

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 **Kaan's Properties 2017 Limited**
ENV-2018-CHC-286

Port Otago Limited
ENV-2018-CHC-246

University of Otago
ENV-2018-CHC-270

Appellants

And **Dunedin City Council**

Respondent

Affidavit of Dr Anna Louise Johnson

Affirmed *12th April* 2021

Respondent's solicitors:

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**anderson
lloyd.**

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[Signature]

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 12 years as City Development Manager at Dunedin City Council.
- 5 I have been asked to review the changes included in the following consent memoranda:
 - (a) 'Campus Zone Provisions', dated 12 August 2020 (University of Otago);
 - (b) 'Commercial – Site Specific and Harbourside Edge Zone', dated 13 August 2020 (Port Otago, University of Otago);
 - (c) 'Group 2c – Campus Zone Provisions', dated 11 September 2020, DCC Reference numbers 185, 187 and 198 (University of Otago); and
 - (d) 'Harbourside Edge Zone', dated 2 September 2020 (Kaan's Properties 2017 Limited).
- 6 There are accompanying affidavits prepared by Emma Christmas (planner) and Sarah Hickey (planner).
- 7 My evidence relates to the following:
 - (a) How the changes align with and impact the strategic objectives and policies (objectives and policies in Section 2 Strategic Directions). In considering this, 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.

Strategic directions

8 The broad thrust of the changes including in the consent memoranda are:

- (a) The Kaan's (Harbourside Edge Zone) agreement provides for small scale food and beverage in the Harbourside Edge (HE) Zone.
- (b) The Port Otago and University of Otago (Commercial Site Specific and Harbourside Edge) agreement extends the HE Zone along a strip of land between Fryatt Street and the Steamer Basin and provides for an adjusted set of rules for commercial activities in that area based on its closer proximity to the industrial zone (to enable more cautious management of reverse sensitivity and other conflict issues) and to also enable Campus activity, as the site is proposed to be used for a Marine Studies Centre. The HE standards related to the requirement for a public walkway and accessways to that walkway are also pulled through.
- (c) The University of Otago (DCC reference numbers 185,187, and 198) agreement has four main components:
 - (i) It adds some additional campus related activities into the campus definition;
 - (ii) It makes an amendment to the training and education definition to include one of the changes made to the campus definition (this is linked to making training and education, e.g. education by providers other than the University or Polytechnic, permitted in the Campus zone;
 - (iii) It extends the Suburban Centre Zone, which adjoins the Campus along Albany Street into part of the Campus where the University currently provides some retail activities for convenience to students and staff. Consequential to this it applies a 'campus mapped area' overlay to have different performance standards for this part of the suburban centre to maintain the standards for signs and height that currently apply in the area; and
 - (iv) It changes the activity status of training and education, retail ancillary to industry and visitor accommodation to a more permissive status, consequential to this it adds performance

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standards (maximum gross floor area of retail ancillary to industry and density and vehicle loading standards for visitor accommodation) based on the management regime from similar environments.

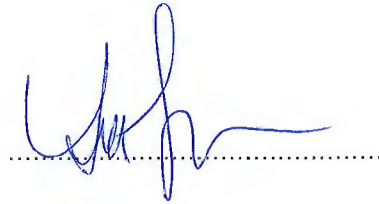
- (d) University of Otago (Campus Zone provisions) – a minor adjustment to the boundary treatments and other landscaping standard and an adjustment to the policy guiding subdivision activity.
 - (e) Kaan's (Harbourside Edge Zone) – amending the required width of esplanade reserve in the HE Zone.
- 9 The changes in '(a)' have been properly integrated into the plan through changes to the Introduction and Policy 18.2.1.12. There is no change required to the strategic directions Policy 2.3.2.2 because the approach in Policy 18.2.1.12 and the rule change from NC to RD for smaller food and beverage activities still reflects the policy direction in 2.3.2.2.
- 10 The changes in '(b)' create a new management regime for an extended area of the Harbourside Edge zone to enable a Marine Studies Centre to develop on the site, and to provide an appropriate management regime for any other activities that might establish there. It creates this regime through the use of a 'Campus mapped area' overlay. This new overlay method is also used to allow an adjusted management regime in the Albany Street Suburban Centre Zone to achieve the outcomes addressed in '(c)'. A new policy (18.2.2.X) has been added to reflect the management regime for this mapped area. Another policy (18.2.1.15) is amended to reflect the changes in both the extended HE Zone and the extended Suburban Centre Zone in (c). To maintain vertical and horizontal integration this method is described in changes to the introduction of Section 34 (Campus Zone).
- 11 The changes in '(c)' do not change the management regime in the Campus environment in a way that requires any changes to the strategic directions and overall will maintain horizontal and vertical alignment of the policy framework in the plan. Changes are made to the introduction to the zone in Section 34 and zone policies to reflect the changes and maintain vertical integration in that section.
- 12 The changes in '(d)' are very minor and do not have a substantive effect on the management regime.



2GP Style Guide and Drafting Protocol for Strategic Directions

- 13 I have reviewed the proposed amendments to the 2GP included attached consent memoranda against the 2GP Style Guide and Drafting Protocol for Strategic Directions and can confirm that they follow that drafting protocol.
- 14 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 of 16 April 2019).

Affirmed at Dunedin)
By Dr Anna Louise Johnson)
this 12th April 2021)
before me:)



A Solicitor of the High Court of New Zealand

Ashleigh Nicole Mitchell-Craig
Solicitor
Dunedin