

SUBMISSIONS ON DUNEDIN CITY COUNCIL PROPOSED SECOND GENERATION DISTRICT PLAN

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Trade Competition: OBPL could not gain an advantage in trade competition through this submission.

Hearing: OBPL would like to be heard in support of this submission.

Introduction:

OBPL owns land in the Dukes Road North Industrial Area legally described as Lot 1 DP465607. The land is zoned industrial and is within a Hazard 2 Flood Hazard Area with a Swale Mapped Area within the northern part of the site. Part of the site is also designated as East Taieri Drainage Scheme (D218).

	Provision	Support/Oppose	Submission	Decision Sought
1	Designation D218	Oppose	<p>Designation D218 has been included as a new designation through the 2GP process. The designation relates to the East Taieri Drainage Scheme (ETDS). The designation runs along the entire northern boundary of the land owned by OBPL and extends approximately 20m into the site. The designated area appears to extend approximately 10m beyond the actual ETDS.</p> <p>The OBPL land is zoned as industrial. OBPL has developed the southern part of the land as Stage 1 of an industrial subdivision. OBPL intends to progressively subdivide the remaining land for industrial activity as demand dictates. The designation could have an adverse effect on the ability of OBPL and future land owners to subdivide and use the land for industrial activity (including buildings, outdoor storage, etc).</p>	That the requirement relation to D218 is withdrawn.

			<p>The designation description and conditions do not indicate what activity can occur within the designated land (other than those activities relating the designated purpose). Clause 176(1)(b) of the Resource Management Act 1991 provides that;</p> <p><i>No person may, without the prior written consent of the requiring authority, do anything in relation to the land that is subject to the designation that would prevent or hinder a public work or project or work to which the designation relates, including –</i></p> <ul style="list-style-type: none"> <li><i>(i) Undertaking any use of the land; and</i></li> <li><i>(ii) Subdividing the land; and</i></li> <li><i>(iii) Changing the character, intensity, or scale of the use of the land.</i></li> </ul> <p>The designation needs to clearly specify those activities that would ‘prevent or hinder’ the public work to provide certainty for OBPL and future landowners. Given the amount of OBPL included in the designation, the effect of the designation could have significant consequences and limit OBPL’s ability to use the land for the zoned purpose. No consultation has been undertaken with OBPL to discuss or clarify the effect of the designation on the OBPL land.</p> <p>OBPL opposes the proposed designation and seeks that the Notice of Requirement is withdrawn until such as time as the Otago Regional Council has undertaken detailed consultation with OBPL and has amended the NOR accordingly as a result of the consultation.</p>	
2	Policy 11.2.1.10, rule 11.3.1.1, Maps	Oppose	<p>11.2.1.10 and 11.3.1.1 relate to swale mapped areas and seek to avoid buildings or structures or outdoor storage that would impede water or cause it to be diverted out of a swale mapped area.</p> <p>The northern part of the OBPL land is identified as a swale mapped area and corresponds with the land to be designated for the ETDS, as addressed in submission point 1. OBPL submits that the extent of the proposed designation and swale mapped area extends beyond the ETDS and will adversely affect OBPL’s ability to develop the land for industrial activity.</p> <p>OBPL is not aware of any flooding events that have affected the OBPL</p>	Reduce the extent of the Swale Mapped Area in the OBPL land to accurately reflect the ETDS.

			land in the past and understands that the ETDS is in place to avoid any flooding events occurring the future. OBPL submits that it is unnecessary to zones such a wide area as 'swale mapped area'. The swale mapped area should extend only to cover the ETDS channel area and not to land beyond it.	
3.	Policy 11.2.1.3 and rule 19.3.6.4	Oppose	<p>The OBPL land is located within the Hazard 2 (Flood) area. Rule 19.3.6.4 provides that in the hazard 2 overlay new buildings which create more than 60m<sup>2</sup> of new ground floor area are a restricted discretionary activity. This is supported by policy 11.2.1.3, which only allows new buildings in the Hazard 2 overlay where the scale, location and design of buildings or other factors means risk is avoided or is no more than low.</p> <p>The OBPL land has never been subject to flooding. The Hazard 2 Flood area is extensive and OBPL submits that it includes significant tracts of land that are not and will not be subject to flooding particularly now that significant investments has been made in flood avoidance measures in the Taieri area.</p> <p>The land is zoned industrial and therefore the proposed activities that will occur on site will not be activities 'sensitive' to flooding in the unlikely event a flood was to occur. The discretionary activity status is not appropriate and will add unnecessary complexity and cost to future industrial development at this location. The 2GP should be encouraging industrial activity in this area and not deterring it through unnecessary overlays and rules.</p>	<p>Delete the Flood 2 Hazard overlay from the OBPL land and delete rule 19.3.6.4.</p> <p>Delete policy 11.2.1.3.</p>