

17th December 2024

City Planning
Dunedin City Council
PO Box 5045
Dunedin

SUBMISSION ON PLAN CHANGE 1

This is a submission on Plan Change 1 to the Partially Operative Dunedin City Second Generation District Plan (2GP). This submission has been prepared by Patersons, on behalf of the Submitter named in the information below.

Submitter details:

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It is advised that the Submitter will not gain an advantage in trade competition through this submission.

Submission (multiple submission table):

PC1 ID:	Res13
Provision Name:	Rule 10.3.3.W Rule 10.3.3.X (And all other provisions connected to the above Rules, as listed in the PC1 Summary of Changes document, including the information shown on the Planning Maps).
This submission seeks:	If the change is not rejected, amend as outlined below.
Reasons:	This submission item relates to the proposed setbacks from open watercourses. Existing Rule 10.3.3.X requires- <i>"...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 5m from a stormwater open watercourse mapped area."</i> Proposed Rule 10.3.3.W requires- <i>"...new buildings and structures, additions and alterations, earthworks - large scale, storage and use of hazardous substances,</i>

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and network utility activities must be set back a minimum of 20m from a stormwater open watercourse mapped area in the rural zones.”

Proposed Rule 10.3.3.X requires-

“...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 5m from a stormwater open watercourse mapped area in all other zones.”

Additionally, this proposed change seeks to amend the Planning Maps so that these include numerous open watercourse mapped area features.

The Submitter seeks the following adjustments to these provisions.

First, the Submitter requests that the setback distances imposed by these rules are reduced-

- In Rule 10.3.3.W, from 20.0m to 7.0m, and
- In Rule 10.3.3.X, from 5.0m to 2.5m.

The suggested reduced distances are considered sufficient to achieve suitable protection from high water flows and to protect the water conveyance function of the watercourse feature, along with enabling any necessary maintenance works to be carried out.

The reduced 7.0m width in the Rural Zones is consistent with the setback standards that Otago Regional Council apply to their drainage channel network. This demonstrates that 7.0m is sufficient for protection and maintenance purposes.

The reduced 2.5m width in other zones is consistent with the 3-Waters approach to setbacks from piped drainage infrastructure, which typically required an easement to be created at 1.5m on each side of the pipe and then a further 1.0m setback from the edge of the easement to any new structures. This 2.5m setback distance is deemed sufficient to enable the maintenance of drainage pipe infrastructure, and the Submitter suggests that this is reasonable for this same setback distance to be applied to the new rules.

Second, the Submitter has concerns around the definition of where the setback distances are to be measured from. Currently, the rules suggest that the setback is to be measured from the mapped area itself, implying that the mapped feature is the starting point for measuring the setback. I highly doubt that the feature mapping that has been used to populate the Planning Maps is particularly accurate, and this could lead to the required setback distances ending up being quite different to the actual distance between the determined setback line and the watercourse feature as it sits on the ground. To resolve this, the rules should be updated to include a reference to where the setback distance is measured from. The easiest way to do this would be to tweak Rule 10.3.3.7 which provides a starting point for measuring setback from water bodies, so that this rule can also be applied to open watercourse mapped

areas. The headings for Figure 10.3.3A and Figure 10.3.3B should also be adjusted to include open watercourse mapped areas.

The amended Rule 10.3.3.7 might then read (my amendment underlined)-

“For the purposes of this standard, setbacks will be measured from the bank of the water body or open watercourse mapped area 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).”

Third, the Submitter seeks the inclusion of the following exemptions from the new open watercourse mapped area provisions-

1. Where open watercourse features exist close to a property boundary, they should not apply to the adjoining property. I.e. an exemption should be made for the adjoining property, so that the adjoining property owner is not adversely affected by the setback provisions. For example, if a watercourse feature was constructed within say 1.0m of a property boundary, the new setback should extend over the 1.0m distance between the feature and the boundary but should cease at the boundary.
2. An exemption should be made for properties that are subject to recently consented and/or approved developments, and where anticipated land use activities have not yet been fully implemented. For instance, where a stormwater detention swale has, or will be, constructed but houses are yet to be established. In various instances, there are already protective measures in place to manage open watercourses, such as easements, covenants and consent notices, which already serve to address the outcomes sought by the proposed rule changes. Without this exemption there is a risk that approved development may be unreasonably compromised before it can be completed.

Regarding point 2 above, the Submitter presently owns a number of properties within the industrial land development hub at Enterprise Place, Mosgiel. The Submitter is the developer of this hub and has an interest in not only the properties that he still owns in this development, but also an interest in the properties that have since been sold to new owners. A number of the properties at Enterprise Place, Mosgiel, are directly impacted by the proposed provisions. These sites have been recently subdivided (titles issued 14 November 2023), and new industrial buildings are yet to be constructed on many of these sites. The industrial hub includes a stormwater drainage and detention system, which has been classified as an open stormwater mapped area in the PC1 Planning Map changes. The sites are modest in size (for industrial standards), and the imposition of the proposed 5.0m setback has a relatively significant implication for new development on these properties. The Submitter seeks these properties to be exempted from the proposed open stormwater mapped area provisions and seeks for the feature to be removed from the Planning Maps.

	<p>In particular, the Submitter holds the following concerns over the proposed Res13 changes-</p> <ul style="list-style-type: none">• It would be unfair to implement these provisions in instances where the infrastructure design has already been completed, and where landowners have had no opportunity to consider these provisions as part of layout/decision making process for the subdivision.• These setback provisions are likely to devalue the sites even more than the presence of the stormwater feature does.• Any new restrictive setbacks on these sites will limit the build options that are already restricted by the presence of the stormwater feature. <p>Lastly, the Submitter seeks the removal of all open watercourse mapped area features from the Planning Maps where these features relate to large properties of undeveloped land in the residential zones. Potentially any block larger than 1.0 hectares could be seen in this light. The reason for this is that these blocks of land, of which there might be a relatively small number, will almost certainly all be subject to comprehensive future resource consenting processes, at the time that owners seek to pursue development. In many cases, these properties are also subject to New Development Mapped Area (NDMA) provisions. These existing provisions will provide sufficient methods and opportunities for Council and landowners to collectively consider the most appropriate means of managing and protecting any open watercourse features. Such management might often include activities such as replacing open watercourses with piped drainage systems and/or relocating open watercourse to more convenient alignments. These activities are more easily managed through the resource consent pathway than by imposing the proposed open watercourse mapped area features, which then may need to be unpacked from the property at a later date. This would also avoid the need for the Planning Maps to be updated as changes are made to the watercourse features.</p>
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The Submitter wishes to speak in support of this submission at a hearing. If others make a similar submission, the Submitter will consider presenting a joint case at a hearing.

I trust that the above submission is helpful. We look forward to hearing from Dunedin City Council in due course.

Yours faithfully
PATERSONS



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17/12/2024