

GORDON ROAD FLOODWAY CONSULTATION SUBMISSION FORM



SECOND
GENERATION
DISTRICT PLAN

This is a submission on the Gordon Road Floodway consultation in relation to the Second Generation Dunedin City District Plan (2GP). Your submission must be lodged with the Dunedin City Council by midnight on Friday 31 March 2023. **All parts of the form must be completed.**

Privacy

Please note that submissions are public. Your name, organisation, contact details and submission will be included in papers that are available to the media and the public, including publication on the DCC website, and will be used for processes associated with the Gordon Road Floodway consultation. This information may also be used for statistical and reporting purposes. If you would like a copy of the personal information we hold about you, or to have the information corrected, please contact us at dcc@dcc.govt.nz or 03 477 4000.

Make your submission

Email: districtplansubmissions@dcc.govt.nz

Post to: Submission on Gordon Road Floodway, Dunedin City Council, PO Box 5045, Dunedin 9054

Deliver to: Customer Services Agency, Dunedin City Council, Ground Floor, 50 The Octagon, Dunedin

Submitter details (You must supply a postal and/or electronic address for service)

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Submission

Submissions on Gordon Road Floodway consultation can only be made on the provisions or mapping which are under consultation, as stated in the Section 32 report. Submissions on other aspects of the 2GP are not allowed as part of this process.

You must indicate which parts of the consultation your submission relates to.

My submission seeks the following decision from the Council:

Apply the Hazard 1A (Flood) Overlay Zone to the whole floodway

Do not apply the Hazard 1A (Flood) Overlay Zone to the whole floodway

- ✓ Apply the Hazard 1A (Flood) Overlay Zone to part of the floodway. (Please give precise details, such as a description (please attach a map if possible) of the preferred extent of the proposed Hazard 1A (Flood) Overlay Zone.)

Please see annexure 1

Reasons for my views (you may attach supporting documents):

You can attach additional pages as needed.

Please see annexure 2

Signature:

A handwritten signature in black ink, consisting of a vertical line followed by a long, sweeping horizontal stroke that ends in a small loop.

Date: 6 April 2023

Annexure 1:

The submission seeks the following decision from the Council:

Apply the Hazard 1A (Flood) Overlay Zone to part of the floodway.

Details:

The submitters have an equitable interest in the property situated at 101 Dukes Road South, Mosgiel, more specifically described as Lot 2 Deposited Plan 354794, Record of Title 223597 (**101 Dukes Road South or the Property**), identified in Image 1.0. The submitters stand to take possession of the Property on 1 June 2023.

It is submitted that Hazard 1A (Flood) Overlay Zone should **not** be applied to 101 Dukes Road South.

These submissions relate only to 101 Dukes Road South, Mosgiel, as that is the property to which the submitters have knowledge. These submissions do not make comment, in the positive or negative, to the application of Hazard 1A (Flood) Overlay Zone to the rest of the floodway.

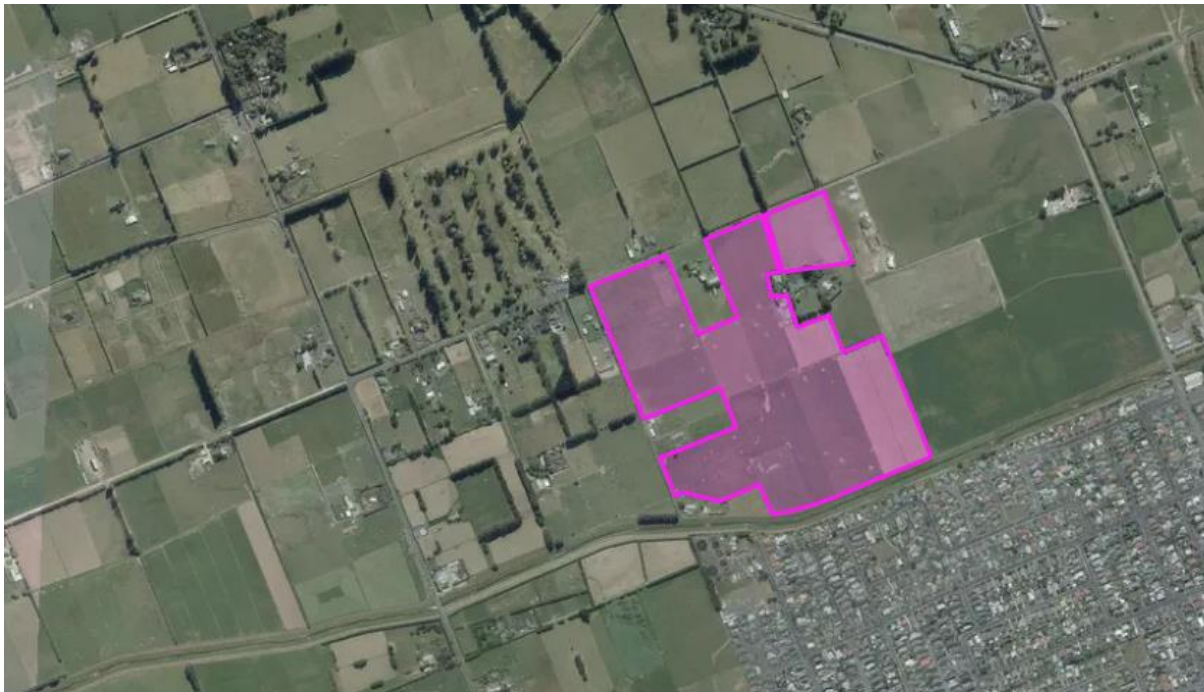


Image 1.0 - 101 Dukes Road South, Mosgiel

Annexure 2:**Reasons for views:**

It is submitted that Hazard 1A (Flood) Overlay Zone should **not** be applied to 101 Dukes Road South, for the following reasons:

1. Significant Detriment to Property Owners

The detriment to property owners, such as the submitters, of the rezoning to Hazards 1A (flood) Overlay Zone is significant. The detrimental effect of the proposed rezoning is relatively non contentious. The Section 32 Report *Proposal to change the activity status of natural hazards sensitive activities in the North Taieri (Gordon Road) Floodway* (the **Section 32 Report**) acknowledges the significant detrimental effects to landowners in the Gordon Road Floodway the land is classified as Hazards 1A (flood) Overlay Zone at [57].

The result of the rezoning is that any “natural hazards sensitive activities” will become a prohibited activity. Most significantly in this case, natural hazards sensitive activities include residential activities. Any residential activity will need to rely on existing use rights. Therefore, the ability to develop or erect a new residential dwelling in the zone will be stopped.

The submitters are unable to rely on existing use rights for 101 Dukes Road South, as it is an unoccupied site. Therefore, there will be a strict inability to erect a residential dwelling on the affected part of the Property. This seriously impacts the submitters’ ability to develop the Property as they wish. The potential ability to build a dwelling on the property was a significant selling point for the Property and a reason the submitters purchased the Property.

The rezoning also incurs various detrimental consequences. A significant consequence being negative impact on the value of the Property. As mentioned, the potential ability to build a dwelling on the property was a significant selling point for the Property. If this potential is removed, it will inevitably impact the submitters ability be able to sell the Property for a comparable amount to which they purchased it for.

While it is acknowledged that there are areas of the Property which are in the Hazard 2 (flood) Overlay Zone (where natural hazards sensitive activities are a restricted discretionary activity, if density requirements are met) the majority of the Property being zoned Hazards 1A (flood) Overlay Zone nonetheless creates a serve restriction on the ability to use and enjoy the Property. As will be outlined below, this restriction and detriment is not necessary or justifiable.

2. Risk does not Align with Proposed Overlay Zone

The reported risk evaluated at 101 Dukes Road South does not align with the restrictive Hazards 1A (flood) Overlay Zone. Application of Hazards 1A (flood) Overlay Zone to 101 Dukes Road South would be inappropriate and inconsistent with the treatment of the surrounding area.

As provided by *Figure 4: Gordon Road Floodway showing flood hazard categories H1 – H5, and location of buildings* in the Section 32 Report (reproduced below for ease of reference at Image 2.0), considering the 1% AEP (Annual Exceedance Probability), approximately half of the land at 101 Dukes Road South is H1 “generally safe for vehicles, people and buildings,” or H2 only “unsafe for small vehicles.” Only a portion of the land would be H3 “unsafe for vehicles, children and the elderly” and only a very small part would be H4 “unsafe for vehicles and people.” From our reading no part of the land would be at a level were buildings were vulnerable to structural damage.

Furthermore, the hazard vulnerability categories of 101 Dukes Road South are much the same as the properties diagonally to the North-West of it, which are solely classified as Hazard 2 (flood) Overlay Zone. The Hazard 2 (flood) Overlay Zone is considered a moderate risk and has less restrictive rules associated with it.

It is therefore submitted that apply the Hazards 1A (flood) Overlay Zone, would be inconsistent to the actual risk at the property, and would also be inconsistent to the treatment given to other neighbouring properties.

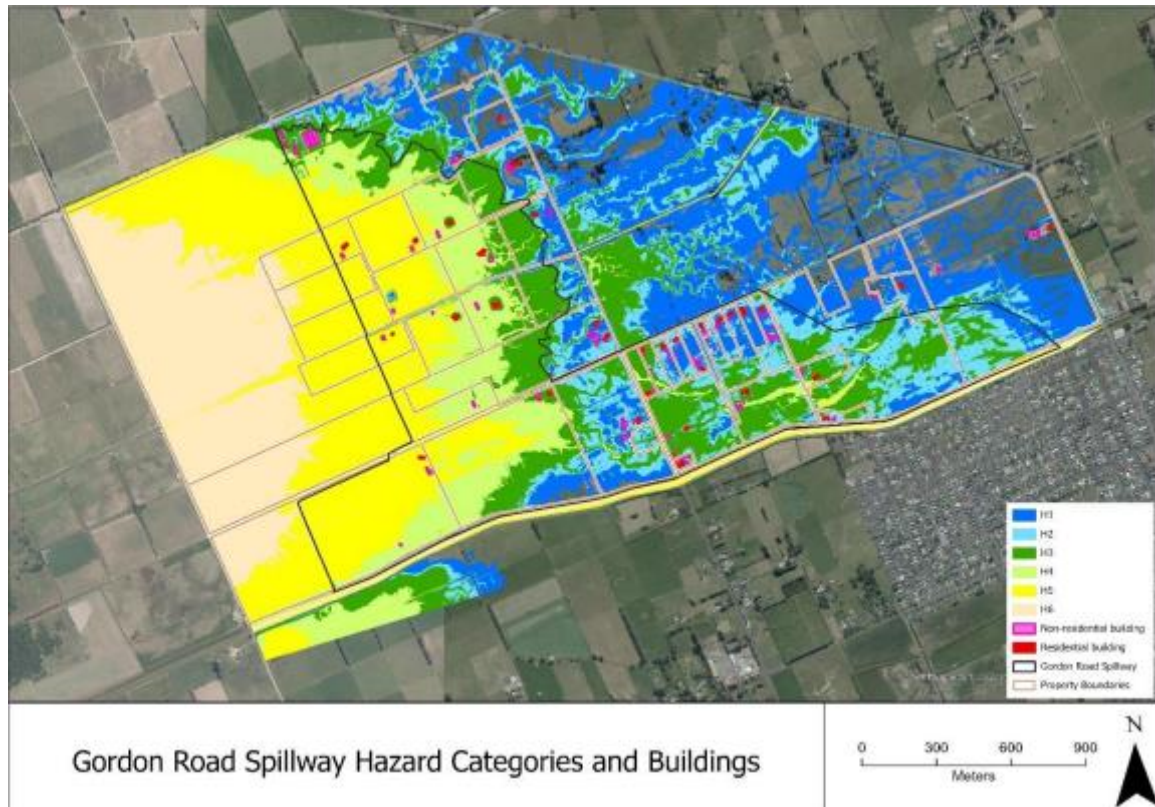


Image 2.0 - Figure 4: Gordon Road Floodway showing flood hazard categories H1 – H5, and location of buildings in the Section 32 Report

3. Inconsistent with Overlay Zone on Remaining Property

Further to the above point, 101 Dukes Road South is currently zoned (under the 2GP) *inter alia* as Hazard 1 (flood) overlay zone and Hazard 2 (flood) overlay zone. As noted above, Hazard 2 (flood) overlay zone is considered a moderate risk and has less restrictive rules associated with it. This further highlights that it would be inappropriate to classify part of 101 Dukes Road South as part Hazard 1A (flood) overlay zone, and part of it Hazard 2 (flood) overlay zone, as there is not such a extreme differentiation of risk in the property.

4. Least Restrictive Option

The Section 32 Report made the assessment that *either* rezoning some *or* all of the land to Hazard 1A (flood) overlay zone is the most efficient and effective way of achieving objectives. In light of this, we submit that it would be completely inappropriate to apply Hazard 1A (flood) overlay zone to the whole of the floodway, when it is reported as not necessary. Considering the detrimental effects indicated above at (1), it is submitted that

the Council must take the least restrictive option available in order to promote the interests of the community and landowners such as the submitters.

5. Unfairly Attributes Cost to Property Owners

It is submitted that applying Hazard 1A (flood) Overlay Zone to 101 Dukes Road South would unfairly attribute the cost of risk management to the submitters. While a blanket application of the Overlay Zone may seem to present a efficient “simple” solution, in that it completely barres any further residential development, it unfairly burdens, and costs (through potential loss of property value), the property owners. The real cost of the purported efficiency would be the unfair damage to the use and enjoyment of properties borne by the property owners.

6. Hazard 1 (Flood) Overlay Zone Affords Sufficient Risk Management

The alternative Hazard 1 (Flood) Overlay Zone specifies that “natural hazards sensitive activities” are “non-complying activities” in that area. This is still an onerous activity status. Therefore, a careful resource consent process would need to be undertaken if any natural hazards sensitive activities was proposed on that area. It is submitted that this provides sufficient risk management. Hazard 1A (flood) overlay zone is not necessary, and simply prevents a fair consideration of whether these activities may indeed be able to be safely carried out on the land.

7. Consultation Process Lacking

Lastly, the submitters note that they are disappointed with the consultation process (or lack thereof) so far. The submitters appreciate the ability to participate in this discussion now, as per the direction in the Judge’s Minute dated 18 January 2023, and the Joint Memorandum of Counsel from the Dunedin City Council and the Otago Regional Council. However, this consultation process has felt very lacking, even subsequent to this direction.

The current registered owners of 101 Dukes Road have informed the submitters that they were not aware of the meeting held, or the ability to make these submissions, or the ability to review the consultation documents. Therefore, this only came to the submitters attention by way of the Otago Daily Times on 3 April 2023. As will be appreciated, the submitters have felt undermined in their ability to participate and submit effectively by this fact. It is hoped that a more robust consultation process will be followed into the future.