

Tēnā koutou katoa. Thank you for the opportunity to speak.

I'd like to first discuss my concern about the broad scope of **CP16**, which would require Integrated Transport Assessments for all subdivisions.

I fully support the goal of safe, efficient transport planning, but I believe **this requirement should be limited to GR2 and greenfield GR1 zones**—not applied universally across all residential subdivisions.

In most **urban GR1 areas**, subdivisions are small – most commonly creating 1 lot. These sites are already well-serviced, with kerbing, street lights, footpaths, and public transport nearby. Requiring an Integrated Transport Assessment in these areas is **disproportionate to the scale of the development** and the minimal transport effects generated.

A typical 1 **lot infill subdivision in urban Dunedin** might generate the equivalent of 10 additional vehicle movements per day - far less than one medium-sized business.

Wellington City Council, which does require transport assessments, only applies them to subdivisions generating **more than 50 vehicle trips per day** or involving significant access upgrades.

I do accept that, **greenfield subdivisions**, especially in GR2 or outer GR1, **create real planning complexity** with new intersections, bus route extensions, or road safety upgrades and these are the developments that justify the cost and rigour of a full assessment.

And that cost is significant.

A modest ITA by a transport consultant in Dunedin typically ranges from **\$4,000 to \$10,000**. For a small-scale developer or homeowner looking to subdivide part of their backyard, this is a **real barrier** - and one that may make otherwise compliant and desirable housing unaffordable or unviable.

That outcome runs directly against the principles of **the RMA**, which emphasises **proportionality and efficiency**, and against the **National Policy Statement on Urban Development**, which encourages councils to **remove unnecessary barriers to housing**.

I therefore urge Council to adopt a more targeted approach - requiring transport assessments only where scale or infrastructure context justifies them.

This change would maintain safety and planning integrity **without placing unnecessary costs or delays** on small infill projects that are critical to Dunedin's housing supply.

Next I'd like to speak in opposition to CP6, which introduces a 60 square metre floor area limit for family flats in rural and rural residential zones, with consent required for anything up to 80 m², and non-complying status beyond that.

It seems that this is proposed to contain scale and harmonise with general residential zones. The effects would be disproportionate, unnecessary, and at odds with both the character of rural living and broader housing policy.

Unlike in urban settings, rural properties are typically large, self-serviced, and widely spaced. A modest family flat of 70 or 85 square metres on a one- or two-hectare site poses little risk to amenity or infrastructure. CP6 creates a rigid regulatory barrier to such dwellings - even where there are no adverse effects to manage.

The size cap risks excluding the very people family flats are designed for: ageing parents, adult children, or family members with disabilities. Adding a second bedroom or a wider hallway can easily push a flat over 60 m² — yet these minor increases trigger the need for a resource consent, or worse, non-complying status.

This is not just an inconvenience. It can mean **several thousand dollars in fees**, architectural redesigns, consultant reports, and weeks of delay. For a family trying to create a safe, appropriate home for a loved one, this is a serious barrier — not a proportionate planning response.

It also risks undermining national direction. The Government's policy position, including under the National Policy Statement on Urban Development and related housing reforms, is clear: **unnecessary barriers to small, self-contained housing should be removed**. CP6 adds one - and in a rural context where effects are minimal and capacity is high.

Compare this with Clutha District, where no fixed size limit applies. There, rural family housing is assessed on actual effects, not arbitrary floorplans. That policy better reflects the nature of rural housing need and land availability.

CP6 may seem minor in scope, but its impacts are real: it will **limit flexibility, raise costs, and discourage people from following formal processes**. Some may choose to forgo consent altogether - which creates more problems than it solves.

I urge Council to reconsider the need for this rule in its current form. A more flexible, effects-based approach is more consistent with good planning practice - and with the needs of the rural community.

Onto RES22, which amends Rule 15.5.2.4 so that **existing residential buildings are treated as if they were new**, when a second dwelling is proposed on the same site. It requires that **pre-existing boundaries** be disregarded, applying performance standards as if they were newly created.

This has presumably been introduced to tidy up density controls. The proposed variation introduces rigidity and unintended consequences — especially for properties with **irregular site shapes**, like the many **L-shaped sections** across suburban Dunedin.

For example.

Imagine a proposed subdivision on an L-shaped lot with an older home in the narrower portion of the site. The natural solution — especially where there's clear physical separation — is to subdivide the rear leg and build a second home. The existing house might sit slightly inside a side yard setback, perfectly legal under the rules that applied at the time. It's been there for decades, causes no adverse effects, and there's no practical way to shift it.

Under RES22, when applying for a second dwelling or subdivision, that existing house is treated as if it were newly built — meaning **it must now comply with today's performance standards**, even where compliance is physically impossible.

This is problematic on several fronts:

First, it forces landowners to address "non-compliance" that arises **only on paper**, not in practice. The building isn't changing. The effects aren't changing. But the rule demands full compliance anyway.

Second, it goes against the effects-based philosophy of the Resource Management Act. If the existing house isn't generating new effects — and if the new house can fully comply — then there's little planning justification to apply new rules retrospectively.

Third, it creates cost and uncertainty. Applicants may need to apply for a land use consent not because the proposed dwelling has adverse effects, but because the existing house no longer "ticks the box." That could trigger thousands of dollars in consent costs, plan revisions, or even require involvement of a planner — all to deal with something that doesn't impact neighbours or infrastructure.

Fourth, it removes the pathway for sensible, small-scale intensification. Sites like these — especially L-shaped sections — are among the best candidates for low-impact, infill housing. RES22 risks locking those options up, not because of the new dwelling, but because of the old one.

I recommend that RES22 be amended to include **discretion for Council to consider existing buildings on their merits**, particularly where:

- The building is **lawfully established**,
- **Setback or boundary infringements can't reasonably be avoided**, and
- The **new dwelling complies with current rules** and does not worsen any non-compliance.

That would preserve fairness, reduce unnecessary barriers, and better align with the intent of density rules — to manage effects, not regulate history.

Finally I'll speak to my opposition to implementation of **RES7** in the 2GP — the proposed clarification that tiny houses on wheels and similar movable structures used for residential activity must comply with the same density rules as permanent dwellings.

While I appreciate the intent to clarify the Plan, RES7 overreaches. It risks unintended consequences for housing freedom, planning fairness, and legal clarity.

RES7 risks **criminalising housing choices** that are:

- Affordable,
- Low impact,
- And often born of necessity, not luxury.

In Dunedin, families are increasingly turning to **tiny houses on wheels**, caravans, and converted buses to house adult children, elderly parents, or themselves — often on land they already own. These are **not large-scale developments**; they're modest, respectful, and reflect our growing need for **flexible, multi-generational living**.

RES7 would mean that placing a **20 m² tiny house** for your adult child in your backyard — on a site already holding two homes — would breach density rules. That family might be forced to **disconnect and remove** that home, even if it's well below the size or footprint of a new garage.

Meanwhile, there are restrictions on the **size** of permitted homes are only limited by the land area. You could build **two 250 m² four-bedroom dwellings** on an 800 m² site - but let your mother stay in her house bus beside them after you have complications from childbirth, and suddenly you're in breach.

It's a **disproportionate response** that targets the small and vulnerable, while allowing bulkier, higher-impact buildings to proceed.

The RMA, and sound urban planning practice, is **effects-based**, not form-based. Yet RES7 targets form — particularly **mobility** and **dwelling count** — over actual environmental or infrastructural effects.

Tiny houses have:

- Minimal infrastructure demands,
- Very low traffic and parking generation,
- Near-zero impacts on shading, runoff, or visual bulk.

By contrast, even permitted dwellings can have significant cumulative impacts — large roof areas, extensive driveways, and major service demands.

RES7 doesn't distinguish between these vastly different scenarios. It applies the same density control to a **25 m² movable home** as it would to a **250 m² permanent one**.

This **blunt instrument approach** undermines the 2GP's goal of promoting **efficient land use** and a **compact urban form**, especially in residential zones that were never intended to exclude creative, low-impact housing solutions.

Legally, RES7 introduces **ambiguity and enforcement risk**.

The proposed change applies to “**movable buildings used for housing**” — but what constitutes *use for housing*? Is one night enough? One week? What if someone lives in it occasionally while renovating?

Without a clear **duration threshold**, this provision could be:

- Difficult to enforce consistently,
- Intrusive in its application by requiring monitoring of private living situations
- And could potentially be subject to legal challenge for **uncertainty or disproportionality**.

~~Further~~ ^{also}, it creates confusion with the **Building Act**, which already has a nuanced test for whether a movable structure is a "building" based on anchoring, permanence, and connection to services.

RES7 risks **undermining those national definitions** with a local rule that's harder to interpret and enforce — and that opens the door to **unnecessary compliance action** for minimal or temporary uses.

Once again, RES7 runs **counter** to the **National Policy Statement on Urban Development**, which calls on councils to:

Enable more housing choice, remove unnecessary barriers, and allow for diverse forms of housing.

~~Yet~~ RES7 creates an additional barrier to **innovative, low-cost, sustainable housing**. It treats tiny homes as a regulatory threat rather than an opportunity.

Compare this to **Wellington, Tasman, Whakatāne, and Christchurch**, which take a more nuanced view — recognising that:

- Tiny homes have a role to play in increasing supply,
- That use and effects matter more than form,
- And that flexibility is critical in modern urban development.

Dunedin would be **locking itself into a more restrictive, less adaptable position** at a time when most of the country is moving the other way.

RES7 may have begun as a clarification - but it risks becoming a **constraint**. It shifts focus away from real effects and toward technical compliance.

I urge you to reconsider whether this is necessary — or whether existing rules already allow Council to manage real impacts, such as bulk, shading, and infrastructure demand, without imposing an overly rigid interpretation of density.

In the name of **housing freedom, planning integrity, and legal clarity**, I respectfully ask that RES7 not proceed in its current form.