



SECOND GENERATION DISTRICT PLAN

Variation 2

Additional Housing Capacity

Part 2 – Intensification

(General Residential 2 rezoning)

Reporting Officer's Reply

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9 December 2021

Primary Author

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Qualifications: Master of Regional and Resource Planning, University of Otago

Experience: I have approximately 20 years of planning experience in a variety of roles with the Dunedin City Council. Prior to this I worked for the Ministry of Works, Valuations Department, and Department of Survey and Land Information in a variety of administrative and property management roles.

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 part of the team involved in the development of Variation 2 and was recently the Senior Planner for the first Variation 2 (Provisions) Hearing.

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1.0 Introduction

1. This report is prepared under the provisions of section 42A of the Resource Management Act 1991 (RMA) in response to evidence and presentations made by submitters at the second hearing (Intensification) on Variation 2.
2. This report is prepared to assist the Panel in making decisions and includes comment on questions the Panel raised at the hearing. It addresses the main areas of discussion at the hearing by topic.

2.0 IN07 – 133-137 Kaikorai Valley Road

3. Mr Ross Brown, and Mr Kurt Bowen on behalf of Ross Brown and Karen Knudson, attended the hearing to speak to their submission. Mr Brown provided some indicative plans showing the potential layout of the intended development. The plans show approximately 25 sites with access off Northview Crescent, a large site intended for Mr Brown and Ms Knudson's house on the eastern part of the site, and then intensive Unit Title type development on the land closest to Kaikorai Valley Road and with access to Kaikorai Valley Road.
4. The site is subject to several resource consent applications that would provide for less residential units than would be permitted in accordance with the current General Residential 1 density performance standard. Mr Brown explained that the request for General Residential 2 zoning was to provide future flexibility for housing development should it be needed for Dunedin.
5. The Variation 2 proposal for this land includes:
 - Application of a 'new development mapped area';
 - Application of a 'structure plan mapped area' to require a comprehensive geotechnical intensification report; and
 - Application of a 'stormwater constraint mapped area'.
6. Rule 9.6.2.Y, which is a bespoke rule that was proposed to apply to this site along with 2 other sites, would require a communal wastewater system to be constructed and vested in Council. Mr Brown considered this to be unreasonable given that the land is already zoned to provide for the scale of their proposed residential development.
7. I accept the argument of the submitter since this site already has deemed operative residential zoning under the 2GP it would be inappropriate to require a communal wastewater system if the site was developed to that density.
8. I consider that the better approach would be to retain the proposed General Residential 2 zoning, retain the proposed structure plan mapped area, stormwater management mapped area, and new development mapped area but remove the Kaikorai Valley Road (Change IN07) site from Rule 9.6.2.Y (Assessment of restricted discretionary activities), and apply a wastewater constraint mapped area to the land instead. This will have the effect of:
 - Enabling the current proposed development (which conforms to the GR1 zoning density) without requiring any additional wastewater infrastructure;
 - Restricting impermeable surfaces site coverage to the General Residential 1 limit (70%) prior to resolution of local stormwater issues; and

- Restricting additional development to a density similar to General Residential 1 until local wastewater infrastructure issues are resolved and the wastewater constraint mapped area is removed through a later plan change process.

Y.	<u>In the following new development mapped areas, all subdivision activities, multi-unit development and supported living facilities: {Change F3-2}</u> • <u>Kaikorai Valley Road {Change #N07}</u> • <u>Selwyn Street {Change RTZ2}</u> • <u>Wattie Fox Lane {Change RTZ1}</u>	<u>a. Effectiveness and efficiency of wastewater management and effects of wastewater from future development</u>	<u>Relevant objectives and policies (in addition to those outlined in 9.6.2.2 and 9.6.2.X above):</u> i. <u>Objective 9.2.1.</u> ii. <u>Require subdivision, multi-unit development or supported living facilities in specified new development mapped areas to provide or connect to a communal wastewater detention system that ensures that all wastewater from the future development of the entire new development mapped area does not exceed the capacity of the wastewater public infrastructure network (Policy 9.2.1.BB). {Change F3-2}</u> <u>General assessment guidance:</u> iii. <u>The identified new development mapped areas are serviced for wastewater but new connections to the network will not be allowed (and consequently any multi-unit development, supported living facility or subdivision that will lead to development that will require a connection will likely be declined) until capacity constraints are resolved or a communal on-site wastewater detention system that is designed for and associated with subdivision and/or development of 50 or more residential units is integrated into the public network and vested in the DCC. After installation of the system, all activities that create wastewater will be required to connect to the system until it is no longer required.</u> iv. <u>In assessing the appropriateness of a proposed communal on-site wastewater detention system, Council will consider the proposed wastewater management plan submitted with the application (see Special Information Requirement - Rule 9.9.Y). {Change F3-2}</u> <u>Conditions that may be imposed:</u> v. <u>A requirement for the communal on-site wastewater detention system to be installed prior to certification of the survey plan pursuant to section 223 of the RMA.</u>
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			vi. <u>A requirement for the communal on-site wastewater detention system to be vested in the DCC, along with a site containing it which is of a minimum 500m² in area and suitable for residential development.</u> vii. <u>A requirement for necessary easements and a fixed maintenance or defect period agreement to be in place prior to vesting the communal on-site wastewater detention system and associated land. {Change F3-2}</u>
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3.0 Stormwater Management – Private Land: Open Watercourses

9. Miss Elizabeth Prior attended the hearing and presented a handout which she read regarding issues with stormwater management on her land and land near her property at 1 Napier Street, Belleknowes. This included concerns regarding gravelled areas used for parking or manoeuvring of vehicles creating stormwater run-off and being considered as permeable surfaces.
10. There are known issues with stormwater and open watercourses on private land. Council has a Watercourse Programme to assist landowners, but I consider that the 2GP could also assist in mitigating the effects of intensification.
11. In conjunction with the Landscape Mapped Area recommendations to follow, I recommend the following amendments to the 2GP as follows:
 - a. The site coverage for maximum impermeable surfaces in the new General Residential 2 Zones (which will be identified via a Variation 2 mapped area) be retained at 70% (rather than the proposed 80%); and
 - b. Stormwater open watercourses be provided with some protection from most development activities e.g. new buildings and structures, additions and alterations and earthworks – large scale. Recommended amendments to the 2GP include:
 - i. Amend the definition of impermeable surface to include examples, using the Auckland Plan definition for suggested content
 - ii. New definition for stormwater open watercourse,
 - iii. A new Section 9 policy to protect stormwater open watercourses from nearby development,
 - iv. Amendment of Rule 10.3.3 to include a setback from the Stormwater Open Watercourses mapped area,
 - v. Amendment of Rule 15.6.10.b & X to refer to the Variation 2 mapped area instead of the stormwater constraint mapped area and consequential amendments; and
 - vi. Addition of a Stormwater Open Watercourses mapped area to the 2GP Planning Map. **N.B.** The stormwater open watercourse mapped area would only be for open watercourses within the Variation 2 mapped area which is Intensification Areas IN01-IN06, IN07-IN11 and IN13.

Impermeable Surface

A surface through which water cannot pass and that sheds water.

Examples are:

- paved areas including driveways and sealed/compacted metal parking areas
- sealed and compacted metal roads; and
- layers engineered to be impervious such as compacted clay.

Stormwater Open Watercourse

A natural or artificial open channel where stormwater collects and flows and is part of the stormwater network. It may be privately or publicly owned.

Objective 9.2.1

Land use, development and subdivision activities maintain or enhance the efficiency and affordability of public water supply, wastewater and stormwater infrastructure.

New Policy 9.2.1.4B

Only allow development activities adjacent to stormwater open watercourses where it will not compromise the current or planned capacity of the stormwater infrastructure.

Rule 9.5.3 Assessment of performance standard contraventions

<u>BB.</u>	<u>Setback from stormwater open watercourse mapped area (Rule 10.3.3)</u>	a. <u>Effects on the efficiency and affordability of infrastructure</u>	<u>Relevant objectives and policies:</u> <u>Objective 9.2.1</u> <u>Development adjacent to a stormwater open watercourses mapped area will not compromise the current or planned capacity of stormwater infrastructure (Policy 9.2.1.4B).</u> <u>General assessment guidance:</u> <u>In determining whether Policy 9.2.1.4B is achieved, Council will consider the cumulative effects of the proposed development together with existing</u>
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			<u>development and permitted development that is likely to arise in the future.</u>
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10.3.3 Setback from Coast and Water Bodies

In all zones, other than the Harbourside Edge Zone, St Clair Neighbourhood Destination Centre, Dunedin Hospital Zone, Dunedin International Airport Zone, Mercy Hospital Zone, Moana Pool Zone, Otago Museum Zone, Port Zone and Wakari Hospital Zone, new buildings and structures, additions and alterations, earthworks - large scale, storage and use of hazardous substances, and network utility activities must be set back a minimum of:

1. 20m from mean high water springs (MHWS); ~~and~~
2. 20m from any wetland identified in Appendix A1.2, Schedule of Areas of Significant Biodiversity Value (ASBV);
3. 20m from any water body with a clearly defined bed of at least 3m in width in the rural zones;
4. 5m from any water body with a clearly defined bed less than 3m in width in the rural zones; ~~and~~
5. 5m from any water body with a clearly defined bed in all other zones; and
- X. 5m from a stormwater open watercourse mapped area;
6. Except, the following are exempt from this standard: ...

15.6.10 Maximum Building Site Coverage and Impermeable Surfaces

1. Development activities must not exceed the following maximum building site coverage limits:

Zone		i. Maximum building site coverage: buildings and structures with a footprint greater than 10m ² (% of site)	ii. Maximum building site coverage: buildings and structures and any impermeable surfaces (% of site)
a.	General Residential 1 Zone	40%	70%
b.	General Residential 2 Zone not within the Variation 2 mapped area {Change F2-7}	50%	80%
X.	General Residential 2 Zone within the Variation 2 mapped area	50%	70% {Change F2-7}

c.	Inner City Residential Zone	60%	80%
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4.0 Landscape Mapped Area (Section 4.1.3, s42A Report)

12. Professor Yolanda van Heezik spoke to her submission with regard to concerns about the loss of biodiversity as a result of residential intensification, particularly in proximity to the Town Belt. Professor van Heezik cited a number of studies and statistics on urban forestry, loss of permeable areas and social research focussed on the benefits of natural areas.
13. Professor van Heezik supports the retention of areas for native trees and plants, but also supports the provision of non-natives which benefit native birds.
14. I consider that the proposed landscaping performance standard does not go far enough to mitigate the effects of residential intensification, accordingly I recommend the following revised recommendations:
 - a. That the minimum height for a new tree be 2m at the time of planting; and
 - b. That the maximum impermeable surface area be reduced from 80% to 70% in the GR2 intensification areas.
15. While I acknowledge that non-native trees could benefit native birds, the ability to produce a definitive list of non-native trees that may be a food source for native birds is problematic. Certain fruit trees are also considered to be weeds, and fruit trees may generally be interpreted as those that provide food for humans. I have recommended a minor change to Rule 15.10.4.b.vi to explicitly enable consideration of non-native trees which provide a food source for native birds as a circumstance that may support a resource consent application.
16. The recommendation to reduce the maximum impermeable surface site coverage will assist in limiting loss of greenspace while enabling the same amount of site coverage permitted in the existing General Residential 1 zone. I note that the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill initially included a maximum impermeable surface site coverage of 60% but the Select Committee recommendation is now to delete the impervious area building standard and leave this to councils to determine as a district-wide matter. I do not consider a 60% maximum impermeable surface limit to be appropriate for the intensification areas identified for rezoning through Variation 2 as this would have the perverse effect of enabling more site coverage (70%) in the General Residential 1 Zone than in the more intensive zoning of General Residential 2. I note that a review of impermeable surfaces in urban Dunedin is underway and that DCC may revisit these limits in the future.
17. There is also the issue of in-fill development where the new development is at the back of the original site. To respond to this common form of in-fill, I consider that compliance with the minimum landscaping will need to be achieved through the subdivision process as there will not necessarily be any development of the site fronting the road. I therefore recommend an amendment to Rule 15.11.5 (Assessment of restricted discretionary activities in a mapped area) to require consideration of the minimum landscaping requirements proposed through Rule 15.6.10.Y.

Amend 15.6.10 Maximum Building Site Coverage and Impermeable Surfaces

15.6.10.Y (between subclauses 1 and 2)

Y. Any new development in the Variation 2 Mapped Area¹* which will result in a new residential building with one or more new residential units must provide 20% of the site area or 30m² (whichever is the

¹ As the Minimum Landscaping Mapped Area proposed in the Section 32 Report covers the same extent as the Variation 2 mapped area (Changes IN01-IN06, IN07-IN11 and IN13) I have renamed the mapped area to the Variation 2 Mapped Area. The

greater) as minimum landscaping that is to be located and landscaped in a way that meets the following requirements:

- a. every site (or comprehensive multi-unit development proposed for fee simple subdivision) larger than 250m² must include a minimum of 1 tree per 250m² of site area from the Appendix 10A.3 Important Native Tree List or the DCC Native Planting Guide – Dunedin Hillslopes Forest Species List (DCC, 2021). The required tree/s must be:
 - i. at least 2m high at the time of planting and capable of growing to a minimum of 3m high; and
 - ii. set back a minimum of 2.5m from all boundaries;
- b. where the site adjoins a road, at least 50% of the land within the road boundary setback must be planted with trees, shrubs or groundcover species that are native to New Zealand (it may not be managed as lawn), except in the case of sites with existing driveways, buildings or impermeable surfaces within the road boundary setback that were lawfully established prior to {Date of decision}, 75% of the remaining area of permeable surface may be planted in accordance with this rule as an alternative; and
- c. all trees and landscaping required by this rule must be maintained and if dead, diseased or damaged, must be replaced.
- d. for the sake of clarity:
 - i. The area required to meet this clause will not count towards the maximum area of impermeable surfaces in Rule 15.6.10.1; and.
 - ii. Existing native plants that meet the requirements of this rule will be counted towards meeting the rule (mature native trees that are retained on site do not need to meet the setback for boundaries).

15.10.6.4 Assessment of restricted discretionary performance standard contraventions in an overlay zone, mapped area, heritage precinct or affecting a scheduled heritage item

Activity		Matters of discretion	Guidance on the assessment of resource consents
Y.	In the Variation 2 mapped area: Maximum building site coverage and impermeable surfaces	<u>a. Effects on neighbourhood residential character and amenity</u>	Relevant objectives and policies i. Objective 15.2.4 ii. Development maintains or enhances streetscape amenity by ensuring there are adequate green space areas free from buildings or hard surfacing (Policy 15.2.4.1.b) <u>General assessment guidance</u> <u>iii. For trees that are within the required boundary setback, Council will consider whether there will likely be adequate space for the canopy to grow and whether any part of the canopy that extends beyond the boundary will likely create a</u>

Variation 2 Mapped Area is currently proposed to also limit the extent of the application of heritage demolition, solid waste, and stormwater open watercourses rules. Any Residential Transition Zones or greenfield areas which are rezoned to General Residential 2 as a result of decisions on the Greenfields Rezoning hearing (yet to be scheduled for mid-2022) may also be added to the Variation 2 Mapped Area.

			<u>nuisance or require cutting back in a way which could damage the health of the tree.</u> <u>iv. For proposals which seek to use different plant species than required by the rule, Council will consider the relative contribution of the proposed planting to amenity and character and its support for native animal species.</u>
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15.11.5 Assessment of restricted discretionary activities in an overlay zone, mapped area, heritage precinct or affecting a scheduled heritage item

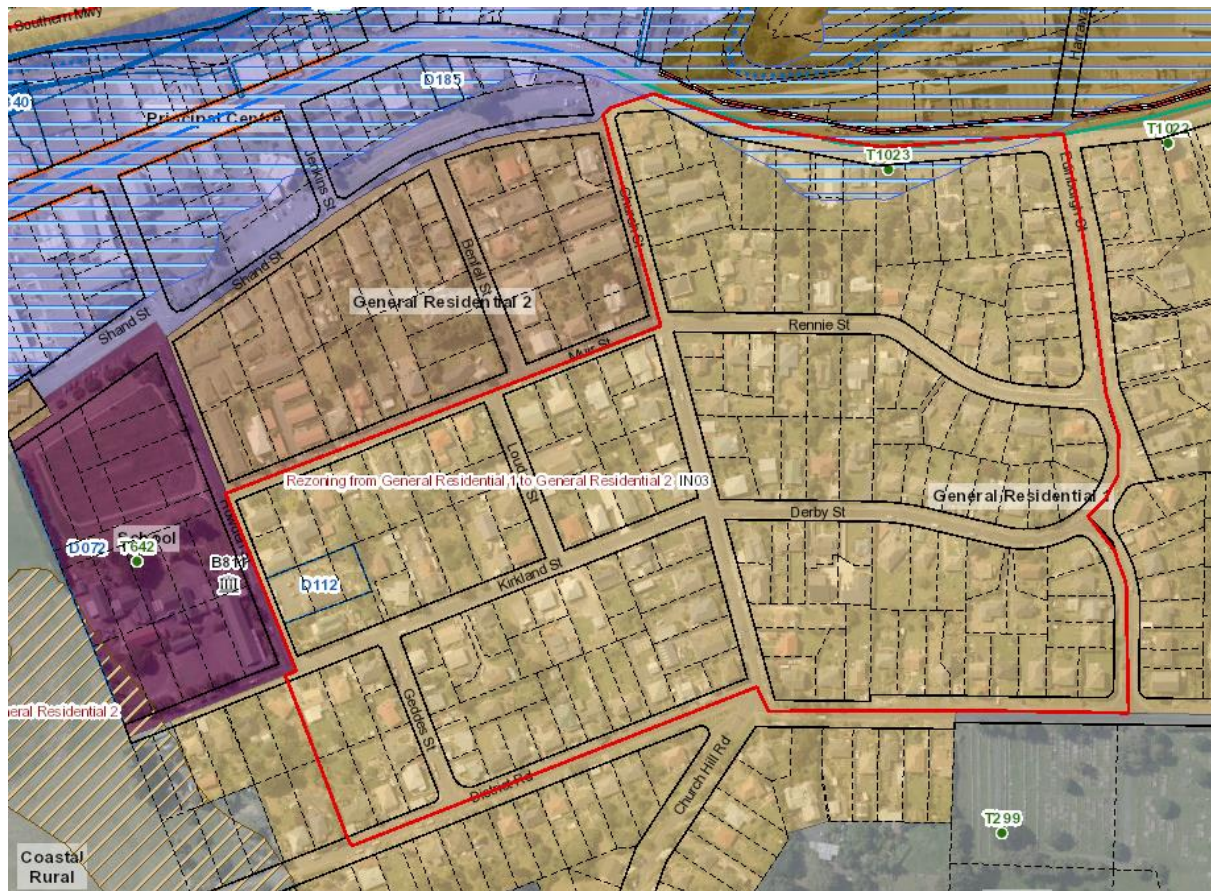
<u>Activity</u>		<u>Matters of discretion</u>	<u>Guidance on the assessment of resource consents</u>
AA.	In the Variation 2 mapped area: All subdivision activities	<u>a. Effects on neighbourhood residential character and amenity</u>	Relevant objectives and policies i. <u>Objective 15.2.4</u> ii. <u>Development maintains or enhances streetscape amenity by ensuring there are adequate green space areas free from buildings or hard surfacing (Policy 15.2.4.1.b)</u> <u>General assessment guidance</u> iii. <u>For trees that are within the required boundary setback, Council will consider whether there will likely be adequate space for the canopy to grow and whether any part of the canopy that extends beyond the boundary will likely create a nuisance or require cutting back in a way which could damage the health of the tree.</u> iv. <u>For proposals which seek to use different plant species than required by the rule, Council will consider the relative contribution of the proposed planting to amenity and character and its support for native animal species.</u>

5.0 Green Island - IN03 (Section 4.2.1, s42A Report)

18. At the hearing I recommended rejecting Change IN03 because I consider that the risk associated with privately owned stormwater pipes, and uncertainty about the capacity of the stormwater infrastructure

coupled with the land instability hazard risk make this area unsuitable for residential intensification at this time. I also consider that intensification could also lead to more earthworks which could exacerbate the hazard risk.

19. I was asked for other options to address hazard risk for example reducing the size of the rezoned areas or other mechanisms that might be used to manage risk. I note that a stormwater constraint mapped area is already proposed for this area which will have the effect of limiting new development to a similar density to the existing General Residential 1 Zone (1 habitable room per 100m² of site area) until such time as stormwater capacity issues in the network are resolved. With regard to land instability, the natural hazards advice to date has identified the area generally as being at risk from land instability without detailing the specific extent of the land instability area that should be managed through the 2GP. I would prefer to commission a more detailed geotechnical report, and if the findings support it, include the relevant areas in the 2GP as a Hazard 2 (land instability) overlay zone and manage development in a consistent manner with other areas of the City where there are known areas of land instability. If the Panel were of a mind to pursue this approach, then I would recommend that the rezoning decision on this area be deferred until the final Variation 2 decision after the Greenfield Rezoning hearing.
20. The Panel were also interested in the take-up of residential development in the adjoining GR2 zone bounded by Shand, Muir, Howden and Church Streets. Initial investigations indicate that no substantial residential development has taken place in this area since decisions on the 2GP were released on 7 November 2018. A number of substantive appeals were made against Variation 2 (Parata – resolved 12 December 2019, Smaill (Density – resolved 17 December 2020) with the last substantive appeal being resolved in late 2020, therefore there has only been approximately one year for landowners to utilise the revised 2GP rules. Mr Stocker advised that no development has taken place in this area in the last 2 years and in his response to hearings panel questions has advised that the rezoning of IN03 (Green Island) would result in plan-enabled capacity for 484 additional dwellings, of this 91 would be feasible to develop, and 23 would be feasible and reasonably expected to develop within a medium-term (10 year) period.



6.0 Additional Capacity Assessment IN09 Maori Hill (Section 4.2.10 Section 42A Report)

21. Please refer to Mr Nathan Stocker's response to hearing panel questions dated 9 December 2021.

7.0 Other Recommendations Made in the Section 42A Report

22. I retain the recommendations I made in the Section 42A Report, except where indicated otherwise in this reply. I note that several of the recommendations, if adopted, will require additional drafting development, and / or checking for consequential changes.