

In the Environment Court of New Zealand
Christchurch Registry

I Te Koti Taiao o Aotearoa
Ōtautahi Rohe

ENV-2018-CHC-214

Under	the Resource Management Act 1991 (RMA)
In the matter of	appeals under clause 14(1) of the First Schedule of the RMA in relation to the proposed Second Generation Dunedin City District Plan (2GP)
Between	Parata (ENV-2018-CHC-214) Appellant
And	Dunedin City Council Respondent

Supplementary affidavit of Dr Anna Louise Johnson addressing style guide

Affirmed 22nd November 2019

Respondent's solicitors:

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**anderson
lloyd.**

I, **Dr Anna Louise Johnson** of Dunedin, City Development Manager, hereby solemnly and sincerely affirm:

- 1 I am the City Development Manager at Dunedin City Council (DCC).
- 2 I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014. This evidence has been prepared in accordance with it and I agree to comply with it. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.
- 3 I hold the qualifications of Bachelor of Science, Political Science and Environmental Studies received from the University of Oregon, Postgraduate Certification (Ecology) received from Otago University and PhD received from the Otago University (Thesis title: Public Involvement in Environmental Impact Assessment: An examination of public involvement in the resource consents process of the Resource Management Act 1991).
- 4 I have over 17 years' experience in the areas of RMA planning, growth planning, community engagement, and planning research, including 10 years as City Development Manager at Dunedin City Council.
- 5 I make this supplementary affidavit in response to the Minute of the Environment Court dated 21 October 2019¹.
- 6 I have reviewed the proposed amendments to the 2GP included in the following consent memorandum:

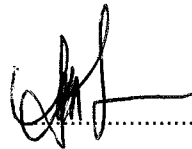
(a) Parata ENV-2018-CHC-214 dated 8 August 2019 (Residential zoning)
- 7 The proposed amendments are attached at **Appendix 1** to this affidavit for completeness.
- 8 I consider that the proposed amendments have been drafted to be in keeping with the 2GP drafting protocol contained in the *2GP Style Guide April 2019 – incorporating change made through 2GP decisions* https://www.dunedin.govt.nz/data/assets/pdf_file/0007/715867/2GP-Style-Guide.pdf (discussed in my affidavit dated 16 April 2019).
- 9 I note that the style guide (p.5) suggests generally using the phrasing of 'require' (or 'limit' with scale/size standards) in policies related to performance standards that default to restricted discretionary status if contravened. Policies linked to performance standards that default to a discretionary or non-complying status are more variable in their phrasing, with 'require', 'only allow', and 'avoid' used in

¹ Minute of the Environment Court, 21 October 2019, paragraphs [2] and [5]

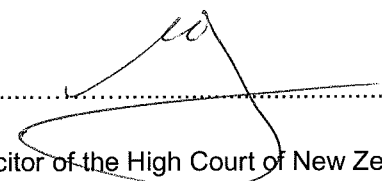
different policies depending on the issue (and objective) that the policy is sitting under and its significance in the plan. The amendment proposed follows that pattern and aligns with the wording used in Policy 9.2.1.1 for non-compliance with the minimum site size outside the infrastructure constraint mapped area (which generally leads to a non-complying status).

- 10 Rule 15.5.2.4.b states that "*standard residential in the General Residential 2 Zone (infrastructure constraint mapped area) that contravenes the performance standards for maximum development potential per site, provided the maximum development potential per site of the activity proposed does not exceed 1 habitable room per 45m²*" is a restricted discretionary activity. Contravention of the 1 habitable room per 45m² density standard leads to a non-complying status. Therefore, this policy covers both (depending on the degree of contravention with the standard) a non-complying and a restricted discretionary consent situation. Therefore, using the 'only allow' phrasing, which is the next strictest wording option, is appropriate.
- 11 I note that other changes to strategic directions wording are minor clarifications of wording, but also follow the drafting protocol.

Affirmed at Dunedin)
By Dr Anna Louise Johnson)
this 22nd day of November 2019)
before me:)



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A Solicitor of the High Court of New Zealand

Maurice Raymond Turketo
Solicitor
Dunedin

Appendix 1 – EPlan Amendments

Parata ENV-2018-CHC-214

Policy 9.2.1.6

Require Only allow development and subdivision in an **infrastructure constraint mapped area** ~~to be at a~~ above the permitted density where it will ~~which does not~~ compromise the current or planned capacity of the public wastewater infrastructure or compromise the ability of the public wastewater infrastructure to service any activities permitted within the zone.

Assessment guidance 9.5.3.3 (assessment of contravention of density performance standard)

Relevant objectives and policies:

- i. Objective 9.2.1
- ii. Development in an **infrastructure constraint mapped area** above the permitted density, ~~is at a density which does~~ will not compromise the current or planned capacity of the public wastewater infrastructure, or compromise the ability of the public wastewater infrastructure to service any activities permitted within the zone (Policy 9.2.1.6).

General assessment guidance:

- iii. In determining whether Policy 9.2.1.6 is achieved, Council will consider the cumulative effects of the proposed development together with existing development and permitted development that is likely to arise in the future.

Assessment guidance 9.6.2.4 (assessment of all subdivision activities in relation to effects on efficiency and affordability of infrastructure)

Amend assessment guidance:

Conditions that may be imposed include:

- viii. Within an area serviced by DCC for wastewater, a A requirement for wastewater connections.

Note to Plan User after Rule 17.3.5:

Add new Note to Plan User:

Note 17.3.5B – General advice

DCC does not generally provide reticulated water supply to sites zoned rural residential and a connection should not be presumed.

Assessment guidance 6.11.2.1 (assessment of all restricted discretionary activities linked to section 6.11 and that have 'effects on the efficiency of the transport network' as a matter of discretion)

Add new assessment guidance:

General assessment guidance:

- vi. ...
- vii. For subdivision activities on sites adjoining unsealed rural roads, Council will consider the effectiveness of any proposed mitigation measures to reduce the risk of complaints of dust from the road.

Potential circumstances that may support a consent application include:

- ~~vii.~~ viii. ...
- ix. For subdivision activities adjoining roads that are unsealed, any necessary conditions to reduce the risk of complaints of dust from unsealed roads, for example conditions on the location of building platforms, screening of the road frontage or sealing of roads.

EXHIBIT NOTE

This is the appendix marked "1" referred to in the within affidavit of **Dr Anna Louise Johnson** and affirmed at Dunedin this 22nd day of November 2019 before me:

Signature:.....
A Solicitor of The High Court of New Zealand
(Solicitor to sign part on Exhibit)

Maurice Raymond Turketo
Solicitor
Dunedin