



**SECOND
GENERATION
DISTRICT PLAN**

**Major Facilities
(excluding Port & Mercy Hospital)
Decision of Hearings Panel**

**Proposed Second Generation Dunedin City
District Plan (2GP)**

7 November 2018



User guide to the decision reports and the marked-up decisions version of the 2GP

The decisions of the 2GP Hearings Panel are presented in 29 decision reports (one report per hearing topic).

The reports include the Panel's decisions and reasons and incorporate the requirements under s32AA.

At the end of each report a table has been included summarising all the decisions on provisions (Plan text) in that decision report.

Marked-up version of the Notified 2GP (2015)

The decisions include a marked-up version of the notified 2GP, which shows the amendments made to the notified plan in ~~strike-through~~ and underline. Each amendment has a submission point reference(s) or a reference to 'cl.16' if the amendment has been made in accordance with Schedule 1, clause 16(2) of the Resource Management Act. Schedule 1, clause 16(2), allows minor and inconsequential amendments to be made to the Plan.

Amendments to the Schedules below are not marked up as in other sections of the plan as they are drawn from a different source. Any changes to Schedules are detailed in the decision report for the relevant section.

Some very minor clause 16 changes such as typographical errors or missing punctuation have not been marked up with underline or strikethrough. More significant cl. 16 changes (such as where provisions have been moved) are explained using footnotes, and in some cases are also discussed in the decision.

Hearing codes and submission point references

As part of the requirement of the DCC to summarise all original submissions, all submission points were given a submission point reference, these references started with 'OS'. Further submissions were also summarised and given a submission point that started with 'FS'.

The submission points are made up of two numbers the first is the submitter number, which is followed by a full stop, the second part is the submission point number for that submitter.

For example, OS360.01 is submitter 360 and their first submission point.

The 2GP Hearings Panel has used these same submission point references to show which submission points different amendments were attributed to. However, to enable these changes to be linked to different decision reports, the reference code was changed to start with a decision report code, e.g. Her 308.244.

A list of hearing codes can be found on the following page.

It should be noted that in some cases where several submitters sought a similar change, the submission point reference may not include all of these submission points but rather include only one or say, for instance, "PO 908.3 and others".

Master summary table of all decisions

In addition to the summary table at the end of each decision report there is a master summary table that lists all decisions on provisions (Plan text), across all hearing topics, including details of the section(s) of the decision report in which that decision is discussed, and the relevant section(s) of the s42A reports. The s42A report sections will be helpful for appellants needing to identify which other parties have submitted on that provision, as notices of the appeal must be served on every person who made a submission on the provision or matter to which the appeal relates. The master summary table of decisions can be found on the decisions webpage of the 2GP website (2gp.dunedin.govt.nz).

List of hearing codes

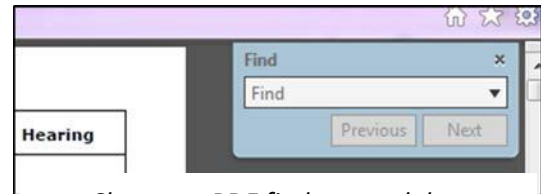
Hearing topic	Code
Commercial Advertising (cross plan hearing topic)	CP
Commercial and Mixed Use Zones	CMU
Community Correction Facilities (cross plan hearing topic)	CP
Defence Facilities and Emergency Services (cross plan hearing topic)	CP
Designations	Des
Earthworks	EW
Heritage	Her
Industrial Zones	Ind
Major Facilities (without Port and Mercy Hospital)	MF
Manawhenua	MW
Mercy Hospital	Mer
Natural Environment	NatEnv
Natural Hazards	NatHaz
Natural Hazard Mitigation	HazMit
Network Utilities	NU
Plan Overview and Structure	PO
Port Zone	Port
Public Amenities	PA
Public Health and Safety (PHS)	PHS
Quarries and Mining Activities (cross plan hearing topic)	CP
Recreation Zone	Rec
Residential Zones	Res
Rural Zones	RU
Rural Residential Zones	RR
Scheduled Trees	ST
Service Stations (cross plan hearing topic)	CP
Temporary Activities	TA
Transportation	Trans
Urban Land Supply	ULS

How to search the document for a submitter number or name

1. If you want to search for particular submitter name, submission point or Plan provision in any of the reports (decision report, marked-up version of the Plan, or s42A report) the easiest way to do this is to use the 'Find' function.
2. When you have the document open, press the keys CTRL and F (Windows) or CMND and F (Mac) to bring up the 'PDF Finder'.



Chrome – PDF finder search box



Chrome – PDF finder search box

3. Once the PDF search box appears (in the top left or right corner of your browser) type in the submission number or submitter name and press enter on your keyboard.
4. The PDF finder will search for all instances of this term. Depending on the size of the document and your internet connection it may take a minute or so.
5. Press on the up or down arrows (Chrome) or 'next' (Internet Explorer) in the search box to view the different instances of the term until you find the one you are looking for.
6. An 'advanced search' function is available under the Edit tab in some PDF viewers, this allows you to search 'whole words' only to look for exact strings of letters or numbers

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1.0 Introduction

1. This document details the decision of the Proposed Dunedin City District Plan Hearings Panel/Te Paepae Kaiwawao Motuhake O Te 2GP, based on the submission and evidence considered at the Major Facilities Hearing held on 21, 22, 23 September 2016 at the 2GP Hearing's Centre and the reconvened Major Facilities Hearing held on the 7 December 2017 at the Municipal Chambers of the Dunedin Town Hall.

1.1 Scope of decision

2. This Decision Report addresses the 165 original and 85 further submission points addressed in the Major Facilities s42A Report, except:
 - *Dunedin International Airport Ltd's* submission points OS724.5, 724.6, 724.16, 724.18, 724.23, 724.24, 724.25, 724.27, and 724.37 related to commercial advertising, which we address in the Cross Plan – Commercial Advertising Decision report.
 - *Dunedin International Airport Ltd's* submission point OS724.28 related to the introduction for assessment of restricted discretionary activities (Rule 24.9.1.3), which we address in the Plan Overview Decision report.
 - submission points from *Ravensdown Limited* (OS893.9), *University of Otago* (OS308.57), and *Otago Polytechnic* (OS241.2) related to amending or supporting Policy 2.3.1.6, which we address in the Industrial Zones Decision report.
 - submission points from *BP Oil NZ Ltd and Mobil Oil NZ Ltd and Z Energy Ltd's* (OS634.53 and FS2487.108), *KiwiRail* (OS322.62), *Port Otago* (OS737.5), and *Kristine Nicolau* (FS2421.5) related to amending or supporting Policy 2.3.1.1, which we address in the Industrial Zones Decision report.
 - *Ravensdown Limited's* submission point (OS893.5) related to the inclusion of 'existing lawfully established large scale industrial activities' in the definition of Major Facilities Activity which we address in the Industrial Zones Decision Report.
3. In addition, it also addresses the following points:
 - submission points by *Mercy Dunedin Hospital Limited* (OS241.1), *James Wilson* (FS2337.2), and the *Ludgate Sharp Family Trust* (FS2436.15) related to the definition of Hospital, which were included in the Mercy s42A Report and heard at the Mercy hearing.

1.1.1 Section 42A Report

4. This Major Facilities s42A Report covers Part E – Major Facilities Zones (with the exception of the Mercy Hospital (Section 27) and Port (Section 30) which are in separate decision reports), strategic directions and definitions related to major facilities zones and requests to rezone land to a major facilities zone in the 2GP.
5. There are 15 major facilities zones under part E (sections 21-35) which are:
 - 21 - Ashburn Clinic
 - 22 - Dunedin Botanic Garden
 - 23 - Dunedin Hospital

24 - Dunedin International Airport

25 - Edgar Centre

26 - Invermay and Hercus.

27 - Mercy Hospital

28 - Moana Pool

29 - Otago Museum

30 - Port

31 - Schools

32 - Stadium

33 - Taieri Aerodrome

34 - Campus

35 - Wakari Hospital

6. Of these major facility zones Dunedin Botanic Garden, Otago Museum, Edgar Centre, the Stadium, Moana Pool and Taieri Aerodrome are recreation related; the Campus, Schools, Dunedin Hospital, Wakari Hospital, Mercy Hospital, Ashburn Clinic and Invermay and Hercus zone provide critical health, education and research functions within Dunedin. In addition, the Dunedin International Airport and Port zones are critical parts of Dunedin's transport infrastructure, providing air and sea links for Dunedin and the wider Otago and Southland regions.

1.1.2 Structure of Report

7. The decision report is structured by topic. The report does not necessarily discuss every individual submitter or submission point; instead it discusses the matters raised in submissions and records our decisions and reasons on the provisions relevant to each topic. Appendix 2 at the end of the report summarises our decision on each provision where there was a request for an amendment. The table in Appendix 2 includes provisions changed as a consequence to other decisions.
8. Schedule 1 of the RMA outlines key aspects of the process that must be used to prepare and make decisions on a plan change (including the submission and hearing process)
9. Clause 16(2) of that schedule allows a local authority to make an amendment where the alteration "is of minor effect", and to correct any minor errors, without needing to go through the submission and hearing process.
10. This Decision includes some minor amendments and corrections that were identified by the DCC Reporting Officers and/or by us through the deliberations process. These amendments are referenced in this report as being attributed to "cl.16". These amendments are summarised in Section 5.

1.2 Section 32AA Evaluation

11. Section 32 of the Resource Management Act 1991 (RMA) establishes the framework for assessing proposed objectives, policies and rules. Section 32AA of the RMA requires a

further evaluation to be released with decisions, outlining the costs and benefits of any amendments made after the Proposed Plan was notified.

12. The evaluation must examine the extent to which each objective is the most appropriate way to achieve the purpose of the RMA and whether, having had regard to their efficiency and effectiveness, the policies and rules proposed are the most appropriate for achieving the objectives. The benefits and costs of the policies and rules, and the risk of acting or not acting must also be considered.
13. A Section 32AA evaluation has been undertaken for all amendments to the notified plan. The evaluation is included with the reasons for each decision in section 3.0 of this decision.

1.3 Statutory Considerations

14. The matters that must be considered when deciding on submissions on a district plan review are set out in Part 2 (sections 5-8, purpose and principles) and sections 31, 32 and 72-75 of the RMA. District plans must achieve the purpose of the RMA and must assist the council to carry out its functions under the RMA.
15. The s42A Report provided a broad overview of the statutory considerations relevant to this topic. These include:
 - Section 75(3) of the RMA, which requires us to ensure the 2GP gives effect to any National Policy Statement (NPS) or National Environmental Standard (NES) that affects a natural or physical resource that the Plan manages. We note that there are no NPS or NES directly relevant to this particular topic
 - Section 74(2)(a) of the RMA, which requires us to have regard to the proposed Otago Regional Policy Statement (pRPS) and section 75(3)(c) of the RMA, which requires us to ensure the 2GP gives effect to the operative Otago Regional Policy Statement (oRPS). We note that the proposed RPS was notified on 23 May 2015, and decisions released on 1 October 2016. At the time of making these decisions on 2GP submissions some of the proposed RPS decisions are still subject to appeal, and therefore it is not operative
 - Section 74(2)(b)(i), which requires us to have specific regard to any other key strategies prepared under the Local Government Act. The s42A Report highlighted the Dunedin Spatial Plan 2012 as needing to be considered as this DCC strategic document sets the strategic directions for Dunedin's growth and development for the next 30 plus years.
16. These statutory requirements have provided the foundation for our consideration of submissions. We note:
 - where submissions have been received seeking an amendment of a provision and that provision has not been amended, we accept the advice in the original s42A Report that the provision as notified complies with the relevant statutory considerations
 - where a submitter has sought an amendment in order to better meet the statutory considerations, we have discussed and responded to these concerns in the decision reasons
 - in some cases, while not specifically raised, we have made amendments to the Plan as the evidence indicated this would more appropriately achieve these statutory considerations, in these cases we have explained this in our decision reasons

- where we have amended the Plan in response to submissions and no parties have raised concerns about the provisions in terms of any statutory considerations, and we have not discussed statutory considerations in our decision, this should be understood to mean that the amendment does not materially affect the Plan's achievement of these statutory considerations.

2.0 Hearing appearances and evidence presented

17. Submitters who appeared at the hearing on September 21, 22 and 23rd 2016 and their topics are shown below in Table 1. All evidence can be found on the 2GP Hearing Schedule webpage under the relevant Hearing Topic <https://2gp.dunedin.govt.nz/2gp/hearings-schedule/index.html>

Table 1: Submitters and relevant topics

Submitter and Submitter Number	Represented by/experts called by	Nature of Evidence	Topics under which evidence is discussed*
<i>Agresearch</i> (OS924)	Mr Graeme Matheson (environmental consultant)	Pre-circulated statement, did not appear	<ul style="list-style-type: none"> Mapping - Invermay and Hercus Zone
<i>Air New Zealand</i> (OS1046)	Ms Bronwyn Curruthers (legal counsel) Mr Aiden Cameron (legal counsel)	Legal submission tabled at hearing	<ul style="list-style-type: none"> Dunedin International Airport Zone Mapping - Dunedin International Airport Zone
<i>Mr Allan and Ms Janet Swallow</i> (FS2460)	Mr Allan Swallow	Appeared at hearing	<ul style="list-style-type: none"> Request for new major facility zone for churches
<i>Bindon Holdings Limited</i> (FS2471)	Ms Megan Justice (consultant planner)	Pre-circulated statement	<ul style="list-style-type: none"> Mapping – 90 and 96 Anzac Avenue
<i>BP OIL NZ Ltd & Mobil Oil NZ Ltd & Z Energy</i> (OS634, FS2487)	Mr John McCall, (consultant planner)	Pre-circulated statement, did not appear	Submission points are now being considered in Industrial Hearing Decision
<i>Dunedin International Airport Ltd</i> (OS724)	Mr Phil Page (legal counsel) Mr Richard Roberts (representative - CEO)	Legal submission tabled at hearing	<ul style="list-style-type: none"> Dunedin International Airport Zone
<i>Dunedin Venues Ltd</i> (OS440)	Ms Shelly Chadwick (legal counsel)	Tabled statement	<ul style="list-style-type: none"> Stadium Zone - Ancillary Signs
<i>Liquigas</i> (OS906, FS2327)	Ms Claire Hunter (consultant planner)	Tabled statement, did not appear	<ul style="list-style-type: none"> Stadium Zone

<i>Lomond Trust/Zig Zag No 2 Trust</i> (FS2463)	Ms Kirsten Tebbutt (representative)	Tabled statement	<ul style="list-style-type: none"> Request for new major facility zone for churches
<i>Ministry of Education</i> (OS947, FS2288)	Mr Shane Roberts (consultant planner) Ms Orchid Atimalala (representative - Principal Advisor on RMA matters)	Tabled statement	<ul style="list-style-type: none"> Schools Zone Mapping – Schools Zone Mapping – Otago Boys High School
<i>Niblick Trust</i> (FS2247)	Mr Allan Cubitt (RMA planner)	Tabled statement, did not appear	<ul style="list-style-type: none"> Providing for retail and restaurant activities not ancillary to campus activity in the Campus Zone
<i>NZ Transport Agency</i> (OS881)	Mr Andrew Henderson (consultant planner)	Pre-circulated evidence, did not appear	<ul style="list-style-type: none"> Section 34.1 Campus Introduction Stadium Zone – Ancillary Signs
<i>Otago Museum Trust Board</i> (OS267, FS2480)	Mr Murray Bailey (representative - Commercial Director) Mr Don Anderson (RMA planner)	Pre circulated evidence	<ul style="list-style-type: none"> Requests to provide for campus activity outside the Campus Zone and cross-over of activities between zones
<i>Otago Polytechnic</i> (OS268, FS2448)	Ms Tracey Howell (representative - Acting Co-Director of Learning Environment) Ms Louise Taylor and Mr Steve Tuck (consultant planners)	Tabled statement	<ul style="list-style-type: none"> Campus Zone Otago Museum Zone Stadium Zone
<i>Mr Patrick and Ms Louisa Heslin</i> (FS2407)	Mr Kurt Bowen (surveyor)	Appeared at hearing	<ul style="list-style-type: none"> Mapping – St Hilda’s Collegiate School Inc.
<i>Residents of Tolcarne Avenue: Ms Anne Gilmore Coombs, Mr Errol</i>	Ms Shelley Chadwick (legal counsel)	Tabled statement	<ul style="list-style-type: none"> Mapping – St Hilda’s Collegiate School Inc.

<i>Patrick, Ms Gillian Ferguson and Ms Melanie Naulls, Ms Hunter Stevenson, Ms Sarah Stevenson and Mr David Ehlers, Mr JA Farrow and Ms VE Farrow, Mr Jacob Agnew, Mr Jeremy Freeman, Mr John McCall, Mr Neville Hall and Ms Julie Hall, Mr David Ehlers, Ms Sandra Ehlers and Webb Farry Trustees 2013 Ltd</i> (FS2465, FS2183, FS2278, FS2248, FS2467, FS2181, FS2008, FS2107, FS2262)			
<i>RW and GN Family Trust</i> (FS2461)	Mr Robert Campbell	Appeared at hearing	<ul style="list-style-type: none"> Request for new major facility zone for churches
<i>Southern District Health Board</i> (OS917, FS2370)	Ms Julie McMinn (consultant planner) Mr Warren Taylor (representative)	Pre-circulated evidence	<ul style="list-style-type: none"> Request to provide for office activity in the Campus Zone Requests to provide for campus activity outside the Campus Zone and cross-over of activities between zones
<i>St Hilda's Collegiate School Inc.</i> (OS746, FS2195)	Ms Bridget Irving (legal counsel) Ms Jacki Barron (representative - Principal)	Tabled statements	<ul style="list-style-type: none"> Schools Zone Mapping – St Hilda's Collegiate School Inc. Mapping – Schools Zone
<i>The Roman Catholic Bishop of the Diocese of Dunedin</i>	Ms Shelly Chadwick (legal counsel)	Tabled Statements	<ul style="list-style-type: none"> Request for new major facility zone for churches Mapping – Kavanagh College

(OS199)	Mr Don Anderson (RMA planner) Mr Gerald Scanlan (representative - Property Manager)		<ul style="list-style-type: none"> Mapping – St Francis Xavier School
<i>University of Otago</i> (OS308, FS2142)	Mr Phil Page (legal counsel) Prof Harlene Hayne (representative - Vice Chancellor) Mr Stephen Willis (representative - Chief Operating Officer) Mr Barry Mackay (representative - Property Manager) Mr Murray Brass (representative - RMA planner)	Tabled Statements *Prof Harlene for University * Counsel for University *Evidence of Murray Brass	<ul style="list-style-type: none"> Campus Zone Stadium Zone – Policy 32.2.1.4, Rule 32.3.6, Transition to Campus Zone, and Rule 32.3.3.3 Invermay and Hercus Zone Portobello Marine Facility Mapping – 90 and 96 Anzac Avenue Mapping – Four sites at 24-38 St David Street Mapping – 127 Clyde Street Mapping – 7 Ethel McMillan Place
<i>Winton Family Trust</i> (FS2462)	Mr John Winton	Appeared at hearing	<ul style="list-style-type: none"> New Suggested MF zones – Roman Catholic Church

* Topics are only listed here where new evidence was provided at the hearing. Some submitters listed will have other submission points where no evidence was presented at the hearing. These are still addressed in the decision.

18. Appearances for the Dunedin City Council at September 2016 hearing were:

- Ms Ann Rodgers, Reporting Officer (Hearing September 2016)

19. Evidence provided by the Reporting Officer included:

- Section 42A report organised primarily under topic heading where responded to each submission point
- opening statement (tabled and verbal)
- revised recommendations (tabled and verbal) responded to each submitter

20. Planning assistance to the hearing was provided by:

- Mr Paul Freeland, Senior Planner

2.1 Reconvened Major Facilities Hearing 7th December 2017

21. Appearances for the Dunedin City Council were:

- Mr Paul Freeland, Reporting Officer

22. Evidence provided by the Reporting Officer included:

- Memorandum – Definitions of Campus, and management of major facility activities in other major facilities zones

23. Planning assistance to the hearing was provided by:

- Dr Anna Johnson, City Development Manager

24. Submitters in attendance at the hearing were:

- University of Otago (Mr Murray Brass) verbal submission given, no written submissions
- Otago Polytechnic (Ms Louise Taylor) verbal submission given, no written submissions.

3.0 Key topics discussed at the hearings or covered in tabled evidence

3.1 Campus Zone

25. The key issues raised through submissions were in relation to requests to:
- better enable 'spin-off' office activity both in the Campus Zone and in the neighbouring Otago Museum and Dunedin Hospital zones
 - better provide for the full range of Campus activity outside the Campus Zone, and in particular in the neighbouring Otago Museum and Dunedin Hospital Zone (*University of Otago*) (*University*) points OS308.475 and OS308.476
 - expand the provision for restaurants and retail within the campus
26. By way of context, these matters were initially considered through pre-hearing discussions between the DCC, University and Otago Polytechnic planners; then at the initial hearing held on 21 September 2016; and at a reconvened hearing on December 12th 2017, where a memorandum dated 20 November 2017 from the (new) Reporting Officer, Mr Paul Freeland provided suggestions around the first two of these topics in particular.
27. This memorandum was provided in response to a request by the Panel that the DCC discuss commercial activities linked to the University or Otago Polytechnic that could be provided for in the Campus Zone based on the evidence at the hearing about the problems with 'joint venture' activities. They also requested that the Reporting Officer reassess which major facilities should be provided for in the respective Campus, Museum and Dunedin Hospital zones, as well as reassessment of the non-complying activity status for 'all other major facilities' not permitted in a major facility zone. Lastly, they requested that the definitions of Campus, and Training and Education be considered together to enable a co-ordinated planning response.
28. Before considering the detail of these specific requests and the evidence around them we consider the broad submissions and views of the various parties with regard to these issues.
29. There were three main parties with an interest in provisions related to the campus Zone.
30. The *University* (OS308) was represented at the hearing by Mr Murray Brass (University Planner), Mr Phil Page (legal counsel), Professor Harlene Hayne (University Vice Chancellor), Mr Stephen Willis (Chief Operating Officer) and Mr Barry Mackay (Property Manager). Tabled evidence included a statement from Mr Brass, Prof Hayne, and legal submissions from Mr Page.
31. The *Otago Polytechnic* (FS2248) was represented at the hearing by Ms Louise Taylor and Mr Steve Tuck (consultant planners) and Ms Tracey Howell (Acting Co-Director of Learning Environment). Tabled evidence included a statement from Ms Taylor and Ms Howell.
32. The Reporting Officers for the DCC were Ms Ann Rodgers for the primary hearing and Mr Paul Freeland for the reconvened hearing, as Ms Rodgers had left the DCC.
33. We are aware that part of the issue in the eyes of both the University and Otago Polytechnic relates to the change in approach from the operative plan where both the

Otago Museum and the Dunedin Hospital are within the Campus Zone, whereas the 2GP identifies a separate zone for each Major Facility.

34. The *University* and the *Otago Polytechnic* similarly argued that the role and functions of tertiary institutions are constantly evolving, and as a result there is no need to limit and specify the types of activities that can locate on the Campus, and the approach could have negative effects.
35. Professor Hayne provided broad contextual evidence to support the submissions of the *University*. She noted in her evidence that the Government's 'Tertiary Education Strategy 2014-2019' could be summed up as "*The new strategy signals a shift toward a more outward facing New Zealand tertiary education system, with strong links to industry, community and the global economy.*" She said the government wants the *University* to increase its impact on innovation and lift economic growth.
36. In terms of its future, Professor Hayne noted that the relatively low growth in student numbers required the *University* to leverage the economic return from intellectual capital, rather than increasing the size of the student cohort. She also noted that ongoing technology and societal change would undoubtedly take the *University* in new and potentially unexpected directions. She said the Campus Master Plan anticipated a more "porous" campus as campus activity became less rigidly delineated. This anticipated that social spaces, food and retail and commercial activity will extend across the campus edges in both directions.
37. She concluded that the most important things the 2GP could provide for the *University* were:
 - flexibility for university operations, including the ability to grow and change;
 - freedom to work with commercial and community interests; and
 - seamless interaction with Dunedin Hospital and Otago Museum.
38. In an effort to resolve issues the initial Reporting Officer (Ms Rodgers) and representatives of the *University* and *Otago Polytechnic* held pre-hearing discussions. From that, there was common agreement that there was extensive interaction between all the institutions, i.e. the *University*, *Polytechnic*, *Dunedin Hospital* and *Otago Museum*.
39. There was also agreement that some affiliated commercial office and supporting retail and restaurant activities should be provided for in the zone, and that campus activity should also be provided for outside the Campus Zone. The main issues in contention related to how this should be provided for in the plan, i.e. the scope of what is enabled and the wording of provisions.

3.1.1 Request to provide for Office activity in the Campus Zone

40. The *University* (OS308.5) sought an amendment to the definition of Campus to include stand-alone ventures related to, or developed from, campus activities. This submission was supported by the *Otago Polytechnic* (FS2448.1). The reasons given were that commercial activities are an expected core part of the *University's* role and should be provided for in the zone. Stand-alone ventures provide for external engagement, the application of research outcomes, and further development of students. The type of facility envisaged by the *University* and *Otago Polytechnic* would be the 'incubator' or start up type business, rather than general commercial activities.
41. The *University* requested a number of other related amendments, including:

- removal of the words 'limited range of specified' from Objective 34.2.1(OS308.328), this point was supported by the *Southern District Health Board (SDHB)* (FS2370.21)
 - amendment of Policy 34.2.1.2 by adding a further clause to include office activities if the definition of Campus was not amended to include 'stand-alone ventures' (OS308.330).
 - amendment of Policy 34.2.1.6 by removing the words 'or are most appropriately located in another zone', as it considered the clause unnecessary and without justification in terms of environmental effects (OS308.333). This was supported by the *SDHB* (FS2370.22). *Otago Polytechnic* (FS2448.21) also supported the amendment for similar reasons.
 - in the event that the definition of 'campus activity' was not changed to directly incorporate commercial ventures, then 'office' activities should be permitted in the zone (OS308.350).
 - amendment to the introduction to the Campus Zone (section 34.1) to provide for commercial activity (OS308.326)
 - amend Objective 34.2.1 to make provision for the *University of Otago and Otago Polytechnic* (OS308.327)
42. We note that the Campus definition had carried over a provision from the operative Plan by including "joint venture activities". However, Mr Page, legal counsel for the *University* advised that this term did not legally cover the University's commercial/scientific incubator type operations as these were not carried out by the University directly, but rather by a separate legal entity from the University. He requested a change to the definition of Campus to include the University's commercial vehicle/innovation arm 'Otago Innovation Ltd' (OS308.5). Mr Page also critiqued the use of the Market Economics report, noting that it is far too high level in its approach to offer any reliable evidence on the specific problem of the effect on the viability of the CBD arising from the removal of a requirement for office activities within the Campus Zone being a joint venture. He also argued that the University is in a position of greater expertise in handling matters such as the accommodation needs of fledgling businesses resulting from its research and teaching functions.
43. Ms Louise Taylor presented evidence in support of the inclusion of 'joint venture facilities' in the Campus definition and said the ability of businesses to develop in the Campus Zone increases commercial activity without diminishing the viability of the CBD and centres zones.
44. Mr Brass told us that the s42A Report had misinterpreted the University's submission, which was made up of two separate points on Objective 34.2.1; the first supported the specific reference to the University and the Otago Polytechnic and no change was sought for that point. His second point was that if the District Plan is to provide for the needs and activities of Otago University both now and in the future, it was crucial that the full scope of activities related to the University be provided for, so that the University has the ability to adapt and evolve over time. He considered restrictions should only be applied where they are necessary to deal with adverse effects, rather than to prescribe certain activities, and therefore requested that the unnecessary restrictions within Objective 34.2.1 be removed.
45. Ms Taylor noted that the reasons given in the s42A Report by the Reporting Officer for rejection of all the *Polytechnic's* (and the *University's*) submission points were that joint venture facilities had been included in the definition of Campus and would be a permitted activity in the Campus Zone, allowing institutions to partner with the

commercial sector. She noted that for all other commercial activities the applicable assessment matters would exclude activities if they cannot demonstrate a need to locate in the Campus Zone and would not be "...more appropriately located in another zone".

46. She considered a non-complying activity status was an exceedingly onerous consenting requirement to apply indiscriminately to commercial activities that are part and parcel of the function of modern tertiary education. Her view was that the Campus definition applied reasonable constraints on the type of commercial activity that could be located in the Campus Zone. The definition only applied to "The use of land and buildings by the University of Otago or Otago Polytechnic". This requirement immediately limited allowable commercial activities to those that achieve this qualification.
47. Ms Taylor noted the *Polytechnic* had supported the *University's* proposed amendments to these provisions. She said she considered the first part of Policy 34.2.1.6 provided clear, unambiguous, and effects-oriented guidance giving effect to the high-level Strategic Directions of the 2GP which are that rules will protect major facilities from reverse sensitivity effects arising from the encroachment of less productive competing uses or incompatible uses. However, she considered the second part of Policy 34.2.1.6 was superfluous, as the question of whether an activity was appropriate to the Campus Zone is inherent to the question of compatibility raised in the first part of the policy and the Strategic Directions. She considered that if the adverse effects associated with a proposed activity were incompatible with the Campus Zone, it was obvious that an alternative location is necessary.
48. In her revised recommendations, Ms Rodgers agreed in principle to the amended wording suggested in the evidence from the *University* but considered that the wording "related to or developed from" was difficult to manage and monitor.
49. Ms Rodgers, Mr Brass and Ms Taylor met and further discussed the wording, and prior to the reconvened hearing held on 12th December 2017, further discussions were held with Mr Paul Freeland and Dr Johnson to consider drafting options. Mr Freeland had been the Senior Planner assisting on the hearing but subsequently moved to the role of Reporting Officer for the reconvened hearing as Ms Rogers had left the DCC at that time.
50. At the reconvened hearing it appeared that there was general agreement on a proposed new definition of 'Campus-affiliated office activities', and there was further discussion at the hearing between the parties to refine the final details of this wording. However, the discussion also clarified that the *University* and *Otago Polytechnic* sought much broader enablement of office and other commercial activities within the Campus Zone, in part requested through other submission points, and this agreement did not fully address those broader aspirations.

3.1.1.1 Decision and decision reasons

51. We have collectively considered the submissions and evidence for providing for activities across the various interrelated zones, and the activity status of activities within those zones. These are separated into different topics in this decision but should be read as a collection of decisions that achieve the desired outcomes.
52. We accept in part the submissions and evidence from the *University* (OS308.5 and 308.350) to provide for office activities that are affiliated with the University and Polytechnic. We have added a new activity of 'Campus-affiliated office activities' and included a definition for this activity. The reason for this decision is that we accept the evidence and agreement between experts for all parties on this point.

53. However, based on the related submissions by these institutions to enable better linking of the Campus Zone with the Dunedin Hospital and Otago Museum zones, we have extended this definition to cover all four facilities and have included it into the activity status tables in these zones.
54. We have also amended the definition of Campus activity by adding “activities shared with the Dunedin Hospital” to the definition, and deleting activities that are not relevant, as advised in the evidence, such as joint venture activities, which we now address through a combination of changes. We note in line with our decision under the Plan Overview hearing to simplify definitions and only include lists of examples where they are necessary to understand the definition we have made the following amendments to the Campus definition. Also see Appendix 1 for changes to the definition attributed to submission point MF 308.5. We note changes to the definition were also made in response to decisions in the Public Amenities, Temporary Activities, and Plan Overview decisions, these are shown below attributed to PA 308.9, TA 308.495, and PO cl. 16.
55. We have made the following changes to the Campus definition:

The use of land and buildings by the University of Otago or the Otago Polytechnic, in the Campus Zone, for, the provision of teaching, training, learning, and research. ~~and any ancillary activities associated with the functioning of these institutions, including:~~ For the sake of clarity, this includes:

- ~~laboratories~~
 - ~~libraries~~
 - ~~joint venture facilities~~
 - ~~administrative services~~
 - staff and student facilities such as student and staff employment, health and wellbeing support services, student union offices, student and staff clubs and organisations
- activities shared with the Dunedin Hospital
- administration activities
- amenities for staff and students that would otherwise meet the definition of public amenities; and {PA 308.9}
- temporary activities {TA 308.495}

Campus is an activity in the major facility activities category {PO cl. 16}

56. For clarification we note that laboratories and libraries have been deleted from the definition as it is considered unnecessary to specifically itemise these, i.e. they are clearly anticipated as part of “teaching, training, learning and research”.
57. In order to provide for office activities that are affiliated with the University and Polytechnic we have made the following amendments (see Appendix 1 attributed to submission point MF 308.5):
- Added a new definition of ‘Campus-Affiliated Office’ as follows:

Office activities based on or supporting the research, development or innovation activities of the University of Otago, Otago Polytechnic, Dunedin Hospital or Otago Museum staff or students.
 - Added Campus-Affiliated Office as a sub activity of Office in the nested tables.

- Added Campus-Affiliated Office as a permitted activity under the commercial activities category in the following activity status tables:
 - Campus (Rule 34.3.3)
 - Otago Museum (Rule 29.3.3)
 - Dunedin Hospital (Rule 23.3.3)

58. And as consequential changes:

- Added the term Campus-Affiliated Office to the Introduction (Section 34.1)
- Amended the activity status rule for Office in the Campus Zone (Rule 34.3.3.13) to: All other office activities
- Amended Policy 34.2.1.5 to exclude Campus-Affiliated Office from the Office activity
- Amended assessment of discretionary land use activities (Rule 34.11.2.1) to exclude Campus-Affiliated Office from the Office activity
- Amend Rule 29.11.2.1 to exclude Campus-Affiliated Office from the discretionary Commercial activities

59. We reject the submissions from the *University* (OS308.326, 308.327, 308.328, 308.330 and 308.333), with respect to their requests to amend the provisions to enable wider provision of retail activity within the Campus Zone. Our reasons are primarily that while we agree with the need to acknowledge the commonalities between the institutions, and to provide for Campus related office activities, we consider the focus of the Campus Zone should be on education. As regards commercial and retail activity we have in the CMU decision (Section 4.1.1 - Context - Centres Based Approach, pp 18-20) accepted the evidence on the need to retain a centres hierarchy and are mindful of associated precedent and cumulative effects of allowing retail activity to occur outside the centres.

3.1.2 Providing for retail and restaurant activities not ancillary to campus activity in the Campus Zone

60. The Campus Zone provides for Retail and Restaurant activities ancillary to campus as a permitted activity subject to performance standards for Location and Minimum Car Parking. Restaurants not ancillary to campus are a discretionary activity and Retail not ancillary to campus is a non-complying activity.
61. The *University* (OS308.351) requested that the activity status of retail be changed from non-complying to discretionary. It considered the definition of ancillary to be narrow and there could be retail activities which do not meet that definition but are acceptable or desirable within the zone, therefore, discretionary activity status would be appropriate. This was supported in part by the *Niblick Trust* (FS2247.3) who sought that retail, restaurants and other activities not ancillary to Campus activities be controlled activities. We note that the *Niblick Trust* also sought to change the zoning of the northern part of 21 Frederick Street from Campus Zone to CBD Zone. This submission point is addressed in the Commercial and Mixed Use decision topic, where we accepted this submission and rezone the sites CBD.
62. The *University* (OS308.332) sought an amendment to Policy 34.2.1.5 so that it is less restrictive on the requirements for restaurants and offices not ancillary to campus activity. The *Otago Polytechnic Students Association* (OS268.8) also sought an amendment to Policy 34.2.1.5 (OS268.9) and an associated amendment to the

assessment of discretionary activities for office, and restaurants not ancillary to campus (Rule 34.11.2.1) to make it less restrictive as it considered that most students would welcome restaurants and cafes into the area regardless of whether or not they are considered to be ancillary to campus activity. This was supported by the *University* (FS2142.5) who considered that the minimal adverse effects of restaurant and office activity which is not ancillary to campus activity do not justify the proposed controls. The *University* considered these requirements to be more restrictive than is justified, arguing that restaurants and offices may have good reasons to locate within the campus zone, and provide benefits to the campus and wider city, without necessarily meeting all of the listed requirements.

63. We note that the *University* (OS308.352) also sought amendment of Rule 34.3.3.19 to change the activity status for 'all other activities' in the Commercial activities category to discretionary as part of a broader submission on this matter.
64. We also note that the *University* sought to make various amendments to strategic directions objectives and policies to have the Campus Zone identified as a centre. These submissions are addressed in the CMU decision report, where we rejected the submissions to amend the 2GP's provisions to identify the Campus as a centre, and the alternative relief sought to remove references to restrict the distribution of office and retail.
65. The Reporting Officer noted that the Campus was in close proximity to centres and the CBD, where Office activity is permitted. Overall, Ms Rodgers thought that the non-complying activity status was appropriate for management of 'all other Commercial activities' and for 'Retail not ancillary to Campus' activities. Her reasons were the potential impact on the centres hierarchy associated with the precedent and cumulative effects of allowing retail activity to occur outside the centres. She did not consider it appropriate or necessary to include provision for Office or Café/Restaurant activities not ancillary to Campus activity as permitted activities. Ms Rodgers considered non-complying activity status was appropriate given the potential impact on the centres hierarchy (s42A Report, Section 5.13.2, p. 128-134).
66. Mr Page argued that the Campus Zone and the Centres hierarchy as described in Objective 2.3.2 exist as parallel policy frameworks, with neither subservient to the other (legal submission, pp. 2-5). He noted that the University campus is not identified as a centre for the purposes of Objective 2.3.2. He also noted that the objectives in the major facility zone provisions were completely silent on the Centres hierarchy, with no cross reference back to the strategic directions provisions, which he considered added further weight to his parallel policy argument.
67. He considered that Objective 34.2.1 is enabling, contrary to the s42A Report which treated it as constraining (legal submission, pp. 2-5). He said there was nothing in the major facility zone suite of objectives that require the campus to play a subservient role to the Centres hierarchy in the provision of office activity. He stated that the incoherence of policies 34.2.1.4, 5 and 6 as against their founding Objective 34.2.1 had led the Reporting Officer into the misconception that Campus activities must be constrained as a means of supporting the vibrancy of the CBD.
68. Mr Brass outlined the non-campus activities which he considered suitable in the Campus Zone, these being food and retail outlets and some forms of visitor accommodation and suggested that non-campus activities should be Discretionary activities. He considered this status and the policy framework provided the opportunity for appropriate activities in the zone while still preventing those that were not appropriate or related to the Campus in any way (such as service stations, drive through restaurants, and commercial accommodation).

69. Mr Cubitt (resource management consultant) called by the *Niblick Trust*, did not appear at the hearing but tabled evidence which outlined that the *Niblick Trust* had supported the *University* submission to enable restaurants and other Commercial activities not ancillary to Campus activities within the zone. He said he did not agree with the Reporting Officer's recommendation for non-campus activities to be non-complying, and also disagreed with Mr Brass's comments regarding drive-through restaurants and service stations not needing to be located in the zone. The *Trust's* concerns were largely related to properties they own that had been included in the Campus Zone, but that they had sought to be rezoned to Neighbourhood Centre in submissions (OS929.1) considered in the Commercial and Mixed Use Hearing. As outlined in the Commercial and Mixed Use Decision Report, we reject the rezoning requested by the *Trust*.
70. Ms Taylor (planner) for the *Otago Polytechnic Students Association*, stated in her tabled evidence that amendments to the 2GP should be made to avoid an onerous consenting regime which will apply to office and commercial activities that are essential components of modern tertiary education organisations. Changes were also required so that the Polytechnic's ability to respond to the expectations of central government for engagement with the business sector would not be constrained.

3.1.2.1 Decision and reasons

71. We reject the submissions from the *University*, (OS308.332, OS308.351, and OS308.352) and the *Otago Polytechnic Students Association* (OS268.8 and OS268.9) for amendments to relax the provisions for establishment of retail not ancillary to campus, or restaurant not ancillary to campus, within the Campus Zone.
72. Our reasons are that we accept the evidence of the Reporting Officer and consider that primacy for land use within the Campus Zone should be for activities directly related to Campus activities. We note that the 2GP already provides for retail and restaurant activities ancillary to campus as permitted activities. We also note, as discussed in section 3.1.1, that we have agreed to campus-affiliated offices as a permitted activity.
73. We also consider that the current status for retail not ancillary to campus, and restaurant not ancillary to campus, as non-complying is appropriate given the potential impact on the centres hierarchy associated with the precedent and cumulative effects of allowing retail and restaurant activity to occur outside the centres. We make a similar conclusion in terms of office other than as ancillary to Campus in our decision outlined in section 3.1.1, above.

3.1.3 Request to remove or amend Location performance standard

74. The *University* (OS308.364) sought deletion of requirements on the location of retail and restaurants ancillary to campus from the Location performance standards (Rule 34.5.3). This submission was supported by the *Otago Polytechnic* (FS2448).
75. The Reporting Officer noted that the *University* was seeking removal of the requirement to provide for all customer access being from within a building, or if there is external access that it was not orientated to a street frontage (with the exception of emergency-only access/egress). She said she supported this performance standard which was intended to limit the amount and extent of retail and restaurants within the Campus by ensuring that their customers are people working or studying in the Campus Zone rather than the general public (s42A Report, Section 5.13.15, pp. 150-151).
76. Mr Brass considered that Rule 34.5.3.1 was unnecessary, impractical, and contrary to good practice. He also thought that the requirement for orientation of the entrance was unnecessary and contrary to Crime Prevention Through Environmental Design principles.

77. Ms Taylor in her statement said the performance standard essentially required campus-based retail and restaurants to present a blank wall to the street which she considered unnecessary and would result in poor urban design outcomes. She thought the rule will be ineffective and considered that the discretionary consenting regime which applied to retail and restaurant activities that are not ancillary to Campus activity appropriately differentiated between activities with a direct relationship with campus activities and those without such a relationship.

3.1.3.1 Decision and reasons

78. As outlined in section 3.1.2, we consider that retail not ancillary to campus activities, and restaurants not ancillary to campus activities, should be managed as non-complying activities.
79. We reject the submission by the *University* (OS308.364) and further submission by the *Otago Polytechnic* (FS2448) to remove the requirement for retail and restaurant activities ancillary to campus to provide for all customer access to be from within a building, or if there is external access that it will not be orientated to a street frontage.
80. The reasons for our decision are that we accept the reasons outlined by the Reporting Officer, in particular that there is a need for a practical means to limit the exposure of ancillary restaurants and retail activity so as not to attract visitors from outside the Campus Zone. We note the points made by submitters in opposition but consider on balance this outweighs any potential design issues, which in our view should be able to be overcome in most instances. We reiterate our view that the Campus Zone is not an appropriate location for non-related commercial activity in terms of the integrity of the zone, and potential impacts on the centres and CBD.

3.1.4 Requests to provide for campus activity outside the Campus zone and cross-over of activities between zones

81. The *University* requested that the Dunedin Hospital (OS308.475 and OS308.299) and Otago Museum zones (OS308.476 and 308.308) be re-zoned Campus, as in the operative plan. Their reason was to enable seamless interaction between the University and Otago Polytechnic, Hospital and Museum. The *University* suggested, as an alternative, enabling Museum activities in the Campus Zone (OS308.308). The change was opposed by the *SDHB* (FS2370.12 & FS2370.13) and the *Otago Museum Trust Board* (FS2480.3).
82. The *University* also made a related submission in opposition to Policy 23.2.1.3 in the Dunedin Hospital Zone (OS308.303), requesting that the policy be amended to be less restrictive, unless the Dunedin Hospital Zone was rezoned to Campus Zone.
83. This amendment was opposed by the *SDHB* (FS2370.13), as well as the reference to changing the zone from Dunedin Hospital to Campus. *SDHB's* submission was neutral, in terms of making the policy less restrictive.
84. Similarly, the *University* (OS308.313) opposed Policy 29.2.1.3 and sought an amendment so it was less restrictive, unless the zone was changed to Campus instead of Otago Museum.
85. The *Otago Museum Trust Board* (OS267.6) sought to have the Activity Status rule (Rule 34.3) amended to provide for the existing land uses in the Campus Zone in the operative District Plan, as permitted activities in the 2GP. It also sought to amend Rule 29.3 Activity Status rule in the Otago Museum Zone to provide for the existing land

uses in the Otago Museum Zone as permitted activities (OS267.5). The *University* (FS2142.2; FS2142.3) supported these submissions.

86. The *Otago Museum Trust Board* (OS267.1 and OS267.2) also sought to have the Otago Museum Zone Introduction and objectives amended to reflect the autonomy of the Otago Museum Trust Board in terms of its future direction. The Reporting Officer noted it was not clear what existing uses the submitters were referring to that were not provided for in the provisions. She noted that the Otago Museum Zone provided for a wide range of activities, such as entertainment and exhibition, conference meeting and functions, training and education, community and leisure activities- small scale, and early childhood education – small scale as permitted activities.
87. Mr Don Anderson, the planning consultant called by the *Otago Museum Trust Board*, stated that the submitter sought specific recognition of the Otago Museum Trust Board Act 1996 in the objectives and policies, and replacement of the 15 listed land use activities with just one land use activity, i.e. any activity authorised by the Otago Museum Trust Board Act 1996.
88. The *University* (OS308.349), (OS308.304) and (OS308.465) opposed the non-complying activity status of 'all other major facility activities' in the Campus, Dunedin Hospital or Otago Museum zones (Rules 34.3.3.3, Rule 23.3.3.3 and Rule 29.3.3.12). Their point was that other Major Facility activities should be assessed on the basis of the specific activity, not the organisation undertaking the activity.
89. This was supported by the *SDHB* (FS2370.14, FS2370.19 and FS2370.16) who sought that the rules either be removed, or the activity status amended to be less restrictive than non-complying for University, Dunedin Hospital or Otago Museum activities (as appropriate). The *SDHB* (FS2370.15) also supported in part the University's submission on Policy 29.2.1.3 (OS308.313) in terms of amendments allowing for the University and Dunedin Hospital activities to occur in the Otago Museum Zone.
90. In a related request, the *University* (OS308.11) requested that the definition of Training and Education be amended to clarify that the full range of Education Act activities are covered under 'tertiary education' including research and self-directed learning, and not just direct "teaching of a vocation, skill or subject of interest". This submission was supported by *Otago Polytechnic* (FS2448.3). This amendment was requested in order to better provide for campus activities in all zones that tertiary education was provided for.
91. The Training and Education definition as notified in the 2GP is as follows:

"The use of land or buildings for the purpose of teaching a vocation, skill, or subject of interest. This definition includes tertiary education carried out by the University or Otago Polytechnic outside of the Campus Zone.

Examples are:

- language schools
- 'after school' tuition
- hairdressing schools
- other vocational training centres

Training and education is a sub-activity of office.

This definition excludes activities defined as schools, early childhood education and campus."

92. With respect to the *University's* rezoning request, the Reporting Officer noted that the range of activities and effects created by Dunedin Hospital and the Otago Museum were different to those of the Campus Zone, and therefore they have specific 2GP provisions (s42A Report, Section 5.6.13, p. 187 and Section 5.6.1, p. 43). She recommended that the Dunedin Hospital and Otago Museum zones be retained without amendment, and Policy 23.2.1.3 be retained as notified.
93. Ms Rodgers noted that this definition provided for the wide range of further education activities that may occur outside the Campus or Schools zones. The list of examples was not exclusive, and the definition provided for a wider range of activities than those specifically mentioned (Section 42A Report, Section 5.1.5, p. 32).
94. She considered that research and self-directed learning as requested by the *University* would seem to be 'implicitly provided' in the definition as part of tertiary education carried out by the University or Otago Polytechnic. Nonetheless, she recommended that the definition be amended to include reference to "... study or research undertaken by staff or students enrolled in ..." to address the concerns raised by the submitters.
95. Ms Rogers considered, in a general sense, the non-complying activity status attached to 'all other activities in the Major Facilities activity category' is appropriate given the vast range of activities provided for as Major Facility activities, and the risk of incompatibility and potential adverse effects of allowing for all Major Facility activities as permitted (s42A Report, Section 5.13.3, p. 137 and Section 5.6.5, p. 47). However, she considered that given the special relationships that existed between the University and Dunedin Hospital, there was merit in allowing for the Training and Education aspect of Campus activity to be permitted in the Dunedin Hospital Zone. Accordingly, she recommended that Rule 23.3.3.3 be amended to provide for Training and Education as a permitted activity in the Dunedin Hospital Zone.
96. At the hearing Mr Brass noted that the s42A Report recommended the proposed zoning be retained and amendments made elsewhere to provide for Training and Education in these zones, and the *University* supported this approach. He generally supported the approach recommended by the Reporting Officer to specify that Training and Education included the study or research undertaken by staff or students, however he said it would be clearer to use terminology more consistent with the Campus definition. Mr Brass also explained that the University had established a number of study centres outside of the Campus Zone, and that this may become more commonplace as a result of advances in technology and should be explicitly provided for in the definition of training and education. He also said staff are employed rather than enrolled and proposed an amendment to the definition to cover this.
97. He also clarified that the *University* was not requesting that other Major Facility activities be made permitted but rather that the non-complying activity status be deleted. This would allow major facilities occurring outside of their zone to be considered directly on the basis of the activity, not the operator, and whether or not they were permitted would depend on the relevant provisions for that zone. He considered that overall the rules do not provide any resource management benefit and create a risk of limiting the ability of major facilities to provide for the education, health and wellbeing needs of the community. Mr Brass concluded that the purpose of the Act would be best served by deleting Rule 34.3.3.3 from the Campus Zone and the equivalent rules from all other major facility zones.
98. Ms Taylor proposed an amendment to the definition using terms consistent with the definition of Campus which changed the words 'enrolled' to 'engaged in'.

99. Ms Julie McMinn, consultant planner called by *SDHB*, presented evidence noting that the Reporting Officer's recommendation for a modified definition of Training and Education only met the *SDHB*'s concerns on the matter of the collaboration between the University, Otago Museum and Dunedin Hospital. She said the definition does not provide for sharing of resources and suggested that along with Training and Education being provided for as a permitted activity, other Major Facility activities should be provided for as permitted in each of the relevant zones or have less restrictive activity status than non-complying.
100. In her revised recommendations, Ms Rogers agreed with the evidence of Ms Taylor and Mr Brass in principle and recommended a further amendment to the definition to include all Campus activities. At the reconvened hearing, Ms Taylor and Mr Brass suggested minor additional changes to the definition.
101. We requested that the Reporting Officer reassess which major facilities should be provided for in the respective Campus, Otago Museum and Dunedin Hospital zones, as well as a reassessment of the activity status of non-complying for 'all other major facilities activities categories' not permitted in a major facility zone.
102. Mr Freeland in his Memorandum dated 20 November 2017 to the reconvened hearing agreed in principle that the 2GP should support the colocation and cross boundary activities of the three institutions in each other's zones. In terms of the Otago Museum and Dunedin Hospital's activities being provided in the Campus Zone, Mr Freeland considered that this should be provided for to a degree. He noted that the Otago Museum's activities are already provided for in the Campus Zone. The activities that the Otago Museum carries out in the Otago Museum Zone do not have a separate definition, and instead principally rely on the Entertainment and Exhibition, Conference, Meeting and Functions, and Training and Education activity definitions. Entertainment and Exhibition, and Conference, Meeting and Functions activities are included in the Campus Zone as permitted activities.
103. With regard to Hospital activity being able to be undertaken within the Campus or Otago Museum Zones, he noted that the Hospital definition provided for a wide range of activities, which may not be appropriate beside residential development in the Campus Zone as a permitted activity. However, he considered that it may be appropriate to provide for Registered Health Practitioners as a permitted activity to enable some activities associated with the Hospital to be carried out in the Campus Zone.
104. Mr Freeland did not consider that sufficient evidence or analysis had been provided to justify changing the activity status from non-complying for 'all other major facility activities categories' that want to establish in a different major facility zone. He also discussed the definition of Training and Education and agreed with the previous Reporting Officer (Ms Rodgers) and provided suggestions for the definition of the wording of Training and Education as well as that of Campus.

3.1.4.1 Decision and decision reasons

105. We reject the submissions (OS308.299, OS308.308 and OS308.475) from the *University* and retain the Dunedin Hospital and Otago Museum zones in the 2GP. The reasons for our decision are that we accept the further submissions from the *SDHB* (FS2370.12 & FS2370.13) and from *Otago Museum Trust Board* (FS2480.3) and accept the evidence of the Reporting Officer that these zones have their own identity and that the vast range of activities provided for as major facility activities could be incompatible and potentially have adverse effects in other major facilities zones. We also note that this approach was supported by Mr Brass from the *University* in his hearing evidence.
106. We accept in part the submissions from the University (OS308.349, 308.304, and 308.465) that the 2GP needs to better recognise and enable the cross-over activities

between the University/Otago Polytechnic and Dunedin Hospital and Otago Museum. Although we do not consider it appropriate to provide for 'all major facility activities' in other major facility zones, we have provided for this cross-over through changes to the definitions of some activities and through providing for additional activities in these zones as discussed in this, and previous, sections of the decision.

107. We have added 'Training and Education' to the activity status table (Rule 23.3.3) for Dunedin Hospital Zone as a permitted activity, as shown in Appendix 1, attributed to submission point MF 308.304. We note that this activity is already provided for in the Museum Zone and is not needed to be included in the Campus Zone as the Campus Activities already provides for training and education in the Campus.
108. We agree with the Reporting Officer, Mr Freeland, that not all Hospital Activities are appropriate in the Campus Zone, however, we consider some components of this type of activity are appropriate and have accordingly amended the activity status table for Campus (Rule 34.3.3) to include Registered Health Practitioners as a permitted activity in the Campus Zone (see Appendix 1, amendment reference MF 308.349). We have also made the following consequential amendments:
- Amended Rule 34.5.5 (Minimum Car Parking) to include the activity
 - Amended Policy 34.2.1.5 to exclude the activity from discretionary office activities
 - Amended the assessment of discretionary land use activities (Rule 34.11.2) to exclude the activity from discretionary office activities
109. We accept the submission from the *University* (OS308.11) and the evidence provided by Mr Brass, and therefore have amended the definition of Training and Education. These changes are shown in Appendix 1, amendment reference MF 308.11. There is also a change made under clause 16 of the 1st Schedule of the RMA, as identified through amendments in the Plan Overview Decision.
110. To implement this decision, we have amended the definition of Training and Education as follows:

"The use of land or buildings for the purpose of teaching and/or learning a vocation, skill, or subject of interest. This definition includes tertiary education carried out by the University of Otago or Otago Polytechnic outside of the Campus Zone.

Examples are:

- language schools
- 'after school' tuition
- hairdressing schools; ~~and~~
- other vocational training centres; and
- study centres.

Training and education is a sub-activity of office.

This definition excludes activities defined as schools, early childhood education and campus.

Training and education is an activity in the commercial activities category. {PO cl.16}"

111. We reject submissions from the *University* (OS308.476, OS308.303 and OS308.313) and from the *Otago Museum Trust Board* (OS267.1, OS267.2, OS267.5, and OS267.6) and retain without amendment the Otago Museum Zone's Introduction, objectives, policies 29.2.1.3 and 23.2.1.3, and activity status table apart from the amendments discussed here.
112. The reasons for our decisions are that we consider the amendment to the definition of Training and Education and inclusion of Campus-affiliated office activities as a permitted activity in the Otago Museum Zone should address the submitters' concerns on this aspect.
113. We note Kate Wilson removed herself from all hearings and deliberations relating to the Otago Museum as a member of the Trust Board.

3.1.5 Request to amend policy guiding subdivision in the Campus Zone

114. Policy 34.2.1.7 states:

"Only allow subdivision:

- a. if intended and/or capable of being used for standard residential activity, it is in accordance with the objectives, policies and rules of the residential zones; or*
- b. it is necessary for the disposal of surplus land in accordance with Policy 2.3.1.6."*

115. The shape subdivision performance standards (Rule 34.7.5), ensure that new sites are of a sufficient size to be put to a reasonable future use.
116. The *University* (OS308.334), supported by *Otago Polytechnic* (FS2448.22), opposed Policy 34.2.1.7, as the University could have operational reasons for subdivision other than the disposal of surplus land, and should not be unreasonably restricted in doing so. The *University* (OS308.386), supported by *Otago Polytechnic* (FS2448.33) opposed Rule 34.7.5 which gives effect to the policy as it considered the rule was not meaningful when dealing with Campus activity, and should be removed.
117. The Reporting Officer noted that the 2GP anticipated that subdivision in the Campus Zone was likely to take place to enable disposal of land that was no longer needed for campus purposes, and if sold, would likely be put to residential use. The provisions were intended to prevent the land being subdivided into sites smaller than the minimum site size in the Inner City Residential Zone. She acknowledged that subdivision may be necessary for operational reasons, but to prevent very small sites being created she considered Policy 34.2.1.7 and Rule 34.7.5 were appropriate. She also noted that failure to meet the requirements of this performance standard did not change the activity status of the subdivision consent (s42A Report, Section 5.13.7, p. 143 and Section 5.13.22, p. 159).
118. In her revised recommendations Ms Rodgers stated that she agreed in principle with the following amendment proposed at the hearing by the University and Polytechnic:

"Only allow subdivision where:

- a. if ~~intended and/or capable of~~ the land is currently being used for standard residential activity, ~~it~~ the resultant residential site is in accordance with the objectives, policies and rules of the residential zones; or*

- ~~b. it is necessary for the disposal of surplus land~~ it supports the efficient and effective operation of the University or Otago Polytechnic in accordance with Policy 2.3.1.6."

3.1.5.1 Decision and reasons

119. We reject the submissions from the *University* (OS308.334 and OS308.386) and *Otago Polytechnic* (FS2448.22 and FS2448.33) and reject the Reporting Officers revised recommendation, therefore we retain Policy 34.2.1.7 and Rule 34.7.5 without amendment.
120. Our reasons for this decision are that we agree with the original evidence of the Reporting Officer in her s42A Report. The provisions as notified appropriately focus on future development for the likely residential purposes, and as resource consent is required for subdivision in any event the merits of an application can be determined at the time.

3.1.6 Requests to amend objectives and policies related to height

121. Objective 34.2.2 states:

"Land use, development and subdivision activities maintain or enhance:

- a. the distinctive character and overall amenity of the university and polytechnic campus environments and surrounding streets; and
- b. the amenity of residential properties and recreation zones located adjacent to the Campus Zone, as far as practicable; and
- c. on-site amenity of residential activities located in the Campus Zone."

122. The *University* (OS308.335) sought that Objective 34.2.2 be amended to focus on public places and residential or zone boundaries. The submitter considered that the objective was intended to protect the values of the Campus Zone, however the relevant issues are internal to University property and the public interest should only apply to public places and residential areas or zone boundaries. *Otago Polytechnic* (FS2448.23) supported this submission.

123. The Reporting Officer said that although privately owned, the Campus Zone, or large parts of it, could be considered to be public places and she considered it appropriate that the amenity of users of the facility was managed in terms of areas that the public have access to. She recommended no change to the objective (s42A Report, Section 5.13.8, p. 144).

124. Policy 34.2.2.7 states:

"Only allow buildings greater than 40m in height where:

- a. the height is essential to the operation of campus activities; and
- b. the height exceedance is minimal."

125. Policy 34.2.2.8 states:

"Only allow buildings greater than 25m in height where they contribute positively to the skyline vista of the city, by being of a quality and contextually appropriate architectural design."

126. The *University* (OS308.342) submitted to have Policy 34.2.2.7 amended by deleting clause b: 'the height exceedance is minimal'. The submitter considered it was possible that at some time in the future the University could require a building more than a minimal amount higher than 40m, and the policy should not restrict this.
127. The *University* (OS308.343), supported by *Otago Polytechnic* (FS2448.24), also sought removal of Policy 34.2.2.8 as it is unreasonable to require buildings above 25m to contribute positively to the skyline, when the RMA only requires that adverse effects be avoided, remedied or mitigated.
128. In addition, the *University* (OS308.378; FS2448.31) requested that the Height performance standard (Rule 34.6.7) change the trigger level for these policies from 25m to 40m.
129. Ms Rodgers noted that tall buildings could create issues with shading and dominance, and at 40m considerable height is already provided for Campus buildings. Policy 34.2.2.7 is intended to provide for relatively small breaches of the height limit and she considered this was appropriate, particularly with the predominance of low-level residential development adjacent to the Campus Zone (s42A Report, Section 5.13.18, p. 155). She also noted that buildings over 25m, in close proximity to low-level residential development, have the capacity to dominate an area. To offset the potential negative impact of additional height, mitigation of positive contribution to the skyline vista through quality architectural design was appropriate.
130. Mr Brass said the reference to buildings making a positive contribution to the skyline are very subjective and open to interpretation, therefore making buildings difficult to design. He also noted the RMA only required that adverse effects are avoided, remedied or mitigated. He was of the view that the policy framework adequately allows for consideration of environmental effects.
131. Ms Taylor was of the opinion the wording in Policy 34.2.2.8 of "only allow" pre-supposes that all possible land uses, and development scenarios have been considered and that the policy has been drafted to only allow certain activities. She suggested this is incompatible with merits-based assessments of discretionary activities. She considered that the policy is subjective; therefore, it is not possible to objectively determine whether a building design would make a positive contribution. She was of the opinion that Objective 34.2.2 and Policy 34.2.2.1 provided ample policy guidance on the matter of building height and that assessment matters in Rule 34.9.4.1 also consider the adverse effects of building height.

3.1.6.1 Decision and reasons

132. We reject the submissions from the *University* (OS308.335) and *Otago Polytechnic* (FS2448.23) and retain Objective 34.2.2 without amendment.
133. Our reasons for this decision are that we accept the rationale of the Reporting Officer that large parts of the Campus could be considered to be public places and it is appropriate that the amenity of users of the facility are managed. Furthermore, we note that the Plan manages the amenity of private spaces in other zones and there is no restriction in the RMA for territorial authorities to only concern themselves with public spaces in terms of effects on amenity.
134. We also reject the submission from the *University* (OS308.342) and retain Policy 34.2.2.7 without amendment. Policy 34.2.2.7 is intended to provide for relatively small breaches of the height limit and we consider this is appropriate particularly with the predominance of low-level residential development adjacent to the Campus Zone.

135. We accept in part the submissions from the *University* (OS308.343), and *Otago Polytechnic* (FS2448.24) that Policy 34.2.2.8 should not require positive effects and have amended Policy 34.2.2.8 to remove this aspect and to better link it to Policy 2.4.1.4 in the strategic directions which is concerned with adverse effects on views from Dunedin's inner hill suburbs across the harbour towards the Otago Peninsula. The amendments to Policy 34.2.2.8 are shown below and in Appendix 1, attributed to submitter reference MF 308.343.

Policy 34.2.2.8

Only allow buildings greater than 25m in height where ~~adverse effects on them~~ ~~contribute positively to the skyline vista of the city, particularly as viewed from Dunedin's inner hill suburbs across the harbour towards the Otago Peninsula, are minimised as far as practicable through use of~~ ~~by being of a quality and contextually appropriate architectural design.~~

136. Although the submission was only in relation to the Campus Zone, similar policies occur in the Otago Museum Zone (Policy 29.2.2.6), the Dunedin Hospital Zone (Policy 23.2.2.2), and in the Stadium Zone (Policy 32.2.2.2). For plan consistency, we make the same or similar change in all zones. Scope is provided under the University's submission (OS308.497) which states "Where a submission point relates to a specific provision, and there are other equivalent or similar provisions elsewhere in the Proposed Plan, the submission is intended to cover all of those provisions." The amendments to policies 29.2.2.6, 23.2.2.2, and 32.2.2.2 are shown in Appendix 1 attributed to submission point MF 308.343 and 308.497.
137. We also make consequential changes to correctly reference the policies in:
- Rules 34.9.4.1, 23.8.4.9, 29.9.4.9, and 32.8.4.9 (assessment of development performance standards – maximum height)
 - Rules 34.11.4.2, 23.10.3.2, and 32.10.3.3 (assessment of discretionary performance standard contraventions – Maximum Height (buildings over specified size))
138. As we have addressed the concerns raised in relation to the policies, we reject the alternate submission from the *University* (OS308.378) and retain Rule 34.6.7 without amendment, for the reasons given above by the Reporting Officer.

3.1.7 Development performance standards

3.1.7.1 Rule 34.6.1 Boundary Treatments and Other Landscaping

139. Rule 34.6.1 states:

1. For any site or part of a site being developed for anything other than standard residential activity, landscaping must be provided as follows:
 - a. where a building is not built to the street frontage, a landscaping area with a minimum 1.5m width must be provided along the full length of any road frontage (except for where vehicle access is provided), with an average of one tree for every 5m of frontage;
 - b. within any car parking area greater than 200m² (excluding loading areas), a minimum of 1m² of landscaped area must be provided for every car parking space, with an average of one tree per 10m² of landscaping
2. Landscaping

- a. must be fully and densely planted with trees, shrubs and ground cover plants, with total coverage of the ground area in planting (when mature) required except for 10% of the area, which may be used for pedestrian paths;
 - b. must not have more than 10% cover in permeable surfaces (to allow for pedestrian paths);
 - c. must have a physical barrier (border or curb) that prevents cars from ~~accidentally driving into or~~ {PO 360.213} damaging plants; and
 - d. as required, use trees that are at least 1.5m height at the time of planting and capable of growing to a minimum {PO 360.213} height of 5m within 10 years of planting.
3. Planting associated with new buildings or site development must be completed prior to occupation or completion of the relevant building(s) or site development.
 4. The landscaping areas must be maintained to a high standard, including keeping areas free of rubbish and weeds, and ensuring trees and under-planting are healthy.
 5. Any road boundary fences provided must be placed on the property side of road frontage landscaping.
140. The *University* (OS308.373) requested the performance standard be removed because it considered the University already successfully manages landscaping across its entire campus in an integrated way. The *University* considered the proposed provisions to be unnecessary and would cut across the existing landscaping work and lead to a reduction in amenity.
141. The Reporting Officer noted that Rule 34.6.1 was intended to ensure a minimum standard of landscaping between buildings and streets (other than those for standard residential activities), and large areas of car parking. She acknowledged that the campus was a high amenity area, and the landscaping and other development work undertaken by the University achieved and maintained this level of amenity. She thought that if the University had landscaping approaches which were different from the proposed minimum landscaping, then they could potentially be incorporated into the performance standard. Also, while the University was the main owner of land in the Campus Zone, there were other landowners in the Campus Zone who may not aspire to the same levels of amenity landscaping as the University did, and so Rule 34.6.1 is required (s42A Report, Section 5.13.16, p. 151).
142. Mr Brass noted that within the Campus Zone the University managed landscaping across its entire campus in an integrated way, rather than site-by-site. He noted that if the rule was followed to the letter in terms of the requirement for 1 tree per 5m of frontage, the University would be required to plant a further 6 trees elsewhere on the frontage just to make up for retaining the large, protected, Horse Chestnut tree on the corner of Union Street and Anzac Avenue (which occupies approximately 35m of frontage).
143. He suggested that rather than the deletion sought in the original submission, it would be appropriate to remove the landscaping requirement from Campus activity only, in recognition of the fact that the University and Otago Polytechnic do have their own landscaping regimes. So rather than attempting to codify these as performance standards, the rule would instead simply tie it back to those organisations. This would retain the proposed controls over landscaping on any private development in the Campus zone. A suggested wording was:

“For any site or part of a site being developed for anything other than standard residential activity or campus activity, landscaping must be provided as follows:...”

3.1.7.1.1 *Decision and reasons*

144. We accept the submission from the *University* (OS308.373) and amend the rule to exclude Campus activity, as recommended by Mr Brass. The amendments to Rule 34.6.1 are shown in Appendix 1 attributed to submitter reference MF 308.373.
145. The reasons for this decision are that we accept Mr Brass's evidence with respect to this point. This will allow greater flexibility for the University in carrying out its landscaping regime and will ensure a good amenity outcome in our view, while retaining the rule for landscaping carried out by other activities in the zone.
146. In considering this submission we have amended the policy associated with this rule (Policy 34.2.2.4) as we consider it repeats some aspects of the performance standards and does not include other aspects of it. We do not consider this level of detail is necessary in the policy and have amended it to read "Require development activities to maintain a reasonable level of visual and environmental amenity adjacent to public roads" as an amendment under clause 16 of the RMA.

3.1.7.2 Rule 34.6.3 Fence Height and Design

147. The Fence Height and Design performance standard requires:

1. "Fences must not exceed the following height limits, except as provided for below:

Location		Maximum height
a.	Along the road boundary with a state highway	2m
b.	Along all other road boundaries	1.4m
c.	Along a side or rear boundary with a residential zone	1.4m
d.	Along all other side and rear boundaries	2m

2. Fences along boundaries include fences that are not exactly on the boundary but are within the boundary setbacks required by Rule 20.6.12.1.
3. Where the maximum height of a fence is 1.4m, the height of a fence may be increased to a maximum height of 2m provided that a minimum of 40% of the entire structure is visually permeable (see-through), or the portion above 1.4m height is visually permeable. Visually permeable refers to construction using trellis, lattice, wrought iron, or spaced palings (palings maximum width 150mm, spacing minimum width 25mm) or other materials that provide gaps that can be seen-through (see Figure 15.6D and Figure 15.6E).
4. For the purposes of calculating maximum height, where a fence or wall is erected atop a retaining wall, the height will be calculated as the combined height measured from ground level to the top of the fence or wall.

148. The *University* (OS308.375) sought to amend Rule 34.6.3 to avoid unnecessary requirements. It considered within the Campus Zone there are very few solid fences, and the fences that are there generally surround service areas, such as storage or loading areas. The *University* considered there were no community benefits in making these fences visually permeable, and there may be a loss of amenity and safety and note that it also conflicts with Rule 34.6.8.
149. The Reporting Officer said the intention of this standard was to provide for passive surveillance and contribute to the amenity of residential areas. Fences not on the boundary are not controlled by this performance standard and are managed as a structure which must comply with Rule 34.6.7.1, which limits their height and location. She did not consider this requirement unduly limited the ability of the *University* to use fencing to screen service areas (s42A Report, Section 5.13.17, p. 154).
150. Ms Rodgers acknowledged there was a minor conflict between Rules 34.6.3 and 34.6.8 in that if a landowner had an outdoor storage area that required screening, and sought to achieve this with a boundary fence over 1.4m on a road boundary, or a side or rear boundary with a residential zone, then in complying with the permeability requirement for the extra height it would fail the screening requirement. She recommended that the performance standard, and similar standards in the Residential and Recreation sections, be amended to provide for an exception from the permeability requirement in this situation by adding at the end of the rule:

"...The visually permeable requirement does not apply to fencing used to meet Rule 34.6.8 Location and Screening of Outdoor Storage."

3.1.7.2.1 Decision and reasons

151. We accept the *University's* submission (OS308.375) to resolve the conflict between the fencing and screening of outdoor storage standards. We note that the *University* has stated that there are very few solid fences therefore we consider that no other changes are required. Accordingly, we have amended Rule 34.6.3 to exclude fencing required to meet Rule 34.6.8 (Location and Screening of **Outdoor Storage**) from meeting the visual permeability component of the rules. These changes are attributed to submission point MF 308.375.
152. Although the submission was only in relation to the Campus Zone, similar rules apply in the Recreation Zone (Rule 20.6.2) and the Residential Zone (Rule 15.6.3). For plan consistency, we make the same change in these zones. Scope is provided under the *University's* submission (OS308.497) which states "Where a submission point relates to a specific provision, and there are other equivalent or similar provisions elsewhere in the Proposed Plan, the submission is intended to cover all of those provisions." Amendments to rules 20.6.2 and 15.6.3 are shown in Appendix 1 attributed to submission point MF 308.375 and 308.497.
153. We also note there are changes in the format of the Fence Height and Design standard as a result of a clause 16 change and we have made amendments to the visual permeability component of the rules to only require visual permeability above 1.4m for fences along 50% of the road frontage. These changes are discussed in the Residential decision.

3.1.8 Rule 34.6.13 Maximum Building Site Coverage and Impermeable Surfaces

154. The *University* (OS308.385), supported by *Otago Polytechnic* (FS2448.32) requested that the Maximum Building Site Coverage and Impermeable Surfaces performance standard (Rule 34.6.13) be deleted. It stated that the table the rule refers to does not include the Campus Zone, and so the rule is redundant.

155. The Reporting Officer noted that Rule 34.6.13 required compliance with Rule 15.6.11 and relates to the maximum building site coverage and impermeable surfaces in residential zones. Standard residential activities in the Campus Zone are required to meet the performance standards of the Inner City Residential Zone which link to Rule 15.6.11. She said that for all other permitted and restricted discretionary activities in the Campus Zone no maximum site coverage or impermeable surface limit should be imposed, so as to allow for maximum use of the limited resource of the Campus Zone. She therefore supported the submissions and recommended that Rule 34.6.13 be deleted (s42A Report, Section 5.13.21, p. 157).

3.1.8.1 Decision and Decision reasons

156. We accept in part the submission from the *University* (OS308.385) and amend Rule 34.6.13 to specify that the rule only applies to sites used for residential activity and that they should be developed with the same rules as properties in the Inner City Residential Zone.
157. Rule 34.6.13 is amended to read as shown below, and as in Appendix 1, amendment reference MF308.385:

"On sites used for standard residential activity, development must comply with the maximum building site coverage and impermeable surfaces performance standard for the Inner City Residential Zone in Rule 15.6.11."

158. We accept the evidence, and consider this approach makes the rule consistent with other provisions in the Campus Zone which require residential development to meet the same performance standards as residential development in the Inner City Residential Zone.

3.1.9 Rule 34.6.10.3 Freestanding Signs

159. Rule 34.6.10.3 states:

"Maximum of one freestanding sign per building.

- a. The maximum dimensions of freestanding signs are:
 - i. maximum height of 4m;
 - ii. maximum area of 3m² per display face;
 - iii. maximum of 2 display faces per sign;
 - iv. maximum width of 2m; and
 - v. maximum depth of 400mm.
- b. Freestanding signs must not obstruct driveways, parking or loading areas.
- c. Freestanding signs must be located within the site and cannot be located on the road reserve, except:
 - i. portable freestanding signs, must only be located on a footpath outside non-campus activities where a premise is located on the upper floor and does not have ground floor street frontage; and
 - ii. must not exceed one portable sign per premise, except;
 1. where a site has street frontage of 30m or more, a maximum of 1 sign per 15m of street frontage.
- d. The maximum dimensions of portable freestanding signs are:
 - i. maximum height of 900mm; and
 - ii. maximum width of 600mm.
- e. Portable freestanding signs on footpaths must be a minimum of 5m apart from any other portable sign."

160. The *University* (OS308.382) requested clarification as to whether only non-campus activities can have freestanding signs on footpaths (road reserve) in accordance with this rule.
161. The Reporting Officer explained the intent of Rule 34.6.10.3.d is to limit freestanding signs on the road reserve (footpaths) to non-campus activities where a premise is located on an upper floor and does not have a ground floor street frontage. She considered the rule was sufficiently clear in its meaning, and no amendment was recommended (s42A Report, Section 5.13.20, p. 157).
162. In his pre-circulated evidence Mr Brass reiterated that he thought the wording was unclear and suggested the following wording:

*"Freestanding signs must be located within the site and not on the road reserve, except:
for non-campus activities which do not have ground floor street frontage, a portable freestanding sign may be located on a footpath outside the premise."*
163. He also requested clarification as to whether the limitation of one portable freestanding sign per 15m of street frontage was intended to apply to all such signs regardless of location or only when they are on road reserve.
164. In her revised recommendations, Ms Rodgers did not change her view that Rule 34.6.10.3.d was sufficiently clear in its meaning and should be retained as notified.

3.1.9.1 Decision and Decision reasons

165. We reject submission (OS308.382) from the *University* and make no changes to the rule.
166. We agree with the Reporting Officer's evidence that the rule is sufficiently clear.

3.1.10 Section 34.1 Campus Introduction

167. The Introduction to the Campus Zone of the 2GP provides background and context to the section, provisions and resource management issues.
168. *NZ Transport Agency* (OS881.159) sought an amendment to the third bullet point in the introduction to note that traffic safety for the State Highway can be directly impacted by the location and design of University facilities.
169. The Reporting Officer supported this and recommended that the third bullet point be amended to make reference to road users as requested by the submitter (s42A Report, Section 5.13, p. 125).
170. Mr Andrew Henderson, the planning consultant on behalf of *NZ Transport Agency*, pre-circulated a statement but did not appear. His statement confirmed the *NZ Transport Agency* was satisfied with the recommendation of the Reporting Officer.

3.1.10.1 Decision and reasons

171. We accept the submission by *NZ Transport Agency* (OS881.159) to add in "and road users" to the third bullet point of the Introduction, see Appendix 1, amendment reference MF 881.159.
172. Our reason is that we accept the evidence on this matter.

3.1.11 Management of student hostels

3.1.11.1 Definition of Student Hostels

173. Student hostels are a sub-activity of supported living facilities in the 2GP and are provided for within the residential and campus zones as restricted discretionary activities. They provide large scale student accommodation for school and tertiary students.
174. The *University* (OS308.10) requested that the definition of student hostels be amended to include ancillary use as visitor accommodation. The submitter considered student hostels can be used for conferences and events on campus outside semester times and the environmental effects were no different. The *Otago Polytechnic* (FS2448.2) supported this request.
175. The Reporting Officer supported the request, as she considered this to be a minor use which was secondary to its purpose for student accommodation, with the environmental effects being the same or similar (s42A Report, Section 5.17.2, p. 196). She said this approach was consistent with the City of Auckland operative Plan that identifies student accommodation (when on-site) as being 'non-permanent accommodation' alongside hotels, motels, serviced apartments and backpackers, acknowledging similar effects.
176. At the hearing Mr Brass supported the Reporting Officer's recommendation (Evidence p. 23).

3.1.11.1.1 Decision and reasons

177. We accept the submissions of *University* (OS308.10) and *Otago Polytechnic* (FS2448.2) and have amended the definition of student hostels to include ancillary use as visitor accommodation (see Appendix 1, amendment attributed to MF 308.10) for the reasons given by the submitter and the Reporting Officer.

3.1.11.2 Change of activity status for Student hostels from restricted discretionary to controlled

178. The *University* (OS308.353) requested the activity status of student hostels be changed from restricted discretionary to controlled (Rule 34.3.3.21). The submitter considered that controlled activity status would be more appropriate given that the specified effects (parking, transportation and infrastructure) can easily be addressed through design and construction. *Otago Polytechnic* (FS2448.25) supported the submission in part but considered that due to the ability to manage adverse effects and the integral nature of student hostels to the Campus Zone, a permitted activity status subject to performance standards was appropriate for this activity. We note that this additional request is beyond what can be requested through a further submission so have treated this as support for the controlled activity status request.
179. The Reporting Officer recommended the activity status of Student Hostels be amended from restricted discretionary to controlled but did not give any reasons (s42A Report, Section 5.17.2, p. 197).
180. Mr Brass in his evidence summarised the *University's* reasons as follows:
- parking would be controlled through performance standards, and can be managed on a campus-wide basis so is not dependent on the specific location or design;

- transportation effects would also be controlled through performance standards under the transportation provisions, and through Council's powers under the relevant bylaws and its status as Road Controlling Authority;
 - infrastructure capacity is not restricted in the Campus Zone and is also controlled through bylaws and Council ownership of the infrastructure.
181. Mr Brass also noted that the *Otago Polytechnic* had sought permitted activity status for student hostels and stated that his reasoning could equally support permitted activity status (Evidence p. 33).
182. In her revised recommendations Ms Rodgers recommended that the activity status for Student Hostels be changed from restricted discretionary to permitted.

3.1.11.2.1 *Decision and reasons*

183. We accept the submission from the *University* (OS308.353) and have amended the activity status of Student Hostels from restricted discretionary to controlled in the Campus Zone (see Appendix 1, amendment reference MF 308.353).
184. Our reasons for this decision are that we consider Student Hostels are an expected activity in the Campus Zone, and we agree with evidence that the effects of new or extended hostels can readily be assessed and managed through controlled activity status. We do not consider there is scope from submissions to change the activity status to permitted.
185. Consequential changes have also been made to the following sections of the Plan, and are shown in Appendix 1, attributed to MF 308.353:
- amend Rule 34.10.3.2 (Assessment of discretionary activities) to delete student hostels
 - amend Rule 34.8.2 (Assessment of controlled activities) to include student hostels with the matters of control being: Effects on safety and efficiency of transport network, and Effects on efficiency and/or affordability of infrastructure
 - add new assessment of controlled activities for student hostels in the Campus Zone in Rule 9.3A and 6.8A, as Rule 34.8.2 links out to these sections for the assessment. The existing assessments from Rule 9.5.2.2. and 6.10.2 are added into the new assessments in Rule 9.3A and 6.8A. Consequently, amend supported living facilities activity to exclude student hostels from restricted discretionary assessments in Rule 9.5.2.2 and 6.10.2.

3.1.11.3 *Change of activity status for supported living facilities (excluding student hostels)*

186. The *University* (OS308.354) sought that the activity status for other Supported Living Facilities be changed from non-complying to discretionary in the Campus Zone. The submitter considered there could be other supported living such as staff accommodation, non-hostel student accommodation, and Cancer Society and other hospital-related accommodation that was acceptable in the Campus Zone. The *Otago Polytechnic* (FS2448.26) supported this submission.
187. The Reporting Officer noted that the definition of Supported Living Facilities in the 2GP goes beyond the examples of types of supported living facilities that the *University* considered may be appropriate in the Campus zone. She acknowledged that there may be circumstances where the types of supported living activities suggested by the

University of Otago may be appropriate in the Campus Zone but considered the current non-complying activity status for other types of Supported Living Facilities is appropriate (s42A Report, Section 5.13.12, p. 148).

188. Mr Brass noted that as outlined in the s42A Report for Plan Overview at para 94, "A non-complying activity status was used for activities not provided for within a zone/location, because they are likely to have significant adverse effects, either individually or cumulatively (including consideration of precedent)". He stated that there was no suggestion that supported living would usually give rise to significant adverse effects, nor that the only proposals which would be appropriate would be "true exceptions".
189. Mr Brass considered that the situation was that some types of supported living are readily contemplated within the zone and would be appropriate, while other specific proposals would not be appropriate. He considered that the appropriate consent status in such circumstances was discretionary (Evidence p. 33-34).

3.1.11.3.1 Decision and reasons

190. We accept the submissions from the *University* (OS308.354) that a discretionary activity status is more appropriate than a non-complying one. We have amended the Plan accordingly (see Appendix 1 Rule 34.3.3.23, amendment attributed to MF 308.354).
191. Our reasons for this decision are that we do not consider these activities need to be treated as true exceptions and agree with Mr Brass that discretionary activity status is appropriate and still allows a case by case assessment to be made.
192. We have also made the following consequential amendments as shown in Appendix 1 attributed to MF 308.354:
- Policy 34.2.1.5 to include Supported Living Facilities (other than Student Hostels)
 - Rule 34.11.2.1 (Assessment of discretionary land use activities) to add Supported Living Facilities (other than Student Hostels)

3.2 Definition of Hospital

193. Immediately after the notification of the 2GP, and prior to the end of the submission period, the DCC published an erratum on the 2GP website to publicise and acknowledge that the notified 2GP had accidentally included an earlier version of the definition of Hospital and not the version that was developed in pre-consultation with the operators of the various hospitals in Dunedin. The DCC (OS360.14) then made a submission requesting that the definition of Hospital reflect the erratum definition published on the 2GP website.
194. The difference between the notified and erratum definition is the addition of temporary accommodation for family/support people; supported accommodation for patients, including transitioning from hospital to community care; public education; and physiotherapy facilities.
195. We note that submissions on the definition of Hospital submitted by *Mercy Hospital* (OS241.1) and *Ludgate Sharp Family Trust* (FS2436.15) were heard at the Mercy Hospital Hearing. However, we have responded to these submissions together with other submissions on this definition in this report.

196. *Ashburn Clinic* (OS32.2), *Mercy Dunedin Hospital Limited* (OS241.1 and FS2459.38), and *SDHB* (OS917.30 and FS2370.11) requested that the definition of Hospital reflect the erratum definition published on the 2GP website. *Ludgate Sharp Family Trust* (FS2436.15) and *James Wilson* (FS2337.2) opposed the definition proposed by *Mercy Dunedin Hospital Limited* (OS241.1).
197. The *Ludgate Sharp Family Trust* (FS2436.15) opposed the submission by *Mercy Dunedin Hospital Limited*, which supported the erratum definition (OS241.1), and sought clarification as to why the generic term of 'hospital' had been favoured over the definition of the 'private hospital' in the operative Plan. *James Wilson* (FS2337.2) also opposed the submission by *Mercy Dunedin Hospital Limited*, noting that plan change 17 (*Mercy Hospital* plan change) was promoted as a 'one off' change. *Mr Wilson* believed that incremental encroachment has a detrimental effect on the surrounding residential area. In particular increased traffic volume, particularly on a narrow one-way street; less parking outside residences and the negative impact of non-residential activities and buildings.
198. In addition, *SDHB* (FS2370.11) also requested that cafes and gift shops should be added to the definition. These were in the original notified version of the definition of Hospital but not in the erratum definition, and we note that new requests cannot be made through a further submission.
199. *Ashburn Clinic* (OS32.2) also requested the addition of "medical and health training, education or research including public education" and "supported accommodation for patients including transitioning from hospital to community care". This was supported by *Mercy Dunedin Hospital Limited* (FS2459.4). We note that 'medical training and education' is included in the erratum definition, so this request effectively asks for the addition of supported accommodation for patients transitioning from hospital to community care.
200. The Reporting Officer considered that the proposed changes to the definition suggested by *SDHB* reflects what is actually occurring or what would reasonably be expected in terms of activities associated with a hospital facility. She said that cafes and gift shops provide an essential service for staff, patients and visitors to the hospital and she considered them to be an integral part of the operation of a hospital. Ms Rodgers recommended that they be specifically provided for in the definition along with the other activities listed as requested by the *SDHB* (FS2370.11) submission (*Major Facilities s42A Report*, Section 5.1.2, p.26).
201. The Reporting Officer was of the opinion that there was little material difference between the definitions of 'hospital' in the 2GP and 'private hospital' in the operative District Plan and that consistency in terms of the definition across the 2GP was appropriate (*Mercy Hospital s42A Report*, Section 5.1.1, p. 17). She explained there are still variations in the provisions applicable to each of the hospital major facility zones, which in the case of *Mercy Hospital* this is reflected in part by the *Mercy Hospital Development Plan* (Appendix 27A of the 2GP).
202. At the *Mercy Hospital* Zone hearing Ms Louise Taylor, the planning consultant called by *Mercy Dunedin Hospital Limited*, stated that she agreed with recommendation by the Reporting Officer to accept the 2GP erratum definition of 'Hospital' (*Statement of Evidence*, p. 13).
203. Mr Nigel Bryce, the consultant planner called by *Ludgate Sharp Family Trust*, considered that the change to the definition of 'hospital activity' may lead to greater pressure for additional building coverage outside of what was enabled through the *Mercy Hospital Development Plan*, because of the 'wider' scope of hospital support activities. He remarked that this would potentially generate ongoing demand for onsite parking and in turn add to cumulative effects on site (*Statement of Evidence*, p. 17).

204. Ms Julie McMinn, the planning consultant called by the *SDHB*, supported the Reporting Officer's recommendation.

205. The Reporting Officer did not revise her recommendations.

3.2.1 Decision and reasons

206. We accept the submissions from the *DCC* (OS360.14), *SDHB* (OS917.30 and FS2370.11), *Mercy Dunedin Hospital Limited* (OS241.1), and *Ashburn Clinic* (OS32.2) and amend the definition of Hospital to read:

"The use of land or buildings for the primary purpose of providing health care services related to the health of for the community and which includes in-patient care. {MF 241.1} For the sake of clarity, this includes: {PO cl.16}"

On-site activities may include: {MF 360.14}

- medical assessment, diagnosis, treatment, and rehabilitation and in-patient care {MF 360.14} services
- temporary accommodation for family/support people {MF 32.2}
- supported accommodation for patients, including transitioning from hospital to community care {MF 32.2}
- dispensaries
- in-patient care {MF 32.2}
- outpatient departments and clinics
- medical or health training; education or research, including public education {MF 32.2}
- physiotherapy facilities; and {MF 360.14 and 917.30}
- medical research {MF 241.1}
- medical training and education; {MF 241.1}
- mortuaries {MF 241.1}
- closely associated non-medical, support any activities ancillary to, or an integral part of, the functioning of the facility, including: such as health education, chapel activities, administration services, laundries, kitchens, temporary staff accommodation, staff facilities, cafeterias, gift shops, refreshment facilities, temporary staff accommodation, generators, storage facilities, workshops, laboratories, mortuaries, staff rooms, ancillary infrastructure, accessory buildings and car parking, and for at Dunedin Public Hospital only, helicopter facilities a heliport. {MF 360.14}
- This definition excludes activities otherwise defined as rest homes and registered health practitioners. {MF 241.1}

Hospital is an activity in the major facility activities category. {PO cl.16}"

207. Our reasons for this decision are that we consider it appropriate to amend the definition to incorporate the changes sought by these submitters, for the reasons given in evidence, and as supported by the Reporting Officer. We have made minor changes to the wording to be consistent with definitions and drafting changes made through the Plan Overview Hearing, and also to correct the reference to helicopter facilities, to be consistent with terminology used in the Plan.

3.3 Otago Museum Zone

3.3.1 Request by the OPSA to amend Policy 29.2.2.5 to better recognise the use of the site for Peace Celebrations and Orientation Tent City

208. *Otago Polytechnic Students Association* (OS268.5) sought to amend Policy 29.2.2.5 to acknowledge that the Otago Museum Zone is used for activities that are not primarily

to serve staff and visitors to the Otago Museum such as Peace Celebrations and Orientation Tent City.

209. The Reporting Officer noted that Policy 29.2.2.5 does not exclusively require the activities noted to be located and operated to serve staff and visitors to the Otago Museum, rather it provides for the primary use to be for staff and visitors. She considered it desirable that the primary use is associated with the Museum and believed that this was appropriately supported by the policy. She recommended that no changes were necessary (s42A Report, Section 5.9.6, p. 97).

3.3.1.1 Decision and reasons

210. We accept the submission from the *Otago Polytechnic Students Association* (OS268.5) but note that there are no performance standards for design and location and therefore no restrictions on the activities suggested by the submitter. We therefore delete this policy as it is not required. The amendment to the policy is shown in Appendix 1 attributed to MF 268.5.

3.3.2 Boundary Treatments and Maximum Height in the Otago Museum Zone

211. *The Otago Museum Trust Board* (OS267.3 and OS267.4) sought to have the boundary treatments and maximum height performance standards (Rules 29.6.1 and 29.6.6) removed. The submitter stated that the maximum height of 25 metres may significantly impact on the future development options for the Museum.
212. The Reporting Officer noted that Rule 29.6.6 provides for up to 25m height as a permitted activity and between 25m and 40m as a restricted discretionary activity, with the matter of discretion being effects on streetscape and pedestrian amenity. The aim of the provisions was to maintain adequate sunlight to the footpath and the Otago Museum Reserve. She also stated the boundary treatments performance standard was also important for protecting amenity. She considered both of these standards as appropriate and recommended they be retained (s42A Report, Section 5.9.11, p. 101-102).
213. At the hearing Mr Anderson stated that the Otago Museum Trust Board Act 1996 sets out the statutory objectives and policy that the elected board must follow. The *Otago Museum Trust Board* considered that as it had statutory direction, it did not need specific rules for development activities within the site. This was consistent with the tenor of the request made by the same submitter with respect to objectives and policies, which we made a decision on, recorded in Section 3.1.4 of this report.

3.3.2.1 Decisions and reasons

214. We reject both submissions from the *Otago Museum Trust Board* (OS267.3 and OS267.4) and retain Rule 29.6.1 and Rule 29.6.6 without amendment.
215. The reasons for our decision are that even though the Museum has its own statutory basis for management this does not mean it is exempt from also having the effects of development and activities also managed under the RMA, and we accept the evidence of the Reporting Officer that the controls on building height are warranted.
216. We note that Kate Wilson withdrew from any hearings and all deliberations relating to the Otago Museum as she is a Trust Board member.

3.4 Dunedin International Airport Zone

3.4.1 Application of 'default' zoning in DIA zone

217. Most major facility zones have a 'default' zoning designed to enable land surplus to the requirements of the major facility to be rezoned to a 'default' zoning. An example of this is in Rule 21.3.6. The default zoning reflects the surrounding environment or the likely use that the surplus land will be put to. In the case of the Airport the default zoning is rural.
218. The Dunedin Airport Zone includes a policy to support a default zoning to the Taieri Plains Rural Zone (Policy 24.2.1.4) but did not include a rule related to this, other than the identification of a rural default zone in Appendix A9.
219. *Air New Zealand Limited* (OS1046.3) considered it was unclear what the default zoning of the Dunedin International Airport Zone was intended to achieve in practice and wanted to ensure that the default zoning did not detract from the appropriate management of the Airport resource. No specific amendments were requested to achieve this.
220. *DIAL* (OS724.19) requested the removal of the policy which sets up the framework for surplus land not needed for the airport to transition to the Taieri Plains Rural Zone (Policy 24.2.1.4) because it does not relate to a rule in the 2GP. In addition, *DIAL* (OS724.34) requested amendment to the assessment matters for subdivision activities (Rule 24.9.4.1) to remove the requirement to be assessed under the rural subdivision assessment (Rule 16.9) as this served no purpose at the Airport.
221. The Reporting Officer stated that the Dunedin International Airport Zone reflected land in the ownership of *DIAL*, which manages the Airport resource. She considered that ownership equated to control and management of the resource and so did not consider it necessary to amend the provisions (s42A Report, Section 5.7.1, p. 51).
222. Ms Rodgers also stated that *DIAL* was correct that Policy 24.2.1.4 does not link to any rule in the 2GP which was an error and then suggested this be corrected through the inclusion of a new rule.
223. She also noted that Rule 24.9.4.1 and the link to Rule 16.9 Assessment of Restricted Discretionary (Performance Standard Contraventions) was incorrect and should be to Rule 16.10 Assessment of Restricted Discretionary Activities.
224. At the hearing Ms Bronwyn Carruthers and Mr Aiden Cameron, the legal counsel on behalf of *Air New Zealand*, tabled legal submissions challenging the lawfulness of the default zoning process, the process for determining whether land was surplus to requirements, and noted the potential for confusion as to activities allowed in the default zone and reverse sensitivity issues.
225. Mr Phil Page, the legal counsel for *DIAL* tabled a legal submission requesting that Policy 24.2.1.4 be deleted or that an equivalent provision be added which provided a default zoning for land which is to be acquired by *DIAL*. He noted that the Reporting Officer in her s42A Report had recommended that the provision be amended to reference Rule 16.10 instead of Rule 16.9 but stated that there was no submission which sought that relief.
226. He also argued that subdivision was perfectly possible in the Dunedin International Airport Zone and that subdivision should be assessed under the Dunedin International Airport Zone policy framework, not the rural zone framework. He considered that there should be no default to the rural zone and so Part 16 (rural zones) was irrelevant.

227. In response to the evidence presented by *Air New Zealand Limited*, Ms Rodgers revised her recommendation and recommended removal of the default zoning from the Dunedin International Airport Zone.

3.4.1.1 Decisions and reasons

228. We accept in part the submission from *Air New Zealand Limited* (OS1046.3) and accept the submissions from *DIAL* (OS724.19 and OS724.34) and remove the default zoning provisions from the zone. As a consequence of this we delete requirements for subdivision to comply with the rural subdivision performance standards and make the activity status of subdivision discretionary.
229. Our reason is that we accept the evidence and statements on behalf of *DIAL* and *Air New Zealand* and consider that the default mechanism serves no valid RMA purpose with respect to the Dunedin International Airport Zone. We also accept the evidence, supported by the Reporting Officer, that subdivisions should not be considered in terms of the rural zone provisions.
230. To implement this decision the following provisions have been amended (see Appendix 1)
- deletion of the default zoning for Dunedin International Airport from Appendix A9, (attributed to MF 1046.3)
 - deletion of Policy 24.2.1.4 (attributed to MF 724.19)
 - amend Policy 24.2.1.5 to delete reference to subdivision meeting rural zone rules (attributed to MF 724.34 and 724.19)
 - amendment to the activity status table (Rule 24.3.5.1) to change the activity status of subdivision activities from Restricted Discretionary to Discretionary, and delete the performance standard to be met (attributed to MF 724.34 and 724.19)
 - deletion of the subdivision performance standard (Rule 24.7) (attributed to MF 724.34 and 724.19)
 - deletion of the assessment of restricted discretionary subdivision activities (Rule 24.9.4), inclusion of subdivision activities in the assessment of discretionary activities (Rule 24.10.2.2), deletion of link to Rule 16.9 (attributed to MF 724.34 and 724.19)

3.4.2 Requests to amend Introduction to the Dunedin International Airport Zone

231. *DIAL* (OS724.2) sought to amend the Introduction to remove the word 'clearly' from the statement "The intention is that development within the Dunedin International Airport Zone is clearly associated with the operation and functions of the airport". *DIAL* considered the use of the word suggested that activities at the airport are tightly controlled by the airport's operation and function.
232. The Reporting Officer noted that removal of the term 'clearly' would potentially create scope for debate in terms of whether development is in association with the operations and functions of the airport, that being the primary use. The use of the term 'clearly' in the context of the dictionary definitions requires certainty in terms of requiring there to be an obvious, easy to see link to the operations and functions of the airport. She considered this to be appropriate and consistent with the wider policy framework and provisions that support major facilities and the Dunedin International Airport Zone in particular (s42A Report, Section 5.7.2, p. 51).

233. Mr Page outlined the submitter's concern in regard to the word 'clearly', believing it added confusion. He stated that whether an activity was associated with the operation and functions of the Airport was a matter of fact and evidence. However, whether the association was 'clear' introduces a values judgement.

3.4.2.1 Decision and reasons

234. We reject the submission from *DIAL* (OS724.2) and retain the wording of the introduction without amendment.
235. The reason for our decision is that we agree with the Reporting Officer that the term 'clearly' provides an obvious, easy to see link to the operations and functions of the airport. We do not accept the contention that this creates any uncertainty, noting this is an Introduction section of the zone and not a policy or rule.

3.4.3 Office Activities

236. Performance Standard Rule 24.5.4 states:

"24.5.4 Location

- For office activity and commercial activities ancillary to airport activity (except vehicle rental facilities), customer access must only be available from inside terminal buildings."
237. Rule 24.3.3 includes the activity status table for land use activities in the Dunedin International Airport Zone. Office is a discretionary activity (Rule 24.3.3.7) unless directly associated with the function of the airport, including offices for contractors and companies providing services to the airport, which are defined as Airport and are a permitted activity subject to meeting relevant performance standards.
238. *DIAL* sought the removal of Policy 24.2.1.3 (OS724.42), removal of the Location performance standard, Rule 24.5.4 (OS724.41), that a new activity of Airport Office be added to the activity status table as a permitted activity (Rule 24.3.3) (OS724.40), and requested a new definition of 'Airport Office' be added (OS724.11) as follows:
- "An office activity that has a maximum tenancy area of 100m² and is located within the Dunedin International Airport Zone due to the function or location of the airport"
239. It also had a related request (OS724.35) to amend the assessment guidance for all discretionary activities in the Dunedin International Airport Zone (Rule 24.10.2), seeking that Rule 24.10.2.1.d. (which paraphrases Policy 24.2.1.3) be amended to:
- remove clause iii which reads "are not more appropriately located in another zone in line with Objective 2.3.2 and its policies"; and
 - replace reference to Objective 24.2.2 in clause iv. with reference to Objective 24.2.1.
240. *DIAL* appreciated the intention was to avoid the airport becoming a 'hub' for all manner of activities. However, it considered there were some types of offices that were appropriately located at airports such as those associated with providing for the travelling needs of the officer holder or clients.
241. The Reporting Officer noted the definition of Airport in the 2GP allows for the use of land and buildings for aircraft operations and aircraft servicing and includes fuel storage; customs and quarantine facilities; temporary accommodation for air crews, training and airport related personnel; training activities and facilities associated with the aeronautical industry; and any activities directly associated with the functioning of

the airport, including offices for contractors and companies providing services to the airport (s42A Report, Section 5.7.3, p. 55). She said it also provides for emergency services; commercial activities ancillary to airport activity; visitor accommodation and conference, meeting and function ancillary to visitor accommodation as permitted activities.

242. Ms Rodgers noted that *DIAL* had not identified the types of activities that sit outside all of those that are permitted that it considered may be appropriate to also be provided in the Dunedin International Airport Zone, and she therefore did not support the request to delete Policy 24.2.1.3 (s42A Report, Section 5.7.3, p. 56). Her report made no recommendation on the definition and addition of the new Airport Office activity requested by the submitter.
243. With respect to Rule 24.10.2.1 she stated that Rule 24.10.2.1 was intended to provide guidance on the assessment of all discretionary activities in the Dunedin International Airport Zone. She considered that although the intent was clear a number of drafting errors created confusion as to which objectives should be referred to when undertaking assessment, and she recommended that the submission by *DIAL* be accepted in part insofar as corrections to Rule 24.10.2.1 were made (s42A Report, Section 5.7.21, p. 82). However, we note that while she recommended amendments as she felt it was in error that these policies referred to Objective 24.2.2 instead of Objective 24.2.1, we sought clarification from the Senior Planner assisting the panel during deliberations if this was indeed an error as it seemed correct in our minds. Mr Freeland subsequently confirmed it was correct and the Reporting Officer was incorrect in her advice.
244. Ms Rodgers considered it was appropriate that commercial activities ancillary to airport activity that provide services to the public are accessed from inside the terminal, however, she conceded there may be instances where ancillary offices not accessed from within a terminal building are appropriate. Therefore, she recommended that the submission by *DIAL* (OS724.41) be accepted in part by removing reference to office activity from the performance standard (s42A Report, Section 5.7.11, p. 69).
245. Mr Page reiterated *DIAL*'s request to have the ability to establish offices within the Dunedin International Airport Zone. He considered that there are certain activities (other than offices for contractors and companies providing services to the airport which are already permitted) that are appropriately located at the airport without authorising all types of activities. Mr Page agreed with the Reporting Officer's recommendation that not all offices should be accessed through the terminal but argued it was still too onerous as there would be occasions where commercial activity was appropriately located outside the terminal.
246. Mr Page requested amendment of Rule 24.10.2.1 as the provisions did not serve a purpose at the airport. He noted that Ms Rodgers recommended that the rule was amended to reference Objective 24.2.1 instead of Objective 24.2.2 and sought relief consistent with that recommendation.
247. He also sought deletion of Rule 24.10.2.1.d.iii as he said it was impossible to prove that an activity was more appropriate in any other zone. Mr Page argued that the reference to Objective 2.3.2 gave too much emphasis to protecting the Central Business District and gave insufficient consideration to the benefits generated within the airport.
248. Mr Page also sought that Rule 24.10.2.1.g.ii be deleted as it mixed cumulative adverse effects in Section 3 with precedent effects, which was a different concept and not one that the 2GP was able to anticipate. Ms Rodgers did not discuss *DIAL*'s submission in her s42A Report and made no amendment to Rule 24.10.2.1.g.ii.

249. In her revised recommendations Ms Rodgers recommended that provision be made for airport offices but that the scope, location and number of offices would need to be known.

3.4.3.1 Decision and reasons

250. We reject submissions from *DIAL* (OS724.11 & OS724.40) to add a new Airport Office activity and submission OS724.42 to remove Policy 24.2.1.3. Our reason is the definition of Airport provides for a wide range of activities including offices for contractors and companies associated with and providing services to the airport, and we consider there was no strong evidence or argument to convince us that additional activities should be allowed in this zone.
251. We reject the submission from *DIAL* (OS724.41) to remove the location performance standard, and do not consider the recommended amendment of the Reporting Officer is appropriate, and therefore Rule 24.5.4 is retained as notified. Our reasons are that we consider it important to manage the types of commercial activities and offices at the airport, and the submitter's request would open up the airport to non-essential and non-ancillary commercial and office activities. The location performance standard is one method in a suite of methods to control this so that the airport does not become a hub for these types of activity.
252. We also reject *DIAL*'s submission (OS724.35) regarding amendments to the assessment rules (Rule 24.10.2.1) that reference policies 24.2.1.2 and 24.2.1.3 as the advice we have accepted is that these references are correct in the notified version and we are not persuaded by the evidence that they need to be changed.
253. We also note that the Dunedin International Airport Zone assessment rule for discretionary activities (Rule 24.10.2.1) incorrectly refers to the Dunedin Botanic Garden objectives. We make the following amendments pursuant to Clause 16 of the First Schedule to the RMA:
- Rule 24.10.2.1.c - Replace '22.4.2.2' with '24.2.2'

3.4.4 Objective 24.2.2, Policy 24.2.2.3 and Rule 24.8.4.8 (Amenity)

254. Objective 24.2.2 states:

Land use activities and development necessary to meet the reasonably foreseeable needs of Dunedin International Airport is enabled, while ensuring it:

- a. achieves a high standard of on-site amenity for airport users; and*
- b. minimises adverse effects on rural amenity as far as practicable.*

255. The policies that sit under Objective 24.2.2 focus primarily on the impact on the rural environment, visual amenity from the adjoining public roads and zones, screening of service areas and the impact of ancillary and tourism signs. In particular Policy 24.2.2.3 states:

Require development to maintain on-site and rural amenity by ensuring service areas are not visible from publicly accessible areas within or outside the zone.

256. Rule 24.8.4.8 Location and screening of service areas states:

- a. Effects on on-site amenity*
- b. Effects on rural amenity*

Relevant objectives and policies:

- i. Objective 24.2.2*
- ii. Development maintains on-site and rural amenity by ensuring service areas are not visible from publicly accessible areas within or outside the zone (Policy 24.2.2.3).*

257. *DIAL* (OS724.3) sought to have Objective 24.2.2 amended to remove the requirement for a high standard of on-site amenity for airport users. *DIAL* (OS724.4) also sought to have Policy 24.2.2.3 amended to remove the words 'within or' from the policy, and in submission point OS724.26 sought to amend Rule 24.8.4.8 by removing clause a. and amending ii by deleting the words 'on site and' and 'within or'.
258. *DIAL* considered that internal and on-site amenity was an issue for the airport's control and there was no valid resource management purpose served by the 2GP exerting internal amenity control at the airport.
259. The Reporting Officer noted that while privately owned, the Dunedin International Airport Zone or large parts of it could be considered to be public places and she considered it appropriate that amenity of users of the facility was managed in terms of areas that the public have access to. She therefore did not support the submissions (s42A Report, Section 5.7.5, p. 59, Section 5.7.6, p. 60 and Section 5.7.16, p. 76).
260. Mr Page said the Airport is private property and the control of its assets should be a matter for internal management. He argued there was no valid resource management purpose served by the 2GP exerting internal amenity control at the airport. He argued that the definition of public place adopted by Ms Rodgers was from the Summary Offences Act, which has a criminal jurisdiction and was not an appropriate comparison when trying to determine the proper extent of the Council's reach under the RMA.

3.4.4.1 Decision and reasons

261. We reject submissions from *DIAL* (OS724.3, OS724.4, OS724.26) on these matters and retain Objective 24.2.2, Policy 24.2.2.3 and Rule 24.8.4.8.a without amendment.
262. The reasons for our decision are that we reject the contention that as the Airport is privately owned then it should have no amenity control under the RMA. It is in our view a very public place, being a major gateway for thousands of visitors arriving and leaving Dunedin City, and while we acknowledge the onsite management role of *DIAL* we do not consider the policy and rule framework regarding amenity to be unduly onerous for such an important facility with very high public usage. We accept the evidence of the Reporting Officer in that regard.

3.4.5 Rule 24.3 Activity Status

263. *Air New Zealand Limited* (ANZL) supported the retention of controls with respect to noise sensitive activities such as non-complying activity status for residential activity in the Dunedin International Airport Zone (OS1046.8). *ANZL* (OS1046.1) also sought an amendment to the activity status table to clarify how childcare education facilities are managed in the zone.
264. The Reporting Officer noted that Early Childhood Education activity is managed as a non-complying activity, with the activity status of "all other activities in the community activities category" (other than conservation) being NC in accordance with the activity status table. For this reason, she recommended that Rule 24.3.3.16 be retained without amendment (s42A Report, Section 5.7.9, p. 65).

265. At the hearing Ms Carruthers tabled legal submissions for ANZL and reiterated their request for:
- a) Confirmation that early childhood facilities are non-complying activities in the Dunedin International Airport Zone;
 - b) The retention of controls relating to noise sensitive activities, such as the non-complying activity status for residential activities in the Dunedin International Airport Zone.

3.4.5.1 Decision and reasons

266. We accept in part the submission from ANZL (OS1046.1) insofar as the 2GP already provides for the request. We retain Rule 24.3 without amendment.

3.4.6 Rule 24.6.2.4 Landscaping requirements for any parking areas greater than 200m²

267. Rule 24.6.2 Boundary Treatments and Other Landscaping states:

1. *For all parking areas, new buildings and outdoor storage areas within 5m of Miller Road, Otokia Road, Centre Road or a rural zone, a landscaping area with a minimum width of 1.5m must be provided along the full length of the road frontage (except for where vehicle access is provided).*
2. *Landscaping areas must[gives details around design of landscaping]*
3. *Any road boundary fences provided must be placed on the property side of any required road frontage landscaping.*
4. *For any parking areas greater than 200m² (excluding loading areas) a minimum of 1m² of additional landscaped area must be provided for every parking space, either within or adjoining the parking area.*

268. DIAL (OS724.13) requested removal of the requirement for provision of landscaping associated with large car parking areas (Rule 24.6.2.4). The submitter did not believe there should be controls on internal amenity at the Airport.

269. The Reporting Officer said that Rule 24.6.2 related to landscaping on the external boundaries and interpreted the requirement for the additional 1m² per carpark for larger parking areas to also relate to external boundaries (s42ARreport, section 5.7.13, p. 72).

270. Mr Page said that DIAL supported the landscape provisions in so far as they related to external amenity of the Dunedin International Airport Zone, but it also applied to car parking and footpaths which are internal matters. He argued that it was not appropriate to require landscaping throughout the car park as it raised issues with customers such as birds fouling cars. He noted that the Dunedin International Airport Zone was already fully landscaped outside of the hard-paved areas and questioned where more landscaping would go.

271. He also noted that it was unusual for Council to require landscaping for car parking and the only other example in the major facility zones subject to such requirements was the Campus Zone (Rule 34.6.1). He requested that Development Performance Standard 24.6.2.4 be deleted.

3.4.6.1 Decision and reasons

272. We accept the submission from DIAL (OS724.13) and remove the requirement for the provision of additional landscaping for large parking areas (Rule 24.6.2.4). The amendment to Rule 24.6.2 is shown in Appendix 1 attributed to MF 724.13.

273. We consider that removal of Rule 24.6.2.4 will ensure the standard still sets an expectation around a landscaping at the Airport that meets the objectives and policies of the zone (as discussed above) but will better address the concerns of the submitter, particularly around the conflict between landscaping within car parks and the functional requirements of those car parks.

3.4.7 Rule 24.9.3.4 Assessment matters for parking areas which create 50 or more new parking spaces

274. *DIAL* (OS724.33) opposed the inclusion of assessment matters for 'Parking areas which creates 50 or more new parking spaces' (Rule 24.9.3.4) and sought that it be removed, as practical considerations (in that there are no restricted discretionary activities subject to the rule) mean it serves no purpose at the Airport.
275. The Reporting Officer advised us that the rule for the assessment of restricted discretionary activities in the Dunedin International Airport Zone (Rule 24.9.3.4) for parking areas which create 50 or more new parking spaces was intended to manage transportation effects associated with high traffic generators (s42A Report, Section 5.7.19, p. 80). The only restricted discretionary land use activity in the Dunedin International Airport Zone is service stations. Service stations already require assessment as potential high trip generators (Rule 24.9.3.5) and assessment under Rule 6.10.2.7. She considered Rule 24.9.3.4 to therefore be unnecessary.

3.4.7.1 Decision and reasons

276. We accept *DIAL's* submission (OS724.33) and have deleted Rule 24.9.3.4, as the rule was intended for the assessment of potential high trip generators.
277. We accept the advice that the only restricted discretionary land use activity, service stations, already has a relevant assessment matter which results in it being assessed as a potential high trip generator (see amendment to Rule 24.9.3 in Appendix 1 attributed to MF 724.33).

3.4.8 Rule 24.11.2 - Assessment of Non-Complying Activities

278. *DIAL* (OS724.36) sought to have Rule 24.11.2 amended to delete effects that would be given consideration to when assessing the significance of effects (Rule 24.11.2.1.a and Rule 24.11.2.1.c.ii).
279. The Reporting Officer stated that Rule 24.11.2 provided assessment guidance for non-complying activities and she considered Objective 2.3.1 and associated policies and consideration of cumulative effects of relevance to activities identified as non-complying and recommended the submission be rejected (s42A Report, Section 5.7.22, p. 85).

3.4.8.1 Decision and reasons

280. We reject the submission from *DIAL* (OS724.36) and retain Rule 24.11.2, for the reasons given above by the Reporting Officer.

3.5 Schools Zone

3.5.1 Management of Education Activities

281. *The Ministry of Education* (OS947.1) sought a new definition of 'education activity'.

282. The proposed definition would replace the definitions of School, Early Childhood Education (except identification between different scales of activities), Student Hostels, Training and Education, and Sport and Recreation. Consequential amendments would be required to the definition of Community Activities by replacing reference to 'early childhood education' with 'education activities' and replace references to 'School' with 'education activity' in Section 31 (Schools). This submission was opposed by *St Hilda's Collegiate School Inc. (St Hilda's)* (FS2195.2).
283. *The Ministry of Education* (OS947.13 and OS947.18) also sought amendment of objectives and policies (Objective 31.2.1 and 31.2.2, and Policies 3.2.2.1-7) that referred to 'School' and its replacement by 'Education Activities'.
284. The Reporting Officer did not support the submission. She noted that the definition of schools as notified provided for a wide range of activities normally associated with schools, including the use of the facilities by the community to provide community services and for sporting and cultural purposes, after school care and holiday programmes. She also noted that functionally there were differences between Early Childhood Education, Schools and Tertiary/Technical institutions, in particular regarding the effects the various activities may have. She explained that the 2GP acknowledges these potential differences in effects between activities and provides for the various activities in different zones and with different performance standards accordingly (s42A Report, Section 5.17.1, p. 195).
285. At the hearing, Mr Shane Roberts, consultant planner for the *Ministry of Education*, stated that the *Ministry* was nationwide seeking to have the definition of 'School' replaced with the Education Act definition of 'Educational activity'. He noted that the effects of schools are generally well known by residents of surrounding neighbourhoods. He also considered that the number of people, rather than exactly what activity they were undertaking (e.g. early childhood versus school) determined the level of environmental effects such as traffic movements, noise generated, and scale of buildings located on the site. These effects are dealt with by performance standards for the major facility zone. He said that the 2GP as notified could result in unnecessary consents associated with community activities in schools for example.
286. Ms Orchid Atimalala, Principal Advisor on RMA matters for the *Ministry of Education*, said the notified definition is out of step with the Ministry policy frameworks as well as other territorial authorities. She noted that the Reporting Officer's concerns were the environmental effects of the operational differences between the year 0-13 facilities. She stated that it was unnecessary to impose a definition that restricts the power of the Ministry to provide educational opportunities for the whole community when the conditions of the designation would manage the scale of effects of schools on the environment and neighbouring property.

3.5.1.1 Decision and reasons

287. We reject the submissions from the *Ministry of Education* (OS947.1, OS947.13 & OS947.18) to include a definition for 'education activity' and have decided to retain the definitions of Early Childhood Education, School, Student Hostels, Training and Education, and Sport and Recreation without amendment (rather than incorporating these into suggested education activity definition), for the reasons given above by the Reporting Officer. We also retain Objective 31.2.1 and Policies 3.2.2.1-7 and do not amend them as requested by the submitter. We consider that, from a policy perspective, the approach in the 2GP to separate out different education activities because of effects in different areas is appropriate rather than having a one size fits all approach to address effects.
288. It is noted that Kate Wilson sat out of all hearings and deliberations relating to St Hilda's.

3.5.2 Rule 31.2.7 Transition to default zone

- 289. Rule 31.2.7 allows, under certain circumstances, land within the part of the Schools Zone in which the school is located to change its zoning to the underlying default zone.
- 290. *St Hilda's* (OS746.8) sought amendment to allow the reciprocal change from the default zone to the Schools Zone, i.e. from Inner City Residential zoned land to Schools Zone land.
- 291. The Reporting Officer noted that there was a minor numbering and zone name error currently in this rule which should be corrected (s42A Report, Section 5.10.1, p. 103).
- 292. She explained that for those major facility zones with a default zoning the purpose was to enable any land surplus to requirements to be re-zoned without the need for a formal plan change. The Schools Zone included both public and private schools, most of which are currently zoned residential and also managed through designations or as scheduled permitted activities. The zone enabled the ongoing functioning of Dunedin's schools, while ensuring that the effects resulting from their operation are appropriately managed. In the event that a school wished to expand its facilities beyond that currently owned or occupied, the Reporting Officer considered that a plan change would be the appropriate mechanism, allowing potentially affected parties the opportunity to be involved with any changes.
- 293. She did not support the submission by *St Hilda's* (OS746.8) to amend Rule 31.3.7 (as corrected) to provide for transition from Inner City Residential Zone to Schools Zone.
- 294. Ms Bridget Irving, the legal counsel for *St Hilda's*, argued that if *St Hilda's* acquired land around its site then that land should convert to School Zone in a mirrored fashion to the default zoning provision. Ms Irving agreed that a plan change would be the only lawful mechanism to change the zoning. She argued that the Council's proposed rule was as unlawful as *St Hilda's* proposed relief. She stated that there was no jurisdiction under the RMA to "convert" zones without a plan change and that this applied to a local authority as much as private landowners.
- 295. Ms Irving concluded that should she be wrong, then *St Hilda's* considered that a reciprocal rule was applicable. Such a rule would be an efficient and effective method for achieving the objectives and policies of the major facility zone (Legal Submissions pp. 7-8).

3.5.2.1 Decision and reasons

- 296. We reject the submission (OS746.8) from *St Hilda's* for the reasons given by the Reporting Officer. The situation where a school acquires additional land to expand its facilities can be achieved by a plan change or resource consent, or if the school is designated a Notice of Requirement, enabling public participation.
- 297. In addition, we sought legal advice as to the legality of the default zoning provisions of the 2GP. In the 2GP the default zoning is used to transition land to a different zoning once it is no longer needed for a school. The legal advice we received noted that transitional zones are used in other plans and noted that the Environment Court has dealt with a case that included such a zone and did not express any concern. Provided the trigger for changing the zoning is objective, and the proposed provisions have been through an RMA Schedule 1 process, we have been advised that this approach is acceptable. We are satisfied that the trigger to transition to a default zone is clear and objective, and that the approach has been through a Schedule 1 process which has enabled public participation.

298. We have amended the numbering of Rule 31.2.7 Transition to default zone to 31.3.7 under Clause 16, see Appendix 1.
299. It is noted that Kate Wilson sat out of all hearings and deliberations relating to St Hildas.

3.5.3 Rule 31.5.3 Hours of Operation

300. *St Hilda's* (OS746.3), supported by the *Ministry of Education* (FS2288.1), sought to have Rule 31.5.3.2 amended so lighting times were restricted between 10.30pm-6.00am, as the submitter considered the rule was inconsistent with Rule 31.5.3.1.
301. The Reporting Officer acknowledged the hours of operation for activities and the hours of operation for flood lighting were inconsistent as notified, however what was requested by *St Hilda's* (OS746.3) was also inconsistent as it requested floodlighting be allowed at 6.00am when the activity cannot occur until 7.00am (s42A Report, Section 5.10.2, p. 105). She noted that the submitter did not comment on the proposed hours of use of sports fields Rule 31.5.3.1).
302. The Reporting Officer agreed with the submitter that there was a need for consistency and as the hours of operation for activities and use of sports fields (Rule 31.5.3.1) were not challenged through the submission process, she recommended that the submission by *St Hilda's* was accepted in part and that Rule 31.5.3.2 be amended to restrict the use of flood lighting and sports field lighting on sites adjoining residential zone boundaries between 10.30pm and 7.00am which is consistent with the hours of operation outlined in Rule 31.5.3.1.
303. Ms Irving stated that *St Hilda's* had intentionally requested an earlier time for the flood lights to be turned on, so they had time to warm up prior to activity commencing at 7am and reiterated that *St Hilda's* would find this increased flexibility useful (Legal Submissions, p. 8).
304. At the Public Health and Safety Hearing, *St Hilda's* (OS746.4) also sought amendment of the Light Spill performance standard (Rule 9.3.5) to exempt the use of sports field lighting between 7am and 10.30pm because the Light Spill rule times are inconsistent with the likely times that sports field lighting is required. This request was related to their request to amend the Hours of Operation performance standard (Rule 31.5.3) for the Schools Zone (OS746.3).
305. At the Public Health and Safety hearing we heard the expert evidence of Mr Keith Gibson (lighting consultant for the DCC) who did not recommend any change to the Light Spill performance standard with regard to time or light limits. The original time and light limits were recommended in the *Management of Light through the District Plan – 2GP Technical Report* (Opus, 2015) as being consistent with standard *AS4282:1997 Control of Obtrusive Effects of Outdoor Lighting*, but with moderation to take into account for existing common practice in New Zealand.

3.5.3.1 Decision and reasons

306. We reject the submission from *St Hilda's* (OS746.3) to amend lighting times in the Hours of Operation performance standard (Rule 31.5.3.2).
307. Our reasons are that we do not consider that the hours of operation for activities and times when sports field lighting can operate need to align exactly. For instance, sports field equipment could be set up before, or packed away after, sports field lighting needs

to be used. The overriding principle is to avoid light and noise levels beyond what can adversely impact on sleep patterns and therefore human health.

308. We note this decision is consistent with our decision on the Public Health and Safety Light Spill standard (Rule 9.3.5) not to change the times or light levels for light spill on the boundary of sites within a residential zone, or in any other zone the notional boundary of any residential building.

3.5.4 Rule 31.6.5.1 Height in relation to boundary

309. *St Hilda's* (OS746.7) sought to have the performance standard for Height in Relation to Boundary (Rule 31.6.5.1) amended to reflect the operative Plan which exempts buildings on the School site that face Cobden Street from the height plane requirement (operative Plan Rule 8.7.7.3(i)(b)).
310. The Reporting Officer noted that the 2GP provision for height plane in relation to boundary only applies to side and rear yards and so would not apply to the Cobden Street frontage. She therefore considered that no amendment was necessary (s42A Report, Section 5.10.3, p. 107).
311. The Reporting Officer also noted there was a minor error in Rule 31.6.5.1.a. which incorrectly showed height in relation to boundary being measured from a point 1.3m above ground level on the side and rear boundaries. This should read 3m which was consistent with the Inner City Residential and General Residential 2 zones. This minor correction would assist with clarity and plan usability.

3.5.4.1 Decision and reasons

312. We reject the submission from *St Hilda's* (OS746.7) as we consider the relief sought is not necessary for the reasons outlined by the Reporting Officer.
313. We also note that while the amendment identified by the Reporting Officer was needed to correct an error, this has been superseded by amendments made to the rules in response to submissions considered at the Residential hearing and clause 16 changes to the format and structure of the rules.

3.5.5 Rule 31.6.11.1 Boundary Setbacks

314. *St Hilda's* (OS746.6) sought that the Boundary setbacks performance standard be amended, so the boundaries with the Inner City Residential Zone have the same setbacks (1m) as Inner City Residential Zone, for consistency. *St Hilda's* (OS746.5) supported the rule which exempts the school from meeting the performance standard on the Cobden Street and Heriot Row boundaries (Rule 31.6.11.1.b.ii). *KiwiRail Holdings Ltd* (OS322.161) supported the rule.
315. The Reporting Officer noted that *St Hilda's* site was bounded by Inner City Residential Zone and had a default zoning of Inner City Residential. She thought it was important to note the difference in the nature of activities and potential effects. The provisions allow for a default zone of Inner City Residential in relation to surplus land, however while the land remains in school use it would seem appropriate to maintain a greater buffer between the school use and the adjoining residential use. In the event that land became surplus to the needs of the school, the default zone provisions would be applicable to any future development (s42A Report, section 5.10.4, p. 109).
316. She therefore did not support the need for any change to Rule 31.6.11.1.

317. Ms Irving on behalf of *St Hilda's* argued that the height plane angle adequately dealt with the issue of taller buildings requiring greater setback and so there was no need to have a greater setback for the School Zone. She explained that a smaller setback would better enable *St Hilda's* to efficiently use their land. She argued that if *St Hilda's* chose to erect buildings of a similar scale to those in the Inner City Residential Zone then she could see little reason for compelling them to set the buildings back further. The result was inefficient utilisation of the school site.

3.5.5.1 Decision and reasons

318. We accept the submissions in support (OS746.5) and reject the submission from *St Hilda's* (OS746.6) to reduce the setback from other boundaries for the reasons given by the Reporting Officer.
319. We also note that the Schools Zone Boundary Setbacks performance standard (Rule 31.6.11) that requires a 4.5m setback from site boundaries other than the road boundary for new buildings and structures, and additions and alterations, is the same for all sites in the Schools Zone.
320. This is the same standard as in the operative District Plan, and appears designed to strike a balance between allowing schools to develop and expand, while retaining an effective buffer between the school and adjacent residential uses. In a number of cases this has enabled significant vegetation to grow, which may have contributed to amenity and to noise mitigation.

3.6 Stadium Zone

3.6.1 Policy 32.2.1.4, Rule 32.3.6 Transition to Campus Zone, and Rule 32.3.3.3

321. The intent of these three provisions is as follows:
- Policy 32.2.1.4 enables land that is surplus to the needs of the Forsyth Barr Stadium to transition to the Campus Zone, so that future development that is not related to major recreation facility activity can be managed in accordance with the objectives and policies of that zone.
 - Rule 32.3.6 deals with the written notice required to transition from the Stadium Zone to the Campus Zone.
 - Rule 32.3.3.3 makes 'all other major facility activities' in the Stadium Zone non-complying activities.
322. *Otago Polytechnic Students Association* (OS268.6) and *East Parry Investments Limited* (OS922.13) supported Policy 32.2.1.4 which enables land that is surplus to the needs of the Forsyth Barr Stadium to transition to the Campus Zone.
323. *Liquigas* (FS2327.12) opposed submission OS268.6, raising concerns regarding the potential for increased risk and sensitive activities to establish in the event that the default zone of Campus Zone was put in place.
324. *Liquigas* (OS906.58) opposed Rule 32.3.6 as it considered that the Campus Zone provided greater ability for sensitive uses to establish within proximity to the Liquigas site than the Stadium Zone would.
325. The *University of Otago* (OS308.319) opposed the non-complying activity status for all other activities in the major facility activities category (Rule 32.3.3.3) as it considered it would be more appropriate for major facility activities within the Stadium Zone to be

assessed on the basis of the specific activity, not the organisation undertaking the activity. *Liquigas* (FS2327.13) opposed the *University's* submission as *Liquigas* was opposed to the encroachment of additional major facility activities into the area within 200 metres of its site due to the associated risk and potential for reverse sensitivity effects.

326. While the Reporting Officer recommended the submission from *Liquigas* be rejected (s42A Report, Section 5.11.2, p. 111) we received most of the evidence related to risk through the Public Health and Safety hearing, and so have placed more weight on the evidence on risk received from the Reporting Officer and experts involved at that hearing.
327. Regarding Rule 32.3.3.3 the Reporting Officer noted that while the Stadium Zone is set up to provide for a specific use, there was potential for other compatible uses to make use of some of the Stadium Zone at times when it is not needed for its primary use. For example, a use of part of the site for a campus activity is possible and she considered it should not be a non-complying activity, particularly as the default zoning for the Stadium Zone is Campus Zone. She recommended that the submission by the *University* (OS308.319) was accepted and the activity status for 'All other activities in the major facility activities category' be amended from non-complying to discretionary (s42A Report, Section 5.11.7, p. 114).
328. Ms Claire Hunter, planning consultant for *Liquigas*, tabled a statement but did not appear. She noted that the Campus Zone is more enabling of sensitive activities than the Stadium Zone. She stated that an amendment to the 2GP was needed to appropriately manage potential risk and reverse sensitivity issues associated with activities establishing in the vicinity of hazardous facilities.
329. Ms Hunter considered that an overlay proposed by *Liquigas* at the Public Health and Safety hearing, (see Public Health and Safety Decision Report sections 3.3.1 and 3.3.2) would be an effective method to manage the potential for encroachment by sensitive activities into areas around hazardous facilities. She stated that if the overlay were to be included in the 2GP, *Liquigas'* concerns about Policy 32.2.1.4 and Rules 32.3.3.3 and 32.3.6 would be alleviated. She noted that most of the Stadium Zone was beyond the extent of the overlay but any land in the Stadium Zone within 200 metres of *Liquigas'* site that may transition to the Campus Zone in accordance with Rule 32.3.6, would be identified by overlay mapping and would be subject to consideration against the overlay provisions. She said that Policy 32.2.1.4 would not compromise assessment against the overlay (Expert Evidence second page).
330. At the reconvened hearing we received a recommendation from Mr. Freeland in terms of the *University's* multiple submission points seeking to change the activity status of "all other major facility" activities in various major facility zones. Mr Freeland's opinion was that the activity status should only change where the evidence indicated that the potential effects would be compatible with the zone noting that there is a large range of potential effects from the different major facility activities and not all may be appropriate in all zones.

3.6.1.1 Decisions and reasons

331. We accept the submission from *Liquigas* (OS906.58) in part as we have decided to amend the Transition to Campus Zone rule (Rule 32.3.6) so that it does not apply to the area within the Hazard Facility mapped area. The area that sits inside the hazard facility mapped area will transition to Industrial Zone if it is no longer required for Stadium activities.
332. Our reasons are that default zoning to Campus is the logical choice of zone for unwanted stadium land and *Liquigas* advised at the hearing that their concerns regarding risk and

sensitive activities within 200m of their facility would be addressed by adoption of the Hazard Facility mapped area. This is consistent with our decision in the Public Health and Safety decision to manage sensitive activities within the hazard facility mapped area proposed by *Liquigas*. See amendment to Rule 32.3.6 and consequential amendments listed below in Appendix 1 amendment reference MF 906.58.

333. Consequential amendments:

- Amend Policy 32.2.1.4 to refer to mapped area and each zone that is transitioned to
- Amend Policy 32.2.1.5 to remove reference to subdivision meeting rules of the transitional zone
- amend subdivision performance standards (Rule 32.7) to reflect addition of hazard facility mapped area and clarify rules that apply to the area inside and outside the mapped area
- amend assessment of subdivision performance standards (Rule 32.8.5.1 and Rule 32.9.3.1) to reflect change in transitional zones
- amend Appendix 9A to amend the stadium rules to refer to new table A9.3.

334. We reject the submissions from the *Otago Polytechnic Students Association* (OS268.6) and *East Parry Investments Limited* (OS922.13) and accept the submission from *Liquigas* (FS2327.12) to amend Policy 32.2.1.4 to exclude the land within the Hazard Facility mapped area from being able to transition to Campus zoning.

335. We reject the submission from the *University* (OS308.319) to amend the activity status for 'all other major facility activities' from non-complying to discretionary in the Stadium Zone (Rule 32.3.3.3), and therefore accept the submission from *Liquigas* (FS2327.13).

336. The reasons for this decision are that the definition of Major Facility Activities provides for a broad range of activities, some of which may have potential effects that are incompatible with the Stadium Zone. We also note that most of the zone can transition to Campus Zone once surplus to the requirements of the landowner and operator of Forsyth Barr Stadium. For these reasons we do not consider there is any need to change the activity status.

3.6.2 Policy 32.2.2.5 (Noise)

337. *The Otago Polytechnic Students Association* (OS268.14) sought an amendment to Policy 32.2.2.5 to also include adverse effects on residents' "peace, comfort and convenience" from noise.

338. Policy 32.2.2.5 as notified reads:

339. *Require land use activities to operate, and development to be designed, to ensure that adverse effects from noise on the health of people can be avoided or, if avoidance is not possible, are insignificant.*

340. The Reporting Officer noted that while noise in general can affect the peace and comfort of people, it is a part of our environment and a certain level of ambient or background noise was normally acceptable to most people. As determining noise levels or types that would achieve peace and comfort would be extremely difficult, the proposed amendment would be problematic to enforce. For those reasons she recommended that the submission be rejected, and the policy remained unchanged (s42A Report, Section 5.11.5, p. 112).

341. We also note that most noise issues were considered in the Public Health and Safety hearing, where we relied on the information in the technical report *Dunedin City Council – Second Generation District Plan: Noise and Vibration Review* (Malcolm Hunt

Associates, 2014) and expert evidence from Mr Malcolm Hunt (DCC Acoustic Consultant). We did not receive any other technical or expert evidence on noise levels for activities using the Stadium Zone.

3.6.2.1 Decision and reasons

342. We reject the submission from *Otago Polytechnic Students Association (OS268.14)* and retain Policy 32.2.2.5 without amendment.
343. The reasons for our decision are that we accept the expert technical evidence provided by Malcolm Hunt and agree with his recommendations on what the noise levels should be for the Stadium Zone. We also consider that Policy 32.2.2.5 is sufficient, and the changes requested by the submitter are subjective and unmeasurable.

3.6.3 Ancillary Signs

344. *Dunedin Venues Management Limited (DVML)* (OS440.2) sought a change to the Freestanding Signs performance standards (Rule 32.6.7.3) to allow for two signs with a maximum area of up to 18m². The submitter also sought to add the Stadium Zone to the exception from commercial advertising being a non-complying activity in Note 32.6A. Dunedin Venues Management Limited runs multiple events simultaneously and is required to advertise events as best as possible to all audiences. It considered the use of a second billboard within the Stadium Zone would be beneficial to alert the public to events at their venues.
345. *NZ Transport Agency* (OS881.157) requested Rule 32.6.7.1 be changed by addition of a new provision stating that signs must be set back at least 100m from the State Highway 88/Ravensdown Road roundabout.
346. The Reporting Officer recommended *NZTA's* submission was accepted and the rule amended. Her reasoning was that it was reasonable to impose a performance standard to discourage additional signage that may distract road users at a busy and complicated intersection (s42A Report, Section 5.11.15, p. 121).
347. The Reporting Officer recommended that the submission from *DVML* be rejected and that Rule 32.6.7 and Note 32.6A be retained without amendment. Her reasons included that the request by *DVML* was unclear as to what exactly was sought. She assumed that the submission was to regularise the resource consents already granted but did not see any added value in replicating the specific conditions of consent in the 2GP.
348. At the hearing Ms Chadwick, legal advisor for *DVML* clarified a number of points on signage. They sought amendments to Rule 32.6.7 to recognise the specific characteristic of the stadium site and building, including to allow for signs higher than 4m where stadium buildings provide a substantially higher and larger wall area than buildings found elsewhere; to provide for more than one sign to be affixed on each road frontage; provision for five additional large signs (two already consented) and for the average or standard size billboard of 18m² to be provided for as a performance standard. They offered that in order to control the spacing a separation distance of 100 metres may be added.

3.6.3.1 Decision and reasons

349. We accept the submission from *NZTA* (OS881.157) and have amended Rule 32.6.7.1 to require signs to be setback 100m from State Highway 88/Ravensbourne Road roundabout, for reasons of transport safety. See Appendix 1 amendments attributed to submission point MF 881.157.

350. We reject the submission from *DMVL* (OS440.2) and have not granted an exemption for *DMVL* commercial advertising being a non-complying activity in the activity status table and have not changed the activity status table. We note that Note 32.6A is not where the activity status rule for commercial advertising sits, but rather it is an alert in the signs performance standard to reinforce the rule in the activity status table and that this note has been deleted through a clause 16 amendment discussed in the Plan Overview Decision.
351. Our reasons are that we agree with the evidence of the Reporting Officer. In essence we see no need to replicate resource consent conditions in the zone provisions, and we consider the additional changes to the rules requested by the submitter at the hearing went beyond the scope of their submission, which was to allow two more freestanding signs.

3.7 Taieri Aerodrome Zone

352. The *Miller Family Trust* (OS421.7) opposed the zoning of the Taieri Aerodrome and sought that the major facilities zoning be removed. The submitter considered the Taieri Aerodrome Zone to be unnecessary and the trust deed that is in place provided adequate protection and covered all issues.
353. The Reporting Officer acknowledged the trust deed but noted that the 2GP is a public document that is easily accessible by members of the public. Identification of the Taieri Aerodrome as a major facility in the 2GP provides clarity to neighbouring property owners regarding what can occur on the site. The new Taieri Aerodrome Zone, which replaces the Industrial 1 Zone that exists in the operative Plan, provides specifically for the aviation and training activities which currently take place on the site. The zone enables the ongoing operation of the aerodrome while controlling effects resulting from activities on the site. The Taieri Aerodrome Zone defaults to Industrial Zone if the land is no longer required for major facility purposes. For these reasons she considered that the proposed zone was appropriate (s42A Report, Section 5.12.1, p. 123).

3.7.1 Decision and reasons

354. We reject the submission by the *Miller Family Trust* (OS421.7) to rely on the trust deed rather than have a zone for the Taieri Aerodrome and retain the Taieri Aerodrome Zone without amendment.
355. The reasons for this decision are that we agree with the Reporting Officer that it is important to enable the current use of the land to continue and develop, and for adjoining landowners to be aware of the activities that can take place at the Taieri Aerodrome. We also note that most plan users will be unable to locate the trust deed to determine what uses the land can be put to.

3.8 Invermay and Hercus Zone

3.8.1 Policy 26.2.1.3

356. Policy 26.2.1.3 states:

"Only allow activities that are not ancillary to Invermay/Hercus activity where:

- a. they are related to or necessary to support the Invermay Research Centre and Hercus Taieri Resource Unit, or have other operational requirements that mean they need to locate in the zone;*
- b. they will support the efficient and effective operation of Invermay Research Centre and Hercus Taieri Resource Unit;*

- c. *they are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and*
- d. *they are designed and operated in line with Objective 26.2.2 and its policies.*

- 357. *The University* (OS308.307) opposed the non-complying activity status of 'all other major facility activities' in the Invermay and Hercus Zone. It stated that there is no justification for Other Major Facility Activities to be non-complying and activities should be assessed on the basis of the specific activity, not the organisation undertaking the activity.
- 358. The *University* (OS308.306) opposed Policy 26.2.1.3 and sought that it be removed.
- 359. The submitter stated that the policy would unduly restrict other activities without any basis in terms of the effects of those activities.
- 360. The Reporting Officer considered it appropriate that given the rural location of the Invermay and Hercus facility, the activities be restricted to appropriate rural or research-based activities. The University and Otago Polytechnic are the most likely organisations to undertake activities in the Invermay and Hercus Zone. She also noted that she had recommended that the definition of Training and Education be amended to include study or research undertaken by staff or students enrolled in tertiary education carried out by the University or Otago Polytechnic outside of the Campus Zone and this would likely address the *University's* concerns (s42A Report, Section 5.8.3, p. 88).
- 361. She also recommended that Policy 26.2.1.3 be retained without amendment for similar reasons.

3.8.1.1 Decision and reasons

- 362. We reject the submission from the *University* (OS308.307 and OS308.306) and retain the activity status of all other major facility activities and Policy 26.2.1.3 as notified.
- 363. The reason for our decision is that we accept the evidence of the Reporting Officer and note that we have decided to retain the non-complying activity status for 'all other activities in the major facility activities category' in other major facility zones (see section 3.1.4).

3.9 Dunedin Botanic Garden Zone

3.9.1 Rule 22.3.3 Activity status table

- 364. *Dunedin City Council* (OS360.105) sought that 'Sport and recreation not involving a motor vehicle' be amended from a discretionary to a permitted activity in the Dunedin Botanic Garden Zone. The reasons given were to clarify that sport and recreation activities are anticipated and provided for in the Dunedin Botanic Garden
- 365. The Reporting Officer supported the submission and noted that recreational activities are an integral part of the operation of the Garden (s42A Report, Section 5.5.1, p. 40).

3.9.1.1 Decision and reasons

- 366. We accept the submission by *Dunedin City Council* (OS360.105) for the reasons given above by the Reporting Officer and have amended the Plan as requested (see Appendix 1 amendment reference MF 360.105).

3.10 Request for New Major Facility Zone for churches

3.10.1 Holy Name Church Great King Street

367. The Holy Name Church and associated buildings are located on Great King Street immediately opposite the Otago Museum, and are currently zoned as Neighbourhood Centre in the 2GP.
368. The *Roman Catholic Bishop of the Diocese of Dunedin* (the *Diocese*) (OS199.11) requested major facility zoning of 388/388A/400/394 Great King Street to more accurately reflect the wider community significance of the site and adjacent area and the existing and future community use of the natural and physical resources of the site.
369. The Reporting Officer noted that the property is located in the neighbourhood centre. A number of submissions were received and considered as part of the Commercial and Mixed Use Zone Hearing, in relation to the Albany Street Neighbourhood Centre, including re-zoning part to CBD and part to Campus. The recommendation from the Reporting Officer for that hearing (Ms Emma Christmas) was to retain zoning as a Neighbourhood Centre, as it is distinct both geographically and in character from the CBD, or that it be re-classified as a Suburban Centre, reflecting its size and the wide range of commercial land use activities undertaken. Suburban Centre zoning provides for all the activities provided for in the CBD zone (s42A Report, section 5.15.1, p. 162).
370. The Reporting Officer considered it is difficult to see what activities the Holy Name Church may undertake that cannot be adequately provided for in terms of the centres classification. She therefore recommended that the submission of The Roman Catholic Bishop of the Diocese of Dunedin be rejected and that a centre zoning remain, either Neighbourhood Centre Zoning or Suburban Centre Zoning as recommended by the Commercial and Mixed Use Zone section 42A.
371. At the hearing, Mr Don Anderson, planning consultant called by the *Diocese*, stated that currently there is no specific proposal to expand the Holy Name facilities and so the Bishop no longer sought major facility rezoning for the Holy Name site in Great King Street at this time.

3.10.1.1 Decision and reasons

372. We reject the submission from the *Diocese* (OS199.11) and have not included Holy Name Church Great King Street as a major facility as the *Diocese* no longer sought rezoning of this church site.

3.10.2 Holy Cross Church in Mosgiel

373. The *Diocese* (OS199.22) requested that a major facility zone be created at 89 Church Street, Mosgiel, with the following activities being provided as permitted activities: Community and Leisure; Conference, Meeting and Function; Commercial Activity; Visitor Accommodation; and Residential.
374. Further submissions were received in support from *Ms Sarah Nitis* (FS2191.1), who indicated that the current nature of the facility at 89 Church Street and the future intended use of the facility was not consistent with that of General Residential 1. She considered major facility zoning would enable the development of the facility for commercial accommodation and conference facilities, contributing positively to Mosgiel/Dunedin's economy. *Ms Nitis* thought that the owners of 89 Church Street have committed to consulting with neighbours throughout the pending development and did not believe major facility zoning would adversely affect the high level of satisfaction they have with their property.

375. *Mr Allan and Mrs Janet Swallow* (FS2460.1), the *RW and GN Family Trust* (FS2461.1), the *Winton Family Trust* (FS2462.1), *Mr and Mrs Lawlor* (FS2468.1); the *Lomond Trust* (FS2463.1) and the *Zig Zag No 2 Trust* (FS2464.1) all lodged further submissions which opposed the submission from the *Diocese* (OS199.22) for a range of reasons including:
- it would adversely affect the amenity of residential property
 - uncertainty over proposed provisions
 - the site could eventually be sold and result in undesirable commercial activity
 - the activities proposed would be better authorised by a resource consent where the DCC can more readily ensure compliance with the conditions of consent
 - there was currently inadequate car parking available on the site and the proposal will exacerbate this issue and associated traffic movements
 - the submission contains inaccuracies, particularly around the consultation that has been taken with neighbours.
376. The Reporting Officer noted that the property at 89 Church Street is a significant property with an area of approximately 19,585m², currently zoned General Residential 1 with significant adjacent residential development on the southern and eastern sides. St Mary's School to the north is in the Schools Zone. She noted that the property was subject to an infrastructure constraint mapped area, Hazard 3 (flood) Overlay Zone and the Dunedin Airport Flight Fan Designation which will limit the extent of any further development (s42A Report, Section 5.15.1, p. 165).
377. She noted that the Holy Cross Church held a Sunday morning service weekly and a Saturday vigil service fortnightly, with an average congregation of 130-150. The church was also used for significant events such as baptisms, weddings and funerals, plus school events linked to the adjacent St Mary's Primary school, during which over 500 people can be in attendance.
378. The Reporting Officer detailed the consents history of the site noting that in September 2005 and August 2006 subdivision and land use consents (RMA 2005-0806 and 0815) (RMA 2006-0609 and 0717) were granted. Consent was given for the creation of three allotments for residential purposes and the use of Lot 4 for Community Support Activity, with no conditions of consent.
379. She also noted that 'Community Support Activity' is defined in the operative Plan as follows:
- "...means the use of land and buildings or collection of building which are used for the primary purpose of supporting the health, welfare, safety, education, culture and spiritual wellbeing of the community including childcare facilities and community police offices but excludes hospitals, recreational activities, facilities which have or require a liquor licence, or which provide restaurant facilities. "
380. She noted that the *Diocese* submission (OS199.22) stated that the Holy Cross Centre, a former seminary, was now being developed as a commercial accommodation and conference facility, and currently provided a combination of meeting and accommodation space with capacity for over one hundred overnight guests and up to 150 conference guests using any combination of seven meeting spaces, including a lecture theatre with tiered seating and wired for multi-media presentations, and a large meeting room that is being developed as a community hall for general use by Mosgiel residents.
381. The *Diocese* submission indicated that the facility caters for budget conscious travellers such as school groups visiting Dunedin, not-for-profit organisations, and families celebrating significant events. It also provided valuable spill-over accommodation for major Dunedin events such as concerts, sporting events and conferences and had a long-standing working relationship with the i-Site visitor centre. In addition to the

commercial aspect of the property there were four self-contained apartments built as retirement housing for diocesan priests.

382. She noted expansion of the facilities, particularly in relation to the original Arthur Burns Homestead and extensive buildings relating to the former seminary have been discussed with the DCC. The activities proposed included use of the facility for weddings whereby people could be accommodated on site as well as using the chapel facility for the main ceremony, and the associated provision of liquor for functions.
383. She considered that existing activities on the site are in part catered for through existing use rights established historically and the land use consent issued in 2005 which authorises community support activities to occur on the site. These authorise a wide range of activities that can occur on the site. Given the location of the property and its proximity to residential sites she considered it appropriate that any changes beyond that currently allowed should be considered through a resource consent process.
384. She, therefore, recommended that the submissions of the *Diocese* (OS199.22) and *Ms Nitis* (FS2191.1) be rejected and all other further submissions accepted and the zoning of 89 Church Street, Mosgiel be retained as General Residential 1 (s42A Report, Section 5.15.1.2, p. 165-166).
385. In his tabled evidence, Mr Anderson stated that the General Residential 1 Zone made visitor accommodation and ancillary restaurants, and conference, meeting and function activities restricted discretionary activities, subject to standards relating to density, parking and loading. He considered that restricted discretionary activity status implied uncertainty as to the future use of the site for both the *Diocese* who sought to establish a range of community focus activities on the site, and the adjacent residential neighbours. Mr Anderson believed that such an outcome could best be achieved via providing for a major facility on this site in the 2GP.

3.10.2.1 Decision and reasons

386. We reject the submissions from the *Diocese* (OS199.22) to rezone the Holy Cross Church in Mosgiel as a major facility zone, and we consequently accept the further submissions in opposition. We agree with the reasons provided by the Reporting Officer.

3.11 Portobello Marine Facility

387. The activities undertaken at the Portobello Marine Science facilities are currently listed as Scheduled Permitted Activities under Rule 6.5.8 of the operative District Plan as follows:

“Marine education and research as the primary activity on site, with associated activities being:

- Commercial activities deriving directly from and accessory to marine education and research
- Residential activities for the accommodation of staff and visiting researchers working on the site
- Open days and conferences for the purpose of education and informing and advising on research activities
- General storage and office activities accessory to the marine education and research activities situated at

(a) The University, Portobello Marine Laboratory and New Zealand Marine Studies Centre - Part Section 23 (SO 7232), Section 24 (SO 11431) and Section 28 (SO 11431), Block VI Portobello Survey District and that Part of Section 29 Block VI Portobello Survey District marked "A" on SO 22930."

388. In the rural zones any Training and Education or Campus activities would be non-complying under Rules 16.3.3.37 and 16.3.3.42.
389. The *University* (OS308.283) requested that the scheduled activity from the operative Plan be retained in the 2GP, or the facility be rezoned as Campus Zone or Invermay and Hercus Zone. If neither of these occurs, the submitter requested an amendment to objectives, policies and associated rules in the Rural Peninsula Coast Zone to provide for Portobello Marine Science facilities.
390. The Reporting Officer recommended that Portobello Marine Science facilities be defined as an activity which reflects the current scheduled permitted activity provisions and also recommended that the Portobello Marine Science facility be identified as a mapped area (s42A Report, Section 5.16.13, p. 185).
391. Mr Brass noted that the Scheduled Permitted Activity under the operative Plan had allowed the facility to operate and undertake new development at the site. However, the omission of Scheduled Activities in the 2GP created significant potential issues, as the rural zone which would apply does not in any way provide for the University's operations. Any training and education or campus activities would be non-complying activities under rules 16.3.3.37 and 16.3.3.42.
392. Mr Brass stated that existing use rights would not adequately protect the future of the site. He stated that the University was dependent on the 2GP to provide for future options at Portobello. In simple terms, this means the retention of the same scope of permitted activity as currently applies. In the short-medium term this would allow for continuation of the existing activities including any changes or developments which arise. In the medium-long term it would allow the site to be redeveloped as required once the future of the Harbourside proposal is confirmed (which could entail either a scaling back or a change to the mix of activities at Portobello if the Harbourside proceeds, or further new development at Portobello if the Harbourside does not proceed). Mr Brass supported the s42A Report recommendations but noted that the s42A Report did not provide any proposed provisions or mapping (evidence p. 12-14).
393. In her revised recommendations the Reporting Officer recommended the Portobello Marine Sciences facility be a mapped area, that draft provisions be developed prior to the Rural Zone hearing and provided to *University* for comment. She recommended that the provisions should be limited to the extent of current scheduled activity in the operative Plan.

3.11.1 Decision and reasons

394. We accept in part the submission by the *University* (OS308.283) and provide for the New Zealand Marine Studies Centre as a Permitted activity in rural zones (Rule 16.3.3) and specifically identify where this activity can occur through the addition of the Portobello Marine Science mapped area over the land specified for the scheduled activity in the operative District Plan. Our reasons are the same as that for carrying through the Scheduled Mining Activities provisions that exist in the Operative Plan (see Cross Plan - Mining Decision) which primarily focus on the inefficiency of activities previously provided for through a scheduled activity having to rely on existing use rights where the scale and nature of the activity may be variable.
395. We make amendments to implement this decision as shown below and in Appendix 1, attributed to MF 308.283.

- add New Zealand Marine Studies Centre to the nested table (Rule 1.3) under the Major Facility Activities category and amend the definition of Major Facility Activities to include this activity
- amend Rule 16.3.3.AE to add New Zealand Marine Studies Centre in the Portobello Marine Science mapped area as a Permitted activity in rural zones and in ONL/SNL/NCC
- amend the exception to the setback performance standards (Rule 16.6.11.1) and the exception to setback from coast and waterbodies (Rule 10.3.3.6.s) to refer to the Portobello Marine Science mapped area, rather than the legal description of the land
- amend the maximum height performance standards (Rule 16.6.6) to allow buildings in the Portobello Marine Science mapped area to be 10m to reflect the provisions that apply to the scheduled activity in the operative District Plan
- amend Rule 16.12.3.2 to exclude New Zealand Marine Studies Centre in the Portobello Marine Science mapped area from the list of non-complying major facility activities
- categorise the New Zealand Marine Studies Centre as a potentially sensitive activity for the purposes of natural hazard provisions and include it in the definition of natural hazards potentially sensitive activities and in Table 11.2 (Hazard Sensitivity) in Rule 11.1.3 Hazard provisions sensitivity classification
- add new Portobello Marine Science mapped area to the map

Add new definition: New Zealand Marine Studies Centre

"The use of land and buildings at the Portobello Marine Laboratory and New Zealand Marine Studies Centre for:

- marine research, education, training, learning, and teaching activities
 - commercial activities deriving directly from, and ancillary to, research or education activities
 - any ancillary activities necessary for the functioning of the facility, including but not limited to laboratories, conference and meeting facilities, staff offices and facilities, administration services, staff accommodation, and staff facilities
- Portobello Marine Science Centre is an activity in the major facility activities category."

3.12 Mapping

3.12.1 Taieri Aerodrome Flight Fan mapped area

396. The Taieri Aerodrome Flight Fan mapped area is shown on the 2GP zoning map and indicates the height in 10m bands: 0-10m, 10-20m etc. to provide detail at specific locations for plan users.
397. *Dunedin City Council* (OS360.178) sought amendment to the Taieri Aerodrome Flight Fan mapped area by including elevation data.
398. The Reporting Officer stated that provision of specific heights for affected property owners and plan users was helpful when determining what development can take place in proximity to airports. She recommended that specific elevation data was added to the 2GP Data Map for the Taieri Aerodrome Flight Fan Mapped Area (s42A Report, Section 5.16.3, p. 168).

3.12.1.1 Decision and reasons

399. We accept the submission from the *DCC* (OS360.178) for the 2GP Data Map to be altered by the addition of specific elevation data for the Taieri Aerodrome Flight Fan Mapped Area, for the reasons given above by the Reporting Officer.

3.12.2 Dunedin International Airport Zone

400. The residential area adjoining the Dunedin International Airport Zone is zoned as Township and Settlement. The land is currently owned by Dunedin International Airport Limited (*DIAL*).
401. The Township and Settlement Zone is a mix of larger residential settlements that have a commercial centre and smaller residential areas which are not attached to a commercial centre and are generally located in between townships, particularly along the coast. These areas are characterised by low density environments and provide for the subdivision of sites provided they can be fully serviced by *DCC* infrastructure, and development on larger sites which are not fully serviced by *DCC* infrastructure.
402. *Air New Zealand Limited (ANZL)* (OS1046.4) raised concern about the zoning of a small portion of land zoned Dunedin International Airport Zone in the operative District Plan which is proposed to be Township and Settlement Zone in the 2GP rather than part of the Dunedin International Airport Zone. The submitter sought assurances that this would not result in any additional reverse sensitivity effects on the Airport or otherwise affect the Airports operations but did not request for any specific amendment to the zoning.
403. The Reporting Officer said the small area referred to in the submission is the whole Momona Township and Settlement area. She noted that the settlement has been adjacent to the Airport for many years, and therefore noise sensitive activities were established many years ago. Currently the Momona township is owned by *DIAL* and her view was that this presents the best opportunity for control on reverse sensitivity effects given the existing status of residential activity.
404. For these reasons, she recommended that the Momona settlement retain Township and Settlement zoning and the submission of *ANZL* (OS1046.4) be rejected.
405. Ms Bronwyn Carruthers, the legal counsel for *ANZL*, tabled a statement but did not appear at the hearing. She argued that conflict between existing land uses and proposed residential development is appropriately dealt with through planning provisions, rather than leaving individual landowners to negotiate their own protection.
406. She noted that the proposed permitted activity status for new residential development does not take proximity into account. While the land sits outside the Noise Control Areas, any expansion of noise sensitive activities in this area (or expansion of airport operations in the area) would currently be left to be managed between the Airport and future owners, rather than managed by principled Plan provisions (Legal Submissions p. 4-7).

3.12.2.1 Decision and reasons

407. We reject the submission from *ANZL* (OS1046.4) for Momona Township to be included in the Dunedin International Airport Zone.
408. We agree with the reasons given above by the Reporting Officer. Our additional reasons are that we consider that the zoning should reflect the development which is already established, in this case a residential zoning for an area with established housing. The

area is almost fully developed, and a residential zoning will negate the need for additional consents for garages etc. which are anticipated in a residential environment, but not within a Dunedin International Airport Zone.

3.12.3 Invermay and Hercus Zone

409. *AgResearch Limited* (OS924.19) sought to have the Invermay and Hercus Zone



amended by adding a minor extension along the north-eastern boundary of Lot 4 DP 23060. The submitter stated that the existing zone boundary traverses through an existing building in the north-eastern corner used by existing tenants and the extension would ensure that the entire building sits within the Invermay and Hercus Zone.

410. The Reporting Officer recommended that the submission be accepted, and the amendment made to the zone boundary, as shown on the map in the S42A Report (s42A Report, Section 5.16.5, p. 172).
411. Mr Graeme Matheson, environmental consultant called by *AgResearch*, tabled a statement but did not appear at the hearing. He noted that the proposed extension would follow logical lines such as treelines, fence lines and farm tracks.

3.12.3.1 Decision and Reasons

412. We accept the submission from *AgResearch* (OS924.19) and have amended the boundaries of the Invermay and Hercus Zone to include a minor extension to the north eastern boundary as shown below, for the reasons given in the evidence of Mr Matheson, and as supported by the Reporting Officer in evidence.

3.12.4 Schools Zone

413. The *Ministry of Education* (OS947.33) requested an amendment to the mapping for Schools Zone to fit the boundary of the existing schools or consistently map the Schools

Zone to the middle of adjacent roads. The submitter noted that there are a number of locations where the Schools Zone on the zoning map extends over the school site and into the middle of the adjacent road, but that this is not consistent, and they considered it would be better just to zone around the school. This submission was opposed by *St Hilda's Collegiate School Inc. (St Hilda's)* (FS2195.3) who considered the Schools Zone proposed in the 2GP (insofar as it relates to St Hilda's) should remain as mapped.

414. The Reporting Officer recommended accepting the submission and amending the mapping for Schools Zone to consistently map the zone to the middle of the adjacent road (s42A Report, Section 5.16.6, p. 183).
415. Mr Shane Roberts, planning consultant called by the *Ministry of Education*, presented evidence at the hearing. He supported the s42A Report recommendation that mapping of the Schools Zone to the middle of the adjacent road be adopted and was unsure as to why *St Hilda's* opposed the mapping as requested by the *Ministry*.

3.12.4.1 Decision and reasons

416. We accept the submission from the *Ministry of Education* (OS947.33) that the following schools should be consistently mapped to the middle of the adjacent road, for consistency and clarity of the 2GP as recommended by the Reporting Officer and supported in evidence by Mr Roberts.

Name	Address
Abbotsford Primary School	72 North Taieri Road, Abbotsford
Amana Christian School	80 Gordon Road, Mosgiel
Andersons Bay Primary School	92 Jeffery Street, Dunedin
Balaclava Primary School	2 Mercer Street, Dunedin
Balmacewen Int. School	44 Chapman Street, Dunedin
Big Rock Primary School	2 Bath Street, Brighton
Bradford Primary School	42A Bradford Street, Dunedin
Carisbrook School (Calton Hill Site)	38 Riselaw Road, Dunedin
East Taieri Primary School	11 Cemetery Road, East Taieri
Elmgrove School	74 Argyle Street, Mosgiel
Fairfield Primary School	119 Main Road, Fairfield
George Street Normal Primary School	989 George Street, Dunedin
Green Island Primary School	3 Howden Street Green, Island
John McGlashan College	2 Pilkington Street, Dunedin
Kaikorai Valley College	500 Kaikorai Valley Road, Dunedin
Karitane Primary School	1260 Coast Road, Karitane
Kings High School	270 Bay View Road, Dunedin
Lee Stream Primary School	2518 Clarks Junction-Lee Stream Road
Liberton Christian School	5 Hillary Street, Dunedin
Logan Park High School	74 Butts Road, Dunedin
N.E.V. Normal School	248 North Road, Dunedin
Opoho Primary School	96 Signal Hill Road, Dunedin

Otago Girls High School	41 Tennyson Street, Dunedin
Outram Primary School	9 Beaumaris Street, Outram
Pine Hill Primary School	2 Wilkinson Street, Dunedin
Portobello Primary School	30 Harington Point Road, Portobello
Purakaunui Primary School	3 Mihiwaka Station Road, Port Chalmers
Queens High School	195 Surrey Street, Dunedin
Sara Cohen School	44 Rutherford Street, Dunedin
Sawyers Bay Primary School	4 Station Road, Sawyers Bay
Silverstream School	52 Green Street, Mosgiel
St. Bernadette's School	28 Forbury Road, Dunedin
St. Brigid's School	57 Bayfield Road, Dunedin
St. Francis Xavier School	36 Mitchell Avenue, Dunedin
St. Joseph's School	12 Bernicia Street, Port Chalmers
St. Leonards Primary School	29 St Leonards Drive, St Leonards
St. Mary's School	87 Church Street, Mosgiel
St. Mary's School	6 Cromwell Street, Dunedin
St. Peter Chanel School	250 Main South Road, Green Island
Strath Taieri Primary School	33 Swansea Street, Middlesmarch
Tahuna Normal Int. School	10 Victoria Road, St Kilda
Taieri College	17 Green Street, Mosgiel
Tainui Primary School	41 Tahuna Road, Dunedin
Te Kura Kaupapa Maori o Otepoti	378 Main South Road, Green Island
Waikouaiti Primary School	6 Malloch Street, Waikouaiti
Waitati Primary School	1133 Mount Cargill, Road Waitati
Wakari Primary School	150 Helensburgh Road, Dunedin
Warrington Primary School	3 Ferguson Street, Warrington

3.12.5 Otago Girls High School

417. The Otago Girls High School (OGHS) is designated in both the operative District Plan and 2GP as D049. It is clear that there has historically been a mistake with regard to the area covered by the designation, as property owned by Modern Upholstery Ltd at 232 Rattray Street, which is immediately behind and adjacent to Otago Girls High School, is included in D049.
418. *Mr Jeremy Shearer* (OS99.2) requested that his property at 232 Rattray Street be removed from the Schools Zone relating to OGHS.
419. The Reporting Officer recommended that *Mr Shearer's* submission be accepted and that 232 Rattray Street re-zoned to Inner City Residential Zone (s42A Report, Section 5.16.6, p. 179).

3.12.5.1 Decision and reasons

420. We accept the submission from *Mr Shearer* (OS99.2) to remove the Schools Zone from his property as requested and rezone it Inner City Residential Zone, for the reasons given by the submitter.

3.12.6 Kavanagh College

421. The *Roman Catholic Bishop of the Diocese of Dunedin* (OS199.10) requested the property at 70 Elm Row immediately adjacent to Kavanagh College be included in the Schools Zone as it is owned and used by the Roman Catholic Diocese of Dunedin as part of the St Joseph's Cathedral and Kavanagh College complex.
422. The Reporting Officer recommended that the submission be accepted as the site is part of the St Joseph's Cathedral and Kavanagh College complex (s42A Report, Section 5.16.6, p. 180).

3.12.6.1 Decision and Reasons

423. We accept the submission of the *Roman Catholic Bishop of the Diocese of Dunedin* (OS199.10) to rezone 70 Elm Row to Schools Zone for the reasons given above by the Reporting Officer.

3.12.7 St Francis Xavier School

424. The *Roman Catholic Bishop of the Diocese of Dunedin* (OS199.8) requested that the extent of the Schools Zone at St Francis Xavier School be extended so as to include the school's playing field on the corner of Benhar Street and Bridger Street.
425. The Reporting Officer recommended the submission be accepted for the reasons given by the submitter (s42A Report, Section 5.16.6, p. 180).

3.12.7.1 Decision and Reasons

426. We accept the submission of the *Roman Catholic Bishop of the Diocese of Dunedin* (OS199.8) to rezone the playing fields at 27 Benhar Street to Schools Zone for the reasons given above by the submitter.

3.12.8 Otago Boys High School

427. *Dunedin City Council* (OS360.184) and the *Ministry of Education* (OS947.34) requested a change to the zoning of part of 143 London Street, from Inner City Residential Zone to Schools Zone by extending the zone to match the area within designation D048 as the area reflects land owned and used for education activities.
428. *Dunedin City Council* (OS360.185) also requested a change to the zoning of 77 Sligo Terrace, Roslyn from General Residential 2 Zone to Schools Zone. This submission is supported by *Ministry of Education* (FS2288.4) as this property is part of Otago Boys' High School.
429. The Reporting Officer recommended accepting the submission and re-zoning part of 143 London Street and 77 Sligo Terrace to Schools Zone (s42A Report, Section 5.16.6, p. 174).

3.12.8.1 Decision and Reasons

430. We accept the submissions from the *Dunedin City Council* (OS360.184, OS360.185) and the *Ministry of Education* (OS947.34) to rezone 143 London Street and 77 Sligo Terrace so that the entire Otago Boys' High School site is covered by the Schools Zone, for the reasons given above by the submitters, and as supported by the Reporting Officer.

3.12.9 St Brigid's School

431. St Brigid's School is located at 57 Bayfield Road, Andersons Bay, Dunedin. *Dunedin City Council* (OS360.227) sought to change the zoning of a small part of 63 Bayfield Road from General Residential 1 Zone to Schools Zone.
432. The Reporting Officer noted that the submission related to a very small portion of the property and effectively corrected a mapping error. She recommended that the submission be accepted and the zoning of a small portion of 63 Bayfield Road be changed to Schools Zone (s42A Report, Section 5.16.6, p. 182).

3.12.9.1 Decision and Reasons

433. We accept the submission from the *Dunedin City Council* (OS360.227) to amend the mapped area so that the entire school site is covered by the Schools Zone, to correct a mapping error as described the Reporting Officer.

3.12.10 St Hilda's Collegiate School Inc.

3.12.10.1 Submissions

434. St Hilda's Collegiate School is located at 2 Cobden Street, Dunedin. It has a boarding facility located at 12 Tolcarne Avenue (Tolcarne Boarding House) providing residential accommodation for students studying at St Hilda's. This is located some distance from the school and is in the General Residential 1 Zone.
435. *St Hilda's Collegiate School Inc. (St Hilda's)* (OS746.1) requested changing the zoning of schools from that of Schools Zone to individual zones for each school. The submitter considered schools in Dunedin to be unique and a number are designated or have a bespoke planning framework. The submitter considered that it would not be efficient if a school wanted to change a general provision via the private plan change process, as all other schools would have to become involved as any changes to the zone might affect them.
436. *St Hilda's* (OS746.2) requested that the zoning of Tolcarne Boarding House at 12 Tolcarne Avenue be changed from General Residential 1 to Schools Zone. If it is not rezoned, the submitter requested a change so that Student Hostels are a permitted activity, and amendment of performance standards relevant to Student Hostels to replicate the relevant standards in the Schools Zone as the standards are more restrictive in the General Residential 1 Zone than the Schools Zone. The submitter considered the zoning in the 2GP regarding Tolcarne House to be nonsensical as it departed from the operative District Plan process of scheduling school sites (operative Plan Rule 8.7.7.3) which had worked well.
437. The submission was opposed by 11 submitters for varying reasons. *Mr and Mrs Hall* (FS2107.1) were concerned that if the current residential zoning was compromised, it would bring a negative effect to the neighbourhood as there would be increased traffic movement, site coverage, building height, and noise. *Ms G Ferguson* and *Ms M Naulls* (FS2338.1) stated that the difference in zoning was entirely appropriate and was

consistent with the approach taken to other schools with separate boarding facilities. Other concerns were that the changes requested by *St Hilda's* would allow for more intensive use of the site with no consultation required with neighbours. *Patrick Heslin and Louisa Heslin* (FS2407.1) were of the opinion that their property and enjoyment, and the effects on the community as a whole, has not been adequately considered by the Tolcarne Boarding House when the original submission was prepared. *Anne Gilmore Coombs* (FS2465.2) considers that the changes requested by *St Hilda's* would allow for more intensive use of the site without any consultation or notice to residents.

3.12.10.2 Reporting Officer Recommendations

438. The Reporting Officer noted that all schools have the same zoning in the 2GP (Schools Zone) and that state schools have designations which they can rely on for further development. There is no special zoning for them in the operative Plan, and they are included within the zone in which they are located, typically residential zones. Most of the integrated and private schools are scheduled permitted activities within the residential zones.
439. The Reporting Officer noted that the General Residential 1 Zone provisions provided for student hostel activities as restricted discretionary activities and she considered that changes to this site are more appropriately managed by resource consent due to the large size of the site and the associated development potential that rezoning may allow. The matters to which discretion is restricted included: effects on access, the transportation network, infrastructure and residential amenity of the surrounding sites. Tolcarne House has existing use rights, but consent would be required for an increase in size or additional buildings that do not meet the Residential Zone performances standards. If consideration were to be given to re-zoning the Tolcarne Avenue facility from General Residential 1 to Schools Zone, student hostel activity would be a permitted activity, and she did not support that.
440. The Reporting Officer noted that another option was to add the Tolcarne Boarding House as a separate activity in the activity status table with associated performance standards. Overall, she recommended rejection of both submissions from *St Hilda's* (OS746.1 & OS746.2) and acceptance of the further submissions opposing the rezoning.

3.12.10.3 Hearing evidence

441. Ms Bridget Irving, the legal counsel for *St Hilda's*, stated that the s42A Report recommendation to not include Tolcarne House in the Schools Zone failed to recognise the value and significance of the boarding house. She argued that leaving Tolcarne House reliant on existing use rights did not achieve Objective 31.2.1 or enable the implementation of Policy 31.2.2.
442. Ms Irving also noted that the 2GP framework for Tolcarne House was heavily weighted towards retaining residential amenity with only limited opportunity for non-residential activities. She also stated that relying on existing use rights was totally unsatisfactory as they are fraught with difficulties from both the DCC's and the school's perspectives (legal submissions p. 6).
443. She considered that the reasons for not rezoning are overstated and are concerned about the potential for too much development on the Tolcarne site. She pointed out that the roll is capped at 450 pupils and there currently is an oversupply of secondary education facilities in Dunedin. She also noted that the development allowed under the operative Plan is similar to that which would be allowed under the Schools Zone and so the submitters' concerns about over development are not borne out in reality.

444. Ms Jacki Barron, the St Hilda's school principal stated that their preferred option was for Tolcarne to be zoned under major facilities as any development would be assessed under the Schools Zone objectives and policies.
445. Ms Shelley Chadwick, the legal counsel on behalf of the residents of Tolcarne Avenue who had submitted in opposition to the *St Hilda's* rezoning requests, indicated she supported the Reporting Officer's s42A Report recommendation that any changes to Student Hostel activity at Tolcarne House are more appropriately managed by restricted discretionary resource consent as rezoning could create too much development potential. However, she also submitted that, given the present scale of activity at the hostel, expansion or development of the site as a fully discretionary activity should be considered. She described the impacts on neighbours which included transportation and noise issues (legal submission, paragraphs 3 – 13).
446. Kurt Bowen (surveyor) appeared at the hearing on behalf of *Mr Patrick and Ms Louisa Heslin* (FS2407). Mr Bowen indicated that the submitters lived adjacent to the boarding house and were concerned about the schools' submission to rezone the site. He reiterated the concerns raised in the submission. He indicated the submitters were open to discussions with the school about the matters raised and the school's future proposals for the site.

3.12.10.4 Decision and Reasons

447. We reject the submissions from *St Hilda's* (OS746.1 and OS746.2) to provide individual zones for individual schools and to rezone Tolcarne House to allow hostel activity as a permitted activity.
448. The reasons for our decision are that we agree with the evidence of the Reporting Officer that any changes to this site are more appropriately managed by the resource consent process due to the large size of the site and the associated development potential that rezoning may allow. A further consideration was the separation of the hostel from the balance of the school. We were also mindful of the evidence presented by further submitters as to the potential for a wide range of effects to occur, and those effects are all able to be addressed through a consent process, including consultation where appropriate.
449. We have some sympathy for Ms Irving's concern at needing to rely on existing use rights, but any new additions will clearly need a resource consent. We also note the restricted discretionary activity status is less onerous than a full discretionary activity status as suggested by Ms Chadwick.
450. We therefore accept the further submissions from residents opposing the change from Residential 1 zoning for Tolcarne House.

3.12.11 90 and 96 Anzac Avenue

451. The *University* (OS308.284) opposed the zoning of 90 and 96 Anzac Avenue and requested that it be changed from Princes Parry and Harrow Street Zone (PPH) to Campus Zone. It considered the PPH zoning would unreasonably restrict the University's use of its properties. The submitter noted that the library at 90 Anzac Avenue is intended to become a more public-facing organisation, meaning that the University needs to retain flexibility over its activities on that site. Furthermore, the zoning as notified did not provide for redevelopment or new buildings on the adjoining 96 Anzac Avenue site.

452. If the zoning is not amended, the submitter requested that objectives, policies and associated rules in the Commercial and Mixed Use Zones for the PPH Zone be amended to avoid any impact on the University's use of 90 and 96 Anzac Avenue.
453. *Bindon Holdings Ltd* (FS2471.23) opposed the *University* submission and stated that Policy 18.2.1.16 as notified appropriately provides for training and education in the PPH Zone and specifically refers to tertiary providers including campus institutions. The submitter considered it is unnecessary to undertake 'spot' rezoning of 90 and 96 Anzac Avenue.
454. The Reporting Officer noted that the PPH Zone provides for libraries as a permitted activity under the definition of Community and Leisure. The zone also provided for Training and Education activity. She did not consider that rezoning the sites at 90 and 96 Anzac Avenue Campus zoning was appropriate or necessary and recommended that the submission by the *University* (OS308.284) was rejected (s42A Report, Section 5.16.13, p. 187).
455. Mr Brass explained that the University's Hocken Collections library is located at 90 Anzac Avenue, and a former University gymnasium building which is intended to be re-purposed for other University use in the short-medium term is on the adjoining property at 96 Anzac Avenue. He stated that although the Princes Parry Harrow Zone provided for Training and Education and libraries as permitted activities, these do not cover the full range of the Hocken's activities as its main functions are archives, research, and an increasing role in public information. In particular, Conference, Meeting and Function, Entertainment and Exhibition, Office and other major facility, would all be non-complying activities (Rule 18.3.4). This would mean that the Plan would restrict any development of the current activities, and the Hocken's intention to become much more public-facing and to build on Dunedin's status as a UNESCO City of Literature.
456. He said the same provisions would similarly restrict the potential redevelopment of 96 Anzac Avenue.
457. He traversed the differences between the proposed Campus Zone and the PPH Zone and said that the proposed PPH zoning was simply not compatible with the University's current and future use of these properties. Redefining Training and Education activity would only partially address this and would conflict with other provisions for the zone (and be subject to the interpretation decisions of consenting staff).
458. Mr Brass said that while the property owner had supported the PPH zoning, the University's lease arrangement over these properties gives the University a primary interest in zoning as the current and ongoing user of the land.
459. He considered that there was no justification for imposing a zoning for these properties which is different from that which has historically applied, which changes the basis on which the University has undertaken its long-term planning, and which does not provide for the current or likely future use. In order to provide for the University's current and future use of these properties, he considered it would be significantly more efficient and effective to retain the Campus zoning of the operative District Plan (Evidence p.15-16).
460. Mr Page, in his verbal submission argued that the opposing submission from *Bindon Holdings* was to try and increase future rental for the site as a result of the greater range of activities possible in the PPH Zone as opposed to being in the Campus Zone.
461. Ms Megan Justice, the consultant planner called by *Bindon Holdings*, in her pre-circulated evidence stated that the rezoning of 90 and 96 Anzac Ave to Campus Zone was not required as the PPH Zone provided sufficient flexibility in terms of land use activities and building development to accommodate the ongoing use and development

of the Hocken Library. She considered the PPH Zone provided for a greater range of activities than the Campus Zone and the opportunity to make the Hocken Library more public-focused would be a major impetus for the type of new development that is envisaged by the new PPH Zone, (evidence p. 2-5).

3.12.11.1 Decision and reasons

462. We accept the submission from the *University* (OS308.284) and reject that from *Bindon Holdings Ltd* and have rezoned 90 and 96 Anzac Avenue as Campus Zone.
463. Our reasons are that this is the current use of the sites and there are other campus activities nearby and across the road. We agree with Mr Brass that there seems no valid RMA reason to change from the Campus zoning in the operative District Plan and accept Mr Brass's evidence that the proposed PPH zoning is not reflective of current use and would affect long term planning of the properties.

3.12.12 Four sites at 24-38 St David Street

464. The four sites at 24-38 St David Street are residential sites at the north-eastern corner of the block bounded by St David Street, Great King Street North, Union Street and Cumberland Street. They are zoned Inner City Residential, with the balance of the block zoned Campus.
465. The *University* (OS308.321) requested the zoning of 24-38 St David Street be changed from Inner City Residential Zone to Campus Zone as the Inner City Residential Zone would reduce the University's options in the area. The submitter noted that 24 St David Street is owned by the University, had previously been used as a childcare facility, and could well be used for administration or academic uses in the future. The other properties are in private ownership, but the submitter considered they have potential for campus uses in the future.
466. The Reporting Officer recommended that given the ownership of the corner site, and the zoning of the balance of the block, that rezoning to Campus Zone was appropriate (s42A Report, Section 5.16.13, p. 189).
467. Mr Brass supported the s42A Report recommendation that the properties be rezoned Campus Zone (Evidence p.17)

3.12.12.1 Decision and reasons

468. We accept the submission by the *University* (OS308.321) and rezone the sites at 24-38 St David Street from Inner City Residential to Campus Zone.
469. We accept the evidence from the Reporting Officer, and Mr Brass, on this matter. We also note that standard residential activity and working from home are permitted activities in the Campus Zone, with the performance standards of Inner City Residential Zone applying, so the rezoning should not affect existing residential activity.

3.12.13 127 Clyde Street

470. The *University* (OS308.325) requested the zoning of 127 Clyde Street be changed from Inner City Residential Zone to Campus Zone. The property houses Studholme College, which is an on-campus student residential college and Campus zoning would reflect and support this. He noted the property does not, and will not, function as Inner City Residential.

471. The Reporting Officer considered that it is appropriate for university hostels to be within the Campus Zone, particularly when their bulk and location is dissimilar to standard residential development and therefore recommended that the site at 127 Clyde Street be rezoned to Campus (s42A Report, Section 5.16.3, p. 189-190).
472. Mr Brass noted that Studholme College is owned and operated by the University and adjoins the Campus Zone on two sides, so Campus zoning is a more accurate reflection of its current and future use than residential (evidence p.14).

3.12.13.1 Decision and reasons

473. We accept the submission from the *University* (OS308.325) and have rezoned 127 Clyde Street to Campus Zone.
474. Our reasons are that we accept the planning evidence on this matter, and consider it is appropriate for university hostels to be within the Campus Zone.
475. For information the decision in the Heritage Decision Report is to not include this area in the heritage precinct, therefore 127 Clyde Street is not a character contributing building.

3.12.14 7 Ethel McMillan Place

476. The site at 7 Ethel McMillan Place is zoned Inner City Residential and adjoins a Neighbourhood Centre to the north. The *University* (OS308.474) submitted that it was appropriate for the site to be in the Campus Zone as it houses OUSA student support activities which are an integral part of the campus functioning.
477. The Reporting Officer noted that the property currently operates as part of the Campus and she considered it appropriate that its zoning be amended to reflect this use, and accordingly supported the submission (s42A Report Section 5.16.13, p. 190).

3.12.14.1 Decision and reasons

478. We reject the submission by the *University* (OS308.474) and retain the Inner City Residential Zone zoning for the site as we consider spot zoning should be avoided where possible.

4.0 Future plan change reviews and other suggestions

4.1 Visitor accommodation in Dunedin International Airport Zone

479. In considering this topic, it was our opinion that the Plan may have been improved by resolving an anomaly we have noticed in regard to Visitor Accommodation activity within the Dunedin International Airport Zone.
480. Within the 2GP visitor accommodation activities in the Dunedin International Airport Zone and the airport noise inner control mapped area are permitted although residential activities are prohibited in the airport noise inner control mapped area. In addition, in the rural zones Visitor Accommodation and Residential activities in the airport noise inner control mapped area are prohibited.
481. Policy 9.2.2.3 in the Public Health and Safety section states:
- “Avoid residential and visitor accommodation activity within the Dunedin International Airport noise inner control mapped area.”
482. We consider that there is an anomaly between the permitted activity status of visitor accommodation activities in the airport noise inner control mapped area and Policy 9.2.2.3, which clearly requires avoidance of visitor accommodation activities. However, we note we had no submissions requesting amendment to the activity status of visitor accommodation or Policy 9.2.2.3 therefore, we include this comment as a suggestion for investigation for a future plan review process.

4.2 Ravensbourne Road (amenity route mapped area)

483. We have also discovered an anomaly in that there are provisions in the Plan related to the Ravensbourne Road (**amenity route mapped area**), although this amenity route mapped area is not shown on the planning maps adjacent to the stadium, the Stadium Zone section contains provisions for the management of the mapped area. The provisions in the Plan include Policy 32.2.2.1, Rule 32.6.1 Boundary Treatments and Other Landscaping, Rule 32.6.9.1 Boundary setbacks, and Rule 32.8.4 Assessment of development performance standard contraventions (clauses 1 and 2).
484. We are unable to correct this anomaly as a clause 16 amendment as we consider there is no scope to do this. It is our opinion that there should be further investigation as part of a future plan review process of the appropriateness of applying the amenity route mapped area in the Stadium Zone, which should involve expert advice from an urban designer. We therefore retain the provisions in the Stadium Zone in the meantime, until further investigations can determine if the mapped area should be extended or the provisions removed.

5.0 Minor and inconsequential amendments

485. Clause 16(2) of Schedule 1 of the RMA allows a local authority to make an amendment where the alteration “is of minor effect”, and to correct any minor errors, without needing to go through the submission and hearing process.
486. This Decision includes minor amendments and corrections that were identified by the DCC Reporting Officers and/or by us through the deliberations process. Please see Table 2 below for some of these more notable changes. These amendments are referenced in this report as being attributed to “cl.16”. These amendments generally include:

- correction of typographical, grammatical and punctuation errors
- removing provisions that are duplicated
- clarification of provisions (for example adding 'gross floor area' or 'footprint' after building sizes)
- standardising repeated phrases and provisions, such as matters of discretion, assessment guidance, policy wording and performance standard headings
- adding missing hyper-linked references to relevant provisions (eg. performance standard headings in the activity status tables)
- correctly paraphrasing policy wording in assessment rules
- changes to improve plan usability, such as adding numbering to appendices and reformatting rules
- moving provisions from one part of the plan to another
- rephrasing plan content for clarity, with no change to the meaning
- correcting errors.

487. Minor changes such as typographical errors have not been marked up with underline and strikethrough. More significant cl. 16 changes (such as where provisions have been moved) are explained using footnotes in the marked-up version of the Plan.

Table 2: Minor and inconsequential amendments

Plan section	Reason for amendment	Proposed amendment
Campus - Rule 34.6.7.1	Rule amended for clarity, as the notified rule referred to other zones but did not explain what that means when the adjacent zone has no height in relation to boundary standard.	On a site used for a standard residential activity, new buildings and additions and or alterations to buildings must not protrude through a plane (see Figure 15.6F) raising at an angle of 45 degrees measured from a point 3m above ground level at side and rear boundaries, except: <ul style="list-style-type: none"> i.; ii. on boundaries adjacent to another zone <u>the Inner City Residential Zone or Recreation Zone</u> {MF cl.16¹}, the height in relation to boundary rule of the adjacent zone applies; iii. on boundaries with the <u>commercial and mixed use, industrial, Dunedin Hospital, Otago Museum and Stadium zones, where this rule does not apply; and</u> {MF cl.16¹} iv.
Policy 21.2.2.7, Rule 21.6.9.4, Rule	Forestry is a discretionary activity in	Policy 21.2.2.7

21.2.4.9. Policy 21.2.3.4	this zone and should not have been listed in these provisions as they apply to permitted activities.	<p>Require forestry and{MF cl. 16} tree planting shelterbelts and small woodlots {RU 853.6} to be set back an adequate distance to avoid significant effects from shading on residential dwellings on surrounding properties.</p> <p>Rule 21.6.9.4</p> <p>21.6.9.4 Forestry and{MF cl. 16} tree planting shelterbelts and small woodlots {RU 853.6} setbacks</p> <p>Forestry and{MF cl. 16}tree planting shelterbelts and small woodlots {RU 853.6} must comply with Rule 16.6.11.2</p> <p>Rule 21.2.4.9</p> <p>Correct the reference to the performance standard to reflect the amendments to the heading for Rule 21.6.9.4</p> <p>Policy 21.2.3.4 - Delete policy</p> <p>Require earthworks ancillary to forestry to be carried out in accordance with industry best practice guidelines</p>						
Table A9.1 Default zones for schools	Corrects an error as surrounding properties are GR1 not GR2	<table border="1"> <tr> <th>School</th><th>Address</th><th>Default zone</th></tr> <tr> <td>St Bernadette's School</td><td>Forbury Rd</td><td>General Residential 21{MF cl. 16}</td></tr> </table>	School	Address	Default zone	St Bernadette's School	Forbury Rd	General Residential 21 {MF cl. 16}
School	Address	Default zone						
St Bernadette's School	Forbury Rd	General Residential 21 {MF cl. 16}						
Schools Zone	Correct Schools Zone boundaries to correct mapping error as this property contains a community hall and is part of the school	Change the zoning of 27 St Leonards Drive from Schools Zone to the Township and Settlements Zone						
Throughout plan	Correct references to 'major facilities activities' and 'major facilities' to be 'major facility activities' or 'major facility zones' where incorrect	<p>Correct terms as needed.</p> <p>Add definition of major facilities</p> <p>Amend Major Facility Zones introduction to clarify the terms used in the plan and relationship between major facility activities and zones.</p>						

Appendix 1 – Amendments to the Notified 2GP (2015)

Please see www.2gp.dunedin.govt.nz/decisions for the marked up version of the notified 2GP (2015). This shows changes to the notified 2GP with strike-through and underline formatting and includes related submission point references for the changes.

Appendix 2 – Summary of Decisions

1. A summary of decisions on provisions discussed in this decision report (based on the submissions covered in this report) is below.
2. This summary table includes the following information:
 - Plan Section Number and Name (the section of the 2GP the provision is in)
 - Provision Type (the type of plan provision e.g. definition)
 - Provision number from notified and new number (decisions version)
 - Provision name (for definitions, activity status table rows, and performance standards)
 - Decision report section
 - Section 42A report section
 - Decision
 - Submission point number reference for amendment

Summary of Decisions

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
1. Plan Overview and Introduction	Nested Tables	1.4	1.2.2.4		Added campus-affiliated office as a sub activity of Office	MF 308.5	3.1.1	5.1.1
1. Plan Overview and Introduction	Definition	1.5		Student Hostels	Amend definition to include use of facilities outside of the time of occupancy by students for the accommodation of visitors to the educational facility or events hosted by the educational facility on or off-site (e.g. sporting events)	MF 308.10	3.1.11.1	5.17.2
1. Plan Overview and Introduction	Definition	1.5		Training and education	Amend definition (clarification rather than substantive change)	MF 308.11	3.1.4	5.1.5
1. Plan Overview and Introduction	Definition	1.5		New Zealand Marine Studies Centre	Add new definition	MF 308.283	3.11	5.16.13
1. Plan Overview and Introduction	Definition	1.5		Major Facility Activities	Add 'New Zealand Marine Studies Centre' to definition	MF 308.283	3.11	5.16.13
1. Plan Overview and Introduction	Definition	1.5		Natural Hazard Potentially Sensitive	Add 'New Zealand Marine Studies Centre' to list of	MF 308.283	3.11	5.16.13

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
				Activities	activities			
1. Plan Overview and Introduction	Definition	1.5		Campus-Affiliated Office	Add new definition	MF 308.5	3.1.1	5.1.1
1. Plan Overview and Introduction	Definition	1.5		Campus	Amend definition to include additional activities	MF 308.5	3.1.1	5.1.1
1. Plan Overview and Introduction	Definition	1.5		Education activity	Do not amend as requested		3.4.1	5.17.1
1. Plan Overview and Introduction	Definition	1.5		Early Childhood education	Do not amend as requested		3.4.1	5.17.1
1. Plan Overview and Introduction	Definition	1.5		School	Do not amend as requested		3.4.1	5.17.1
1. Plan Overview and Introduction	Definition	1.5		Student Hostels	Do not amend as requested		3.4.1	5.17.1
1. Plan Overview and Introduction	Definition	1.5		Training and education	Do not amend as requested		3.4.1	5.17.1
1. Plan Overview and Introduction	Definition	1.5		Sport and recreation	Do not amend as requested		3.4.1	5.17.1
6. Transportation	Assessment of Restricted Discretionary Activities	6.10.2.4	6.11.2.4		Amend guidance to reflect change to activity status for Student Hostels (remove reference)	MF 308.353	3.1.11.2	5.13.12

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
34. Campus	Assessment of Controlled Activities	6.8A	6.9		Amend guidance to reflect change to activity status for Student Hostels (add reference)	MF 308.353	3.1.11.2	5.13.12
9. Public Health and Safety	Assessment of Restricted Discretionary Activities	9.5.2.2	9.6.2.2		Amend guidance to reflect change to activity status for Student Hostels (remove reference)	MF 308.353	3.1.11.2	5.13.12
34. Campus	Assessment of Controlled Activities	9.3A	9.4		Amend guidance to reflect change to activity status for Student Hostels (add reference)	MF 308.353	3.1.11.2	5.13.12
10. Natural Environment	City Wide Performance Standard	10.3.3		Setbacks from coast and water bodies	Amend exception to setbacks for buildings associated with the Marine Studies Centre, so it refers to the new mapped area rather than describing the land parcels	MF 308.283	3.11	5.16.13
11. Natural Hazards	Introduction	11.1.3		Hazard provisions sensitivity classification	Add 'New Zealand Marine Studies Centre' to list of natural hazards potentially sensitive activities	MF 308.283	3.11	5.16.13
15. Residential Zones	Development Performance Standard	15.6.3.2	15.6.2.2	Fence height and design - Visual Permeability	Amend performance standard to exempt fences required to meet Rule 20.6.8 (Location and	MF 308.375 and 308.497	3.1.7.2	5.13.17

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
					Screening of Outdoor Storage)			
16. Rural Zones	Activity Status	16.3.3.AE (new)	16.3.3.50	New Zealand Marine Studies Centre in the Portobello Marine Science mapped area	Amend activity status table to include new major facility activity "New Zealand Marine Studies Centre in the Portobello Marine Science mapped area" as a permitted activity	MF 308.283	3.11	5.16.13
16. Rural Zones	Development Performance Standard	16.6.6	16.6.5	Maximum height	Add height limits for buildings associated with the New Zealand Marine Studies Centre in the Portobello Marine Science mapped area	MF 308.283	3.11	5.16.13
16. Rural Zones	Development Performance Standard	16.6.11.1	16.6.10.1	Setbacks	Amend exception to setbacks for buildings associated with the NZ Marine Studies Centre, so it refers to the new mapped area rather than describing the land parcels	MF 308.283	3.11	5.16.13
16. Rural Zones	Assessment of Non-complying Activities	16.12.3.2			Amend guidance to reflect change to activity status for "New Zealand Marine Studies Centre in the Portobello Marine Science mapped area"	MF 308.283	3.11	5.16.13

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
					(amend reference to clarify does not apply to that activity)			
20. Recreation Zone	Development Performance Standard	20.6.2.2	20.6.1.2	Fence height and design - Visual Permeability	Amend performance standard to exempt fences required to meet Rule 34.6.8 (Location and Screening of Outdoor Storage)	MF 308.375 and 308.497	3.1.7.2	5.13.17
22. Dunedin Botanic Gardens	Activity Status	22.3.3.X	22.3.3.6	Sport and recreation not involving a motor vehicle	Split off from 'all other activities in the community activities category' sport and recreation not involving a motor vehicle and change the activity status from D to P	MF 360.105	3.9.1	5.5.1
22. Dunedin Botanic Gardens	Assessment of D Activities	22.11.2.1	delete	all discretionary activities	Exclude sport and recreation not involving a motor vehicle from the all commercial activities category to reflect the change in activity status	MF 360.105	3.9.1	5.5.1

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
23. Dunedin Hospital	Policy	23.2.1.3			Do not amend as requested	MF 308.476, MF267.1 and others	3.1.4	5.6.5, 5.9.1, 5.9.2
23. Dunedin Hospital	Policy	23.2.2.2			Amend policy wording	MF 308.343 and MF 308.497	3.1.6	5.13.10
23. Dunedin Hospital	Activity Status	23.3.3.X	23.3.3.10	Training and education	Split off from all other activities in the commercial activities category, training and education and change activity status from NC to P	MF 308.304	3.1.4	5.6.5, 5.6.13, 5.6.1, 5.1.5, 5.13.3, 5.6.5
23. Dunedin Hospital	Activity Status	23.3.3.Y (new)	23.3.3.11	Campus-Affiliated Office	Add Campus-Affiliated Office as a sub activity of Office	MF 308.5	3.1.1	5.1.1
23. Dunedin Hospital	Assessment of Restricted Discretionary Performance Standard Contraventions	23.8.4.9	23.8.4.4		Amend guidance to reflect change in Policy 29.2.2.2	MF 308.343 and MF 308.497	3.1.6	5.13.10
24. Dunedin Hospital	Assessment of Discretionary Performance Standard Contraventions	23.10.3.2			Amend guidance to reflect change in Policy 29.2.2.2	MF 308.343 and MF 308.497	3.1.6	5.13.10
24. Dunedin International Airport	Policy	24.2.1.3			Do not amend as requested		3.4.3	5.7.3

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
24. Dunedin International Airport	Policy	24.2.1.4	N/A deleted		Remove policy linked to default zoning as no transition rules	MF 724.19	3.4.1	5.7.1
24. Dunedin International Airport	Policy	24.2.1.5	24.2.1.4		Amend policy wording	MF 724.19 and 724.34	3.4.1	5.7.1
24. Dunedin International Airport	Policy	24.2.2.3			Do not amend as requested		3.4.4	5.7.5, 5.7.6, 5.7.16
24. Dunedin International Airport	Objective	24.2.2			Do not amend as requested		3.4.4	5.7.5, 5.7.6, 5.7.16
24. Dunedin International Airport	Activity Status	24.3.3			Do not amend as requested		3.4.3	5.7.3
24. Dunedin International Airport	Activity Status	24.3.5.1			Amend activity status from RD to D	MF 724.19 and 724.34	3.4.1	5.7.1
24. Dunedin International Airport	Land Use Performance Standard	24.5.4			Do not amend as requested		3.4.3	5.7.3
24. Dunedin International Airport	Development Performance Standard	24.6.2		Boundary treatments and other landscaping	Amend to remove the requirement for the provision of additional landscaping for large parking areas	MF 724.13	3.4.6	5.7.13

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
24. Dunedin International Airport	Assessment of Restricted Discretionary Performance Standard Contraventions	24.8.4.8	24.7.4.4		Do not amend as requested		3.4.4	5.7.5, 5.7.6, 5.7.16
24. Dunedin International Airport	Assessment of Restricted Discretionary Activities	24.9.3.4	N/A deleted		Delete assessment guidance for new parking areas over 50 parking spaces (noting was an error as no corresponding rule)	MF 724.33	3.4.7	5.7.19
24. Dunedin International Airport	Assessment of Restricted Discretionary Activities	24.9.4.1	N/A deleted		Remove assessment guidance for subdivision activities linked to change in activity status from RD to D	MF 724.19 and 724.34	3.4.1	5.7.1
24. Dunedin International Airport	Assessment of Discretionary Activities	24.10.2.1	24.11.2.1		Do not amend as requested		3.4.3	5.7.3
24. Dunedin International Airport	Assessment of Discretionary Activities	24.10.2.2 (new)	24.11.2.2		Add assessment guidance for subdivision activities linked to change in activity status from RD to D, add in new location do not include link to Rule 16.9	MF 724.19 and 724.34	3.4.1	5.7.1

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
24. Dunedin International Airport	Assessment of Non-complying Activities	24.11.2	24.12.2		Do not amend as requested		3.3.8	5.7.22
26. Invermay and Hercus	Policy	26.2.1.3			Do not amend as requested		3.8.1	5.8.3
26. Invermay and Hercus	Activity Status	26.3.3.12			Do not amend as requested		3.8.1	5.8.3
29. Otago Museum	Introduction	29.1			Do not amend as requested	MF 308.476, MF267.1 and others	3.1.4	5.6.5, 5.9.1, 5.9.2
29. Otago Museum	Introduction	29.1			Do not amend as requested	MF 308.476, MF267.1 and others	3.1.4	5.6.5, 5.9.1, 5.9.2
29. Otago Museum	Policy	29.2.1.3			Do not amend as requested	MF 308.476, MF267.1 and others	3.1.4	5.6.5, 5.9.1, 5.9.2
29. Otago Museum	Policy	29.2.2.5	delete		Make several amendments to definition		3.3.1	5.9.6
29. Otago Museum	Policy	29.2.2.6	29.2.2.5		Amend policy wording	MF 308.343 and MF 308.497	3.1.6	5.13.10
29. Otago Museum	Objective	29.2.2			Do not amend as requested	MF 308.476, MF267.1 and others	3.1.4	5.6.5, 5.9.1, 5.9.2

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
29. Otago Museum	Activity Status	29.3.3.X (new)	29.3.3.6	Campus-Affiliated Office	Split off from office activity a new sub-activity of Campus-Affiliated Office and change activity status from D to P	MF 308.5	3.1.1	5.1.1
29. Otago Museum	Activity Status	29.3			Do not amend as requested	MF 308.476, MF267.1 and others	3.1.4	5.6.5, 5.9.1, 5.9.2
29. Otago Museum	Development Performance Standard	29.6.1		Boundary Treatments and Other Landscaping	Do not amend as requested		3.3.2	5.9.11
29. Otago Museum	Development Performance Standard	29.6.6	29.6.5	Maximum height	Do not amend as requested		3.3.2	5.9.11
29. Otago Museum	Assessment of Restricted Discretionary Performance Standard Contraventions	29.9.4.9	29.9.4.5		Amend guidance to reflect change in Policy 29.2.2.6	MF 308.343 and MF 308.497	3.1.6	5.13.10
29. Otago Museum	Assessment of Discretionary Activities	29.11.2.1			Amend assessment to reflect activity status change of Campus-Affiliated Office	MF 308.5	3.1.1	5.1.1
31. Schools	Objective	31.2.1			Do not amend as requested		3.5.1	5.17.1
31. Schools	Policy	31.2.1			Do not amend as requested		3.5.1	5.17.1
31. Schools	Policy	31.2.2			Do not amend as requested		3.5.1	5.17.1

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
31. Schools	Policy	31.2.3	delete		Do not amend as requested		3.5.1	5.17.1
31. Schools	Policy	31.2.4			Do not amend as requested		3.5.1	5.17.1
31. Schools	Policy	31.2.5			Do not amend as requested		3.5.1	5.17.1
31. Schools	Policy	31.2.6			Do not amend as requested		3.5.1	5.17.1
31. Schools	Policy	31.2.7			Do not amend as requested		3.5.1	5.17.1
31. Schools	Activity Status	31.3.7		Transition to default zone	Do not amend as requested		3.5.2	5.10.1
31. Schools	Land Use Performance Standard	31.5.3		Hours of Operation	Do not amend as requested		3.5.3	5.10.2
31. Schools	Development Performance Standard	31.6.5.1	31.6.4.1	Height in relation to boundary	Do not amend as requested		3.5.4	5.10.3
31. Schools	Development Performance Standard	31.6.11.1	31.6.10	Boundary setbacks	Do not amend as requested		3.5.5	5.10.4
32. Stadium	Policy	32.2.1.4			Amend policy to reflect change to default zone inside the hazard facility mapped area	MF 906.58	3.6.1	5.11.2
32. Stadium	Policy	32.2.1.5			Amend to reflect change to default zone inside the hazard facility mapped area	MF 906.58	3.6.1	5.11.2

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
32. Stadium	Policy	32.2.2.2			Amend policy wording	MF 308.343 and MF 308.497	3.1.6	5.13.10
32. Stadium	Policy	32.2.2.5			Do not amend as requested		3.6.2	5.11.5
32. Stadium	Activity Status	32.3.3.3		All other activities in the major facility activities category	Do not amend as requested		3.6.1	5.11.7
32. Stadium	Activity Status	32.3.3.10		All other activities in the commercial activities category	Do not amend as requested		3.6.3	5.11.15
32. Stadium	Activity Status	32.3.6		Transition to Campus Zone or Industrial Zone	Amend default zone inside the (new) hazard facility mapped area so it defaults to Industrial Zone rather than Campus Zone	MF 906.58	3.6.1	5.11.2
32. Stadium	Development Performance Standard	32.6.7.1	32.6.5.1	Number, location and design of ancillary signs - General	Amend rule to require signs to be set back a minimum of 100 metres from the State Highway 88/Ravensbourne Road roundabout	MF 881.157	3.6.3	5.11.15
32. Stadium	Development Performance Standard	32.6.7.3	32.6.5.3	Number, location and design of ancillary signs - Freestanding Signs	Do not amend as requested		3.6.3	5.11.15

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
32. Stadium	Subdivision Performance Standard	32.7			Amend to reflect change to default zone inside the hazard facility mapped area	MF 906.58	3.6.1	5.11.2
32. Stadium	Assessment of Restricted Discretionary Performance Standard Contraventions	32.8.4.9	32.8.4.5		Amend guidance to reflect change in Policy 32.2.2.2	MF 308.343 and MF 308.497	3.1.6	5.13.10
32. Stadium	Subdivision Performance Standard	32.8.5.1			Amend to reflect change to default zone inside the hazard facility mapped area	MF 906.58	3.6.1	5.11.2
32. Stadium	Assessment of Restricted Discretionary Activities	32.9.3.1			Amend to reflect change to default zone inside the hazard facility mapped area	MF 906.58	3.6.1	5.11.2
32. Stadium	Assessment of Discretionary Activities	32.10.3.3			Amend guidance to reflect change in Policy 32.2.2.2	MF 308.343 and MF 308.497	3.1.6	5.13.10
34. Campus	Introduction	34.1		Introduction	Amend activity status name from 'office' to 'all other office activity' as a consequence of new activity of Campus-Affiliated Office	MF 308.5	3.1.1	5.1.1
34. Campus	Introduction	34.1		Introduction	Amend introduction wording	MF 881.159	3.1.10	5.13.1

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
34. Campus	Policy	34.2.1.5			Amend policy to reflect change in activity status for Campus-Affiliated Office	MF 308.349	3.1.4	5.6.5, 5.6.13, 5.6.1, 5.1.5, 5.13.3, 5.6.5
34. Campus	Policy	34.2.1.5			Amend guidance to reflect change to activity status for student hostels (e.g. to remove application to student hostels) and related change to 34.2.1.5	MF 308.354	3.1.11.3	5.13.12
34. Campus	Policy	34.2.1.5			Amend wording to mention Campus-Affiliated Office	MF 308.5	3.1.1	5.1.1
34. Campus	Policy	34.2.1.7			Do not amend as requested	MF 308.334 and MF 308.386	3.1.5	5.13.6, 5.13.22
34. Campus	Objective	34.2.1			Amend guidance to reflect change to activity status for Campus-Affiliated Office	MF 308.326, 308.327, 308.328, 308.330 and 308.333	3.1.1	5.1.1

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
34. Campus	Policy	34.2.2.2			Do not amend as requested	MF 308.326, 308.327, 308.328, 308.330 and 308.333	3.1.1	5.1.1
34. Campus	Policy	34.2.2.6			Do not amend as requested	MF 308.326, 308.327, 308.328, 308.330 and 308.333	3.1.1	5.1.1
34. Campus	Policy	34.2.2.7			Do not amend as requested	MF 308.342	3.1.6	5.13.9
34. Campus	Policy	34.2.2.8			Amend policy wording	MF 308.343	3.1.6	5.13.10
34. Campus	Objective	34.2.2			Do not amend as requested	MF 308.335	3.1.6	5.13.8
34. Campus	Activity Status	34.3.3.13	34.3.3.15	All other office activities (amended)	Amend activity status name from 'office' to 'all other office activity'	MF 308.5	3.1.1	5.1.1
34. Campus	Activity Status	34.3.3.21	34.3.3.23	Student Hostels	Amend activity status from RD to C	MF 308.353	3.1.11.2	5.17.2
34. Campus	Activity Status	34.3.3.23	34.3.3.25	Other supported living facilities	Amend activity status from NC to D	MF 308.354	3.1.11.3	5.13.12
34. Campus	Activity Status	34.3.3.Y (new)	34.3.3.13	Campus-affiliated office	Split off from office activity a new sub-activity of Campus-Affiliated Office and change activity status	MF 308.5	3.1.1	5.1.1

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
					from D to P			
34. Campus	Activity Status	34.3.3.Z	34.3.3.14	Registered health practitioners	Amend the activity status of registered health practitioners from D to P	MF 308.349	3.1.4	5.6.5, 5.6.13, 5.6.1, 5.1.5, 5.13.3, 5.6.5
34. Campus	Activity Status	34.3			Do not amend as requested	MF 308.476, MF267.1 and others	3.1.4	5.6.5, 5.9.1, 5.9.2
34. Campus	Land Use Performance Standard	34.5.5		Minimum Car Parking	Amend policy to reflect change in activity status for registered health practitioners	MF 308.349	3.1.4	5.6.5, 5.6.13, 5.6.1, 5.1.5, 5.13.3, 5.6.5
34. Campus	Development Performance Standard	34.6.1		Boundary Treatments and Other Landscaping	Amend performance standard to exempt campus activity from the standard	MF 308.373	3.1.7.1	5.13.16
34. Campus	Development Performance Standard	34.6.3.2	34.6.2.2	Fence height and design - Visual Permeability	Amend performance standard to exempt developments for campus activity from the performance standard	MF 308.375	3.1.7.2	5.13.17
34. Campus	Development Performance Standard	34.6.7.2	34.6.6.2	Maximum height	Do not amend as requested	MF 308.378	3.1.6	5.13.10

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
34. Campus	Development Performance Standard	34.6.10.3	34.6.9.3	Freestanding Signs	Amend performance standard so that it only applies to development of sites used for standard residential activity	MF 308.382	3.1.9	5.13.20
34. Campus	Development Performance Standard	34.6.13	34.6.12	Maximum Building Site Coverage and Impermeable Surfaces	Amend performance standard to exempt fences required to meet Rule 15.6.9 (Location and Screening of Outdoor Storage)	MF 308.385	3.1.8	5.13.21
34. Campus	Subdivision Performance Standard	34.7.5		Shape	Do not amend as requested	MF 308.334 and MF 308.386	3.1.5	5.13.6, 5.13.22
34. Campus	Assessment of Controlled Activities	34.8.2.2 (new)			Amend guidance to reflect change to activity status for Student Hostels (add reference)	MF 308.353	3.1.11.2	5.17.2
34. Campus	Assessment of Restricted Discretionary Performance Standard Contraventions	34.9.4.1			Amend guidance to reflect change in Policy 34.2.2.8	MF 308.343	3.1.6	5.13.10
34. Campus	Assessment of Restricted Discretionary Performance Standard Contraventions	34.10.3.2	NA deleted		Amend guidance to reflect change to activity status for Student Hostels (remove reference)	MF 308.353	3.1.11.2	5.17.2

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
34. Campus	Assessment of Discretionary Performance Standard Contraventions	34.11.2.1		Assessment of discretionary land use activities	Amend performance standard to add minimum car parking for registered health practitioners aligned to change to activity status	MF 308.349	3.1.4	5.6.5, 5.6.13, 5.6.1, 5.1.5, 5.13.3, 5.6.5
34. Campus	Assessment of Discretionary Activities	34.11.2.1			Amend guidance to reflect change to activity status for supported living facilities (other than student hostels) (add reference)	MF 308.354	3.1.11.3	5.13.12
34. Campus	Assessment of Discretionary Performance Standard Contraventions	34.11.2.1		Assessment of discretionary land use activities	Amend guidance to remove reference to registered health practitioners as a consequence of activity status change	MF 308.5	3.1.1	5.1.1
34. Campus	Assessment of Discretionary Performance Standard Contraventions	34.11.4.2	34.11.3.2		Amend guidance to reflect change in Policy 34.2.2.8	MF 308.343	3.1.6	5.13.10
.	Appendix	A9.3 (new)			Add new appendix for stadium default zones to indicate default zone inside and outside the hazard facility mapped area	MF 906.58	3.6.1	5.11.2

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
.	Appendix	A9			Delete default zoning for Dunedin International Airport as no related rules (minor change)	MF 1046.3	3.4.1	5.7.1
.	Appendix	A9			Amend default for Stadium to refer to new Appendix A9.3	MF 906.58	3.6.1	5.11.2
1. Plan Overview and Introduction	Definition	Hospital			Amend policy to reflect change to activity status of for student hostels (e.g. to remove application of policy to student hostels)	MF 360.14, 241.1, 32.2, 917.30	3.2	5.1.2
34. Campus	Introduction				Do not amend as requested	MF 308.326, 308.327, 308.328, 308.330 and 308.333	3.1.1	5.1.1
34. Campus	Activity Status			Retail not ancillary to Campus	Do not amend as requested	MF 308.332, 308.351, 308.352, 268.8 and 268.9	3.1.2	5.1.1

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
34. Campus	Activity Status			Restaurant not ancillary to Campus	Do not amend as requested	MF 308.332, 308.351, 308.352, 268.8 and 268.9	3.1.2	5.1.1
24. Dunedin International Airport	Introduction				Do not amend as requested		3.4.2	5.7.2