



4 August 2022

The Variation 2 Officer  
Dunedin City Council  
PO Box 5045  
Dunedin

**RESPONSE TO VARIATION 2 s42A REPORT  
RS 176 (MALVERN STREET)  
SUBMITTER: PETER MARR AND MARJA VAN LOON**

Attached:

- Evidence on rural residential land demand (LJ Hooker)
- Landscape assessment (Mike Moore) – re-submitted
- Geotechnical assessment (Geolink Land Investigations) – re-submitted
- Structure plan (Paterson Pitts) – re-submitted

Please find below, the submitter's response to the s42a recommendations that relate to this greenfields site.

**Background**

The subject site, being RS 176 at 234 Malvern Street, is a 15.82ha property that is currently zoned Rural Residential 2. The land contains a single dwelling (and associated buildings), various areas of pasture, and several large fingers of native bush. The submitter has supplied to Council a proposed Structure Plan that shows a total number of three sites within the property. The Structure Plan incorporates the desires of the submitter, as well as the findings of the landscape and geotechnical assessments.

The submitter has proposed that the land be rezoned into the Large Lot Residential 2 Zone, and that the Structure Plan is implemented in order to ensure that development does not exceed the proposed three sites.

A number of further submissions have been received by Council. The majority of these are opposed to a housing density that has been perceived to be more closely akin to a typical residential neighbourhood. The submitter believes that the majority of further submitters will likely feel more comfortable knowing that the proposed rezoning will only allow for a limited number of new houses.

**Biodiversity Matters**

While no expert evidence is being supplied by the submitter in respect to biodiversity matters, the submitter considers the information below to be relevant.

**DUNEDIN:**

P.O. Box 5933,  
Dunedin 9058.  
T 03 477 3245

**CHRISTCHURCH:**

P.O. Box 160094,  
Christchurch 8441.  
T 03 928 1533

**ALEXANDRA:**

P.O. Box 103,  
Alexandra 9340.  
T 03 448 8775

**CROMWELL:**

P.O. Box 84,  
Cromwell 9342.  
T 03 445 1826

**QUEENSTOWN:**

P.O. Box 2645,  
Queenstown 9349.  
T 03 441 4715

**WANAKA:**

P.O. Box 283,  
Wanaka 9305.  
T 03 443 0110

Council's s42a reporting officer has concluded that 'I am satisfied that the submitters' proposal would not adversely impact the identified areas of indigenous biodiversity value, but note that if the site is rezoned, these significant bush areas should be protected through structure plan rules'. We agree with this statement, and confirm that the submitter also desires the protection of the significant bush areas.

While there are a number of mechanisms that are available to protect these bush areas (including re-mapping RS176 or alternatively using a QEII covenant, as suggested in the s42a report), we consider that using the Structure Plan rules for this purpose is likely to be the most direct and reliable method. The submitter is agreeable to employing the Structure Plan for this purpose.

### **Landscape and Rural Character**

The submitter has previously supplied expert landscape evidence. This evidence concludes that adverse effects of the proposal on landscape values will be very low in the short term, associated with an increase in buildings, and positive in the long term, primarily associated with enhancement of native bush.

Council's reporting officer notes that she has discussed the 3-site proposal with Council's Landscape Architect (Mr Luke McKinlay), and that Mr McKinlay agrees that adverse effects of this updated proposal would be minor.

### **Transportation Matters**

While no expert evidence is being supplied by the submitter in respect to transportation matters, the submitter considers the information below to be relevant.

The s42a report advises that DCC Transport has considered the 3-lot subdivision option, which would be accessed via a right of way to Patmos Avenue. DCC Transport concludes that such a proposal would have no noticeable effects on the wider transport network, and that any detailed matters could be addressed as part of a subdivision consent.

### **3-Waters Matters**

While no expert evidence is being supplied by the submitter in respect to 3-waters matters, the submitter considers the information below to be relevant.

It is important to note that the 3-Waters assessment carried out for the purposes of the s42a report does not consider the scale of development that has been envisaged by the Structure Plan that the submitter has put forward. Instead, the 3-Waters assessment has assessed the land on the basis that a significant number of houses would be accommodated within the land (as opposed to the submitter's proposed three houses).

This is recognised by the reporting officer, who concludes that 'I do note however that 3-Waters has conducted their assessment on the assumption the entire site would be rezoned

and developed. 3-Waters has not directly assessed the submitters proposal of developing three lots total’.

It is difficult to imagine how the creation of three sites (two new houses) within the rezoning land could result in any noticeable adverse effects to any of the 3-Waters infrastructure. We anticipate that this will be able to be confirmed by the 3-Waters staff who will be attending the rezoning hearing.

### **Hazards Matters**

The submitter has previously supplied expert geotechnical evidence. This evidence concludes that there are a number of suitable building sites within the subject property. The submitters Structure Plan has nominated two proposed building sites, both of which coincide with platforms that are supported by the geotechnical assessment.

The reporting officer has noted that the proposed house sites are within the area identified as low risk by Council’s geotechnical consultant. Council consultant advises that it is recommended that geotechnical investigations will be required to inform the subdivision process. While the submitter feels that this work has already been largely achieved by way of the submitter’s expert investigation (the report of which has been provided), it would be acceptable to the submitter for a Structure Plan rule to be implemented to require further geotechnical testing to confirm suitability of the building platforms.

### **Amenity**

While no expert evidence is being supplied by the submitter in respect to amenity matters, the submitter considers the information below to be relevant.

The reporting officer has considered the 3-site proposal that is outlined in the submitter’s Structure Plan and has concluded that ‘... I consider that the addition of two additional dwellings, as proposed by the landowner, would have a negligible effect on general amenity...’.

We also consider that any adverse effects from two additional houses within the subject land on amenity values will be negligible.

### **Structure Plan**

The submitter has previously provided a Structure Plan for consideration.

### **Planning Matters**

Working through the matters discussed above, the submitter believes that all items of possible environmental effects have been satisfactorily addressed by the proposed Structure Plan.

Considerations in respect of biodiversity, landscape, transportation, 3-waters, hazards and amenity, demonstrate that the proposed rezoning could be implemented with minimal, if any, adverse environmental effects. Furthermore, the benefits achieved through the opportunity to better protect the site's existing native bush areas are not insignificant. These positive effects are unlikely to be fully realised if the land was to remain in its current Rural Residential 2 Zone format.

Supporting the above position, the reporting officer has ultimately concluded in the s42a report that development of the land in accordance with the submitter's proposed 3-lot structure plan would likely have overall low adverse effects, and would avoid most if not all of the concerns voiced by the further submitters. The officer notes that the biodiversity protection proposed by the submitter is significant, and this is acknowledged as a benefit that would result from the land being rezoned.

Despite the above positive statements noted by the reporting officer, the officer goes on to advise that 'However, rezoning the site to Large Lot Residential 2 with a structure plan limiting the total number of lots to three is akin to low density Rural Residential 1 zoning (minimum site size 2 ha) ... Rural Residential zoning is not part of Variation 2, and I do not consider that implementing this proposal is in keeping with the purpose of the variation, even though adverse effects may be low and there are benefits for biodiversity protection. There is no evidence that the city requires more Rural Residential zoning at the present time. A rezoning such as being proposed here would be more appropriately dealt with as part of a future plan change which includes Rural Residential zoning as part of it'.

As a consequence of the low density consideration above (and seemingly only this consideration), the reporting officer has ultimately concluded that the proposed rezoning should not be implemented. The submitter considers the matter of low density to, in itself, be insufficient reason to reach this conclusion.

There are two items to reflect on in the reporting officer's advice. First, the matter of Rural Residential zoning not being part of Variation 2, and second, that there is no evidence that the city required more Rural Residential zoning.

Starting with the second of these matters, please find the attached letter that has been prepared by Mr Jason Hynes of LH Hooker. This is supplied as evidence that the city does in fact have a need for need for larger-sized residential properties. Specifically, Mr Hynes advises-

'I can confirm that the appetite for lifestyle blocks are at an all-time high in the 16 years that I have been involved in real estate. In particular, allotments in the 2-5Ha size range appear to be the most sought after. There are currently zero vacant blocks of land on the market in Dunedin (and surrounds) within this particular bracket, so the distinct lack of supply is obviously contributing towards the level of competition for this property type', and

'Since the pandemic began, lifestyle properties have been highly sought after due to the ability of more people being able work from home, in addition to the appeal of being able to operate with a greater degree of self-sufficiency. There are no particular locations that are

of the most interest to buyers, generally speaking, although I would view the proposed vacant blocks at 234 Malvern Street obtaining a significant level of demand due to the close proximity to the City Centre, whilst still maintaining ample space and privacy’.

We trust that the expert evidence provided by Mr Hynes is held to demonstrate that the city does require more land to be zoned in support of low density residential development.

Turning to the matter of Rural Residential zoning not being part of Variation 2, we agree that it has been established that Variation 2 is not a vehicle that can be used to rezone land into one of the City’s Rural Residential Zones. However, that is not what has been asked for by the submitter. The submitter has asked for the land to be rezoned into the Large Lot Residential 2 Zone, and this change is possible under Variation 2.

The reporting officer has noted that she does not consider that implementing this proposal is in keeping with the purpose of the variation.

The purpose of the variation, in our view, focuses on providing the City with additional housing capacity. The purpose of the variation does not, in any documentation that we can find, state that this housing capacity shall not be provided by way of large, low-density properties.

Further to the above, the 2GP provides a description of the Large Lot Residential 2 Zone (under 15.1.1.6)-

*‘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 onsite stormwater attenuation; 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. The zone rules provide for an ancillary residential unit to provide additional accommodation’.*

It is the submitters position that the proposed rezoning is consistent with the type of development that is anticipated by the above description.

The bottom line is that this proposed rezoning seeks a residential zone format, and that it will produce additional housing capacity. On this basis, while we accept that the appearance of the rezoning might be more akin the type of properties that are found in the Rural Residential Zones, the proposed rezoning is entirely compatible with the purpose of Variation 2.

Overall, if we look at this proposed rezoning in its simplest form, we can summarise the relevant consideration relatively concisely-

1. Are there any anticipated adverse effects: No.
2. Are there any anticipated benefits: Yes (bush protection and biodiversity).
3. Will the proposed rezoning provide greater residential capacity for the City: Yes.
4. Is there are demand for the type of property that this rezoning would achieve: Yes.

5. Does Variation 2 allow for sites to be rezoned into the LLR2 2 Zone: Yes.

In our view, the information outlined above all points in one direction. We consider the proposed rezoning to be a useful method for the City to gain additional residential capacity, as well as some clear positive outcomes in respect of bush and biodiversity values, in a manner that is aligned with the submitter's development objectives.

There would seem to be very few tangible reasons, if any, for this rezoning not to proceed.

Yours faithfully

**PATERSON PITTS GROUP**

A handwritten signature in blue ink, appearing to read 'Kurt Bowen', with a stylized flourish at the end.

**Kurt Bowen**

Registered Professional Surveyor