

## Form 5

**Waka Kotahi NZ Transport Agency submission on a notified proposal for Variation 2 to Dunedin City Council Second Generation District Plan under Clause 6 of Schedule 1 of the Resource Management Act 1991**

4 March 2021

City Development Manager  
Dunedin City Council  
PO Box 5045  
Dunedin 9054

via email: [districtplansubmissions@dcc.govt.nz](mailto:districtplansubmissions@dcc.govt.nz)

**This is a submission on a change proposed to the following plan:**

Dunedin City Council Second Generation District Plan

**The specific provisions of the proposal that our submissions relate to are:**

Variation 2 in its entirety to the extent the provisions have the potential to compromise Waka Kotahi NZ Transport Agency's (Waka Kotahi) statutory obligations in terms of ensuring an effective, efficient and safe transport network.

**The Waka Kotahi submission is:**

1. Waka Kotahi is a Crown entity that takes an integrated approach to transport planning, investment and delivery. The statutory objectives of Waka Kotahi are to undertake its functions in a way that contributes to an effective, efficient and safe land transport system in the public interest. Our vision is for a sustainable, multi-modal land transport system where public transport, active or shared modes are the first choice for most daily transport needs.
2. Waka Kotahi has a mandate under the Land Transport Management Act 2003 (LTMA), the Government Roadway Powers Act 1989 (GRPA), and the Government Policy Statement on Land Transport 2018/19-2027/28 (GPS) to carry out its functions in a way that delivers on the transport outcomes set by the government.

3. In the 2018-2021 National Land Transport Programme, Waka Kotahi has allocated significant investment in the Otago Region (including Dunedin City) to the improvement, operation and maintenance of the State Highway network, including public transport investment, walking and cycling and transport planning. In addition, Waka Kotahi is a co-funder of the local roading network. Waka Kotahi is therefore a significant investor in the infrastructure required to achieve the land use change and growth anticipated in Variation 2 to the Dunedin City Council Second Generation District Plan.
4. Overall, Waka Kotahi has an interest in Variation 2 as a result of its role as a:
  - Transport investor – to maximise effective, efficient and strategic returns for New Zealand;
  - Planner of land transport networks – to ensure the integration of infrastructure and land use so as to support liveable communities and the development of an effective and resilient land transport network for customers;
  - Provide for access to and the use of the land transport system – to shape smart, efficient, safe and responsible transport choices; and
  - Manager of the state highway network – to deliver efficient, safe and responsible highway solutions for customers.
5. The Waka Kotahi submission seeks amendments to Variation 2 in the following topic areas:
  - Amendments to policies to include specific consideration of the relationship between a site and an adjoining state highway / strategic infrastructure.
  - Amendments to assessment matters to include specific consideration of the relationship between a site and an adjoining state highway / strategic infrastructure.
  - Amendments to ensure specifically identified sites are appropriately considered including their relationship to an adjoining state highway / strategic infrastructure.
6. The changes requested are made to:
  - a. Ensure that Waka Kotahi can carry out its statutory objective and functions.
  - b. Reduce interpretation and processing complications for decision makers.
  - c. Provide clarity for all plan users.
7. Further points are summarised in Table 1, which forms the bulk of our submission.
8. Where a provision is not specified in Table 1 below, Waka Kotahi generally supports the way it is drafted.
9. Waka Kotahi could not gain an advantage in trade competition through this submission.

**We seek the following decision from the local authority:**

Amend the provisions of Variation 2 to the Dunedin City Council Second Generation District Plan as detailed in Table 1 (attached) including such further, alternative or consequential relief as may be necessary to fully achieve the relief sought in this submission.

Waka Kotahi would like to be heard in support of its submission. If others make a similar submission, Waka Kotahi will consider presenting a joint case with them at a hearing.

Signature of person authorised to sign on behalf of Submitter:



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**Table 1: Decisions Sought on Variation 2 to the Dunedin City Council Second Generation District Plan**

The following table sets out the amendments sought by Waka Kotahi to Variation 2 to the Dunedin City Council Second Generation District Plan and also identifies those provisions that Waka Kotahi supports.

Item	Proposed Plan Section	Support/ Support in Part/ Oppose/ Oppose in Part	Comments/ Reasons	Relief Sought
<b>General Comments</b>				
General Comments			In reviewing Variation 2, and developing this submission, it is noted that the approach taken through the variation is to identify specific areas generally within existing, or directly adjoining existing, areas of residential development. An approach of 'filling gaps' distributed across a wider area is supported as it provides the opportunity to utilise existing resources and infrastructure and is likely to result in a lesser impact or create a significant change in demand on infrastructure at specific points or locations including within the State Highway network.	
General Comments			The Dunedin City Council is required to ensure adequate land is available to provide for adequate development capacity as per the requirements of the National Policy Statement on Urban Development Capacity 2016. Waka Kotahi supports that the Dunedin City Council have progressed this matter to both comply with statutory requirements but more to ensure land is available for housing to be established and reduce current shortages.	
General Comments			Some of the areas identified for rezoning directly adjoin State Highways including motorways. Generally these areas have alternative access available but Waka Kotahi wishes to highlight that generally direct access to a state highway is not appropriate and alternative access is to be both encouraged and required. As part of this it is also noted that direct vehicular access to a motorway is not legally available.	
General Comments			The District Plan already includes land use performance standards including a requirement to comply with acoustic insulation requirements within 40 metres of a state highway, as specified in Rule 9.3.1. While it is proposed to introduce additional residential areas it is noted that those areas will be required to comply with the insulation requirements. Waka Kotahi supports that Variation 2 does not seek any amendment to the acoustic insulation requirements as part of the variation.	

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<b>Part B – City-Wide Activities</b>				
<b>6. Transportation</b>				
<b>6.2 Objectives and Policies</b>				
Transportation Objectives and Policies	Policy 6.2.2.X	Support	<p>Variation 2 proposes to introduce an additional policy which encourages social housing to be located where there is convenient walking access to public transport services.</p> <p>Waka Kotahi supports the inclusion of this policy as it encourages multi modal transport options specifically including access to public transport services.</p>	Retain as notified.
<b>Part C – City-Wide Provisions</b>				
<b>12. Urban Land Transition Provisions</b>				
<b>12.2 Objectives and Policies</b>				
Urban Land Transition Provisions Objectives and Policies	Objective 12.2.X and Policies 12.2.X.1 – 12.2.X.5	Support in Part	<p>Variation 2 proposes to introduce an additional objective and associated policies which provide a linkage to rules in residential zones and related assessment matters. The changes enable specific matters of consideration as part of the potential development of new development mapped areas. For example, policies to be introduced include access to outdoor recreation opportunities.</p> <p>Later in this submission Waka Kotahi seek the inclusion of additional assessment matters to include consideration of</p>	<p>Insert an additional policy under Objective 12.2.X worded to include the following, or similar:</p> <p>“Only allow subdivision in a <b>new developed mapped area</b> where the subdivision is designed in consideration of the surrounding environment including strategic infrastructure.”</p>

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			<p>the design of a development and how it interacts with an adjoining state highway. For example, this could include the position of any dwellings, allotment locations, outdoor living space and the contours or elevations between a site and a state highway.</p> <p>To enable a consistency across the District Plan it is sought that an additional policy is inserted under Objective 12.2.X which facilitates consideration of the design of a development and how it interacts with an adjoining state highway.</p>	
<b>Part D – Management Zones</b>				
<b>15. Residential Zones</b>				
<b>Rules</b>				
Residential Zones <b>Rules</b>	15.3.4 Development Activity Status Table	Support	<p>Variation 2 seeks to amend the schedule of performance standards that apply to all development activities to include service connections for stormwater in a new development mapped area.</p> <p>As some sites adjoin a state highway Waka Kotahi supports the inclusion of this provision as it ensures developers are aware of the need to ensure stormwater is adequately controlled as part of developing an area within a new development mapped area.</p>	Retain as notified.

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Residential Zones <b>Rules</b>	15.3.4 Development Activity Status Table	Support	<p>Variation 2 seeks to include a provision that new buildings and additions and alterations that result in a multi unit development are a restricted discretionary activity.</p> <p>Waka Kotahi supports the inclusion of this provision as it ensures that multi unit developments, particularly within new development mapped areas will be able to be appropriately assessed including the relationship between a development site and adjoining roading networks, including state highways.</p>	Retain as notified.
<b>Performance Standards</b>				
Residential Zones <b>Performance Standards</b>	15.8.AB Main South Road, Concord Structure Plan Mapped Area Performance Standards	Oppose	<p>Variation 2 seeks to rezone an area of land, between the Dunedin Southern Motorway and Main South Road (Area GF08), a combination of Residential 1 and 2. The area has also been identified as a structure plan mapped area and a new development mapped area.</p> <p>No direct access from the motorway is legally available but it is noted that an extensive length of the site will adjoin the motorway. This section of motorway is a high speed environment and the sloping nature of the area means that the area is characterised by vehicles accelerating and/or braking. The more unique characteristics of this site suggest that there is the</p>	A specific assessment of this site is undertaken to determine if there needs to be additional development controls to mitigate potential effects on the motorway prior to the rezoning of this area.



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			<p>potential for conflict between the motorway and the site, particularly including reverse sensitivity. It is suggested that these unique characteristics mean that the existing acoustic insulation provisions in the District Plan may not be enough to manage the relationship between the site and motorway including the addressing of potential reverse sensitivity effects.</p> <p>It is therefore sought that a specific assessment of this site is undertaken to determine if there needs to be additional development controls prior to the rezoning of this area.</p>	
<b>Assessment Matters</b>				
Residential Zones <b>Assessment Matters</b>	15.11.3 Assessment of restricted discretionary development activities	Support in Part	<p>Waka Kotahi has submitted in support of the inclusion of a rule that requires a restricted discretionary activity consent for multi unit developments.</p> <p>It is recognised that such development will be required to be assessed against various assessment matters including effects on the safety and efficiency of the transport network and the variation seeks to add additional assessment matters to enable consideration of the effects on streetscape and amenity.</p> <p>As the variation includes the rezoning of areas adjoining state highways it is sought that an additional assessment</p>	<p>Amend the assessment matters in section 15.11.3(1) to include the following, or similar, general assessment guidance:</p> <p>"Where a site adjoins strategic infrastructure, in assessing the effects on amenity, Council will consider the design of the development and the relationship between the site and strategic infrastructure."</p>

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			matter is inserted to facilitate consideration of the design of a development and how it interacts with an adjoining state highway. This could include the position of any dwellings, outdoor living space, the contours or elevations between the two areas and reverse sensitivity.	
Residential Zones <b>Assessment Matters</b>	15.11.5 Assessment of restricted discretionary activities in an overlay zone, mapped area, heritage precinct or affecting a scheduled heritage item.	Support in Part	<p>Waka Kotahi notes that subdivision is provided for as a restricted discretionary activity and it is proposed to include specific assessment matters for new development mapped areas.</p> <p>It is recognised that such development will be required to be assessed against various assessment matters including effects on the safety and efficiency of the transport network and effects on neighbourhood residential character amenity.</p> <p>As the variation includes the rezoning of areas adjoining state highways it is sought that an additional assessment matter is inserted to facilitate consideration of the design of a development and how it interacts with an adjoining state highway. This could include the position, shape and design of the allotments, the contours or elevations between the site and state highway and reverse sensitivity.</p>	Amend the assessment matters in section 15.11.5(Y) to include the following, or similar, matters of discretion: "Where a site adjoins significant infrastructure, Council will consider the design of the development and the relationship between the site and strategic infrastructure."

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<b>Dunedin City Council Second Generation District Plan</b>				
<b>Maps</b>				
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<b>Map Amendments</b>	GF04 – 127a Main Road, Fairfield	Support in part	<p>Variation 2 proposes to rezone an area from Rural to General Residential 1 at 127a Main Road in Fairfield. This also includes identifying the area as a new development mapped area.</p> <p>The site is undulating and directly adjoins the Dunedin Southern Motorway. The undulating nature of the site means that parts of the site will be above and below the motorway.</p> <p>Waka Kotahi is not opposed to the rezoning of this area and instead seeks that any development of this area is reflective of the surrounding environment, including motorway. To achieve this Waka Kotahi has sought, through this submission, amendments to policies and assessment matters in order to facilitate increased consideration of state highways and managing the relationship between a site and a state highway.</p> <p>Dependent on Council's response to other submission points Waka Kotahi is open to discussions with Council as to whether it is instead appropriate to include other</p>	Retain as notified provided other points in this submission are adopted.

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			<p>suitable provisions which could include site specific controls, if considered necessary.</p> <p>It is also reiterated that no legal access to the motorway is available from this site.</p>	
<b>Map Amendments</b>	GF08 – 19 Main South Road, Concord.	Oppose	<p>As per previous submission points, variation 2 seeks to rezone an area of land, between the Dunedin Southern Motorway and Main South Road (Area GF08), a combination of Residential 1 and 2. The area has also been identified as a structure plan mapped area and a new development mapped area.</p> <p>No direct access from the motorway is legally available but it is noted that a significant length of the site will adjoin the motorway. This section of motorway is a high speed environment and the sloping nature of the area means that the area is characterised by vehicles accelerating and/or braking. The more unique characteristics of this site suggest that there is the potential for conflict between the motorway and the site, particularly including reverse sensitivity. It is suggested that these unique characteristics mean that the existing acoustic insulation provisions in the District Plan may not be enough to address potential reverse sensitivity effects.</p> <p>It is therefore sought that a specific assessment of this site is undertaken to determine if there needs to be</p>	A specific assessment of this site is undertaken to determine if there needs to be additional development controls to mitigate potential effects on the motorway prior to the rezoning of this area.

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			additional development controls prior to the rezoning of this area.	
<b>Map Amendments</b>	NDMA03 – Patmos Avenue, Pine Hill	Comment	<p>Variation 2 proposes to introduce a new development mapped area at Patmos Avenue, Pine Hill. No change in zoning is proposed as part of Variation 2.</p> <p>The site is undulating and directly adjoins the Dunedin Northern Motorway. The undulating nature of the site means that parts of the site will be above and below the motorway.</p> <p>Waka Kotahi is not opposed to the rezoning of this area and instead seeks that any development of this area is reflective of the surrounding environment, including motorway. To achieve this Waka Kotahi has sought, through this submission, amendments to policies and assessment matters in order to facilitate increased consideration of state highways and managing the relationship between a site and a state highway.</p> <p>Dependent on Council's response to other submission points Waka Kotahi is open to discussions with Council as to whether it is instead appropriate to include other suitable provisions which could include site specific controls, if considered necessary.</p>	Retain as notified provided other points in this submission are adopted.

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			It is also reiterated that no legal access to the motorway is available from the site.	
<b>Map Amendments</b>	NDMA08 – Pine Hill	Comment	<p>Variation 2 proposes to introduce a new development mapped area at a property on Pine Hill. No change in zoning is proposed as part of Variation 2.</p> <p>The site is undulating and directly adjoins the eastern side of the Dunedin Northern Motorway.</p> <p>Waka Kotahi is not opposed to the rezoning of this area and instead seeks that any development of this area is reflective of the surrounding environment, including motorway. To achieve this Waka Kotahi has sought, through this submission, amendments to policies and assessment matters in order to facilitate increased consideration of state highways and managing the relationship between a site and a state highway.</p> <p>Dependent on Council's response to other submission points Waka Kotahi is open to discussions with Council as to whether it is instead appropriate to include other suitable provisions which could include site specific controls, if considered necessary.</p> <p>It is also reiterated that no legal access to the motorway is available from the site.</p>	Retain as notified provided other points in this submission are adopted.