

In the Environment Court of New Zealand
Christchurch Registry

I Te Koti Taiao o Aotearoa
Ōtautahi Rohe

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	Woolworths New Zealand Ltd (ENV-2018-CHC-255)
	Appellant
And	Dunedin City Council
	Respondent

Affidavit of Dr Anna Louise Johnson

Affirmed *12th April* 2021

Concerning: Appeals by Woolworths New Zealand Limited
Group: 2a
Topic: CMU Strategic
Appeal Point DCC References 78, 127, 130 and 366

Respondent's solicitors:

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**anderson
lloyd.**

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

- 1 I am the City Development Manager at the 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 18 years' experience in the areas of RMA planning, growth planning, community engagement, and planning research, including 11 years as City Development Manager at Dunedin City Council.
- 5 I have been asked to review:
 - (a) The changes included in the consent memorandum for Woolworths New Zealand Ltd, dated 2 June 2020; and
 - (b) The accompanying affidavit prepared by Emma Christmas.
- 6 My evidence relates to the following:
 - (a) How the changes agreed align with and impact the strategic directions' objectives and policies (section 2 objectives and policies). In doing so I also consider any impact of the changes on the vertical and horizontal alignment of provisions in the plan; and
 - (b) Whether the changes are drafted in accordance with the 2GP Style Guide.

Alignment with and impact on strategic directions

- 7 The changes proposed in the consent memorandum include some significant changes to the strategic directions, including two new policies and a major change to a third policy. For that reason, I been involved with the drafting of these provisions to ensure that the vertical and horizontal integration of the plan was maintained or improved.



- 8 I consider the proposed new strategic directions policies and the amendments to Policy 2.6.2.4 are more appropriate to implement the relevant strategic directions objectives than the status quo. The 2GP seeks to provide clear guidance not only for resource consent applications but also for future plan changes/variations or other changes to the plan. It also seeks to provide a clear strategic framework that encourages plan changes where they are considered the more appropriate process to facilitate change in land use for strategic spatial planning reasons and because it is more appropriate to ensure on-going management of effects, based on that future land use, to achieve the purpose of the RMA.
- 9 The decisions versions of the 2GP did not contain as much policy guidance on plan changes / variations for commercial mixed use zones and industrial zones as for some other zone types (for example residential, rural residential zones), partly due to the lack of anticipation for a future demand for these zone types due to low population growth at the time of the plan's development. This situation has changed and it is appropriate to anticipate plan changes to add land with these zoning types in the lifetime of the plan. The addition of new more detailed policies to guide plan change/variation processes is, in my opinion, an improvement to the plan and will help ensure plan changes are appropriately developed and evaluated in a way that will achieve the plan's objectives.
- 10 In doing so the proposed changes will also better give effect to the National Policy Statement on Urban Development 2020.
- 11 The more minor changes proposed in terms of additional assessment guidance in 18.9.6.6 are aligned with the strategic directions' Objective 2.4.3 and maintain vertical integration in terms of this objective. As explained in the affidavit of Ms Christmas, the changes also improve horizontal integration by seeking to better balance the competing directions around encouraging food retail into centres but also requiring built form outcomes that may, at times, be incompatible with that land use.

2GP Style Guide and Drafting Protocol for Strategic Directions

- 12 I have reviewed the drafting of the changes to 18.9.6.6 against the drafting protocol guidance 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 of 16 April 2019) and, in the case of strategic direction policies 2.3.2.x, 2.4.3.X, 2.6.2.4 the *DRAFT Drafting protocol for strategic directions policies* that was included in a presentation to the 2GP mediations intro day

https://www.dunedin.govt.nz/_data/assets/pdf_file/0017/730214/Drafting-Protocol-for-Strategic-Directions.pdf.

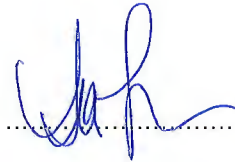
- 13 In my opinion the drafting aligns with the published Style Guide, the Drafting protocol for strategic directions, as well as the drafting of similar policies in the strategic directions.

Affirmed at Dunedin)

By **Dr Anna Louise Johnson**)

this 12th day of April 2021)

before me:)



A Solicitor of the High Court of New Zealand

Ashleigh Nicole Mitchell-Craig
Solicitor
Dunedin