Joint Witness Statement

In the Matter of Variation 2 to the Dunedin City District Plan

1. Ms Emily McEwan and Ms Anita Dawe met on Friday 10th December to discuss outstanding matters from the s42A report.
2. As set out in the table below, Ms McEwan and Ms Dawe agree on all matters, except Policy 2.2.5.2.
3. Ms McEwan still recommends the deletion of this policy.
4. Ms Dawe still seeks the retention of the policy for the reasons set out in the table below.

Signed

EK McEwan

Emily McEwan
10 December 2021

Anita Dawe
10 December 2021

Variation 2, Hearing 3, ORC and DCC responses to outstanding matters

Change ID	Recommendation in s42A	Submitter's Evidence	Draft Reply of Reporting Officer	ORC Response
Otago Regional Council – Ms Anita Dawe, Planning Evidence				
Change F1-6 Change F2-2 Policy 2.2.5.2	Pages 41-42 Retain deletion of Policy 2.2.5.2, particularly as effects on groundwater are managed by the ORC through its own policies and plans.	Pages 13-15 Deletion of Policy 2.2.5.2 leaves a policy vacuum regarding water quality outside NDMA. Water quality is provided for in amended Objective 2.2.2. Retaining an amended policy is consistent with Clause 3.5(4) of NPS-FM. **Policy 2.2.5.2** ~~Enable and encourage~~ Only allow **on-site stormwater and wastewater management** outside of reticulated areas, **where this would ~~not endanger~~** avoid, remedy or mitigate adverse effects (including cumulative effects) on the health and well-being of water bodies, freshwater ecosystems, and receiving environments. ~~groundwater and is not in conflict with the efficient use of existing public, wastewater and stormwater infrastructure, through rules that provide for an alternative to connecting to public water supply, wastewater and stormwater infrastructure~~.	Agree with position in principle. However, do not agree to suggested wording: • No to "Only allow" as a Strategic Direction • No to including WW as WW discharge is already managed in detail by ORC Water Plan and provisions regarding effects from on-site wastewater disposal on human health have been removed already under Change F3-4 (can be deemed operative) • pRPS LF-FW-M7 is focused on stormwater • Overlap with Policy 2.2.2.Y Recommend amendment to Policy 2.2.2.Y instead, so not limited to NDMA only: Enable and encourage ~~on-site~~ low impact design stormwater management through policies and assessment rules that require stormwater management ~~**in new development mapped areas**~~. This is then implemented through Change F2-3 (Policy 9.2.1.Z and	ORC considers C3.5(4) of the NPSFM 2020 is not given effect to by these provisions. Obligations under the NPFM apply to TA's and ORC's management of wastewater does not negate requirement for DCC to also set directions. Changes to Policy 2.2.2.Y do not address the policy vacuum re: water quality effects that ORC originally sought.

EKM

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Change ID	Recommendation in s42A	Submitter's Evidence	Draft Reply of Reporting Officer	ORC Response
			recommended changes to Rule 9.9.X for outside an NDMA). Consequential amendments to Objective 2.2.2 because the list it contains is currently restrictive.	
Change F2-3 Definition of Public Infrastructure	Pages 56-57 Remove the word "may" in terms of what the definition includes. Clarify that the definition applies to ORC managed SW drains and other infrastructure.	Pages 16-17 Agree to amendments recommended in s42A with further amendments to refer to land drainage schemes: *The public reticulated systems of pipes and associated accessory structures, and in the case of stormwater infrastructure ~~may~~ includes drains, flood management schemes, land drainage schemes and open channels owned and managed by the DCC or the Otago Regional Council, that enable the management and distribution of stormwater, wastewater or water supply. This excludes any private stormwater, wastewater or water supply systems or structures; and*	Agree to inclusion of land drainage schemes except also delete the reference to "drains" to avoid duplication: "...includes flood management schemes, land drainage schemes and open channels..."	Support and agree these changes.

Change ID	Recommendation in s42A	Submitter's Evidence	Draft Reply of Reporting Officer	ORC Response
Change F2-3 Policy 9.2.1.Z	Pages 57-58 Consequential changes as a result of amendment to definition of Public Infrastructure. Adds reference to "Otago Regional Council stormwater public infrastructure".	Pages 17- Remove reference to ORC's public infrastructure as "stormwater" public infrastructure. Two options: *For stormwater generated by the activity(or future development enabled by a subdivision) that will flow through a private, ~~Otago Regional Council,~~ or natural/informal stormwater system, or Otago Regional Council ~~stormwater~~ public infrastructure at any point, that stormwater system has the capacity to absorb the additional stormwater with no more than minor adverse effects on it or on other sites(public or private), including but not limited to, adverse effects from an increase in overland flow or ponding.* (preferred by Ms Dawe); or *For stormwater generated by the activity(or future development enabled by a subdivision) that will flow through a private, ~~Otago Regional Council,~~ or natural/informal stormwater system, or Otago Regional Council ~~stormwater~~flood protection schemes or land drainage ~~public infrastructure~~ at any point, that stormwater system has the capacity to absorb the additional stormwater with no more than minor adverse effects on it or on other sites(public or private), including but not limited to, adverse effects from an increase in overland flow or ponding.* (preferred by Dr Payan and Ms Mifflin) Any consequential changes required	Agree to ORC's first option (as preferred by Ms Dawe) for simplicity (still technically correct as relies on the definition of public infrastructure), with additional amendments for consistency: "...that will flow through a private, natural/informal stormwater system, or Otago Regional Council public infrastructure at any point, that stormwater system or public infrastructure has the capacity to..."	ORC notes and agrees.

Change F2-2 Rule 9.9.X (clause 3)	Pages 67-73 Various amendments generally consistent with stormwater management provisions recently agreed to as part of mediation on some 2GP residential rezoning appeals, except: Outcome statements are not included and have instead been added to the relevant assessment rule (Rule 9.6.2.X): Add a clause under the heading 'General assessment guidance' in assessment Rule 9.6.2.X as follows: *X. In assessing the effectiveness and efficiency of stormwater management, Council will consider any consequential effects that might arise, including, but not limited to:* *1. effects on personal safety;* *2. risks from surface water flooding ;* *3. risks from property inundation; and*	Pages 19-20 The outcome focused statement agreed to in private development agreements for 2GP appeals is missing from Rule 9.9.X.3 and should be inserted into the rule to provide important contextual information for applicants and processing planners (in a way that aligns with 2GP style): *The stormwater management plan must ensure that stormwater will be managed in a way that, both within the mapped area and the wider catchment, and for both the current climatic conditions and climate conditions based on climate change predictions:* *i. Ensures personal safety;* *ii. Minimises the risk of surface water flooding to acceptable levels;* *iii. Protects public and private property from inundation; and* *Minimises adverse effects to the environment, including aquatic ecology, from stormwater runoff.*	No further amendments in response to the evidence. The reasons for this part of the 2GP mediation PDA being included in Rule 9.6.2.X instead of Rule 9.9.X were: 1. In the 2GP, special information requirements like Rule 9.9.X do not set the outcomes being sought by the Plan, this is the role of objectives and policies; 2. The relevant objective in this case is Objective 9.2.1 which concerns the efficiency and affordability of public infrastructure (also encompassing the 'effectiveness' of the system in terms of the system's ability to meet ORC consent conditions) but not directly natural hazards or aquatic ecology; 3. Changing or broadening Objective 9.2.1 (or writing new Plan objectives or policies regarding natural hazards or ecological effects) was not considered as part of Variation 2; 4. The most relevant policy is Policy 9.2.1.Y. The special information requirement in Rule 9.9.X refers to and implements this policy; 5. Including the matters from the PDA in the assessment guidance enables them to be considered within the	ORC would consider the below to be an acceptable solution. *X. In assessing the effectiveness and efficiency of stormwater management and taking into account climate change, Council will consider any consequential effects that might arise, including, but not limited to:* *1. effects on personal safety;* *2. risks from surface water flooding ;* *3. risks from property inundation; and* *4. risks to the ability of Council to meet its consent conditions for public infrastructure,*

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	4. risks to the ability of Council to meet its consent conditions for public infrastructure, which could lead to effects on aquatic ecology.		broader gambit of the matter of discretion on "Effectiveness and efficiency of stormwater management and effects of stormwater from future development". Therefore, ensuring the content is included in the plan in a way that follows the plan architecture and style guide has already been done.	

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Change F2-3 Rule 9.9.X (clauses 2 & 4)	Page 67-73 For outside an NDMA, provide a less onerous information requirement in Rule 9.9.X supported by guidance that sits outside the Plan on acceptable solutions (that DCC 3 Waters can develop).	Page 20 Seek application of the same SWMP requirements outside an NDMA as within an NDMA as consider there is significant risk that additional development outside the identified areas could be undertaken without the same integrity for stormwater management. This could result in adverse effects, including on ORC infrastructure, flood risk and water quality. Flexibility should be built into which elements of the stormwater management plan apply, rather than the requirement for a plan.	Retain the original recommendation. I note that the special information requirement outside an NDMA does not apply 'a lesser standard' than within an NDMA. The same objective and policy must be met in all circumstances. The approach for outside an NDMA only changes the type of information and analysis that must be supplied as a minimum as part of a consent application to account for the range of circumstances in which the provisions will apply. The more detailed SWMP assessment can also be required on a case-by-case basis where DCC 3 waters consider it necessary. I would be interested in ORC providing any further details on how they see the provisions being worded (i.e. what aspects of the SWMP provisions would apply in which circumstances). Refer to the recommended wording for Rule 9.9.X (clauses 2 and 4 for outside an NDMA) on pages 69-73 to see the starting point. Also seek confirmation if ORC is no longer wanting a notification rule – see drafting on Page 73 s42A.	ORC agree to the recommended notification rule. ORC is now comfortable with the City's approved in Rule 9.9X.
Change F2-2	Pages 46, 53 Consequential changes to reflect	Page 21 Regarding the proposed general assessment guidance:	This request is linked to the request detailed two rows ago, above.	Agreed

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Rule 9.6.2.X SW assess. in NDMA	recommended amendments to policies paraphrased in the rule. New guidance in response to ORC: X. In assessing the effectiveness and efficiency of stormwater management, Council will consider any consequential effects that might arise, including, but not limited to: 1. effects on personal safety; 2. risks from surface water flooding ; 3. risks from property inundation; and 4. risks to the ability of Council to meet its consent conditions for public infrastructure, which could lead to effects on aquatic ecology.	Amend point 3 to make clear the intent: *3. Risks ~~from property inundation~~ to property from inundation* Amend point 4 to broaden the consideration: *4. Risks to the ability of Council to meet its consent conditions for public infrastructure, which could lead to effects on ~~aquatic ecology~~ freshwater quality and ecosystem health.* Add point 5 for the benefit of ORC infrastructure: *5. Risks to the integrity and function of existing public infrastructure.*	I am generally supportive of the requests made by ORC. My only hesitation is the request for the addition of point 5 (which I note is not in the 2GP appeals PDA). I consider this potentially unnecessary because this is already captured broadly in Policy 9.2.1.Y, which is referenced in the assessment rule. However, on balance, I recommend making these amendments, or amendments of like effect.	

Ekm Ewan
10/12/21

10/12/21