



SECOND GENERATION DISTRICT PLAN

Variation 2 Additional Housing Capacity Part 3 – Sites Proposed for Rezoning

Reporting Officer's Opening Statement

Bede Morrissey

15 August 2022

1.0 Introduction

1. My name is Bede Morrissey, and I am employed by the Dunedin City Council as a Policy Planner.
2. I am the reporting officer for this Variation 2 hearing. I have provided evidence relating to all proposals being considered at this hearing.

2.0 Key Points on Variation 2

2.1 Changes to be considered at this hearing

3. The proposals contained in Variation 2 have been split into four groups, and only the fourth group will be considered at this hearing. Decisions have previously been released on submissions considered at hearings 1 to 3. This group contains all the changes and topics identified in Table 1 of the Section 42A report.
4. Substantive topics under consideration at this hearing include:
 - Broad submissions relating to greenfield rezoning, these are further separated into the following sub-topics:
 - Submissions regarding structure plan mapped area vegetation clearance rules;
 - General support for greenfield zoning aspects of Variation;
 - General submissions on new greenfield zoning;
 - Application of NDMA's and associated infrastructure controls;
 - 3 Waters infrastructure availability;
 - Public transport and roading network;
 - High class soils;
 - Other infrastructure;
 - Provision of green space; and
 - Miscellaneous submissions.
 - Sites proposed by the DCC for rezoning;
 - Sites proposed to have Residential Transition Overlay Zones removed; and
 - Sites originally rejected for rezoning ("requested sites").

2.2 Experts available

5. I have replied on the evidence of several DCC-employed experts, along with external consultants, in making my recommendations to date. These experts are as follows:
 - Mr Trevor Watson, DCC Transport;

- Mr Jared Oliver, DCC 3 Waters;
 - Mr Bruce Saunders, DCC 3 Waters;
 - Mr Luke McKinlay, DCC Urban Design;
 - Mr Nathan Stocker, DCC City Development;
 - Mr John Brenkley, DCC Parks and Recreation;
 - Mr Lee Paterson, Stantec New Zealand;
 - Mr Edward Guerreiro, Stantec New Zealand; and
 - Mr Kelvin Lloyd, Wildland Consultants Limited.
6. These experts are available on Friday 19 August to speak to their respective evidence, and to answer any questions from the Panel. They are also available on Tuesday 06 September to answer any further questions that have arisen during the hearing process.
 7. These experts are also available during the hearing proceedings as required, if the Panel wishes to have them present for any specific site discussions.

2.3 Answers to pre-hearing questions

8. Please refer to Appendix 1 which provides my answers to the Panel's pre-circulated questions.

3.0 The Section 42A Report

3.1 Key Recommendations

9. My recommendation for each site is contained within my Section 42A report. For the broad greenfield submissions, my recommendations are contained within each sub-section of the report (refer Section 5.1 of the Section 42A report). I will provide revised recommendations at the end of hearing, if necessary, having considered all the evidence presented at the hearing.

3.2 Corrections to s42A Report and to rule numbering

10. I wish to make the following corrections to my report:
11. **Section 5.2.7: Site GF05 (part 353 Main South Road).** My recommendation in the Section 42A report, which is to not rezone GF05, remains unchanged. However, should the Panel choose to rezone, the notified Sunnyvale Structure Plan Mapped Area Performance Standards (Rule 15.8.Y in the 2GP) should be numbered '15.8.AL' instead of '15.8.Y'. This is to avoid duplication with other structure plan provisions
12. **Section 5.2.12: GF10 (Honeystone Street, Helensburgh).** For the "recommendation" on this site, I omitted discussion on high class soils, as raised by Murray and Gloria Harris (S272.001). I therefore wish to make an addition to my recommendation on this site to add:

"I acknowledge that rezoning will result in loss of high class soils over GF10. However, I consider this loss to be relatively minor when considering the area of such soils over Dunedin as a whole, and the limited rural productivity potential of GF10, given its small size and location."
13. **Section 5.2.13: Site GF11 (Polwarth Road and Wakari Road, Helensburgh).** I have proposed applying a structure plan mapped area to this site, called the 'Wakari Road structure plan mapped area'. It has come to my attention that a structure plan mapped area of this name has been proposed through an appeal

resolution., Therefore, if the Panel agree to rezone the site, the structure plan mapped area should be renamed, for example to “Helensburgh Structure Plan Mapped Area”. The proposed numbering (15.8.14) can remain unchanged.

14. **Section 5.4.21: 35 Watts Road, 37 Watts Road, 43 Watts Road, Part 309 North Road (RS206, RS206a, RS77).** On page 326, I write “At this point I note that, based on the expert evidence discussed below, I am not recommending any part of the site be rezoned. Area A being considered either in scope, or out of scope, does change this recommendation.”. The word “not” is missing from this sentence, and is corrected as follows:

“At this point I note that, based on the expert evidence discussed below, I am not recommending any part of the site be rezoned. Area A being considered either in scope, or out of scope, does not change this recommendation.”.

15. **Appendix C.27 (Rezoning Assessment Sheet for 85, 91, and 109 Formby Street, Outram).** For the “Accessibility – Public Transportation” criteria, the site is scored as “ok” with the comment that “there is a non-frequent bus stop approximately 391m away”. While this bus stop exists, I note that there is currently no public bus servicing Outram township.

3.3 Changes to the Section 42A Report

3.3.1 Withdrawal of submission point

16. Since the publication of the Section 42A report, submission point S38.001 from The Estate of David Cull which relates to site GF14 (336 and 336A Portobello Road, The Cove) has been withdrawn. This does not affect my recommendation.

3.3.2 Information regarding proposed sub-national vehicle kilometres travelled targets

17. Since the publication of the Section 42A report, I have been made aware of the targets for light vehicle emissions reduction included within the recently released Emissions Reduction Plan (ERP)¹. Under Transport Target 1, the total vehicle kilometres travelled by the light fleet² must be reduced by 20% by 2035. The ERP states that this will be achieved through improved urban form and providing better travel options, particularly in the largest cities. Te Manatū Waka Ministry of Transport is currently engaging with councils in order to set sub-national targets for in Tier 1 and Tier 2 urban areas, including Dunedin. While these targets will not be legally binding, achieving them will be critical for meeting New Zealand’s obligation to have net-zero emissions by 2050. For Dunedin, the proposed sub-national VKT target (for consultation purposes) is a 5% reduction in vehicle kilometres travelled (VKT) by 2035, measured against the 2019 benchmark. While this VKT target is still in development, the need to reduce vehicle emissions through land use planning is relevant to the greenfield rezoning hearing. Rezoning areas distant from existing urban areas and alternative transportation options will directly contradict efforts to achieve these targets. I consider this information relevant for the Panel’s consideration and should be considered alongside Section 4.10 of the Section 42A report (Carbon Emissions From Growth Areas).

3.3.3 Additional information pertaining to DCC submission S187.017

18. This relates to a change to section 5.1.4 ‘Application of NDMA’s and associated infrastructure controls’. In this section of the Section 42A report, I include discussion on a submission from the DCC (S187.017) which seeks to apply a New Development Mapped Area (NDMA) to any greenfield residential rezoning site added to the 2GP since notification of Variation 2 through the resolution of rezoning appeals. In the Section 42A report, I list seven appeal sites which were settled prior to the Panel making decisions on the NDMA provisions. I recommend in the s42A Report that an NDMA should be applied to all the sites listed, plus any additional sites subject to a signed consent memorandum rezoning them to residential prior to the Panel’s decision being released. I state that this list of sites will be updated at the hearing.

¹ Te hau mārohi ki anamata - Towards a productive, sustainable and inclusive economy. Aotearoa New Zealand’s First Emissions Reduction Plan, NZ Government, June 2022.

² Cars, SUVs, vans, utes. Does not include motorcycles, non-road vehicles and trucks

19. There are two sites listed in the s42A Report for which I now consider an NDMA is not necessary. These are:
- 33, 35, 37, 39, 41, 45, and 49 Dalziel Road, 4 Hawker Lane, and 4, 12, and 13 McLeod Avenue, Dunedin – an NDMA has already been applied through the Variation 2 decisions on Hearings 1 to 3
 - 25A Irvine Road, Dunedin – this area only provides for six residential sites. A separate agreement manages stormwater aspects.
20. There is one additional site that has been zoned to residential by the Environment Court since the s42A Report was published. I recommend that the NDMA is applied to this site:
- 41 Soper Road and 20-21 Henderson Street
21. I also note that, if the Panel chooses to accept the DCC submission S187.017 and apply an NDMA to some or all of the listed sites, that some consequential changes may be required. This is because the sites are subject to structure plans, which may have similar but slightly differing requirements or overlap with the NDMA provisions. In the case of inconsistency between a structure plan and one of the NDMA provisions, it will be necessary to determine which standard should apply to the site. These consequential changes (if any) can be outlined in my right of reply at the end of the Hearing.

3.3.4 Clarification on my recommendations for GF01, GF05, GF12, GF14, RTZ2

22. In my Section 42A report, these are DCC-proposed sites I am either recommending not be rezoned, or am hesitating to recommend rezoning on. I have been advised that the wording in the “Recommended amendments” section for each of these sites requires clarification. I wish to make it clear that I am making recommendations on the relief sought through submissions, rather than making recommendations on what is in the Plan. My recommended amendments reflect the outcome for the submission(s) that I recommend accepting or rejecting.

3.3.5 Application of Residential Transition Overlay Zone (RTZ) to resolve issues of funding.

23. In the case of one site (GF11, Polwarth Road and Wakari Road, Helensburgh), I am recommending application of an RTZ rather than directly rezoning. This is because I consider there are potentially significant upgrades that are required (transportation and provision of recreation space), and there is uncertainty over the funding of these upgrades. GF11 is a particularly large site and is made up of multiple landowners, making resolution of this issue more complex. My recommendation therefore is to not “release” the land to residential until there is more certainty over both the nature of the upgrades, and how these can be appropriately funded. This is recommended through a bespoke RTZ release rule.
24. At present, I have only recommended this approach be applied to GF11. However, following discussion at the hearing there may be other sites for which a similar approach is warranted. Further advice on this can be provided in the right of reply.
25. I also consider that for GF11 an agreed subdivision plan showing the location of internal roading (or at least the connections required between sites), and the location and size of the recreation area, should be provided before the land is released. If subdivision is undertaken in a piecemeal way over time, there is a risk that the internal roading layout will not achieve the connectivity required under Policy 6.2.3.12 will not be achieved, and provision of a reserve area may not occur. I therefore recommend an additional release criterion in Rule 15.8.14.3 covering these matters. The wording of this can be provided later in the hearing, following receipt of evidence from DCC Transport and consideration of evidence from submitters.

4.0 The Section 42A Report

4.1.1 Application of New Development Mapped Area (NDMA) overlay

26. As outlined in my Section 42A report, I note that some submitters across a number of the sites have requested that a New Development Mapped Area (NDMA) not be applied should rezoning proceed. In some cases submitters suggest that a structure plan mapped area be applied instead of the NDMA provisions. At least one piece of evidence received also requests reconsideration on the need to apply an NDMA should rezoning proceed.
27. On this matter, I wish to reiterate my recommendation from the Section 42A report; that I do not consider removal of the NDMA appropriate. This is primarily due to:
- The need to ensure appropriate and consistent stormwater management via the NDMA provisions;
 - The need to ensure subdivision of large greenfield areas is undertaken in a way that supports best practice outcomes and achieves the strategic objectives of the plan.
 - The need to ensure consistency of approach for greenfield areas across the city.
28. I also note that, in almost all circumstances I consider applying the NDMA provisions to greenfield areas to be appropriate. The exception to this would be if a site was extremely small and the development potential is limited to only a small number of lots.
29. Finally, I note that for site GF11 (Polwarth Road and Wakari Road, Helensburgh), the submitter planned evidence received requests the following:
30. Mr Darryl Sycamore, in paragraph 68 of his planning evidence, recommends that the NDMA overlay should be retained but on a site-by-site basis.
31. Ms Emma Peters, in paragraph 44, requests that different NDMA's apply to each side of Wakari Road to better reflect topographical separation which will mean that sharing of infrastructure from one side to the other is highly unlikely.
32. In response to Mr Sycamore, I do not consider applying an NDMA on a site by site basis appropriate, as the NDMA provisions are intended to manage development across the wider development site, not on a 'per site' basis. In response to Ms Peters, I am in agreement with this proposal and note this is already the intended and notified change.

4.1.2 Discussion on RS157 (90 Blackhead Road and Surrounds)

33. There is a scope issue with respect to this site. While this has already been passed through to the Panel, I outline the history and situation in the following paragraphs.
34. In the section 32 notified material, for rejected site RS157 the map of area had the description as "90 Blackhead Road and surrounds".
35. Barry Douglas and Fiona Lynn Armour (OS231.001) submitted to rezone 70 Green Island Bush Road and surrounding Rural Residential 1 zoned properties to Large Lot Residential 2 Zone. 70 Green Island Bush Road is approximately 340 from 70 Blackhead Road. The submission was assessed as being out of scope by the Reporting Officer in the Out-of-Scope Submissions Report dated 16 April 2021³, as it was for land in new areas which were not contiguous with the areas included in Variation 2.
36. In the Variation 2 Out of Scope Decision Report (31 May 2021), the Variation 2 Hearing Panel accepted the Planner's evidence that 70 Green Island Bush Road was out of scope of RS157 and the submission

³ Variation 2 Out-of-Scope Decisions Report, 16 April 2021 ([Out-of-Scope-Submissions-Report-22-April-2021-Corrected-maps.pdf](https://www.dunedin.govt.nz/assets/Uploads/Out-of-Scope-Submissions-Report-22-April-2021-Corrected-maps.pdf) ([dunedin.govt.nz](https://www.dunedin.govt.nz)))

point of Barry Douglas and Fiona Lynn Armour (OS231.001) was struck out by the Panel. As a result, this submission point (OS231.001) is not included in the greenfield rezoning Section 42A report.

37. Separately, Craig James and Kirsten Jane Duncan (Duncan Clan Family Trust) (S304.001) submitted to rezone 90 Blackhead Road and surrounds (Requested Site RS157) from Rural Residential 1 Zone to a Large Lot Residential Zone. On 27 April 2021 (after the scope decision had been published), the DCC contacted the submitters (Craig James and Kirsten Jane Duncan (Duncan Clan Family Trust) (S304.001)) agent and asked for clarification on what was meant by “surrounding properties” in their submission. The submitter’s agent clarified that “surrounding properties” was meant to include 70 Green Island Bush Road. However, the submission was not included in the scope report by way of a late addendum.
38. When my Section 42A report was written, I was unaware that the submission from Barry Douglas and Fiona Lynn Armour (OS231.001) in relation to 70 Green Island Bush Rd had been deemed to be out of scope. This issue came to light on 05 August 2022, when expert evidence was received for the sites. Both submitters have the same agent, Paterson Pitts.
39. In my view:
- Evidence on behalf of Craig James Duncan, Kirsten Jane Duncan on 90 Blackhead Road but which also partially relates to 70 Green Island Bush Road – this submission is live but the part of the evidence that relates to 70 Green Island Bush Rd is addressing a site which was assessed as out of scope by the Panel previously.
 - Evidence on behalf of Barry Douglas Armour, Fiona Lynn Armour on 70 Green Island Bush Road – this submission point was struck out, so it is inappropriate to receive evidence on behalf of these submitters as they have no standing. It is noted that Barry Douglas Armour, Fiona Lynn Armour had another submission point in Variation 2 (OS231.002) which related to a 3 Waters change, and a decision on this submission was made in Hearing 3. The submitters have no live submission points remaining.

4.1.3 Discussion on Policy 2.6.2.1.d.xi

40. Policy 2.6.2.1.d.xi 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 (Objective 2.2.4).

41. When considering a site’s suitability for residential rezoning, the clause above is one of the criteria to be assessed.
42. More detailed information about compact urban form is outlined in ‘Dunedin Towards 2050 – a Spatial Plan for Dunedin’ (the Spatial Plan)⁴, which sets the strategic direction for Dunedin’s growth and development for the next 30+ years. The Spatial Plan informed the development of the 2GP. Specifically, the following policies are of relevance:

Urban Form (a)

Establish an urban-rural boundary that sets the limit of urban development. The boundary will be determined based on the following criteria:

- ensure efficient use of available land and infrastructure capacity in existing urban areas;*
- avoid pressure for unplanned expansion of services and infrastructure;*
- avoid the creation of new isolated urban areas;*

⁴ ‘Dunedin Towards 2050 – a Spatial Plan for Dunedin’, [Spatial-Plan-for-Dunedin2.pdf](#)

- avoid areas of high rural productivity (including high class soils), significant natural values or hazards;
- avoid the fragmentation of rural land or loss of productive soils; and
- avoid conflicts over water resources.

Linked objectives and policies: ESR9(a)-(c)

Urban Form (e)

Only consider expansion of the boundary when current urban land capacity is inadequate and options for urban consolidation are deemed inappropriate or unachievable.

Urban Form (f)

Manage urban expansion to ensure it occurs in suitable locations and un-coordinated urban expansion is avoided. Suitable locations shall be identified through a city-wide strategic assessment of the best locations for future development, following the premise that most growth should be accommodated in the main urban area of Dunedin, and in a way that best meets the objectives and policies of the Spatial Plan.

43. With the above in mind, I reiterate my view from the Section 42A report, that rezoning isolated and disconnected pockets of rural land is not in keeping with the compact city objective. Such situations can lead to fragmentation of rural land, inefficient use of land, and require inefficient expansion of public infrastructure. Furthermore, although while not directly referenced, rezoning isolated and disconnected pockets of land can often lead to greater reliance on motor vehicle due to distance from public transportation, and is not well aligned with the Dunedin City Council's goal to become a net zero city, nor Policy 1(e) of the National Policy Statement on Urban Development 2020, which relates to climate change and states:

Policy 1: Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:

...

(e) support reductions in greenhouse gas emissions

44. I also wish to further elaborate on growth in townships. As outlined in the Spatial Plan:

Further expansion of the urban-rural boundary in townships will only be provided for:

- *once existing capacity and additional capacity created through urban consolidation is inadequate;*
- *only in situations where the potential benefits of population growth in terms of increasing the self-sufficiency and, therefore, resilience of these communities, significantly outweighs the negative effects of peri-urban development, such as increased demand on the transportation network, the potential loss of productive rural land or open space, the costs of infrastructure expansion, and demand for new ratepayer funded facilities; and*
- *only if the results of a city-wide strategic assessment show this would be an appropriate area for development.*

In general, this will only occur where population growth can make significant improvements, or forestall significant declines, in the sustainability and resilience of outlying communities, for example by maintaining or increasing accessibility to local employment, services and facilities (schools, shops, medical and social services and public transport services).

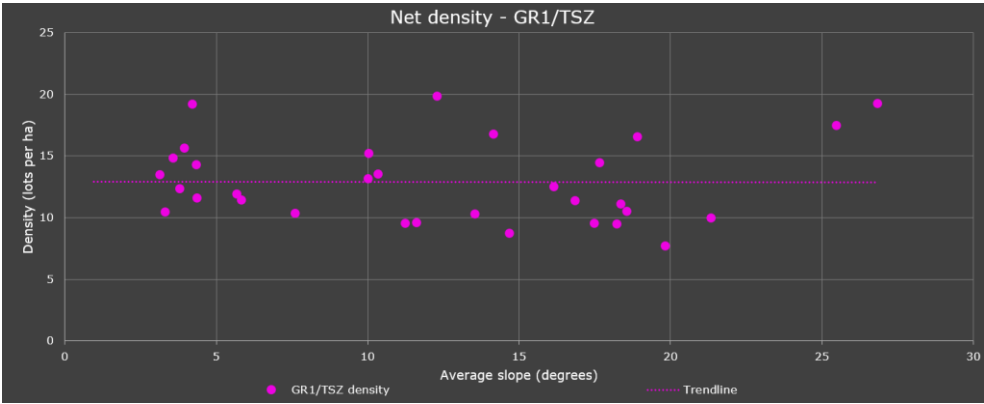
45. Several of the 'Requested Sites' are located in Brighton, Outram, and Allanton. All of these localities are distant from larger centres (Mosgiel, Dunedin) where residents are likely to work, and where the closest schools and facilities are located. Public transport is limited or non-existent in these locations, and likely carbon emissions arising from commuter traffic were assessed as being at the higher end of the range of sites considered (Section 4.10 of s42A Report). As outlined in Section 2.2 (Update on Housing Capacity Assessment) of my Section 42A report, I am of the view that there is not a pressing demand for additional development capacity that could be used to justify rezoning greenfield land that is not well aligned with the objectives and policies of the 2GP. I also note that, regarding Allanton, I have checked with the DCC Research and Monitoring team regarding feasible capacity in Allanton. Their advice is that there is sufficient capacity (both plan-enabled and feasible) for growth at this location. Finally, I would comment that sites located on the Taieri Plain generally have a higher potential for rural productivity, compared to sites located in other outer areas of Dunedin.
46. Overall, consistent with my Section 42A report, I remain of the view that zoning isolated and disconnecting pockets of land, and land located distant from services, facilities, and public transportation, is generally not consistent with the compact city objective,

5.0 Appendix 1 – Answers to Panel’s pre-hearing questions

S42A reference	Report	Question	Planner Response
2.1 Background		Please confirm our understanding that the Enabling Housing Supply Amendment Act and the Medium Density Residential Standards apply in Tier 1 Urban Environments. Dunedin is a Tier 2 Urban Environment, so we don't need to consider impact from these.	This is correct, The Enabling Housing Supply Amendment Act and the Medium Density Residential Standards do not apply in Dunedin, which is a Tier 2 Urban Environment.
2.1.1 Sect 32AA evaluations		Does the s42A report contain any recommended amendments where a s32AA evaluation has been applied. If not please provide the Panel with the statutory requirements that we should apply to any changes the Panel makes in its decisions.	Section 32 of the RMA outlines the requirements for preparing and publishing evaluation reports. The relevant parts of Section 32 are: <i>(1) An evaluation report required under this Act must—</i> <i>(a) examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and</i> <i>(b) examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—</i> <i>(i) identifying other reasonably practicable options for achieving the objectives; and</i> <i>(ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and</i> <i>(iii) summarising the reasons for deciding on the provisions; and</i> <i>(c) contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.</i> <i>(2) An assessment under subsection (1)(b)(ii) must—</i>

		<i>(a) identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—</i> <i>(i) economic growth that are anticipated to be provided or reduced; and</i> <i>(ii) employment that are anticipated to be provided or reduced; and</i> <i>(b) if practicable, quantify the benefits and costs referred to in paragraph (a); and</i> <i>(c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.</i> <i>(3) If the proposal (an amending proposal) will amend a standard, statement, national planning standard, regulation, plan, or change that is already proposed or that already exists (an existing proposal), the examination under subsection (1)(b) must relate to—</i> <i>(a) the provisions and objectives of the amending proposal; and</i> <i>(b) the objectives of the existing proposal to the extent that those objectives—</i> <i>(i) are relevant to the objectives of the amending proposal; and</i> <i>(ii) would remain if the amending proposal were to take effect.</i> <i>(4) If the proposal will impose a greater or lesser prohibition or restriction on an activity to which a national environmental standard applies than the existing prohibitions or restrictions in that standard, the evaluation report must examine whether the prohibition or restriction is justified in the circumstances of each region or district in which the prohibition or restriction would have effect.</i> <i>(4A) If the proposal is a proposed policy statement, plan, or change prepared in accordance with any of the processes provided for in Schedule 1, the evaluation report must—</i> <i>(a) summarise all advice concerning the proposal received from iwi authorities under the relevant provisions of Schedule 1; and</i> <i>(b) summarise the response to the advice, including any provisions of the proposal that are intended to give effect to the advice.</i> <i>(5) The person who must have particular regard to the evaluation report must make the report available for public inspection—</i> <i>(a) as soon as practicable after the proposal is made (in the case of a standard, regulation, national policy statement, or New Zealand coastal policy statement); or</i> <i>(b) at the same time as the proposal is notified.</i> <i>(6) In this section,—</i>
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		<i>objectives means,—</i> <i>(a) for a proposal that contains or states objectives, those objectives:</i> <i>(b) for all other proposals, the purpose of the proposal</i> <i>proposal means a proposed standard, statement, national planning standard, regulation, plan, or change for which an evaluation report must be prepared under this Act</i> <i>provisions means,—</i> <i>(a) for a proposed plan or change, the policies, rules, or other methods that implement, or give effect to, the objectives of the proposed plan or change:</i> <i>(b) for all other proposals, the policies or provisions of the proposal that implement, or give effect to, the objectives of the proposal.</i> Section 32AA outlines the requirements for undertaking and public further evaluations. The relevant parts are: <i>A further evaluation required under this Act—</i> <i>(a) is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes); and</i> <i>(b) must be undertaken in accordance with section 32(1) to (4); and</i> <i>(c) must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and</i> <i>(d) must—</i> <i>(i) be published in an evaluation report that is made available for public inspection at the same time as the approved proposal (in the case of a national policy statement or a New Zealand coastal policy statement or a national planning standard), or the decision on the proposal, is notified; or</i> <i>(ii) be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.</i> <i>(2) To avoid doubt, an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection (1)(d)(ii).</i> <i>(3) In this section, proposal means a proposed statement, national planning standard, plan, or change for which a further evaluation must be undertaken under this Act.</i>
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		The discussion in the Section 42A report fulfils these requirements. While I don't explicitly mention section 32AA, I have assessed the proposals in accordance with Section 32.
2.2.1 Housing Capacity Assessments	How does slope impact on development yields and feasibility by reducing them in the short term but increasing them in the long term?	I have asked Mr Nathan Stocker, DCC Research and Monitoring Team Leader, for a response to this question. Mr Stocker's response is provided below: Prior to the Housing Capacity Assessment 2021, the residential capacity model presumed that sites with an average slope greater than 10° would have larger resulting property sizes and, consequently, a lower development yield. As part of the Housing Capacity Assessment 2021, an analysis was undertaken of development data collected from over 100 subdivision consent applications. This included the relevant zoning, average site slope, resulting property sizes, and total yield for each application. This analysis revealed that there was no strong relationship between average site slope and yield, as shown in the graph below. As a result, the assumption of reduced yield for steeper sites was removed from the residential capacity model. Portions of properties with a slope greater than 30° were still removed from the model, as there were very few examples of developments occurring on similar land. The impact of this change was an increase in feasible development capacity over all timeframes. 

		Calculations of capacity that is reasonably expected to be realised are based (in part) on an annual probability of development. This probability was calculated by dividing the average annual amount of development that occurred over 2019-2020 by the total amount of feasible development capacity (as of January 2019). To ensure datasets were compatible, the amount of feasible development capacity as of January 2019 was recalculated using the updated methodology described above. As the feasible development increased and the actual development stayed the same, the impact of this reassessment was a reduction in the annual probability of development. The combined effect of increasing feasible development capacity and decreasing the average probability of development was an overall reduction in the short-term capacity that is reasonably expected to be realised but an increase in long-term capacity that is reasonably expected to be realised.
4.2 Rural character and visual amenity Para 33	It is stated that <i>“in general relatively little weight has been placed on meeting this objective (Objective 2.4.6) in terms of supporting rezoning of new sites”</i>. If that is the case, is there a flaw in Policy 2.6.2.1, i.e. we are being asked to broadly place little weight on a key objective that the policy refers to when assessing all new sites for residential rezoning. Or is the recommendation to assess the rezoning sites in a holistic way taking account of all relevant objectives?	The statement quoted is intended to indicate that all zoning of rural and rural residential land to residential will result in some irreversible loss of character and visual amenity of Dunedin’s rural environment. However, this objective (Objective 2.4.6), must still be considered along with all other relevant objectives when identifying areas for new residential zoning. I suggest that it is generally given little weight, as to weight it highly would preclude much new residential zoning. However, some parts of the rural environment have higher amenity and character values than others. Where these values are particularly high, the Panel may wish to place more weight on this objective. In these areas, residential zoning may not be appropriate, or mitigation measures may be necessary to reduce effects on these values. This is also reflected in Objective 2.4.1.a, which is: <i>Objective 2.4.1. Form and Structure of the Environment.</i> <i>The elements of the environment that contribute to residents' and visitors' aesthetic appreciation for and enjoyment of the city are protected and enhanced. These include:</i> <i>a. important green and other open spaces, including green breaks between coastal settlements;</i>
Para 37	I presume the issue of scope to remove small areas of SNL is	This is correct. Any recommended small changes to SNL overlays are discussed under the relevant site.

	addressed in the report, for each site as relevant?	
4.4 Urban Design Controls Para 41	We understand the report to be saying that where a site is being changed from Rural to Residential there may be an expectation for an even higher standard of design control than is provided by way of standard Residential Zone controls, i.e. the land may border onto Rural Zoned land with a consequentially higher need to maintain rural character in that surrounding area (i.e. a buffer area). In some instances the controls will not be sufficient, and rezoning may not be appropriate. Is that correct?	Some submitters and neighbours in that area may expect a higher standard of design control, and have submitted to that effect. However, it is my view that additional design controls are not necessary. If an area is zoned residential, then I consider that residential activity is appropriate and there is not a further need to manage design controls above and beyond other areas of the city. If the Panel considers that effects on adjoining rural landscape values require specific mitigation, then additional design controls could be imposed. However, as stated in Section 4.4 of the Section 42A report, these would be a new method in the plan, and require additional supporting provisions (policy, assessment guidance).
4.6 Highly Productive Land Para 50 Para 51	<i>"Sites and areas smaller than 4ha were considered to contribute no or minimal productive potential"</i> Is there not a danger that excluding such sites and areas of land will have cumulative effects on the overall ability for adjacent areas to remain highly productive?	This statement was taken from the report produced by Property Economics and Beca⁵. The statement is as follows: <i>"Only sites with single ownership over 4 hectares are expected to have any significant productive value, unless specifically recognised."</i> The Property Economics and Beca report further goes on to state: <i>"For the purposes of this report, and in keeping with the NPS (on highly productive land – NPS-HPL) review process, the individual areas have firstly been assessed for their productive land areas, with sites that are below 4 hectares significantly discounted for long term production."</i>

⁵ Refer page 226 of [Section-32-Supporting-Documents.pdf \(dunedin.govt.nz\)](#)

	If we place weight on the land assessed for rezoning as comprising only 1% of the highly productive land in Dunedin, by that logic would we not simply accept that all of the rezoning requests will have no significant effect on the supply of such land?	I note final decisions on the proposed NPS-HPL are expected be made by Cabinet at the end of August 2022. I acknowledge that, when viewed cumulatively, there will be higher impacts to highly productive land that when looked at on a site-by-site basis. However, as per the Property Economics and Beca report, even cumulatively this impact is considered to be very small. Nonetheless, loss of highly productive land must still be a consideration in rezoning, and balanced against the need to provide additional housing capacity.
4.10 Carbon Emissions Para 65	Philosophically, can you please comment on whether this is a 'chicken and egg' situation? That is, will public transport routes and centres be developed in response to cater for areas of new growth even if they are not currently well connected or located, so that these areas then become more sustainable in terms of carbon emissions? Re: para 65, has the data on carbon emissions in this section been actively factored into the assessments that follow?	I note that the Otago Regional Council is the authority for public transport in Otago. Therefore, I am not the best person to provide comment on public transportation policy matters. That said, my understanding is that funding for public transport is limited, and that providing public transport to outlying areas is likely to be less efficient. It is therefore less likely to be provided, at least in the short term. I would also comment that, regardless of public transportation servicing, development that is located further away from the city is likely to have higher carbon emissions than those located close by. Even if public transportation connections are provided, a proportion of trips will still be made using private vehicles, resulting in more carbon emissions compared to a development located closer to the city. Regarding the Panel's second point, the carbon emissions data is not directly factored into the site assessments, as this is not explicitly mentioned in Policy 2.6.2.1. however, it is considered indirectly through consideration of Objective 2.2.4 - Compact and Accessible City (see Policy 2.6.2.1.d.xi).
5.1.1 Vegetation Clearance rules Page 26	Was there a reason why clearance of vegetation rules related only to indigenous, and not to all vegetation, or was this simply an error.	The proposed structure plan vegetation clearance rules were intended to apply only to indigenous vegetation for site RT22, as there are areas of significant indigenous vegetation present that in DCC's view should be protected. For sites GF08 and GF10, the rules are intended to apply to all vegetation clearance, as there are areas of non-indigenous vegetation close to streams, which DCC consider should be protected. This approach is consistent with the vegetation clearance rules in the 2GP (10.3.2)

	Why are the submission and recommendation limited to GF08, GF10 and RTZ2?	No other notified sites contain areas of vegetation that DCC considered should be protected; hence the structure plan rules were only applied to these three sites.
5.1.4 NDMA and associated Infrastructure controls Page 37	The Panel has requested (Minute 12) that the reporting officers provide legal submissions to support the recommendations on DCC's submission S187.017. We are concerned at issues of scope, vires and natural justice to accept the recommendation for new development mapped area (NDMA) be applied to any greenfield zoning site that has been added to the 2GP since notification of Variation 2 through the resolution of rezoning appeals, as well as to any (as yet unidentified) additional sites added at the hearing. In point 2, please clarify the roles of NDMA's and Structure Plans. Can Structure Plans include appropriate stormwater management provisions and not be NDMA's	Legal advice on this matter has been requested from Mr Michael Garbett, Anderson Lloyd. I understand that this advice will be provided shortly, and Mr Garbett, or his colleague Ms Georgia Cassidy, can attend the hearing to speak to this if the Panel wish. Regarding the second question, structure plan mapped area provisions can duplicate the NDMA provisions. This approach has been used in relation to some appeal sites, prior to the NDMA provisions becoming operative, particularly for stormwater management. Now the NDMA provisions are operative, there is unlikely to be a need to manage stormwater through structure plan mapped area provisions, unless there are particular site-specific matters that would mean that the NDMA stormwater provisions are not appropriate. It is possible to have both a structure plan mapped area and an NDMA over the same site. However, in this case the structure plan mapped area provisions would normally manage effects that are not addressed by the NDMA provisions. If a structure plan mapped area and an NDMA were over the same site and the structure plan managed an issue that is also managed by the NDMA, it would be important to ensure there wasn't inconsistency between the structure plan provisions and the NDMA provisions.

	or are they necessarily mutually exclusive?	
5.1.5 3 Waters Infrastructure	Please clarify what is the recommendation for ORC's submission, and is Mr Grindlay's submission to be 'accepted in part'?	I recommend accepting Mr Grindlay's submission (S60.005) as I consider that the concerns raised by Mr Grindlay have been adequately addressed in relation to specific sites, and no amendments are required. As a result, I recommend rejecting the Otago Regional Council's further submission (FS184.101).
5.1.6 Public Transport and roading network Page 41, second paragraph	What point has the measurement been generally taken from, is it a central point? Can you please comment here as well on the 'chicken and egg' issue, i.e. what comes first PT routes or development followed by PT?	Measurement was taken from the halfway point along the road frontage of each site. Therefore, measurements will not be exact, but are broadly accurate for the whole site. Re the second question, please see response above, in relation to section 4.10.
5.1.7 High Class Soils	It is stated that these are 'generally interpreted' as land with a Land Use Capability Class of 1 – 3. Please clarify where the interpretation may have been based on any other factors. Does it call for a site by site assessment?	Highly Productive Land is defined in the 2GP as "Land that has the ability to sustain the production of a wide variety of plants including horticultural crops, through a combination of land, soil and climate attributes." Guidance relating to this is provided in various assessment rules (e.g. Rule 16.10.2.3.c.iv) which states: <i>General assessment guidance:</i> <i>iv. In determining whether land is 'highly productive land', Council will consider its land use capability (LUC) classification (https://soils.landcareresearch.co.nz/soil-data/nzlri-soils/), the high class soils mapped area (HCS), as well as any other evidence related to productive values. The expectation is that land in the HCS and/or that has a LUC 1-3 classification will be considered 'highly productive land'. Note that information about the LUC classification is provided on the Landcare Research website (https://www.landcareresearch.co.nz) and LUC 1-3 areas are shown on the Data Map (https://apps.dunedin.govt.nz/webmaps/secondgenerationplandata/)</i>

		I have taken the same approach in my Section 42A report in terms of determining whether land is 'highly productive land'.
5.1.9 Green Space Page 44	Other than those controls in GR1 Zone (min site size, 1 dwelling per site) what other controls are in 2GP to retain open and green space. Is minimum site coverage also relevant?	There are various performance standards in the 2GP, applying in residential zones, that would help to retain open and green space. These include: • Rule 10.3.2.4 – manages vegetation clearance in an urban biodiversity mapped area (UBMA). • Rule 15.5.11 – provides a minimum level of outdoor living space. • Rule 15.6.7 – limits the area occupied by parking, loading access, garages and carports to 50% of the front yard. • Rule 15.6.10 – restricts the maximum building site coverage for sites. • Rule 15.7.Y – provides minimum landscaping rules (including minimum tree planting requirements) for some sites (sites within a Variation 2 mapped area).
5.1.10 Miscellaneous Page 45	Can you please comment on the DCC submission being potentially too vague to be a valid submission? Does the panel have authority to make detailed as yet unspecified changes to the plan provisions? Re: ORC's further submission, is it a valid further submission as it requests a specific relief? Is a decision required here, or should our decision be made only with respect to any ORC's submissions on (GF01, RS160, RS220).	Regarding the DCC submission (S187.008) – I understand that this submission was intended to enable the Hearing Panel to include additional provisions, if considered appropriate, to manage effects. E.g. include plan provisions such a structure plan rules to manage site-specific issues. These may well be within the scope of the original submissions on each site, but this broad submission was included to ensure that this was possible regardless. I have not relied on this submission in making any recommendations. I also note that, if the Panel wish to add in a new method into the plan to manage an issue not already provided for (e.g. landscape amenity rules or urban design controls in residential zones as discussed earlier and in Section 4.4 of my Section 42A report), then this submission could be relied on to achieve this. Regarding the Otago Regional Council further submission (FS184.480), I have checked the original wording in the Otago Regional Council further submission, and can confirm it is correct. The Otago Regional Council may wish to clarify whether this was an error, as the Dunedin City Council submission is broad and is not specific to the sites at 155 and 252 Scroggs Hill Road (GF01, RS160, RS220). I also note that the Otago Regional Council has submitted on GF01, and made a further submission in relation to all three sites. For GF01 and RS160, the Otago Regional Council specifically raises issues relating to wastewater.

		I recommend that the Otago Regional Council's partial support for the Dunedin City Council's submission (S187.008) is noted, but that the relief sought should be considered in relation to specific submissions on GF01, RS160, and RS220. Consideration of adverse effects, including from wastewater discharges, is fully outlined within the site-specific sections of the Section 42A report.
Planning questions to arise from Biodiversity Evidence	Please comment on what planning controls are available/valid to: - limit/prohibit the keeping of domestic pets in new GF sites/areas; - require areas of new plantings of indigenous trees/corridors; - protect existing indigenous vegetation on sites that is not already protected; - require special management of stormwater?	In my view it would be theoretically possible to include rules preventing or managing pets within a residential area. The RMA requires the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna (s6(e)), and the 2GP contains objectives to achieve this (e.g. objectives 2.2.3, 10.2.1). However, there is no policy framework in the 2GP to manage pets, that may affect indigenous biodiversity. From a quick google search, I have been unable to find any district plan rules that manage keeping domestic cats or dogs. The majority of Council rules relating to pets are implemented by various bylaws. I have also found news articles relating to cat bans in new subdivisions by way of a consent notice on titles. These are likely to have been proposed by the developer / land owner. Some restrictions are in place through Regional Pest Management Strategies (e.g. a rule requiring cats on Stewart Island to be de-sexed). The 2GP does not currently include rules relating to the keeping of domestic cats, and based on the google search above, doing so would be highly unusual and likely to be contentious. I am not aware of any investigations into restricting pet ownership in Dunedin. If considering this approach, the Panel would need to satisfy itself that such a measure achieved section 32 of the Act. If a developer wished to prohibit cats and/or other domestic animals within a subdivision, the recommended approach would be via a consent notice on the relevant titles. Regarding new planting, such a rule would best be implemented via a structure plan mapped area rule for the site, either to require specific planting is undertaken, or to require that a planting plan is provided as part of any subdivision application within the structure plan mapped area (e.g. similar to existing structure plan rule 15.8.10.AA.c). I note that the NDMA provisions require consideration of amenity planting at the time of subdivision (Rule 15.11.5.Y.b)

		Regarding protection of existing vegetation, this could be done by applying an urban biodiversity mapped area (UBMA), which limits vegetation removal (see Rule 10.3.2.4), or through bespoke structure plan rules for that site. I note that the 2GP also provides protection through scheduled Areas of Significant Biodiversity Value (ASBV); however the rules relating to ASBVs do not apply in residential zones. A further mechanism is a protective covenant over the site; however, as this is outside the Plan process it would have to be offered by the landowner. Regarding management of stormwater, stormwater management for larger areas is primarily managed through the NDMA provisions (refer Rules 9.6.2.X and 9.9). This provides a comprehensive and consistent approach to management of stormwater. Structure plan rules could also be used if additional or bespoke management is required on a site for any reason. I note that, if an NDMA is not appropriate (e.g. for a very small site), then Rule 9.6.2.2 still requires assessment of stormwater for all subdivision activities.
General planning questions on Landscape Evidence	Can all of the recommendations with respect to e.g. Linking remnant native vegetation areas, reflectivity, landscape viewshafts etc be accommodated in rules for the new zoned areas or Structure Plans?	Most recommendations could be managed via structure plan mapped area rules, and noting that there is no method currently set up in the 2GP to manage effects on landscape viewshafts and reflectivity in residential zones. Regarding linking remnant vegetation, options include applying an urban mapped biodiversity area (UBMA) to existing vegetation and/or requiring planting/ecological enhancement through structure plan mapped area rules.