



# **SECOND GENERATION DISTRICT PLAN**

## **Variation 2**

### **Additional Housing Capacity**

#### **Part 1 – Provisions**

**(Except 3 Waters Provisions)**

### **Response to Minute 6**

**(Change D2 – Roads at the time of subdivision)**

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**22 October 2021**

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## 1.0 Introduction

1. This report is prepared in partial response to Minute 6 dated 1 October 2021 issued by the Variation 2 Hearing Panel. Minute 6 requested witness conferencing on the following matter:
  - Change D2 (Roads at the time of subdivision)
2. Minute 6 requested a response on these matters by Friday 15<sup>th</sup> October 2021. The Hearing Panel subsequently agreed to a weeklong extension on this matter and therefore the deadline is now 22 October 2021

## 2.0 Change D2 – Roads at the time of subdivision

3. Minute 6 included the following:

*Representatives of the submitter Survey & Spatial NZ Coastal Otago Branch presented suggested amended wording to the rule requiring a road at the time of subdivision. One concern we understood was the uncertainty as to when roads will be required, noting that the current rule requires this for accesses serving more than 12 sites, however Variation 2 proposes to remove the reference to 'sites' and replace it with 'likely to service more than 12 residential units'. We understood a concern to be that the rule could therefore be interpreted to apply to sites of at least 500m<sup>2</sup> 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.*

*The Reporting Officer has responded to that in her Reply Report, and has suggested some amendments to the relevant rule.*

*As for (a) above the Panel considers this is a matter where it seems possible some agreement may be able to be reached between the parties. We direct that the Reporting Officer or Mr Freeland the Senior Planner in support for the DCC and Mr Copland (Council's transportation expert) meet or otherwise exchange information with representatives of those submitters and please provide a statement with any agreed wording to assist the Panel for its consideration. We also invite any comment on the relevant policy wording. Where agreed wording cannot be settled on, the statement is to explain any differences that still exist between the parties.*

4. I met with Kurt Bowen as a representative for Survey & Spatial NZ Coastal Branch together with Council transportation staff, Logan Copland, Planner and Trevor Watson, DCC Contractor, Transport Strategy. The main issues identified were:
  - a. Uncertainty about when roads may be required at the time of subdivision;
  - b. Circumstances when a road may not be required; and
  - c. The amount of flexibility for Council to accept roads which are not developed to the full requirements set out in the Dunedin City Council *Code of Subdivision and Development (2010)*.
5. To avoid the presumption that a road would potentially be required for a 6-lot subdivision that was capable of accommodating 12 residential units e.g. a duplex on each of the lots, it is proposed that Policy 6.2.3.Y be amended to refer to 12 residential sites or a development with an equivalent amount of trip demand.
6. Circumstances when a road may not be required are set out as assessment guidance in Rule 6.11.2.7.a.AC.x, y z & aa which are as follows:

- x. *access routes to and through the subdivision area will enable minimum road design requirements to be met, including factors such as slope and site dimensions;*
- y. *access can only be achieved by right-of-way over other property;*
- z. *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*
- aa. *legal constraints which the applicant does not have the authority to cancel exist within the site and prevent the vesting of road.*

N.B. This is not an exhaustive list.

7. With regard to flexibility for Council to accept roads to a lesser standard than the *Code of Subdivision and Development (DCC, 2010)*, the proposal is to widen the assessment matter guidance to include reference to NZS 4404 and enable alternative specific proposals to be considered as follows:

*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's priority preference is for a legal road built to the aforementioned standards but will consider alternative specific proposals of a lesser standard when submitted with appropriate engineering information that demonstrates why the aforementioned standards are not achievable.*

8. I have attached a clean version of Objective 6.2.3, Policy 6.2.3.Y and 6.11.2.7 (Transportation Section: Assessment of restricted discretionary activities (activities located in zones) – all subdivision activities (all zones). Please note that as Rule 6.11.2.7 is also subject to change in response to the 'Solid waste management as part of intensification and subdivision' topic (Variation 2: Additional Housing Capacity (Provisions) S42A Report, Section 4.1.3, pages 14-19) I have highlighted in green Rule 6.11.2.7.a.v to indicate the type of amendment which may also be made to this assessment rule.

### **3.0 Summary**

9. The amendments proposed reflect constructive discussions over a relatively short space of time to try and reach agreed, clear and sensible provisions. All parties agreed to the proposed wording. I note that these recommendations, if adopted, will require additional checking for consequential changes.

### 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.Y

Require subdivision activities to provide for new roads where:

- a. any proposed vehicle accessway will service more than 12 residential sites, or a development with an equivalent amount of vehicle trip demand, unless the location or design of the subdivision makes this inappropriate;
- b. it is necessary to provide connectivity to potential future urban growth areas in the surrounding environment; or
- c. it is otherwise necessary to support the safe and efficient operation of the transport network. {Change D2}

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> <ol style="list-style-type: none"><li>i. Objective 6.2.3</li><li>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).</li><li>iii. Any associated changes to the transportation network will be affordable to the public in the long term (Policy 6.2.3.9.b).</li></ol> <p>X. Subdivision activities provide for new roads where:</p> <ol style="list-style-type: none"><li>1. any proposed vehicle accessway will service more than 12 residential sites, or a development with an equivalent amount of vehicle trip demand, unless the location or design of the subdivision makes this inappropriate;</li></ol>

2. it is necessary to provide connectivity to potential future urban growth areas in the surrounding environment; or
3. it is otherwise necessary to support the safe and efficient operation of the transport network (Policy 6.2.3.Y). **{Change D2}**

*General assessment guidance:*

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 sites 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}

YY. 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's priority preference is for a legal road built to the aforementioned standards but will consider alternative specific proposals of a lesser standard when submitted with appropriate engineering information that demonstrates why the aforementioned standards are not achievable. {Change D2}

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:

- x. access routes to and through the subdivision area will enable minimum road design requirements to be met, including factors such as slope and site dimensions;
- y. access can only be achieved by right-of-way over other property;
- z. 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

aa. legal constraints which the applicant does not have the authority to cancel exist within the site and prevent the vesting of road.

Z. 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}

*Conditions that may be imposed include:*

iv. Easements for pedestrian and/or vehicle access either on or off the site.

AA. A requirement to vest a road or roads with the DCC.

AB. 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.

*Design considerations that may support a consent application include:*

v. 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 where necessary.

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.