

VARIATION 2 – HEARING 3

Preliminary Questions from the Hearing Panel for Reporting Officer

As foreshadowed in the e-mail from the Governance Support Officer (Ms Lapham) on 2 September 2021, the Hearing Panel members have a number of questions for the Reporting Officer.

We would appreciate as many of these questions as possible being answered by the Reporting Officer prior to the commencement of Hearing 3, however for some of the questions we appreciate a verbal explanation at the hearing may be more appropriate.

Please note these are initial questions and the Panel members may have further questions at the hearing.

S42A Report reference	Question
4.1.2 Submissions on all 3 waters provisions/NDMA Recommended amendments, p18	Q: Please clarify these two statements, i.e. is there a conflict between these two paragraphs. The first one indicates the DC's will generally fund the upgrades, but the second para indicates it will be done by negotiation. <i>"Network infrastructure growth costs will <u>generally be funded through development contribution charges</u> as set out in the DCC's Development Contributions Policy (10-year Plan 2021-2031), which details the charges on a per equivalent household unit by area of benefit basis".</i> <i>Where the results of an Integrated Transportation Assessment required by Rule XXX, a stormwater or wastewater management plan, or an assessment of water supply requirements demonstrate the need for either: a. Infrastructure upgrades outside of the site, or b. Infrastructure built to a higher specification because of the need to provide for new growth areas or improve level of service for existing areas. <u>The responsibility and funding for these upgrades will be negotiated between all landowners and the DCC.</u> Where necessary, the DCC will appoint an independent facilitator or mediator to assist in these negotiations.</i>
4.1.2	Q: For DCC 3 Waters experts: Has DCC committed more resources/budget to 3 waters infrastructure in order to facilitate increased housing supply as part of Variation 2, or is there a presumption it is 'business as usual' and developers will be required to fund all new development outside 'normal' (non-Variation 2) planned growth?
4.2.1 Change F1-2	For DCC 3 Waters experts: Q: What systems are in place to review/update the Wastewater Serviced Area, i.e. is it likely to change/extend in area in the next 3 years? Q: For Policy 9.2.1.1 as notified: Only allow land use or subdivision activities that may result in land use or development activities outside the wastewater serviced area, where: b. it will not lead to future pressure for <u>unplanned expansion</u> of wastewater public infrastructure; or X. an <u>unplanned extension</u>

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	(and any necessary upgrade) to the public wastewater network to provide for the activities can be implemented prior to development with agreement from the DCC. Q: Are there any new zoned areas under Variation 2 which might be outside the Wastewater Serviced Area, and if so can they correctly be considered an 'unplanned expansion'? Q: For Policy 9.2.1.1A, "an unplanned upgrade to the public wastewater network that addresses any capacity constraints can be implemented prior to development with agreement from the DCC". Does this mean DCC will be open (in some situations) to upgrading the network ahead of normal planned upgrades? <i>Q: DCC would not unreasonably withhold agreement regarding alternative arrangements for developing required infrastructure, but it is noted that the DCC and developer may differ in their view of what is reasonable or not.</i> What would be some examples of situations/criteria where DCC would withhold agreement regarding alternative arrangements for developing infrastructure? <i>Q: "I note that the proposed policies would not only apply to land use and subdivision of a kind that is anticipated within the applicable zone, but would also apply to non-complying activities, ..."</i> How so? Policy 9.2.1.1A (b) has flexibility for controlled and restricted discretionary activities, but clauses a and c seem quite onerous otherwise.
4.2.2 Change F2-6	Q: Why is Policy 2.7.1.2.d currently not implemented in the 2GP? Q: Can you please review the 'Clawback' rules in the Central Otago District Plan (Rules 15.6.2(2) and 15.6.2(3)) and explain how those rules or similar would not assist to achieve Objective 9.2.1 in Variation 2 (which relates to affordability of water supply, wastewater and stormwater infrastructure)?
4.3.2 Change F2-2 Page 46 Page 48	Q: <i>"The proposed NDMA areas where these provisions will apply are large greenfield areas where an integrated approach to stormwater management prior to development is more appropriate than setting requirements for individual development lots after subdivision;..."</i> Are the large greenfield areas each generally owned by one or two landowners or are they in multiple ownership. If the latter will this not still lead to difficulties in following an integrated approach? Q: Policy 9.2.1.X

S42A Report reference	Question
Page 52	<i>"I also note that Policy 9.2.1.X is <u>setting up a performance standard for development in an NDMA</u>, to be included in the service connections performance standard (see below). This is effectively requiring a subdivision and a stormwater management plan for the NDMA to be applied for and assessed prior to development occurring. "</i> How so? The Policy simply requires a connection, it does not mention stormwater management plans being required. Q: In your recommended amendments the word "communal" is to be deleted please explain the reason for this?
4.3.4 Change F-Alt3 Page 63	Q: Why cannot a performance standard be developed as part of Variation 2 for a small number of lots, and if the answer is it needs to sit outside the Plan as per other Districts, why could a guidance note not be include here based on those other District Plans (as has been recommended with respect to Rule 9.9.X? Q: In the absence of a performance standard is it envisaged applications for on-site stormwater retention will be able to still be consented in some instances?
4.3.5 Stormwater Management Plans Page 69	Q: <i>"I note that DCC 3 Waters may be able to assist with situations where agreement is yet to be reached between landowners to support a good outcome. Where agreement cannot be reached, this will need to be considered through the consenting process."</i> What form will such assistance entail? Mediation? Q: Please advise which of the recommended amendments are as a result of mediation of appeals on the 2GP provisions, and whether the Panel is bound to accept those?
4.3.6 Change F2-5 Page 76	Q: Is the impermeable surfaces rule in the 2GP designed mainly to reduce run-off or does it also have a residential amenity purpose?
4.4.2 Wastewater In greenfield areas	Q: Please recap on the main reasons you gave in Hearing 2 as to why you recommend Kaikorai Valley Road (IN07) should be a Wastewater Constraint mapped area, and provide any update on any discussion that may have been since held with the landowner regarding that.
4.5.2 Change F1-1	Q: The request to include "alternative servicing arrangements" may seem superfluous but does this not at least signal to the decision maker that alternative arrangements may be contemplated? That is, in the absence of these words is a decision maker more likely to reject alternative arrangements?
4.5.3 Change F1-3	Has the Panel considered the scope issue previously?

S42A Report reference	Question
4.6.1 NDMA mapping on existing Residential Zoned land Page 115	Q: Please (briefly) explain how RTZ works and how it relates (if at all) to NDMA's.
4.6.2 NDMA's – IN-07 Page 117	Q: As per question above – are there any updates on the recommendations for the Kaikorai Valley Rd property? In particular has the resource consent application been granted and if so will that achieve the good urban design outcomes that would be inherent in an NDMA area?