

Roxanne Davies

From: Megan Justice <megan.justice@mitchelldaysh.co.nz>
Sent: Thursday, 4 March 2021 07:36 p.m.
To: District Plan Submissions
Cc: Jimmy Sunderland
Subject: Submission on Variation 2 (DIS-2021-1) to 2GP J Sunderland
Attachments: 01 Submission on Variation 2 to the Proposed 2GP.pdf

Categories: To Do

To City Development Manager

Please find attached a submission on **Variation 2** to the 2GP. Should you have any queries please get in touch.

Regards

Megan

 **Megan Justice**
Associate

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FORM 5

**SUBMISSION ON NOTIFIED PROPOSAL FOR VARIATION 2
TO THE PROPOSED DUNEDIN CITY SECOND GENERATION DISTRICT
PLAN**

Clause 6 of Schedule 1, Resource Management Act 1991

To: Dunedin City Council
PO Box 5045
Dunedin 9054

Name of Submitters: James Sunderland and Megan Justice

1. This is a submission on the Council's proposed variation to a proposed plan:

Variation 2 to the Proposed Dunedin City Second Generation District Plan ("Variation 2")
2. The submitters could not gain an advantage in trade competition through this submission.
3. The specific provisions of the proposal that our submission relates to are:

The specific provisions and district plan mapping changes that the submission relates to are described as Variation 2 Change ID (in the Summary of Changes document):
 - Change NDMA09 and the retention of the Residential Transition Overlay Zone at 125 Balmacewen Road;
 - All amendments to the provisions in Changes D1, D6,
 - All amendments to the provisions in Changes E2, E3, E5, E6, and H2.

For the avoidance of doubt, this submission relates to Variation 2 in its entirety to the extent that any 2GP provisions or changes to the 2GP maps relate to the NDMA09 and the Residential Transition Overlay Zones and the provisions and maps that relate to 125 Balmacewen Road (the Balmacewen Golf Course).

4. Our submission is:

The submitters have owned a property on Balmacewen Road for two years. They consider the introduction of the New Development Mapped Area 09 ("NDMA09") and the retention

of the Residential Transition Overlay Zone (“RTOZ”) at 125 Balmacewen Road is inappropriate, for the reasons set out below:

Heritage Values

The land area within NDMA09 is zoned Rural Slopes Zone and is also within the RTOZ in the 2GP. The site is also within the Urban Ross Creek / Balmacewen Urban Biodiversity Mapped Area, and is part of the Balmacewen Golf Course, which is owned by the Otago Golf Club.

The Otago Golf Club was established in 1871 and is the oldest club in the southern hemisphere. The club relocated to the Balmacewen Golf Course in 1896. Given this history this golf course is considered to be a highly valued and important heritage feature for the community that may warrant protection under the District Plan.

Urban Biodiversity Area

The NDMA09 site is also within the Ross Creek / Balmacewen Urban Biodiversity Mapped Area. This area provides valuable green space on the edge of the City, as well as recreational opportunities for the community. It is considered that those areas already identified as important urban biodiversity areas should be retained for their biodiversity values. These areas are not considered to be the most appropriate locations for residential development to occur.

This position was supported in the Council’s Decision Report for Urban Land Supply on the 2GP, which stated “The presence of the UBMA suggests that residential zoning is not appropriate, under Policy 2.6.3.1.d.iii.”¹ The decision goes on to state that the Council may wish to consider the appropriate zoning of this land along with the rest of the Golf Course, and possibly rezoning of all or part of as Recreation Zone as part of a future Plan review.²

The Balmacewen Golf Course is one of Dunedin’s oldest and most popular golf courses and has a strong membership. It provides valuable greenspace on the edge of the city and is recognised for its biodiversity values. Rezoning this land to Recreation Zone would better reflect this use and better recognise the UBMA at this site.

Rezoning Process

The method by which the site will be ‘rezoned’ to its future zone, which in this case the Residential 1 Zone, is questioned. No section 32 analysis has been undertaken to rezone the land for residential purposes, as the site remains zoned Rural Slopes Zone. And yet the change to Residential 1 Zone is done by a Rule in the 2GP, which can be complied with by the Chief Executive Officer certifying the release of the land by a statement published on the Dunedin City Council website if:

¹ Urban Land Supply Decision of the Hearings Panel, dated 7 November 2018, paragraph 1769.

² Urban Land Supply Decision of the Hearings Panel, dated 7 November 2018, paragraph 1770.

- The reticulated water supply and wastewater network has capacity for the development of a contract is in place to provide the necessary services; and
- There is an agreement between the Council and the developer for the necessary transportation infrastructure being provided.

This process does not achieve the purpose of the Act, does not accord with the statutory processes for rezoning land in the Act, nor does it accord with the principles of natural justice.

Genuine Addition to Residential Supply

Finally, we understand the likelihood of the Balmacewen Golf Course being developed for residential activities to be very low and for that reason the NDMA09 and RTOZ at this site is not considered to be a viable solution for addressing Dunedin's shortage of housing supply.

5. The submitters seek the following decision from the Dunedin City Council:

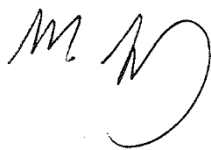
That:

- Research is undertaken into the history of the site to determine whether or not the whole Balmacewen Golf Course should be listed as a Heritage item the 2GP;
- The introduction of the NDMA09 is rejected and the Residential Transitional Overlay Zone is removed from the site;
- The site is retained as Rural Slopes Zone or zoned Recreation Zone;
- Any alternative or consequential relief to address the submitters concerns.

6. We wish to be heard in support of our submission.

If others make a similar submission, we will consider presenting a joint case with them at a hearing.

Signature:



Megan Justice

(Person authorised to sign on behalf of submitter)

Date: 4 March 2021

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