

Dunedin City District Plan
DISTRICT PLAN CHANGE 12
Code of Subdivision

Decision

2 November 2011

1.0 INTRODUCTION

Section 18 of the District Plan, the Subdivision section, contains objectives, policies, rules and methods to ensure the effective and practical undertaking of subdivision within Dunedin City. The subdivision and development of land has a large technical component, particularly in regard to the construction of roading and service infrastructure which becomes Council-owned on deposit of the subdivision plan.

The Code of Subdivision is not part of the District Plan. However, the code contains guidelines as to the preferred standards for any physical works associated with subdivision activity and will be considered as an assessment matter in considering consent applications. The District Plan recognises the role of the Code of Subdivision in the subdivision process, referring to the Code in Methods 18.4.1 'Code of Subdivision' and 20.4.3 'Dunedin City Council Code of Subdivision', and in Assessment Matter 18.6.1(y).

The Code of Subdivision has been replaced by the Code of Subdivision and Development which was established through a Local Government Act process. As a consequence a Plan Change is required as the Code of Subdivision is no longer relevant. Proposed Plan Change 12 will remove direct reference to the Code of Subdivision from the District Plan as an Assessment Matter 18.6.1(y), and will replace it with reference to the Code of Subdivision and Development as part of Methods 18.4.1 and 20.4.3.

One neutral submission was received on Plan Change 12 and, no further submissions were received. The submitter indicated that they did not wish to be heard which negates the requirement for a public hearing. However, a decision on the plan change is still required pursuant to Clause 10 of Schedule 1 to the Act.

2.0 HEARING

The proposed plan change investigation was authorised by the Planning and Environment Committee on 12 April 2010 and approval was given by the Committee to proceed with notification of Plan Change 12 on 30 August 2010.

Plan Change 12 was notified on 12 November 2010 and one neutral submission was received. The submitter indicated that they did not wish to be heard. Clause 8 of Schedule 1 to the Act only provides for further submissions that are in support of or in opposition to submissions made under clause 6. No further submissions were received.

Clause 8C of Schedule 1 to the Act states that:

Where submissions are made but no person indicates they wish to be heard, or the request to be heard is withdrawn, the local authority shall consider submissions along with the other relevant matters, but shall not be required to hold a hearing.

A hearing of submissions is mandatory, unless no person making a submission had indicated a wish to be heard. In essence, the lack of submitters wishing to be heard negates the need for a hearing.

Clause 10 of Schedule 1 to the Act requires the local authority to:

...give its decisions, which shall include the reasons for accepting or rejecting any submissions...

As such, the Hearings Committee was requested to consider the proposed Plan Change and issue a decision. The submitter will then have 30 working days in which to appeal the decision. Should no appeal be received, then the Council will be requested to adopt the plan change in January 2012.

3.0 BACKGROUND

3.1 Existing provisions

The Dunedin City District Plan was made fully operative on 3 July 2006. The Code of Subdivision has for 15 years provided the technical requirements for the construction and implementation of infrastructure as part of the subdivision process. The District Plan recognises the role of the Code of Subdivision in the subdivision process, referring to the Code in Methods 18.4.1 'Code of Subdivision' and 20.4.3 'Dunedin City Council Code of Subdivision', and in Assessment Matter 18.6.1(y). The Code of Subdivision has effectively been replaced by the Code of Subdivision and Development and, as a result changes to the District Plan are required to recognise this.

3.2 Section 32

The Council is required under section 32 of the Resource Management Act 1991 (the Act) to carry out an evaluation of alternatives, costs and benefits of the proposed change. This was completed and is attached as Appendix B to this report. The new Code of Subdivision and Development was approved by Council's Hearing Committee in August 2010. The Code of Subdivision and Development will continue to provide guidance to Council as to the appropriate standards for infrastructure. Removing direct regulatory reference to the Code of Subdivision from the District Plan will allow the Code of Subdivision and Development to be updated more readily, and will allow flexibility in the design of infrastructure.

3.3 Consultation

There is no legislative requirement to prepare a Code of Subdivision and Development, and therefore no specific consultation requirement. However, the general principles and requirements in the Local Government Act 2002 for consultation with people who might be affected or have an interest in the matter are relevant. People involved in designing and implementing subdivisions and developments have a close interest in the content of the Code of Subdivision and Development. A draft of the Code was circulated to a group of key users, including surveyors, consulting engineers, contractors and plumbers. A workshop with these users has provided positive feedback about the document's overall approach and content.

In respect of the proposed changes to the District Plan to reference the Code of Subdivision and Development, key stakeholders have been consulted; in particular, the New Zealand Institute of Surveyors. Other Councils have been canvassed to determine how other local authorities deal with the relationship between the District Plans and their respective codes of subdivision. Kai Tahu ki Otago Limited has been consulted. Internally, Council departments which manage Council's infrastructure were asked whether or not it was preferable to have the Code of Subdivision and Development directly given reference within the District Plan.

4.0 DECISION

Overall, the Committee's decision is that Plan Change 12 be confirmed with no amendments. The Plan Change is attached in Appendix A.

5.0 REASONS FOR THE DECISION

The standard of infrastructure or development that may become an asset of the Council is important but should be set by the Council and be flexible. Proposed Plan Change 12 seeks to remove the need for future plan changes when standards for infrastructure or development change that may become Council owned, while ensuring that developers and subdividers are aware of the standards and alternatives for meeting the standards in the new Dunedin City Code of Subdivision and Development.

One neutral submission has been made to this Plan Change, with the submitter indicating that they do not wish to be heard. No further submissions were received. Consequently, a

hearing was unnecessary. Overall, the Committee's decision is that Plan Change 12 be confirmed with no amendments.

Dunedin City Council Hearings Committee

A handwritten signature in dark ink, appearing to read 'C. Weatherall', with a large, stylized loop at the end.

Councillor Colin Weatherall (Chair)

Dated: 2 November 2011