



SECOND GENERATION DISTRICT PLAN

Variation 2

Additional Housing Capacity

Part 1 – Provisions

(Except 3 Waters Provisions)

Section 42A Report

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Code of Conduct

I confirm that I have read, and agree to comply with, the Environment Court Code of Conduct for Expert Witnesses (Practice Note 2014).

Role in Variation 2 Preparation

I have been the primary planner for Variation 2 changes to Plan provisions, including all changes addressed in this Section 42A Report.

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List of Abbreviations

2GP	Second Generation Dunedin City District Plan
Act	Resource Management Act 1991
DCC	Dunedin City Council
Ev	Electric vehicle
Ebike	Electric bike
GR1	General Residential 1 Zone
GR2	General Residential 2 Zone
HETZ	Harbourside Edge Transition Overlay Zone
IndTZ	Industrial Transition Overlay Zone
NDMA	New Development Mapped Area
NES	National Environmental Standard
NPS-UD	National Policy Statement on Urban Development 2020
P	Permitted
PARS	Parks and Recreation
Plan	Second Generation Dunedin City District Plan
pRPS	Proposed Otago Regional Policy Statement 2021
RD	Restricted Discretionary
RMA	Resource Management Act 1991
RPS	Partially Operative Otago Regional Policy Statement
RTZ	Residential Transition Overlay Zone
T&S	Township and Settlement Zone
VA	Visitor Accommodation

1.0 Introduction

1.1 Purpose of the Officer's Report

1. This report is prepared under the provisions of section 42A of the Resource Management Act 1991 (RMA) to:
 - assist the Hearing Panel in making their decisions on the submissions and further submissions on Variation 2; and
 - provide submitters with information about how their submissions have been evaluated and the recommendations being made by the officer, prior to the hearing.
2. The evaluations and recommendations presented in this report are based on the information available prior to the hearing, including information contained in submissions.
3. In evaluating the submissions and further submissions, the matters considered include:
 - whether a decision requested is something that should properly be included in a District Plan, considering the functions of Dunedin City Council (DCC) under section 31 of the RMA, and the contents of district plans outlined in section 75 of the RMA;
 - whether the decision requested falls within the purpose of the changes proposed in Variation 2 (i.e. whether it is within scope);
 - the matters to be considered when changing a district plan as outlined in section 74 and 75, including:
 - o the matters outlined in section 32 of the RMA, including the objectives of the Plan
 - o the provisions of Part 2 of the RMA
 - o the need to give effect to any national policy statement or any (operative) regional policy statement;
 - o the need to have regard to the proposed Regional Policy Statement
 - o the need to have regard to the Dunedin Long Term Plan and Infrastructure Strategy and Dunedin Spatial Plan;
 - any restrictions on rules as outlined in section 76; and
 - relevant case law.
4. In preparing this report I have relied on advice from:
 - Mr Chris Henderson, DCC Group Manager Waste and Environmental Solutions, regarding effects on solid waste management;
 - Mr Logan Copland, DCC Planner, Transport Strategy, regarding transportation effects;
 - Mr Jared Oliver, DCC Engineering Services Team Leader and Ms Jacinda Baker, DCC Policy Analyst, 3 Waters, regarding effects on 3 waters infrastructure;
 - Mr Peter Christos, DCC Urban Designer, regarding effects on residential character, amenity and urban design;
 - Dr Andrea Farminer, DCC Heritage Advisor, regarding effects on residential character and heritage;

- Mr Nathan Stocker, DCC Team Leader Research and Monitoring, regarding housing capacity modelling and other data;
 - Mr John Brenkley, DCC Planning and Partnerships Manager, Parks and Recreation, regarding provision of parks, public amenities and planting as part of the subdivision process;
 - Mr Richard Ewans, DCC Biodiversity Advisor, regarding effects on biodiversity;
 - City Development Leadership Team for peer review of my report and recommendations.
5. The recommendations made have also been assessed in terms of the requirements for a further evaluation report set out in section 32AA of the RMA.

1.2 Scope of this Report

6. This s42A report forms the first of three reports that will be presented to assist the Hearing Panel to respond to submissions on Variation 2 changes. The focus of this report is on submissions made on the changes outlined in **Table 1** below. These changes primarily impact Plan provisions, but do not include any changes focused on 3 waters infrastructure.
7. The second report will deal with submissions regarding changes to 3 waters infrastructure provisions and medium density rezoning, which will be the focus of the second Variation 2 hearing.
8. The third report will deal with submissions regarding greenfield rezoning, which will be the focus of the third Variation 2 hearing.

Table 1: Variation 2 changes addressed in this Section 42A Report

CHANGE GROUP	CHANGE IDs INCLUDED IN THIS CHANGE GROUP
1. Changes to minimum site size, density & family flats standards	• Change A1 (Family flat provisions) • Alternative A1-Alt1 (Controls for design of family flats/ancillary residential units) • Change A2 (Duplexes and two units in a single building) • Alternative A2-Alt1 (Two standalone residential units per site) • Alternative A2-Alt2 (Habitable room approach to density) • Alternative A2-Alt3 (Controls for infill housing enabled by Change A2 & Change A3) • Change A3 (Minimum site size and minimum site area) • Change B1 (Minimum site size averaging) • Change B3 (Density and units on existing sites of any size) • Change B4 (Counting of access legs towards minimum site area and minimum site size) • Change B6 (Exemptions to minimum site size for existing development) • Change E9 (Clarification of density performance standard activity status for Rule 15.5.2.4) The following groups of Change IDs: • General intensification (Rules) – Changes A2, A3, B1, B3, B4, B6 & E9 • All Change A2 Alternatives (Alternatives A2-Alts1, 2 and 3)
2. Changes to policy on residential character	• Change B5 (Removal of policy link between management of density for character and amenity)
3. Changes for social housing	• Change C1 (Better provide for social housing)

CHANGE GROUP	CHANGE IDs INCLUDED IN THIS CHANGE GROUP
4. Changes for subdivision of large greenfield areas	• Change D1 (Broad changes linked to NDMA provisions) • Alternative D1-Alt1 (Performance standards in NDMA's) • Alternative D1-Alt2 (Assessment rules for subdivision in all areas) • Change D4 (Provision of social and recreational spaces in large greenfield subdivisions) • Change D5 (Solar access in large greenfield subdivisions) • Change D6 (Protection of natural and environmental values in large greenfield subdivisions) • Change D7 (Providing for amenity planting and public amenities in large greenfield subdivisions) • Change D8 (Providing for efficient use of land in large greenfield subdivisions) • Change E5 (Strategic direction policies related to structure plans)
5. Changes for transportation connections in subdivisions	• Change D2 (Transportation connections in subdivisions)
6. Other changes	• Change E1 (Residential zone descriptions) • Change E2 (Clarify the RTZ, HETZ and IndTZ provisions) • Change E3 (Correct errors in RTZ, HETZ and IndTZ assessment rules) • Change E4 (Correct duplication between Objective 2.2.2 and Objective 2.2.5 and related policies) • Change E6 (Policy on the application of overlays at the time of plan changes to rezone land) • Change E7 (Long stay areas for people living in transportable homes) • Change E10 (Corrections to assessment of structure plan standards)
11. Changes to triggers for adding housing capacity	• Change H1 (Capacity and demand criteria in Policy 2.6.2.1.a) • Change H2 (Housing capacity release trigger for residential transition overlay zone land)
12. Rejected change (notification rules)	• Change RC1 (Notification rules)
14. Miscellaneous	• Miscellaneous • All of Variation 2 The following groups of Change IDs: • All NDMA changes (Changes D1, D4-8, E5, F2-2, F3-2, GF01-08, 10-2, 14-16, NDMA2-15 & RTZ1 and RTZ 2)

2.0 Background

2.1 Planning Background

9. Planning background for Variation 2 was provided in Chapters 5 and 6 of the Section 32 Report and covered relevant aspects of the:

- National Policy Statement on Urban Development 2020 (NPS-UD);
- Partially Operative Otago Regional Policy Statement (RPS);
- Dunedin's Long Term Plan and Infrastructure Strategy;
- Dunedin City Spatial Plan;

- Dunedin City Second Generation District Plan (Plan);
- Section 32 statutory considerations.

10. The following sections set out additional and updated information relevant to the statutory context.

2.1.1 Resource Management Act 1991 (RMA)

11. Under the RMA, district plans must be prepared in accordance with the provisions of Part 2 (ss5-8). The purpose of the RMA, as stated in section 5, is the sustainable management of natural and physical resources to meet the reasonably foreseeable needs of future generations which enables people and communities to provide for their social, economic, and cultural well-being while safeguarding the environment.
12. Of particular relevance is section 7 of the RMA, which lists other matters to which local authorities should have particular regard, including:
- ...
- (b) the efficient use and development of natural and physical resources:*
- (c) the maintenance and enhancement of amenity values:*
- ...
- (f) maintenance and enhancement of the quality of the environment...*

2.1.2 Further evaluation under Section 32AA of the RMA

13. Section 32AA of the RMA requires that a further evaluation is undertaken for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal (Section 32 Report) was completed. A further evaluation must be undertaken in accordance with section 32(1) to (4) and be undertaken at a level of detail that corresponds to the scale and significance of the changes.
14. In assessing the changes sought through submissions, I have considered the matters set out in section 32 of the RMA. Where I have not recommended changes it is because I did not believe that the change would be a more appropriate way of achieving the objectives of the Plan, or, if a change to an objective was sought, that it would be the most appropriate way to achieve the purpose of the RMA. Where I have recommended a change to the proposal, I have included why I am promoting the change based on the relevant criteria set out in section 32 of the RMA, to the appropriate extent.

2.1.3 Proposed Otago Regional Policy Statement 2021 (pRPS)

15. The Otago Regional Council notified its Proposed Otago Regional Policy Statement 2021 (pRPS) on 26 June 2021 after the further submission process for Variation 2 had closed.
16. Section 74(2)(a)(i) of the RMA requires that a territorial authority has regard to any proposed regional policy statement when changing a district plan. **Table 2** below sets out the relevant provisions of the pRPS.

Table 2: Relevant provisions of the Proposed Otago Regional Policy Statement 2021

UFD – Urban form and development	
Objective UFD-01 Form and function of urban areas	The form and functioning of Otago's urban areas: (1) Reflects the diverse and changing needs and preferences of Otago's people and communities, now and in the future, and (2) Maintains or enhances the significant values and features identified in this RPS, and the character and resources of each urban area.
Objective UFD-02 Development of urban areas	The development and change of Otago's urban areas: (1) Improves housing choice, quality, and affordability, (2) allows business and other non-residential activities to meet the needs of communities in appropriate locations, (3) respects and wherever possible enhances the area's history, setting, and natural and built environment,

	(4) delivers good urban design outcomes, and improves liveability, (5) improves connectivity within urban areas, particularly by active transport and public transport, (6) minimises conflict between incompatible activities, (7) manages the exposure of risk from natural hazards in accordance with the HAZ–NH – Natural hazards section of this RPS, (8) results in sustainable and efficient use of water, energy, land, and infrastructure, (9) achieves integration of land use with existing and planned development infrastructure and additional infrastructure and facilitates the safe and efficient ongoing use of regionally significant infrastructure, (10) achieves consolidated, well designed and located, and sustainable development in and around existing urban areas as the primary focus for accommodating the region’s urban growth and change, and (11) is guided by the input and involvement of mana whenua.
Objective UFD-03 Strategic planning	Strategic planning is undertaken in advance of significant development, expansion or redevelopment of urban areas to ensure that (1) there is sufficient development capacity supported by integrated infrastructure provision for Otago’s housing and business needs in the short, medium and long term, (2) development is located, designed and delivered in a way and at a rate that recognises and provides for locationally relevant regionally significant features and values identified by this RPS, and (3) the involvement of mana whenua is facilitated, and their values and aspirations are provided for.
Objective UFD-05 Urban development and climate change	The impacts of climate change are responded to in the development and change of Otago’s urban areas so that: (1) the contributions of current communities and future generations to climate change impacts are reduced, (2) community resilience increases, (3) adaptation to the effects of climate change is facilitated, (4) energy use is minimised, and energy efficiency improves, and (5) establishment and use of small and community-scale distributed electricity generation is enabled.
Policy UFD-P2 Sufficiency of development capacity	Sufficient urban area housing and business development capacity in urban areas, including any required competitiveness margin, is provided in the short, medium and long term by: ... (5) responding to any demonstrated insufficiency in housing or business development capacity by increasing development capacity or providing more development infrastructure as required, as soon as practicable, and (6) requiring Tier 2 urban environments to meet, at least, the relevant housing bottom lines in APP10.
Policy UFD-P3 Urban intensification	Within urban areas intensification is enabled where it: (1) contributes to establishing or maintaining the qualities of a well-functioning urban environment, (2) is well-served by existing or planned development infrastructure and additional infrastructure, (3) meets the greater of demonstrated demand for housing and/or business use or the level of accessibility provided for by existing or planned active transport or public transport, (4) addresses an identified shortfall for housing or business space, in accordance with UFD–P2, (5) addresses issues of concern to iwi and hapū, including those identified in any relevant iwi planning documents, and (6) manages adverse effects on values or resources identified by this RPS that require specific management or protection.
Policy UFD-P4 Urban expansion	Expansion of existing urban areas is facilitated where the expansion: (1) contributes to establishing or maintaining the qualities of a well-functioning urban environment, (2) will not result in inefficient or sporadic patterns of settlement and residential growth, ...

17. I consider that the proposed provisions, including any amendments recommended in this report, are consistent with the pRPS, especially when considered in the context of the other changes being proposed as part of Variation 2, and the upcoming development of Dunedin's Future Development Strategy in accordance with the NPS-UD.

2.2 Update on Other Background

18. Background on the need for additional housing capacity in Dunedin and current 3 waters issues, and an overview of consultation undertaken in developing Variation 2 was provided in Chapters 3, 4 and 7 of the Section 32 Report. In addition, the section below provides updated information on the Housing Capacity Assessment 2021.

2.2.1 Housing Capacity Assessment 2021

19. In July 2021, being after the close of the further submission period for Variation 2, Dunedin City Council released a Housing Capacity Assessment to comply with NPS-UD requirements. Earlier interim results from the underlying modelling were used in the Section 32 report for Variation 2 to assist with the evaluation of options in terms of how much additional housing capacity could be anticipated from certain changes.
20. Since the inclusion of interim results in the Section 32 report, the model methodology was updated following a technical review. The final results from the Housing Capacity Assessment 2021 are provided in **Table 3** below (figures may not add up due to rounding). Note that the assessment of additional housing capacity anticipated to be added to the 2GP through Variation 2 is from all proposed changes, not just those that are the subject of the present report.

Table 3: Housing Capacity Assessment 2021 results

Timeframe	2020-23	2020-30	2020-50
Capacity required	1,810	5,820	11,330
2GP capacity based on decisions version of plan (surplus/deficit)	1,330 (-480)	3,660 (-2,160)	8,290 (-3,040)
2GP capacity based on Variation 2 proposals (surplus/deficit)	2,000 (+180)	6,290 (+460)	11,230 (-100)
Capacity from Variation 2 proposals (2021 HCA results)	660	2620	2940
<i>Capacity from Variation 2 proposals (Section 32 Report)</i>	<i>1360</i>	<i>2950</i>	<i>4100</i>

21. The Housing Capacity Assessment report (available on the DCC website) outlines the methodology behind the results. Key differences from the earlier modelling used for the Variation 2 Section 32 report include:
- Improvements to the reconciliation of growth projections by area, age, and household type. This resulted in increased demand figures;
 - Improvements to property data where properties are split into multiple components but owned together. This resulted in increased capacity figures;
 - Changes to how the model considers the impact of slope on development yields and feasibility. This resulted in a reduction in the short-term capacity but an increase in long-term capacity; and
 - Changes to how model constraints around city-wide development composition (brownfield/greenfield) and location are incorporated into results. This resulted in reduced capacity figures.

22. Overall, the Housing Capacity Assessment 2021 shows that the Variation 2 changes together are now projected to add about 50% less housing capacity in the short term and about 10% less housing capacity in the medium term than was projected for the Section 32 Report. However, the changes are still projected to ensure an overall surplus of housing capacity is provided over the next ten years.

3.0 Structure of the Report

3.1 How Proposals and Submissions are Ordered

23. The rest of the report is structured to enable consideration of matters raised in submissions from those that are broad and cut across multiple proposed changes, to those that seek specific amendments to each change proposal.
24. Submissions in support of Variation 2 broadly are addressed first.
25. This is followed by consideration of submissions that opposed groups of changes or individual changes in this report due to broad concerns regarding particular types of effects (e.g. on infrastructure, residential character, or greenspace) or due to broad concerns regarding changes in a particular area of the City. Most submissions in opposition fall into these categories. Those submissions in opposition that gave a general discussion of the matters of concern only appear in this broad section, whereas those that also specifically discuss a particular change ID also appear in the section for that change ID later in the report, with reference back to the broad section of relevance.
26. After consideration of broad matters, the report moves onto sections containing the specific change IDs. These sections contain most of the submissions in support of the proposed changes, and those seeking specific amendments to each proposal.
27. Some specific change proposals did not receive any submissions in opposition. These are included in this report for completeness but do not require a decision to be made as they are deemed operative, and this is noted accordingly.

3.2 Tables of Original & Further Submissions

28. Tables showing the original submission points being considered for each topic or change ID are provided at the start of each section in the following parts of the report. These tables do not show the further submission points, but these are noted in the discussions on submissions.
29. Tables showing all submission points that are addressed in this report, including further submissions, are provided in two appendices:
- Appendix I: lists the original submissions relevant to this report in numerical order, with relevant further submissions listed under each original submission; and
 - Appendix J: lists the original and further submissions relevant to this report in alphabetical order by the submitter's first name to enable submitters to see the full list of their submission points that are considered in this report.
30. References to submissions in the body of the report can be found by using the Ctrl>F search function and searching for a submission number or name (searching by last name is best).

3.3 Drafting Mark-up Protocol

Type of content	Mark-up shown
Operative 2GP content for which: - changes were not notified; and - no changes are recommended in this report.	Plain or bold text with no underline or strikethrough.
Operative 2GP content for which: - deletion was notified; and - no further changes are recommended in this report.	Plain or bold text with single strikethrough.
Proposed new 2GP content: - which was notified; and - for which no further changes are recommended in this report.	<u>Plain or bold text with single underline.</u>
Operative 2GP content for which: - changes were not notified; but - deletion is recommended in this report.	Plain or bold text with double strikethrough.
Operative 2GP content for which: - changes were not notified; but - proposed new content is recommended in this report.	<u>Plain or bold text with double underline.</u>
Operative 2GP content for which: - deletion was notified; and - it is recommended to retain the operative 2GP content in this report.	<u>Plain or bold text with single strikethrough and double underline.</u>
Proposed new 2GP content which: - was notified; and - is recommended for deletion in this report.	<u>Plain or bold text with single underline and double strikethrough.</u>

4.0 Summary of submissions and recommendations

4.1 Broad matters raised in submissions

31. This section of the report addresses broad matters raised in submissions that cut across multiple Variation 2 proposals and that are better addressed together than by individual change ID to enable the matters of concern to be considered holistically.

4.1.1 Broad support for Variation 2

32. Several submitters gave broad statements of support for Variation 2 changes (including those not addressed in this report).

Submission point	Submitter Name	Support oppose	Decision requested
S123.006	Fletcher Glass	Accept the change	General statement of support for Variation 2.
S207.001	Graham William Potter	Accept the change	General statement of support for Variation 2.
S235.002	Waka Kotahi (NZ Transport Agency)	Accept the change	General statement of support for Variation 2.
S13.001	Bill Morrison	Accept the change	Retain all changes made in Variation 2.
S73.001	Melissa Bulger	Accept the change	Retain all changes made in Variation 2.
S244.001	The Southern District Health Board	Accept the change	Retain all changes made in Variation 2.
S189.003	Ryman Healthcare limited	Accept the change	Retain changes in Variation 2 that: Address residential development capacity constraints and contribute towards achieving the targets for housing development capacity in the 2019 Housing Capacity Assessment for Dunedin and other relevant strategies; Recognise the need to enable and provide a range of housing types across the district; Reduce pressure on urban expansion by enabling more intensification to deliver a more compact city; and Provide mechanisms to enable the well-planned and intensive development of a variety of accommodation opportunities for the elderly within the district.
S205.003	Retirement Villages Association of New Zealand	Accept the change	Retain changes in Variation 2 that: Address residential development capacity constraints and contribute towards achieving the targets for

			housing development capacity in the 2019 Housing Capacity Assessment for Dunedin and other relevant strategies; Recognise the need to enable and provide a range of housing types across the district; Reduce pressure on urban expansion by enabling more intensification to deliver a more compact city; and Provide mechanisms to enable the well-planned and intensive development of a variety of accommodation opportunities for the elderly within the district.
<u>Submissions received</u> 8 original submissions were received generally supporting all changes proposed in Variation 2 and this support is noted. Further submissions were received from Otago Regional Council opposing each of these original submissions in part to enable amendments sought in the Otago Regional Council's submission to be made. <u>Recommendation</u> I recommend retaining the changes proposed in Variation 2 with amendments as set out in the following report, which respond to issues raised in other submissions.			
<u>Recommended amendments:</u> <i>See the recommendations set out in the following sections of this report.</i>			

4.1.2 Telecommunications infrastructure

33. This section addresses the submission points from Spark NZ & Vodafone NZ (S224) that are relevant to this report, which are considered together here given their broad relevance to the network utilities provisions of the Plan.

Submission point	Submitter Name	Support oppose	Decision requested
S224.006	Spark New Zealand Trading Limited & Vodafone New Zealand Limited	Accept the change with amendments	Amend the provisions such that the following outcomes are achieved: 1. Telecommunications network utility operators including mobile network operators to be consulted with and the outcome of that consultation recorded for any urban growth plan changes to ensure that telecommunications is recognised as essential infrastructure and additional infrastructure required to support well-functioning urban environments under the NPS-UD is properly identified. 2. Telecommunications network utility operators including mobile network operators are consulted to ensure that there is adequate infrastructure to support the demand for telecommunication services generated by development.

			3. Telecommunications network utility operators including mobile network operators are consulted with to ensure staging of infrastructure is appropriate and telecommunications infrastructure to support growth is provided for where required to serve new urban development.
S224.007 S224.005	Spark New Zealand Trading Limited & Vodafone New Zealand Limited	Add a change	Amend Rule 15.10.4.7 (assessment of restricted discretionary activities) to add a new assessment matter in regard to infringement of maximum height limits as follows: <u>x. The extent to which an exceedance of the height standard results in reverse sensitivity effects on adjacent infrastructure networks and how this can be mitigated.</u> These points relate to rule changes that provide for intensification (S224.007) and intensification rezoning (S224.005).
S224.004	Spark New Zealand Trading Limited & Vodafone New Zealand Limited	If the change is not rejected, amend	Amend Objective 12.2.X by adding reference to infrastructure and network utilities to support economic productivity and social wellbeing under Strategic Objective 2.3.1, and any consequential amendments to the policies under 12.2.X and rules for Transition Overlay zones under 12.3 to give effect to the amended objective.

Submission received

The submission from Spark NZ & Vodafone NZ (S224) sought a range of amendments relating to telecommunications and other network utilities. Some submission points will appear in a later report as they relate to changes to 3 waters provisions (the service connections performance standard, which also has content on telecommunications). The submission points relevant to the present report seek amendments as follows:

1. General amendments to provide for consultation with telecommunications network utilities operators as part of planning for urban growth, as set out in the table above (Spark NZ & Vodafone NZ S224.006). The reason for this relief being sought is because the submitter considers that Variation 2 does not adequately provide for consideration of infrastructure other than public infrastructure (i.e. 3 waters and roads).
2. Addition of an assessment matter for contravention of the height limits so that reverse sensitivity on adjacent infrastructure networks can be considered (Spark NZ & Vodafone NZ S224.007 & S224.005) [N.B. may not be within the scope of Variation 2 changes]. This is because the submitter considers that increased residential densities may result in pressure for development to exceed height limits to maximise development yield. Where a developer seeks to exceed the permitted height limits, it has the potential to block transmission from existing network infrastructure resulting in high costs to providers to relocate infrastructure. Further submissions from Aurora Energy Limited supported S224.007 (FS28.3) and S224.005 (FS28.2).
3. Amendments to ensure consideration of infrastructure and network utilities when future growth areas are developed, including amendments to Objective 12.2.X and associated policies and assessment matters (Spark NZ & Vodafone NZ S224.004). The submitter notes that the proposed objective requires future residential growth areas to be developed in a way that achieves certain strategic directions, including Objective 2.7.1 on public infrastructure, but does not include consideration of infrastructure and network utilities to support economic productivity and social wellbeing under Objective 2.3.1. A further submission from Aurora Energy Limited supported S224.004 (FS28.1).

Recommendation

Request for amendments requiring consultation with telecommunications network utility operators (S224.006)

Regarding the first part of this request asking for provisions to be amended to ensure there is consultation with telecommunications network utility operators when new growth areas are being considered, I do not recommend any changes for the following reasons:

- This is already standard practice. For example, comments were sought from several telecommunications providers ahead of notification of Variation 2¹;
- Policy 10 of the NPS-UD requires local authorities to “engage with providers of development infrastructure and additional infrastructure to achieve integrated land use and infrastructure planning”. “Additional infrastructure” includes a network operated for the purposes of telecommunications; and
- Policy 2.6.2.1 (the residential rezoning policy) or other strategic directions which could provide direction for consultation are outside the scope of Variation 2 to change for the requested purpose.

However, if the Panel considers that a change to Plan provisions is necessary to facilitate consultation with telecommunications network utilities operators, it could recommend that a change be assessed through a future variation or plan change.

Regarding the other two parts of the request seeking amendments to provide for consultation with telecommunications network utility operators as part of the development of new residential areas, see my discussion below under the heading “Request for amendments to provisions to ensure consideration of infrastructure and network utilities when future growth areas are developed (S224.004)”.

Request for amendments to the assessment rule for the Height performance standard (S224.007 & S224.005)

The request for addition of a new assessment matter for contravention of the height limits may be outside the scope of changes being considered in Variation 2 as a review of this performance standard has not been undertaken and the request relates to development that would require a resource consent irrespective of the changes proposed in Variation 2. However, I agree with the submitter that contravention of the height performance standard (Rule 15.6.6) may be more likely where higher density and smaller site sizes is provided for through other Variation 2 changes. As such, this request could be considered in scope because it addresses adverse effects that may arise from other Variation 2 changes.

Should the Panel consider that the submission is within the scope of Variation 2, I consider that further information is required to enable a full assessment of the costs and benefits of the requested change. It would be helpful if the submitter could provide evidence on the following matters at the hearing:

- examples of situations in which buildings over a certain height have caused problems for the effective and efficient operation of telecommunications infrastructure – either by directly compromising the functioning of the infrastructure or by increasing the sensitivity of the environment thereby resulting in complaints (e.g. about visual effects);
- information regarding how frequently this type of situation occurs;
- examples of conditions that may be imposed on consents (if consent is granted) to reduce these problems; and
- any examples of other district plans in New Zealand or elsewhere that manage this type of effect when height limits are contravened.

Request for amendments to provisions to ensure consideration of infrastructure and network utilities when future growth areas are developed (S224.004)

Objective 12.2.X is a proposed new objective as part of the ‘Change D’ group of changes addressed later in this report in **Section 4.5**. These changes seek to add methods to the Plan to ensure that the subdivision of large areas of greenfield residential land is undertaken in a way that supports best practice urban design outcomes and achieves the strategic objectives of the Plan in an integrated yet flexible way. The proposed method is inclusion of the new development mapped area (NDMA) and associated objective, policies and assessment rules for subdivision.

¹ I note that only one operator provided comment despite follow-up emails being sent

Objective 12.2.X as notified is:

Future residential growth areas are developed in a way that achieves the Plan's strategic directions for:

- a. facilities and spaces that support social and cultural well-being (Objective 2.3.3);
- b. indigenous biodiversity (Objective 2.2.3);
- c. environmental performance and energy resilience (Objective 2.2.2);
- d. form and structure of the environment (Objective 2.4.1);
- e. a compact and accessible city (Objective 2.2.4); and
- f. efficient public infrastructure (Objective 2.7.1).

The policies beneath Objective 12.2.X provide guidance on outcomes to be achieved when subdivision occurs within NDMA's, in order to achieve the objective. These include outcomes relating to accessibility, the natural environment, solar access, etc.

In relation to the changes to Objective 12.2.X and associated provisions that are requested by the submitter, I note that there are already methods in the Plan aimed at ensuring that future residential development achieves Objective 2.3.1. Firstly, Policy 2.6.2.1, which guides the identification of land for new residential zoning, requires an assessment of whether the zoning is appropriate in terms of Objective 2.3.1. This means that both the potential for adverse effects on existing network utilities from new residential development (relevant to Objective 2.3.1.a) and the availability of network utility infrastructure to service that development (relevant to Objective 2.3.1.b) need to be taken into account when assessing whether a given location is appropriate for rezoning. Structure plan rules (e.g. setbacks of development from certain locations) could also be applied at the rezoning stage to manage potential adverse effects on existing infrastructure. I note that the policy direction on the use of structure plans is proposed to be strengthened as part of Variation 2 under Change E6, by the addition of Policy 2.6.2.AA (see **Section 4.7.5** below).

Secondly, Rule 9.3.7 Service Connections applies to all subdivision activities. Under this rule, as amended by Variation 2, subdivision activities must "provide all resultant sites with telecommunication (including UltraFast Broadband where available) and power supply, to the site boundary". (I note that the submitter has requested an amendment to this rule, which will be considered at a later hearing.) Where this rule would not be met by a proposed subdivision activity, the following policy wording (again, as amended by Variation 2) applies:

"Require subdivision activities to ensure future land use and development activities ... have access to National Grid electricity network and telecommunications network ... unless ... allowing development without access will have long term positive effects on the public infrastructure or relevant network utility, or any adverse effects will be insignificant." (Policy 9.2.1.3)

Given this context, I consider that further information is required to determine whether the requested changes to provisions are necessary. It would be helpful if the submitter could provide evidence at the hearing regarding what additional considerations need to be taken into account at the subdivision design stage, that would not already have been managed at the time of rezoning (under Policy 2.6.2.1) and associated potential application of structure plan rules (under proposed Policy 2.6.2.AA), and the requirement to provide access to network utilities set out in Policy 9.2.1.3.

Recommended amendments:

None – see further information requested from the submitter above.

4.1.3 Solid waste management as part of intensification and subdivision

31. This section addresses submission points that raised broad concerns regarding how solid waste will be managed as part of intensification or subdivision.

Submission point	Submitter Name	Support oppose	Decision requested
S187.009	Dunedin City Council	Accept the change with amendments	Make any amendments required to Change A2 (Duplexes and two units in a single building) to ensure safe, accessible storage, movement and collection of solid waste and recycling bins is provided for all existing and future residential units where intensification of residential activity is provided for.
S187.010	Dunedin City Council	Accept the change with amendments	Amend assessment rules for subdivision and multi-unit development which enable consideration of "effects on efficient solid waste management" and such further, alternative, or consequential relief as may be necessary to fully give effect to this submission.
S187.034	Dunedin City Council	Accept the change with amendments	Amend Change A3 (Minimum site size and minimum site area) to ensure safe, accessible storage, movement and collection of solid waste and recycling bins is provided for all existing and future residential units where intensification of residential activity is provided for.
S309.001	Hilary Hutton	Reject the change	Remove Changes A2, A3, B1, B3, B4, B6 and E9 (Changes to the minimum site size and density standards). {Reasons given include concerns around rubbish}
S206.026	Paterson Pitts Group	Accept the change with amendments	[On Change D2] Remove Policy 6.2.3.Y, Rule 6.11.2.7 and 6.11.2.8 and replace with an amendment to Rule 6.6.3.9.a.ii to increase the legal width of the driveway for 7 or more residential units. [Includes request for provisions requiring turning bays and easements for rubbish trucks on private accessways]
S203.013 S230.014 S264.016 S286.015 S295.016 S282.026 S300.020 S76.024 S270.019 S150.019 S79.019 S291.024	All submissions on Change D2 lodged by Paterson Pitts Group on behalf of their clients.	Accept the change with amendments	[On Change D2] Remove Policy 6.2.3.Y, Rule 6.11.2.7 and 6.11.2.8 and replace with an amendment to Rule 6.6.3.9.a.ii to increase the legal width of the driveway for 7 or more residential units. [Includes request for provisions requiring turning bays and easements for rubbish trucks on private accessways]
<u>Background & submissions received</u>			

No amendments have been proposed as part of Variation 2 regarding solid waste management for residential areas. However, changes to address solid waste management issues resulting from other changes proposed in Variation 2, such as rule changes which provide for intensification or rezoning, are within the scope of consideration for Variation 2.

The submissions listed above have been received regarding the specified rule changes proposed in Variation 2, including those from Dunedin City Council regarding solid waste management (S187). One further submission was received from Julie Bishop in support of S187.034 to retain Change A3 (FS125.13).

Other submissions that address issues related to solid waste management (as well as other issues) have also been received regarding rezoning proposals, both regarding intensification and greenfield rezoning. These have also been considered as part of the assessment below, but the wider rezoning-related matters raised in these submissions will be addressed in later hearings. The relevant rezoning submissions are from:

- Liz Angelo (S176.001) - General comments on all greenfield rezoning, including concern about plastic bins blocking the footpath/lining the streets and seeks better management of this if new housing is developed;
- Name Withheld B (S97.001) – Regarding proposed greenfield rezoning near Abbotsford (GF05 at 353 Main South Road), including concern about leg in driveways creating issues with rubbish collection;
- Nicole Perry-Ellison (S140) – Regarding rezoning of greenfield sites in Kaikorai Valley to General Residential 2 zone (RTZ1 at 30 Mercer Street & RTZ3 at 13 Wattie Fox Lane), including concerns with private roads in new subdivisions and waste pick up being at the entrance to the subdivision where it adjoins public road;
- Leah McKay (S74) – Regarding rezoning of a greenfield site in Kaikorai Valley (RTZ1 at 30 Mercer Street), seeking provision of appropriate roading infrastructure to allow for waste collection. Ms McKay mentions existing issues with waste collection at Wattie Fox Lane (a private way).

Current Plan Provisions Regarding Solid Waste in Residential Zones

Service Areas – Rule 15.5.12

This performance standard applies to standard residential activity and supported living facilities with 3 or more residential units on a site and requires provision of service areas with a minimum area of 2.5m² per residential unit. Contravention is a restricted discretionary activity, with discretion restricted to “effects on on-site amenity for residents” and links to Policy 15.2.2.1.d.

Location and Screening of Outdoor Storage – Rule 15.6.8

This performance standard applies to the development of outdoor storage areas and sets requirements for their design, including:

1. *Shared service areas provided for 3 or more residential units must be located or screened so they are not visible at ground level from residential activities within the site, residential activities on adjacent sites, or public places.*
2. *Outdoor storage, including service areas, must not encroach into required parking, loading, manoeuvring, or outdoor living areas.*
3. *Materials stored outside must be stored in a way that prevents them contaminating any off-site area.*

Contravention is a restricted discretionary activity, with discretion restricted to “effects on neighbourhood residential character and amenity” and links to Policy 15.2.4.1 clauses (d)-(e).

Restricted Discretionary Subdivision

The assessment rules for all restricted discretionary subdivision do not expressly address solid waste management. However, it could be captured under the matters of discretion for effects on neighbourhood residential character and amenity and effects on the safety and efficiency of the transport network.

Expert evidence sought

Mr Chris Henderson, DCC Group Manager Waste and Environmental Solutions, has provided comments on the nature of issues with solid waste disposal that may be exacerbated with residential intensification as a result of rule changes or rezoning (see **Appendix A**), including the following:

- Existing dwellings on small sections (especially in older parts of the city) may already not provide sufficient space for off-street storage for refuse or recycling bins, or may not be designed to facilitate easy movement of bins to the kerbside for collection, leading to bins being stored on the street, rather than just being put out for collection. These existing issues could be exacerbated by intensification if provisions for solid waste management are not improved;
- Multi-unit development and residential intensification has occurred without regard to the NZ Building Code (2004) Clause G15 Solid Waste due to difficulties in enforcing the requirements, resulting in insufficient off-street storage for refuse or recycling bins, and in some cases no provision for waste collection services. On-site collection facilities may be required in some instances;
- Subdivisions accessed by private ways can be unsuitable for collection vehicles or create liability issues for damage caused by collection vehicles, meaning that bins are required to be located on the nearest public road, leading to congestion and obstruction of footpaths;
- Council has recently adopted a new service level for urban waste and recycling collection services which will increase the number of bins each property has from two plus refuse bags, to four bins with an optional fifth bin for garden waste. This means that the street frontage area may be inadequate to provide on-street collection for some multi-unit developments meaning that an on-site collection may be required.

Other planning issues identified

I further note that the current Plan provisions regarding solid waste management have the following limitations:

- Rule 15.5.12 on Service Areas does not:
 - o capture the two-unit scenarios that will be much more likely as a result of Variation 2 changes (e.g. Change A2);
 - o contain any triggers based on section sizes (i.e. for very small sections);
 - o account for the increase in number of bins anticipated by the change in level of service;
 - o include a matter of discretion for safe and efficient collection of solid waste; or
 - o indicate when a waste management plan may be required and what it should address;
- Rule 15.6.8 on the Location and Screening of Outdoor Storage does not:
 - o contain any requirement regarding design for ease of transport of bins from the storage area to the collection site;
 - o contain any requirement to enable on-site collection;
 - o include a matter of discretion for safe and efficient of collection of solid waste; or
 - o provide guidance regarding when use of private collection services instead of DCC collection services may be appropriate;
- The provisions for subdivision do not:
 - o expressly consider the safe and efficient collection of solid waste as part of subdivision design including any requirements for when a waste management plan may be required and what it should address;
 - o link the requirement to provide a road rather than private accessway with the ability to efficiently and safely carry out solid waste collection.

Recommendation

I recommend adding a new assessment matter for “effects on the safe and efficient collection of solid waste” for the following activities:

- multi-unit development (at Rule 15.11.3, linking to Section 6); and

- all subdivision (at Rule 15.11.4, linking to Section 6).

This assessment matter would assist in achieving Objective 6.2.3, which states:

Land use, development and subdivision activities maintain the safety and efficiency of the transport network for all travel modes and its affordability to the public.

A new policy could be added under this objective regarding how effects on the safe and efficient collection of solid waste would be assessed, and this would link to new assessment guidance for the relevant activities. The assessment rules could provide guidance on provision of easements and turning areas for rubbish trucks in response to the submissions from Paterson Pitts Group and other submitters, and in response to the evidence from Mr Henderson. They could also provide guidance on when a solid waste management plan will be required and when / how private collection services can be relied on.

This recommendation will also require a suite of associated and consequential changes which are yet to be determined.

I consider that the above changes will address the key issues arising from solid waste management that are not currently managed by the rules in the Plan. The existing performance standards and proposed assessment rules would complement each other by managing effects on on-site amenity (via the existing performance standards) and wider effects on the safety and efficiency of the transport network in areas where there is potential for a high density of waste and recycling bins (via the proposed assessment matters). The recommended amendments will assist in effectively and efficiently achieving Objective 2.7.2 Efficient Transportation and associated Objective 6.2.3, as set out above.

At this stage, I consider it unnecessary to apply the Service Areas performance standard to two residential units on a site, or to introduce additional design requirements to the performance standard on the Location and Screening of Outdoor Storage. This is because the key outstanding adverse effects that need to be addressed are regarding a high density of bins being put out on the street on collection days and the potential need to require on-site collection facilities and issues arising from several residential units being accessed via private accessways (that rubbish trucks cannot physically or legally access). These key issues would be addressed by the recommended changes.

I note that other options for managing solid waste disposal and associated effects are possible but there has not been time to thoroughly examine these as part of preparing this report. I consider that a comprehensive review of issues and options for avoiding, remedying or mitigating effects on and from solid waste management, including the potential use of a bylaw, should be undertaken outside of the Variation 2 process. This could inform further changes to the Plan as necessary, through future processes.

Recommended amendments:

Add new Policy 6.2.3.Z as follows:

Only allow multi-unit development and subdivision activities where the activity is designed to ensure:

- the safe and efficient operation of waste collection vehicles; and
- any on-street solid waste collection will not cause congestion of public footpaths or roads.

[N.B: A future plan change should consider inclusion of supported living facilities in this policy because it is not within the scope of Variation 2.]

Add new Rule 6.11.2.X as follows:

6.11.2 Assessment of restricted discretionary activities (activities located in zones)

Activity	Matters of discretion	Guidance on the assessment of resource consents
...		
X. - All subdivision activities - Multi-unit development	a. Effects on the safe and efficient collection of solid waste	<u>Relevant objectives and policies</u> - Objective 6.2.3 - The activity is designed to ensure: - the safe and efficient operation of waste collection vehicles; and - any on-street solid waste collection will not cause congestion of public footpaths or roads (Policy 6.2.3.Z). <u>General assessment guidance:</u> [ADD ADDITIONAL GUIDANCE AS REQUIRED – SEE INITIAL THOUGHTS BELOW]

Other associated changes:

Link to Rule 6.11.2.X with appropriate ‘way-finding rules’ in:

- Rule 15.11.3 (for multi-unit development);
- Rule 15.11.4 (for subdivision activities).

Consequential changes yet to be determined

[N.B: additional changes to assessment guidance will be suggested to provide increased guidance on how the policy will be assessed, with some initial thoughts provided below. It is proposed to provide final recommendations on this after submitter evidence is considered.]

General assessment guidance:

- In considering the potential effects of on-street solid waste collection, Council will consider whether:
 - bins can be moved easily between the on-street collection point and appropriate on-site storage to discourage bins from being left on the street outside collection times; and
 - the number of bins that the units will be supplied with can fit along the street frontage without blocking the footpath.

Conditions that may be imposed:

- For larger multi-unit complexes, the requirement for on-site waste collection in a location that provides for safe site ingress and egress for solid waste collection vehicles.
- Upgrades to the footpath or other parts of the road to allow on-street collection in a way that enables safe pedestrian movement.
- For subdivisions accessed via private ways, requirement for an easement granting Right of Way to Dunedin City Council for the purpose of solid waste collection.

4.1.4 Roof design for new buildings

Submission point	Submitter Name	Support oppose	Decision requested	Accept/Reject/ Accept in part
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S122.002	Peter Dowden	Add a change	Add rules so that the roofs of all new buildings in all zones must have a 'green' roof, have solar panels, or high light reflectance value coatings.	Reject
<u>Submissions received</u> This broad submission point does not appear to be directly linked with any Variation 2 proposals and would be 'out of scope' except to the extent that it could be seen as managing adverse effects of intensification. The aspects of the submission relating to new buildings outside areas where Variation 2 provides for intensification are definitely outside the scope of Variation 2 and cannot be considered. The reason given for the amendments sought was "global warming and stuff". The request regarding green roofs may also be linked to other submission points from this submitter seeking no net increase in stormwater runoff, which will be dealt with separately in the next a later Section 42A report. <u>Recommendation</u> I recommend rejecting this submission, as it is largely outside the purpose of changes proposed as part of Variation 2. To the extent that the submission is within scope, I consider it likely to be an inefficient method to combat global warming and no evidence to the contrary has been provided by the submitter. The costs of requiring green roofs or solar panels are likely to be high and may discourage development. High light reflectance roof coatings can result in glare issues for neighbours and the surrounding environment. There would also be conflict with heritage provisions. <u>Recommended amendments:</u> <i>None</i>				

4.1.5 Broad submissions on 3 waters and transport infrastructure

35. This section groups broad submissions on infrastructure into three groups; those on 3 waters infrastructure generally, those on public transport generally, and those relating to infrastructure in Mosgiel (3 waters and transport infrastructure).

Submission point	Submitter Name	Support oppose	Decision requested
Submission points on 3 waters infrastructure generally			
S59.001 S59.010 S59.011	Rebecca Post	Accept the change with amendments	Amend changes which increase housing density and availability of sites to build on to ensure that: a. there is adequate infrastructure (3-Waters) provided, ... (S59.001 – rule changes; S59.010 – Change C1; S59.011 – Change A1)
S60.001 S60.002 S60.003	Cameron Grindlay	Accept the change with amendments	Retain Variation 2 changes, subject to the required infrastructure (3-Waters) being adequately funded and capable of handling the existing and new development. (S60.001 – Change A1; S60.002 – rule changes; S60.003 – Change C1)
S309.001	Hilary Hutton	Reject the change	Remove Changes A2, A3, B1, B3, B4, B6 and E9 (Changes to the minimum site size and density standards). {Reasons given include concerns around 3 waters}
Submission points on public transport generally			
S122.001	Peter Dowden	Accept the change with amendments	Amend rules so that all new dwellings built in General Residential 1 zone or Township & Settlement zone must have "ok" or better access to public transport accessibility by DCC criteria.
S177.001	Generation Zero (Dunedin)	Accept the change with amendments	Retain the changes for general intensification in the General Residential 1 zone however amend the density changes to the serviced Township and Settlement zone so that there is a performance standard that requires good access to the public transport network (inferred not stated).
S309.001	Hilary Hutton	Reject the change	Remove Changes A2, A3, B1, B3, B4, B6 and E9 (Changes to the minimum site size and density standards). {Reasons given include concerns around buses}
Submission points on 3 waters and transport in Mosgiel			
<i>Brian Miller (S110) – This submission generally sought the removal of changes that provide for an increase in housing in Mosgiel until infrastructure is upgraded. The submission was split into the following points regarding changes that provide for more housing. Note other submission points from this submitter may not appear here as these will be addressed in future hearings on other topics.</i>			
S110.004	Brian Miller	Reject the change	Remove rule changes that provide for an increase in dwellings in the Mosgiel urban area.
S110.005	Brian Miller	Reject the change	Remove Change A1 (family flats provisions).

Zig Zag Trust (S201) – This submission generally sought the removal of changes that provide for an increase in housing within Mosgiel until traffic safety issues at the intersection of State Highway 87 (Gordon Road and Quarry Road) with Burns Street, Hagart-Alexander Drive, and Gladstone Road are resolved. The submission was split into the following points regarding changes that provide for more housing.

Note other submission points from this submitter may not appear here as these will be addressed in future hearings on other topics.

S201.001	Zig Zag Trust	Accept the change with amendments	Remove changes that provide for an increase in residential capacity within Mosgiel until such time as an agreed approach is implemented to address traffic safety issues at the intersection of State Highway 87 (Gordon Road and Quarry Road) with Burns Street, Hagart-Alexander Drive, and Gladstone Road. Alternatively, low cost, short term interventions are available and could be implemented in the interim to address the issue and to maintain safety and efficiency, whilst a longer term and likely more costly remedy is developed and approved for implementation.
S201.003	Zig Zag Trust	Accept the change with amendments	Remove Change A1 (Family flat provisions) within Mosgiel until such time as an agreed approach is implemented to address traffic safety issues at the intersection of State Highway 87 (Gordon Road and Quarry Road) with Burns Street, Hagart-Alexander Drive, and Gladstone Road. If not removed amend to include alternative, low cost, short term interventions to address the issue and to maintain safety and efficiency, whilst a longer term and likely more costly remedy is developed and approved for implementation.
S201.004	Zig Zag Trust	If the change is not rejected, amend	As above, but in relation to the social housing provisions (Change C1).

Mathew Zacharias (S12) This submission generally sought amendments to changes that provide for additional housing in Mosgiel. The submission was split into the following points regarding changes that provide for more housing.

Note other submission points from this submitter may not appear here as these will be addressed in future hearings on other topics.

S12.002	Mathew Zacharias	Accept the change with amendments	Amend changes that provide for additional housing in Mosgiel to manage increased traffic and congestion through better road networks and ensure a plentiful supply of clean water. This point relates to rule changes that will increase the density of permitted activity.
S12.003	Mathew Zacharias	Accept the change with amendments	Amend changes that provide for additional housing in Mosgiel to manage increased traffic and congestion through better road networks and ensure a plentiful supply of clean water. This point relates to Change A1 (Family flat provisions).

Background

Variation 2 proposes changes which will add housing capacity in large areas of Dunedin, including Mosgiel. These include the rule changes which are being considered as part of this first hearing, and medium density and greenfield rezoning, which will be considered at subsequent hearings. Work on the strategic approach to growth across Dunedin, including Mosgiel, is about to commence as part of the development of the Future Development Strategy and this will consider the integration of urban development and infrastructure.

In terms of transportation and 3 waters infrastructure, the following Plan objectives are relevant:

- for transportation infrastructure: Objective 2.7.1 Efficient public infrastructure, Objective 2.7.2 Efficient transportation, and associated objectives in Section 6 of the Plan;

- for 3 waters infrastructure: Objective 2.7.1 Efficient public infrastructure and associated objectives in Section 9 of the Plan.

Objective 2.7.1 states:

Public infrastructure networks operate efficiently and effectively and have the least possible long term cost burden on the public.

Objective 2.7.2 states:

The multi-modal land transport network, including connections between land, air and sea transport networks operates safely and efficiently.

Submissions received

Broad concerns regarding adequacy of 3 waters infrastructure

Three submitters (Rebecca Post S59, Cameron Grindlay S60 and Hilary Hutton S309) raised broad concerns regarding the need to ensure adequacy of 3 waters infrastructure and associated funding to support the changes proposed in Variation 2.

Broad concerns regarding adequacy of public transport services

Three submitters (Generation Zero (Dunedin) S177, Peter Dowden S122 and Hilary Hutton S309) raised broad concerns regarding the need to ensure adequate access to public transport to support new housing. Generation Zero (Dunedin) seeks amendments to the provisions for the Township and Settlement zone where additional housing is being provided for so that access to public transport must be considered for the addition of any further housing. Peter Dowden has a similar request, but also with regard to the General Residential 1 zone. One further submission was received from Otago Regional Council (FS184.13) supporting Peter Dowden's submission (S122.001).

Broad concerns regarding the adequacy of infrastructure at Mosgiel

Various submissions have been received which articulate concerns regarding the adequacy of public infrastructure in Mosgiel. The submissions listed in the table above are those relating to the proposed changes to provisions that are being considered as part of the first hearing. These submissions either seek removal of changes that will add housing capacity in Mosgiel or seek amendments to address pre-existing traffic congestion issues or to ensure provision of adequate 3 waters infrastructure. Further submissions were received from Otago Regional Council as follows:

- FS184.113 in support of Mathew Zacharias (S12.003);
- FS184.114 in support of Brian Miller (S110.004).

Other submissions regarding medium density and greenfield rezoning will be addressed at later hearings.

Expert evidence sought

In order to assess the matters raised in these submissions I sought expert evidence as follows:

- Regarding 3 waters infrastructure effects, I previously sought evidence from Mr Jared Oliver, DCC Engineering Services Team Leader, to inform my Section 32 evaluation of the proposed rule changes (see **Appendix C**). In summary, his assessment was that the additional housing capacity being added through these changes was acceptable from a 3 waters infrastructure perspective. In terms of Mosgiel, Mr Oliver concluded that the proposed rule changes were likely to only have minor effects on water supply and wastewater networks which would be mitigated by other factors, such as upgrade works already being identified and budgeted for and withdrawal of other potential Mosgiel rezoning sites from consideration earlier in the Variation 2 screening process.
- Regarding Transportation effects in Mosgiel, I requested evidence from Mr Logan Copland, DCC Planner, Transport Strategy. His memorandum of evidence is provided in **Appendix B**. In summary, he acknowledged existing issues with congestion at key Mosgiel intersections at peak commute times. However, these are not considered

to be so severe at this stage to prevent additional housing in Mosgiel for transportation reasons. In response to these issues, Mr Copland notes that DCC has allocated funding in its LTP to provide better alternative options to private motor vehicle use for commuting to the city centre, which should help alleviate the current dependence on private vehicle travel. Mr Copland noted that programmed transport projects for 2021-2024 (with responsibilities for DCC, ORC and Waka Kotahi) include:

- o Improved public transport, including possible introduction of express bus services from Mosgiel and super stops;
- o Development of a park-and-ride facility at Mosgiel to support bus services;
- o Development of the tunnels cycleway system between Mosgiel and Dunedin;
- o Travel behaviour change and travel planning initiatives; and
- o Speed management programme for State Highway 1.

Recommendation & Assessment

Adequacy of 3 waters infrastructure generally with respect to rule changes

I accept the evidence from Mr Jared Oliver², that was prepared for the Section 32 evaluation, that the rule changes proposed in Variation 2 are acceptable from a 3 waters perspective. The conservative approach to 3 waters modelling to inform Variation 2 ensures that anticipated levels of development can be accommodated within existing and planned infrastructure networks. Any upgrades required have been included in the budgets for the 2021-2024 LTP. As such, I consider that no amendments are required to manage the 3 waters effects of the proposed rule changes.

Adequacy of access to public transport with respect to rule changes

Regarding the submissions from Peter Dowden (S122.001) and Generation Zero (Dunedin) (S177.001) seeking a requirement for “ok or better” access to public transport for the development of new residential units or for the changes to be amended to only apply around the public transport network, I consider that these changes are inappropriate when DCC has no direct control over the design and location of the public transport network and when the proposed changes are still only providing for a relatively low density of activity. I note that retaining the proposed rule changes may result in new or upgraded public transport networks being more feasible over time. Similarly, I do not think that the rule changes should be removed (as requested by Hilary Hutton S309.001) due to the current level of public transport service. Overall, I consider that no amendments are required to manage access to public transport as part of the proposed rule changes.

Adequacy of infrastructure at Mosgiel

I have considered all submissions received and the reasons for those submissions. I have also considered evidence from Mr Logan Copland (see **Appendix B**), and Mr Jared Oliver³. On balance, I recommend retaining the application of the proposed rule changes (Changes A2, A3, B1, B3, B4, B6 & E9) and changes to family flats provisions (Change A1) in Mosgiel with any amendments as set out in the following sections of this report in response to other submissions.

Regarding transportation infrastructure, the reasons for my recommendation are as follows:

- Despite known issues with transportation infrastructure for which Waka Kotahi is responsible (State Highways 87 & 1), Waka Kotahi has not sought any changes to Variation 2 proposals in relation to effects on its infrastructure at Mosgiel as part of its submission. Waka Kotahi is supportive of the approach in Variation 2 which distributes housing capacity across a wider area “as it provides the opportunity to utilise existing resources and infrastructure and is likely to result in a lesser impact or create a significant change in demand on infrastructure at specific points or locations including within the State Highway network” (pg. 5 of their submission);

² See Appendix 2 to the Section 32 Report for DCC 3 Waters Memorandum on rule changes

³ See Appendix 2 to the Section 32 Report for DCC 3 Waters Memorandum on rule changes

- Based on the evidence of Mr Copland, it appears that issues with congestion on the state highway network are largely confined to short commuter timeframes in the morning and evening during weekdays. Furthermore, Mr Copland has identified several programmed transport projects for 2021-2024 that will provide alternatives to the use of private motor vehicles, as set out above;
- I also note that growth in the population of Mosgiel is likely to make provision of more local services and employment opportunities viable, reducing dependency on travel to the city (e.g. the current development of the new pool facility); and
- Variation 2 is providing a large amount of residential capacity spread across the city rather than being concentrated in Mosgiel. This reduces the risk that a large increase in housing development will occur in Mosgiel in the short term, giving time for mode choice initiatives to be implemented.
- It is also noted that if the pressures on Mosgiel intersections increase over time, Waka Kotahi or DCC (as relevant) may be required to undertake upgrades to address matters and this is not considered unfeasible.

Overall, I am of the view that the transportation effects arising from the proposed rule changes will be acceptable and will not unduly impact the achievement of Objective 2.7.1 on Efficient Public Infrastructure and Objective 2.7.2 on Efficient Transportation. My view also takes into account the positive effects of providing additional housing capacity within the existing urban area in terms of achieving Objective 2.6.2 on Adequate Urban Land Supply, Objective 2.6.1 on Housing Choices, and Objective 2.2.4 on Compact and Accessible City.

Regarding 3 waters infrastructure, I accept the evidence of Mr Jared Oliver that the additional housing capacity being added in Mosgiel through Variation 2 rule changes is likely to only have minor effects on water supply and wastewater networks, which would be mitigated by other factors. As such, I consider that Objective 2.7.1 on Efficient Public Infrastructure will continue to be achieved as a result of the proposed changes that are the subject of this report.

Recommended amendments:

None.

4.1.6 Broad submission on heritage

Submission point	Submitter Name	Support oppose	Decision requested
S153.001	David Murray	Accept the change with amendments	Amend Changes A2, A3, B1, B3, B4, B6, E9 (Changes to minimum site size and density standards) to ensure that increased residential density is integrated with complementary amendments to heritage provisions.

Background

Several changes proposed as part of Variation 2 will provide for intensification within existing urban areas, including rule changes which will apply primarily in remaining areas of General Residential 1 zone and Township & Settlement zone (where serviced for wastewater). As part of evaluating these changes, assessments were undertaken of the potential effects on residential character (see **Appendix D**). However, these assessments were confined to providing high-level advice on residential streetscape character and did not address potential effects on heritage.

Submissions received

Submissions on Variation 2 have been received relating to potential effects on heritage but most of these relate to the areas proposed for rezoning to General Residential 2 zone and so will not be considered in this report. Mr David Murray (S153.001) made a broad submission which includes a discussion of suburban areas generally, although his concerns appear to be primarily regarding the inner suburbs (which are largely subject to General Residential 2 rezoning proposals). Mr Murray seeks amendments to manage effects on heritage because he is of the view the 2GP provides little in the way of heritage protection in suburban areas and that this is inadequate in light of the development that is being provided for and the presence of currently unrecognised heritage values.

A further submission from Southern Heritage Trust (FS226.11) was received in support of Mr Murray's submission.

I also note that this report contains another more specific submission point regarding heritage from Richard Farry (S58.002), which is addressed in **Section 4.5.1** below. It seeks the addition of a further assessment matter in Rule 15.11.5.Y regarding "whether the subdivision maintains, enhances, detracts from or detrimentally affects a heritage precinct or scheduled heritage item". It is unclear whether Mr Farry understood that these provisions apply only to large greenfield areas mapped with an NDMA (which do not contain, nor are adjacent to, any scheduled heritage items or precincts).

Expert evidence sought

Preliminary comments have been received from Dr Andrea Farminer, DCC Heritage Advisor, and these are integrated into the assessment below. Information pertaining to the distribution of housing stock by age and the extent to which the rule changes are expected to be associated with the demolition of pre-1940s dwellings was sought from Mr Nathan Stocker, DCC Team Leader Research and Monitoring. This data is discussed in the assessment below and relevant maps can be found in **Appendix E**.

Assessment & Recommendation

I have considered the submission from Mr Murray and acknowledge that, in providing more opportunities for development in the suburban areas of Dunedin, there is an associated risk of the loss of buildings with heritage values that are not currently protected by the Plan provisions.

I agree with Mr Murray that the Plan's schedule of heritage buildings and mapped heritage precincts is likely to be incomplete. Invariably there are constraints on assessing all potential heritage buildings within the Dunedin territory and the associated Plan provisions can be considered to continually be a work-in-progress in this regard. As such, an absence of Plan provisions relating to a specific area or site to manage demolition or development for heritage reasons should not be considered an indication that there are no significant heritage values present. I also note that the protection of historic heritage from inappropriate subdivision, use, and development is a matter of national importance set out in Section 6 of the RMA and must be recognised and provided for as part of achieving the purpose of the RMA.

The RMA states that historic heritage:

- (a) *means those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities:*
 - (i) *archaeological:*
 - (ii) *architectural:*
 - (iii) *cultural:*
 - (iv) *historic:*
 - (v) *scientific:*
 - (vi) *technological; and*
- (b) *includes—*

- (i) historic sites, structures, places, and areas; and
- (ii) archaeological sites; and
- (iii) sites of significance to Māori, including wāhi tapu; and
- (iv) surroundings associated with the natural and physical resources

The risk to potential heritage buildings from the proposed rule changes is likely to arise from three key factors:

1. The increase in development potential of sites will increase the economic feasibility of demolishing existing buildings and replacing them with more residential units;
2. Heritage values are typically associated with older buildings and those buildings may be poorly maintained and designed in a way that does not meet modern lifestyle or living standard expectations, consequently making them of lower value and prone to demolition (N.B. this is already a risk factor even without the proposed changes as demolition is a permitted activity); and
3. New, incompatibly designed buildings may be developed close to buildings with heritage values and detract from those values (while the current Plan rules for density and minimum site size may limit this occurring under the status quo).

In assessing the effects of the proposed rule changes on buildings with heritage values that are not protected through existing Plan provisions, I have considered the following:

- The areas of the city where the rule changes will apply;
- The concentrations of older buildings in these locations; and
- The modelled uptake of the rule changes and the extent to which this relies on the demolition of pre-1940s dwellings.

I have been unable to comprehensively assess:

- The likelihood of buildings having heritage values that would meet the criteria for inclusion on the heritage schedule; or
- The likelihood of areas having values that would meet the criteria for inclusion in a heritage precinct.

However, I note that Dr Andrea Farminer, DCC Heritage Advisor, gave preliminary comments stating that:

Many of the older housing stock are unlikely to meet the criteria for inclusion on the Heritage Schedule as Heritage Buildings (the highest heritage category), as their heritage values would be relatively low and their built form, commonplace. However, in some instances, both individually and collectively, their heritage values will be significant, which contribute to the broader, distinctive built heritage character that Dunedin is renowned for.

I have also considered the potential effects on the availability of additional housing capacity anticipated from the proposed rule changes if additional controls to manage heritage effects were applied, as set out below.

Where the rule changes will apply

The proposed rule changes that will have the greatest effect on increasing development potential are those which will enable the development of duplexes (Change A2) and reduce the minimum site size and minimum site area (Change A3). These changes only apply to the General Residential 1 zone and areas of the Township & Settlement Zone that are serviced by the DCC with reticulated wastewater. I note that large areas of General Residential 1 zone are proposed for rezoning to General Residential 2 zone through Variation 2 (including most of the 'hill suburbs' from Mornington to Maori Hill) and these will be considered in a later report and hearing. I have not considered the effects of the proposed rule changes in the areas that are proposed for rezoning. Overall, the proposed rule changes will still apply to the majority of suburban Dunedin and all townships and settlements with reticulated wastewater. The extent of the affected areas is shown in the maps provided in **Appendix E**.

The concentrations of older buildings in areas affected by proposed rule changes

Analysis has been undertaken by Mr Nathan Stocker of the distribution of older buildings within the affected areas. This has resulted in the production of maps, as provided in **Appendix E**, which show the distribution of housing depending on whether it is pre- or post-1940. The cut-off date of 1940 was used because preliminary discussions with Dr Andrea Farminer, DCC Heritage Advisor, indicated that this may be an appropriate starting point. As expected, the maps show a higher proportion of pre-1940s dwellings in areas closest to the CBD, with further clusters in outlying townships such as Port Chalmers. There are large areas where there are very few pre-1940s dwellings, including at Mosgiel, Fairfield, Waldronville, Concord, Corstorphine, southern parts of Kaikorai Valley, Brockville, Helensburgh, Pine Hill and Waverley. Several of these areas were first developed as part of state housing schemes, which commenced in 1937. **Table 4** below shows a breakdown of building age bands in the areas affected by the proposed rule changes:

Table 4: Dwellings by build year range in General Residential 1 and Township & Settlement zones

Build year range	General Residential 1 zone		Township & Settlement zone	
	Dwellings in range	Running total	Dwellings in range	Running total
1840-49	0%	0%	0%	0%
1850-59	0%	0%	0%	0%
1860-69	0%	0%	0%	0%
1870-79	0%	0%	0%	0%
1880-89	1%	1%	1%	1%
1890-99	1%	2%	2%	4%
1900-09	3%	5%	4%	8%
1910-19	5%	10%	7%	15%
1920-29	6%	16%	6%	21%
1930-39	7%	22%	4%	25%
1940-49	9%	32%	6%	31%
1950-59	17%	48%	14%	46%
1960-69	17%	65%	10%	55%
1970-79	12%	77%	13%	68%
1980-89	5%	82%	7%	75%
1990-99	6%	89%	8%	83%
2000-09	5%	94%	8%	91%
2010-19	6%	99%	8%	99%
2020-29	0%	100%	0%	99%
Unknown	0%	100%	1%	100%

The modelled reliance on demolition of pre-1940s dwellings as part of projected uptake of development opportunities

Modelling of the development capacity that might be produced by the proposed rule changes was undertaken by Mr Nathan Stocker to inform the Section 32 evaluation. This showed that the rule changes were expected to result in 1573 additional residential units over the next ten years. Mr Stocker has analysed the model outputs further to

determine how many pre-1940 dwellings the model had assumed would be demolished to give this figure. The results showed that 88 pre-1940 dwellings were anticipated to be demolished over the next ten years. Over the long term (next 30 years), 166 pre-1940 dwellings were anticipated to be demolished.

Preliminary assessment of potential effects on heritage of proposed rule changes

Overall, I consider that there are large areas of suburban Dunedin, including Mosgiel, that are subject to the proposed rule changes, where the risk to unidentified heritage values is very low as there are few pre-1940 dwellings (see the maps in **Appendix E**). However, there are similarly large areas where there is a high density of pre-1940 dwellings. The modelled likelihood of demolition of pre-1940 dwellings over the next 10 years is moderate at 88 dwellings. It is difficult to determine what proportion of these buildings may have significant heritage values, or how those values may be clustered, without undertaking a detailed assessment and it is not possible to do this as part of the Variation 2 process due to time and resourcing constraints. I note Dr Farminer's preliminary comments that many older buildings will not meet the criteria to be a scheduled heritage building, but that should not detract from the fact that some would. As such, I consider there to be some risk of the loss of buildings with as-yet unidentified heritage values if the proposed rule changes proceed as notified, but that the risk is likely to be concentrated in certain locations.

Options to manage the risk of loss of heritage values

Identifying options to manage the risk of loss of heritage values as a result of the proposed rule changes is somewhat difficult due to a lack of complete and detailed information about the location and nature of potential adverse effects. If a cautious approach is taken in response to this uncertainty, there is a risk of impacts on the amount of housing capacity that may be realised through Variation 2. Equally, if a cautious approach is not taken, the proposed rule changes may result in the inappropriate subdivision, use, and development of historic heritage before full assessments and further Plan changes can be undertaken to protect it.

One option for Variation 2 could be the introduction of a blanket rule requiring resource consent for the demolition of any pre-1940 dwelling (or another more appropriate cut-off date) to enable a heritage assessment to be undertaken and determination made of whether consent to demolish should be granted. This would have the following potential impacts:

- Over the next ten years this would add consenting costs for the potential demolition of a modelled 88 dwellings, and over the long term (next 30 years) the potential demolition of 166 dwellings; and
- These additional requirements might put some people off developing and may impact the feasibility of developing a site, especially where consent to demolish may not be granted because a building is found to be significant.

Other options, such as undertaking detailed assessments of affected areas or specific buildings to enable protection of heritage values in a targeted and specific way are not reasonably practicable as part of the Variation 2 process, due to limited time and resources and a need to enable additional housing capacity in a timely manner.

Recommendation

Overall, I recommend further evaluating the option of adding a blanket provision to manage effects on heritage values from the proposed rule changes. This will increase the costs of some development due to new consent requirements and could have some impact on the housing capacity that will result from Variation 2 (depending on the actual amount of unscheduled significant heritage buildings). This should be carefully balanced with managing the risk to heritage values.

Costs to development could be managed through the appropriate use of non- or limited-notification clauses (for example to Heritage New Zealand only) to prevent hearings where experts agree that there are no significant heritage values. The building age cut off could also be set in a way that balances the potential costs and benefits of a blanket provision. If a blanket provision resulted in more than a minor reduction to housing capacity assumptions, these reductions may need to be made up through adding capacity through other means, such as rezoning of additional medium density or greenfield land.

2GP objectives that are relevant to such an evaluation include:

- Objective 2.4.1 Form and structure of the environment, which seeks the protection and enhancement of elements that contribute to residents' and visitors' aesthetic appreciation for and enjoyment of the city, including built heritage;
- Objective 2.4.2 Heritage, which seeks the protection and celebration of Dunedin's heritage, including through heritage conservation and retention;
- Objective 2.6.1 Housing choices, which seeks a range of housing choices to provide for the community's needs;
- Objective 2.6.2 Adequate urban land supply, which seeks provision of sufficient development capacity to meet demand while sustainably managing urban expansion; and
- Objective 2.2.4 Compact and accessible city, which seeks for Dunedin to stay compact and accessible, with urban expansion only occurring if required.

It would be beneficial to consider whether a blanket provision should also be applied to areas proposed for General Residential 2 rezoning to manage potential heritage effects in those locations, although I again note that these areas will be considered as part of a later report and hearing.

I note that any changes progressed through Variation 2 to manage potential effects on heritage must only apply to areas where Variation 2 makes changes to increase development potential. Any additional changes would be outside the scope of Variation 2 and would need to be considered through a later variation or plan change process.

Recommended amendments:

If the Panel are of a mind, introduction of consent requirements for demolition of buildings older than a specified age requiring a heritage assessment prior to demolition to ensure that there would not be effects on significant heritage values. This could be done for all areas affected by Variation 2 or some subset based on areas of higher risk.

4.1.7 Broad submissions regarding character, amenity and green spaces

Submission point	Submitter Name	Support oppose	Decision requested
Submissions linked to broad opposition to greenfield rezoning (also appear in the relevant sections below on each change)			
S9.006	Marita Ansin-Johnson	Reject the change	Remove Change E6 (Policy on the application of overlays at the time of plan changes to rezone land).
S9.007	Marita Ansin-Johnson	Reject the change	Remove Change E7 (Long stay areas for people living in transportable homes).
S9.008	Marita Ansin-Johnson	Reject the change	Remove Change E5 (Strategic direction policies related to structure plans).
S9.022	Marita Ansin-Johnson	Reject the change	Remove Change D1 (Broad changes linked to NDMA provisions).
S9.023	Marita Ansin-Johnson	Reject the change	Remove Change D4 (Provision of social and recreational spaces in large greenfield subdivisions).
S9.024	Marita Ansin-Johnson	Reject the change	Remove Change D5 (Solar access in large greenfield subdivisions).
S9.025	Marita Ansin-Johnson	Reject the change	Remove Change D6 (Protection of natural environmental values in large greenfield subdivisions).
S9.026	Marita Ansin-Johnson	Reject the change	Remove Change D7 (Providing for amenity planting and public amenities in large greenfield subdivisions).
S9.027	Marita Ansin-Johnson	Reject the change	Remove Change D8 (Providing for efficient use of land in large greenfield subdivisions).

S177.003	Generation Zero (Dunedin)	Reject the change	Remove Changes D1, D4, D5, D6, D7, D8, NDMA2-15, E5 (Changes for subdivision of large greenfield areas).
Broad concerns regarding intensification and effects on residential character and amenity			
S9.003	Marita Ansin-Johnson	Reject the change	Remove Change A1 (Family flat provisions).
S9.002	Marita Ansin-Johnson	Reject the change	Remove Changes A2, A3, B1, B3, B4, B6 and E9 (Changes to minimum site size and density standards).
S306.005	Megan Goodwin	Reject the change	Remove Change A1 (Family flats provisions).
S306.001	Megan Goodwin	Reject the change	Remove Changes A2, A3, B1, B3, B4, B6 and E9 (Changes to the minimum site size and density standards) (inferred not stated).
S309.001	Hilary Hutton	Reject the change	Remove Changes A2, A3, B1, B3, B4, B6 and E9 (Changes to the minimum site size and density standards).
S176.003	Liz Angelo	Reject the change	Remove Change A2 (Duplexes and two units in a single building).
S176.004	Liz Angelo	Reject the change	Remove Change A1 (Family flat provisions).
S176.002	Liz Angelo	Add a change	Add Alternative A2-Alt3 (Controls for infill housing enabled by Change A2 & Change A3) to ensure that infill suburban homes are acoustically designed to minimise noise for occupants.
S176.006	Liz Angelo	Accept the change with amendments	Amend changes providing for infill housing so that homes are soundproof and so there are no units that will end up as student accommodation (inferred not stated).
S56.003	Saddle Hill Community Board	Add a change	Add provisions so any consent takes into account the effect on current residential landscape, views and environment.
S310.004	Melissa Shipman	Add a change	Add Alternative A1-Alt1 (Controls for design of family flats/ancillary residential units) to include design controls to support existing bulk and location controls in order to maintain streetscape amenity.
S310.003	Melissa Shipman	Add a change	Add Alternative A2-Alt 3 (Controls for infill housing enabled by Change A2 & Change A3) to include design controls to support existing bulk and location controls in order to maintain streetscape amenity.
S314.002	Lucille Taneatualua	Add a change	Add Alternative A2-Alt3 (Controls for infill housing enabled by Change A2 & Change A3).
S187.006	Dunedin City Council	Add a change	As an alternative to rejecting any changes that provide for intensification or new residential zoning in response to submissions opposing them, consider the need for additional plan provisions to better manage any adverse effects as an alternative.
Broad concerns regarding intensification and provision of greenspaces			
S8.003	John and Christine Burton	Accept the change with amendments	Retain changes which increase the density of housing within the boundaries of the City of Dunedin, provided that green spaces are maintained. This point applies to rule changes that provide for an increase in density.
S8.004	John and Christine Burton	Accept the change with amendments	Amend Change A1 (Family flat provisions) to ensure that greenspaces are maintained.

S8.005	John and Christine Burton	Accept the change with amendments	Amend changes which increase the density of housing within the boundaries of the City of Dunedin to provide that green spaces are maintained. This point applies to the social housing provisions.
S59.001 S59.010 S59.011	Rebecca Post	Accept the change with amendments	Amend changes which increase housing density and availability of sites to build on to ensure that: ... b. communal, outdoor children's play areas are provided within each larger (4 or more dwelling units) development, in addition to private, individual outdoor amenity spaces. (S59.001 – rule changes; S59.010 – Change C1; S59.011 – Change A1)
Broad concerns regarding intensification in Abbotsford / Grand Vista			
S95.001	Kate Hall	Reject the change	Remove Change A1 (Family flat provisions).
S95.002	Kate Hall	Reject the change	Remove Changes A2, A3, B1, B3, B4, B6 and E9 (Changes to minimum site size and density standards).
S97.002	Name Withheld B	Reject the change	Remove Changes A2 (duplex provisions), A3 (minimum site size), B1 (minimum site size averaging), B3 (density and units on existing sites of any size) and B4 (counting of access legs towards minimum site area and minimum site size) for the General Residential 1 Zone.
S97.003	Name Withheld B	Reject the change	Remove Change A1 (Family flat provisions).
S69.001	Name Withheld C	Reject the change	Remove changes A2, A3, B1, B3, B4, B6 and E9 (Changes to minimum site size and density standards).
S69.006	Name Withheld C	Reject the change	Remove Change A1 (Family flats provisions).
S133.001	Lisa Johnston	Reject the change	Remove Changes A2, A3, B1, B3, B4, B6, E9 (Changes to minimum site size and density standards).
Broad concerns regarding intensification in Warrington / Park Road			
S151.002	Paul Mooney	Reject the change	Remove Change A1 (Family flats provisions).
S151.001	Paul Mooney	Reject the change	Remove Changes A2, A3, B1, B3, B4, B6 and E9 (Changes to the minimum site size and density standards) as it relates to Warrington.
S155.001	Malgosia Szukiel	Reject the change	Remove Changes A2, A3, B1, B3, B4, B6, E9 (Changes to minimum site size and density standards) as they relate to 6 Park Road, Warrington.
S155.002	Malgosia Szukiel	Reject the change	Remove Change A1 (Family flats provisions).
S157.001	Ola Szukiel	Reject the change	Remove the changes to density that will apply to part of 6 Park street, Warrington.
S157.002	Ola Szukiel	Reject the change	Remove Change A1 (Family flats provisions).
Broad concerns regarding intensification in Belleknoves			
S194.002	Barry James Douglas	Reject the change	Remove Change A3 (Minimum site size and minimum site area).
S194.003	Barry James Douglas	Reject the change	Remove Change B1 (Minimum site size averaging).

S194.004	Barry James Douglas	Reject the change	Remove Change B4 (Counting of access legs towards minimum site area and minimum site size).
S194.005	Barry James Douglas	Reject the change	Remove Change B5 (Removal of policy link between management of density for character and amenity).

Background

Several submissions, in whole or in part, raised broad matters that cut across multiple Variation 2 proposals with regard to changes in the amenity and character of the City. Such submissions raised concerns relating to the city as a whole or specific neighbourhoods. These matters are addressed together here to enable them to be considered holistically, rather than being repeated under each of the sections on specific change proposals. The submissions are addressed in groups below, according to general topics.

In considering these submissions, it is important to note other relevant submissions that are dealt with elsewhere in this report. These include many submissions in support of the proposed changes, as set out in **Section 4.1.1** on broad support for Variation 2, **Section 4.2.1** on the proposed rule changes, and each of the other sections on the specific change proposals. Also of note are a large number of submissions that were received in support of the rejection of alternative options assessed in the Section 32 Report regarding the addition of controls to manage the design of intensification and potential effects on residential character and amenity. These include Alternative A1-Alt1 on adding design controls for ancillary residential units (see **Section 4.2.2** below) and Alternative A2-Alt3 on adding design controls for other infill housing (see **Section 4.2.4** below).

Expert evidence sought

Mr Peter Christos, DCC Urban Designer, and Dr Andrea Farminer, DCC Heritage Advisor, previously provided expert evidence on the potential effects of the proposed rule changes on residential character and amenity to inform the section 32 evaluation (see **Appendix D**). This evidence included suggestions for potential options for new Plan-based and non-Plan-based methods to manage effects on residential character and amenity. I did not adopt their recommendations in the final proposals for several reasons, including that, in my opinion, the recommended approaches would be inconsistent with the current Plan rule framework for other types of development (such as garages) and the benefits of providing for additional housing capacity outweigh the potential effects on character and amenity⁴. However, their support for the benefits of duplex development over two standalone dwellings on a single site was noted and is reflected in the proposal for Change A2 (see **Section 4.2.3** below).

In addition to this earlier evidence, I have also sought comments from Mr Peter Christos, DCC Urban Designer, on some of the submissions which raised broad concerns regarding effects on residential character and amenity and which are addressed in this part of the report (see **Appendix F**). Mr Christos provided comments on submissions from the following submitters, and these are discussed in the relevant sections below:

- Rebecca Post (S59);
- John and Christie Burton (S8);
- Liz Angelo (S176);
- Melissa Shipman (S310); and
- Barry James Douglas (S194).

Submissions linked to broad opposition to greenfield rezoning (these also appear in the relevant sections below on each change)

Two submitters included submission points broadly related to opposition to any greenfield residential rezoning and urban expansion, being Marita Ansin-Johnson (S9) and Generation Zero (Dunedin) (S177). This included consequential opposition to all related provisions linked to greenfield rezoning areas, such as the proposed new development mapped area

⁴ See Variation 2 Additional Housing Capacity Section 32 Report (February 2021), pp. 48-50 for assessment of the potential inclusion of design controls

method and policy changes regarding the application of structure plans. These submitters also have submission points in opposition to the greenfield rezoning proposals included in Variation 2, and these will be addressed in a later report and hearing.

Two further submissions were received from Otago Regional Council, one opposing S9.024 because solar access is important (FS184.136) and one opposing in part S177.003 because it conflicts with ORC's submission on stormwater provisions (FS184.24).

Recommendation & Assessment

Overall, I am of the view that the submitters' concerns regarding greenfield rezoning proposals are more properly considered at the later hearing on that topic. I do not recommend the removal of changes intended to better guide the subdivision and development of greenfield areas in response to their concerns. This is because greenfield residential development is needed to ensure that housing choice is provided in a range of locations to meet Objective 2.6.1 Housing choices, and to meet Objective 2.6.2 Adequate urban land supply. This is also consistent with Objective 1 and policies 1 and 2 of the NPS-UD (and implementation subpart 3.2(1)) seeking well-functioning urban environments that enable a variety of homes to meet expected demand in existing and new urban areas.

Where greenfield residential development is provided for, it is important to minimise the adverse effects that eventuate to ensure the other objectives of the Plan are achieved, and this is the intention of some of the changes being considered within the present report. In my view, such changes (including those which these submitters have opposed) will assist in addressing some of their concerns regarding urban expansion (e.g. by encouraging the efficient use of land through Change D8), rather than enabling more urban expansion per se.

Submissions raising concerns regarding intensification and effects on residential character and amenity

Broad submissions opposing intensification due to effects on residential character and amenity include:

- Marita Ansin-Johnson (S9.002 & S9.003) and Megan Goodwin (S306.001 & S306.005), who are opposed to intensification because they do not want to see Dunedin change to become like other cities that have intensified, with associated loss of space between buildings;
- Hilary Hutton (S309.001), who is opposed to intensification due to a range of concerns, including amenity effects from increased pet density and social change; and
- Liz Angelo (S176.003 & S176.004), who is opposed to some changes which provide for intensification, particularly due to concerns that new housing will be used to house students, especially in the central city or areas within heritage precincts.

Broad submissions seeking amendments regarding effects on residential character and amenity include:

- Liz Angelo (S176.002 & S176.006), who seeks changes requiring new dwellings to be soundproof and to ensure that infill suburban homes are acoustically designed to minimise noise for occupants;
- Saddle Hill Community Board (S56.003), who seek provisions so any consent takes into account the effect on current residential landscape, views and environment;
- Melissa Shipman (S310.003 & S310.004) and Lucille Taneatualua (S314.002), who seek consideration of provisions to manage the design of infill housing to support existing bulk and location controls in order to maintain streetscape amenity, or to ensure harmony with other buildings; and
- Dunedin City Council (S187.006), who included a broad submission point seeking consideration of adding Plan provisions to better manage any adverse effects of intensification as an alternative to rejecting the changes proposed.

Further submissions were received from Southern Heritage Trust in support of the four submission points from Liz Angelo addressed in this report.

Expert evidence

Mr Christos provided comments on the submissions from Liz Angelo (S176) and Melissa Shipman (S310). In summary, Mr Christos considers that:

- Although existing standards and site constraints would largely control potential effects on streetscape and residential character, there are likely to be some locations more sensitive to change because of their collective qualities and these areas may require identification;
- One option to control the effects of new housing on residential character is to require new dwellings to be located behind existing dwellings, except where a site's width exceeds its depth and no demolition is required (as earlier recommended in the assessment undertaken for the section 32 evaluation – see pages 4 & 10 of **Appendix D**);
- Another option is to add controls focused on ensuring neighbours have adequate sun, protection of privacy through window placement and integration of garage placement into landscaping to minimise fencing, with use of design guides to encourage good outcomes (use of design guides was also earlier recommended in the assessment undertaken for the section 32 evaluation – see page 12 of **Appendix D**).

Recommendation & Assessment

I have considered the submissions received, reasons for those submissions and the expert evidence provided by Mr Christos. Overall, I recommend retaining the proposed changes that are the subject of this report, except where amendments have been recommended in other sections in response to other submissions.

The reasons for not recommending changes in response to the submissions and evidence outlined above are as follows:

- Regarding the submissions from Marita Ansin-Johnson, Megan Goodwin and Hilary Hutton, who oppose the rule changes and do not want to see change in Dunedin and have concerns about the effects of intensification on amenity, it is not possible to provide for additional housing in Dunedin without also providing for some level of change in the character of places where intensification occurs. To not provide for housing intensification as a means of avoiding change would not enable the DCC to meet its obligations to provide sufficient housing capacity under the NPS-UD and Objective 2.6.1 Housing choices and Objective 2.6.2 Adequate urban land supply.
- Regarding the submissions from Liz Angelo, I note that noise from residential activity is managed by the performance standard for noise (Rule 9.3.6) and associated enforcement procedures, and the Plan has acoustic insulation requirements for dwellings in locations likely to be subject to reverse sensitivity from existing or permitted activities (Rule 15.5.1). Furthermore, regarding concerns that new housing might be used to house students, I note there is a need to provide housing options for all members of the community to enable Objective 2.6.1 Housing choices to be effectively achieved. I also note that similar submission points from Liz Angelo were considered as part of the 2GP hearings and were rejected for similar reasons.
- Regarding the submission by the Saddle Hill Community Board that sought changes so that consents take into account effects on the current residential landscape, views and environment, I consider that these effects are better considered at the time a greenfield area is assessed for rezoning, which currently occurs through application of Policy 2.6.2.1.d in terms of achieving Objective 2.4.1 (Form and structure of the environment) and other relevant objectives.
- Regarding submissions seeking additional design controls, my opinion is that the effects on character and amenity of the key rule changes that provide for intensification are sufficiently managed through the proposals as notified, as set out in the original section 32 evaluation, and as follows:
 - For Change A1, I acknowledge Mr Christos's evidence that effects of ancillary residential units on residential character could be further managed by only allowing them to be developed at the rear of an existing or new dwelling. However, as set out in the Section 32 Report⁵, I note the following reasons for recommending the rejection of this option:
 - There is nothing in the 2GP that prevents similar sized buildings from being constructed in front of an existing or new house, for example a large double garage, and this sets a permitted baseline against which proposals would be considered;
 - In imposing this requirement, it may encourage the demolition of existing dwellings, which would also have effects in terms of changing streetscape character;

⁵ See section 8.8.4 of the Section 32 Report for further assessment of the effects on residential character and amenity from ancillary residential units.

- New buildings still must comply with bulk and location performance standards, including a requirement for larger front yards than side and rear yards, which limits the street-facing space that can be occupied by buildings;
 - Ancillary residential units will still be limited in gross floor area and height, which will minimise the visual dominance of new buildings;
 - Many sites that are large enough to accommodate a new ancillary residential unit have existing dwellings that are located closer to the street than the rear boundary, which will result in new units in rear yards in many cases;
 - Imposing this requirement may reduce the effectiveness of the changes in better achieving Objective 2.6.1 on Housing choices; and
 - The NPS-UD provides direction to decision-makers that changes in amenity values are not, of themselves, an adverse effect and to consider the benefits of urban development (Policy 6), and in this case the benefits of providing for ancillary residential units are considered greater than the potential for effects on residential character and amenity.
- O For Change A2 on duplexes, I acknowledge the earlier evidence provided by Mr Christos and Dr Andrea Farminer in their assessment of the potential effects of this proposal on residential character and amenity (see **Appendix D**). I agree with their conclusions that provision for duplexes, rather than two standalone residential units per site, will provide benefits in terms of the pattern of development and balance of greenspace and this will provide for intensification of a similar pattern to what is currently provided for in the Plan. I have also considered their recommendations to add design controls for duplexes to ensure they have a minimum frontage width with a distinguishable entrance facing the street, or minimum percentage of glazing facing the street. However, as set out in the Section 32 Report at section 8.8.3, I note the following reasons for recommending the rejection of these options:
- The design of the frontage of standalone residential dwellings, garages, or other buildings is not controlled in the Plan and may be assessed as setting a permitted baseline. Therefore, controlling the design of building frontages for duplexes only is inconsistent and will decrease the flexibility and increase the cost of complying with the proposed provisions;
 - Additional costs arising from the recommended provisions may reduce the amount of housing capacity that will be realised;
 - Bulk and location performance standards must still be complied with, and this is considered sufficient to manage the visual dominance of new buildings; and
 - The NPS-UD provides direction to decision-makers that changes in amenity values are not, of themselves, an adverse effect and to consider the benefits of urban development (Policy 6), and in this case the benefits of providing for duplexes are considered greater than the potential for effects on residential character and amenity.
- O For Change A3 on the reduction to minimum site size and other associated rule changes that provide for more flexibility in how sites are subdivided and developed (as set out in **Section 4.2** below), I acknowledge the earlier evidence provided by Mr Christos and Dr Farminer (see **Appendix D**), as reiterated by Mr Christos in his latest evidence in response to the submissions from Liz Angelo and Melissa Shipman. This evidence recommended consideration of controls requiring new residential units to be located to the rear of existing dwellings on newly subdivided sections and/or imposing controls on the design of new residential units with use of design guides to encourage good outcomes. However, as set out in the Section 32 Report at section 8.8.3, I note the following reasons for recommending the rejection of these options:
- Requiring new dwellings to be located to the rear of existing dwellings may simply encourage the permitted demolition of existing housing stock to enable compliance with the suggested control (because there would then be no existing dwelling on the site). Furthermore, once a subdivision has been completed, the resultant sites may be developed individually without reference to development that exists on other resultant sites;
 - Placing additional controls on the design and location of new dwellings may increase the cost of developing new housing and reduce the amount of new housing that will be realised as part of the proposed rule changes. I note that the options recommended to manage the design of new buildings can only be achieved either through addition of new performance standards that would likely need to apply broadly or through a requirement for resource consent to enable an assessment of the proposal to take place. Either option has the potential to add costs and delay to development;

- The results from the Planning for Housing Survey showed that public opinion regarding imposing additional design controls as part of providing for intensification was supported by 59% of respondents, but many of these people sought the use of design controls for reasons other than to manage effects on neighbourhood character (such as to manage on-site car parking or effects on the amenity of neighbours), which would not be the intention of any design control;
 - It may be difficult to formulate a performance standard guiding the design of new buildings that ensures good design outcomes, as this is likely to be context-dependent and may only be able to be adequately controlled through an assessment process via a resource consent;
 - Bulk and location performance standards would still need to be complied with;
 - The NPS-UD provides direction to decision-makers that changes in amenity values are not, of themselves, an adverse effect and to consider the benefits of urban development (Policy 6), and in this case the benefits of providing for a smaller site size and other associated changes for improved flexibility in development options are considered greater than the potential for effects on residential character and amenity.
- o I also acknowledge Mr Christos and Dr Farminer's earlier assessment that the removal of minimum on-site car parking requirements from the Plan, as required under the NPS-UD Policy 11, may also provide for improved options for the location and design of on-site amenity space on smaller sections.

Overall, I consider that the proposed rule changes appropriately balance the management of potential for adverse effects on residential character and amenity with the need to provide additional housing capacity and housing choice, without any further changes. As such, I am of the view that the proposals will enable the relevant objectives of the Plan to be efficiently and effectively achieved; particularly Objective 2.4.1 Form and structure of the environment, Objective 2.6.2 Adequate urban land supply, and Objective 2.6.1 Housing choices.

Although at this stage I am of the view that additional controls to manage effects on residential character and amenity are not required to ensure the objectives of the Plan are achieved, I am open to further considering this after presentations by submitters at the hearing. To assist the Panel with exploring other options that may be available to manage effects on residential character and amenity, if they are of a mind to do so, Council has sought some further input from an independent urban designer which will be available in time for the hearing.

Submissions raising broad concerns regarding intensification and provision of greenspaces

Submissions were received seeking the following amendments regarding the provision of greenspace as part of intensification:

- from John & Christine Burton (S8.003, S8.004 & S8.005) seeking amendments to the proposals to ensure green spaces are maintained where the density of housing is increased; and
- from Rebecca Post (S59.001, S59.010 & S59.011) seeking a requirement for provision of communal outdoor children's play areas as part of larger developments of 4 or more residential units in addition to private outdoor living space.

I also note that the broad submissions from Marita Ansin-Johnson (S9.002 & S9.003) and Megan Goodwin (S306.001 & S306.005) opposing intensification, as discussed in the previous section, included reasons related to the loss of greenspaces between buildings.

Expert evidence

To support the section 32 evaluation for the proposed rule changes, Mr Peter Christos and Dr Andrea Farminer undertook an assessment of the potential effect the proposed rule changes could have on residential amenity and character and noted that there would be a moderate cumulative effect on the loss of mature gardens, trees and other planting (see **Appendix D**). The effects were considered to primarily arise from the proposed reduction to the minimum site size (Change A3) and options to manage the loss of urban greening

included controls to protect high quality gardens from removal through consent requirements and implementation of design guidance (presumably to support a consent process), including on ways to retain mature planting and how new planting can be integrated into new developments.

In addition to the above, Mr Christos has provided further evidence in response to the submissions received from John & Christine Burton and Rebecca Post. Regarding the submission from John & Christine Burton, Mr Christos reinforced the option presented in his earlier evidence of requiring resource consent for the removal of key mapped vegetation. Regarding the submission from Rebecca Post, Mr Christos considers that:

- The current outdoor living space performance standard requires the provision of a minimum area of outdoor living space with good solar access and that space can be used by the occupants as they see fit (e.g. as play space); and
- A requirement for additional communal play space for multi-unit development of 4 or more residential units would reduce the flexibility over the use of any shared amenity space and may not provide the best outcome for all residents, particularly where all occupants are adults;
- Good provision of accessible public playgrounds can provide sufficient opportunities for shared play space without additional requirements for multi-unit development and this can be achieved as part of the upcoming Play Space Strategic Plan.

Recommendation & Assessment

I have considered the submissions received, reasons for those submissions, and the evidence of Mr Peter Christos, as set out above. Overall, I am of the view that no changes are required to the proposed rule changes to protect the loss of greenspace or to require shared private play spaces.

The reasons for not recommending changes in response to the submissions and evidence outlined above are as follows:

- Regarding the submission from John & Christine Burton (S8.003, S8.004 & S8.005), I consider that it is difficult to ‘maintain green spaces’ while also providing for intensification, as the loss of some greenspace is a natural consequence of providing for infill housing. I have considered the options Mr Christos has suggested for controlling the loss of urban greening, but I do not recommend adopting them, as set out in the Section 32 Report at section 8.8.3, and as follows:
 - o Adding rules to manage the removal of ‘high quality’ gardens is considered problematic and might discourage people from maintaining a high-quality garden if it will affect the development potential of their site;
 - o Any areas of garden to be protected would need to be specifically mapped and this would be difficult to achieve within the timeframes for Variation 2;
 - o Any additional controls on the development of new housing may reduce the amount of housing that is realised from the proposed changes;
 - o I refer to the diagrams provided on page 14 of **Appendix D** which show the potential visual effects of the loss of green amenity through various levels of intensification. Even with development of up to 50% of the sites within the example block of housing, I do not consider the effects on urban greening to be significant;
 - o Redevelopment of urban areas with infill housing is likely to occur in scattered spatial pattern and gradually over time; and
 - o The performance standards for bulk and location, outdoor living space, and impermeable surfaces set minimum requirements for provision of open space. At this stage I am of the view that these performance standards will be sufficient to ensure provision of adequate open space. However, I note that testing of whether these standards will remain effective in light of the proposed rule changes has not been undertaken at this stage. I may reconsider my position if evidence suggesting any of these standards will be ineffective comes to light during the hearing process, noting that the outdoor living space performance standard is currently under review as part of Variation 3, and the impermeable surfaces performance standard is also relevant to the management of stormwater effects (as will be considered at a later hearing).
- Regarding the submission from Rebecca Post (S59.001, S59.10 & S59.011) to require provision of communal outdoor children’s play areas as part of larger developments of 4 or more residential units, I agree with the evidence of Mr Christos set out above that this is not necessary and further note that:

- o for subdivision in large greenfield areas that are part of the new development mapped area a new assessment matter is proposed for the provision of social and recreational spaces and this will ensure such spaces are integrated into areas of urban expansion (see **Section 4.5.3** below).

Overall, I consider that the proposed rule changes appropriately balance the management of potential for adverse effects on the loss of greenspace and provision of play spaces, with the need to provide additional housing capacity and housing choice, without any further changes. As such, I am of the view that the proposals will enable the relevant objectives of the Plan to be efficiently and effectively achieved; particularly Objective 2.4.1 Form and structure of the environment, Objective 2.3.3 Facilities and spaces that support social and cultural well-being, Objective 2.6.2 Adequate urban land supply, and Objective 2.6.1 Housing choices.

Submissions raising broad concerns regarding intensification in Abbotsford / Grand Vista

Broad submissions were received from several residents in the Grand Vista area of Abbotsford opposing rule changes that provide for intensification for a range of reasons, including potential effects on amenity. This opposition was primarily linked to a proposal for a greenfield rezoning site on adjacent Rural Residential 2 zoned land (Change GF05 at 353 Main South Road). I note that all the following submitters also have submission points opposing that greenfield rezoning, which will be addressed in a later report and hearing on that topic. Submissions received included those from:

- Kate Hall (S95.001 & S95.002), who is opposed to the proposed rule changes for the General Residential 1 zone, as they relate to the proposed greenfield rezoning site GF05, as they moved to the area because it was peaceful with much native birdlife. High density or social housing right next to a superior subdivision such as Grand Vista Estate would be very unfair to residents who paid premium prices for a peaceful location and support Council with very high rates. They have concerns about two-storey housing impacting privacy, sun and outlook, and concerns about the capacity of road and other infrastructure.
- Lisa Johnston (S133.001), who is opposed to the proposed rule changes for the General Residential 1 zone, as they relate to the proposed greenfield rezoning site GF05, as they purchase their section with the understanding the adjacent farmland would not be built on. They have concerns about traffic effects and loss of native birds.
- Name Withheld B (S97.002 & S97.003), who is opposed to the proposed rule changes for the General Residential 1 zone, as they relate to proposed greenfield rezoning site GF05, as the addition of any buildings, roads or accessways within 100m of the submitter's boundary will be considered to have significant negative impacts on the submitter's privacy and view and the submitters paid a premium for their section because of the rural outlook. They have concerns about potential building heights, noise, parking, rubbish, negative impacts on house values and safety if social housing is built, and loss of birdlife. They also expressed broad concerns regarding the capacity of roading, infrastructure and services.
- Name Withheld C (S69.001 & S69.006), who is opposed to the proposed rule changes for the General Residential 1 zone, as they relate to proposed greenfield rezoning site GF05, due to this farmland potentially being built on, loss of afternoon sun if two-storey housing is developed, potential location of roading, house prices would go down if social housing was allowed in the area and there would likely be an increase in crime, more light pollution and noise, and other reasons regarding roading and infrastructure.

Recommendation & Assessment

I have considered the submissions received and reasons for those submissions. Overall, I recommend that the proposed rule changes should continue to apply to all General Residential 1 zoned areas. I note that the submitters' concerns are primarily directed at the proposed greenfield rezoning for GF05 and this needs to be dealt with separately in a later report and hearing on greenfield rezoning. At that stage, site specific concerns regarding the potential development of that rezoning area can be considered, including whether the rezoning should proceed or whether additional rules should be added to further control the development that might occur on that site. I consider that removing the proposed rule changes that apply across large parts of the city is not an appropriate response to the submitters' concerns and would have significant impacts on realising additional housing capacity within the existing urban area.

Submissions raising broad concerns regarding intensification in Warrington / Park Road

Broad submissions were received from three submitters generally opposed to the proposed rule changes for the Township & Settlement zone, as it applies to Warrington. The reasons for their concerns include effects on amenity and appear to be linked to part of a property that was rezoned to Township & Settlement zone as part of the 2GP decisions, located at the eastern edge of 6 Park Road. This rezoning area of approximately 2250m² was applied to provide for four house sites at that zone's density and the rule changes proposed in Variation 2 would provide for up to 8 houses in the form of duplexes. Submissions were received from:

- Malgosia Szukiel (S155.001 & S155.002), who is opposed to the proposed rule changes as they would apply to 6 Park Road, due to concerns about adequacy of infrastructure, effects on wildlife, loss of rural character and greenspaces and development of urban activity;
- Ola Szukiel (S157.001 & S157.002), who is opposed to the proposed rule changes as they would apply to 6 Park Road, due to effects on wildlife and loss of peace and quiet;
- Paul Mooney (S151.001 & S151.002), who is opposed to the proposed rule changes as they would apply to 6 Park Road, due to significant alteration to the "sleepy village" character of the township, inadequacy of infrastructure, loss of greenspace and effects on wildlife.

Recommendation & Assessment:

I have considered the submissions and reasons for those submissions and at this stage I recommend that the proposed rule changes continue to apply in all parts of the Dunedin territory that are zoned Township & Settlement zone (except within the **no DCC reticulated wastewater mapped area**). I note that the area of particular concern to the submitters is quite small and has already been assessed as appropriate for residential development as part of the 2GP process. I acknowledge that the proposed Variation 2 changes could provide for additional residential units on this site compared to the status quo. For example, if standalone dwellings were to be built, the site could accommodate 5 dwellings compared to 4 at present. If duplexes were to be built, there could be up to four duplexes containing a total of 8 residential units. However, I note that a duplex can look similar in appearance to a standalone dwelling.

Overall, I do not currently have any evidence to support why the proposed rule changes should not apply at 6 Park Road, or Warrington as a whole, compared to other townships and settlements that are serviced for wastewater. Taking into account the proposed rule changes, I still consider the Township & Settlement zone (serviced) and General Residential 1 zone will provide for standard density residential activity.

Submissions raising broad concerns regarding intensification in Belleknowes

One submission was received from Barry James Douglas (S194) expressing broad concerns about the potential for intensification in Belleknowes as a result of the rule changes being proposed through Variation 2. Overall, Mr Douglas's concern appears to mainly relate to the proposed rezoning from General Residential 1 zone to General Residential 2 zone through Change IN05, but Mr Douglas has also noted his opposition to rule changes proposed for the General Residential 1 zone, including opposition to the following changes:

- Change A3 (minimum site size and minimum site area);
- Change B1 (minimum site size averaging);
- Change B4 (counting of access legs towards minimum site area and minimum site size); and
- Change B5 (removal of the policy link between management of density for character and amenity).

Mr Douglas's request for the removal of a large area of the proposed rezoning under Change IN05 will be addressed in a later report and hearing on the General Residential 2 rezoning areas, as will his submission points regarding changes to provisions on stormwater management.

The reasons given for opposing the above rule changes relate to concerns about the loss of amenity values that are currently preserved by the 500m² minimum site size, including gardens and trees which provide habitat for birds, and high quality housing stock including older restored homes. Mr Douglas considers that the operative plan already

appropriately provides for higher density subdivision through a non-complying resource consent pathway which enables affected parties to participate. He disagrees with the Section 32 Report conclusion that intensification will not overly affect the character of the area, especially as the potential redevelopment of a large site neighbouring his property would have significant amenity effects for him.

Expert evidence

Assessments of the potential effects on residential character and amenity from the proposed General Residential 2 rezoning areas were undertaken by Mr Peter Christos and Dr Andrea Farminer to assist with the earlier section 32 evaluation⁶. This included an assessment of Belleknowes (referred to in the assessment as 'Mornington (north)') and the area for which Mr Douglas is opposed to rezoning and GR1 rule changes. Overall, this assessment found that there are potential threats to character from new buildings with poor architectural character, demolition of old villas and loss of leafy character. They suggested opportunities to maintain or enhance character through encouraging development behind existing character homes where possible and providing design guidance so that new housing respects the built form and scale of existing development. No specific rules have been proposed as part of Variation 2 to respond to these suggestions, but it is noted that multi-unit development of 3 or more residential units on a site requires resource consent for consideration of the design.

I also note that comments have been sought from Dr Andrea Farminer regarding potential effects on heritage values of providing for intensification. This has been addressed in **Section 4.1.6** above and includes a recommendation to further consider addition of a rule requiring resource consent for the demolition of buildings older than a specified age.

In addition, Mr Christos has provided a specific response to the submission by Mr Douglas (see **Appendix F**). Mr Christos has stated that:

- *I agree with the submitter that intensification can lead to loss of green amenity and character through demolition and poor-quality infill. However, I also note that the architecture within Belleknowes is mixed and while there are good examples of large villas in sound condition there are also plenty of examples of more modest and contemporary housing on smaller sites. The built character is not reliant on a single typology but more reliant on good architecture in general, high levels of property upkeep and green amenity. There has been a reasonable amount of historic subdivision and redevelopment without appearing to impact on the suburbs character.*
- *My view is that there is capacity (especially at rear sites) for further intensification without overly impacting on residential character and streetscape values. I believe the current provisions within the plan provide for sufficient amenity however, I also acknowledge that as the city's housing stock increases, there are likely to be locations (other than [heritage] precincts) where improved architectural outcomes would be necessary to preserve existing neighbourhood character and particularly where demolition and site amalgamation occurs. In these instances, design guides could aid the consent process while encouraging good design outcomes.*

I note that design guides can only be used to influence a development outcome where a resource consent is required and the additional development that is being provided for as part of the General Residential 1 rule changes would not require a resource consent, except for subdivision or where any performance standards are contravened.

Recommendation & Assessment

I have considered the submission and reasons for it, and the expert evidence outlined above. Overall, I recommend that the proposed rule changes for the General Residential 1 zone (including Change A3) continue to apply in all areas of that zone, noting that much of Belleknowes is proposed for rezoning to General Residential 2 zone. In terms of the proposed rule changes for the General Residential 1 zone that have been submitted against, I accept the evidence of Mr Christos that further intensification can be accommodated within Belleknowes without overly impacting residential character. It note that Mr Douglas's concerns appear to primarily relate to the proposed General Residential 2 rezoning and this will be considered in more detail in a later report and hearing.

⁶ See Variation 2 Additional Housing Capacity Section 32 Report Appendix 9 Medium density character assessments (February 2021), pp. 16-20

I also refer to my earlier assessment of broad submissions in opposition to the proposed rule changes, set out above under the heading ‘Submissions raising concerns regarding intensification and effects on residential character and amenity’ which outlines why I consider Change A3 and associated amendments to the subdivision provisions (including changes B1 and B4) are appropriate in terms of the potential for effects on residential character and amenity.

I also refer to my assessment of Change B5 (removal of the policy link between management of density for character and amenity) set out in **Section 4.3.1** below, which effectively recommends that this proposed change be reversed and this will enable Mr Douglas’s submission point on that change (S194.005) to be accepted in part.

Overall Recommendation

I have considered all submissions received regarding concerns over the effects of intensification on residential character, amenity and greenspace and reasons for those submissions, and evidence provided from Mr Peter Christos and Dr Andrea Farminer. At this stage I have not seen any evidence suggesting that the proposed rules along with the existing performance standards will not be effective in ensuring effects on residential character and amenity are acceptable. Overall, I recommend retaining the proposed changes as notified, with amendments as set out in the sections below on each specific change ID, but I am prepared to review this position if any further evidence comes to light through the hearing process.

Recommended amendments:

None – see the recommendations in response to other submissions in the sections below.

4.2 Changes to minimum site size, density and family flats

4.2.1 Broad support for rule changes – Changes A2, A3, B1, B3, B4, B6 & E9

Submission point	Submitter Name	Support oppose	Decision requested
S285.003	Christopher and Mark Lawrence	Accept the change	Retain Change A2, A3, B1, B3, B4, B6 and E9 (Changes to the minimum site size and density standards).
S310.001	Melissa Shipman	Accept the change	Retain Changes A2, A3, B1, B3, and B4 (Changes to minimum site size and density standards).
S163.002	William McSweeney	Accept the change	Retain Changes A2, A3, B1, B3, B4, B6 and E9 (Changes to minimum site size and density standards).
S39.001	Nikolai Stapleton	Accept the change	Retain Changes A2, A3, B1, B3, B4, B6 and E9 (Changes to the minimum site size and density standards).
S78.003	Trevor Scott	Accept the change	Retain Changes A2, A3, B1, B3, B4, B6 and E9 (Changes to the minimum site size and density standards).
S123.005	Fletcher Glass	Accept the change	Retain Changes A2, A3, B1, B3, B4, B6 and E9 (Changes to the minimum site size and density standards).
S203.012	Tom and Loretta Richardson	Accept the change	Retain Changes A2, A3, B1, B3, B4, B6 and E9 (Changes to the minimum site size and density standards).

S206.003	Paterson Pitts Group	Accept the change	Retain Changes A2, A3, B1, B3, B4, B6 and E9 (Changes to the minimum site size and density standards).
S229.001	Ron & Sue Balchin	Accept the change	Retain Changes A2, A3, B1, B3, B4, B6 and E9 (Changes to the minimum site size and density standards).
S230.012	BA Building Ltd	Accept the change	Retain Changes A2, A3, B1, B3, B4, B6 and E9 (Changes to the minimum site size and density standards).
S252.001	Michael McQueen	Accept the change	Retain Changes A2, A3, B1, B3, B4, B6 and E9 (Changes to the minimum site size and density standards) as they relate to 96 Somerville Street.
S259.002	Midas Limited	Accept the change	Retain Changes A2, A3, B1, B3, B4, B6 and E9 (Changes to the minimum site size and density standards).
S260.002	Lloyd Morshuis (Morclark Developments)	Accept the change	Retain Changes A2, A3, B1, B3, B4, B6 and E9 (Changes to the minimum site size and density standards).
S261.002	Hans Joachim & Renate Scholz	Accept the change	Retain Changes A2, A3, B1, B3, B4, B6 and E9 (Changes to the minimum site size and density standards).
S264.014	D N Innovations Ltd	Accept the change	Retain Changes A2, A3, B1, B3, B4, B6 and E9 (Changes to the minimum site size and density standards).
S265.001	Michael and Louise Lawrence	Accept the change	Retain Changes A2, A3, B1, B3, B4, B6 and E9 (Changes to the minimum site size and density standards).
S275.002	Maree Scott	Accept the change	Retain Changes A2, A3, B1, B3, B4, B6 and E9 (Changes to the minimum site size and density standards).
S279.001	Victor and Fiona Nicholson	Accept the change	Retain Changes A2, A3, B1, B3, B4, B6 and E9 (Changes to the minimum site size and density standards).
S282.001	Survey & Spatial New Zealand (STSNZ) Coastal Otago Branch	Accept the change	Retain Changes A2, A3, B1, B3, B4, B6 and E9 (Changes to the minimum site size and density standards).
S284.001	Robert Mathieson	Accept the change	Retain Changes A2, A3, B1, B3, B4, B6 and E9 (Changes to the minimum site size and density standards).
S286.003	Karen Knudson & Ross Brown	Accept the change	Retain Changes A2, A3, B1, B3, B4, B6 and E9 (Changes to the minimum site size and density standards).
S288.002	Flat Iron Group	Accept the change	Retain Changes A2, A3, B1, B3, B4, B6 and E9 (Changes to the minimum site size and density standards).
S289.001	Emmanuelle Joanna and Simon Charles Spencer Gomez	Accept the change	Retain Changes A2, A3, B1, B3, B4, B6 and E9 (Changes to the minimum site size and density standards).
S290.002	Victoria Jane and Pera Paul Manahera Eden	Accept the change	Retain Changes A2, A3, B1, B3, B4, B6 and E9 (Changes to the minimum site size and density standards).
S291.004	Margaret Charles & Marguerita Lazar	Accept the change	Retain Changes A2, A3, B1, B3, B4, B6 and E9 (Changes to the minimum site size and density standards).

S292.001	Ian Chapman	Accept the change	Retain Changes A2, A3, B1, B3, B4, B6 and E9 (Changes to the minimum site size and density standards) as they relate to 20 Hunt Street.
S295.014	HWH Properties Ltd	Accept the change	Retain Changes A2, A3, B1, B3, B4, B6 and E9 (Changes to the minimum site size and density standards).
S296.003	Jason and Margaret Hewlett	Accept the change	Retain Changes A2, A3, B1, B3, B4, B6 and E9 (Changes to the minimum site size and density standards).
S303.002	Jason and Bronwyn Cockerill (Seaview Ridges Limited)	Accept the change	Retain Changes A2, A3, B1, B3, B4, B6 and E9 (Changes to the minimum site size and density standards).
S76.003	Christopher Connor & Tina Prendergast	Accept the change	Retain Changes A2, A3, B1, B3, B4, B6, E9 (Changes to minimum site size and density standards).
S79.018	Glenelg Street Trust Board Incorporated	Accept the change	Retain Changes A2, A3, B1, B3, B4, B6, E9 (Changes to minimum site size and density standards).
S150.017	Giler and Katherine Wynn-Williams	Accept the change	Retain Changes A2, A3, B1, B3, B4, B6, E9 (Changes to minimum site size and density standards).
S245.001	Moreclake Developments Limited	Accept the change	Retain Changes A2, A3, B1, B3, B4, B6, E9 (Changes to minimum site size and density standards).
S270.017	Doug Hall	Accept the change	Retain Changes A2, A3, B1, B3, B4, B6, E9 (Changes to minimum site size and density standards).
S293.002	Michael David Byck & Nicola Andrea O'Brien	Accept the change	Retain Changes A2, A3, B1, B3, B4, B6, E9 (Changes to minimum site size and density standards).
S294.001	Paul and Michelle Barron	Accept the change	Retain changes A2, A3, B1, B3, B4, B6, E9 (Changes to minimum site size and density standards).
S301.001	Blue Sky Property Group Ltd	Accept the change	Retain Changes A2, A3, B1, B3, B4, B6, E9 (Changes to minimum site size and density standards).
S129.001	Alex King	Accept the change	Retain Changes A2, A3, B1, B3, B6 (Changes to minimum site size and density standards) in the General Residential 1 Zone.
S170.001	Shay Dewey	Accept the change	Retain Changes A3, B1, B3, B4, B6 and E9 (Changes to the minimum site size and density standards).

Background

The submissions addressed in this section are broad submissions on the rule changes proposed to the density and minimum site size performance standards for residential activity and subdivision, other than Change A1 (family flats provisions). It includes submissions collectively made on Change A2 (duplexes and two residential units in a single building), Change A3 (minimum site size and minimum site area), Change B1 (minimum site size averaging), Change B3 (density and units on existing sites of any size), Change B4 (counting of access legs towards minimum site area and minimum site size), Change B6 (exemptions to minimum site size for existing development) and Change E9 (clarification of density

performance standard activity status). These changes are collectively referred to below as the “rule changes”. Each change is described in more detail in later sections of this report.

Submissions received

39 broad submissions were received in support of the proposed rule changes. Other submissions opposing the rule changes or seeking amendments related to broad concerns on solid waste management, infrastructure, heritage, and effects on residential character, amenity and greenspaces. These matters are dealt with separately in **Section 4.1**. Submissions regarding each specific rule change were also received, and these are addressed in later sections of this report.

Reasons for support of the rule changes included:

- more efficient use of existing infrastructure;
- more efficient use of existing residential land;
- reduction in the extent to which urban expansion is required;
- increase in housing supply;
- many existing residential properties are suitable for further development;
- the changes will maintain similar residential amenity levels;
- greater flexibility for development;
- provision of greater housing choice in terms of size and price bracket.

Recommendation

I note the large number of submissions in support of the rule changes proposed in Variation 2 and have taken this into account in considering other submissions that have been made opposing the proposed changes or seeking amendments.

I recommend that the proposed rule changes are retained with amendments to address the relevant matters I have discussed in the previous and following sections of this report.

Recommended amendments:

See the sections on broad matters raised above, and the sections on individual rule changes below.

4.2.2 Change A1 (Family Flat Provisions) & Alternative A1-Alt1

36. This section addresses submissions on Change A1 (Family flat provisions) and Alternative A1-Alt1 (Controls for design of family flats/ancillary residential units).

Submission point	Submitter Name	Support oppose	Decision requested
S66.001	Conrad Anderson	Accept the change	Retain Change A1 (Family flat provisions).
S78.002	Trevor Scott	Accept the change	Retain Change A1 (Family flat provisions).
S128.001	Mark Geddes	Accept the change	Retain Change A1 (Family flat provisions).
S163.001	William McSweeney	Accept the change	Retain Change A1 (Family flat provisions).
S229.008	Ron & Sue Balchin	Accept the change	Retain Change A1 (Family flat provisions).
S250.005	Meghan Mills	Accept the change	Retain Change A1 (Family flat provisions).
S259.005	Midas Limited	Accept the change	Retain Change A1 (Family flat provisions).
S260.005	Lloyd Morshuis (Morclark Developments)	Accept the change	Retain Change A1 (Family flat provisions).
S265.004	Michael and Louise Lawrence	Accept the change	Retain Change A1 (Family flat provisions).
S273.006	Mark and Jacqui Taylor	Accept the change	Retain Change A1 (Family flat provisions).
S275.005	Maree Scott	Accept the change	Retain Change A1 (Family flat provisions).
S279.006	Victor and Fiona Nicholson	Accept the change	Retain Change A1 (Family flat provisions).
S284.005	Robert Mathieson	Accept the change	Retain Change A1 (Family flat provisions).
S285.004	Christopher and Mark Lawrence	Accept the change	Retain Change A1 (Family flat provisions).
S294.005	Paul and Michelle Barron	Accept the change	Retain Change A1 (Family flat provisions).
S302.003	Alan David and David Eric Geeves & Nicola Jane Algie	Accept the change	Retain Change A1 (Family flat provisions).
S310.002	Melissa Shipman	Accept the change	Retain Change A1 (Family flat provisions).
S76.028	Christopher Connor & Tina Prendergast	Accept the change	Retain Change A1 (family flat/ancillary residential unit provisions).
S159.001	Nancy Earth	Accept the change	Retain Change A1 (Family flat/ancillary residential unit provisions).
S230.016	BA Building Ltd	Accept the change	Retain Change A1 (Family flat/ancillary residential unit provisions).
S264.017	D N Innovations Ltd	Accept the change	Retain Change A1 (Family flat/ancillary residential unit provisions).

S270.023	Doug Hall	Accept the change	Retain Change A1 (Family flat/ancillary residential unit provisions).
S278.003	Disabled Persons Assembly New Zealand	Accept the change	Retain Change A1 (Family flat/ancillary residential unit provisions).
S282.028	Survey & Spatial New Zealand (STSNZ) Coastal Otago Branch	Accept the change	Retain Change A1 (Family flat/ancillary residential unit provisions).
S283.014	Max Hope Trust	Accept the change	Retain Change A1 (family flat/ancillary residential unit provisions).
S286.016	Karen Knudson & Ross Brown	Accept the change	Retain Change A1 (Family flat/ancillary residential unit provisions).
S288.005	Flat Iron Group	Accept the change	Retain Change A1 (family flat/ancillary residential unit provisions).
S290.003	Victoria Jane and Pera Paul Manahera Eden	Accept the change	Retain Change A1 (Family flat/ancillary residential unit provisions).
S291.003	Margaret Charles & Marguerita Lazar	Accept the change	Retain Change A1 (Family flat/ancillary residential unit provisions).
S292.004	Ian Chapman	Accept the change	Retain Change A1 (Family flat/ancillary residential unit provisions) as it relates to 20 Hunt Street.
S293.007	Michael David Byck & Nicola Andrea O'Brien	Accept the change	Retain Change A1 (Family flat/ancillary residential unit provisions).
S295.022	HWH Properties Ltd	Accept the change	Retain Change A1 (Family flat/ancillary residential unit provisions).
S296.005	Jason and Margaret Hewlett	Accept the change	Retain Change A1 (Family flat/ancillary residential unit provisions).
S298.003	Bill Hamilton	Accept the change	Retain Change A1 (Family flat/ancillary residential unit provisions).
S300.029	Kurt Bowen	Accept the change	Retain Change A1 (Family flat/ancillary residential unit provisions).
S303.003	Jason and Bronwyn Cockerill (Seaview Ridges Limited)	Accept the change	Retain Change A1 (Family flat/ancillary residential unit provisions).
S304.003	Craig James and Kirsten Jane Duncan (Duncan Clan Family Trust)	Accept the change	Retain Change A1 (Family flat/ancillary residential unit provisions) in the General Residential 1 Zone and Township & Settlement Zone.
S203.024	Tom and Loretta Richardson	Accept the change	Retain Change A1 (Family flat/ancillary residential unit provisions).
S39.002	Nikolai Stapleton	Accept the change	Retain Change A1 (Family flats provisions).
S79.021	Glenelg Street Trust Board Incorporated	Accept the change	Retain Change A1 (Family flats provisions).
S123.007	Fletcher Glass	Accept the change	Retain Change A1 (Family flats provisions).
S129.006	Alex King	Accept the change	Retain Change A1 (Family flats provisions).
S177.011	Generation Zero (Dunedin)	Accept the change	Retain Change A1 (Family flats provisions).
S206.030	Paterson Pitts Group	Accept the change	Retain Change A1 (Family flats provisions).

S261.003	Hans Joachim & Renate Scholz	Accept the change	Retain Change A1 (Family flats provisions).
S301.003	Blue Sky Property Group Ltd	Accept the change	Retain Change A1 (Family flats provisions).
S150.022	Giler and Katherine Wynn-Williams	Accept the change	Retain Change A1 (Family flats/ancillary residential unit provisions).
S289.005	Emmanuelle Joanna and Simon Charles Spencer Gomez	Accept the change	Retain Change A1 (Family flat provisions) as it relates to 22 Hunt Street
S252.005	Michael McQueen	Accept the change	Retain Change A1 (Family flat provisions) as it relates to 96 Somerville Street.
S271.002	Otago Regional Council	Accept the change with amendments	Amend Change A1 (Family flat provisions) by making any consequential amendments that may be required for clarity and consistency.
S233.002	Garry & Bronwyn Applegarth	Accept the change with amendments	Amend Change A1 (Family flat provisions) to apply to the General Residential 2 zone.
S189.027	Ryman Healthcare limited	Accept the change with amendments	Amend Change A1 (Family flat provisions) to remove the focus on 'maintaining' the character and amenity of the area and better reflect that 'amenity' is a dynamic concept that will change over time. This submission point relates to changes to Policy 15.2.4.3.
S205.027	Retirement Villages Association of New Zealand	Accept the change with amendments	Amend Change A1 (Family flat provisions) to remove the focus on 'maintaining' the character and amenity of the area and better reflect that 'amenity' is a dynamic concept that will change over time. This submission point relates to changes to Policy 15.2.4.3.
S187.002	Dunedin City Council	Accept the change with amendments	Amend Policy 2.6.1.2.b, to not replace "family flats" with "ancillary residential units", rather just add "ancillary residential units".
S107.003	Penny Turner	Accept the change with amendments	Amend the definition of Ancillary Residential Units (Change A1) by either: a. defining "ancillary residential units" as part of the primary residential activity (not as a separate residential unit), or, b. exempt "ancillary residential units" from the residential unit definition.
S187.001	Dunedin City Council	Accept the change with amendments	Amend the definition of gross floor area as it relates to Change A1 (Family flat provisions).
Submissions supporting rejection of Alternative A1-Alt1 (see also Section 4.1.7 above for broad submissions seeking changes)			
S206.006	Paterson Pitts Group	Accept the change	Retain the rejection of Alternative A1-Alt1 (Controls for design of family flats/ancillary residential units).
S229.003	Ron & Sue Balchin	Accept the change	Retain the rejection of Alternative A1-Alt1 (Controls for design of family flats/ancillary residential units).

S233.003	Garry & Bronwyn Applegarth	Accept the change	Retain the rejection of Alternative A1-Alt1 (Controls for design of family flats/ancillary residential units).
S250.003	Meghan Mills	Accept the change	Retain the rejection of Alternative A1-Alt1 (Controls for design of family flats/ancillary residential units).
S252.002	Michael McQueen	Accept the change	Retain the rejection of Alternative A1-Alt1 (Controls for design of family flats/ancillary residential units).
S259.003	Midas Limited	Accept the change	Retain the rejection of Alternative A1-Alt1 (Controls for design of family flats/ancillary residential units).
S265.002	Michael and Louise Lawrence	Accept the change	Retain the rejection of Alternative A1-Alt1 (Controls for design of family flats/ancillary residential units).
S273.004	Mark and Jacqui Taylor	Accept the change	Retain the rejection of Alternative A1-Alt1 (Controls for design of family flats/ancillary residential units).
S275.003	Maree Scott	Accept the change	Retain the rejection of Alternative A1-Alt1 (Controls for design of family flats/ancillary residential units).
S279.002	Victor and Fiona Nicholson	Accept the change	Retain the rejection of Alternative A1-Alt1 (Controls for design of family flats/ancillary residential units).
S282.004	Survey & Spatial New Zealand (STSNZ) Coastal Otago Branch	Accept the change	Retain the rejection of Alternative A1-Alt1 (Controls for design of family flats/ancillary residential units).
S283.004	Max Hope Trust	Accept the change	Retain the rejection of Alternative A1-Alt1 (Controls for design of family flats/ancillary residential units).
S284.002	Robert Mathieson	Accept the change	Retain the rejection of Alternative A1-Alt1 (Controls for design of family flats/ancillary residential units).
S288.003	Flat Iron Group	Accept the change	Retain the rejection of Alternative A1-Alt1 (Controls for design of family flats/ancillary residential units).
S289.002	Emmanuelle Joanna and Simon Charles Spencer Gomez	Accept the change	Retain the rejection of Alternative A1-Alt1 (Controls for design of family flats/ancillary residential units).
S290.005	Victoria Jane and Pera Paul Manahera Eden	Accept the change	Retain the rejection of Alternative A1-Alt1 (Controls for design of family flats/ancillary residential units).
S292.002	Ian Chapman	Accept the change	Retain the rejection of Alternative A1-Alt1 (Controls for design of family flats/ancillary residential units).

S293.004	Michael David Byck & Nicola Andrea O'Brien	Accept the change	Retain the rejection of Alternative A1-Alt1 (Controls for design of family flats/ancillary residential units).
S294.003	Paul and Michelle Barron	Accept the change	Retain the rejection of Alternative A1-Alt1 (Controls for design of family flats/ancillary residential units).
S296.006	Jason and Margaret Hewlett	Accept the change	Retain the rejection of Alternative A1-Alt1 (Controls for design of family flats/ancillary residential units).
S298.005	Bill Hamilton	Accept the change	Retain the rejection of Alternative A1-Alt1 (Controls for design of family flats/ancillary residential units).
S302.005	Alan David and David Eric Geeves & Nicola Jane Algie	Accept the change	Retain the rejection of Alternative A1-Alt1 (Controls for design of family flats/ancillary residential units).

Background

Change A1 (Family flat provisions) is summarised as follows:

Purpose statement	Description of change	Provisions affected by change
The purpose of the proposal is to review the family flats provisions in Rule 15.5.2 and Rule 15.5.14 (which apply in all residential zones other than General Residential 2 Zone (GR2) and Inner City Residential Zone (ICR). The scope of the proposal does not extend to reviewing the family flat provisions in other non-residential zones including rural residential and rural zones as these provisions are subject to, or potentially overlap with, matters being considered in appeals on the 2GP.	Amends family flats provisions to remove the limitation on tenancy and introduce a maximum gross floor area of 80m ² , over which the unit becomes a residential unit. Renames family flats 'ancillary residential units' and amends policy.	• Add a definition of 'ancillary residential units' • Amend Policy 15.2.4.3 • Amend Rule 15.5.2.1.k.ii • Delete Rule 15.5.14.1 • Amend Rule 15.5.14.2 • Add Note 15.5.14A • Change the term 'family flats' to 'ancillary residential units', or add the term 'ancillary residential units' throughout plan, except in the definition, Section 16 and 17 • Amend Policy 2.2.4.4 by deleting clause (d) • Amend Policy 2.6.1.2 • Amend 15.1.1 • Amend Rule 15.13.5.1 • Delete Rule 15.13.5.6 • Amend Rule 15.10.3.4

Alternative A1-Alt1 (Controls for the design of family flats/ancillary residential units) was assessed and rejected in the Section 32 Report. It examined whether additional design controls to manage effects on residential character and amenity should be added as part of Change A1 on family flat provisions.

Submissions received

71 original submissions were received on Change A1 with over two-thirds in support of the changes. Two further submissions (FS59.3 from the original submitter and FS45.3 from Charles Pearce) were received in support of an original submission (Craig and Kirsten Duncan S304.003) supporting Change A1 in the General Residential 1 zone and Township & Settlement zone, while one further submission (FS61.3 from Dan and Liz Koni) opposed the submission, due to general opposition to a rezoning requested by the submitter at RS157, 90 Blackhead Road.

In addition, 22 original submissions were received supporting the rejection of Alternative A1-Alt1 (which considered the addition of controls for the design of family flats/ancillary residential units), including because it would frustrate attempts to create ancillary residential units.

Reasons for support of Change A1 included:

- improved flexibility in the use of residential properties;
- provision of a range of housing options;
- assisting with housing supply;
- making more efficient use of public infrastructure; and
- making public transport more viable.

Broad submissions opposing changes or seeking amendments because of broad concerns regarding infrastructure, amenity and other effects of intensification have been addressed in **Section 4.1** above.

Specific amendments sought to Change A1 are:

- Garry & Bronwyn Applegarth seek application of Change A1 to the General Residential 2 zone because they think it is unreasonable to exclude ancillary residential units from this zone if the effects on surrounding properties are less than minor and a number of sites within this zone are suitable for development of an ancillary residential unit (S233.002) [N.B. the Plan already effectively allows for ancillary residential units in this zone as it provides for multiple units]. A further submission was received from Otago Regional Council in partial support of this point provided it does not apply to areas within the Hazard 3 (Coast) overlay zone (FS184.51);
- Penny Turner seeks amendment of the definition of “ancillary residential units” or “residential units” to reduce confusion over what a residential unit is because it is currently unclear (S107.003);
- Dunedin City Council seek amendment of the definition of “gross floor area” to clarify whether garages in ancillary residential units are to be counted because there is inconsistent interpretation at present (S187.001);
- Dunedin City Council seek amendment of Policy 2.6.1.2.b to not replace “family flats” with “ancillary residential units”, rather just add “ancillary residential units” because family flats provisions are still used in Rural Residential and Rural zones and this term has been deleted in error (S187.002);
- Otago Regional Council seek consequential amendments to Change A1 that are believed to have been missed in error (S271.002);
- Retirement Villages Association of NZ and Ryman Healthcare Ltd seek amendments to Change A1 to remove the focus on maintaining the character and amenity of the area and better reflect that amenity is a dynamic concept that will change over time to achieve better consistency with the NPS-UD (S205.027 & S189.027).

Recommendation

I have considered all submissions received, and reasons for those submissions, and recommend retaining Change A1 as notified, other than for minor amendments to the definition of “gross floor area” and Policy 2.6.1.2.b for clarity in response to submissions from Dunedin City Council (S187.001 & S187.002) – see proposed drafting below.

I recommend these amendments for the following reasons:

- While I consider that the current definition of gross floor area should be interpreted to include the area of any garage, it would be beneficial to clarify this to ensure consistency in interpretation across all Plan users, so I recommend accepting the submission by Dunedin City Council;
- I agree that the term “family flats” should not be deleted from Policy 2.6.1.2.b as family flats provisions will still apply in other sections of the Plan and this has been deleted in error.

Overall, these changes are of minor effect and the proposed clarifications will assist in ensuring the relevant objectives of the Plan are achieved.

I note the following regarding submissions that I recommend rejecting:

- Regarding the submission from Garry & Bronwyn Applegarth, I note that ancillary residential unit provisions are not required in the General Residential 2 zone, as that zone already provides for two residential units per site as a permitted activity;
- Regarding the submission from Penny Turner seeking changes to clarify what a residential unit is, I note that ancillary residential units are a type of residential unit and this is clear from both their name and the associated definitions. This approach is intentional, as they have self-contained sleeping, cooking, bathing and toilet facilities and it ensures that the performance standards that apply to a residential unit also apply to ancillary residential units;
- Regarding the submission from Otago Regional Council altering us to potential missed consequential changes, I have checked the notified drafting and cannot see any errors in this regard, except in Policy 2.6.1.2.b (see below);
- Regarding the submissions from Retirement Villages Association of NZ and Ryman Healthcare Ltd seeking removal of the focus on the maintenance of character and amenity for ancillary residential units, I consider that it is still valid to control and assess these effects. It is my view that the NPS-UD is not intended to allow change in character and amenity *carte blanche*, especially when section 7 of the RMA remains in place and requires particular regard to be had for the maintenance and enhancement of amenity values. Change A1 is providing for change in character and amenity to an extent but manages this to an acceptable level, striking a balance between providing additional housing capacity and other effects. To remove the controls on the size of ancillary residential units would be akin to permitting two standalone residential units per site and this is not supported due to 3 waters effects and effects on character and amenity (especially in light of Change A3 to reduce the minimum site size and other Variation 2 changes).

Recommended amendments:

Amend the definition of gross floor area as follows:

Gross Floor Area

The total internal floor area used for the stated activity. This includes all normal parts of the activity, for example storage, attached garages and carports, warehousing, office and staff facilities.

[N.B. “garages and carports” is a defined term and “attached” has been added to make clear it excludes garages and carports in separate buildings.]

Amend Policy 2.6.1.2.b as follows:

Encourage more residential housing suitable for our ageing population and growing number of one and two person households, through:

...

- a. rules that enable ~~family flats~~ family flats and ancillary residential units, other than in General Residential 2 and Inner City Residential zones ~~and areas subject to natural hazards;~~ and

4.2.3 Change A2 (Duplexes and two units in a single building) & Alternatives

37. This section addresses submissions on Change A2 (Duplexes and two units in a single building) and Alternatives A2-Alt1 (Two standalone residential units per site), A2-Alt2 (Habitable room approach to density) and A2-Alt3 (Controls for infill housing enabled by Change A2 & Change A3).

Submission point	Submitter Name	Support oppose	Decision requested
Submissions broadly in support and not seeking change to what is proposed			
S64.001	Jose Corporation Ltd	Accept the change	Retain Change A2 (Duplexes and two units in a single building).
S66.002	Conrad Anderson	Accept the change	Retain Change A2 (Duplexes and two units in a single building).
S174.001	Bruce Cloughley	Accept the change	Retain Change A2 (Duplexes and two units in a single building).
S230.024	BA Building Ltd	Accept the change	Retain Change A2 (Duplexes and two units in a single building).
S264.023	D N Innovations Ltd	Accept the change	Retain Change A2 (Duplexes and two units in a single building).
S295.020	HWH Properties Ltd	Accept the change	Retain Change A2 (Duplexes and two units in a single building).
S300.022	Kurt Bowen	Accept the change	Retain Change A2 (Duplexes).
Submissions generally in support but seeking changes to the detail of what is proposed:			

S250.002	Meghan Mills	Accept the change with amendments	Retain Changes A2, A3, B1, B3, B4, B6, E9 (Changes to minimum site size and density standards), and add: 1. a requirement that subdivision of duplex developments can only be completed once the new units have been constructed (the framing of both duplex units to be complete before the s224c certificate can be issued for an associated subdivision) 2. a requirement that duplex developments share foul and stormwater drains (e.g. a drain in common).
S298.002	Bill Hamilton	Accept the change with amendments	Amend Change A2 (Duplexes and two units in a single building) so that: 1. There should be a requirement that subdivision of duplex developments can only be completed once the new units have been constructed to avoid subdivisions being undertaken on empty land, and owners then attempting to seek consent for stand-alone houses on the subsequent sites (which may be as small as 200m ²). The submitter suggests that there is a provision inserted into Variation 2 that requires the framing of both duplex units to be complete before the s224c certificate can be issued for an associated subdivision. 2. Duplex developments should be enabled through a suitable planning provision to share foul and stormwater drains (e.g. a drain in common). Without this provision it may be difficult to obtain a building consent for the duplex unit construction (in a duplex pair) while the site is still a single site (i.e. prior to the subdivision being completed). A drain in common between two duplex units is consistent with certain types of subdivision (e.g. Unit Title) and has the benefit of reducing house construction costs.
S302.002	Alan David and David Eric Geeves & Nicola Jane Algie	Accept the change with amendments	Amend Change A2 (Duplexes and two units in a single building) so that: 1. There should be a requirement that subdivision of duplex developments can only be completed once the new units have been constructed to avoid subdivisions being undertaken on empty land, and owners then attempting to seek consent for stand-alone houses on the subsequent sites (which may be as small as 200m ²). The submitter suggests that there is a provision inserted into Variation 2 that requires the framing of both duplex units to be complete before the s224c certificate can be issued for an associated subdivision. 2. Duplex developments should be enabled through a suitable planning provision to share foul and stormwater drains (e.g. a drain in common). Without this provision it may be difficult to obtain a building consent for the duplex unit construction (in a duplex pair) while the site is still a single site (i.e. prior to the subdivision being completed). A drain in common between two duplex units is consistent with certain types of subdivision (e.g. Unit Title) and has the benefit of reducing house construction costs.
S128.002	Mark Geddes	Accept the change with amendments	Amend Change A2 (Duplexes and two units in a single building) to require that subdivision consent can only be applied for when the code of compliance is issued for the building construction to prevent detached buildings on separate titles being built.
S187.004	Dunedin City Council	Accept the change with amendments	Amend Change A2 (Duplexes and two units in a single building) to ensure that the new provisions for duplexes and two residential units in a single residential building are clear as to when a development constitutes one residential building or two residential buildings. Ensure that a physical connection between two residential buildings cannot be relied on to consider them a single residential building for the purposes of the density performance standard in Rule 15.5.2.

S187.005	Dunedin City Council	Accept the change with amendments	Amend Change A2 (Duplexes and two units in a single building) to review policy direction on why duplexes and 2 units in a single residential building are provided for on sites as small as 500m ² but not two standalone residential units is necessary to assist in consideration of applications for over-dense development or undersized site subdivisions.
S206.005	Paterson Pitts Group	Accept the change with amendments	Amend Change A2 (Duplexes and two units in a single building) to allow for: 1. A requirement that subdivision of duplex developments can only be completed once the new units have been constructed; and 2. A provision to allow for shared foul and stormwater drains for duplexes (e.g. a drain in common prior to subdivision).
S260.008	Lloyd Morshuis (Morclark Developments)	Accept the change with amendments	Amend Change A2 (Duplexes and two units in a single building) to allow for: 1. A requirement that subdivision of duplex developments can only be completed once the new units have been constructed; and 2. A provision to allow for shared foul and stormwater drains for duplexes (e.g. a drain in common prior to subdivision).
S273.005	Mark and Jacqui Taylor	Accept the change with amendments	Amend Change A2 (Duplexes and two units in a single building) to include these changes; 1. There should be a requirement that subdivision of duplex developments can only be completed once the new units have been constructed. This will avoid subdivisions being undertaken on empty land, and owners then attempting to seek consent for stand-alone houses on the subsequent sites (which may be as small as 200m ²). The submitter suggests that there is a provision inserted into Variation 2 that requires the framing of both duplex units to be complete before the s224c certificate can be issued for an associated subdivision. 2. Duplex developments should be enabled through a suitable planning provision to share foul and stormwater drains (e.g. a drain in common). Without this provision it may be difficult to obtain a building consent for the duplex unit construction (in a duplex pair) while the site is still a single site (i.e. prior to the subdivision being completed). A drain in common between two duplex units is consistent with certain types of subdivision (e.g. Unit Title) and has the benefit of reducing house construction costs. Christchurch City Council allows shared drains for up to 4 residential units, and this seems to operate reasonably well.
S279.005	Victor and Fiona Nicholson	Accept the change with amendments	Amend Change A2 (Duplexes and two units in a single building) to include these changes; 1. There should be a requirement that subdivision of duplex developments can only be completed once the new units have been constructed. This will avoid subdivisions being undertaken on empty land, and owners then attempting to seek consent for stand-alone houses on the subsequent sites (which may be as small as 200m ²). The submitter suggests that there is a provision inserted into Variation 2 that requires the framing of both duplex units to be complete before the s224c certificate can be issued for an associated subdivision. 2. Duplex developments should be enabled through a suitable planning provision to share foul and stormwater drains (e.g. a drain in common). Without this provision it may be difficult to obtain a building consent for the duplex unit construction (in a duplex pair) while the site is still a single site (i.e. prior to the subdivision being completed). A drain in common between two duplex units is consistent with certain types of subdivision (e.g.

			Unit Title) and has the benefit of reducing house construction costs. Christchurch City Council allows shared drains for up to 4 residential units, and this seems to operate reasonably well.
S282.003	Survey & Spatial New Zealand (STSNZ) Coastal Otago Branch	Accept the change with amendments	Amend Change A2 (Duplexes and two units in a single building) to allow for: 1. A requirement that subdivision of duplex developments can only be completed once the new units have been constructed; and 2. A provision to allow for shared foul and stormwater drains for duplexes (e.g a drain in common prior to subdivision).
S283.003	Max Hope Trust	Accept the change with amendments	Amend Change A2 (Duplexes and two units in a single building) to include a requirement that subdivision of duplex developments can only be completed once the new units have been constructed and a suitable planning provision to share foul and stormwater drains (e.g. a drain in common).
S290.004	Victoria Jane and Pera Paul Manahera Eden	Accept the change with amendments	Amend Change A2 (Duplexes and two units in a single building) to allow for: 1. A requirement that subdivision of duplex developments can only be completed once the new units have been constructed; and 2. A provision to allow for shared foul and stormwater drains for duplexes (e.g. a drain in common prior to subdivision).
S293.003	Michael David Byck & Nicola Andrea O'Brien	Accept the change with amendments	Amend Change A2 (Duplexes and two units in a single building) to include provisions to ensure that; require the framing of both duplex units to be complete before the s224c certificate can be issued for an associated subdivision. Duplex developments should be enabled through a suitable planning provision to share foul and stormwater drains.
S296.004	Jason and Margaret Hewlett	Accept the change with amendments	Amend Change A2 (Duplexes and two units in a single building) to allow for: 1. A requirement that subdivision of duplex developments can only be completed once the new units have been constructed; and 2. A provision to allow for shared foul and stormwater drains for duplexes (e.g. a drain in common prior to subdivision).
S187.003	Dunedin City Council	Accept the change with amendments	Amend the definition of Common Wall as it relates to Change A2 (Duplexes and two units in a single building), as follows, and such further, alternative, or consequential relief as may be necessary to fully give effect to this submission: Common Wall A wall, or two abutting walls, that form the dividing partition between two adjoining buildings. For the sake of clarity, this includes party walls.
S250.002	Meghan Mills	Accept the change with amendments	Retain Changes A2, A3, B1, B3, B4, B6, E9 (Changes to minimum site size and density standards), and add: 1. a requirement that subdivision of duplex developments can only be completed once the new units have been constructed (the framing of both duplex units to be complete before the s224c certificate can be issued for an associated subdivision) 2. a requirement that duplex developments share foul and stormwater drains (e.g. a drain in common).

S219.006	Gladstone Family Trust	Accept the change with amendments	Amend provisions "so that townhouse and duplex type housing is permitted on existing vacant sections in any residential zone provided there is infrastructure capacity and performance standards for this type of housing (to be developed) can be met". This submission point relates only to the General Residential 1 zone and Township & Settlement zone where serviced for wastewater, as other zones are covered by submission point 219.002 (out of scope).
Submissions on Alternative A2-Alt1			
S170.002	Shay Dewey	Add a change	Add Alternative A2-Alt1 (Two standalone residential units per site).
S283.005	Max Hope Trust	Accept the change	Retain the rejection of Alternative A2-Alt1 (Two standalone residential units per site).
Submissions on Alternative A2-Alt2			
S170.003	Shay Dewey	Add a change	Add Alternative A2-Alt2 (Habitable room approach to density).
S283.006	Max Hope Trust	Accept the change	Retain the rejection of Alternative A2-Alt2 (Habitable room approach to density).
Submissions in support of the rejection of Alternative A2-Alt3 – see also Section 4.1.7 above for submissions seeking changes			
S229.005	Ron & Sue Balchin	Accept the change	Retain the rejection of Alternative A2-Alt3 (Controls for infill housing enabled by Change A2 & Change A3).
S252.004	Michael McQueen	Accept the change	Retain the rejection of Alternative A2-Alt3 (Controls for infill housing enabled by Change A2 & Change A3).
S259.004	Midas Limited	Accept the change	Retain the rejection of Alternative A2-Alt3 (Controls for infill housing enabled by Change A2 & Change A3).
S265.003	Michael and Louise Lawrence	Accept the change	Retain the rejection of Alternative A2-Alt3 (Controls for infill housing enabled by Change A2 & Change A3).
S275.004	Maree Scott	Accept the change	Retain the rejection of Alternative A2-Alt3 (Controls for infill housing enabled by Change A2 & Change A3).
S283.007	Max Hope Trust	Accept the change	Retain the rejection of Alternative A2-Alt3 (Controls for infill housing enabled by Change A2 & Change A3).
S284.004	Robert Mathieson	Accept the change	Retain the rejection of Alternative A2-Alt3 (Controls for infill housing enabled by Change A2 & Change A3).
S288.004	Flat Iron Group	Accept the change	Retain the rejection of Alternative A2-Alt3 (Controls for infill housing enabled by Change A2 & Change A3).
S289.004	Emmanuelle Joanna and Simon Charles Spencer Gomez	Accept the change	Retain the rejection of Alternative A2-Alt3 (Controls for infill housing enabled by Change A2 & Change A3).
S292.005	Ian Chapman	Accept the change	Retain the rejection of Alternative A2-Alt3 (Controls for infill housing enabled by Change A2 & Change A3).
S294.004	Paul and Michelle Barron	Accept the change	Retain the rejection of Alternative A2-Alt3 (Controls for infill housing enabled by Change A2 & Change A3).
S260.004	Lloyd Morshuis (Morclark Developments)	Accept the change	Retain the rejection of Alternative A2-Alt3 (Controls for infill housing enabled by Change A2 & Change A3).

Submissions in support of rejecting all A2 Alternatives (A2-Alt1, A2-Alt2 and A2-Alt3) - see also Section 4.1.7 above for submissions seeking changes			
S206.007	Paterson Pitts Group	Accept the change	Retain the rejection of Alternatives A2-Alt1 (Two standalone residential units per site), A2-Alt2 (Habitable room approach to density) and A2-Alt3 (Controls for infill housing enabled by Change A2 and Change A3).
S250.004	Meghan Mills	Accept the change	Retain the rejection of Alternatives A2-Alt1 (Two standalone residential units per site), A2-Alt2 (Habitable room approach to density) and A2-Alt3 (Controls for infill housing enabled by Change A2 and Change A3).
S260.003	Lloyd Morshuis (Morclark Developments)	Accept the change	Retain the rejection of Alternatives A2-Alt1 (Two standalone residential units per site), A2-Alt2 (Habitable room approach to density) and A2-Alt3 (Controls for infill housing enabled by Change A2 and Change A3).
S273.003	Mark and Jacqui Taylor	Accept the change	Retain the rejection of Alternatives A2-Alt1 (Two standalone residential units per site), A2-Alt2 (Habitable room approach to density) and A2-Alt3 (Controls for infill housing enabled by Change A2 and Change A3).
S279.004	Victor and Fiona Nicholson	Accept the change	Retain the rejection of Alternatives A2-Alt1 (Two standalone residential units per site), A2-Alt2 (Habitable room approach to density) and A2-Alt3 (Controls for infill housing enabled by Change A2 and Change A3).
S282.006	Survey & Spatial New Zealand (STSNZ) Coastal Otago Branch	Accept the change	Retain the rejection of Alternatives A2-Alt1 (Two standalone residential units per site), A2-Alt2 (Habitable room approach to density) and A2-Alt3 (Controls for infill housing enabled by Change A2 and Change A3).
S290.006	Victoria Jane and Pera Paul Manahera Eden	Accept the change	Retain the rejection of Alternatives A2-Alt1 (Two standalone residential units per site), A2-Alt2 (Habitable room approach to density) and A2-Alt3 (Controls for infill housing enabled by Change A2 and Change A3).
S293.005	Michael David Byck & Nicola Andrea O'Brien	Accept the change	Retain the rejection of Alternatives A2-Alt1 (Two standalone residential units per site), A2-Alt2 (Habitable room approach to density) and A2-Alt3 (Controls for infill housing enabled by Change A2 and Change A3).
S296.007	Jason and Margaret Hewlett	Accept the change	Retain the rejection of Alternatives A2-Alt1 (Two standalone residential units per site), A2-Alt2 (Habitable room approach to density) and A2-Alt3 (Controls for infill housing enabled by Change A2 and Change A3).
S298.004	Bill Hamilton	Accept the change	Retain the rejection of Alternatives A2-Alt1 (Two standalone residential units per site), A2-Alt2 (Habitable room approach to density) and A2-Alt3 (Controls for infill housing enabled by Change A2 and Change A3).
S302.004	Alan David and David Eric Geeves & Nicola Jane Algie	Accept the change	Retain the rejection of Alternatives A2-Alt1 (Two standalone residential units per site), A2-Alt2 (Habitable room approach to density) and A2-Alt3 (Controls for infill housing enabled by Change A2 and Change A3).

Background

Change A2 (Duplexes and two units in a single building in the General Residential 1 (GR1) and Township and Settlement (T&S) (serviced) zones) is summarised as follows:

Purpose statement	Description of change	Provisions affected by change
The purpose of this proposal is to review the minimum site size (Rule 15.7.4) and density (Rule 15.5.2) performance standards for the General Residential 1 (GR1) and serviced Township and Settlement	Permits duplexes and two units in a single building in the GR1 and serviced T&S zones	- Add a definition of Common Wall - Add a definition of Duplex - Amend Policy 2.6.1.2

(T&S) zones to provide for more housing development capacity and housing choice within these zones, where appropriate. The purpose extends to making any consequential changes to Plan rules necessary to manage any adverse effects of increased density if existing rules are deemed inadequate to ensure the proposal is the most appropriate way to achieve the objectives of the Plan.		• Amend 15.1.1.1 • Amend Rule 15.5.2.1.a, (i) and (k) • Amend Rule 15.5.2.2.c • Remove notes that define common wall (rules 15.6.6A (part), 15.6.13A, 34.6.6.1A)
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Three alternatives were also assessed and rejected in the Section 32 Report:

1. Alternative A2-Alt1 examined whether to provide for two standalone residential units per site in the GR1 and T&S (serviced) zones;
2. Alternative A2-Alt2 examined whether the density standard for GR1 and T&S (serviced) zones should be amended to apply a habitable room approach rather than the current site area per residential unit approach;
3. Alternative A2-Alt3 examined whether additional controls to manage effects on residential character and amenity should be added as part of Change A2 and Change A3 (changes to minimum site size and minimum site area).

Submissions received

27 original submissions were received on Change A2 with about one-third in support of the changes.
2 original submissions were received regarding Alternative A2-Alt1 (1 supporting rejection; 1 seeking addition)
2 original submissions were received regarding Alternative A2-Alt2 (1 supporting rejection; 1 seeking addition)
11 original submissions were received regarding Alternative A2-Alt3 (11 supporting rejection)
12 original submissions were received about the alternatives generally (all supporting rejection).
No further submissions were received on any of the submission points set out in the table above.
Broad submissions in support of the rule changes in the General Residential 1 zone and Township & Settlement zone were also received, and these have been addressed in **Section 4.2.1** above. Furthermore, submissions opposing rule changes or seeking amendments because of broad concerns regarding infrastructure, amenity and other effects of intensification have been addressed in **Section 4.1** above.

Reasons for support of Change A2 included:

- more efficient use of land;
- provision of smaller dwelling options;
- additional housing supply in a way that meets the community's expectations.

Amendments sought to further relax the density standard:

- Shay Dewey seeks amendments to permit two standalone residential units per site (Alternative A2-Alt1) (S170.002); and
- amendments to use the habitable room approach to density, as is used in the medium density zones, rather than the current site area per residential unit approach (Alternative A2-Alt2) (Shay Dewey S170.003). The reason for these submissions is that the proposal would limit the development of sites with an existing dwelling and the question was raised of what the benefit is of two units being within a single building or in the form of a duplex.

Amendments sought to the details of the proposed duplex provisions:

- addition of a requirement that subdivision consent for duplexes can only be applied for when the duplex development has reached a certain stage of construction to reduce the risk of sites being subdivided for duplexes but then developed with a standalone residential unit on each site, e.g.
 - o code of compliance must be issued (Mark Geddes S128.002);

- o framing of both duplexes to be complete before s224c certificate issued (Max Hope Trust S283.003, Michael Byck & Nicola O’Brien S293.003, Alan David, David Geeves & Nicola Algie S302.002, Bill Hamilton S298.002, Harry Harding S297.005, Mark & Jacqui Taylor S273.005, Meghan Mills S250.002);
- o the new units must have been constructed (Survey & Spatial NZ Coastal Otago S282.003, Jason & Margaret Hewlett S296.004, Paterson Pitts Group S206.005, Victoria & Pera Eden S290.004, Lloyd Morshuis S260.008);
- amendment of the definition of “common wall” to ensure it is clear that it includes party walls (Dunedin City Council S187.003);
- amendments to clearly distinguish when a development constitutes one residential building or two residential buildings so that the changes do not provide a loophole for development of effectively two standalone residential units (Dunedin City Council S187.004);
- addition of policy direction on why duplexes and two units in a single residential building are provided for on sites as small as 500m² but not two standalone residential units (Dunedin City Council S187.005);
- amendments to ensure duplexes can share foul and stormwater drains rather than require separate connections (Max Hope Trust S283.003, Survey & Spatial NZ Coastal Otago S282.003, Michael Byck & Nicola O’Brien S293.003, Jason & Margaret Hewlett S296.004, Paterson Pitts Group S206.005, Victoria & Pera Eden S290.004, Alan David, David Geeves & Nicola Algie S302.002, Bill Hamilton S298.002, Harry Harding S297.005, Mark & Jacqui Taylor S273.005, Lloyd Morshuis S260.008, Megan Mills S250.002);
- amendments so that a duplex or townhouse is permitted on an existing vacant section provided there is infrastructure capacity and performance standards for this type of housing (to be developed) can be met (GR1 and T&S serviced zones only) (Gladstone Family Trust S219.006). This was opposed in a further submission from Chris Rudd (FS46.4) but appears to be linked to general opposition to rezoning requested by the original submitter at RS153 and RS204 in Mosgiel.

Expert evidence sought

I have obtained comments from Mr Jared Oliver, DCC Engineering Services Team Leader, regarding the request to provide for shared 3 waters infrastructure connections for duplexes (see **Appendix C**). In summary, Mr Oliver considers that:

- Shared private infrastructure is difficult for DCC to administer and should not be created just because it may be a more desirable option for developers;
- Issues can occur with ownership and maintenance responsibilities, with health and environmental implications if spills occur;
- Subdivision of duplexes is highly likely and DCC requires each property to have a unique connection to DCC infrastructure where possible;
- Specifications for connection layout of infrastructure is managed through legislation, bylaws and the Code of Subdivision and Development 2010 and the 2GP is not the appropriate place for specification of connection layout as requested by the submitters.

I have also relied on expert evidence from Mr Peter Christos and Dr Andrea Farminer regarding the potential effects on residential character of the option of providing for two standalone residential units per site (and which earlier informed the Section 32 assessment; see **Appendix D**). In summary, this evidence concluded that duplex development is preferred over two standalone units as it provides for a more efficient building footprint and avoids the potential loss of amenity space between buildings, where required for fire separation.

Recommendation & Assessment

I have considered all submissions received, the reasons for those submissions, and the expert evidence obtained, and I recommend retaining Change A2 with amendments to address several matters that have been raised, as follows:

- regarding all submissions that sought changes stating the stage to which a duplex must be developed prior it being able to be subdivided, amend Change B6 (which provides an exemption to minimum site size (Rule 15.7.4) for the subdivision of existing development that can be applied to the subdivision of duplexes), to replace the reference to the term “lawfully established habitable” residential building with a requirement that the residential building is completed and a code compliance certificate or building permit has been issued (refer to **Section 4.2.8** on Change B6 below for further discussion of this recommendation and drafting);

- regarding the submission from Dunedin City Council (S174.003) amend the definition of “common wall” to expressly include reference to a party wall. Although a party wall technically fits within the definition as notified, it is preferable to be clear by making this amendment;
- to address concerns raised by Dunedin City Council (S187.004), amend the definition of “duplex” to include a building with a ‘one up, one down’ layout, or partitioning of an existing residential unit into two, and amend Rule 15.5.2 Density (and any other consequential changes) to no longer refer to “two residential units in a single building”, thus managing the risk that two residential units that for all intents and purposes are standalone cannot meet the proposed rule by simply having an element of each building touching;
- regarding the submission from Dunedin City Council (S187.005) that policy direction should be provided on why duplexes are provided for but not two standalone residential units, amend Change B5 (regarding the link between density and effects on residential character) and make associated amendments to the residential zone descriptions to make this clear (refer to **Section 4.3.1** on Change B5 below);
- regarding the submission from Gladstone Family Trust (S219.006) to permit a duplex or townhouse on an existing vacant section provided there is infrastructure capacity and performance standards for this type of housing, I consider that this relief is already provided for as part of the proposal, as the submission point relates to the same zones as the proposal. I note that the submitter did have another broader submission point encompassing other zones, but this was earlier directed to be struck out by the Hearing Panel as it was outside the scope of Variation 2.

Overall, I consider these changes to be minor in nature, being clarifications of the intent of the proposal and removal of potential unintended loopholes. As such, I consider these changes will ensure that the relevant objectives of the Plan are achieved.

Submissions recommended for rejection

I recommend not making changes to address the other matters raised, as set out below:

- I recommend not accepting the submissions from Shay Dewey (S170.002 & S170.003) to extend the proposed changes to permit two standalone residential units per site or to move to a habitable room approach to density as for the medium density zones. The reasons for this recommendation are the same reasons given for the rejection of these options (Alternative A2-Alt1 and Alternative A2-Alt2) in the Section 32 Report⁷ and include consideration of the expert evidence outlined above. Reasons for not pursuing these options included that they would be less efficient and effective in achieving Objective 2.4.1 Form and structure of the environment and Objective 2.7.1 Efficient infrastructure than the proposed option, and that the other proposals included in Variation 2 would enable the provision of housing capacity to achieve Objective 2.6.2 Adequate urban land supply (including rezoning to General Residential 2 zone in appropriate locations). I agree with the submitter that the alternative options would provide for more flexibility for development of sites with an existing dwelling. However, I note that in many instances where someone wishes to add a second dwelling to a site they would be able to under other changes proposed in Variation 2, either through the proposed reduction in minimum site size (Change A2) or the changes to the family flats provisions (Change A1). As such, I am still of the view that the alternative options should not be adopted.
- I accept the evidence of Mr Oliver with regard to providing for drains in common and recommend not making the changes sought by submitters in this regard. Such changes would detract from achieving Objective 2.7.1 Efficient infrastructure and requirements regarding making connections to DCC infrastructure are managed through other processes.

Recommended amendments:

Amend the definition of common wall as follows:

Common wall

A wall, including a party wall or two abutting walls, that forms the dividing partition between two adjoining buildings.

⁷ See Variation 2 Additional Housing Capacity Section 32 Report (February 2021), pp. 45-47

Amend the definition of duplex as follows:

~~Two residential buildings that share a common wall along a continuous length of at least six metres.~~

A residential building that contains two residential units (only) where those units:

- share a common wall along a continuous length of at least six metres; or
- are located one above the other.

For the sake of clarity, a duplex may be a purpose-built new building, or may be created through the partitioning or modification of an existing single-unit residential building into two residential units.

Any consequential changes to the above amendments

Amend Change B5 (policy link between density and residential character and amenity) as shown in the relevant section below.

Amend Rule 15.7.4.1.j.X as shown in the recommendations for Change B6 (exemption to Minimum Site Size for existing development) below.

4.2.4 Change A3 (Minimum site size and minimum site area)

Submission point	Submitter Name	Support oppose	Decision requested
S2.001	David Campbell	Accept the change	Retain Change A3 (Minimum site size and minimum site area).
S64.002	Jose Corporation Ltd	Accept the change	Retain Change A3 (Minimum site size and minimum site area).
S85.001	Eric Duff	Accept the change	Retain Change A3 (Minimum site size and minimum site area).
S106.001	Michael Allen-Duff	Accept the change	Retain Change A3 (Minimum site size and minimum site area).
S128.003	Mark Geddes	Accept the change	Retain Change A3 (Minimum site size and minimum site area).
S174.003	Bruce Cloughley	Accept the change	Retain Change A3 (Minimum site size and minimum site area).
S192.002	Campbell Family Trust	Accept the change	Retain Change A3 (Minimum site size and minimum site area).
S273.007	Mark and Jacqui Taylor	Accept the change	Retain Change A3 (Minimum site size and minimum site area).
S283.002	Max Hope Trust	Accept the change	Retain Change A3 (Minimum site size and minimum site area).
S300.021	Kurt Bowen	Accept the change	Retain Change A3 (Minimum site size and minimum site area).

S194.002	Barry James Douglas	Reject the change	Remove Change A3 (Minimum site size and minimum site area).
S107.001	Penny Turner	Accept the change with amendments	Amend Change A3 (Minimum site size and minimum site area), so that the minimum lot size in the General Residential 1 zone and Township & Settlement zone is further reduced to 350m ² .
S104.002	Barry Timmings	Accept the change with amendments	Amend Rule 15.5.2 (Density) so that the maximum development potential rule for General Residential 1 Zone is one habitable room per 75m ² , instead of one habitable room per 100m ² .
S187.011	Dunedin City Council	Accept the change with amendments	Review whether the density and minimum site size rules in Section 15 (15.5.2 and 15.7.4) should be amended to ensure that development potential is not reduced if 3 Waters require a separate service lot to be provided for shared services as part of a multi-unit development/subdivision.

Background

Change A3 (Minimum site size and minimum site area in the General Residential 1 (GR1) and Township and Settlement (T&S) (serviced) zones) is summarised as follows:

Purpose statement	Description of change	Provisions affected by change
The purpose of this proposal is to review the minimum site size (Rule 15.7.4) and density (Rule 15.5.2) performance standards for the General Residential 1 (GR1) and serviced Township and Settlement (T&S) zones to provide for more housing development capacity and housing choice within these zones, where appropriate. The purpose extends to making any consequential changes to Plan rules necessary to manage any adverse effects of increased density if existing rules are deemed inadequate to ensure the proposal is the most appropriate way to achieve the objectives of the Plan.	Reduces minimum site size and minimum site area in GR1 and serviced T&S zones.	• Amend 15.1.1.1 • Amend Rule 15.5.2.1 • Amend Rule 15.7.4.1

Alternative A2-Alt3 was also assessed and rejected in the Section 32 Report and examined whether additional controls to manage effects on residential character and amenity should be added as part of Change A2 (duplexes and two units in a single building) and Change A3. Submissions regarding this alternative have already been addressed in **Section 4.1.7** on broad submissions on character and amenity and in **Section 4.2.3** above on Change A2.

Submissions received

14 original submissions were received on Change A3 with the majority in support of the proposal. Further submissions were received from Julie Bishop (FS125) in support of all original submissions supporting Change A3. Broad submissions in support of all the proposed rule changes for the General Residential 1 zone and Township & Settlement zone were also received, and these have been addressed in **Section 4.2.1** above.

Reasons for opposition to Change B1 by Barry James Douglas (S194.003) included broad concerns about change in neighbourhood character and amenity, especially in Belleknowes, and this has been addressed in **Section 4.1.7** above. Submissions opposing rule changes or seeking amendments because of broad concerns regarding infrastructure, amenity and other effects of intensification have been addressed in **Section 4.1** above.

Reasons for support of Change A3 included:

- more efficient use of land;
- many existing sites are under 1000m² and cannot currently be subdivided;
- provides more flexibility to achieve feasible yields on development sites with constraints;
- supports the compact city objective;
- reduces the need for greenfield rezoning;
- provides for additional housing supply;
- provides for smaller sections and dwellings to better suit people's changing needs.

Amendments sought to Change A3 included:

- increase the maximum development potential for General Residential 1 zone from one habitable room per 100m² site area to one habitable room per 75m² site area to provide more development options, including for duplexes on 500m² sites (Barry Timmings S104.002);
- further reduce the minimum site size to 350m² (Penny Turner S107.001); and
- amending density and minimum site size to not reduce the development potential of a site if 3 Waters require a separate service lot for shared services as part of a multi-unit development or subdivision (Dunedin City Council S187.011).

Recommendation

I have considered all submissions received, and reasons for those submissions, and recommend retaining Change A3 as notified. Overall, I retain my assessment undertaken in the Section 32 Report⁸ and consider that the proposal is appropriate to achieve the relevant objectives of the Plan.

Submissions recommended for rejection

- Regarding the requested further increases in density by way of increasing maximum development potential (Barry Timmings S104.002) or further reducing the minimum site area (Penny Turner S107.001), I consider that such changes would increase the potential for adverse effects on public infrastructure and residential character, detracting from achieving Objective 2.7.1 Efficient infrastructure and Objective 2.4.1 Form and structure of the environment.
 - Of the two suggested changes, I note that further reducing the minimum site area is most likely to generate additional adverse effects that are unacceptable, because in the relevant zones maximum development potential only applies when a second residential unit is proposed on the same site (i.e. a duplex or ancillary residential unit), whereas minimum site area applies to all residential activity.
 - Analysis of areas that will remain within the General Residential 1 zone and Township & Settlement zone (except within a 'no DCC reticulated wastewater mapped area'), accounting for Variation 2 proposals for rezoning to General Residential 2 zone, has been undertaken to gauge the potential effect a further reduction in the minimum site size to 350m² would have. The analysis shows that 13% of the properties (3803) in these zones are between 700m² and 800m² in area and could potentially be subdivided as a result of such a reduction in minimum site size compared to the proposal. This would almost double the number of affected urban properties, compared to the proposal. In addition, larger properties would also experience an increase in development potential, and this is particularly relevant to large greenfield sites, including those proposed through Variation 2, which may significantly impact anticipated 3 waters infrastructure and transportation demand.

⁸ See Variation 2 Additional Housing Capacity Section 32 Report (February 2021), pp. 33-38 and 39-40

- As set out in my Section 32 Report⁹, I am of the view that higher density activity in the General Residential 1 zone and Township & Settlement zone (wastewater serviced) than that provided for through the proposed Variation 2 rules changes should only be provided through rezoning to General Residential 2 zone in areas where it is assessed as appropriate. I note that several large areas are proposed for such rezoning as part of Variation 2, as will be examined in a later report and hearing. Further increasing the permitted density in the General Residential 1 zone and Township & Settlement zone (except within a 'no DCC reticulated wastewater mapped area') would also undermine the distinction between these zones and the General Residential 2 zone.
- Regarding the request from Dunedin City Council (\$197.022) to consider amending the density and minimum site size performance standards to not reduce the development potential of a site if 3 Waters require a separate services lot for shared 3 waters services, I consider that this change is undesirable in light of evidence provided from Mr Jared Oliver, DCC Engineering Services Team Leader, as provided for Change A2 above (see **Section 4.2.3** and **Appendix C**). Mr Oliver notes that development of drains in common is not wanted due to potential issues with ownership and maintenance responsibilities. DCC's position is to require separate 3 waters connections for each residential unit and not to add provisions which would encourage development of new shared private 3 waters infrastructure. This position has been supported by Mr Neil McLeod, DCC Principal Advisor Building Solutions.

Recommended amendments:

None

4.2.5 Change B1 (Minimum site size averaging)

Submission point	Submitter Name	Support oppose	Decision requested
S63.001	Caroline Gin	Accept the change	Retain Change B1 (Minimum site size averaging).
S85.002	Eric Duff	Accept the change	Retain Change B1 (Minimum site size averaging).
S106.002	Michael Allen-Duff	Accept the change	Retain Change B1 (Minimum site size averaging).
S128.004	Mark Geddes	Accept the change	Retain Change B1 (Minimum site size averaging).
S206.004	Paterson Pitts Group	Accept the change	Retain Change B1 (Minimum site size averaging).
S282.002	Survey & Spatial New Zealand (STSNZ) Coastal Otago Branch	Accept the change	Retain Change B1 (Minimum site size averaging).
S295.021	HWH Properties Ltd	Accept the change	Retain Change B1 (Minimum site size averaging).
S300.023	Kurt Bowen	Accept the change	Retain Change B1 (Minimum site size averaging).
S230.023	BA Building Ltd	Accept the change	Retain Rule 15.7.4.2 (site size averaging).
S194.003	Barry James Douglas	Reject the change	Remove Change B1 (Minimum site size averaging).

⁹ See Variation 2 Additional Housing Capacity Section 32 Report (February 2021), pp. 45-47

S187.012	Dunedin City Council	Accept the change with amendments	Review Change B1 (Minimum site size averaging) at Rule 15.7.4.2 to consider whether non-developable sites should be excluded from the minimum site size averaging calculation.
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Background

Change B1 (Minimum site size averaging) is summarised as follows:

Purpose statement	Description of change	Provisions affected by change
The purpose of this proposal is to review the minimum site size (Rule 15.7.4) and density (Rule 15.5.2) performance standards for the General Residential 1 (GR1) and serviced Township and Settlement (T&S) zones to provide for more housing development capacity and housing choice within these zones, where appropriate. The purpose extends to making any consequential changes to Plan rules necessary to manage any adverse effects of increased density if existing rules are deemed inadequate to ensure the proposal is the most appropriate way to achieve the objectives of the Plan.	Amends the existing averaging provision in the minimum site size performance standard (Rule 15.7.4.2) so the number of sites that can be undersized will be unlimited provided the other conditions are met, rather than the current limit of one undersized site. This change applies to all residential zones.	• Amend 15.1.1.1 • Amend Rule 15.7.4.2

Submissions received

11 original submissions were received on Change B1 with the majority in support. No further submissions were received. Broad submissions in support of all the proposed rule changes for the General Residential 1 zone and Township & Settlement zone were also received, and these have been addressed in **Section 4.2.1** above.

Reasons for opposition to Change B1 by Barry James Douglas (S194.003) included broad concerns about change in neighbourhood character and amenity, especially in Belleknowes, and this has been addressed in **Section 4.1.7** above. Submissions opposing rule changes or seeking amendments because of broad concerns regarding infrastructure, amenity and other effects of intensification have been addressed in **Section 4.1** above.

Reasons for support of Change B1 included:

- improved flexibility for development, especially on sites with physical constraints or values to protect;
- enabling additional housing supply.

Amendments sought to Change B1 included:

- consideration of whether non-developable sites should be excluded from the minimum site size averaging calculation to prevent higher densities than anticipated (Dunedin City Council S187.012).

Recommendation

I have considered all submissions received, and reasons for those submissions, and recommend amending Change B1 to respond to the submission from Dunedin City Council. The recommended amendments will prevent resultant sites created and used solely for utility, access, road or reserve from being included in the averaging calculation. I also recommend a slight change to the structure of the rule (which can be made as a minor and inconsequential change under clause 16) so that it does not contain two instances of the qualifier 'where'.

I note that the existing content of Rule 15.7.4.2.a contains a reference to ‘minimum car parking space’ and this content can be removed without the use of Schedule 1 to give effect to Policy 11 of the NPS-UD. This policy is being progressively implemented as analysis of any necessary consequential changes is undertaken. I note the minimum car parking requirements for residential activities that were in Rule 15.5.8.1 and Rule 15.5.8.2 have already been removed. Therefore, it makes sense to remove the reference to ‘minimum car parking space’ from Rule 15.7.4.2.a at this time and this does not require a decision by the Hearing Panel.

The reason for the recommended change is that inclusion of non-developable resultant sites in the averaging calculation will effectively increase the density provided for in the developable parts of the subject site and this presents the following issues:

- the same level of density could not be achieved in a subdivision without non-developable resultant sites, resulting in inconsistencies in the anticipated development patterns for different residential areas within the same zone, detracting from achieving Objective 2.4.1 Form and structure of the environment;
- when assessing the effects of rezoning an area, the density of future development is considered excluding an allowance for roads and other non-developable areas. Therefore, if additional development can then be achieved by counting the non-developable areas, the effects on public infrastructure are likely to be substantially higher than originally assessed at the time of rezoning, detracting from achieving Objective 2.7.1 Efficient infrastructure; and
- if roads are excluded from the averaging calculation but not access lots, an increased preference for the development of private access lots rather than roads can be anticipated (to maximise yield). Private access lots are not always an acceptable solution for reasons of transport connectivity, access design, ongoing maintenance, and accessibility by rubbish collection vehicles and may detract from achieving Objective 2.7.1 Efficient infrastructure. Therefore, access lots should also be excluded from the averaging calculation so there is consistency in the approach (N.B. under Change B4, access legs are also not to be counted for subdivision of sites over 1200m² in the General Residential 1 zone and Township & Settlement zone (not within a **no DCC reticulated wastewater mapped area**)).

Recommended amendments:

Amend Rule 15.7.4.2.a (minimum site size averaging) as follows:

- a. a two or more site subdivision where:
 - i. ~~one any resultant site is below, but not less than, 75% of, the minimum site size; and~~
 - ii. the average of the site sizes (excluding any sites that will be used solely for road, access, utility or reserve) meets the minimum site size performance standard in Rule 15.7.4.1; and, where:
 - iii. the subdivision does not result in any resultant site being of a size that could be further subdivided in accordance with the minimum site size performance standards, except as provided for in Rule 15.7.4.1.i.X; and
 - iv. all undersized resultant sites that are below the minimum site size (excluding any sites that will be used solely for road, access, utility or reserve) are large enough to contain a building platform of at least 7m by 10m that meets the performance standards of this Plan including, but not limited to:
 1. outdoor living space;
 2. ~~minimum car parking space;~~
 3. setbacks from boundaries, water bodies, significant trees, National Grid transmission lines;
 4. esplanade reserves and strips; and
 5. maximum building site coverage and impermeable surfaces.

4.2.6 Change B3 (Density and units on existing sites of any size)

Submission point	Submitter Name	Support oppose	Decision requested
S187.013	Dunedin City Council	Accept the change with amendments	Amend Rule 15.5.2.1.k.i so that it is clear that the other performance standards in the Plan continue to apply in their own right and that this rule does not provide a blanket exception to those performance standards.
S128.005	Mark Geddes	Accept the change	Retain Change B3 (Density and units on existing sites of any size).

Background

Change B3 (Density and units on existing sites of any size) is summarised as follows:

Purpose statement	Description of change	Provisions affected by change
The purpose of this proposal is to review the minimum site size (Rule 15.7.4) and density (Rule 15.5.2) performance standards for the General Residential 1 (GR1) and serviced Township and Settlement (T&S) zones to provide for more housing development capacity and housing choice within these zones, where appropriate. The purpose extends to making any consequential changes to Plan rules necessary to manage any adverse effects of increased density if existing rules are deemed inadequate to ensure the proposal is the most appropriate way to achieve the objectives of the Plan.	Amends the exemption to the density performance standard that allows a single residential unit to be erected on a site of any size (Rule 15.5.2.1.k) to remove the requirement for compliance with all other performance standards. This applies to all residential zones.	Amend Rule 15.5.2.1.k

Submissions received

Two original submissions were received on Change B3 with 1 in support and 1 seeking changes. No further submissions were received.

Broad submissions in support of all the proposed rule changes for the General Residential 1 zone and Township & Settlement zone were also received, and these have been addressed in **Section 4.2.1** above. Submissions opposing rule changes or seeking amendments because of broad concerns regarding infrastructure, amenity and other effects of intensification have been addressed in **Section 4.1** above.

Dunedin City Council seeks amendments to make it clear that the other performance standards in the Plan continue to apply in their own right, and that this rule does not provide a blanket exception from those performance standards (S187.013).

Recommendation

I recommend retaining Change B3 as notified because it is standard practice that exemptions given within a performance standard only apply to that performance standard. In addition, once the mark-up for the proposed changes is removed from the Plan, I consider that the potential for confusion will be removed.

However, if the Panel are of a mind that further clarification should be provided, a Note to Plan User could be added. This has been done in other parts of the Plan, such as for the Height performance standard at Rule 15.6.6, although I consider there is more potential for confusion in that instance.

Recommended amendments:

None

4.2.7 Change B4 (Counting of access legs towards minimum site area & size)

Submission point	Submitter Name	Support oppose	Decision requested
S128.012	Mark Geddes	Accept the change	Retain Change B4 (Counting of access legs towards minimum site area and minimum site size).
S194.004	Barry James Douglas	Reject the change	Remove Change B4 (Counting of access legs towards minimum site area and minimum site size).

Background

Change B4 (Counting of access legs towards minimum site area and minimum site size) is summarised as follows:

Purpose statement	Description of change	Provisions affected by change
The purpose of this proposal is to review the minimum site size (Rule 15.7.4) and density (Rule 15.5.2) performance standards for the General Residential 1 (GR1) and serviced Township and Settlement (T&S) zones to provide for more housing development capacity and housing choice within these zones, where appropriate. The purpose extends to making any consequential changes to Plan rules necessary to manage any adverse effects of increased density if existing rules are deemed inadequate to ensure the proposal is the most appropriate way to achieve the objectives of the Plan.	Amends the density performance standard so that access legs are included in the calculation of minimum site area (Rule 15.5.2.2.b) and amends the minimum site size performance standard so access legs are included in minimum site size for General Residential 1 and Township and Settlement sites up to 1200m ² (except within the no DCC reticulated wastewater mapped area), and for all sized sites in other zones.	• Amend Rule 15.5.2.2.b • Amend Rule 15.7.4

Submissions received

One original submission was received in support of Change B4 and one in opposition. No further submissions were received. Broad submissions in support of all the proposed rule changes for the General Residential 1 zone and Township & Settlement zone were also received, and these have been addressed in **Section 4.2.1** above.

Reasons for opposition to Change B4 by Barry James Douglas (\$194.004) included broad concerns about change in neighbourhood character and amenity, especially in Belleknoves, and this has been addressed in **Section 4.1.7** above. Submissions opposing rule changes or seeking amendments because of broad concerns regarding infrastructure, amenity and other effects of intensification have been addressed in **Section 4.1** above.

Recommendation

I recommend retaining Change B4 as notified and my assessment remains as stated in the Section 32 Report¹⁰.

Recommended amendments:

None

4.2.8 Change B6 (Exemptions to minimum site size for existing development)

Submission point	Submitter Name	Support oppose	Decision requested
S128.013	Mark Geddes	Accept the change	Retain Change B6 (Exemptions to minimum site size for existing development).

¹⁰ See Variation 2 Additional Housing Capacity Section 32 Report (February 2021), pp. 43-44

S246.001	TGC Holdings Limited	Accept the change with amendments	Amend Change B6 (Exemptions to minimum site size for existing development) to include the following changes: a) the minimum site size exemptions under rule 15.7.4.2 be amended to apply to subdivision in accordance with an existing approved or concurrently approved land use resource consent, or for any lots around existing lawfully established development b) the exemption to rule 15.7.4.2 is provided with a note that sets out that for the purposes of determining whether a building is lawfully established development it must be favoured by existing use rights; be permitted under the proposed 2GP or be undertaken in accordance with an approved land use resource consent Subdivision with an approved land use resource consent c) that subdivision advanced under a) retain discretionary activity status however include a matter of discretion that subdivision relating to an approved land use consent must comply with that resource consent, including all conditions and all approved plans.
S268.003	Ōtākou Health Limited	Accept the change with amendments	Amend Change B6 (Exemptions to minimum site size for existing development) so it applies to subdivision in accordance with an existing approved or concurrently approved land use resource consent, or for any lots around an existing lawfully established development.
S268.004	Ōtākou Health Limited	Accept the change with amendments	Amend Change B6 (Exemptions to minimum site size for existing development) to include a note to plan user explaining that for the purposes of determining whether a building is lawfully established development, existing use rights must apply, or it must be a permitted activity, or it must be undertaken in accordance with an approved land use resource consent.
S268.005	Ōtākou Health Limited	Accept the change with amendments	Amend Change B6 (Exemptions to minimum site size for existing development) so that subdivision undertaken in accordance with the exception retains a restricted discretionary activity status but includes a matter of discretion that subdivision relating to an approved land use consent must comply with the relevant consent and all attached conditions and approved plans.
S187.015	Dunedin City Council	Accept the change with amendments	Amend the wording of Rule 15.7.4.1.j.X to clarify the meaning of 'habitable' or otherwise clarify the extent to which a residential building must be completed to qualify for the exception. Review whether this change creates an undesirable loophole or may be exploited in a way that was not intended and does not meet the objectives of the Plan.
S187.014	Dunedin City Council	Accept the change with amendments	Review whether the approach preventing family flats and ancillary residential units from meeting Change B6 (Exemptions to minimum site size for existing development) in Rule 15.7.4.1.j.X is appropriate in terms of the practicalities of implementing this rule and in terms of achieving the objectives of the Plan.

Background

Change B6 (Exemptions to minimum site size for existing development) is summarised as follows:

Purpose statement	Description of change	Provisions affected by change
The purpose of this proposal is to review the minimum site size (Rule 15.7.4) and density (Rule 15.5.2) performance standards for	Amends the minimum site size performance standard (Rule 15.7.4) to add an exemption	- Amend Rule 15.7.4.1.j - Amend Rule 15.7.4.2

the General Residential 1 (GR1) and serviced Township and Settlement (T&S) zones to provide for more housing development capacity and housing choice within these zones, where appropriate. The purpose extends to making any consequential changes to Plan rules necessary to manage any adverse effects of increased density if existing rules are deemed inadequate to ensure the proposal is the most appropriate way to achieve the objectives of the Plan.	where lawfully established residential buildings will be located on each resultant site to avoid triggering the need for non-complying consent for the fee simple subdivision of multi-units, duplexes, and existing residential buildings with established effects. This applies in all residential zones.	
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Submissions received

7 original submissions were received on Change B6 with 1 in support and 6 seeking amendments. No further submissions were received.

Broad submissions in support of all the proposed rule changes for the General Residential 1 zone and Township & Settlement zone were also received, and these have been addressed in **Section 4.2.1** above. Submissions opposing rule changes or seeking amendments because of broad concerns regarding infrastructure, amenity and other effects of intensification have been addressed in **Section 4.1** above.

Submissions relevant to Change B6 were also made in response to Change A2 (duplexes) and are discussed in **Section 4.2.3** above. The recommended changes shown below take into account those submissions.

Amendments sought to Change B6 included:

- amendments to apply to subdivision in accordance with an existing or concurrently approved land use resource consent, or for any lots around an existing lawfully established development (Ōtākou Health Ltd S268.003, TGC Holdings Ltd S246.001);
- addition of a note to plan user explaining that for the purposes of determining whether a building is lawfully established, existing use rights must apply or it must be a permitted activity or undertaken in accordance with an approved land use resource consent (Ōtākou Health Ltd S268.004, TGC Holdings Ltd S246.001);
- add a matter of discretion that subdivision relating to an approved land use consent must comply with the relevant consent and all attached conditions and approved plans (Ōtākou Health Ltd S268.005, TGC Holdings Ltd S246.001);
- consideration of whether the approach preventing family flats and residential units from meeting Change B6 is appropriate in practice and in terms of achieving the objectives of the Plan (Dunedin City Council S187.014);
- amend the wording of Rule 15.7.4.1.j.X to clarify the meaning of “habitable” or otherwise clarify the extent to which a residential building must be completed to qualify for the exception (Dunedin City Council S187.015);
- review whether Change B6 creates any undesirable loopholes that will mean the objectives of the Plan are not met (Dunedin City Council S187.015);

Recommendation

I recommend amending Change B6 in response to submissions already addressed under Change A2 above regarding the level to which a residential building (duplex in that case) must be completed to enable the exception to the minimum site size to apply. This also addresses the relief sought by Dunedin City Council (S187.015) as set out in the table above. I again note that Change B6 is linked to Change A2 (Duplexes and two units in a single building) because it provides for the fee simple subdivision of a duplex on sites between 500m² and 800m² in size where such subdivision would otherwise contravene the minimum site size performance standard and be a non-complying activity.

I do not recommend making any changes as a result of the submissions outlined in this section, for the reasons set out below. Overall, there is a need for this exception to be carefully worded so that it does not provide a loophole by which an applicant could undertake a subdivision with significantly undersized lots that could then each be developed with a standalone dwelling. That would undermine the provisions of the relevant zones with the potential for unacceptable adverse effects on residential character and amenity in terms of Objective 15.2.4 and Objective 2.4.1 Form and structure of the environment.

Submissions from Ōtākou Health Ltd (S268) and TGC Holdings Ltd (S246.001)

I do not recommend making the changes sought by Ōtākou Health Ltd (S268) or TGC Holdings Ltd (S246.001) regarding applying the exception where an associated land use consent is complied with, as this relief is already effectively provided for in the recommended drafting. That is, the exception does not only apply to residential buildings established as a permitted activity, it also applies to buildings established by way of a land use consent. I consider it unnecessary to specifically state this within the rule.

Ultimately, if a residential building meets the criteria for the exception to apply (has a code compliance certificate or building permit under the pre-Building Act regime) the plans would have been checked by the planning department at the time building consent was applied for to ensure compliance with the district plan or an approved land use consent.

I would anticipate that any application for subdivision which seeks to rely on this exception to the Minimum Site Size performance standard, lodged concurrently with a land use consent application (or prior to satisfying the requirement for issue of CCCs for the relevant buildings), would be able to do so through the application of a condition of consent stating the same requirements as this rule. If the Panel are of a mind, an amendment could be made to the assessment rule for subdivision (at Rule 15.11.4.1.a) setting this out as a condition that may be imposed.

I also note that the wording of “lawfully established” has been removed as part of my recommended changes, so it is unnecessary to clarify this term as sought by the submitters.

Submission from Dunedin City Council (S187.014)

I do not recommend making changes regarding the applicability of the exemption to family flats on the basis that consents for large family flats may have already been granted and these should be able to be subdivided, as raised by Dunedin City Council (S187.014). I have reviewed data on the number of consents granted for family flats in residential zones since the 2GP decisions were issued and only three resource consents have been granted for family flats over 80m² in gross floor area and only one of these is for a site less than 800m². However, this family flat is within the basement level of a house and would be unable to be subdivided fee simple anyway. As such, there is no actual issue that needs to be resolved and changes are not required.

Recommended amendments:

Amend Change B6 at Rule 15.7.4.1.j.X as follows:

X. a resultant site in any residential zone (except within a **no DCC reticulated wastewater mapped area**):

1. that will contain at least one ~~lawfully established habitable~~ residential building for which a code compliance certificate or building permit has been issued (that was not established as a family flat or ancillary residential unit) prior to certification of the survey plan pursuant to section 223 of the RMA; and
2. that is of a size and shape that means the residential building is able to meet all the relevant land use and development performance standards as if it was new.

Alternative option 1: instead of referring to the issue of a building permit for buildings completed prior to the Building Act regime, refer to the date the requirement for building consents came into force, being 1 July 1992.

Alternative option 2: only require code compliance certificates for building that commences after the date of a decision on Variation 2.

Alternative option 3: instead of requiring buildings to have a code compliance certificate issued, require a set building inspection step to have been successfully completed. Select an inspection step that is likely to have required a significant enough investment in a building's development to make it unlikely that the partly completed building is then demolished.

In addition, if the Panel is of a mind, amend Rule 15.11.4.1.a to note a condition that may be imposed for subdivision consents that rely on this exemption, setting the same requirement as in clause X.1 above.

4.2.9 Change E9 (Clarification of activity status for Rule 15.5.2.4 Density)

Background

Change E9 (Clarification of density performance standard activity status for Rule 15.5.2.4) is summarised as follows:

Purpose statement	Description of change	Provisions affected by change
The purpose of this proposal is to review the minimum site size (Rule 15.7.4) and density (Rule 15.5.2) performance standards for the General Residential 1 (GR1) and serviced Township and Settlement (T&S) zones to provide for more housing development capacity and housing choice within these zones, where appropriate. The purpose extends to making any consequential changes to Plan rules necessary to manage any adverse effects of increased density if existing rules are deemed inadequate to ensure the proposal is the most appropriate way to achieve the objectives of the Plan.	Amends the density performance standard (Rule 15.5.2.4) to clarify when restricted discretionary activity status applies.	• Amend Rule 15.5.2.4

Submissions received

No original submissions were received solely on this individual change. However, broad submissions in support of all the proposed rule changes for the General Residential 1 zone and Township & Settlement zone were also received, and these have been addressed in **Section 4.2.1** above and submissions opposing rule changes or seeking amendments because of broad concerns regarding infrastructure, amenity and other effects of intensification have been addressed in **Section 4.1** above.

Recommendation

I recommend retaining Change E9 as notified.

Recommended amendments:

None

4.3 Changes to policy on residential character

4.3.1 Change B5 (Removal of policy link between density and character)

Submission point	Submitter Name	Support oppose	Decision requested
S194.005	Barry James Douglas	Reject the change	Remove Change B5 (Removal of policy link between management of density for character and amenity).
S177.002	Generation Zero (Dunedin)	Accept the change	Retain Change B5 (Removal of policy link between management of density for character and amenity).
S189.002	Ryman Healthcare limited	Accept the change	Retain Change B5 (Removal of policy link between management of density for character and amenity) to the following provisions: Policy 2.2.4.4 Policy 15.2.4.2 Rule 15.13.5.1.b
S205.002	Retirement Villages Association of New Zealand	Accept the change	Retain Change B5 (Removal of policy link between management of density for character and amenity) to the following provisions: Policy 2.2.4.4 Policy 15.2.4.2 Rule 15.13.5.1.b
S233.004	Garry & Bronwyn Applegarth	Accept the change	Retain Change B5 (Removal of policy link between management of density for character and amenity).

Background

Change B5 (Removal of policy link between management of density for character and amenity) is summarised as follows:

Purpose statement	Description of change	Provisions affected by change
The purpose of the proposal is to review the appropriateness of managing density for character and amenity reasons.	Amends policies relating to density to remove the link between residential density (a land use standard) and effects on character and amenity. Instead the Plan would rely on existing standards on development (for example height and setbacks) to manage effects on residential character and amenity.	- Amend Policy 2.2.4.4 to delete clause (c) - Amend Policy 2.4.1.5 - Delete Policy 15.2.4.2 - Amend Rule 15.13.5.1.b

Submissions received

5 original submissions were received on Change B5 with 4 in support and 1 in opposition. No further submissions were received.

Reasons for support of Change B5 included:

- removes an element of duplication and allows the existing development standards to work as intended;
- the current approach limits development;
- the changes begin to better reflect the approach to amenity in the NPS-UD.

Reasons for opposition to Change B5 by Barry James Douglas (\$194.005) included broad concerns about change in neighbourhood character and amenity, especially in Belleknoves, and this has been addressed in **Section 4.1.7** above.

I also refer to a relevant submission received in regard to Change A2 (duplexes) from Dunedin City Council (see **Section 4.2.3** above), which seeks addition of policy direction on why duplexes and two units in a single residential building are provided for but not two standalone residential units (\$187.005). This is relevant to Change B5 because the proposed duplex provisions use the density performance standard to manage built form and related effects on residential character. I also note that the family flats / ancillary residential units provisions (Change A1) have a similar function.

Recommendation & Assessment

I have considered all submissions received, and reasons for those submissions, and recommend amending Change B5 because it is clear that the density provisions are still being used to manage development and associated effects on residential character and streetscape amenity and this should continue to be recognised in associated policy. I note the following:

- In reviewing submissions on Change A1 (family flats provisions) it became apparent that the provisions that limit the floor area of an ancillary residential unit are also land use controls that are used to manage the density of built form. This is clear from associated Policy 15.2.4.3 regarding effects on streetscape and neighbourhood amenity from larger ancillary residential units and the matter of discretion for contravention of the gross floor area limit ("Effects on neighbourhood residential character and amenity") and associated assessment guidance on exterior design, screening and visibility;
- In reviewing submissions on Change A2 (duplexes and two residential units in a single building) it became apparent that the approach to providing for two units in GR1 and T&S zones (i.e. that they be attached) is another method whereby the density performance standard for land use is being used to manage effects on residential character and amenity from development;
- Density standards also impact on built form where they constrain the number of residential units per site area because a lower density makes standalone freehold dwellings more feasible and a higher density makes attached dwellings more feasible. Such outcomes influence expectations regarding residential character;
- In reviewing the NPS-UD Policy 6 on amenity effects, I consider that it is still valid to control and assess effects on amenity values from changes in urban built form where the effects are not anticipated by the Plan (i.e. for consideration of over-dense land use which is a non-complying activity). This is also consistent with section 7 of the RMA which still requires particular regard to be had for the maintenance and enhancement of amenity values.

Overall, I consider that policy setting out the link between density controls and effects on residential character and streetscape amenity should be retained in the Plan to ensure that Objective 2.4.1 on Form and structure of the environment and associated Objective 15.2.4 can still be effectively and efficiently achieved. Without such a policy, non-complying contraventions of the density performance standard may be able to be more easily granted and this could undermine the intent of the residential zone provisions, existing and proposed.

I also recommend that the wording of Policy 15.2.4.2 be amended to reflect the 2GP Style Guide for a policy setting up a non-complying performance standard contravention ("Avoid...unless..."). I consider this is broadly provided for by the submission from Dunedin City Council (S187.005), as summarised in **Section 4.2.3** on Change A2.

Recommended amendments:

Reinstate the following provisions which were proposed for deletion as part of Change B5:

- Policy 2.2.4.4.c (strategic direction on using rules managing density to maintain streetscapes and residential amenity);
- Policy 2.4.1.5 (strategic direction on using rules managing density to maintain streetscapes and residential amenity); and
- Rule 15.13.5.1.b (reference to Objective 15.2.4 and Policy 15.2.4.2 in the assessment rule for non-complying density contraventions).

Reinstate and amend Policy 15.2.4.2 as follows:

~~Require residential activity to be at a density that reflects the existing residential character or intended future character of the zone.~~

Avoid residential activity that exceeds the permitted density unless the built form of any new development, as viewed from public places, reflects the existing residential character or intended future character of the zone as set out in the residential zone descriptions.

Amend the residential zone descriptions in 15.1 to better reflect why family flats and duplexes are provided for:

See Section 4.7.1 on Change E1 for proposed drafting.

Any consequential changes are yet to be determined

4.4 Changes for social housing

4.4.1 Change C1 (Better provide for social housing)

Submission point	Submitter Name	Support oppose	Decision requested
S177.004	Generation Zero (Dunedin)	Accept the change with amendments	Amend Change C1 (Better provide for social housing) so it applies within the Inner City Residential zone and General Residential 2 zone.
S271.003	Otago Regional Council	Accept the change with amendments	Amend Change C1 (Better provide for social housing) so the provisions are clear that the prioritisation of access to the relaxed density rules apply to any development where infrastructure capacity constraints do not exist, enabling additional supply of generally smaller and more affordable dwellings for all potential residents.
S128.006	Mark Geddes	Accept the change with amendments	Amend Change C1 (Better provide for social housing) to open social housing to all, not just registered housing providers.
S235.009	Waka Kotahi (NZ Transport Agency)	Accept the change with amendments	Amend the assessment matters in Rule 15.11.3(1) to include the following, or similar, general assessment guidance: "Where a site adjoins strategic infrastructure, in assessing the effects on amenity, Council will consider the design of the development and the relationship between the site and strategic infrastructure."
S206.027	Paterson Pitts Group	Accept the change with amendments	Amend the definition for 'social housing' by expanding it to apply to developers that can meet a set number of development criteria including the following: 1. Provide reduced accommodation costs for future residents (as homeowners or renters); 2. Achieve stipulated design standards (e.g. healthy- living standards); 3. Maintain the 'affordable' value in the property for a suitable period of time, if not indefinitely.
S282.027	Survey & Spatial New Zealand (STSNZ) Coastal Otago Branch	Accept the change with amendments	Amend the definition for 'social housing' by expanding it to apply to developers that can meet a set number of development criteria including the following: 1. Provide reduced accommodation costs for future residents (as homeowners or renters); 2. Achieve stipulated design standards (e.g. healthy- living standards); 3. Maintain the 'affordable' value in the property for a suitable period of time, if not indefinitely.
S300.024	Kurt Bowen	Accept the change with amendments	Amend the definition for 'social housing' by expanding it to apply to developers that can meet a set number of development criteria including the following: 1. Provide reduced accommodation costs for future residents (as homeowners or renters); 2. Achieve stipulated design standards (e.g. healthy- living standards); 3. Maintain the 'affordable' value in the property for a suitable period of time, if not indefinitely.

S239.010	Dunedin City Baptist Church	Accept the change with amendments	Amend the definition of Social Housing to include a category of persons and/or entities who provide social or community housing but who are not a 'registered community housing provider' in accordance with the Public and Community Housing Management Act 1992. Include performance standards to ensure that social and/or community housing meets the desired level of design.
S234.003	Kāinga Ora (Homes and Communities)	Reject the change	Remove Change C1 (Better provide for social housing) except for changes sought regarding multi-unit development provisions (see separate point). Amend the following provisions: (see submission for proposed drafting) 1.3.2 1.4 Definition of social housing 1.4 Definition of Standard residential 2.6.1.X 6.2.2.X 6.10.3.x 9.5.3.AA 15.1.1.1 15.5.2 15.10.3.X
S104.001	Barry Timmings	Reject the change	Remove Change C1 (Better provide for social housing).
S235.007	Waka Kotahi (NZ Transport Agency)	Accept the change	Retain amendments to Rule 15.3.4.5 Development Activity Status Table - New buildings and additions and alterations that result in a multi-unit development.
S174.002	Bruce Cloughley	Accept the change	Retain Change C1 (Better provide for social housing).
S268.006	Ōtākou Health Limited	Accept the change	Retain Change C1 (better provide for social housing).
S278.001	Disabled Persons Assembly New Zealand	Accept the change	Retain Change C1 (Better provide for social housing).
S235.004	Waka Kotahi (NZ Transport Agency)	Accept the change	Retain Policy 6.2.2.X as notified.

Background

Change C1 (Better provide for social housing) is summarised as follows:

Purpose statement	Description of change	Provisions affected by change
The purpose of this proposal is to review whether to create separate provisions for social housing (similar to what is done for supported living facilities) so that it can have a more enabling framework for contravention of	Adds a new sub-activity of 'social housing' under 'standard residential' activity. This will link to a new definition for 'social housing'. It is proposed to make contravention of the density	- Amend the nested table for the residential activities category - Add a definition of 'social housing' - Amend the definition of 'standard residential'

the density standard in the General Residential 1 and Township and Settlement zones. This will allow medium density social housing in these zones to use any 3 waters capacity that may be available in the relevant networks, taking into account permitted and previously consented development that may occur.	standard by social housing a restricted discretionary activity (rather than non-complying) in the General Residential 1 Zone and Township and Settlement Zone (except in a no DCC reticulated wastewater mapped area), provided it meets the density standard for General Residential 2 Zone.	• Add Policy 2.6.1.X • Add Policy 6.2.2.X • Add assessment rules at Rule 6.10.3.X, Rule 9.5.3.AA, and Rule 15.10.3.X • Amend the introduction to the General Residential 1 Zone at 15.1.1.1 • Amend Rule 15.3.4.5 • Amend the performance standard for density at Rule 15.5.2.4 • Amend Assessment Rule 15.11.3.1
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Submissions received

19 original submissions were received on Change C1 with 6 in support, 11 seeking changes and 2 in opposition.

Reasons for support of Change C1 included:

- more social housing is required to meet needs, including for disabled people (Bruce Cloughley S174.002, Disabled Persons Assembly NZ S278.001);
- proposed Policy 6.2.2.X on accessibility encourages multi-modal transport options (Waka Kotahi S235.004);
- Rule 15.3.4.5 for the assessment of multi-unit development will ensure that they can be assessed for impacts on adjoining roading networks, including state highways (Waka Kotahi S235.007) [N.B: the provisions do not include a matter of discretion that would cover such an assessment].

Reasons for opposition to Change C1 included:

- social housing provisions are considered unlawful in terms of the purpose and principles of the RMA and other legislation (Kāinga Ora S234.003). This was supported by a further submission from Otago Regional Council (FS184.52), except regarding changes to multi-unit development provisions;
- social housing should be subject to the same requirements as other housing (Barry Timmings S104.001);
- GR2 zoned areas (existing and proposed) should provide sufficient scope for medium density housing or should be extended if they will not (Barry Timmings S104.001);
- concerns the provisions could be abused to develop medium density housing outside the medium density zones, that will not stay as social housing (Barry Timmings S104.001);
- concerns about adequacy of 3 waters infrastructure to support additional development (Barry Timmings S104.001);

Note that several broad submissions with either place-based and/or issue-based concerns regarding intensification generally are addressed in **Section 4.1** above.

Amendments sought to Change C1 included:

- application of the changes to Inner City Residential zone and General Residential 2 zone (Generation Zero (Dunedin) S177.004);
- widening the provisions to be available to more providers, including all (not just registered) housing providers (Mark Geddes S128.006, Dunedin City Baptist Church S239.010), or developers that can meet set development criteria including provision of reduced accommodation costs, achieving set design standards, and maintaining the affordability of the property for a set period of time or indefinitely (Survey & Spatial NZ Coastal Otago S282.027, Kurt Bowen S300.024, Paterson Pitts Group S206.027);

- adding an assessment matter for multi-unit development for effects on strategic infrastructure (Waka Kotahi S235.009) – out of scope;
- adding performance standards regarding desired design outcomes (Dunedin City Baptist Church S239.010);
- amending the provisions so the relaxed density rule only applies where there are no infrastructure constraints and then make the provisions available to all people (Otago Regional Council S271.003).

Some of these submissions were supported by further submissions from:

- Otago Regional Council (FS184.115) in support of Generation Zero (Dunedin) (S177.004);
- Otago Regional Council (FS184.16) and Ōtākou Health Limited (FS185.1) in support of Mark Geddes (S128.006);
- Otago Regional Council (FS184.116) and Ōtākou Health Limited (FS185.2) in support of Paterson Pitts Group (S206.027);
- Otago Regional Council (FS184.119) and Ōtākou Health Limited (FS185.3) in support of Dunedin City Baptist Church (S239.010);
- Otago Regional Council (FS184.117) in support of Survey & Spatial NZ (S282.027) and (FS184.118) Kurt Bowen (S300.024).

Expert evidence sought

I have sought a legal submission from Anderson Lloyd regarding the legality of the social housing provisions and this will be presented at the hearing. Legal advice provided by Anderson Lloyd to date concludes that the proposed provisions are lawful.

I also note that management regimes like that proposed for social housing have already been included through the 2GP process for retirement villages, rest homes and student hostels. These provisions take a more lenient approach to density than for standard residential activity to recognise the positive effects of these types of housing, the lower risk of cumulative effects due to the lower frequency of these activities compared to standard residential activity, and the different requirements in terms of built form that are required for these activities to be provided effectively and efficiently. No concerns were raised regarding the lawfulness of these provisions through the 2GP process.

Recommendation

I have considered all submissions received, the reasons for those submissions, and legal advice, and I recommend retaining Change C1 as notified (in accordance with the assessment I gave in the Section 32 Report¹¹). If the Panel are of a mind to make amendments to further address concerns raised by Kāinga Ora, I have suggested some options in the following section.

I recommend rejecting all submissions that are opposed to Change C1 for the following reasons:

- Regarding questions of lawfulness raised by Kāinga Ora (S234.003), legal advice provided to DCC considers that the proposed provisions are lawful and a legal submission will be prepared for the Hearing to support this position;
- Regarding the request by Barry Timmings (S104.001) that social housing should have the same requirements as other housing and medium density housing should only be provided for in the medium density zones (which is the status quo), including due to concerns about effects on 3 waters infrastructure, I note that:
 - o the social housing provisions have been proposed to better achieve Objective 2.6.1 Housing choices, to address a known housing type deficit that has particularly acute effects on the social well-being of vulnerable members of the community;
 - o to a large extent the provisions managing social housing will be the same as for other residential activities, the key difference is that if the density standard for the zone is contravened the activity is assessed as a restricted discretionary activity (rather than non-complying);
 - o where social housing contravenes the density standard, effects on infrastructure will still be considered as it is a matter of discretion;

¹¹ See Variation 2 Additional Housing Capacity Section 32 Report (February 2021), pp. 53-57

- o the restricted discretionary status for social housing is appropriate as the potential for cumulative effects is far less than for other types of standard residential activity;
- o applying a restricted discretionary activity status for contravention of the density performance standard to all standard residential activity, or further expanding GR2 areas beyond those proposed, cannot be supported in terms of the high potential for cumulative effects on 3 waters infrastructure, as outlined in the Section 32 Report;
- Regarding potential abuse of the provisions for non-social housing developments, as raised by Barry Timmings (S104.001), this is recognised as a risk, and has been managed by keeping the definition of social housing limited to registered community housing providers, the Dunedin City Council and Kāinga Ora. These providers are considered likely to legitimately apply the social housing provisions and should any issues with subversion of the provisions occur, a plan change would be considered to remove the provisions from the Plan earlier than otherwise might have occurred.

I recognise that it may be of concern to social housing providers that the provisions may enable NIMBY-type reactions to social housing to find their way into the consent process. However, I note that the proposed provisions will not enable consideration of effects relating to surrounding sites' residential amenity because the proposed activity is standard residential activity and Council's discretion would be restricted to:

- Effects on efficiency and affordability of infrastructure - to ensure that the effects arising from the additional density of activity on public infrastructure are managed; and
- Effects on accessibility – encouraging medium density social housing to locate where there is good walking access to public transport.

With regard to consents for multi-unit development (which would also be required), Council's discretion would be restricted to:

- Effects on streetscape amenity and character – to assess exterior design of the building development and landscaping (not effects arising from the land use);
- Effects on efficiency and affordability of infrastructure (stormwater) and Effects of stormwater from future development (as proposed under Change F2-3); and
- Effects on solid waste management, as recommended in Section 4.1.3 of this report.

I recommend rejecting all submissions that seek amendments to Change C1 for the following reasons:

- The social housing provisions are not required in the Inner City Residential or General Residential 2 zones (as requested by Generation Zero (Dunedin) S177.004), as these zones already provide for medium density housing;
- I consider that the social housing provisions should not be extended to unregistered providers (as requested by Mark Geddes S128.006 and Dunedin City Baptist Church S239.010), other types of developers (Survey & Spatial NZ Coastal Otago S282.027, Kurt Bowen S300.024 and Paterson Pitts S206.027), or everybody (Otago Regional Council S271.003), to assist with managing the risk that the provisions will be subverted to provide for a higher density of development within the relevant zones than anticipated, including to appropriately manage the risk of significant cumulative effects on 3 waters infrastructure and manage the demand for new connections;
- The request from Waka Kotahi (S235.009) for a new assessment matter for multi-unit development is outside the scope of changes being considered as part of Variation 2. I note that Waka Kotahi's concerns appear to relate primarily to potential development of areas of greenfield rezoning that adjoin state highways and these concerns may be broadly addressed by amendments proposed in Change D2, as discussed in relation to their submission on the NDMA changes in **Section 4.5.1**. Furthermore, I note the acoustic insulation requirements that already apply to residential activity within 40m of a state highway (Rule 15.5.1);
- I consider that performance standards for design outcomes (as requested by Dunedin City Baptist Church S239.010) are not required, as the performance standards for all standard residential activity will continue to apply to social housing. In addition, the proposal includes an amendment to the multi-unit development rule so that consent will be required for development that meets this definition, with a matter of discretion for effects on streetscape amenity and character. Furthermore, social housing providers have their own guidance regarding well-designed social housing developments to meet the needs of their clients.

Recommended amendments:

None

However, if the Panel are of a mind to make amendments to further address concerns raised by social housing providers, the following options could be considered:

- Addition of a sunset rule so the social housing provisions expire on a specified date, similar to that already in place for the rural density performance standard (Rule 16.5.2.1.h.ii). This would enable the social housing provisions to only be used as an interim measure until 3 waters infrastructure upgrades can be undertaken to support broader increases in density; and/or
- Amendments to enable the provisions to apply so long as there is a minimum percentage of social housing included in the proposed activity, for example 70%, to enable mixed housing. This is to address a matter raised by Kāinga Ora in consultation that it may wish to provide a mix of affordable housing and social housing.

4.5 Changes for subdivision of large greenfield areas

4.5.1 All NDMA changes

38. This section addresses broad submissions on the changes linked to the new development mapped area (NDMA) method, being Changes D1, D4-8, E5, F2-2, F3-2, GF01-08, 10-12, 14-16, NDMA2-15 & RTZ1 and RTZ 2, to the extent they are regarding provisions other than on 3 waters infrastructure, which will be addressed in a later report and hearing, as will NDMA mapping.

Submission point	Submitter Name	Support oppose	Decision requested
S78.004	Trevor Scott	Accept the change	Retain changes D1, D4, D5, D6, D7, D8, NDMA 2-15, E5 (Changes for subdivision of large greenfield areas).
S177.003	Generation Zero (Dunedin)	Reject the change	Remove Changes D1, D4, D5, D6, D7, D8, NDMA2-15, E5 (Changes for subdivision of large greenfield areas).
Submissions noting broad opposition, but which only discuss 3 waters aspects of the provisions			
S76.002	Christopher Connor & Tina Prendergast	Reject the change	Remove the NDMA provisions.
S273.008	Mark and Jacqui Taylor	Reject the change	Remove the new development mapped area provisions.
S283.010	Max Hope Trust	Reject the change	Remove the new development mapped area provisions.
S293.006	Michael David Byck & Nicola Andrea O'Brien	Reject the change	Remove the new development mapped area provisions.
S298.006	Bill Hamilton	Reject the change	Remove the new development mapped area provisions.
S302.006	Alan David and David Eric Geeves & Nicola Jane Algie	Reject the change	Remove the new development mapped area provisions.

S220.003	Terramark Limited	If the change is not rejected, amend	Amend the New Development Mapped Area provisions based on Council's full understanding of the infrastructural model and constraints (complete infrastructure modelling at Council's cost).
Submissions seeking amendments, other than for 3 waters aspects of the provisions			
S189.005	Ryman Healthcare limited	Accept the change with amendments	Retain Change D1 and associated changes insofar as they give effect to the NPS-UD, except where amendments are sought as part of other submission points.
S205.005	Retirement Villages Association of New Zealand	Accept the change with amendments	Retain Change D1 and associated changes insofar as they give effect to the NPS-UD, except where amendments are sought as part of other submission points.
S58.002	Richard Farry	Accept the change with amendments	Amend assessment Rule 15.11.5.Y. by adding a new clause (g) 'Whether the subdivision maintains, enhances, detracts from or detrimentally affects a heritage precinct or scheduled heritage item.'
S278.002	Disabled Persons Assembly New Zealand	Accept the change with amendments	Amend provisions for new greenfield rezoning areas to incorporate the Urban Street Design Guide into urban design policies and infrastructure placement.
S235.005	Waka Kotahi (NZ Transport Agency)	Accept the change with amendments	Amend Objective 12.2.X by adding an additional policy under this objective, as follows (or similar): Only allow subdivision in a new developed mapped area where the subdivision is designed in consideration of the surrounding environment including strategic infrastructure.
S235.010	Waka Kotahi (NZ Transport Agency)	Accept the change with amendments	Amend the assessment matters in Rule 15.11.5(Y) to include the following, or similar, matters of discretion: "Where a site adjoins significant infrastructure, Council will consider the design of the development and the relationship between the site and strategic infrastructure."
<u>Background</u> The package of new plan content applied via the new development mapped area (NDMA) was designed to provide better policy direction, guidance and information requirements to ensure that larger scale greenfield sites would be subdivided and developed in a way that better meets the objectives of the plan. This was particularly to cater to situations where the relevant matters were not included through site specific structure plan provisions. The changes apply additional assessment matters for subdivision in the mapped areas and targeted performance standards for stormwater and wastewater. The package of NDMA changes includes those listed below, with some changes for consideration in the present report and other changes for consideration in later reports. <u>NDMA changes addressed in this report (policies and assessment matters other than for 3 waters)</u> • Change D1: Broad changes linked to new development mapped area (NDMA) provisions; • Change D4: Provision of social and recreational spaces in large greenfield subdivisions; • Change D5: Solar access in large greenfield subdivisions; • Change D6: Protection of natural environmental values in large greenfield subdivisions; • Change D7: Providing for amenity planting and public amenities in large greenfield subdivisions; • Change D8: Providing for efficient use of land in large greenfield subdivisions; and • Change E5: Strategic direction policies related to structure plans.			

NDMA changes to be addressed in later reports (provisions on 3 waters and mapping of NDMA)

- Change F2-2: Add rules for stormwater management in large greenfield areas (to be considered in a later report);
- Change F3-2: Wastewater detention in selected large greenfield areas (to be considered in a later report);
- Changes GF01-08; 10-12; 14-16: Proposed greenfield residential rezoning areas where an NDMA has been applied as part of the change (to be considered in a later report);
- Changes NDMA2-15: Mapping new development mapped area (NDMA) over existing greenfield residential areas (to be considered in a later report); and
- Changes RTZ1 and RTZ2: Areas where a Residential Transition Overlay Zone currently applies which are proposed to be rezoned through Variation 2 and an NDMA has been applied as part of the change (to be considered in a later report).

Alternatives addressed in this report

Two generic alternative methods were also assessed as part of the Section 32 evaluation but rejected. They were:

- Alternative D1-Alt1 (Performance standards in new development mapped areas instead of assessment rules); and
- Alternative D1-Alt2 (Assessment rules for subdivision in all areas). These alternatives are relevant to some submissions addressed in the next section on Change D1.

Submissions received

16 original submissions were received that referenced the NDMA package of changes as a whole in their submission. 1 submission supported the changes, 8 submissions opposed the changes, and 7 submissions sought amendments. Eight further submissions were received from Otago Regional Council opposing all original submissions that opposed the proposed NDMA changes, as they conflict with the ORC's submissions on stormwater provisions.

Submissions in support

Reasons for support by Trevor Scott (\$78.004) were not given but appear to relate to general support for the provision of additional housing capacity. Retirement Villages Association (\$205.005) and Ryman Healthcare (\$189.005) supported the NDMA changes except where any amendments are required to grant relief sought in their other submission points.

Submissions in opposition

General opposition to the NDMA provisions, with discussion focused only on the provisions that related to 3 waters infrastructure, was received from several submitters represented by local surveying firm Paterson Pitts (\$293.006, \$76.002, \$273.008, \$283.010, \$298.006, \$302.006) and from Terramark Limited (\$220.003). Note that their concerns regarding 3 waters infrastructure provisions (Change F2-2 and Change F3-2) will be dealt with separately in a later report and hearing but their submission points have been retained here given their general opposition to the NDMA method. Opposition from Generation Zero (Dunedin) related to general opposition to greenfield rezoning, as addressed in **Section 4.1.7** above.

Submissions seeking amendments

- Richard Farry sought the addition of a further assessment matter in Rule 15.11.5.Y regarding "whether the subdivision maintains, enhances, detracts from or detrimentally affects a heritage precinct or scheduled heritage item" (\$58.002). However, it is unclear whether he understood that these provisions apply only to large greenfield areas mapped with an NDMA (which do not contain, nor are adjacent to, any scheduled heritage items or precincts);
- Disabled Persons Assembly New Zealand sought incorporation of the *Urban Street Design Guide* into urban design policies (\$278.002);

- Waka Kotahi sought addition of a further policy under Objective 12.2.X to “only allow subdivision in a new development mapped area where the subdivision is designed in consideration of the surrounding environment including strategic infrastructure” (S235.005). The reasons for this are to enable consideration of the design of a development and how it interacts with an adjoining state highway, including positioning of lots, dwellings and outdoor living space, and contours and elevations between a site and state highway; and
- Waka Kotahi also sought an associated change for addition of another assessment matter for subdivision in a NDMA regarding “where a site adjoins significant infrastructure, Council will consider the design of the development and the relationship between the site and strategic infrastructure” (S235.010).

Expert evidence sought

I have sought advice from Dr Andrea Farminer, DCC Heritage Advisor, regarding the submission from Mr Farry (S58.002). She stated that it is generally rare for scheduled heritage items to be located in or near greenfield subdivisions and there are no heritage precincts in or near greenfield areas. The protection of scheduled heritage items is limited to the elements specified in the schedule and a greenfield subdivision is very unlikely to require a need for assessment of effects on protected elements, excepts for scheduled heritage sites where this assessment is already provided for. In Dr Farminer’s view, the existing heritage provisions are sufficient to assess effects on heritage precincts and scheduled items.

I also note that potential effects on heritage values can be considered at the time of residential rezoning where relevant, and specific rules to protect heritage values could be applied through addition of a structure plan mapped area or other measures, if required.

I have also obtained expert evidence from Mr Peter Christos, DCC Urban Designer, regarding the NDMA provisions other than for 3 waters (see **Appendix F**), including whether reference should be made to the *Urban Street Design Guide*. Mr Christos considers that this is not necessary because the proposed changes will provide for good urban design outcomes, and the Dunedin City Council is already a signatory to the Global Street Design Guide and the Ministry for the Environment’s Urban Design Protocol.

Recommendation & Assessment

I recommend retaining the NDMA changes addressed in this section, except where recommendations are made in the following sections of this report in response to other matters raised regarding each specific NDMA change ID.

I recommend rejecting the submission points above for the following reasons:

- Regarding the submission from Mr Farry seeking consideration of heritage effects for greenfield subdivisions (S58.002), I agree with the assessment by Dr Farminer set out above and consider that adding an assessment matter to the NDMA provisions for effects on heritage precincts or heritage items is not required.
- Regarding the submission from Disabled Persons Assembly New Zealand for incorporation of the *Urban Street Design Guide* into the provisions on urban design (S278.002), I agree with the conclusion of Mr Christos set out above and consider that referring to this document is not required.
- Regarding the submission points from Waka Kotahi (S235.005 and S235.010) I note that consideration of “Effects on the safety and efficiency of the transport network” is already a matter of discretion for all subdivision (not just in an NDMA). The operative assessment rules linked to this matter of discretion (Rule 6.11.2.1, Rule 6.11.2.7 and Rule 6.11.2.8) and the associated policies and objective do not expressly mention consideration of effects on state highways, although these are clearly part of the transport network. However, changes are proposed to Rule 6.11.2.7 under Change D2 to add reference to consideration of effects on state highways in the general assessment guidance. The proposed assessment guidance (Rule 6.11.2.7.a.Z) is:

- Z. Council will consider the effects of subdivision and subsequent development on the safety and efficiency of the state highway network, and may require written approval from Waka Kotahi NZ Transport Agency

I consider that this generally provides the relief sought. Should the Panel be of a mind to incorporate more specific guidance regarding how effects on state highways will be assessed, this could be achieved by an amendment to this clause, rather than the addition of a new assessment matter under the NDMA provisions. I note that Waka Kotahi have not specifically responded to the changes proposed for Rule 6.11.2.7 in their submission and may not be aware of them.

Overall, I consider the rejection of these submission points will not detract from the achievement of the relevant Plan objectives.

Recommended amendments:

None - See the recommendations for each specific NDMA change below.

4.5.2 Change D1 (Broad changes linked to NDMA) & Alternatives

39. This section addresses submissions on Change D1 (Broad changes linked to NDMA provisions) and Alternative D1-Alt1 (Performance standards in new development mapped areas) and D1-Alt2 (Assessment rules for subdivision in all areas).

Submission point	Submitter Name	Support oppose	Decision requested
S187.016	Dunedin City Council	Accept the change with amendments	Amend Change D1 (Broad changes linked to NDMA provisions) to add an appendix to list the sites where a new development mapped area (NDMA) is being included in the Plan, including giving each mapped area a name. Add the NDMA names for each area to the pop-ups in the planning maps.
S189.006	Ryman Healthcare limited	Accept the change with amendments	Amend Objective 12.2.X to read as follows: "Future residential growth areas are developed in a way that achieves in general accordance with the Plan's strategic directions for: [...]"
S205.006	Retirement Villages Association of New Zealand	Accept the change with amendments	Amend Objective 12.2.X to read as follows: "Future residential growth areas are developed in a way that achieves in general accordance with the Plan's strategic directions for: [...]"
S9.022	Marita Ansin-Johnson	Reject the change	Remove Change D1 (Broad changes linked to NDMA provisions).
Submissions on Alternative D1-Alt2			
S189.028	Ryman Healthcare limited	Add a change	Add Alternative D1-Alt2 (Assessment rules for subdivision in all areas) to apply new assessment rules for all topics covered in the Change D group to all subdivision, rather than just subdivision in the new development mapped area (inferred not stated).

S205.028	Retirement Villages Association of New Zealand	Add a change	Add Alternative D1-Alt2 (Assessment rules for subdivision in all areas) to apply new assessment rules for all topics covered in the Change D group to all subdivision, rather than just subdivision in the new development mapped area (inferred not stated).
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Background

Change D1 (Broad changes linked to new development mapped area provisions) can be summarised as follows:

Purpose statement	Description of change	Provisions affected by change
The overall purpose of the proposal is to add methods to the Plan to ensure that the subdivision of large areas of greenfield residential land is undertaken in a way that supports best practice urban design outcomes and achieves the strategic objectives of the Plan in an integrated yet flexible way. The scope of this proposal does not include reviewing existing methods in the Plan that may manage issues on greenfield land (e.g. the existing set of overlays and provisions that sit under them) and it does not review the criteria for zoning new residential land, where new land should be provided, or the zone types provided for in the Plan.	Overarching changes that support the addition of the new NDMA method which are not assigned to other more specific topic focused changes	• Add new acronym NDMA (New development mapped area) • Add reference to NDMA in new Policy 2.6.2.AA • Amend Section 12 Title • Amend Section 12.1 Introduction • Add new Objective 12.2.X • Add new Rule 12.X.2.5 • Amend 15.1.1.1 • Add new Rule 15.11.5.Y

Two alternatives to the NDMA method were also assessed as part of the Section 32 Report but rejected. They were Alternative D1-Alt1 (Performance standards in new development mapped areas) and Alternative D1-Alt2 (Assessment rules for subdivision in all areas). These alternatives are also relevant to some submissions addressed in later sections of this report on each specific change.

Submissions received

4 original submissions were received on Change D1, 1 in opposition and 3 seeking amendments. No further submissions were received.

Reasons for opposition by Marita Ansin-Johnson (S9.022) relate to general opposition to greenfield rezoning, as addressed in **Section 4.1.7** above.

Amendments sought for fundamental change to the method:

- Retirement Villages Association NZ and Ryman Healthcare Ltd (S205.028 and S189.028) seek application of Alternative D1-Alt2 (Assessment rules for subdivision in all areas), so that the new assessment rules proposed for the NDMA would instead apply to subdivision in all areas (and thus not require the mapped area). The reason is to ensure the objectives and policies for the existing residential zones better reflect the NPS-UD.

Amendments sought to adjust the method:

- Dunedin City Council seeks addition of an appendix to list all areas where an NDMA is applied and name each area, including on the planning maps, to assist Plan users (S187.016);
- Retirement Villages Association NZ and Ryman Healthcare Ltd seek amendment of Objective 12.2.X to read “Future residential growth areas are developed in a way that achieves in general accordance with the Plan’s strategic directions...” to better reflect the NPS-UD (S205.006 and S189.006).

Recommendation

I recommend retaining Change D1 as notified with amendments to include an appendix of new development mapped areas and consequential changes to ensure clarity for Plan users, as submitted by Dunedin City Council (S187.016).

I recommend rejecting the submission points from Retirement Villages Association NZ and Ryman Healthcare Ltd (S205.006 and S189.006) seeking a change in the wording of Objective 12.2.X because this would reduce the weighting of the strategic directions of the Plan and this is inappropriate when the Plan provisions are intended to efficiently and effectively achieve the objectives, in accordance with Section 32 of the RMA.

I also recommend rejecting the submission points from Retirement Villages Association NZ and Ryman Healthcare Ltd (S205.028 and S189.028) seeking the application of the proposed NDMA assessment matters to all subdivision. My assessment as set out in the Section 32 Report remains unchanged¹². That is, this alternative would make the assessment of smaller-scale infill subdivisions overly complex by requiring assessment of matters that are unlikely to be relevant, detracting from Plan efficiency. The existing provisions for assessment of all subdivision are considered adequate, except where they are the subject of other changes as part of Variation 2 (for transport connections and 3 waters considerations).

Recommended amendments:

Add Appendix 12C New Development Mapped Areas as follows, once decisions are made on NDMA mapping after later hearings:

Appendix 12C. New Development Mapped Areas

<u>NDMA Name</u>	<u>Description</u>
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4.5.3 Change D4 (Social and recreational spaces)

10. This section addresses submissions on Change D4 (Provision of social and recreational spaces in large greenfield subdivisions).

Submission point	Submitter Name	Support oppose	Decision requested
S128.014	Mark Geddes	Accept the change	Retain Change D4 (Provision of social and recreational spaces in large greenfield subdivisions).
S9.023	Marita Ansin-Johnson	Reject the change	Remove Change D4 (Provision of social and recreational spaces in large greenfield subdivisions).

¹² See Variation 2 Additional Housing Capacity Section 32 Report (February 2021), pp. 73

S13.007	Bill Morrison	If the change is not rejected, amend	Amend Change D4 (Provision of social and recreational spaces in large greenfield subdivisions) by including a performance standard which specifies when formal and/or informal space is required or what greenspace is required as a minimum for each new development mapped area and such further, alternative, or consequential relief as may be necessary to fully give effect to this submission.
S191.003	Roger and Janine Southby	Accept the change with amendments	Amend Change D4 (Provision of social and recreational spaces in large greenfield subdivisions) by including a performance standard which specifies when formal and/or informal space is required or what greenspace is required as a minimum for each new development mapped area and such further, alternative, or consequential relief as may be necessary to fully give effect to this submission.
S193.002	Ken Close	Accept the change with amendments	Amend Change D4 (Provision of social and recreational spaces in large greenfield subdivisions) by including a performance standard which specifies when formal and/or informal space is required or what greenspace is required as a minimum for each new development mapped area and such further, alternative, or consequential relief as may be necessary to fully give effect to this submission.
S204.003	Ron Balchin	Accept the change with amendments	Amend Change D4 (Provision of social and recreational spaces in large greenfield subdivisions) by including a performance standard which specifies when formal and/or informal space is required or what greenspace is required as a minimum for each new development mapped area and such further, alternative, or consequential relief as may be necessary to fully give effect to this submission.
S219.009	Gladstone Family Trust	Accept the change with amendments	Amend Change D4 (Provision of social and recreational spaces in large greenfield subdivisions) by including a performance standard which specifies when formal and/or informal space is required or what greenspace is required as a minimum for each new development mapped area and such further, alternative, or consequential relief as may be necessary to fully give effect to this submission.
S223.003	Ed Stewardson	Accept the change with amendments	Amend Change D4 (Provision of social and recreational spaces in large greenfield subdivisions) by including a performance standard which specifies when formal and/or informal space is required or what greenspace is required as a minimum for each new development mapped area and such further, alternative, or consequential relief as may be necessary to fully give effect to this submission.
S228.004	Wendy Campbell	Accept the change with amendments	Amend Change D4 (Provision of social and recreational spaces in large greenfield subdivisions) by including a performance standard which specifies when formal and/or informal space is required or what greenspace is required as a minimum for each new development mapped area and such further, alternative, or consequential relief as may be necessary to fully give effect to this submission.
S232.002	Meats of New Zealand Limited	Accept the change with amendments	Amend Change D4 (Provision of social and recreational spaces in large greenfield subdivisions) by including a performance standard which specifies when formal and/or informal space is required or what greenspace is required as a minimum for each new development mapped area and such further, alternative, or consequential relief as may be necessary to fully give effect to this submission.
S238.008	Willowcroft Limited	Accept the change with amendments	Amend Change D4 (Provision of social and recreational spaces in large greenfield subdivisions) by including a performance standard which specifies when formal and/or informal space is required or what greenspace is

			required as a minimum for each new development mapped area and such further, alternative, or consequential relief as may be necessary to fully give effect to this submission.
S239.009	Dunedin City Baptist Church	Accept the change with amendments	Amend Change D4 (Provision of social and recreational spaces in large greenfield subdivisions) by including a performance standard which specifies when formal and/or informal space is required or what greenspace is required as a minimum for each new development mapped area and such further, alternative, or consequential relief as may be necessary to fully give effect to this submission.
S240.003	Invermark Investments Ltd	Accept the change with amendments	Amend Change D4 (Provision of social and recreational spaces in large greenfield subdivisions) by including a performance standard which specifies when formal and/or informal space is required or what greenspace is required as a minimum for each new development mapped area and such further, alternative, or consequential relief as may be necessary to fully give effect to this submission.
S241.003	Grant Motion	Accept the change with amendments	Amend Change D4 (Provision of social and recreational spaces in large greenfield subdivisions) by including a performance standard which specifies when formal and/or informal space is required or what greenspace is required as a minimum for each new development mapped area and such further, alternative, or consequential relief as may be necessary to fully give effect to this submission.
S242.002	DDS Properties (2008) Limited	Accept the change with amendments	Amend Change D4 (Provision of social and recreational spaces in large greenfield subdivisions) by including a performance standard which specifies when formal and/or informal space is required or what greenspace is required as a minimum for each new development mapped area and such further, alternative, or consequential relief as may be necessary to fully give effect to this submission.
S247.003	Cole Bennetts	Accept the change with amendments	Amend Change D4 (Provision of social and recreational spaces in large greenfield subdivisions) by including a performance standard which specifies when formal and/or informal space is required or what greenspace is required as a minimum for each new development mapped area and such further, alternative, or consequential relief as may be necessary to fully give effect to this submission.
S249.008	Ross McLeary & COF Ltd & Scroggs Hill Farm Ltd	Accept the change with amendments	Amend Change D4 (Provision of social and recreational spaces in large greenfield subdivisions) by including a performance standard which specifies when formal and/or informal space is required or what greenspace is required as a minimum for each new development mapped area and such further, alternative, or consequential relief as may be necessary to fully give effect to this submission.
S305.003	Outram Developments Limited	Accept the change with amendments	Amend Change D4 (Provision of social and recreational spaces in large greenfield subdivisions) by including a performance standard which specifies when formal and/or informal space is required or what greenspace is required as a minimum for each new development mapped area and such further, alternative, or consequential relief as may be necessary to fully give effect to this submission.
S307.004	Peter Doherty	Accept the change with amendments	Amend Change D4 (Provision of social and recreational spaces in large greenfield subdivisions) by including a performance standard which specifies when formal and/or informal space is required or what greenspace is required as a minimum for each new development mapped area and such further, alternative, or consequential relief as may be necessary to fully give effect to this submission.

S308.003	CC Otago Limited	Accept the change with amendments	Amend Change D4 (Provision of social and recreational spaces in large greenfield subdivisions) by including a performance standard which specifies when formal and/or informal space is required or what greenspace is required as a minimum for each new development mapped area and such further, alternative, or consequential relief as may be necessary to fully give effect to this submission.
S160.004	Dunedin Tunnels Trails Trust (Kate Wilson)	Accept the change with amendments	Amend Policy 2.3.3.1 to refer to connectivity and mode shift, i.e. walking, cycling and public transport and support development where these facilities should be accessible.

Background

Change D4 (Provision of social and recreational spaces in large greenfield subdivisions) can be summarised as follows:

Purpose statement	Description of change	Provisions affected by change
The overall purpose of the proposal is to add methods to the Plan to ensure that the subdivision of large areas of greenfield residential land is undertaken in a way that supports best practice urban design outcomes and achieves the strategic objectives of the Plan in an integrated yet flexible way. The scope of this proposal does not include reviewing existing methods in the Plan that may manage issues on greenfield land (e.g. the existing set of overlays and provisions that sit under them) and it does not review the criteria for zoning new residential land, where new land should be provided, or the zone types provided for in the Plan.	Reviews and adds provisions that direct the provision of social and recreational spaces as part of the subdivision of large greenfield residential areas.	• Amend Policy 2.3.3.1 • Delete Policy 2.6.1.6.b • Add a clause to new Objective 12.2.X • Add new Policy 12.2.X.1 • Add new Rule 12.X.2.5.c • Add new Rule 15.11.5.Y

Submissions received

21 original submissions were received on Change D4, 1 in support, 1 in opposition and 19 seeking amendments. Most of the submissions seeking amendments were from submitters represented by planning consultant, Emma Peters, and sought the same changes.

Please also note the broad submissions on all NDMA changes addressed in the previous section of this report.

Reasons for support by Mark Geddes (S128.014) were not stated. Reasons for opposition by Marita Ansin-Johnson (S9.023) relate to general opposition to greenfield rezoning, as discussed earlier in **Section 4.1.7**.

Amendments sought to specific provisions and recommendation:

- The Dunedin Tunnels Trails Trust (S160.004) sought an amendment to Policy 2.3.3.1 to refer to connectivity and mode shift and support development where this is accessible. This was supported in a further submission from Otago Regional Council (FS184.135) because it will help give effect to the Otago/Southland Regional Land Transport Plan 2015-2021, specifically policies 7, 8 and 13.
- I consider that it would be inappropriate to amend Policy 2.3.3.1 to include the concept of mode shift (S160.004), as this policy and the objective it sits under are primarily about provision of recreational, sporting, social and cultural facilities and spaces. The notion of accessibility is already incorporated in Objective 2.3.3 and within the proposed Policy 12.2.X.1. Consideration of broader transportation outcomes is more appropriately addressed under Change D2, to the extent that there is scope within Variation 2 to do so (see **Section 4.6.1** for assessment of Dunedin Tunnels Trails Trust submission points on Change D2).

Duplicate submissions from planning consultant, Emma Peters, on behalf of clients:

- A number of duplicate submissions were received which sought a new performance standard which sets the minimum requirements for provision of greenspace for each new development mapped area, and/or a trigger mechanism only requiring provision of greenspace where a proposal is over a set number of lots or total area, instead of applying the proposed assessment rule for subdivision in an NDMA (S223.003, S193.002, S239.009, S242.002, S241.003, S232.002, S305.003, S307.004, S247.003, S308.003, S219.009, S240.003, S191.003, S249.008, S238.008, S204.003, S228.004, S14.007). This is because the submitters have concerns about how the provisions will be applied when the NDMA is over areas that are in multiple ownership.
- These submission points were supported by further submissions from Otago Regional Council (FS184) as the changes sought will add clarity for developers.

- Further submission points in opposition were received on selected submission points in this list, linked to opposition to greenfield rezoning promoted by the relevant original submitters. However, these further submissions do not specifically engage with the Change D4 proposal. The further submissions are from:
 - Abbotsford School (FS1.2), Lauren & Sean McConville (FS146.2), Paul Newall (FS191.2), Peter and Rachel Finnie (FS194.2) and Roger Bailey (FS207.3) on S228.004 (Wendy Campbell), linked to requested rezoning of RS14 at Abbotsford;
 - Christopher John Burrows (FS51.2) on S232.002 (Meats of New Zealand Limited), linked to requested rezoning of RS200 at Allanton;
 - Tracy and Peter Finnie (FS245.3) and Anthony Dowling (FS25.3) on S247.003 (Cole Bennetts), linked to requested rezoning of RS110 at 23 Sretlaw Place;
 - C & L Rhodes (FS41.21) on S305.003 (Outram Developments Limited), linked to requested rezoning of RS154 and RS175 at Outram;
 - C & L Rhodes (FS41.12) and Bernard Neehoff (FS31.3) on S307.004 (Peter Doherty), linked to requested rezoning of RS154 and RS175 at Outram; and
 - C & L Rhodes (FS41.3) on S308.003 (CC Otago Limited), linked to requested rezoning of RS154 and RS175 at Outram.
- My recommendation on these points is given below.

Expert evidence sought

I sought expert evidence from Mr John Brenkley, DCC Planning and Partnerships Manager, Parks and Recreation (PARS) (see **Appendix G**). His evidence particularly relates to the duplicate submissions summarised above and also notes some minor wording changes that should be considered if there is scope to do so. In summary, Mr Brenkley considers that:

- PARS is not currently in a position to be able to set out the specific requirements for recreation spaces in all new residential areas, as several planning and assessment activities are underway. He notes that it may be possible to consider specific requirements for selected rezoning areas proposed as part of Variation 2 (to be addressed in a later report);
- The proposed assessment matters are a good start to better manage the provision of open space, as the current approach is ad hoc and does not necessarily result in good outcomes for PARS or the community;
- The assessment of provision of open spaces will be guided by 'provision metrics' adopted by PARS; and
- Minor wording changes are recommended, as follows, depending on the scope of submissions:
 - Change 'playgrounds' to 'play spaces', as this includes skateparks and pump tracks;
 - Change 'recreation reserve' to 'open space', as a recreation reserve is only one type of open space;
- Other recommended changes, depending on the scope of submissions:
 - Also refer to access to heritage, natural and coastal areas in the assessment rule;
 - Add a condition that may be imposed to classify the land as reserve at the time of vesting to make the process more efficient.

I have also sought comments from Mr Peter Christos, DCC Urban Designer (see **Appendix F**), and he concludes that:

- The proposed assessment rules will adequately guide the assessment of subdivision consents because they provide sufficient scope to consider the quality of access to recreation areas within the subdivision and in the surrounding area, and enable consideration of active transport routes to these spaces, which he considers important for children and other non-drivers.

Recommendation

I have considered the submissions received, reasons for those submissions, and evidence provided. Overall, I recommend retaining Change D4 with amendments in response to the evidence Mr Brenkley gave on Change D7 below (see **Section 4.5.6**). Although some of the additional changes proposed by Mr Brenkley have merit, I consider that there is no scope within the submissions to provide for these changes.

I do not support the suggested option of a trigger point over which this assessment matter would apply. In my view, this would simply provide an avenue by which the provisions could be subverted by progressing subsequent subdivision applications, none of which exceed the stated trigger point. This would not enable Objective 12.2.X or Objective 2.3.3 to be effectively achieved.

I support in part the option of performance standards setting out open space requirements for specific large residential rezoning areas through application of structure plans, where this is the most appropriate response and the necessary information is available to do so. I note that the Plan already provides for this, as will be reinforced through the addition new Policy 2.6.2.AA (Change E6). However, I do not support this being the only method to ensure appropriate recreation spaces are provided. The detailed information required to put in place performance standards is not always available at the time of rezoning, particularly in the case of DCC initiated plan change areas where the current landowners are not yet sure of how they might wish to develop the land. This can also occur with rezoning areas requested by landowners and, in the past, submissions from planning consultants and advocates for landowners have asked for such matters to be dealt with at the time of subdivision to enable greater flexibility, and to avoid significant investment in developing draft structure plans when a requested rezoning is not yet guaranteed. However, if submitters do wish for structure plan provisions to be added for their property regarding provision of recreation space, I welcome them presenting options for consideration ahead of the later hearing on greenfield rezoning areas.

I accept the evidence of Mr Brenkley that PARS is not in a position to formulate specific requirements for each large greenfield site at this time, and that Mr Brenkley and Mr Christos consider that the proposed assessment rules will provide sufficient scope to address the relevant matters on a case-by-case basis. I also note that it may still be possible for some structure plan provisions regarding provision of recreation areas to be included for rezoning sites considered critical by PARS. This will be addressed at a later hearing on greenfield rezoning. Where structure plan provisions are used as a result, they can be written to supersede the NDMA provisions as appropriate. In other cases, the proposed NDMA provisions will provide the flexibility to address these matters at the time of subdivision, avoiding application of rules that may turn out to be unworkable or inappropriate when the eventual layout and form of future development becomes known. Pre-application meetings with planning staff can assist developers with understanding what might be expected of them through the subdivision consent process.

I recognise that there are unresolved concerns about how the NDMA provisions will work when applied to land that is owned by several different parties. In these cases, growth areas would ideally be supported by structure plans and I can appreciate that there may be difficulties in determining which landowner/s will be responsible for providing open space otherwise. I do not have any specific recommendations to address this issue at present but await hearing from the submitters in terms of potential solutions that may be considered practicable before revising this recommendation. In part, this may be resolved by site specific structure plan rules being suggested for some of the new rezoning areas by landowners or those who have submitted on those areas.

Recommended amendments:

Amend Rule 12.X.2.5.c as follows:

<u>12.X.2 Assessment of restricted discretionary activities in a Transition Overlay Zone or mapped area</u>			
<u>Activity</u>		<u>Matters of discretion</u>	<u>Guidance on the assessment of resource consents</u>
...			
5.	In a <u>new development mapped area:</u> • <u>All subdivision activities</u>	c. <u>Provision of recreation spaces.</u>	<u>Relevant objectives and policies:</u> i. <u>Objective 12.2.X</u> ii. <u>The subdivision provides or otherwise ensures good access to outdoor recreation opportunities (including playgrounds) and, where possible, opportunities for offroad cycling and walking tracks within and between different residential developments and connecting to community facilities and services (Policy 12.2.X.1).</u> <u>General assessment guidance:</u> iii. <u>In assessing the requirements for recreation spaces, Council will consider the contents of the New Zealand Recreation Association Parks Categories Framework.</u> <u>Conditions that may be imposed include:</u> iv. <u>Location, size and shape of recreation reserves, including a minimum length of road frontage.</u> v. <u>A requirement to vest recreation spaces in DCC as DCC reserve.</u> vi. <u>Public amenities to be included in a recreation reserve.</u> vii. <u>A requirement for the recreation space to be developed prior to vesting in DCC.</u>

4.5.4 Change D5 (Solar access in large greenfield subdivisions)

Submission point	Submitter Name	Support oppose	Decision requested
S9.024	Marita Ansin-Johnson	Reject the change	Remove Change D5 (Solar access in large greenfield subdivisions).
<u>Background</u>			
Change D5 (Solar access in large greenfield subdivisions) can be summarised as follows:			
Purpose statement		Description of change	Provisions affected by change
The overall purpose of the proposal is to add methods to the Plan to ensure that the subdivision of large areas of greenfield residential land is undertaken in a way that supports best practice urban design outcomes and achieves the strategic objectives of the Plan in an integrated yet flexible way. The scope of this proposal does not include reviewing existing methods in the Plan that may manage issues on greenfield land (e.g. the existing set of overlays and provisions that sit under them) and it does not review the criteria for zoning new residential land, where new land should be provided, or the zone types provided for in the Plan.		Provides improved guidance on how solar access should be considered as part of the subdivision of large areas of greenfield residential land.	• Delete Policy 2.2.2.5.b and Policy 2.2.5.3.a and replace with new clause in new Policy 2.2.2.X.a • Add a clause to new Objective 12.2.X linking to Objective 2.2.2 • Add new Policy 12.2.X.3 • Add new Rule 12.X.2.5.a • Add new Rule 15.11.5.Y
<u>Submissions received</u>			
1 original submission was received in opposition from Marita Ansin-Johnson (S90.024). The reasons for opposition related to general opposition to greenfield rezoning, as set out in Section 4.1.7 above. This was opposed in a further submission from Otago Regional Council (FS184.136) as solar access is important.			
<u>Expert evidence sought</u>			
Mr Peter Christos, DCC Urban Designer, has provided some comments on Change D5 (see Appendix F). In summary, he considers that the proposed assessment rules will adequately guide the assessment of subdivision consents in terms of solar access because the policy addresses the matters critical to solar access while providing flexibility to consider site specific conditions.			
<u>Recommendation</u>			
I recommend retaining Change D5 as notified as it will help ensure good urban design outcomes for large greenfield rezoning areas, including for energy efficiency from solar access.			
<u>Recommended amendments:</u>			
None			

4.5.5 Change D6 (Natural and environmental values)

41. This section addresses submissions on Change D6 (Protection of natural environmental values in large greenfield subdivisions).

Submission point	Submitter Name	Support oppose	Decision requested
S13.006	Bill Morrison	If the change is not rejected, amend	Amend Policy 12.2.X.2 to provide a definition of 'significant natural environment values' to clarify what it means in Policy 12.2.X.2 relating to the protection of natural environmental values in large greenfield subdivisions and such further, alternative, or consequential relief as may be necessary to fully give effect to this submission.
S191.004	Roger and Janine Southby	Accept the change with amendments	Amend Policy 12.2.X.2 to provide a definition of 'significant natural environment values' to clarify what it means in Policy 12.2.X.2 relating to the protection of natural environmental values in large greenfield subdivisions and such further, alternative, or consequential relief as may be necessary to fully give effect to this submission.
S193.003	Ken Close	Accept the change with amendments	Amend Policy 12.2.X.2 to provide a definition of 'significant natural environment values' to clarify what it means in Policy 12.2.X.2 relating to the protection of natural environmental values in large greenfield subdivisions and such further, alternative, or consequential relief as may be necessary to fully give effect to this submission.
S204.004	Ron Balchin	Accept the change with amendments	Amend Policy 12.2.X.2 to provide a definition of 'significant natural environment values' to clarify what it means in Policy 12.2.X.2 relating to the protection of natural environmental values in large greenfield subdivisions and such further, alternative, or consequential relief as may be necessary to fully give effect to this submission.
S219.010	Gladstone Family Trust	Accept the change with amendments	Amend Policy 12.2.X.2 to provide a definition of 'significant natural environment values' to clarify what it means in Policy 12.2.X.2 relating to the protection of natural environmental values in large greenfield subdivisions and such further, alternative, or consequential relief as may be necessary to fully give effect to this submission.
S223.004	Ed Stewardson	Accept the change with amendments	Amend Policy 12.2.X.2 to provide a definition of 'significant natural environment values' to clarify what it means in Policy 12.2.X.2 relating to the protection of natural environmental values in large greenfield subdivisions and such further, alternative, or consequential relief as may be necessary to fully give effect to this submission.
S228.005	Wendy Campbell	Accept the change with amendments	Amend Policy 12.2.X.2 to provide a definition of 'significant natural environment values' to clarify what it means in Policy 12.2.X.2 relating to the protection of natural environmental values in large greenfield subdivisions and such further, alternative, or consequential relief as may be necessary to fully give effect to this submission.
S232.003	Meats of New Zealand Limited	Accept the change with amendments	Amend Policy 12.2.X.2 to provide a definition of 'significant natural environment values' to clarify what it means in Policy 12.2.X.2 relating to the protection of natural environmental values in large greenfield subdivisions and such further, alternative, or consequential relief as may be necessary to fully give effect to this submission.
S238.007	Willowcroft Limited	Accept the change with amendments	Amend Policy 12.2.X.2 to provide a definition of 'significant natural environment values' to clarify what it means in Policy 12.2.X.2 relating to the protection of natural environmental values in large greenfield subdivisions and such further, alternative, or consequential relief as may be necessary to fully give effect to this submission.

S239.008	Dunedin City Baptist Church	Accept the change with amendments	Amend Policy 12.2.X.2 to provide a definition of 'significant natural environment values' to clarify what it means in Policy 12.2.X.2 relating to the protection of natural environmental values in large greenfield subdivisions and such further, alternative, or consequential relief as may be necessary to fully give effect to this submission.
S240.004	Invermark Investments Ltd	Accept the change with amendments	Amend Policy 12.2.X.2 to provide a definition of 'significant natural environment values' to clarify what it means in Policy 12.2.X.2 relating to the protection of natural environmental values in large greenfield subdivisions and such further, alternative, or consequential relief as may be necessary to fully give effect to this submission.
S241.004	Grant Motion	Accept the change with amendments	Amend Policy 12.2.X.2 to provide a definition of 'significant natural environment values' to clarify what it means in Policy 12.2.X.2 relating to the protection of natural environmental values in large greenfield subdivisions and such further, alternative, or consequential relief as may be necessary to fully give effect to this submission.
S242.003	DDS Properties (2008) Limited	Accept the change with amendments	Amend Policy 12.2.X.2 to provide a definition of 'significant natural environment values' to clarify what it means in Policy 12.2.X.2 relating to the protection of natural environmental values in large greenfield subdivisions and such further, alternative, or consequential relief as may be necessary to fully give effect to this submission.
S247.004	Cole Bennetts	Accept the change with amendments	Amend Policy 12.2.X.2 to provide a definition of 'significant natural environment values' to clarify what it means in Policy 12.2.X.2 relating to the protection of natural environmental values in large greenfield subdivisions and such further, alternative, or consequential relief as may be necessary to fully give effect to this submission.
S249.009	Ross McLeary & COF Ltd & Scroggs Hill Farm Ltd	Accept the change with amendments	Amend Policy 12.2.X.2 to provide a definition of 'significant natural environment values' to clarify what it means in Policy 12.2.X.2 relating to the protection of natural environmental values in large greenfield subdivisions and such further, alternative, or consequential relief as may be necessary to fully give effect to this submission.
S305.004	Outram Developments Limited	Accept the change with amendments	Amend Policy 12.2.X.2 to provide a definition of 'significant natural environment values' to clarify what it means in Policy 12.2.X.2 relating to the protection of natural environmental values in large greenfield subdivisions and such further, alternative, or consequential relief as may be necessary to fully give effect to this submission.
S307.005	Peter Doherty	Accept the change with amendments	Amend Policy 12.2.X.2 to provide a definition of 'significant natural environment values' to clarify what it means in Policy 12.2.X.2 relating to the protection of natural environmental values in large greenfield subdivisions and such further, alternative, or consequential relief as may be necessary to fully give effect to this submission.
S308.004	CC Otago Limited	Accept the change with amendments	Amend Policy 12.2.X.2 to provide a definition of 'significant natural environment values' to clarify what it means in Policy 12.2.X.2 relating to the protection of natural environmental values in large greenfield subdivisions and such further, alternative, or consequential relief as may be necessary to fully give effect to this submission.
S9.025	Marita Ansin-Johnson	Reject the change	Remove Change D6 (Protection of natural environmental values in large greenfield subdivisions).
S128.007	Mark Geddes	Add a change	Retain Change D6 (Protection of natural environmental values in large greenfield subdivisions).

Background

Change D6 (Protection of natural and environmental values in large greenfield subdivisions) can be summarised as follows:

Purpose statement	Description of change	Provisions affected by change
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The overall purpose of the proposal is to add methods to the Plan to ensure that the subdivision of large areas of greenfield residential land is undertaken in a way that supports best practice urban design outcomes and achieves the strategic objectives of the Plan in an integrated yet flexible way. The scope of this proposal does not include reviewing existing methods in the Plan that may manage issues on greenfield land (e.g. the existing set of overlays and provisions that sit under them) and it does not review the criteria for zoning new residential land, where new land should be provided, or the zone types provided for in the Plan.	Provides for the consideration of the protection of natural environmental values (including indigenous biodiversity) as part of the subdivision process in large greenfield residential areas. The scope of this change does not include reviewing existing methods for protection of natural environment values in urban environments including urban biodiversity mapped areas and rules, esplanade requirements, and structure plan mapped area rules.	• Add a clause to new Objective 12.2.X linking to Objective 2.2.3 • Add new Policy 12.2.X.2 • Add new Rule 12.X.2.5.d • Add new Rule 15.11.5.Y
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Submissions received

20 original submissions were received regarding Change D6, 1 in support, 1 in opposition and 18 seeking amendments. All submissions seeking amendments were prepared by planning consultant, Emma Peters, on behalf of the submitters and seek the same changes.

Mark Geddes supports this proposal because he believes there is greater need for consideration of indigenous biodiversity in greenfield subdivisions (S128.007). The reason for the submission in opposition from Marita Ansin-Johnson (S9.025) was general opposition to greenfield rezoning, as discussed in **Section 4.1.7** above.

The duplicate submissions sought amendments to Policy 12.2.X.2 to provide a definition of ‘significant natural environmental values’ to clarify the policy intent (S223.004, S193.003, S239.008, S242.003, S241.004, S232.003, S305.004, S307.005, S247.004, S308.004, S219.010, S240.004, S191.004, S249.009, 238.007, S204.004, S228.005, S13.006). These were all supported in further submissions from Otago Regional Council (FS184). Further submission points in opposition were received on selected submission points in this list, linked to opposition to greenfield rezoning promoted by the relevant original submitters. However, these further submissions do not specifically engage with the Change D6 proposal. The further submissions are from:

- Abbotsford School (FS1.3), Lauren & Sean McConville (FS146.3), Paul Newall (FS191.3), Peter and Rachel Finnie (FS194.3) and Roger Bailey (FS207.4) on S228.005 (Wendy Campbell), linked to requested rezoning of RS14 at Abbotsford;
- Christopher John Burrows (FS51.3) on S232.003 (Meats of New Zealand Limited), linked to requested rezoning of RS200 at Allanton;
- Tracy and Peter Finnie (FS245.4) and Anthony Dowling (FS25.4) on Cole Bennetts (S247.004), linked to requested rezoning of RS110 at 23 Sretlaw Place;
- C & L Rhodes (FS41.22) on S305.004 (Outram Developments Limited), linked to requested rezoning of RS154 and RS175 at Outram;
- C & L Rhodes (FS41.13) and Bernard Neehoff (FS31.4) on S307.005 (Peter Doherty), linked to requested rezoning of RS154 and RS175 at Outram; and
- C & L Rhodes (FS41.4) on S308.004 (CC Otago Limited), linked to requested rezoning of RS154 and RS175 at Outram.

Expert evidence sought

I sought expert evidence on the proposed provisions from Mr Richard Ewans, DCC Biodiversity Advisor (see **Appendix H**). In summary, he considered that:

- It may be prudent to avoid using the word ‘significant’ in relation to natural environment values due to its specific meaning in relation to section 6(c) of the RMA and related 2GP provisions, and instead use the word ‘important’;
- The term ‘waterways’ should be replaced by ‘water bodies’, which is defined in the 2GP;

- The meaning of ‘important natural environment values’ should be clarified to capture the range of values described for UBMA’s through adding an advice note and defining ‘natural environment’, possibly using the definition in the exposure draft of the Natural and Built Environments Bill.

Mr Peter Christos, DCC Urban Designer, has also provided comments on Change D6 (see **Appendix F**), and concludes that:

- Retaining landscape features is not only important in terms of ecological systems but also in terms of “preserving sense of place and avoiding bland subdivisions that lack context”;
- The assessment matters proposed will not adequately guide the assessment of subdivision consents in terms of the protection of natural environmental values because they are not clear that they extend to protection of existing landscape features such as wind breaks, orchard and groups of established trees; and
- Policy 12.2.X.2 should be amended to ensure that retention of important exotic landscape features is able to be assessed through the subdivision process.

Recommendation

By way of context, I note first my comments in the recommendation for Change D4 above that site-specific provisions can be included to address these matters through structure plan provisions applied to larger greenfield rezoning areas. Where this is the case, those provisions can replace the need for these matters to be assessed again at the time of subdivision.

I recommend amending Change D6 to address the concerns raised by the submitters regarding lack of clarity over the meaning of ‘significant natural environment values’. This includes making changes to address the matters raised by Mr Ewans and Mr Christos, as set out above. I do not recommend adding a definition of natural environment, as suggested by Mr Ewans, as this term is already used in multiple places in the Plan (including being the title of Chapter 10) and the addition of the definition may have unintended consequences for other provisions. Clarification of the meaning of natural environment can be achieved by adding to the assessment guidance for the new provisions. Overall, I consider that such changes will ensure that the provisions can be more effectively implemented, and this will ensure that associated Objective 2.2.3 Indigenous biodiversity and Objective 2.4.1 Form and structure of the environment can be more effectively achieved.

Recommended amendments:

Amend Policy 12.2.X.2 as follows:

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, water bodies,~~ areas of important indigenous vegetation ~~and~~ or habitats of indigenous fauna, or other areas with ~~significant~~ important natural environment values.

Amend Rule 12.X.2.5.d as follows:

<u>12.X.2 Assessment of restricted discretionary activities in a Transition Overlay Zone or mapped area</u>			
<u>Activity</u>		<u>Matters of discretion</u>	<u>Guidance on the assessment of resource consents</u>
...			
<u>5.</u>	<u>In a new development mapped area:</u>	a. <u>Whether subdivision design maintains or enhances areas with</u>	<u>Relevant objectives and policies:</u> i. <u>Objective 12.2.X</u>

	All subdivision activities	significant important natural environment values.	ii. The subdivision is designed to ensure any future land use and development will protect, and where necessary restore, any waterways water bodies, areas of important indigenous vegetation and or habitats of indigenous fauna, or other areas with significant important natural environment values (Policy 12.2.X.2). <u>General assessment guidance:</u> iii. <u>In assessing water bodies, areas of important indigenous vegetation or habitats of indigenous fauna, Council will consider the presence of:</u> 1. <u>Individual or groups of mature indigenous trees on the 2GP Important Native Tree List in Appendix 10A.3;</u> 2. <u>Individual or groups of exotic trees that meet the criteria in Policy 2.4.1.2 for scheduling as a significant tree (provided they are not on the 2GP Pest Plant List or Otago Regional Council Regional Pest Management Plan);</u> 3. <u>Riparian and freshwater values of water bodies listed in Appendix 10C and the temporary or permanent tributaries of those water bodies;</u> 4. <u>Areas of vegetation that are part of a network of sites that cumulatively provide important habitat for indigenous biodiversity in the urban environment, or when aggregated make an important contribution to the provision of a particular ecosystem in the urban landscape context; or</u> 5. <u>Areas that make an important contribution to the resilience and ecological integrity of surrounding areas, or, if restored, would provide ecological connectivity or buffering for indigenous vegetation or fauna.</u> iv. <u>In assessing other areas with important natural environment values, Council consider the presence of any aspects of the natural environment which make an important contribution to the sense of place or character of the landscape, for example:</u> 1. <u>Wind breaks, orchards or established trees;</u> 2. <u>Exotic plant communities; or</u> 3. <u>Geological features.</u> <u>Conditions that may be imposed include:</u> v. <u>A requirement to protect areas through reserve status or other legal mechanisms.</u> vi. <u>A requirement to undertake conservation activity.</u>
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Amend Rule 15.11.5.Y.d (assessment of restricted discretionary activities in a mapped area) as follows:

d. Whether subdivision design maintains or enhances areas with ~~significant~~ important natural environment values.

4.5.6 Change D7 (Amenity planting and public amenities)

42. This section addresses submissions on Change D7 (Providing for amenity planting and public amenities in large greenfield subdivisions).

Submission point	Submitter Name	Support oppose	Decision requested
S13.005	Bill Morrison	If the change is not rejected, amend	Amend Change D7 (Providing for amenity planting and public amenities in large greenfield subdivisions) to include a trigger for the provision of amenity planting and public amenities (i.e. number of lots / size of development area) and/or provide guidance on what constitutes 'adequate' areas of amenity planting and public amenities.
S128.008	Mark Geddes	Accept the change	Retain Change D7 (Providing for amenity planting and public amenities in large greenfield subdivisions) if this assists in getting more appropriate planting and public amenities in greenfield subdivisions.
S191.005	Roger and Janine Southby	Accept the change with amendments	Amend Change D7 (Providing for amenity planting and public amenities in large greenfield subdivisions) to include a trigger for the provision of amenity planting and public amenities (i.e. number of lots / size of development area) and/or provide guidance on what constitutes 'adequate' areas of amenity planting and public amenities.
S193.004	Ken Close	Accept the change with amendments	Amend Change D7 (Providing for amenity planting and public amenities in large greenfield subdivisions) to include a trigger for the provision of amenity planting and public amenities (i.e. number of lots / size of development area) and/or provide guidance on what constitutes 'adequate' areas of amenity planting and public amenities.
S204.005	Ron Balchin	Accept the change with amendments	Amend Change D7 (Providing for amenity planting and public amenities in large greenfield subdivisions) to include a trigger for the provision of amenity planting and public amenities (i.e. number of lots / size of development area) and/or provide guidance on what constitutes 'adequate' areas of amenity planting and public amenities.
S219.011	Gladstone Family Trust	Accept the change with amendments	Amend Change D7 (Providing for amenity planting and public amenities in large greenfield subdivisions) to include a trigger for the provision of amenity planting and public amenities (i.e. number of lots / size of development area) and/or provide guidance on what constitutes 'adequate' areas of amenity planting and public amenities.
S223.005	Ed Stewardson	Accept the change with amendments	Amend Change D7 (Providing for amenity planting and public amenities in large greenfield subdivisions) to include a trigger for the provision of amenity planting and public amenities (i.e. number of lots / size of development area) and/or provide guidance on what constitutes 'adequate' areas of amenity planting and public amenities.
S228.006	Wendy Campbell	Accept the change with amendments	Amend Change D7 (Providing for amenity planting and public amenities in large greenfield subdivisions) to include a trigger for the provision of amenity planting and public amenities (i.e. number of lots / size of development area) and/or provide guidance on what constitutes 'adequate' areas of amenity planting and public amenities.

S232.004	Meats of New Zealand Limited	Accept the change with amendments	Amend Change D7 (Providing for amenity planting and public amenities in large greenfield subdivisions) to include a trigger for the provision of amenity planting and public amenities (i.e. number of lots / size of development area) and/or provide guidance on what constitutes 'adequate' areas of amenity planting and public amenities.
S238.006	Willowcroft Limited	Accept the change with amendments	Amend Change D7 (Providing for amenity planting and public amenities in large greenfield subdivisions) to include a trigger for the provision of amenity planting and public amenities (i.e. number of lots / size of development area) and/or provide guidance on what constitutes 'adequate' areas of amenity planting and public amenities.
S239.007	Dunedin City Baptist Church	Accept the change with amendments	Amend Change D7 (Providing for amenity planting and public amenities in large greenfield subdivisions) to include a trigger for the provision of amenity planting and public amenities (i.e. number of lots / size of development area) and/or provide guidance on what constitutes 'adequate' areas of amenity planting and public amenities.
S240.005	Invermark Investments Ltd	Accept the change with amendments	Amend Change D7 (Providing for amenity planting and public amenities in large greenfield subdivisions) to include a trigger for the provision of amenity planting and public amenities (i.e. number of lots / size of development area) and/or provide guidance on what constitutes 'adequate' areas of amenity planting and public amenities.
S241.005	Grant Motion	Accept the change with amendments	Amend Change D7 (Providing for amenity planting and public amenities in large greenfield subdivisions) to include a trigger for the provision of amenity planting and public amenities (i.e. number of lots / size of development area) and/or provide guidance on what constitutes 'adequate' areas of amenity planting and public amenities.
S242.004	DDS Properties (2008) Limited	Accept the change with amendments	Amend Change D7 (Providing for amenity planting and public amenities in large greenfield subdivisions) to include a trigger for the provision of amenity planting and public amenities (i.e. number of lots / size of development area) and/or provide guidance on what constitutes 'adequate' areas of amenity planting and public amenities.
S247.005	Cole Bennetts	Accept the change with amendments	Amend Change D7 (Providing for amenity planting and public amenities in large greenfield subdivisions) to include a trigger for the provision of amenity planting and public amenities (i.e. number of lots / size of development area) and/or provide guidance on what constitutes 'adequate' areas of amenity planting and public amenities.
S249.010	Ross McLeary & COF Ltd & Scroggs Hill Farm Ltd	Accept the change with amendments	Amend Change D7 (Providing for amenity planting and public amenities in large greenfield subdivisions) to include a trigger for the provision of amenity planting and public amenities (i.e. number of lots / size of development area) and/or provide guidance on what constitutes 'adequate' areas of amenity planting and public amenities.
S305.005	Outram Developments Limited	Accept the change with amendments	Amend Change D7 (Providing for amenity planting and public amenities in large greenfield subdivisions) to include a trigger for the provision of amenity planting and public amenities (i.e. number of lots / size of development area) and/or provide guidance on what constitutes 'adequate' areas of amenity planting and public amenities.
S307.006	Peter Doherty	Accept the change with amendments	Amend Change D7 (Providing for amenity planting and public amenities in large greenfield subdivisions) to include a trigger for the provision of amenity planting and public amenities (i.e. number of lots / size of development area) and/or provide guidance on what constitutes 'adequate' areas of amenity planting and public amenities.
S308.005	CC Otago Limited	Accept the change with amendments	Amend Change D7 (Providing for amenity planting and public amenities in large greenfield subdivisions) to include a trigger for the provision of amenity planting and public amenities (i.e. number of lots / size of development area) and/or provide guidance on what constitutes 'adequate' areas of amenity planting and public amenities.

S9.026	Marita Ansin-Johnson	Reject the change	Remove Change D7 (Providing for amenity planting and public amenities in large greenfield subdivisions).
<u>Background</u>			
Change D7 (Providing for amenity planting and public amenities in large greenfield subdivisions) can be summarised as follows:			
Purpose statement		Description of change	Provisions affected by change
The overall purpose of the proposal is to add methods to the Plan to ensure that the subdivision of large areas of greenfield residential land is undertaken in a way that supports best practice urban design outcomes and achieves the strategic objectives of the Plan in an integrated yet flexible way. The scope of this proposal does not include reviewing existing methods in the Plan that may manage issues on greenfield land (e.g. the existing set of overlays and provisions that sit under them) and it does not review the criteria for zoning new residential land, where new land should be provided, or the zone types provided for in the Plan.		Improves guidance on the provision of amenity planting and public amenities as part of the subdivision of large greenfield residential areas.	• Add a clause to new Objective 12.2.X • Add new Policy 12.2.X.4 • Add new Rule 12.X.2.5.b • Add new Rule 15.11.5.Y
<u>Submissions received</u>			
20 original submission were received regarding Change D7, 1 in support, 1 in opposition and 18 seeking amendments. All submissions seeking amendments were prepared by planning consultant, Emma Peters, on behalf of the submitters and seek the same changes.			
Mr Mark Geddes (S128.008) supported Change D7 if this assists in getting more appropriate planting and public amenities in greenfield subdivisions. The reason for the submission in opposition by Marita Ansin-Johnson (S9.026) was general opposition to greenfield rezoning, as discussed in Section 4.1.7 above.			
The duplicate submissions sought amendments to include a trigger for the provision of amenity planting and public amenities (i.e. number of lots / size of development area) and /or provision of guidance on what constitutes ‘adequate’ areas of amenity planting and public amenities (S223.005, S193.004, S239.007, S242.004, S241.005, S232.004, S305.005, S307.006, S247.005, S308.005, S219.011, S240.005, S191.005, S249.010, S238.006, S204.005, S228.006, S13.005). Further submission points in opposition were received on selected submission points in this list, linked to opposition to greenfield rezoning promoted by the relevant original submitters. However, these further submissions do not specifically engage with the Change D7 proposal. The further submissions are from:			
• Abbotsford School (FS1.4), Lauren & Sean McConville (FS146.4), Paul Newall (FS191.4), Peter and Rachel Finnie (FS194.4) and Roger Bailey (FS207.5) on S228.006 (Wendy Campbell), linked to requested rezoning of RS14 at Abbotsford; • Christopher John Burrows (FS51.4) on S232.004 (Meats of New Zealand Limited), linked to requested rezoning of RS200 at Allanton; • Tracy and Peter Finnie (FS245.5) and Anthony Dowling (FS25.5) on S247.005 (Cole Bennetts), linked to requested rezoning of RS110 at 23 Sretlaw Place; • C & L Rhodes (FS41.23) on S305.005 (Outram Developments Limited), linked to requested rezoning of RS154 and RS175 at Outram; • C & L Rhodes (FS41.14) and Bernard Neehoff (FS31.5) on S307.006 (Peter Doherty), linked to requested rezoning of RS154 and RS175 at Outram; and • C & L Rhodes (FS41.5) on S308.005 (CC Otago Limited), linked to requested rezoning of RS154 and RS175 at Outram.			
<u>Expert evidence sought</u>			
I sought expert evidence from Mr John Brenkley, DCC Planning and Partnerships Manager, Parks and Recreation (PARS) (see Appendix G). In summary, Mr Brenkley stated that:			

- Due to the diverse range of open spaces, PARS have adopted the New Zealand Recreation Association Parks Categories Framework¹³. This provides a general framework within which PARS can determine the number and type of amenities required based on the type of open space; and
- Adequate provision of amenities means that the proposal would meet the typical characteristics as identified in the New Zealand Recreation Association Parks Categories Framework, unless otherwise identified by PARS. However, as a minimum all open spaces would require a sign and seat, and a discussion with PARS about the planting, unless otherwise stated (for example, where an open space is provided for protection of its biodiversity value).

Mr Peter Christos, DCC Urban Designer, also provided comments (see **Appendix F**). In summary, Mr Christos considers that the proposed assessment rule will adequately guide the assessment of subdivision consents in terms of provision of amenity planting and public amenities and provides flexibility to consider the scale of development proposed and site-specific opportunities and constraints.

Recommendation

I have reviewed the submissions, reasons for those submissions and the expert evidence outlined above. I recommend amending Change D7 to provide more guidance on what constitutes 'adequate' amenity planting and public amenities, as set out in Mr Christos's evidence.

I do not recommend including a trigger for the provision of amenity planting and public amenities, as this is not wholly a scale-based assessment and depends on the context, as indicated by Mr Christos. A scale threshold also provides an avenue by which the provisions could be subverted by progressing subsequent subdivision applications, none of which exceed the stated trigger point. This would not enable Objective 12.2.X or Objective 2.4.1 to be effectively achieved.

I note Mr Brenkley's evidence but consider that his comments relate more directly to the provision of recreation spaces, rather than the provision of public amenities and amenity planting in other public parts of a subdivision (such as road reserve). I recommend adding reference to the Parks Categories Framework document in the assessment rule for Change D4 instead (see proposed drafting in **Section 4.5.3** above).

I also note my comments in the recommendation for Change D4 above, that site-specific provisions can be included to address these matters through structure plan provisions applied to larger greenfield rezoning areas. Where this is the case, those provisions can replace the need for these matters to be assessed again at the time of subdivision.

I note as well that there is a section on Landscape Design and Practice in the DCC Code of Subdivision and Development (2010) but understand that the current content is not particularly helpful to planning staff. There could be an opportunity in future to supplement the guidance in the District Plan with an updated Code of Subdivision and Development with improved guidance (or through other design guide documents). The Hearing Panel could consider recommending that the DCC explore these mechanisms to address some of the concerns of the submitters, noting that reference to these documents can be added to the Plan in future via a 'minor improvement' plan change.

Recommended amendments:

Amend Rule 12.X.2.5.b as follows:

<u>12.X.2 Assessment of restricted discretionary activities in a Transition Overlay Zone or mapped area</u>		
<u>Activity</u>	<u>Matters of discretion</u>	<u>Guidance on the assessment of resource consents</u>
...		

¹³ https://issuu.com/newzealandrecreationassociation/docs/nzra_parks_category_framework_-fina

5.	In a new development mapped area: All subdivision activities	b.	Provision for amenity planting and public amenities. <i>Relevant objectives and policies:</i> <u>Objective 12.2.X</u> <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> <i>General assessment guidance:</i> <u>In assessing the adequacy of amenity planting and public amenities, some of the key design elements Council will consider are whether:</u> <u>Street trees support the road hierarchy by distinguishing main thoroughfares from local roads and are spaced at regular intervals of between 10-15 metres;</u> <u>Street tree species are suitable to the local conditions in terms of shade, leaf fall, longevity, pest and disease resilience and maintenance requirements;</u> <u>Underground services will be located clear of berm areas for planting with street trees;</u> <u>At least 20% of berm areas will be planted as garden beds with remaining areas turfed;</u> <u>Roundabouts, traffic medians and intersections integrate appropriate planting, designed to ensure maintenance can occur safely; and</u> <u>Public amenities are of robust design and cater to a range of users.</u> <i>Conditions that may be imposed include:</i> <u>Requirements for street tree and other subdivision amenity planting.</u> <u>Requirements for maintenance of planting for a specified period.</u>
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4.5.7 Change D8 (Efficient use of land)

13. This section addresses submissions on Change D8 (Providing for efficient use of land in large greenfield subdivisions).

Submission point	Submitter Name	Support oppose	Decision requested
S9.027	Marita Ansin-Johnson	Reject the change	Remove Change D8 (Providing for efficient use of land in large greenfield subdivisions).
S13.004	Bill Morrison	Reject the change	Remove Rule 12.X.2.5.e.iv.3.
S191.006	Roger and Janine Southby	Reject the change	Remove Rule 12.X.2.5.e.iv.3.
S193.005	Ken Close	Reject the change	Remove Rule 12.X.2.5.e.iv.3.
S204.006	Ron Balchin	Reject the change	Remove Rule 12.X.2.5.e.iv.3.
S219.012	Gladstone Family Trust	Reject the change	Remove Rule 12.X.2.5.e.iv.3.
S223.006	Ed Stewardson	Reject the change	Remove Rule 12.X.2.5.e.iv.3.
S228.007	Wendy Campbell	Reject the change	Remove Rule 12.X.2.5.e.iv.3.
S232.005	Meats of New Zealand Limited	Reject the change	Remove Rule 12.X.2.5.e.iv.3.
S238.005	Willowcroft Limited	Reject the change	Remove Rule 12.X.2.5.e.iv.3.
S239.006	Dunedin City Baptist Church	Reject the change	Remove Rule 12.X.2.5.e.iv.3.
S240.006	Invermark Investments Ltd	Reject the change	Remove Rule 12.X.2.5.e.iv.3.
S241.006	Grant Motion	Reject the change	Remove Rule 12.X.2.5.e.iv.3.
S242.005	DDS Properties (2008) Limited	Reject the change	Remove Rule 12.X.2.5.e.iv.3.
S247.006	Cole Bennetts	Reject the change	Remove Rule 12.X.2.5.e.iv.3.
S249.011	Ross McLeary & COF Ltd & Scroggs Hill Farm Ltd	Reject the change	Remove Rule 12.X.2.5.e.iv.3.
S305.006	Outram Developments Limited	Reject the change	Remove Rule 12.X.2.5.e.iv.3.
S307.007	Peter Doherty	Reject the change	Remove Rule 12.X.2.5.e.iv.3.
S308.006	CC Otago Limited	Reject the change	Remove Rule 12.X.2.5.e.iv.3.

Background

Change D8 (Providing for efficient use of land in large greenfield subdivisions) can be summarised as follows:

Purpose statement	Description of change	Provisions affected by change
The overall purpose of the proposal is to add methods to the Plan to ensure that the subdivision of large areas of greenfield residential land is undertaken in a way that supports best practice urban design outcomes and achieves the strategic objectives of the Plan in an integrated yet flexible way.	Provides for a new policy framework and assessment guidance for the efficient use	- Amend Policy 2.7.1.2 - Add clauses to new Objective 12.2.X

The scope of this proposal does not include reviewing existing methods in the Plan that may manage issues on greenfield land (e.g. the existing set of overlays and provisions that sit under them) and it does not review the criteria for zoning new residential land, where new land should be provided, or the zone types provided for in the Plan.	of land as part of the subdivision of large greenfield residential areas.	• Add new Policy 12.2.X.5 • Add new Rule 12.X.2.5.e • Add new Rule 15.11.5.Y
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Submissions received

19 original submission were received regarding Change D8, 1 in opposition to Change D8 overall and 18 in opposition to one specific clause (Rule 12.X.2.5.e.iv.3). All submissions in opposition to the specific clause were prepared by planning consultant, Emma Peters, on behalf of the submitters. The reason for the submission in overall opposition by Marita Ansini-Johnson (S9.027) was general opposition to greenfield rezoning, as outlined in **Section 4.1.7** above.

The remaining submitters are opposed to the following provision (Rule 12.X.2.5.e.iv.3):

- i. 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:

...

3. the potential cumulative effects of inefficient development on loss of rural land.

The submitters contend that this assessment would already have been undertaken as part of the rezoning of the land and seek rejection of this clause. These submitters were all opposed in further submissions from Otago Regional Council (FS184). Further submission points in opposition were received on selected submission points, linked to opposition to greenfield rezoning promoted by the relevant original submitters. However, these further submissions do not specifically engage with the Change D8 proposal. The further submissions are from:

- Abbotsford School (FS1.5), Lauren & Sean McConville (FS146.5), Paul Newall (FS191.5), Peter and Rachel Finnie (FS194.5) and Roger Bailey (FS207.6) on S228.007 (Wendy Campbell), linked to requested rezoning of RS14 at Abbotsford;
- Christopher John Burrows (FS51.5) on S232.005 (Meats of New Zealand Limited), linked to requested rezoning of RS200 at Allanton;
- Tracy and Peter Finnie (FS245.6) and Anthony Dowling (FS25.6) on S247.006 (Cole Bennetts), linked to requested rezoning of RS110 at 23 Sretlaw Place;
- C & L Rhodes (FS41.24) on S305.006 (Outram Developments Limited), linked to requested rezoning of RS154 and RS175 at Outram;
- C & L Rhodes (FS41.15) and Bernard Neehoff (FS31.6) on S307.007 (Peter Doherty), linked to requested rezoning of RS154 and RS175 at Outram; and
- C & L Rhodes (FS41.6) on S308.006 (CC Otago Limited), linked to requested rezoning of RS154 and RS175 at Outram.

Recommendation

I recommend retaining Change D8 as notified. In response to the submitter's concerns, I note that consideration of the efficient use of land at the time of residential rezoning is guided by Policy 2.2.4.1. However, this only relates to ensuring that land is zoned at a standard or medium density unless there are factors that make a standard density of residential development inappropriate. Once land is zoned to a specific residential zone, there are currently no provisions in the Plan that require the development to proceed as close to the density provided for as possible. Therefore, the consideration of efficient use of land at the time of zone application can be undermined by a developer choosing to develop to a much lower density than provided for.

As for my comments on other changes in this group, I note that the Plan also provides for the use of structure plans and these could, in theory, be used to set minimum yields for a specific greenfield rezoning area. In these cases, the structure plan provisions could replace the need for these matters to be assessed again at the time of subdivision by applying an exemption to the relevant NDMA provisions.

Overall, I am still of the view that the proposed provisions are appropriate to ensure that the relevant objectives of the Plan are effectively achieved, in particular, Objective 2.2.4 Compact and accessible city and Objective 2.6.2 Adequate urban land supply.

Recommended amendments:

None

4.5.8 Change E5 (Strategic direction policies related to structure plans)

Submission point	Submitter Name	Support oppose	Decision requested
S306.004	Megan Goodwin	Reject the change	Remove the changes to Policy 2.4.1.7.a.
S9.008	Marita Ansin-Johnson	Reject the change	Remove Change E5 (Strategic direction policies related to structure plans).

Background

Change E5 (Strategic direction policies related to structure plans) can be summarised as follows:

Purpose statement	Description of change	Provisions affected by change
The overall purpose of the proposal is to add methods to the Plan to ensure that the subdivision of large areas of greenfield residential land is undertaken in a way that supports best practice urban design outcomes and achieves the strategic objectives of the Plan in an integrated yet flexible way. The scope of this proposal does not include reviewing existing methods in the Plan that may manage issues on greenfield land (e.g. the existing set of overlays and provisions that sit under them) and it does not review the criteria for zoning new residential land, where new land should be provided, or the zone types provided for in the Plan.	Makes several changes to strategic direction policies (and one change to the Section 12 Urban Land Transition Provisions) which relate to plan changes and the use of structure plans. These changes clarify the expectations around when structure plans should be used and is linked to the introduction of the new development mapped area provisions.	• Amend Policy 2.4.1.7 • Delete Policy 2.6.1.7 • Add new Policy 2.6.2.Z • Add new Policy 2.6.2.AA • Delete Rule 12.3.4

Submissions received

Two original submissions were received regarding Change E5, 1 in opposition to Change E5 overall and 1 in opposition to changes made to Policy 2.4.1.7.a. The reason for the submission in overall opposition from Marita Ansin-Johnson (S9.008) was general opposition to greenfield rezoning, as outlined in **Section 4.1.7** above.

Megan Goodwin opposes the proposed change in wording in Policy 2.4.1.7.a. The proposed changes are:

Maintain a compact city with a high degree of legibility based on clear centres, edges and connections through objectives and policies ~~rules that:~~

a. manage the design and location ~~expansion of urban expansion areas; and~~

The reason for opposition to these changes is that the wording is considered to change the meaning of the policy, so it is no longer about maintaining a compact city but now provides for urban sprawl.

Recommendation

I recommend retaining Change E5 as notified. I am of the view that the changes proposed do not change the intent of the Plan regarding urban expansion, as maintaining a compact city does not necessarily mean there should be no urban expansion. I note that Objective 2.2.4 (Compact and accessible city) states:
Dunedin stays a compact and accessible city with resilient townships based on sustainably managed urban expansion. Urban expansion only occurs if required and in the most appropriate form and locations.

Therefore, sustainable urban expansion is already anticipated by the Plan and I consider the changes proposed to Policy 2.4.1.7.a are consistent with this.

Overall, Change E5 clarifies the use of structure plan mapped areas, which are one method to ensure the design and location of urban expansion best meets the objectives of the Plan and I consider this to be appropriate.

Recommended amendments:

None

4.6 Changes for transportation connections in subdivisions

4.6.1 Change D2 (Transportation connections in subdivisions)

Submission point	Submitter Name	Support oppose	Decision requested
S271.004	Otago Regional Council	Accept the change	Retain Change D2 (Transport connections in subdivisions).
S177.005	Generation Zero (Dunedin)	Accept the change	Retain Change D2 (Transportation connections in subdivisions).
S160.011	Dunedin Tunnels Trails Trust (Kate Wilson)	Accept the change with amendments	Add provisions so that off-site ev and ebike charging is provided for in subdivisions, especially where garages are not provided.

S160.012	Dunedin Tunnels Trails Trust (Kate Wilson)	Accept the change with amendments	Add provisions to ensure the provision of connections to existing and planned cycleways, walkways and public transport routes, ev car and ebike charging infrastructure, prioritisation of walking and cycling in design (especially on flat land), cycle storage and other cycle infrastructure.
S160.001	Dunedin Tunnels Trails Trust (Kate Wilson)	Accept the change with amendments	Amend Policy 2.2.2.4 to reference existing or planned cycle and walkways and preference for access to centres on easy (flat) terrain.
S218.002	Ministry of Education	Accept the change with amendments	Amend Policy 2.2.2.4.X and Policy 6.2.3.Y to provide greater clarity and direction about how the specific urban design outcomes are required to be achieved (in terms of connectivity between schools and new greenfield sites).
S160.002	Dunedin Tunnels Trails Trust (Kate Wilson)	Accept the change with amendments	Amend Policy 2.2.2.4.x to require ev car and ebike charging and priority in design for walking and cycling especially where the subdivision is in an area with low elevation to centres or existing or planned cycle ways.
S187.018	Dunedin City Council	Accept the change with amendments	Amend Policy 6.2.3.Y (and make consequential amendments to assessment Rule 6.11.2.7) regarding provision of roads in subdivisions to ensure that the potential for development of more than one residential unit per site is a consideration in the assessment of whether a road will be required as part of a subdivision.
S218.001	Ministry of Education	Accept the change with amendments	Amend Policy 6.2.3.Y to consider the transport network in proximity to schools to ensure the safety of school staff and students travelling to and from schools. This could include assessment matters relating to the implementation of enhanced safety measures such as the promotion of public transport, pedestrian and cycle linkages, traffic calming and signalised crossings where appropriate.
S125.003	Bus Users Support Group Otepoti/Te Roopu Tautoko Kaieke Pahi ki Otepoti	Accept the change with amendments	Amend rules for residential subdivision so that the design of the road and path network optimises walking distances to bus stops.
S128.009	Mark Geddes	If the change is not rejected, amend	Amend Rule 6.11.2.7 to remove the limit for the number of users if the road is of adequate width and a purchaser has bought a site knowing the maintenance requirements and potential traffic flows for their private road.
S220.009	Terramark Limited	Accept the change with amendments	Amend Policy 6.2.3.Y, Rules 6.11.2.7 and 6.11.2.8 to only require a legal road where other assessment matters trigger this requirement such as for reasons of network connectivity and/or safe and efficient operation of the transport network.
S263.010	GTJM Property Limited (Joe Morrison and Gill Thomas)	Accept the change with amendments	Amend policies 6.2.3.Y, 6.11.2.7 & 6.11.2.8 to only require a legal road where other assessment matters trigger this requirement such as for reasons of network connectivity and/or safe and efficient operation of the transport network.

S202.006	K and L Accommodation Limited	Accept the change with amendments	Amend Policy 6.2.3.Y, Rules 6.11.2.7 and 6.11.2.8 to only require a legal road where other assessment matters trigger this requirement such as for reasons of network connectivity and/or safe and efficient operation of the transport network.
S203.013	Tom and Loretta Richardson	If the change is not rejected, amend	Remove Policy 6.2.3.Y, Rule 6.11.2.7 and 6.11.2.8 and replace with an amendment to Rule 6.6.3.9.a.ii to increase the legal width of the driveway for 7 or more residential units.
S206.026	Paterson Pitts Group	If the change is not rejected, amend	Remove Policy 6.2.3.Y, Rule 6.11.2.7 and 6.11.2.8 and replace with an amendment to Rule 6.6.3.9.a.ii to increase the legal width of the driveway for 7 or more residential units.
S76.024	Christopher Connor & Tina Prendergast	Accept the change with amendments	Remove Policy 6.2.3.Y, Rule 6.11.2.7 and 6.11.2.8 and replace with an amendment to Rule 6.6.3.9.a.ii to increase the legal width of the driveway for 7 or more residential units.
S79.019	Glenelg Street Trust Board Incorporated	Accept the change with amendments	Remove Policy 6.2.3.Y, Rule 6.11.2.7 and 6.11.2.8 and replace with an amendment to Rule 6.6.3.9.a.ii to increase the legal width of the driveway for 7 or more residential units.
S150.019	Giler and Katherine Wynn-Williams	Accept the change with amendments	Remove Policy 6.2.3.Y, Rule 6.11.2.7 and 6.11.2.8 and replace with an amendment to Rule 6.6.3.9.a.ii to increase the legal width of the driveway for 7 or more residential units.
S230.014	BA Building Ltd	Accept the change with amendments	Remove Policy 6.2.3.Y, Rule 6.11.2.7 and 6.11.2.8 and replace with an amendment to Rule 6.6.3.9.a.ii to increase the legal width of the driveway for 7 or more residential units.
S264.016	D N Innovations Ltd	Accept the change with amendments	Remove Policy 6.2.3.Y, Rule 6.11.2.7 and 6.11.2.8 and replace with an amendment to Rule 6.6.3.9.a.ii to increase the legal width of the driveway for 7 or more residential units.
S270.019	Doug Hall	Accept the change with amendments	Remove Policy 6.2.3.Y, Rule 6.11.2.7 and 6.11.2.8 and replace with an amendment to Rule 6.6.3.9.a.ii to increase the legal width of the driveway for 7 or more residential units.
S282.026	Survey & Spatial New Zealand (STSNZ) Coastal Otago Branch	Accept the change with amendments	Remove Policy 6.2.3.Y, Rule 6.11.2.7 and 6.11.2.8 and replace with an amendment to Rule 6.6.3.9.a.ii to increase the legal width of the driveway for 7 or more residential units.
S286.015	Karen Knudson & Ross Brown	Accept the change with amendments	Remove Policy 6.2.3.Y, Rule 6.11.2.7 and 6.11.2.8 and replace with an amendment to Rule 6.6.3.9.a.ii to increase the legal width of the driveway for 7 or more residential units.
S291.024	Margaret Charles & Marguerita Lazar	Accept the change with amendments	Remove Policy 6.2.3.Y, Rule 6.11.2.7 and 6.11.2.8 and replace with an amendment to Rule 6.6.3.9.a.ii to increase the legal width of the driveway for 7 or more residential units.
S295.016	HWH Properties Ltd	Accept the change with amendments	Remove Policy 6.2.3.Y, Rule 6.11.2.7 and 6.11.2.8 and replace with an amendment to Rule 6.6.3.9.a.ii to increase the legal width of the driveway for 7 or more residential units.
S300.020	Kurt Bowen	Accept the change with amendments	Remove Policy 6.2.3.Y, Rule 6.11.2.7 and 6.11.2.8 and replace with an amendment to Rule 6.6.3.9.a.ii to increase the legal width of the driveway for 7 or more residential units.
<u>Background</u>			

Change D2 (Transportation connections in subdivisions) can be summarised as follows:

Purpose statement	Description of change	Provisions affected by change
The purpose of the proposal is to review the policy framework and assessment guidance for transportation connections in new subdivisions, including considering whether it is necessary to provide improved guidance on when DCC will require new roads to be vested with the DCC. This proposal is linked to the NDMA changes, which have an overall purpose to ensure that the subdivision of large areas of greenfield residential land is undertaken in a way that supports best practice urban design outcomes and achieves the strategic objectives of the Plan in an integrated yet flexible way, but considers all subdivisions not just those in the a new development mapped area. The scope of the review and changes does not include a review of transportation provisions outside of those related to subdivisions including existing performance standards in Section 6 of the Plan, such as those for parking, loading and access.	This proposal changes the strategic direction policies related to transportation considerations in subdivisions to remove duplication; adds policy direction on when Council will require a new road to be provided in Section 6, and adds assessment guidance related to the existing policy framework for design considerations for roads in Section 6.	• Amend Policy 2.2.2.4 to add a new clause x • Delete Policy 2.2.2.5 (clause a) • Delete Policy 2.6.1.6 (clause a) • Add new Policy 6.2.3.Y • Amend Rule 6.11.2.7 • Amend Rule 6.11.2.8

Submissions received

27 original submissions were received on Change D2. Two submissions supported the changes and 25 submissions sought amendments. 19 further submissions were received from Otago Regional Council (FS184), as set out below.

Reasons for support included:

- the change promotes the requirements of the updated Otago/Southland Regional Land Transport Plans 2018-2021, specifically Policies 7, 8 and 13 (Otago Regional Council S271.004);
- it is important to consider and support options for alternative active modes of transport when considering urban design and infrastructure (Otago Regional Council S271.004, Generation Zero (Dunedin) S177.005). The submission from Generation Zero (Dunedin) was supported by a further submission from Otago Regional Council (FS184.217).

Amendments sought regarding the design of roads and other connections:

- addition of provisions to ensure connections to existing and planned cycleways, walkways and public transport routes, ev car and ebike charging infrastructure, prioritisation of walking and cycling in design (especially on flat land), cycle storage and other cycle infrastructure (Dunedin Tunnels Trails Trust S160.012). This was supported by a further submission from Otago Regional Council (FS184.200);
- amendment of Policy 2.2.2.4 to reference existing or planned cycle and walkways and preference for access to centres on easy (flat) terrain (Dunedin Tunnels Trails Trust S160.001);
- amendment of Policy 2.2.2.4.x to require ev car and ebike charging and priority in design for walking and cycling, especially where the subdivision is in an area with low elevation to centres or existing or planned cycle ways (Dunedin Tunnels Trails Trust S160.002). This was supported by a further submission from Otago Regional Council (FS184.21);
- addition of provisions so that off-site ev and ebike charging is provided for in subdivisions, especially where garages are not provided (Dunedin Tunnels Trails Trust S160.011) – N.B. this submission is likely outside the scope of Variation 2 changes. This was supported in a further submission from Otago Regional Council (FS184.199);

- amendments so the design of the road and path network optimises walking distances to bus stops (Bus Users Support Group Otepoti S125.003). This was supported in part by a further submission from Otago Regional Council (FS184.15), provided the relief is consistent with policies 11 and 13 of the Otago/Southland Regional Land Transport Plans 2015-2021;
- amendments to Policy 2.2.2.4.X and Policy 6.2.3.Y to provide greater clarity and direction about how the specific urban design outcomes are required to be achieved in terms of connectivity between schools and new greenfield sites (Ministry of Education S218.002); and
- amendments to Policy 6.2.3.Y to consider safety near schools, possibly including assessment matters relating to the implementation of enhanced safety measures such as the promotion of public transport and active transport linkages, traffic calming and signalised crossings where appropriate (Ministry of Education S218.001). This was supported by a further submission from Otago Regional Council (FS218.001).

I note that the purpose of Change D2 is “to review the policy framework and assessment guidance for transportation connections in new subdivisions...” and most of the submissions above fit within this purpose. However, requests for provisions on infrastructure other than transportation connections, such as charging facilities, cycle storage and cycle infrastructure other than cycleways do not fall within this purpose statement.

Amendments sought regarding the requirement for a road to be provided:

- amendments so the new Policy 6.2.3.Y and associated assessment rules 6.11.2.7 and 6.11.2.8 only require a legal road where the assessment matters trigger this requirement, such as for reasons of network connectivity and/or safe and efficient operation of the transport network, as the submitter considers that private access serving an unlimited number of sites is entirely reasonable and the rule may be hard to apply in practice (S220.009, S202.006, S263.010 – all submitters represented by local surveyor, Terramark);
- amendments to Rule 6.11.2.7 to remove the limit on number of users if the road is of adequate width and a purchaser has bought a site knowing the maintenance requirements and potential traffic flows for their private road (Mark Geddes S128.009);
- amendments to Policy 6.2.3.Y to ensure that the potential for development of more than one residential unit per site is a consideration in the assessment (Dunedin City Council S187.018); and
- amendments to replace the changes with an amendment to Rule 6.6.3.9.a.ii to increase the legal width of driveways for 7 or more residential units (S203.013, S230.014, S264.016, S286.015, S295.016, S282.026, S300.020, S76.024, S270.019, S150.019, S79.019, S206.026, S291.024 – all submitters represented by local surveyor, Paterson Pitts Group). These 13 submission points were all opposed in further submissions by Otago Regional Council (FS184).

Regarding the last point above, I note that the purpose statement for Change D2 also states “The scope of the review and changes does not include a review of transportation provisions outside of those related to subdivisions including existing performance standards in Section 6 of the Plan, such as those for parking, loading and access.” I consider these submission points to be within the scope of Variation 2 because the affected performance standard is “related to subdivisions” as the rule states minimum legal widths for driveways, which must be considered at the time of subdivision.

Expert Evidence Sought

I have sought expert evidence from Mr Logan Copland, DCC Planner, Transport Strategy (see **Appendix B**). His evidence primarily addresses the submissions regarding the requirements for a road to be provided, and the performance standard for the width of driveways.

In summary, Mr Copland considers that there are the following issues with Rule 6.6.3.9 Width of driveways, the proposed amendments, and suggestions made by submitters:

- Rule 6.6.3.9 does not clearly outline whether there is any upper limit on the number of residential units that can be accessed via a private way;

- Rule 6.6.3.9 for 7+ units is a minimum of 3.5m formed width and 4.5m legal width and this is unable to accommodate safe and efficient provision of two-way vehicle traffic, which should be accommodated from a traffic generation perspective for this number of units;
- Adding a category for 13+ units may encourage creation of high use private accessways which in many cases would be more appropriate as legal roads;
- Issues can arise from there being a large number of users of a private access, especially the need to address significant and expensive maintenance issues as the infrastructure ages, which may lead to pressure for the Council to intervene and take over maintenance. There are also implications for DCC 3 Waters and Waste & Environmental Solutions; and
- Traffic generation rates are more aligned with the number of residential units than number of sites (especially when it is possible to develop more than one residential unit on a site).

Mr Copland makes the following recommendations:

- That the Rule 6.6.3.9 for 7+ units be amended to require a minimum of 5.0m formed width and 6.0m legal width;
- That the number of users of a private access should be capped at 12 via Rule 6.6.3.9 if there is scope to do so;
- Base any requirements for a road on a 'per unit' measurement, rather than 'per site';
- Retain the proposed changes to the assessment rule to enable a road to be required for less than 12 units where needed;
- Policies which encourage walking, cycling and public transport connections are supported; and
- Any changes requiring electric vehicle charging facilities should be informed by changes to relevant design standards before being implemented.

Evidence from Mr Chris Henderson, DCC Group Manager Waste and Environmental Solutions, on provisions for solid waste disposal also highlights issues arising from high numbers of residential units being accessed via a private way (see **Appendix A**). This links to the assessment outlined in **Section 4.1.3** above on solid waste management.

Recommendation & Assessment

I recommend retaining Change D2 with amendments as follows:

- Amend Rule 6.6.3.9.a Width of Driveways to increase the minimum legal and formed widths of driveways serving 7+ units from 4.5m to 6m and from 3.5m to 5m respectively, as submitters (including Paterson Pitts S206.026 and others represented by them) and Mr Copland agree that the current minimum width requirement is inadequate to provide for two-way traffic. The status quo may result in roads being sought more often than necessary. This is also consistent with earlier evidence provided to the 2GP Hearing Panel with respect to this rule, as noted by Mr Copland;
- Amend General Advice Note 6.6.3A to clarify the relationship between the Width of Driveways rule and the assessment matter for the provision of roads so that all Plan users are aware that the width of driveways rule only applies to driveways and does not provide an indication of whether a road should be provided instead of a driveway, as the status quo appears to cause confusion. I note that this is different to the recommendation made by Mr Copland as there is no scope to cap the users of a private access at 12 via Rule 6.6.3.9 Width of Driveways;
- Amend Assessment Rule 6.11.2.7 to add general assessment guidance on how Council will apply Policy 6.2.3.Y in terms of the discretion to not require a road for more than 12 sites ("unless the location or design of the subdivision makes this inappropriate") in response to concerns raised by Paterson Pitts Group and others that there is no guidance on how Council's discretion will be applied;
- Amend Policy 6.2.3.Y and make associated changes so the cut off for provision of a road is 12 residential units rather than 12 sites, for consistency with Rule 6.6.3.9 Width of Driveways, to reflect that traffic generation is more closely linked with the number of units, and to reflect that there are likely to be more developments with two or more residential units per site as a result of other Variation 2 changes. I acknowledge that it may not always be possible to assess how many residential units may be developed at the time a subdivision is proposed, but I consider that the wording of the proposed policy provides flexibility to accommodate that uncertainty;

- Amend Policy 2.2.2.4.X, Policy 6.3.2.12 and make associated amendments to ensure good connections by active modes are provided to existing or planned future centres, public open spaces, schools, community facilities, neighbouring urban land, cycleways, walkways and public transport stops in the surrounding environment, even when a road is not required as part of the subdivision (in response to submissions by Dunedin Tunnels Trails Trust S160, Bus Users Support Group Otepoti S125.003, and Ministry of Education S218). I consider these amendments are required because existing provisions for connections by alternative modes only apply where a subdivision involves a new road (see Policy 6.2.3.12 and assessment Rule 6.11.2.8).

I recommend rejecting the other submission points for the following reasons:

- In response to the submission from Paterson Pitts Group and others, I do not recommend removing new Policy 6.2.3.Y and associated changes to the assessment rules at 6.11.2.7 and 6.11.2.8 because the guidance for when a road will be required is justified particularly in terms of the functional and ongoing maintenance requirements for accessways serving more than 12 residential units and in terms of the need to consider connectivity to future areas of urban growth. This justification is set out in my original Section 32 assessment¹⁴ and in the evidence of Mr Copland. I also note the linkage between these requirements and proposed changes to address issues with solid waste management, set out in **Section 4.1.3** above;
- In response to the submission from Paterson Pitts Group and others, I do not recommend adding a category to Rule 6.6.3.9 Width of Driveways for driveways serving 13+ units as this is captured by the proposed change to the category for 7+ units and I agree with Mr Copland that this may encourage the development of private accesses where a road is more appropriate;
- In response to the submissions by Dunedin Tunnels Trails Trust (S160), I do not recommend adding requirements for electric vehicle or bike charging stations, cycle storage or other cycle infrastructure as part of a subdivision. I consider these requests to be outside the scope of Variation 2. Such infrastructure can still be provided by individual landowners on their own property, or communal charging facilities can be installed by commercial providers where it is considered commercially feasible to do so. I also agree with Mr Copland that changes to national design standards should inform any provisions, which could be considered through a later variation or plan change process;
- I do not recommend amending the specific provisions requested by Ministry of Education for changes (S218.001 and S218.002), as these are not the appropriate provisions to amend for the outcomes they are seeking. I consider that other changes I have recommended regarding provision of connections to schools by alternative modes addresses the relief sought in a more appropriate way.

Recommended amendments:

Amend Policy 2.2.2.4.X as follows:

Support transport mode choices and reduced car dependency through policies and rules that:

...

X. require subdivision to be designed (subdivision layout and standard of roading) to support good connectivity and legibility for all modes, including good accessibility by active modes, to:

- X. existing or planned centres, public open spaces, schools, cycleways, walkways, public transport stops, and community facilities; and
- Y. ~~existing or future~~ neighbouring existing or potential future urban land.

Amend Policy 6.2.3.12 as follows:

¹⁴ See Chapter 12 of Variation 2 – Additional Housing Capacity Section 32 Report (February 2021)

Only allow subdivision activities ~~that involve new roads~~ where roads, private ways, or other pedestrian and cycling connections, are provided in a way that is appropriate to the scale and location of the subdivision and designed to:

- a. provide for the safe and efficient movement of vehicles, pedestrians and cyclists within the subdivision;
- b. provide ~~adequate~~ connections to surrounding areas and the wider transport network, particularly for buses, pedestrians, and cyclists, in a way that maximises opportunities for active mode and public transport connections to existing or planned:
 - i. centres, public open spaces, schools, cycleways, walkways, public transport stops, and community facilities in the surrounding environment, and
 - ii. neighbouring urban land, including by providing appropriate connections to undeveloped land, whether zoned for future urban use or not, unless that land is inappropriate for urban development, based on the presence of overlay zones or mapped areas protecting significant values or indicating significant site constraints such as natural hazards; and
- c. use materials that provide good urban design outcomes and, where infrastructure is to be vested in Council, provide good value with respect to on-going costs to ratepayers for maintenance ~~if the roads are to be vested in Council.~~

Amend Policy 6.2.3.Y as follows:

Require subdivision activities to provide for new roads where:

- a. any proposed vehicle accessway will is likely to service more than 12 sites residential units considering the permitted density for the zone, unless the location or design of the subdivision makes this inappropriate;
- b. it is necessary to provide connectivity to potential future urban growth areas in the surrounding environment; or
- c. it is otherwise necessary to support the safe and efficient operation of the transport network.

Amend Rule 6.6.3.9.a Width of Driveways as follows:

- a. The minimum widths of driveways are as follows:

All zones except rural and rural residential zones		1.Number of residential units served	2.Minimum legal width	3.Minimum formed width
i.	Residential activities	1 - 6	4m	3m
ii.		7+	4.5m <u>6m</u>	3.5m <u>5m</u>
iii.	All other activities	All	6m	5m
...				

Add a clause to Note 6.6.3A – General advice as follows:

X. The driveway width requirements set out in Rule 6.6.3 do not apply to roads. Road design requirements are determined on a case by case basis, guided by the DCC Code of Subdivision and Development 2010. Council will assess whether a road (rather than a driveway) will be required when considering subdivision applications in accordance with Policy 6.2.3.Y and assessment rules 6.11.2.7 and 6.11.2.8.

Add to the General Assessment Guidance in Assessment Rule 6.11.2.7 as follows:

[to be inserted after 6.11.2.7.a.Y]

AC. In determining whether the location or design of a subdivision makes it inappropriate to require a road, Council will consider all relevant matters, including, but not limited to, whether:

- X. access routes to and through the subdivision area will enable minimum road design requirements to be met, including factors such as slope and site dimensions;
- Y. access can only be achieved by right-of-way over other property; or
- Z. the proposal is related to a multi-unit development or is for a unit title subdivision and ongoing management of accessways over common property is provided for through a body corporate.

Amend Assessment Rule 6.11.2.8 to remove reference to Policy 6.2.3.12

Amend Assessment Rule 6.11.2.7 to add reference to amended Policy 6.2.3.12

Consequential changes yet to be determined

4.7 Other changes

4.7.1 Change E1 (Residential zone descriptions)

Submission point	Submitter Name	Support oppose	Decision requested
S9.018	Marita Ansin-Johnson	Accept the change	Retain Change E1 (Residential zone descriptions).
S177.006	Generation Zero (Dunedin)	Accept the change	Retain Change E1 (Residential zone descriptions).
S189.008	Ryman Healthcare limited	Accept the change with amendments	Retain 15.1.1.1 (introduction to 'General Residential 1') to the extent the amendments anticipate larger developments that will house 'supported living facilities' and that change in residential character is anticipated over time, but further amend the introduction to specifically mention "retirement villages".
S205.008	Retirement Villages Association of New Zealand	Accept the change with amendments	Retain 15.1.1.1 (introduction to 'General Residential 1') to the extent the amendments anticipate larger developments that will house 'supported living facilities' and that change in residential character is anticipated over time, but further amend the introduction to specifically mention "retirement villages".
S75.001	Jeremy Callander	Accept the change with amendments	Amend 15.1.1.1 (General Residential 1 zone description) to remove mention of "'terrace style' developments".
S189.009	Ryman Healthcare limited	Accept the change with amendments	Retain 15.1.1.2 (introduction to 'General Residential 2') and 15.1.1.3 (introduction to 'Inner City Residential') to the extent the amendments recognise the need to provide a range of housing choices, but further amend to specifically mention the need to enable retirement villages.

S205.009	Retirement Villages Association of New Zealand	Accept the change with amendments	Retain 15.1.1.2 (introduction to 'General Residential 2') and 15.1.1.3 (introduction to 'Inner City Residential') to the extent the amendments recognise the need to provide a range of housing choices, but further amend to specifically mention the need to enable retirement villages.
S189.010	Ryman Healthcare limited	Accept the change with amendments	Amend 15.1.1.4 (introduction to 'Low Density Residential') to specifically mention the need to enable retirement villages.
S205.010	Retirement Villages Association of New Zealand	Accept the change with amendments	Amend 15.1.1.4 (introduction to 'Low Density Residential') to specifically mention the need to enable retirement villages.
S187.019	Dunedin City Council	Accept the change with amendments	Review the zone descriptions for Large Lot Residential 1 and 2 zones and Township and Settlement Zone in 15.1.1.5, 15.1.1.6, and 15.1.1.7 to clarify that some of these areas are not serviced for reticulated water supply or stormwater. Amend the reference to "stormwater storage" as this is not strictly correct.

Background

Change E1 (Residential zone descriptions) is summarised as follows:

Purpose statement	Description of change	Provisions affected by change
The purpose of this proposal is to review the residential zone descriptions in the introduction to Section 15 to ensure the descriptions of development that is enabled by the Plan and the anticipated future residential character reflects the Plan rules for each residential zone. The scope of the change is constrained to the existing plan provisions and any changes being considered through Variation 2.	Makes amendments to the residential zone descriptions in the Section 15 Introduction to better describe the type of development enabled in the zone (and therefore the intended future character), rather than just describing the existing character.	Amend zone descriptions for: • 15.1.1.1 General Residential 1 • 15.1.1.2 General Residential 2 • 15.1.1.3 Inner City Residential • 15.1.1.4 Low Density Residential • 15.1.1.5 Large Lot Residential 1 • 15.1.1.6 Large Lot Residential 2 • 15.1.1.7 Township and Settlement

Submissions received

10 original submissions were received on Change E1 with 2 in support and 8 seeking amendments.

Reasons for support of Change E1 were not given.

Amendments sought to Change E1 include:

- Dunedin City Council seeks to amend the descriptions for the Large Lot Residential 1 and 2 zones and Township and Settlement zone to clarify that some of these areas are not serviced with reticulated water supply or stormwater and amend the reference to stormwater storage, as this is not strictly correct (S187.019);
- Retirement Villages Association NZ and Ryman Healthcare Ltd seek to amend the zone descriptions for General Residential 1 zone, General Residential 2 zone and Low Density Residential zone to specifically mention retirement villages (S205.008, S205.009, 205.010, S189.008, S189.009, S189.010);
- Jeremy Callandar (S75.001) seeks amendment of 15.1.1.1 (General Residential 1 zone description) to remove mention of "'terrace style' developments" due to concerns about a shortage of car parking to support this type of development if off-street parking is not required.

Recommendation

I recommend amending Change E1 to provide the relief sought by most of the submitters, as follows:

- In response to the submissions from Retirement Villages Association NZ and Ryman Healthcare Ltd I recommend adding a paragraph in the Introduction to the residential zones in 15.1, rather than specifically mentioning retirement villages in each requested zone description, although I have done so for the General Residential 1 zone, as it already specifically mentions other types of supported living facilities;
- In response to the submission from Dunedin City Council, I recommend deleting the reference to “onsite stormwater storage” from the zone descriptions for Large Lot Residential 1 Zone and Large Lot Residential 2 Zone, as the correct term is ‘attenuation’. To retain the reference to this in these zone descriptions might imply that stormwater attenuation is not required in other zones, which is not the case.

These changes are minor in nature and do not fundamentally alter what is provided for within the relevant zones.

I do not recommend making changes to remove the reference to ‘terrace style’ developments from the zone description for the General Residential 1 zone, as sought by Jeremy Callandar. The proposed zone description states that “*The anticipated future character of the General Residential 1 Zone will include: stand-alone dwellings, duplexes, and occasionally on larger sites multi-unit attached, ‘terrace style’ developments up to 9m in height...*”. I note that terrace style developments are already provided for in the General Residential 1 zone where the sites are large enough to meet the density and minimum site size rules, and where the exception to the setbacks rule applies for buildings sharing a common wall (Rule 15.6.13.1.a.viii.2). I am of the view that the reference to terrace style developments is accurate and should be retained to give Plan users an overview of the sort of development that may be anticipated in the General Residential 1 zone. The scope of Variation 2 does not extend to reviewing the setbacks performance standard or its exceptions and so provision for terrace style developments in this zone cannot be removed as part of Variation 2, even if it was desirable to do so.

Recommended amendments:

Note that some of the amendments shown below are in response to submissions on Changes A2 / B5, as set out in **Sections 4.2.3 and 4.3.1** above, and are marked accordingly. They are shown here with the recommendations for Change E1 to avoid repetition.

Amend 15.1 Introduction as follows:

...

Parts of the residential zones are also managed through heritage precincts, which include more controls on new development as well as alterations to existing buildings if they are scheduled heritage buildings or identified character-contributing buildings. Natural Hazard overlays also apply to some parts of residential zones.

In addition to standard residential activities, residential zones also provide for other types of residential activities including supported living facilities in the form of student hostels, rest homes and retirement villages. These activities will often need to be developed in a different form to standard residential activity and the Plan provides for this by managing these activities as a restricted discretionary activity and not applying the density provisions that apply to standard residential activity. {Change E1}

This management approach will result in residential zones that support the needs of residents, provide a range of housing types and sizes; maintain and improve amenity values; enhance streetscapes; maintain and enhance efficient and affordable water and waste infrastructure networks; enable land use activities that are accessible by a range of travel modes, and contribute to compact living environments.

The various residential zones proposed in this Plan are briefly described below.

Amend proposed zone description 15.1.1.1 General Residential 1 as follows:

The General Residential 1 Zone covers the majority of the middle to outer suburban areas of Dunedin and Mosgiel and is often applied when rezoning areas of greenfield land on the urban fringes. {Change E1} Historically, this zone has been characterised by relatively low density suburban development patterns, which arose from a long-standing minimum site size requirement of 500m² and allowance for one dwelling per site. However, as a result of development of the 2GP and its subsequent variation ('Variation 2'), these rules have been amended to enable change in residential character over time to a slightly denser suburban form but with retention of requirements around maximum site coverage and provision of outdoor living space to maintain suburban green space. {Change E1} Where two units are provided for on sites up to 800m² in size, these are required to either be in the form of a size-limited ancillary residential unit (which cannot be subdivided off) or a duplex to ensure a pattern of development that is consistent with the existing character of the zone. The duplex provisions also encourage efficient use of sites through less wasted space in narrow side yards and provide for more usable outdoor living space in other parts of the site. {Changes A2/B5}

The anticipated future character of the General Residential 1 Zone will include:

- stand-alone dwellings, duplexes, and occasionally on larger sites multi-unit attached, 'terrace style' developments up to 9m in height; {Change A2}
- sites generally between 400m² and 800m² in size; {Change A3}
- a greater variety in site sizes encouraged by flexibility in the minimum site size rule; {Change B1}
- small (up to 80m²) ancillary residential units where site sizes allow; {Change A1} and
- larger developments that house supported living facilities (rest homes, retirement villages and student hostels) {Change E1} or social housing {Change C1} where site sizes allow.

In new greenfield areas, the General Residential 1 Zone is generally subject to the new development mapped area provisions in order to ensure good urban design outcomes. These provisions are contained in Section 12 and apply in addition to the provisions in this section.

Amend proposed zone description 15.1.1.5 Large Lot Residential 1 as follows:

The Large Lot Residential 1 Zone includes a small number of residential areas that provide for residential development at a low density due to hazards; slope; ~~the need for on-site stormwater storage;~~ the need to protect important biodiversity, water bodies, landscape or natural character values; or other factors that make a standard density of residential development inappropriate. Several areas in this zone are not serviced with wastewater, water supply or stormwater public infrastructure and the large site sizes also provide for on-site wastewater disposal. {Change E1} The zone rules provide for an ancillary residential unit to provide additional accommodation. {Change A1}

Amend proposed zone description 15.1.1.6 Large Lot Residential 2 as follows:

The Large Lot Residential 2 Zone includes a small number of residential areas that provide for residential development at a very low density due to hazards; slope; ~~the need for on-site stormwater storage;~~ the need to protect important biodiversity, water bodies, landscape or natural character values; or other factors that make a standard density of

residential development inappropriate. Many areas in this zone are not serviced with wastewater, water supply or stormwater public infrastructure. **{Change E1}** The zone rules provide for an ancillary residential unit to provide additional accommodation. **{Change A1}**

Amend proposed zone description 15.1.1.7 Township and Settlement as follows:

The Township and Settlement Zone applies to areas beyond the main urban areas of Dunedin and Mosgiel and includes areas that were once independent settlements, such as Port Chalmers and Portobello. It includes larger residential townships supported by a commercial centre and smaller residential settlements that are not attached to a commercial centre. The existing and intended future characteristics of this zone vary depending on the context. In some cases, this zone is applied in areas that are not reticulated with water supply, stormwater or wastewater public infrastructure, identified by a ~~'no DCC reticulated wastewater mapped area'~~. Areas that are not reticulated with wastewater public infrastructure are identified by a **'no DCC reticulated wastewater mapped area'**. In these areas a low density of residential development is required in order to enable on-site wastewater disposal. Where wastewater public infrastructure is provided, the anticipated pattern of development is the same as for the General Residential 1 Zone. **{Change E1}** The development of ancillary residential units is provided for across this zone. **{Change A1}**

4.7.2 Change E2 (Clarify the RTZ, HETZ and IndTZ provisions)

Submission point	Submitter Name	Support oppose	Decision requested
S9.019	Marita Ansin-Johnson	Accept the change	Retain Change E2 (Clarify the RTZ, HETZ and IndTZ provisions)
S189.012	Ryman Healthcare Limited	Add a change	Add a new provision in Section 12 specifying which zone's objectives, policies and rules must be considered for a proposal in an area subject to the transition zone overlays.
S205.012	Retirement Villages Association of New Zealand	Add a change	Add a new provision in Section 12 specifying which zone's objectives, policies and rules must be considered for a proposal in an area subject to the transition zone overlays.

Background

Change E2 (Clarify the RTZ, HETZ and IndTZ provisions) is summarised as follows:

Purpose statement	Description of change	Provisions affected by change
The purpose of this proposal is to clarify how the Residential Transition Overlay Zone (RTZ), Industrial Transition Overlay Zone (IndTZ) and Harbourside Edge Transition Overlay Zone (HETZ) provisions work in the introduction to Section 12, and to clarify which zone each RTZ and IndTZ is intended to transition to. The scope of the review does not include reviewing these provisions other than as indicated in other change proposals.	Makes minor changes in the introduction to the urban land transition provisions in Section 12 for the Residential Transition Overlay Zone (RTZ), Harbourside Edge Transition Overlay Zone (HETZ) and Industrial Transition Overlay Zone (IndTZ), and adds two appendices to clarify which zone each RTZ and IndTZ is intended to transition to.	• Amend 12.1 Introduction • Add Appendix 12A • Add Appendix 12B

Submissions received

3 original submissions were received on Change E2 with 1 in support and 2 seeking amendments, as set out in the table above.

Recommendation

I recommend retaining Change E2 as notified. In response to the request for amendments from Ryman Healthcare Ltd and Retirement Villages Association of NZ (S189.012 and S205.012), I note that Change E2 includes the addition of Appendix 12A and Appendix 12B which list the existing and transition zones for each Residential and Industrial transition zone area so it is clear which zones objectives, policies and rules apply before and after transition. As such, the relief sought is already given effect to.

Recommended amendments:

None

4.7.3 Change E3 (Correct errors in RTZ, HETZ and IndTZ assessment rules)

Submission point	Submitter Name	Support	Decision requested
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		oppose	
S9.020	Marita Ansin-Johnson	Accept the change	Retain Change E3 (Correct errors in RTZ, HETZ and IndTZ assessment rules).
<u>Background</u>			
Change E3 (Correct errors in RTZ, HETZ and IndTZ assessment rules) is summarised as follows:			
Purpose statement	Description of change	Provisions affected by change	
The purpose of this proposal is to correct errors in the assessment rules and associated provisions relating to the transition zones.	Adds missing, or makes corrections to, assessment rules and associated provisions relating to the transition zones. These relate to general subdivision, cross lease, company lease, unit title subdivision, intensive farming, and forestry within the Residential Transition Overlay Zone (RTZ), Harbourside Edge Transition Overlay Zone (HETZ) and Industrial Transition Overlay Zone (IndTZ) areas.	• Amend Policy 2.6.2.2 • Amend Policy 12.2.1.4 • Add new Section 12.X.1 • Add new Section 12.X.2 • Amend Rule 12.4.2.1 • Add new rows X and Y to Rule 12.4.2 • Amend Rule 12.5.2.1 • Add a new row X to Rule 12.5.2 • Add Rule 16.10.5.X • Amend header in Rule 16.11.2 • Amend Rule 16.11.2.6 • Add Rule 16.11.2.Y • Amend Rule 16.12.3.5 • Add Rule 17.10.5.X • Add Rule 17.12.3.X • Add Rule 19.10.6.X	
<u>Submissions received</u>			
1 original submission was received in support of Change E3. No decision is required as there are no submissions requesting changes.			
<u>Recommended amendments:</u>			
N/A – deemed operative			

4.7.4 Change E4 (Correct duplication between Objectives 2.2.2 and 2.2.5)

Submission point	Submitter Name	Support oppose	Decision requested
S9.021	Marita Ansin-Johnson	Accept the change	Retain Change E4 (removing duplication between Objective 2.2.2 and Objective 2.2.5).
<u>Background</u>			
Change E4 (Correct duplication between Objective 2.2.2 and Objective 2.2.5 and related policies) is summarised as follows:			
Purpose statement		Description of change	Provisions affected by change
The purpose of this proposal is to remove duplication between strategic direction Objective 2.2.2 and Objective 2.2.5 and the policies underneath these objectives. It is also to clarify the wording of some of the policies under Objective 2.2.2. The purpose does not include a major review of the approach in the Plan with respect to the matters contained in these objectives and policies.		Change E4 merges Objective 2.2.5 into Objective 2.2.2. It also merges the policies under Objective 2.2.2 into policies under Objective 2.2.5 either into an existing policy or into a new policy. It also removes duplication by deleting some policy content under Objective 2.2.2 and Objective 2.2.5 as part of the merging of provisions	• Amend Objective 2.2.2 • Amend Policy 2.2.2.4 • Delete Policy 2.2.2.5 • Add new Policy 2.2.2.X • Delete Objective 2.2.5 • Delete Policy 2.2.5.1 • Delete Policy 2.2.5.3 • Amend Policy 2.6.2.3 (consequential).
<u>Submissions received</u>			
1 original submission was received in support of Change E4. Submissions were also received on Change D2, which includes amendments to some of the same provisions amended by Change E4. Therefore, Change E4 cannot be deemed operative until those overlapping changes are resolved.			
<u>Recommendation</u>			
Refer to the recommendation for Change D2 to the extent that it overlaps with Change E4.			
<u>Recommended amendments:</u>			
<i>See Section 4.6.1 on Change D2, which recommends amendments to Policy 2.2.2.4.</i>			

4.7.5 Change E6 (Policy on applying overlays at time of rezoning)

Submission point	Submitter Name	Support oppose	Decision requested
S9.006	Marita Ansin-Johnson	Reject the change	Remove Change E6 (Policy on the application of overlays at the time of plan changes to rezone land).
S28.002	Transpower New Zealand Limited	Accept the change	Retain Policy 2.6.2.AA as notified.
S217.001	Aurora Energy Limited	Accept the change	Retain Policy 2.6.2.AA as notified.

Background

Change E6 (Policy on the application of overlays at the time of plan changes to rezone land) is summarised as follows:

Purpose statement	Description of change	Provisions affected by change
The purpose of the proposal is to assess the need for a policy in the strategic directions to provide overall guidance about the need to consider the application of overlay zones and mapped areas as part of plan changes for new residential or rural residential zoning.	Adds a new strategic direction policy that guides the consideration of applying overlays and mapped areas at the time of plan changes to rezone land.	Add new Policy 2.6.2.AA

Submissions received

3 original submissions were received on Change E6; 2 in support and 1 in opposition. Reasons for opposition by Marita Ansin-Johnson (S9.006) were not given, although it appears to be linked to general opposition to greenfield rezoning, as discussed in **Section 4.1.7** above.

Recommendation

I recommend that Change E6 be retained as notified. This policy is intended to assist with ensuring that the objectives of the Plan are best achieved as part of greenfield rezoning, including to protect values, which addresses some of the concerns expressed generally by Marita Ansin-Johnson (S9.006).

Recommended amendments:

None

4.7.6 Change E7 (Long stay areas for people living in transportable homes)

Submission point	Submitter Name	Support oppose	Decision requested
S9.007	Marita Ansin-Johnson	Reject the change	Remove Change E7 (Long stay areas for people living in transportable homes).

S14.001	Toni McErlane	Accept the change with amendments	Amend Change E7 (Long stay areas for people living in transportable homes) to make it an easier and more affordable process.
S158.001	School of Surveying, University of Otago (David Goodwin)	Accept the change with amendments	Amend Change E7 (Long stay areas for people living in transportable homes) to: a. include not just transportable homes but also to encompass other alternative, affordable, habitable structures such as small modular units, or alternatively, b. add a new definition (e.g. "pioneer village") to better capture and describe alternative, long-stay forms of accommodation, perhaps modelled off the campground definition but to recognise the semi-permanent and/or long-term nature of occupation.
S159.002	Nancy Earth	Accept the change with amendments	Amend Change E7 (long-stay areas for people living in transportable homes) to use a more appropriate term than 'long-stay'.
S177.007	Generation Zero (Dunedin)	Accept the change with amendments	Retain Change E7 (Long stay areas for people living in transportable homes) provided that the activity is appropriately serviced for water supply, waste and stormwater.
S314.001	Lucille Taneatualua	Add a change	Amend Change E7 (long-stay areas for people living in transportable homes) to add a rule to provide for the adaptive reuse of motels to accommodate assisted housing (inferred not stated).

Background

Change E7 is summarised as follows:

Purpose statement	Description of change	Provisions affected by change
The purpose of the proposal is to consider how to provide for people to live in transportable homes including caravans, house buses and 'tiny houses' as a form of long-stay accommodation. Within the scope of this change is whether there needs to be any different methods for managing the potential effects of long-stay facilities for people living in transportable homes and whether a different method to provide for them is more appropriate. It is noted that Change F5 considers separately the management of 3 waters infrastructure with respect to visitor accommodation.	Makes changes to the plan to include provision for long-stay areas for people living in transportable homes within the definition of campgrounds and a related change to the definition of visitor accommodation.	• Amend definition of Campgrounds • Amend definition of Visitor Accommodation

Submissions received

6 submissions were received on Change E7; 5 seeking amendments and 1 in opposition. Reasons for opposition were not provided by Marita Ansin-Johnson (S9.007) but appear to be related to broader concerns about development on greenfield areas and increased density, as outlined in **Section 4.1.7** above.

Amendments sought to Change E7 included amendments:

- to make it an easier and more affordable process (Toni McErlane S14.001);
- to ensure the activity is appropriately serviced with 3 waters infrastructure (Generation Zero (Dunedin) S177.007);
- to add a rule to provide for adaptive reuse of motels to accommodate assisted housing (Lucille Taneatualua S314.001);
- to amend the term 'long-stay' to a more appropriate term to provide for permanent accommodation (Nancy Earth S159.002); and

- to include small modular units that are not transportable or add a new definition (e.g. “pioneer village”) to better capture alternative forms of long-stay or semi-permanent accommodation (School of Surveying, University of Otago S158.001).

Recommendation & Assessment

I recommend retaining Change E7 with amendments to:

- remove the term “long-stay” from the definition of campgrounds (in response to the submission from Nancy Earth S159.002) to avoid confusion over the meaning of this term, instead the definition will rely on the use of the wording ‘temporary’ that is in the visitor accommodation definition (noting that campgrounds are a sub-activity of visitor accommodation) which, along with the requirements that ensure the transportable accommodation remains legally and physically moveable, will reflect the ‘temporary’ rather than ‘permanent’ nature of these accommodation types;
- provide further clarification around what a transportable tiny home is in the definition of campgrounds. This clarification is recommended in light of the submission from School of Surveying, University of Otago (S158.001) seeking provision for non-transportable units, and in light of the definition of “relocatable” that is already included in the Plan. There is a risk that the term ‘transportable’ could be open to interpretation to include buildings that are relocatable or portable. It also responds in part to the submission seeking clarity around ‘long stay’, addressed above (S159.002). While no submitter has requested this amendment, I consider that it can be made as an alteration of minor effect in accordance with clause 16 because it is to clarify meaning, rather than to fundamentally change the intent of the proposed provisions; and
- amend the “and/or” conjunction between the clauses in the definition of campgrounds to just “or” because it is against the 2GP Style Guide to have alternative options. This change is also proposed in accordance with clause 16.

Overall, I consider that these recommended amendments are clarifications to the notified proposal and that the relevant objectives of the Plan will continue to be effectively and efficiently achieved.

I recommend rejecting the other submissions for the following reasons:

- Regarding the submission from Toni McErlane (S14.001) seeking an easier and more affordable process, I note that the activity status for visitor accommodation or campgrounds ranges from permitted to prohibited depending on the zone in which they will be located. The appropriate activity status for these activities has recently been reviewed as part of the 2GP process to ensure the objectives of the Plan are achieved. I consider that it is most likely that campgrounds would be proposed in either the Rural or Rural Residential zones, due to land value relative to urban zones. Visitor accommodation is a discretionary activity in these zones (except where some overlay zones or mapped areas apply). It may also be possible that campgrounds could be proposed in the Recreation Zone where campgrounds are a restricted discretionary activity. I consider this appropriate to ensure the full range of adverse effects can be considered and to ensure the objectives of the Plan are achieved.
- Regarding the submission from Generation Zero (Dunedin) (S177.007) to ensure appropriate servicing for 3 waters, my assessment given in the Section 32 Report¹⁵ still stands. In summary, the activity status for campgrounds in most zones is either discretionary or non-complying and this enables consideration of infrastructure effects as part of the consenting process. In residential zones, it is proposed (under Change F5) to add a matter of discretion for ‘effects on efficiency and effectiveness of infrastructure’. In locations where there is no discretion to consider infrastructure effects, I consider it unlikely that campgrounds would be proposed. Overall, I consider that Objective 2.7.1 on Efficient infrastructure will continue to be achieved as part of the proposed changes.
- Regarding the request from Lucille Taneatualua (S314.001) for a rule to provide for adaptive reuse of motels, this is not within the scope of the purpose statement for Change E7 or other changes included in Variation 2, so the request cannot be considered. However, this activity may be enabled by the Plan already in most instances.

¹⁵ See Variation 2 Additional Housing Capacity Section 32 Report (February 2021), pp.91-92

- Regarding the request from School of Surveying, University of Otago (S158.001) to include forms of non-transportable accommodation or inclusion of a “pioneer village” activity, this is not within the scope of the purpose statement for Change E7 or other changes included in Variation 2, so the request cannot be considered. Amendments have been proposed under clause 16 to ensure the meaning of ‘transportable’ is clear with respect to tiny homes. The type of activity the submission seeks to enable falls within the definition of standard residential activity.

Recommended amendments:

Amend the definition of campgrounds as follows:

The use of land and buildings for the purpose of:

X. providing visitor accommodation primarily in the form of tent, caravan, or campervan sites, but may also include visitor accommodation units; ~~and/or~~

Y. providing for ~~long stay~~ accommodation ~~for~~ in transportable homes in the form of caravans, house buses/trucks or 'tiny houses' provided these meet the meaning of “motor vehicle” in the Land Transport Act 1998, are road legal (warranted and registered), and are movable.

This definition excludes freedom camping which is managed through a DCC by-law.

Campgrounds are a sub-activity of visitor accommodation.

Consequential changes yet to be determined

4.7.7 Change E10 (Corrections to assessment of structure plan standards)

Background

Change E10 (Corrections to assessment of structure plan standards) is summarised as follows:

Purpose statement	Description of change	Provisions affected by change
The purpose of this proposal is to add missing aspects of the existing structure plan mapped area standards.	Adds the missing link to the structure plan performance standards for cross lease, company lease and unit title subdivision in structure plan mapped areas in the residential activity status table and corrects the assessment rule for non-complying contravention of structure plan mapped area performance standards.	- Amend Rule 15.3.5.1 - Amend Rule 15.13.5.5

Submissions received

No submissions were received on Change E10. No decision is required as there are no submissions requesting changes.

Recommended amendments:

N/A – deemed operative

4.8 Changes to triggers for adding housing capacity

4.8.1 Change H1 (Capacity and demand criteria in Policy 2.6.2.1.a)

Background

Rejected Change H1 (Capacity and demand criteria in Policy 2.6.2.1.a) is summarised as follows:

Purpose statement	Description of change	Provisions affected by change
The purpose of this proposal is to review the description of the residential rezoning criteria related to housing development capacity and demand that are in Policy 2.6.2.1.a and align them with the National Policy Statement for Urban Development 2020 (NPS-UD). The scope does not include a review of other aspects of Policy 2.6.2.1 as these criteria for zoning have recently been through a review process as part of the 2GP and have been settled. It also does not include a review of Objective 2.6.2 (other than to clarify the matter identified).	Amend Objective 2.6.2 to clarify that capacity must be provided to “at least” meet the demand over the medium term and amend 2.6.2.1.a to simplify the explanation of the criteria related to demand and capacity to just refer to needing to meet the demand over the short and medium term.	• Amend Objective 2.6.2 • Amend Policy 2.6.2.1.a

Submissions received

No submissions were received on Change H1. No decision is required as there are no submissions requesting changes.

Recommended amendments:

N/A – deemed operative

4.8.2 Change H2 (Housing capacity release trigger for RTZ land)

Submission point	Submitter Name	Support oppose	Decision requested
S296.002	Jason and Margaret Hewlett	Accept the change	Retain Change H2 as it relates to Rule 12.3.1 on the release of land in the Residential Transition Overlay Zone.

Background

Rejected Change H2 is summarised as follows:

Purpose statement	Description of change	Provisions affected by change
The purpose of the proposal is to review the appropriateness of having a housing capacity trigger for release of Residential Transition Overlay Zone (RTZ) land. The scope of this change does not include other changes to the RTZ provisions, including the other release criteria.	Removes the shortage of capacity trigger for the release of RTZ land in Rule 12.3.1 and makes related and consequential changes to relevant policies and other provisions.	- Amend Policy 2.2.4.3 - Amend Rule 12.1 Introduction - Amend Policy 12.2.1.1 - Amend Rule 12.3.1 - Amend the 2GP planning maps by deleting the RTZ residential capacity assessment mapped area

Submissions received

1 submission was received in support of Change H2. No decision is required as there are no submissions requesting changes.

Recommended amendments:

N/A – deemed operative

4.9 Rejected change (Notification rules)

4.9.1 Change RC1 (Notification rules)

Submission point	Submitter Name	Support oppose	Decision requested
S56.001	Saddle Hill Community Board	Add a change	Amend provisions to ensure a robust process for resource consents to be notified, heard and open scrutiny.

Background

Rejected Change RC1 (Notification rules) is summarised as follows:

Purpose statement	Description of change	Provisions affected by change
The purpose of this rejected option was to review Rule 15.4 and specifically consider whether to add further non-notification rules for some types of consents for residential activity, development and subdivision, where the effects of proposals are likely to be limited to on-site effects, or broader effects on residential character or amenity that are best assessed by a suitably qualified expert.	This rejected change examined whether to add further notification rules to the Plan at Rule 15.4.	N/A

Submissions received

1 submission was received which could be read to oppose the addition of Rejected Change RC1 (as changes to increase notification have not been considered as part of Variation 2 and are out of scope). No submissions were received seeking reconsideration of RC1.

Recommendation

I recommend rejecting the submission (S56.001) as I consider that the Plan and RMA together already provide a robust process for resource consents to be notified, heard and open to scrutiny. No submitters have sought reconsideration of Rejected Change RC1, so the process will be no less robust as a result of Variation 2.

Recommended amendments:

None

Appendix A – Evidence on Solid Waste from Mr Chris Henderson

BEFORE THE VARIATION 2 HEARING PANEL

IN THE MATTER

of the Resource Management
Act 1991

AND

Variation 2 to the proposed
Second Generation Dunedin City
District Plan (2GP)

STATEMENT OF EVIDENCE OF CHRISTOPHER HENDERSON FOR DUNEDIN CITY COUNCIL

Dated 6 August 2021

QUALIFICATIONS AND EXPERIENCE

1. My name is Christopher Brent Henderson.
2. I am employed by the Dunedin City Council ("the Council") as the Group Manager of the Waste and Environmental Solutions business unit. In my current role I am responsible for effective refuse and recyclables collection, resource recovery, and refuse disposal in a way that protects public health and minimises impacts on the environment within Dunedin, and for the strategic planning required within each of these activities to ensure they continue to meet the changing needs of the city into the future. The scope of the role and my team includes:
 - i) Planning and policy functions in line with Part Four of the Waste Minimisation Act 2008, and the New Zealand Waste Strategy 2010
 - ii) Administration of Waste Minimisation Grants
 - iii) Kerbside collection of waste and recycling for urban and city residents and small businesses
 - iv) Disposal facilities for waste, public place recycling infrastructure, and Resource Recovery Centres
 - v) Monitoring of the Council's one active and five closed landfills in accordance with the conditions of consents
 - vi) Education programmes promoting "rethinking, reducing, reusing, and recycling" practices; and
 - vii) Auditing and enforcement activities aimed at increasing the quality or quantity of recovered materials.
3. I hold a Bachelor of Applied Management, Aeronautical Maintenance Engineers Licence, and New Zealand Diploma in Wastewater Treatment. I am a member of the Institute of Professional Engineers New Zealand (IPENZ), and the Waste Management Institute of New Zealand. I have four years' experience in the waste management industry in New Zealand in the public sector.
4. I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note. This evidence has been prepared in accordance with it and I agree to comply with it. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

SCOPE OF EVIDENCE AND OVERVIEW

5. My evidence relates to submissions that require waste and recycling services and has been prepared by myself.

DATED this 6th day of August 2021

A handwritten signature in black ink, appearing to read "Christopher Henderson", with a stylized, cursive script.

Christopher Henderson

TO:	Emily McEwan, Policy Planner, City Development
FROM:	Chris Henderson, DCC Waste & Environmental Solutions Team
DATE:	29 June 2021
SUBJECT:	VARIATION 2: RESPONSE TO REQUEST FOR COMMENTS ON SUBMISSIONS, HEARING 1

INTRODUCTION

1. The Waste and Environmental Solutions department received a memo from you dated 22 June 2021 requesting that they consider submissions on a Variation 2 in relation to a number of topics and provide response to specific questions you have raised as a result of reviewing submissions.
2. We have considered the relevant submissions on the topics/issues you highlighted and your specific questions.
3. Please find below our response on these topics/questions in the grouping that you posed these requests.

HEARING 1 COMMENTS

Rule changes in GR1 and T&S (wastewater serviced) zones

4. In your memo you have asked for inputs regarding the following matters:
 - a. A summary of any current issues with solid waste management in the General Residential 1 and Township & Settlement zoned areas (e.g. numbers of bins on the street, access to private ways, topography and effects on 'putting the bins out' etc.);
 - b. An assessment of how the proposed rule changes might exacerbate these issues/add new issues, noting any particular problem locations/types of developments (e.g. increased dwelling density/numbers of bins);
 - c. An assessment of options to mitigate the issues in terms of costs and benefits (including the option of doing nothing) and suggestions as to the best option (e.g. provision for communal solid waste facilities for larger developments; assessment of bin storage facilities at the time of subdivision where private accessways are proposed and for steep sites etc.). You may wish to consider methods other Councils have used to address similar issues.
5. Dunedin City Council has a responsibility to promote waste management and minimisation within the territorial area under the Waste Minimisation Act 2008. Waste collection from residential sites plays a crucial role in achieving Dunedin's waste minimisation goals and targets.
6. Waste management is an essential service. Council holds responsibility for providing waste services in accordance with the Local Government Act 2002. One of these services includes waste collection from residential properties. To provide this service, residential developments need to be designed to enable a Council collection. Through providing this service, Council can implement waste minimisation initiatives and encourage waste minimising behaviours in the homes of Dunedin to successfully reduce domestic kerbside refuse. The reduction of domestic waste collected by Council services is identified as a key priority for Dunedin.

7. In regard to 4a above (and also applicable to **General Residential 2 rezoning and residential intensification**), the current kerbside collection issues experienced are:
- a. Residences in older residential areas of Dunedin, and especially those on small sections (e.g. South Dunedin) do not provide sufficient off-street storage for refuse or recycling bins, leading to bins being left on the street and obstructing accessways and carparks. These bins can also topple onto roads during high winds creating obstructions to roadways and possibly littering footpaths and surrounding areas.
 - b. Residences in older residential areas of Dunedin, and especially those on small sections (e.g. Caversham, North East Valley) do not provide easy access for the transport of bins from the property to kerbside, leading to bins being left on the street and obstructing accessways and carparks. These bins can also topple onto roads during high winds creating obstructions to roadways and possibly littering footpaths and surrounding areas.
 - c. Areas of multi-unit development and residential intensification (e.g. North Dunedin, Roslyn, central city) have been permitted without regard to the New Zealand Building Code (2004) - Clause G15 Solid Waste. Building Code Clause G15 requires buildings to have space and facilities for the collection, and safe hygienic holding prior to disposal, of solid waste arising from the intended use of the buildings. This has resulted in insufficient off-street storage for refuse or recycling bins, and in some cases no provision for waste collection services.
 - d. An increase in new sub-divisions accessed via private ways has resulted in roadways that are either unsuitable for large kerbside collection vehicles or have created liability issues for damage to the roadway caused by kerbside collection vehicles. For this reason, residents on private ways are often required to transport collection bins to a communal collection point located on the nearest public road, leading to congestion and obstruction to footpaths.
 - e. In addition to 7d (above), in sub-divisions accessed via private ways, collection vehicles will provide kerbside services in private ways only on the condition that all residents have signed a 'Customer indemnity for private premises access' waiver that protects the contractor and Council from liability arising from the provision of the services.
8. In regard to 4b above (and also applicable to **General Residential 2 rezoning and residential intensification**), the proposed rule changes will exacerbate these issues due to the following:
- a. An increase in multi-unit development and residential intensification, without regard for the provision of safe and hygienic storage and collection of solid waste, will increase congestion and obstruction of footpaths as well as possibly create potential health issues for residents (The objective the New Zealand Building Code (2004) - Clause G15; Solid Waste, is to safeguard people from injury or illness caused by infection or contamination from solid waste).
 - b. In response to Council's target to reduce Dunedin's carbon emissions to net zero by 2030, and also to give effect to the waste reduction targets adopted in Council's Waste Minimisation and Management Plan 2020, Council has adopted an increased service level for waste and recycling collection services. This new service level for urban areas is expected to begin on 01 July 2023 and includes the existing glass and mixed recycling collection bins, replaces the pre-paid refuse bags with refuse bins, and adds food waste collection and optional garden waste collection bins.
9. In regard to 4c above (and also applicable to **General Residential 2 rezoning and residential intensification**), the options to mitigate these issues are:
- a. New residential developments must consider how waste will be managed and designed to provide for this. Information that details the proposed waste management for the new development such as storage and collection methods, should be submitted with all resource consent applications. It is recommended that this information is included in a waste management plan. The level of detail required in

the waste management plan will depend on the size and complexity of the development.

- b. New developments must be designed to enable a standard Council service. For developments that cannot meet this requirement due to certain site constraints, a non-standard Council service may be able to be provided (from 01 July 2023). It is recommended that a consent pre-application meeting is sought to determine whether the proposed development meets the required criteria to receive a non-standard Council collection.
- c. If a development proposes a collection service that involves waste and recycling collection vehicles entering and exiting the site, then the proposal must demonstrate how this will be achieved safely. This information should be included in the waste management plan. The effects of the proposed waste collection method for the new development on the wider transport network must also be adequately assessed and addressed in the associated traffic assessment for the proposal.
- d. To reduce the amount of waste that Dunedin sends to landfill, residential waste must be separated into four main types – mixed recycling, glass, food scraps, and refuse. This allows for each waste type to be collected and processed appropriately. Proposals for new developments need to provide necessary facilities to ensure that waste is separated accordingly, stored, and then collected for disposal or processing.
- e. Storage space for waste bins must be provided for in the proposed design of any new development. Waste storage space will be impacted by the bin sizes and the frequency and method of collection. The bin sizes and frequency of collection will be dependent on the Council kerbside collection service offered in the respective area of the development. The bins will need to be stored on the proposed site and screened from public view. The storage spaces will need to be appropriately designed and demonstrated on the site plans. If the development proposes a communal collection service, the size and number of bins required must be based on the proposed density of the development and the proposed collection frequency. The communal storage areas need to have taps for hygiene purposes as well as adequate lighting so that they are safe to use at night. Information pertaining to the maintenance and management of the areas will also need to be considered and included in the proposal.
- f. Kerbside collection is the preferred method for residential developments and includes each dwelling having individual waste bins whereas the occupants are responsible for wheeling their bins to the kerb for Council to collect on a specified collection day. This requires sufficient space on the kerb, storage space for the bins on site, and an unobstructed pathway for the waste bins to be wheeled from the storage area to the kerb with ease for occupants. If the proposal includes construction or alteration of the roading or accessways to the site, then the accessway width and layout must be considered to ensure that a standard waste collection truck can safely access and collect the waste from the kerb(s).
- g. An alternative option is communal collection points. Collection points are designated areas for occupants to place their bins on collection days. Collection points should only be used if a waste collection truck cannot access the kerb space directly outside of the development, for example if the accessway is too narrow or does not provide space for the waste collection truck to turn around. This methodology has similar requirements and considerations as kerbside collections, however, differs in that the bins are wheeled to the dedicated area rather than collected from directly in front of the site. Collection points can be considered on a case by case basis and need to be approved by Council or the service provider to ensure that they are located in a suitable area. Other aspects that must be addressed if a collection point is proposed include the accessibility of the collection point, the distance and pathway for the bins to be wheeled and how other effects such as vermin, litter, and illegal dumping can be mitigated.
- h. Communal collection is common for high density developments, specifically for apartment buildings, and includes a designated waste storage area located within the

site which either stores smaller individual bins or larger communal bins. Waste is collected directly from the waste storage area, this involves a waste collection truck entering the site, collecting the waste and then exiting the site. In some instances, bins will be moved from the storage area to a more appropriate location for collection, this will be agreed on by the collection service provider and is usually managed by a body corporate or residents society. If the proposed development is an apartment building, then it may be more suitable to provide communal waste bins in a waste room and a communal collection due to limitations around onsite storage space and/or space on the kerb for individually owned bins. It is important to note that to access the communal waste room or space, residents should not be required to carry waste over 30m in distance from their place of residence.

- i. Proposals for new developments must specify whether the development proposes to receive a council collection service or a private collection service. However, the future occupants of the proposed development should have the ability to choose their waste collection service provider during their occupation of the development.
- j. For new subdivisions accessed via private ways, an easement should be required granting Right of Way to Dunedin City Council for the purpose of refuse and recycling collections. The easement should include the following key terms:
 - o DCC and its contractors may go onto the Lane for the purpose of refuse collection;
 - o DCC and its contractors will have no obligation to contribute towards the cost of establishment, maintenance, upkeep or repair of the Lane;
 - o The Lane must be kept clear of obstructions that would impede refuse collection;
 - o DCC and its contractors will not be liable for any damage caused as a consequence of reasonable use of the Lane for the purpose of refuse collection; and
 - o DCC is not obliged to continue a refuse collection service from within the Lane.

Chris Henderson

GROUP MANAGER

DCC WASTE AND ENVIRONMENTAL SOLUTIONS

Appendix B – Evidence on Transport from Mr Logan Copland

BEFORE THE VARIATION 2 HEARING PANEL

IN THE MATTER

of the Resource Management
Act 1991

AND

Variation 2 to the proposed
Second Generation Dunedin City
District Plan (2GP)

STATEMENT OF EVIDENCE OF LOGAN PAUL COPLAND FOR DUNEDIN CITY COUNCIL

Dated 11 August 2021

QUALIFICATIONS AND EXPERIENCE

1. My name is Logan Paul Copland.
2. I hold the degree of Master of Planning with distinction from the University of Otago, New Zealand.
3. I am employed by the Dunedin City Council ("the Council") in the role of Planner (Transport) within the DCC Transport Group.
4. In my role, I am responsible for identifying and assessing transportation effects relating to private land development proposals. I am tasked with providing transportation advice on resource consent applications and District Plan Changes to the Council's City Planning and City Development departments, the Council Hearings Committee and the Environment Court. I am also responsible for overseeing design and construction of new public roading infrastructure and providing the associated quality assurance, informed by advice from others within the Transport Group.
5. During my time in the transportation planning field, I have evaluated the transportation related effects of, and provided design advice on many residential and industrial subdivisions, high density residential developments, service stations, medical centres, early childcare centres and various other commercial developments.
6. The DCC Transport Group works as a multi-disciplinary team and the information contained within this evidence has been compiled in conjunction with other team members, including, but not necessarily limited to:
 - a. Transport Strategy Manager
 - b. Transport Planning Team Leader
 - c. Senior Transport Engineer

If there are detailed questions about any of the information contained within this evidence, I may need to call upon other members of staff to assist.

7. I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note. This evidence has been prepared in accordance with it and I agree to comply with it. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

SCOPE OF EVIDENCE AND OVERVIEW

8. My evidence relates to submissions on transportation matters insofar as they relate to Variation 2 to the 2GP and can be found in the memorandum *Variation 2: Response to Request for Comments on Submissions, Hearing 1*, dated 30 July 2021.

DATED this 11 day of August 2021

Logan Paul Copland

Planner

DCC Transport Group

Dunedin City Council

TO:	Emily McEwan, Policy Planner, City Development
FROM:	Logan Copland, Planner, Transport Strategy
DATE:	30 July 2021
SUBJECT:	VARIATION 2: RESPONSE TO REQUEST FOR COMMENTS ON SUBMISSIONS, HEARING 1

Introduction

1. The Transportation department received a memo from yourself dated 22 June 2021 requesting that the DCC Transport Group consider submissions on a Variation 2 in relation to a number of topics and provide response to specific questions you have raised as a result of reviewing submissions.
2. We have considered the relevant submissions on the topics/issues you highlighted and your specific questions.
3. Please find below our response on these topics/questions in the grouping that you posed these requests.

Hearing 1 comments

All subdivisions – transportation connections at the time of subdivision (Change D2)

4. In your memo you requested comments on the requests made in the submissions on Change D2, with a focus on the requirements for provision of roads at the time of subdivision.
5. We acknowledge that 25 submissions received either opposed the proposed policy direction or sought changes, and that 2 submissions supported it.
6. You have collated the submissions that either opposed the policy change or sought changes to it. You have split them into three broad categories.
7. Surveyors' Submissions – You consider the primary sentiment of the submissions of the surveying consultants is that they seek an alternative approach to requiring roads at the time of subdivision. This includes an alternative suggestion of requiring wider private accesses where more lots are proposed, rather than requiring a legal road per se.
8. A large number of submissions have requested that the changes to Policies 6.2.3.Y, Rule 6.11.2.7 and Rule 6.11.2.8 be removed and replaced with an amendment to Rule 6.6.3.9.a.ii to add a new category for driveways serving 13+ sites. It is suggested that this category should require a minimum legal width of 6.5m and a minimum formed width of 5.5m. A further rule requiring a turning circle to accommodate rubbish collection vehicles and easements for their use of private ways is also suggested. The submitters see this as an appropriate alternative to requiring a road.

9. For context, it is important to draw from the current access rules within the 2GP. Rule 6.6.3.9.a.ii – *Widths of driveways* of the 2GP currently requires the following:

6.6.3.9 Width of driveways

a. The minimum widths of driveways are as follows:

All zones except rural and rural residential zones		1. Number of residential units served	2. Minimum legal width	3. Minimum formed width
i.	<u>Residential activities</u>	1 - 6	4m	3m
ii.		7+	4.5m	3.5m
iii.	All other activities	All	6m	5m
Rural and rural residential zones				
iv.	<u>Residential activities</u>	1 - 3	4m	3.5m
v.		4+	6m	5m
vi.	All other activities	All	6m	5m

10. The above rules set standards for the minimum widths of new vehicle accesses in the City. From a transportation perspective, I consider there to be two primary issues with Rule 6.6.3.9.a.ii.
11. The rule does not clearly outline whether there is any upper limit on the number of residential units that can be accessed via a private way. This is because the rule refers to '7+' as opposed to '7-(specified number)'. Currently, 7+ units requires a formed width of only 3.5m. In my opinion, this minimum width standard is the first issue, addressed in Paragraphs 12-14. I therefore agree with a large number of submissions in that an amendment to Rule 6.6.3.9.a.ii may be appropriate. I do not, however, agree with the specific changes recommended by Paterson Pitts Group in their submission. In my view, a specific driveway category for 13+ units may encourage creation of high use private accessways which in many cases would be more appropriate as legal roads. The reasons for this are addressed in greater detail under Paragraphs 15-20. Depending on scope, I recommend that the minimum formed width requirement for 7+ units be increased from 3.5m to 5.0m and the minimum legal width be increased to 4.5m to 6.0m.
12. From an operational perspective, I note that a formed width of 3.5m is suitable to serve as a one-way access only. A 3.5m wide vehicle access is unable to accommodate safe and efficient provision of two-way vehicle traffic. From a traffic generation perspective, the potential for operational problems on a single lane access generally increases as more units are added to a driveway, for which there are currently no controls or limits in the 2GP.
13. By way of comparison, the 2006 former District Plan required private ways serving between 7-12 residential units to have a minimum formed width of 5.0m and a minimum legal width of 6.0m. For the sake of clarity, a formed width of 5.0m is considered the minimum width required to enable two-way movement of motor vehicles.
14. I consider a minimum formed width requirement of 5.0m to be an appropriate width for busier driveways from a safety and efficiency perspective, as would be considered the case for a driveway serving more than 7 dwelling units. This is generally consistent with many other

territorial authorities, including Queenstown Lakes District Council¹, Auckland Unitary Council² and Hamilton City Council³. I note that this is also consistent with the evidence of Mr Grant Fisher, (then DCC Transportation Planner/Engineer) in 2017, provided to the 2GP Hearing Panel. Despite the recommendations of Mr Fisher, it appears that these were not adopted in full as there may not have been scope to do so at that time.

15. The second issue is that it is not clear whether Rule 6.6.3.9 sets an upper limit on the number of users that are permitted to be served by a private accessway. Currently, there are no specific rules or triggers in the 2GP that require developers to construct new roads through a subdivision process. The Council has proposed to partially address this by proposing the following Policy:

7. All subdivision activities (all zones)	a. Effects on the safety and efficiency of the transport network	Relevant objectives and policies: i. Objective 6.2.3 ii. Adverse effects on the safety and efficiency of the transport network are avoided or, if avoidance is not practicable, adequately mitigated (Policy 6.2.3.9.a). iii. Any associated changes to the transportation network will be affordable to the public in the long term (Policy 6.2.3.9.b). X. Subdivision activities provide for new roads where: 1. any proposed vehicle accessway will service more than 12 sites, unless the location or design of the subdivision makes this inappropriate; 2. it is necessary to provide connectivity to potential future urban growth areas in the surrounding environment or 3. it is otherwise necessary to support the safe and efficient operation of the transport network (Policy 6.2.3.Y), (Change D2) General assessment guidance: Y. Council will generally require any vehicle accessway that serves more than 12 sites to be vested in the DCC as a road but may also require vehicle accessways that serve fewer than 12 sites to be designed as a road and be vested with the DCC, including where required to enable connectivity to potential future urban growth areas. (Change D2) Z. Council will consider the effects of subdivision and subsequent development on the safety and efficiency of the state highway network and may require written approval from Waka Kotahi NZ Transport Agency. (Change D2) Conditions that may be imposed include: iv. Easements for pedestrian and/or vehicle access either on or off the site. AA. A requirement to vest a road or roads with the DCC. AB. A requirement for roads to be designed and constructed in accordance with the Dunedin Code of Subdivision and Development 2010 and/or the
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16. In my view, the number of users on a private access should be capped at 12. While there are differing upper limit standards throughout New Zealand in this regard, I note that the proposed 12 is not dissimilar to that which has been adopted by other territorial authorities, including Queenstown Lakes District Council (12) and Auckland Unitary Council (10), and Hamilton City Council (10). Furthermore, Table 3.1 of NZS4404:2004 – Land Development and Subdivision Engineering, while superseded, strongly implies that in general terms, an access serving between 12 and 20 users should be constructed to a public road standard and be vested in Council as a legal road. It is noted that this is essentially the base document for the Dunedin Code of Subdivision and Development.

¹ <https://www.qldc.govt.nz/media/izfp21ec/pdp-chapter-29-transport-apr-2021.pdf>

² <https://www.aucklandcouncil.govt.nz/building-and-consents/resource-consents/types-resource-consents/subdivision-of-property/Pages/driveways-access-standards.aspx>

³ <https://www.hamilton.govt.nz/our-council/council-publications/districtplans/ODP/Documents/Operative%20District%20Plan%20October%202017/Operative%20District%20Plan%202017-%20Proposed%20Plan%20Changes/ODP%20Proposed%20Plan%20Changes%20-%20Chapter%2025.14%20Transportation.pdf>

17. To support this assertion, it is important to emphasise that privately owned accessways are not maintained by the Council. Hence, larger-scale private accessways with a higher number of users are more likely to encounter more significant, often expensive maintenance issues which would need to be addressed by a multitude of users. Such issues are likely to become more prominent as roading infrastructure ages and this may increase pressure for the Council to intervene and assume maintenance liability of a private asset, should private maintenance agreements fail. In my view, these situations can and should be avoided.
18. Therefore, it is my opinion that it would be appropriate for a numerical value to be applied to create a trigger for plan users in order to distinguish between the appropriateness of any given access remaining in private ownership or being vested in Council as legal road instead. While it is acknowledged that this may not be within scope of the submissions, this recommendation is included for completeness. A numerical value of 12 has been suggested within paragraph 16.
19. In this scenario, it would still be possible for developers to apply for land use consent if they wish to exceed this requirement and the Council will be required to assess each case on its merits. Depending on the circumstances, such a proposal may be considered appropriate, provided suitable mitigation measures are proposed. For example, a higher level of service of private roading infrastructure, such as footpath(s), berms, streetlights, and appropriate turning facilities for rubbish trucks could be considered. Such factors would be considered by the Council through their assessment of the subdivision consent. It should also be noted that there may be scenarios where it would not be desirable for an access serving more than 12 units to be vested as road. The resource consent process provides the appropriate platform for such matters to be considered.
20. There are also relevant implications of large-scale private ways for other infrastructural departments within the Council. It would therefore be appropriate to obtain the views of staff within Council's 3-Waters and Solid Waste departments in that regard.
21. It is also important to note that there may be instances where it could be desirable for an accessway serving less than 12 units to become a legal road, rather than a private accessway. This could be desirable in order to achieve the transport connectivity objectives or to support the safe and efficient operation of the transport network, for example. Such outcomes would be supported by Policy 6.2.3.X.2 and 6.2.3.X.3 Hence, the introduction of an upper limit of 12 as recommended would not preclude the Plan's broader connectivity, safety and efficiency objectives from being achieved in scenarios where it would be desirable for an accessway serving less than 12 sites to become a legal road.
22. DCC Submission – The DCC submission seeks to ensure that consideration is given to the fact that resultant sites in a subdivision could be developed with more than one residential unit, should other proposed rule changes in the plan be implemented (e.g. a duplex on a site rather than a single dwelling). The submission notes that this has potential to increase car movements and could impact on the requirements.
23. Traffic generation rates for residential activity are typically calculated on a per unit basis. Clearly on that basis, the potential for two residential units to be established on a single residential site increases the traffic generation potential of a new subdivision. It is therefore considered appropriate for subdivision access requirements to be determined on a 'per unit' basis, as is currently the case.

24. Submissions seeking additional changes:

These submissions include the following requests related to the subdivision process:

- a. to encourage connections to walking, cycling and public transport infrastructure;
- b. to require provision of electric charging facilities at the time of subdivision;
- c. Design guidance for roads near schools for safety and pedestrian connectivity to schools (Ministry of Education).

25. From a transport perspective, I support policies which encourages connections to walking, cycling and public transport infrastructure through the subdivision process. Such policies would closely align with the Dunedin Integrated Transport Strategy Key Focus on Travel Choices.

26. I am not overly clear what is being requested with respect to the requirement for electric charging facilities at the time of subdivision. This could mean a requirement for charging stations to be installed within new roads. It is considered that while this would be supported in principle based on the Council's targets for carbon emissions, that this should be informed by changes to national land development/road design standards before being implemented.

Traffic issues at Mosgiel

27. In your memo you requested an assessment of any current transportation network and intersection issues in Mosgiel that might be exacerbated by any of the growth options individually and/or cumulatively (including clearly outlining all assumptions made in terms of trip generation, use of alternative modes over time or other behavioural changes that might occur if congestion issues worsen).

28. Transport provided advice to City Development on this matter in September 2020, which is generally still applicable. These comments are shown in Appendix A. However, please note that these comments were written predominantly in response to appeals on the 2GP for greenfield rezoning areas in Mosgiel, which are not part of Variation 2 and are at a much larger scale. Further comments are made below in Paragraphs 28-24 in respect of submissions made relating to Variation 2 to the 2GP.

29. It is noted that there are two specific submissions that raise issues in regard to the impact of increased traffic congestion (particularly during the peak hours) if additional road and traffic routes are not enacted before additional dwellings are constructed in Mosgiel. One of these considers that in the absence of a detailed analysis of the performance of, in particular, SH87 and its related intersections, that the rezoning or intensification of residential activity within the Mosgiel urban area to be pre-emptive and ill advised. The submitter notes that Waka Kotahi is the road controlling authority for SH87 and that the council will need to work alongside Waka Kotahi to address this submission. That said they accept that alternatively, low-cost short-term interventions should be implemented to address the current issues and to maintain the safety and efficiency of this part of the network whilst a longer-term remedy is developed and approved for implementation.

30. We respond to these submissions and overarching issues raised in paragraphs 30-34, below.

31. Currently the majority of people travel to work from Mosgiel by private car, with less than 2% of people using public transport. In the 2018 census approximately 10% of people in Mosgiel worked from home. The majority of travel occurs on the State Highway network. There are

constraints at some critical intersections, including the intersection of Gladstone Road and SH87 and the SH1 on ramp, that could become worse with the planned increase in housing.

32. Programmed transport projects for 2021-2024 are focussed on improving transport choices for travel to the CBD and have been developed as part of the joint Shaping Future Dunedin Transport programme and the Safer Streets programme.
33. These include:
 - Improved public transport, including possible introduction of express bus services from Mosgiel and super stops (ORC – subject to business case)
 - Development of Park & Ride in Mosgiel to support improved public transport services (DCC)
 - Development of the Tunnels Trail Cycling route between Mosgiel and the CBD (DCC)
 - Travel behaviour change and Travel planning. DCC runs education and behaviour change programmes and works with major employers to develop travel plans. Encouraging people to change modes, work from home some of the time, or change the time of their travel (where possible), can improve the efficiency of the network.
 - Speed Management programme SH1 Mosgiel to Gore (this is in the RLTP), (Waka Kotahi), which is understood to be focused on improvements to road safety.
34. It is recognised that a strategic approach to the impact of increasing development in Mosgiel on the transport network is needed. This will be looked at as part of the refresh of the Integrated Transport Strategy and the development of the Future Development Strategy. These will identify what, if any, infrastructure improvements may be needed in future. That said these improvements needs to be considered in the context that there is an immediate need to identify additional sites to provide for the required residential capacity / growth.
35. In the interim DCC will continue to work with Waka Kotahi as issues arise to optimise use of the existing transport network and progress transport choice projects. Waka Kotahi's intervention hierarchy requires that integrated planning, demand management and the best use of the existing network are considered ahead of any investment in new infrastructure.

Submission by Waka Kotahi

36. In your memo you requested that we briefly review the submission by Waka Kotahi and identify any other aspects of their requests that Transport would like to respond to that may Impact rules that we have in the Plan.
37. This submission has been reviewed and in respect of 'Priority 1' comments appears to primarily relate to reverse sensitivity effects. It is expected that such issues will be considered by the DCC Policy Planner.

Please do not hesitate to contact me if you have any further questions or review requirements.

Logan Copland

PLANNER

DCC TRANSPORT STRATEGY

Appendix A: DCC Transport comments September 2020 – Mosgiel (predominantly in respect of appeal sites)

“This cluster contains both existing residential areas to be intensified as well as significant new greenfield sites.

There are longstanding issues across Mosgiel’s transport network. These are a consequence of growth-related issues not addressed by the last residential expansion of / in Mosgiel.

No infrastructure upgrades have been regionally prioritised and are therefore neither planned nor funded by DCC or NZTA. Issues are dealt with through minor improvements budgets on a case-by-case basis.

State Highway

Significant issues relate to Gordon Road (SH87) and access on and off Dunedin’s Southern Motorway (SH1). NZTA comments should be sought in respect of any safety and efficiency impacts of additional development in Mosgiel, with particular regard to queuing on SH87 and SH1 (southbound off-ramp) during pm peak, and potential additional traffic at the intersection of SH1 / Riccarton Road.

North Mosgiel

It is anticipated that traffic from development in north Mosgiel will create additional pressure on the transport network between Mosgiel and Dunedin via Three Mile Hill.

Isolated safety improvements and intersection upgrades along Factory Road, Puddle Alley and Dukes Road North will be likely to be required.

A significant safety upgrade would be required for Three Mile Hill Road to accommodate increased traffic to and from Dunedin. This road has been the subject of several ‘loss of control’ crashes. Improvements include the provision of ‘high friction surfacing’, the installation of crash barriers, driver feedback signs and some land stabilisation. There would also be a requirement for land acquisition (in discreet areas) to allow for carriageway widening, provision of shoulders and the provision of vehicle refuges in certain locations.

With significant additional traffic volumes, some minor intersections upgrades may be required along North Taieri Road towards Kaikorai Valley intersection for safety and efficiency reasons.

(Note: - Notwithstanding the proposed reduction in overall yields within this cluster, all of the above comments still apply).

The greenfield sites would require structure planning to ensure appropriate connection to the wider transport network. In particular in regard to Site 35 Inglis St / Ayr St it is noted that Inglis Street / Mure Street and Lanark Street could all be extended to provide access to this site, and this should form part of the access requirements of a Structure Plan for the site.

South Mosgiel

Existing arterial roads are significantly constrained by existing residential development and Kiwi rail’s main south line. Development in this area would need to be planned in a way that provided a new arterial road network at a suitable standard / formed width, including safe provision of active modes.

Site 38, whilst there may be the potential for linking into the Owhiro development site we would not want this to provide for the only access here. So as part of a Structure Plan we would require this site to be accessed from both Hagart – Alexander Drive and potentially also from Wingatui Road.

In respect of Site 58 whilst only 7 new dwellings are proposed, and there would not be the requirement for a Structure Plan we would not want any greater yields envisaged here due to the access implications onto Mountford Street on a bend. It is noted Franks Place is a relatively new cul-de-sac that is serving more than 20 allotments already, which is not in strict accordance with Table 3.1R of the Dunedin City Council Code of Subdivision and Development 2010. With this in mind, any additional development in this area needs to be restricted in terms of scale, unless alternative access can be provided.

Existing Residential Areas

There are currently ‘rat running issues’ through the existing local streets which could be compounded by additional development, prompting the requirement for speed management treatments. High Street, Reid Avenue and Church Streets are particularly problematic.

The infrastructure standards of the current local and collector roads within older parts of Mosgiel are outdated - footpath widths, provision of crossing points and intersection widths / radii do not meet current standards. Intensification would require isolated intersection and footpath upgrades, to manage speeds and improve access for pedestrians, particularly to schools, shops and local recreation. This is particularly relevant given the needs of both an ageing and a younger population.

Public Transport from Mosgiel is at capacity in the morning peak, and ORC have already introduced additional morning services into the morning peak timetable.

In terms of overall costs for improvements, whilst the significant reduction in the number of proposed dwellings is noted, costs are still likely to be significant, falling within the upper end of the Medium to the lower end of the High cost range categories due to the range of improvements required”

Appendix C – Evidence on 3 Waters from Mr Jared Oliver

BEFORE THE VARIATION 2 HEARING PANEL

IN THE MATTER

of the Resource Management
Act 1991

AND

Variation 2 to the proposed
Second Generation Dunedin City
District Plan (2GP)

STATEMENT OF EVIDENCE OF JARED OLIVER FOR DUNEDIN CITY COUNCIL

Dated 3 August 2021

QUALIFICATIONS AND EXPERIENCE

1. My name is Jared Oliver.
2. I am employed by the Dunedin City Council ("the Council"), as the Engineering Services Team Leader with the 3 Waters Group. In my current role I am responsible for leading a team that provides technical support and direction at a long-term strategic level to support investment in 3 Waters infrastructure, through strategic planning, engineering, condition assessments, hydraulic modelling and coastal expertise.
3. I hold a Bachelor of Technology Degree majoring in Chemical Technology and a Masters of Technology majoring in Energy Management, both from Massey University. I am a member of Engineering New Zealand (ENZ) and have been a Chartered Professional Engineer (CPEng) since 2011. I am a member of the New Zealand Water & Wastes Association (Water NZ), and the Institute of Public Works Engineering Australasia (IPWEA). I have over sixteen years' experience in the 3 Waters industry both within New Zealand, and abroad in the public and private sectors. My experience has included the design, operation, maintenance and asset management of water and wastewater treatment systems and 3 Waters reticulation networks.
4. I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note. This evidence has been prepared in accordance with it and I agree to comply with it. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

SCOPE OF EVIDENCE AND OVERVIEW

5. My evidence relates to submissions that require water, waste water and storm water services and has been prepared by myself and another member of the 3 Waters Group, Jacinda Baker, Policy Analyst. At times we have sought input from other 3 Waters staff.
6. A consultant, AR & Associates has also supported the 3 Waters Group with work on Variation 2 in particular, Andres Roa, of AR & Associates in advising on certain aspects.

DATED this 3rd day of August 2021

A handwritten signature in black ink, appearing to be 'Jared Oliver', written on a light blue background.

Jared Oliver

Engineering Services Team Leader

3 Waters

Dunedin City Council

TO:	Emily McEwan, Policy Planner, City Development
FROM:	Jared Oliver and Jacinda Baker, DCC 3 Waters
DATE:	17 August 2021
SUBJECT:	VARIATION 2: RESPONSE TO REQUEST FOR COMMENTS ON SUBMISSIONS, HEARING 1

INTRODUCTION

1. The 3 Waters department received a memo from you dated 22 June 2021 requesting comments on Variation 2 in relation to 3 waters and specific questions you have raised as a result of reviewing submissions. We have considered the relevant submissions on the topics/issues you highlighted and your specific questions. Please find our response below.

HEARING 1 COMMENTS

Shared stormwater and wastewater connections for duplexes (Change A2)

2. You have requested comments on the inclusion of rules to allow duplexes or two residential units in a single residential building on sites in the General Residential 1 and Township and Settlement zones to share stormwater and wastewater connections (i.e. drains in common).
3. Private drains in common have been created in the past to service sites without close or easy access to DCC wastewater infrastructure. However, shared private infrastructure is difficult for DCC to administer and should not be created just because it may be a more desirable option for developers. Issues can occur with ownership and maintenance responsibilities, and there are health and environmental implications if spills occur due to drain damage or lack of maintenance.
4. Although the duplexes would sit initially on one title, subdivision is highly likely to occur. DCC require property owners to have unique connections from each lot to DCC infrastructure where possible. This avoids future issues occurring with shared drains that may not have adequate easements, records on titles, or clear records of maintenance and cost sharing responsibilities by drain owners.
5. 3 Waters have responsibility for approving infrastructure that will be vested in DCC. Building Services are responsible for issuing building consents and would determine the appropriateness of private drainage proposed through the building consent process. Drains in common are not a desirable option for development and would generally not be approved. Where unique connections are not possible, this is a matter for consideration as part of the building consent process.
6. Specifications for connection layout of private infrastructure or infrastructure to be vested in DCC is managed through legislation, bylaws, and the Code of Subdivision and Development 2010. The 2GP is not the appropriate place for specification of connection layout as requested by the submitters.

Jared Oliver
ENGINEERING SERVICES TEAM LEADER
DCC 3 WATERS

TO: City Development

FROM: 3 Waters

DATE: 18 December 2020

SUBJECT: **EFFECTS OF PROPOSED 2GP VARIATION 2 RULE CHANGES ON 3 WATERS INFRASTRUCTURE**

As part of the suite of rule changes proposed for the General Residential 1 Zone and Township & Settlement Zone (serviced for wastewater) within Variation 2 of the Second Generation Plan (2GP), the following changes may impact on 3 Waters infrastructure:

- A1 - Relaxing the family flats rules;
- A2 - Permitting a duplex/two residential units in a single building on one site; and
- A3 - Reducing the minimum site size from 500m² to 400m².

The purpose of this memo is to summarise how the potential impact of these proposed changes was assessed and what the outcome of this assessment was.

ASSESSMENT PRIOR TO PROPOSED RULE CHANGES

Prior to the proposed rule changes, 3 Waters had assessed potential infrastructure impacts based on a “maximum possible development scenario”. The maximum possible development scenario considers the land areas being rezoned, the minimum lot size possible through the zone rules, and the future occupancy rate to calculate the maximum population / number of lots / percentage impervious surface coverage for the Wastewater / Water Supply / Stormwater hydraulic models. These are then used to assess the demands placed on the 3 Waters infrastructure and identify which infrastructure lacks the necessary capacity to service the rezoning and would need to be upgraded.

RULE CHANGES ASSESSMENT

Following the proposal of the rule changes, an initial assessment of impacts on 3 Waters infrastructure was carried out by DCC’s consultant, AR & Associates Ltd, detailed in the attached Memo (Ref. P19-037-M01-RevB). A “most likely development scenario” was used for comparison to the original assessment (carried out based on “maximum possible development scenario”), as this was considered most appropriate when considering growth in the next 30 years. This was based on the likely development capacity that would be added by the rule changes, as modelled in DCC’s housing capacity assessment model. This assessment indicated that the most likely development scenario under the Variation 2 rule changes generally has a lower network demand than the maximum possible development scenario. Exceptions were:

- Otago Peninsula – additional 48 lots
- Harbourside – additional 52 lots
- Mosgiel Central – additional 38 lots
- Forbury – additional 30 lots
- Bathgate Park – additional 33 lots
- St Kilda North – additional 255 lots

The Bathgate Park and St Kilda North areas are already zoned as GR2 so can be discounted. The reason for the result indicating additional capacity is an anomaly in the assessment methodology where existing GR2 sites were not excluded from the assessment of proposed GR1 rule changes.

For all of the other exceptions, the number of additional lots and associated impacts on 3 Waters infrastructure was considered to be minor, particularly when balanced against higher impacts assessed in other areas in the original maximum possible development scenario 3 Waters infrastructure impacts assessment.

Subsequent to the initial assessment of the rule changes by AR & Associates Ltd, the housing capacity model was updated using the new 2019 property rating valuations. This resulted in an increase in likely development capacity that would be added by the rule changes due to improvements in the economic feasibility of applying the new rule changes. The change in likely development capacity was then reassessed for infrastructure effects by DCC 3 Waters.

A test scenario was produced so that a new assessment could be made, the primary output of this test scenario was the map “Yield comparison with AR modelling - GR1 and TSZ retic only.pdf” (see attached). This compared:

- The expected 30 year yield within GR1 and reticulated TSZ areas, based on the proposed Variation 2 rule changes (400m² site sizes and duplexes), and
- The maximum possible development scenario that had been used for assessing 3 Waters infrastructure impacts.

This new assessment indicated that only Mosgiel would be expected to grow more as a result of the proposed rule changes than what had originally been assessed based on the “maximum possible development scenario”. The increase was assessed as an additional 38 lots. 3 Waters assessed the impact of these additional lots as follows:

- Water supply
 - Minor impact, manageable within future works already identified as being required to enable other Mosgiel growth and budgeted in draft 10 Year Plan.
- Wastewater
 - Minor impact but manageable (the original 3 Waters maximum possible development scenario assessment included a number of potential Variation 2 sites that were later discounted so the minor increase associated with the Variation 2 rule changes would be accommodated within this).
- Stormwater
 - No impact. Proposed rule changes do not allow an increase in imperviousness.

The conclusion from assessing the proposed rule changes indicated at the start of this memo has been that the proposed rule changes are considered to be acceptable from a 3 Waters infrastructure perspective. They generally fall within the maximum possible development scenario that had originally been used for assessing 3 Waters infrastructure impacts and identifying future upgrades and associated funding to accommodate growth. In Mosgiel, where effects were greater than the original assessment, these effects were considered to be minor and mitigated by other factors.

Regards,

Jared Oliver
ENGINEERING SERVICES TEAM LEADER

Attachments:

- P19-037-M02-RevB - Zone rule change.pdf
- Yield comparison with AR modelling - GR1 and TSZ retic only.pdf

Memo

To	DCC	Date	28/11/2019
Attn.	Jared Oliver	Pages	3 + Appendix
From	Lisa Dowson & Tristan Jamieson	Ref.	P19-037-M01-RevB
Re. //	2GP Zone Rule Change Review		

Dear Jared,

In response to Dunedin City Council (DCC) discussions and emails of 11/12/19 around a proposed rule change for the 2GP zones, as applicable to the existing 2GP General Residential 1 zone (Variation 2).

The proposed Variation 2 rule change includes the following changes:

- Decreasing the minimum site size from 500m² to 400m²
- Allowing two duplex units and a granny flat (up to 60m² and which anyone could live in) on each property
- Retaining the maximum habitable room standard (1 per 100m² of site area)

The changes would apply to the General Residential 1 and Township and Settlement zones, excluding the parts of the Township and Settlement zone that are within the non-reticulated wastewater mapped area.

The changes would not have any effect on the maximum impervious area of 50% per lot allowable under the current 2GP rules for the zone.

Possible Implications

The proposed rule change has implications in that the rules allow for additional development than is allowed for under the 2GP. This will go some way towards DCC meeting their identified housing demand under the National Policy Statement for Urban Development Capacity (NPS-UDC).

As there is no change to the maximum % imperviousness allowable per lot, there are unlikely to be any implications for stormwater.

As there is a potential increase in the number of lots possible, there is likely to be an increased demand on the Water Supply and the Waste Water network.

Sensitivity check

AR & Associates and Watershed have assessed the future demand on the waste water and water supply networks utilising an assumed maximum possible development scenario, as at the time of the assessment, it was not known where development uptake was most likely.

The model and site assessment results are therefore conservative, as development is unlikely to occur to the maximum possible in most locations across the city.

DCC's Planning Team has developed a housing capacity model that indicates the maximum probable development scenario for the city (rather than the maximum possible) which is the most likely maximum development scenario for the city over the next 30 years. The housing capacity model has since been used to produce a property-level layer showing DCC's assessment of the 30-year housing development capacity under the current 2GP rules and the proposed Variation 2 rules. The model results include the likely number of future connections at a property level, and also aggregated to the suburb level.

It may be necessary to assess the implications of the proposed Variation 2 zone rule change on the waste water and water supply networks due to the likely increased development capacity compared to the existing 2GP rules. However, due to the conservative approach undertaken for the modelling, it is possible that the most probable development scenario including the rule change may fall within the conservatism of the maximum possible scenario modelled for the current 2GP rules. To test this assumption, Watershed have undertaken the following tasks:

1. Extracted the existing number of connections at a suburb scale from the water supply model
2. Extracted the maximum possible number of connections at a suburb scale.
3. Calculated the most likely number of connections (30-year projection) from the existing connections and the 2GP+Variation 2 capacity outputs.
4. Mapped the difference between items 2 and 3 above.

Results and conclusion

The assessment has found that in most suburbs, the most likely development scenario under the Variation 2 rule change has a lower network demand than the maximum possible development scenario modelled using the 2GP rules (appended below). The exceptions are:

1. Otago Peninsular - the modelled maximum is only 18% of the planning capacity. (10 vs 58 lots). The planning assessment has properties allocated well outside of the current service boundary (2-8km away). It is likely these lots would be self-serviced, or are serviced by small local schemes but they are not part of the city's serviced area. It is appropriate that this growth capacity is not included in the model as they'll have no impact on the network demand.
2. Harbourside - the model shows 30% of the planning capacity. (24 vs 76 lots). The difference in demand in the model would be unlikely to cause any significant issues. The likely additional 50 lots distributed over the whole of the Harbourside area it is not considered to be a significant increase in residential demand. In addition, some of the Harbourside area includes industrial uses, which typically have a high water and waste demand.
3. Mosgiel Central – the model shows 97% of the planning capacity. (1,286 vs 1,324 lots)
4. Forebury – the model shows 95% of the planning capacity. (565 vs 595 lots)
5. Bathgate Park - the model shows 97% of the planning capacity. (1,084 vs 1,117 lots)
6. St Kilda North - the model shows 80% of the planning capacity. (1,083 vs 1,338 lots)

We are therefore of the opinion that the proposed Variation 2 zone rule change will not result in any additional demand on the network beyond what has already been modelled, subject to the limitations of DCC's Demand Capacity model.

I look forward to your feedback once you've had a chance to go over the information.

Regards,



Lisa Dowson
Bsc (Hons), Msc
MWNZ
AR & Associates Ltd



Tristan Jamieson
BA, BE
MWNZ
Watershed Ltd

Encl. Comparison Map

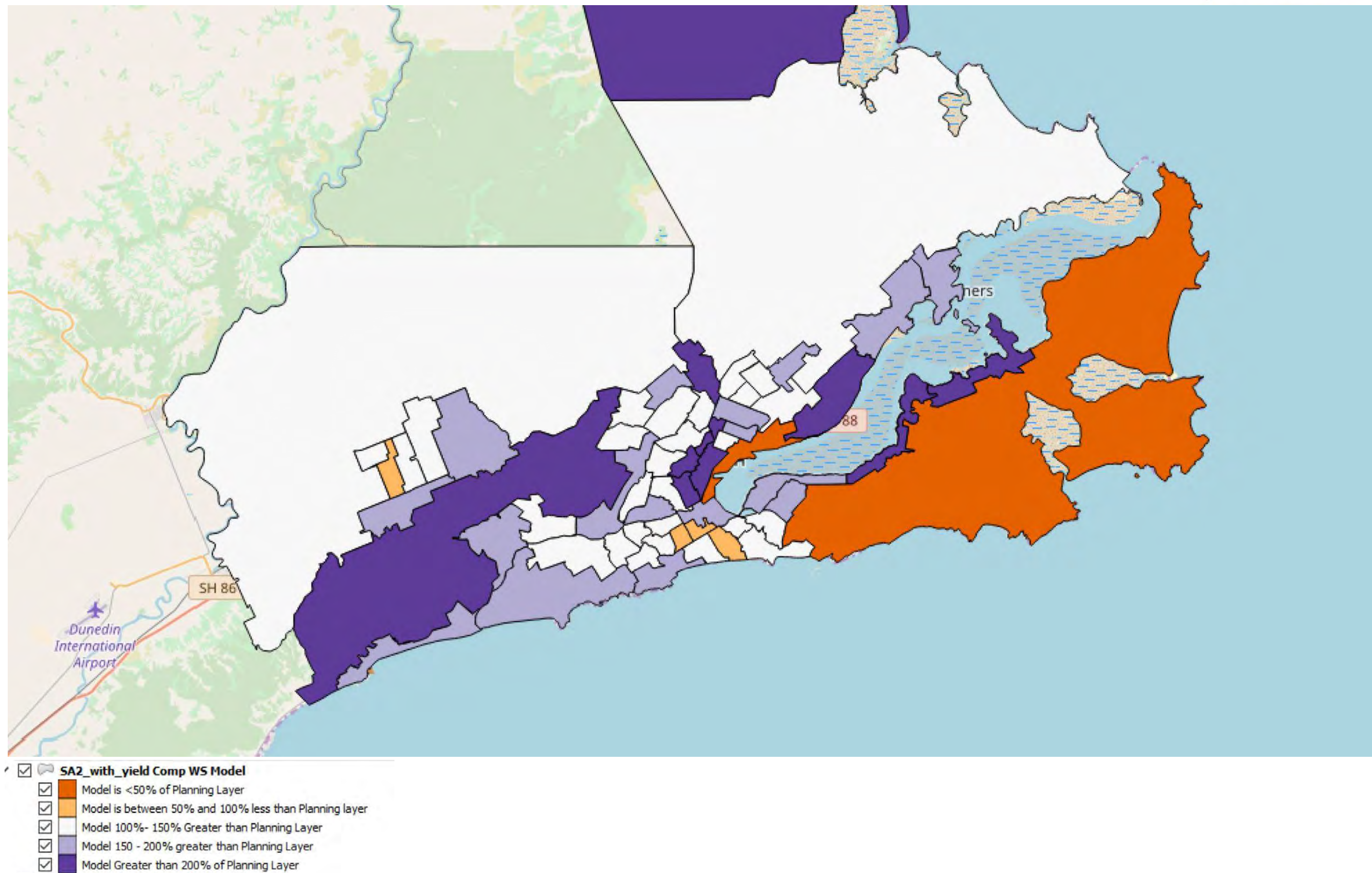
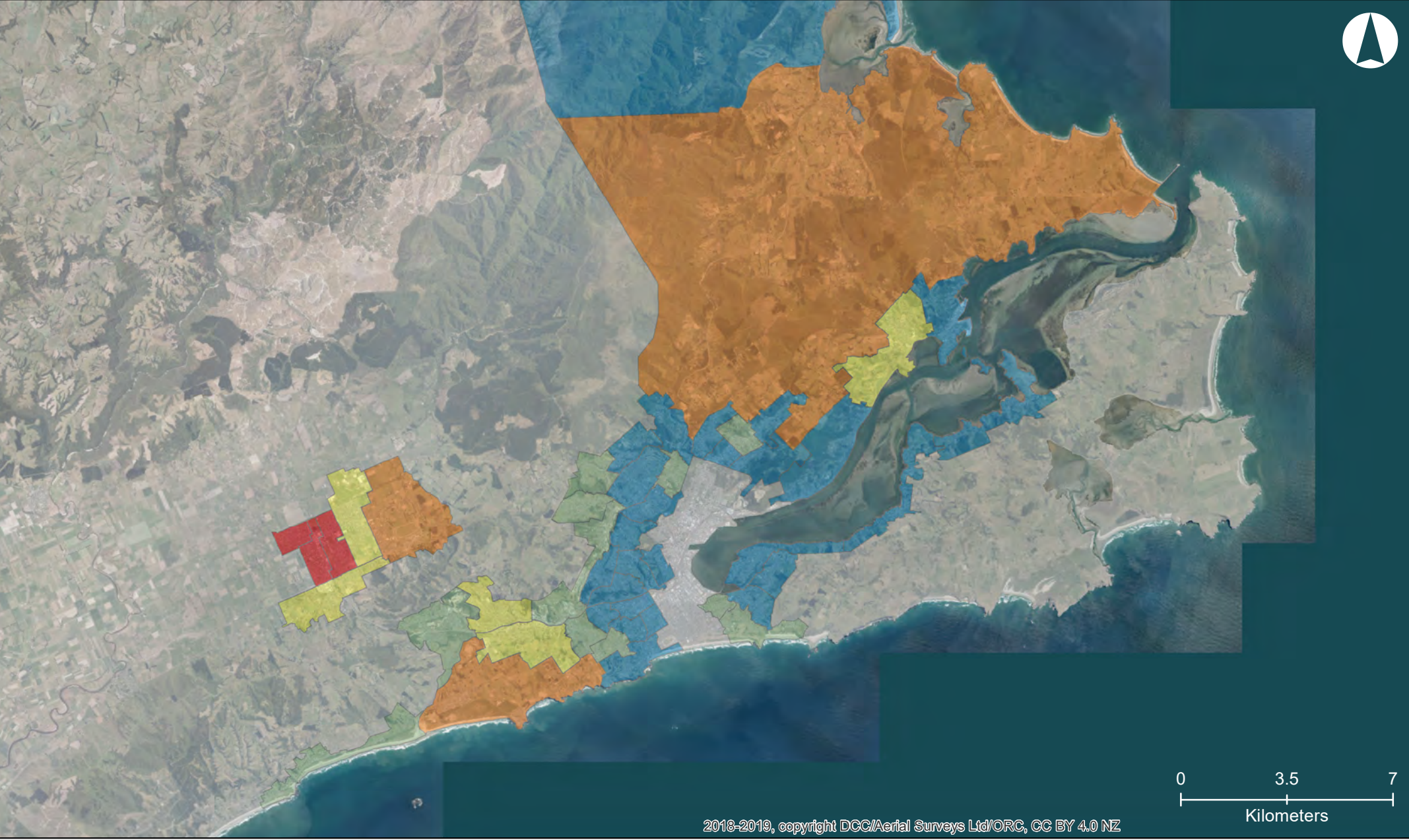


Figure 1: Comparison between Maximum Possible lots (2GP scenario) and Maximum Probable lots (2GP Var 2 zone rule change scenario)

G:\Global\GIS\Planning\NPS UrbanDevCapacity\PlanChangeTwo\RuleChanges.mxd



Variation 2

Comparison between V2 rule changes yield and growth assumed in AR modelling

30/06/2020

Variation 2 : Water supply model ratio	
	0.51 - 0.75
	0.76 - 1.00
	1.01 - 2.00
	0.00 - 0.25
	0.26 - 0.50

Appendix D – GR1 Effects on Residential Character and Amenity



SECOND GENERATION DISTRICT PLAN

Variation 2 – Additional Housing Capacity

General Residential 1 Assessment of Effects on Residential Character and Amenity

February 2021

**Prepared by: Peter Christos, City Development, Urban Designer and
Andrea Farminer, City Development, Heritage Advisor**

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1 INTRODUCTION AND SCOPE OF THE ASSESSMENT

1. Variation 2 to the Dunedin City 2nd Generation District Plan (2GP) proposes to provide for some additional intensification of the General Residential 1 Zone (GR1) and Township and Settlement Zone (T&S) (where serviced with wastewater infrastructure) beyond that provided for under the existing rules. These rule changes are designed to facilitate the efficient use of existing residential land within the City's suburbs and Township and Settlement zones to provide additional housing development capacity and housing choice, particularly for smaller residential units.
2. The rule changes being considered include:
 - Reduce minimum site size to 400m² (from 500m²) and;
 - Permit duplexes;
 - Permit 2 standalone units (or provide for as a restricted discretionary activity);
 - Allow non-family to use 'family flats', retaining the same rules around size and scale (note: 'family flats' would not be allowed with any other 2 unit options, i.e. a duplex or a family flat – not both);
 - Allow an existing dwelling to be used as 2 units;
3. In all cases, a habitable room approach of one room per 100m² is proposed where there is more than one residential unit proposed per site; i.e. a duplex on a 400m² site would be limited to a 2 x 2 bed, or 1 bed plus 3 bed.

2 ASSESSMENT METHODOLOGY

4. A streamlined method was adopted for the assessment of the effects on residential character and amenity from the proposed rule changes. Each rule change was initially assessed individually using the following approach:
 - A description of the permitted baseline;
 - A description of the proposed rule change activity and its scope;
 - Identification of the key effects based on familiarity with the GR1/T&S residential areas and mapped data for relevant section sizes (e.g. 800m²<1,000m² sections).
 - Identification of the need/desire for control options to mitigate the potential effects of each rule change.
5. This was followed by a higher-level assessment of the potential effects of the rule change package as a whole on residential character and amenity. Comment has been provided on the suitability of the rules being considered and any broader level options for controls to mitigate the potential collective effects.

3 ASSESSMENT OF INDIVIDUAL RULE CHANGES

3.1 Reduce minimum site size to 400m² (from 500m²)

3.1.1 The current baseline

6. The current 2GP density and minimum site size performance standards for GR1 Zone and Township and Settlement Zone (not within the no DCC reticulated wastewater mapped area) is for sites of at least 500m² (Rules 15.5.2.1.a and l, 15.7.4.a and h). This has resulted in a considerable number of sections retaining their generous sizes of usually between 550-900m²; these are typically occupied by a main dwelling with a garden to the rear and ancillary smaller structures (e.g. single garage and/or garden shed(s). This typical GR1/T&S zone arrangement has partly contributed to the development of the often 'leafy' character of these residential areas through providing sufficient garden space for mature trees and larger shrubs to develop. In combination with the contemporary architectural styles and materials developed in each period from the late 19th century onwards, and the localised topography across Dunedin's suburbs, this has created suburbs and townships where substantial greening is a key part of their discrete residential character.

3.1.2 Proposed 400m² baseline

7. The proposal to allow a minimum site size of 400m² across the GR1 and T&S zoned areas has been developed to encourage intensification of residential development in order to provide more space for new dwellings within the existing suburban boundaries. The anticipated outcome of a 400m² minimum site size is an increase in the subdivision of existing developed residential sites to accommodate a new dwelling while meeting the existing performance standards for height, set-backs, site coverage, etc. It is also envisaged that many of these new dwellings will be smaller in size than their established counterparts and may entail more site responsive designs to deliver high quality living environments.
8. A map showing the distribution of sites sized 800m² to 1000m² in size which would potentially be able to be subdivided as a result of this rule change (subject to other site constraints) is shown in Map 1.

3.1.3 Key identified constraints and effects

9. The key constraints on reducing the minimum site size to 400m² across the GR1 and T&S zoned areas, are identified as follows.
 - The operative performance standards for permitted development activity across the zones will be retained with the likely result that impermeable surfacing (<70%), set-backs (<4.5 and <2m), building height (<9m) and others will naturally constrain some sites from being capable of additional development without a resource consent.
 - The ability to provide vehicle access to rear sections and the location of newer or high-value existing buildings will constrain some development options
 - Issues of extra- and intra-section privacy and amenity, economic viability to subdivide and develop smaller sites, and natural constraints from local topographic

features (e.g. sites located on extreme slopes, next to gullies, and adjacent to scheduled items) will also influence the capacity of existing 800-999m² sites to be subdivided as of right.

10. One key effect of reducing the minimum site size to 400m² across the GR1 and T&S zoned areas, is the potential for the demolition of existing dwellings on 800 - 999m² sections to make way for subdivision for the erection of a new unit on each section. This may arise from:
 - where either the existing dwelling is of older and/or poorer building stock,
 - awkwardly situated on one part of the original section so preventing subdivision,
 - or the economic situation makes demolition viable to erect new, efficient homes.
11. This may have the effect of gradually altering the mixed residential characters of the various suburbs and Township and Settlement zoned areas, through the loss of often older, 'character' dwellings that contribute to the character of the suburbs. The risk of this effect on the character and amenity values of the GR1 and T&S zoned areas is considered to be moderate and will be dispersed across the zones. It is worth noting that the only GR1/T&S zoned area that is covered by a Heritage Precinct overlay is the Windle Settlement in Rosebery and Newport Streets, Belleknowes. Controls are in place to protect the heritage character values of this area.
12. A second effect of the proposal is the anticipated intensification of the GR1 and T&S zoned areas, which may result in a gradual change of their residential neighbourhood character through overdevelopment of sections, with a consequent impact on their built character and pattern of development that has evolved over 150 years of settlement across Dunedin. The potential for the character and pattern of development of such neighbourhoods to become diluted by an increase in possibly smaller, contemporary-style dwellings is a risk that may adversely alter the existing neighbourhood character of the areas, but the actual effects would depend on the design of the new development. The potential for adverse effects on neighbourhood character would be higher where new houses were placed at the front of a section containing an existing dwelling to the mid or rear of the section. Likewise, if two-storey houses are constructed close to the rear of an existing, character one-storey dwelling, such as a small timber cottage or early brick bungalow, then they risk visually dominating the scale of the older dwelling. However, it is noted that existing dwellings on the steeper residential hillslopes of Dunedin already create a 'tiered' development pattern, and significant historic undersized site subdivision exists throughout the city, which actually contributes to the city's built residential character.
13. A third effect of reducing the minimum site size to 400m² across the GR1 and T&S zoned areas, is the likely loss of valuable gardens, mature trees and hedges, and greenery that contribute to the visual character of the residential neighbourhoods and streetscapes, and provide high quality amenity value to residents. As with many types of effects that may be local in extent, but repeated across large areas, the potential cumulative effects of the reduction of residential gardens, trees and greening may result in a more substantial loss of neighbourhood amenity, habitat and character, albeit over a 10 - 20 year period, for example.

3.1.4 Conclusions and the need for controls/options

14. From a neighbourhood built character perspective, the cumulative effect of the potential demolition of older and/or existing housing stock is considered to be low as it is likely to take place over an extended timeframe and dispersed area. As such, its likely effects are considered to be no greater than those of the current 500m² site permitted baseline in this regard. Therefore, no requirement for controls to mitigate this potential effect are considered necessary.
15. The potential effect of general intensification across the GR1 and T&S areas is considered to be moderate on the built character of the residential neighbourhood areas; therefore, some controls should be considered to mitigate these effects. Options for controls could include:
 - New dwellings should be located to the rear of existing dwellings on newly subdivided sections. Exceptions to this could be if the section frontage width exceeds its depth and the subdivision does not include demolition; in this instance new dwellings will be required to meet the current setback requirements (Rule 15.6.13).
 - Relaxing the minimum parking requirements, as will occur in giving effect to the new NPS-UD, Policy 11.

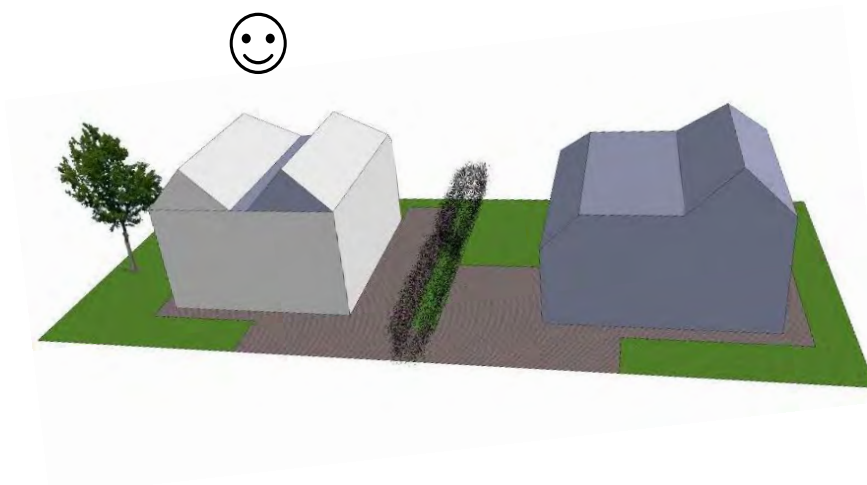


Figure 1: New dwellings should not be located in front of an existing house on a front site. Where site depth exceeds width, new dwellings only need to comply with 2GP standards.

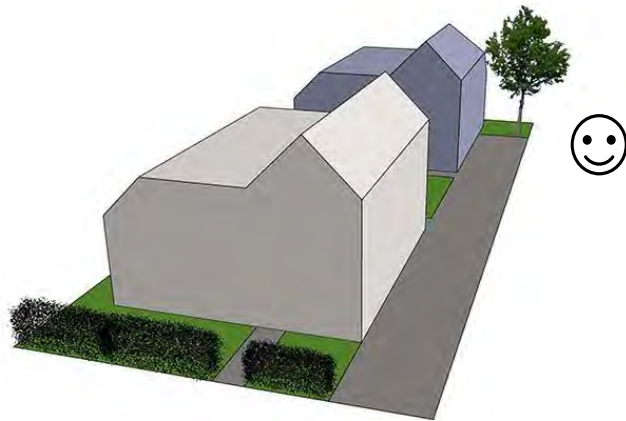


Figure 2: New dwellings should not be located in front of an existing house on a front site. Where site depth exceeds width, new dwellings only need to comply with 2GP standards.

16. From a neighbourhood amenity perspective, the cumulative effect of a loss or reduction in mature gardens, trees and greening is considered to be moderate albeit, it too is likely to take place over an extended timeframe. It is considered that mature gardens, trees and planting will be more susceptible to the adverse effects of subdivision and new development than the other identified effects, requiring some controls to be adopted to mitigate these effects. Options for controls could include:
- Those gardens identified as high quality gardens (for example, the research project undertaken by the University of Otago: Freeman C, Mathieu R and Jagannath A (2007), Mapping Private Gardens In Urban Areas Using Object- Orientation Techniques And Very High-Resolution Imagery. Landscape and Urban Planning, journal 81, p179-192) will require a resource consent process as a restricted discretionary activity if subdivision proposes to remove the garden.
 - The removal of any pest plant species should be permitted.



Figure 3 and 4: As subdivision intensifies, loss of established trees and gardens could impact on Dunedins' residential character.

3.2 Permitting Duplexes

3.2.1 The current duplex baseline

17. The 2GP minimum site area for GR1 and Township and Settlement Zone is 500m² per residential unit; therefore, duplex units are only permitted on a minimum site size of 1,000m² (Rule 15.5.2). The normal performance standards for unit development in the GR1 and T&S zones apply.

3.2.2 Duplexes on a proposed 400m² baseline

18. The proposal to permit duplex development on proposed 400m² minimum sized sites is similarly aimed at encouraging intensification of smaller-scale residential development in order to provide more space for new dwellings within the existing suburban areas. The normal performance standards for unit development in the GR1 and T&S zones would still apply aside from the reduced minimum site size and application of the habitable room approach to the density performance standard (1 habitable room per 100m² site area).

3.2.3 Key identified constraints and effects

19. The key constraints on allowing the development of duplex units on a proposed 400m² minimum site size across the GR1 and T&S zoned areas, are identified as follows.

- The range of constraints will be similar to those already identified for a proposed minimum site size of 400m² (refer to section 3.1.3).
 - The smaller site size for duplex units may increase pressure on privacy issues such as screening, amenity space and shared accessways (i.e. through two families occupying a normally single unit section) which may deter some development of these types of units in the GR1/T&S zone.
20. The general effects of allowing duplex development on the smaller site are considered to be generally the same as for the proposed single unit 400m² site size (refer to section 3.1.3).
21. One effect or risk specific to duplex units is from subdivision on the long axis of a section (away from the frontage) which could result in the construction of long, thin narrow buildings with a minimal street frontage. This risks having either little or no distinguishable pedestrian entrance to the street frontage or possible dominance of garages/car parking at the front due to a lack of suitable space on the section. This is likely to detract from the strong residential character and amenity values of neighbourhoods, in the long-term. The likelihood of this effect is considered to be low due to existing plan constraints on vehicle parking and crossings, site permeability and location of amenity space; however, the risk remains and could be detrimental.

3.2.4 Conclusions and the need for controls/options

22. Overall, the proposal to allow duplex unit development on the proposed 400m² site size has no specific effect from the risk of long, thin duplexes being constructed on a section, if subdivided perpendicular to the frontage rather than parallel to it. This has the potential to adversely affect the existing residential character of the zones and, therefore some control is recommended for consideration, as follows.
- An option for duplex units to have a minimum frontage width to provide for a clear and distinguishable building entrance (to avoid the construction of 'sausage flats').
 - Design guidance required on duplex design to help mitigate any potential effects from being sited on a 'narrow' site (for example, a defined pedestrian entrance and minimum % of glazing facing the street, etc.).



Figure 5: Clear guidance promoting minimal street façade articulation would avoid garages and blank facades dominating narrow sites.

3.3 Permit two Stand-alone Units on a proposed 400m² baseline

3.3.1 The current baseline

23. The 2GP baseline for GR1 and Township and Settlement Zone minimum section sizes is 500m²; therefore, two stand-alone units are permitted on a minimum site size of 1,000m² (Rule 15.5.2). The normal performance standards for unit development in the GR1 and T&S zones apply.

3.3.2 Two Stand-alone units on a proposed 400m² baseline

24. The proposal to permit two stand-alone units to be developed on proposed 400m² sites is again aimed at encouraging intensification of smaller-scale residential development in order to provide more space for new dwellings within the existing suburban areas. The normal performance standards for unit development in the GR1 and T&S zones would still apply aside from the minimum site size.

3.3.3 Key identified constraints and effects

25. The key constraints on allowing the development of two stand-alone units on a proposed 400m² minimum site size across the GR1 and T&S zoned areas, are identified as follows.
 - The range of constraints will be similar to those already identified for a proposed minimum site size of 400m² and duplex development (refer to sections 3.1.3 and 3.2.3).
 - Similar to the proposed duplex development, the smaller site size for two stand-alone units may increase pressure on privacy issues such as screening, overlooking

neighbouring amenity space, shading and shared accessways (i.e. through two families occupying a normally single unit section) which may deter some development of these types of units in the GR1/T&S zone.

- Given the performance standards regarding the bulk and location of buildings, it is also very unlikely that two stand-alone units could be constructed on a site of the minimum size.
 - Development of two stand-alone units on one site will also be affected by the ability to subdivide these into two separate properties to improve resale value.
26. The general effects of allowing duplex development on the smaller site are considered to be generally the same as for the proposed single unit and duplex unit development on a 400m² site size (refer to section 3.1.3 and 3.2.3).
27. One effect specific to a proposed, two stand-alone unit development on a 400m² site size, is the likelihood of the appearance of over-intensification of development on these sections, which may have an adverse effect on the generally larger-scale residential character of the GR1/T&S zone neighbourhoods. If sections are developed with two smaller, stand-alone units in a dispersed nature across the zones then their impact is likely to be negligible, as they will combine into the existing mixed streetscape character of these areas. However, if they are concentrated or side-by-side sections are both developed with pairs of stand-alone units, then their effects may be more noticeable and risk altering the existing character and amenity status quo. Having two small units on a 400m² site is also likely to place pressure on the available amenity space to a greater degree than a duplex unit from the separate footprint of each building making a less efficient use of the section space.

3.3.4 Conclusions and the need for controls/options

28. Overall, the proposal to allow two stand-alone, unit developments on the proposed 400m² site size has no specific additional effects than that for a single unit development. The only perceivable effect identified is from the risk of a concentration of over-intensified sections featuring pairs of small stand-alone units that could have the effect of altering the current residential streetscape character of the zones. Unlike duplex development, pairs of stand-alone units are not considered to be as effective in delivering the desired goal of urban intensification due to a less efficient footprint and potential loss of amenity space because of this. It is noted that Building Act spatial distance requirements may also come into play more for two stand-alone units in terms of fire separation, than those required for duplex units.

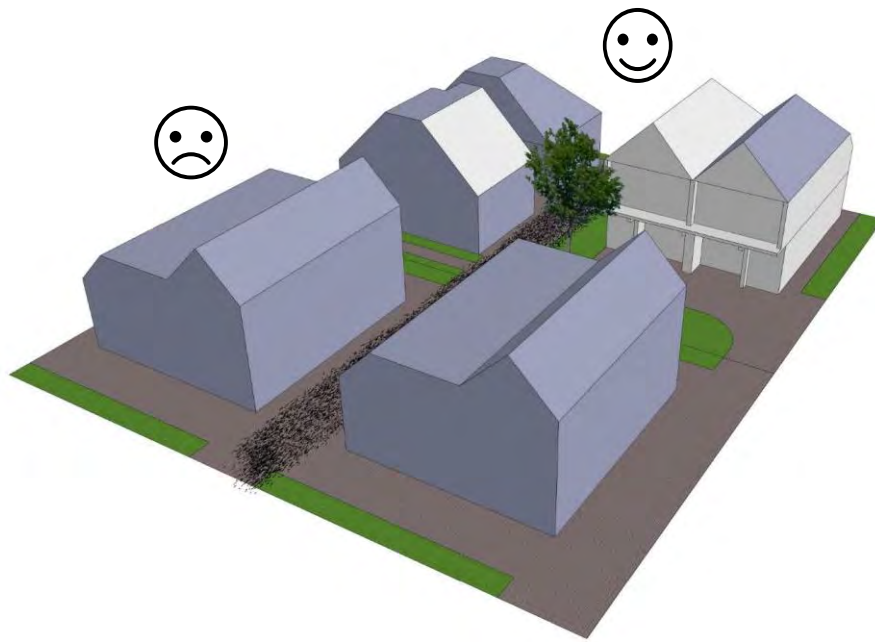


Figure 6: Duplex development is preferred over two standalone units on a rear site.

3.4 Allow non-family to use ‘family flats’ on a proposed 400m² baseline

29. The current baseline for family flats in the GR1 and Township and Settlement zones is a maximum gross floor area of 60m² on a 500m² minimum section size with shared services and common ownership/tenancy basis (rule 15.5.14.1 and .2). The proposal to allow non-family to use existing and future ‘flats’, presumably on a tenanted basis, is not considered to have any perceivable effects on the residential character, streetscape and amenity of the zones. There is a slight risk of an increase in the number of flats that might be constructed in the future, but this will largely be constrained by the available space and existing layout of sections and the desirability and viability to construct small flats over larger, multi-unit flats which are more economically viable. In view of this risk, it is recommended that the following control option is considered:

- New ‘family’ flats are to be located to the rear of an existing dwelling or new dwelling to reduce the visual effect of the building on the residential streetscape character.

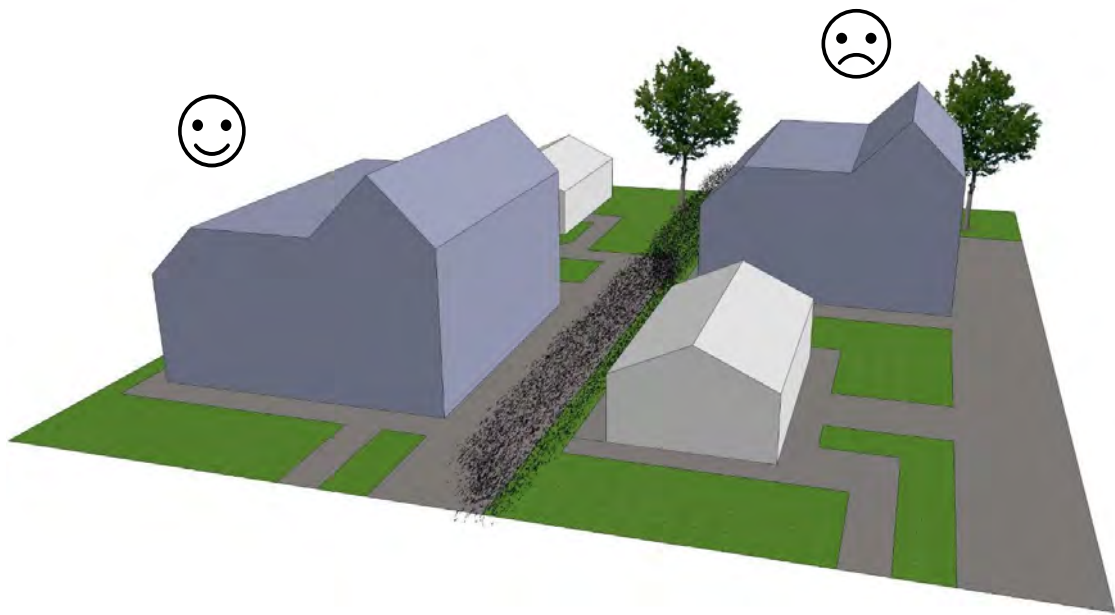


Figure 7: Providing for family flats on rear sites only will help to control visual effects of intensification.

3.5 Allow an existing dwelling to be used as 2 units

30. The current baseline for a single unit dwelling is a density of 1 residential unit per 500m² with a maximum development potential of 1 habitable room per 100m² per site (rule 15.5.2). The proposal to allow two residential units/families to occupy an existing dwelling is likely to have minimal discernible effects on the existing residential character or amenity values of the GR1 and Township and Settlement zones as the status quo will largely be maintained from a character and amenity perspective. However, the division into two units is likely to require the creation of separate outdoor living spaces, parking spaces and service areas. These activities may have some visual effect through altering the existing arrangement of garden, parking and other amenity spaces, and probably introducing new features such as screening, hedging and an increase in impermeable surface treatments. These modifications are considered to be minor in terms of residential character and amenity values.

4 SUMMARY ASSESSMENT OF COLLECTIVE GR1 RULES CHANGES

31. Taken as a package, the proposed GR1 and Township and Settlement Zone rule changes will allow for an increase in general residential capacity across the zones through capitalising on the available eligible development space. It has been identified that some of this new capacity will be naturally reduced by existing conditions and constraints on individual sites and landowners, such as:
- economic viability and market dynamics,
 - topography and site conditions,

- some challenge around reaching existing performance standards on the smaller site size.
32. In terms of the effects of the package on the residential character and amenity values of the various neighbourhood areas contained within the zones, it is generally considered that only one proposed option – providing for two stand-alone units on a 400m² minimum site size – has the potential for long-term effects. This has been assessed as leading to potential over-intensification of smaller sites without the efficiencies provided by a duplex style development. The effect of this is a risk to the existing residential character and amenity values of the zones through an increase in multiple small house-sections that diminishes the established streetscape character and pattern of development and balance of greenspace. This is particularly relevant within GR1 areas with a more mixed and spacious residential character and particularly Township and Settlement zones. Therefore, it has been recommended to exclude this proposed element from the rule package due to the lack of benefit and potential risk it carries. As an alternative, permitting two units per site could be considered through a restricted discretionary consenting pathway to enable design to be managed.
33. A key effect of the proposed 400m² minimum site size is identified as a potential risk to the green amenity values of the zones through the loss of mature gardens, trees and other planting. As such, this effect also applies to the proposed rule change package as a whole, through the potential for increased subdivision and expected intensified development to increase the loss of garden amenity. Whilst it is recognised that some sections with mature, well-planted sections will be subject to redevelopment loss, there will also be some gardens of little amenity value other than the unoccupied space they provide. Options for addressing these differences and placing controls to mitigate or limit the loss of quality gardens and amenity values are outlined in section 3.1.4.
34. Taking a whole rule change package perspective, it may be that one of the ways a number of the effects identified through the assessment can be addressed is through the preparation of a residential development and streetscape design guide. Such a design guide has not been prepared previously for the General Residential 1, and Township and Settlement Zones; such a document could include clear guidance on the preferred and best approaches to managing good subdivision through identifying/illustrating:
- guidance on expectations to be delivered through the new rule package;
 - ways to retain mature planting in new subdivisions;
 - suitable new planting where mature species cannot be retained;
 - examples of good site layout and locating parking/garage;
 - examples of good building style and arrangements (e.g. typical frontage arrangements, pointers to surrounding residential streetscape character identification, bulk form examples, roof design, materials and minimum ratio of glazing to elevation, etc).

35. Additional, to design guides, removal of 2GP minimum parking requirements in accordance with the NPS-UD would provide for the development of smaller sites with improved options for locating amenity space encouraging additional landscape elements.
36. Visual effects and loss of green amenity over a range of intensification. All of the below examples are modelled on a residential block made up of 16 x 800m² sites. An estimated average amount of established vegetation is shown.

Figures 8 – 12: Visual effects and loss of green amenity over a range of intensification. The examples below are modelled on a residential block made up of 16 x 800m² sites. An estimated average amount of established vegetation is shown.

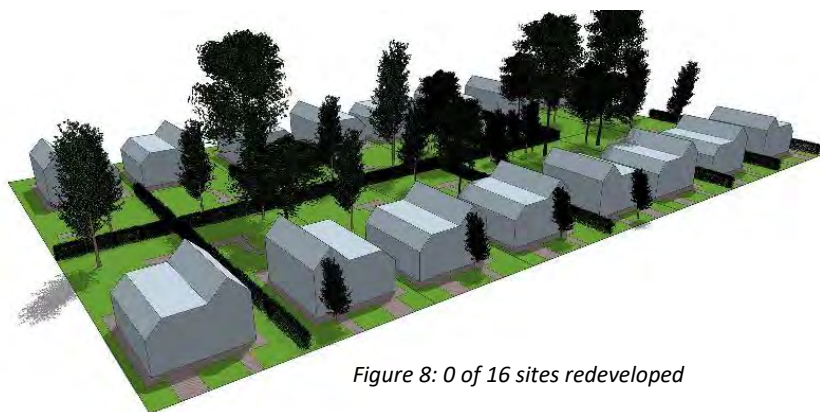


Figure 8: 0 of 16 sites redeveloped



Figure 10: 8 of 16 sites redeveloped



Figure 11: 12 of 16 sites redeveloped



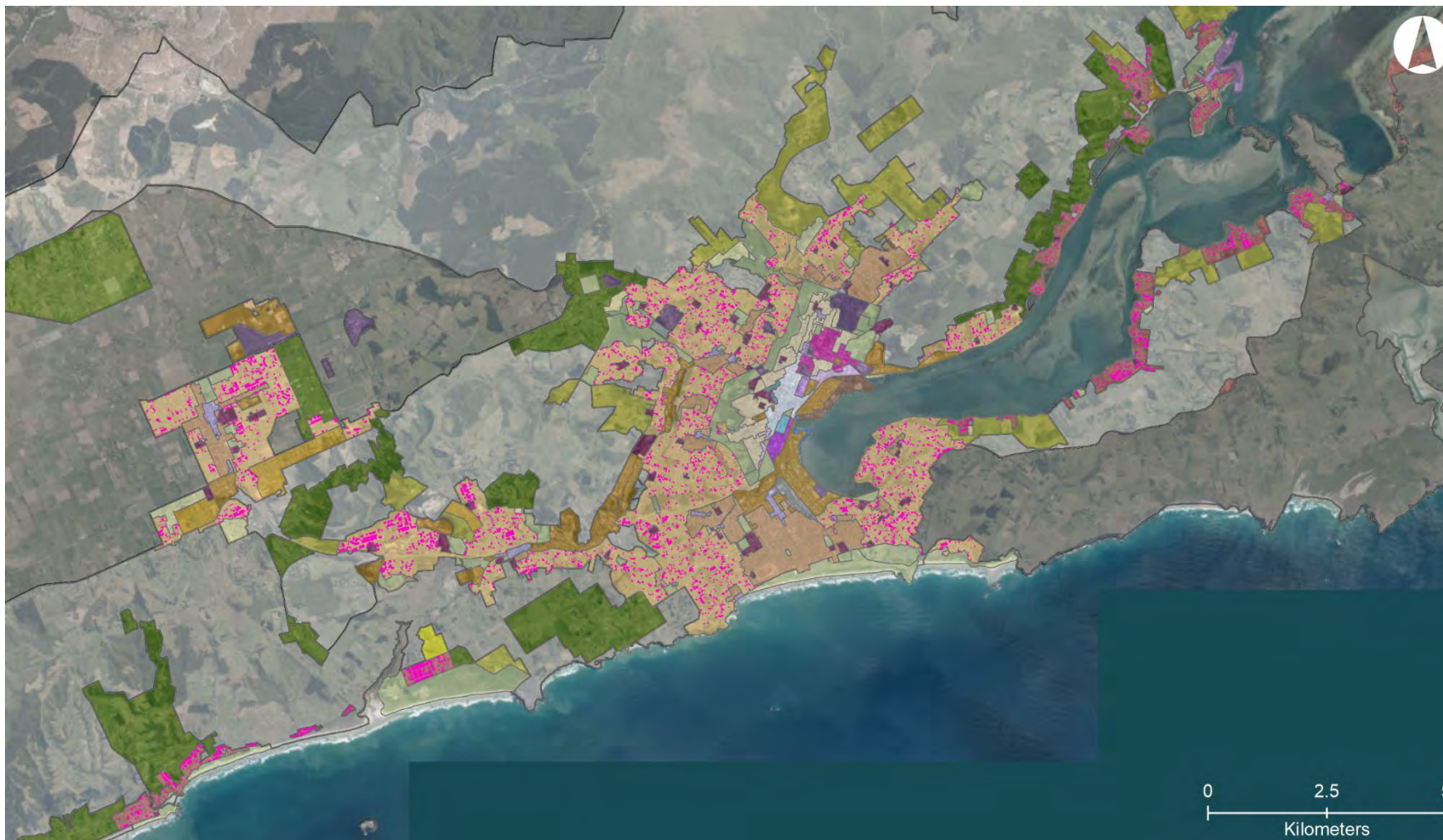
Figure 9: 4 of 16 sites redeveloped



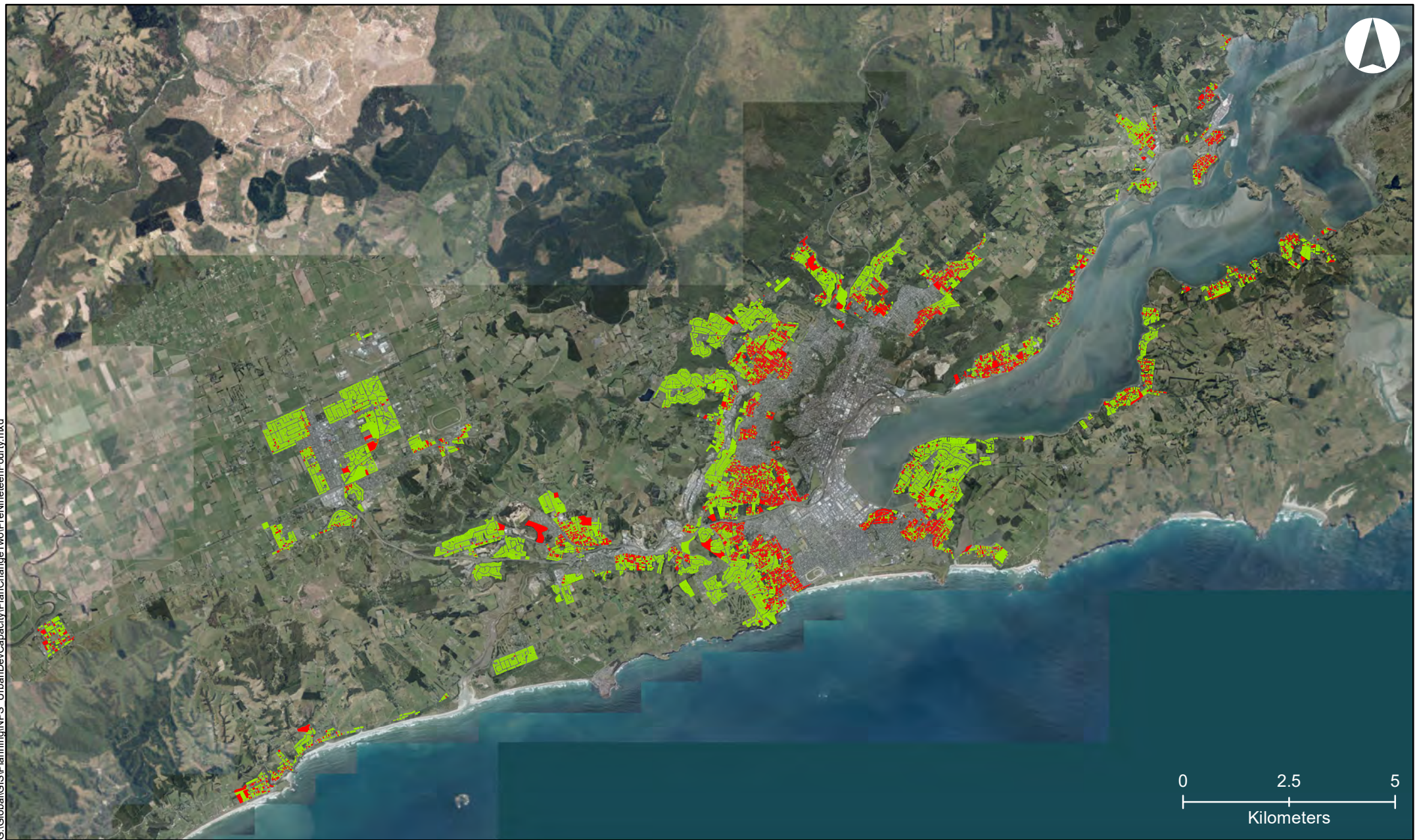
Figure 12: 16 of 16 sites redeveloped

5 MAP 1

Sites sized between 800m² and 1000m² in the main urban areas of Dunedin that could potentially benefit from the proposed rule change (relevant sections identified in pink)



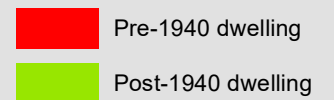
Appendix E – Maps of Housing Stock by Age in GR1 and T&S (serviced)

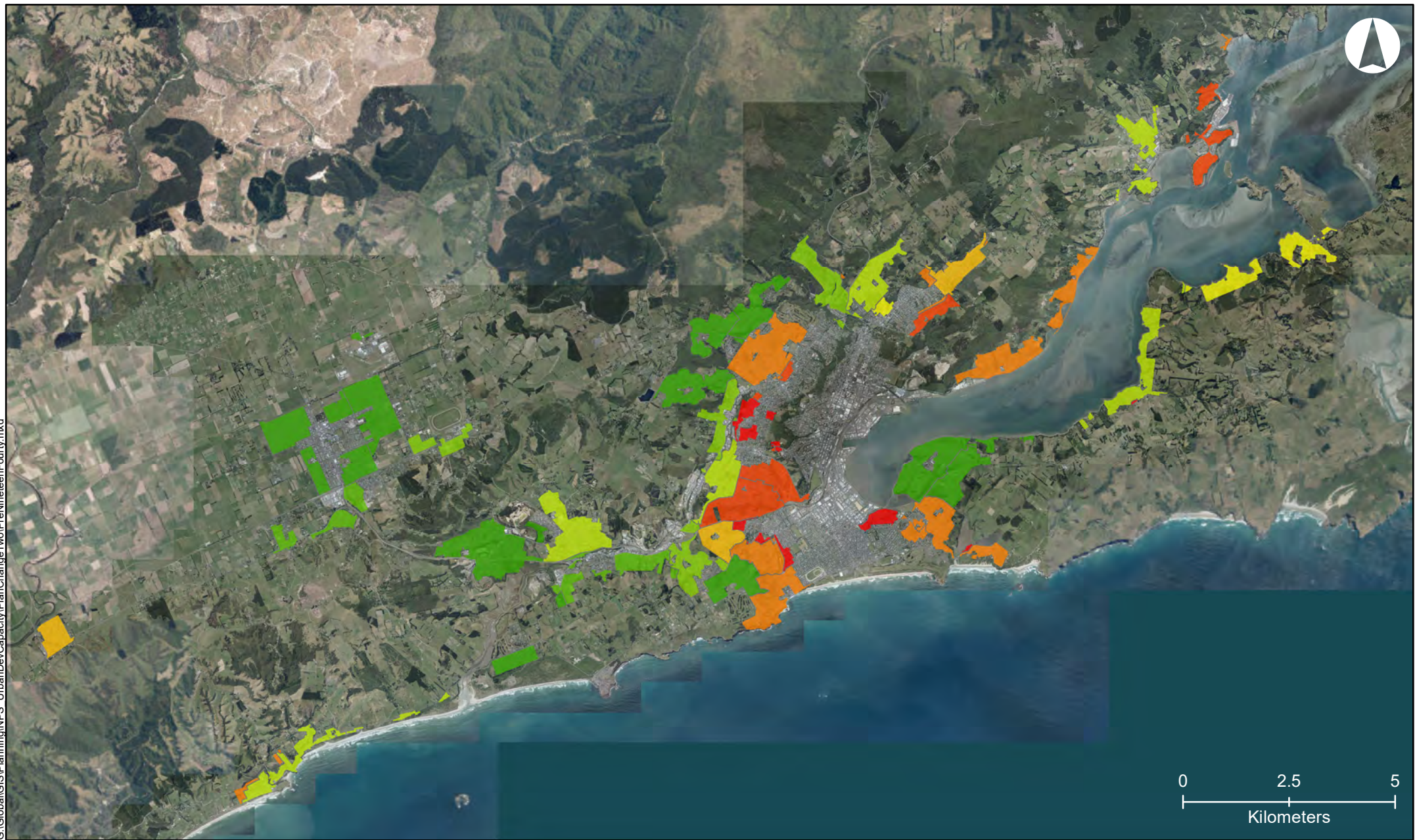


Residential properties by age of dwelling

General Residential 1 / Serviced Township and Settlement zoned areas that would remain after proposed Variation 2 rezonings

6/08/2021

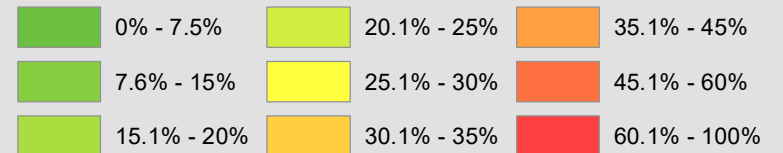


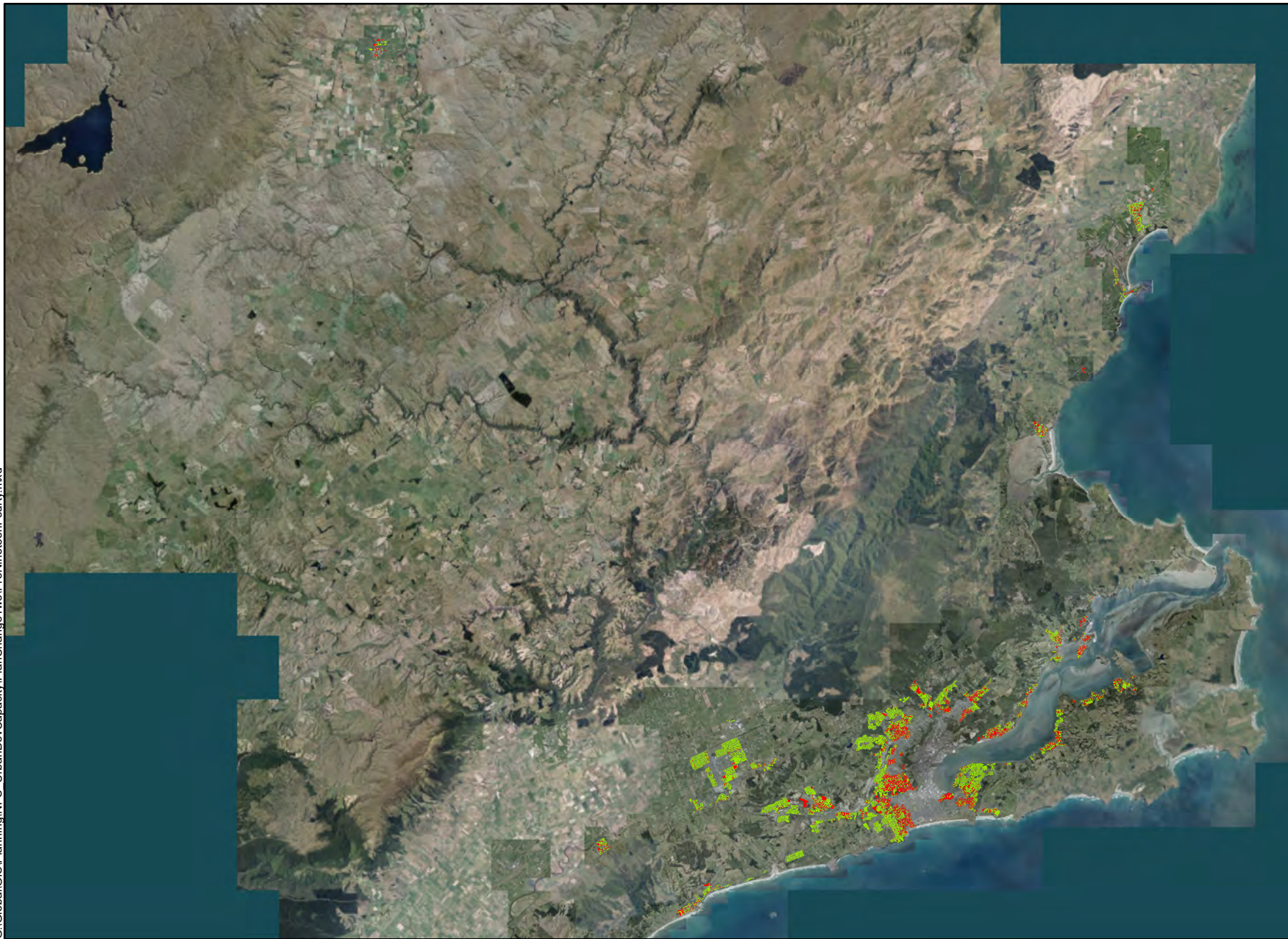


Proportion of dwellings built before 1940 by Statistical Area 2

General Residential 1 / Serviced Township and Settlement zoned areas that would remain after proposed Variation 2 rezonings

6/08/2021





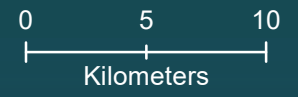
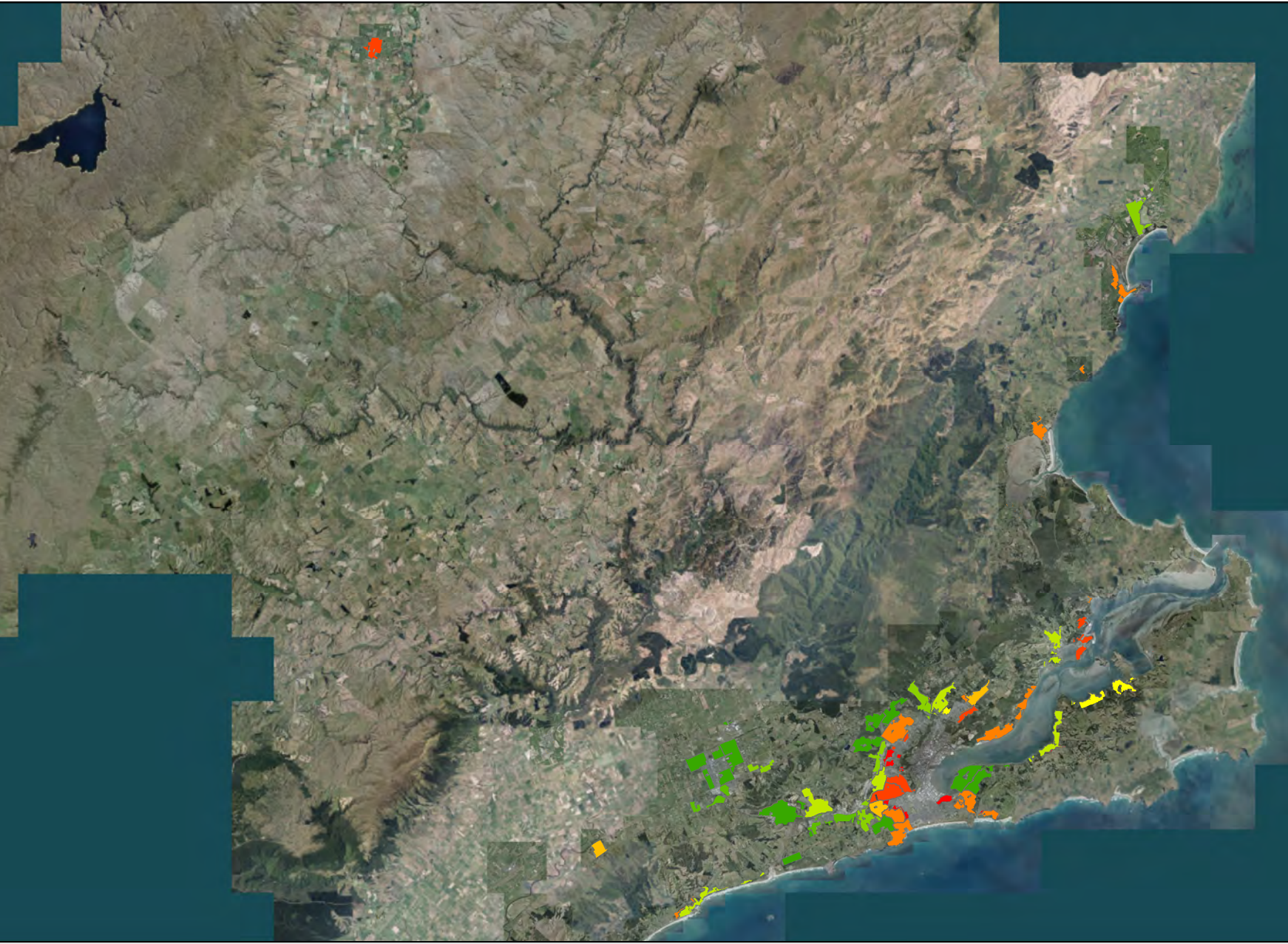
0 5 10
Kilometers

Residential properties by age of dwelling

General Residential 1 / Serviced Township and Settlement zoned areas that would remain after proposed Variation 2 rezonings

6/08/2021

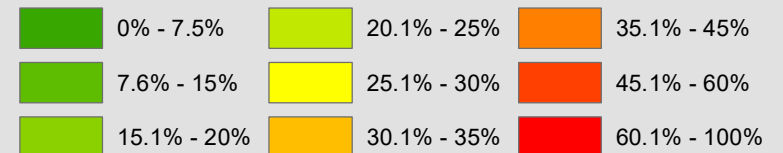
 Pre-1940 dwelling
 Post-1940 dwelling

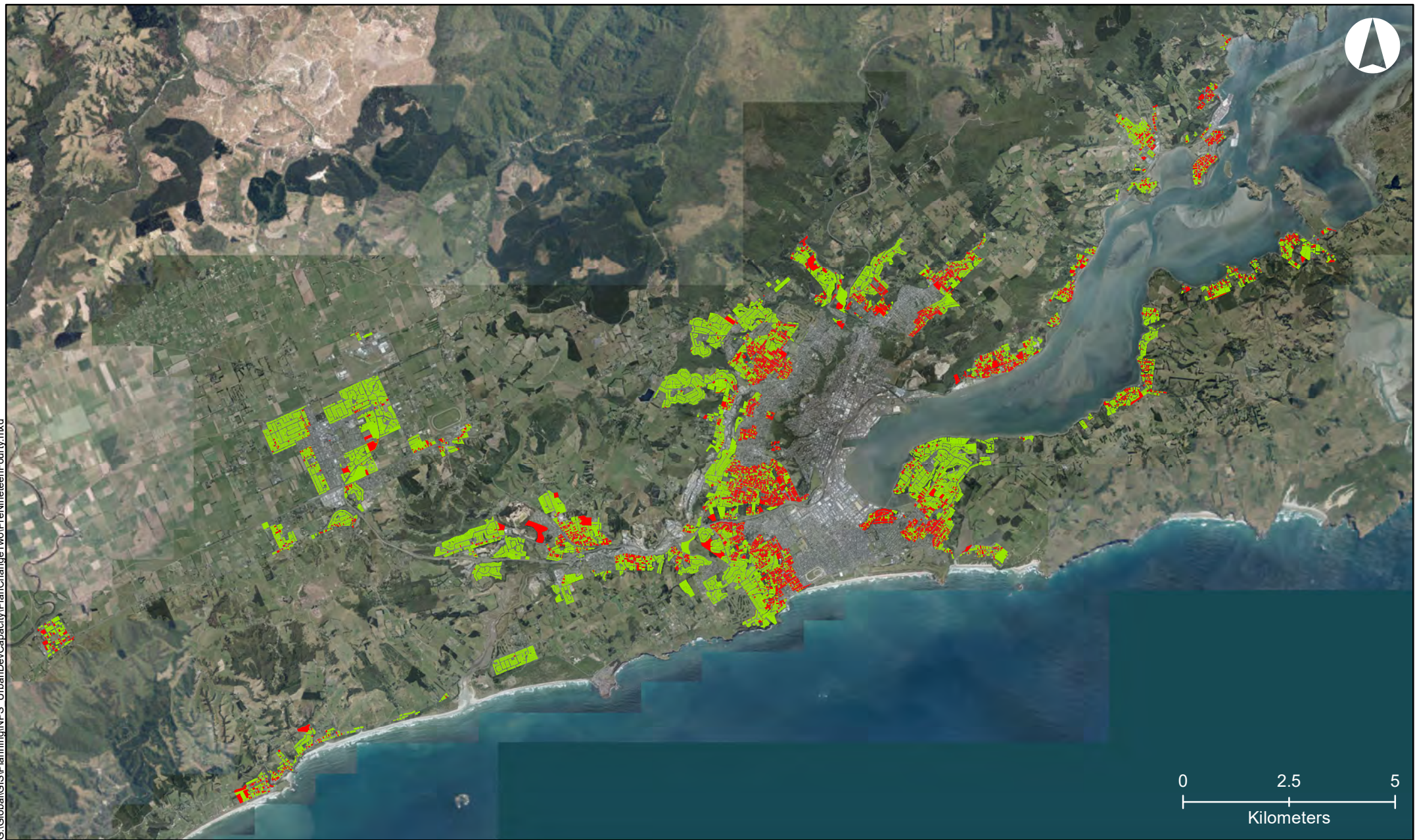


Proportion of dwellings built before 1940 by Statistical Area 2

General Residential 1 / Serviced Township and Settlement zoned areas that would remain after proposed Variation 2 rezonings

6/08/2021



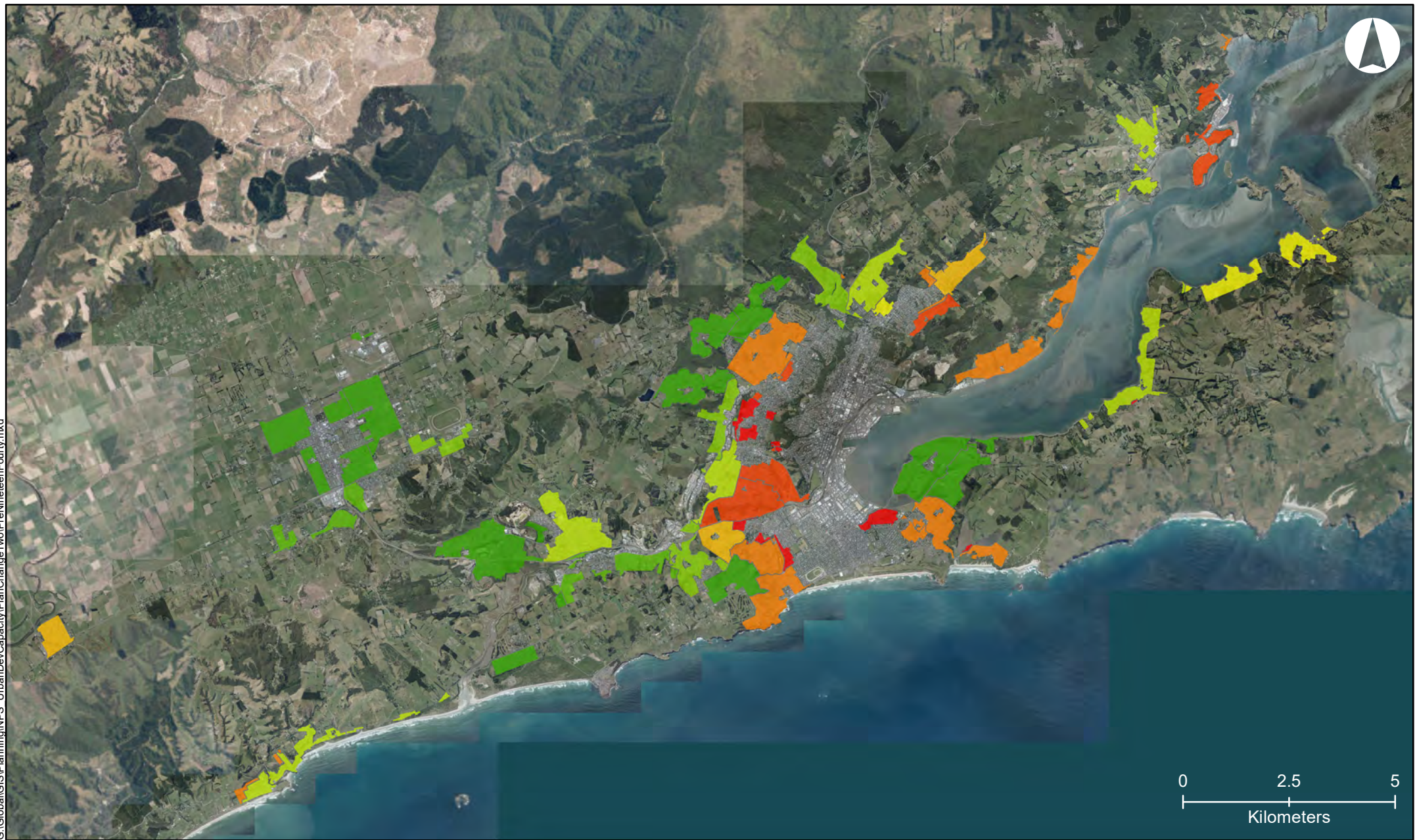


Residential properties by age of dwelling

General Residential 1 / Serviced Township and Settlement zoned areas that would remain after proposed Variation 2 rezonings

6/08/2021

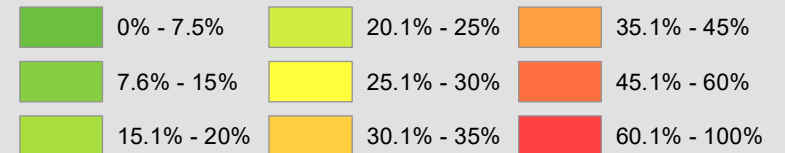
- Pre-1940 dwelling
- Post-1940 dwelling

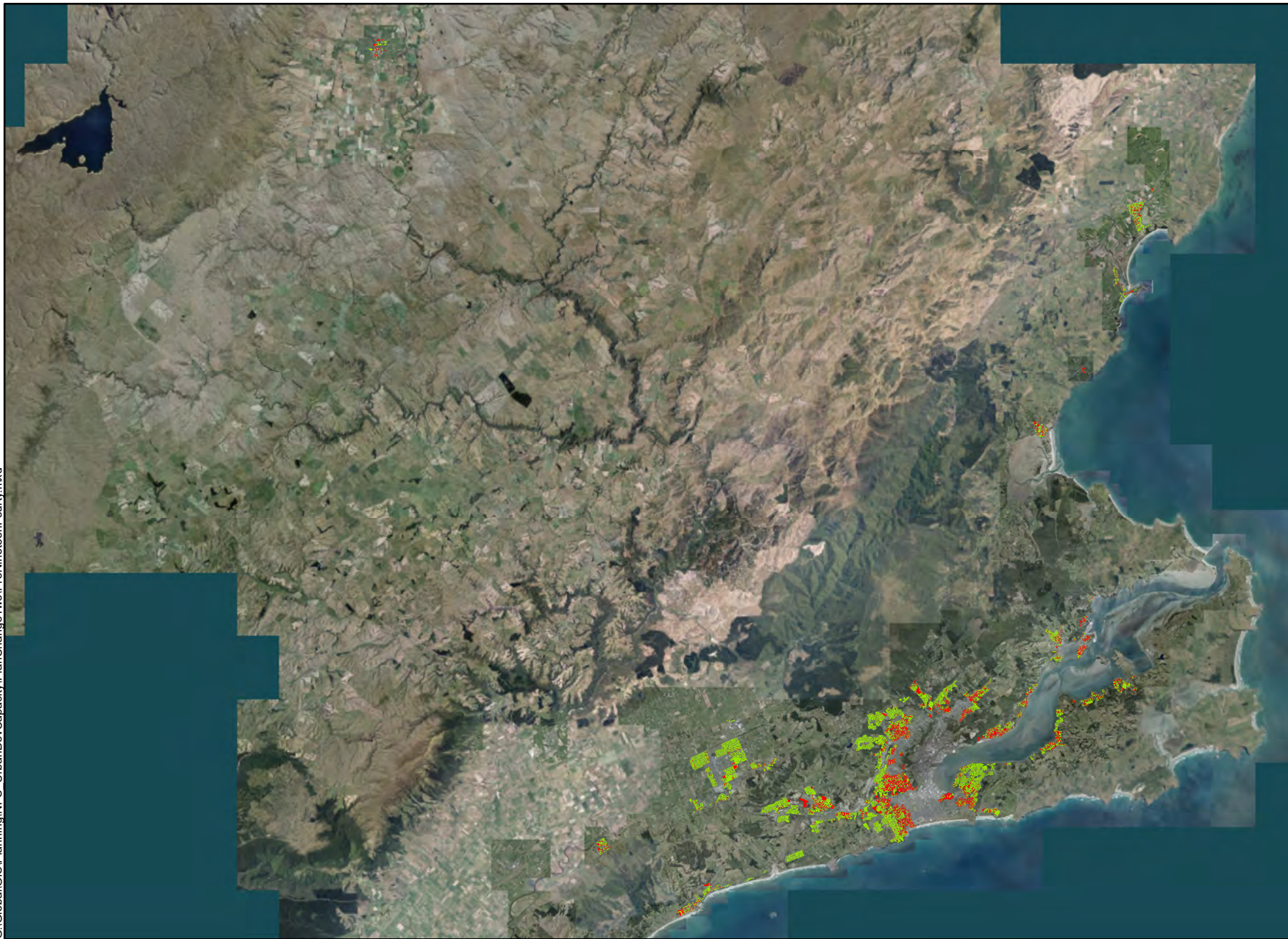


Proportion of dwellings built before 1940 by Statistical Area 2

General Residential 1 / Serviced Township and Settlement zoned areas that would remain after proposed Variation 2 rezonings

6/08/2021





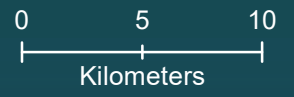
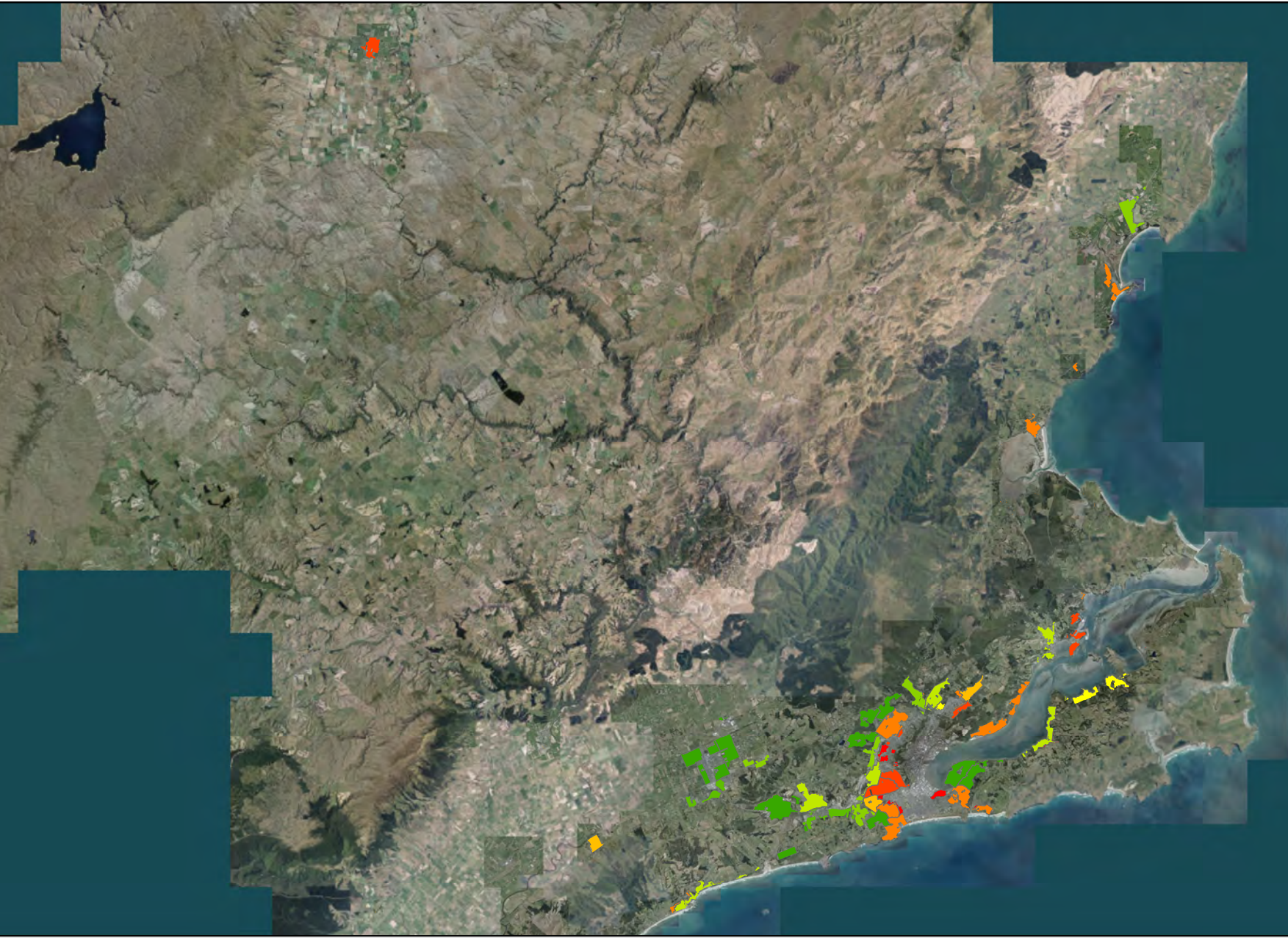
0 5 10
Kilometers

Residential properties by age of dwelling

General Residential 1 / Serviced Township and Settlement zoned areas that would remain after proposed Variation 2 rezonings

6/08/2021

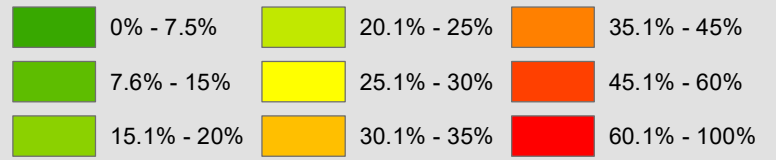
- Pre-1940 dwelling
- Post-1940 dwelling



Proportion of dwellings built before 1940 by Statistical Area 2

General Residential 1 / Serviced Township and Settlement zoned areas that would remain after proposed Variation 2 rezonings

6/08/2021



Appendix F – Evidence on Urban Design from Mr Peter Christos

BEFORE THE VARIATION 2 HEARING PANEL

IN THE MATTER

of the Resource Management
Act 1991

AND

Variation 2 to the proposed
Second Generation Dunedin City
District Plan (2GP)

STATEMENT OF EVIDENCE OF PETER CHRISTOS FOR DUNEDIN CITY COUNCIL

Dated 17 August 2021

QUALIFICATIONS AND EXPERIENCE

1. My name is Peter Christos.
2. I am employed by the Dunedin City Council ("the Council") as an Urban Designer with City Development. In my current role I am responsible for providing urban design comment and advice as part of the resource consent process. In addition to this, I provide pre application advice to encourage good city-wide outcomes. I work closely with other council departments to ensure a coordinated approach is taken to ensure the strategic directions of council are met. In addition to this, I provide urban advice and design for a range of council projects ranging from major streetscape projects, commercial centre redevelopment and park development.
3. I hold a Bachelor's Degree majoring in The Built Environment (landscape architecture) and a Post Graduate Diploma in Urban Design, both from Queensland University of Technology (QUT). I have over fourteen years' experience in landscape architecture and urban design practice, both within New Zealand and abroad in the public and private sectors. My experience has included the assessment and design of public space.
4. I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note. This evidence has been prepared in accordance with it and I agree to comply with it. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

SCOPE OF EVIDENCE AND OVERVIEW

5. My evidence relates to submissions that require urban design services and has been prepared by myself.
6. My evidence can be found in the memorandum *Variation 2: Response to request for comments on submissions, Hearing 1*, dated 17 August 2021.

DATED this 17th day of August 2021

Peter Christos

Urban Designer

City Development

Dunedin City Council

TO:	Emily McEwan, Policy Planner, City Development
FROM:	Peter Christos, DCC, Urban Design
DATE:	17 August 2021
SUBJECT:	VARIATION 2: RESPONSE TO REQUEST FOR COMMENTS ON SUBMISSIONS, HEARING 1

INTRODUCTION

1. I received a memo from you dated 22 June 2021 requesting that I consider submissions on Variation 2 in relation to urban design matters and provide responses to specific questions you have raised as a result of reviewing submissions.
2. I have considered the relevant submissions on the topics/issues you highlighted and your specific questions. Please find below my response on these topics/questions.

HEARING 1 COMMENTS

1. Urban design outcomes for large greenfield subdivisions (the new NDMA method)

3. You have requested comments on the addition of new assessment matters for large greenfield subdivisions to achieve good urban design outcomes (the new NDMA method). This includes requests for the following comments:
 - a. The pros and cons of adding these assessment matters at the time of subdivision;
 - b. Whether there are any gaps in matters that should be considered for good urban design outcomes;
 - c. Whether these assessment matters should apply to all subdivision, not just large greenfield subdivisions;
 - d. Whether assessment matters will provide enough guidance to achieve better urban design outcomes given the wording of the proposed policies;
 - e. Whether reference should be made to the Urban Street Design Guide (or any other existing guide) as part of assessment guidance (as raised in submitter S278 – Disabled Persons Assembly New Zealand).
4. The specific changes that will be considered in my comments are set out in the table below.

Change ID	Summary of the change
Change D4	Provision of social and recreational spaces in large greenfield subdivisions
Change D5	Solar access in large greenfield subdivisions
Change D6	Protection of natural environmental values in large greenfield subdivisions
Change D7	Providing for amenity planting and public amenities in large greenfield subdivisions
Change D8	Providing for efficient use of land in large greenfield subdivisions

D4: Provision of social and recreational spaces in large greenfield subdivisions.

5. Providing for social and recreational space is important to building community through a range of attractive environments offering good recreational opportunities and ensuring residents are not geographically disadvantaged. Residents should not have to travel unreasonable distances to access facilities such as playgrounds, halls and sports fields. Nearby major existing facilities, such as playing fields/sports clubs may be accessible from new subdivisions and in these instances, designs should consider including active transport networks and linking with existing connections to connect with these facilities. Reserve space should be integrated into the subdivision design to ensure it can provide the best level of amenity, safety and accessibility for all residents.
6. In terms of the details of Policy 12.2.X.1 and the associated assessment rule at Rule 12.X.2.5.c, I am of the view that these will adequately guide the assessment of subdivision consents in terms of the provision of recreation spaces. This is because the policy and associated rules provide sufficient interpretation to consider not only the quality of access to outdoor recreation spaces but also access to nearby existing recreational opportunities. Providing the opportunity for assessment to consider active transport routes is particularly positive as this increase's options for non-drivers and reduces dependence on others. Furthermore, Rule 12.x.2.5.c provides for assessment to consider the quality, scale and accessibility of recreation space while allowing for flexible and site-specific solutions.

D5: Solar access in large greenfield subdivisions.

7. Having adequate solar access is important to ensure good living environments without increasing reliance on the national grid and unsustainable energy sources. Ideally, each home would be orientated to have good solar access to outdoor living spaces as well as internal living areas with consideration given to outdoor clothes drying, solar water heating and photovoltaic electricity generation. The design stage of the subdivision process provides significant opportunity for increased energy efficiency by ensuring good building orientation and response to site conditions. Early site analysis should consider existing features such as large trees and hills that could reduce solar access. Further analysis could lead to mapping each lot to determine where a minimum amount of sun light falls on a site for a minimum time during midwinter (for instance 3 hours). This could be used to determine where the optimum positioning of houses and outdoor living spaces should occur while also avoiding reduced shade on neighbouring lots.
8. In terms of the details of Policy 12.2.X.3 and the associated assessment rule at Rule 12.X.2.5.a, I am of the view that these will adequately guide the assessment of subdivision consents in terms of solar access. This is because the policy addresses the critical conditions of orientation and building layout. This provides a useful degree of flexibility allowing assessment of a range of conditions that are likely to be site specific. Furthermore, while the policy does not require the inclusion of solar energy capture and storage, it would support the uptake of solar technology and passive house design.

D6: Protection of natural environmental values in large greenfield subdivisions.

9. Retaining landscape features and systems is important not only in terms of ecological systems and networks but also in terms of preserving sense of place and avoiding bland subdivisions that lack context. A landscape and ecological assessment should be required as a preliminary step including mapping of existing topographic features, advanced trees/groups of trees (including shelter belts), water courses and existing shelter belts. Such an assessment would show habitat and natural systems and provide guidance as to how these could be integrated into the subdivision design. Equally, an accurate assessment of the sites natural features and systems may provide the developer with justification for modifying the landscape such as, moving trees

off private lots and into future public spaces, removing vegetation with reduced landscape value, and altering water courses.

10. In terms of the details of Policy 12.2.X.2 and the associated assessment rule at Rule 12.X.2.5.d, I am of the view that these will not adequately guide the assessment of subdivision consents in terms of protection of natural environmental values. This is because while the policy and assessment rules address the risks associated with natural systems and indigenous vegetation and habitat, it is not clear if this extends to protection of important exotic features-such as wind breaks, orchards and groups of established trees. These can be important to an areas character and identity and central to how a landscape is experienced and remembered. Furthermore, exotic plant communities can provide habitat and biodiversity values. I suggest the wording of Policy 12.2.X.2 is altered to include important exotic landscape features.
11. I understand that Mr Richard Ewans, DCC Biodiversity Advisor, has also provided evidence regarding these provisions with respect to biodiversity values.

Change D7: Providing for amenity planting and public amenities in large greenfield subdivisions.

12. Amenity planting should be considered as a way of offsetting vegetation removal, imparting character, improving the pedestrian environment and helping with legibility. Street trees should be planned early in the design using species and spacing of trees to support the road hierarchy by distinguishing main thoroughfares from local streets. Street trees should be spaced regularly (ideally at intervals between 10-15m). Generally, the design should aim for 1 tree per residential lot however, there may be circumstances where it is more effective to group trees at a similar ratio. In this instance, a minimum area for grouped trees should be provided based on the total length of the street. For instance, 1m² per metre of street length with a minimum area of 12m². Tree species will need to be selected based on suitability to local conditions, shade, leaf fall, longevity, pest and disease resilience and maintenance requirements. All berms should have an adequately wide area free of services to provide for planting into.
13. Subdivision design should aim for a minimum area (say 20-30%) of berms to be planted as garden beds with the remaining areas turfed. Planted traffic medians and roundabouts provide opportunities to act as entrance statements at intersections and provide a level of traffic calming. To ensure viable conditions, medians under 8m² should not be used for planting into. Median above this, should be designed to ensure maintenance can occur safely.
14. It is important that new residential environments have attractive, safe public spaces to encourage walking and social interactions. Public amenities are important to ensure public spaces are used and valued by the community. Public amenity can also strengthen character, interpretation and identity. The placement and type of public amenity needs to consider a range of user groups, be creative and robust and fit for purpose. In terms of the details of Policy 12.2.X.4 and the associated assessment rule at Rule 12.X.2.5.b, I am of the view that these will adequately guide the assessment of subdivision consents in terms of provision of amenity planting and public amenities. This is because the policy and associated rule require that amenity planting and public amenities are adequate to provide a good outcome. While the assessment matters do not require quantifiable results, such as a percentage of amenity planting or street tree spacing, the policy and associate rule do allow assessment to consider the scale of developments, site specific opportunities and allows developers some flexibility to achieve good outcomes while addressing site constraints.

Change D8: Providing for efficient use of land

15. Good subdivision design should provide a range of housing options, encourage diverse communities, be affordable, and discourage unsustainable building practices (including inefficient provision of services) while meeting future housing demand. It is important that new

subdivision is physically connected with nearby existing communities and transport networks to ensure that residents do not become geographically disadvantaged or/and isolated as housing sprawls further from the city's established urban areas and threatens productive land.

16. In terms of the details of Policy 12.2.X.5 and the associated assessment rule at Rule 12.X.2.5.e, I am of the view that these will adequately guide the assessment of subdivision consents in terms of ensuring the efficient use of land. This is because the policy and associated rules provide a clear direction for where housing intensification can happen based on known constraints. The policy also provides the ability for assessment of designs that do not maximise development capacity, providing critical outcomes are achieved (infrastructure delivery, affordability and loss of rural land).
17. In addition to reviewing the proposed assessment rules above, I have considered whether there are any gaps that should be addressed to enable consideration of other matters pertinent to good urban design outcomes. Overall, I am of the view that the assessment matters cover the main urban design matters except in relation to road design and connectivity. However, I have been assured that this is addressed by other assessment rules in the Plan and other changes proposed in Variation 2 (Change D2).
18. I have also considered whether reference should be made to the Global Street Design Guide as part of the city's planning processes, as suggested by the Disabled Persons Assembly New Zealand (S278). I am of the view that as the Dunedin City Council is a signatory to both The Global Street Design Guide and The Ministry for The Environment's New Zealand Urban Design Protocol, the Global Street Design Guide is sufficiently embedded in the planning process.

Whether the proposed assessment matters should apply to all subdivision, not just NDMAs

19. I have considered whether the proposed assessment matters should apply to all subdivision, not just subdivision in large greenfield areas subject to the new development mapped area.
20. I understand that the proposal to only apply the new assessment rules to NDMAs was to avoid the assessment of small-scale infill subdivisions becoming overly complex, and because many of the urban design matters are unlikely to apply to smaller subdivisions.
21. I agree with this approach because small-scale subdivision and infill does not carry the same degree or range of risk to amenity and character as large-scale subdivision. I believe issues of amenity and effects on streetscape can be adequately managed by existing provisions, however I also believe that subdivision design guides would be useful for both small and large-scale subdivision to aid the consent process while promoting good design.

2. Broad submissions regarding loss of green space, amenity or character

22. Several submissions have expressed general concerns about loss of green space, amenity or character as a result of intensification provided for through Variation 2. Some submitters seek the addition of design controls as a way to manage these effects.
23. The submissions that I have been asked to comment on are set out in the table below.

Submitter	Area	General view on intensification	Issue
Rebecca Post	All	Generally supports	Require play areas 4 or more units
John and Christie Burton	All	Generally supports	Make sure green spaces are maintained
Liz Angelo	Central City (heritage areas around Arthur Street)	Opposed	Loss of character; noise and other issues particularly from use for student housing
Melissa Shipman	All	Supports	Do we need design controls for infill especially for front sites
Barry James Douglas	Belleknowes	Opposed to in Belleknowes	Loss of amenity and character

24. I have reviewed these submissions in light of evidence I previously provided for the Section 32 Report. This contained residential character assessments regarding the proposed rule changes in Variation 2 and made recommendations for how effects on residential character could be managed. My response to submissions is as follows.

Submission: Rebecca Post

25. Submission points A1, A2, A3, B1, B3, B4, C1, E9 and others.
26. The submitter supports the above proposed changes relating to intensification providing adequate infrastructure (3 Waters) is ensured.
27. The submitter supports the above proposed changes providing communal outdoor play spaces are provided for multi-unit development of 4 or more residential units.
28. With regard to point 2 above (3 waters infrastructure), I have provided no comment relating to this topic and this is outside of my field of expertise.
29. With regard to point 3 above (playgrounds), the 2GP currently requires a minimum area of private outdoor living space is provided for each unit. The plan also requires that outdoor amenity space has a good aspect to ensure reasonable solar access. How the space is used is entirely up to the inhabitants of each unit - such as play space. I suggest no further provision is required relating to specific use of this space.
30. With regard to the provision of additional communal outdoor play space within multi-unit developments of 4 or more residential units. In my view this may not necessarily provide the best outcome for all residents. For instance, a 4-unit development may well have no need for play areas simply because all occupants are of adult age. Requiring specific development/use of shared amenity space reduces the flexibility of this space and could restrict more appropriate use and therefore reduce on-site amenity. Further to this, Council is working towards the Play Space Strategic Plan. This invites the community to provide views and comments to guide improvements to public playgrounds and to ensure they meet the needs of the broader community. Provided that playgrounds are reasonably accessible within neighbourhoods; I believe opportunities for children's social interaction and development is reasonably provided for without the need to require further provision of play space during multi-unit development.

Submission: Liz Angelo

31. Submission points A1, A2, A3.
32. The submitter rejects Change ID A2 (Provision of duplexes and two units in a single building Proposed in General Residential 1 zone and Township and Settlement zones).
33. The submitter rejects Change ID A1 (Family flat provisions).
34. The submitter supports Change ID A3 (Providing homes are designed to be soundproof).
35. My understanding is that the submitter has particular concerns relating to the provision of family flats, regardless of occupancy type, proposed provisions to allow two units within a single building and the introduced architecture that is unsympathetic with existing environments. Specifically, the effects on heritage buildings and existing amenity values.
36. I agree that the submission has some validity with regard to the preservation of built character. While I believe the existing standards and site constraints would largely control potential effects on streetscape and residential character, I also acknowledge that as housing intensifies, there are likely to be some areas more sensitive to change because of their collective qualities. These areas may require identification and additional consideration given to effects on character.
37. If the panel was of mind to accept this submission, an option to address the submitters concern regarding built form could include restrictions on how new buildings were located. An option was canvassed in a study I co-wrote that informed Variation 2 - Additional Housing Capacity Section 32 report 'General Residential 1 Assessment of Effects on Residential Character and Amenity'¹, suggesting that new dwellings should be located behind existing dwellings except where a sites width exceeded its depth and no demolition was required. Additional controls could focus on ensuring neighbours have adequate sun, window placement protects privacy between dwellings while ensuring good levels of natural light to habitable rooms, garaging is integrated, and landscaping is used to reduce the need for long fences while offsetting landscape loss. Such controls should be supported with design guides to aid the consent process while encouraging good design outcomes.
38. With regard to point 13 (above), the 2GP currently controls noise levels within residential environments. Further to this, the NZ Building Code sets standards to control noise between adjoining units. I believe that this provides adequate protection against the effects of noise in residential zones as intensification occurs.

Submission: Melissa Shipman

39. Submission points A1 (Family flat provisions), A2 (Provision of duplexes and two units in a single building Proposed in General Residential 1 Zone and Township and Settlement zones), A3 (Reduce minimum site size from 500m² to 400m²), B1 (Minimum site size averaging) B3 (Density and units on existing sites of any size), B4 (Counting of access legs towards site area in GR1 zones).
40. The submitter supports the above proposed changes.
41. Additional to the above, the submitter suggest that design controls may be appropriate to ensure potential effects on streetscape amenity are further controlled. The submitter notes that

¹ General Residential 1 Assessment of Effects on Residential Character and Amenity, February 2021, https://www.dunedin.govt.nz/_data/assets/pdf_file/0004/804748/Section-32-Appendix-3-General-Residential-1-Assessment-of-Effects-on-Residential-January-2021.pdf

additional controls could be required to mitigate effects of unsympathetic building design and particularly, in the case of amalgamated sites.

42. I agree that the submission has validity with regard to potential effects of unsympathetic building design because of amalgamation and redevelopment. While I believe the existing standards and site constraints would limit opportunities for intensification, I also acknowledge that as the city's housing stock increases, there are likely to be locations (other than precincts) where improved architectural outcomes would be necessary to preserve existing neighbourhood character and particularly where demolition and site amalgamation occurs. In these instances, design guides could aid the consent process while encouraging good design outcomes.

Submission: John and Christie Burton

43. Submissions points - General increased housing density within the boundaries of the City of Dunedin & protection of green space.
44. The submitter supports changes as they relate to housing intensification.
45. The submitter seeks additional provisions to ensure the protection of green amenity and biodiversity on private land and within the GR1 zones.
46. I agree with the submitter that intensification can often lead to a loss of established trees and gardens during subdivision and redevelopment, which could have adverse effects on streetscape and neighbourhood character. While the existing standards allow for a broad assessment of effects associated with multi-unit design, there is less ability to protect vegetation during redevelopment that is not multi-unit.
47. If the panel was of mind to accept this submission an option to address the submitters concern an option to address this would be to map important urban landscape features and networks ahead of promoting changes and give consideration to including new rules that would require consent for the removal of such vegetation. This option was canvassed in Variation 2- Additional Housing Capacity Section 32 report, 'General Residential 1 Assessment of Effects on Residential Character and Amenity, as referenced above.

Submission: Barry James Douglas

48. Submission Points IN05 (Proposed change to zone), A3 (Reduce minimum site size from 500m² to 400m²), B1 (Minimum site size averaging), B4 (Counting of access legs towards site area in GR1 zones), B5 (Management of density for character and amenity).
49. The submitter rejects changes A3, B1, B4 and B5.
50. The submitter supports IN05 providing rezoning the northern area as bounded to the south by Hawthorn Avenue and to the west by Kenmure Road (Belleknowes) is excluded.
51. My understanding is that the submitter has particular concerns relating to the preservation of site size (retaining traditional subdivision pattern) and increased housing density, loss of green amenity and habitat, loss of solar access, views and redevelopment that may not be consistent with existing architecture within Belleknowes.
52. I agree with the submitter that intensification can lead to loss of green amenity and character through demolition and poor-quality infill. However, I also note that the architecture within Belleknowes is mixed and while there are good examples of large villas in sound condition there are also plenty of examples of more modest and contemporary housing on smaller sites. The

built character is not reliant on a single typology but more reliant on good architecture in general, high levels of property upkeep, and green amenity. There has been a reasonable amount of historic subdivision and redevelopment without appearing to impact on the suburbs character.

53. My view is that there is capacity (especially at rear sites) for further intensification without overly impacting on residential character and streetscape values. I believe the current provisions within the plan provide for sufficient amenity, however I also acknowledge that as the city's housing stock increases, there are likely to be locations (other than precincts) where improved architectural outcomes would be necessary to preserve existing neighbourhood character and particularly where demolition and site amalgamation occurs. In these instances, design guides could aid the consent process while encouraging good design outcomes.

Peter Christos

URBAN DESIGNER

DCC CITY DEVELOPMENT

Appendix G - Evidence on Recreation from Mr John Brenkley

BEFORE THE VARIATION 2 HEARING PANEL

IN THE MATTER of the Resource Management
Act 1991

AND Variation 2 to the proposed
Second Generation Dunedin City
District Plan (2GP)

STATEMENT OF EVIDENCE OF JOHN BRENKLEY FOR DUNEDIN CITY COUNCIL

Dated 11 August 2021

QUALIFICATIONS AND EXPERIENCE

1. My name is John Brenkley.
2. I am employed by the Dunedin City Council ("the Council") as the Planning and Partnerships Manager with the Parks and Recreation Services Business Unit. In my current role I lead the recreation planning function for parks and recreation and oversee implementation of the Parks and Recreation Strategy. The purpose of the recreation planning team is to provide professional and technical advice to Council, the community and development industry on spatial matters to facilitate planned, sustainable city parks, cemeteries and open space growth. The team is also responsible for supporting the Group's planning processes such as Resource Consent applications, Bylaw development, and input into policy and plan development including Reserve Management Plans.
3. I hold a Bachelor of Horticultural Science from Massey University and a Master of Landscape Architecture from the University of Edinburgh, Scotland. I have been a Registered member of the New Zealand Institute of Landscape Architects Tuia Pito Ora since 1995. I have over 20 years' experience in landscape architecture and in the parks and recreation sector both in New Zealand and overseas. My experience includes landscape design, contract management, contract administration and landscape planning as a local authority landscape architect with Palmerston North City Council from 1994 to 2006. I was then employed as Parks and Property Manager for 12 years at Palmerston North City Council before moving to Dunedin in 2018 to take up my current position as Planning and Partnerships Manager within Parks and Recreation Services.
4. I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note. This evidence has been prepared in accordance with it and I agree to comply with it. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

SCOPE OF EVIDENCE AND OVERVIEW

5. My evidence responds to submissions that relate to parks and recreation facilities and has been prepared by myself and Claire Swift, Senior Parks and Recreation Planner.

6. My evidence can be found in the memorandum *Variation 2: Response to request for comments on submissions, Hearing 1*, dated 26 July 2021.

DATED this 11th day of August 2021

John Brenkley

Planning and Partnerships Manager

Parks and Recreation Services

Dunedin City Council

TO:	Emily McEwan, Policy Planner, City Development
FROM:	John Brenkley, DCC Parks and Recreation Services (PARS)
DATE:	26 July 2021
SUBJECT:	VARIATION 2: RESPONSE TO REQUEST FOR COMMENTS ON SUBMISSIONS, HEARING 1

INTRODUCTION

1. We received a memo from you dated 22 June 2021 requesting consideration of submissions on Variation 2 in relation parks and recreation matters and to provide response to specific questions you have raised as a result of reviewing submissions.
2. We have considered the relevant submissions on the topics/issues you highlighted and your specific questions. Please find below our response on these topics/questions in the grouping that you posed these requests.

BACKGROUND

3. Open spaces are important. Open spaces are an integral part of residential areas to provide for the communities' social wellbeing and health. Open spaces enhance the amenity values of residential areas by maintaining space for recreation and a creating a pleasant visual appearance for the community. However, the type, location and provision of amenities within these open spaces requires consideration, as they can also generate adverse effects such as noise, parking congestion and become inefficient for servicing if they are too small or situated too close to each other.
4. The current provision metrics that Parks and Recreation Services (PARS) are seeking to maintain for the different open spaces are:
 - a. 5.5 playgrounds per 100 children under 14;
 - b. 2.3 hectares of sports land per 1,000 residents; and
 - c. 33 hectares of open space (parks land) per 1,000 residents.

HEARING 1 COMMENTS

1. Provision of recreation spaces in subdivision (Change D4)

5. You have requested comments on the addition of new assessment matters for large greenfield subdivisions regarding the provision of recreation spaces. You also requested comments on an alternative approach of specifying the recreation spaces that must be provided for large greenfield areas in rules in the Plan.

Comments in relation to the addition of new assessment rules for subdivisions.

6. Presently, there are no assessment rules for managing the type, size and location of open space that is to be provided as part of the subdivision process.
7. Often, when PARS receive open space through the subdivision process it will be the left-over land after the residential area has been designed. The open space may not have been considered

as part of the overall development and consequently may not be in the best location or sized appropriately for the planned residential population and to attract high levels of use.

8. The Development Contributions Policy states that money is preferred over land. This protects PARS from receiving open space that is not fit for purpose and does not meet the needs of the community. However, receiving development contributions can create complications, for example, where PARS have identified that open space is more desirable to enable PARS to maintain levels of provision.
9. To summarise, the current process can result in an ad-hoc, piecemeal approach to planning and receiving open space which is not desirable for the community, or PARS planning and operation activities. The proposed assessment rules for subdivision are a good start to better manage the provision of open space.

Comments in relation to specifying the recreation spaces as rules in the Plan.

10. An alternative approach is rules specified within the Plan setting out the requirements for recreation spaces in each new residential area. PARS do not currently support this approach because there are several planning activities that need to be carried out first. These include:
 - a. An open space assessment to document provision requirements that support future growth and respond to other drivers such as climate change and changing community recreation needs.
 - b. Sports field provision assessment, along with guidelines on how to provide functional open spaces.
 - c. Rezoning of over 300 open spaces (or 77% of our total number of open spaces) to Recreation Zone.
 - d. Outputs from the Future Development Strategy.
11. To summarise, based on the current information available and the current inadequate process, the adoption of the new assessment rules for subdivision are a good start to better manage the provision of open space. It is possible that PARS may be able to set specific requirements for recreation space in some rezoning areas that are being considered as part of Variation 2 where there are known issues with levels of service. This will be addressed as part of the hearing on greenfield rezoning.

Other suggestions

12. There are some minor changes that PARS would like to make to the terminology, as follows:
 - a. Under provision of recreation spaces item (ii), reference is made to playgrounds. PARS would recommend changing this to play spaces so that it includes playgrounds, skateparks and pump tracks.
 - b. Under provision of recreation spaces item (ii), PARS recommend splitting out the different objectives, e.g. recreation and connecting links, and inserting other attractions such as heritage, natural and coastal areas, for clarity.
 - c. Under provision of recreation spaces, conditions that may be imposed, PARS recommend changing the wording of recreation reserve to open space as this reflects the overall type of space, whereas a recreation reserve is one specific open space type.
 - d. Under provision of recreation spaces, conditions that may be imposed, PARS recommend the addition of classifying the reserve at the time of vesting because this can be easily included into the vesting process rather than leaving DCC to deal with it later.

2. Amenity planting and public amenities in subdivisions (Change D7)

13. You have requested comments on how amenity planting and public amenities should be required as a part of an application for subdivision, including response to comments received in submissions.

Comments in relation to the trigger point for when this will be assessed

14. Presently, if PARS receive open space, it is generally received in its current state for either amenity or biodiversity values rather than for recreation, and the developer may only be required to do a general tidy up before vesting in DCC.
15. Public amenities can protect and enhance the natural landscape values/characteristics of an open space as well as protecting and conserving biodiversity and providing inspiring and pleasant places for the community to enjoy.
16. Due to the diverse range of open spaces, PARS have adopted the New Zealand Recreation Association Parks Categories Framework¹. This provides a general framework within which PARS can determine the number and type of amenities required based on the type of open space. This can be discussed with the developer at the initial stages of the design.

Comment in relation to what would constitute 'adequate'

17. Adequate provision of amenities means that the proposal would meet the typical characteristics as identified in the New Zealand Recreation Association Parks Categories Framework, unless otherwise identified by PARS. However, as a minimum all open spaces would require a sign and seat, and a discussion with PARS about the planting, unless otherwise stated (for example, where an open space is provided for protection of its biodiversity value).

Please do not hesitate to contact me if you have any further questions or review requirements.

John Brenkley

**PLANNING AND PARTNERSHIPS MANAGER
DCC PARKS AND RECREATION SERVICES**

¹ https://issuu.com/newzealandrecreationassociation/docs/nzra_parks_category_framework_-fina

Appendix H – Evidence on Biodiversity from Mr Richard Ewans

BEFORE THE VARIATION 2 HEARING PANEL

IN THE MATTER

of the Resource Management
Act 1991

AND

Variation 2 to the proposed
Second Generation Dunedin City
District Plan (2GP)

STATEMENT OF EVIDENCE OF RICHARD ANDREW EWANS FOR DUNEDIN CITY COUNCIL

Dated 4th August 2021

QUALIFICATIONS AND EXPERIENCE

1. My name is Richard Andrew Ewans.
2. I am employed by the Dunedin City Council ("the Council") as the Biodiversity Advisor with the City Development Business Unit. In my current role I am responsible for leading the delivery of the biodiversity outcomes sought under the Second Generation Dunedin City District Plan (2GP), and Te Ao Tūroa (Dunedin's Environment Strategy 2016-2026). Among other key work areas, I provide expert advice on ecological matters to support plan development and resource consent processes. The scope of the role is primarily related to indigenous biodiversity on private land, however public land is in scope when it relates to statutory processes.
3. I hold a Bachelor of Science (Hons) First Class in Plant Ecology from the University of Otago (2000). I have 20 years' experience working on indigenous biodiversity, mostly in the plant ecology field. I have worked in, or for, the public sector for most of that time, either as an employee or contractor/consultant. I have extensive ecological field survey experience including providing botanical expertise on programs and projects across New Zealand. I was employed by the Department of Conservation as a Ranger – Biodiversity Monitoring between 2004 and 2013. I have several years' recent experience in indigenous ecosystem assessment in relation to regional or local authority statutory processes.
4. I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note. This evidence has been prepared in accordance with it and I agree to comply with it. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

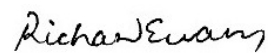
SCOPE OF EVIDENCE AND OVERVIEW

5. My evidence relates to the proposed wording of provisions in 2GP Variation 2 which aim to protect biodiversity and environmental values on large greenfield residential zoned sites in 'new development mapped areas' (NDMAs) and was prepared by myself.
6. My evidence is contained in a memo dated 19 July 2021.

CONCLUSION

7. It is my opinion that the advice contained in the memo will improve the provision and future outcomes derived from it in terms of 2GP Strategic Directions relating to the natural environment including indigenous biodiversity.

DATED this 4th day of August 2021

A handwritten signature in black ink, appearing to read 'Richard Ewans', written in a cursive style.

Richard Ewans

Biodiversity Advisor

City Development

Dunedin City Council

TO:	Emily McEwan, Policy Planner, City Development
FROM:	Richard Ewans, Biodiversity Advisor
DATE:	19 July 2021
SUBJECT:	VARIATION 2: RESPONSE TO REQUEST FOR COMMENTS ON SUBMISSIONS, HEARING 1

Hi Emily,

Please find my biodiversity comments on Variation 2 Priority 1 matters as follows.

1. These comments respond to Priority 1 matters as detailed in your Memo dated 22 June 2021. Specifically the proposed wording of provisions to protect biodiversity and environmental values on large greenfield residential zoned sites in 'new development mapped areas' (NDMAs).
2. NDMAs include areas which have been assessed for biodiversity values as part of the 2GP Appeals and Variation 2 processes, but also areas that have not been previously assessed. Section 11.9 of the Variation 2 - Section 32 Report describes the purpose and scope of the proposal.

Background and context

3. Between July and October 2020, I assessed the biodiversity values on a range of potential sites for rezoning as part of the 2GP Appeals and Variation 2 processes.
4. This was carried out to minimise potential losses of indigenous biodiversity associated with rezoning. While vegetation clearance rules currently provide a level of protection for many of these sites, a change to Residential zoning would result in the lifting of any vegetation clearance restrictions, and therefore potential losses of indigenous biodiversity.
5. Other changes to zoning which allow for more subdivision can also result in potential losses of indigenous biodiversity through increased fragmentation from permitted indigenous vegetation clearance for buildings, fencelines and tracks; and application of the permitted baseline for indigenous vegetation clearance on more properties but the same land area.
6. Intensification in existing urban areas can also lead to potential losses of indigenous biodiversity via removal of established exotic and native trees, small patches of indigenous vegetation and high quality biodiverse gardens. Many of these areas are outside of existing Urban Biodiversity Mapped Areas (UBMAs), and a majority of established trees are not protected on the 2GP schedule for significant trees.
7. As well as providing recommendations on specific properties potentially subject to greenfields development, I recommended that further work was carried out to look at options for avoiding and minimising the impact of intensification on biodiversity habitat (and other) values in Dunedin.

Current 2GP

8. In rural areas, indigenous vegetation clearance rules and identification of Areas of Significant Biodiversity Value (ASBVs) are the primary means of managing impacts on indigenous biodiversity, whereas in urban areas, UBMA's are the primary means of managing these impacts.
9. 2GP has criteria for the identification of significant indigenous vegetation and significant habitats of indigenous fauna i.e. ASBVs (Policy 2.2.3.2) but no specific criteria for the identification of UBMA's.
10. UBMA's are derived from the Urban Landscape Conservation Areas (ULCAs) of the first generation Dunedin City District Plan, and include those with the highest conservation values.
11. UBMA's have a broader utility and application than ASBVs in recognition of the highly modified nature of urban areas, i.e. the dominance of the built environment, and the benefits to a relatively large population of accessible green spaces and biodiversity. As well as areas that would meet the criteria for an ASBV, UBMA's can include:
 - Individual or groups of mature indigenous trees on the 2GP Important native tree list.
 - Individual or groups of exotic trees that meet the criteria for scheduling as a significant tree (provided they are not on the 2GP Pest Plant List or ORC RPMP) or provide permanent or temporary habitat for indigenous fauna.
 - Riparian and freshwater values of water bodies listed on Appendix 10C and the temporary or permanent tributaries of those water bodies.
 - Areas of vegetation that are part of a network of sites that cumulatively provide important habitat for indigenous biodiversity in the urban environment, or when aggregated make an important contribution to the provision of a particular ecosystem in the urban landscape context.
 - Areas that make an important contribution to the resilience and ecological integrity of surrounding areas, or, if restored, would provide ecological connectivity or buffering for indigenous vegetation and/or fauna.

Proposed provisions

<u>d. Whether subdivision design maintains or enhances areas with significant natural environment values</u> {Change D6}	<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).</u> {Change D6} <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.</u> {Change D6}
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12. Proposed Policy 12.2.X.2 is intended to meet Objective 12.2.X, i.e. that future residential growth areas are developed in a way that achieves 2GPs strategic directions for indigenous biodiversity (and other matters).
13. It may be prudent to avoid using the word 'significant' in relation to natural environment values due to its specific meaning in relation to Section 6 (c) of the RMA and related provisions for ASBVs in 2GP. The word 'important' could be substituted, which would include any significant values but provide for a wider scope of values consistent with the intent of UBMA's (see 2GP 10.6.3.5.iv for usage in 2GP context already).
14. Unless another meaning is intended and otherwise defined, the word 'waterways' should be replaced by 'water bodies' which is defined in 2GP.
15. Clarification of the meaning and intent of 'important natural environment values' is needed. Proposed Policy 12.2.X.2 should be written to capture the range of values described above for UBMA's. This could be done by:
 - i. A general advice note listing the range of values above for UBMA's as examples; and
 - ii. Defining 'natural environment'. The exposure draft of the Natural and Built Environments Bill defines 'natural environment' as:
 - a. the resources of land, water, air, soil, minerals, energy, and all forms of plants, animals, and other living organisms (whether native to New Zealand or introduced) and their habitats; and
 - b. ecosystems and their constituent parts.
16. Some alternative wording options for Policy 12.2.X.2 are in Table 1 below.

Table 1 – Options for wording of Policy 12.2.X.2 (differences from proposed underlined)

Options	Objective	Policy/assessment matter
Proposed drafting	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.	Whether subdivision design maintains or enhances areas with significant natural environment values.
1	The subdivision is designed to ensure any future land use and development will protect, and where necessary restore, any waterways <u>[water bodies]</u> , areas of important indigenous vegetation and <u>/or</u> habitats of indigenous fauna, or other areas with <u>important</u> natural environment values.	Whether subdivision design maintains or enhances areas with <u>important</u> natural environment values.
2	The subdivision is designed to ensure any future land use and development will protect, and where necessary restore, any waterways <u>[water bodies]</u> , areas of important indigenous vegetation <u>or</u> <u>important</u> habitats of indigenous fauna, or other areas with <u>important</u> natural environment values.	Whether subdivision design maintains or enhances areas with <u>important</u> natural environment values.

3	The subdivision is designed to ensure any future land use and development will protect, and where necessary restore, any waterways [<u>water bodies</u>], areas of <u>significant</u> indigenous vegetation or <u>significant</u> habitats of indigenous fauna, or other areas with <u>important</u> natural environment values.	Whether subdivision design maintains or enhances areas with significant <u>or important</u> natural environment values.
4	The subdivision is designed to ensure any future land use and development will protect, and where necessary restore, areas <u>with important ecological values in the terrestrial or freshwater environments</u> .	Whether subdivision design maintains or enhances areas with <u>important ecological values in the terrestrial or freshwater environments</u> .

17. If option 1 or 2 or 4 were used, the general advice note should include areas that meet ASBV criteria in the list of values.
18. Other options for the provision involve combining and supplementing current wording in 2GP provisions 10.6.3.5 and 10.6.3.12. However, these comments assume a similar format to that proposed is desirable. Other options could be explored subsequently if necessary.

Kind regards,

Richard Ewans

BIODIVERSITY ADVISOR
DCC CITY DEVELOPMENT

Appendix I – All Submissions in Original Submitter Number Order

See the separate file containing this appendix.

Appendix J – All Submissions in First Name Order

See the separate file containing this appendix.