

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> <i>A: (Paul Freeland) These two statements differentiate between the approach for planned expenditure and unplanned expenditure.</i> <i>The first general statement to do with ‘network infrastructure growth costs’ is to do with the broad programme of upgrades that have been identified in the 10 year plan to cater for growth across the different network catchments. The programme of upgrades caters for growth anticipated through intensification as well as new urban growth areas that were known at the time of planning and budgeting for the 10 year plan. Growth areas that were not known at that time (for example areas added through plan decisions or appeals) in many cases will not have all network upgrades planned or budgeted. The more detailed level of transportation and 3 waters assessment that occurs at the time of subdivision may also reveal the need for upgrades that haven't previously been identified and budgeted for (or included in development contributions).</i>

S42A Report reference	Question
	<i>Where new upgrades (that are not identified in the 10 year plan) are identified, funding allocation is determined by looking at the beneficiaries of the infrastructure upgrade. In the case of an upgrade to network infrastructure that is triggered or driven by a new growth area, the growth area will receive a benefit from the upgrade higher than the average because the upgrade may not otherwise have been required and the upgrade allows for the growth area to proceed where it might otherwise have not been able to. However, it may be determined that the upgrade also has a broader public benefit so cost sharing is appropriate. The principle is that costs should be shared based on relative benefit.</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? <i>A: (Jared Oliver and Jacinda Baker) In the previous 2018-28 10-Year Plan, 3 Waters committed \$16.8 million to growth related infrastructure. This has been significantly increased in the current 2021-31 10-Year Plan with the inclusion of growth projects needed to support the 2GP and Variation 2. Over \$77 million has been budgeted in the 10-year plan 2021-2031, to plan and provide for the 3 Waters infrastructure required to support growth. The majority of this is recouped through development contributions.</i> <i>For all 3 waters, the types of projects that this funding covers include:</i> <i>• Extensions to existing networks to connect to new growth areas</i> <i>• Upgrades to areas within existing networks to provide capacity for new growth</i> <i>• Where 3 Waters infrastructure is being renewed, allowing for increased capacity for growth as well as renewal</i> <i>• Where new 3 Waters infrastructure is being created due to other drivers, allowing for increased capacity for growth as well as the other drivers</i> <i>Staff resources have been increased by one FTE to assist in planning 3 Waters infrastructure for growth and while this is helpful it is still considered to be a constraint and risk to delivering necessary 3 Waters infrastructure.</i>
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? <i>A: (Emily McEwan) I firstly note that a definition of 'Wastewater Serviced Area' is proposed to be included as part of Change F3-1. The proposed definition is:</i> <i>"Any area within the residential, commercial and mixed use, industrial or major facilities zones, except:</i> <i>• ...[list of various major facilities zones]; or</i> <i>• where a no DCC reticulated wastewater mapped area applies."</i>

S42A Report reference	Question
	<i>The wastewater serviced area can only change or extend via a plan change process which proposes relevant rezoning or amends the no DCC reticulated wastewater mapped area. Minor improvement plan changes or variations are programmed every 2 to 3 years. It is unlikely that there will be any substantial changes to the Wastewater Serviced Area in the next 3 years (other than changes being made through Variation 2 or through appeal resolution).</i> 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 unplanned expansion of wastewater public infrastructure; or X. an unplanned extension (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'? <i>A: (Emily McEwan) Areas proposed for rezoning under Variation 2 that include the application of the no DCC reticulated wastewater mapped area will be outside the wastewater serviced area if rezoning is approved. For example, GF01 at Scroggs Hill Road, GF09 at Halfway Bush, and GF12 at Signal Hill. These areas are proposed for rezoning to Large Lot Residential 1 Zone where it is anticipated that wastewater will be disposed of on-site. This aligns with proposed Policy 9.2.1.1 because it is considered that subdivision in accordance with the zone rules will not lead to pressure for unplanned expansion of wastewater public infrastructure.</i> <i>Other greenfield areas proposed for rezoning through Variation 2 are generally being rezoned to General Residential 1 Zone. This zone is automatically considered to be wastewater serviced in accordance with the proposed definition of 'Wastewater Serviced Area'. I note that there are three rezoning areas where NDMA provisions are proposed to require on-site wastewater detention (with one since recommended for removal at IN07). However, these rezoning sites would still connect to wastewater public infrastructure and fall within the definition of 'Wastewater Serviced Area'.</i> <i>I note that policies like Policy 9.2.1.1 (referred to in the question above) are written to provide a framework for the assessment of resource consents. Policy 9.2.1.1 would be used to assess non-complying activities in unreticulated wastewater areas (e.g., subdivision which contravenes the minimum site size) to ensure that they can still be self-serviced on site and would not lead to pressure to extend public infrastructure.</i> 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

S42A Report reference	Question
	(in some situations) to upgrading the network ahead of normal planned upgrades? <i>A: (Emily McEwan) Yes, the policy wording provides flexibility for DCC to consider this. The expectation would be that an agreement would need to be reached between the DCC and the developer on the design, construction, and cost-apportionment of the network upgrade. DCC may decide not to agree to an unplanned upgrade if it considers it inappropriate for any reason.</i> <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>A: (Jared Oliver and Jacinda Baker) Examples where DCC might withhold agreement are where agreement would result in:</i> <i>• More than minor adverse effects on the environment or other customers (e.g., increased wastewater overflows, reduction in customer levels of service)</i> <i>• Where the increase in DCC operations staff time to operate and maintain infrastructure cannot be resourced</i> <i>• Where the overall benefit to the community (an important part of which is contribution to housing supply e.g. yield) is relatively low compared to the cost to DCC to facilitate or resource the alternative arrangement and to operate and maintain it long term</i> <i>• Proposed infrastructure not meeting DCC standards or requirements</i> <i>• Proposed infrastructure negatively impacting on infrastructure upgrades already in progress or programmed by 3 Waters in terms of time, cost, or outcomes</i> <i>• An inequitable cost burden on DCC for implementation of the infrastructure</i> <i>• Proposed infrastructure moves a constraint to another area rather than removing the constraint</i> <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. <i>A: (Emily McEwan) As stated above in answer to another question, I note that policies (other than strategic directions) are written to provide a framework for the assessment of resource consents. Policy 9.2.1.1A would apply to the assessment of non-complying activities, not just controlled or restricted discretionary activities.</i>

S42A Report reference	Question
	<i>The statement quoted above in the question was given in partial response to the duplicate submissions from Paterson Pitts Group. These submissions sought that the policies (9.2.1.1 and 9.2.1.1A) be removed or amended, as they consider that it is Council's responsibility to provide adequate wastewater infrastructure prior to development occurring (for activities provided for in the Plan). However, as these policies would be applied to the assessment of non-complying activities, the provisions cannot simply be deleted.</i> <i>I agree that the policy test could be difficult to achieve for non-complying activities, but I consider this to be appropriate in terms of achieving Objective 9.2.1.</i>
4.2.2 Change F2-6	Q: Why is Policy 2.7.1.2.d currently not implemented in the 2GP? <i>A: (Emily McEwan) I note that this policy clause refers to the use of assessment rules that require consideration of additional public infrastructure capacity to provide for future urban development on adjoining or nearby sites.</i> <i>At the time the 2GP was drafted, the expectation was that these assessment rules would be included in structure plan provisions for urban growth areas (see Policy 2.7.1.2.a). Consequently, the policies in Section 9 are primarily written with a focus on existing urban areas and infill development. However, through the 2GP process there was significant pressure from submitters to include growth areas without structure plans or detailed upfront infrastructure planning and associated plan provisions, and instead rely on the subdivision process to address these matters.</i> <i>Variation 2 seeks to address the shift in approach by adding assessment rules for growth areas in Section 9 through the NDMA provisions. These changes will help to ensure that Policy 2.7.1.2.d is implemented in growth area situations where structure plans are not used.</i> 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)? <i>A: (Emily McEwan) Section 15 of the CODC District Plan regards Financial Contributions set in accordance with the Second Schedule and section 108 of the RMA. I note that this is a first-generation district plan.</i> <i>To answer the question, I sought background information from DCC's development contributions advisors, Rationale Ltd (Edward Guy and Tom Lucas). They stated that, to their understanding, the above provisions have not been used by CODC. They also advised that financial contributions have not been DCC's preferred method of funding infrastructure to date. This is primarily because cost recovery has occurred through development contributions and private development agreements (under the Local Government Act 2002). I also note that the ability to impose financial contributions after April 2022 was removed from the RMA for a time (between 1 October 2017 and 30 June 2020).</i>

S42A Report reference	Question
	<i>Importantly, no submitters have specifically sought that financial contributions be added to the Plan or proposed any such provisions for the DCC to evaluate.</i>
4.3.2 Change F2-2 Page 46	<i>Q: “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? <i>A: (Emily McEwan) Numbers of owners within each proposed NDMA are given in the table below.</i> <i>Ideally, prior to rezoning large greenfield areas, comprehensive development plans would be prepared, and stormwater management plans completed, so provisions could be included in structure plan provisions. This would enable all landowners to reach agreement ahead of the zoning being confirmed through the plan change process. For pre-2GP Mosgiel rezoning areas, it is my understanding that DCC and landowners spent about a year reaching agreements on structure plans and site-specific development contribution funding regimes.</i> <i>My understanding is that there was strong resistance to this approach by landowners through the 2GP process. The reason for this resistance appears to be that preparing detailed development and stormwater management plans is costly and it is perceived as risky to undertake this work when rezoning has not been confirmed. In general, I understand that the argument presented to DCC was to allow rezoning and deal with the details of a development through the subdivision process.</i> <i>In my opinion, and based on evidence from DCC 3 Waters, to achieve good outcomes, stormwater management must still be done in an integrated way whether this is done upfront through the rezoning process or done at the time of subdivision.</i> <i>I accept that working with multiple landowners to agree an integrated approach could be difficult if one or more landowners do not agree to participate in the process constructively or fairly, or do not agree to carry a fair share of the costs. I also accept that working through these conversations could take significant time, as has been the case in the past.</i> <i>I understand that the DCC is looking at what role it can play in facilitating discussions between landowners where necessary to achieve integrated outcomes. I also understand that DCC is looking at its role as a participant in these discussions as an infrastructure provider, and exploring the possible need</i>

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	<i>to deliver and/or part-fund some infrastructure in some instances to ensure good outcomes.</i> <table><tr><th>Change ID</th><th>Name</th><th>Property owners</th><th>Area (ha)</th></tr><tr><td>GF07</td><td>33 Emerson Street, Concord</td><td>1</td><td>3.4</td></tr><tr><td>GF05</td><td>Sunnyvale</td><td>1</td><td>11.0</td></tr><tr><td>GF04</td><td>127a Main Road Fairfield</td><td>1</td><td>2.6</td></tr><tr><td>GF08</td><td>Main South Road, Concord</td><td>1</td><td>7.4</td></tr><tr><td>GF01</td><td>155/252 Scroggs Hill Road</td><td>1</td><td>11.1</td></tr><tr><td>GF14</td><td>336 and 336A Portobello Road</td><td>1</td><td>1.2</td></tr><tr><td>GF12</td><td>233 Signal Hill Rd</td><td>1</td><td>1.7</td></tr><tr><td>NDMA07</td><td>Montague Street</td><td>1</td><td>4.1</td></tr><tr><td>NDMA09</td><td>Balmacewen Road</td><td>1</td><td>5.7</td></tr><tr><td>NDMA10</td><td>Taieri Road</td><td>1</td><td>4.6</td></tr><tr><td>NDMA15</td><td>Salisbury Road</td><td>1</td><td>1.8</td></tr><tr><td>RTZ1</td><td>30 Mercer Street</td><td>1</td><td>4.8</td></tr><tr><td>GF03</td><td>16 Hare Road</td><td>2</td><td>3.5</td></tr><tr><td>NDMA13</td><td>St Albans Street South</td><td>2</td><td>4.9</td></tr><tr><td>IN07</td><td>Kaikorai Valley Road</td><td>2</td><td>5.1</td></tr><tr><td>RTZ2</td><td>Selwyn Street</td><td>2</td><td>9.1</td></tr><tr><td>NDMA12</td><td>Isadore Road</td><td>2</td><td>48.7</td></tr><tr><td>GF06</td><td>Weir Street (Green Island)</td><td>3</td><td>5.8</td></tr><tr><td>GF02</td><td>201, 207, and 211 Gladstone Road South</td><td>3</td><td>3.2</td></tr><tr><td>GF11</td><td>Polwarth Rd & Wakari Rd</td><td>3</td><td>4.3</td></tr><tr><td>NDMA02</td><td>Emerson Street</td><td>3</td><td>13.4</td></tr><tr><td>NDMA06</td><td>Burkes Drive</td><td>3</td><td>2.9</td></tr><tr><td>NDMA08</td><td>Pine Hill Road</td><td>3</td><td>8.4</td></tr><tr><td>GF10</td><td>Honeystone Street</td><td>3</td><td>8.9</td></tr><tr><td>GF16</td><td>Area surrounding Highcliff Road (east)</td><td>4</td><td>8.2</td></tr><tr><td>NDMA03</td><td>Patmos Avenue</td><td>4</td><td>16.1</td></tr><tr><td>NDMA14</td><td>St Albans Street North</td><td>5</td><td>12.0</td></tr><tr><td>GF15</td><td>Area surrounding Highcliff Road (west)</td><td>5</td><td>6.5</td></tr><tr><td>NDMA04</td><td>Bradford</td><td>7</td><td>8.7</td></tr><tr><td>GF11</td><td>Wakari Road</td><td>9</td><td>22.9</td></tr><tr><td>NDMA05</td><td>Dalziel Road</td><td>11</td><td>11.1</td></tr></table> Q: Policy 9.2.1.X <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. <i>A: (Emily McEwan) Requirements for stormwater management plans to be lodged with an application are included in the assessment rules associated with</i>	Change ID	Name	Property owners	Area (ha)	GF07	33 Emerson Street, Concord	1	3.4	GF05	Sunnyvale	1	11.0	GF04	127a Main Road Fairfield	1	2.6	GF08	Main South Road, Concord	1	7.4	GF01	155/252 Scroggs Hill Road	1	11.1	GF14	336 and 336A Portobello Road	1	1.2	GF12	233 Signal Hill Rd	1	1.7	NDMA07	Montague Street	1	4.1	NDMA09	Balmacewen Road	1	5.7	NDMA10	Taieri Road	1	4.6	NDMA15	Salisbury Road	1	1.8	RTZ1	30 Mercer Street	1	4.8	GF03	16 Hare Road	2	3.5	NDMA13	St Albans Street South	2	4.9	IN07	Kaikorai Valley Road	2	5.1	RTZ2	Selwyn Street	2	9.1	NDMA12	Isadore Road	2	48.7	GF06	Weir Street (Green Island)	3	5.8	GF02	201, 207, and 211 Gladstone Road South	3	3.2	GF11	Polwarth Rd & Wakari Rd	3	4.3	NDMA02	Emerson Street	3	13.4	NDMA06	Burkes Drive	3	2.9	NDMA08	Pine Hill Road	3	8.4	GF10	Honeystone Street	3	8.9	GF16	Area surrounding Highcliff Road (east)	4	8.2	NDMA03	Patmos Avenue	4	16.1	NDMA14	St Albans Street North	5	12.0	GF15	Area surrounding Highcliff Road (west)	5	6.5	NDMA04	Bradford	7	8.7	GF11	Wakari Road	9	22.9	NDMA05	Dalziel Road	11	11.1
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Page 52	<i>Policy 9.2.1.X for development (Rule 9.5.3.Z(a)(iv)) and Policy 9.2.1.Y for subdivision (Rule 9.6.2.X(a)(iv)), not the policies themselves.</i> <i>It is important to note that Policy 9.2.1.X and Policy 9.2.1.Y work together. Policy 9.2.1.Y requires a stormwater management system to be installed prior to development in an NDMA as part of a subdivision proposal. Policy 9.2.1.X requires development to connect to the stormwater management system “that meets Policy 9.2.1.Y”.</i> <i>Effectively, this approach is saying that, if a subdivision (and associated assessment of a stormwater management plan in accordance with Rule 9.9.X) has not occurred prior to development, the development will require consent (by contravening Rule 9.3.7.AA which requires development to connect to a stormwater management system). This consent process would then require the assessment of a stormwater management plan in accordance with Rule 9.9.X.</i> <i>The intention is that, irrespective of whether a subdivision or a development is proposed first in an NDMA, a stormwater management plan will be assessed, and a stormwater management system installed to serve the proposal (and any wider areas of the NDMA where necessary).</i> Q: In your recommended amendments the word “communal” is to be deleted please explain the reason for this? <i>A: (Emily McEwan) The reason for this recommended deletion is because it may be that not all aspects of a stormwater management system will be communal (pg. 48 s42A Report).</i>
4.3.4 Change F2-Alt2 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)? <i>A: (Emily McEwan) It is within scope of Variation 2 to include a performance standard regarding stormwater detention for small infill subdivisions. I agree that a performance standard would give the greatest certainty to Plan Users. However, inclusion of a performance standard is not recommended at this time for several reasons:</i> <i>• It would take substantial time to collate the necessary evidence to support the setting of appropriate requirements, both in terms of understanding the sensitivity of different parts of the city to increases in stormwater volumes and the relative effectiveness of different methods. This would likely delay the issuing of decisions on Variation 2 significantly.</i> <i>• It would require a plan change every time a standard is to be adjusted in response to any implementation issues. This would be a costly</i>

S42A Report reference	Question
	<i>process, and more likely to be necessary if a standard is initially developed in a rush.</i> <i>There should be more thorough public engagement if a standard is to be included in the Plan. Including a standard through Variation 2 would provide no rights for parties other than submitters to be involved.</i> <i>In my opinion, guidance documents outside the Plan instead of a performance standard are a pragmatic way to achieve the objectives of the Plan and will provide a less onerous approach for small developments, without the disadvantages addressed above. I believe this approach would be the most appropriate, considering all the costs and benefits.</i> <i>Regarding the question of referring to guidance documents developed by other Councils, this would be inappropriate. This is because stormwater management guidance needs to be tailored to the Dunedin context due to rainfall patterns and catchment conditions differing between cities. For this reason, it is not recommended that other Councils' guidance be referred to in this instance.</i> 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? <i>A: (Emily McEwan) Yes, provided the relevant policy test can be met (Policy 9.2.1.Z). It may be that the assessment of consent applications requires further inputs until practice guidance is in place. Pre-application discussions between the applicant and Council will continue to be helpful in this regard.</i>
4.3.5 Stormwater Management Plans Page 69	Q: "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." What form will such assistance entail? Mediation? <i>A: (Emily McEwan) See answer above – my understanding is options are currently being explored and there has been no decision yet on how it will work.</i> 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? <i>A: (Emily McEwan) Clauses (1) and (3) of Rule 9.9.X have drawn on and heavily reflect the outcomes of agreements on 2GP appeals. The Panel is not bound to accept these recommended amendments. However, it should give appropriate weight to the fact that these provisions will likely exist in the plan in structure plan provisions for 2GP rezoning areas. General consistency of provisions is desirable. The Panel should also, as a matter of principle, consider the 'weight' of any shared expert opinion on the appropriateness of this recommendation. However, that evidence needs to be based on submissions and evidence</i>

S42A Report reference	Question
	<i>presented at the Variation 2 hearing, it cannot be inferred from another process.</i>
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? A: <i>(Emily McEwan) While the impermeable surfaces rule is used mainly to manage stormwater run-off/loss of ground infiltration, it is also tied to amenity objectives. The assessment rule for contravention of the Maximum Building Site Coverage and Impermeable Surfaces performance standard (Rule 15.10.4.10) includes a matter of discretion for ‘effects on neighbourhood residential character and amenity’. The policy reference is “Development maintains or enhances streetscape amenity and by ensuring there are adequate green space areas free from buildings or hard surfacing (Policy 12.2.4.1.b).”</i>
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. A <i>(Paul Freeland) The wastewater constraint mapped area (previously called the infrastructure constraint mapped area) is a method used in the Plan to hold areas of General Residential 2 zoning to a General Residential 1 density until necessary wastewater upgrades are completed (See Rule 15.5.2). The site at IN07 (which is proposed to be rezoned from GR1 to GR2) is serviced by the Kaikorai Valley wastewater network. This network has capacity constraints but is programmed for upgrade. This is an appropriate situation to apply the wastewater constraint mapped area method. If the developer then wishes to exceed the density on the site (i.e. develop to a full GR2 density before the mapped area is uplifted) it may be that a wastewater detention tank is an acceptable solution. If so, this is better to be progressed through a non-complying consent application for contravention of density standard rather than requiring a wastewater detention tank even if the developer chooses to develop at the existing GR1 zone density. This solution should address the concerns raised by the developer.</i>
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? A: <i>(Emily McEwan) Firstly, the request to provide for alternative servicing arrangements as part of the service connections performance standard is out-of-scope as the proposed change was simply to rearrange the layout of the rule, not make substantive changes.</i> <i>Secondly, if it were within scope to consider, I would still consider it unnecessary to explicitly refer to alternative arrangements in Rule 9.3.7. In my view, alternatives would be assessed as part of the contravention of the rule. The assessment is guided by Rule 9.5.3.12 and refers to existing Policy 9.2.1.3.</i>

S42A Report reference	Question
	<i>Under the status quo, this provides for consideration of on-site or multi-site services as an alternative. This approach is generally retained under the proposal for Variation 2, which amends Policy 9.2.1.3 under Change F1-3.</i>
4.5.3 Change F1-3	Has the Panel considered the scope issue previously? <i>A: (Emily McEwan) These scope matters have not previously been considered in the Out-of-Scope reports or decision. These are residual matters to address.</i>
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. <i>A: (Emily McEwan) Residential Transition Overlay Zone (RTZ) is a type of transitional zoning. In essence, the overlay identifies a new future zone and a mechanism is included in the Plan for it to transition to that new zone without a plan change once certain criteria are met (meaning the 'old' zone rules get replaced through the transition). Therefore, they are quite different to other plan overlays (for example a landscape or hazards overlay) which provide additional or different rules within an overlay.</i> <i>The RTZ was applied to selected large greenfield areas as part of the 2GP process. These areas were generally considered suitable for residential rezoning except for there being unresolved public infrastructure constraints.</i> <i>Areas subject to RTZ have an underlying zoning of either Rural or Rural Residential. They cannot be developed at a residential scale until they are 'released' under Rule 12.3.1. As amended by Variation 2, Rule 12.3.1 requires that all or part of an RTZ can be released by the CEO or their delegate on receipt of an application demonstrating that:</i> <i>• specified 3 waters infrastructure requirements will be met, and</i> <i>• that there is an agreement between DCC and the developer regarding any necessary transportation infrastructure.</i> <i>Other requirements regarding the availability of residential capacity in Dunedin have been removed through Variation 2 without challenge.</i> <i>The NDMA's are a 'mapped area' overlay with a set of provisions that apply within these areas (like most other overlays). The NDMA provisions include more targeted guidance on the assessment of subdivision consents in large greenfield areas.</i> <i>NDMA's have been proposed over all existing RTZ areas as part of Variation 2. Therefore, when these areas transition to their new residential zoning, subdivision consents can be assessed applying the targeted NDMA provisions.</i> <i>For two existing RTZ areas where the new zoning was awaiting wastewater infrastructure upgrades (Selwyn Street (Change RTZ2) and Wattie Fox Lane (Change RTZ1)), the RTZ is proposed for removal through Variation 2. To allow the RTZ to be removed and rezoning to General Residential 2 Zone to occur, Variation 2 included an NDMA provision for these sites requiring on-site</i>

S42A Report reference	Question
	<i>wastewater detention. As such, Variation 2 has provided an alternative approach to the normal release of transition zoned land in these cases.</i> <i>As discussed in Hearing 2, this was also proposed for the Kaikorai Valley intensification area IN07. However, a recommendation was made at that hearing that it was more appropriate to use a wastewater constraint mapped area method for this site.</i>
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? <i>A: (Paul Freeland) No updates.</i>