

**IN THE ENVIRONMENT COURT
AT CHRISTCHURCH**

**I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHĪ**

ENV-2023-CHC

Under	The Resource Management Act 1991 (the Act)
In the Matter	of an appeal pursuant to Clause 14 of Schedule 1 of the Act concerning the Dunedin City Council Second Generation District Plan (2GP) – Variation 2
Between	MEATS OF NEW ZEALAND LIMITED Appellant
And	DUNEDIN CITY COUNCIL Respondent

**NOTICE OF APPEAL ON BEHALF OF MEATS OF NEW ZEALAND
LIMITED**



GALLAWAY COOK ALLAN LAWYERS
Phil Page
phil.page@gallowaycookallan.co.nz

PO Box 143
Dunedin 9054
Ph: +64 (3) 477 7312
Fax: (03) 477 5564

**NOTICE OF APPEAL ON BEHALF OF MEATS OF NEW ZEALAND
LIMITED**

To: The Registrar

Environment Court

Christchurch Registry

1. Meats of New Zealand Limited appeal a decision of the Dunedin City Council on a decision of the 2GP – Variation 2 regarding the zoning of a site at 489 East Taieri-Allanton Road, Allanton (**Decision**).
2. Meats of New Zealand Limited made a submission regarding the Decision.
3. Meats of New Zealand Limited are not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.
4. Meats of New Zealand Limited received notice of the decision on 8 February 2023.
5. The decision was made by Dunedin City Council.
6. The decision Meats of New Zealand Limited is appealing is Variation 2 Hearing Panels Report section 2.3.2.2 which refused to rezone property at 489 East Taieri-Allanton Road (**Site**) to a mixture of Township and Settlement and Large Lot Residential 1.
7. The reasons for this appeal are:
 - (a) The site is currently zoned Rural Coastal, the site adjoins Allanton which is zoned Township and Settlement.
 - (b) The Decision does not fully realise the purpose of Variation 2 which is to enable Dunedin City Council to meet its residential capacity obligations under the National Policy Statement on Urban Development (2020) (Updated May 2022) (**NPSUD**). Due to this, the Decision unreasonably limits the extent to which Variation 2 can give effect to the NPSUD.

- (c) The Decision failed to place appropriate weight on the ability to provide additional medium-term greenfield housing development capacity.
 - (d) The Decision does not provide adequate housing choices that will meet the needs of people and communities and future generations of a range of dwelling types and locations.
 - (e) The Decision gave insufficient weight to ensuring there are resilient townships and failed to give effect to Objective 2.2.4 of the 2GP. Further development occurring in townships means they can maintain and improve resilience.
 - (f) The Decision failed to give weight to the proposal's ability to mitigate amenity loss.
 - (g) The Decision gave little weight to the Site's potential to reduce carbon emissions by increasing housing availability for people employed locally.
 - (h) The Decision disregarded the potential for acceptable access to be provided to the State Highway network and for the widening of Ralston Street.
 - (i) The Decision failed to accept Meats of New Zealand Limited's evidence that the 3-Waters infrastructure constraints would be overcome by the submitter.
 - (j) The Site is not subject to the National Policy Statement on Highly Productive Land 2022 (**NPS-HPL**) as Variation 2 is a Council-initiated plan change and comes within clause 3.5(7)(b)(ii) of the NPS-HPL.
8. Meats of New Zealand Limited seek the following relief:
- (a) Accept Appellant's Submission.
 - (b) Any further, other or consequential relief to give effect to the original submission or the grounds raised in this Notice.

9. I attach the following documents to this notice:

- (a) A copy of my original submission
- (b) A copy of Second Decision Report.
- (c) A list of names and addresses of persons to be served with a copy of this notice.



Phil Page

Solicitor for the Appellant

Dated 21 March 2023

Address for service

for Appellant:	Gallaway Cook Allan Lawyers 123 Vogel Street P O Box 143 Dunedin 9054
Telephone:	(03) 477 7312
Fax:	(03) 477 5564
Contact Person	Phil Page
Email	Phil.Page@gallawaycookallan.co.nz

Advice to Recipients of Copy of Notice

How to Become a Party to Proceedings

You may be a party to the appeal if you made a submission on the matter of this appeal and you lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court, and serve copies on the other parties, within 15 working days after the period for

lodging a notice of appeal ends. Your right to be a party to the proceedings in the Court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing requirements (see form 38).

How to Obtain Copies of Documents Relating to Appeal

The copy of this notice served on you does not attach a copy of the relevant decision. These documents may be obtained, on request, from the Appellant.

Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington or Christchurch.

List of names of persons to be served with this notice

Name	Address	Email Address
Christopher John Burrows		chrisjburrows@gmail.com
Kathryn Anne Simpson		simpson44@xtra.co.nz
Malcolm Joseph and Sharon Roslyn Thompson		malcshaz@xtra.co.nz
Otago Regional Council		warren.hanley@orc.govt.nz

316. We were overall quite impressed with Mr Rogers' vision for the land, and the evidence of Mr Forsyth demonstrated that the proposed development is well-integrated internally in terms of cycleways, reserves and proposed amenities. However we consider that rezoning RS195 would be a substantial expansion of the Allanton settlement and agree with Mr Morrissey this should be more appropriately considered through the Future Development Strategy process rather than the much more limited scope of Variation 2.
317. There are many other factors that need to be considered with a development of this scale, including consultation with Waka Kotahi in relation to access onto SH1, whether centre zoning should be provided, and whether additional development capacity is needed in this location to service the Taieri Plain and areas to the south.
318. We consider that access to the site is paramount, as SH1 is a Limited Access Road in this location with open road speed limits in the vicinity. We take no comfort in Mr Fisher's recommendation that a structure plan can be conditioned to require Waka Kotahi's approval prior to development. We consider this is an issue that very much needed to be resolved prior to this rezoning request being made, especially as the rezoning would enable a substantial number of new dwellings on this land. We note that *Waka Kotahi (S235.008)* also made a wider submission that has relevance to this site, that rules are added to greenfield rezoning areas adjacent to a state highway to require that access is achieved from roads other than a state highway.
319. Consequently, we accept the further submissions from *Susan Alanna Browne (FS233.1)* and others who opposed Change RS195 due to a range of concerns.

2.3.2.2 489 East Taieri-Allanton Road, Allanton (RS200)

320. This section addresses the submissions covered in section 5.4.19 of the section 42A report.
321. RS200 is located immediately adjacent to the eastern edge of Allanton, alongside and to the south of State Highway 1. It is located below and outside of the Saddle Hill Significant Natural Landscape Overlay Zone (SNL). A Hazard 3 (alluvial fan) Overlay Zone covers part of the site. The site is currently zoned Rural Coastal but adjoins Allanton (zoned Township and Settlement). The section 32 report states that that the site was rejected as there is existing capacity in Allanton, rezoning would not support the compact form/city policies, and parts of the site are very steep. The area proposed for rezoning is only part of the site originally assessed, and encompasses the lower, more gently sloping parts of the site.

2.3.2.2.1 Submissions received

322. *Meats of New Zealand Limited (S232.001)* sought to rezone the site to a mixture of Township and Settlement and Large Lot Residential 1 with a structure plan mapped area over the site, rather than an NDMA. A draft structure plan provided with the submission identifies access to the site via Ralston Street (at the corner of Allanton-Scroggs Hill Road), the location of residential areas, two conservation and enhancement areas totalling 27ha in area, and a parkland /recreation area to be planted with exotic canopy trees. The proposed area of Township and Settlement zoning has a development capacity of approximately 41–61 sections, and a separate proposed Large Lot Residential 1 zoned area (minimum site size 2,000m²) would have capacity for approximately eight sections.
323. A number of further submitters opposed the submission from *Meats of New Zealand Limited. Kathryn Anne Simpson (FS132.1), Malcolm Joseph and Sharon Roslyn Thomson*

(FS155.1), *Otago Regional Council* (FS184.50), and *Christopher John Burrows* (FS51.1) opposed rezoning for a range of reasons including loss of outlook and rural amenity, stormwater run-off, natural hazard risk, wastewater management issues, lack of infrastructure and facilities to accommodate an increase in population at this scale and traffic safety issues.

2.3.2.2.2 *Landscape, rural character and biodiversity*

324. Mr McKinlay (DCC Landscape Architect) assessed the site for DCC. He considered that the site displays attributes consistent with key values of the surrounding rural zone. He considered it is part of a broader, consistent rural, pastoral landscape to the east of Allanton and there is a currently well-defined eastern edge to residential development within this small township. Mr McKinlay opposed rezoning from a rural character and visual amenity perspective.
325. Ms Peters, in evidence for *Meats of New Zealand Limited* (S232.001), acknowledged that rezoning to residential would create a change in the rural character and amenity. However, this is mitigated by a landscape proposal contained within the submission which included planting along the boundary with SH1 and potentially between the site and Allanton, as well as an area of public reserve and several areas of biodiversity enhancement.

2.3.2.2.3 *Transport*

326. Ms Peters said the proposed access from the north would be from SH1 (via a one way slip lane) and access from the south would be via Ralston Street.
327. DCC Transport raised several concerns. Firstly, they noted that the submitter's proposed structure plan implies access off State Highway 1. This section of road is a Limited Access Road and there is no evidence of consultation with Waka Kotahi with regards to access. Access from Ralston Street raises issues as this street has no footpaths or kerbs, and development could potentially change the traffic dynamics on this road to a significant degree.
328. Secondly, DCC Transport commented that the site is located some 20km from the central city. Walking and cycling would not be a feasible form of transport, and there is no infrastructure to support alternative modes of transport. There is also no public transport service available to the site.
329. Mr Grant Fisher (of Modal Consulting Limited) provided a brief commentary on the design standards required for exits from SH1 on behalf of *Meats of NZ Limited*. In response to the concerns raised by DCC Transport, Ms Peters noted a performance standard could be attached to a structure plan mapped area requiring provision of an integrated traffic assessment prior to subdivision.
330. Mr Watson, DCC Transport, responded that the additional access details as they relate to the State Highway would need consideration / agreement with *Waka Kotahi* and Ralston Street may need widening. His concerns had not been addressed and he remained opposed to the rezoning.

2.3.2.2.4 *3 waters*

331. DCC 3 Waters noted that Allanton is self-serviced for water. It considered the part of the site proposed to be zoned as Township and Settlement is not feasible for self-servicing and the

part of the site proposed to be zoned Large Lot Residential 1 is constrained, although self-servicing may be possible. They noted that top up water from tankers may be required. The Allanton wastewater scheme is a pressure sewer scheme with individual pump stations for each lot discharging to a rising main to the Mosgiel wastewater treatment plant. DCC 3 Waters considered that connecting to this scheme may be possible; however, a more detailed analysis is required.

332. DCC 3 Waters noted there is no stormwater infrastructure close to the site. Downstream of the site is a naturally contoured field leading to a small pond which is connected to ORC Schedule Drain 01A which flows into the Owhiro Stream, eventually discharging into the Taieri River. The Owhiro Stream has capacity issues in rainfall events when the Taieri River's level is high and the Owhiro Stream cannot discharge into it. This results in flood issues in Mosgiel. Stormwater would need to be managed in accordance with the NDMA requirements so that there is no increase in the peak stormwater discharge rate.
333. Ms Peters considered self-servicing with respect to potable water would be feasible, as would self-servicing for wastewater in the Large Lot Residential zoned area. She also referenced a high level assessment by DCC 3 Waters that connecting to wastewater supply in Allanton was feasible. She stated that subdivision performance standards require that wastewater can be dealt with either by way of connection to reticulated service or by on-site wastewater treatment and dispersal to ground. She proposed that stormwater would be detained from roof surfaces for use as potable water. Overflow from tanks and stormwater from impermeable surfaces would be attenuated within the site, with details outlined within a stormwater management plan to be prepared at the time of subdivision.

2.3.2.2.5 Hazards

334. The issue of flood risk was raised in the ORC further submission. The section 42A report notes the site has been assessed by Stantec as having low level hazards associated with flooding. No further evidence was provided by ORC.

2.3.2.2.6 Compact city objectives

335. The section 42A report notes that, although immediately adjacent to the edge of Allanton, the site is distant from centres and facilities and would require a significant commute for many to Mosgiel or Dunedin for work, which is inconsistent with Policy 2.6.2.1.c. In addition, public transport is extremely limited in Allanton and the site ranked poorly in relation to carbon emissions. Mr Morrissey considered that rezoning relatively remote pockets of land conflicts with Policy 2.6.2.1.d.xi, which requires that Dunedin stays a compact and accessible city.
336. Ms Peters considered the Dunedin City Council had incorrectly interpreted Policy 2.6.2.1.d.xi and that this policy could not be applied in a 'Dunedin City centric' way. Her evidence is that the Dunedin City Council has failed to place emphasis on '...with resilient townships...' when assessing RS200. She noted that the townships within the DCC area service a large rural area by providing places for people to live who work in the rural environment or for businesses supporting activities undertaken in the rural environment. She noted that townships such as Allanton often provide a place for these workers to own their own property at a more affordable price and raise their families closer to schools and facilities than would otherwise be the case. Others chose to live in townships like Allanton for reasons of personal preference and may commute to jobs in other locations including south of Allanton for

example, to the correctional-facility and existing industrial activities at Milburn or inland to the Dunedin City Airport, farms or forestry.

- 337. Ms Peters noted that the Clutha District Council recently rezoned approximately 250 hectares of land at Milburn between the Main South Railway line and SH1 Industrial Resource Area, and Calder Stewart has plans to establish an inland port at the site with industrial buildings and land available for rent and sale. She considered this would create more jobs within a short commute of both Outram (35km) and Allanton (30km) and that there is a shortage of housing in both Milton and Waiholā.
- 338. Ms Peters also noted that the Government has a target to increase zero-emissions vehicles to 30% of the light fleet by 2035 and is promoting the uptake of electric and low emissions vehicles. Given its proximity to SH1 and the gradient of SH1 between Allanton and Dunedin and Allanton and Milburn, Ms Peters considered RS200 is ideally suited to commute by electric car.

2.3.2.2.7 *Demand for residential zoned land in Allanton*

- 339. The section 42A report notes that there is existing development capacity in Allanton and there is no evidence that additional development capacity at this scale would be required.
- 340. Ms Peters argued the DCC has not undertaken any data based assessment of the zone capacity within Allanton and other townships despite these townships being crucial to the rural areas which dominate the area to be serviced by the Dunedin City district plan. Ms Peters considered that there is an accepted difference between 'zoned capacity', likely what is referenced in both the section 32 and section 42A reports, and the 'market availability' of that zoned capacity. She considered there is a demonstrated shortage of zoned capacity available to the market in Allanton with more demand than can be satisfied.
- 341. In his Reply Report, Mr Morrissey considered that the need for, and provision of, additional development capacity in Allanton would most appropriately be considered as part of the Future Development Strategy process.
- 342. We note Mr Stocker provided further information relating to housing capacity, including in relation to Allanton, in his Memorandum on Residential Housing Capacity (dated 31 August 2022). This is discussed further in section 2.1.1 above.

2.3.2.2.8 *Rural productivity*

- 343. We note that part way through out deliberations the National Policy Statement for Highly Productive Land (NPS-HPL) was released and came into effect. Mr Morrissey, in his response to Minute 15, 16, 17 from the Panel dated 6 October 2022, advised that 82% of this site meets the interim criteria for Highly Productive Land.
- 344. Due to the timing of the NPS-HPL, and for the sake of clarity, we have chosen to undertake an analysis of the NPS as a separate part of our decision and to focus on whether the consideration of it changes any of our conclusions and decisions. This analysis is given in section 3 of this decision. We note that the analysis in that section has not materially changed our overall decision on the rezoning of this site.

2.3.2.2.9 *Reporting Officer's recommendation*

345. Mr Morrissey considered that rezoning RS200 conflicts with Policy 2.6.2.1 as it is distant from public transport, centres and facilities and there is a lack of evidence in relation to what is required to achieve a resilient township. There are also potential issues in relation to wastewater servicing and concerns about the ability to manage stormwater. He recommended that the site remained zoned Rural Taieri Plain.
346. He considered that the need for additional development capacity in Allanton would be most appropriately considered through the Future Development Strategy and further assessment of the location of access from SH1 would be required, and would need to be confirmed, for any future rezoning of the site.

2.3.2.2.10 *Decision and reasons*

347. We reject *Meats of NZ Limited's* submission (S232.001) to rezone the majority of RS200 to a mixture of Township and Settlement and Large Lot Residential 1. The key reasons for finding the proposal inappropriate are firstly the lack of evidence that transport issues have been appropriately considered or supported with no evidence or confirmation from Waka Kotahi that access from SH1 is feasible in this location which is a fundamental matter for such a large area of land to be rezoned for residential purposes. We were surprised this matter had not been addressed before the submission for rezoning was made. Secondly, we consider there is inadequate evidence that 3 waters matters can be appropriately addressed, and note the lack of support from the DCC Transport and 3 Waters teams for the proposal. We were also concerned about the cumulative loss of productive rural land, particularly on the Taieri, which was a broad issue raised by Mr Miller and discussed in section 2.2.6. We note the new policy direction in the NPS-HPL requires much greater attention to that issue as discussed in section 3.
348. We consider that the servicing of any growth of this scale in this township is potentially a significant undertaking and is a more appropriate proposal for an FDS process, if required.
349. With respect to some of the arguments made by the submitter to support the need for the proposal, we refer to our discussion in section 2.1.1 in relation to DCC's assessment of housing supply and demand, and in particular the assessment of catchment rather than individual townships or localities. As outlined in that section, we consider the assessment made by Mr Stocker to be appropriate. We acknowledge Ms Peters' evidence on changes in land use to the south of Allanton, which she considered may result in an increase in demand for housing, but we prefer Mr Stocker's assessment, which is data-based and in our view, sufficiently robust.
350. We also refer to our discussion in section 2.1.2.4 on the appropriate consideration of the 'resilient townships' aspect of Objective 2.6.1. We accept Ms Christmas' evidence that Allanton is not a township as identified in the Spatial Plan or 2GP, and that the Future Development Strategy is a more appropriate mechanism to consider whether and how it is appropriate for Allanton to grow.
351. As a consequence of making this decision, we accept the further submissions from Kathryn Anne Simpson (FS132.1), Malcolm Joseph and Sharon Roslyn Thomson (FS155.1), Otago Regional Council (FS184.50), and Christopher John Burrows (FS51.1) opposing Change RS200.

Roxanne Davies

From: Emma Peters <sweepconsultancy@gmail.com> on behalf of emma <Emma@sweepconsultancy.co.nz>
Sent: Monday, 8 March 2021 11:17 a.m.
To: District Plan Submissions
Subject: Re: Submission of John Baker
Attachments: Corrected Page 1 of Submission Form 5.PDF

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Liz working on

Hi,

The submitter name is incorrect for this submission. It should be: Meats of New Zealand Limited.

Corrected first page of Submission Form 5 now attached (second page already received by Council is correct).

Please correct submitter name in your records.

Cheers,

Emma Peters Consultant Sweep Consultancy Limited P.O. Box 5724 Dunedin 9054 Phone 0274822214
www.sweepconsultancy.co.nz

On 4/03/2021 11:57 pm, emma wrote:

Hi

Please find attached the following submission documents:

- Submission Form 5; and
- Structure plan;
- Table 1.

Please confirm receipt of email.

Cheers,

Emma Peters Consultant Sweep Consultancy Limited P.O. Box 5724 Dunedin 9054 Phone 0274822214 www.sweepconsultancy.co.nz

VARIATION 2 – ADDITIONAL HOUSING CAPACITY

SUBMISSION FORM 5



SECOND
GENERATION
DISTRICT PLAN

CLAUSE 6 OF FIRST SCHEDULE, RESOURCE MANAGEMENT ACT 1991

This is a submission on Variation 2 to the Second Generation Dunedin City District Plan (2GP). Your submission must be lodged with the Dunedin City Council by midnight on 4 March 2021. **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 Variation 2. 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

Online: www.dunedin.govt.nz/2GP-variation-2 | **Email:** districtplansubmissions@dcc.govt.nz

Post to: Submission on Variation 2, 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)

First name: Meat of New Zealand Ltd

Last name:

Organisation (if applicable):

Contact person/agent (if different to submitter): Emma Peters, Consultant, Sweep Consultancy Ltd

Postal address for service: P.O. Box 5724

Suburb:

City/town: Dunedin

Postcode: 9054

Email address: emma@sweepconsultancy.co.nz

Trade competition

Please note: If you are a person who could gain an advantage in trade competition through your submission, your right to make a submission may be limited by clause 6(4), Schedule 1 of the Resource Management Act.

I could gain an advantage in trade competition through this submission: ☐ Yes ☒ No

If you answered yes, you could gain an advantage in trade competition through this submission, please select an answer:

- ☐ Yes ☐ No My submission relates to an effect that I am directly affected by and that:
- a. adversely affects the environment; and
 - b. does not relate to trade competition or the effects of trade competition.

Submission

Submissions on Variation 2 can only be made on the provisions or mapping, which are proposed to change or alternatives that are clearly within the scope of the 'purpose of the proposals', 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 variation your submission relates to. You can do this by either:

- making a submission on the Variation Change ID (in which case we will treat your submission as applying to all changes related to that change topic or alternatives within the scope of the purpose of that proposal); or
- on specific provisions that are being amended.

VARIATION 2 – ADDITIONAL HOUSING CAPACITY

SUBMISSION FORM 5



SECOND
GENERATION
DISTRICT PLAN

CLAUSE 6 OF FIRST SCHEDULE, RESOURCE MANAGEMENT ACT 1991

This is a submission on Variation 2 to the Second Generation Dunedin City District Plan (2GP). Your submission must be lodged with the Dunedin City Council by midnight on 4 March 2021. **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 Variation 2. 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

Online: www.dunedin.govt.nz/2GP-variation-2 | **Email:** districtplansubmissions@dcc.govt.nz

Post to: Submission on Variation 2, 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)

First name: John

Last name: Barker

Organisation (if applicable):

Contact person/agent (if different to submitter): Emma Peters, Consultant Sweep Consultancy Ltd

Postal address for service: P.O. Box 5724

Suburb:

City/town: Dunedin

Postcode: 9054

Email address: emma@sweepconsultancy.co.nz

Trade competition

Please note: If you are a person who could gain an advantage in trade competition through your submission, your right to make a submission may be limited by clause 6(4), Schedule 1 of the Resource Management Act.

I could gain an advantage in trade competition through this submission: ☐ Yes ☒ No

If you answered yes, you could gain an advantage in trade competition through this submission, please select an answer:

- ☐ Yes ☐ No My submission relates to an effect that I am directly affected by and that:
- a. adversely affects the environment; and
 - b. does not relate to trade competition or the effects of trade competition.

Submission

Submissions on Variation 2 can only be made on the provisions or mapping, which are proposed to change or alternatives that are clearly within the scope of the 'purpose of the proposals', 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 variation your submission relates to. You can do this by either:

- making a submission on the Variation Change ID (in which case we will treat your submission as applying to all changes related to that change topic or alternatives within the scope of the purpose of that proposal); **or**
- on specific provisions that are being amended.

The specific aspects of Variation 2 that my submission relates to are:

Variation 2 change ID (please see accompanying Variation 2 – Summary of Changes document or find the list on www.dunedin.govt.nz/2GP-variation-2)

Residential rezone of part of 489 East Taieri Allantia Road pursuant to

For example: D2 a structure plan & application of a SPMK

Provision name and number, or address and map layer name (where submitting on a specific proposed amendment):

All provisions relating to NDMK

For example: Rule 15.5.2 Density or zoning of 123 street name.

My submission seeks the following decision from the Council: (Please give precise details, such as what you would like us to retain or remove, or suggest amended wording.)

- ☒ Accept the change
☒ Accept the change with amendments outlined below
☐ Reject the change
☐ If the change is not rejected, amend as outlined below

} see attached submission notes

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

If you wish to make multiple submissions, you can use the submission table on page 3 or attach additional pages.

Hearings

Do you wish to speak in support of your submission at a hearing: ☒ Yes ☐ No

If others make a similar submission, would you consider presenting a joint case at a hearing: ☒ Yes ☐ No

Signature:

Emma Peters, Consultant, Sweep Consultancy Ltd

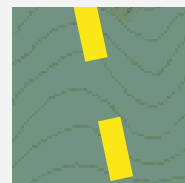
Date:

4/3/21

KEY



1. Full site area



2. Main site ridges



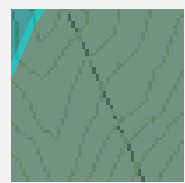
3. Proposal area



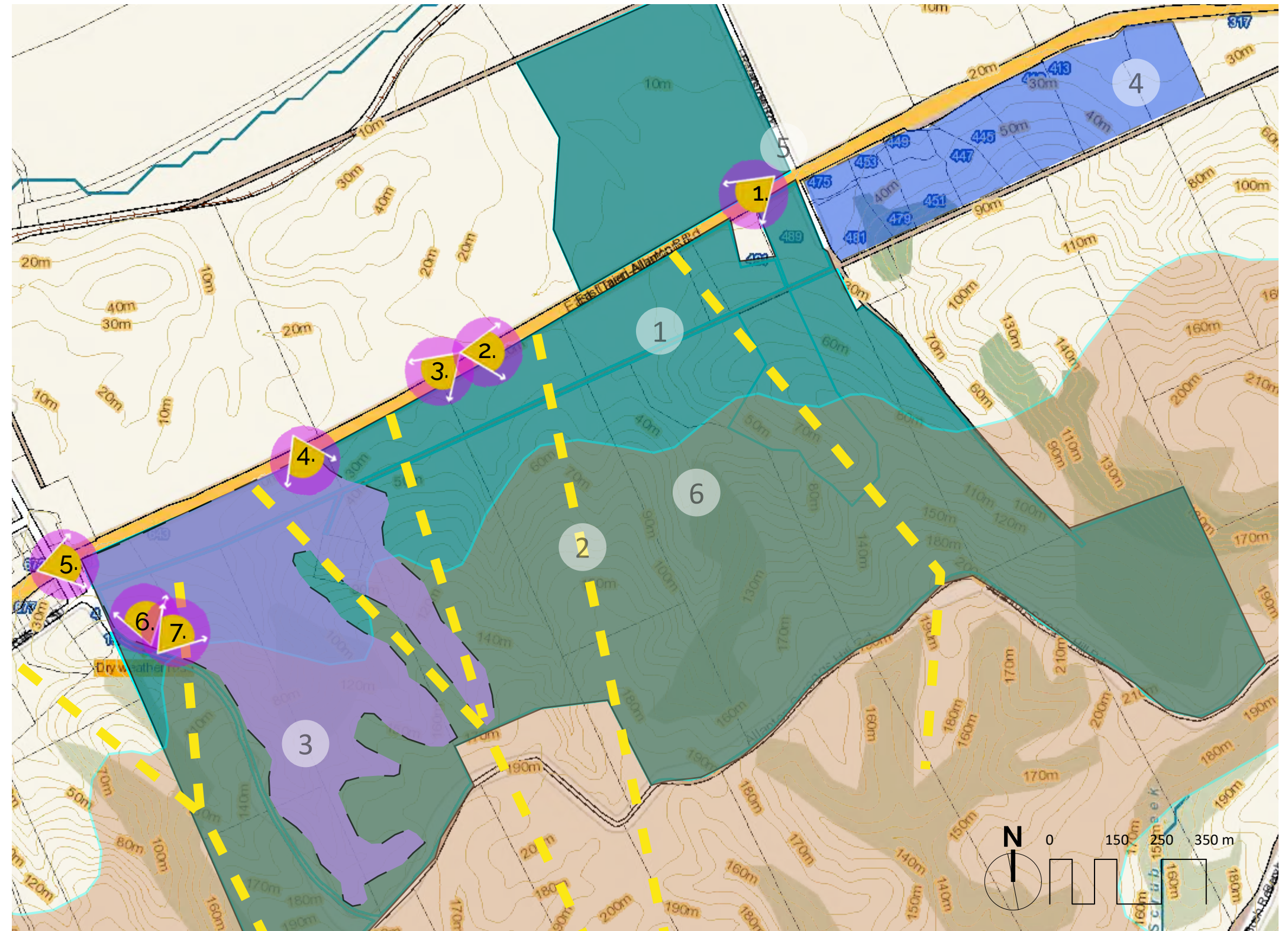
4. Existing residential housing



5. Viewpoints



6. Significant Natural Landscape Overlay (Saddle Hill - DCC)



KEY



1. Boundary planting - retain existing native plants and in-fill with exotic trees which are consistent with the farm landscape, as well as additional native species



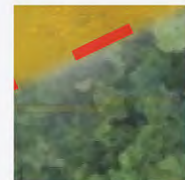
2. Access through the site provides connection with Ralston Street



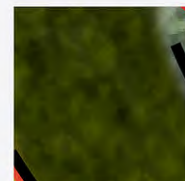
3. Slip road off main highway allows for safe access into the site



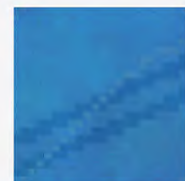
4. Stage One - Township and settlement: 4.3 ha approx, 500 - 750m² lot size, approximately 61 - 41 lots



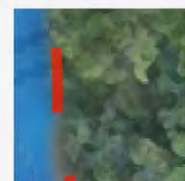
5. Stage One - Conservation and enhancement area, 20.8 ha approx



6. Parkland area to be planted with exotic canopy trees to provide recreation area



7. Stage Two - Large lot residential: 2.4 ha approx, 2000m² lot size, approximately 8 lots



8. Stage Two - Conservation and enhancement area, 6.1 ha approx



9. Farm access track





489 EAST TAIERI-ALLANTON ROAD

VIEWPOINT LATITUDE:
PHOTO TAKEN: 20/02/2021 4:20 pm
HORIZONTAL FIELD OF VIEW: 40°

VIEWPOINT LONGITUDE:
CAMERA: CANON EOS 5D MARK II
READING DISTANCE: 455mm away from page at A3

VIEWPOINT ONE

DISTANCE TO APPLICATION: 1.2km
LENS EQUIVALENT: 50mm



489 EAST TAIERI-ALLANTON ROAD

VIEWPOINT LATITUDE: 45; 54; 42.3
 PHOTO TAKEN: 18/02/2021 5:13 pm
 HORIZONTAL FIELD OF VIEW: 40°

VIEWPOINT LONGITUDE: 170; 16; 56.24
 CAMERA: NIKON D90
 READING DISTANCE: 455mm away from page at A3

VIEWPOINT TWO

DISTANCE TO APPLICATION: 0.4km
 LENS EQUIVALENT: 50mm



489 EAST TAIERI-ALLANTON ROAD

VIEWPOINT LATITUDE: 45; 54; 42.4
PHOTO TAKEN: 18/02/2021 5:12 pm
HORIZONTAL FIELD OF VIEW: 40°

VIEWPOINT LONGITUDE: 170; 16; 56.24
CAMERA: NIKON D90
READING DISTANCE: 455mm away from page at A3

VIEWPOINT THREE

DISTANCE TO APPLICATION: 0.4km
LENS EQUIVALENT: 50mm



489 EAST TAIERI-ALLANTON ROAD

VIEWPOINT LATITUDE:
PHOTO TAKEN: 20/02/2021 4:49 pm
HORIZONTAL FIELD OF VIEW: 40°

VIEWPOINT LONGITUDE:
CAMERA: CANON EOS 5D MARK II
READING DISTANCE: 455mm away from page at A3

VIEWPOINT FOUR

DISTANCE TO APPLICATION: 0.03km
LENS EQUIVALENT: 50mm



489 EAST TAIERI-ALLANTON ROAD

VIEWPOINT LATITUDE:
PHOTO TAKEN: 20/02/2021 4:42 pm
HORIZONTAL FIELD OF VIEW: 40°

VIEWPOINT LONGITUDE:
CAMERA: CANON EOS 5D MARK II
READING DISTANCE: 455mm away from page at A3

VIEWPOINT FIVE

DISTANCE TO APPLICATION: 0.1km
LENS EQUIVALENT: 50mm



489 EAST TAIERI-ALLANTON ROAD

VIEWPOINT LATITUDE: 45; 55; 1.22
PHOTO TAKEN: 18/02/2021 5:00 pm
HORIZONTAL FIELD OF VIEW: 40°

VIEWPOINT LONGITUDE: 170; 16; 18.65
CAMERA: NIKON D90
READING DISTANCE: 455mm away from page at A3

VIEWPOINT SIX

DISTANCE TO APPLICATION: 0.4km
LENS EQUIVALENT: 50mm



489 EAST TAIERI-ALLANTON ROAD

VIEWPOINT LATITUDE: 45; 55; 1.69
PHOTO TAKEN: 18/02/2021 4:59 pm
HORIZONTAL FIELD OF VIEW: 40°

VIEWPOINT LONGITUDE: 170; 16; 19.07
CAMERA: NIKON D90
READING DISTANCE: 455mm away from page at A3

VIEWPOINT SEVEN

DISTANCE TO APPLICATION: 0.0km
LENS EQUIVALENT: 50mm

Table 1: NDMA Issues and Potential Mechanisms For Solutions

Notified Policy / Rule	Issue	Potential Solutions			
CHANGE D4 Policy 2.3.3.1.X Support community and leisure activity, sport and recreation, and essential community facilities in Dunedin through: ... X policies and assessment rules for subdivision in a new development mapped area that require consideration of the need for formal and/or informal space for recreation, sporting, social and cultural activities, and community facilities. {Change D4} Delete Policy 2.6.1.6.b Objective 12.2.X Future residential growth areas are developed in a way that achieves the Plan's strategic directions for: {Change D1} a. facilities and spaces that support social and cultural well-being (Objective 2.3.3); {Change D4} Policy 12.2.X.1 Policy 12.2.X.1 Only allow subdivision in a new development mapped area where it will provide or otherwise ensure good access to outdoor recreation opportunities (including playgrounds) and, where possible, opportunities for off-road cycling and walking tracks within and between different residential developments and connecting to community facilities and services. {Change D4} Rule 12.X.2.5.c 12.X.2 Assessment of restricted discretionary activities in a Transition Overlay Zone or mapped area <table><tr><td>Activity</td><td>Matters of discretion</td><td>Guidance on the assessment of resource consents</td></tr></table> ...	Activity	Matters of discretion	Guidance on the assessment of resource consents	How will this operate in NDMA where land is in multiple ownership and development is likely to occur over time and potentially without co-operation between landowners? S32 report talks about 'large greenfield areas' [see para 296], however, many of the 'large greenfield areas' in NDMA are in multiple ownership.	A trigger mechanism for requirement of formal and/or informal space for recreation, sporting, social and cultural activities, and community facilities. That is, over so many lots / developed area a greenspace is required. AND / OR Specify what greenspace etc is required as a minimum for which NDMA's.
Activity	Matters of discretion	Guidance on the assessment of resource consents			

Notified Policy / Rule	Issue	Potential Solutions
CHANGE D5 Delete Policies 2.2.2.5.b and 2.2.5.3.a and replace with new clause in Policy 2.2.2.X.a Policy 2.2.2.X to be added {Change D5 & Change E4} Encourage improvements to the environmental performance of new housing by: {Change E4} a. use of policies and assessment rules for subdivision, including in new development mapped areas, that encourage subdivisions to be designed to maximise the potential for passive solar design in housing; {Change D5} b. encouraging new medium density housing in parts of the city that have old housing stock that is not protected for its heritage values; c. rules that require outdoor living space to be on the sunny side of buildings, and requiring principal living areas to connect to the outdoor living space; and d. rules that restrict height in relation to boundary to facilitate access to sunlight in outdoor areas. {Change E4} Objective 12.2.X & Policy 12.2.X.3 Objective 12.2.X {Change D1} Future residential growth areas are developed in a way that achieves the Plan's strategic directions for: {Change D1} ... c. environmental performance and energy resilience (Objective 2.2.2); {Change D5} .. Policy 12.2.X.3 Only allow subdivision in a new development mapped area where the subdivision layout and orientation provides for houses to be designed with good solar access to living areas and outdoor living spaces. {Change D5} Rule 12.X.2.5.a 12.X.2 Assessment of restricted discretionary activities in a Transition Overlay Zone or mapped area Activity Matters of discretion Guidance on the assessment of resource consents ...	No issues.	N/A

Notified Policy / Rule	Issue	Potential Solutions									
CHANGE D6 Objective 12.2.X and Policy 12.2.X.2 <u>Objective 12.2.X {Change D1}</u> <u>Future residential growth areas are developed in a way that achieves the Plan's strategic directions for: {Change D1}</u> ... <u>b. indigenous biodiversity (Objective 2.2.3); {Change D6}</u> ... <u>Policy 12.2.X.2</u> <u>Only allow subdivision in a new development mapped area where the subdivision is designed to ensure any future land use and development will protect, and where necessary restore, any waterways, areas of important indigenous vegetation and habitats of indigenous fauna, or other areas with significant natural environment values. {Change D6}</u> Rule 12.X.2.5.d <u>12.X.2 Assessment of restricted discretionary activities in a Transition Overlay Zone or mapped area</u> <table border="1"> <thead> <tr> <th><u>Activity</u></th><th><u>Matters of discretion</u></th><th><u>Guidance on the assessment of resource consents</u></th></tr> </thead> <tbody> <tr> <td colspan="3">...</td></tr> <tr> <td><u>d. Whether subdivision design maintains or enhances areas with significant natural environment values {Change D6}</u></td><td colspan="2"> <u>Relevant objectives and policies:</u> i. <u>Objective 12.2.X</u> ii. <u>The subdivision is designed to ensure any future land use and development will protect, and where necessary restore, any waterways, areas of important indigenous vegetation and habitats of indigenous fauna, or other areas with significant natural environment values (Policy 12.2.X.2). {Change D6}</u> <u>Conditions that may be imposed include:</u> iii. <u>A requirement to protect areas through reserve status or other legal mechanisms.</u> iv. <u>A requirement to undertake conservation activity. {Change D6}</u> </td></tr> </tbody> </table>	<u>Activity</u>	<u>Matters of discretion</u>	<u>Guidance on the assessment of resource consents</u>	...			<u>d. Whether subdivision design maintains or enhances areas with significant natural environment values {Change D6}</u>	<u>Relevant objectives and policies:</u> i. <u>Objective 12.2.X</u> ii. <u>The subdivision is designed to ensure any future land use and development will protect, and where necessary restore, any waterways, areas of important indigenous vegetation and habitats of indigenous fauna, or other areas with significant natural environment values (Policy 12.2.X.2). {Change D6}</u> <u>Conditions that may be imposed include:</u> iii. <u>A requirement to protect areas through reserve status or other legal mechanisms.</u> iv. <u>A requirement to undertake conservation activity. {Change D6}</u>		What is the threshold for 'significant natural environment values'?	Provide a definition for this term.
<u>Activity</u>	<u>Matters of discretion</u>	<u>Guidance on the assessment of resource consents</u>									
...											
<u>d. Whether subdivision design maintains or enhances areas with significant natural environment values {Change D6}</u>	<u>Relevant objectives and policies:</u> i. <u>Objective 12.2.X</u> ii. <u>The subdivision is designed to ensure any future land use and development will protect, and where necessary restore, any waterways, areas of important indigenous vegetation and habitats of indigenous fauna, or other areas with significant natural environment values (Policy 12.2.X.2). {Change D6}</u> <u>Conditions that may be imposed include:</u> iii. <u>A requirement to protect areas through reserve status or other legal mechanisms.</u> iv. <u>A requirement to undertake conservation activity. {Change D6}</u>										

Rule 15.11.5.Y**15.11.5 Assessment of restricted discretionary activities in an overlay zone, mapped area, heritage precinct or affecting a scheduled heritage item**

Activity	Matters of discretion	Guidance on the assessment of resource consents
----------	-----------------------	---

...

<u>Y</u>	<u>In a new development mapped area:</u> ▪ <u>All subdivision activities</u> <i>{Change D1 & Change F2-2}</i>	<u>d. Whether subdivision design maintains or enhances areas with significant natural environment values</u> <i>{Change D6}</i>	<u>See Rule 12.X</u> <i>{Change D6}</i>
----------	---	---	---

Notified Policy / Rule	Issue	Potential Solutions															
CHANGE D7 Objective 12.2.X {Change D1} <u>Future residential growth areas are developed in a way that achieves the Plan's strategic directions for: {Change D1}</u> ... <u>d. form and structure of the environment (Objective 2.4.1): {Change D7}</u> Policy 12.2.X.4 <u>Only allow subdivision in a new development mapped area where the subdivision will provide adequate areas of amenity planting (including but not limited to street trees) and public amenities to ensure an attractive residential environment. {Change D7}</u> Rule 12.X.2.5.b <u>12.X.2 Assessment of restricted discretionary activities in a Transition Overlay Zone or mapped area</u> <table> <tr> <th>Activity</th><th>Matters of discretion</th><th>Guidance on the assessment of resource consents</th></tr> <tr> <td>...</td><td></td><td></td></tr> <tr> <td> 5. <u>In a new development mapped area:</u> <u>All subdivision activities {Change D1}</u> </td><td> <u>b. Provision for amenity planting and public amenities {Change D7}</u> </td><td> <u>Relevant objectives and policies:</u> i. <u>Objective 12.2.X</u> ii. <u>The subdivision provides adequate areas of amenity planting (including but not limited to street trees) and public amenities to ensure an attractive residential environment (Policy 12.2.X.4).</u> <u>Conditions that may be imposed include:</u> iii. <u>Requirements for street tree and other subdivision amenity planting. {Change D7}</u> </td></tr> </table> Rule 15.11.5.Y <u>15.11.5 Assessment of restricted discretionary activities in an overlay zone, mapped area, heritage precinct or affecting a scheduled heritage item</u> <table> <tr> <th>Activity</th><th>Matters of discretion</th><th>Guidance on the assessment of resource consents</th></tr> <tr> <td></td><td></td><td></td></tr> </table>	Activity	Matters of discretion	Guidance on the assessment of resource consents	...			5. <u>In a new development mapped area:</u> <u>All subdivision activities {Change D1}</u>	<u>b. Provision for amenity planting and public amenities {Change D7}</u>	<u>Relevant objectives and policies:</u> i. <u>Objective 12.2.X</u> ii. <u>The subdivision provides adequate areas of amenity planting (including but not limited to street trees) and public amenities to ensure an attractive residential environment (Policy 12.2.X.4).</u> <u>Conditions that may be imposed include:</u> iii. <u>Requirements for street tree and other subdivision amenity planting. {Change D7}</u>	Activity	Matters of discretion	Guidance on the assessment of resource consents				What is the threshold for the requirement? What constitutes an 'adequate' area?	Include a trigger (i.e. number of lots / size of development area). AND / OR Provide guidance on what constitutes 'adequate' areas of amenity planting and public amenities.
Activity	Matters of discretion	Guidance on the assessment of resource consents															
...																	
5. <u>In a new development mapped area:</u> <u>All subdivision activities {Change D1}</u>	<u>b. Provision for amenity planting and public amenities {Change D7}</u>	<u>Relevant objectives and policies:</u> i. <u>Objective 12.2.X</u> ii. <u>The subdivision provides adequate areas of amenity planting (including but not limited to street trees) and public amenities to ensure an attractive residential environment (Policy 12.2.X.4).</u> <u>Conditions that may be imposed include:</u> iii. <u>Requirements for street tree and other subdivision amenity planting. {Change D7}</u>															
Activity	Matters of discretion	Guidance on the assessment of resource consents															

<u>Y</u>	<u>In a new development mapped area:</u> • <u>All subdivision activities {Change D1 & Change F2-2}</u>	<u>b. Provision for amenity planting and public amenities {Change D7}</u>	<u>See Rule 12.X {Change D7}</u>		
----------	--	---	----------------------------------	--	--

Notified Policy / Rule	Issue	Potential Solutions
CHANGE D8 Policy 2.7.1.2 Ensure areas of new urban development provide for public infrastructure networks that represent the least possible long term cost to the public through: ... <u>Z policies and assessment rules for new development mapped areas that encourage efficient use of land as a way to maximise the cost effectiveness of public infrastructure delivery. {Change D8}</u> Objective 12.2.X {Change D1} Future residential growth areas are developed in a way that achieves the Plan's strategic directions for: <i>{Change D1}</i> ... e. <u>a compact and accessible city (Objective 2.2.4); and {Change D8}</u> f. <u>efficient public infrastructure (Objective 2.7.1). {Change D8}</u> Policy 12.2.X.5 <u>Policy 12.2.X.5</u> Only allow subdivision in a new development mapped area where the subdivision design ensures the efficient use of land, while also achieving the other elements of Objective 12.2.X. <i>{Change D8}</i> Rule 12.X.2.5.e <u>12.X.2 Assessment of restricted discretionary activities in a Transition Overlay Zone or mapped area</u>	Rule 12.X.2 – general assessment guidance iv.3 This assessment has already been undertaken in rezoning of the land (including placement of Transition overlay zone or mapped area).	Delete.

5. <u>In a new development mapped area:</u> All <u>subdivision activities</u> <i>{Change D1}</i>	<u>e. Whether subdivision design supports efficient use of land</u> <i>{Change D8}</i>. <u>Relevant objectives and policies:</u> i. <u>Objective 12.2.X</u> ii. <u>The subdivision design ensures the efficient use of land, while also achieving the other elements of Objective 12.2.X (Policy 12.2.X.5).</u> <i>{Change D8}</i> <u>General assessment guidance:</u> iii. <u>Council will generally require subdivision in a NDMA to enable the maximum development capacity allowed under the rules and as can be achieved while still achieving the other objectives and policies of the Plan (e.g. as many sites suitable for residential development as practicable or through other means of maximising development capacity).</u> <i>{Change D8}</i> iv. <u>Where a subdivision proposes a residential yield less than what is allowed by the zoning and where this is not required to achieve other plan objectives or policies, Council will consider:</u> 1. <u>how this might affect the affordability and efficient delivery of public infrastructure.</u> 2. <u>how this might affect the ability to provide a reasonable amount of affordable housing in the development; and</u> 3. <u>the potential cumulative effects of inefficient development on loss of rural land.</u> <i>{Change D8}</i>
--	--

Rule 15.11.5.Y

15.11.5 Assessment of restricted discretionary activities in an overlay zone, mapped area, heritage precinct or affecting a scheduled heritage item		
Activity	Matters of discretion	Guidance on the assessment of resource consents
...		
Y. <u>In a new development mapped area:</u> All <u>subdivision activities</u> <i>{Change D1 & Change F2-2}</i>	<u>e. Whether subdivision design supports efficient use of land</u> <i>{Change D8}</i>	<u>See Rule 12.X</u> <i>{Change D8}</i>

Notified Policy / Rule	Issue	Potential Solutions				
CHANGE F2-2 Policy 2.2.2.Y Policy 2.2.2.Y - to be added {Change F2-2} <u>Enable and encourage on-site low impact design stormwater management through policies and assessment rules that require stormwater management in new development mapped areas. {Change F2-2}</u> Delete Policy 2.2.5.2 Policy 2.7.1.2.X <u>Ensure areas of new urban development provide for public infrastructure networks that represent the least possible long term cost to the public through:</u> ... <u>X policies and assessment rules that require on-site stormwater management in the new development mapped area. {Change F2-2}</u> Policy 9.2.1.Y Objective 9.2.1 <u>Land use, development and subdivision activities maintain or enhance the efficiency and affordability of public water supply, wastewater and stormwater infrastructure.</u> ... <table><tr><td><u>Policy 9.2.1.Y</u></td><td><u>Only allow subdivision activities in a new development mapped area where:</u> <u>a. an on-site stormwater management system that is designed for the whole NDMA and is installed in full or in planned stages prior to development will ensure there is no increase in the pre-development peak stormwater discharge rate from the site into the stormwater public infrastructure (at any point); or</u> <u>b. where this is not practicable, any adverse effects from an increase in discharge on the stormwater public infrastructure are no more than minor. {Change F2-2}</u></td></tr></table> Policy 9.2.1.X <table><tr><td><u>Policy 9.2.1.X</u></td><td><u>Require development in a new development mapped area that creates impermeable surfaces to be connected to the integrated communal on-site stormwater management system that meets Policy 9.2.1.Y. {Change F2-2}</u></td></tr></table>	<u>Policy 9.2.1.Y</u>	<u>Only allow subdivision activities in a new development mapped area where:</u> <u>a. an on-site stormwater management system that is designed for the whole NDMA and is installed in full or in planned stages prior to development will ensure there is no increase in the pre-development peak stormwater discharge rate from the site into the stormwater public infrastructure (at any point); or</u> <u>b. where this is not practicable, any adverse effects from an increase in discharge on the stormwater public infrastructure are no more than minor. {Change F2-2}</u>	<u>Policy 9.2.1.X</u>	<u>Require development in a new development mapped area that creates impermeable surfaces to be connected to the integrated communal on-site stormwater management system that meets Policy 9.2.1.Y. {Change F2-2}</u>	1. Potential difficulties with NDMA being in multiple ownership – for example, if there is a reluctant or recalcitrant 2. Requirement to install infrastructure prior to obtaining subdivision consent (see Policy 9.2.1.Y and Note 9.3.7.AAA.a). The proper development process is for resource consent to be obtained prior to installation occurring so that all matters can be assessed together. Focus should be on the design of infrastructure at this stage of the consent / development process. 3. Limiting the extent of Rule 9.5.3.Z.	1. Provide a claw-back mechanism whereby when the developer of infrastructure in a NDMA with multiple owners vests that infrastructure in DCC, DCC pays that developer for the infrastructure (less the developer's pro rata share) and DCC claws-back the cost of that infrastructure vis development contributions as the other land within that NDMA comes online. AND Provide a mechanism whereby the DCC can compulsorily acquire easements in NDMA for new infrastructure. AND Delete from Rule 9.9.X.3.C the following: ', and be submitted along with the written approval of all owners of land within the new development mapped area unless they are the applicant/s'. 2. Delete requirement for infrastructure to be installed prior to subdivision consent. 3. Add the words 'within the subject new development
<u>Policy 9.2.1.Y</u>	<u>Only allow subdivision activities in a new development mapped area where:</u> <u>a. an on-site stormwater management system that is designed for the whole NDMA and is installed in full or in planned stages prior to development will ensure there is no increase in the pre-development peak stormwater discharge rate from the site into the stormwater public infrastructure (at any point); or</u> <u>b. where this is not practicable, any adverse effects from an increase in discharge on the stormwater public infrastructure are no more than minor. {Change F2-2}</u>					
<u>Policy 9.2.1.X</u>	<u>Require development in a new development mapped area that creates impermeable surfaces to be connected to the integrated communal on-site stormwater management system that meets Policy 9.2.1.Y. {Change F2-2}</u>					

Rule 9.3.7.AA

9.3.7.AA Stormwater (Change F2-2)

- a. In a new development mapped area, all development that creates an impermeable surface must:
 - i. connect to a communal stormwater management system that services the new development mapped area, except:
 - 1. prior to the communal stormwater management system being installed, any development that creates less than 60m² of impermeable surface is exempt from this standard.
- b. Activities that contravene this performance standard are restricted discretionary activities. (Change F2-2)

Note 9.3.7.AAA

Note 9.3.7.AAA - General advice and other requirements outside of the District Plan (Change F2-2)

- a. In a new development mapped area, Policy 9.2.1.Y requires installation of a communal stormwater management system prior to development as part of the assessment of a subdivision consent. The requirements for stormwater management are set out in the Special Information Requirements - Rule 9.9.X. (Change F2-2)
- b. Clause E1 - Surface Water of the New Zealand Building Code (Building Regulations 1992, Schedule 1) contains requirements regarding buildings and sitework in relation to managing surface water and effects on other property.
- c. Development that will divert surface water may require resource consent under the Otago Regional Plan: Water.
- d. Discharge of stormwater to any Otago Regional Council scheduled drain or overland flow path is managed by the Otago Regional Council Flood Protection Management Bylaw 2012.
- e. If development affects the flow of surface water, this effect is also subject to the common law principle of natural servitude.
- f. Part 4 of the Dunedin Code of Subdivision and Development 2010 ('Code of Subdivision') requires that design and construction of stormwater systems be undertaken in accordance with NZS 4404:2004 (now replaced by NZS 4404:2010), except as amended by the Code of Subdivision. This includes a requirement that stormwater systems be provided so that any new development results in an insignificant increase of runoff wherever possible (Clause 4.2.8).
- g. For further information on connections to the public stormwater network and for assistance with design requirements for stormwater management systems, please contact DCC 3 Waters on 03 477 4000 at the earliest opportunity. (Change F2-4)

mapped area' to the end of the sentence at Rule 9.5.3.Z.a.

Rule 9.5.3.Z

9.5.3 Assessment of performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
----------------------	-----------------------	---

...

Z. In a new development mapped area

- **Service connections - stormwater** (Rule 9.3.7.AA) *{Change F2-2}*

a. Effectiveness and efficiency of stormwater management and effects of stormwater from future development

Relevant objectives and policies:

i. Objective 9.2.1

ii. Require development in a new development mapped area that creates impermeable surfaces to be connected to the integrated communal on-site stormwater management system that meets Policy 9.2.1.Y (Policy 9.2.1.X). *{Change F2-2}*

General assessment guidance:

iv. Council will consider how stormwater will be managed and may require a stormwater management plan to be submitted with the application (see Special Information Requirement - Rule 9.9.X). *{Change F2-2}*

Conditions that may be imposed include:

- v. A requirement for easements, covenants, consent notices, or bonds to ensure future development will be in accordance with a stormwater management plan.
- vi. A requirement for on-site stormwater management, such as the installation of detention devices, in accordance with the approved stormwater management plan. *{Change F2-2}*

Rule 9.6.2.X

9.6.2 Assessment of restricted discretionary activities

Activity	Matters of discretion	Guidance for the assessment of resource consents
----------	-----------------------	--

...

X.	<u>In a new development mapped area:</u> • <u>All subdivision activities</u> <i>(Change F2-2)</i>	<u>a. Effectiveness and efficiency of stormwater management and effects of stormwater from future development</u>	<i>Relevant objectives and policies (in addition to those outlined in 9.6.2.2 above):</i> i. <u>Objective 9.2.1.</u> ii. <u>Only allow subdivision activities in a new development mapped area where:</u> 1. <u>an on-site stormwater management system that is designed for the whole NDMA and is installed in full or in planned stages prior to development will ensure there is no increase in the pre-development peak stormwater discharge rate from the site into the stormwater public infrastructure (at any point); or</u> 2. <u>where this is not practicable, any adverse effects from an increase in discharge on the stormwater public infrastructure are no more than minor (Policy 9.2.1.Y), (Change F2-2)</u>		
Special Information Requirement Rule 9.9.X					
<u>9.9.X Stormwater management plans</u> 1. <u>Application for subdivision in a new development mapped area must include a proposed stormwater management plan that demonstrates how Policy 9.2.1.Y will be achieved, unless such a plan has already been approved as part of an earlier subdivision. (Change F2-2)</u>					
...					
3. <u>Stormwater management plans must:</u> a. <u>be prepared by a chartered engineer or other suitably qualified person;</u> b. <u>be of a level of detail commensurate with the scale of the activity, complexity of stormwater management issues, and potential for adverse effects from stormwater. (Change F2-2 & Change F2-3)</u> c. <u>for a new development mapped area (NDMA), address the whole NDMA area, and be submitted along with the written approval of all owners of land within the new development mapped area unless they are the applicant/s. (Change F2-2)</u> d. <u>assess pre-development flows and post-development flows, generally based on the following rainfall events:</u> i. <u>for primary infrastructure, a 10% annual exceedance probability (AEP) for the critical storm duration for the NDMA and the critical storm duration and the catchment upstream of the point of discharge; and</u> ii. <u>for secondary flow paths, a 1% AEP for the critical storm duration for the NDMA and the critical storm duration for the catchment upstream of the point of discharge;</u> iii. <u>for the purposes of this requirement, 'critical storm duration' means the duration of rainfall event likely to cause the highest peak flows or water levels;</u>					

iv. <u>for the purposes of this requirement, 'primary infrastructure' includes both open and closed conduits designed to contain the flows generated by the 10% AEP rainfall event;</u> v. <u>for the purposes of this requirement, 'secondary flow paths' means the flow path over which surface water will flow if the primary flow path becomes overloaded or inoperative and consists of overland flow paths with sufficient capacity to transfer the flows generated by rainfall events up to 1% AEP. Secondary flow paths should be aligned with natural flow paths and located on public land where possible. If located in private property, 1% AEP secondary flows should be through primary infrastructure unless protected by an easement;</u> e. <u>assess the difference between pre-development flows and post-development flows, taking into account the maximum impermeable surfaces permitted in the underlying zone and any proposed roading or accessways for the subdivision area (or in a new development mapped area, for the entire NDMA);</u> f. <u>specify the design and location of any on-site stormwater management systems to accommodate the calculated difference in flows;</u> g. <u>where relevant, specify the design and location of secondary flow paths;</u> h. <u>specify any upgrades to stormwater public infrastructure, or other infrastructure, that will be used to add capacity where it is required;</u> i. <u>the stormwater management system design should allow for stormwater quality treatment to reduce potential contaminants that the site and development may generate;</u> j. <u>areas requiring stormwater quality treatment include trafficked areas such as roads, driveways and carparks. Roof and building areas should not require stormwater quality treatment providing they are constructed with inert building products which avoid exposed metal surfaces;</u> k. <u>stormwater quality treatment devices shall target the removal of 75% total suspended solids (TSS) on a long-term average basis and consider the avoidance or minimisation of thermal loading effects;</u> l. <u>the stormwater management design should consider the use of low impact design features, for example:</u> i. <u>grassed/landscaped swales and other vegetation areas;</u> ii. <u>infiltration trenches/bioretention systems;</u> iii. <u>storage ponds/wetlands/sediment ponds;</u> iv. <u>rainwater tanks harvesting and reuse;</u> v. <u>rain gardens, green roofs; or</u> vi. <u>porous surface treatments;</u>		
--	--	--

- m. where low impact design features are inadequate to address stormwater discharge in a way that meets Policy 9.2.1.Y consider the use of detention tanks;
- n. for larger subdivisions, the design should incorporate consideration of how stormwater management areas can be integrated into reserves and recreation spaces;
- o. for larger subdivisions, the design proposal should demonstrate how the integrity of the stormwater mitigation and management measures will not be compromised during and after subdivision (for example, avoiding premature contamination of devices during the construction of houses and ensuring that open drains that form part of the system will not be blocked or altered). {Change F2-2 & Change F2-3}

Rule 15.3.4.1 Development Activity Status Table

1.	Performance standards that apply to all development activities	a. Natural Hazards Performance Standards b. Maximum building site coverage and impermeable surfaces c. Setback from scheduled tree d. Structure plan mapped area performance standards (where relevant)
		<u>Y. Service connections - stormwater (in a new development mapped area)</u> {Change F2-2}

Rule 15.6.X

15.6.X Service Connections - Stormwater - to be added {Change F2-2}

In a new development mapped area, all development that creates an impermeable surface must comply with Rule 9.3.7.AA. {Change F2-2}

Rule 15.10.4.Y

15.10.4 Assessment of development performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
----------------------	-----------------------	---

...

Y	<u>In a new development mapped area</u> • <u>Service connections - stormwater</u> <i>{Change F2-2}</i>	a. <u>Effectiveness and efficiency of stormwater management and effects of stormwater from future development</u>	<u>See Rule 9.5. {Change F2-2}</u>		
Rule 15.11.5.Y					
15.11.5 Assessment of restricted discretionary activities in an overlay zone, mapped area, heritage precinct or affecting a scheduled heritage item					
Activity		Matters of discretion	Guidance on the assessment of resource consents		
...					
Y	<u>In a new development mapped area</u> • <u>All subdivision activities</u> <i>{Change D1 & Change F2-2}</i>	f. <u>Effectiveness and efficiency of stormwater management and effects of stormwater from future development</u> <i>{Change F2-2}</i>	<u>See Rule 9.6 {Change F2-2}</u>		

Notified Policy / Rule	Issue	Potential Solutions								
CHANGE F3-2 Policy 2.7.1.2.Y Ensure areas of new urban development provide for public infrastructure networks that represent the least possible long term cost to the public through: ... Y policies and assessment rules that require wastewater detention for specified sites in the new development mapped area to allow urban expansion while ensuring any impacts on the wastewater public infrastructure network are no more than minor. <i>{Change F3-2}</i> Policy 9.2.1.BB <table><tr><td>Policy 9.2.1.BB</td><td>Require subdivision, multi-unit development or supported living facilities in specified new development mapped areas to provide or connect to a communal wastewater detention system that ensures that all wastewater from the future development of the entire new development mapped area does not exceed the capacity of the wastewater public infrastructure network. <i>{Change F3-2}</i></td></tr></table> Note 9.3.7.ZA General Advice ... b. In new development mapped areas specified in Rule 9.6.2.Y, immediate connections to the wastewater public infrastructure network will not be available due to network capacity constraints. In these cases, subdivision consent may be refused even if this standard is met where an on-site communal wastewater detention system that serves 50 or more residential units is yet to be approved as a solution to capacity constraints. <i>{Change F3-2}</i> ... Rule 9.6.2.Y <table><tr><th colspan="3">9.6.2 Assessment of restricted discretionary activities</th></tr><tr><td>Activity</td><td>Matters of discretion</td><td>Guidance for the assessment of resource consents</td></tr></table> ...	Policy 9.2.1.BB	Require subdivision, multi-unit development or supported living facilities in specified new development mapped areas to provide or connect to a communal wastewater detention system that ensures that all wastewater from the future development of the entire new development mapped area does not exceed the capacity of the wastewater public infrastructure network. <i>{Change F3-2}</i>	9.6.2 Assessment of restricted discretionary activities			Activity	Matters of discretion	Guidance for the assessment of resource consents	1. Potential difficulties with NDMA being in multiple ownership – for example, if there is / are reluctant or recalcitrant owner(s) within the NDMA.	1. Provide a claw-back mechanism whereby when the developer of infrastructure in a NDMA with multiple owners vests that infrastructure in DCC, DCC pays that developer for the infrastructure (less the developer's pro rata share) and DCC claws-back the cost of that infrastructure vis development contributions as the other land within that NDMA comes online. AND Provide a mechanism whereby the DCC can compulsorily acquire easements in NDMA for new infrastructure.
Policy 9.2.1.BB	Require subdivision, multi-unit development or supported living facilities in specified new development mapped areas to provide or connect to a communal wastewater detention system that ensures that all wastewater from the future development of the entire new development mapped area does not exceed the capacity of the wastewater public infrastructure network. <i>{Change F3-2}</i>									
9.6.2 Assessment of restricted discretionary activities										
Activity	Matters of discretion	Guidance for the assessment of resource consents								

Y.	In the following <u>new development mapped areas</u>, all <u>subdivision activities</u>, <u>multi-unit development</u> and <u>supported living facilities</u>. <i>(Change F3-2)</i> • <u>Kaikorai Valley Road</u> <i>(Change IN07)</i> • <u>Selwyn Street</u> <i>(Change RTZ2)</i> • <u>Wattie Fox Lane</u> <i>(Change RTZ1)</i>	a. Effectiveness and <u>efficiency of wastewater management</u> and <u>effects of wastewater</u> from future <u>development</u>	<u>Relevant objectives and policies (in addition to those outlined in 9.6.2.2 and 9.6.2.X above):</u> <u>Objective 9.2.1.</u> <u>Require subdivision, multi-unit development or supported living facilities in specified new development mapped areas to provide or connect to a communal wastewater detention system that ensures that all wastewater from the future development of the entire new development mapped area does not exceed the capacity of the wastewater public infrastructure network (Policy 9.2.1.BB).</u> <i>(Change F3-2)</i> <u>General assessment guidance:</u> <u>The identified new development mapped areas are serviced for wastewater but new connections to the network will not be allowed (and consequentially any multi-unit development, supported living facility or subdivision that will lead to development that will require a connection will likely be declined) until capacity constraints are resolved or a communal on-site wastewater detention system that is designed for and associated with subdivision and/or development of 50 or more residential units is integrated into the public network and vested in the DCC. After installation of the system, all activities that create wastewater will be required to connect to the system until it is no longer required.</u> <u>In assessing the appropriateness of a proposed communal on-site wastewater detention system, Council will consider the proposed wastewater management plan submitted with the application (see Special Information Requirement – Rule 9.9.Y).</u> <i>(Change F3-2)</i> <u>Conditions that may be imposed:</u> <u>A requirement for the communal on-site wastewater detention system to be installed prior to certification of the survey plan pursuant to section 223 of the RMA.</u> <u>A requirement for the communal on-site wastewater detention system to be vested in the DCC, along with a site containing it which is of a minimum 500m² in area and suitable for residential development.</u> <u>A requirement for necessary easements and a fixed maintenance or defect period agreement to be in place prior to vesting the communal on-site wastewater detention system and associated land.</u> <i>(Change F3-2)</i>		
----	---	--	---	--	--

Rule 9.9.Y

9.9.Y Wastewater management plans

1. Any application for subdivision, multi-unit development or supported living facilities in a new development mapped area specified in Rule 9.6.2.Y must include a proposed wastewater management plan that ensures that all wastewater from the future development of the entire new development mapped area does not exceed the capacity of the wastewater public infrastructure network via the use of a communal wastewater detention system, unless such a system has already been approved for the site and will be connected to.
2. The wastewater management plan must be prepared by a chartered engineer and meet the following requirements:
 - a. Specify the design and location of one or more communal wastewater detention systems to detain wastewater from the entire new development mapped area.
 - b. The communal wastewater detention systems must:
 - i. have the capacity to detain wastewater for a 24-hour period, prior to releasing to the wastewater via a connection to the wastewater public infrastructure network. The volume of wastewater to be detained will be calculated with reference to Part 5 of the Dunedin Code of Subdivision and Development 2010 ('Code of Subdivision');
 - ii. be compatible with DCC's Supervisory Control and Data Acquisition (SCADA) system;
 - iii. have a minimum 20 year expected life for all electrical / mechanical components and a minimum 50 year expected life for all civil components;
 - iv. where practicable, be located such that all flow goes to one communal wastewater detention system with no pumping;
 - v. have components and materials that comply with the DCC's 3-Waters Approved Product and Manufacturers List and Part 5 of the Dunedin Code of Subdivision and Development 2010 ('Code of Subdivision');
3. The wastewater management plan must be submitted along with the written approval of all landowners within the new development mapped area unless they are the applicant/s. (Change F3-2)

Rule 15.10.4.Y

15.10.4 Assessment of development performance standard contraventions		
Performance standard	Matters of discretion	Guidance on the assessment of resource consents
...		
10. Maximum building site coverage and impermeable surfaces	c. Effects on efficiency and affordability of infrastructure <u>(stormwater)</u> <i>(Change F2-3)</i> d. Effects of <u>stormwater from future development</u> <i>(Change F2-3)</i>	See Rule 9.5.

Rule 15.11.5.Z

15.11.5 Assessment of restricted discretionary activities in an overlay zone, mapped area, heritage precinct or affecting a scheduled heritage item		
Activity	Matters of discretion	Guidance on the assessment of resource consents
...		
<u>Z. In the following new development mapped areas, all subdivision activities, multi-unit development, and supported living facilities: {Change F3-2}</u> • <u>Kaikorai Valley Road {Change IN07}</u> • <u>Selwyn Street {Change RTZ2}</u> • <u>Wattie Fox Lane {Change RTZ1}</u>	<u>a. Effectiveness and efficiency of wastewater management and effects of wastewater from future development {Change F3-2}</u>	<u>See Rule 9.6 {Change F3-2}</u>

Notified Policy / Rule	Issue	Potential Solutions												
CHANGE F2-6 Policy 9.2.1.AA <table><tr><td>Policy 9.2.1.AA</td><td>Only allow subdivision in a new development mapped area where any new public or private 3-waters infrastructure is designed to connect to, and provide capacity for, future urban development on adjoining or nearby sites that are zoned for urban development, where necessary. {Change F2-6}</td></tr></table>	Policy 9.2.1.AA	Only allow subdivision in a new development mapped area where any new public or private 3-waters infrastructure is designed to connect to, and provide capacity for, future urban development on adjoining or nearby sites that are zoned for urban development, where necessary. {Change F2-6}	Limit the extent of Policy 9.2.1.AA and related lower order provisions to provision of capacity of infrastructure within the specific new development mapped area.	Delete the words 'on adjoining or nearby sites that are zoned for urban development' and insert the words 'within the subject new development mapped area' before 'where necessary'. AND Similarly in Rule 9.5.3.Z.a.iii delete the words 'on adjoining or nearby sites that are zoned for urban development' and insert the words 'within the subject new development mapped area' before 'where necessary'. AND Similarly in Rule 9.6.2.X.a.iii delete the words 'on adjoining or nearby sites that are zoned for urban development' and insert the words 'within the subject new development mapped area' before 'where necessary'.										
Policy 9.2.1.AA	Only allow subdivision in a new development mapped area where any new public or private 3-waters infrastructure is designed to connect to, and provide capacity for, future urban development on adjoining or nearby sites that are zoned for urban development, where necessary. {Change F2-6}													
Rule 9.5.3.Z <table><tr><th colspan="3">9.5.3 Assessment of performance standard contraventions</th></tr><tr><td>Performance standard</td><td>Matters of discretion</td><td>Guidance on the assessment of resource consents</td></tr></table> <table><tr><td>Z.</td><td> In a new development mapped area: Service connections - stormwater (Rule 9.3.7.AA) {Change F2-2} </td><td> a. Effectiveness and efficiency of stormwater management and effects of stormwater from future development </td></tr></table> <table><tr><td>iii.</td><td colspan="2">Only allow subdivision in a new development mapped area where any new public or private 3-waters infrastructure is designed to connect to, and provide capacity for, future urban development on adjoining or nearby sites that are zoned for urban development, where necessary (Policy 9.2.1.AA). {Change F2-6}</td></tr></table>	9.5.3 Assessment of performance standard contraventions				Performance standard	Matters of discretion	Guidance on the assessment of resource consents	Z.	In a new development mapped area: Service connections - stormwater (Rule 9.3.7.AA) {Change F2-2}	a. Effectiveness and efficiency of stormwater management and effects of stormwater from future development	iii.	Only allow subdivision in a new development mapped area where any new public or private 3-waters infrastructure is designed to connect to, and provide capacity for, future urban development on adjoining or nearby sites that are zoned for urban development, where necessary (Policy 9.2.1.AA). {Change F2-6}		
9.5.3 Assessment of performance standard contraventions														
Performance standard	Matters of discretion	Guidance on the assessment of resource consents												
Z.	In a new development mapped area: Service connections - stormwater (Rule 9.3.7.AA) {Change F2-2}	a. Effectiveness and efficiency of stormwater management and effects of stormwater from future development												
iii.	Only allow subdivision in a new development mapped area where any new public or private 3-waters infrastructure is designed to connect to, and provide capacity for, future urban development on adjoining or nearby sites that are zoned for urban development, where necessary (Policy 9.2.1.AA). {Change F2-6}													
Rule 9.6.2.X <table><tr><th colspan="3">9.6.2 Assessment of restricted discretionary activities</th></tr><tr><td>Activity</td><td>Matters of discretion</td><td>Guidance for the assessment of resource consents</td></tr></table> ... <table><tr><td>X.</td><td> In a new development mapped area: All subdivision activities {Change F2-2} </td><td> a. Effectiveness and efficiency of stormwater management and effects of stormwater from future development </td></tr></table> <table><tr><td>iii.</td><td colspan="2">Only allow subdivision in a new development mapped area where any new public or private 3-waters infrastructure is designed to connect to, and provide capacity for, future urban development on adjoining or nearby sites that are zoned for urban development, where necessary (Policy 9.2.1.AA). {Change F2-6}</td></tr></table>	9.6.2 Assessment of restricted discretionary activities			Activity	Matters of discretion	Guidance for the assessment of resource consents	X.	In a new development mapped area: All subdivision activities {Change F2-2}	a. Effectiveness and efficiency of stormwater management and effects of stormwater from future development	iii.	Only allow subdivision in a new development mapped area where any new public or private 3-waters infrastructure is designed to connect to, and provide capacity for, future urban development on adjoining or nearby sites that are zoned for urban development, where necessary (Policy 9.2.1.AA). {Change F2-6}			
9.6.2 Assessment of restricted discretionary activities														
Activity	Matters of discretion	Guidance for the assessment of resource consents												
X.	In a new development mapped area: All subdivision activities {Change F2-2}	a. Effectiveness and efficiency of stormwater management and effects of stormwater from future development												
iii.	Only allow subdivision in a new development mapped area where any new public or private 3-waters infrastructure is designed to connect to, and provide capacity for, future urban development on adjoining or nearby sites that are zoned for urban development, where necessary (Policy 9.2.1.AA). {Change F2-6}													

Variation 2 Submission Notes –Meat of New Zealand Limited – 489 East Taieri-Allanton Road

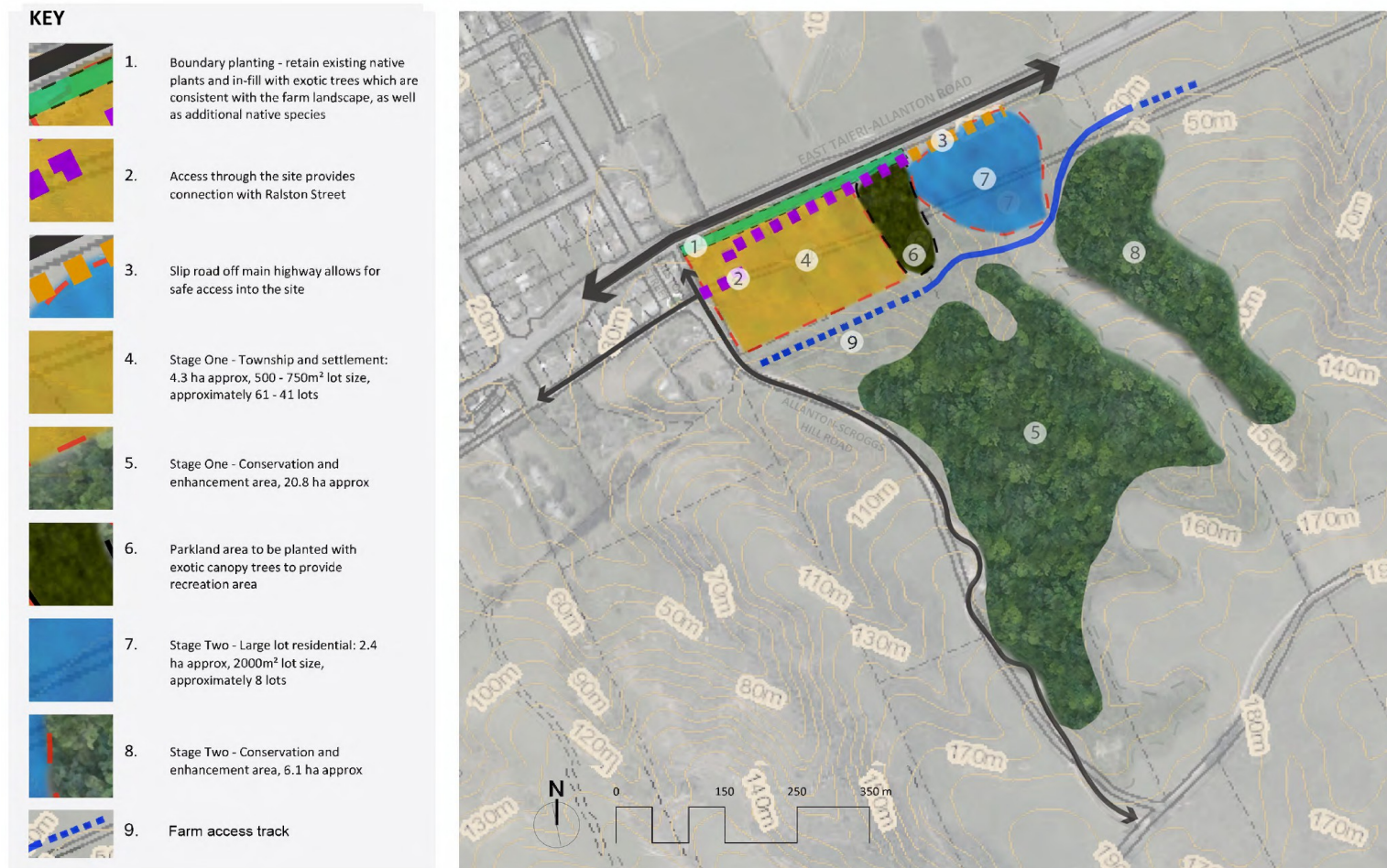
Figure 1: Location of Site



Note:

- The submission to rezone residential only applies to part of 489 East Taieri – Allanton Road.

Figure 2: Structure Plan for Site



Note:

- The development will be staged over a course of time providing a continuous stream of residential capacity in this locale for a period of time. The ecological enhancement is linked to each area of development, that is, development area 4 with ecological enhancement area 5 (as well as amenity area 6); development area 7 with ecological enhancement area 8.

Submission:

The proposal makes provision for varying types of housing, recreational use, good transportation links as well as providing for ecological enhancement.

1. Rezone part of 489 East Taieri-Allanton Road in Accordance with the Structure Plan and Apply a Structure Plan Mapped Area

Reasons:

- Experienced severe shortage of residential capacity in Dunedin, including in this locale, meaning Council cannot satisfy the short through to long term demand with sufficient capacity to meet Council's obligations pursuant to *NPS-UD 2020*. Rezoning this site residential helps Council meet its obligations pursuant to *NPS-UD 2020* by ensuring available capacity to the market demand. The structure plan also provides the opportunity to achieve other policy objectives such as conservation and ecological enhancement in an 'ecologically threatened' landscape.
- Rezone site meets rezoning criteria specified in 2GP (see 2.6.2.1) – in particular, it provides a logical extension of the Township and Settlement of Allanton over an area which is close to infrastructure, services, a school and public amenities. The rezone will ensure that this community continues to grow in resilience and maintains a compact form.
- The proposal has landscape support – see attached landscape figures.
- Provides for flexibility of development in this locale for which there is experienced high demand for more residential capacity. Provides an opportunity to provide a residential community with recreation and conservation / ecological gains.
- The scale of this proposal provides the ability to tackle any infrastructure issues via agreement between Council and the site developer. If Council considers that more land needs to be released for residential capacity in this area, the submitter is open to releasing more land for residential development in a similar format as to that proposed (that is, areas of development linked to areas of ecological enhancement).

2. Do not put a New Development Mapped Area over the Site and Instead use a Structure Plan Mapped Area

Reasons:

- Provision of infrastructure is adequately governed by existing subdivision and land use performance standards in the 2GP and the subdivision and development process.
- The application of the Structure Plan Mapped Area provides the opportunity for Council to

attach performance standards necessary to achieve desired outcomes for this specific site (e.g. attenuation onsite of stormwater and / or wastewater at time of subdivision if found to be necessary on assessment of infrastructure capacity). This is a more appropriate methodology than applying the NDMA to this site.

- The NDMA provisions will, in this case, act as an impediment to development.

In the alternative, the submitter requests changes to the NDMA provisions as set out in Table 1 of these submission notes. Table 1 contains the NDMA related provisions, issues and potential solutions.

On the submission form the submitter states that their submission relates to *“All provisions relating to New Development Mapped Area”*. In the event that Table 1 is not a complete list of all such provisions, the submitter reserves the right to make comment in evidence on any other NDMA related provisions which are found to be missing from Table 1.