

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	Robert Wyber ENV-2018-CHC-281 Barry Smaill ENV-2018-CHC-280 Transpower New Zealand Limited ENV- 2018-CHC-249 Aurora Energy Limited ENV- 2018-CHC-277 KiwiRail Holdings Ltd ENV-2018-CHC-252 Otago Regional Council ENV-2018-CHC-290 Appellants
And	Dunedin City Council Respondent

**Affidavit B of Dr Anna Louise Johnson regarding Wyber, Smaill and other
appeals**

Affirmed 4 December 2020

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 the Dunedin City Council (DCC).
- 2 I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014. This affidavit 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 following consent memoranda:
 - (i) Consent Memorandum - Residential Strategic dated 16 September 2020 in relation to Wyber (ENV-2018-CHC-281)
 - (ii) Consent Memorandum dated 28 February 2020 in relation to Barry Smaill (ENV-2018-CHC-280)
 - (iii) Consent Memorandum - Transportation (Management of Rail) dated 22 September 2020 in relation to KiwiRail Holdings Ltd (ENV-2018-CHC-252)
 - (iv) Consent Memorandum – Objective 2.3.1 dated 24 November 2020 in relation to Transpower NZ Ltd (ENV-2018-CHC-249), Aurora Energy Ltd (ENV-2018-CHC-277)
 - (v) Consent Memorandum dated 15 October 2019 in relation to Otago Regional Council (ENV-2018-CHC-290); and

- (b) the accompanying affidavits prepared by Emma Christmas, Elizabeth Lightbourne and Sarah Hickey.

6 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

Residential Strategic (16 September 2020)

- 7 The agreement on this appeal includes amendments to a number of strategic direction policies and one strategic direction objective. Some of these changes are associated with changes to provisions in section 12 of the Plan and some of these are associated with methods sitting outside the Plan (alignment with the DCC Infrastructure Strategy and Long Term Plan infrastructure funding and National Policy Statement Urban Development (NPS-UD) monitoring requirements). I have reviewed the changes and considered whether they maintain horizontal and vertical alignment of provisions within the Plan.
- 8 In my opinion the changes to Policy 2.2.4.3 and Policy 2.6.2.1 are appropriately aligned with the changes proposed in section 12.

Barry Smaill (28 February 2020)

- 9 With respect to the affidavit prepared by Emma Christmas regarding the appeal from Barry Smaill, I agree that the relevant strategic objectives and policies are those identified in Ms Christmas's affidavit, that is Objective 2.7.1 (public infrastructure), Objective 2.4.1 (form and structure of the environment) and Objective 2.6.2 (housing capacity), and associated policies 2.7.1.1 and 2.4.1.5. In my opinion, Ms Christmas has correctly identified and assessed the options (status quo and agreed change to address appeal) against these strategic directions.

- 10 I also concur that no amendments to the 2GP strategic directions are required as a result of the agreed changes to resolve these appeals and the changes do not impact the current horizontal or vertical alignment of the provisions.

Transpower NZ Ltd, Aurora Energy Ltd (Objective 2.3.1) 24 November 2020 and KiwiRail Holdings Ltd (Transportation (Management of Rail)) 22 September 2020

- 11 Both of these agreements include changes to strategic direction objectives. However, I agree with the assessment provided in the two affidavits prepared by Elizabeth Lightbourne regarding the appeals on Objective 2.3.1, from Transpower NZ Ltd (Transpower) and Aurora Energy Ltd (Aurora), and on Objective 2.7.2, from KiwiRail Holdings Ltd (KiwiRail), that the changes to these objectives are relatively minor in nature. Therefore, in my opinion they do not affect the vertical alignment in the Plan. However, I do note that the wider range of changes proposed in the KiwiRail agreement also have a relationship with Objective 2.7.2. While these broader changes are not covered in a planner's affidavit with the current package of changes being submitted to the Court, I note that I have also assessed the vertical alignment of those changes with these objectives and will be providing evidence in support of those changes when those changes are ready to be filed with the Court.

Otago Regional Council (15 October 2019)

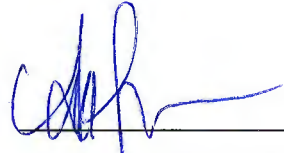
- 12 This agreement includes a minor change to the wording of strategic Objective 2.2.1, which does not require any changes to maintain vertical alignment of provisions. The complementary changes to Objective 11.2.1 and policies 2.6.2.1 and 2.6.2.3 maintain the vertical alignments between these provisions.

2GP Style Guide and Drafting Protocol for Strategic Directions

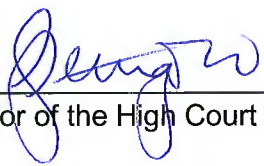
- 13 I have reviewed the proposed amendments to the 2GP included in the **attached** consent memoranda to resolve the appeals from Mr Wyber, Mr Smaill, Transpower, Aurora, KiwiRail and Otago Regional Council.

14 I consider that all 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) and the drafting protocol for strategic directions https://www.dunedin.govt.nz/data/assets/pdf_file/0017/730214/Drafting-Protocol-for-Strategic-Directions.pdf

Affirmed at Dunedin)
this 4th day of December 2020,)
before me:)



Dr Anna Louise Johnson



A Solicitor of the High Court of New Zealand

Stephanie Jayne Pettigrew
Solicitor
Dunedin