

**Notice of appeal to Environment Court against decision on proposed policy
statement or plan or change or variation**

Clause 14(1) of Schedule 1, Resource Management Act 1991

To the Registrar
Environment Court
Christchurch

1. I, **Jean Grace**, appeal against a decision of Dunedin City Council on the following plan:
 - 1.1. The Second Generation District Plan
2. I made a submission on that plan.
3. I am not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.
4. I am directly affected by an effect of the subject of the appeal that—
 - 4.1. adversely affects the environment; and
 - 4.2. does not relate to trade competition or the effects of trade competition.
5. I received notice of the decision on 7th November 2018.
6. The decision was made by Dunedin City Council.
7. The part of the decision that I am appealing is:
 - 7.1. the decision not to modify the zoning of the property at 25A Irvine Road to one of the new residential zones.
8. The reasons for the appeal are as follows:
 - 8.1. I believe that there is unsatisfied demand for residential land within the City that has not been sufficiently provided for by the 2GP. The zoning of the land at 25A Irvine Road should be modified to one of the new residential zones so that this demand might more readily be met.
 - 8.2. I consider that potential infrastructure constraints are not obstructive to development of this land for new residential activities. The size of the property is 1.2349 hectares, which allows for approximately 8 new residential properties at the general pattern of density that can be observed in this neighbourhood (1,000m²), and taking into account land that will be needed for roading purposes and the curtilage land that is attached to the existing house. I consider that the addition of 8 new houses in this location will have negligible effect on the City's infrastructure networks. Furthermore, the conclusion by DCC Water and Waste, in paragraph 1734 of the Urban Land Supply decision document (confirming that there is no capacity in the water or wastewater networks at present), has been reached in consideration of the much larger region of Transitional Residential land that originally appeared in the proposed version of the Plan – as the region of Transitional Residential land has been reduced by approximately 90-95%, it is not unreasonable to ask that DCC Water and Waste review this conclusion.
 - 8.3. I agree with the conclusion reached by the Panel in paragraph 1743 of the Urban Land Supply decision document, which confirms the land at 25A Irvine Road as being suitable for residential development on account of i) it being a relatively

small site, ii) it being surrounded on three sides by land that is already zoned residential, and iii) that this land may be required to facilitate development within the land at 45 Irvine Road (current zoned for large lot residential). However, for these very reasons it would seem to be a better proposition to have this property zoned for residential purposes immediately, rather than introducing a delay of potentially 15 years as well as the additional hurdle of having the landowner apply to DCC to have the land 'released' into the residential zone.

8.4. Overall, I believe that the land at 25A Irvine Road will be able to be more sustainably utilised if zoned as residential land immediately.

9. I seek the following relief:

9.1. I that the zoning of the land at 25A Irvine Road is revised to one of the new residential zones.

10. I **attach** the following documents to this notice:

- a copy of the submission;
- a copy of the relevant parts of the decision;
- other documents as noted in the application above;
- a list of names and addresses of persons to be served with a copy of this notice.



Richard Maurice Reeve, solicitor for appellant

Date: 12 December 2018

Address for service of appellant:

Wilkinson Rodgers Lawyers
Level 1, Burns House
PO Box 803
Dunedin
Email: richard.reeve@wrlawyers.co.nz
Ph. 03 477 9844
Fax: 03 474 0922

Contact person: Richard Maurice Reeve

1692. The submission was supported by *Robert Charles Duffy* (FS2353.3). He holds resource consents for residential development on 100 Connell Street and believes that development on 295 Highcliff Road would provide opportunities for collaboration, particularly on service provision.

1693. *Stephen Cooper* (OS985.1) sought to remove the GR1TZ from 295 and 297 Highcliff Road (1.42ha) due to a concern that continued residential development on the Peninsula would ruin its natural beauty and affect his enjoyment of his neighbouring land.

3.8.15.10.3 353 Highcliff Road, Highcliff

1694. *Steven Liang and Diana Mei* (OS17.3 and .4) sought to retain the GR1TZ on the northern side of 353 Highcliff Road and extend it over the southern side of 353 Highcliff Road, adjoining Hilton Road (area totalling 4.07ha). They noted that the site is accessible and served by telephone, water and power.

3.8.15.10.4 304 Portobello Road, the Cove

1695. *June and Raymond McDowell* (OS78.1), supported by *Philip and Shakuntala Cunningham* (FS2245.1), sought to change the zoning of 304 Portobello Road (2.4016ha) from Rural Hill Slopes to Large Lot Residential 1, because it is adjacent to a section with that zoning, the property is fully serviced, is too small to be used as rural and has been used as a residential block for the last 30 years.

3.8.15.10.5 457 Highcliff Road, Highcliff

1696. *Philip and Shakuntala Cunningham* (OS965.1) sought to change the zoning of 457 Highcliff Road (2.4016ha) from Rural Residential 2 and Rural Hill Slopes to Large Lot Residential 1 Zone, and remove the GR1TZ 2 overlay. They considered that there are opportunities for co-ordinated development with 45 Irvine Road, which is zoned Large Lot Residential, including access and services. The rezoning would provide a landscape buffer between General Residential 1 areas and rural zoned land.

1697. The submission was opposed by *Radio New Zealand Ltd* (FS2332.59) due to potential reverse sensitivity effects resulting from higher density residential activities in the area.

3.8.15.10.6 603/605 Highcliff Road, Highcliff

1698. *Ben Caradoc-Davis* (OS236.2) made a broad request to 'modify Rural Residential 2 zoning on the Otago Peninsula by changing parts adjacent to townships to Township zoning and parts adjacent to that to Rural Residential 1'. This broad submission is dealt with above in Section 3.5.15.10. We received a further submission in support from *Candida Savage* (FS2022.4) that was specifically in respect of 603/605 Highcliff Road. *Ms Savage's* reason for seeking rezoning to Rural Residential 1 is that the properties are a natural extension of the zoning of adjacent areas, as well as being unsuitable for rural activities.

3.8.15.10.7 General

1699. *Jean Grace* (OS811.1) sought to retain the GR1TZ over the area around the Cove to provide for residential development as the area is almost completely surrounded by residential development. The GR1TZ sites include many of those listed above, together with 60 Irvine Road and 25A Irvine Road.

1700. The *Harboursides and Peninsula Preservation Coalition (HPPC)* (OS447.129) sought to remove the GR1TZ which surround Irvine Road at The Cove, so that the area remains rural, avoiding ribbon development and sprawl. The submitter was concerned that there will be a negative visual impact when the area is viewed from the harbour and across it.

1701. This submission was opposed by *Robert Charles Duffy* (FS2353.2) as it would reduce development potential with no environmental benefits.

3.8.15.10.8 Reporting Officer

1702. The Reporting Officer described the general character of the sites, noting that if the GR1TZ areas were fully developed, the urban area would extend from Waverley, past The Cove, and conclude at the eastern boundary of 457 Highcliff Road. She noted the visibility of the area from the western side of the harbour, parts of urban Dunedin, and Highcliff Road, however that it was not generally visible from Portobello Road (s42A Report for ULS Part 2, section 5.1.6, p. 61).

1703. Barry Knox, DCC Landscape Architect, assessed the visual amenity of the properties beneath Highcliff Road, which he described as being 'generally attractive and appropriate for the steep terrain'; as well as a 'welcome natural relief from adjacent more domesticated areas'. He also noted that the area is 'the commencement of the visual transition between the urban peninsula area and the more open natural peninsula vistas further east'.

1704. Mr Knox considered that developing residential areas around Irvine Road was difficult to support from an amenity perspective and supported the removal of the GR1TZ (Statement of Evidence, para 63).

1705. Mr Knox specifically commented on 457 Highcliff Road and 304 Portobello Road. In relation to 457 Highcliff Road, Mr Knox noted that when viewed from across the harbour around Ravensbourne, it is apparent that there is a natural area around this site where existing vegetation and steeper topography work together to provide the visual change between the urban areas and the open Peninsula landscape. Furthermore, along Highcliff Road, especially for traffic coming south down the road, this area provides an attractive natural middle-distance setting for views of the city.

1706. In relation to 304 Portobello Road, Mr Knox noted that the topography of the site and immediately adjacent areas is steep and mostly covered in vegetation. Depending on how development was to be implemented, there would be the potential for the current visual amenity pattern of predominantly bushed land cover on steep land to be threatened. In his opinion, the proposed 2GP zoning of Rural Hill Slopes on this site is appropriate.

1707. Mr Knox later responded to our questions about whether permitted development on 45 Irvine Road had been considered in his overall assessment. He said that he regarded this area as providing a transition between generally urban city activity to the more open peninsula rural environment. He accepted that under the LLR1 zoning 45 Irvine Rd will extend urban development further east, however the important issue of the commencement of this transition remains. The site is steep, predominantly covered in mature vegetation, and did not appear suitable for urban development.

1708. The site at 353 Highcliff Road includes land on both sides of Highcliff Road. The southern part, which is south of Highcliff Road, has an Outstanding Natural Landscape overlay. It does not currently have a GR1TZ overlay; however, the owners submitted to include the site in the GR1TZ overlay (OS17.4). This site was assessed by Mike Moore, consultant landscape architect for DCC. The site contains a minor gully which is part of the headwaters of McCurdys Creek. Mr Moore noted that the land use pattern in the area to the west of the site is suburban development on the broad, more gently sloping spur tops, and rural land use on the steeper slopes below. The effect of the submission would be to provide for urban development to extend approximately 85m further eastwards along the summit ridge and to extend onto slopes on the eastern side of the headwaters of McCurdys Creek i.e. to begin to wrap around the valley head (Statement of Evidence, p. 6 - 7).

1709. Mr Moore's assessment was that allowing for further urban development on the flatter area between Highcliff Road and the gully (as indicated in his evidence) would be acceptable (but not desirable), but that development to the south of the gully would be inappropriate in terms of landscape values. The reasons are the upper area has an amenable landform and urban development in this area would represent a fairly minor extension of the existing pattern of a band of housing along the southern side of Highcliff Road.
1710. The Reporting Officer observed that these two assessments 'strongly discourage further residential development to the east of the existing Waverley boundary'. She noted that smaller areas of development may be appropriate, if they followed natural landforms and were located in visually recessive areas. However broad scale development as proposed would have significant effects on visual amenity (s42A Report for ULS Part 2, section 5.1.6, p. 63).
1711. The Reporting Officer considered that an exception to the above conclusion might be 295 Highcliff Road, which is mid slope, immediately adjacent to residential development, without significant bush cover, flat and consequently less visible. Development on this site alone would leave the large, steeper bush areas on 60 Irvine Road and lower parts of 100 Connell Street providing a visual separation between Waverley and The Cove.
1712. In respect of other issues, the Reporting Officer noted that these areas have wastewater network constraints, stormwater disposal issues, and areas of very steep land, which mean that any immediate zoning of residential development is not appropriate. In response to *Radio NZ's* further submission in relation to reverse sensitivity effects from 457 Highcliff Road, she noted that this site is approximately 2.5km away from *RNZ's* facility and 1 km from another radio tower (Radio Network Ltd). *RNZ's* submission (OS918.52) – see the Network Utilities decision) sought a 1km separation distance from radio towers.
1713. In light of these matters, the Reporting Officer's view was that zoning the area to residential and retaining the GR1TZ was not consistent with Policy 2.6.3.1 and not recommended, with the possible exception of 295 Highcliff Road (s42A Report for ULS Part 2, section 5.1.6, p. 63).

3.8.15.10.9 Hearing evidence

100 Connell Street and 295 Highcliff Road

1714. *Robert Duffy* (OS696.2) detailed his involvement in developing 100 Connell Street since 1992, and stated that the current 'style of planning' overlooked 'big picture, long term planning'. He was very supportive of the GR1TZ overlay and hoped its intent would be retained and that the zoning would remain over his property and those adjoining it.
1715. *Mr Duffy* was of the view that there were few points from which the site was visually prominent, noting that there were no submissions in opposition from Ravensbourne. He considered that the development would be no different than that currently below Waverly given the topography. He also expressed concern about the number of sites in Dunedin that lacked sun, and how the Cove enjoyed all day sunshine. *Mr Duffy* advised that the vegetation on the site was either 'past [its] use by date', or was located in the area of development for which resource consent had already been obtained. He submitted that although a GR1TZ overlay did not guarantee residential development, it did allow for future planning (Statement of Evidence, p. 3).
1716. Overall, *Mr Duffy* considered that a limited number of building sites was a better use of the land than its current state, which included unproductive vegetation. His last point was that the amenity value derived from the area's discrete settlements surrounded by rural land only applies from the eastern boundary of The Cove, as this is where the Peninsula becomes visible to the city.

1717. Nigel Pitts, consultant surveyor called by *R & M Duffy* (OS696.2), discussed the development history of the site, the staged nature of site's development, and the limits for development given hazard constraints. In terms of infrastructure servicing, Mr Pitts noted that 'the proposed public foul and storm water sewers will run through the GR1TZ overlay'; and water supply is 'readily available for domestic and firefighting'. Mr Pitts noted his support for the GR1TZ provisions, and that this enabled some certainty for a developer in expending the money necessary for this type of development. He tabled photos showing views of the site, and the part of the city that the site was visible from (to the north of the CBD).

1718. Stephen Johnstone, real estate agent, gave evidence on demand for residential land in the Waverley area.

1719. On questioning, we were advised that a maximum of 6 sites were envisaged on the balance of 100 Connell St, with potential access from Irvine Road, Portobello Road or through 295 Highcliff Road.

304 Portobello Road, the Cove

1720. *June and Raymond McDowell* (OS78.1) were represented at the hearing by Don Anderson, consultant planner, who noted that the photos provided by Mr Cunningham in relation to 457 Highcliff Road supported his clients' submission. He further noted that no stability issues had been identified.

457 Highcliff Road, Highcliff

1721. *Philip and Shakuntala Cunningham* (OS965.1) were represented by Mr Cunningham and Mr Don Anderson (consultant planner).

1722. Mr Anderson's evidence was that the submitter sought to simplify the zoning regime by extending the adjoining Large Lot Residential 1 Zone, removing the GR1TZ layer and the small area of SNL on the property (this submission was heard at the Natural Environment hearing). LLR1 zoning would provide an effective buffer between the future residential development to the west and the Rural Residential 2 Zone to the east. Mr Anderson criticised the GR1TZ provisions, and submitted that zoning the land LLR1 would resolve these issues. Mr Anderson then considered the *Guthrie* decision, and submitted that the expansion of the LLR1 as sought was 'consistent with [the] longer term vision', of the 2GP, being the zoning of an extensive area between Connell Street and Irvine Road for future General Residential 1. Access may be possible through 45 Irvine Road, into The Cove.

1723. Mr Cunningham gave some personal history of the site and provided photos of the property. These showed that the site was not visible from Portobello Road. Trees were on a neighbouring property, so development of this site would not 'change the view'.

General submission of HPPC (OS447.129)

1724. *HPPC* sought to remove GR1TZ overlay zones surrounding The Cove. The submitter was represented by Craig Werner who questioned the overall vision for Dunedin's urban form, criticising the GR1TZ approach as 'sanctioned sprawl'. He noted that The Cove settlement resembles the size and form of several other historic harbourside settlements, and this contributes to its amenity. It is close to a dense residential area and additional development of this kind will create urban sprawl. The negative visual impact from residential development would be amplified due to The Cove being on a slope rising out of the water. More generally he considered that urban expansion is inappropriate in the harbourside area as the harbour's edge would likely result in 'ribbon development' stretching along the road.

1725. We did not receive or hear any evidence from *Michael Hope* (OS438.1), *Stephen Cooper* (OS985.1), *Steven Liang and Diana Mei* (OS17.3 and .4), *Ben Caradoc-Davis* (OS236.2) or *Jean Grace* (OS811.1).

3.8.15.10.10 *Revised recommendation*

1726. The Reporting Officer provided the following revised recommendations (Revised Recommendations ULS Part 2):

- 100 Connell Street: Given the limited number of developable sites (6), and the assumed retention of vegetation on steeper areas, she was satisfied the effects on visual amenity would be acceptable. She recommended rezoning the site with a Structure Plan so that roading connections and development capacity could be identified.
- 295 Highcliff Road: The Reporting Officer maintained her view that the site was suitable for residential development. She recommended that a Structure Plan would be useful to identify connections with adjoining sites.
- 304 Portobello Road & 457 Highcliff Road: The Reporting Officer maintained her recommendation to remove the overlay on these sites.
- 25A and 60 Irvine Road, 297, 347, 353, and 445 Highcliff Road: The Reporting Officer reiterated that visual amenity and infrastructure constraints are important considerations in the area. In respect of visual amenity, she noted that Policy 2.4.2 requires the protection of 'important visual landscapes and vistas'. She considered that this area is important in that regard, given its high visibility and location at the start of the relatively natural Peninsula. Development between these sites and the Cove would 'connect up these areas'. She did accept that given the proximity of services, residential development could have positives, however infrastructure issues would need to be addressed in some form.

3.8.15.10.11 *Decision and reasons*

1727. We accept in part the submission by *Stephen Cooper* (OS985.1) to remove the GR1TZ from 295 and 297 Highcliff Road. We accept in part the submission by *HPPC* (OS447.129) to remove the GR1TZ which surround Irvine Road at The Cove and have removed the GR1TZ (now RTZ) from all other properties in the area, with the exception of 25A Irvine Road.

1728. We reject all other submissions to retain the GR1TZ over sites in the area - *R & M Duffy* (OS696.2), *Steven Liang and Diana Mei* (OS17.3); and those to extend it over a new site - (*Steven Liang and Diana Mei* (OS17.3); and those or replace the GR1TZ with a residential zoning - (*Michael Hope* (OS438.1), *Philip and Shakuntala Cunningham* (OS965.1). We also reject the submission of *June and Raymond McDowell* (OS78.1) to rezone 204 Portobello Road as LLR1 Zone.

1729. We accept in part the submission of *Jean Grace* (OS811.1) to retain the GR1TZ (now RTZ) as far as this submission relates to 25A Irvine Road.

1730. In addition, under the scope of the submission of *Craig Horne Surveyors Limited* (OS704.22), we have amended the zoning of the lower part of 100 Connell Street, 60 Irvine Road, 295, 297, 347 and the rural part of 457 Highcliff Road, those parts of 353 and 445 Highcliff Road that are north of Highcliff Road, and 304, 307, 309, 309A, 310 and 311 Portobello Road to Rural Residential 2.

1731. We first assessed the sites subject to GR1TZ around the Cove against Policy 2.6.3.1. As discussed in Section 3.8.2.2, we consider this approach encapsulates the principles of,

and is generally in line with, the *Guthrie* decision and other more recent cases. As part of the assessment exercise, we have also been mindful of the need under the Resource Management Act to provide for the appropriate use of land, using appropriate methods based on the hierarchy of statutory documents. To that extent we see the '*Guthrie* test' being achieved by ensuring that the methods and zoning are appropriate.

1732. In relation to the question of capacity (clause 2.6.3.1.a), we accept the Reporting Officer's evidence there is sufficient residential capacity for the short term (clause 2.6.3.1.a.i) and therefore provision of additional capacity has not been heavily weighted in our decision-making. Instead, we have moved to rezone land to residential only where there is clear alignment with other elements of Policy 2.6.3.1.
1733. Turning to Policy 2.6.3.1.b, the evidence of the DCC Transportation Group was that while further development will increase pressure for new roading infrastructure, development of this area can be supported due to its location close to existing urban infrastructure. Specific issues raised included the status of Highcliff Road as a medium collective and high personal risk road, and the unsealed status of Hilton Road.
1734. The evidence of DCC Water and Waste Services staff is that there is no capacity in either the water or wastewater infrastructure catchments serving these sites, and that additional capacity will not be available for the next 15 years. There is no stormwater network, and effects on stormwater have not been assessed. The evidence suggested the area would need to be self-sufficient in terms of water supply, wastewater and stormwater management.
1735. As discussed in Section 3.5.4, we have sought to take a city-wide view of the relationship between infrastructure and residential capacity in our decisions, so as to ensure alignment with the NPS-UDC. As a result, of the highly infrastructure-constrained water and wastewater infrastructure network catchments, we have provided additional residential development capacity in only two of them – the Northern Tahuna catchment, and the Kaikorai Valley/South Dunedin Tahuna catchment. We consider that providing for additional residential capacity (even as RTZs) in other highly-constrained infrastructure catchments, including at the Cove, would be inconsistent with the NPS-UDC, as it would risk diverting limited DCC resource from the delivery of infrastructure upgrades (and therefore the timely provision of residential capacity and housing choice) elsewhere. We therefore conclude there is poor alignment of these sites with Policy 2.6.3.1.b.
1736. In the case of two sites (304 Portobello Road and 457 Highcliff Road), submitters sought large lot residential zoning. We acknowledge that at large lot density the provision of Council services would not be necessary.
1737. Despite its location at the edge of the main urban area, we consider alignment of this area with the criteria in Policy 2.6.3.1.c is poor. The sites have generally steep gradients, and the evidence of almost all submitters and experts suggested that achieving standard residential densities would be unachievable. In addition, the area is quite some distance from centres and services.
1738. In terms of an assessment against Policy 2.6.3.1.d, the issues traversed in the most detail at the hearing related to effects on landscape, rural character and amenity, and other aesthetic considerations (relevant under clauses 2.6.3.1.d.i, iv and vii).
1739. In relation to clause 2.6.3.1.d.iv, an Outstanding Natural Landscape overlay zone completely covers the part of 353 Highcliff Road above Highcliff Road. As recorded earlier in this decision (Section 3.4.2), based on the expert landscape evidence of Ms Read and Mr Moore, our conclusion is that residential zoning is generally incompatible with all landscape and coastal character overlay zones. We consider that providing for development at residential density within ONLs will generally be inconsistent with objectives 10.2.3 and 10.2.5, and with the higher order policy directions these objectives

seeks to give effect to. Specifically in this location, we accept Mr Moore's evidence that development is not desirable because it would represent creep of the urban development around the skyline. We note that no alternative expert landscape evidence was presented supporting a different view. We conclude development of the part of 353 Highcliff Road to the south of Highcliff Road would not be consistent with clause 2.6.3.1.d.iv (relating to the protection of landscape values).

1740. In relation to clause 2.6.3.1.d.i and vii, we generally accept the expert evidence of Mr Knox that it is necessary to take a holistic view of the sites to the north of Highcliff Road, given that the area represents a visual transition between urban area and the more open natural peninsula vistas. We accept that GR1TZ are difficult to support from an amenity or landscape values perspective, especially on the steeper, more elevated land immediately above Irvine Road. We note that no alternative expert landscape evidence was presented supporting a different view. We conclude that development of the sites in this area to the north of Highcliff Road at residential density would therefore be out of line with clause 2.6.3.1.d.i and vii (relating to rural character and amenity, and other aesthetic considerations, including the open space between coastal settlements).
1741. While we had little evidence of the values of the vegetation on the sites, we consider the development of such a large area of bush at residential density may raise questions of alignment with clause 2.6.3.1.d.iii
1742. For the same reasons the site is poorly aligned with Policy 2.6.3.1.b and c, we consider it is also poorly aligned with clauses 2.6.3.1.d.ix, x and xi, relating to efficient public infrastructure, transport, and the compact and accessible city objective. In terms of requests for large lot residential zoning in this area, as discussed in Section 3.3.6, while acknowledging that there is a need to provide some Large Lot Residential zoning to ensure the Plan delivers housing choice (in line with NPS-UDC OA2 and Objective 2.6.1 of the 2GP), we generally consider standard or medium density to be a more efficient way of providing residential development capacity (aligned with the NPS-UDC OA1, and with 2GP objectives 2.2.4, 2.7.1, and 2.7.2).
1743. Our overall conclusion is that sites in this area are insufficiently aligned with the criteria set out in Policy 2.6.3.1 to remain as residential transition zones (particularly Policy 2.6.3.1.b, c, and clauses 2.6.3.1.d.i, iv and vii). The one exception to this is 25A Irvine Road, based on the fact it is a relatively small area, surrounded on three sides by land zoned residential, and that it seems likely to be required to facilitate development of 45 Irvine Road at its consented (and notified) large lot density.
1744. Having established that the sites in the area are not appropriate for residential zoning, we assessed them for their appropriateness for rural residential development. We note there is scope for this through the submissions listed above seeking more liberal use of their land, and for other rural zoned sites below Highcliff Rd that do not have an SNL overlay through the scope of *Craig Horne Surveyors Limited* (OS704.22) discussed in the Rural Residential Decision Report, which sought the provision of more rural residential zoning.
1745. We assessed the cluster first against Policy 2.6.1.Y, in line with the policy framework discussed in the Rural Residential Decision Report. When assessed together with the adjacent notified Rural Residential 2 zoning, the sites meet the criteria as a cluster of small mostly-developed rural sites in separate land ownership, and the average density better aligns with clause 2.6.1.Y.b than with clause 2.6.1.Y.a.
1746. As outlined above, we do not see this land as transitioning to residential, and therefore the criteria in Policy 2.6.1.4.a is met. While we did not hear evidence specific to rural residential zoning, having conducted a site visit and considered the other evidence we received relating to the sites, we are of the view that they generally meet with the other criteria for rural residential zoning under Policy 2.6.1.4. Given the number of sites that are already fully developed at rural residential density, the limited additional development

potential that rezoning the sites would create, and the fact that they are immediately adjacent to an existing Rural 2 zone, the issues of alignment with Policy 2.6.1.4.b and 2.6.1.4.c.i and iii are much less significant under a Rural Residential 2 zoning. We consider Rural Residential 2 zoning the most appropriate zoning for the area.

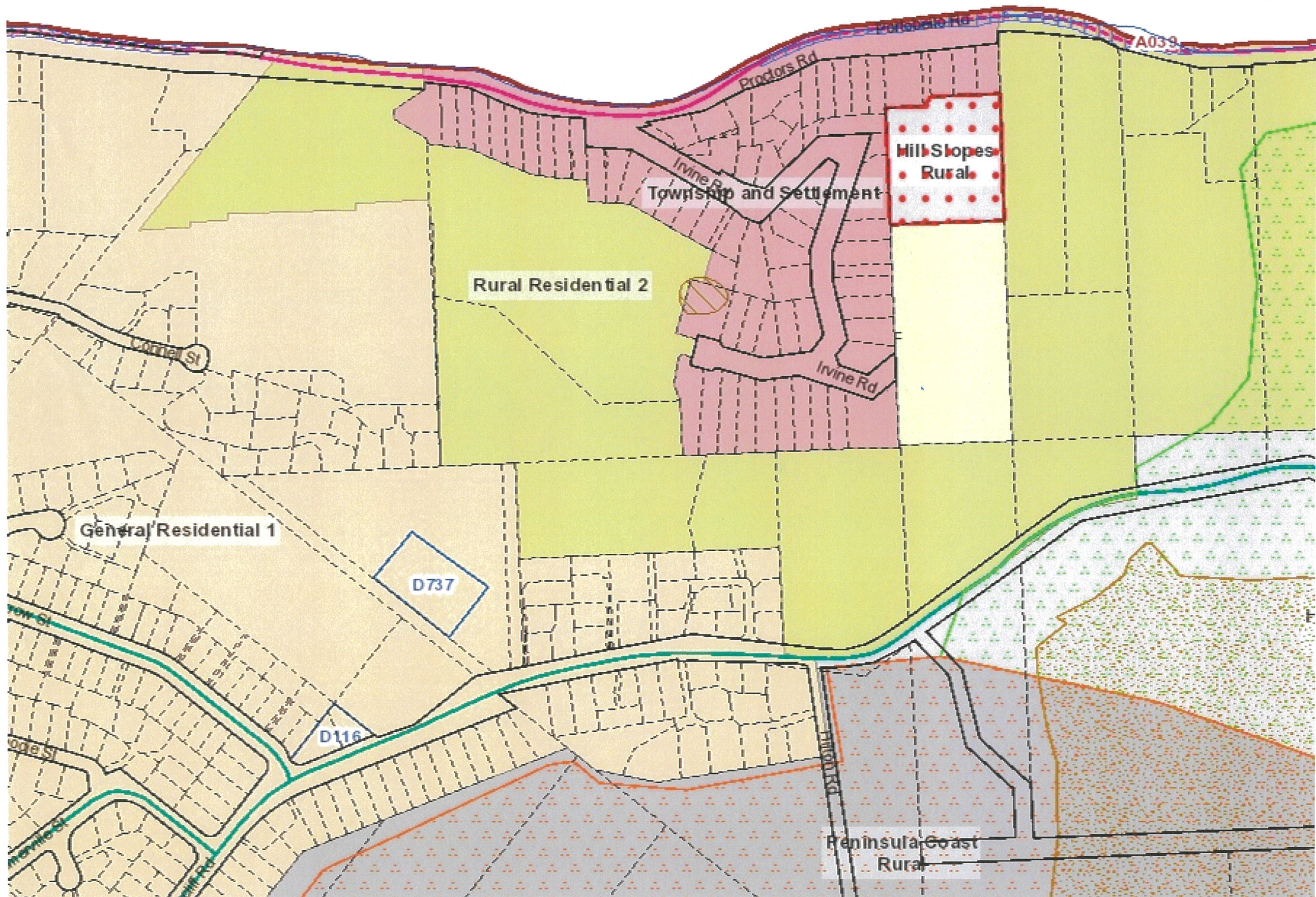
3.8.15.11 Rural Residential 2 zoned land on Otago Peninsula to adjacent township and settlement zoning

1747. *Ben Caradoc-Davies* sought to rezone Rural Residential 2 land on the Otago Peninsula that is adjacent to Township and Settlement zoned land to Township and Settlement Zone (OS236.2); and rezone Rural Residential 2 land adjacent to that to Rural Residential 1 Zone (OS236.3). The submitter considered that this would provide a gradual transition from the Township and Settlement Zone to Rural Zone. The submitter was concerned that sites zoned Rural Residential 2 are impractically large for residential use, yet too small to be economic for rural use.
1748. These submissions were supported by *Candida Savage* (FS2022.1 and 4) who noted that this is a natural extension of the zoning of adjacent areas, and the areas in question are unsuitable for rural activities. They were also supported by *Philip and Shakuntala Cunningham* (FS2245.2) and *Marie Jensen-Chave and Anthony Chave* (FS2476.4) who sought the identification of additional residential opportunities on the Otago Peninsula given its unique features. *Philip and Shakuntala Cunningham* (FS2245.2) suggested that the scope of *Mr Caradoc-Davies'* submission needed to be broadened to look at all land in rural that might meet the criteria that he suggests whether it is beside Township & Settlement or not. We note that the further submitters above also sought to rezone specific properties Large Lot Residential, and these submissions are discussed later in this decision.
1749. *Christopher Lloyd* (FS2119.2) and *Michel de Lange* (FS2182.2) opposed *Ben Caradoc-Davies'* submission seeking to rezone Rural Residential 2 land to Rural Residential 1 (OS236.2), due to concerns about effects on natural landscape and character.
1750. The Reporting Officer noted that the submissions requested a large area of land (205ha) on Otago Peninsula is rezoned to Township & Settlement, with a development potential of 2,933 lots. This is likely to significantly exceed the predicted demand for additional residential housing on the Peninsula, and potentially the city as a whole.
1751. Furthermore, the Peninsula has significant three waters infrastructure constraints, which could not support such as increase in development. Individual sites had been assessed where subject to specific submissions and are considered elsewhere in this decision.
1752. The request to change Rural Residential 2 land to Rural Residential 1 zoning would result in an additional 71.9ha of Rural Residential 1 zoning, with a development potential of 35 2ha blocks. In response to this, she deferred to the Rural Residential section s42 Report, which states that there is already sufficient rural residential capacity within the existing zoning, and no more is required.
1753. The Reporting Officer recommended rejecting the submissions (s42A Report for ULS Part 2, section 5.1.3, p. 40).
1754. Mr Don Anderson, consultant planner called by *Marie Jensen-Chave and Anthony Chave*, addressed Mr Caradoc-Davies' submission and suggested that more intense use of the land, rather than 2ha lots, would be more suitable on the fringes of Township & Settlement (Statement of Evidence, para 10).

2CP as per decision



ZCP as per decision



24p as originally proposed

