the section 42A report on Change F1-2.

746. The purpose of Change F1-2 was to amend Policy 9.2.1.1 and Policy 9.2.1.4 so they are split into separate policies for each 'water' (wastewater or water supply) and depending on whether the area is serviced with public infrastructure or not. It also provided explicit

options for mitigation to better enable the policies to be met and deleted Policy 9.2.1.6 to instead rely on the new policy for serviced wastewater areas.

747. One overall submission in support of Change F1-2 was received from *Marita Ansin-Johnson (S9.013)* with no reasons for this support provided. *Retirement Villages Association of NZ* and *Ryman Healthcare Ltd (S205.017 and S189.017)* supported the deletion of Policy 9.2.1.6.

C.4.1.1 Policies 9.2.1.1 and 9.2.1.1A (unserved and served wastewater areas)

748. Several submissions in opposition to Change F1-2 were prepared by local surveying firm, *Paterson Pitts (S76.012 and others)* and planning consultancy *Terramark (S220.005 and others)*, on behalf of submitters. They requested these policies be removed or amended because they consider it is the Council's responsibility to provide adequate wastewater infrastructure prior to development occurring. Our decision in relation to these submissions is provided in section C.2 above.
749. *Ryman Healthcare Ltd (S189.014)* and *Retirement Villages Association of NZ (205.014)* sought amendments to Policy 9.2.1.1A to clarify that agreement from the Council (as stated in Policy 9.2.1.1A(c)) shall not be unreasonably withheld. However, they supported the changes to Policy 9.2.1.1 as notified (*S189.013 and S205.013*)
750. Further submissions from the *Otago Regional Council (FS184)* highlighted their view that adequate infrastructure for wastewater must be provided to avoid adverse effects of subdivision and land use.
751. In her section 42A report, Ms McEwan recommended that Policy 9.2.1.1 and Policy 9.2.1.1A be retained as notified. She considered that if Council withheld its agreement to alternative servicing arrangements proposed by applicants, it would be for good reason and this did not need to be stated in Policy 9.2.1.1A.

C.4.1.2 Policies 9.2.1.4 and 9.2.1.4A (unserved and served water supply areas)

752. Several submissions in opposition to these provisions were prepared by local surveying firm, *Paterson Pitts (S282.020 and others)*. They requested changes to require Council to provide adequate water supply infrastructure prior to development occurring. Our decision in relation to these submissions is provided in section C.2 above.
753. *Ryman Healthcare Ltd (S189.016)* and *Retirement Villages Association of NZ (S205.016)* sought amendments to Policy 9.2.1.4A to clarify that agreement from the Council (as stated in Policy 9.2.1.4A(b)) shall not be unreasonably withheld. However, they supported the changes to Policy 9.2.1.4 as notified (*S189.015 and S205.015*).
754. In her section 42A report, Ms McEwan recommended that Policy 9.2.1.4 and Policy 9.2.1.4A be retained as notified for the same reasons as set out for Policy 9.2.1.1A above.

C.4.1.3 Other matters

755. The *Dunedin City Council (187.020)* sought to correct the policy reference in Rule 9.5.3.3.a.ii as a consequential change due to the deletion of Policy 9.2.1.6 and replacement with Policy 9.2.1.1A. In the section 42A report, Ms McEwan recommended accepting this submission.

756. Submissions from *Retirement Villages Association of NZ* and *Ryman Healthcare Ltd* (S205.018 and S189.018) sought changes to Rule 9.6.2.Z to amend the matter of discretion to read 'effects on the capacity of infrastructure' instead of 'effects on the efficiency and affordability of infrastructure'. In the section 42A report, Ms McEwan recommended rejecting these submissions because the proposed wording is the standard wording used for matters relevant to Objective 2.7.1 on Efficient public infrastructure and Section 9 of the Plan.

C.4.1.4 Decision and reasons

757. We accept the submission from the *Dunedin City Council* (S187.020) to correct the policy reference in Rule 9.5.3.3.a.ii, as a consequential change. This change is shown in Appendix 1 with the reference 'Change F1-2/S187.020'.
758. We reject the submissions from *Retirement Villages Association of NZ* and *Ryman Healthcare Ltd* seeking amendments (S205.014, S205.016, S205.018 and S189.014, S189.016, S189.018) for the reasons given by the reporting officer and stated above.

C.4.1.5 Clause 16 Changes

759. We also note the following amendments have been made to correct the paraphrasing of various policies in accordance with the 2GP style guide. These changes are shown in Appendix 1 with the reference 'Change F1-2/Cl.16' and are not part of our decision but are made by the DCC in accordance with clause 16 of Schedule 1 of the RMA:
- Amend the paraphrasing of Policy 9.2.1.1 in the following assessment rule to correctly reflect the policy content in accordance with the 2GP Style Guide:
 - Rule 9.7.4.3
 - Amend the paraphrasing of Policy 9.2.1.1A in the following assessment rules to correctly reflect the policy content in accordance with the 2GP Style Guide:
 - Rule 9.4.1.1
 - Rule 9.5.3.3
 - Rule 9.5.3.X
 - Rule 9.5.3.AA
 - Rule 9.6.2.Z
 - Rule 9.7.4.4
 - Amend the paraphrasing of Policy 9.2.1.4 in the following assessment rules to correctly reflect the policy content in accordance with the 2GP Style Guide:
 - Rule 9.4.1.1
 - Rule 9.5.3.X
 - Rule 9.5.3.AA
 - Rule 9.7.4.4
 - Amend the paraphrasing of Policy 9.2.1.4A in the following assessment rules to correctly reflect the policy content in accordance with the 2GP Style Guide:
 - Rule 9.5.3.AA

- Rule 9.7.4.3

C.4.2 Change F2-6 (NDMA – Provision of 3 waters connections to adjacent land)

760. This section addresses submissions covered in section 4.2.2 of the section 42A report on Change F2-6.
761. Change F2-6 added a new policy (Policy 9.2.1.AA) to assist the assessment of subdivision in a new development mapped area regarding how new 3 waters infrastructure will provide for connections to adjoining subdivision areas where necessary to support future urban expansion.
762. One submission was received in support of Change F2-6 from *Marita Ansin-Johnson (S9.017)*, but her reasons for support were not given.
763. The remaining submissions on Change F2-6 related to broad issues regarding the provision of 3 waters infrastructure and funding. Our decisions on these submissions, including regarding issues to do with multiple ownership within new development mapped areas, is given in our decision in section C.2 above.

C.4.2.1 Decision and reasons

764. We accept the submission from *Marita Ansin-Johnson (S9.017)* and adopt the reporting officer's evidence in the section 42A report to retain Change F2-6 as notified.

C.4.3 Change F2-1 (Performance standard for connections to stormwater)

765. This section addresses the submissions covered in the section of the section 42A report relating to Change F2-1 (located between sections 4.3.1 and 4.3.2 due to a formatting error). It also addresses in part the broad submission from *Otago Regional Council* covered in section 4.3.1 of the section 42A report.
766. The purpose of Change F2-1 is to reconsider whether it is appropriate to require connections to stormwater infrastructure through the service connections performance standard for subdivision (Rule 9.3.7). The section 42A report explained the requirement was removed because it presents some uncertainty where the stormwater infrastructure to be connected to is an open watercourse (i.e. not piped infrastructure) and so the requirement to lay pipe as part of making a connection may not make sense.
767. *Barry Douglas (S194.006)* generally supported the changes under the stormwater package. The *Otago Regional Council (S271.006 and S271.001)* opposed Change F2-1 because their view is that stormwater must be discharged to the public network if available.
768. Ms McEwan in the section 42A report recommended amending Change F2-1 so the requirement to connect to stormwater infrastructure is retained for the commercial and mixed use zones and for general subdivision in the Recreation Zone. She also recommended adding an advice note, and a clause on 'conditions of consent that may be imposed' for the assessment of subdivision consents, to clearly indicate that a requirement to connect to stormwater public infrastructure is likely to be imposed where this infrastructure is available. This resulted in a consequential recommendation regarding the naming of Rule 9.3.7.AA to "Stormwater for development".

769. Ms McEwan recommended the amendments because subdivision in the commercial and mixed use zones, and general subdivision in the Recreation Zone, currently do not have ‘effects on efficiency and affordability of infrastructure’ as a matter of discretion. If the service connection performance standard for stormwater is removed for these zones, Council will not have discretion to consider stormwater effects as part of the broader subdivision application, nor require a stormwater connection as a condition of consent. Ms McEwan considered this approach is preferable to adding in the matter of discretion for subdivision in these zones.
770. Ms McEwan did not recommend reinstating the performance standard for other zones, as she considered the reasons for removing the rule still applied and stormwater connections can still be considered through the matter of discretion for subdivision regarding ‘effects on efficiency and affordability of infrastructure’.
771. The evidence of Ms Dawe circulated prior to the hearing on behalf of *Otago Regional Council* did not seek any changes to the approach recommended by the reporting officer.
772. No submitters appeared at the hearing to speak to their submission.

C.4.3.1 Decision and reasons

773. We accept in part the submissions of *Barry Douglas (S194.006)* and *Otago Regional Council (S271.006)* for the reasons given by the reporting officer.
774. We adopt the reporting officer’s recommendation in the section 42A report, with minor amendments for clarity, and make the following changes shown in Appendix 1 with the reference ‘Change F2-1/S271.006’:
- amend Rule 9.3.7 so the requirement to connect to stormwater infrastructure is retained for the commercial and mixed use zones and for general subdivision in the Recreation zone, (as Rule 9.3.7.AB), including additional changes beyond those recommended in the section 42A report to ensure that connections are only required where stormwater infrastructure is available (as applied to the original provision);
 - add an advice note, Note 9.3.7AB, to clearly indicate that a requirement to connect to stormwater public infrastructure is likely to be imposed where this infrastructure is available;
 - amend Rule 9.6.2.2.a.Z to add a clause on conditions of consent that may be imposed for the assessment of subdivision consents, to clearly indicate that a requirement to connect to stormwater public infrastructure is likely to be imposed where this infrastructure is available;
 - rename Rule 9.3.7.AA to “Stormwater for development”;
 - amend assessment Rule 9.5.3.Z to refer to stormwater “for development”;
 - amend assessment Rule 15.3.4.1.Y to refer to stormwater “for development”;
 - amend Rule 15.6.X to refer to stormwater “for development”;
 - amend assessment Rule 9.5.3.12 to refer to Rule 9.3.7.AB and update the paraphrasing of Policy 9.2.1.3;
 - amend Rule 9.3.7.2 to refer to Rule 9.3.7.AB; and

- as a consequential change (that was not identified in the section 42A report), amend Policy 9.2.1.3 to refer to stormwater connections for subdivision in the commercial and mixed use zones, and Recreation zone.

C.4.4 Change F2-2 (NDMA - Add rules for stormwater management in large greenfield areas)

C.4.4.1 Introduction

775. This section addresses the submissions covered in sections 4.3.2 and 4.3.5 of the section 42A report on Change F2-2. It also addresses Change F1-6 because of the cross-over it has with Change F2-2.
776. Change F2-2 proposed amendments to ensure stormwater from the development of large areas of greenfield residential land will be appropriately managed. It included a range of new policies and rules for stormwater management in large greenfield areas identified as new development mapped areas (NDMA).
777. We note that our decisions on broad submission points on provision or funding of infrastructure relating to Change F2-2 are addressed in section C.2.
778. Submissions relating to the mapping of NDMA over existing residential zoned land or land in a RTZ are dealt with in section C.4.9 below. Submissions relating to other aspects of the NDMA method are addressed in section A.4 (urban design matters) and section C.4.7.2 (wastewater management in specified areas).
779. The submission from *Jane McLeod (S1.001)* on rainwater detention tanks is addressed later in section C.4.5.5.
780. *Marita Ansin-Johnson (S9.015)* and *Barry James Douglas (S194.008)* supported Change F2-2. *Waka Kotahi (S235.006)* supported the changes proposed for Rule 15.3.4.1.
781. Several broad issues were raised by submitters on the management of stormwater in large greenfield areas and these are dealt with first in the sections below, followed by sections addressing submissions seeking specific amendments to the various provisions affected by Change F2-2.

C.4.4.2 Use of 'on-site', 'communal', and 'integrated' terminology for stormwater management in an NDMA

782. This section addresses the submissions from the *Otago Regional Council* regarding the use of certain terminology with respect to stormwater management systems and stormwater management plans in the provisions amended by Change F2-2. These submissions were addressed in sections 4.3.2 and 4.3.5 of the section 42A report.
783. The *Otago Regional Council* sought removal of the term 'on-site' with respect to stormwater management systems for NDMA's because a system may not always be on-site (*S271.009 and others*).
784. The *Otago Regional Council* sought removal of the term 'communal' and replacement with the term 'integrated' with respect to stormwater management systems for consistency in wording across all the proposed provisions (e.g. Policy 9.2.1.Y) and because

the term 'communal' was perceived as enabling privately owned stormwater management systems, rather than encouraging their vesting in DCC (*S271.011 and others*).

785. In her section 42A report, Ms McEwan recommended accepting the *Otago Regional Council's* submissions by removing the term 'on-site' because there may be some instances where it is appropriate for stormwater management to occur outside of the NDMA to which it relates, and because the term is confusing in terms of which 'site' it is referring to.
786. The term 'communal' was also recommended for removal because Ms McEwan agreed it may be that not all aspects of a stormwater management system will be communal. The term 'integrated' was recommended for inclusion to emphasise that stormwater management systems should be integrated across the various aspects of the stormwater management system.
787. These suggested changes in terminology were agreed to by Ms Dawe in her pre-circulated evidence by absence of specific remarks to the contrary (see para. 43 of her evidence).
788. However, Ms McEwan revised her recommendation, in part, in her Reply on Outstanding Matters. There she recommended that the term 'integrated' be removed from 'stormwater management system' and instead linked to 'stormwater management plan'. This was because it is clear that the aspects of a stormwater management system will be integrated, as implied by the term 'system'. In addition, the change in wording was necessary to support other changes to provide for stormwater management system design to not always be required for an entire NDMA. This matter is addressed further in section C.4.4.4 of our decision on hydrologically divided NDMA's.
789. We attached Ms McEwan's Reply on Outstanding Matters to our Minute 9, which was circulated to the submitters for comment. We understand that the Otago Regional Council informally confirmed by phone discussion with Mr Freeland that they had no issues with the recommended amendments and would not be providing written feedback. In any event no response was received to oppose the suggested wording.

C.4.4.2.1 Decision and reasons

790. We accept the evidence of the reporting officer given in the section 42A report, as amended by her Reply on Outstanding Matters, and therefore accept in part the submissions from the *Otago Regional Council*.
791. These changes are shown in Appendix 1 and include amendments to the following provisions:
- Remove the term "integrated" from 'stormwater management system' in the following provisions (provisions which included this term in the notified version only) (shown with the reference 'Change F2-2/S271.010 and others'):
 - Policy 9.2.1.X; and
 - Rule 9.5.3.Z.a.ii.

- Add the term “integrated” to ‘stormwater management plan’ in the following provisions (shown with the reference ‘Change F2-2/S271.010 and others’, except where in a new clause):
 - Policy 9.2.1.Y;
 - Note 9.3.7.AAA.a (two instances);
 - Rule 9.4.1.1.a.AA;
 - Rule 9.5.3.11.a, clauses Y, AA and AB;
 - Rule 9.5.3.Z.a, clauses iv, v and vi;
 - Rule 9.6.2.2.a.Y;
 - Rule 9.6.2.X.a, clauses ii, iv and vi;
 - Rule 9.9.X (multiple locations including new clauses);
 - Note 9.9.XA, clauses 6 and 7 (new clauses);
 - Rule 15.4.5.X (new clause); and
 - Rule 15.4.5.Y (new clause).
- Delete the term “on-site” from ‘stormwater management system’ and similar clauses in the following provisions (provisions which included this term in the notified version only) (shown with the reference ‘Change F2-2/S271.009 and others’):
 - Policy 2.2.2.Y;
 - Policy 2.7.1.2.X;
 - Policy 9.2.1.X;
 - Policy 9.2.1.Y;
 - Rule 9.5.3.11.a.AB;
 - Rule 9.5.3.Z.a, clauses ii and vi; and
 - Rule 9.6.2.X.a.ii.
- Delete the term “communal” from ‘stormwater management system’ in the following provisions (provisions which included this term in the notified version only) (shown with the reference ‘Change F2-2/S271.011 and others’):
 - Policy 9.2.1.X;
 - Rule 9.3.7.AA (two instances);
 - Note 9.3.7.AAA; and
 - Rule 9.5.3.Z.a.ii.

C.4.4.3 Multiple landowners within an NDMA approving a proposed SWMP

792. This section addresses broad concerns regarding the proposed requirement for all landowners in an NDMA to provide their written approval of a proposed stormwater management plan, to be lodged with a relevant resource consent application.
793. The requirement for written approval was proposed as part of the special information requirement that applies to activities in an NDMA, contained in Rule 9.9.X.3.c. This

provision and relevant submissions were addressed in section 4.3.5 of the section 42A report. Submissions included those raised by Paterson Pitts Group (*S76.020 and others*) and Sweep Consultancy (*S13.008 and others*) on behalf of their clients.

794. Mr Bowen and Ms Peters spoke to these issues at the hearing on behalf of the submitters. Concerns regarding obtaining approval from other landowners in an NDMA related to several different scenarios, including what happens if:
- the written approvals are not provided;
 - the NDMA is hydrologically divided, making separate stormwater management systems more likely and approval of other landowners therefore less relevant; and
 - subdivision consent has already been granted for a part of the NDMA.
795. Ms McEwan addressed this further in her Closing Statement, acknowledging the points made by the submitters and also noting situations where there may be thin strips of land within an NDMA (e.g. access to sites outside the NDMA) where approvals were likely not necessary. Consequently, Ms McEwan made a revised recommendation to amend these particular provisions. The other issues identified by submitters are dealt with separately in other parts of our decision (see section C.4.4.4 on hydrologically divided NDMA and section C.4.9.2 relating to where subdivision consent is already granted).
796. The issue of requiring written approvals was further explored in Ms McEwan's Reply on Outstanding Matters in which she revised her recommendation based on feedback from experts in DCC 3 Waters. She considered it desirable to disentangle the two concepts of 'consensus within the NDMA on the stormwater management approach' and 'whether the stormwater management approach is acceptable to Council'. Ms McEwan considered that this could be achieved by relying on the usual mechanisms for assessing whether other landowners are affected parties.
797. Rather than retain the requirement for written approvals within Rule 9.9.X.3, Ms McEwan recommended its replacement with a similar rule in Rule 15.4 on notification. In Ms McEwan's view, this approach would still ensure engagement between landowners within an NDMA. It would enable an application to be lodged and processed without written approvals where they cannot be obtained, instead relying on the use of the limited notification process to deal with concerns other landowners have.
798. Ms McEwan also recommended in her Reply on Outstanding Matters that an advice note be added at Rule 9.9.X to make applicants aware of the notification rule.
799. We attached Ms McEwan's Reply on Outstanding Matters to our Minute 9, which was circulated to the submitters for comment. Mr Bowen confirmed he had no comments to offer, and whilst we did not receive any written comments from the *Otago Regional Council* we understand that the *Otago Regional Council* informally confirmed by phone discussion with Mr Freeland that they had no issues with the recommended amendments and would not be providing written feedback. No comments were received from other submitters.

C.4.4.3.1 Decision and reasons

800. We adopt the reporting officer's evidence and consider her recommended amendments to be sensible. These will enable an application to be lodged for processing and allows

some flexibility when it comes to assessing the need for written approvals from neighbours for any particular development of an NDMA area, taking account of the various factors noted above. We note also there was no feedback from submitters, when invited, to suggest they did not agree with these amendments.

801. We therefore accept in part the submissions lodged by Paterson Pitts Group and Sweep Consultancy on behalf of their clients.
802. These changes are shown in Appendix 1 with the reference 'Change F2-2/S76.020 and others' and include amendments to the following provisions:
- Rule 9.9.X.3.c to remove the requirement for written approval of all landowners in an NDMA; and
 - Rule 15.4 Notification to add a notification rule for other landowners in an NDMA, as follows:

Y. With respect to resource consent applications in a new development mapped area that include a new or modified integrated stormwater management plan or details for a stormwater management system as required by Rule 9.9.X, any owners of land within the area to which the proposed plan or system relates will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided.
 - Note 9.9.XA to alert plan users to the notification requirements in Rule 15.4.

C.4.4.4 Hydrologically divided NDMA's

803. This section addresses broad concerns regarding where an NDMA is hydrologically divided by topography and whether it is appropriate to require a stormwater management plan and stormwater management system to address an entire NDMA in this instance.
804. There are several provisions proposed as part of Change F2-2 which require a stormwater management plan and stormwater management system to be designed for the whole NDMA and installed in whole, or in planned stages, prior to development taking place. These provisions include proposed Policy 9.2.1.Y, Policy 9.2.1.X, the special information requirement for stormwater management plans in Rule 9.9.X, and Rule 9.3.7.AA relating to development in an NDMA.
805. Submissions lodged by Paterson Pitts Group on behalf of their clients (*S76.020 and others* addressed in section 4.3.5 and section 4.6.1 of the section 42A report) expressed concerns about situations where a developer intends to proceed with a stormwater solution for their land only in multi-owner NDMA's.
806. These concerns were expanded on at the hearing, where Mr Bowen drew our attention to examples of areas where the NDMA is proposed to be applied. One such example was an area of proposed greenfield rezoning at Wakari Road, which is large and contains undulating topography that may result in different stormwater management solutions being appropriate in different parts of the site. While the application of the NDMA to this area will be considered at a later hearing on greenfield rezoning, we accept that it is likely

to be the case that in other areas there will be a hydrological division of NDMA's by topography.

807. Ms McEwan addressed this matter in her Reply on Outstanding Matters (in section 4.0). She drew on the evidence of experts from DCC 3 Waters that stormwater management plans should always address the whole of an NDMA. This is because it is necessary to demonstrate whether there are hydrologically separate parts for which separate stormwater management systems would be appropriate, whether Policy 9.2.1.Y will be met for the whole NDMA, and whether the proposed stormwater management systems are integrated with other parts of the informal and formal stormwater network.
808. However, for stormwater management systems (as opposed to plans), she said that evidence from DCC 3 Waters suggested multiple systems could be appropriate where an NDMA contains two or more hydrologically separate parts.
809. On the basis of this evidence, Ms McEwan recommended several additional changes to the provisions affected by Change F2-2 in her Reply on Outstanding Matters. These included the following:
- amending the use of the word “integrated” throughout the proposed NDMA stormwater management provisions (addressed in section C.4.4.2 of our decision);
 - amending Rule 9.9.X so that an application only needs to provide a stormwater management system design for the hydrologically connected part/s of the NDMA to which the subdivision relates (as a minimum). This could provide more flexibility for NDMA's where there are multiple landowners that may not wish to subdivide at the same time. In this case, one applicant could provide detailed design of the stormwater management system for only one area of the NDMA, so long as that area was hydrologically separate from other parts of the NDMA;
 - adding a definition of ‘hydrologically connected’;
 - amending Policy 9.2.1.Y to provide for stormwater management systems to not be for the whole NDMA where the NDMA is divided into hydrologically separate parts; and
 - amending Policy 9.2.1.Y to remove some of the detailed requirements about installation of stormwater management systems, as these are more appropriately placed in Rule 9.9.X, and not in the policy.
810. We attached Ms McEwan's Reply on Outstanding Matters to our Minute 9, which was circulated to the submitters for comment. Mr Bowen confirmed he had no comments to offer, and whilst we received no written response from the *Otago Regional Council*, we understand that *Otago Regional Council* informally confirmed by phone discussion with Mr Freeland that they had no issues with the recommended amendments and would not be providing written feedback. No comments were received from other submitters.

C.4.4.4.1 Decision and reasons

811. We adopt the reporting officer's evidence and therefore accept in part the submissions lodged by Paterson Pitts Group on behalf of their clients. We have made minor changes to the reporting officer's recommended wording at Policy 9.2.1.Y, for the reasons set out below.

812. We think the amendments to these provisions are sensible and are an appropriate response to the valid points made by these submitters in evidence.
813. We note there was no feedback from submitters, when invited, to suggest they did not agree with these amendments.
814. These changes are shown in Appendix 1 with the reference 'Change F2-2/S76.020 and others' and include amendments to the following provisions:
- Amend Policy 9.2.1.Y so the design of stormwater management systems does not have to be provided for the whole NDMA where the NDMA is divided into hydrologically separate parts, and to remove some of the detailed requirements which more appropriately sit in Rule 9.9.X. We note our decision includes the words "stormwater **management** system(s)" for consistency, rather than "stormwater system(s)" as recommended by the reporting officer; replaces "site" with "NDMA" as site is a defined term in the 2GP which is inappropriate for use in this context; and includes reference to both pre-development and post-development so the policy does not include an incomplete comparison;
 - Add a definition of 'Hydrologically connected' to assist interpretation of when design of stormwater management systems needs to be provided;
 - Amend Rule 9.9.X so the design of stormwater management systems does not have to be provided for the whole NDMA where the NDMA is divided into hydrologically separate parts; and
 - Make consequential amendments to Rule 9.6.2.X.a.ii as a result of changes to Policy 9.2.1.Y.

C.4.4.5 Rule 9.9.X Stormwater management plans – within an NDMA

815. This section addresses the submissions covered in section 4.3.5 of the section 42A report for this hearing, other than the aspects already dealt with in other sections. Note that submissions that related to the aspects of Rule 9.9.X that apply outside an NDMA are addressed in section C.4.5.5 below.
816. Ryman Healthcare Ltd and the Retirement Villages Association of NZ (\$189.022 and \$205.022) submitted to retain Rule 9.9.X as notified.
817. The submissions from *Otago Regional Council* and those lodged by Paterson Pitts Group on behalf of their clients are addressed under the subheadings below.
818. The other group of submissions lodged by Sweep Consultancy on behalf of their clients related only to multiple landowner approvals within NDMA's, which we have already addressed in sections C.4.4.3 and C.4.4.4 above.

C.4.4.5.1 Otago Regional Council

819. The *Otago Regional Council* sought amendments to Rule 9.9.X to achieve a range of outcomes relevant to their statutory functions, powers and duties (\$271.015 covered in section 4.3.5 of the section 42A report and \$271.001 covered in section 4.3.1 of the section 42A report). Overall, they sought a stricter approach to stormwater management than proposed in Rule 9.9.X as notified.

820. The *Otago Regional Council's* submission point was considered in the evidence of Mr Oliver and Ms Baker from DCC 3 Waters. Some aspects of the *Otago Regional Council's* request were considered by the witnesses to be overly onerous or impossible to achieve in an RMA context (e.g. the aspect that sought there is to be no change in the hydrological conditions of a site as part of residential development). Ms McEwan accepted this evidence and did not recommend any changes in response to these aspects of the submission.
821. However, Ms McEwan did recommend some changes in response to other aspects of the *Otago Regional Council's* submission, being to amend the rule generally in accordance with similar provisions that have been agreed to through mediation on 2GP appeals, and inclusion of a notification rule so that that the *Otago Regional Council* is considered an affected person where a stormwater management plan for an NDMA is lodged with a resource consent application.
822. The *Otago Regional Council* lodged evidence prior to the hearing which addressed the recommendations made by the reporting officer for Rule 9.9.X. At the hearing the evidence from Ms Dawe, Mr Payan and Ms Mifflin was that they generally accepted the recommendations of the reporting officer, however they requested some additions to the text to enable consideration of flooding effects based on current climatic conditions and climate change.
823. We requested that the reporting officer caucus with the *Otago Regional Council* planner on the requests made by the *Otago Regional Council* and provide a joint witness statement on areas of agreement.
824. That joint witness statement showed agreement on amendments to add general assessment guidance at Rule 9.6.2.X instead of the amendments to Rule 9.9.X set out in *Otago Regional Council's* evidence.
825. After the joint witness statement, Ms McEwan provided her Report on Outstanding Matters. This included recommendations for some further amendments to Rule 9.9.X as it applies within the NDMA's.
826. We attached Ms McEwan's Reply on Outstanding Matters to our Minute 9, which was circulated to the submitters for comment. We understand that the *Otago Regional Council* informally confirmed by phone discussion with Mr Freeland that they had no issues with the recommended amendments and would not be providing written feedback. No comments were received from other submitters. Our decisions with respect to these submissions are at the end of this section.

C.4.4.5.2 Paterson Pitts Group on behalf of clients

827. Paterson Pitts Group lodged duplicate submissions on behalf of twelve clients (*S76.020 and others*). Aspects of the submissions which relate to stormwater management plans within an NDMA sought a range of changes, including that the provisions:
- be amended with respect to the experts who may prepare a SWMP;
 - be amended regarding the calculation of flows; and
 - provide more detail on stormwater quality outcomes.

828. Other aspects of the submissions relating to the provision and funding of infrastructure have already been addressed in section C.2 above, aspects regarding the compulsory acquisition of land are addressed in section C.4.4.8 below, and aspects regarding where the NDMA provisions should apply are addressed in section C.4.9 below.
829. The reasons for these submissions related to concerns that certain elements of the rule are unreasonable, incorrect and/or insufficiently defined.
830. Mr Oliver and Ms Baker from DCC 3 Waters in evidence said that the provisions sought to formalise an existing approach to managing stormwater in greenfield subdivisions by requiring stormwater management plans. Mr Bowen accepted this point verbally at the hearing.
831. Mr Oliver and Ms Baker also explained that DCC does not currently have stormwater modelling and catchment information for all areas of the city, so cannot confidently map areas where stormwater management is or is not required. At the hearing it was noted by the reporting officer, and confirmed by Mr Oliver, that the modelling of required improvements to the stormwater management network had been based on on-site stormwater attenuation for large greenfield areas being undertaken by developers. It was also pointed out that the provisions seek to manage the stormwater effects arising from a development, rather than to fix any pre-existing flooding issues.
832. The need to manage effects on non-DCC infrastructure, such as open watercourses, and on water quality was also noted by the DCC experts, and attention was also drawn to the requirements of the NPS-FM, which is required to be given to effect to and was introduced following the decisions on the 2GP.
833. In the section 42A report, Ms McEwan recommended amendments to Rule 9.9.X for development within an NDMA, generally in response to *Otago Regional Council's* submission outlined above. She noted that the amendments were generally in alignment with provisions agreed to in mediation on 2GP appeals, which we understand Mr Bowen was a participant in.

C.4.4.5.3 Decision and reasons

834. We accept in part the submissions from *Otago Regional Council* and Paterson Pitts Group on behalf of their clients. We adopt the reporting officer's evidence, for the reasons outlined above, with minor amendments to the recommended drafting for clarity and consistency with the 2GP Style Guide.
835. These changes are shown in Appendix 1 with the reference 'Change F2-2/S271.015 and others' and include amendments to the following provisions:
- Amend Rule 9.9.X to generally align the rule with provisions agreed to by parties to 2GP mediation on similar provisions (except as amended by the decisions on this rule addressed in other sections of this report). We note the following additional changes that we have made to improve the clarity of the drafting over those already detailed by the reporting officer in her Reply on Outstanding Matters:
 - Ensure the wording of opening clauses and subsequent list items make sense when read together;
 - Add internal rule-references for way-finding;

- Ensure consistency in terminology between different clauses;
- Remove reference to the term 'site' and instead use 'development area', or 'new development mapped area' as 'site' is a defined term which is inappropriate for use in Rule 9.9.X;
- Remove reference to the term 'developer' and instead use 'applicant' as the more correct term;
- Remove reference to the term 'attenuation' and other various terms and instead use 'stormwater management' for consistency;
- Replacing reference to the term 'mapped area' with 'new development mapped area' or 'NDMA', for consistency;
- Merging or splitting of clauses so each clause contains one requirement;
- Relocating some clauses so that 'outcomes', requirements for stormwater management plans, and requirements for stormwater management system design are located together;
- Amending list punctuation;
- Removing uppercase letters where required; and
- Removing superfluous words.
- Consequential changes as a result of the recommendations adopted from the section 42A report:
 - Amend Policy 9.2.1.Y so it also applies to multi-unit development, supported living facilities and development that contravenes Rule 9.3.7.AA;
 - Amend Rule 9.6.2.X so it also applies to multi-unit development and supported living facilities; and
 - Amend Note 9.3.7.AAA to refer to the activities listed in Policy 9.2.1.Y, rather than just subdivision.
- Amend Rule 9.6.2.X to add assessment guidance as agreed to in the joint witness statement between Otago Regional Council and DCC planners;
- Add to Note 9.9.XA to alert plan users to the notification rule for Otago Regional Council, as per the section 42A report recommendation; and
- Add Rule 15.4.5.X to include a notification rule with respect to Otago Regional Council where a stormwater management plan is lodged with an application, as per the section 42A report recommendation.

C.4.4.6 Policy 2.2.2.Y

836. The submission from the *Otago Regional Council (S271.007)* requested that the policy be reworded to read as follows: "**Require** ~~Enable and encourage on-site~~ low impact design stormwater management through policies and assessment rules ~~that require for~~ stormwater management in new development mapped areas".
837. The reporting officer recommended that this submission be rejected, and Ms Dawe agreed to this recommendation in her written evidence (in para. 52).

C.4.4.6.1 Decision and reasons

838. We reject the submission of the *Otago Regional Council (S271.007)* based on the evidence of the reporting officer and the joint witness statement. However, we note the changes to Policy 2.2.2.Y we have made in response to other submissions including:

- to delete “on-site” from this policy and other provisions as addressed in section C.4.4.2 of our decision; and
- to address a submission on Policy 2.2.5.2 (see section C.4.4.7).

C.4.4.7 Policy 2.2.5.2

839. This section addresses the submissions on Policy 2.2.5.2, which was deleted through Variation 2 (also linked to Change F1-6). These submissions were addressed in section 4.3.2 of the section 42A report.

840. Patterson Pitts Group on behalf of clients (*S231.002 and others*) sought the reinstatement of this policy as it encouraged on-site wastewater disposal. Mr Bowen did not discuss this further at the hearing.

841. The *Otago Regional Council* sought that Policy 2.2.5.2 be amended (rather than deleted) as they wished to see stormwater management and the effects of wastewater on groundwater be given attention in the Plan as, in their view, necessary to give effect to the NPS-FM in terms of protecting water quality (particularly Clause 3.5(3) and 3.5(4) (*S271.008 and S271.029*)).

842. In the section 42A report, Ms McEwan recommended that Policy 2.2.5.2 be deleted as proposed, particularly as effects on groundwater are managed by the Otago Regional Council through its own policies and plans. She also considered that other Variation 2 changes (including introduction of Policy 2.2.2.Y) adequately provide for and control on-site stormwater management.

843. Ms Dawe, in her pre-circulated evidence, said she considered the policy should be re-framed to support the amended Objective 2.2.2 on Environmental Performance and Energy Resilience. She noted that proposed Policy 2.2.2.Y only related to stormwater management in NDMA's, leaving a policy vacuum in the Plan with respect to other areas.

844. Ms Dawe sought amendments to Policy 2.2.5.2 as follows (in para. 54 of her evidence):

~~“Enable and encourage Only allow on-site stormwater and wastewater management outside of reticulated areas, where this would not endanger avoid, remedy or mitigate adverse effects (including cumulative effects) on the health and well-being of water bodies, freshwater ecosystems, and receiving environments. groundwater and is not in conflict with the efficient use of existing public, wastewater and stormwater infrastructure, through rules that provide for an alternative to connecting to public water supply, wastewater and stormwater infrastructure”~~

845. We requested that the reporting officer caucus with the *Otago Regional Council* planner on the requests made by the *Otago Regional Council* and provide a joint witness statement on areas of agreement.

846. The joint witness statement noted that agreement had not been reached with regard to Policy 2.2.5.2, despite the reporting officer recommending changes to Policy 2.2.2.Y as an alternative to the relief sought by *Otago Regional Council*. Ms Dawe considered that the suggested changes would not ensure that DCC gives effect to the NPS-FM 2020 and would not address the policy vacuum regarding water quality effects. The joint witness statement concluded that Ms McEwan still recommended the deletion of Policy 2.2.5.2 and Ms Dawe still sought its amendment (rather than deletion).

C.4.4.7.1 Decision and reasons

847. We accept in part the submission from the *Otago Regional Council*, as it relates to stormwater management. We agree with the reporting officer that stormwater management is dealt with in the other provisions being added and amended as part of Variation 2 proposals. We adopt the solution suggested by the reporting officer to, instead of reinstating and amending Policy 2.2.5.2, make an amendment to Policy 2.2.2.Y to remove reference to ‘new development mapped areas’ and thereby expand the application of that policy (note ‘on-site’ was deleted through a different decision addressed in C.4.4.2):

Enable and encourage ~~on-site~~ low impact design stormwater management through policies and assessment rules that require- stormwater management-in new development mapped areas”.

848. These changes are shown in Appendix 1 with the reference ‘Changes F2-2 and F1-6/S271.029’ and include amendments to the following provisions:

- Policy 2.2.2.Y to remove ‘in new development mapped areas’.

849. We consider that the *Otago Regional Council* did not provide strong evidence of a policy vacuum and the necessity of retaining an amended version of Policy 2.2.5.2 to manage water quality issues.

850. We note that the *Otago Regional Council* sought substantial amendments to the policy framework regarding on-site wastewater management in its evidence. The scope of change sought through their evidence was to give Policy 2.2.5.2 the opposite meaning to that which it had prior to deletion. This change is different to what was sought through its submission (which was simply to reinstate the policy) and accepting this submission would raise issues of natural justice.

851. We reject the submission of Paterson Pitts Group on behalf of their clients as, based on the evidence of the *Otago Regional Council* and the reporting officer, we do not believe retaining a policy which encourages on-site wastewater management is appropriate especially in the context of the NPS-FM.

C.4.4.8 Request for compulsory acquisition of land or easements

852. This section addresses the submissions from Sweep Consultancy and Paterson Pitts Group on behalf of their clients requesting a mechanism whereby the DCC can compulsorily acquire easements and/or land to support development of stormwater management systems in an NDMA (*S13.008 and others*). These submissions were addressed in sections 4.3.2 and 4.3.5 of the section 42A report. Ms Peters of Sweep Consultancy elaborated on this matter at the hearing.

853. The reporting officer recommended that these submissions be rejected because easements in favour of a development over others' land is normally to be secured by developers as part of the subdivision process (rather than being a responsibility of the DCC).
854. Ms McEwan addressed this in her Closing Statement (in section 2.7) and said her understanding is that the process for compulsorily acquiring land through the Public Works Act 1981 is not straightforward and she was not sure whether land could be acquired for a stormwater system to service a private development. In response to our questions, Ms McEwan confirmed her view that it would be inappropriate to include reference to the public works process within the 2GP.

C.4.4.8.1 Decision and reasons

855. We reject the submissions seeking amendments and adopt the evidence of the reporting officer that it would not be appropriate to include Plan provisions regarding compulsory acquisition of easements and land.

C.4.4.9 Policy 9.2.1.Y and associated provisions

856. This section addresses submissions on Policy 9.2.1.Y and associated provisions, such as stormwater assessment rules for subdivision in an NDMA, that have not been addressed in other sections of this decision. Submissions on Policy 9.2.1.X and associated provisions are addressed in the next section.
857. These submissions were addressed in section 4.3.2 of the section 42A report. Submissions on Policy 9.2.1.Y sought to:
- Remove the requirement for infrastructure to be installed prior to subdivision consent (submissions lodged by Sweep Consultancy on behalf of clients, S13.008 and others). The reporting officer recommended rejection because Policy 9.2.1.Y only requires the installation of stormwater management systems prior to development, rather than prior to subdivision;
 - Clarify the meaning of 'NDMA' in Policy 9.2.1.Y (*Otago Regional Council S271.010*). The reporting officer recommended rejection because this term is clarified at the start of the policy and when read in its final location in the e-plan will have a hyperlink to open a pop-up with the definition;
 - Provide for no change in hydrological effect from the subdivision (*Otago Regional Council S271.010*). The reporting officer recommended rejection because evidence from DCC 3 Waters was that this is an unreasonable expectation;
 - Address outcomes relating to flooding effects and the effects of climate change on future stormwater management (*Otago Regional Council S271.010*). The reporting officer recommended accepting this in part by adding assessment guidance to Rule 9.6.2.X (see section C.4.4.5 above regarding amendments to this provision);
 - Remove the words "into the stormwater public infrastructure at any point" (*Otago Regional Council S271.010*). The reporting officer recommended accepting the point in part by including reference to private stormwater systems as well as well as amending the definition of 'public infrastructure' to address some of the matters raised by the Otago Regional Council;

- Delete paragraph (b) of Policy 9.2.1.Y which provides an exception where it is impractical to achieve the policy (*Otago Regional Council S271.010*). The reporting officer recommended rejection because she agreed with evidence from DCC 3 Waters experts that it is appropriate to retain flexibility for alternative approaches to stormwater management to account for a range of circumstances; and
- Amend the policy test to refer to effects being suitably attenuated rather than being no more than minor (*Ryman Healthcare Ltd S189.021 and others*). The reporting officer recommended rejection because the ‘no more than minor’ test is appropriate and provides for alternative methods of stormwater attenuation.

858. Submissions on other provisions associated with Policy 9.2.1.Y sought to:

- Amend Rule 9.6.2.X to make consequential changes consistent with *Otago Regional Council’s* other submission points (*S271.014*). The reporting officer noted that this has been done as part of consequential changes relating to *Otago Regional Council’s* other submission points; and
- Amend Rule 15.11.5.Y so that cross references to Section 9.6 are more precise (*Otago Regional Council, S271.018*). The reporting officer recommended rejecting this submission as the cross-referencing is consistent with how it is done elsewhere in the Plan.

859. Ms Dawe’s pre-circulated evidence for the *Otago Regional Council* agreed to the recommendations of the reporting officer, except in respect of Rule 9.6.2.X and requested some additional changes. The reporting officer agreed to these changes as part of the joint witness statement.

860. Other submitters did not speak to these submissions at the hearing.

C.4.4.9.1 Decision and reasons

861. We accept in part the submission from the *Otago Regional Council (S271.010)* and reject the other submissions outlined above. We adopt the evidence of the reporting officer and the reasons given in the section 42A report.

862. These changes are shown in Appendix 1 with the reference ‘Change F2-2/S271.010’ and include amendments to the following provisions:

- Policy 9.2.1.Y to include reference to private stormwater systems and rely on the broadened definition of ‘public infrastructure’ amended in response to other submission points; and
- Consequential changes to Rule 9.6.2.X arising from the policy amendment.

863. We note that changes to Rule 9.6.2.X to add assessment guidance as agreed to in the joint witness statement between *Otago Regional Council* and DCC planners is addressed in section C.4.4.5 above.

C.4.4.10 Policy 9.2.1.X and associated provisions

864. This section addresses submissions on Policy 9.2.1.X and associated provisions, such as the performance standard for development in an NDMA to connect to a stormwater management system, that have not been addressed in the previous sections.

865. These submissions, which were addressed in section 4.3.2 of the section 42A report, sought deletion or amendments to Policy 9.2.1.X as follows:

- Remove Policy 9.2.1.X (Paterson Pitts Group on behalf of clients, *S76.016 and others*). The reporting officer recommended rejecting this because the policy is setting up a performance standard for development in an NDMA. Without this policy and performance standard, there would be no requirement for development in an NDMA (without prior subdivision) to provide a stormwater management plan for the area. This is required to ensure stormwater effects are appropriately managed;
- Amend Policy 9.2.1.X to replace “Require” with “only allow” (*Otago Regional Council S271.011*). The reporting officer recommended rejecting this because this policy wording would set up a requirement for resource consents for all development in an NDMA, even where a stormwater management plan has been considered through a prior subdivision application.

866. Submissions seeking amendments to provisions associated with Policy 9.2.1.X were:

- Amend Rule 9.3.7.AA (Stormwater) so that reserves, access, network utilities and roads are included in stormwater management plans and systems, and other clarifications to the wording (*Otago Regional Council S271.005*). The reporting officer recommended accepting this submission in part by amending the rule to also apply to new roads or additions or alterations to existing roads, and some changes to other related provisions to correct referencing errors to avoid confusion;
- Amend Rule 9.3.7.AA to apply in a new development mapped area with more than 60m² of impermeable surface in total; to cover development without subdivision, make a stormwater management plan mandatory in a NDMA; require consent to any development creating more than 60m² impermeable surface; add words so the stormwater management system must be “installed in accordance with a subdivision consent for the new development mapped area” (*Otago Regional Council, S271.012*). The reporting officer recommended accepting this submission in part, but only to refer to the requirements in Rule 9.9.X. The other aspects of the submission were recommended for rejection because they would place unfair requirements on developers and because the rule is already aimed at addressing development that occurs prior to subdivision;
- Amend Rule 9.3.7.AA to include options for suitable alternative servicing for stormwater and enable service connections at the time of building consent (Paterson Pitts Group on behalf of clients, *S76.023 and others*; Terramark on behalf of clients, *S220.010*). The reporting officer recommended rejecting this taking account of the evidence from Mr Oliver and Ms Baker that alternative systems on individual lots will result in maintenance and effectiveness issues in the long term;
- Amend Note 9.3.7.AAA so that requirements for the installation of infrastructure isn’t prior to subdivision consent being obtained (Sweep Consultancy on behalf of their clients, *S13.008 and others*). The reporting officer recommended rejecting these submissions because the note does not include such a requirement;
- Amend Note 9.3.7.AAA so that it deals with concerns around when a stormwater management system will be considered and how it would be assessed if the subdivision did not precede the development (*Otago Regional Council, S271.012*).

The reporting officer recommended accepting this point by adding additional guidance to the note;

- Amend Rule 9.5.3.Z.a so that stormwater management effects are only considered within the new development mapped area (submissions lodged by Sweep Consultancy on behalf of clients, *S13.008 and others*). The reporting officer recommended rejection because considering effects beyond the NDMA boundaries is necessary to ensure Policy 9.2.1.Y is met;
- Amend various provisions to give effect to changes sought in other submissions (*Otago Regional Council, S271.013, S271.016, S271.017*). The reporting officer noted that this has been done as part of consequential changes relating to *Otago Regional Council's* other submission points; and
- Amend Rule 15.10.4.Y so that cross references to Section 9.5 are more precise (*Otago Regional Council, S271.018*). The reporting officer recommended rejecting this submission as the cross-referencing is consistent with how it is done elsewhere in the Plan.

867. The reporting officer noted an error for correction in her Opening Statement. This was to amend Rule 9.3.7.AAA(a) to refer to Rule 9.3.7.AA (Stormwater for development) rather than Rule 9.3.X.

868. None of the submitters in attendance at the hearing spoke to the above submission points.

869. The evidence pre-circulated by Ms Dawe for the *Otago Regional Council* agreed to the recommendations of the reporting officer in the absence of specific comments to the contrary (para. 43). These matters were not addressed further in the joint witness statement.

870. We note that Ms McEwan made additional recommendations for Rule 9.3.7.AA in her Reply on Outstanding Matters. However, this has been addressed separately in section C.4.9.2 of our decision.

C.4.4.10.1 Decision and reasons

871. We accept in part the submissions from *Otago Regional Council* (*S271.012 and S271.005*) and do not accept the other submissions outlined above. We adopt the evidence of the reporting officer given in the section 42A report (except as amended by the correction in the Opening Statement, and in the Reply on Outstanding Matters as dealt with separately in section C.4.9.2). We consider the reporting officer has taken full account of the points made by submitters and the recommended amendments to provisions are an appropriate response.

872. These changes are shown in Appendix 1 with the references noted below, and include amendments to the following provisions:

- Rule 9.3.7.AA to also apply the rule to new roads or additions or alterations to existing roads (Change F2-2/S271.005);
- Rule 9.3.7.AA to include a requirement for a stormwater management system to meet the requirements of Rule 9.9.X (Change F2-2/S271.012);
- Note 9.3.7.AAA to add further guidance to plan users (Change F2-2/S271.012);

- Rule 9.3.7.2 to replace the reference to Rule 9.3.7.AA with reference to Rule 9.3.7.Z (Change F2-2/S271.005); and
- Assessment Rule 9.5.3.12 for Service connections to add reference to “(rules 9.3.7.2, 9.3.7.X – 9.3.7.Z) for subdivision” (Change F2-2/S271.005).

C.4.4.10.2 Clause 16 Changes

873. We also note the following amendments have been made to correct various errors. These changes are shown in Appendix 1 with the reference ‘Change F2-2/Cl.16’ and are not part of our decision but are made by the DCC in accordance with clause 16 of Schedule 1 of the RMA:

- Note 9.3.7.AAA to correct a reference to Rule 9.3.7.AA rather than Rule 9.3.X;
- Move assessment Rule 15.10.4.Y from the assessment table for restricted discretionary development performance standard contraventions to Rule 15.10.6.AA for restricted discretionary performance standard contraventions in a mapped area
- Correct the paraphrasing of Policy 9.2.1.X in Rule 9.5.3.Z

C.4.5 *Change F2-3 (Rules for residential stormwater management other than in large greenfield areas) and alternative of on-site stormwater tanks*

874. This section addresses the submissions covered in section 4.3.3 of the section 42A report (other than those of *Marita Ansin-Johnson* and *Barry James Douglas* which are dealt with in section C.2). It also addresses the submissions covered in section 4.3.5 of the section 42A report which related to the aspects of Rule 9.9.X which apply outside the NDMA (being part of Change F2-3).

875. Change F2-3 concerns the methods used to manage stormwater effects within existing residential areas (not large greenfield areas) to ensure that the provisions are clear, and the relevant strategic objectives are effectively and efficiently achieved.

876. The proposal includes a new policy on stormwater management for multi-unit development, supported living facilities, subdivision, or development that contravenes the impermeable surfaces performance standard (Policy 9.2.1.Z). It also includes the addition of a special information requirement for relevant applications to ensure appropriate information is provided on stormwater management (parts of Rule 9.9.X that apply outside an NDMA).

877. This section also addresses the submissions in section 4.3.4 of the section 42A report on the alternative option of providing for on-site stormwater detention tanks, except for the submissions from *Mr Schwartz*, *Penny Turner*, *Peter Dowden*, and *Gisela Sole* whose concerns are more to do with effects on private drains or broad concerns about the need for better stormwater management, which are dealt with in section A.2.4 of our decision.

C.4.5.1 *Submissions from the Otago Regional Council*

878. The *Otago Regional Council (S271.019 and others)* requested several amendments to better recognise the effects of stormwater on Otago Regional Council’s drains and flood management protection schemes.

879. Anita Dawe, Jean-Luc Payan and Michelle Mifflin appeared at the hearing and spoke to their evidence. The experts acknowledged the benefits of the proposed NDMA method for large greenfield areas in that it requires submission of a stormwater management plan as part of an application for subdivision or development. They sought that this approach also be used outside the NDMA (i.e. a requirement for a stormwater management plan) but that the level of detail required be managed to suit the type of proposal being considered.
880. Dr Payan presented information and imagery on the Otago Regional Council's flood protection network and drainage schemes. He noted that these systems are designed to a rural standard and are not designed to receive stormwater from urban development. Potential impacts of not requiring developers to manage their own stormwater were highlighted, including the potential for Taieri flood protection detention ponds to be filled with stormwater, limiting their capacity to receive and hold flood water from the Taieri River as designed.
881. We requested that the reporting officer caucus with the *Otago Regional Council* planner on the requests made by the *Otago Regional Council* and provide a joint witness statement on areas of agreement.
882. The joint witness statement recommended amendments to the definition of 'public infrastructure' and the wording of Policy 9.2.1.Z as recommended in the section 42A report, including a reference to land drainage schemes.
883. Aspects of *Otago Regional Council's* evidence that relate to Rule 9.9.X on stormwater management plans for outside an NDMA are dealt with separately below in section C.4.5.5.
884. Other submission points from the *Otago Regional Council (S271.023 and others)* sought changes to the way rules are internally referenced in the Plan, including for references to be more specific. These submission points were recommended for rejection by the reporting officer in the section 42A report because the requested amendments would be inconsistent with the rest of the Plan and the 2GP Style Guide. These matters were not further addressed in evidence or in the joint witness statement.

C.4.5.1.1 Decision and reasons

885. We accept in part the submissions from the *Otago Regional Council* regarding stormwater management outside an NDMA. We agree to the drafting recommended by the reporting officer in the section 42A report with amendments to reflect the changes agreed to in the expert witness statement.
886. We acknowledge the evidence of the *Otago Regional Council* witnesses and are satisfied that agreement has been reached between them and the reporting officer as to the appropriate response to recognise the Otago Regional Council infrastructure in the policy and the definition.
887. These changes are shown in Appendix 1 with the reference 'Change F2-3/S271.019 and others' and include amendments to the following provisions:
- Definition of public infrastructure to refer to the Otago Regional Council's flood management schemes and land drainage schemes;

- Policy 9.2.1.Z to refer to Otago Regional Council’s public infrastructure; and
- Consequential changes to assessment rules arising from the amended policy, as follows:
 - Rule 9.4.1.1;
 - Rule 9.5.3.11; and
 - Rule 9.6.2.2.

888. We do not accept the submissions from the *Otago Regional Council* seeking amendments to the internal referencing of rule numbers, for the reasons given by the reporting officer in the section 42A report.

C.4.5.2 Submissions from Paterson Pitts Group and Terramark Limited

889. This section addresses the submissions lodged by Paterson Pitts and Terramark Limited on behalf of their clients, covered in section 4.3.3 of the section 42A report.

890. The duplicate submissions lodged by Paterson Pitts Group on behalf of their clients (*S203.005 and others*) and Terramark Limited on behalf of their clients (*S202.004 and others*) on Policy 9.2.1.Z sought:

- amendments to only apply the policy to contravention of the impermeable surfaces standard.
- amendments to limit the assessment of effects to a nominated distance downstream from the point of development discharge (e.g. 2km), as any assessment further downstream generally becomes difficult to assess with any reliability and ultimately all stormwater flows will end up in a river, lake, harbour or ocean which if the second part of the policy is read literally would always trigger the need for an assessment.

891. We also note other submissions lodged by these agents which sought an alternative approach of adding provisions to allow installation of stormwater detention tanks on a site-by-site basis instead of requiring stormwater management information to be provided in a consent application. This is dealt with separately in section C.4.5.5 below.

892. The evidence presented by Mr Oliver, Ms Baker and Ms McEwan in the section 42A report noted that the policy needs to apply to the four activities stated, not just to contravention of the impermeable surfaces performance standard, because otherwise there would be no assessment policy for these activities (including all subdivision outside an NDMA). Furthermore, they noted that it is not reasonable or practical to specify a distance beyond which downstream effects will not occur and should not be considered.

893. These specific matters were not discussed at the hearing.

C.4.5.2.1 Decision and reasons

894. We reject the submissions lodged by Paterson Pitts Group and Terramark Limited seeking amendments to Policy 9.2.1.Z. We adopt the evidence provided by DCC 3 Waters and the reporting officer.

895. We only make amendments to Policy 9.2.1.Z as agreed to in the joint witness statement between the *Otago Regional Council* and DCC planners, as detailed in the previous section (Change F2-3/S271.019 and others).

C.4.5.3 Submissions from Ryman Healthcare Ltd and Retirement Villages Association of NZ

896. *Ryman Healthcare Ltd* and *Retirement Villages Association of NZ* sought amendments to the wording of Policy 9.2.1.Z to read “any adverse effects from an increase in discharge on the stormwater public infrastructure are ~~no more than minor~~ **suitably attenuated;**” (*S189.019 and S205.019*). They also sought changes to the matter of discretion in associated assessment rules to read “Effects on ~~efficiency and affordability~~ **capacity** of infrastructure (stormwater)” (*S189.020, S189.023, S205.020 and S205.023*).
897. The reporting officer recommend rejecting these submissions on Policy 9.2.1.Z because the wording ‘no more than minor’ is an appropriate outcome test that aligns with the 2GP drafting protocol. The words ‘suitably attenuated’ were considered subjective and not in alignment with good practice policy wording.
898. Regarding the matter of discretion, the reporting officer considered the notified wording was consistent with that applied across provisions relating to 3 waters infrastructure. While considering the capacity of infrastructure networks is important, effects on the overall performance of infrastructure need to be considered and this is expressed in terms of the efficiency and affordability of infrastructure. We heard no evidence from the submitters on this point.

C.4.5.3.1 Decision and reasons

899. We reject the submission points addressed above for the reasons given by the reporting officer in the section 42A report.

C.4.5.4 Submissions from Dunedin City Council

900. *Dunedin City Council* (*S187.022 & S187.023*) sought amendments to the matters of discretion in the assessment rules for supported living facilities and all subdivision activities, these being at Rule 15.11.2.5.a, and Rule 15.11.4.1.c, to remove the term “(stormwater)”. This was noted in the submission as an error because it has the effect of removing discretion to consider effects on wastewater and water, which needs to be retained.
901. The reporting officer in her section 42A report recommended accepting these submissions to correct the errors.

C.4.5.4.1 Decision and reasons

902. We accept the submissions from *Dunedin City Council*. These changes are shown in Appendix 1 and include amendments to the following provisions (with the associated references):
- Rule 15.11.2.5.a (Change F2-3/S187.022); and
 - Rule 15.11.4.1.c (Change F2-3/S187.023).

C.4.5.5 Request for use of performance standards requiring stormwater detention tanks rather than requiring stormwater management plans, and Rule 9.9.X (outside an NDMA)

903. Ten duplicate submissions lodged by Paterson Pitts on behalf of their clients, sought reconsideration and introduction of Alternative F2-Alt-2 as part of Variation 2, to have a requirement for stormwater detention tanks rather than a requirement for stormwater management plans outside all the proposed new greenfield rezoning areas.
904. Duplicate submissions lodged by Paterson Pitts Group on behalf of their clients (*S76.020 and others*) sought that the stormwater management plan provisions in Rule 9.9.X only apply inside an NDMA.
905. Similar submissions were also lodged by Paterson Pitts on behalf of their clients with respect to Policy 9.2.1.Y (part of Change F2-2 addressed in section 4.3.2 of the section 42A report) and sought a standardised approach to the use of stormwater detention tanks in locations where Council has not completed modelling for the stormwater system (*S76.015 and others*).
906. *Jane McLeod (S1.001)* also sought that there be a requirement for new sites in greenfield areas to collect rainwater in detention tanks to reduce the impact on the 3 waters capacity issues. *Ms McLeod* did not appear at the hearing. Her submission, unlike that of *Patterson Pitts*, did not appear motivated by any discontent with the requirement for stormwater management plans. This submission was addressed in section 4.3.2 of the section 42A report (Change F2-2 for stormwater management in large greenfield areas), where the reporting officer recommended rejecting the submission point because the proposed greenfield areas are generally contained within an NDMA where stormwater effects are managed by other means.
907. Submissions were also received specifically on the aspects of the stormwater management plan provisions that apply outside the NDMA (aspects of Rule 9.9.X). These included aspects of the submissions addressed in section 4.3.5 of the section 42A report.
908. Ryman Healthcare Ltd and Retirement Villages Association of NZ (*S189.022 and S205.022*) supported Rule 9.9.X as notified.
909. *Otago Regional Council (S271.015)* sought that the stormwater management plan provisions in Rule 9.9.X apply similarly irrespective of whether the land is inside or outside an NDMA.
910. For areas outside the NDMA, the reporting officer recommended not replacing the requirement to provide stormwater management plans with a performance standard for stormwater detention tanks but instead referring to guidance on the acceptable use of stormwater detention tanks that sits outside the Plan (section 4.3.5 of the section 42A report). Her evidence was that this should provide developers with a less onerous consenting process and more certainty about stormwater management systems that would be acceptable to DCC in specified situations.
911. We heard from Kurt Bowen on these submissions. He requested that areas of the city where stormwater infrastructure issues exist should be mapped and rules requiring stormwater detention tanks should apply in these areas based on the nature of the issues identified.

912. Mr Jared Oliver of DCC 3 Waters noted that a project to complete stormwater modelling across the city is underway but will take approximately another 3 years to complete. As such, Mr Oliver considered that the DCC is not in a position to map areas where stormwater constraints exist at this time.
913. Ms McEwan's evidence concurred with Mr Oliver's position, noting that in the absence of detailed information a precautionary approach to managing adverse stormwater effects was necessary at this time.
914. Mr Bowen also considered that the changes recommended for Rule 9.9.X.4 in the section 42A report were still too onerous for activities outside an NDMA. His view was that the provisions were aimed at getting developers to fix existing issues with Council infrastructure. Ms McEwan considered that this was not the case because the provisions are worded to manage effects arising from a development proposal.
915. The evidence from DCC 3 Waters also noted that the stormwater management provisions are not just about managing stormwater quantity, but also quality (as required by the NPS-FM) and need to ensure effects on private infrastructure, not just DCC infrastructure, are managed.
916. We also refer to the submissions from the *Otago Regional Council* outlined in section C.4.5.1 above, which are relevant to the decision on these matters.

C.4.5.5.1 Decision and reasons

917. We reject the submission from *Jane McLeod (S1.001)* but we accept in part the submissions from Paterson Pitts Group lodged on behalf of their clients. We accept the recommendations of the reporting officer to not add performance standards to the Plan requiring stormwater detention tanks at this time, for the reasons outlined in her evidence and summarised above. We support Council developing guidance notes on the use of stormwater detention tanks, to be developed outside the Plan and to assist developers.
918. We adopt the Council's evidence that insufficient information is available at present to enable mapping of areas where it can be said with certainty that detention tank provisions can be included in the Plan. We are satisfied with the evidence that stormwater modelling is not yet complete, and we also consider the Dunedin environment is variable and unlikely to be suited to a one-size-fits-all approach if detention tanks were to be considered suitable in all areas.
919. Overall, submitters and experts appeared to generally agree that stormwater management requirements should be proportionate to the nature and scale of any proposed development. We are of the view that the provisions recommended by the reporting officer and agreed to by Ms Dawe from the *Otago Regional Council* in the joint witness statement will achieve this.
920. We are supportive of guidance on the use of stormwater detention tanks being developed outside the 2GP and recommend that this work is undertaken by Council expediently.

921. These changes are shown in Appendix 1 with the reference 'Change F2-3/S76.022 and others' and include amendments to the following provisions with minor amendments for clarity:

- Rule 9.9.X (provisions for outside an NDMA) to provide a less onerous information requirement than for stormwater management within an NDMA and refer to guidance outside the 2GP to provide for use of acceptable alternative solutions (such as detention tanks).
- We note that we have replaced the term "subject sites" with "development areas" to ensure the provision does not link to the defined term 'site', which is inappropriate for use in this context.
- We also note we have corrected list punctuation and replaced the term "1 hectare" with "1ha" in accordance with the 2GP Style Guide.

C.4.5.6 Clause 16 Changes

922. We note the following amendments have been made to provisions affected by Change F2-3 to correct errors. These changes are shown in Appendix 1 with the reference 'Change F2-3/Cl.16' and are not part of our decision but are made by the DCC in accordance with clause 16 of Schedule 1 of the RMA:

- Amend the paraphrasing of Policy 9.2.1.Z in the following assessment rules to correctly reflect the policy content in accordance with the 2GP Style Guide:
 - Rule 9.4.1.1
 - Rule 9.5.3.11
 - Rule 9.6.2.2
- Delete the paraphrasing of Policy 9.2.1.Z from assessment Rule 27.11.3.1 because the policy does not apply to the activity in that assessment rule and had been included in error.

C.4.6 Change F2-5 (Impermeable surface permitted baseline)

923. This section addresses the submissions covered in section 4.3.6 of the section 42A report on Change F2-5.

924. Change F2-5 adds a permitted baseline rule which directs that Council will generally not consider potential permitted new buildings and structures or compliance with the maximum building site coverage and impermeable surfaces performance standard (Rule 15.6.10) as part of the permitted baseline when considering applications for subdivision.

925. 22 original submissions were received on Change F2-5 with 21 in opposition (mostly duplicate submissions lodged by surveying firms on behalf of clients) and one from *Otago Regional Council (S271.031)* in support of the change broadly but which sought changes so that the provision applies to development as well as to subdivision.

926. The key reason for opposition to Change F2-5 by submitters represented by surveying firms was that they considered the approach to be flawed and inconsistent with recent consent decisions made independently and in accordance with the RMA. At the hearing Mr Bowen further noted his view that the approach to including permitted baseline rules in the Plan may be unlawful.

927. Mr Jared Oliver and Ms Jacinda Baker, DCC 3 Waters considered that some subdivision applicants have been relying on applying the permitted baseline for the impermeable surfaces performance standard, arguing that there should be no stormwater management requirements through the subdivision process because of this.
928. They noted there is also a misconception in the development community that impermeable surface levels have been set at a level for which there is capacity in the stormwater network to accept all stormwater produced if every site is developed to this level, which they confirmed is not the case.
929. The reporting officer in the section 42A report recommended retaining Change F2-5 as notified because she accepted the evidence provided by DCC 3 Waters. She also recommended rejecting the submission from *Otago Regional Council (S271.031)* to apply the rule to development as well as to subdivision, as she advised that development activities are already subject to the impermeable surfaces performance standard.

C.4.6.1 Decision and reasons

930. We reject the submissions outlined above and accept the reporting officer's recommendation to retain Change F2-5 as notified, for the reasons given in the section 42A report.
931. We note that the following amendments have been made to provisions affected by Change F2-5 to correct errors. These changes are shown in Appendix 1 with the reference 'Change F2-5/Cl.16' and are not part of our decision but are made by the DCC in accordance with clause 16 of Schedule 1 of the RMA:
- Amend Rule 15.4.4 and proposed Rule 15.4.X to incorporate new clause X as a subclause of Rule 15.4.4, rather than a new clause.

C.4.7 Wastewater package

932. This section addresses the submissions and matters covered in sections 4.4.1 and 4.4.2 of the section 42A report.

C.4.7.1 Broad submission on wastewater

933. This section addresses the submissions and matters covered in section 4.4.1 of the section 42A report.
934. One original submission *Name Withheld C (S69.005)* was received broadly opposing the wastewater package of changes in Variation 2, although this appears to relate exclusively to any wastewater effects that might arise from a proposed greenfield rezoning at Abbotsford (GF05). The submission itself does not directly engage with the changes to the Plan provisions proposed under Change F3. A further submission was received from the *Otago Regional Council (FS184.104)* in opposition to the submission because the infrastructure provisions should be retained but amended in accordance with *Otago Regional Council's* primary submission.
935. The reporting officer recommended rejecting this submission and retaining the wastewater changes as notified, except as amended in response to other submissions

C.4.7.1.1 Decision and reasons

936. We reject the submission *S69.005* for the reasons given by the reporting officer in the section 42A report. We note that other submission points from this submitter which relate to the rezoning of Change GF05 at Abbotsford will be considered later in Hearing 4.

C.4.7.2 Change F3-2 (NDMA - Wastewater detention in selected large greenfield areas)

937. This section addresses the submissions covered in section 4.4.2 of the section 42A report, except the duplicate submissions submitted by Sweep Consultancy Limited on behalf of their clients (*S13.009 and others*) as they relate to the funding of infrastructure (i.e. the suggested 'clawback mechanism'). These aspects of the duplicate submissions are addressed in section C.2 above.
938. Change F3-2 added requirements for on-site wastewater management systems in three specified new development mapped areas. The requirements were applied through a matter of discretion and assessment policy for consents for subdivision, multi-unit development, or supported living facilities.
939. *Ryman Healthcare Ltd (S189.025)* and *Retirement Villages Association of NZ (S205.025)* supported the retention of Rule 9.9.Y as notified which specifies the information required for wastewater management plans for supported living facilities.

C.4.7.2.1 The areas covered by the rule

940. Rule 9.6.2.Y applies to three proposed new development mapped areas (NDMAs). These are proposed rezoning areas at Kaikorai Valley (Change IN07), Selwyn Street (Change RTZ2) and Wattie Fox Lane (Change RTZ1). Only the application of NDMA to Change IN07 has been addressed in hearings to date (primarily Hearing 2; see section B.4.7 of our decision). The application of NDMA to Change RTZ1 and RTZ2 will be addressed in Hearing 4.
941. Broad submissions on the application of the Change F3-2 are addressed below.
942. Duplicate submissions from Paterson Pitts on behalf of their clients (*S76.013 and others*) and a submission from *GTJM Property Limited (S263.005)* gave qualified support to retain Policy 9.2.1.BB on wastewater management in NDMAs, provided the areas identified had been correctly assessed by Council in respect of wastewater requirements.
943. Duplicate submissions from Paterson Pitts on behalf of their clients (*S76.021 and others*) on Rule 9.9.Y (Wastewater management plans) also sought that Rule 9.9.Y.1 be amended to only refer to those NDMA areas that do not have existing residential connection rights.
944. Mr Jared Oliver and Ms Jacinda Baker, DCC 3 Waters, advised that calibrated hydraulic models of the wastewater network were used to model and assess the network capacity.
945. The reporting officer in the section 42A report considered that the areas have been correctly assessed regarding wastewater requirements. However, he noted his earlier recommendation to remove the NDMA wastewater management requirements from IN07, as the only site of the three that is currently zoned residential.

C.4.7.2.1.1 Decision and reasons

946. We accept the duplicate submissions lodged by Paterson Pitts on behalf of their clients (*S76.013 and others*), the submission from *GTJM Property Limited (S263.005)*, and the evidence outlined by the reporting officer and DCC 3 Waters. We consider Change F3-2 does not require amendment and we retain it as notified.
947. We note we have already addressed the submissions on the provisions as they apply to IN07 Kaikorai Valley Road in section B.4.7 in Part B, where we accepted the reporting officer's recommendation to remove the wastewater provisions that apply in NDMA's. Therefore, we have accepted the duplicate submissions lodged by Patterson Pitts in part (*S76.021 and others*).
948. The application of NDMA to the other two rezoning areas specified in the wastewater provisions of Change F3-2 will be considered in Hearing 4.

C.4.7.2.2 Multiple Ownership of Wastewater Management Systems in NDMA's

949. Duplicate submissions lodged by Sweep Consultancy Limited on behalf of their clients (*S13.009 and others*) raised concerns over the proposed wastewater provisions being applied in areas of multiple land ownership. They identified potential issues arising if there is one landowner who is reluctant to participate in the infrastructure response. This is because the proposed provisions require a communal wastewater detention system, rather than site-by-site wastewater mitigations.
950. Similarly, duplicate submissions lodged by Paterson Pitts group on behalf of their clients (*S76.021 and others*) sought amendments to the provisions which require the written approval of all landowners within an NDMA of the proposed wastewater management system (given in Rule 9.9.Y.3).
951. We note that the reporting officer (Mr Freeland) clarified that only the Selwyn Street NDMA (RTZ2) has multiple ownership as the area comprises four sites with three different sets of owners.
952. Mr Freeland also noted that it is important that the wastewater detention infrastructure is well managed and for this reason the infrastructure should be vested in the DCC. However, the DCC cannot efficiently maintain numerous small wastewater detention systems. Evidence from DCC 3 Waters is that a communal wastewater detention system that serves a minimum of 50 residential sites/units is required for efficiency of future management.
953. The reporting officer recommended retaining the approach requiring communal wastewater detention systems, as notified.

C.4.7.2.2.1 Decision and reasons

954. We reject the duplicate submissions lodged by Sweep Consultancy and Paterson Pitts on behalf of their clients and accept the evidence of the reporting officer given in the section 42A report.

C.4.7.2.3 Ownership of Wastewater Management Systems

955. The *Otago Regional Council (S271.030)* supported in principle the provisions under Change F3-2. However, the *Otago Regional Council* requested that the wastewater systems be vested in the DCC to achieve surety of effective and efficient operation and maintenance over time – particularly as it assists to ensure the network’s capacity is not exceeded. The *Otago Regional Council* was concerned that there is a real risk that no one will take responsibility for a ‘communal’ system and it will not be maintained and effective over time. Therefore, *Otago Regional Council* also sought deletion of the term “communal” and replacement with “integrated” for wastewater detention systems.
956. Mr Freeland noted in the section 42A report that the intention is for required wastewater detentions systems to be installed prior to certification of the survey plan pursuant to section 223 of the RMA, and for the system to be vested in DCC ownership. Therefore, he considered no change to the Plan was necessary to provide relief to *Otago Regional Council’s* request.

C.4.7.2.3.1 Decision and reasons

957. We reject the submission of the *Otago Regional Council (S271.030)* and accept the reporting officer’s evidence that the relief is already provided for as part of the notified provisions.

C.4.7.2.4 Removal of focus on ‘efficiency’ (Rules 9.6.2.Y and 15.11.5.Z)

958. The *Retirement Villages Association of NZ (S205.024, S205.026)* and *Ryman Healthcare Ltd (S189.024, 189.026)* sought amendments to Rules 9.6.2.Y and 15.11.5.Z to remove the focus on "efficiency" of public infrastructure, which they consider will create interpretation issues. They consider that the rules should be clarified so that the focus should be on the capacity of infrastructure and the ability to suitably attenuate any adverse effects.
959. Mr Freeland in the section 42A report noted that a similar request was addressed by Ms McEwan in section 4.3.4, where it was recommended that the submission be rejected because the matter of discretion as notified is consistent with that applied across provisions relating to 3 waters infrastructure. He said whilst considering the capacity of infrastructure networks is important, effects on the overall performance of infrastructure need to be considered and this is expressed in terms of the efficiency and affordability of infrastructure. Therefore, Mr Freeland recommended rejecting the submissions.

C.4.7.2.4.1 Decision and reasons

960. We reject the submissions from *Retirement Villages Association of NZ (S205.024, S205.026)* and *Ryman Healthcare Ltd (S189.024, 189.026)* and accept the recommendation of the reporting officer. We agree that maintaining consistency of language in the Plan is important. While we do not disagree with the point made by the submitters, we accept that the language of efficiency and effectiveness is meant to include the wastewater system’s effectiveness in meeting its consent requirements and thereby takes into account environmental effects.

C.4.7.2.5 Wastewater Management Plans (Rule 9.9.Y)

961. Submissions from *Ryman Healthcare Ltd* and *Retirement Villages Association of NZ* (*S189.025* and *S205.025*) supported Rule 9.9.Y (Wastewater management plans) as notified.
962. Duplicate submissions from Paterson Pitts on behalf of their clients (*S76.021* and others) sought that Rule 9.9.Y (Wastewater management plans) be amended to replace the words 'chartered engineer' with 'suitably qualified and experienced engineer or other land development professional'.
963. Mr Jared Oliver, DCC 3 Waters, has advised that wastewater detention tanks are alternative infrastructure and are not infrastructure that land developers routinely design, construct and commission. He said there are no industry standards for this type of infrastructure, and DCC 3 Waters would prefer that a wastewater management plan is prepared by a chartered engineer to give confidence that the system will function as required.
964. Based on that advice, the reporting officer did not recommend any change to Rule 9.9.Y.2 as a result of the submissions.

C.4.7.2.5.1 Decision and reasons

965. We reject the duplicate submissions lodged by Patterson Pitts on behalf of their clients, as we accept the evidence given by Mr Oliver as to why a Chartered Engineer is an appropriate qualification requirement. We retain Rule 9.9.Y as notified.

C.4.7.2.6 Connection to wastewater detention systems for permitted land use and development activities

966. The *Dunedin City Council* (*S187.025*) requested the addition of a rule that requires permitted land use or development in areas covered by Change F3-2 to connect to the communal wastewater detention system required by the subdivision provisions. It requested a similar rule to Rule 9.3.7.AA (Stormwater for development) introduced under Change F2-2 on stormwater management. The reason for the requested rule was to ensure that the outcomes for wastewater management are similar irrespective of whether development or subdivision occurs first.
967. Mr Jared Oliver and Ms Jacinda Baker, DCC 3 Waters, considered this change was necessary as without a requirement for permitted land use or development to connect to a wastewater detention system, there could be requests for connections to Council infrastructure where there currently is inadequate capacity.
968. The reporting officer in the section 42A report did not recommend any change to the 2GP provisions in response to this submission. His view was that any residential development greater than 2 units will require resource consent as a multi-unit development, allowing the effects on wastewater infrastructure to be considered.

C.4.7.2.6.1 Decision and reasons

969. We reject *Dunedin City Council's* (*S187.025*) submission for the reasons given by the reporting officer. We note that Rule 15.11.5.Z added through Change F3-2 applies a

matter of discretion to consider wastewater management for multi-unit development in the specified new development mapped areas. Therefore, the requested rule is not needed.

C.4.7.2.7 Clause 16 Changes

970. We note that the following amendments have been made to provisions affected by Change F3-2 to correct errors. These changes are shown in Appendix 1 with the reference 'Change F3-2/Cl.16' and are not part of our decision but are made by the DCC in accordance with clause 16 of Schedule 1 of the RMA:

- Correct the paraphrasing of Policy 9.2.1.BB in Rule 9.6.2.Y;
- Correct the description of multi-unit development activity in Rule 9.6.2.Y to be consistent with the related provisions in Section 15, and refer to it as “new buildings or additions and alterations to buildings that result in a multi-unit development”; and
- Remove a superfluous “to” from Rule 9.9.Y.2.b.i.

C.4.8 Minor 3 waters changes

C.4.8.1 Change F1-1 (Rule 9.3.7 Service Connections layout)

971. This section addresses the submissions covered in section 4.5.2 of the section 42A report on Change F1-1.

972. The purpose of Change F1-1 is to review the layout of Rule 9.3.7 (Service Connections performance standard) to enable other changes to be made as part of Variation 2. In the section 42A report, Ms McEwan noted that there is no scope to consider submissions which seek substantive changes to the rule because they are not within the purpose of the proposal.

973. A submission from *Chorus New Zealand Limited (S185.001)* supported the aspect of Rule 9.3.7.X on telecommunications and power.

974. All 18 submissions which sought amendments to Change F1-1 sought substantive amendments of various kinds. These included duplicate submissions lodged by Paterson Pitts and Terramark Limited on behalf of their clients, *Aurora Energy Ltd*, and *Spark NZ & Vodafone NZ*.

975. As Ms McEwan considered all these submissions to be outside the purpose of Change F1-1, and therefore out of scope, Ms McEwan recommended in the section 42A report that they be rejected. Ms McEwan also provided some reasons why the changes sought would not be appropriate, even if they had been within scope to consider.

976. Mr Simon Peirce and Ms Joanne Dowd pre-circulated legal submissions and planning evidence on behalf of *Aurora Energy Ltd* and spoke to this at the hearing. Mr Peirce raised the matter of scope and questioned why the reporting officer had considered the changes sought by *Aurora Energy Ltd* were ‘unnecessary’.

977. The changes which *Aurora Energy Ltd* had sought (*S217.004*) were amendments to refer to ‘associated easements’ in Rule 9.3.7.X.a (Telecommunications and power) as follows:

*“Subdivision activities must provide all resultant sites with telecommunication (including Ultrafast Broadband where available) and power supply, **and associated easements**, to the site boundary.”*

978. *Aurora Energy Ltd* also sought addition of an advice note with respect to Rule 9.3.7.X to refer to requirements that sit outside the Plan regarding electricity-related legislation and regulations. These changes were sought to help manage issues where subdivision results in the ‘point of supply’ (POS) for electricity being located within private property, without *Aurora Energy Ltd* having sufficient control over the design of that POS, or legal access to the property for maintenance, by way of easement. Ms Dowd spoke to these issues at the hearing.
979. We asked the reporting officer to respond, and she confirmed her view that the submissions were outside the scope of the purpose of Change F1-1. However, Ms McEwan subsequently reviewed her position in her Closing Statement (in section 2.4) because she considered that the changes sought by *Aurora Energy Ltd* could fall within the purpose of other proposals included in Variation 2. Those changes were the rule changes and intensification rezoning which provide for greater density of housing. As those changes will encourage additional infill development and make the concerns raised by *Aurora Energy Ltd* more likely to occur, managing such adverse effects could be considered within scope, in her view.
980. In answer to our questions, Ms McEwan confirmed that she still considered all other submissions seeking amendments to Change F1-1 to be out of scope.
981. Ms McEwan went on to explain in her Closing Statement that she considered the changes sought by *Aurora Energy Ltd* to be unnecessary, despite being within scope. This was because all subdivision consents are issued with a ‘catch-all’ condition of consent requiring the creation of easements as needed. This, in combination with *Aurora Energy Ltd’s* ongoing education of surveyors as to their requirements, was considered by Ms McEwan to be sufficient in terms of specifying the need for easements.
982. Regarding *Aurora Energy Ltd’s* other request for an advice note, Ms McEwan considered that inclusion of this in the Plan was not critical, despite acknowledging that it may be helpful in some instances. Ms McEwan expressed concerns about the Plan becoming too cluttered with advice notes, which could make it less efficient to use, and pointed out that an advice note would not always prevent the outcomes *Aurora Energy Ltd* was concerned about.

C.4.8.1.1 Decision and reasons

983. Although we agree with the reporting officer that a reference to “and associated easements” in Rule 9.3.7.X.a is not strictly necessary, we see no harm in its inclusion. Accordingly, we accept that part of *Aurora Energy Ltd’s* (S217.004) submission.
984. This change is shown in Appendix 1 with the reference ‘Change F1-1/S217.004’ and amends Rule 9.3.7.X.a.
985. We do not consider there is a need to include an advice note in the Plan as requested by *Aurora Energy Ltd* and concur with the reporting officer’s reasons for rejecting that submission.

986. Regarding the other submission points, seeking substantive changes to Rule 9.3.7 by way of Change F1-1, we accept the reporting officer's assessment that these points are outside the scope of Variation 2. Therefore, we do not accept these points.

C.4.8.2 Change F1-3 (Policy 9.2.1.3 on service connections)

987. This section addresses the matters covered in section 4.5.3 of the section 42A report on Change F1-3 (Policy 9.2.1.3 on service connections).
988. Change F1-3 sought to review the wording of Policy 9.2.1.3 to ensure it is aligned with the service connections performance standard (Rule 9.3.7) it is linked to.
989. 18 original submissions were received on Change F1-3 with 13 in support of the changes and 5 seeking changes. No further submissions were received.
990. Reasons for support of Change F1-3 include that it was 'sensible' (submissions from *Kurt Bowen (S300.013) and others*).
991. *Transpower (S28.003) and Aurora Energy Ltd (S217.002, S217.006)* sought amendments to Policy 9.2.1.3.X and Rule 9.5.3.12.X to remove reference to connection to the 'National Grid', as direct connections are to the local electricity distribution network.
992. Other submissions sought changes that the reporting officer considered to be outside the purpose of the proposal for Change F1-3, and therefore out of scope to consider. These included the aspects of the submission from *Transpower (S28.003)* that sought to ensure that Policies 2, 5, 10 and 11 of the NPSET are given effect to by providing for *Transpower's* ongoing physical access to the National Grid for operation, maintenance and development purposes. They also included the submission from *Spark NZ & Vodafone NZ (S224.003)* that sought amendments to Rule 9.5.3.12 to provide guidance for assessing applications where telecommunications or power connections cannot be adequately provided.
993. Ms McEwan recommended that Change F1-3 be amended so that Policy 9.2.1.3 does not refer to connections to the 'National Grid' as she agreed with the points made in the submissions from *Transpower (S28.003) and Aurora Energy Ltd (S217.002, S217.006)*.
994. For the purposes of improving Plan clarity, Ms McEwan also recommended deleting the reference to 'network' after 'electricity' and the addition of an 's' to the 'network' which is after telecommunications, under clause 16 of schedule 1 of the RMA.
995. Ms Joanne Dowd supported the reporting officer's recommended amendments to Policy 9.2.1.3 in her pre-circulated evidence. Ms Dowd did not speak to this at the hearing.

C.4.8.2.1 Decision and reasons

996. We accept the submissions from *Transpower* (in part) and *Aurora Energy Ltd* and adopt the reporting officer's recommendation to amend Change F1-3 as set out in the section 42A report. These changes are shown in Appendix 1 with the references shown below.
- We amend Policy 9.2.1.3 so it does not refer to connections to the 'National Grid' (Change F1-3/S28.003 and others).

- We support the recommendation of the reporting officer to amend Policy 9.2.1.3 to delete the reference to ‘network’ after ‘electricity’ and add an ‘s’ to the ‘network’ which is after telecommunications. We note that this change is not part of our decision but is made by the DCC in accordance with clause 16 of Schedule 1 of the RMA (Change F1-3/Cl.16).

997. As a consequence of the changes to Policy 9.2.1.3, we have also amended Rule 9.5.3.12, which paraphrases Policy 9.2.1.3.

998. We note that other changes have been made to Policy 9.2.1.3 as a consequence of our decision on Change F2-1 and this is set out in section C.4.3 above.

C.4.8.3 Change F1-4 (Policy 2.2.4.5 on where connections to public infrastructure networks are allowed)

999. This section addresses the submissions covered in section 4.5.4 of the section 42A report on Change F1-4.

1000. Change F1-4 sought to delete Policy 2.2.4.5 which refers to a method that sits outside the Plan, as these are not normally included in the District Plan but rather included in the Spatial Plan.

1001. There was one submission in opposition. *Lucille Taneatualua (S314.003)* sought for Policy 2.2.4.5 to be retained, although she did not attend the hearing and it is unclear from her submission the reasons for her opposition. No further submissions were received.

1002. Ms McEwan in the section 42A report recommended that Change F1-4 be retained as notified.

C.4.8.3.1 Decision and reasons

1003. We reject the submission from *Lucille Taneatualua (S314.003)* and adopt the reporting officer’s evidence in the section 42A report to retain Change F1-4 as notified for the same reasons as given in the Section 32 Report (page 122).

C.4.8.4 Change F1-5 (Rule 9.3.3. Firefighting)

1004. This section addresses the submissions covered in section 4.5.5 of the section 42A report on Change F1-5.

1005. Change F1-5 amends Rule 9.3.3 so it better aligns with SNZ/PAS:4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice.

1006. Five original submissions were received with two in support of the changes, one in opposition and two seeking changes.

1007. *Fire and Emergency New Zealand (S181.002)* supported the Change F1-5 amendments to Rule 9.3.3 to align it more closely to the SNZ/PAS4509. However, it sought that reference be made to the “current version of” SNZ/PAS 4509.

1008. *Dunedin City Council (S187.021)* sought amendments to the rule to accurately reflect SNZ/PAS 4509. The concern was that the rule is unclear how the distance to a fire hydrant is to be measured (e.g. as the crow flies or along the vehicle access, etc.).
1009. Reasons for opposition to Change F1-5 included concern around the rule being for purposes other than fire prevention (*Lucille Taneatualua S314.004*).
1010. Ms McEwan in her section 42A report recommended retaining Change F1-5 as notified. Although she understood the reasons for *Fire and Emergency New Zealand's* submission to refer to "the current version" of SNZ/PAS, rather than specifying the version 4509:2008 (to account for any changes to the standard that may occur in the future), Ms McEwan considered that it is *ultra vires* to make this amendment. Such an amendment could effectively result in a change to the rule without a Schedule 1 process.
1011. Ms McEwan recommended rejecting the submission from *Dunedin City Council* because *Fire and Emergency New Zealand* supported the amendments in the proposal except for their requested additional words outlined above.
1012. In an email to the Panel prior to Hearing 3, Scott Lanauze - Advisor Risk Reduction, for *Fire and Emergency New Zealand* (Otago) confirmed their position that no additional amendments are required in answer to the submission from the *Dunedin City Council (S187.021)* as the provision is largely consistent with the Code as it stands.

C.4.8.4.1 Decision and reasons

1013. We reject the submissions from the *Dunedin City Council (S187.021)*, *Fire and Emergency New Zealand (S181.002)* and *Lucille Taneatualua (S314.004)* for the reasons given by the reporting officer in the section 42A report and retain Change 1-5 as notified.
1014. In making our decision, we were satisfied with the evidence from *Fire and Emergency New Zealand (S181.002)* that no amendments are required in answer to the submission from the *Dunedin City Council (S187.021)* as the provision is largely consistent with the code as it stands.

C.4.8.5 Change F2-4 (Stormwater methods outside the Plan)

1015. This section addresses the submissions covered in section 4.5.9 of the section 42A report on Change F2-4 (Stormwater methods outside the Plan).
1016. Change F2-4 adds notes to plan users about the methods that are used to manage stormwater effects that sit outside the Plan, so they are aware of them.
1017. The *Dunedin City Council (S187.024)* sought the addition of a note to plan users regarding any requirements for fencing of stormwater detention ponds under relevant legislation.
1018. Ms McEwan, in the section 42A report, had reviewed the relevant legislation and concluded that there are no regulations that require fencing of a detention pond as they do not meet the definition of a pool (with regard to the Building (Pools) Amendment Act 2016) and are likely to not be located at places of work (with regard to the Health and Safety at Work Act 2015).
1019. Ms McEwan recommended retaining Change F2-4 as notified.

1020. This matter was not addressed further at the hearing.

C.4.8.5.1 Decision and reasons

1021. We reject the submission from *Dunedin City Council (S187.024)* and accept the reporting officer's recommendation to retain Change F2-4 as notified because it appears that there are no requirements outside the Plan requiring the fencing of stormwater detention ponds.

C.4.8.6 Changes NWRA 1-7 (Application of the no DCC reticulated wastewater mapped area to selected areas)

1022. This section addresses the submissions covered in section 4.5.11 of the section 42A report on Changes NWRA 1-7.

1023. Changes NWRA 1-7 applied the 'no DCC reticulated wastewater mapped area' to additional areas where public wastewater infrastructure is not available to support the application of the service connections performance standard (Rule 9.3.7) for wastewater connections.

1024. One submission was received from *Michael Ovens (S199.001)* in opposition to Change NWRA7, which applied the no DCC reticulated wastewater mapped area to selected land at Patmos Avenue, Pine Hill. This submission raised concerns that Dunedin City Council needs to supply services at some stage and that the 1000m² minimum site size in the area may limit on-site wastewater disposal requirements being met. The *Otago Regional Council (FS184.475)* further submitted in opposition to this point because it supports the DCC's mapping to clarify its position on the reticulation of wastewater for the area.

1025. Through Variation 2, a new development mapped area is also proposed to be added to the same area as Change NWRA7, under Change NDMA3, and this will be addressed separately later in this report. However, the NDMA provisions proposed would not provide any additional management of wastewater on this site (the 3 waters aspects of the provisions only relate to stormwater).

1026. Mr Jared Oliver and Ms Jacinda Baker from DCC 3 Waters noted that due to previously identified concerns about known wastewater overflows immediately downstream (corner of Patmos Ave and Malvern St) in wet weather, the area has a 'no DCC reticulated wastewater area overlay' proposed through Variation 2 to minimise the impact of development on this issue.

1027. 3 Waters re-assessed wastewater servicing for the site and determined that although wastewater overflows have been recorded downstream of the site in significant rainfall events, development of the site at the proposed density is unlikely to make these wet weather overflows significantly worse and that the 'no DCC reticulated wastewater mapped area' can be removed from the property.

1028. The reporting officer recommended that Change NWRA7 be reversed so that the 'no DCC reticulated wastewater mapped area' is removed from this area. As no submissions were received directly seeking the removal of the no DCC reticulated wastewater mapped area from other locations, no change was recommended for Changes NWRA1-6.

C.4.8.6.1 Decision and reasons

1029. We accept the submission from *Michael Ovens (S199.001)*, the evidence from Mr Oliver and Ms Baker, and the recommendation of the reporting officer to remove the proposed no DCC reticulated wastewater mapped area from the land at Pine Hill (Change NWRA7) for the reasons outlined above. This change is shown in Appendix 2 with the reference 'Change NWRA1-7/S199.001'.
1030. We retain Changes NWRA1-6 as notified in the absence of submissions directly seeking amendments to these areas.

C.4.8.7 Change F4-1 (Reference to the DCC Water Bylaw)

1031. This section addresses the submissions covered in section 4.5.13 of the section 42A report on Change F4-1.
1032. Change F4-1 sought to clarify the function of the DCC Water Bylaw for plan users as it relates to the service connections performance standard by adding a note to plan users.
1033. One submission was received from the *Dunedin City Council (S187.026)* which sought amendments to note that DCC 3 Waters prefers 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.
1034. Mr Oliver and Ms Baker, DCC 3 Waters, provided expert evidence that explained the requirements for water connection set-ups in the Water Bylaw 2011, which sits outside the 2GP. They consider that it would be beneficial to include an advice note to plan users to highlight these requirements and ensure that potential water safety issues arising from backflow, and issues with water billing of shared connections, are appropriately managed.
1035. The reporting officer in the section 42A report recommended that the proposed advice Note 9.3.7.YA be amended to include reference to the Water Bylaw 2011's requirements for separate water connections, on the basis of the evidence from DCC 3 Waters.

C.4.8.7.1 Decision and reasons

1036. We accept the submission from the *Dunedin City Council (S187.026)* and accept the reporting officer's recommendation in the section 42A report to amend Note 9.3.7.YA, based on the evidence from the DCC 3 Waters experts.
1037. This change is shown in Appendix 1 with the reference 'Change F4-1/S187.026'.

C.4.8.8 Changes WCMA 1-4 (Correct errors in Infrastructure Constraint Mapped Area mapping)

1038. This section addresses the submissions covered in section 4.5.14 of the section 42A report on Change WCMA 1-4.

1039. Change WCMA 1-4 would remove the infrastructure constraint mapped area for Change WCMA1 and introduce a wastewater constraint mapped area for Change WCMA2-4 to correct mapping errors that occurred in the 2GP decision.
1040. *Geraldine Ling (S84.001)* opposed Change WCMA4 as it will restrict the development potential of the property she owns within this area.
1041. Mr Jared Oliver and Ms Jacinda Baker, DCC 3 Waters, advised that Change WCMA4 was proposed due to concerns regarding wastewater overflow during high rainfall events in the relevant network. Increased development in the area would contribute to making these wet weather overflows worse, so removal of WCMA4 from the property at 109 Belford Street was not supported. They also noted that the submitter has been granted a resource consent for development of two additional residential units on the site and therefore the owners are unlikely to be negatively impacted by the addition of the overlay.
1042. The reporting officer in the section 42A report recommended that Change WCMA4 be retained as notified. As no submissions were received directly seeking amendments to Changes WCMA1-3, no recommendations were made for amendments to the proposed mapping in these locations.

C.4.8.8.1 Decision and reasons

1043. We reject the submission from *Geraldine Ling (S84.001)* and accept the reporting officer's recommendation in the section 42A report to retain Change WCMA4 as notified, as we accept the evidence from DCC 3 Waters.
1044. We also retain Changes WCMA1-3 as notified in the absence of submissions directly seeking amendments to these areas.

C.4.9 NDMA mapping on existing residential zoned land

1045. This section addresses both broad and specific submissions seeking the removal of NDMA mapping from existing residential zoned land that were covered in sections 4.1.3 and 4.6.1 of the section 42A report. It also addresses submissions on the related NDMA stormwater management provisions covered in section 4.3.2 of the section 42A report, where those submissions requested that the provisions only apply to new greenfield rezoning sites where stormwater constraints have been identified by DCC.
1046. This section also addresses potential issues arising from implementation of the proposed NDMA provisions for stormwater management where subdivision consent has already been granted in an NDMA prior to the decision on Variation 2.
1047. This section does not address the part of the submissions of *Karen Knudson and Ross Brown (S286.021 and others)* with respect to NDMA mapping at Change IN07 in Kaikorai Valley and the proposed requirement for wastewater management, which are covered in section B.4.7 in Part B of our decision.

C.4.9.1 To keep or remove NDMA mapping on existing residential zoned land

1048. Submissions were received from various submitters represented by Paterson Pitts Group, Sweep Consultancy, and Terramark Ltd. They sought the removal or amendment of the

- NDMA at all or specific areas of existing residential zoned land or land where a Residential Transition Overlay Zone (RTZ) applies. Reasons included concern about the imposition of extra requirements on developers at the time of subdivision. These extra requirements are set in the proposed assessment matters for subdivision in a NDMA, which cover urban design topics (the 'D group' of changes addressed in Part A of this decision), stormwater management (Change F2-2), and for selected sites, wastewater management (Change F3-2).
1049. Concerns raised by submitters about the stormwater management provisions contained in the NDMA method have already been dealt with in section C.4.4 on Change F2-2 above.
 1050. Other reasons for the submissions related to questions of infrastructure provision and funding, which we have already dealt with in section C.2 above.
 1051. Further submissions, including from *Otago Regional Council*, opposed the removal of the NDMA because it conflicts with its view on requiring stormwater management.
 1052. *Waka Kotahi (NZ Transport Agency) (S235.012 & S235.013)* sought retention of selected NDMA areas (NDMA03 at Patmos Avenue and NDMA08 at Pine Hill) to assist with managing effects on state highways.
 1053. *Keep Halfway Bush Semi Rural Inc (S197.002 & S197.003)*, *Alice Wouters (S311.002 & S311.003)* and *Valerie Joyce Dempster (S195.001)* sought removal of selected NDMA areas in Halfway Bush (NDMA05 and NDMA10) because of concerns about effects from additional development in these areas, including on flooding effects downstream. *James Sunderland & Megan Justice (S266.002)* sought removal of NDMA09 at Balmacewen Golf Course because they consider it is an inappropriate area for residential development. However, as the reporting officer noted, there may have been some confusion as to the effect of the NDMA provisions, which seeks to better manage stormwater and other effects from greenfield development, rather than provide for additional development over that already enabled by the Plan.
 1054. In her section 42A report, Ms McEwan recommended that none of the NDMA areas be removed in response to submissions. Her view was that there is an obligation on Council to ensure that the objectives of the Plan are effectively and efficiently achieved and the proposals for the NDMA mapping and method have this purpose.
 1055. Mr Bowen (Paterson Pitts Group), Emma Peters (Sweep Consultancy), *Alice Wouters* and *Valerie Dempster* spoke to their submissions at the hearing. Representatives for *Otago Regional Council* also presented evidence regarding their general concerns over the need to manage stormwater as part of urban growth and development.
 1056. Mr Bowen and Ms Peters contended that the areas of existing residential zoned land should not be subject to additional requirements, because they have already been considered at the time of rezoning. The case was made that these areas of land have 'existing use rights' under the operative Plan.
 1057. On presenting the example of NDMA02 at Emerson Street, Mr Bowen was of the view that the NDMA provisions were duplicating the function of the existing structure plan provisions and were therefore not required.

1058. Mr Bowen also considered that the existing residential zoned areas even when not developed were not 'greenfield' and should not have the NDMA applied.
1059. We asked questions of the submitters and the reporting officer as to the meaning of 'greenfield' in the context of applying the NDMA method to 'large areas of greenfield residential land', as identified in the purpose of the change. Ms McEwan responded in her closing statement (section 2.2), that in her view 'greenfield' land is land that is undeveloped irrespective of the zoning that applies, or the presence of infrastructure.
1060. In her Closing Statement, Ms McEwan also addressed the matter of whether there is any duplication between the assessment matters for all subdivision, rules contained in structure plans, and assessment matters for the NDMA (using the Emerson Street example highlighted by Mr Bowen at the hearing). The table she provided in the written copy of her Closing Statement (see page 6) demonstrated that there is no substantive overlap in the functions of these three different sets of provisions.
1061. Ms McEwan retained her recommendation to keep the proposed NDMA's over areas of existing residential zoned land and RTZ land, primarily to ensure that the objectives of the Plan can be more effectively achieved through the subdivision process. These objectives relate to achieving good urban design outcomes and efficient public infrastructure.

C.4.9.1.1 Decision and reasons

1062. We reject the submissions seeking removal of NDMA from existing residential zoned land or land subject to a Residential Transition Overlay Zone (RTZ). We accept the reporting officer's recommendation to retain the NDMA mapping over the areas detailed in section 4.6.1 of the section 42A report (all areas subject to an 'NDMAxx' change code).
1063. We do not consider the NDMA provisions to be a significant hurdle for developers to overcome. We note that the provisions address the regulatory regime that is required to be given effect to, including the NPS-FM and the associated changed legislative environment since decisions were issued on the 2GP.
1064. We adopt the reporting officer's evidence that existing use rights do not apply where land is already zoned for development, but where it has not yet been consented or lawfully established. Existing use rights only apply as set out in section 10, 10A and 20A of the RMA. Our understanding is that there is nothing to prevent new requirements from being added to the Plan to better manage environmental effects.
1065. We agree with the reporting officer's interpretation of the term 'greenfield' and accept that the areas proposed for mapping with NDMA are still in a greenfield state.
1066. We acknowledge in terms of concerns raised by submitters regarding effects of stormwater from development areas, including on flooding (*Ms Dempster, Ms Wouters, Keep Halfway Bush Semi Rural Inc. and Otago Regional Council*). However, we consider that the NDMA provisions regarding stormwater management will ensure developers address stormwater effects more thoroughly and robustly as part of designing their subdivision proposals. Those submissions are therefore not accepted.
1067. Overall, no strong evidence was presented by the submitters to convince us that the NDMA mapping should be removed from any particular area of existing residential zoned land or land subject to an RTZ.

C.4.9.2 When subdivision consent is already granted within an NDMA

1068. In discussion about the application of the NDMA to existing residential zoned land and land subject to an RTZ at the hearing, Mr Bowen raised issues about what would happen where a subdivision consent has already been granted for an area within an NDMA.
1069. We understand that a subdivision consent granted prior to decisions on Variation 2 would be able to be carried out in accordance with the conditions of that consent, irrespective of the introduction of an NDMA through Variation 2.
1070. Ms McEwan expanded on this in her Closing Statement, and Reply on Outstanding Matters, noting that while the execution of the subdivision consent itself would not be affected by the NDMA provisions, the development of the resultant lots may be affected. This is due to proposed Rule 9.3.7.AA (part of Change F2-2), which is a performance standard for development in an NDMA, requiring most development in an NDMA to connect to a stormwater management system that services the NDMA and meets the requirements proposed in Rule 9.9.X.
1071. Ms McEwan noted that without an exception to this performance standard, development of lots resulting from a subdivision granted prior to Variation 2 (e.g. construction of a dwelling) would likely require consent for a restricted discretionary activity due to contravention of Rule 9.3.7.AA. This would be the case even for development that is permitted under the status quo and despite stormwater effects already having been considered in the granting of the earlier subdivision consent.
1072. Consequently, Ms McEwan recommended amendments to Rule 9.3.7.AA in her Reply on Outstanding Matters to exempt development on lots which could not be further subdivided, where they are created by a subdivision consent granted prior to decisions on Variation 2.
1073. We attached Ms McEwan's Reply on Outstanding Matters to our Minute 9, which was circulated to the submitters for comment. Mr Bowen confirmed he had no comments to make, and we understand that *Otago Regional Council* informally confirmed by phone discussion with Mr Freeland that they had no issues with the recommended amendments and would not be providing written feedback. No comments were received from other submitters.

C.4.9.2.1 Decision and reasons

1074. We accept in part the submissions lodged by Paterson Pitts Group on behalf of their clients and adopt the reporting officer's recommendation in her Reply on Outstanding Matters. We acknowledge the points made by submitters and consider the reporting officer's response is appropriate and will provide partial relief.
1075. These changes are shown in Appendix 1 with the reference 'Change F2-2/S76.009 and others' and include amendments to the following provisions:
- Rule 9.3.7.AA to exempt development on lots which could not be further subdivided (at the time of application), where they are created by a subdivision consent granted prior to decisions on Variation 2.



SECOND GENERATION DISTRICT PLAN

APPENDIX 1

Changes to Provisions

31 May 2022

1 GUIDE TO APPENDIX 1

1.1 Explanation

1. Appendix 1 shows the changes to 2GP provisions as a result of the first decision on Variation 2.
2. Changes that were proposed as part of Variation 2 which have not been amended by the decision are shown in single underline (additions) and single strikethrough (deletions), with the relevant Change ID from notification given in brackets at the end of the changes, for example:

Policy 2.4.1.7

Maintain a compact city with a high degree of legibility based on clear centres, edges and connections through objectives and policies ~~rules~~ that:

- a. manage the design and location ~~expansion~~ of urban expansion ~~areas~~; and
- b. ~~require new large subdivisions to provide a concept or structure plan that demonstrates how the subdivision will provide for good connectivity to existing or potential future urban areas for pedestrians, cyclists and motor vehicles.~~
{Change E5}

3. Provisions which contain additional amendments beyond what was proposed (in response to submissions) are shown in double underline (additions) and double strikethrough (deletions), with the relevant Change ID and submission reference given in brackets at the end of the changes, for example:

Policy 2.4.1.5

Maintain or enhance the attractiveness of streetscapes, public open spaces and residential amenity by using rules that manage building bulk and location, ~~and~~ site development ~~and overall development density and overall development density.~~ **{Change B5/
S194.005&187.005}**

4. The Change ID/Submission reference codes in this appendix can be used to find the relevant discussion on the decision in the main body of the decision report by searching for the code (use Control F and enter the code to search).

1.2 Disclaimer

5. Best endeavours have been made to ensure that this appendix is true and correct. However, there may be formatting and referencing inconsistencies between this document and the EPlan. Where the decision report refers to a provision, the reference corresponds with the content in this appendix, but not necessarily with the content of EPlan.
6. Referencing for some provisions has been updated as they have been entered into the EPlan to ensure they are alphanumerical, or to remove duplicate referencing. These changes are not substantive, do not form part of the Panel's decision, and are made by the DCC in accordance with clause 16 of Schedule 1 of the RMA.

7. The EPlan contains the clean decision drafting (no mark-up) and is the true and correct version of the 2GP for implementation. The EPlan can be viewed here:
<https://www.dunedin.govt.nz/council/district-plan/2nd-generation-district-plan/read-the-plan>
8. It is also noted that this appendix does not contain amendments to provisions that have been made since the notification of Variation 2 as part of resolving 2GP appeals or making changes in accordance with clause 16 of Schedule 1 of the RMA.

Section A: Plan Overview and Strategic Directions

1. Plan Overview and Introduction

1.3 Activities managed by this Plan (Nested Tables)

1.3.2 Land Use activities

Residential Activities Category

Activities	Sub-activities
Supported living facilities	Rest homes
	Retirement villages
	Student hostels
Standard residential	Papakāika
	<u>Social housing</u> {Change C1}
Working from home	

1.4 Definitions

Ancillary Residential Units - to be added {Change A1}

A secondary residential unit that is no greater than 80m² in gross floor area and is ancillary to a primary residential activity on the same site.

This definition excludes sleep outs. {Change A1}

Campgrounds

The use of land and buildings for the purpose of:

X. providing visitor accommodation primarily in the form of tent, caravan, or campervan sites, but may also include visitor accommodation units; ~~and/or~~ {Change E7/Cl.16}

Y. providing for ~~long stay~~ {Change E7/S159.002} accommodation ~~for~~ in transportable homes in the form of caravans, house buses/trucks or 'tiny houses' provided these meet the meaning of "motor vehicle" in the Land Transport Act 1998, are road legal (warranted and registered), and are movable. {Change E7/Cl.16}

This definition excludes freedom camping which is managed through a DCC by-law.

Campgrounds are a sub-activity of visitor accommodation.

Common Wall - to be added {Change A2}

A wall, including a party wall or two abutting walls, that forms {Change A2/S187.003} the dividing partition between two adjoining buildings.

{Change A2}

Duplex - to be added {Change A2}

~~Two residential buildings that share a common wall along a continuous length of at least six metres.~~

A residential building that contains two residential units (only) where those units:

- share a common wall along a continuous length of at least six metres; or
- are located one above the other.

For the sake of clarity, a duplex may be a purpose-built new building, or may be created through the partitioning or modification of an existing single-unit residential building into two residential units. {Change A2/S187.004}

Gross Floor Area

The total internal floor area used for the stated activity. This includes all normal parts of the activity, for example storage, attached garages and carports, warehousing, office and staff facilities. **{Change A1/S187.001}**

Habitable Room

Any room in a residential unit, family flat, ancillary residential unit, sleep out or visitor accommodation unit that is designed to be, or could be, used as a bedroom. The calculation of a habitable room will exclude only one principal living area per residential unit (including family flats). Any additional rooms in a residential unit, family flat, ancillary residential unit or sleep out that could be used as a bedroom but are labelled for another use, such as a second living area, gym or study, will be counted as a habitable room. **{Change A1}**

In the case of dormitory-style accommodation containing multiple beds, such as is used in some backpacker accommodation, every four beds or part thereof will be treated as one habitable room. For the sake of clarity, a standard 'bunk bed' is counted as 2 beds.

Hydrologically Connected – to be added {Change F2-2/S76.020 and others}

For the purposes of stormwater management in a new development mapped area, the parts of an NDMA from which stormwater runoff leaves the NDMA in the same area. {Change F2-2/S76.020 and others}

Impermeable Surface

A surface through which water cannot pass and that sheds water.

Examples are:

- paved areas including driveways and sealed/compacted metal parking areas
- sealed and compacted metal roads; and
- layers engineered to be impervious such as compacted clay.

{Change A2 Alt 3 IMPERMEABLE/S148.001 and others}

Maximum Development Potential

For the purposes of density rules, the total number of habitable rooms that may be provided per site, including habitable rooms in family flats, ancillary residential units and sleep outs. **{Change A1}**

Public Infrastructure

Public infrastructure consists of:

- the public reticulated systems of pipes and associated accessory structures, and in the case of stormwater infrastructure may include drains, flood management schemes, land drainage schemes and open channels owned and managed by DCC or Otago Regional Council. **{Change F2-3; Change F2-3/S271.019 and others}** that enable the management and distribution of stormwater, wastewater or water supply. This excludes any private stormwater, wastewater or water supply systems or structures; and
- public roading networks (including DCC and NZTA managed roads).

Social Housing - to be added {Change C1}

~~Residential activity where premises are let by or on behalf of the DCC; or by Kāinga Ora Homes and Communities or a registered community housing provider where in accordance with the Public and Community Housing Management Act 1992.~~ **{Change C1}**

Residential activity where premises are let by or on behalf of the DCC, Kāinga Ora-Homes and Communities, or a registered community housing provider, where in accordance with the Public and Community Housing Management Act 1992.

Social housing is a sub-activity of standard residential. **{Change C1/Cl.16}**

Standard Residential

The use of land and buildings for residential activity at a domestic scale.

For the sake of clarity, this definition includes:

- short-term house rentals
- boarding houses
- supported living accommodation (with 10 or fewer residents); and
- emergency and refuge accommodation.

This definition excludes supported living facilities.

Papakāika and social housing are ~~is~~ managed as a sub-activities of standard residential. **{Change C1}**

Standard residential is an activity in the residential activities category.

Stormwater Open Watercourse – to be added {Change A2 Alt 3 IMPERMEABLE/S148.001 and others}

A natural or artificial open channel where stormwater collects and flows and is part of the stormwater network. It may be privately or publicly owned. **{Change A2 Alt 3 IMPERMEABLE/S148.001 and others}**

Visitor Accommodation

The use of land and buildings for temporary accommodation ~~(up to three months stay within any calendar year period per customer)~~ **{Change E7}** on a commercial fee paying basis.

For the sake of clarity, this definition includes the provision of facilities for resident guests (e.g. playgrounds, spa pools, swimming pools, gyms)

Examples are:

- motels
- hotels
- homestays or bed and breakfasts
- serviced apartments; and
- backpackers and hostels.

This definition excludes accommodation activities that meet the definitions of working from home or standard residential. Freedom camping is not managed by this Plan and is managed through a DCC by-law.

Campgrounds are managed as a sub-activity of visitor accommodation.

Visitor accommodation is an activity in the commercial activities category.

Wastewater Serviced Area - to be added {Change F3-1}

Any area within the residential, commercial and mixed use, industrial or major facility zones, except:

- Dunedin International Airport Zone
- Invermay and Hercus Zone
- Lee Stream Primary School
- Outram Primary School
- Pūrākaunui Primary School
- Taieri Aerodrome
- Waitati School; or
- where a no DCC reticulated wastewater mapped area applies. {Change F3-1}

1.4.2 Abbreviations

NDMA - to be added {Change D1}

New development mapped area. {Change D1}

2. Strategic Directions

Objective 2.2.2 Energy Resilience - to be amended to Environmental performance and energy resilience {Change E4}

Dunedin reduces its environmental costs and reliance on nonrenewable energy sources as much as practicable, including energy consumption, water use, and the quality and quantity of stormwater discharge, and is well equipped to manage and adapt to changing or disrupted energy supply by having: **{Change E4}**

- a. increased local renewable energy generation;
- b. reduced reliance on private motor cars for transportation;
- c. increased capacity for local food production; and
- d. housing that is energy efficient.

Policy 2.2.2.4

Support transport mode choices and reduced car dependency through policies and rules that:

- a. restrict the location of activities that attract high numbers of users, and to which access by a range of travel modes is practicable, to where there are several convenient travel mode options, including private vehicles, public transport, cycling and walking;
- b. encourage new community facilities to locate where there are several convenient travel mode options, including private vehicles, public transport, cycling and walking, unless there are specific operational requirements that make this impracticable;
- c. allow the highest development densities in the most accessible locations, being in the central city and suburban centre zones;
- d. use existing access to public transport, or the ability to be serviced by public transport in the future, as a criterion for determining appropriate locations for new residential and medium density zones; ~~and~~
- e. provide for dairies and registered health practitioners in residential zones to meet day to day needs, in a way that does not undermine Objective 2.3.2.; and
- X. require subdivision to be designed (subdivision layout and standard of roading) to support good connectivity and legibility for all modes, including good accessibility by active modes to:

X. existing or planned centres, public open spaces schools, cycleways, walkways, public transport stops, and community facilities; and {Change D2/S160.012 and others}

Y. ~~existing or future~~ neighbouring existing or potential future urban land. {Change D2/S160.012 and others}
{Change D2 & Change E4}

Policy 2.2.2.5 - to be deleted {Change D2, Change D5 & Change E4}

~~Encourage the development of new housing that is durably constructed and energy efficient to operate, and located to minimise, as far as practicable, transportation costs and car dependency by:~~

- ~~a. managing the design of subdivision to promote connectivity and legibility and maximise accessibility by transportation modes other than private motor cars; and {Change D2 & Change E4}~~
- ~~b. managing subdivision, and building and site design to maximise solar access and the environmental performance of buildings. {Change E4 & Change D5}~~

Policy 2.2.2.X - to be added {Change D5 & Change E4}

Encourage improvements to the environmental performance of new housing by: {Change E4}

- a. use of policies and assessment rules for subdivision, including in new development mapped areas, that encourage subdivisions to be designed to maximise the potential for passive solar design in housing; {Change D5}
- b. encouraging new medium density housing in parts of the city that have old housing stock that is not protected for its heritage values;
- c. rules that require outdoor living space to be on the sunny side of buildings, and requiring principal living areas to connect to the outdoor living space; and
- d. rules that restrict height in relation to boundary to facilitate access to sunlight in outdoor areas. {Change E4}

Policy 2.2.2.Y - to be added {Change F2-2}

Enable and encourage on-site {Change F2-2/S271.009 and others} low impact design stormwater management through policies and assessment rules that require stormwater management in new development mapped areas. {Changes F2-2 and F1-6/S271.029}

Policy 2.2.4.4

Avoid subdivision that provides for residential activity of a fundamentally different type than provided for in the various zones, through:

- a. rules that prevent rural residential or urban-scale residential living in rural zones;
- b. rules that prevent urban-scale residential living in a rural residential zone;
- c. rules in urban environments that require the density of residential activity to reflect the existing or intended future character of the residential area; and rules in urban environments that require the density of residential activity to reflect the existing or intended future character of the residential area; and {Change B5/S194.005&187.005}
- d. rules that do not provide for family flats to be converted into primary residential units through subdivision or other means. {Change A1}

Policy 2.2.4.5 - to be deleted {Change F1-4}

~~Limit areas where water supply, wastewater and/or stormwater network connections are allowed to zones where network connections are anticipated (including residential and other urban zones) in order to avoid future pressure for changes to the type or density of development provided for in rural or rural residential zones adjacent to areas where water supply, wastewater and/or stormwater infrastructure may pass through. {Change F1-4}~~

Objective 2.2.5 Environmental Performance - to be deleted {Change E4}

~~Development in the city is designed to reduce environmental costs and adverse effects on the environment as much as practicable, including energy consumption, water use, and the quality and quantity of stormwater discharge. {Change E4}~~

Policy 2.2.5.1 - to be deleted {Change E4}

~~Encourage small scale renewable energy generation through policies and rules that provide for these activities where they are of an appropriate scale, design and location. {Change E4}~~

Policy 2.2.5.2 - to be deleted {Change F1-6 & Change F2-2}

~~Enable and encourage on-site stormwater and wastewater management, where this would not endanger groundwater and is not in conflict with the efficient use of existing public, wastewater and stormwater infrastructure, through rules that provide for an alternative to connecting to public water supply, wastewater and stormwater infrastructure. {Change F1-6 & Change F2-2}~~

Policy 2.2.5.3 - to be deleted {Change E4 & Change D5}

~~Encourage improvements to the environmental performance of new housing by:~~

- ~~a. assessment rules that consider the layout of subdivision and development in terms of solar orientation; {Change E4 & Change D5}~~
- ~~b. encouraging new medium density housing in parts of the city that have old housing stock that is not protected for its heritage values;~~
- ~~c. rules that require outdoor living space to be on the sunny side of buildings, and requiring principal living areas to connect to the outdoor living space; and~~
- ~~d. rules that restrict height in relation to boundary to facilitate access to sunlight in outdoor areas. {Change E4}~~

Policy 2.3.3.1

Support community and leisure activity, sport and recreation, and essential community facilities in Dunedin through:

- a. rules that provide for community and leisure activity across all zones, subject to relevant performance standards;
- b. rules that enable restaurant and retail activities within sport and recreation facilities where they are designed and operated to be ancillary to that activity and will not conflict with Objective 2.3.2;
- c. rules that require subdivision and development to maintain or enhance public access to the coast and waterways and policies and assessment rules for subdivision that encourage connection and expansion of the recreational track networks where appropriate;
- d. applying a recreation zone to important recreational and open space areas, to enable the community activities that occur there and protect important reserve values;
- e. rules that provide for cemeteries and crematoriums in appropriate zones, subject to relevant performance standards; ~~and~~
- f. rules that enable temporary activities, subject to relevant performance standards; and
- X. policies and assessment rules for subdivision in a new development mapped area that require consideration of the need for formal and/or informal space for recreation, sporting, social and cultural activities, and community facilities. {Change D4}

Policy 2.4.1.5

Maintain or enhance the attractiveness of streetscapes, public open spaces and residential amenity by using rules that manage building bulk and location, ~~and~~ site development ~~and overall development density and overall development density. {Change B5/S194.005&187.005}~~

Policy 2.4.1.7

Maintain a compact city with a high degree of legibility based on clear centres, edges and connections through objectives and policies ~~rules~~ that:

- a. manage the design and location ~~expansion~~ of urban expansion ~~areas; and~~

- b. ~~require new large subdivisions to provide a concept or structure plan that demonstrates how the subdivision will provide for good connectivity to existing or potential future urban areas for pedestrians, cyclists and motor vehicles. {Change E5}~~

Policy 2.4.2.1

- a. Protect buildings and structures that have significant heritage values, including by:
 - X. ~~Identify~~ identifying in a schedule (Appendix A1.1) buildings and structures that have significant heritage values; and
 - Y. ~~use~~ applying rules to buildings and structures that have, or may have, significant heritage values to:
 1. manage additions and alterations to, or removal for relocation of these buildings, in a way that maintains important heritage values;
 2. restrict demolition of these buildings except in limited circumstances;
 3. support adaptive re-use, heritage conservation and restoration; and
 4. prioritise protection of heritage values over compliance with other performance standards where there is a conflict. **{A2 Alt 3/IN-HER/S153.001}**
- b. Identify heritage buildings and structures based on the following criteria:
 - i. historic and social significance;
 - ii. spiritual/cultural significance, including significance to Māori;
 - iii. design significance; and
 - iv. technological/scientific significance.

Policy 2.6.1.2

Encourage more residential housing suitable for our ageing population and growing number of one and two person households, through:

- a. zoning of areas that provide for medium density housing to enable transition to lower maintenance housing in existing neighbourhoods ('ageing in place'); ~~and~~
- b. rules that enable ~~family flats~~ family flats and **{Change A1/S187.002}** ancillary residential units, other than in General Residential 2 and Inner City Residential zones ~~and areas subject to natural hazards; and {Change A1}~~
- X. rules that enable two residential units in the same building or **{Change A2/S187.004}** in the form of a duplex in the General Residential 1 and Township and Settlement zones except within a no DCC reticulated wastewater mapped area. {Change A2}

Policy 2.6.1.6 - to be deleted {Change D2 & Change D4}

~~Require new urban residential areas to be designed to support social connectedness and well-being through rules that require subdivisions to be designed in accordance with best practice urban design principles, including:~~

- a. ~~designing suburbs to encourage walking; and {Change D2}~~
- b. ~~providing adequate and appropriately located land for neighbourhood centres, public open spaces, and community facilities, where not already adequately serviced by nearby areas/facilities. {Change D4}~~

Policy 2.6.1.7 - to be deleted {Change E5}

~~Require structure plans for large subdivisions to ensure Policy 2.6.1.6 and Policy 2.2.2.5 are achieved. {Change E5}~~

Policy 2.6.1.X - to be added {Change C1}

Encourage the provision of new social housing through rules that provide a more enabling activity status for social housing that exceeds the density standard than for other types of standard residential activity in the General Residential 1 and Township and Settlement zones, except in a **no DCC reticulated wastewater mapped area**.
{Change C1}

Policy 2.6.2.3

Identify areas for new medium density zoning based on the following criteria:

- a. alignment with Policy 2.6.2.1; and
- b. rezoning is unlikely to lead to pressure for unfunded public infrastructure upgrades, unless either an agreement between the infrastructure provider and the developer on the method, timing, and funding of any necessary public infrastructure provision is in place, or an **infrastructure wastewater constraint mapped area {Change F3-3} or a stormwater constraint mapped area – {Change A2 Alt 3 IMPERMEABLE/S148.001 and others} {Change F2-7}** is applied; and
- c. considering the zoning, rules, and potential level of development provided for, the zoning is the most appropriate in terms of the objectives of the Plan, in particular:
 - i. there is a range of housing choices in Dunedin that provides for the community's needs and supports social well-being (Objective 2.6.1);
 - ii. Dunedin reduces its environmental costs and reliance on non-renewable energy sources as much as practicable, including energy consumption, water use, and the quality and quantity of stormwater discharge. **{Change E4}** and is well equipped to manage and adapt to changing or disrupted energy supply by having reduced reliance on private motor cars for transportation (Objective 2.2.2), including through one or more of the following:
 1. being currently serviced, or likely to be easily serviced, by frequent public transport services; and
 2. being close (good walking access) to existing centres, community facilities such as schools, public green spaces recreational facilities, health services, and libraries or other community centres; and
 - iii. the elements of the environment that contribute to residents' and visitors' aesthetic appreciation for and enjoyment of the city are protected or enhanced. These include:
 1. important green and other open spaces, including green breaks between coastal settlements;
 2. trees that make a significant contribution to the visual landscape and history of neighbourhoods;
 3. built heritage, including nationally recognised built heritage;
 4. important visual landscapes and vistas;
 5. the amenity and aesthetic coherence of different environments;
 6. the compact and accessible form of Dunedin (Objective 2.4.1); and
 - iv. the potential risk from natural hazards, and from the potential effects of climate change on natural hazards, is no more than low, in the short to long term (Objective 11.2.1); and
- d. the area is suitable for medium density housing by having all or a majority of the following characteristics:
 - i. lower quality housing stock more likely to be able to be redeveloped;
 - ii. locations with a topography that is not too steep;
 - iii. locations that will receive reasonable levels of sunlight; and

- iv. market desirability, particularly for one and two person households.

Policy 2.6.2.Z - to be added {Change E5}

Encourage the use of structure plans for large urban growth areas where mixed-use zoning, or provisions for commercial or community activities, are necessary to achieve the strategic objectives of this Plan. {Change E5}

Policy 2.6.2.AA - to be added {Change D1, Change E5 & Change E6}

Ensure that any plan change that proposes a new residential zoning area (in accordance with Policy 2.6.2.1) or a new rural residential zoning area (in accordance with policies 2.6.1.3.4 to 2.6.1.5) {Change E6/CI.16} best achieves the objectives of this Plan by application of any necessary overlay zones or mapped areas (including **structure plan mapped areas** and/or **new development mapped areas**) and related provisions as part of the plan change, including where necessary to:

- a. manage risks or effects (for example relating to natural hazards or network utilities);
- b. manage constraints within or beyond the area (for example relating to reverse sensitivity); or protect values (for example relating to coastal character, landscape, or biodiversity). {Change D1, Change E5 & Change E6}

Policy 2.7.1.2

Ensure areas of new urban development provide for public infrastructure networks that represent the least possible long term cost to the public through:

- a. rules that require public infrastructure networks to be included as part of a structure plan or comprehensive plan rules for **structure planned mapped areas** that specify requirements for public infrastructure networks, where necessary {Change E8; Change E8/CI.16};
- X. policies and assessment rules that require ~~on-site~~ {Change F2-2/S271.009 and others} stormwater management in the **new development mapped area**; {Change F2-2}
- Y. policies and assessment rules that require wastewater detention for specified sites in the **new development mapped area** to allow urban expansion while ensuring any impacts on the wastewater public infrastructure network are no more than minor; {Change F3-2}
- b. ~~inclusion of relevant costs of additional public infrastructure needed as a result of growth in:~~
 - i. ~~the Dunedin City Council's (DCC) Development Contributions Policy; or~~
 - ii. ~~conditions on consent that require developers to pay for or provide infrastructure prior to development; {Change F1-7}~~
- c. ~~assessment rules for new urban development that require consideration of, as part of a proposal to rezone new urban land, {Change F1-8} the long-term costs to the DCC of any new infrastructure, including up-front capital costs to the DCC; the extent of debt required to be taken on by the DCC including the costs of the debt; and the on-going maintenance and renewals costs of new public infrastructure; and~~
- Z. policies and assessment rules for **new development mapped areas** that encourage efficient use of land as a way to maximise the cost effectiveness of public infrastructure delivery; and {Change D8; Change D8/CI.16}
- d. assessment rules that require consideration of additional public infrastructure capacity to provide for future urban development on adjoining or nearby sites.

Section B: City-wide Activities

6. Transportation

6.2 Objectives and Policies

Objective 6.2.2

Land use activities are accessible by a range of travel modes.

Policy 6.2.2.X	<u>Only allow medium density social housing in the General Residential 1 or Township and Settlement zones (except in a no DCC reticulated wastewater mapped area) where it is located where there is convenient walking access to public transport services. {Change C1}</u>
----------------	--

Objective 6.2.3

Land use, development and subdivision activities maintain the safety and efficiency of the transport network for all travel modes and its affordability to the public.

Policy 6.2.3.12	<p>Only allow subdivision activities that involve new roads where roads, private ways, and pedestrian and cycling connections are appropriate to the scale and location of the subdivision and are designed to:</p> <ul style="list-style-type: none">a. provide for the safe and efficient movement of vehicles, pedestrians and cyclists within the subdivision;b. provide adequate connections to surrounding areas and the wider transport network, particularly for buses, pedestrians, and cyclists, <u>in a way that maximises opportunities for active mode and public transport connections to existing or planned;</u> and<ul style="list-style-type: none">i. <u>centres, public open spaces, schools, cycleways, walkways, public transport stops, and community facilities in the surrounding environment, and</u>ii. <u>neighbouring urban land, including by providing appropriate connections to undeveloped land, whether zoned for future urban use or not, unless that land is inappropriate for urban development, based on the presence of overlay zones or mapped areas protecting significant values or indicating significant site constraints such as natural hazards; and</u>c. use materials that provide good urban design outcomes and, <u>where infrastructure is to be vested in Council,</u> provide good value with respect to on-going costs to ratepayers for maintenance if the roads are to be vested in Council. {Change D2/S160.012 and others}
-----------------	--

Policy 6.2.3.Y	<p><u>Require subdivision activities to provide for new roads where:</u></p> <ul style="list-style-type: none">a. <u>any proposed vehicle accessway will service more than 12 residential {Change D2/S282.026 and others} sites, or a development with an equivalent amount of vehicle trip demand, {Change D2/S282.026 and others} unless the location or design of the subdivision makes this inappropriate;</u>b. <u>it is necessary to provide connectivity to potential future urban growth areas in the surrounding environment; or</u>c. <u>it is otherwise necessary to support the safe and efficient operation of the transport network.</u> {Change D2}
----------------	---

<u>Policy 6.2.3.Z</u>	<p><u>Only allow multi-unit development and subdivision activities where the activity is designed to ensure:</u></p> <p>a. <u>the safe and efficient operation of waste collection vehicles; and</u></p> <p>b. <u>any on-street solid waste collection will not obstruct footpaths, private accessways or roads.</u></p> <p><i>{Change A2 Alt 3/IN WASTE/S187.009 and others}</i></p>
-----------------------	--

Rule 6.6 Parking, Loading and Access Standards

6.6.3.9 Width of driveways

- a. The minimum widths of driveways are as follows:

All zones except rural and rural residential zones		1. Number of residential units served	2. Minimum legal width	3. Minimum formed width
i.	Residential activities	1 - 6	4m	3m
ii.		7+	4.5m 6m <i>{Change D2/S282.026 and others}</i>	3.5m 5m <i>{Change D2/S282.026 and others}</i>
iii.	All other activities	All	6m	5m
Rural and rural residential zones				
iv.	Residential activities	1 - 3	4m	3.5m
v.		4+	6m	5m
vi.	All other activities	All	6m	5m

- b. Activities that contravene this performance standard are restricted discretionary activities.

Note 6.6.3A - General advice

- Approval for any work in a road, including the establishment of access to properties, must be obtained from the relevant road controlling authority. Under section 317 of the Local Government Act 1974, the Dunedin City Council is the road controlling authority for all in roads in the city, with the following exceptions:
 - state highways are under the control of the NZ Transport Agency (NZTA), unless the NZTA has delegated control to the Dunedin City Council.
 - government roads are under the control of the Minister of Transport.
- Under section 51 (2) of the Government Roading Powers Act 1989, the written permission of the NZTA must be obtained prior to the commencement of any work on any state highway. Early consultation with the NZTA should be undertaken for subdivision or development proposals adjacent to, or seeking access to, state highways.
- Where the state highway has been declared a limited access road, approval from the NZTA is required for new accesses or changes to existing accesses. The objective of this control is to protect the operation of

state highway from uncontrolled property access that can affect the safety, efficiency, functionality and level of service of the state highway. Limited access roads are most commonly in areas with a heightened development pressure. The NZTA should be consulted initially with respect to development along limited access roads.

4. Driveways must comply with the fire safety requirements of the New Zealand Building Code. See Acceptable Solution C/AS1 Part 6: Fire Service Vehicular Access (1 July 2014), which sets out driveway dimensions and design to allow for firefighting. Under this acceptable solution, buildings must be provided with access that allows Fire Service vehicles to reach a position that makes it convenient for firefighters to get into the building and to any Fire Service inlets. For example vehicular access with a minimum width of 4 metres is required to be provided to a hard standing within 20 metres of any inlets. There are additional requirements for buildings containing 'SC and SD purpose groups' as defined in the compliance document. Examples of such buildings include hospitals, care institutions and prisons.
5. Maximum grade changes without transition set out in Rule 6.6.3.7 are reproduced from AS/NZS 2890.1:2004 Parking facilities - Off-street car parking under Copyright Licence 000753.
- X. The driveway width requirements set out in Rule 6.6.3 do not apply to roads. Road design requirements are determined on a case by case basis, guided by the DCC Code of Subdivision and Development 2010. Council will assess whether a road (rather than a driveway) will be required when considering subdivision applications in accordance with Policy 6.2.3.Y and assessment rules 6.11.2.7 and 6.11.2.8. {Change D2/S282.026 and others}

Rule 6.10 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

6.10.3 Assessment of performance standard contraventions (performance standards located in zones)			
Performance standard		Matters of discretion	Guidance on the assessment of resource consents
X.	Density: social housing in the GR1 Zone or T&S Zone (except in a no DCC reticulated wastewater mapped area) (Rule 15.5.2.4.y)	a. <u>Effects on accessibility</u>	<u>Relevant objectives and policies:</u> i. <u>Objective 6.2.2</u> ii. <u>Medium density social housing in the General Residential 1 or Township and Settlement zones (except in a no DCC reticulated wastewater mapped area) is located where there is convenient walking access to public transport services (Policy 6.2.2.x). {Change C1}</u>

Rule 6.11 Assessment of Restricted Discretionary Activities

Note 6.11.1A - General advice {Change F2-2 and others/FUNDING/S300.001}

1. The DCC requires those persons undertaking development to pay a fair, equitable, and proportionate portion of the costs of capital expenditure to service growth.
2. The DCC's contribution to any off-site upgrades or delivery of higher specification for infrastructure will be based on an assessment of the public vs private benefit of the upgrade. This means that in principle the landowner(s) of the structure plan mapped area and/or new development mapped area will only be required to pay that portion of the

costs of the upgrades that is necessary to address the effects of or needs of their proposed development area. Network infrastructure growth costs will generally be funded through development contribution charges as set out in the DCC's Development Contributions Policy (10-year Plan 2021-2031), which details the charges on a per equivalent household unit by area of benefit basis.

3. Where the results of an Integrated Transport Assessment required by Rule 6.14.2 demonstrate the need for either:
- a. Infrastructure upgrades outside of the site, or
 - b. Infrastructure built to a higher specification because of the need to provide for new growth areas or improve level of service for existing areas,
- the responsibility and funding for these upgrades will be negotiated between all landowners and the DCC. Where necessary, the DCC will appoint an independent facilitator or mediator to assist in these negotiations.
4. It is further noted that the completion of these upgrades prior to s224 certification or at a certain point in time agreed to in a condition of consent may be required.

6.11.2 Assessment of restricted discretionary activities (activities located in zones)

Activity		Matters of discretion	Guidance on the assessment of resource consents
7.	All subdivision activities (all zones)	a. Effects on the safety and efficiency of the transport network	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 6.2.3 ii. Adverse effects on the safety and efficiency of the transport network are avoided or, if avoidance is not practicable, adequately mitigated (Policy 6.2.3.9.a). iii. Any associated changes to the transportation network will be affordable to the public in the long term (Policy 6.2.3.9.b). <p><u>X. Subdivision activities provide for new roads where:</u></p> <ul style="list-style-type: none"> 1. <u>any proposed vehicle accessway will service more than 12 residential {Change D2/S282.026 and others} sites, or a development with an equivalent amount of vehicle trip demand, {Change D2/S282.026 and others} unless the location or design of the subdivision makes this inappropriate;</u> 2. <u>it is necessary to provide connectivity to potential future urban growth areas in the surrounding environment; or</u> 3. <u>it is otherwise necessary to support the safe and efficient operation of the transport network (Policy 6.2.3.Y). {Change D2}</u> <p><u>Y. Roads, private ways, and pedestrian and cycling connections are appropriate to the scale and location of the subdivision and are designed to:</u></p>

6.11.2 Assessment of restricted discretionary activities (activities located in zones)

Activity	Matters of discretion	Guidance on the assessment of resource consents
		<ol style="list-style-type: none"> 1. <u>provide for the safe and efficient movement of vehicles, pedestrians and cyclists within the subdivision; and</u> 2. <u>provide connections to surrounding areas and the wider transport network, particularly for buses, pedestrians, and cyclists, in a way that maximises opportunities for active mode and public transport connections to existing or planned:</u> <ol style="list-style-type: none"> i. <u>centres, public open spaces, schools, cycleways, walkways, public transport stops, and community facilities in the surrounding environment, and</u> ii. <u>neighbouring urban land, including by providing appropriate connections to undeveloped land, whether zoned for future urban use or not, unless that land is inappropriate for urban development, based on the presence of overlay zones or mapped areas protecting significant values or indicating significant site constraints such as natural hazards; and</u> 3. <u>use materials that provide good urban design outcomes and, where infrastructure is to be vested in Council, provide good value with respect to ongoing costs to ratepayers for maintenance (Policy 6.2.3.12). {Change D2/S160.012 and others}</u> <p><u>General assessment guidance:</u></p> <p><u>Y. Council will generally require any vehicle accessway that serves more than 12 sites to be vested in the DCC as a road but may also require vehicle accessways that serve fewer than 12 or fewer sites {Change D2/CI.16} to be designed as a road and be vested with the DCC, including where required to enable connectivity to potential future urban growth areas. {Change D2}</u></p> <p><u>AC. In determining whether the location or design of a subdivision makes it inappropriate to require a road, Council will consider all relevant matters, including, but not limited to, whether:</u></p> <ol style="list-style-type: none"> <u>x. factors such as slope and site dimensions do not enable minimum road design requirements to be met;</u> <u>y. access can only be achieved by right-of-way over other property;</u>

6.11.2 Assessment of restricted discretionary activities (activities located in zones)

Activity	Matters of discretion	Guidance on the assessment of resource consents
		<p>z. <u>the proposal is related to a multi-unit development or is for a unit title subdivision and ongoing management of accessways over common property is provided for through a body corporate; or</u></p> <p>aa. <u>legal constraints which the applicant does not have the authority to cancel exist within the site and prevent the vesting of road. {Change D2/S282.026 and others}</u></p> <p>YY. <u>Council will generally require roads to be designed and constructed in accordance with the Dunedin Code of Subdivision and Development 2010 and/or the most recent NZS 4404. Council will only consider proposals designed to a lesser standard when they are submitted with engineering information that demonstrates why the standards are unachievable. {Change D2/S282.026 and others}</u></p> <p>Z. <u>Council will consider the effects of subdivision and subsequent development on the safety and efficiency of the state highway network, and may require written approval from Waka Kotahi NZ Transport Agency {Change D2}</u></p> <p>AA. <u>In assessing whether a development creates “an equivalent amount of vehicle trip demand” Council will generally assume that 12 residential sites would normally create 98 vehicle movements per day (or 8.2 per site) based on these sites being developed with 1 residential unit per site. Where Council determines that a subdivision is designed to enable or encourage a significant number of the sites to be developed with duplexes or multiple units, Council may require a road to service 12 or fewer sites. {Change D2/S282.026 and others}</u></p> <p><i>Conditions that may be imposed include:</i></p> <p>iv. Easements for pedestrian and/or vehicle access either on or off the site.</p> <p>AA. <u>A requirement to vest a road or roads with the DCC.</u></p> <p>AB. A requirement for <u>Council will generally require {Change D2/S282.026 and others} roads to be designed and constructed in accordance with the Dunedin Code of Subdivision and Development 2010 and/or the most recent NZS 4404. {Change D2}</u></p> <p><i>Design considerations that may support a consent application include:</i></p> <p>v. <u>Shared driveways are low speed environments, and where appropriate provide for the storage of rubbish and recycling bins, as well as turning facilities for refuse collection vehicles</u></p>

6.11.2 Assessment of restricted discretionary activities (activities located in zones)

Activity	Matters of discretion	Guidance on the assessment of resource consents
		<p><u>where necessary. {Change D2/S282.026 and others}</u></p> <ul style="list-style-type: none"> vi. In the commercial and mixed use zones and the industrial zones, connections are proposed to link parking areas and provide vehicle access behind buildings to minimise the need for new vehicle accesses. vii. The location and gradient of any new intersection or access ensures the safety and efficiency of the transport network. viii. The design of any driveways is appropriate with respect to the length and potential number of private units to be served.
8. Subdivision activities that include a new road (all zones)	a. Effects on the safety and efficiency of the transport network	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 6.2.3 ii. Policy 2.2.2.5-2.2.2.4 iii. Roads are designed to: <ul style="list-style-type: none"> 1. provide for the safe and efficient movement of vehicles, pedestrians and cyclists within the subdivision; and 2. provide adequate connections to surrounding areas and the wider transport network, particularly for buses, pedestrians, and cyclists; and 3. use materials that provide good urban design outcomes and provide good value with respect to ongoing costs to ratepayers for maintenance if the roads are to be vested in Council (Policy 6.2.3.12). iii. <u>Roads are appropriate to the scale and location of the subdivision and are designed to:</u> <ul style="list-style-type: none"> 1. <u>provide for the safe and efficient movement of vehicles, pedestrians and cyclists within the subdivision; and</u> 2. <u>provide connections to surrounding areas and the wider transport network, particularly for buses, pedestrians, and cyclists, in a way that maximises opportunities for active mode and public transport connections to existing or planned:</u> <ul style="list-style-type: none"> 1. <u>centres, public open spaces, schools, cycleways, walkways, public transport stops, and community facilities in the surrounding environment, and</u> 2. <u>neighbouring urban land, including by providing</u>

6.11.2 Assessment of restricted discretionary activities (activities located in zones)

Activity	Matters of discretion	Guidance on the assessment of resource consents
		<p><u>appropriate connections to undeveloped land, whether zoned for future urban use or not, unless that land is inappropriate for urban development, based on the presence of overlay zones or mapped areas protecting significant values or indicating significant site constraints such as natural hazards; and</u></p> <p>3. <u>use materials that provide good urban design outcomes and, where infrastructure is to be vested in Council, provide good value with respect to ongoing costs to ratepayers for maintenance (Policy 6.2.3.12). {Change D2/S160.012 and others}</u></p> <p><i>General assessment guidance:</i></p> <p>iv. In assessing the transport network design, Council will make reference to the Dunedin City Council Code of Subdivision and Development 2010 and/or the most recent NZS 4404.</p> <p>v. In assessing the effects on the safety and efficiency of the transport network, Council will consider any changes to traffic volumes on other parts of the network as a result of the subdivision.</p> <p><u>X. In assessing whether adequate connections to surrounding areas have been provided, Council will consider whether the road layout makes adequate allowance for connections to potential future areas of urban expansion (even where these areas are not yet identified in the planning maps). {Change D2}</u></p> <p><i>Conditions that may be imposed include:</i></p> <p>vi. Easements for pedestrian and/or vehicle access either on or off the site.</p> <p>vii. The standard of pedestrian and/or cycle paths required.</p> <p>viii. The standard of street lighting or private access lighting required.</p> <p><u>Y. A requirement for roads to be designed and constructed in accordance with the Dunedin Code of Subdivision and Development 2010 and/or the most recent NZS 4404.</u></p> <p><u>Z. The location of roading connections to potential future growth areas.</u></p> <p><u>AA. A requirement to vest the road or roads with</u></p>

6.11.2 Assessment of restricted discretionary activities (activities located in zones)

Activity	Matters of discretion	Guidance on the assessment of resource consents
		<p><u>the DCC.</u>{Change D2}</p> <p><i>Design considerations that may support a consent application include:</i></p> <ul style="list-style-type: none"> ix. Road networks use a permeable 'grid' network design that connects to surrounding streets and/or enables future connections to un-developed areas, except where this is not possible because of natural features or the surrounding patterns of development. Where cul-de-sacs must be provided, pedestrian and cycling links to surrounding roads are provided, if physically possible. x. The design provides for all parking, loading and access standards to be met. xi. Appropriate construction standards, materials, design palettes, and products are employed with consideration of both the on-going maintenance costs to ratepayers and appropriate character and amenity standards. xii. The design provides safe and convenient access for pedestrians and cyclists or other active modes to any public places, including the coast, water bodies or reserves.
<p><u>X.</u> <u>In the General Residential 1 Zone or Township and Settlement Zone (except within a no DCC reticulated wastewater mapped area) or in the Variation 2 mapped area:</u></p> <ul style="list-style-type: none"> • <u>All subdivision activities</u> • <u>New buildings or additions and</u> 	<p>a. <u>Effects on the safety and efficiency of the transport network</u></p>	<p><u>Relevant objectives and policies</u></p> <ul style="list-style-type: none"> i. <u>Objective 6.2.3</u> ii. <u>The activity is designed to ensure:</u> <ul style="list-style-type: none"> 1. <u>the safe and efficient operation of waste collection vehicles; and</u> 2. <u>any on-street solid waste collection will not obstruct footpaths, private accessways or roads (Policy 6.2.3.Z).</u> <p><u>General assessment guidance:</u></p> <ul style="list-style-type: none"> iii. <u>In assessing the design of subdivisions and multi-unit development, Council will consider whether:</u> <ul style="list-style-type: none"> 1. <u>bins can be moved easily between the on-street collection point and appropriate on-site storage to discourage bins from being left on the street outside collection times; and</u> 2. <u>the number of bins that the units will be supplied with can fit along the street frontage without blocking the footpath.</u> iv. <u>For proposals that do not enable safe and efficient collection of</u>

6.11.2 Assessment of restricted discretionary activities (activities located in zones)

Activity	Matters of discretion	Guidance on the assessment of resource consents
<p><u>alterations to buildings that result in a multi-unit development</u></p>		<p><u>solid waste by Dunedin City Council standard services, Council will consider the contents of a Waste Management Plan which demonstrates how private solid waste collection services will be provided to ensure Policy 6.2.3.Z is achieved.</u></p> <p><u><i>Conditions that may be imposed:</i></u></p> <ul style="list-style-type: none"> v. <u>For larger multi-unit complexes, the requirement for on-site waste collection in a location that provides for safe site ingress and egress for solid waste collection vehicles.</u> vi. <u>Upgrades to the footpath or other parts of the road to allow on-street collection in a way that enables safe pedestrian movement.</u> vii. <u>For subdivisions accessed via private ways, requirement for an easement granting Right of Way to Dunedin City Council for the purpose of solid waste collection.</u> viii. <u>For subdivisions accessed via private ways, requirements for the design and dimensions of the private way to provide safe ingress and turning areas for solid waste collection vehicles and suitable areas for bins to be placed for collection.</u> <p><i>{Change A2 Alt 3/IN WASTE/S187.009 and others}</i></p>

Section C: City-wide Provisions

9. Public Health and Safety

9.2 Objectives and Policies

Objective 9.2.1	
Land use, development and subdivision activities maintain or enhance the efficiency and affordability of public water supply, wastewater and stormwater infrastructure.	
Policy 9.2.1.1	<p>Only allow land use or subdivision activities that may result in land use or development activities <u>outside the wastewater serviced area</u>, where:</p> <ul style="list-style-type: none">a. in an area with public water supply and/or wastewater infrastructure, it will not exceed the current or planned capacity of that infrastructure or compromise its ability to service any activities permitted within the zone; andb. in an area without public water supply and/or wastewater infrastructure, it will not lead to future pressure for unplanned expansion of wastewater public that infrastructure; orX. <u>an unplanned extension (and any necessary upgrade) to the public wastewater network to provide for the activities can be implemented prior to development with agreement from the DCC. {Change F1-2}</u>
Policy 9.2.1.1A	<p>Only allow land use or subdivision activities that may result in land use or development activities in <u>a wastewater serviced area where:</u></p> <ul style="list-style-type: none">a. <u>it will not exceed the current or planned capacity of that infrastructure at the time of development or compromise its ability to service any permitted activities; or</u>b. <u>for controlled and restricted discretionary land use activities, communal on-site wastewater detention infrastructure can be integrated into the public wastewater network prior to development in a way that meets DCC's requirements; or</u>c. <u>an unplanned upgrade to the public wastewater network that addresses any capacity constraints can be implemented prior to development with agreement from the DCC. {Change F1-2}</u>
Policy 9.2.1.BB	<p>Require subdivision, multi-unit development or supported living facilities in specified new development mapped areas to provide or connect to a communal wastewater detention system that ensures that all wastewater from the future development of the entire new development mapped area does not exceed the capacity of the wastewater public infrastructure network.</p> <p>{Change F3-2}</p>
Policy 9.2.1.Z	<p>Only allow multi-unit development; supported living facilities; subdivision; or development that contravenes the impermeable surfaces performance standard, where:</p> <ul style="list-style-type: none">a. <u>for stormwater generated by the activity (or future development enabled by a subdivision) that will flow through DCC stormwater public infrastructure at any point:</u><ul style="list-style-type: none">i. <u>there is adequate capacity in the stormwater public infrastructure; or</u>

Objective 9.2.1

Land use, development and subdivision activities maintain or enhance the efficiency and affordability of public water supply, wastewater and stormwater infrastructure.

	<p>ii. <u>any adverse effects from an increase in discharge on the stormwater public infrastructure are no more than minor; and</u></p> <p>b. <u>for stormwater generated by the activity (or future development enabled by a subdivision) that will flow through a private, Otago Regional Council, or natural/informal stormwater system, or Otago Regional Council stormwater public infrastructure, at any point, that stormwater system or public infrastructure has the capacity to absorb the additional stormwater with no more than minor adverse effects on it or on other sites (public or private), including but not limited to, adverse effects from an increase in overland flow or ponding. {Change F2-3; Change F2-3/S271.019 and others}</u></p>
<u>Policy 9.2.1.Y</u>	<p><u>Only allow subdivision activities, multi-unit development, supported living facilities or development that contravenes Rule 9.3.7.AA {Change F2-2/S271.015 and others} in a new development mapped area where:</u></p> <p>a. <u>an on-site {Change F2-2/S271.009 and others} integrated {Change F2-2/S271.010 and others} stormwater management system plan that is designed for the whole NDMA has been prepared, and stormwater management system(s) for all parts of the NDMA that are hydrologically connected to the area proposed for subdivision and is installed in full or in planned stages prior to development will ensure there is no increase in the pre-development peak stormwater discharge rate from the site NDMA {Change F2-2/S76.020 and others} into the stormwater public infrastructure, or into a private stormwater system {Change F2-2/S271.010} (at any point) between pre-development and post-development; {Change F2-2/S76.020 and others} or,</u></p> <p>b. <u>where this is not practicable, any adverse effects from an increase in discharge on the stormwater system public infrastructure {Change F2-2/S271.010} are no more than minor. {Change F2-2}</u></p>
<u>Policy 9.2.1.X</u>	<p><u>Require development in a new development mapped area that creates impermeable surfaces to be connected to the integrated {Change F2-2/S271.010 and others} communal {Change F2-2/S271.011 and others} on-site {Change F2-2/S271.009 and others} stormwater management system that meets Policy 9.2.1.Y. {Change F2-2}</u></p>
<u>Policy 9.2.1.AA</u>	<p><u>Only allow subdivision in a new development mapped area where any new public or private 3-waters infrastructure is designed to connect to, and provide capacity for, future urban development on adjoining or nearby sites that are zoned for urban development, where necessary. {Change F2-6}</u></p>
<u>Policy 9.2.1.2</u>	<p><u>Require development in the residential zones and the Mercy Hospital, Wakari Hospital, Moana Pool and Schools zones to provide adequate permeable areas to enable a reasonable level of rain water ground absorption. {Change F2-3}</u></p>
<u>Policy 9.2.1.3</u>	<p><u>Require subdivision activities to provide any available water supply and wastewater infrastructure services to all resultant sites that can be developed, unless on-site or multi-site services are proposed that will have positive effects on the overall public water supply and/or wastewater infrastructure services, or any adverse effects on them are insignificant. ensure future land use</u></p>

Objective 9.2.1

Land use, development and subdivision activities maintain or enhance the efficiency and affordability of public water supply, wastewater and stormwater infrastructure.

	<p><u>and development activities:</u></p> <p><u>X. have access to National Grid {Change F1-3/S28.003 and others} electricity network {Change F1-3/cl.16} and telecommunications networks {Change F1-3/cl.16}; and {Change F2-1/S271.006}</u></p> <p><u>Y. in areas where there is water or wastewater public infrastructure, have access to this infrastructure in a way that will maintain its efficiency and affordability; and</u></p> <p><u>AA. in the commercial and mixed use zones and Recreation Zone, have access to piped stormwater public infrastructure, where available; {Change F2-1/S271.006}</u></p> <p><u>Z. unless, for either (X), or (Y), or (AA), {Change F2-1/S271.006} allowing development without access will have long term positive effects on the public infrastructure or relevant network utility, or any adverse effects will be insignificant. {Change F1-3}</u></p>
Policy 9.2.1.4	<p><u>Only allow supported living facilities where public water supply, wastewater and stormwater infrastructure has capacity and where this would not compromise the capacity required for any future permitted activities within the zone.</u></p> <p><u>Only allow land use or subdivision activities that may result in land use or development activities in an area with public water supply where:</u></p> <p>a. <u>it will not exceed the current or planned capacity of that infrastructure at the time of development or compromise its ability to service any permitted activities; or</u></p> <p>b. <u>an unplanned upgrade to the public water supply network that addresses any capacity constraints can be implemented prior to development with agreement from the DCC. {Change F1-2}</u></p>
Policy 9.2.1.4A	<p><u>Only allow land use or subdivision activities that may result in land use or development activities in an area without public water supply where:</u></p> <p>a. <u>it will not lead to future pressure for unplanned expansion of public water supply infrastructure; or</u></p> <p>b. <u>an unplanned extension (and any necessary upgrade) to the public water supply network to provide for the activities can be implemented prior to development with agreement from the DCC. {Change F1-2}</u></p>
Policy 9.2.1.4B	<p><u>Only allow development activities adjacent to stormwater open watercourses where it will not compromise the current or planned capacity of the stormwater infrastructure. {Change A2 Alt 3 IMPERMEABLE/S148.001 and others}</u></p>
Policy 9.2.1.5	<p>Require earthworks to be designed to ensure adverse effects from sediment run-off from the site on any drains, channels, soakage and treatment systems or stormwater reticulation will be avoided or minimised, as far as practicable.</p>

Objective 9.2.1

Land use, development and subdivision activities maintain or enhance the efficiency and affordability of public water supply, wastewater and stormwater infrastructure.

Policy 9.2.1.6	Only allow development and subdivision in an infrastructure constraint mapped area above the permitted density where it will not compromise the current or planned capacity of the public wastewater infrastructure, or compromise the ability of the public wastewater infrastructure to service any activities permitted within the zone. {Change F1-2}
----------------	--

Objective 9.2.2

Land use, development and subdivision activities maintain or enhance people's health and safety.

Policy 9.2.2.7	Only allow land use, development, or subdivision activities that may lead to land use and development activities, in areas without public wastewater and stormwater infrastructure where these activities ensure wastewater and stormwater will be disposed of in such a way that avoids or, if avoidance is not practicable, ensures any adverse effects on the health of people on the site or on surrounding sites will be insignificant. {Change F3-4}
----------------	---

Rule 9.3 Performance Standards

9.3.3 Firefighting

1. Subdivision activities must ensure resultant sites have access to sufficient water supplies for firefighting consistent with the SNZ/PAS:4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice, except sites created and used solely for the following purposes are exempt from fire fighting requirements:
 - a. reserve;
 - b. Scheduled ASBV or QEII covenant;
 - c. access;
 - d. network utilities; or
 - e. road.
2. New residential buildings must either:
 - a. have a connection to the public water supply (where it is provided) and be located within 135m of a fire hydrant {Change F1-5}; or
 - b. provide an area of minimum dimensions of 4.5m x 11m with suitable fire engine access, water storage of 45,000 litres (45m³) or equivalent firefighting capacity, and have the water supply located within 90m of the fire risk or otherwise provide for water supply and access to water supplies for firefighting purposes consistent with the SNZ/PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice.
3. Activities that contravene this performance standard are restricted discretionary activities.

9.3.7 Service Connections

1. ~~Subdivision activities must provide all resultant sites with the following infrastructure, where available:~~
 - a. ~~telecommunication (including Ultra Fast Broadband) and power supply, to the site boundary; and~~
 - b. ~~connections to public water supply, wastewater, {Change F1-1} and stormwater networks, which must be laid at least 600mm into each site. {Change F2-1}~~
2. All subdivision activities must supply service connections to resultant sites in accordance with rules 9.3.7.X - 9.3.7.AAZ {Change F2-2/S271.005} and Rule 9.3.7.AB, {Change F2-1/S271.006} ~~Except that this rule does not apply to~~ for resultant sites created and used solely for the following purposes {Change F1-1}:
 - a. Scheduled ASBV or QEII covenant;
 - b. reserves;
 - c. access;
 - d. network utilities; or
 - e. roads.
3. ~~For the purpose of this rule 'where available' means where the service provider allows service connection to an infrastructure network in the vicinity of the site. {Change F1-1}~~
4. Activities that contravene this performance standard are restricted discretionary activities.

Note 9.3.7A – General advice

1. ~~The DCC Water Bylaw shows areas where the DCC provides access to a reticulated water supply, including Urban Water Supply and Rural Water Supply Areas. The Bylaw also gives details of any constraints to this access.~~
2. ~~The DCC does not provide access to a reticulated wastewater supply in all areas of the city; areas without access include the 'no DCC reticulated wastewater mapped area' shown on the 2GP Planning Map.~~
3. ~~For further information on areas where the DCC provides access to public water supply, wastewater, and stormwater networks, please contact the DCC on 03 477 4000. {Change F3-1 & Change F4-1}~~

9.3.7.X Telecommunications and power {Change F1-1}

- a. Subdivision activities must provide all resultant sites with telecommunication (including UltraFast Broadband where available) and power supply, and any associated easements, {Change F1-1/S217.004} to the site boundary.
- b. Activities that contravene this performance standard are restricted discretionary activities. {Change F1-1}

9.3.7.Y Water supply {Change F1-1}

- a. Within all areas that the DCC provides access to a public water supply network, subdivision activities must provide all resultant sites with connections to the public water supply network, which must be laid at least 600mm into each site.
- b. Activities that contravene this performance standard are restricted discretionary activities. {Change F1-1}

Note 9.3.7.YA - General advice {Change F4-1}

- a. The DCC Water Bylaw shows areas where the DCC provides access to a reticulated water supply and conditions of access. There may be a delay including recently rezoned areas in the Bylaw. In these cases,

information on access is available by contacting the DCC. The Bylaw also outlines the water supply connection setup requirements for customers. See the Water Bylaw for details. {Change F4-1/S187.026}

- b. For further information on connections to the public water supply network, please contact the DCC on 03 477 4000. {Change F4-1}

9.3.7.Z Wastewater {Change F1-1}

- a. Within any wastewater serviced area, subdivision activities must provide all resultant sites with connections to the wastewater public infrastructure network, which must be laid at least 600mm into each site. The wastewater network for the subdivision must provide for connection to the wastewater public infrastructure network. {Change F1-1}
- b. Activities that contravene this performance standard are restricted discretionary activities. {Change F3-1}

Note 9.3.7.ZA - General advice

- a. The DCC does not provide a wastewater public infrastructure network in all areas of the city. Refer to the definition of 'wastewater serviced area'. {Change F3-1}
- b. In **new development mapped areas** specified in Rule 9.6.2.Y, immediate connections to the wastewater public infrastructure network will not be available due to network capacity constraints. In these cases, subdivision consent may be refused even if this standard is met where an on-site communal wastewater detention system that serves 50 or more residential units is yet to be approved as a solution to capacity constraints. {Change F3-2}
- c. Trade and industrial discharges to the wastewater system are subject to the DCC Trade Waste Bylaw. {Change F3-4}
- d. The discharge of human sewage through on-site wastewater treatment systems is managed by rules in the Regional Plan: Water for Otago. Resource consent may be required from the Otago Regional Council for new systems. {Change F3-4}
- e. The New Zealand Building Code G13 - Foul Water for building work provides verification methods and acceptable solutions for the storage, treatment, and disposal of wastewater. {Change F3-4}
- f. For further information on connections to the wastewater public infrastructure network and the design of any wastewater management system, please contact the DCC on 03 477 4000 at the earliest opportunity. {Change F3-1}

9.3.7.AA Stormwater for development {Change F2-2; Change F2-1/S271.006}

- a. In a **new development mapped area**, all development activities that creates ~~{Change F2-2/cl.16}~~an impermeable surface and new roads or additions or alterations to existing roads {Change F2-2/S271.005} must:
 - i. connect to a ~~communal~~ {Change F2-2/S271.011 and others} stormwater management system that services the **new development mapped area** and meets the requirements set out in Rule 9.9.X; except: {Change F2-2/S271.012}
 - 1. prior to the ~~communal~~ {Change F2-2/S271.011 and others} stormwater management system being installed, any development that creates less than 60m² of impermeable surface; and

2. any development activities that create an impermeable surface on lots of less than 1000m² that were created by a subdivision consent approved prior to 31 May 2022, are ~~is~~ {Change F2-2/S76.009} exempt from this standard.
- b. Activities that contravene this performance standard are restricted discretionary activities. {Change F2-2}

Note 9.3.7.AAA - General advice and other requirements outside of the District Plan {Change F2-2}

- a. In a new development mapped area, Policy 9.2.1.Y requires installation of a ~~communal~~ {Change F2-2/S271.011 and others} stormwater management system prior to development as part of the assessment of a ~~subdivision~~ consent for the listed activities {Change F2-2/S271.015 and others}. The requirements for stormwater management are set out in the Special Information Requirements - Rule 9.9.X. Where development occurs prior to consideration of an integrated {Change F2-2/S271.010 and others} stormwater management plan through an application for consent, and installation of an associated stormwater management system, a resource consent will be required under Rule {Change F2-2/S271.012} ~~9.3.X~~ 9.3.7.AA {Change F2-2/cl.16} to enable an integrated {Change F2-2/S271.010 and others} stormwater management plan to be assessed. {Change F2-2/S271.012}
- b. Clause E1 - Surface Water of the New Zealand Building Code (Building Regulations 1992, Schedule 1) contains requirements regarding buildings and sitework in relation to managing surface water and effects on other property.
- c. Development that will divert surface water may require resource consent under the Otago Regional Plan: Water.
- d. Discharge of stormwater to any Otago Regional Council scheduled drain or overland flow path is managed by the Otago Regional Council Flood Protection Management Bylaw 2012.
- e. If development affects the flow of surface water, this effect is also subject to the common law principle of natural servitude.
- f. Part 4 of the Dunedin Code of Subdivision and Development 2010 ('Code of Subdivision') requires that design and construction of stormwater systems be undertaken in accordance with NZS 4404:2004 (now replaced by NZS 4404:2010), except as amended by the Code of Subdivision. This includes a requirement that stormwater systems be provided so that any new development results in an insignificant increase of runoff wherever possible (Clause 4.2.8).
- g. For further information on connections to the public stormwater network and for assistance with design requirements for stormwater management systems, please contact DCC 3 Waters on 03 477 4000 at the earliest opportunity. {Change F2-4}

9.3.7.AB Stormwater for subdivision

- a. In a commercial and mixed use zone or Recreation Zone, subdivision activities must provide all resultant sites with connections to the stormwater public infrastructure network where available, which must be laid at least 600mm into each site.
- b. For the purposes of this rule 'where available' means where DCC allows connection to piped DCC stormwater public infrastructure in the vicinity of the site.
- c. Activities that contravene this performance standard are restricted discretionary activities. {Change F2-1/S271.006}

Note 9.3.7AB – General advice

- a. In all zones where this standard does not apply, a requirement to connect to stormwater public infrastructure (where available) will be considered through the subdivision consent process. In most instances, a requirement to connect to any stormwater public infrastructure network will be required through a consent condition. {Change F2-1/S271.006}

Rule 9.4 Assessment of Controlled Activities

9.4.1 Assessment of controlled activities

Activity		Matters of control	Guidance on the assessment of resource consents
1.	Student hostels in the Campus Zone	a. Effects on efficiency and affordability of infrastructure	<p><i>Relevant objectives and policies:</i></p> <p>i. Objective 9.2.1</p> <p>ii. Public water supply, wastewater and stormwater infrastructure has capacity and the supported living facility will not compromise the capacity required for any future permitted activities within the zone (Policy 9.2.1.4). {Change F1-2}</p> <p><u>X. Only allow land use activities that may result in land use or development activities {Change F1-2/Cl.16} in a wastewater serviced area where:</u></p> <p>1. <u>it will not exceed the current or planned capacity of that infrastructure at the time of development or compromise its ability to service any permitted activities; or</u></p> <p>2. <u>for controlled and restricted discretionary {Change F1-2/Cl.16} land use activities, communal on-site wastewater detention infrastructure can be integrated into the public wastewater network prior to development in a way that meets DCC's requirements; or</u></p> <p>3. <u>an unplanned upgrade to the public wastewater network that addresses any capacity constraints can be implemented prior to development with agreement from the DCC (Policy 9.2.1.1A).</u> {Change F1-2}</p> <p><u>Y. Only allow supported living facilities where:</u></p> <p>1. <u>for stormwater generated by the activity (or future development enabled by a subdivision) {Change F2-3/Cl.16} that will flow through DCC stormwater public infrastructure at any point:</u></p> <p>1. <u>there is adequate capacity in the stormwater public infrastructure; or</u></p>

9.4.1 Assessment of controlled activities

Activity	Matters of control	Guidance on the assessment of resource consents
		<p>2. <u>any adverse effects from an increase in discharge on the stormwater public infrastructure are no more than minor; and</u></p> <p>2. <u>for stormwater generated by the activity (or future development enabled by a subdivision) {Change F2-3/Cl.16} that will flow through a private, Otago Regional Council, or natural/informal stormwater system, or Otago Regional Council stormwater public infrastructure at any point, that stormwater system or public infrastructure has the capacity to absorb the additional stormwater with no more than minor adverse effects on it or on other sites (public or private), including but not limited to, adverse effects from an increase in overland flow or ponding (Policy 9.2.1.Z). {Change F2-3; Change F2-3/S271.019 and others}</u></p> <p><u>Z. Only allow land use activities that may result in land use or development activities {Change F1-2/Cl.16} in an area with public water supply where:</u></p> <ol style="list-style-type: none"> <u>1. it will not exceed the current or planned capacity of that infrastructure at the time of development or compromise its ability to service any permitted activities; or</u> <u>2. an unplanned upgrade to the public water supply network that addresses any capacity constraints can be implemented prior to development with agreement from the DCC (Policy 9.2.1.4). {Change F1-2}</u> <p><u>General assessment guidance:</u></p> <p><u>AA. For supported living facilities that may lead to new residential development, Council will consider how stormwater will be managed and may require an integrated {Change F2-2/S271.010 and others} stormwater management plan to be submitted with the application (see Special Information Requirement - Rule 9.9.X). {Change F2-3}</u></p>

Rule 9.5 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

9.5.3 Assessment of performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
2.	Density (papakāika) in residential zones (Rule 15.5.2)	a. Effects on health and safety	<p>Relevant objectives and policies:</p> <p>i. Objective 9.2.2</p> <p>ii. Only allow land use and development in areas without public wastewater and stormwater infrastructure where these activities ensure wastewater and stormwater will be disposed of in such a way that avoids or, if avoidance is not practicable, ensures any adverse effects on the health of people on the site or on surrounding sites will be insignificant (Policy 9.2.2.7). {Change F3-4}</p>
3.	Density - standard residential in General Residential 2 Zone infrastructure wastewater constraint mapped area (Rule 15.5.2) {Change F3-3}	a. Effects on efficiency and affordability of infrastructure (wastewater) {Change F1-2}	<p><i>Relevant objectives and policies:</i></p> <p>i. Objective 9.2.1</p> <p>ii. Development in an infrastructure constraint mapped area above the permitted density will not compromise the current or planned capacity of the public wastewater infrastructure, or compromise the ability of the public wastewater infrastructure to service any activities permitted within the zone (Policy 9.2.1.6). {Change F1-2}</p> <p><u>X. Only allow land use activities that may result in land use or development activities {Change F1-2/CI.16} in a wastewater serviced area where:</u></p> <ol style="list-style-type: none"> <u>it will not exceed the current or planned capacity of that infrastructure at the time of development or compromise its ability to service any permitted activities; or</u> for controlled and restricted discretionary land use activities, communal on-site wastewater detention infrastructure can be integrated into the public wastewater network prior to development in a way that meets DCC's requirements; or {Change F1-2/CI.16} <u>an unplanned upgrade to the public wastewater network that addresses any capacity constraints can be implemented prior to development with agreement from the DCC (Policy 9.2.1.1A). {Change F1-2}</u>

9.5.3 Assessment of performance standard contraventions

	Performance standard	Matters of discretion	Guidance on the assessment of resource consents
			<p><i>General assessment guidance:</i></p> <p>iii. In determining whether Policy 9.2.1.6 <u>9.2.1.1.A</u> {Change F1-2/S187.020} 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.</p>
X.	Density - standard residential in ICR Zone (Rule 15.5.2.4.d)	a. Effects on efficiency and affordability of infrastructure <u>(wastewater and water supply)</u> {Change F1-2}	<p><i>Relevant objectives and policies:</i></p> <p>i. Objective 9.2.1</p> <p>ii. Development in an area with public water supply and/or wastewater infrastructure will not exceed the current or planned capacity of that infrastructure or compromise its ability to service any activities permitted within the zone (Policy 9.2.1.1).</p> <p><u>X. Only allow land use or subdivision activities that may result in land use or development activities {Change F1-2/Cl.16} in a wastewater serviced area where:</u></p> <ol style="list-style-type: none"> <u>it will not exceed the current or planned capacity of that infrastructure at the time of development or compromise its ability to service any permitted activities; or</u> for restricted discretionary land use activities, communal on-site wastewater detention infrastructure can be integrated into the public wastewater network prior to development in a way that meets DCC's requirements; or {Change F1-2/Cl.16} <u>an unplanned upgrade to the public wastewater network that addresses any capacity constraints can be implemented prior to development with agreement from the DCC (Policy 9.2.1.1A). {Change F1-2}</u> <p><u>Y. Only allow land use or subdivision activities that may result in land use or development activities {Change F1-2/Cl.16} in an area with public water supply where:</u></p> <ol style="list-style-type: none"> <u>it will not exceed the current or planned capacity of that infrastructure at the time of development or compromise its ability to service any permitted activities; or</u> <u>an unplanned upgrade to the public water supply network that addresses any capacity constraints can</u>

9.5.3 Assessment of performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
		<p><u>be implemented prior to development with agreement from the DCC (Policy 9.2.1.4). {Change F1-2}</u></p> <p><i>General assessment guidance:</i></p> <p>iii. In determining whether <u>policies 9.2.1.1A and 9.2.1.4 are Policy 9.2.1.1 is {Change F1-2}</u> 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.</p>
11	<p>Maximum building site coverage and impermeable surfaces</p>	<p>a. Effects on efficiency and affordability of infrastructure (stormwater) {Change F2-3}</p> <p>b. Effects of stormwater from future development {Change F2-3}</p> <p><i>Relevant objectives and policies:</i></p> <p>i. Objective 9.2.1</p> <p>ii. Development in the residential zones, Mercy Hospital, Wakari Hospital, Moana Pool and Schools zones provides adequate permeable areas to enable a reasonable level of rain water ground absorption (Policy 9.2.1.2). {Change F2-3}</p> <p><u>X. Only allow development that contravenes the impermeable surfaces performance standard, where:</u></p> <p>1. <u>for stormwater generated by the activity (or future development enabled by a subdivision) {Change F2-3/CI.16} that will flow through DCC stormwater public infrastructure at any point:</u></p> <p>1. <u>there is adequate capacity in the stormwater public infrastructure; or</u></p> <p>2. <u>any adverse effects from an increase in discharge on the stormwater public infrastructure are no more than minor; and</u></p> <p>2. <u>for stormwater generated by the activity (or future development enabled by a subdivision) {Change F2-3/CI.16} that will flow through a private, Otago Regional Council, or natural/informal stormwater system, or <u>Otago Regional Council stormwater public infrastructure at any point, that stormwater system or public infrastructure has the capacity to absorb the additional stormwater with no more than minor adverse effects on it or on other sites (public or private), including but not limited to, adverse effects from an</u></u></p>

9.5.3 Assessment of performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
		<p><u>increase in overland flow or ponding (Policy 9.2.1.Z).</u> <u>{Change F2-3; Change F2-3/S271.019 and others}</u></p> <p>Potential circumstances that may support a consent application include:</p> <p>iii. There is a genuine need to have additional impermeable surfaces and:</p> <ol style="list-style-type: none"> 1. mitigation measures such as stormwater storage are proposed; and 2. there is no net increase in the amount or rate of stormwater leaving the site. <p><u>General assessment guidance:</u></p> <p><u>Y. Council will consider how stormwater will be managed and may require an integrated {Change F2-2/S271.010 and others} stormwater management plan to demonstrate that there will be no increase in peak stormwater discharge rate from the site (see Special Information Requirement - Rule 9.9.X).</u></p> <p><u>Z. In assessing contravention of this standard on any site that has on-site wastewater disposal, the additional loading of wastewater on remaining areas of permeable surfaces will be considered. {Change F2-3}</u></p> <p><u>Conditions that may be imposed include:</u></p> <p><u>AA. A requirement for easements, covenants, consent notices, or bonds to ensure future development will be in accordance with an integrated {Change F2-2/S271.010 and others} stormwater management plan.</u></p> <p><u>AB. A requirement for on-site {Change F2-2/S271.009 and others} stormwater management, such as the installation of detention devices required in accordance with the approved integrated {Change F2-2/S271.010 and others} stormwater management plan. {Change F2-3}</u></p>
12	Service connections <u>(rules 9.3.7.2, 9.3.7.X – 9.3.7.Z and 9.3.7.AB) for subdivision.</u>	<p>a. Effects on efficiency and affordability of infrastructure</p> <p><u>Relevant objectives and policies:</u></p> <ol style="list-style-type: none"> i. Objective 9.2.1 ii. Subdivision activities provide any available public water supply and wastewater infrastructure services to all resultant sites that can be developed, unless on-site or multi-site services are proposed that will have positive

9.5.3 Assessment of performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
<p><u>{Change F2-2/S271.005; Change F2-1/S271.006}</u></p>		<p>effects on the overall public wastewater and/or water supply infrastructure services, or any adverse effects on them are insignificant (Policy 9.2.1.3). <u>ensure future land use and development activities:</u></p> <p>X. have access to the National Grid <u>{Change F1-3/S28.003}</u> electricity network <u>{Change F1-3/cl.16}</u> and telecommunications networks <u>{Change F1-3/cl.16}</u>; and <u>{Change F2-1/S271.006}</u></p> <p>Y. in areas where there is water or wastewater public infrastructure, have access to this infrastructure in a way that will maintain its efficiency and affordability; <u>and</u></p> <p>AA. in the commercial and mixed use zones and Recreation Zone, have access to piped stormwater public infrastructure, where available; <u>{Change F2-1/S271.006}</u></p> <p>Z. unless allowing development without access will have long term positive effects on the public infrastructure or relevant network utility, or any adverse effects will be insignificant (Policy 9.2.1.3). <u>{Change F1-3}</u></p> <p><i>General assessment guidance:</i></p> <p>iii. When assessing the suitability of any proposed on-site or multi-site services, Council will consider any adverse effects on the natural environment and risk from hazards.</p> <p><i>Conditions that may be imposed include:</i></p> <p>iv. Require on-site systems to be included in the subdivision. <u>{Change F1-3}</u></p>
<p><u>Z.</u> <u>In a new development mapped area:</u></p> <ul style="list-style-type: none"> • <u>Service connections – stormwater for development (Rule 9.3.7.AA)</u> 	<p><u>a. Effectiveness and efficiency of stormwater management and effects of stormwater from future development</u></p>	<p><i>Relevant objectives and policies:</i></p> <p>i. Objective 9.2.1</p> <p>ii. Require development in a new development mapped area that creates impermeable surfaces to be integrated <u>{Change F2-2/C1.16}</u> connected to the integrated <u>{Change F2-2/S271.010 and others}</u> communal <u>{Change F2-2/S271.011 and others}</u> on-site <u>{Change F2-2/S271.009 and others}</u> <u>stormwater management system that</u></p>

9.5.3 Assessment of performance standard contraventions

	Performance standard	Matters of discretion	Guidance on the assessment of resource consents
	{Change F2-2/S271.006}		<p><u>meets Policy 9.2.1.Y (Policy 9.2.1.X). {Change F2-2}</u></p> <p>iii. <u>Only allow subdivision in a new development mapped area where any new public or private 3-waters infrastructure is designed to connect to, and provide capacity for, future urban development on adjoining or nearby sites that are zoned for urban development, where necessary (Policy 9.2.1.AA). {Change F2-6}</u></p> <p><u>General assessment guidance:</u></p> <p>iv. <u>Council will consider how stormwater will be managed and may require an integrated {Change F2-2/S271.010 and others} stormwater management plan to be submitted with the application (see Special Information Requirement - Rule 9.9.X). {Change F2-2}</u></p> <p><u>Conditions that may be imposed include:</u></p> <p>v. <u>A requirement for easements, covenants, consent notices, or bonds to ensure future development will be in accordance with an integrated {Change F2-2/S271.010 and others} stormwater management plan.</u></p> <p>vi. <u>A requirement for on-site {Change F2-2/S271.009 and others} stormwater management, such as the installation of detention devices, in accordance with the approved integrated {Change F2-2/S271.010 and others} stormwater management plan. {Change F2-2}</u></p>
A A.	<p><u>Density</u></p> <ul style="list-style-type: none"> <u>social housing in the GR1 Zone or T&S Zone (except in a no DCC reticulated wastewater mapped area) (Rule 15.5.2.4.Y) {Change C1}</u> 	<p><u>a. Effects on efficiency and affordability of infrastructure (wastewater and water supply)</u></p>	<p><u>Relevant objectives and policies:</u></p> <p>i. <u>Objective 9.2.1.</u></p> <p>ii. <u>Only allow land use activities that may result in land use or development activities {Change F1-2/CI.16} in a wastewater serviced area where:</u></p> <ol style="list-style-type: none"> <u>it will not exceed the current or planned capacity of that infrastructure at the time of development or compromise its ability to service any permitted activities; or</u> <u>for controlled and restricted discretionary land use activities, communal on-site wastewater detention infrastructure can be integrated into the public wastewater network prior to development in a way that meets DCC's requirements; or {Change F1-</u>

9.5.3 Assessment of performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
		<p><u>2/CI.16}</u></p> <p>3. <u>an unplanned upgrade to the public wastewater network that addresses any capacity constraints can be implemented prior to development with agreement from the DCC (Policy 9.2.1.1A).</u> <u>{Change F1-2}</u></p> <p>iii. <u>Only allow land use activities that may result in land use or development activities <u>{Change F1-2/CI.16}</u> in an area with public water supply where:</u></p> <p>1. <u>it will not exceed the current or planned capacity of that infrastructure at the time of development or compromise its ability to service any permitted activities; or</u></p> <p>2. <u>an unplanned upgrade to the public water supply network that addresses any capacity constraints can be implemented prior to development with agreement from the DCC (Policy 9.2.1.4).</u> <u>{Change F1-2}</u></p> <p>iv. <u>Only allow land use activities that may result in land use or development activities <u>{Change F1-2/CI.16}</u> in an area without public water supply where:</u></p> <p>1. <u>it will not lead to future pressure for unplanned expansion of public water supply infrastructure; or</u></p> <p>2. <u>an unplanned extension (and any necessary upgrade) to the public water supply network to provide for the activities can be implemented prior to development with agreement from the DCC (Policy 9.2.1.4A).</u> <u>{Change F1-2}</u></p>
<p><u>B</u></p> <p><u>B</u></p>	<p><u>Setback from stormwater open watercourse mapped area (Rule 10.3.3)</u></p> <p><u>a. Effects on the efficiency and affordability of infrastructure</u></p>	<p><u>Relevant objectives and policies:</u></p> <p>i. <u>Objective 9.2.1</u></p> <p>ii. <u>Development adjacent to a stormwater open watercourse mapped area will not compromise the current or planned capacity of stormwater infrastructure (Policy 9.2.1.4B).</u></p> <p><u>General assessment guidance:</u></p> <p>iii. <u>In determining whether Policy 9.2.1.4B is achieved, Council will consider the cumulative effects of the</u></p>

9.5.3 Assessment of performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
			<u>proposed development together with existing development and permitted development that is likely to arise in the future.</u> {Change A2 Alt 3 IMPERMEABLE/S148.001 and others}

Rule 9.6 Assessment of Restricted Discretionary Activities

Note 9.6.1A - General advice **{Change F2-2 and others/FUNDING/S300.001}}**

- The DCC requires those persons undertaking development to pay a fair, equitable, and proportionate portion of the costs of capital expenditure to service growth.
- The DCC's contribution to any off-site upgrades or delivery of higher specification for infrastructure will be based on an assessment of the public vs private benefit of the upgrade. This means that in principle the landowner(s) of the structure plan mapped area and/or new development mapped area will only be required to pay that portion of the costs of the upgrades that is necessary to address the effects of or needs of their proposed development area. Network infrastructure growth costs will generally be funded through development contribution charges as set out in the DCC's Development Contributions Policy (10-year Plan 2021-2031), which details the charges on a per equivalent household unit by area of benefit basis.
- Where the results of a stormwater or wastewater management plan, or an assessment of water supply requirements demonstrate the need for either:
 - Infrastructure upgrades outside of the site, or
 - Infrastructure built to a higher specification because of the need to provide for new growth areas or improve level of service for existing areas.the responsibility and funding for these upgrades will be negotiated between all landowners and the DCC. Where necessary, the DCC will appoint an independent facilitator or mediator to assist in these negotiations.
- It is further noted that the completion of these upgrades prior to s224 certification or at a certain point in time agreed to in a condition of consent may be required.

9.6.2 Assessment of restricted discretionary activities

Activity		Matters of discretion	Guidance for the assessment of resource consents
4	Intensive farming	a. Effects on health and safety	Relevant objectives and policies: i. Objective 9.2.2 ii. Only allow land use and development in areas without public infrastructure where these activities ensure wastewater and stormwater is able to be disposed of in such a way that avoids or, if avoidance is not practicable, ensures adverse effects on the health of people on the site or

9.6.2 Assessment of restricted discretionary activities

Activity		Matters of discretion	Guidance for the assessment of resource consents
			surrounding sites are insignificant (Policy 9.2.2.7). {Change F3-4}
Z -	All RD activities that have 'effects on efficiency and affordability of infrastructure' as a matter of discretion {Change F5 & Change F1-2}	a. Effects on efficiency and affordability of infrastructure (wastewater and water supply)	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. <u>Objective 9.2.1.</u> ii. <u>Only allow land use or subdivision activities that may result in land use or development activities outside the wastewater serviced area, where:</u> <ul style="list-style-type: none"> 1. <u>it will not lead to future pressure for unplanned expansion of wastewater public infrastructure; or</u> 2. <u>an unplanned extension (and any necessary upgrade) to the public wastewater network to provide for the activities can be implemented prior to development with agreement from the DCC (Policy 9.2.1.1).</u> {Change F1-2} iii. <u>Only allow land use or subdivision activities that may result in land use or development activities in a wastewater serviced area where:</u> <ul style="list-style-type: none"> 1. <u>it will not exceed the current or planned capacity of that infrastructure at the time of development or compromise its ability to service any permitted activities; or</u> 2. <u>for controlled and {Change F1-2/Cl.16} restricted discretionary land use activities, communal on-site wastewater detention infrastructure can be integrated into the public wastewater network prior to development in a way that meets DCC's requirements; or</u> 3. <u>an unplanned upgrade to the public wastewater network that addresses any capacity constraints can be implemented prior to development with agreement from the DCC (Policy 9.2.1.1A).</u> {Change F1-2} iv. <u>Only allow land use or subdivision activities that may result in land use or development activities in an area with public water supply where:</u> <ul style="list-style-type: none"> 1. <u>it will not exceed the current or planned capacity of that infrastructure at the time of development or compromise its ability to service any permitted activities; or</u> 2. <u>an unplanned upgrade to the public water supply network that addresses any capacity constraints can be</u>

9.6.2 Assessment of restricted discretionary activities

Activity	Matters of discretion	Guidance for the assessment of resource consents
		<p><u>implemented prior to development with agreement from the DCC (Policy 9.2.1.4).</u> {Change F1-2}</p> <p>v. <u>Only allow land use or subdivision activities that may result in land use or development activities in an area without public water supply where:</u></p> <ol style="list-style-type: none"> 1. <u>it will not lead to future pressure for unplanned expansion of public water supply infrastructure; or</u> 2. <u>an unplanned extension (and any necessary upgrade) to the public water supply network to provide for the activities can be implemented prior to development with agreement from the DCC (Policy 9.2.1.4A).</u> {Change F1-2}
<p>2</p> <ul style="list-style-type: none"> Supported living facilities (except student hostels in the Campus Zone) New buildings or additions and alterations to buildings that result in a multi-unit development Subdivision activities {Change F2-3} 	<p>a. Effects on efficiency and affordability of infrastructure (stormwater) {Change F2-3}</p> <p>b. Effects of stormwater from future development {Change F2-3}</p>	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> Objective 9.2.1 Public water supply, wastewater and stormwater infrastructure has capacity and the supported living facility will not compromise the capacity required for any future permitted activities within the zone (Policy 9.2.1.4). {Change F1-2} <p>X. Only allow multi-unit development; supported living facilities; or subdivision; or development that contravenes the impermeable surfaces performance standard. {Change F2-3/CI.16} where:</p> <ol style="list-style-type: none"> 1. <u>for stormwater generated by the activity (or future development enabled by a subdivision) that will flow through DCC stormwater public infrastructure at any point:</u> <ol style="list-style-type: none"> 1. <u>there is adequate capacity in the stormwater public infrastructure; or</u> 2. <u>any adverse effects from an increase in discharge on the stormwater public infrastructure are no more than minor; and</u> 2. <u>for stormwater generated by the activity (or future development enabled by a subdivision) that will flow through a private, Otago Regional Council, or natural/informal stormwater system, or Otago Regional Council stormwater public infrastructure at any point, that stormwater system or public infrastructure has the capacity to absorb the additional stormwater with no more than minor adverse effects on it or on other sites (public or private), including but</u>

9.6.2 Assessment of restricted discretionary activities

Activity	Matters of discretion	Guidance for the assessment of resource consents
		<p><u>not limited to, adverse effects from an increase in overland flow or ponding (Policy 9.2.1.Z). {Change F2-3; Change F2-3/S271.019 and others}</u></p> <p><u>General assessment guidance:</u></p> <p><u>Y. For multi-unit development, supported living facilities and subdivision that may lead to new residential development, Council will consider how stormwater will be managed and may require an integrated {Change F2-2/S271.010 and others} stormwater management plan to be submitted with the application (see Special Information Requirement - Rule 9.9.X). {Change F2-3}</u></p> <p><u>Conditions that may be imposed include:</u></p> <p><u>Z. For subdivision activities, a requirement to connect to stormwater public infrastructure (where available). {Change F2-1/S271.006}</u></p>
4 : All-subdivision-activities- {Change F1-2}	a. Effects on efficiency and affordability of infrastructure	<p>Relevant objectives and policies:</p> <p>i. Objective 9.2.1</p> <p>ii. Subdivision activities are designed to ensure any future land use or development:</p> <p>1. where in an area with public water supply and/or wastewater infrastructure, will not exceed the current or planned capacity of that infrastructure or compromise its ability to service any activities permitted within the zone; and</p> <p>2. where in an area without public water supply and/or wastewater infrastructure, will not lead to future pressure for unplanned expansion of that infrastructure (Policy 9.2.1.1).</p> <p>Design considerations that may support a consent application:</p> <p>iii. The subdivision will not require any ratepayer funded public infrastructure upgrades other than as already programmed.</p> <p>iv. Resultant sites accommodate on-site retention of stormwater where needed.</p> <p>Design considerations for large subdivisions that involve new stormwater management systems that may support a consent application:</p>

9.6.2 Assessment of restricted discretionary activities

Activity	Matters of discretion	Guidance for the assessment of resource consents
		<p>v. Stormwater management areas are integrated into the layout of the subdivision and neighbourhood including in reserves.</p> <p>vi. The subdivision integrates design elements to minimise adverse effects on the stormwater infrastructure, for example through:</p> <ol style="list-style-type: none"> 1. minimum impermeable surfaces 2. grassed/landscaped swales and other vegetation areas 3. infiltration trenches/bio-retention systems 4. wetlands/sediment ponds 5. rainwater tanks harvesting and reuse 6. rain gardens, rooftop greening and planting, and 7. porous surface treatments. <p>General assessment guidance:</p> <p>vii. If required, Council will consider the contents of an integrated stormwater catchment management plan or approved stormwater discharge consent.</p> <p>Conditions that may be imposed include:</p> <p>viii. Within an area serviced by DCC for wastewater, a requirement for wastewater connections.</p> <p>ix. A requirement that a local purpose reserve be vested in Council as a site for public utility for wastewater treatment/disposal purposes. {Change F1-2}</p>
<p>5 :</p> <p>Subdivision activities (in areas without public water supply, wastewater and stormwater infrastructure) {Change F3-4}</p>	<p>a. Effects on health and safety</p>	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> i. Objective 9.2.2 ii. Subdivision activities that may lead to land use and development activities, in areas without public water supply, wastewater and stormwater infrastructure, ensure wastewater and stormwater will be disposed of in such a way that avoids or, if avoidance is not practicable, ensures adverse effects on the health of people on the site or surrounding sites will be insignificant (Policy 9.2.2.7). <p><i>Potential circumstances that may support a consent application include:</i></p>

9.6.2 Assessment of restricted discretionary activities

Activity	Matters of discretion	Guidance for the assessment of resource consents
		<p>iii. A design for a wastewater and stormwater disposal system is prepared by a suitably qualified engineer.</p> <p><i>Conditions that may be imposed include:</i></p> <p>iv. Requirement wastewater and stormwater disposal design to be included in the subdivision. {Change F3-4}</p>
<p>X .</p> <p><u>In a new development mapped area:</u></p> <ul style="list-style-type: none"> • <u>All subdivision on activities</u> {Change F2-2} • <u>New buildings or additions and alterations to buildings that result in a multi-unit development</u> • <u>Supported living facilities</u> {Change F2-2/S271.015 and others} 	<p>a. <u>Effectiveness and efficiency of stormwater management and effects of stormwater from future development</u></p>	<p><u>Relevant objectives and policies (in addition to those outlined in 9.6.2.2 above):</u></p> <ol style="list-style-type: none"> <u>Objective 9.2.1.</u> <u>Only allow subdivision activities, multi-unit development, or supported living facilities</u> {Change F2-2/S271.015 and others} <u>in a new development mapped area where:</u> <ol style="list-style-type: none"> an on-site {Change F2-2/S271.009 and others} <u>integrated</u> {Change F2-2/S271.010 and others} <u>stormwater management system plan that is designed for the whole NDMA has been prepared, and stormwater management system(s) for all parts of the NDMA that are hydrologically connected to the area proposed for subdivision and is installed in full or in planned stages prior to development.</u> {Change F2-2/S76.020 and others} <u>will ensure there is no increase in the pre-development peak stormwater discharge rate from the site NDMA</u> {Change F2-2/S76.020 and others} <u>into the stormwater public infrastructure, or into a private stormwater system</u> {Change F2-2/S271.010} <u>(at any point) between pre-development and post-development;</u> {Change F2-2/S76.020 and others} <u>or</u> <u>where this is not practicable, any adverse effects from an increase in discharge on the stormwater system public infrastructure</u> {Change F2-2/S271.010} <u>are no more than minor (Policy 9.2.1.Y).</u> {Change F2-2} <u>Only allow subdivision in a new development mapped area where any new public or private 3-waters infrastructure is designed to connect to, and provide capacity for, future urban development on adjoining or nearby sites that are zoned for urban development, where necessary (Policy 9.2.1.AA).</u> {Change F2-6}

9.6.2 Assessment of restricted discretionary activities

Activity	Matters of discretion	Guidance for the assessment of resource consents
		<p><u>General assessment guidance:</u></p> <p>iv. <u>The assessment will consider the proposed integrated {Change F2-2/S271.010 and others} stormwater management plan submitted with the application (see Special Information Requirement - Rule 9.9.X). {Change F2-2}</u></p> <p>X. <u>In assessing the effectiveness and efficiency of stormwater management and taking into account climate change, Council will consider any consequential effects that might arise, including, but not limited to:</u></p> <ol style="list-style-type: none"> <u>1. effects on personal safety;</u> <u>2. risks from surface water flooding;</u> <u>3. risks from property inundation to property from inundation;</u> <u>and</u> <u>4. risks to the ability of Council to meet its consent conditions for public infrastructure, which could lead to effects on aquatic ecology freshwater quality and ecosystem health;</u> <u>and</u> <u>5. risks to the integrity and function of existing public infrastructure. {Change F2-2/S271.015}</u> <p><u>Conditions that may be imposed include:</u></p> <p>v. <u>A requirement for the stormwater management system to be installed prior to certification of the survey plan pursuant to section 223 of the RMA.</u></p> <p>vi. <u>A requirement for easements, covenants, consent notices, or bonds to ensure future development will be in accordance with the integrated {Change F2-2/S271.010 and others} stormwater management plan.</u></p> <p>vii. <u>A requirement for the stormwater management system to be vested in the DCC, with necessary easements and a maintenance or defect period agreement in place prior to vesting. {Change F2-2}</u></p>
Y :	In the following new development mapped areas .	<p><u>Relevant objectives and policies (in addition to those outlined in 9.6.2.2 and 9.6.2.X above):</u></p> <ol style="list-style-type: none"> i. <u>Objective 9.2.1.</u> ii. <u>Require s Subdivision, multi-unit development or supported living</u>

9.6.2 Assessment of restricted discretionary activities

Activity	Matters of discretion	Guidance for the assessment of resource consents
<p><u>all subdivision activities, new buildings or additions and alterations to buildings that result in a multi-unit development, {Change F3-2/CI.16}</u> and supported living facilities: {Change F3-2}</p> <ul style="list-style-type: none"> <u>Kaikōrai Valley Road</u> {Change IN07/S286.004} 	<p><u>effects of wastewater from future development</u></p>	<p><u>facilities in specified new development mapped areas to provides or connects {Change F3-2/CI.16} to a communal wastewater detention system that ensures that all wastewater from the future development of the entire new development mapped area does not exceed the capacity of the wastewater public infrastructure network (Policy 9.2.1.BB). {Change F3-2}</u></p> <p><u>General assessment guidance:</u></p> <p>iii. <u>The identified new development mapped areas are serviced for wastewater but new connections to the network will not be allowed (and consequentially any multi-unit development, supported living facility or subdivision that will lead to development that will require a connection will likely be declined) until capacity constraints are resolved or a communal on-site wastewater detention system that is designed for and associated with subdivision and/or development of 50 or more residential units is integrated into the public network and vested in the DCC. After installation of the system, all activities that create wastewater will be required to connect to the system until it is no longer required.</u></p> <p>iv. <u>In assessing the appropriateness of a proposed communal on-site wastewater detention system, Council will consider the proposed wastewater management plan submitted with the application (see Special Information Requirement - Rule 9.9.Y). {Change F3-2}</u></p> <p><u>Conditions that may be imposed:</u></p> <p>v. <u>A requirement for the communal on-site wastewater detention system to be installed prior to certification of the survey plan pursuant to section 223 of the RMA.</u></p> <p>vi. <u>A requirement for the communal on-site wastewater detention system to be vested in the DCC, along with a site containing it which is of a minimum 500m² in area and suitable for residential development.</u></p> <p>vii. <u>A requirement for necessary easements and a fixed maintenance or defect period agreement to be in place prior to vesting the communal on-site wastewater detention system and associated land. {Change F3-2}</u></p>

Rule 9.7 Assessment of Discretionary Activities

9.7.3 Assessment of discretionary activities

Activity	Guidance on the assessment of resource consents
<p>1. Mining</p>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. Objective 9.2.2 b. Any adverse effects from air blast and vibration on people's health and safety or on surrounding properties are avoided or, if avoidance is not practicable, no more than minor (Policy 9.2.2.6). c. Only allow land use and development in areas without public infrastructure where these activities ensure wastewater and stormwater will be disposed of in such a way that avoids or, if avoidance is not practicable, ensures adverse effects on the health of people on the site or surrounding sites are insignificant (Policy 9.2.2.7). {Change F3-4} <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> d. Blasting will be carried out in accordance with appropriate industry standards. e. Blast noise (air blast) measured at the notional boundary on adjoining properties will not exceed a peak overall sound pressure level of 128 dBZ. f. Vibration - the limit of peak particle velocity of vibration from blasting measured on the foundation or any suitable location on or adjacent to residential buildings on adjoining properties will not exceed 10mm/second. <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> g. The assessment for a resource consent application for mining will consider the information provided by any site management plan and emergency response plan (see Special Information Requirements - Rule 9.9.1).
<p>2.</p> <ul style="list-style-type: none"> • Rural industry • Landfills 	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. Objective 9.2.2 b. Only allow land use and development in areas without public infrastructure where these activities ensure wastewater and stormwater will be disposed of in such a way that avoids or, if avoidance is not practicable, ensures adverse effects on the health of people on the site or surrounding sites are insignificant (Policy 9.2.2.7). <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> c. The assessment for a resource consent for landfills activities will consider the information provided by any site management plan and emergency response plan (see Special Information Requirements - Rule 9.9.1). {Change F3-4}

9.7.4 Assessment of discretionary performance standard contraventions

Activity	Guidance on the assessment of resource consents
<p>2. Minimum site size (Rule 17.7.5.2)</p>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. Subdivision activities that may result in land use or development:</p> <ul style="list-style-type: none"> i. in an area with public water supply and/or wastewater infrastructure, will not exceed the current or planned capacity of that infrastructure or compromise its ability to service any activities permitted within the zone; and ii. in an area without public water supply and/or wastewater infrastructure, will not lead to future pressure for unplanned expansion of that infrastructure (Policy 9.2.1.1). <p><u>X. Only allow subdivision activities that may result in land use or development activities outside the wastewater serviced area, where:</u></p> <ul style="list-style-type: none"> <u>i. it will not lead to future pressure for unplanned expansion of wastewater public infrastructure; or</u> <u>ii. an unplanned extension (and any necessary upgrade) to the public wastewater network to provide for the activities can be implemented prior to development with agreement from the DCC (Policy 9.2.1.1). {Change F1-2}</u> <p><u>Y. Only allow subdivision activities that may result in land use or development activities in an area without public water supply where:</u></p> <ul style="list-style-type: none"> <u>i. it will not lead to future pressure for unplanned expansion of public water supply infrastructure; or</u> <u>ii. an unplanned extension (and any necessary upgrade) to the public water supply network to provide for the activities can be implemented prior to development with agreement from the DCC (Policy 9.2.1.4A). {Change F1-2}</u> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> b. Subdivision activities where the parent site contains significant topographical features such as waterways or human-made features such as roads or rail corridors which make meeting the minimum site size impractical
<p>3. Density (papakāika) in rural zones</p>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. Objective 9.2.2 b. Only allow land use and development in areas without public water supply, wastewater and stormwater infrastructure where these activities ensure wastewater and stormwater will be disposed of in such a way that avoids or, if avoidance is not practicable, ensures adverse effects on the health of people on the site or surrounding sites are insignificant (Policy 9.2.2.7). {Change F3-4} <p><i>Relevant objectives and policies (priority considerations):</i></p>

9.7.4 Assessment of discretionary performance standard contraventions

Activity	Guidance on the assessment of resource consents
	<p>a. Objective 9.2.1</p> <p>b. Development will not lead to future pressure for unplanned expansion of the public wastewater and/or water supply infrastructure (Policy 9.2.1.1.b).</p> <p>X. Only allow land use activities that may result in land use or development activities {Change F1-2/Cl.16} outside the wastewater serviced area, where:</p> <p>i. <u>it will not lead to future pressure for unplanned expansion of wastewater public infrastructure; or</u></p> <p>ii. <u>an unplanned extension (and any necessary upgrade) to the public wastewater network to provide for the activities can be implemented prior to development with agreement from the DCC (Policy 9.2.1.1). {Change F1-2}</u></p> <p>Y. Only allow land use activities that may result in land use or development activities {Change F1-2/Cl.16} in an area without public water supply where:</p> <p>i. <u>it will not lead to future pressure for unplanned expansion of public water supply infrastructure; or</u></p> <p>ii. <u>an unplanned extension (and any necessary upgrade) to the public water supply network to provide for the activities can be implemented prior to development with agreement from the DCC (Policy 9.2.1.4A). {Change F1-2}</u></p>
<p>4. Density (visitor accommodation) in residential zones and the Campus Zone</p>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. Objective 9.2.1</p> <p>b. Development will not exceed the current or planned capacity of public water supply and/or wastewater infrastructure or compromise its ability to service any activities permitted within the zone (Policy 9.2.1.1.a).</p> <p>c. Development will not lead to future pressure for unplanned expansion of public water supply and/or wastewater infrastructure (Policy 9.2.1.1.b).</p> <p>X. Only allow land use activities that may result in land use or development activities {Change F1-2/Cl.16} in a wastewater serviced area where:</p> <p>i. <u>it will not exceed the current or planned capacity of that infrastructure at the time of development or compromise its ability to service any permitted activities; or</u></p> <p>ii. for controlled and restricted discretionary land use activities, communal on-site wastewater detention infrastructure can be integrated into the public wastewater network prior to development in a way that meets DCC's requirements; or {Change F1-2/Cl.16}</p> <p>iii. <u>an unplanned upgrade to the public wastewater network that addresses any capacity constraints can be implemented prior to development with agreement from the DCC (Policy 9.2.1.1A). {Change F1-2}</u></p>

9.7.4 Assessment of discretionary performance standard contraventions

Activity		Guidance on the assessment of resource consents
		<p>Y. Only allow land use activities that may result in land use or development activities {Change F1-2/Cl.16} in an area with public water supply where:</p> <ul style="list-style-type: none"> i. <u>it will not exceed the current or planned capacity of that infrastructure at the time of development or compromise its ability to service any permitted activities; or</u> ii. <u>an unplanned upgrade to the public water supply network that addresses any capacity constraints can be implemented prior to development with agreement from the DCC (Policy 9.2.1.4). {Change F1-2}</u>

Rule 9.8 Assessment of Non-complying Activities

9.8.2 Assessment of non-complying performance standard contraventions

Performance standard		Guidance on the assessment of resource consents
2.	Density	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. Objective 9.2.1, Policy <u>policies 9.2.1.1, 9.2.1.1A, 9.2.1.4, 9.2.1.4A.</u> {Change F1-2}</p>
5.	Minimum site size	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. Objective 9.2.1, Policy <u>policies 9.2.1.1, 9.2.1.1A, 9.2.1.4, 9.2.1.4A, {Change F1-2}</u> <u>9.2.1.Z. {Change F2-3}</u></p> <p>b. Objective 2.7.1, policies 2.7.1.1, 2.7.1.3.</p>

Rule 9.9 Special Information Requirements

9.9.X Stormwater management ~~plans~~

1. ~~Application for subdivision in~~ In a **new development mapped area**, applications for the following activities **{Change F2-2/S271.015}** must include a proposed integrated **{Change F2-2/S271.010 and others}** stormwater management plan that demonstrates how Policy 9.2.1.Y will be achieved, prepared in accordance with clauses 4 to 6 of this rule, unless such a plan has already been approved as part of an earlier subdivision an earlier approved land use or subdivision consent includes such a plan, prepared in accordance with this rule: **{Change F2-2/S76.020 and others}**
 - a. subdivision;
 - b. multi-unit development;
 - c. supported living facilities; or
 - d. development that contravenes Rule 9.3.7.AA (service connections – stormwater management for development). **{Change F2-2/S271.015}**
2. Where an integrated stormwater management plan has already been provided in accordance with this rule as part of an earlier approved consent, but did not include design details for stormwater management systems for any part of the **new development mapped area** that the current proposal is in, applications for the activities set out in clauses 1 (a) to (d) must provide those details in accordance with clauses 5 to 6 of this rule in a way that is consistent with the integrated stormwater management plan approved as part of the earlier consent. **{Change F2-2/S76.020 and others}**
3. Outside a **new development mapped area**, Applications for consent that include the following activities must provide details of how stormwater will be managed in accordance with clause 7 of this rule and may be required to provide a proposed stormwater management plan that demonstrates how Policy 9.2.1.Y will be achieved:
 - a. subdivision that may lead to new residential development (outside a **new development mapped area**);
 - b. development in a **new development mapped area** that contravenes Rule 9.3.7.AA (service connections – stormwater management);
 - c. development that contravenes ~~tion of~~ the impermeable surfaces performance standard;
 - d. multi-unit development; or
 - e. supported living facilities. **{Change F2-3; Change F2-3/S76.022 and others}**
4. Integrated ~~S~~stormwater **{Change F2-2/S271.010 and others}** management plans required for **new development mapped areas** must:
 - a. be prepared by a chartered engineer or other suitably qualified person;
 - b. be of a level of detail commensurate with the scale of the activity, complexity of stormwater management issues, and potential for adverse effects from stormwater; **{Change F2-2 & Change F2-3}**
 - c. for a **new development mapped area** (NDMA), address the whole NDMA area, and be submitted along with the written approval of all owners of land within the **new development mapped area** unless they are the applicant/s. **{Change F2-2/S76.020 – deletion of clause c}**
 - d. assess pre-development flows and post-development flows, generally based on the following rainfall events:

- ~~1. for primary infrastructure, a 10% annual exceedance probability (AEP) for the critical storm duration for the NDMA and the critical storm duration and the catchment upstream of the point of discharge; and~~
- ~~2. for secondary flow paths, a 1% AEP for the critical storm duration for the NDMA and the critical storm duration for the catchment upstream of the point of discharge;~~
- ~~3. for the purposes of this requirement, 'critical storm duration' means the duration of rainfall event likely to cause the highest peak flows or water levels;~~
- ~~4. for the purposes of this requirement, 'primary infrastructure' includes both open and closed conduits designed to contain the flows generated by the 10% AEP rainfall event;~~
- ~~5. for the purposes of this requirement, 'secondary flow paths' means the flow path over which surface water will flow if the primary flow path becomes overloaded or inoperative and consists of overland flow paths with sufficient capacity to transfer the flows generated by rainfall events up to 1% AEP. Secondary flow paths should be aligned with natural flow paths and located on public land where possible. If located in private property, 1% AEP secondary flows should be through primary infrastructure unless protected by an easement;~~
- ~~e. assess the difference between pre-development flows and post-development flows, taking into account the maximum impermeable surfaces permitted in the underlying zone and any proposed roading or accessways for the subdivision area (or in a **new development mapped area**, for the entire NDMA);~~
- ~~f. specify the design and location of any on-site stormwater management systems to accommodate the calculated difference in flows;~~
- ~~g. where relevant, specify the design and location of secondary flow paths;~~
- ~~h. specify any upgrades to stormwater public infrastructure, or other infrastructure, that will be used to add capacity where it is required;~~
- ~~i. the stormwater management system design should allow for stormwater quality treatment to reduce potential contaminants that the site and development may generate;~~
- ~~j. areas requiring stormwater quality treatment include trafficked areas such as roads, driveways and car parks. Roof and building areas should not require stormwater quality treatment providing they are constructed with inert building products which avoid exposed metal surfaces;~~
- ~~k. stormwater quality treatment devices shall target the removal of 75% total suspended solids (TSS) on a long term average basis and consider the avoidance or minimisation of thermal loading effects;~~
- ~~l. the stormwater management design should consider the use of low impact design features, for example:
 - ~~1. grassed/landscaped swales and other vegetation areas;~~
 - ~~2. infiltration trenches/bioretention systems;~~
 - ~~3. storage ponds/wetlands/sediment ponds;~~
 - ~~4. rainwater tanks harvesting and reuse;~~
 - ~~5. rain gardens, green roofs; or~~
 - ~~6. porous surface treatments;~~~~
- ~~m. where low impact design features are inadequate to address stormwater discharge in a way that meets Policy 9.2.1.Y, consider the use of detention tanks;~~

- ~~n. for larger subdivisions, the design should incorporate consideration of how stormwater management areas can be integrated into reserves and recreation spaces;~~
- ~~e. for larger subdivisions, the design proposal should demonstrate how the integrity of the stormwater mitigation and management measures will not be compromised during and after subdivision (for example, avoiding premature contamination of devices during the construction of houses and ensuring that open drains that form part of the system will not be blocked or altered). **{Change F2-2 & Change F2-3}**{Change F2-2/S271.015 – addition/deletion of all previous content except where otherwise noted}~~
- a. address the whole NDMA and demonstrate how Policy 9.2.1.Y will be achieved; **{Change F2-2/S76.020 and others}**
- b. provide details in accordance with clause 5 of this rule of all stormwater management systems for the hydrologically connected parts of the **new development mapped area** in which the proposal is located and details of how those systems will be installed in full or in planned stages prior to development; **{Change F2-2/S76.020 and others}**
- c. ensure that stormwater will be managed for both the current climatic conditions and climatic conditions based on climate change projections;
- d. ensure that:
- i. there is no increase in the peak stormwater discharge rate from the **new development mapped area** into the stormwater public infrastructure, or into a private, Otago Regional Council, or natural/informal stormwater system (at any point) between pre-development and post-development, based on the assessment required in clause i; or
 - ii. where this is not practicable, any adverse effects from an increase in discharge on the stormwater system are no more than minor;
 - iii. for the sake of clarity, the integrated stormwater management plan does not need to avoid volume increases;
- e. include stormwater detention infrastructure that is designed to temporarily store and release flows from a generated 1% AEP rainfall event, such that peak pre-development flows are not exceeded in the post-development condition;
- f. demonstrate that secondary flows at the development's upstream and downstream boundaries are not changed or adversely affected;
- g. include the use of low-impact (or water-sensitive) design features, which may include features such as:
- i. grassed/landscaped swales and other vegetation areas;
 - ii. infiltration trenches/bio-retention systems;
 - iii. storage ponds/wetlands/sediment ponds;
 - iv. rainwater tanks, harvesting and reuse;
 - v. rain gardens, rooftop greening and planting, and porous surface treatments; and
 - vi. consideration of the existing natural topography and the natural course of water flow (overland flow paths) through the design of the subdivision;

- h. consider whether stormwater management areas can be integrated into reserves and recreation spaces; and
 - i. include an assessment of the difference between pre-development peak flows and post-development peak flows (with and without mitigation) over a range of event durations, taking into account the maximum impermeable surfaces permitted in the district plan zone for the mapped area (and including any other development restrictions resulting from any other rules in the district plan or legal instruments registered on the title(s) for the mapped area). This assessment must meet the following criteria:
 - i. the assessment of pre-development and post-development flows and detention volumes must be based on the 10% and the 1% annual exceedance probability (AEP) rainfall events, covering durations from the mapped area's own critical duration to the critical duration of the catchment upstream of the point of discharge (unless agreed otherwise with the DCC, for example where direct discharge to the coastal environment is feasible). For the purposes of this requirement, 'critical duration' means the duration of rainfall event likely to cause the highest peak flows or water levels;
 - ii. the assessment must take account of climate change, using the climate adjustment rainfall sourced from HIRDS version 4 using RCP 8.5 2081-2100 values (or an alternative source approved by DCC); and **{Change F2-2/S271.015}**
 - iii. the assessment must include a risk based assessment to determine to what extent measures (if any) are needed to manage flows downstream of the land. **{Change F2-2/S76.020 and others}**
5. Applications must include the following design details for proposed stormwater management systems: **{Change F2-2/S76.020 and others}**
- a. the design and location of 'primary infrastructure' ('primary infrastructure' includes both open and closed conduits and must be designed to contain the flows generated by the 10% AEP rainfall event);
 - b. the design and location of 'secondary flow paths', with and without blockage of the primary stormwater system, through the development to the downstream boundary. 'Secondary flow paths' means the flow path over which surface water will flow if the primary flow path becomes overloaded or inoperative and consists of overland flow paths with sufficient capacity to transfer the flows generated by rainfall events up to the 1% AEP event. Secondary flow paths shall be clearly identified, and where possible aligned with natural flow paths and located on public land. If located in private property, 1% AEP secondary flows should be through primary infrastructure unless protected by an easement;
 - c. the design features that will enable safe operation in super-design conditions (for a 0.5% AEP rainfall event, but a greater rainfall event can be used if the applicant chooses to do so). Safe operation means without catastrophic, rapid or structural failure. This is to ensure that the proposed stormwater management system has a fail-safe mechanism. This does not mean the stormwater management system is to be designed to retain the volume of stormwater for a 0.5% AEP rainfall event;
 - d. the location and design details of stormwater management systems, including detention infrastructure required to meet clause 4(e) above;
 - e. how the integrity of the stormwater management system will not be compromised during and after subdivision (for example ensuring that open drains that form part of the system will not be blocked or altered);
 - f. how erosion and sedimentation will be managed effectively within the development area during earthworks and as the area is developed, by taking measures and installing devices, where necessary, to:

- i. divert clean runoff away from disturbed ground;
 - ii. control and contain stormwater run-off;
 - iii. avoid sediment laden run-off from the mapped area; and
 - iv. protect existing drainage infrastructure sumps and drains from sediment run-off;
- g. the design and location of stormwater quality treatment that demonstrates the expected quality of stormwater leaving the specified system and its treatment of at least the 'first flush' volume (90th percentile daily rainfall depth) or flow rate (90th percentile rainfall intensity) in accordance with best practice techniques for at least 75% Total Suspended Solids (TSS) removal on a long-term average basis;
- h. if a stormwater management system cannot practicably be designed to meet one or more of clauses c to g above in relation to additional stormwater discharge, an assessment of the broader catchment to determine whether design solutions external to the mapped area are available to manage the additional stormwater discharges as a result of the development on the mapped area; **{Change F2-2/S271.015}**
- i. how the stormwater management system will not create or exacerbate adverse effects that are more than minor outside the development area. This includes consideration of cumulative effects; and **{Change F2-2/S76.020 and others}**
- j. where any proposed stormwater management system is intended to vest as public infrastructure, the design of an adjustable outlet mechanism such that the present day peak discharge flow rate from the land is not exceeded as a result of the development but that the outlet can be progressively adjusted for future climate change discharge rates up to the fully developed stormwater management system design capacity.
6. The integrated stormwater management plan, and the design of stormwater management systems, must be prepared by a chartered professional engineer or other suitably qualified person who has (or can call on) experience in hydrology, hydraulics, stormwater design, flood risk management and construction management. **{Change F2-2/S271.015}**
7. Stormwater management information required outside a **new development mapped area** must demonstrate how Policy 9.2.1.Z will be achieved by:
- a. providing a stormwater management proposal prepared by a suitably qualified person, which:
 - i. contains a level of detail commensurate with the scale of the subdivision, land use or development activity;
 - ii. reflects the scale of any stormwater management issues in the catchment and any capacity constraints in the public infrastructure network; and
 - iii. where available, follows any relevant guidance on acceptable stormwater management solutions for similar activities in a similar context; and
 - b. for subdivision activities that result in more than six lots, or development areas greater than 1ha, providing an integrated stormwater management plan where requested by Council. **{Change F2-3/S76.022 and others}**

Note 9.9.XA - General advice and other requirements outside of the District Plan

1. DCC 3 Waters recommend that developers considering subdivision of land in a **new development mapped area** contact DCC 3 Waters regarding the assessment and design of stormwater management systems at the earliest opportunity to facilitate the development of mutually acceptable proposals.
2. Requirements for stormwater drainage set out in Part 4 of the Dunedin Code of Subdivision and Development 2010 must also be complied with.
3. Discharge of stormwater is also managed by the Otago Regional Council in the Regional Plan: Water for Otago.
4. Discharge of stormwater to any Otago Regional Council scheduled drain or overland flow path is managed by the Otago Regional Council Flood Protection Management Bylaw 2012.
5. Clause E1 - Surface Water of the New Zealand Building Code (Building Regulations 1992, Schedule 1) contains requirements regarding buildings and sitework in relation to managing surface water and effects on other property. **{Change F2-4}**
6. For consent applications in a **new development mapped area** that require the submission of an integrated stormwater management plan, Otago Regional Council will be considered an affected person in accordance with Rule 15.4.5.X. **{Change F2-2/S271.015}**
7. For consent applications in a **new development mapped area** that require the submission of an integrated stormwater management plan, other landowners within the **new development mapped area** will be considered an affected person in accordance with Rule 15.4.Y. **{Change F2-2/S76.020 and others}**

9.9.Y Wastewater management plans

1. Any application for subdivision, multi-unit development or supported living facilities in a **new development mapped area** specified in Rule 9.6.2.Y must include a proposed wastewater management plan that ensures that all wastewater from the future development of the entire **new development mapped area** does not exceed the capacity of the wastewater public infrastructure network via the use of a communal wastewater detention system, unless such a system has already been approved for the site and will be connected to.
2. The wastewater management plan must be prepared by a chartered engineer and meet the following requirements:
 - a. Specify the design and location of one or more communal wastewater detention systems to detain wastewater from the entire **new development mapped area**.
 - b. The communal wastewater detention systems must:
 - i. have the capacity to detain wastewater for a 24-hour period, prior to releasing ~~to~~ **{Change F3-2/CI.16}** the wastewater via a connection to the wastewater public infrastructure network. The volume of wastewater to be detained will be calculated with reference to Part 5 of the Dunedin Code of Subdivision and Development 2010 ('Code of Subdivision');
 - ii. be compatible with DCC's Supervisory Control and Data Acquisition (SCADA) system;
 - iii. have a minimum 20 year expected life for all electrical / mechanical components and a minimum 50 year expected life for all civil components;

- iv. where practicable, be located such that all flow goes to one communal wastewater detention system with no pumping;
 - v. have components and materials that comply with the DCC's 3-Waters Approved Product and Manufacturers List and Part 5 of the Dunedin Code of Subdivision and Development 2010 ('Code of Subdivision').
3. The wastewater management plan must be submitted along with the written approval of all landowners within the **new development mapped area** unless they are the applicant/s. **{Change F3-2}**

10. Natural Environment

Rule 10.3 Performance Standards

10.3.3 Setback from Coast and Water Bodies

In all zones, other than the Harbourside Edge Zone, St Clair Neighbourhood Destination Centre, Dunedin Hospital Zone, Dunedin International Airport Zone, Mercy Hospital Zone, Moana Pool Zone, Otago Museum Zone, Port Zone and Wakari Hospital Zone, 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:

1. 20m from mean high water springs (MHWS); ~~and~~ **{Change A2 Alt 3 IMPERMEABLE/S148.001 and others}**
2. 20m from any wetland identified in Appendix A1.2, Schedule of Areas of Significant Biodiversity Value (ASBV);
3. 20m from any water body with a clearly defined bed of at least 3m in width in the rural zones;
4. 5m from any water body with a clearly defined bed less than 3m in width in the rural zones; ~~and~~ **{Change A2 Alt 3 IMPERMEABLE/S148.001 and others}**
5. 5m from any water body with a clearly defined bed in all other zones; and **{Change A2 Alt 3 IMPERMEABLE/S148.001 and others}**
- X. 5m from a stormwater open watercourse mapped area; **{Change A2 Alt 3 IMPERMEABLE/S148.001 and others}**
6. Except, the following are exempt from this standard:
 - a. natural hazard mitigation activities;
 - b. hydro generators - small scale in the rural and industrial zones;
 - c. network utility poles and masts for the purposes of supporting lines across a water body;
 - d. network utility structures - small scale in existing roads that comply with Rule 5.5.2;
 - e. the operation, repair, minor upgrading and maintenance of existing network utilities;
 - f. river flow recording facilities;
 - g. navigational aids;
 - h. maimai and whitebait stands on the surface of water;
 - i. post and wire fences;
 - j. bridges, culverts and fords;
 - k. jetties, boat ramps, and wharves;
 - l. signs;
 - m. new buildings and structures, and additions and alterations, used for port activities in the Industrial Port Zone;
 - n. bird hides, viewing structures and viewing platforms with a maximum footprint of 10m² and maximum height of 2m, and boardwalks;
 - o. earthworks associated with the operation, repair and maintenance of the existing roading network;
 - p. irrigation pipes of any size, and other irrigation or stock water structures such as intake structures with a maximum footprint of 2m²;

- X. wharflines, bunkerlines and associated ancillary equipment in the Industrial Port Zone;
 - q. earthworks required for any of the activities in (a) - (X) above; and
 - r. new buildings and structures, and additions and alterations, associated with the New Zealand Marine Studies Centre in the **Portobello Marine Science mapped area**.
7. For the purposes of this standard, setbacks will 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).
8. Activities that contravene this performance standard are restricted discretionary activities.

11. Natural Hazards

Rule 11.6 Assessment of Discretionary Activities

11.6.2 Assessment of all discretionary activities

Activity	Guidance on the assessment of resource consents
<p>1. All discretionary activities that are linked to section 11.6, including but not limited to the activities listed below</p>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. Objective 2.2.1 and Objective 11.2.1</p> <p><i>General assessment guidance:</i></p> <p>b. In assessing the risks from natural hazards, Council will consider:</p> <ul style="list-style-type: none"> i. existing hazards assessment reports on the DCC's Hazard Information Management System; ii. the Otago Regional Council's Otago Natural Hazards Database; iii. any new hazard assessment or engineers' reports provided as part of an application; iv. site or area specific factors, including the elevation of the site, or topography and geology of the area; v. the type, nature and scale of the activity, and how this affects its sensitivity to natural hazards; vi. short to long term effects, including effects in combination with other activities; vii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent; viii. risk to activities proposed on a site, as well as risk that is created, transferred, or exacerbated on other sites; ix. new or changes to land use activities and any associated development activities together, as development may not be appropriate given the risk associated with a site, or conditions on development activities may be required to mitigate the risk from natural hazards; x. cumulative effects of natural hazards, including from multiple hazards with different risks; and xi. how the risk from natural hazards may worsen over time due to climate change. <p>c. The creation, transference or exacerbation of risk off-site by the proposed activity, or future proposed activities, for example risk from redirected floodwaters, or risk from landslide on another site will generally not be seen as appropriate.</p> <p>d. In assessing risk, Council will also consider the policies of the New Zealand</p>

11.6.2 Assessment of all discretionary activities

Activity	Guidance on the assessment of resource consents
	<p>Coastal Policy Statement 2010 in terms of acceptable levels of risk.</p> <p>e. In assessing the appropriateness of mitigation measures (other than those prescribed in performance standards):</p> <ul style="list-style-type: none"> i. consideration will be given to its potential effectiveness, in the short to longer term; ii. preference will be given to non-structural solutions, over engineering or structural solutions, where practicable; iii. mitigation measures that rely on significant capital investment or requirements for ongoing maintenance by the DCC or Otago Regional Council will generally not be seen as appropriate; and iv. any mitigation measures that may result in more than negligible adverse effects on biodiversity values, more than minor effects on access to the coast, or significant effects on amenity or natural coastal sedimentation processes, will generally not be seen as appropriate. <p>f. Council will consider the findings of any report by a suitably qualified person, where required (see Special Information Requirements - Rule 11.8.1).</p> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> g. The availability of clear, practicable and safe evacuation routes and/or alternate means of maintaining access during a natural hazard event that will be equally available to future owners, occupiers, or operators. h. Measures are taken (including legal instruments), that will avoid Council or the community from being subject to claims for compensation, reinstatement, or rectification of natural hazards sensitive activities, or natural hazards potentially sensitive activities, undertaken in hazard overlay zones. i. In the Hazard 2 (land instability) Overlay Zone and any Restricted Development Area (Hazard), a <u>A</u> report by a suitably qualified person confirms that the risk to the activity, or resulting from the activity, will be no more than low. {Change IN07/S187.028} j. For discretionary land use activities, whether any associated buildings or structures meet relevant hazards-related development performance standards, or otherwise achieve the relevant policies for development (see Rule 11.4 for performance standard contraventions). <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> k. Building platforms registered against the title by way of consent notice.

12. Urban Land Transition Provisions – to be amended to New Urban Land Provisions {Change D1}

12.1 Introduction

The National Policy Statement for Urban Development 2020 (NPS-UD) recognises the national significance of having well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future, and of providing sufficient development capacity to meet the different needs of people and communities. **{Change D1}**

~~Future urban land may be required over the timeframe of the Plan in order to respond to population and business growth.~~ **{Change D1}**

~~In response to this issue, the strategic directions section of the Plan outlines the objectives and policies that guide when and where urban expansion should occur, in what form, and give effect to the NPS-UD, including the criteria that were used to identify the transition areas.~~ **{Change D1}** 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.~~ **{Change E2}**

A number of preferred areas for transition to, or between, urban uses are identified in this Plan, and rules included which provide for their transition to a different zoning.

The Residential Transition Overlay Zone (RTZ) is used to provide for future residential zoning where land has been identified as appropriate for growth and where infrastructure servicing is not planned in the medium term (out to 10 years). The RTZ enables these areas to transition to the provisions for their specified transition zone once infrastructure servicing is available (existing constraints are resolved). It also manages activities in the meantime to ensure areas remain suitable for future residential use by restricting activities that may make it harder to develop in the future. The transition zone for each Residential Transition Overlay Zone is specified through the overlay name on the Planning Maps, for example: *Residential Transition Overlay Zone (General Residential 1 Zone)*, and in Appendix 12A.

Such areas include:

- ~~1. areas for future residential zoning, which have been identified in a Residential Transition Overlay Zone (RTZ);~~
- ~~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).~~ **{Change E2}**

The Industrial Transition Overlay Zone (IndTZ) is used to provide for future industrial zoning where land has been identified as appropriate but where an agreement between the DCC and developer on the provision of any necessary public infrastructure is not yet in place. It also manages subdivision in the meantime to ensure future industrial development is not adversely impacted. The transition zone for each Industrial Transition Overlay Zone is specified through the overlay name on the Planning Maps and in Appendix 12B.

The Harbourside Edge Transition Overlay Zone (HETZ) is used to provide for future Harbourside Edge zoning when at least 70% of the existing zoned area is being used for residential or commercial activities and when there is an agreement between the DCC and developer on the provision of any necessary public infrastructure. It also manages subdivision in the meantime to ensure future commercial and mixed use development is not adversely impacted. **{Change E2}**

The transition of land is managed through a certification process, where land is released by the Chief Executive Officer or their delegate, once identified triggers are met.

~~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).~~ **{Change E2}**

To ensure the development of well-functioning urban environments that provide for people’s well-being, this section also includes an objective, policies and assessment rules to guide the subdivision and development of larger areas of ‘greenfield’ residential zoned land (identified by the **new development mapped area** in the Planning Map). These provisions reflect the Plan’s strategic directions and best practice urban planning and design principles.
{Change D1}

12.2 Objectives and Policies

Objective 12.2.X {Change D1}	
<p><u>Future residential growth areas are developed in a way that achieves the Plan’s strategic directions for:</u> {Change D1}</p> <ul style="list-style-type: none"> a. <u>facilities and spaces that support social and cultural well-being (Objective 2.3.3);</u> {Change D4} b. <u>indigenous biodiversity (Objective 2.2.3);</u> {Change D6} c. <u>environmental performance and energy resilience (Objective 2.2.2);</u> {Change D5} d. <u>form and structure of the environment (Objective 2.4.1);</u> {Change D7} e. <u>a compact and accessible city (Objective 2.2.4);</u> and {Change D8} f. <u>efficient public infrastructure (Objective 2.7.1);</u> {Change D8} g. <u>land, facilities and infrastructure that are important for economic productivity and social well-being (Objective 2.3.1); and</u> {Change IN-TELCO/S224.004} h. <u>heritage (Objective 2.4.2).</u> {Change IN-HERTGSUBDIV/S224.007} 	
Policy 12.2.X.1	<p><u>Only allow subdivision in a new development mapped area where it will provide or otherwise ensure good access to outdoor recreation opportunities (including playgrounds) and, where possible, opportunities for off-road cycling and walking tracks within and between different residential developments and connecting to community facilities and services.</u> {Change D4}</p>
Policy 12.2.X.2	<p><u>Only allow subdivision in a new development mapped area where the subdivision is designed to ensure any future land use and development will protect, and where necessary restore, any waterways <u>water bodies</u> {Change D6/S223.004 and others}, areas of important indigenous vegetation and or {Change D6/S223.004 and others} habitats of indigenous fauna, or other areas with significant <u>important</u> {Change D6/S223.004 and others} natural environment values.</u> {Change D6}</p>
Policy 12.2.X.3	<p><u>Only allow subdivision in a new development mapped area where the subdivision layout and orientation provides for houses to be designed with good solar access to living areas and outdoor living spaces.</u> {Change D5}</p>
Policy 12.2.X.4	<p><u>Only allow subdivision in a new development mapped area where the subdivision will provide</u></p>

Objective 12.2.X {Change D1}

Future residential growth areas are developed in a way that achieves the Plan's strategic directions for: {Change D1}

- a. facilities and spaces that support social and cultural well-being (Objective 2.3.3); {Change D4}
- b. indigenous biodiversity (Objective 2.2.3); {Change D6}
- c. environmental performance and energy resilience (Objective 2.2.2); {Change D5}
- d. form and structure of the environment (Objective 2.4.1); {Change D7}
- e. a compact and accessible city (Objective 2.2.4); ~~and~~ {Change D8}
- f. efficient public infrastructure (Objective 2.7.1); {Change D8}
- g. land, facilities and infrastructure that are important for economic productivity and social well-being (Objective 2.3.1); and {Change IN-TELCO/S224.004}
- h. heritage (Objective 2.4.2). {Change IN-HERTGSUBDIV/S224.007}

adequate areas of amenity planting (including but not limited to street trees) and public amenities to ensure an attractive residential environment. {Change D7}

<u>Policy 12.2.X.5</u>	<u>Only allow subdivision in a new development mapped area where the subdivision design ensures the efficient use of land, while also achieving the other elements of Objective 12.2.X. {Change D8}</u>
------------------------	--

<u>Policy 12.2.X.6</u>	<u>Only allow subdivision in a new development mapped area where the subdivision design will enable any new or upgraded electricity or telecommunications network utilities necessary to service the anticipated future development to be efficiently and effectively provided by network utility operators. {Change IN-TELCO/S224.004}</u>
------------------------	--

<u>12.2.X.7</u>	<u>Only allow subdivision in a new development mapped area where the subdivision design (including any associated off-site access and infrastructure) maintains or enhances any significant heritage values. {Change IN-HERTGSUBDIV/S224.007}</u>
-----------------	--

12.3 Rules for Transition Overlay Zones

Rule 12.3.4 Information requirements Transition Overlay Zones

Subdivision activities 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. public infrastructure. **{Change E5}**

12.X Assessment of Restricted Discretionary Activities

12.X.2 Assessment of restricted discretionary activities in a Transition Overlay Zone or mapped area

Activity		Matters of discretion	Guidance on the assessment of resource consents
5.	<u>In a new development mapped area:</u> <ul style="list-style-type: none"> All subdivision activities {Change D1} 	a. Whether subdivision design supports energy efficient housing {Change D5}	<u>Relevant objectives and policies:</u> <ol style="list-style-type: none"> i. <u>Objective 12.2.X</u> ii. <u>The subdivision layout and orientation provides for houses to be designed with good solar access to living areas and outdoor living spaces (Policy 12.2.X.3). {Change D5}</u>
		b. Provision for amenity planting and public amenities {Change D7}	<u>Relevant objectives and policies:</u> <ol style="list-style-type: none"> i. <u>Objective 12.2.X</u> ii. <u>The subdivision provides adequate areas of amenity planting (including but not limited to street trees) and public amenities to ensure an attractive residential environment (Policy 12.2.X.4).</u> <u>General assessment guidance:</u> <ol style="list-style-type: none"> iii. <u>In assessing the adequacy of amenity planting and public amenities, some of the key design elements Council will consider are whether:</u> <ol style="list-style-type: none"> 1. <u>Street trees support the road hierarchy by distinguishing main thoroughfares from local roads and are spaced at regular intervals of between 10-15 metres;</u> 2. <u>Street tree species are suitable to the local conditions in terms of shade, leaf fall, longevity, pest and disease resilience and maintenance requirements;</u> 3. <u>Underground services will be located clear of berm</u>

12.X.2 Assessment of restricted discretionary activities in a Transition Overlay Zone or mapped area

Activity	Matters of discretion	Guidance on the assessment of resource consents
		<p><u>areas for planting with street trees;</u></p> <ol style="list-style-type: none"> 4. <u>At least 20% of berm areas will be planted as garden beds with remaining areas turfed;</u> 5. <u>Roundabouts, traffic medians and intersections integrate appropriate planting, designed to ensure maintenance can occur safely; and</u> 6. <u>Public amenities are of robust design and cater to a range of users.</u> <p><i>{Change D7/S223.004 and others}</i></p> <p><u>Conditions that may be imposed include:</u></p> <ol style="list-style-type: none"> iv. <u>Requirements for street tree and other subdivision amenity planting. <i>{Change D7}</i></u> v. <u>Requirements for maintenance of planting for a specified period. <i>{Change D7/S223.004 and others}</i></u>
	<p><u>c. Provision of recreation spaces</u> <i>{Change D4}</i></p>	<p><u>Relevant objectives and policies:</u></p> <ol style="list-style-type: none"> i. <u>Objective 12.2.X</u> ii. <u>The subdivision provides or otherwise ensures good access to outdoor recreation opportunities (including playgrounds) and, where possible, opportunities for off-road cycling and walking tracks within and between different residential developments and connecting to community facilities and services (Policy 12.2.X.1). <i>{Change D4}</i></u> <p><u>General assessment guidance:</u></p> <ol style="list-style-type: none"> iii. <u>In assessing the requirements for recreation spaces, Council will consider the contents of the New Zealand Recreation Association Parks Categories Framework. <i>{Change D4/S223.003 and others}</i></u> <p><u>Conditions that may be imposed include:</u></p> <ol style="list-style-type: none"> iv. <u>Location, size and shape of recreation reserves, including a minimum length of road frontage.</u> v. <u>A requirement to vest recreation spaces in DCC as DCC reserve.</u> vi. <u>Public amenities to be included in a recreation reserve.</u> vii. <u>A requirement for the recreation space to be developed</u>

12.X.2 Assessment of restricted discretionary activities in a Transition Overlay Zone or mapped area

Activity	Matters of discretion	Guidance on the assessment of resource consents
	<p>d. Whether <u>subdivision design maintains or enhances areas with significant important {Change D6/S223.004} natural environment values {Change D6}</u></p>	<p><u>prior to vesting in DCC. {Change D4}</u></p> <p><u>Relevant objectives and policies:</u></p> <p>i. <u>Objective 12.2.X</u></p> <p>i. <u>The subdivision is designed to ensure any future land use and development will protect, and where necessary restore, any waterways waterbodies {Change D6/S223.004}, areas of important indigenous vegetation and or {Change D6/S223.004} habitats of indigenous fauna, or other areas with significant important {Change D6/S223.004} natural environment values (Policy 12.2.X.2). {Change D6}</u></p> <p><u>General assessment guidance:</u></p> <p>X. <u>In assessing water bodies, areas of important indigenous vegetation or habitats of indigenous fauna, Council will consider the presence of:</u></p> <ol style="list-style-type: none"> <u>1. Areas that would meet the criteria set out in Policy 2.2.3.2 for identification of areas of significant indigenous vegetation and/or significant habitats of indigenous fauna;</u> <u>2. Individual or groups of mature indigenous trees on the 2GP Important Native Tree List in Appendix 10A.3;</u> <u>3. Individual or groups of exotic trees that meet the criteria in Policy 2.4.1.2 for scheduling as a significant tree (provided they are not on the 2GP Pest Plant List or Otago Regional Council Regional Pest Management Plan);</u> <u>4. Riparian and freshwater values of water bodies listed in Appendix 10C and the temporary or permanent tributaries of those water bodies;</u> <u>5. Areas of vegetation that are part of a network of sites that cumulatively provide important habitat for indigenous biodiversity in the urban environment, or when aggregated make an important contribution to the provision of a particular ecosystem in the urban landscape context; or</u> <u>6. Areas that make an important contribution to the resilience and ecological integrity of surrounding</u>

12.X.2 Assessment of restricted discretionary activities in a Transition Overlay Zone or mapped area

Activity	Matters of discretion	Guidance on the assessment of resource consents
		<p><u>areas, or, if restored, would provide ecological connectivity or buffering for indigenous vegetation or fauna.</u></p> <p><u>Y. In assessing other areas with important natural environment values, Council will consider the presence of any aspects of the natural environment which make an important contribution to the sense of place or character of the landscape (provided that for vegetation, plants are not on the 2GP Pest Plant List or Otago Regional Council Regional Pest Management Plan), for example:</u></p> <ol style="list-style-type: none"> 1. <u>Wind breaks, orchards or established trees;</u> 2. <u>Exotic plant communities; or</u> 3. <u>Geological features.</u> <p>{Change D6/S223.004}</p> <p><u>Conditions that may be imposed include:</u></p> <ol style="list-style-type: none"> iii. <u>A requirement to protect areas through reserve status or other legal mechanisms.</u> iv. <u>A requirement to undertake conservation activity. {Change D6}</u>
	<p><u>e. Whether subdivision design supports efficient use of land</u> {Change D8}</p>	<p><u>Relevant objectives and policies:</u></p> <ol style="list-style-type: none"> i. <u>Objective 12.2.X</u> ii. <u>The subdivision design ensures the efficient use of land, while also achieving the other elements of Objective 12.2.X (Policy 12.2.X.5). {Change D8}</u> <p><u>General assessment guidance:</u></p> <ol style="list-style-type: none"> iii. <u>In assessing whether a subdivision design for an NDMA ensures the efficient use of land, Council will generally expect developable sites to be at or close to the minimum site size (for either a single dwelling or duplex) or, if part of a proposed comprehensive development or staged subdivision, otherwise enable an require subdivision in a NDMA to enable the maximum equivalent residential development capacity allowed under considering the applicable rules and after deducting land allocated to roads, reserves, stormwater management areas and other non-developable areas. and as can be achieved while still</u>

12.X.2 Assessment of restricted discretionary activities in a Transition Overlay Zone or mapped area

Activity	Matters of discretion	Guidance on the assessment of resource consents
		<p>achieving the other objectives and policies of the Plan (e.g. as many sites suitable for residential development as practicable or through other means of maximising development capacity). {Change D8/S13.005 and others}</p> <p>iv. Where a subdivision proposes a residential yield development capacity less than anticipated by clause (iii) above, what is allowed by the zoning and where this is not required to achieve other plan objectives or policies, Council will consider:</p> <ol style="list-style-type: none"> 1. the extent to which this is required to achieve other plan objectives or policies, for example to protect on site values or manage risk from natural hazards; 2. the extent to which the slope of the parent site makes achieving a higher yield impractical; 3. how this the lower yield might affect the affordability and efficient delivery of public infrastructure; and 4. how this the lower yield might affect the affordability of land or housing within the subdivision. ability to provide a reasonable amount of affordable housing in the development; and 5. the potential cumulative effects of inefficient development on loss of rural land. {Change D8/S13.005 and others}
	<p><u>f. Effects on efficient and effective operation of network utilities (electricity and telecommunications)</u></p>	<p><u>Relevant objectives and policies:</u></p> <ol style="list-style-type: none"> i. <u>Objective 12.2.X</u> ii. <u>The subdivision design enables any new or upgraded electricity or telecommunications network utilities necessary to service the anticipated future development to be efficiently and effectively provided by network utility operators (Policy 12.2.X.6).</u> <p><u>General assessment guidance:</u></p> <ol style="list-style-type: none"> iii. <u>In determining whether Policy 12.2.X.6 is achieved, Council will consider feedback from all relevant telecommunication and electrical network utility operators on the subdivision design, undertaken by the</u>

12.X.2 Assessment of restricted discretionary activities in a Transition Overlay Zone or mapped area

Activity	Matters of discretion	Guidance on the assessment of resource consents
		<p><u>applicant and provided with the application.</u></p> <p>iv. <u>In assessing whether Policy 12.2.X.6 is achieved, Council will only consider whether the design enables new or upgraded network utilities that utility operators may need to install to provide services to future development enabled by the subdivision. Requirements for telecommunications and power supply service connections within subdivisions are covered by Rule 9.3.7.</u></p> <p>{Change IN-TELCO/S224.004}</p>
	<p><u>g. Whether the subdivision design (including any associated off-site access and infrastructure) maintains or enhances significant heritage values</u></p>	<p><u>Relevant objectives and policies:</u></p> <p>i. <u>Objective 12.2.X</u></p> <p>ii. <u>The subdivision is designed (including any associated off-site access and infrastructure) to maintain or enhance any significant heritage values.</u></p> <p><u>General assessment guidance:</u></p> <p>iii. <u>Where significant heritage values are identified or suspected in any area that may be developed as a result of the subdivision (including any associated off-site access and infrastructure), Council will require an assessment of those heritage values by a suitably qualified professional and a plan which indicates how the significant heritage values will be maintained or if values are to be diminished by aspects of the activity why there is no practicable alternative to that loss.</u></p> <p>{Change IN-HERTGSUBDIV/S224.007}</p>

Appendix 12A. Residential Transition Zones – to be added {Change E2}

<u>RTZ Name</u>	<u>Existing Zone</u>	<u>Transition Zone</u>
<u>North Road</u>	<u>Rural Hill Slopes</u>	<u>General Residential 1</u>
<u>Montague Street</u>	<u>Rural Hill Slopes</u>	<u>General Residential 1</u>
<u>Burkes Drive</u>	<u>Rural Residential 1</u>	<u>General Residential 1</u>
<u>Pine Hill Road</u>	<u>Rural Hill Slopes</u>	<u>General Residential 1</u>
<u>Balmacewen Road</u>	<u>Rural Hill Slopes</u>	<u>General Residential 1</u>
<u>Wakari Road</u>	<u>Rural Residential 2</u>	<u>General Residential 1</u>
<u>Taieri Road</u>	<u>Rural Residential 1</u>	<u>General Residential 1</u>
<u>St Albans Street North</u>	<u>Rural Hill Slopes</u>	<u>General Residential 1</u>
<u>St Albans Street South</u>	<u>Rural Hill Slopes</u>	<u>General Residential 1</u>
<u>Bradford</u>	<u>Rural Residential 2</u>	<u>General Residential 1</u>
<u>Salisbury Road</u>	<u>Rural Residential 2</u>	<u>General Residential 1</u>
<u>Isadore Road</u>	<u>Rural Coastal</u>	<u>General Residential 1</u>
<u>Irvine Road</u>	<u>Rural Hill Slopes</u>	<u>General Residential 1</u>

Appendix 12B. Industrial Transition Zones – to be added {Change E2}

<u>IndTZ Name</u>	<u>Existing Zone</u>	<u>Transition Zone</u>
<u>Kaikorai Valley</u>	<u>Rural Hill Slopes</u>	<u>Industrial Zone</u>
<u>Boundary Road A</u>	<u>Rural Hill Slopes</u>	<u>Industrial Zone</u>
<u>Boundary Road B</u>	<u>Rural Hill Slopes</u>	<u>Industrial Zone</u>
<u>Boundary Road C</u>	<u>Rural Hill Slopes</u>	<u>Industrial Zone</u>
<u>Old Brighton Road</u>	<u>Rural Hill Slopes</u>	<u>Industrial Zone</u>
<u>Saunders Road</u>	<u>Rural Taieri Plains</u>	<u>Industrial Zone</u>
<u>Dukes Road</u>	<u>Rural Taieri Plains</u>	<u>Industrial Zone</u>

Appendix 12C. New Development Mapped Areas – to be added {Change D1/S187.016}

<u>NDMA Name</u>	<u>Description</u>
<u>Emerson Street</u>	<u>Emerson Street/Blackhead Road, Concord</u>
<u>Patmos Avenue</u>	<u>Patmos Avenue, Pine Hill</u>
<u>Bradford</u>	<u>Glenelg Street/Ronay Street/Bradford Street, Bradford</u>
<u>Westacott Heights</u>	<u>Dalziel Road, Halfway Bush</u>
<u>Burkes Drive</u>	<u>Burkes Drive, St Leonards</u>
<u>Montague Street</u>	<u>Montague Street, Opoho</u>
<u>Pine Hill Road</u>	<u>Pine Hill Road, Pine Hill</u>
<u>Balmacewen Road</u>	<u>Balmacewen Road, Wakari</u>
<u>Taieri Road</u>	<u>Taieri Road, Halfway Bush</u>
<u>Isadore Road</u>	<u>Isadore Road, St Clair</u>
<u>St Albans Street South</u>	<u>St Albans Street, Kaikorai Valley</u>
<u>St Albans Street North</u>	<u>Ettrick Street, Kaikorai Valley</u>
<u>Salisbury Road</u>	<u>Salisbury Road, Kaikorai Valley</u>
<u>Kaikorai Valley Road</u>	<u>Kaikorai Valley Road, Kaikorai Valley</u>

13. Heritage

13.2 Objectives and Policies

Objective 13.2.1

~~Scheduled heritage buildings and structures~~ Buildings and structures that have significant heritage values are protected. **{Change A2 Alt 3/IN-HER/S153.001}**

Policy 13.2.1.7	<p>Avoid the demolition of <u>buildings and structures, or parts of buildings and structures, that have significant heritage values, including but not limited to the</u> a <u>protected parts of a</u> scheduled heritage buildings or scheduled heritage structures, unless the following criteria are met: {Change A2 Alt 3/IN-HER/S153.001}</p> <p>a.</p> <ul style="list-style-type: none">i. the building or part of the building poses a significant risk to safety or property; orii. the demolition is required to allow for significant public benefit that could not otherwise be achieved, and the public benefit outweighs the adverse effects of loss of the building; and <p>b. there is no reasonable alternative to demolition, including repair, adaptive re-use, relocation or stabilising the building for future repair; and</p> <p>c. for buildings and structures located within a heritage precinct:</p> <ul style="list-style-type: none">i. development post demolition will maintain or enhance the heritage streetscape character and amenity in accordance with Policy 13.2.3.6; andii. conditions will be imposed which would give reasonable certainty that this will be completed within an acceptable timeframe.
-----------------	--

Rule 13.6 Assessment of Restricted Discretionary Activities

13.6.X Assessment of other restricted discretionary activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
X.	<u>Demolition of a building built on or before 1st January 1940 in the General Residential 1 Zone or Township and Settlement Zone (except within a no DCC reticulated wastewater mapped area) or in the Variation 2 mapped area</u>	<u>a. Effects on significant heritage values</u> {Change A2 Alt 3/IN-HER/S153.001}	<u>Relevant objectives and policies</u> <ul style="list-style-type: none">i. <u>Objective 13.2.1</u>ii. <u>The demolition of buildings and structures, or parts of buildings and structures, that have significant heritage values, including but not limited to the protected parts of scheduled heritage buildings or scheduled heritage structures is avoided, unless the following criteria are met:</u><ul style="list-style-type: none">1. <u>the building or part of the building poses a</u>

13.6.X Assessment of other restricted discretionary activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
{Change A2 Alt 3/IN-HER/S153.001}		<p><u>significant risk to safety or property; or</u> <u>the demolition is required to allow for</u> <u>significant public benefit that could not</u> <u>otherwise be achieved, and the public benefit</u> <u>outweighs the adverse effects of loss of</u> <u>the building; and</u></p> <p>2. <u>there is no reasonable alternative</u> <u>to demolition, including repair, adaptive re-use,</u> <u>relocation or stabilising the building for future</u> <u>repair; and</u></p> <p>3. <u>for buildings and structures located within a</u> <u>heritage precinct:</u></p> <p>1. <u>development post demolition will maintain</u> <u>or enhance the heritage streetscape</u> <u>character and amenity in accordance with</u> <u>Policy 13.2.3.6; and</u></p> <p>2. <u>conditions will be imposed which would</u> <u>give reasonable certainty that this will be</u> <u>completed within an acceptable timeframe</u> <u>(Policy 13.2.1.7).</u></p> <p><u>General Assessment Guidance:</u></p> <p>iii. <u>For demolition of a building built on or before 1st</u> <u>January 1940, Council will assess whether the</u> <u>building is a significant heritage building using the</u> <u>criteria contained in Policy 2.4.2.1 (see Special</u> <u>Information Requirements in Rule 13.9). If it is</u> <u>assessed as significant, Policy 13.2.1.7 will be</u> <u>considered in assessing whether demolition is</u> <u>appropriate.</u></p> <p>iv. <u>For buildings that are not assessed as significant</u> <u>Policy 13.2.1.7 will not apply and heritage values</u> <u>will only be relevant if the building is in a heritage</u> <u>precinct and identified as a character-contributing</u> <u>building.</u> {Change A2 Alt 3/IN-HER/S153.001}</p>

Rule 13.9 Special Information Requirements

13.9.1 Demolition of a scheduled heritage building requirements

1. For resource consent applications proposing demolition of a scheduled heritage building, the following is required:
 - a. A Heritage Impact Assessment addressing the effect the demolition will have on heritage values, including a full discussion of the alternatives considered, including quantified reasons why the alternatives are not reasonable.
 - b. Where demolition is proposed due to seismic risk, a detailed seismic assessment, fully quantified costs and an economic analysis of seismic upgrade (including a staged upgrade) to the minimum requirements by a Chartered Professional Engineer qualified engineer with demonstrated experience of assessment and seismic upgrade of buildings with the same or similar construction form and materials. The information should include the methods of strengthening considered.
 - c. In addition, where partial demolition is proposed,
 - i. evidence of the structural feasibility of retaining the part of the building proposed for retention.
- X. For resource consent applications proposing demolition of a building built on or before 1st January 1940, Council may require a heritage assessment to determine if the building has significant heritage values using the criteria outlined in Policy 2.4.2.1. If the Council has reason to believe that the building may meet the criteria for significance, a Heritage Impact Assessment as outlined in clause (1) above will generally be required. {Change A2 Alt 3/IN-HER/S153.001}
2. All information provided in support of any resource consent application, including engineering assessments, consideration of alternatives and design statements may be peer reviewed by Council prior to making a decision.

Section D: Management Zones

15. Residential Zones

15.1 Introduction

Dunedin's residential environments are diverse in character and include a variety of housing types ranging from apartments to stand-alone residential buildings. This diversity stems from successive waves of settlement and the prior zoning regimes, and will continue through the approaches proposed in this Plan.

These residential environments are an important resource for the city and contribute to the social, economic, and cultural well-being of people. The types and condition of housing, and the services available to it are important considerations in determining the distribution of resources and providing attractive residential environments. Developing residential environments that maintain and improve people's enjoyment of residential amenity is key.

In achieving this, of importance is the development of an urban form that ensures that Dunedin remains compact, with resilient townships, and sustainably managed urban expansion. The city has a limited amount of residential land, and so to facilitate a more compact form, it needs to be ensured that development is undertaken in a suitable manner. Also, changing demographics, including an aging population and an increase in single person households, has led to a requirement for greater flexibility in the size and type of dwelling options available throughout Dunedin.

Inappropriate land use, subdivision, and development in residential areas can adversely affect the character and amenity of Dunedin's residential environments and is a major concern. Furthermore, commercial activities that do not support the day-to-day living of residents and which detract from residential character and amenity need to be avoided.

In response to these issues, the Plan encourages the development of attractive, safe and compact residential environments through controlling matters including the siting of appropriate activities in residential zones, the design, location and scale of land use activities and buildings, the avoidance of certain activities in sensitive locations, and impacts on the efficiency and affordability of public infrastructure and services.

Many of the provisions for the residential zones are designed to manage the potential for development to adversely affect the amenity and character of streets and neighbourhoods. In some cases, provisions are designed to ensure new houses have a similar character to existing houses; however, in some areas the provisions may allow for houses of a different character in order to support the development of high quality medium density housing. In these areas, which include the Inner City Residential Zone and General Residential 2 Zone, the desired 'future character' includes houses that may be different in style or even size, but that are designed to be attractive and integrate well with surrounding housing. This outcome is achieved through a mixture of performance standards for bulk and location and rules that require consent for larger buildings and multi-unit developments (3 or more units). Resource consents for these developments will consider whether:

- the building design and placement is appropriate for the context of the site, including considering the appropriateness of form (roof pitch, scale, massing, window placement, entrance detailing and/or proportion) and materials
- adequate green space is provided.

Parts of the residential zones are also managed through heritage precincts, which include more controls on new development as well as alterations to existing buildings if they are scheduled heritage buildings or identified character-contributing buildings. Natural Hazard overlays also apply to some parts of residential zones.

In addition to standard residential activities, residential zones also provide for other types of residential activities including supported living facilities in the form of student hostels, rest homes and retirement villages. These activities will often need to be developed in a different form to standard residential activity and the Plan provides for this by managing these activities as a restricted discretionary activity and not applying the density provisions that apply to standard residential activity. {Change E1 S205.008 and others}

This management approach will result in residential zones that support the needs of residents, provide a range of housing types and sizes; maintain and improve amenity values; enhance streetscapes; maintain and enhance efficient and affordable water and waste infrastructure networks; enable land use activities that are accessible by a range of travel modes, and contribute to compact living environments.

The various residential zones proposed in this Plan are briefly described below.

15.1.1 Zone descriptions

15.1.1.1 General Residential 1

~~The General Residential 1 Zone covers the city's hill suburbs and valleys of the main urban area of Dunedin and Mosgiel and is characterised by low density suburban residential living.~~

The General Residential 1 Zone covers the majority of the middle to outer suburban areas of Dunedin and Mosgiel and is often applied when rezoning areas of greenfield land on the urban fringes. {Change E1} Historically, this zone has been characterised by relatively low density suburban development patterns, which arose from a long-standing minimum site size requirement of 500m² and allowance for one dwelling per site. However, as a result of development of the 2GP and its subsequent variation ('Variation 2'), these rules have been amended to enable change in residential character over time to a slightly denser suburban form but with retention of requirements around maximum site coverage and provision of outdoor living space to maintain suburban green space. {Change E1}

Where two units are provided for on sites up to 800m² in size, these are required to either be in the form of a size-limited ancillary residential unit (which cannot be subdivided off) or a duplex to ensure a pattern of development that is consistent with the existing character of the zone. The duplex provisions also encourage efficient use of sites through less wasted space in narrow side yards and provide for more usable outdoor living space in other parts of the site. {Changes A2/B5} {Change B5/S194.005&187.005} and {Change A2/S187.004}

The anticipated future character of the General Residential 1 Zone will include:

- stand-alone dwellings, duplexes, and occasionally on larger sites multi-unit attached, 'terrace style' developments up to 9m in height; {Change A2}
- sites generally between 400m² and 800m² in size; {Change A3}
- a greater variety in site sizes encouraged by flexibility in the minimum site size rule; {Change B1}
- small (up to 80m²) ancillary residential units where site sizes allow; {Change A1} and

- larger developments that house supported living facilities (rest homes, retirement villages and **Change E1 S205.008 and others** student hostels) {Change E1} or social housing {Change C1} where site sizes allow.

In new greenfield areas, the General Residential 1 Zone is generally subject to the **new development mapped area** provisions in order to ensure good urban design outcomes. These provisions are contained in Section 12 and apply in addition to the provisions in this section. {Change D1}

15.1.1.2 General Residential 2

~~The General Residential 2 Zone covers defined areas within the city's suburbs of the main urban area of Dunedin and Mosgiel. It is characterised by existing or proposed medium density suburban residential living and provides for a range of housing choices throughout the suburban area. Within this zone, the rules differ between those existing and proposed new medium density areas in recognition of the existing or surrounding built form. {Change E1}~~

The General Residential 2 Zone covers large areas of the main urban area of Dunedin and Mosgiel in locations that have good accessibility to services and public transport and higher relative demand for housing. {Change E1} It provides for change in the existing urban form to medium density suburban residential living through redevelopment of older and poorer-quality housing stock. This will provide a range of housing choices over time, including well-designed multi-unit developments such as terrace housing and low-rise apartments typically up to 9m in height (generally two-storeys). The rules for this zone vary by location to provide for a higher density of development in areas which have historically been developed to a higher density, and for a lower density of development in areas which are subject to coastal hazards or wastewater or stormwater infrastructure capacity constraints. This is achieved by the application of the following mapped areas: {Change E1}

- **South Dunedin mapped area; {Change E1}**
- wastewater **constraint mapped area** (applied in various locations around Dunedin and Mosgiel); and {Change F3-3}
- ~~stormwater **constraint mapped area** (applied in Roslyn and Mosgiel)~~**Variation 2 mapped area.** {Change A2 Alt 3 IMPERMEABLE/S148.001 and others} {Change F2-7}

15.1.1.3 Inner City Residential

~~The Inner City Residential Zone covers the residential area near the campus and between the town belt and the central business district. It is characterised by existing or proposed medium density residential living and provides for a range of housing choices close to the central area of Dunedin. With good access to public transport and facilities this environment supports opportunities for higher densities of development than other areas of the City which also allows for different forms of development. Within this environment particular areas that contain dwellings with high heritage characteristics are identified as residential heritage precincts and have additional rules to protect heritage values. {Change E1}~~

The Inner City Residential Zone primarily covers the residential area near the campus and between the town belt and the central business district, being the locations that are closest to Dunedin's main centres of employment or study, and have the greatest accessibility to services and public transport. It provides for existing and new medium density residential living, including through the redevelopment of older and poorer-quality housing stock and the conversion of scheduled heritage buildings to multi-unit apartments. This will provide for an increasing range of housing choices close to the central area of Dunedin over time, including new well-designed multi-unit

developments such as terrace housing and low-rise apartments up to 12m in height (three-storeys). Within this zone there are several residential heritage precincts that have additional rules to protect heritage items and to encourage new development to be compatible with heritage values. {Change E1}

15.1.1.4 Low Density Residential

~~The Low Density Residential Zone is a smaller subset of the main urban Dunedin suburban environment, and has slightly larger sites than the General Residential 1 Zone. It is characterised by a more spacious and open suburban environment. {Change E1}~~

The Low Density Residential Zone is a small subset of the outer Dunedin suburban environment, and has slightly larger sites than the General Residential 1 Zone. It is characterised by a more spacious and open suburban environment with larger stand-alone dwellings and gardens. {Change E1} Sites in this zone may also be developed with an ancillary residential unit to provide additional accommodation. {Change A1}

15.1.1.5 Large Lot Residential 1

~~The Large Lot Residential 1 Zone includes a small number of residential areas that have to be developed at a lower density to maintain existing bush or open areas, or because of land instability issues, or where development and subdivision with larger lot sizes is considered more appropriate to maintain other values or respond to other issues. {Change E1}~~

The Large Lot Residential 1 Zone includes a small number of residential areas that provide for residential development at a low density due to hazards; slope; the need for onsite stormwater ~~storage~~ attenuation {Change E1/S187.019}; the need to protect important biodiversity, water bodies, landscape or natural character values; or other factors that make a standard density of residential development inappropriate. Several areas in this zone are not serviced with wastewater, water supply or stormwater {Change E1/S187.019} public infrastructure and the large site sizes also provide for on-site wastewater disposal. {Change E1} The zone rules provide for an ancillary residential unit to provide additional accommodation. {Change A1}

15.1.1.6 Large Lot Residential 2

~~The Large Lot Residential 2 Zone includes a small number of residential areas that have to be developed at a lower density, with large sites, either to maintain bush or open areas, because of land instability issues, or to maintain the amenity values of the surrounding area, or where development and subdivision with larger lot sizes is appropriate to maintain other values or respond to other issues.~~

The Large Lot Residential 2 Zone includes a small number of residential areas that provide for residential development at a very low density due to hazards; slope; the need for onsite stormwater ~~storage~~ attenuation {Change E1/S187.019}; the need to protect important biodiversity, water bodies, landscape or natural character values; or other factors that make a standard density of residential development inappropriate. Many areas in this zone are not serviced with wastewater, water supply or stormwater {Change E1/S187.019} public infrastructure. {Change E1} The zone rules provide for an ancillary residential unit to provide additional accommodation. {Change A1}

15.1.1.7 Township and Settlement

The Township and Settlement Zone is a mix of larger residential settlements supported by a commercial area, and smaller residential areas that are not attached to a commercial centre and are generally located between townships, particularly along the coast. These areas are characterised by low density environments, and provide for further sites where fully serviced by DCC infrastructure, and development on larger sites that are not fully serviced by DCC infrastructure.

The Township and Settlement Zone applies to areas beyond the main urban areas of Dunedin and Mosgiel and includes areas that were once independent settlements, such as Port Chalmers and Portobello. It includes larger residential townships supported by a commercial centre and smaller residential settlements that are not attached to a commercial centre. The existing and intended future characteristics of this zone vary depending on the context. In some cases, this zone is applied in areas that are not reticulated with water supply, stormwater or **{Change E1/S187.019}** wastewater public infrastructure, identified by a ~~'no DCC reticulated wastewater mapped area'~~. Areas that are not reticulated with wastewater public infrastructure are indicated by a **'no DCC reticulated wastewater mapped area'**. **{Change E1/S187.019}** In these areas a low density of residential development is required in order to enable on-site wastewater disposal. Where wastewater public infrastructure is provided, the anticipated pattern of development is the same as for the General Residential 1 Zone. **{Change E1}** The development of ancillary residential units is provided for across this zone. **{Change A1}**

15.2 Objectives and Policies

Objective 15.2.4

Activities maintain or enhance the amenity of the streetscape, and reflect the current or intended future character of the neighbourhood.

Policy 15.2.4.1	Require development activities {Change A2 Alt 3 IN-LANDSCAPE/S82.004 and others} to maintain or enhance streetscape amenity by ensuring: <ul style="list-style-type: none">a. garages, carports and car parking do not dominate the street;b. there are adequate green space areas free from buildings or hard surfacing;c. buildings' height and boundary setbacks, and scale reflect the existing or intended future residential character;d. shared service areas are not visible from ground level from outside the site; ande. outdoor storage is managed in a way that does not result in unreasonable visual amenity effects or create nuisance effects.
-----------------	---

Policy 15.2.4.2 <u>Policy 15.2.4.2</u>	Require residential activity to be at a density that reflects the existing residential character or intended future character of the zone. <u>Only allow residential activity that exceeds the permitted density where the built form of any new development, as viewed from public places, reflects the existing residential character or intended future character of the zone as set out in the residential zone descriptions.</u> {Change B5/S194.005&187.005 B5}
---	--

Objective 15.2.4

Activities maintain or enhance the amenity of the streetscape, and reflect the current or intended future character of the neighbourhood.

Policy 15.2.4.3

~~Restrict the tenancy and design of family flats to:~~

- ~~a. avoid, as far as practicable, the risk they will be used for a separate, non-ancillary, residential activity;~~
- ~~b. avoid, as far as practicable, future pressure to subdivide off family flats; and~~
- ~~c. minimise, as far as practicable, any adverse effects on the amenity and character of the neighbourhood. **{Change A1}**~~

Only allow stand-alone ancillary residential units between 60m² and 80m² gross floor area where the building is designed and located to ensure that streetscape and neighbourhood amenity is maintained or enhanced. **{Change A1}**

15.3.3 Land Use Activity Status Table

1.	Performance standards that apply to all land use activities		<ul style="list-style-type: none"> a. Acoustic insulation (noise sensitive activities only) b. Electrical interference c. Light spill d. Noise e. Setback from National Grid (National Grid sensitive activities only) f. Structure plan mapped area performance standards (where relevant)
Residential activities		Activity status	Performance standards
3.	Standard residential	P	<ul style="list-style-type: none"> a. Density b. N/A c. Outdoor living space d. Service areas e. <u>Family flats Ancillary residential units</u> {Change A1}

Commercial activities		Activity status	Performance standards
22.	Visitor accommodation, other than in George Street North residential heritage precinct	RD	a. Density {Change F5} b. Minimum car parking c. Minimum vehicle loading

15.3.4 Development Activity Status Table

1.	Performance standards that apply to all development activities		a. Natural Hazards Performance Standards b. Maximum building site coverage and impermeable surfaces c. Setback from scheduled tree d. Structure plan mapped area performance standards (where relevant) Y. <u>Service connections - stormwater for development (in a new development mapped area)</u> {Change F2-2/S271.006}
2.	Performance standards that apply to all buildings and structures activities		a. Boundary setbacks b. Building length c. Firefighting d. Height in relation to boundary e. Maximum height f. Setback from coast and water bodies g. Setback from National Grid
All buildings and structures activities not covered in rows below		Activity status	Performance standards
3.	Signs attached to buildings and structures	P	a. Number, location and design of ancillary signs
4.	All other buildings and structures activities not covered in rows 5 to 22 below	P	a. Fence height and design b. Number, location and design of ancillary signs

In all locations		Activity status	Performance standards
5.	New buildings and additions and alterations that result in: <ul style="list-style-type: none"> a building that is greater than 300m² footprint or a <u>multi-unit development in the ICR and GR2 zones</u> {Change C1} 	RD	
<u>X.</u>	<u>Demolition of a building built on or before 1st January 1940 in the General Residential 1 Zone or Township and Settlement Zone (except within a no DCC reticulated wastewater mapped area) or in the Variation 2 mapped area</u> {Change A2 Alt 3/IN-HER/S153.001}	<u>RD</u>	

15.3.5 Subdivision Activity Status Table

Subdivision activities		Activity status	Performance standards
1.	Cross lease, company lease and unit title subdivision	RD	<ul style="list-style-type: none"> a. Access b. Esplanade reserves and strips c. Firefighting d. Service connections e. Shape Y. Setback from National Grid (subdivision activities) Y. Structure plan mapped area performance standards (where relevant) <u>Z. Minimum landscaping</u> {Change A2 Alt 3 IN-LANDSCAPE/S82.004 and others}
2.	General subdivision	RD	<ul style="list-style-type: none"> a. Access b. Esplanade reserves and strips c. Firefighting d. Minimum site size

Subdivision activities	Activity status	Performance standards
		e. Service connections f. Shape g. Structure plan mapped area performance standards (where relevant) X. Setback from National Grid (subdivision activities) <u>AA. Minimum landscaping</u> {Change A2 Alt 3 IN-LANDSCAPE/S82.004 and others}

Rule 15.4 Notification

1. Applications for resource consent for the following activities will be considered without the need to obtain a written approval of affected persons and will not be notified in accordance with section 95A or section 95B of the RMA, unless Council considers special circumstances exist in relation to the application that require public notification:
 1. earthquake strengthening of a scheduled heritage building or scheduled heritage structure where external features only are protected (controlled activity) and that are not listed by Heritage New Zealand;
 2. contravention of the materials and design performance standard (Rule 13.3.2) where the building or structure is not listed by Heritage New Zealand; and
 3. In the Holyhead Street **structure plan mapped area**, subdivision activities in accordance with Rule 15.7A Holyhead Street **structure plan mapped area** performance standards
X. social housing {Change C1/S239.010}
2. With respect to resource consent applications, Heritage New Zealand will be considered an affected person in accordance with section 95B of the RMA where its written approval is not provided for the following:
 1. activities that affect a protected part of a scheduled heritage building, scheduled heritage structure, or a scheduled heritage site, that is listed with Heritage New Zealand;
 2. of the materials and design performance standard (Rule 13.3.2) where the building or structure is listed by Heritage New Zealand; and
 3. contravention of the archaeological sites performance standard (Rule 13.3.3).
- X. With respect to resource consent applications, the Southern Heritage Trust will be considered an affected person in accordance with section 95B of the RMA where its written approval is not provided for the following:
 1. Demolition of a building built on or before 1st January 1940 in the General Residential 1 Zone or Township and Settlement Zone (except within a no DCC reticulated wastewater mapped area) or in the Variation 2 mapped area, where the building has been assessed as having significant heritage values and requires consent under Rule 13.6.3.X. {Change A2 Alt 3/IN-HER/S153.001}
3. With respect to resource consent applications for the following activities, Manawhenua will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided:
 1. cemeteries;

2. all restricted discretionary activities that list 'effect on cultural values of Manawhenua' as a matter for discretion; and
3. discretionary and non-complying activities in a **wāhi tūpuna mapped area** where the activity is identified as a threat in Appendix A4.
4. With respect to sections 95D(b) and 95E(2)(a) of the RMA, Council will not consider: **{Change F2-5/CI.16}**
~~family flats~~ ancillary residential units **{Change A1}** as part of the permitted baseline in considering residential density effects in the residential zones;
- X. ~~With respect to sections 95D(b) and 95E(2)(a) of the RMA, Council will not consider~~ **{Change F2-5/CI.16}** potential permitted new buildings and structures or compliance with the maximum building site coverage and impermeable surfaces performance standard (Rule 15.6.10) as part of the permitted baseline in considering the effects of subdivision activities on stormwater management in the residential zones. **{Change F2-5}**
5. With respect to resource consent applications for the following activities, the Otago Regional Council will be considered an affected person in accordance with section 95B of the RMA where its written approval is not provided:
 1. activities in the hazard 1 or hazard 1A (flood) overlay zones; and
 2. activities in **swale mapped areas**; and
- X. activities in a new development mapped area where an integrated stormwater management plan is required to be submitted with a resource consent application in accordance with Rule 9.9.X. **{Change F2-2/S271.015}**
- Y. With respect to resource consent applications in a new development mapped area that include a new or modified integrated stormwater management plan or details for a stormwater management system as required by Rule 9.9.X, any owners of land within the area to which the proposed plan or system relates (who are not the applicant) will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided. **{Change F2-2/S76.020 and others}**
6. All other activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA.

15.5.2 Density

1. Standard residential activities in any location and visitor accommodation in the George Street North residential heritage precinct **{Change F5}** (or any combination of the two on a single site) must not exceed the following density limits:

Zone		i. Minimum site area for a residential unit (excluding family-flats ancillary residential units) {Change A1}	ii. Maximum development potential per site
a.	General Residential 1 Zone	1 per 5400m ² {Change A3} or 2 per 500m ² where in a single residential building or {Change A2/S187.004} in the form of a duplex {Change A2}	1 habitable room per 100m ²

Zone		i. Minimum site area for a residential unit (excluding family-flats <u>ancillary residential units</u>) {Change A1}	ii. Maximum development potential per site
b.	General Residential 2 Zone not within an infrastructure <u>wastewater</u> constraint mapped area or the South Dunedin mapped area {Change F3-3}	N/A	1 habitable room per 45m ²
c.	General Residential 2 Zone within an infrastructure <u>wastewater</u> constraint mapped area {Change F3-3}	N/A	1 habitable room per 100m ²
d.	General Residential 2 Zone within the South Dunedin mapped area	N/A	1 habitable room per 60m ²
e.	Inner City Residential Zone	N/A	1 habitable room per 45m ²
f.	Low Density Residential Zone	1 per 750m ²	1 habitable room per 150m ²
g.	Large Lot Residential 1 Zone	1 per 2000m ²	1 habitable room per 400m ²
h.	Large Lot Residential 2 Zone	1 per 3500m ²	1 habitable room per 700m ²
i.	Township and Settlement Zone not within a no DCC reticulated wastewater mapped area	1 per 5400m² {Change A3} or 2 per 500m ² where in a single residential building or {Change A2/S187.004} in the form of a duplex {Change A2}	1 habitable room per 100m ²
j.	Township and Settlement Zone within a no DCC reticulated wastewater mapped area	1 per 1000m ²	1 habitable room per 200m ²

k. Except: ~~In~~ in all zones, other than the GR2 and ICR zones:

1. a single residential unit may be erected on a site of any size ~~provided all other performance standards are met.~~ **{Change B3}**
2. one ~~family flat~~ ancillary residential unit **{Change A1}** is allowed per site in association with a ~~standard residential activity~~ primary residential unit provided:
 1. the maximum development potential per site is not exceeded;

X the site size meets the minimum site size performance standard in Rule 15.7.4; and **{Change A1}**

Y. it does not result in more than two residential units on the site, including the ancillary residential unit. {Change A2}

2. For the purposes of this standard:

- a. the calculation of habitable rooms includes rooms in ~~family flats~~ ancillary residential units **{Change A1}** and sleep outs;
- b. the calculation of minimum site area ~~excludes~~ includes access legs provided for rear sites; and **{Change B4}**
- c. the calculation of maximum development potential ~~only~~ applies to:

X. visitor accommodation in the George Street North residential heritage precinct; {Change F5}

Y. standard residential activity {Change A2} in the Inner City Residential and General Residential 2 Zones; and

Z. standard residential activity outside the Inner City Residential and General Residential 2 Zones only {Change A2} for determining whether an ancillary residential unit {Change A1}, or ~~second unit in a single residential building or {Change A2/S187.004}~~ in the form of a duplex, can be developed in other zones {Change A2}.

3. More than one residential building (other than an ancillary residential unit) **{Change A1}** may only be built on a site if all residential buildings are able to meet all the following performance standards if they were ever subdivided into separate sites:

- a. site coverage;
- b. height in relation to boundary;
- c. setbacks; and
- d. access.

4. Standard residential activity that contravenes the performance standard for density is a non-complying activity, except contravention of the following standards only is a restricted discretionary activity:

- a. papakāika that contravenes the performance standards for density;
- b. standard residential in the General Residential 2 Zone (~~infrastructure~~ wastewater constraint mapped area) **{Change F3-3}** that contravenes the performance standards for maximum development potential per site (15.5.2.1.c.ii), provided the maximum development potential per site of the activity proposed does not exceed 1 habitable room per 45m²;
- c. contravention of Rule 15.5.2.3 (bulk and location performance standards for multiple residential buildings on the same site); and
 - X. standard residential in the ICR Zone that contravenes the performance standard for maximum development potential per site (15.5.2.1.e.ii), provided the maximum development potential per site of the activity proposed does not exceed 1 habitable room per 30m²; and

Y. social housing in the General Residential 1 and Township and Settlement zones (except in a **no DCC reticulated wastewater mapped area**) where it meets the density standard for General Residential 2. {Change C1}

5. Visitor accommodation in the George Street North residential heritage precinct {Change F5} that contravenes the performance standard for density is a discretionary activity.

15.5.11 Outdoor Living Space

15.5.11.1 Minimum area of outdoor living space for standard residential activity

a. Standard residential activity must provide a minimum of outdoor living space per residential unit as follows:

Number of habitable rooms in unit		1. Ground level units in ICR, GR2, and campus zones	2. Ground level units in all other zones	3. Units not at ground level
i.	1	15m ²	25m ²	6m ²
ii.	2	15m ²	25m ²	10m ²
iii.	3	20m ²	35m ²	10m ²
iv.	More than 3 habitable rooms	20m ² + 5m ² per additional habitable room over 3 habitable rooms	35m ² + 5m ² per additional habitable room over 3 habitable rooms	10m ²

- v. Except: ~~family flats~~ ancillary residential units **{Change A1}** that have direct access to at least 25m² of outdoor living space provided for the primary residential unit do not need to provide additional outdoor living space.
- vi. Required outdoor living space for residential units must be for the exclusive use of the individual residential unit, however, for the sake of clarity, this does not require that the area to be fenced or otherwise partitioned from another unit's outdoor living space.
- b. Activities that contravene this performance standard are restricted discretionary activities.

15.5.14 Family Flats - to be changed to Ancillary Residential Units {Change A1}

~~15.5.14.1 Family Flats - Tenancy~~

~~a. Family flats must:~~

~~i. only be occupied by:~~

- ~~1. a person or persons related to or dependent on the household that lives in the primary residential unit on the same site; or~~
- ~~2. employed on site as a domestic or child care worker by the household that lives in the primary residential unit on the same site; and~~

~~ii. not be on a different tenancy agreement to the primary residential unit.~~

~~b. Standard residential activity that contravenes this performance standard is a non-complying activity. {Change A1}~~

15.5.14.2 ~~Family Flats~~ Ancillary Residential Units - Design

a. ~~Family flats~~ Ancillary residential units must:

- i. not exceed a maximum gross floor area of 60m²;
- ii. ~~be on the same available water and waste infrastructure connection, or the same non-reticulated wastewater disposal system as the primary residential unit;~~

- iii. ~~be on the same household electricity account; and~~
- iv. ~~share the same driveway as the primary residential unit.~~

- X. Ancillary residential units that are within the same residential building as a primary residential unit are exempt from this standard.
- b. Standard residential activity that contravenes this performance standard but does not exceed a maximum gross floor area of 80m² is a restricted discretionary activity. **{Change A1}**

Note 15.5.14A - General advice

1. Residential units over 80m² gross floor area do not meet the definition of ancillary residential units and are considered primary residential units. **{Change A1}**

15.6.6 Height

Note 15.6.6A - General advice

1. The permitted height of buildings and structures is controlled by both the maximum height standard and height in relation to boundary standard. The absolute maximum height specified in the 'maximum height performance standard' may not be achievable on all sites due to site dimensions and topography.
 2. ~~A common wall is a wall or two abutting walls that form the dividing partition between two adjoining buildings.~~ **{Change A2}**
- X. The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) contains restrictions on the location of structures and activities in relation to transmission lines. Compliance with this code is mandatory. Compliance with this plan does not ensure compliance with NZECP 34:2001. **{Change IN-TELCO/S224.007}**

15.6.6.2 Maximum height

- a. New buildings and structures, and additions and alterations must not exceed the following maximum height above ground level:

		1. Maximum height in the Inner City Residential Zone	2. Maximum height in all other residential zones
i.	Family flat Ancillary residential units {Change A1} (stand-alone building)	Not provided for	3m (from ground level to the bottom of the eaves)
ii.	Garages and carports in road boundary setback	3m (from ground level to the bottom of the eaves)	3m (from ground level to the bottom of the eaves)
iii.	All other new buildings and structures, and additions and alterations within setbacks from boundaries, except as provided for in Rule 15.6.13.1	2m	2m

		1. Maximum height in the Inner City Residential Zone	2. Maximum height in all other residential zones
iv.	All other new buildings and structures, and additions and alterations	12m	9m

v. Except:

1. rooftop structures are exempt from the performance standard for height provided they do not exceed the maximum height limit for all other buildings and structures by more than one third of that limit.
2. within the **Huriawa height restriction mapped area** (see Figure 15.6.6.2A)
 1. new buildings and additions and alterations to buildings on sites between Rockal Street and Kilda Street must not protrude through a horizontal plane 4.5m above ground level at the Sulisker Street boundary of the site;
 2. new buildings and additions and alterations to buildings on sites between Rona Street and Rockal Street must not exceed 4.5m.

b. New buildings and structures, and additions and alterations must not protrude through the height restriction for the Taieri Aerodrome approach and take-off fans shown on the Taieri Aerodrome **flight fan mapped area**.

c. Activities that contravene this performance standard are restricted discretionary activities.

15.6.10 Maximum Building Site Coverage and Impermeable Surfaces

1. Development activities must not exceed the following maximum building site coverage limits:

Zone		i. Maximum building site coverage: buildings and structures with a footprint greater than 10m ² (% of site)	ii. Maximum building site coverage: buildings and structures and any impermeable surfaces (% of site)
a.	General Residential 1 Zone	40%	70%
b.	General Residential 2 Zone <u>not within a stormwater constraint mapped area</u> the Variation 2 mapped area {Change F2-7} {Change A2 Alt 3 IMPERMEABLE/S148.001 and others }	50%	80%
<u>X.</u>	<u>General Residential 2 Zone within a stormwater constraint mapped area</u> the Variation 2 mapped area {Change A2 Alt 3	<u>50%</u>	<u>70%</u> {Change F2-7}

Zone		i. Maximum building site coverage: buildings and structures with a footprint greater than 10m ² (% of site)	ii. Maximum building site coverage: buildings and structures and any impermeable surfaces (% of site)
	IMPERMEABLE/S148.001 and others}		
c.	Inner City Residential Zone	60%	80%
d.	Low Density Residential Zone	35%	65%
e.	Large Lot Residential 1 and 2 Zones	30%	50%
f.	Township and Settlement Zone not within a no DCC reticulated wastewater mapped area	40%	70%
g.	Township and Settlement Zone within a no DCC reticulated wastewater mapped area	30%	50%

2. Any driveway that provides access to another site and access leg for rear sites will be excluded from the calculation of total site area for the purpose of calculating site coverage in column i but included in the calculation of site coverage in column ii (See Figure 15.6.10A).

Y. In the **Variation 2 mapped area**, any new development which will result in a new residential building with one or more new residential units must provide 20% of the site area or 30m² (whichever is the greater) as minimum landscaping that is to be located and landscaped in a way that meets the following requirements:

- a. every site (or comprehensive multi-unit development proposed for fee simple subdivision) larger than 250m² must include a minimum of 1 tree per 250m² of site area from the Appendix 10A.3 Important Native Tree List or the DCC Native Planting Guide – Dunedin Hillslopes Forest Species List (DCC, 2021). The required tree/s must be:
 - ii. at least 2m high at the time of planting and capable of growing to a minimum of 3m high; and
 - iii. setback a minimum of 2.5m from all boundaries;
- b. where the site adjoins a road, at least 50% of the land within the road boundary setback must be planted with trees, shrubs or groundcover species that are native to New Zealand (it may not be managed as lawn) except where more than 50% of the land within the road boundary setback is occupied by driveways, buildings or impermeable surfaces that were lawfully established prior to 31 May 2022, 75% of the remaining area of permeable surface within the road boundary setback must be planted with trees, shrubs or groundcover species that are native to New Zealand (it may not be managed as lawn); and

- c. all trees and landscaping required by this rule must be maintained and if dead, diseased or damaged, must be replaced.
 - d. For the sake of clarity:
 - i. the area required to meet Rule 15.7.4.Y will not count towards the maximum area of impermeable surfaces in Rule 15.6.10.1; and
 - ii. existing native plants that meet the requirements of this rule will be counted towards meeting the rule (mature native trees that are retained on site do not need to meet the setback for boundaries).
- {Change A2 Alt 3 IN-LANDSCAPE/S82.004 and others}**

3. Activities that contravene this performance standard are restricted discretionary activities.

Note 15.6.10X - Other requirements outside of the District Plan

- 1. Clause E1 - Surface Water of the New Zealand Building Code (Building Regulations 1992, Schedule 1) contains requirements regarding buildings and sitework in relation to managing surface water and effects on other property.
- 2. Buildings and structures that will divert water may require resource consent under the Otago Regional Plan: Water.
- 3. Discharge of stormwater to any Otago Regional Council scheduled drain or overland flow path is managed by the Otago Regional Council Flood Protection Management Bylaw 2012.
- 4. If buildings and structures affect the flow of water, this effect is also subject to the common law principle of natural servitude.
- 5. Part 4 of the Dunedin Code of Subdivision and Development 2010 ('Code of Subdivision') requires that design and construction of stormwater systems be undertaken in accordance with NZS 4404:2004 (now replaced by NZS 4404:2010), except as amended by the Code of Subdivision. This includes a requirement that stormwater systems be provided so that any new development results in an insignificant increase of runoff wherever possible (Clause 4.2.8). **{Change F2-4}**

15.6.13 Setbacks

Note 15.6.13A – General advice

- 1. ~~A common wall is a wall or two abutting walls that form the dividing partition between two adjoining buildings.~~ **{Change A2}**

15.6.X **Service Connections - Stormwater for development - to be added **{Change F2-2/S271.006}****

In a new development mapped area, all development that creates an impermeable surface must comply with Rule 9.3.7.AA. **{Change F2-2}**

15.7.4 Minimum Site Size

1. The minimum site size for new resultant sites is:

Zone		Minimum site size
a.	General Residential 1 Zone	5400m ² {Change A3}
b.	General Residential 2 Zone <ul style="list-style-type: none"> not within an infrastructure <u>wastewater</u> constraint mapped area; or within the infrastructure <u>wastewater</u> constraint mapped area (Mosgiel) {Change F3-3} 	300m ²
c.	General Residential 2 Zone within an infrastructure <u>wastewater</u> constraint mapped area , except for the infrastructure <u>wastewater</u> constraint mapped area (Mosgiel) {Change F3-3}	5400m ² {Change A3}
d.	Inner City Residential Zone	200m ²
e.	Low Density Residential Zone	750m ²
f.	Large Lot Residential Zone 1	2000m ²
g.	Large Lot Residential Zone 2	3500m ²
h.	Township and Settlement Zone <u>not within a no DCC reticulated wastewater mapped area</u>	5400m ² {Change A3}
i.	Township and Settlement Zone within a no DCC reticulated wastewater mapped area	1000m ²

- j. Except the following are exempt from the minimum site size: **{Change B6}**

- i. resultant sites created and used solely for the following purposes ~~are exempt from the minimum site size:~~ **{Change B6}**

1. Scheduled ASBV or QEII covenant;
2. reserve;
3. access;
4. utility; or
5. road; or

- X. a resultant site in any residential zone (except within a no DCC reticulated wastewater mapped area):

1. that will contain at least one ~~lawfully established habitable~~ residential building for which a code compliance certificate or building permit has been issued **{Change B6/S187.015 and others}** (that was not established as a family flat or ancillary residential unit) prior to certification of the survey plan pursuant to section 223 of the RMA; and

2. that is of a size and shape that means the residential building is able to meet all the relevant land use and development performance standards as if it was new. **{Change B6}**

X. Minimum site size includes access legs for subdivision of sites up to 1200m² in the General Residential 1 Zone and Township and Settlement Zone (not within a no DCC reticulated wastewater mapped area) and for subdivision of all sites in other zones, but excludes access legs in all other cases. **{Change B4}**

2. General subdivision that contravenes the standard for minimum site size is non-complying, except in the following circumstances where the subdivision is restricted discretionary:

X. subdivision as described in Rule 15.7.4.1.j.X.1 that does not meet the conditions in Rule 15.7.4.1.j.X.2; and **{Change B6; Change B6/Cl.16}**

Y. a subdivision of a proposed multi-unit development which has an approved land use consent but the development has not been established, or land use consent is sought under Rule 15.3.4.5 concurrently with the subdivision application, and the standard residential activity complies with the density performance standard (Rule 15.5.2); and **{Change B6/S246.001 and others}**

a. a ~~two or more site~~ subdivision where; **{Change B1/S187.012}**

i. ~~one any~~ resultant site is below, but not less than, 75% of, the minimum site size; and **{Change B1/S187.012}**

ii. the average of the site sizes (excluding any sites that will be used solely for road, access, utility or reserve) **{Change B1/S187.012}** meets the minimum site size performance standard in Rule 15.7.4.1 **{Change B1}** ; and, ~~where;~~ **{Change B1/Cl.16}****{Change B1, was previously marked Change B6 in error}**

iii. the subdivision does not result in any resultant site being of a size that could be further subdivided in accordance with the minimum site size performance standards, except as provided for in Rule 15.7.4.1.j.X; and

iv. ~~all undersized~~ resultant sites that are below the minimum site size (excluding any sites that will be used solely for road, access, utility or reserve) **{Change B1/S187.012}** are large enough to contain a building platform of at least 7m by 10m that meets the performance standards of this Plan including, but not limited to:

1. outdoor living space;

2. minimum mobility car parking; ~~minimum car parking space;~~ **{Change B1/NPSUDPOL11/1}**

3. setbacks from boundaries, water bodies, significant trees, National Grid transmission lines;

4. esplanade reserves and strips; and

5. maximum building site coverage and impermeable surfaces. **{Change B1, was previously marked Change B6 in error}**

~~b. the subdivision does not result in any resultant site being of a size that could be further subdivided in accordance with the minimum site size performance standards; and~~

~~c. the undersized resultant site is large enough to contain a building platform of at least 7m by 10m that meets the performance standards of this Plan including, but not limited to:~~

~~i. outdoor living space;~~

- ii. ~~minimum car parking space;~~
- iii. ~~setbacks from boundaries, water bodies, significant trees, National Grid transmission lines;~~
- iv. ~~esplanade reserves and strips; and~~
- v. ~~maximum building site coverage and impermeable surfaces.~~ **{Change B1, was previously marked Change B6 in error}**

15.7.Y Minimum Landscaping – to be added {Change A2 Alt 3 IN-LANDSCAPE/S82.004 and others}

1. In the **Variation 2 mapped area**, any resultant site which contains an existing residential building with one or more residential units must provide 20% of the site area or 30m² (whichever is the greater) as minimum landscaping that is to be located and landscaped in a way that meets the following requirements:
 - a. every resultant site larger than 250m² must include a minimum of 1 tree per 250m² of site area from the Appendix 10A.3 Important Native Tree List or the DCC Native Planting Guide – Dunedin Hillslopes Forest Species List (DCC, 2021). The required tree/s must be:
 - i. at least 2m high at the time of planting and capable of growing to a minimum of 3m high; and
 - ii. setback a minimum of 2.5m from all boundaries;
 - b. where the site adjoins a road, at least 50% of the land within the road boundary setback must be planted with trees, shrubs or groundcover species that are native to New Zealand (it may not be managed as lawn) except, where more than 50% of the land within the road boundary setback is occupied by driveways, buildings or impermeable surfaces that were lawfully established prior to 31 May 2022, 75% of the remaining area of permeable surface within the road boundary setback must be planted with trees, shrubs or groundcover species that are native to New Zealand (it may not be managed as lawn); and
 - c. all trees and landscaping required by this rule must be maintained and if dead, diseased or damaged, must be replaced.
 - d. For the sake of clarity, existing native plants that meet the requirements of this rule will be counted towards meeting the rule (mature native trees that are retained on site do not need to meet the setback for boundaries).
2. Activities that contravene this performance standard are restricted discretionary activities.
{Change A2 Alt 3 IN-LANDSCAPE/S82.004 and others}

15.8 Structure Plan Mapped Area Performance Standards

15.8.Z Kaikorai Valley Road Structure Plan Mapped Area Performance Standards - to be added {Change IN07}

15.8.Z.1 Natural Hazards

- a. Applications for subdivision activities in the area shown hatched red on the Kaikorai Valley Road structure plan and labelled 'Restricted Development Area (Hazard)' (see Figure 15.8.ZA) must include a comprehensive geotechnical investigation report by a suitably qualified geotechnical consultant. The geotechnical report must examine the ground stability over the entire area and identify areas suitable for residential development and, if required, suitable building platforms.
- b. Until such time that new certificates of title for allotments have been issued in accordance with rule 15.8.Z.1.a above, residential activities, buildings and structures activities, new roads or additions or alterations to existing roads,

and earthworks must not be located in the area shown hatched red on the Kaikorai Valley Road structure plan and labelled 'Restricted Development Area (Hazard)'. {Change IN07}

15.8.Z.2

In the case of conflict with performance standards 15.5 to 15.7, the rules in this performance standard apply. {Change IN07}

15.8.Z.3

Activities that contravene this performance standard are a discretionary activity. {Change IN07}

15.8.Z.4

- a. The layout of any subdivision must not provide any through road connection for motor vehicles between Kaikorai Valley Road and Northview Crescent.
- b. In the case of conflict with performance standards 15.5 to 15.7, the rules in this performance standard apply.
- c. Activities that contravene this performance standard are a non-complying activity. {Change IN07/S119.001}

Figure 15.8.ZA: Kaikorai Valley Road structure plan {Change IN07}



Rule 15.10 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

15.10.3 Assessment of land use performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	<p>Density - (rules 15.5.2.1.c.ii and 15.5.2.3)</p> <p>all residential units are able to meet bulk and location performance standards</p>	a. Effects on on-site amenity	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> Objective 15.2.2 Residential development achieves high quality on-site amenity for residents (Policy 15.2.2.1). <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> Non-compliance with rules 15.5.2.4.c or 15.5.2.3 will be assessed based on which performance standard(s) the second residential building does not provide for compliance with, if subdivided in future. See assessment rules in relation to performance standard contraventions for: <ol style="list-style-type: none"> site coverage; height in relation to boundary; setbacks; and access.
2.	<p>Density - (Rule 15.5.2.4.a) Papakāika</p>	a. Effects on cultural values of Manawhenua	See Rule 14.3
		b. Effects on health and safety	See Rule 9.5 {Change F3-4}
		c. Effects on the safety and efficiency of the transport network	See Rule 6.10
3.	<p>Density</p> <ul style="list-style-type: none"> standard residential in 	a. Effects on efficiency and affordability of infrastructure	See Rule 9.5

15.10.3 Assessment of land use performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
	<p>General Residential 2 Zone</p> <p>infrastructure wastewater</p> <p>{Change F3-3}</p> <p>constraint mapped area</p> <p>(Rule 15.5.2.4.b)</p> <ul style="list-style-type: none"> standard residential in ICR Zone (Rule 15.5.2.4.X) 		
X -	<p>Density</p> <ul style="list-style-type: none"> <u>social housing in the GR1 Zone or T&S Zone (except in a no DCC reticulated wastewater mapped area) (Rule 15.5.2.4.y)</u> <p>{Change C1}</p>	<p>a. <u>Effects on efficiency and affordability of infrastructure</u></p>	<p><u>See Rule 9.5</u></p>
		<p>b. <u>Effects on accessibility</u></p>	<p><u>See Rule 6.10</u></p>
		<p>c. <u>Effects on neighbourhood residential character and amenity</u></p> <p>{Change C1/S239.010}</p>	<p><u>Relevant objectives and policies:</u></p> <ol style="list-style-type: none"> <u>Objective 15.2.4</u> <u>Where residential activity exceeds the permitted density, the built form of any new development, as viewed from public places, reflects the existing residential character or intended future character of the zone as set out in the residential zone descriptions. (Policy 15.2.4.2)</u> <p><u>General assessment guidance:</u></p> <ol style="list-style-type: none"> <u>In assessing the effects on neighbourhood character and amenity from social housing proposals that contravene the density standard, Council will only consider character effects in terms of the proposed scale and built form of development and this consideration will be made without public or limited notification (see Rule 15.4)</u>

15.10.3 Assessment of land use performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
		<p>iv. <u>The assessment of character and amenity will consider the potential adverse effects from repeated, standardised, or visually monotonous design of large blocks of similar housing and will consider what design tools have been used to create visually diverse neighbourhood appearance.</u></p> <p><u>Potential circumstances that may support a consent application include:</u></p> <p>v. <u>For large scale social housing proposals an appropriate mix of building typologies and design elements is proposed. {Change C1/S239.010}</u></p>
<p>4. <u>Family flats-Ancillary residential units – Design {Change A1}</u></p>	<p>a. Effects on neighbourhood residential character and amenity</p>	<p><i>Relevant objectives and policies:</i></p> <p>i. <u>Objective 15.2.4</u></p> <p>ii. The design of family flats avoids, as far as practicable, the risk they will be used for a separate, non-ancillary residential activity, or future pressure to subdivide off family flats, and minimises, as far as practicable, any adverse effects on the amenity and character of the neighbourhood <u>Stand-alone ancillary residential units between 60m² and 80m² gross floor area are designed and located to ensure that streetscape and neighbourhood amenity is maintained or enhanced (Policy 15.2.4.3). {Change A1}</u></p> <p><i>Potential circumstances that may support a consent application include:</i></p> <p>iii. The family flat is in the same residential building as the primary residential unit. {Change A1}</p> <p>iv. <u>The design of the family flat ancillary residential unit matches the design of the primary residential building.</u></p> <p>v. <u>Landscaping or other forms of screening will be used to reduce the visibility of the family-flat ancillary residential unit.</u></p> <p>vi. <u>The family flat ancillary residential unit will not be easily viewed from outside the site.</u></p>

15.10.3 Assessment of land use performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
			<p>vii. The extra area is required due to the occupant's needs.</p> <p>viii. The size of the family flat is unlikely to create future pressure for it to be subdivided or be consented to operate as a second residential activity on the site. {Change A1}</p>

15.10.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
10.	Maximum building site coverage and impermeable surfaces	a. Effects on on-site amenity for residents	<p><i>Relevant objectives and policies:</i></p> <p>i. Objective 15.2.2.</p> <p>ii. Residential development achieves high quality on-site amenity by retaining adequate open space uncluttered by buildings (Policy 15.2.2.1.c).</p>
		b. Effects on neighbourhood residential character and amenity	<p><i>Relevant objectives and policies:</i></p> <p>i. Objective 15.2.4.</p> <p>ii. Development maintains or enhances streetscape amenity and by ensuring there are adequate green space areas free from buildings or hard surfacing (Policy 15.2.4.1.b).</p>
		c. Effects on efficiency and affordability of infrastructure (stormwater) {Change F2-3}	See Rule 9.5.
		d. <u>Effects of stormwater from future development</u> {Change F2-3}	

15.10.5 Assessment of subdivision performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
4.	Minimum site size - (Rule 15.7.4.2)	<p>a. Effects on neighbourhood residential character and amenity</p> <p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 2.4.1 ii. Resultant sites are of a size: <ul style="list-style-type: none"> 1. that provides for compliance of all relevant land use and development performance standards; and 2. where in a structure plan mapped area, reflects the requirements of the structure plan mapped area performance standards (Policy 2.4.1.8). <p><u>General assessment guidance</u></p> <p>x. <u>For subdivision concurrent with an application for multi-unit development, Council will generally only grant subdivision consent where the land use consent is also granted.</u> {Change B6/S246.001 and others}</p> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. The adjustment of site boundaries is necessary to achieve: <ul style="list-style-type: none"> 1. a more balanced division of site sizes relative to an existing residential buildings size, location or access requirements; 2. better alignment with topographical or other site development constraints; or 3. the protection of heritage items, significant trees, indigenous vegetation, or waterways on a site. <p><u>Conditions of consent that may be imposed:</u></p> <p>Y. <u>For subdivision concurrent with an application for multi-unit development or an approved land use consent for multi-unit development but where the development has not been established, a condition requiring that the development is established in accordance with the approved land use consent prior to certification of the survey plan pursuant to section 223 of the RMA.</u> {Change B6/S246.001 and others}</p>

15.10.6 Assessment of restricted discretionary performance standard contraventions in an overlay zone, mapped area, heritage precinct or affecting a scheduled heritage item

Activity	Matters of discretion	Guidance on the assessment of resource consents
<p><u>Y.</u></p>	<p><u>In the Variation 2 mapped area:</u></p> <ul style="list-style-type: none"> • <u>Maximum building site coverage and impermeable surfaces (Rule 15.10.4.Y minimum landscaping)</u> • <u>Minimum landscaping (Rule 15.7.Y)</u> 	<p><u>Relevant objectives and policies</u></p> <ol style="list-style-type: none"> <u>Objective 15.2.4</u> <u>The activity maintains or enhances streetscape amenity by ensuring there are adequate green space areas free from buildings or hard surfacing (Policy 15.2.4.1.b).</u> <p><u>General assessment guidance</u></p> <ol style="list-style-type: none"> <u>For trees that are within the required boundary setback, Council will consider whether there will likely be adequate space for the canopy to grow and whether any part of the canopy that extends beyond the boundary will likely create a nuisance or require cutting back in a way which could damage the health of the tree.</u> <u>For proposals which seek to use different plant species than required by the rule, Council will consider the relative contribution of the proposed planting to amenity and character and its support for native animal species.</u> <p>{Change A2 Alt 3 IN-LANDSCAPE/S82.004 and others}</p>
<p><u>Z.</u></p>	<p><u>In a stormwater open watercourse mapped area:</u></p> <ul style="list-style-type: none"> • <u>Setback from stormwater open watercourse mapped area (Rule 10.3.3)</u> 	<p><u>See Rule 9.5</u></p> <p>{Change A2 Alt 3 IMPERMEABLE/S148.001 and others}</p>
<p><u>AA.</u> {Change</p>	<p><u>In a new development mapped area:</u></p>	<p><u>See Rule 9.5. {Change F2-2}</u></p>

15.10.6 Assessment of restricted discretionary performance standard contraventions in an overlay zone, mapped area, heritage precinct or affecting a scheduled heritage item

Activity	Matters of discretion	Guidance on the assessment of resource consents
F2-2/ Cl.16}	<ul style="list-style-type: none"> • <u>Service connections – stormwater for development</u> {Change F2-2/S271.006} 	<u>of stormwater management and effects of stormwater from future development</u>

Rule 15.11 Assessment of Restricted Discretionary Activities

Rule 15.11.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rules 15.11.2 - 15.11.5:
 - a. list the matters Council will restrict its discretion to, under the heading 'matters of discretion', these matters are not further restricted by any guidance provided; and
 - b. provide guidance on how a consent application will be assessed, under the heading 'guidance on the assessment of resource consents', including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.
3. Rules 15.11.2 - 15.11.5 apply as follows:
 - a. Rule 15.11.2 applies to restricted discretionary land use activities;
 - b. Rule 15.11.3 applies to restricted discretionary development activities;
 - c. Rule 15.11.4 applies to restricted discretionary subdivision activities; and
 - d. Rule 15.11.5 applies to activities that are restricted discretionary due to a rule that applies in an overlay zone, mapped area, heritage precinct, or affecting a scheduled heritage item.
4. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in the Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.
5. Where a restricted discretionary activity does not meet a performance standard the following occurs:
 - a. if the contravention of the performance standard defaults to **restricted discretionary** then:

- i. the activity, as a whole, will be treated as **restricted discretionary**; and
 - ii. the matters of discretion are expanded to include the areas of non-compliance with the performance standard; and
 - iii. the performance standard contravention will be assessed as indicated in Section 15.10; and
 - iv. the matters of discretion in this section will be assessed as indicated.
 - b. if the contravention of the performance standard defaults to **discretionary** then:
 - i. the activity, as a whole, will be treated as **discretionary**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 15.12; and
 - iii. the assessment guidance in this section will also be considered.
 - c. if the contravention of the performance standard defaults to **non-complying** then:
 - i. the activity, as a whole, will be **non-complying**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 15.13; and
 - iii. the assessment guidance in this section will also be considered.
6. With respect to section 104(2), Council will not consider ~~family flats~~ ancillary residential units **{Change A1}** as part of the permitted baseline in considering residential density effects in the residential zones.

15.11.2 Assessment of restricted discretionary land use activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
5.	Supported living facilities	a. Effects on efficiency and affordability of infrastructure (stormwater) {Change F2-3/S187.022}	See Rule 9.6
		<u>X. Effects of stormwater from future development</u> {Change F2-3}	
		b. Effects on surrounding sites' residential amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 15.2.3. ii. Supported living facilities are designed to avoid or, if avoidance is not practicable, adequately mitigate, adverse effects on the amenity of surrounding residential properties (Policy 15.2.3.4). <p><i>Potential circumstances that may support a consent application:</i></p> <ul style="list-style-type: none"> iii. Communal outdoor gathering areas are located or screened to minimise effects on adjacent residential properties.

15.11.2 Assessment of restricted discretionary land use activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
7.	Visitor accommodation, other than in the George Street North residential heritage precinct	a. Effects on surrounding sites' residential amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 15.2.3. ii. Visitor accommodation is designed to avoid or, if avoidance is not practicable, adequately mitigate, adverse effects on the amenity of surrounding residential properties (Policy 15.2.3.4). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. Communal outdoor gathering areas are located or screened to minimise effects on adjacent residential properties. <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> iv. For campgrounds: <ul style="list-style-type: none"> 1. Limits on the scale of the activity. 2. Location of dump stations (for disposal of waste from motor homes) away from boundaries with residential properties. 3. Restrictions on location and hours of operation of generators to minimise any effects from noise on neighbours. 4. Road upgrades necessary to handle the amount and type of vehicles anticipated. 5. Location, screening, or acoustic fencing of communal outdoor living/ gathering areas.
		<u>X. Effects on efficiency and affordability of infrastructure</u> {Change F5}	<u>See Rule 9.6. {Change F5}</u>

15.11.3 Assessment of restricted discretionary development activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
1.	New buildings or additions and alterations to buildings that result in:	a. Effects on streetscape amenity and	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 15.2.4

15.11.3 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
<ul style="list-style-type: none"> • A building that is greater than 300m² footprint or • A multi-unit development in the ICR and GR2 zones {Change C1} 	character	<p>ii. Buildings over 300m² footprint and multi-unit developments are designed to maintain or enhance streetscape and neighbourhood amenity and character (Policy 15.2.4.8)</p> <p><i>General assessment guidance:</i></p> <p>iii. In assessing the effects on amenity Council will consider whether building design reflects, and is conducive with, the residential scale. The cumulative effect of buildings on the streetscape amenity will also be considered.</p> <p>iv. In assessing the effects on streetscape amenity and character, Council will consider:</p> <ol style="list-style-type: none"> 1. building design and placement in terms of appropriateness for the context of the site, including: considering the appropriateness of form (roof pitch, scale, massing, window placement, entrance detailing, and/or proportion) and materials 2. any landscaping proposed and its effectiveness in enhancing amenity and/or mitigating adverse effects 3. the level of visibility from the street 4. the location of any car parking 5. whether the development provides adequate green space and maintains an appropriate balance of green space vs built and hard features 6. whether the development has the potential to adversely affect any heritage streetscape values in the immediate neighbourhood <p>v. in general, where a new building is located within an integrated group of buildings that contribute strongly to the heritage streetscape character of the immediate neighbourhood, design maintains the coherence of the group and the contribution it makes to the overall character and amenity.</p> <p><i>Conditions that may be imposed include:</i></p>

15.11.3 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
		<p>vi. Requirements for design features to break up the bulk of the building, for example by varying building elevations, by setting parts of the building back, use of different textures, by the use of architectural features, or modulation.</p> <p><i>Potential circumstances that may support a consent application include:</i></p> <p>vii. The visual effects of the building is screened and softened by landscaping, fencing, or other screening, which provides an attractive interface with the street.</p> <p>viii. The building is set back from boundaries adequate distance to avoid shading or visual effects on adjacent residential properties or public places.</p> <p>ix. Topography of the site mitigates the effects of the building scale on adjacent residential properties or public places.</p>
<p><u>X.</u> <u>New buildings or additions {Change F2-3/Cl.16} and alterations to buildings that result in a multi-unit development {Change F2-3}</u></p>	<p>a. <u>Effects on efficiency and affordability of infrastructure (stormwater)</u></p> <p>b. <u>Effects of stormwater from future development</u></p>	<p><u>See Rule 9.6. {Change F2-3}</u></p>
<p><u>Z.</u> <u>In the General Residential 1 Zone or Township and Settlement Zone (except within a no DCC reticulated wastewater mapped area):</u></p> <ul style="list-style-type: none"> <u>New buildings or additions and alterations to buildings that result in a multi-unit development</u> 	<p>a. <u>Effects on the safety and efficiency of the transport network</u></p>	<p><u>See Rule 6.11 {Change A2 Alt 3/IN WASTE/S187.009 and others}</u></p>

15.11.3 Assessment of restricted discretionary development activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
Y.	<u>Demolition of a building built on or before 1st January 1940 in the General Residential 1 Zone or Township and Settlement Zone (except within a no DCC reticulated wastewater mapped area)</u> {Change A2 Alt 3/IN-HER/S153.001}	<u>a. Effects on significant heritage values</u>	<u>See Rule 13.6.</u>

Table 15.11.4 Assessment of restricted discretionary subdivision activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
1.	All subdivision activities	<p>a. Effects on neighbourhood residential character and amenity</p> <p>b. Risk from natural hazards</p>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 15.2.4 ii. Subdivision is designed to ensure any future land use and development will: <ul style="list-style-type: none"> 1. maintain the amenity of the streetscape; 2. reflect the current or future intended character of the neighbourhood; 3. provide for development to occur without unreasonable earthworks or engineering requirements; and 4. provide for quality housing (Policy 15.2.4.6). <p><i>Design considerations that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. The layout of the subdivision takes into account solar orientation and is designed to ensure future development will facilitate a high level of passive solar gain. <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> iv. Building platforms registered against the title by way of consent notice. <p>See Rule 11.5</p>

Table 15.11.4 Assessment of restricted discretionary subdivision activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
		c. Effects on efficiency and affordability of infrastructure (stormwater) {Change F2-3/S187.023}	See Rule 9.6
		<u>X. Effects of stormwater from future development</u> {Change F2-3}	
		d. Effects on the safety and efficiency of the transport network	See Rule 6.11

15.11.5 Assessment of restricted discretionary activities in an overlay zone, mapped area, heritage precinct or affecting a scheduled heritage item

Activity	Matters of discretion	Guidance on the assessment of resource consents
<p><u>Y.</u> <u>In a new development mapped area:</u></p> <ul style="list-style-type: none"> • <u>All subdivision activities {Change D1 & Change F2-2}</u> 	<p><u>a. Whether subdivision design supports energy-efficient housing {Change D5}</u></p>	<p><u>See Rule 12.X {Change D5}</u></p>
	<p><u>b. Provision for amenity planting and public amenities {Change D7}</u></p>	<p><u>See Rule 12.X {Change D7}</u></p>
	<p><u>c. Provision of recreation spaces {Change D4}</u></p>	<p><u>See Rule 12.X {Change D4}</u></p>
	<p><u>d. Whether subdivision design maintains or enhances areas with significant important {Change D6/S223.004} natural environment values {Change D6}</u></p>	<p><u>See Rule 12.X {Change D6}</u></p>
	<p><u>e. Whether subdivision design supports efficient use of land {Change D8}</u></p>	<p><u>See Rule 12.X {Change D8}</u></p>
	<p><u>f. Effectiveness and efficiency of stormwater management and effects of stormwater from future development {Change F2-2}</u></p>	<p><u>See Rule 9.6 {Change F2-2}</u></p>
	<p><u>g. Effects on efficient and effective operation of network utilities (electricity and telecommunications)</u></p>	<p><u>See Rule 12.X {Change IN-TELCO/S224.004}</u></p>
	<p><u>h. Whether the subdivision design (including any associated off-site access and infrastructure) maintains or enhances significant heritage values</u></p>	<p><u>See Rule 12.X {Change IN-HERTGSUBDIV/S224.007}</u></p>
<p><u>Z.</u> <u>In the following new development mapped areas, all subdivision activities, multi-unit development, and supported living</u></p>	<p><u>a. Effectiveness and efficiency of wastewater management and effects of wastewater from future development {Change F3-2}</u></p>	<p><u>See Rule 9.6 {Change F3-2}</u></p>

15.11.5 Assessment of restricted discretionary activities in an overlay zone, mapped area, heritage precinct or affecting a scheduled heritage item

Activity		Matters of discretion	Guidance on the assessment of resource consents
	<p>facilities: {Change F3-2}</p> <ul style="list-style-type: none"> Kaikōrai Valley Road {Change IN07/S286.004} 		
AA.	<p><u>In the Variation 2 mapped area:</u></p> <ul style="list-style-type: none"> <u>New buildings or additions and alterations to buildings that result in a multi-unit development</u> 	<p><u>a. Effects on the safety and efficiency of the transport network</u></p>	<p><u>See Rule 6.11 {Change A2 Alt 3/IN WASTE/S187.009 and others}</u></p>
Y.	<p><u>In the Variation 2 mapped area:</u></p> <ul style="list-style-type: none"> <u>Demolition of a building built on or before 1st January 1940</u> <p>{Change A2 Alt 3/IN-HER/S153.001}</p>	<p><u>a. Effects on significant heritage values</u></p>	<p><u>See Rule 13.6.</u></p>

Rule 15.12 Assessment of Discretionary Activities

Rule 15.12.1 Introduction

- 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.
- Rules 15.12.2 - 15.12.3 provide guidance on how a consent application for the listed discretionary activities will be assessed, under the heading 'guidance on the assessment of resource consents', including:
 - relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
 - potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
 - general assessment guidance, including any effects that will be considered as a priority; and
 - conditions that may be imposed.
- Rules 15.12.2 - 15.12.3 apply as follows:
 - Rule 15.12.2 applies to discretionary land use activities; and

- b. Rule 15.12.3 applies to discretionary performance standard contraventions.
4. With respect to section 104(2), Council will not consider ~~family flats~~ ancillary residential units **{Change A1}** as part of the permitted baseline in considering residential density effects in the residential zones.
5. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

15.12.3 Assessment of discretionary performance standard contraventions

Performance standard		Guidance on the assessment of resource consents
X Y. {Change IN07/Cl.16}	<u>Structure plan mapped area</u> performance standards: <ul style="list-style-type: none"> <u>Areas of Restricted Development (Hazard)</u> {Change IN07} 	<u>Relevant guidance from other sections (priority considerations):</u> a. <u>See Section 11.6 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards.</u> {Change IN07}

Rule 15.13 Assessment of Non-complying Activities

Rule 15.13.1 Introduction

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. Rules 15.13.2 - 15.13.5 provide 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.
3. With respect to section 104(2), Council will not consider ~~family flats~~ ancillary residential units **{Change A1}** as part of the permitted baseline in considering residential density effects in the residential zones.
4. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

15.13.5 Assessment of non-complying performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
<p>1. Density</p>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. Strategic Directions - Objectives 2.7.1 (policies 2.7.1.1, 2.7.1.3), 2.4.1 (Policy 2.4.1.5) b. Objective 15.2.4, Policy 15.2.4.2 Objective 15.2.4, Policy 15.2.4.2, {Change B5/S194.005&187.005} Policy 15.2.4.3 {Change A1} c. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.1 and effects related to the efficiency and affordability of infrastructure.
<p>6. Family Flats – Tenancy</p>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. Strategic Directions – 2.4.1 (Policy 2.4.1.5) b. Objective 15.2.4 c. The tenancy of family flats avoids, as far as practicable, the risk they will be used for a separate, non-ancillary residential activity, or future pressure to subdivide off family flats, and minimises, as far as practicable, any adverse effects on the amenity and character of the neighbourhood (Policy 15.2.4.3). {Change A1}

16. Rural Zones

Rule 16.8 Assessment of Controlled Activities

16.8.2 Assessment of controlled land use activities		
Activity	Matters of control	Guidance on the assessment of resource consents
1. Papakāika	<ul style="list-style-type: none"> Design, scale, location and number of dwellings Design, scale and location of other buildings, structures and site development activities Disposal of stormwater and wastewater Vehicle access and parking 	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> Objectives 16.2.3, 14.2.1, 9.2.2, 6.2.3. Manawhenua are able to live in original native reserve areas where any adverse effects will be adequately managed in line with the objectives and policies of the rural zones (Policy 14.2.1.6). Wastewater and stormwater can be disposed of in such a way that adverse effects on the health of people on the site or on surrounding sites will be avoided or, if avoidance is not practicable, will be insignificant (Policy 9.2.2.7). {Change F3-4} Adverse effects on the safety and efficiency of the transport network are avoided or, if avoidance is not practicable, adequately mitigated (6.2.3.9.a). Any associated changes to the transportation network will be affordable to the public in the long term (Policy 6.2.3.9.b). Papakāika maintains, as far as practicable, the rural character values and amenity of the rural zones in terms of the design, scale and location of the development (Policy 16.2.3.11). <p><i>Conditions that may be imposed include:</i></p> <ol style="list-style-type: none"> requirements for wastewater disposal systems and wastewater disposal areas; requirements for stormwater disposal; water supply; driveways and vehicle tracks; and number, design and location of residential units. <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> Council will consider the information required by Rule 16.13.1 provided with any resource consent application (see Special Information Requirements - Rule 16.13.1).

Rule 16.10 Assessment of Restricted Discretionary Activities

16.10.2 Assessment of restricted discretionary land use activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
5.	Intensive farming	a. Effects on amenity of surrounding properties	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 16.2.2 ii. Any adverse effects on the amenity of residential activities on surrounding properties will be avoided or, if avoidance is not practicable, adequately mitigated (Policy 16.2.2.5). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. The activity will be set back a sufficient distance from its own property boundaries to avoid or adequately mitigate any adverse effects on surrounding properties. iv. Management plans or other mitigation measures will be employed to avoid or mitigate the effects of odour, dust, vehicle movements and operating noise on surrounding properties. <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> v. In assessing effects on the amenity of residential activities on surrounding properties, Council will consider effects from noise, traffic, odour and dust contaminants. vi. In assessing the effects on amenity, Council will consider the effects of vehicle movements on the site as well as any significant changes to the number or nature of vehicle movements on the adjoining road. <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> vii. Restrictions on the hours of operation.
		b. Effects on the safety and efficiency of the transport network	See Rule 6.11
		c. Effects on health and safety	See Rule 9.6 {Change F3-4}

16.10.4 Assessment of restricted discretionary subdivision activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
1.	General subdivision	a. Effects on long term maintenance of rural land for productive rural activities	<i>Relevant objectives and policies:</i> <ol style="list-style-type: none"> Objective 16.2.4. ...
		b. Effects on rural character and visual amenity	<i>Relevant objectives and policies:</i> <ol style="list-style-type: none"> Objective 16.2.3. ...
		c. Effects on biodiversity values and natural character values of riparian margins and coast	See Rule 10.6
		d. Effects on public access	
		e. Risk from natural hazards	See Rule 11.5
		f. Effects on the safety and efficiency of the transport network	See Rule 6.11
		g. Effects on health and safety	See Rule 9.6 {Change F3-4}

Rule 16.11 Assessment of Discretionary Activities

16.11.2 Assessment of discretionary land use activities

Activity		Guidance on the assessment of resource consents
3.	<ul style="list-style-type: none"> Rural industry Rural contractor and 	<i>Relevant objectives and policies (priority considerations):</i> <ol style="list-style-type: none"> Objectives 2.2.2, 16.2.2, 16.2.3, 16.2.4, 5.2.1

16.11.2 Assessment of discretionary land use activities

Activity	Guidance on the assessment of resource consents
transport depots - large scale	<p>b. Adverse effects on rural character and visual amenity from large scale development will be avoided or minimised as far as practicable (Policy 16.2.3.5).</p> <p>c. Adverse effects on the amenity of residential activities on surrounding properties, are avoided or, if avoidance is not practicable, adequately mitigated (Policy 16.2.2.5).</p> <p>d. Activities other than farming are only allowed on highly productive land where the scale, size and nature of the activity means the loss of current or potential future rural productivity would be insignificant in any high class soils mapped area and no more than minor in other areas of highly productive land (Policy 16.2.4.2.a).</p> <p>e. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety. {Change F3-4}</p> <p>f. For rural industry, the use and development of renewable energy generation is encouraged (Policy 5.2.1.1).</p> <p><i>Potential circumstances that may support a consent application include:</i></p> <p>g. The activity will be set back a sufficient distance from its own property boundaries to avoid or adequately mitigate any adverse effects from noise, odour, dust, contaminants or visual effects on surrounding properties.</p> <p>h. High noise generating equipment is located within acoustically insulated buildings or fitted with noise reduction devices to ensure noise emissions are maintained at a reasonable level.</p> <p>i. If noise is not able to be adequately controlled at its source, noise reduction is achieved through noise barriers or bunds to ensure noise emissions are maintained at a reasonable level.</p> <p>j. Management plans or other mitigation measures will be employed to limit the effects of dust, vehicle movements and operating noise on surrounding properties.</p> <p><i>Conditions that may be imposed include:</i></p> <p>k. Restriction on hours of operation.</p> <p>l. Controls on on-site lighting.</p> <p>m. A requirement for screening of storage areas.</p> <p>n. A requirement to control dust.</p> <p>o. Provision of car parking areas.</p>

16.11.2 Assessment of discretionary land use activities

Activity	Guidance on the assessment of resource consents
	<p><i>General assessment guidance:</i></p> <ul style="list-style-type: none">p. In assessing effects on amenity, Council will consider the effects of vehicle movements on the site as well as any significant changes to the number or nature of vehicle movements on the adjoining road.q. In determining whether land is 'highly productive land', Council will consider its land use capability (LUC) classification, the high class soils mapped area (HCS), as well as any other evidence related to productive values. The expectation is that land in the HCS and/or that has a LUC 1-3 classification will be considered 'highly productive land'. Note that information about the LUC classification is provided on the Landcare Research website (https://www.landcareresearch.co.nz) and LUC 1-3 areas are shown on the Data Map (https://apps.dunedin.govt.nz/webmaps/secondgenerationplandata/).

17. Rural Residential Zones

Rule 17.10 Assessment of Restricted Discretionary Activities

17.10.4 Assessment of restricted discretionary subdivision activities			
Activity		Matters of discretion	Guidance on the assessment of resource consents
1.	General subdivision	a. Effects on on-site amenity	<i>Relevant objectives and policies:</i> <ol style="list-style-type: none"> Objective 17.2.2 ...
		b. Effects on rural residential character and visual amenity	<i>Relevant objectives and policies:</i> <ol style="list-style-type: none"> Objective 17.2.3 ...
		c. Effects on long term maintenance of rural land for productive rural activities	<i>Relevant objectives and policies:</i> <ol style="list-style-type: none"> Objective 17.2.4 ...
		d. Effects on biodiversity values and natural character of riparian margins and the coast	See Rule 10.6
		e. Effects on public access	
		f. Effects on health and safety {Change F3-4}	See Rule 9.6
		g. Effects on efficiency and affordability of infrastructure	See Rule 9.6
		h. Effects on the safety and efficiency of the transport network	See Rule 6.11
		i. Risk from natural hazards	See Rule 11.5

19. Industrial Zones

Rule 19.10 Assessment of Restricted Discretionary Activities

19.10.5 Assessment of restricted discretionary subdivision activities			
Subdivision activities		Matters of discretion	Guidance on the assessment of resource consents
1.	Subdivision activities	a. Effects on the safety and efficiency of the transport network	See Rule 6.11
		b. Effects on health and safety {Change F3-4}	See Rule 9.6
		c. Effects on efficiency and affordability of infrastructure	See Rule 9.6
		d. Risk from natural hazards	See Rule 11.5

20. Recreation Zone

Rule 20.10 Assessment of Restricted Discretionary Activities

20.10.4 Assessment of restricted discretionary subdivision activities			
Activity		Matters of discretion	Guidance on the assessment of resource consents
1.	General subdivision	a. Effects on the efficient and effective operation of the recreation area	<i>Relevant objectives and policies:</i> i. Objective 20.2.2. ii. The subdivision does not adversely affect the efficient and effective operation of the recreation area (Policy 20.2.2.11).
		b. Effects on the safety and efficiency of the transport network	See Rule 6.11.
		c. Effects on health and safety	See Rule 9.6. {Change F3-4}
		d. Effects on biodiversity values and natural character of riparian margins and the coast	See Rule 10.6.
		e. Effects on public access	
		f. Risk from natural hazards	See Rule 11.5.

Section E: Major Facility Zones

27. Mercy Hospital

Rule 27.11 Assessment of Discretionary Activities

27.11.3 Assessment of discretionary performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
<p>1. Small scale buildings and structures:</p> <ul style="list-style-type: none"> • Footprint greater than 40m² (Rule 27.6.3.1.a) • Used for clinical services (Rule 27.6.3.1.c) 	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. Objective 27.2.2</p> <p>b. Buildings and structures are of a height, set back from buildings, purpose and size that ensures:</p> <ol style="list-style-type: none"> there are no more than minor effects on the sunlight access and privacy of current and potential future residential buildings and their outdoor living spaces; and any adverse effects on neighbourhood amenity are avoided or, if avoidance is not practicable, are no more than minor (Policy 27.2.2.1). <p>c. Development provides adequate permeable areas to enable a reasonable level of rain water ground absorption (Policy 9.2.1.2).</p> <p>X. Only allow multi-unit development, supported living facilities, subdivision, or development that contravenes the impermeable surfaces performance standard, where:</p> <ol style="list-style-type: none"> for stormwater generated by the activity (or future development enabled by a subdivision) that will flow through DCC stormwater public infrastructure at any point: <ol style="list-style-type: none"> there is adequate capacity in the stormwater public infrastructure; or any adverse effects from an increase in discharge on the stormwater public infrastructure are no more than minor; and for stormwater generated by the activity (or future development enabled by a subdivision) that will flow through a private, Otago Regional Council, or natural/informal stormwater system at any point, that stormwater system has the capacity to absorb the additional stormwater with no more than minor adverse effects on other sites (public or private), including but not limited to, adverse effects from an increase in overland flow or ponding (Policy 9.2.1.Z). {Change F2-3/CI.16}

27.11.3 Assessment of discretionary performance standard contraventions

Performance standard		Guidance on the assessment of resource consents
		<p><i>General assessment guidance:</i></p> <p>d. In considering the effects on the amenity of surrounding properties, Council will consider the following effects:</p> <ol style="list-style-type: none">1. the visual effects of buildings and car parks;2. loss of existing vegetation;3. any proposed lighting and signage; and4. any cumulative effects.

34. Campus

34.6.6 Height

Note 34.6.6.1A – General advice

- ~~1. A common wall is a wall or two abutting walls that form the dividing partition between two adjoining buildings.~~**{Change A2}**

Section F: Appendices

A9. Default Zones for Major Facility Zones

Table A9.2: Default zones for schools

School	Address	Default zone
Abbotsford Primary School	North Taieri Road	General Residential 1
Amana Christian School	Gordon Road	Principal Centre
Andersons Bay Primary School	Jeffrey Street	General Residential 1
Arthur Burns Primary School	Green Street	General Residential 1
Arthur Street Primary School	Arthur Street	Inner City Residential
Balaclava Primary School	Mercer Street	General Residential 1
Balmacewen Intermediate School	Chapman Street	General Residential 1
Bathgate Park School	Macandrew Road	General Residential 2
Bayfield High School	Shore Street	General Residential 1
Big Rock Primary School	Bath Street	Township and Settlement
Bradford Primary School	Bradford Street	General Residential 1
Broad Bay Primary School	Roebuck Rise	Township and Settlement
Brockville Primary School	Brockville Road	General Residential 1
Carisbrook School	South Road	General Residential 2
Carisbrook School (Calton Hill Site)	Riselaw Road	General Residential 1
Columba College	Highgate	General Residential 1 <u>General Residential 2</u> {Change IN08}
Concord Primary School	Thoreau Street	General Residential 1
Dunedin North Intermediate School	North Road	General Residential 1
Dunedin Rudolf Steiner School	Fern Road	General Residential 1
East Taieri Primary School	Cemetery Road	Low Density Residential

School	Address	Default zone
Elmgrove School	Argyle Street	General Residential 1
Fairfield Primary School	Sickels Street	General Residential 1
George Street Normal Primary School	George Street	Inner City Residential
Grants Braes Primary School	Belford Street	General Residential 1
Green Island Primary School	Howden Street	General Residential 1 General Residential 2 <u>General Residential 1</u> {Change IN03/S187.033}
Halfway Bush Primary School	Ashmore Street	General Residential 1
John McGlashan College	Pilkington Street	General Residential 1 <u>General Residential 2</u> {Change IN09}
Kaikorai Primary School	Tyne Street	General Residential 1 <u>General Residential 2</u> {Change IN08}
Kaikorai Valley College	Kaikorai Valley Road	General Residential 1
Karitane Primary School	Coast Road	Township and Settlement
Kavanagh College	Ratray Street	Inner City Residential
Kings High School	Bayview Road	General Residential 2
Lee Stream Primary School	Clarks Junction-Lee Stream Road	Rural
Liberton Christian School	Hillary Street	General Residential 1
Logan Park High School	Butts Road	General Residential 1
Macandrew Bay Primary School	Portobello Road	Township and Settlement
Maori Hill Primary School	Passmore Crescent	General Residential 1 <u>General Residential 2</u> {Change IN09}
Mornington Primary School	Elgin Road	General Residential 1 <u>General Residential 2</u> {Change IN05}
Musselburgh Primary School	Marlow Street	General Residential 2
North East Valley Normal Primary School	North Road	General Residential 2

School	Address	Default zone
Opoho Primary School	Signal Hill Road	General Residential 1
Otago Boys High School	Arthur Street	Inner City Residential
Otago Boys High School Tennis Courts and School Hostel	Stuart Street	General Residential 1 <u>General Residential 2</u> {Change IN08}
Otago Girls High School	Tennyson Street	Inner City Residential
Outram Primary School	Beaumaris Street	Township and Settlement
Pine Hill Primary School	Wilkinson Street	General Residential 1
Port Chalmers Primary School	Albertson Avenue	General Residential 2
Portobello Primary School	Harington Point Road	Township and Settlement
Pūrākaunui Primary School	Mihiwaka Station Road	Rural
Queens High School	Bay View Road	General Residential 2
Ravensbourne Primary School	Wanaka Street	Township and Settlement
Sacred Heart School	North Road	General Residential 2
Sara Cohen IHC	Rutherford Street	General Residential 2
Sawyers Bay Primary School	Station Road	Township and Settlement
Silverstream School	Green Street	General Residential 1 <u>General Residential 2</u> {Change IN01}
St Bernadette's School	Forbury Road	General Residential 1
St Brigids School	Bayfield Road	General Residential 1
St Clair Primary School	Richardson Street	General Residential 2
St Francis Xavier School	Benhar Street	General Residential 1
St Hildas Collegiate	Cobden Street	Inner City Residential
St Joseph's Cathedral School	Elm Row	Inner City Residential
St Josephs School (Port Chalmers)	Bernicia Street	Township and Settlement
St Leonards Primary School	St Leonards Drive	Township and Settlement

School	Address	Default zone
St Mary's School (Dunedin)	Cromwell Street	General Residential 1
St Mary's School (Mosgiel)	Church Street	General Residential 1
St Peter Chanel School	Main South Road	General Residential 1 <u>General Residential 2</u> {Change IN02}
Strath Taieri Primary School	Swansea Street	Township and Settlement
Tahuna Normal Intermediate School	Auld Street	General Residential 2
Taieri College	Green Street	General Residential 1 <u>General Residential 2</u> {Change IN01}
Tainui Primary School	Tahuna Road	General Residential 1 <u>General Residential 2</u> {Change IN13}
Te Kura Kaupapa Maori o Otepoti	Main South Road	General Residential 1
Waikouaiti Primary School	Malloch Street	Township and Settlement
Waitati Primary School	Mount Cargill Road	Rural Residential 1
Wakari Primary School	Helensburgh Road	General Residential 1
Warrington Primary School	Ferguson Street	Township and Settlement

Table A9.5: Default zones for Mercy Hospital

Site	Default zone
Mercy Hospital (land outside the urban biodiversity mapped area)	General Residential 1 <u>General Residential 2</u> {Change IN08}
Mercy Hospital (land within the urban biodiversity mapped area)	Recreation



SECOND GENERATION DISTRICT PLAN

APPENDIX 2

Additional Changes to Mapping

31 May 2022

Contents

1	Guide to Appendix 2	1
1.1	Explanation.....	1
1.2	Disclaimer	1
2	Maps.....	2
	Map 1 – Multiple Part A and Part B Decisions: Add Variation 2 Mapped Area.....	2
	Map 2 - A.2.4.1 Remove the Stormwater Constraint Mapped Area.....	3
	Map 3 - A.2.4.1 Add Stormwater Open Watercourse Mapped Areas - Hill Suburbs	4
	Map 4 - A.2.4.1 Add Stormwater Open Watercourse Mapped Areas - Andersons Bay.....	5
	Map 5 - B.4.3.1 IN02 and IN02a Rezoning to General Residential 2 Zone at Burgess St, Green Island.....	6
	Map 6 - B.4.4.4 Remove Change IN03 Rezoning at Green Island	7
	Map 7 - B.4.7.1.1 Add Wastewater Constraint Mapped Area to Change IN07 at Kaikorai Valley	8
	Map 8 - B.4.10.3 IN13 and IN13a Rezoning to General Residential 2 Zone at Andersons Bay	9
	Map 9 - C.4.8.6.1 Remove Change NWRA7 No DCC Reticulated Wastewater Mapped Area at Patmos Avenue	10

1 GUIDE TO APPENDIX 2

1.1 Explanation

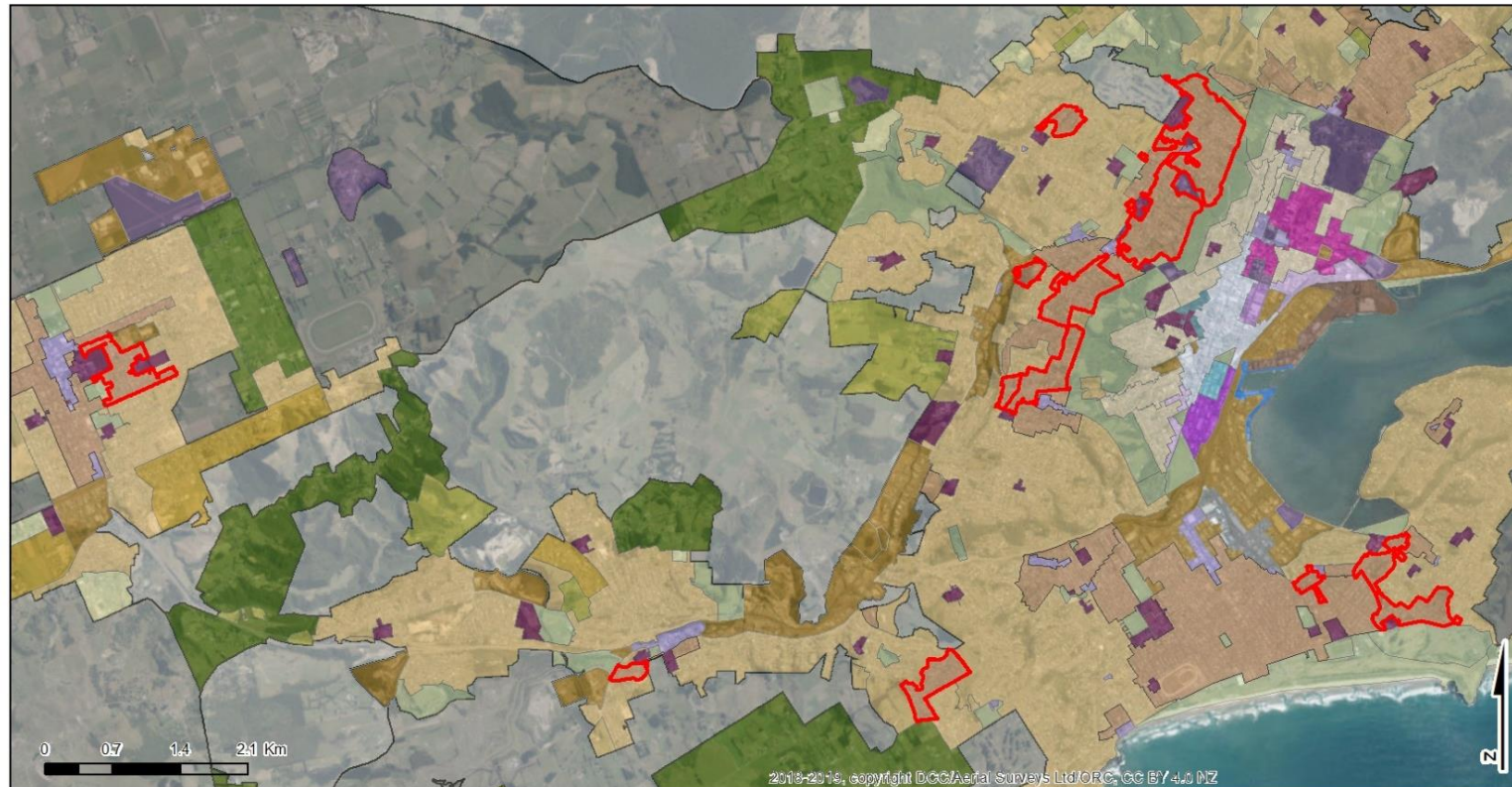
1. This appendix shows the additional changes to mapping made as part of the first decision, in response to submissions. It does not show all mapping changes where the decision has adopted what was proposed. The adoption of proposed mapping changes is noted in the relevant sections of the main body of the decision report.
2. The maps in this appendix show the removal or addition of zoning and various mapped areas. The relevant Change IDs and submission references are included on the maps to record what submissions the changes were made in response to.
3. The Change ID/Submission reference codes on the maps can be used to find the relevant discussion on the decision in the main body of the decision report by searching for the code (use Control F and enter the code to search).

1.2 Disclaimer

4. Best endeavours have been made to ensure that this appendix is true and correct. However, there may be inconsistencies between this document and the 2GP Planning Maps.
5. The 2GP Planning Maps contain the clean decision mapping (with no Variation 2 polygons) and are the true and correct version of the mapping for implementation. The 2GP Planning Maps can be viewed here:
<https://www.dunedin.govt.nz/council/district-plan/2nd-generation-district-plan/view-the-2gp-maps>

2 MAPS

Map 1 – Multiple Part A and Part B Decisions: Add Variation 2 Mapped Area



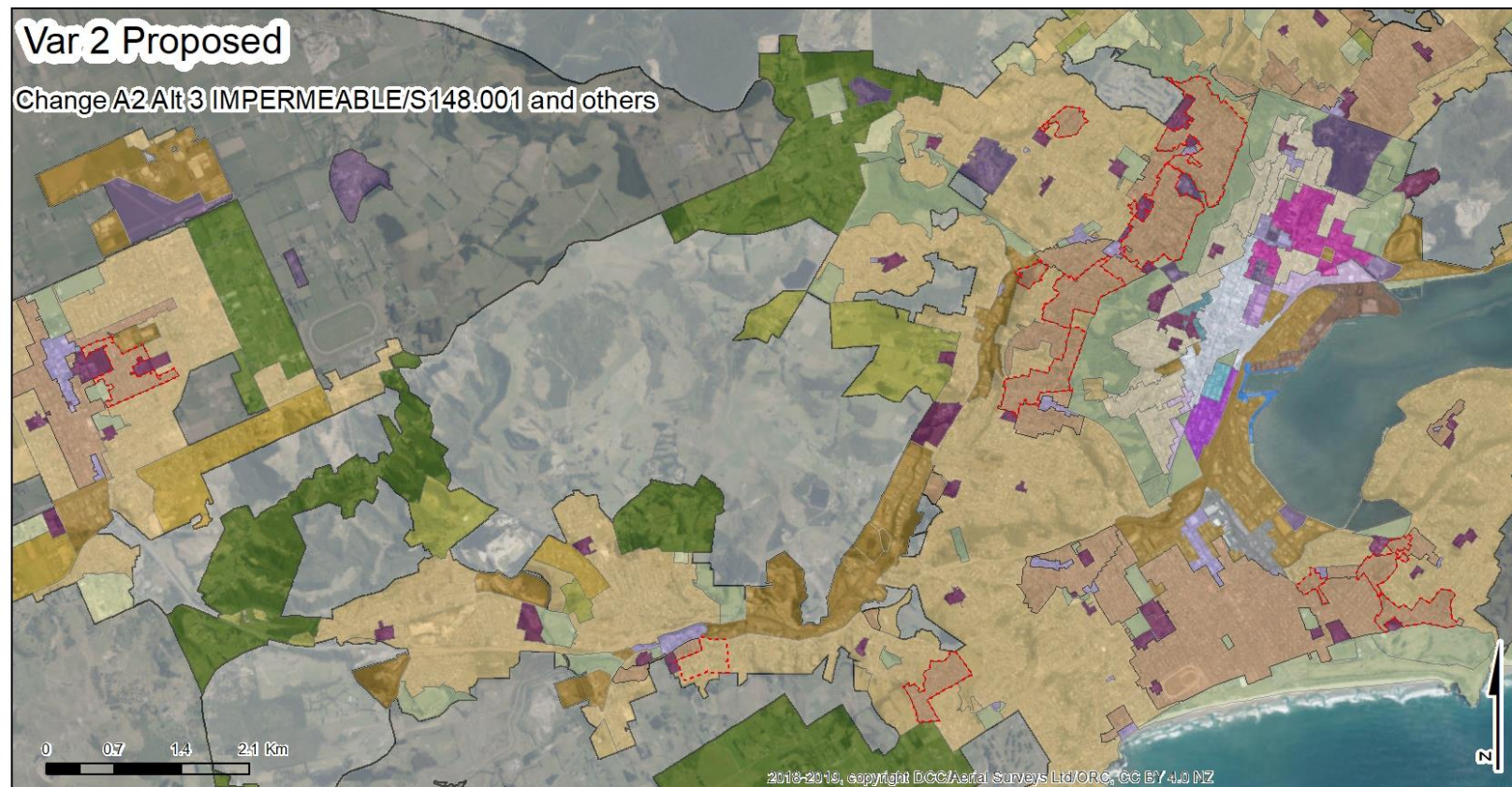
Legend:

 Variation 2 Mapped Area	 Central Business District	 Centres	 Rural Residential 1
 General Residential 1	 CBD Edge Commercial North	 Trade Related	 Rural Residential 2
 General Residential 2	 CBD Edge Commercial South	 Industrial	 Recreation
 Inner City Residential	 Harbourside Edge	 Industrial Port	 Coastal
 Large Lot Residential 1	 Princes, Parry and Harrow Street	 Major Facility - School	 Hill Slopes
 Large Lot Residential 2	 Smith Street and York Place	 Major Facility - Campus	 Peninsula Coast
 Low Density Residential	 Warehouse Precinct	 Major Facility - Other	 Taieri Plain

Changes:

'Change A2 Alt 3 IN-LANDSCAPE/S82.004 and others'
 'Change A2 Alt 3 IMPERMEABLE/S148.001 and others'
 'Change A2 Alt 3/IN WASTE/S187.009 and others'
 'Change A2 Alt3/IN-HER/S153.001'
 'Change IN02a/S3.001'
 'Change IN 13a/S61.001'

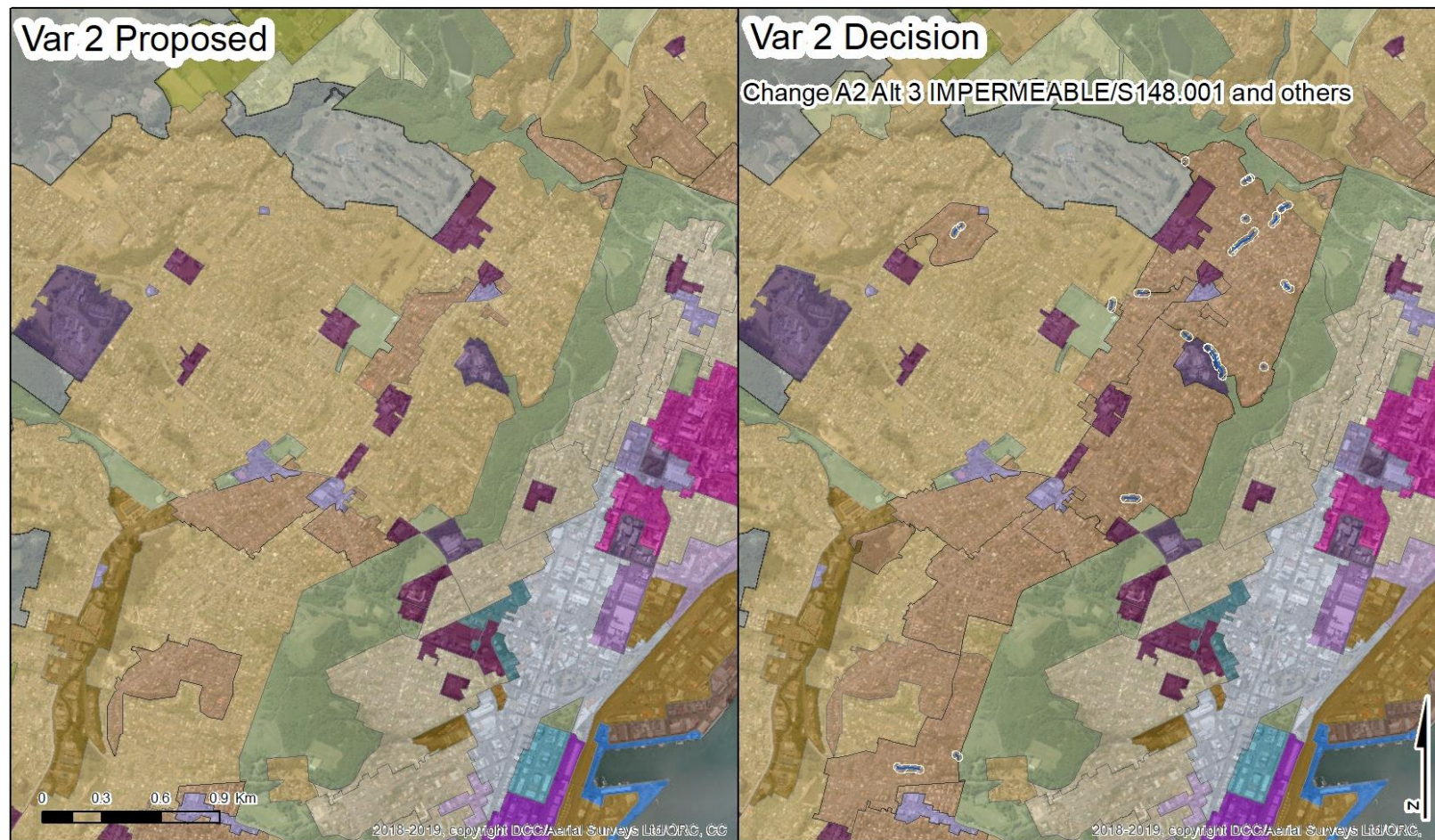
Map 2 - A.2.4.1 Remove the Stormwater Constraint Mapped Area



Legend:

 Stormwater Constraint Mapped Area	 Central Business District	 Centres	 Rural Residential 1
 General Residential 1	 CBD Edge Commercial North	 Trade Related	 Rural Residential 2
 General Residential 2	 CBD Edge Commercial South	 Industrial	 Recreation
 Inner City Residential	 Harbourside Edge	 Industrial Port	 Coastal
 Large Lot Residential 1	 Princes, Parry and Harrow Street	 Major Facility - School	 Hill Slopes
 Large Lot Residential 2	 Smith Street and York Place	 Major Facility - Campus	 Peninsula Coast
 Low Density Residential	 Warehouse Precinct	 Major Facility - Other	 Taieri Plain

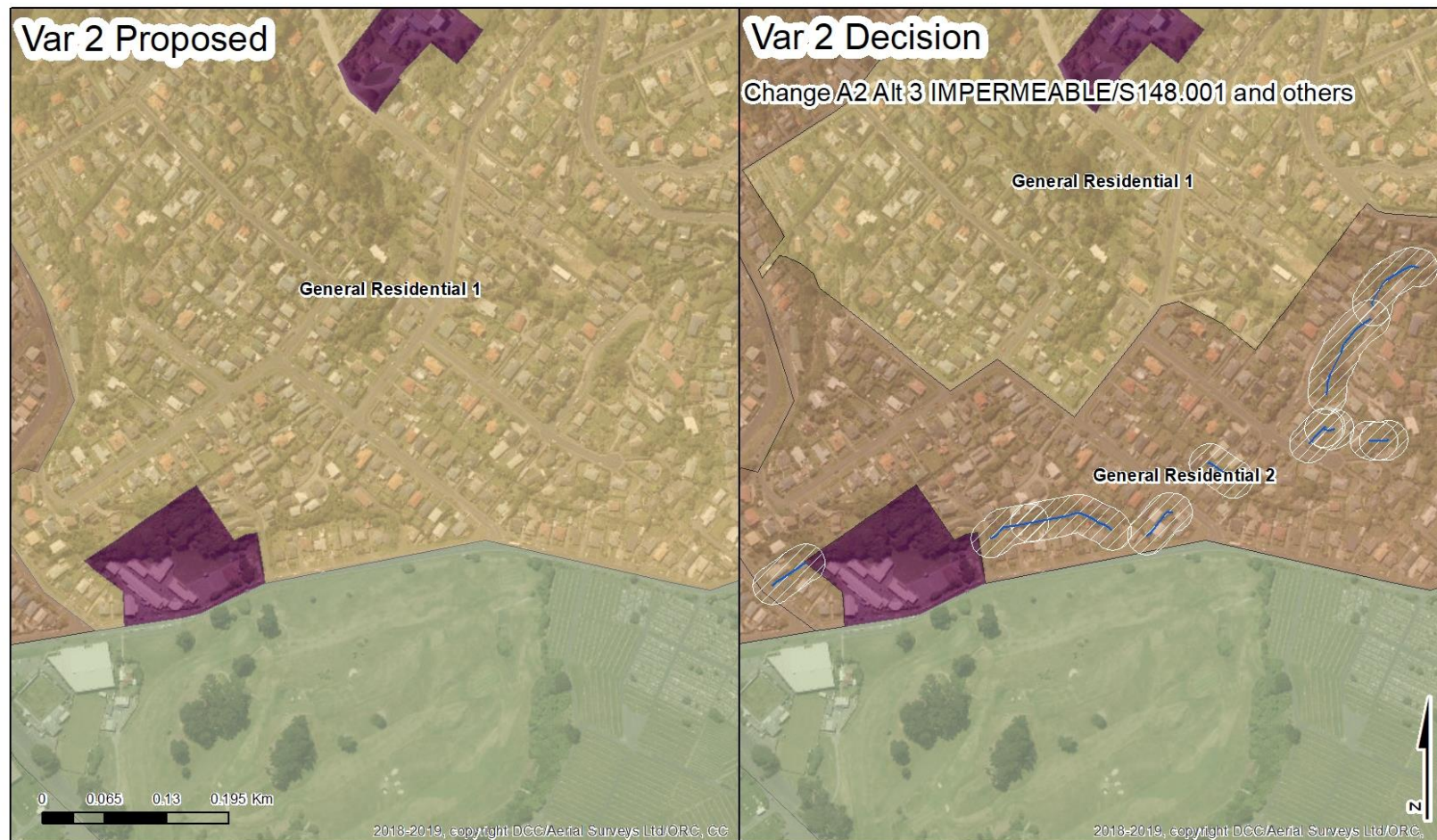
Map 3 - A.2.4.1 Add Stormwater Open Watercourse Mapped Areas - Hill Suburbs



Legend:

Stormwater Open Watercourse Mapped Area	Central Business District	Smith Street and York Place	Major Facility - School	Hill Slopes
General Residential 1	CBD Edge Commercial North	Warehouse Precinct	Major Facility - Campus	
General Residential 2	CBD Edge Commercial South	Centres	Major Facility - Other	
Inner City Residential	Harbourside Edge	Industrial	Rural Residential 2	
Large Lot Residential 1	Princes, Parry and Harrow Street	Industrial Port	Recreation	

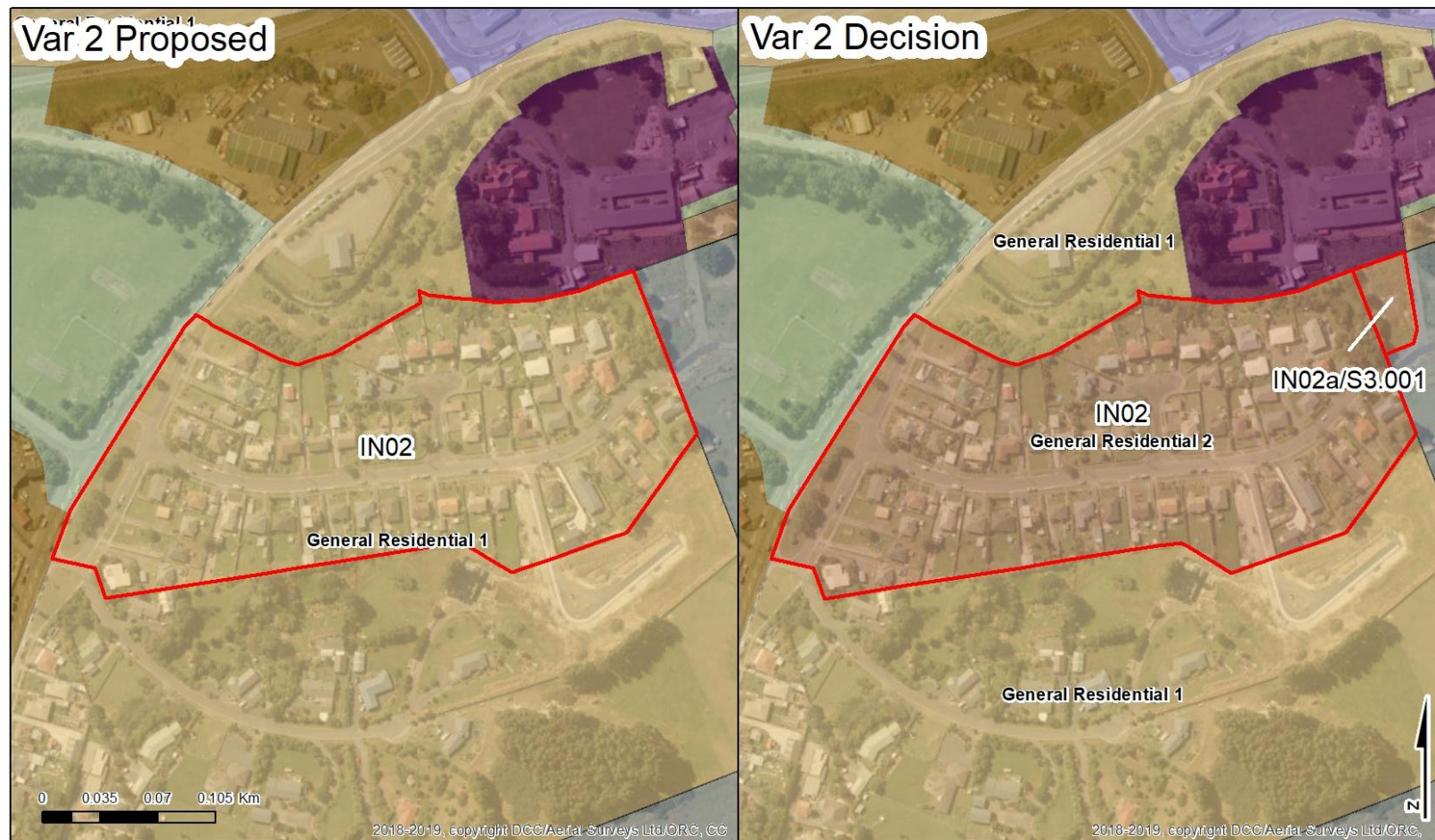
Map 4 - A.2.4.1 Add Stormwater Open Watercourse Mapped Areas - Andersons Bay



Legend:

- Stormwater Open Watercourse Mapped Area
- General Residential 1
- General Residential 2
- Major Facility - School
- Recreation

Map 5 - B.4.3.1 IN02 and IN02a Rezoning to General Residential 2 Zone at Burgess St, Green Island

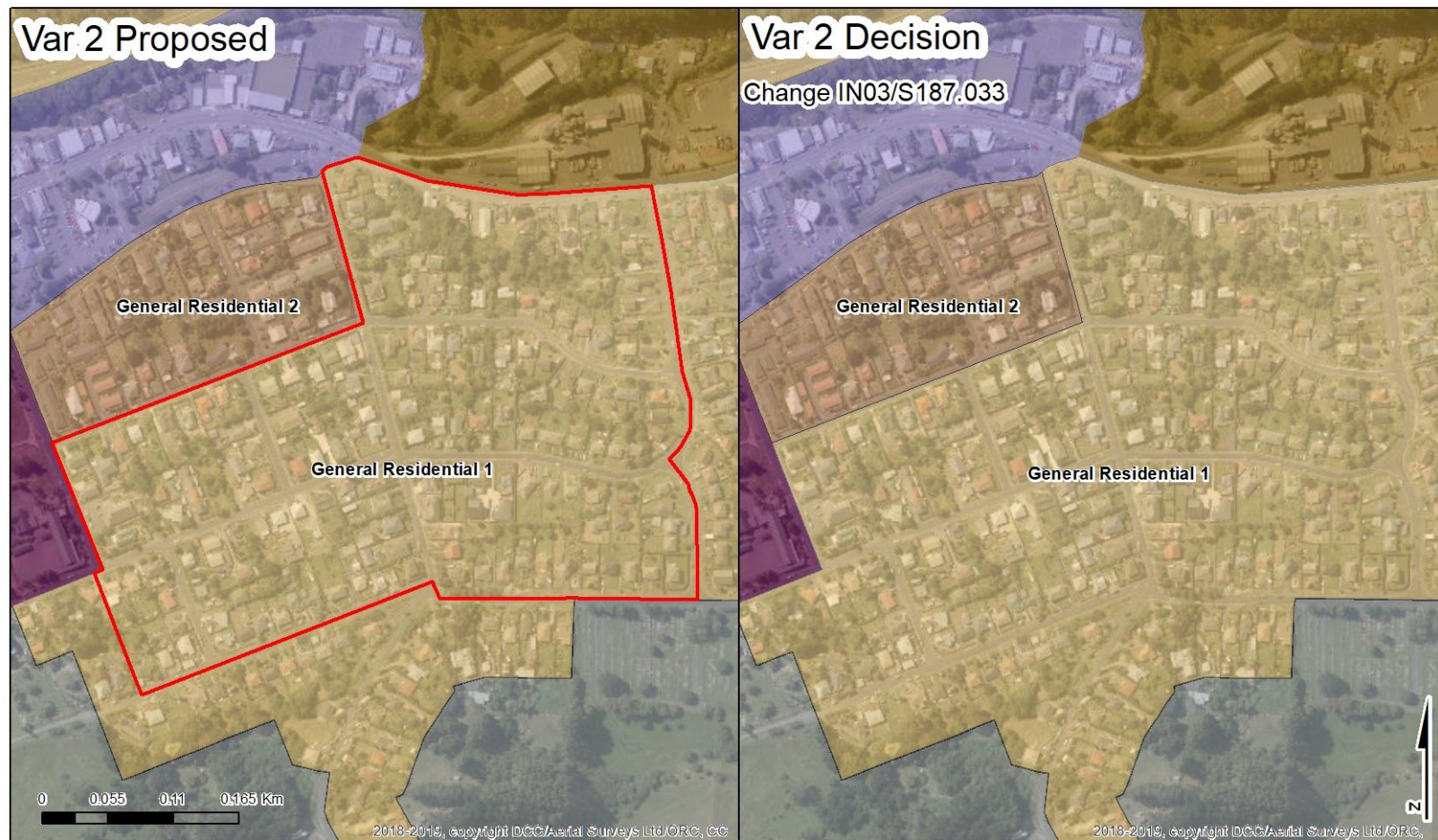


Legend:

 GR2 Rezoning	 Centres	 Recreation
 General Residential 1	 Industrial	 Coastal
 General Residential 2	 Major Facility - School	

NOTE: Other changes have been made to the area shown in the map - see other maps and decisions.

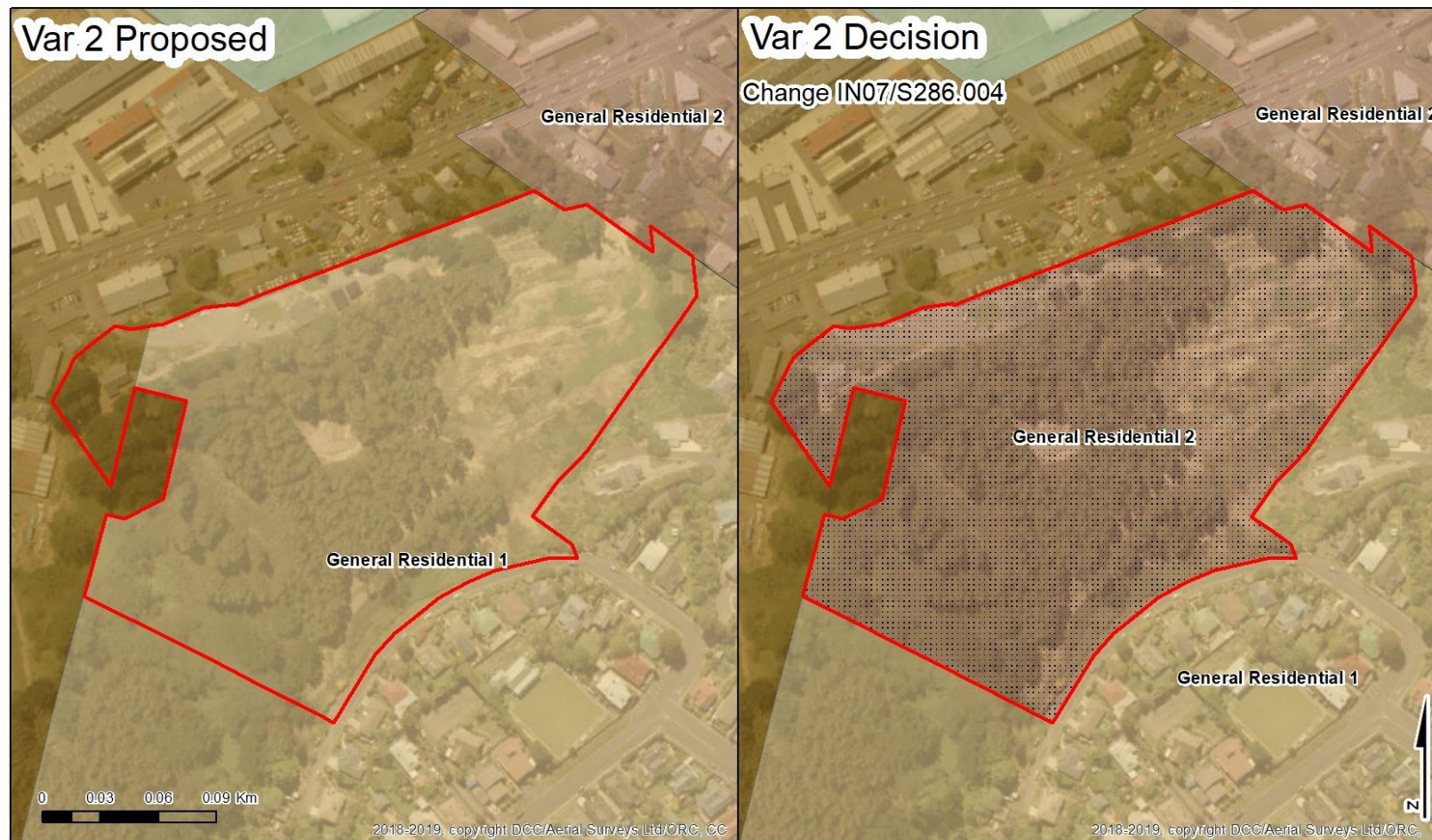
Map 6 - B.4.4.4 Remove Change IN03 Rezoning at Green Island



Legend:

 	GR2 Rezoning	 	Centres	 	Coastal
 	General Residential 1	 	Industrial		
 	General Residential 2	 	Major Facility - School		

Map 7 - B.4.7.1.1 Add Wastewater Constraint Mapped Area to Change IN07 at Kaikorai Valley

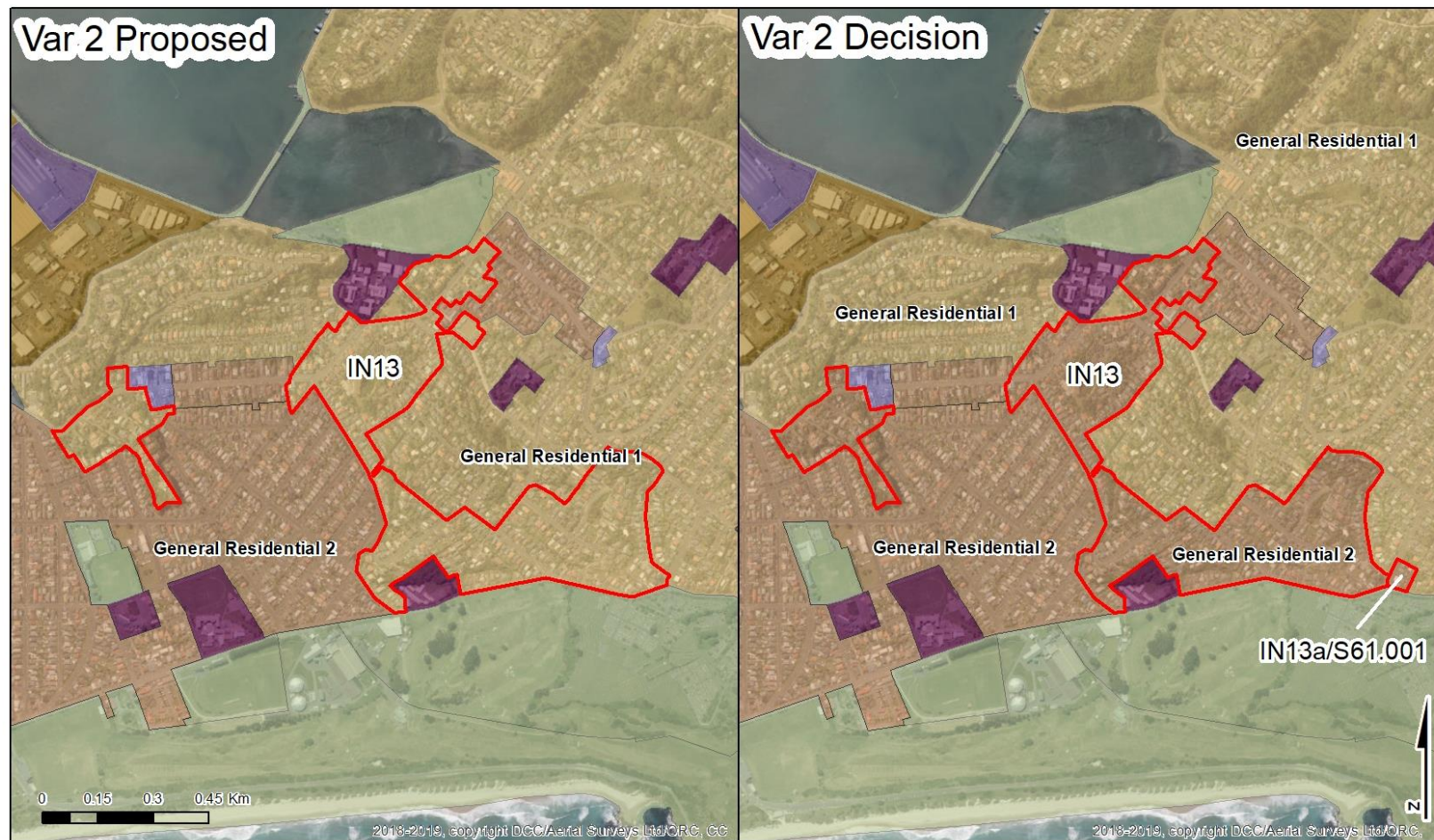


Legend:

- | | |
|---|--|
| GR2 Rezoning | General Residential 2 |
| Wastewater Constraint Mapped Area | Industrial |
| General Residential 1 | Recreation |

NOTE: Other changes have been made to the area shown in the map - see other maps and decisions.

Map 8 - B.4.10.3 IN13 and IN13a Rezoning to General Residential 2 Zone at Andersons Bay

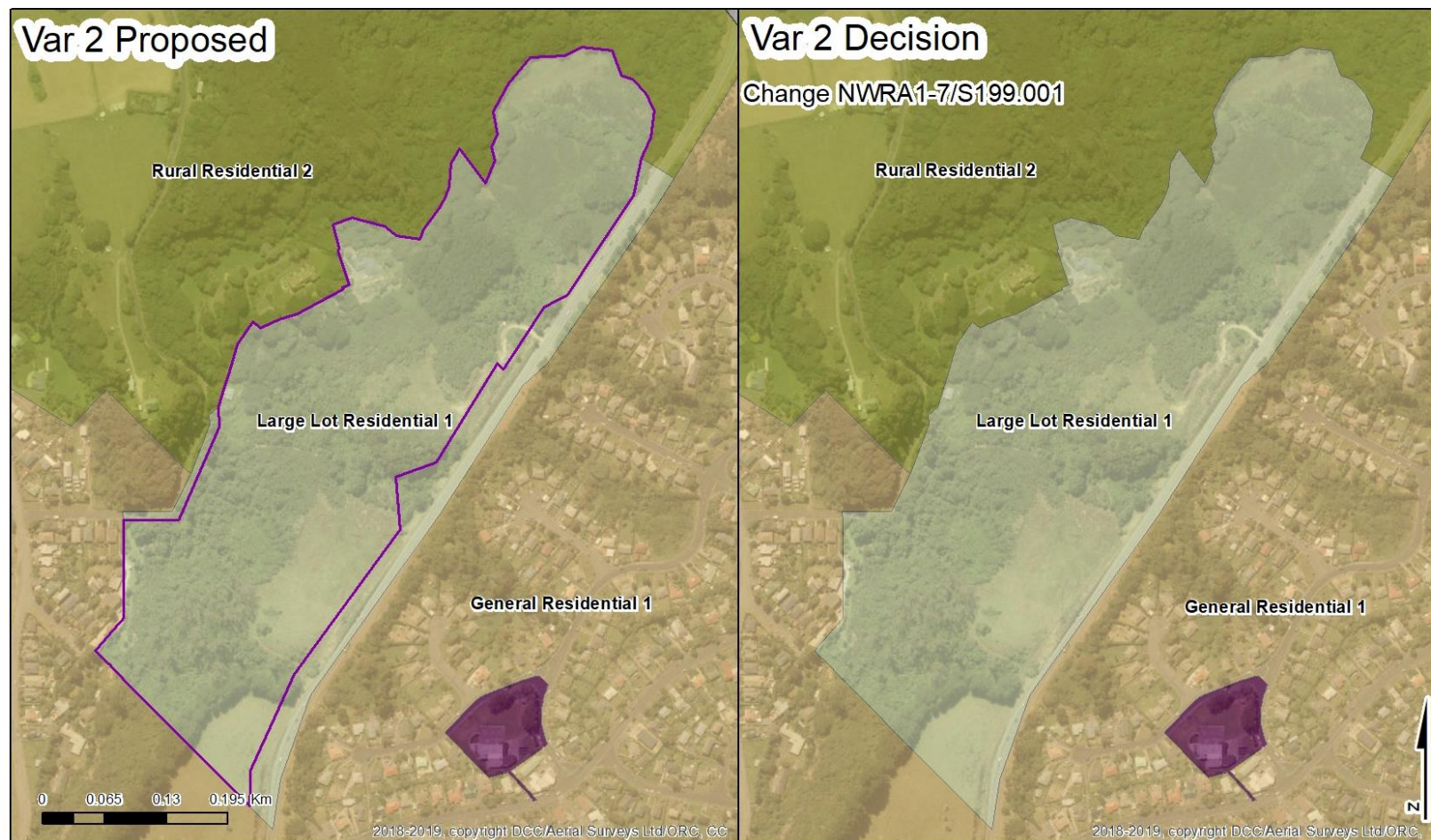


Legend:

 GR2 Rezoning	 Centres	 Major Facility - School
 General Residential 1	 Trade Related	 Major Facility - Other
 General Residential 2	 Industrial	 Recreation

NOTE: Other changes have been made to the area shown in the map - see other maps and decisions.

Map 9 - C.4.8.6.1 Remove Change NWRA7 No DCC Reticulated Wastewater Mapped Area at Patmos Avenue



Legend:

	No DCC Reticulated Wastewater		Major Facility - School
	General Residential 1		Rural Residential 2
	Large Lot Residential 1		Hill Slopes

NOTE: Change NDMA03 to add a new development mapped area to the area shown in the map has been retained.