



# **SECOND GENERATION DISTRICT PLAN**

## **Variation 2**

### **Additional Housing Capacity**

#### **Part 1 – Provisions**

**(Except 3 Waters Provisions)**

## **Reporting Officer's Opening Statement**

**Emily McEwan**

**13 September 2021**

## **1.0 Introduction**

1. My name is Emily McEwan and I am employed by Dunedin City Council as a Policy Planner.
2. I am the reporting officer for this Variation 2 hearing, and I have been heavily involved in the development of Variation 2 over the last two-and-a-half years.
3. I have tabled printed copies of this statement and answers to the Panel's pre-hearing questions, both of which will be made available on the Variation 2 hearing webpage.

## **2.0 Key Points on Variation 2**

### **2.1 Scope of changes**

4. Variation 2 contains a range of proposals for changes to the 2GP that are relevant to residential activity. Each proposal has its own specific purpose, as set out in the 'purpose of proposal and scope of change' statements in the Section 32 Report and the supporting Summary of Changes document (February 2021).
5. Only submissions which fall within the ambit of these statements are 'on' Variation 2.
6. Most submissions which have been identified as outside the scope of Variation 2 have previously been reviewed by the Panel and struck out from further consideration in accordance with Section 41D of the RMA (on 31 May 2021). Any points previously struck out have not been addressed in my Section 42A Report and will not be considered as part of this hearing.
7. There are some submissions remaining, which the Panel have not previously reviewed, where the scope of the request is at issue and these have been addressed in the relevant parts of my Section 42A Report. When considering matters of scope, I rely on the approach I set out in my previous Out-of-Scope Submissions Report (16 April 2021), which was informed by legal advice.

### **2.2 Changes to be considered at this hearing**

8. The proposals contained in Variation 2 have been split into four groups and only the first group will be considered at this hearing. This group contains all the changes identified in Table 1 of the Section 42A Report.
9. Substantive changes under consideration include:
  - Proposed rule changes primarily to enable more housing in the General Residential 1 and Township & Settlement zones (where serviced for wastewater);
  - A proposal to better provide for social housing in the General Residential 1 and Township & Settlement zones (where serviced for wastewater); and
  - Proposed changes to the policies and assessment rules for greenfield subdivision, including through introduction of the new development mapped area (NDMA) provisions.
10. Areas for rezoning, mapping of the 'new development mapped area', or changes to 3 waters infrastructure provisions are not included in this hearing. However, I note that effects on 3 waters infrastructure are still a relevant matter of consideration, particularly where intensification of land use is being provided for through the proposed changes.

## **2.3 Experts available**

11. I have relied on the evidence of several DCC-employed experts in making my recommendations to date. These experts are available to the Panel for questioning with short notice, either via Zoom or in person. A list of experts available is provided in **Appendix A**.

## **2.4 Errors to note**

12. Since publication of my Section 42A Report, a small number of errors have been identified and these are listed in **Appendix B**.

## **2.5 Answers to pre-hearing questions**

13. The Panel provided me with a list of questions ahead of the hearing, for which I provided written answers on Friday (10 September 2021). These are available in a separate document (Reply to the Panel's Pre-hearing Questions) and will be made available on the Variation 2 Hearing website<sup>1</sup>. I thank the Panel for the advance notice of these questions, and I can address my answers verbally as required.

## **3.0 The Section 42A Report**

### **3.1 Key Matters Raised by Submitters**

14. In terms of the matters under consideration at this hearing, several key matters have been raised by submitters, and I draw the Panel's attention to the following:
- Concern over solid waste disposal in areas of intensified residential use or where many dwellings are accessed via a private way;
  - Concern for the potential loss of historic heritage values due to insufficient protection of buildings that may be at risk from changes providing for intensification;
  - Concern over changes in residential character and amenity arising from intensification;
  - Arguments from Kāinga Ora as to the lawfulness of the proposed social housing provisions;
  - Concern regarding the proposed changes to guide the provision of roads at the time of subdivision; and
  - High levels of support for the proposed rule changes to reduce the minimum site size, provide for duplexes, and change the family flats provisions.

### **3.2 Key Recommendations**

15. I have recommended amendments in response to some of the key issues set out above, but not all. In some cases, it has been more difficult to reach a definitive recommendation because there are a range of competing matters at play. I have found this the case particularly regarding effects on historic heritage and the social housing provisions.
16. I also note I have recommended a significant change to the proposal to remove the policy link between the management of density and effects on residential character and amenity (Change B5) that would effectively reverse the proposal.

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<sup>1</sup> <https://www.dunedin.govt.nz/council/district-plan/2nd-generation-district-plan/plan-change-dis-2021-1-variation-2/hearing-variation-2-provisions-except-3-waters>

### 3.3 Scope to make amendments to manage adverse effects

17. As set out earlier, submissions have been received raising concerns over adverse effects from intensification.
18. I consider that it is possible to make amendments to Plan provisions not otherwise touched by Variation 2 in response to these submissions, as this falls within the purpose statement for the proposed rule changes.
19. However, any amendments that are made to manage these adverse effects must only apply in areas which will be affected by the proposed rule changes to be within the scope of Variation 2.
20. I note that different areas are affected by Variation 2 changes to differing extents. For example:
  - Changes that are expected to result in substantial additional housing capacity are only proposed for the General Residential 1 zone and the Township & Settlement zone (where serviced for wastewater);
  - Changes to the family flat provisions only affect residential zones other than Inner City Residential and General Residential 2 zone; and
  - Other changes to the density and minimum site size rules (such as for averaging of site sizes) will apply in all residential zones but will have a lower impact on development capacity than other changes.
21. I intend to address this further in my reply to matters raised.

### 4.0 Notes on Evidence Received

22. I have reviewed the pre-circulated evidence and will reserve my reply until we have heard from the submitters. However, I would like to note some matters at this stage, as follows.

#### 4.1.1 Matters raised that are beyond the scope of this hearing

23. The joint expert evidence presented for Spark NZ (by Mr McCarrison) and Vodafone NZ (by Mr Clune) addresses matters that are not within the scope of this hearing to consider. These are as follows:
  - The discussion of the 'release criteria' for the Transition Overlay Zones (paras. 1.6 – 1.7 and paras. 4.10 - 4.11). This relates to a submission point which has previously been struck out as outside the scope of Variation 2 (S224.001); and
  - The discussion on amendments sought to Rule 9.3.7.X Service Connections (para. 1.11 and para. 6.8), which will be addressed in a later hearing on 3 waters provisions.
24. The evidence from Mr Horne, also on behalf of the same submitters, recognises these matters in para. 15, except I note that all requests from the submitter for changes to the Transitional Overlay Zone certification rules formed part of S224.001 and have already been struck out by the Panel<sup>2</sup> (this includes part of the first, and all of the fourth and sixth bullets at para. 15 of Mr Horne's evidence). I recognise that this confusion has arisen from the way submission points were allocated by DCC, which departed from the way the submission was presented. The DCC's hard copy of the submission (available at the hearing venue) will show how the points have been allocated.

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<sup>2</sup> I note that elements of submissions that have been struck out are highlighted yellow in versions of the submission documentation available on the Variation 2 webpage. The highlighted version of the Spark NZ & Vodafone NZ submission is available here:  
[https://www.dunedin.govt.nz/data/assets/pdf\\_file/0020/822701/S224-Spark-and-Vodafone-New-Zealand-Ltd-Out-of-scope-marked.pdf](https://www.dunedin.govt.nz/data/assets/pdf_file/0020/822701/S224-Spark-and-Vodafone-New-Zealand-Ltd-Out-of-scope-marked.pdf)

25. I consider that the aspects of Mr McCarrison's, Mr Clune's and Mr Horne's evidence that address matters regarding the submission point that has been struck out, or the service connections performance standard, cannot be considered at this hearing.

## **5.0 Conclusion**

26. Thank you to all who have submitted and who are coming to speak to their submissions.
27. I will keep an open mind to matters raised throughout the hearing and I am prepared to reconsider my recommendations in reply, as appropriate.
28. I will be guided by the Panel in terms of how they wish me to address my answers to their pre-hearing questions, either now, or as the matters arise throughout the hearing.

## Appendix A - Experts available for questioning

Topic	Expert	Zoom / In Person
Solid Waste	Mr Chris Henderson DCC Group Manager Waste and Environmental Solutions	In person
Transport	Mr Logan Copland DCC Planner, Transport Strategy Mr Trevor Watson Contractor, Transport Strategy	Zoom Zoom
3 Waters	Mr Jared Oliver DCC Engineering Services Team Leader Ms Jacinda Baker DCC Policy Analyst, 3 Waters	In person Zoom
Urban Design	Mr Peter Christos DCC Urban Designer	Zoom
Heritage	Dr Andrea Farminer DCC Heritage Advisor	In person
Biodiversity	Mr Richard Ewans DCC Biodiversity Advisor	In person
Parks & Recreation	Mr John Brenkley DCC Planning and Partnerships Manager, Parks and Recreation Ms Claire Swift Senior Parks and Recreation Planner	Zoom In person
Housing Capacity & Data	Nathan Stocker DCC Team Leader, Research and Monitoring	In person

## Appendix B – Corrections to the Section 42A Report

1. Section 4.1.3 on Solid Waste notes submissions regarding rezoning proposals that addressed concerns over solid waste management (page 15). A submission from Bruce Hall (S40) should have been included in this list. His submission raised similar concerns to the other submitters listed regarding rezoning areas RTZ1 and RTZ3 in Kaikorai Valley.
2. Section 4.1.6 on Heritage includes a statement to the effect that large greenfield areas mapped with the new development mapped area (NDMA) do not contain, nor are adjacent to, any scheduled heritage items or precincts (page 25). This statement is repeated in Section 4.5.1 on the NDMA provisions (page 84). These statements are incorrect. I note that there is at least one instance where a proposed NDMA area is adjacent to a scheduled heritage item, being building B425 Bishopgrove (ex Bible College) at 16 Patmos Avenue, Dunedin, adjacent to proposed NDMA03 (over an area of land already zoned for residential activity). This is relevant to Mr Richard Farry's submission point S58.002. However, it does not affect the assessment (including by Dr Andrea Farminer, DCC Heritage Advisor) or recommendation provided regarding this point.
3. Section 4.1.6 on Heritage refers to housing capacity predicted to result from the proposed rule changes as modelled for the Section 32 Report (page 27). The updated figures based on the Housing Capacity Assessment 2021 are now available and show that the proposed rule changes are anticipated to add capacity for 1330 dwellings over the next ten years (compared to 1573 as stated in the Section 42A report).
4. Section 4.2.2 on Change A1 (family flats) contains a minor drafting error for Policy 2.6.1.2.b, where the clause appears as clause a (page 52).
5. Appendix G with evidence contained in a memorandum from Mr John Brenkley states that Parks and Recreation Services seek to provide 5.5 playgrounds per 100 children under 14, but this should state per 1000 children under 14.