

Submission on Plan Change 1 - Minor Improvements

By Dunedin City Council

18 December 2024

Approved by:

Sandy Graham, Chief Executive Officer

Introduction

This submission includes a range of requested changes to Plan Change 1, to address errors and other minor issues (e.g. issues relating to the clarity of rules) that the Plan Change 1 planners were alerted to by other DCC staff, or stakeholders, after notification, which the planners support and wish the Panel to consider.

In all instances, DCC staff have considered the risk to natural justice of the Council making the requested changes to the notified plan, and are satisfied that there will be no parties adversely affected by these changes who might be prejudiced by this submission. To ensure no risk to natural justice, in the case of the submission points relating to trees at 8 Scotia Street and 25 Ashton Street (see page 9, below), the Council will write to the owners to ensure they have the opportunity to make further submissions to support or oppose the DCC submission as it affects their properties.


| Plan Change 1 Change ID | Decision Sought | Reasons for my views |
|-------------------------|---|---|
| Change NE3 | <p>Accept the change with amendments Amend Rule 10.3.2.4.b.ii to clarify the meaning of the references to “mature indigenous trees”.</p> <p>Proposed change Amend Rule 10.3.2.4.b.ii as follows, and make any further alternative or consequential changes that may be necessary to fully give effect to this submission:</p> <p>ii. for the erection, maintenance or alteration of fences (including gates), or the construction or maintenance of tracks up to 2m in width, provided all of the following criteria are met:</p> <ol style="list-style-type: none"> 1. the vegetation clearance is no more than 3m in width; 2. any fence posts are located outside of the dripline of mature indigenous trees (<u>greater than 15 years old</u>) listed in Appendix 10A.3; and 3. no damage is caused to: <ol style="list-style-type: none"> 1. specimens of threatened plant species listed in Appendix 10A.1; or | <p>To clarify the age at which an “indigenous tree” qualifies as “mature”, in a way that is consistent with other existing references to “mature indigenous tree” in the Plan, e.g. at Rule 10.3.2.3.a.ii.</p> <p>The change will aid the efficient and consistent interpretation of this rule.</p> |


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| | <p>2. mature indigenous trees (<u>greater than 15 years old</u>) listed in Appendix 10A.3;</p> | |
| <p>Change NE7</p> | <p>Accept the change with amendments Amend the names of two Areas of Significant Biodiversity Value: one that is proposed to be extended via Plan Change 1; and another that is proposed to be added via Plan Change 1.</p> <p>Proposed change Amend the names of C060 Burns Park and Burns Park North (existing ASBV proposed to be extended) and C188 Logan Park (new ASBV proposed to be added) as follows, and make any further alternative or consequential changes that may be necessary to fully give effect to this submission:</p> <p>C060 Burns Park and Burns Park North <u>Burns Scenic Reserve and Ravensbourne Bush</u></p> <p>C188 Logan Park <u>Signal Hill</u></p> | <p>The DCC Parks and Recreation department advises that the proposed amendments would result in names that more accurately reflect the locations of these ASBVs.</p> |
| <p>Change NU2</p> | <p>Accept the change with amendments Consider whether Rule 5.6.2 (Setback from Network Utilities) should be amended to add further exemptions in situations where effects are appropriately managed via other legislation - for example, for types of earthworks that are managed under the Building Act 2004 (earthworks that require building consent) or Local Government Act 1974 or 2002 (earthworks close to certain types of infrastructure).</p> | <p>Further exemptions from Rule 5.6.2 may be appropriate in these situations, in order to increase efficiency by avoiding duplication. Consideration is needed regarding whether other legislation adequately manages the effects that Rule 5.6.2 is intended to manage (i.e. effects on health and safety, and effects on the effective and efficient operation of network utilities).</p> |
| <p>Change PHS1</p> | <p>Accept the change with amendments Amend Rule 9.6.2.X (Public Health and Safety: Assessment of restricted discretionary subdivision activities that may result in</p> | <p>DCC is currently working to update the Dunedin Code of Subdivision and Development 2010. The proposed change would indicate that, prior to the Code being</p> |

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| | <p>new residential buildings) so that the proposed reference to the Dunedin Code of Subdivision and Development 2010 includes reference to the most recent New Zealand Standard NZS 4404 (similar to existing references in the Plan, e.g. at Rule 6.11.2.7.a.vii).</p> <p>Proposed change Amend the reference to the Dunedin Code of Subdivision and Development 2010 as follows, and make any further alternative or consequential changes that may be necessary to fully give effect to this submission: ...the Dunedin Code of Subdivision and Development 2010 <u>and/or the most recent NZS 4404 ...</u></p> | <p>updated, the most recent version of NZS 4404 may instead be considered when assessing consent applications.</p> <p>It is noted that the provision affected by this submission point forms part of the Plan’s assessment guidance, and is not a performance standard or activity status rule.</p> |
| Change PHS1 | <p>Accept the change with amendments Amend Rule 9.3.3 (Firefighting) so that it clarifies the communal firefighting system installed as part of an approved subdivision can only be considered for the use of new residential buildings that it was designed for.</p> <p>Proposed changes Amend Rule 9.3.3.2.c, as follows, and make any further alternative or consequential changes that may be necessary to fully give effect to this submission:</p> <p>c. have legal and physical access to a communal firefighting system and hardstand area that has been installed as part of an approved subdivision consent for the site, <u>and was designed to accommodate the new residential building; or...</u></p> | <p>To avoid inappropriate use of the communal firefighting system installed as part of an approved subdivision, it is needed to clarify that it should only be considered for the use of new residential buildings for which it was designed.</p> |

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| Change Res13 | <p>Accept the change with amendments Amend the stormwater open watercourse mapped area so that it only includes watercourses that meet the definition of "stormwater open watercourse".</p> | <p>Stormwater open watercourse is defined as: <i>A natural or artificial open channel where stormwater collects and flows and is part of the stormwater network. It may be privately or publicly owned.</i></p> <p>Some piped stormwater infrastructure has been included in the mapping, which is inconsistent with this definition.</p> |
| Change Res13 | <p>Accept the change with amendments Amend the stormwater open watercourse mapped area where investigation confirms it is mapped in the wrong place.</p> | <p>The mapping of the stormwater open watercourse mapped area was derived from the DCC water services map. In some instances, the mapping is incorrect.</p> |
| Change Res13 | <p>Accept the change with amendments Amend Rule 10.3.3.Y (Natural Environment: Setback from coast and water bodies performance standard – exemptions from Rule 10.3.3.W and Rule 10.3.3.X) so that it only restricts activities as required to manage effects on the efficiency and affordability of infrastructure.</p> <p>Proposed change Amend Rule 10.3.3.Y as follows, and make any further alternative or consequential changes that may be necessary to fully give effect to this submission:</p> <p>Y. In addition to the exceptions in Rule 10.3.3.6, the following are exempt from Rule 10.3.3.W and Rule 10.3.3.X: a. fences; and b. structures with a maximum footprint of 2m² and a maximum height of 2m. {Change Res13}</p> | <p>Rules 10.3.3.W and 10.3.3.X should only restrict activities as necessary to manage effects on the efficiency and affordability of infrastructure. The height of a 2m² structure is unlikely to make a difference to potential effects of this kind.</p> |

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| Change Res18 | <p>Accept the change with amendments Amend the definition of standard residential to ensure it is clear that this definition includes living accommodation subject to a tenancy agreement under the Residential Tenancy Act 1986.</p> | <p>It is sometimes unclear whether rental accommodation should be treated as standard residential activity or visitor accommodation activity.</p> | | | | | | | | | | | | |
| Change SHB3 – BX070/CC060 at 18 Princes Street | <p>Accept the change with amendments Delete character-contributing building CC060 at 18 Princes Street, Dunedin, from the schedule of protected heritage items and sites should its proposed scheduling as a heritage building be retained, as follows:</p> <table border="1" data-bbox="562 628 1272 778"> <thead> <tr> <th>Site Number</th> <th>Building Name</th> <th>Address</th> <th>HNZ List Number</th> <th>Heritage Precinct</th> </tr> </thead> <tbody> <tr> <td>CC060</td> <td>Commercial building</td> <td>18 Princes Street Dunedin</td> <td></td> <td>The Octagon Commercial</td> </tr> </tbody> </table> | Site Number | Building Name | Address | HNZ List Number | Heritage Precinct | CC060 | Commercial building | 18 Princes Street Dunedin | | The Octagon Commercial | <p>The Hallenstein Brothers' Building (former) at 18 Princes Street Dunedin has been proposed as a scheduled heritage building (BX070). This should replace the listing of the building as a character-contributing building, as has been proposed for all other proposed scheduled heritage buildings that are currently listed as character-contributing buildings.</p> | | |
| Site Number | Building Name | Address | HNZ List Number | Heritage Precinct | | | | | | | | | | |
| CC060 | Commercial building | 18 Princes Street Dunedin | | The Octagon Commercial | | | | | | | | | | |
| Change SHB3 – BX071(vii) at 159 Carroll Street | <p>Accept the change with amendments Amend the schedule of protected heritage items and sites as it relates to proposed heritage building BX071(viii), to change the listed address from 157A Carroll Street to 159 Carroll Street.</p> <table border="1" data-bbox="562 959 1352 1142"> <thead> <tr> <th>Site Number</th> <th>Item/Building Name</th> <th>Address</th> <th>HNZ Category</th> <th>HNZ List Number</th> <th>Protection Required</th> </tr> </thead> <tbody> <tr> <td>BX071 (viii) {Change SHB3}</td> <td>Cairns' Buildings</td> <td>157A 159 Carroll Street</td> <td></td> <td></td> <td>Façade to Carroll Street</td> </tr> </tbody> </table> | Site Number | Item/Building Name | Address | HNZ Category | HNZ List Number | Protection Required | BX071 (viii) {Change SHB3} | Cairns' Buildings | 157A 159 Carroll Street | | | Façade to Carroll Street | <p>The address for this property has been updated since the heritage assessment was completed.</p> |
| Site Number | Item/Building Name | Address | HNZ Category | HNZ List Number | Protection Required | | | | | | | | | |
| BX071 (viii) {Change SHB3} | Cairns' Buildings | 157A 159 Carroll Street | | | Façade to Carroll Street | | | | | | | | | |

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| <p>Change SHB3 – BX071(ix) at 161 Carroll Street</p> | <p>Accept the change with amendments Amend the schedule of protected heritage items and sites as it relates to proposed heritage building BX071(ix), to change the listed address from 157B Carroll Street to 161 Carroll Street.</p> <table border="1" data-bbox="562 448 1350 707"> <thead> <tr> <th>Site Number</th> <th>Item/Building Name</th> <th>Address</th> <th>HNZ Category</th> <th>HNZ List Number</th> <th>Protection Required</th> </tr> </thead> <tbody> <tr> <td>BX071 (ix) <i>{Change SHB3}</i></td> <td>Cairns' Buildings</td> <td>157B 161 Carroll Street</td> <td></td> <td></td> <td>Façades to Carrol Street and Melville Street</td> </tr> </tbody> </table> | Site Number | Item/Building Name | Address | HNZ Category | HNZ List Number | Protection Required | BX071 (ix) <i>{Change SHB3}</i> | Cairns' Buildings | 157B 161 Carroll Street | | | Façades to Carrol Street and Melville Street | <p>The address for this property has been updated since the heritage assessment was completed.</p> |
| Site Number | Item/Building Name | Address | HNZ Category | HNZ List Number | Protection Required | | | | | | | | | |
| BX071 (ix) <i>{Change SHB3}</i> | Cairns' Buildings | 157B 161 Carroll Street | | | Façades to Carrol Street and Melville Street | | | | | | | | | |
| <p>Change SHB3 – BX099 at 180 Rattray Street</p> | <p>Reject the change Reject the proposed scheduling of building BX099 at 180 Rattray Street as a scheduled heritage building.</p> <table border="1" data-bbox="562 850 1350 1034"> <thead> <tr> <th>Site Number</th> <th>Item/Building Name</th> <th>Address</th> <th>HNZ Category</th> <th>HNZ List Number</th> <th>Protection Required</th> </tr> </thead> <tbody> <tr> <td>BX099 <i>{Change SHB3}</i></td> <td>P Hayman & Co Warehouse (former)</td> <td>180 Rattray Street</td> <td></td> <td></td> <td>Entire external building envelope</td> </tr> </tbody> </table> | Site Number | Item/Building Name | Address | HNZ Category | HNZ List Number | Protection Required | BX099 <i>{Change SHB3}</i> | P Hayman & Co Warehouse (former) | 180 Rattray Street | | | Entire external building envelope | <p>The building at 180 Rattray Street was demolished before Plan Change 1 was notified.</p> <p>A photograph of the now-empty site, taken on 3rd December 2024, is shown below:</p>  |
| Site Number | Item/Building Name | Address | HNZ Category | HNZ List Number | Protection Required | | | | | | | | | |
| BX099 <i>{Change SHB3}</i> | P Hayman & Co Warehouse (former) | 180 Rattray Street | | | Entire external building envelope | | | | | | | | | |

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| <p>Change SHB3 – BX118 at 25 Gordon Road, Mosgiel</p> | <p>Reject the change Reject the proposed scheduling of building BX118 at 25 Gordon Road, Mosgiel, as a scheduled heritage building.</p> <table border="1" data-bbox="562 411 1350 592"> <thead> <tr> <th>Site Number</th> <th>Item/Building Name</th> <th>Address</th> <th>HNZ Category</th> <th>HNZ List Number</th> <th>Protection Required</th> </tr> </thead> <tbody> <tr> <td>BX118 <i>{Change SHB3}</i></td> <td>Lodge St. John (former)</td> <td>-25 Gordon Road, Mosgiel</td> <td></td> <td></td> <td>Entire external building envelope</td> </tr> </tbody> </table> | Site Number | Item/Building Name | Address | HNZ Category | HNZ List Number | Protection Required | BX118 <i>{Change SHB3}</i> | Lodge St. John (former) | -25 Gordon Road, Mosgiel | | | Entire external building envelope | <p>The building at 25 Gordon Road, Mosgiel, was demolished before Plan Change 1 was notified.</p> <p>A photograph of the now-empty site, taken on 3rd December 2024, is shown below:</p>  |
| Site Number | Item/Building Name | Address | HNZ Category | HNZ List Number | Protection Required | | | | | | | | | |
| BX118 <i>{Change SHB3}</i> | Lodge St. John (former) | -25 Gordon Road, Mosgiel | | | Entire external building envelope | | | | | | | | | |
| <p>Change SHB3 – BX120 at 91 and 93 Church Street, Mosgiel</p> | <p>Accept the change with amendments Amend the schedule of protected heritage items and sites as it relates to proposed heritage listing BX120 at 93 Church Street, to include the address for Verdon Chapel (which is already proposed for protection) at 91 Church Street.</p> <p>The changes sought to the schedule are shown below:</p> <table border="1" data-bbox="562 1155 1350 1393"> <thead> <tr> <th>Site Number</th> <th>Item/Building Name</th> <th>Address</th> <th>HNZ Category</th> <th>HNZ List Number</th> <th>Protection Required</th> </tr> </thead> <tbody> <tr> <td>BX120 <i>{Change SHB3}</i></td> <td>Holy Cross College (former)</td> <td><u>91 and 93</u> Church Street, Mosgiel</td> <td></td> <td></td> <td>Entire external building envelope of</td> </tr> </tbody> </table> | Site Number | Item/Building Name | Address | HNZ Category | HNZ List Number | Protection Required | BX120 <i>{Change SHB3}</i> | Holy Cross College (former) | <u>91 and 93</u> Church Street, Mosgiel | | | Entire external building envelope of | <p>The heritage assessment for the former Holy Cross College describes the heritage significance of buildings on both 91 and 93 Church Street and references the significance of the Verdon Chapel located on 91 Church Street. In the schedule, Verdon Chapel is also referenced as requiring protection. Therefore, it is appropriate for 91 Church Street to be added as an address for the proposed scheduled heritage listing.</p> |
| Site Number | Item/Building Name | Address | HNZ Category | HNZ List Number | Protection Required | | | | | | | | | |
| BX120 <i>{Change SHB3}</i> | Holy Cross College (former) | <u>91 and 93</u> Church Street, Mosgiel | | | Entire external building envelope of | | | | | | | | | |

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| | | | | | | Burns Residence and associated residential wings, c.1901 chapel, dining room, and auditorium; Verdon Chapel; dormitory | |
| Change TA4 | <p>Accept the change with amendments Consider whether Rule 4.5.3.4 (Construction and site investigation) should be amended so that it does not apply to activities that would otherwise be permitted as “industrial” or “office” or other activities (for example, long term storage of materials in industrial zones).</p> | | | | | | <p>The intent of Change TA4, as set out in the section 32 report, is to take a more enabling approach to the off-site storage of plant, tools, gear, materials, and relocatable site offices, provided they comply with the proposed performance standard relating to the duration of these activities (must be short term) and the hours of the day during which they are accessed (must be daytime and not on Sundays or public holidays).</p> <p>However, the rule as currently drafted would also create a new consent requirement for certain activities that are currently already permitted in some zones (for example, long term storage of materials, which is currently permitted as part of “industrial” activity in the industrial zones and certain other zones). This is unintentional, and is not required to address the issues discussed in the Section 32 report. An amendment to the rule is required to remove this unintended consequence that would lead to activities</p> |

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| | | being more strictly managed than is required to meet the plan's objectives in those zones. |
| Change Tree X; 8 Scotia Street | Accept the change with amendments Add a new tree group of nine (9) eucalyptus trees located along the edge of the Hawksbury Lagoon at 8 Scotia Street to the schedule of trees. | The hearing panel decision for resource consent LUC-2018-739 recommended that these trees be protected in the schedule of trees (i.e., the trees identified as 20e-28e in Appendix 1 of the LUC-2018-739 decision). |
| Change Tree X; T096 at 25 Ashton Street Mosgiel | Accept the change with amendments Remove tree T096 at 25 Ashton Street, Mosgiel from the schedule of trees. | As certified by the DCC consultant arborist, the tree is in terminal decline and should be removed from the Schedule. |
| Change Tree 1; T098 at 25 Ashton Street Mosgiel | Accept the change with amendments Amend the location of tree T098 on the Planning Map at 25 Ashton Street, Mosgiel, to show the correct tree location. | The tree location on the Planning Map is incorrect. |
| Change Tree 2; G039 on Ferntree Drive (next to 14 Dean St) | Accept the change with amendments Amend the location of tree group G039 on the Planning Map to show the correct tree locations on Ferntree Drive. | The tree group's proposed location on the Planning Map is incorrect. |
| Change Tree2; G115, 224 Wakari Rd | Accept the change with amendments Amend the location of tree group G115 on the Planning Map at 12 Polwarth Road to show the correct tree locations at 224 Wakari Road. | The tree group's proposed location on the Planning Map is incorrect. |
| Change Tree2; G116, 224 Wakari Rd | Accept the change with amendments Amend the location of tree group G116 on the Planning Map at 224 Wakari Road to show the correct tree locations. | The tree group's proposed location on the Planning Map is incorrect. |
| Change Tree2; G117, 224 Wakari Rd | Accept the change with amendments Amend the location of tree group G117 on the Planning Map at 224 Wakari Road to show the correct tree locations. | The tree group's proposed location on the Planning Map is incorrect. |