

TO: Hearing Panel - Plan Change 1 – All Other Topics

FROM: Section 42A authors

DATE: 5 September 2025

SUBJECT: PLAN CHANGE 1 – ALL OTHER TOPICS HEARING – REVISED RECOMMENDATIONS

INTRODUCTION

1. This memorandum answers specific questions from the Hearing Panel and also outlines amendments made to recommendations after receiving written evidence and hearing submitters for the Plan Change 1 (All Other Topics) Hearing in August 2025.
2. This memorandum does not cover recommendations in relation to TA3 (Construction vibration – Rule 4.5.4.1.b). A second memorandum will follow answering specific questions and outlining any amendments to TA3.

RECOMMENDATIONS FOLLOWING HEARING

3. The discussion is written by the relevant author listed in Appendix A in the Section 42A report for the corresponding Plan Change ID.¹
4. The sections below provide clarifications and amended recommendations, where required. Where there has been no change in the recommendation from the Section 42A Report or no need for further explanation or clarification, recommendations in the Section 42A Report remain.
5. Appendix A provides a marked-up version of all recommended amendments from the notified Plan Change 1 version.

CP1 – IMPROVEMENTS TO THE MANAGEMENT OF HIGH TRIP GENERATORS

Purpose of Change

6. Review how activities that will generate relatively high numbers of vehicle movements are managed, to ensure that their effects on accessibility and the safety and efficiency of the transport network are effectively and efficiently managed.

¹ [PC1 \(Non-Heritage Topics\) s42A Appendix A Section 42A authors](#)

Discussion

Mercy Hospital (S84.001)

7. Mr Copland, Principal Transportation Planner at Abley, has reviewed the evidence from Ms Taylor on behalf of Mercy Hospital (S84.001). Mr Copland agrees with Ms Taylor and considers that where there are robust industry standard trip rates available, based on published traffic survey data (as is the case here), a gross floor area approach is preferable as it is easier for plan users to interpret, and appropriately manages effects on the safety and efficiency of the transport network.
8. Mr Copland considers that a gross floor area threshold could apply to all hospitals (not just Mercy Hospital). His Section 42A evidence calculated an appropriate trigger to be 2,200m² gross floor area. However, Mr Copland also advises that, in addition to gross floor area, Table 8.10 of NZTA Research Report 453 *Trips and parking related to land use* provides a 'per bed' rate, of 12 trips per bed per day and 1.3 trips per bed per peak hour. In terms of converting this to an appropriate trigger (with 50 vehicles per hour being the point at which an ITA is deemed necessary), this would equate to 40 beds (50/1.3=38 rounded to 40).
9. As a result, Mr Copland considers that both a gross floor area *and* number of bed thresholds could be used for hospitals.

Recommended amendments

10. I therefore recommend that, in Appendix 6C, the activity "Hospital" be its own line item with the following high trip generator threshold:

11. <u>Hospital</u>	12. <u>2,200m² gross floor area or 40 beds (whichever is met first)</u>
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13. I also maintain the Section 42A recommendation to exempt high trip generators that are in accordance with the Mercy Hospital Development Plan

University of Otago (S251.011)

14. While I do not necessarily agree with all the arguments put forward on behalf of the University in their legal evidence,² I agree that it may be appropriate to exclude student hostels within the Campus Zone from the high trip generator provisions.
15. High trip generating activities are subject to two matters of discretion: effects on accessibility, and effects on the safety and efficiency of the transport network.
16. In terms of accessibility, the Campus Zone is located in an area well served by public transport, cycle infrastructure and is within walking distance of the CBD. This criterion is therefore arguably already met.
17. Regarding transport network effects, I note that student hostels typically provide limited on-site car parking, as most students will generally travel by foot to nearby destinations, and so are unlikely to make a significant contribution to existing traffic volumes in the area. Effects on

² [University of Otago - Gallaway Cook Allan](#)

the safety and efficiency of the transport network are currently a matter of control for student hostels (as are effects on accessibility).

18. Consequently, I am satisfied any effects can be dealt with under the current rule framework. Amendments to achieve this are shown below and in Appendix A.

Recommended amendments

19. Amend Appendix 6C as follows:

Appendix 6C: High Trip Generators Thresholds

Supported living facilities, ~~except student hostels in the Campus Zone~~

Port Otago Limited (S248.002)

20. Regarding the inclusion of existing activities, I confirm that the intent of the Section 42A amendments is to exclude existing activity from the high trip generator thresholds in Appendix 6C. I am not opposed to further amendments to provide clarity on this matter. The submitter has proposed wording that uses the phrase 'excluding the existing footprint'. I note that using the term 'footprint' will not work for all the types of activity included in Appendix 6C, and have therefore proposed alternative wording. An equivalent change is also necessary to the heading of Appendix 6C.
21. Further consequential amendments to the activity status tables and assessment guidance tables that relate to high trip generators throughout the Plan are not necessary, as these refer to Appendix 6C which I am now proposing to amend to make it clearer that the thresholds in the table exclude the existing activity.
22. In response to the submitter's proposed changes to Policy 6.2.2.Y, I recommend accepting these in part. I do not agree that the word 'location' should be included in clause b as the policy is intended to ensure that HTG activities are appropriately located. However, referring to the Port and industrial zones in clause b may provide the certainty the submitter is seeking in relation to their activities.

Recommended amendments

23. Amend the definition of 'High Trip Generators' as follows:

The group of activities which includes:

- new or additions to parking areas that result in 50 or more new parking spaces; and
- ~~any new or expansions of land use activities that generate 250 or more vehicle movements per day result in the thresholds in Appendix 6C being exceeded.~~
- new activities or expansions of **existing** activities (**but excluding the existing activity**) that are larger than the thresholds in Appendix 6C.

24. Amend the header of Appendix 6C:

~~Threshold (including any existing activity)~~ **Thresholds for whether a ~~new~~ activity or expansion of an existing activity (**but excluding the existing activity**) meets the definition of High Trip Generator**

25. In terms of Policy 6.2.2.Y, I recommend accepting the submitters proposed amendments in part, and amending clause b of the policy as follows:

Only allow high trip generators where the activity is located:

- a. ...
- b. within convenient walking access of travel modes other than private car, except where the activity is not suited to access by these modes of a nature that makes access by travel modes other than the private car impracticable (e.g. Industrial and Port activities).

CP15 – PERMITTED BASELINE RULES

Purpose of Change

26. Add or delete permitted baseline rules to / from the relevant notification rules section or assessment rules section as above, where one part of the 'pair' of rules is missing or in the incorrect location.

Discussion

Terramark Limited (S188.011)

27. The Section 42A³ and 3 Waters evidence⁴ outline the rationale for this proposed change.
28. The method outlined by Terramark to manage stormwater (a consent notice on the title requiring post development discharge rates do not exceed pre-development) does not rely on the permitted baseline argument. It could therefore be used (if acceptable to the resource consent decision-maker) with the proposed amendment in place.

Recommended amendments

29. None.

CZ1 – 9 AND 11 HARVEY STREET, WAITATI AND ADJACENT ROAD

Purpose of Change

30. Review whether 9 and 11 Harvey Street, Waitati, and adjacent road, should be rezoned from Township and Settlement Zone to Rural Centre Zone.

³ [PC1 \(Non-Heritage Topics\) Section 42A Report](#)

⁴ [PC1 \(Non-Heritage Topics\) s42A Appendix C.2 3 Waters evidence](#)

Discussion

Karen Dean (S266.001)

31. I note there is an error in paragraph 1492 (page 335) of the Section 32 Report⁵ where it states:

Under the current T&S zoning, 9 Harvey Street with an area of 468m² is too small for a dwelling as it would contravene the density and minimum site size rules in the T&S zone within a no DCC reticulated wastewater mapped area. ...

32. The above text reflects the requirements in Rule 15.5.2.1.j Density; however, there is an exemption under Rule 15.5.2.1.k, which states:

k. except in all zones, other than the GR2 and ICR zones, a single residential unit may be erected on a site of any size.

33. This means that under the current residential zoning, one residential unit (house) could be established at 9 Harvey Street.

34. However, I still consider that Rural Centre Zone is still the most appropriate zone for the site, for the reasons outlined in the Section 42A Report.

Recommended amendments

35. None.

D16 – PROVIDING FOR HEALTHCARE ACTIVITIES

Purpose of Change

36. Review how the plan manages healthcare activities.

Discussion

Mercy Hospital (S84.001)

37. Mercy Hospital (S84.001) commented that the 2GP definition of “hospital” includes a reference to “registered health practitioners” and that this reference should be replaced with the term “healthcare”.

38. I agree with the submitter on this matter and note that this change is included in the notified version of “hospital” proposed through Change D16.

Recommended amendments

39. None.

⁵ [Section 32 Report](#)

NU2 – EARTHWORKS SETBACKS FROM NETWORK UTILITIES

Purpose of Change

40. Review the appropriateness of the setback rule for earthworks near network utilities (Rule 5.6.2) in relation to the minimum distance required between earthworks and underground network utility structures.

Discussion

Patersons (Kurt Bowen) (S117.032)

41. Regarding the discussion on an exception for road boundary fences, this could be an additional way to avoid consents beyond the exceptions proposed to be provided for private utilities (NU3) and for cases when the depth of excavations is shallow. However, there are potential issues with providing an exception for fences as post holes for a standard 1.8m wooden fence are typically 600mm deep, and therefore, post holes could interfere with utility services if the services are relatively shallow and located very close to or across the boundary.
42. As fences holes are deeper than the exception proposed in 5.6.2.1.Y for shallow earthworks, I am reluctant to support an exception for road boundary fences in the absence of any evidence from an infrastructure engineer that identifies that standard holes for fence poles within the 1.5m setback would not present an unreasonable risk to utility infrastructure.

Recommended amendments

43. None.

Port Otago Limited (S248.013)

44. Port Otago seeks an exception for port activities from the network utility setback rule in Port, Port Industrial and industrial zones and a proposed amendment specific to port activities is included in the supplementary evidence of Kate Pascall. The proposed amendment is as follows:

ZA. Earthworks for Port activities in the Industrial Zone, Industrial Port Zone, and Major Facility Port Zone are exempt from Rules 5.6.2.1 and 5.6.2.1.Y where the approval of the network utility operator has been obtained.
45. I have considered the proposed exception rule, and I retain the concerns I expressed in the Section 42A report in relation to involvement of a third party in the proposed exception rule. I note there is no process proposed within the rule to confirm and record that approval has been provided. This is required with a permitted boundary activity under Section 87BA of the RMA.
46. I also retain concerns in relation to compliance and enforcement. The submitter has not provided expert advice in support of an exception of this type from an infrastructure management expert. The only evidence from an infrastructure expert is that provided by Jared Oliver from the DCC 3 Waters Department who does not support the proposed exception rule due to potential compliance and enforcement difficulties. I therefore do not support the proposed exception rule despite its scope being narrowed to port activities.

47. While I do not support the proposed exception rule, I acknowledge DCC legal advice did not completely reject the use of this type of exception rule. If such an exception were to be contemplated by the panel, in my opinion it should be restricted to the Port zone which has a more enabling policy framework, an almost exclusive port company occupation, few underground services within the zone and an existing exemption for general earthworks. In the Industrial and Port industrial zones there are extensive infrastructure networks including major stormwater mains and many other different owners and occupiers with these zones that would be required to comply with the rule.

Recommended amendments

48. None.

PHS1 – AMEND RULE 9.3.3 FIREFIGHTING

Purpose of Change

49. Review the appropriateness of Rule 9.3.3, which relates to water supplies and fire engine access for firefighting, and associated provisions, in terms of achieving Objective 9.2.2 on maintaining or enhancing people's health and safety.

Discussion

Terramark (S188.003)

50. Terramark opposes Change PHS1 (firefighting) due to lack of appropriate water pressure in parts of the city, and considers that the alternative options provided in the performance standard are expensive, visually obtrusive, and may not be achievable. In addition, the submitter considers that the proposed rule is not clear what a 'new residential building' constitutes.
51. I acknowledge that there are some areas of the city which will not have sufficient pressure; however, most of the city does have access to appropriate fire hydrant pressure. This can be seen on the following mapping from FENZ:
- <https://www.arcgis.com/apps/mapviewer/index.html?webmap=089a502e4f89499faf7da830f4cf40df>.
52. In this map, green symbols show hydrants with a water pressure greater than 20 litres/sec, and yellow symbols are hydrants with a water pressure between 10-20 litres/sec. Some of these yellow hydrants will still have pressure above the 2GP requirement of 12.5 litres/sec. It is only small pockets of the city that are shown with red symbology, indicating a water pressure of less than 10 litres/sec. Blue is unknown.
53. DCC 3 Waters is progressively working towards remedying areas of lower pressure, although this goal has a long-term timeframe.
54. In areas of the city which are unable to meet the required water pressure, one of the alternative options provided in the performance standard will need to be implemented. While these options do come at a cost to the developer, this is balanced against the (in my opinion significant) benefits to people's health and safety and reducing damage to properties. In my

view, the performance standard is appropriate, and I do not recommend any amendments to Rule 9.3.3.2.

55. In response to the submitter's comments about what constitutes a 'new residential building', 'residential building' is a defined term in the 2GP, as follows: "A building that is, or will be, used entirely or in part, for residential activity and contains one or more residential units or, for the purposes of hazards or National Grid related rules, any sleeping accommodation." The rule therefore only applies when the building contains one or more residential units - storage sheds do not need to meet the firefighting performance standard.
56. The qualifier 'new' identifies that it applies only to new buildings, not existing ones. Furthermore, section 1.3 of the 2GP outlines the activities managed by the Plan (Nested Tables). Specifically, 1.3.3 lists the development activities that are managed, and I note that 'new buildings' is a separate line item to 'additions and alterations'. This signals the plan intent that these are distinct and discrete activities.

Recommended amendments

57. None.

Fire and Emergency New Zealand (\$257.002)

58. The amendments proposed through Plan Change 1 mean that firefighting water supply would only be considered for development of new residential buildings (Rule 9.3.3.2), and subdivision that may result in new residential buildings (Rule 9.6.2.X). Firefighting water supply would not be considered for non-residential subdivision, despite the risks to health and safety this poses (e.g. from industrial or commercial fires etc). I agree with FENZ that this approach should be amended, so that firefighting water supply is considered for all types of subdivision (not just residential).
59. I have liaised with Beca (FENZ's planning consultant), and have proposed an alternative solution to achieve this, which involves amending Policy 9.2.2.8 and Rule 9.6.2.X. Under this approach, subdivision in all zones would need to consider 'effects on health and safety', and applicants are directed to assessment rule 9.6.2.X for guidance on this. Rule 9.6.2.X would be amended to apply to all types of subdivision (not just those that may have residential buildings), and Policy 9.2.2.8 would also be amended to support this. Beca have advised that FENZ would be comfortable with this approach.
60. Beca has also suggested some additional amendments to Rule 9.6.2.X. Beca note that in reticulated areas (9.6.2.X.a.iii), when assessing subdivision applications, under the currently proposed provisions Council will only consider whether "new fire hydrants are needed", and that this assessment will be undertaken in accordance with the Dunedin Code of Subdivision and Development 2010. Beca are concerned this provision could still be inadequate in ensuring that new non-residential development is supported by a sufficient water supply for firefighting purposes. Whilst additional hydrants may be required to serve new development, there is no guarantee that the existing network (or an extension to the network) would provide sufficient water flows and pressure to provide for firefighting purposes. Amendments to Rule 9.6.2.X.a.iii are proposed to address this. Beca have also emphasised the importance of access to water supply and have requested some minor amendments to ensure access is considered in the assessment guidance.
61. As a result of these amendments, subclauses iii and iv are now able to be combined into a single clause to improve clarity.

62. Overall, it is my view that the amendments I recommend below will be consistent with the advice provided by Beca on behalf of FENZ.

63. In response to a question asked by the Panel Chair, I can also confirm that these amendments are all in scope, as all the affected provisions are already proposed for change under PC1.

Recommended amendments

64. Amend Policy 9.2.2.8 as follows:

Require all Only allow new residential buildings, ~~or~~ and subdivision activities ~~that may result in new residential buildings,~~ to where the residential buildings or resultant site will have access to suitable water supply for firefighting purposes.

65. Amend Rule 9.6.2.X as follows:

9.6.2 Assessment of restricted discretionary activities			
Activity		Matters of discretion	Guidance for the assessment of resource consents
X.	Subdivision activities that may result in new residential buildings	a. Effects on health and safety	<u>Relevant objectives and policies:</u> i. <u>Objective 9.2.2</u> ii. <u>Subdivision that may result in new residential buildings ensures there is that resultant sites have access to suitable water supply for firefighting purposes (Policy 9.2.2.8).</u> <u>General assessment guidance:</u> iii. For subdivision in areas where DCC provides access to a public water supply network, Council will consider whether new fire hydrants need to be provided as part of the development in accordance with the Dunedin Code of Subdivision and Development 2010. iv. For subdivision in areas where DCC does not provide access to a public water supply network, Council will consider whether the subdivision design enables sufficient water supplies for firefighting to be provided, including access for firefighting vehicles, consistent with the SNZ/PAS:4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice at the time new residential buildings are developed (see Rule 9.3.3 Firefighting which applies to the development of new residential buildings). <u>Potential circumstances that may support a consent application include:</u>

			v. <u>For subdivision in areas where DCC does not provide access to a public water supply network, a communal firefighting system consistent with the SNZ/PAS:4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice with hardstand area and access suitable for fire services vehicles will be installed prior to the issuing of the section 224c certificate for the subdivision.</u>
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PHS2 – ACOUSTIC INSULATION FOR MUSIC VENUES NOISE MANAGEMENT

Purpose of Change

66. Review the level of acoustic insulation required under Rule 9.3.1 for commercial and mixed use zones where residential activity and entertainment and exhibition activity are both permitted and the noise limit is 60 dB LAeq (15 min) (Central Business District, Harbourside Edge and Warehouse Precinct zones).

Discussion

Reconsidering noise insulation requirement of $DnT,w + Ctr > 40$ (or 45)

67. AES have provided further evidence (attached as Appendix B), and comments that achieving a noise insulation requirement of 40 $DnT,w + Ctr$ requires very careful design and construction of dwellings, and it is likely to be a significant barrier to residential development in reality. Mr Trevathan further notes that in his experience, the restrictions embodied in a 40 $DnT,w + Ctr$ requirement will not be obvious to developers until after they have committed significant resources to purchasing a site and progressing a building design. Only then will they learn that the project may not be financially viable or requires complete redesign, due to the acoustic requirements.

Additional cost of achieving $DnT,w + Ctr > 40$ or higher

68. Mr Trevathan has provided advice on this matter, noting that while issues relating to cost are generally outside his area of expertise, he expects the cost of a change from 35 to 40 $DnT,w + Ctr$ to be significantly higher than the cost of an increase from 30 to 35 $DnT,w + Ctr$. In addition to the simple 'increased material cost', thought would need to be given to how to quantify the cost associated with projects where a complete redesign is required, or significant structural changes were required to accommodate the greater weight of the acoustic elements. There would also be a potential cost associated with projects which were delayed or abandoned.

Extending the noise insulation to all habitable rooms

69. Mr Trevathan comments that the current façade insulation requirement for living areas is 30 $DnT,w + Ctr$. Australian / New Zealand Standard AS/NZS 2107:2016 Recommended Design Sound Levels and Reverberation Times for Building Interiors standard recommends noise levels for living areas which are 5 dB higher than the recommendations for sleeping areas. It therefore follows that the noise insulation requirement for living areas can be 5 dB less stringent than for sleeping areas.

70. In terms of questions from the Panel regarding the costs of including living areas as well as bedrooms in the noise insulation requirement. Mr Trevathan again notes that cost analysis is generally outside his area of expertise. However, he is aware of various studies which have been conducted typically concluding that dwelling upgrades to a standard in the order of 30 DnT,w + Ctr may incur a \$10,000 - \$20,000 cost, whereas the cost above 'basic construction' of achieving 35 DnT,w + Ctr is more in the order of \$20,000 to \$40,000. These figures include upgrades to living areas and bedrooms – however based on a typical ratio of façade sizes / number of bedrooms, perhaps 20 – 40 % of this cost is likely to be 'living area specific'.
71. As a result of the expert advice from Mr Trevathan above relating to reconsidering the noise insulation requirement level, and extending the noise insulation to all habitable rooms, I do not recommend any amendments and consider the proposed insulation requirements of DnT,w + Ctr ≥ 35 dB for bedrooms remains appropriate.

Construction to achieve the required insulation

72. A query was noted from the Panel regarding the standard just relating to bedrooms and whether this means the interior walls of the bedroom are insulated. Appendix 9A identifies that the building cladding and interior linings work in combination to achieve the mass necessary to achieve the required insulation level and this is supported by requirements for ventilation of the space as windows need to be closed to achieve the required insulation level.

Compliance of buildings in terms of meeting acoustic standards

73. In relation to discussion on construction and compliance with the performance standard I note that the acoustic insulation rule is a performance standard based on design. Compliance with the performance standard is secured by planning checks at building consent stage. Compliance with the rule is either by adherence to the construction schedule specified in Appendix 9A or by a building consent application including an acoustic design certificate. The checks on construction or installation of acoustic insulation are limited to those inspections made by building inspectors making sure the building is constructed in accordance with the plans approved under a building consent. There is no verification of compliance undertaken following construction through acoustic measurements. The design approach used is typical of that applied to acoustic insulation rules in other jurisdictions for efficiency reasons. Post-construction compliance verification would require specialist equipment and training and comprehensive checks on bedrooms or habitable rooms in a multi-storey apartment building would incur a significant cost.

Relationship to the Live Music Action Plan

74. Change PHS2 addresses Action 19 of the Live Music Action Plan Implementation Plan. This is to review the acoustic insulation requirements in the 2GP. The plan change, which was limited to minor improvements, does not address other aspects of the Music Plan.

Increasing noise limits

75. In relation to increasing noise limits to 65dB(A). This was not consulted on and is beyond the scope of the Plan Change.

Recommended amendments

76. None.

PHS6 - CONSTRUCTION NOISE CONTROLS FOR LONG-TERM DURATION CONSTRUCTION

Purpose of Change

77. Review Rule 4.5.4 for the control of construction noise to ensure it is not overly restricting infill development that is otherwise anticipated by the Plan, particularly in commercial and mixed use, industrial, and Port zones.

Discussion

Port Otago (\$248.006)

78. Port Otago seeks changes to the application of a non-complying activity status for port activities in Port, Port Industrial and Industrial zones.
79. While I do not support a specific change to the activities for only port activities, I am not opposed to a more general change to provide a discretionary activity status for all construction noise exceedances in Port, Port Industrial and Industrial zones regardless of the level of exceedance, and the time of day. I consider this to be within the scope of the plan change and submissions for this plan change topic.
80. The 2GP policy framework in Port, Port Industrial and Industrial zones seeks to exclude noise sensitive land use including residential and visitor accommodation activities and only a limited number of existing noise sensitive land uses will be present within these zones. On that basis I consider the requirement for a non-complying activity status for exceedances over 5dB(A) during night-time hours can be relaxed in these zones as they are not as sensitive to night-time construction activity as commercial and mixed use zones where noise sensitive activities are provided for. Despite the relaxation, consent is still required for exceedances, broad assessment discretion remains, and approval can still be declined if noise emissions are unreasonable.

Recommended amendments

81. Amend Rule 4.5.4.1 as follows:

...

- c. Activities that contravene this performance standard by less than 5dB LAeq (15 min) in either of the following ways are discretionary activities:
- i. activities that contravene Rule 4.5.4.1.a.i, Rule 4.5.4.1.a.ii or Rule 4.5.4.1.a.iii by less than 5dBA; ~~or~~
 - ii. activities that contravene Rule 4.5.4.1.a.i, Rule 4.5.4.1.a.ii or Rule 4.5.4.1.a.iii by 5dBA or more, in the ~~industrial, Industrial Port, Port and~~ commercial and mixed use zones between 7.00am and 10.00pm;
 - iii. activities that contravene Rule 4.5.4.1.X.i, iii or iv; ~~or~~

iv. <u>activities that contravene Rule 4.5.4.1.a.i, Rule 4.5.4.1.a.ii, Rule 4.5.4.1.a.iii by 5dBA or more or contravene Rule 4.5.4.1.X.i, ii, iii or iv in Port, Industrial Port and Industrial Zones.</u> d. Activities that contravene this performance standard by 5dB LAeq (15 min) or more in either of the following ways- other than provided for in 4.5.4.1.c are non-complying activities:- i. activities that contravene Rule 4.5.4.1.a.i, Rule 4.5.4.1.a.ii or Rule 4.5.4.1.a.iii by 5dBA or more, except in industrial, Port and commercial and mixed use zones between 7.00am and 10.00pm and, or ii. activities that contravene Rule 4.5.4.1.X.
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RES13 – STORMWATER OPEN WATERCOURSE SETBACKS

Purpose of Change

82. The rule (Rule 10.3.3.X) requires development to be set back 5m from stormwater open watercourses. Change Res13 proposes to extend the rule and associated mapping to other parts of the city (beyond those included in Variation 2), where the 3 waters mapping is available.

Discussion

Setback from new stormwater channel close to a property boundary

83. During the hearing, there was discussion on how setbacks might work when a new stormwater open watercourse (e.g. a swale) is constructed near a property boundary, and the required setback extends onto that neighbouring property. This is a different situation to an existing watercourse.
84. The purpose of the setbacks is to provide space for watercourses to maintain sufficient flow capacity, so they operate effectively in a range of rainfall conditions. The setbacks also allow access for maintenance of the infrastructure. This contributes to achieving Objective 9.2.1.
85. During a rain event, the watercourse and any potential flooding would not conform to a property boundary, and therefore the setback is important, irrespective of whether it crosses a property boundary. However, as raised in the hearing, I acknowledge there would be an issue when a developer might choose to construct a new stormwater feature close to the property boundary, and therefore the setback would extend into a neighbouring property. I agree this would result in an inappropriate imposition on the neighbouring owner. New open stormwater features are most likely to be required when subdividing – the effects of stormwater from future development is a matter of discretion for subdivision. Council therefore has the opportunity to consider the location of any new stormwater features at that time, and written approval of a neighbour could be required.

Design of new stormwater feature not needing setback

86. Also as discussed at the hearing, there is potential that a developer may be able to demonstrate that newly constructed stormwater infrastructure is designed in such a way that a setback is not required (e.g. if the infrastructure includes sufficient contingency within its design that means a setback is unnecessary). However, this would need to be considered on a case-by-case basis, and the resource consent process would likely be the best method to consider if waiving the setback requirements is appropriate.
87. However, I note my overall recommendation is to not include the new mapping proposed under Change Res13 in the 2GP maps.

Appropriate setback from stormwater open watercourse

88. A number of submitters requested a reduced setback in residential areas. 2.5m was proposed, as was a setback proportional to the width of the watercourse.
89. The 5m setback reflects the submissions received on Variation 2 when the rule was first introduced, and is supported by 3 Waters. I acknowledge that more work needs to be done to both map watercourses accurately and determine an appropriate setback. The setback may need to vary depending on the type and/or size of watercourse; however, this is not something that can be determined at short notice, as further analysis and a better understanding of the different types of watercourses and situations is required. I also note that under the recently enacted Local Government (Water Services) Act 2025, DCC is required to adopt a stormwater risk management plan within 3 years. This will need to include a map of the stormwater network, and identification of critical infrastructure and hazards that could affect this infrastructure. City Development will be working with the DCC 3 Waters team to ensure that stormwater is managed appropriately in accordance with both this new legislation and the requirements of RM Reform. I also note that it is possible that the government will propose default setbacks from infrastructure as part of the reviewed National Planning Standards with which the new district plans will be required to comply.
90. Until further work is completed, I do not support a reduction to the stormwater open watercourse setback. I note that if the new mapping is not included in the 2GP, the rule only applies to a small number of properties in GR2 zones areas, which were mapped as part of Variation 2. The provisions would remain essentially unchanged from those introduced in Variation 2, with the exception of a new exemption for fences and small structures.

Natural or artificial channels

91. In response to a question from Cr. O'Malley regarding whether the mapping is intended to include both natural and heavily engineered channels, the 2GP definition of 'stormwater open watercourse' is
- “a natural or artificial open channel where stormwater collects and flows and is part of the stormwater network. It may be privately or publicly owned.”
92. It therefore includes both natural and constructed watercourses.

Network utilities

93. In response to a question from Cr O'Malley (when hearing Karen Knudson (Ross Brown) S5.001), there is no difference, in terms of the 2GP rules, between a network utility operator

laying an underground line and a homeowner laying an underground line. Both need to comply with relevant performance standards, including setback from a stormwater open watercourse.

Recommended amendments

94. None.

RES18 - DEFINITIONS OF STANDARD RESIDENTIAL, SHORT TERM HOUSE RENTALS, VISITOR ACCOMMODATION, AND CAMPGROUNDS AND RES 7 – DENSITY FOR RESIDENTIAL ACTIVITY IN MOVABLE BUILDINGS

Purpose of Change

95. Res18 - Review the relationship between the definitions of standard residential, short term house rentals (which are included in the definition of standard residential), visitor accommodation, and campgrounds to ensure it is clear which definition applies in which circumstances.
96. Res7 - Further clarify that the density performance standards apply to residential activity in movable buildings (e.g. a building on wheels or a trailer, often referred to as a tiny home).

Discussion

Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou (Kā Rūnaka) (S261.004)

97. Kā rūnaka requested to amend the proposed definition of 'visitor accommodation' so that:
1. the reference to 'payment' in the context of koha is removed.
 2. the term 'Māori land' is defined in accordance with the Proposed Otago RPS 2021 definition.
 3. temporary stays on rural-zoned Māori land that are classed as 'standard residential activity' are exempt from the density standard that applies to residential activity in that zone.
98. The submitter's proposed amendments to the exclusion in the definition of 'visitor accommodation' are (the mark-up provided here relates to the Section 42A wording): *"This definition also excludes temporary accommodation ~~for visitors~~ when occurring on Māori land and ~~when payment is in the form of donation / koha~~ a koha (donation or in-kind contribution) is made, which is treated as standard residential, but is exempt in the rural zones from the residential density standard in Rule 16.5.2."*
99. In response to the first point, I agree with the submitter's proposed amendments around the use of the term koha. I have proposed amendments to implement this.
100. In response to the request by kā rūnaka to amend the definition of Māori land, while I agree this definition does not align with the recent changes to the RPS; there is no scope to do this under PC1, and therefore I do not recommend any amendments.
101. In relation to the third request, I have reviewed the submitter's proposed amendments to the definition of 'visitor accommodation' under Change Res18. I note that Change Res18 proposes amendments to the definitions of both 'visitor accommodation' and 'standard residential', and that there is a related change, Res7, that also proposes amendments to the definition of 'standard residential'. Change Res7 also amends several

notes to plan users – 15.5.2A.3, 16.5.2A.1, 17.5.2A.1, and 34.5.7A.2. My response and proposed drafting further down incorporate both changes.

Background on Change Res18

102. To firstly provide some relevant background on Change Res18, under the existing plan rules (pre any Plan Change 1 amendments), it could be unclear if temporary accommodation where a koha is made would fall under the definition of standard residential or visitor accommodation. One of the amendments proposed through Change Res18 was to make it clearer that temporary accommodation on a fee paying basis (including tariff, rent, hire, donation, or subscription) would fall under the definition of 'visitor accommodation' (which is an activity in the commercial activities category).
103. Kā rūnaka submitted on PC1 to amend the definition of 'visitor accommodation' so it doesn't include accommodation provided in exchange for a donation – this was to ensure that the proposed amendments will not limit the use of Māori land by whanau for nohoanga (temporary stays) and hosting visitors.
104. In response to this submission, the Section 42A report recommended an amendment be added to the definition of visitor accommodation to clarify that the definition excludes temporary accommodation for visitors when occurring on Māori Land and when payment is in the form of donation / koha, which is instead treated as standard residential.
105. In their evidence provided at the hearing, kā rūnaka expressed concern that defining nohoaka or temporary stays as part of standard residential activity would mean that the density standards would apply, and that this would be particularly problematic for many rural Māori land blocks. They requested that temporary stays on rural-zoned Māori land that are classed as 'standard residential activity' are exempt from the density standard.

Background on Change Res7

106. Related change, Res7, sought to clarify that the density performance standards do apply to residential activity in moveable buildings, structures and vehicles, such as caravans and tiny homes. This was to address a Plan implementation issue that had occurred where landowners who had set up permanent additional residential activities on a site in portable buildings and vehicles, including tiny homes or caravans, were arguing these should be exempt from the density standard. The intent was not to capture temporary stays by guests in caravans, motorhomes or portable sleepouts that sometimes occur in association with an established residential activity.
107. In response to a concern raised by submitters, that temporary stays by visitors might be captured, the Section 42A report proposed amendments to the definition of 'standard residential activity' so that this definition only includes living accommodation in structures or vehicles (e.g. a tiny home or a caravan) where that activity occurs for more than 3 months at a time on a site.

Response to kā rūnaka hearing evidence – further amendments to 'visitor accommodation' (Change Res 18)

108. In response to the evidence from kā rūnaka provided at the hearing, I agree with the submitter that an amendment should be made to the definition of 'visitor accommodation' to exclude the temporary accommodation of guests on Māori land where a koha (donation or in-kind contribution) is made. It is arguable that a koha would not have been treated as a

commercial fee under the current plan so clarifying this would be keeping the status quo prior to Plan Change 1.

109. However, permitting visitor accommodation that is operated as a commercial activity (for example a commercial hotel, motel or campground on Māori Land) was not proposed to be amended by PC1 and therefore the status quo, which is that these activities continue to fall under the definition of 'visitor accommodation', would remain. I do not support a change to that approach at this time as that would stray outside the scope and focus of the plan change.
110. In my opinion the drafting provided by kā rūnaka would not have made that distinction clear, for that reason, I have not adopted this proposed drafting.
111. Instead, my recommended drafting amendments for this are provided below. They clarify that "the temporary accommodation of guests on Māori land where a koha (donation or in-kind contribution) is made (where not a commercial visitor accommodation activity)" is a standard residential activity and not visitor accommodation. As a consequential change, I have also made similar amendments to the definition of standard residential to include this.

Response to kā rūnaka hearing evidence – further amendments to 'standard residential' (Change Res 7 and Change Res18)

112. With respect to the definition of 'standard residential', I have recommended an exclusion so that on both Māori Land and other land the housing of guests in portable structures or vehicles are exempt from the density performance standard where that activity occurs for less than 3 months in a calendar year. This reflects the original intention of the drafting proposed through the Section 42A report to allow people to have guests staying in caravans, motorhomes, or portable sleepouts on their properties for a reasonable length of time before that activity was treated as a new additional residential activity and subject to the density standards.
113. My proposed drafting provides more clarity on what activities fall under each definition and ensures that, while the Plan will exempt temporary use of portable buildings and vehicles for overflow guest accommodation from the density performance standard, they will still be subject to other provisions in the Plan, such as the noise rules. I consider this appropriate.
114. For the sake of clarity, under the proposed drafting amendments, it would be possible to host multiple non-fee-paying household guests, or koha contributing guests on Māori land, inside portable structures or vehicles at any scale, provided that the activity occurs for less than 3 months in any calendar year. For example, this would enable a person to host multiple caravans on their site over a holiday periods, provided the total time additional portable buildings/vehicles are used to host guests is less than 3 months. But it would not enable a person to host one caravan for 3 months, then a different caravan for another 3 months in the same calendar year. This would mean permanently or semi-permanently situated caravans, tiny homes or similar (e.g. relocated on the same site or coming and going) used more regularly for additional accommodation space (for more than 3 months a year) would be treated the same as sleep outs or ancillary residential units/family flats for the purposes of the density performance standard.

Recommended amendments

115. Overall, my recommended amendments to the definitions of both visitor accommodation and standard residential are outlined below.

116. I have also recommended amending Plan notes 15.5.2A.3, 16.5.2A.1, 17.5.2A.1, 34.5.7A.2 (all of which had proposed amendments under Change Res7) to provide further clarity about the activities that are not subject to the density performance standard. This provides consistency with the other drafting amendments I am recommending here.

117. I recommend the following additional changes to the definition of 'Visitor Accommodation':

The use of land, ~~and~~ buildings or other structures or vehicles for temporary accommodation on a any commercial-fee paying basis, including tariff, rent, hire, in-kind contribution, donation, or subscription.

For the sake of clarity, this definition includes the provision of facilities for resident guests (e.g. playgrounds, spa pools, swimming pools, gyms).

Examples are:

- motels
- hotels
- homestays or bed and breakfasts
- serviced apartments; and
- backpackers and hostels.

This definition excludes:

- accommodation activities that meet the definitions of working from home or standard residential;
- the temporary accommodation of guests on Māori land where a koha (donation or in-kind contribution) is made (where not a commercial visitor accommodation activity); and
- ~~F~~freedom camping on land that is controlled or managed by Council, which is not managed by this Plan and is managed through a DCC by-law.

Campgrounds are managed as a sub-activity of visitor accommodation.

Visitor accommodation is an activity in the commercial activities category.

118. Amend the definition of 'standard residential' as follows:

The use of land, ~~and~~ buildings or other structures or vehicles for ~~residential activity~~ people's living accommodation at a domestic scale.

For the sake of clarity, this definition includes:

- short-term house rentals
- living accommodation subject to a tenancy agreement under the Residential Tenancy Act 1986 (S197.016)
- boarding houses

- the temporary accommodation of non-fee-paying household guests inside residential buildings or in portable structures or vehicles at a domestic scale
- the temporary accommodation of guests on Māori land where a koha (donation or in-kind contribution) is made
- supported living accommodation (with 10 or fewer residents); ~~and; and~~
- emergency and refuge accommodation; ~~and.~~
- ~~living accommodation in structures or vehicles (e.g. a tiny home or a caravan) where that activity occurs for more than 3 months at a time on a site.~~

This definition excludes:

- for the purposes of the density performance standard only, the accommodation of non-fee-paying household guests, and all guests on Māori land (including where a koha is given) inside portable structures or vehicles (e.g. portable sleep outs, tiny homes, motorhomes and caravans) where that activity (at any scale) occurs for not more than 3 months in any calendar year is not managed by this Plan.
- supported living facilities; ~~and~~
- visitor accommodation.

Papakāika and social housing are managed as sub-activities of standard residential.

Standard residential is an activity in the residential activities category.

119. Amend the definition of 'residential unit' as follows:

For the purposes of determining density, a residential unit is any building, or part of a building, or any structure or vehicle such as a tiny home on wheels or a caravan, that is capable of being used as a self-contained residence with sleeping, cooking, bathing, and toilet facilities and, in the case of a structure or vehicle, is being occupied for more than 3 months at a time in any calendar year on a site.

120. Amend Note 15.5.2A.3 as follows:

Note 15.5.2A - General advice

1. Maximum development potential may not be achievable on all sites as site size, shape, topography, and design will all influence development potential.
2. Applications for restricted discretionary contraventions of the density performance standard in wastewater serviced areas may be declined where pre-existing constraints in the public wastewater network are yet to be resolved (see Policy 9.2.1.2). Anyone considering applying for a contravention of the density performance standard is strongly advised to have an early pre-application discussion with DCC 3 Waters (i.e. prior to developing design proposals), irrespective of the activity status of the density contravention.
3. For the avoidance of doubt, the density performance standard applies to the use of land for standard residential activity (or visitor accommodation, where relevant) in buildings or other structures, and in vehicles. However, the temporary accommodation of non-fee-paying household guests and all guests on Māori land (including where a koha is given) inside portable structures or vehicles (e.g. portable sleep outs, tiny homes, motorhomes and caravans) where that activity (at any scale) occurs for not more than 3 months in any calendar year is not subject to the density standard, irrespective of whether a building is being used or not. Furthermore, standard residential activity (or visitor accommodation, where relevant) in a movable building (e.g. a tiny home on wheels or a caravan) must comply with the density performance standard irrespective of whether the movable building is a registered vehicle, or its status as a 'building' under the Building Act 2004.

121. Amend Note 16.5.2A.1 as follows:

Note 16.5.2A – General advice

1. For the avoidance of doubt, the density performance standard applies to the use of land for standard residential activity (or visitor accommodation, where relevant) in buildings or other structure and in vehicles. However, the temporary accommodation of non-fee-paying household guests and all guests on Māori land (including where a koha is given) inside portable structures or vehicles (e.g. portable sleep outs, tiny homes, motorhomes and caravans) where that activity (at any scale) occurs for not more than 3 months in any calendar year is not subject to the density standard, irrespective of whether a building is being used or not. Furthermore, standard residential activity in a movable building (e.g. a tiny home on wheels or a caravan) must comply with the density performance standard irrespective of whether the movable building is a registered vehicle, or its status as a 'building' under the Building Act 2004.

122. Amend Note 17.5.2A.1 as follows:

Note 17.5.2A – General advice {Change Res7}

1. For the avoidance of doubt, the density performance standard applies to the use of land for standard residential activity (or visitor accommodation, where relevant) in buildings or other structure and in vehicles. However, the temporary accommodation of non-fee-paying household guests and all guests on Māori land (including where a koha is given) inside portable structures or vehicles (e.g. portable sleep outs, tiny homes, motorhomes and caravans) where that activity (at any scale) occurs for not more than 3 months in any calendar year is not subject to the density standard, irrespective of whether a building is being used or not. Furthermore, standard residential activity in a movable building (e.g. a tiny home on wheels or a caravan) must comply with the density performance standard irrespective of whether the movable building is a registered vehicle, or its status as a 'building' under the Building Act 2004.

123. Amend Note 34.5.7A.2 as follows:

Note 34.5.7A - General advice

1. Maximum development potential may not be achievable on all sites as site size, shape, topography, and design will all influence development potential.
2. For the avoidance of doubt, the density performance standard applies to the use of land for standard residential activity (or visitor accommodation, where relevant) in buildings or other structure and in vehicles. However, the temporary accommodation of non-fee-paying household guests and all guests on Māori land (including where a koha is given) inside portable structures or vehicles (e.g. portable sleep outs, tiny homes, motorhomes and caravans) where that activity (at any scale) occurs for not more than 3 months in any calendar year is not subject to the density standard, visitor accommodation irrespective of whether a building is being used or not. Furthermore, visitor accommodation in a movable building (e.g. a tiny home on wheels or a caravan) must comply with the density performance standard irrespective of whether the movable building is a registered vehicle, or its status as a 'building' under the Building Act 2004.

RU6 – RURAL INDUSTRY & INTENSIVE FARMING ASSESSMENT RULES IN RURAL ZONES

Purpose of Change

124. Review the assessment guidance and matters of discretion for rural industry and intensive farming undertaken in the rural zones to ensure positive effects arising from the development and upgrade of existing rural industry and intensive farming activities are assessed, to better achieve Objective 2.3.1 (land and facilities that are important for economic productivity are protected from less productive competing uses and are able to be operated, maintained and upgrades where appropriate) and Objective 16.2.1 (rural zones are reserved

for productive rural activities and the protection and enhancement of the natural environment) and well as objectives around amenity.

Discussion

Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou (Kā Rūnaka) (S261.004)

125. In response to the submission from kā rūnaka opposing new Policy 16.2.1.13, I refer to the Section 42A report, which clarifies that while (existing) Policy 16.2.1.2 provides for (new and expanded) rural activities (including intensive farming) and other anticipated activities (including rural industry) in the rural zones, it does not overtly provide policy guidance for considering positive effects.

126. The submitter requests that if the new policy is to be introduced “a drafting improvement is required to distinguish positive effects from the full range of effects to be managed by the policy framework and to bring the policy language in line with the 2GP drafting protocol for discretionary activities”. Their proposed wording is:

~~Provide for~~ Only allow the upgrade and expansion of existing lawfully established rural industry and intensive farming where this will have positive effects on rural productivity and ~~the~~ any adverse effects will be adequately managed in line with objectives 16.2.2, 16.2.3 and 16.2.4 and their policies, and the objectives and policies of any relevant overlay zones.

127. The wording of proposed Policy 16.2.1.13 mirrors the wording of Policy 16.2.1.2, which is to ‘provide for’ rural activities, rural industry and other activities anticipated in the rural zone, where ‘the effects will be adequately managed’.

128. This is consistent with the 2GP drafting protocol, which uses ‘provide for’ in policies that set up activities anticipated in a zone (which could be any activity status except non-complying). Policies 16.2.1.2 and 16.2.1.13 sit under Objective 16.2.1, which sets up the activities that are anticipated in the rural zones.

129. ‘Only allow’ is used for policies that set out tests that must be met for RD and D activities to be acceptable. For example, under objectives 16.2.2 and 16.2.3, rural industry and intensive farming are both subject to ‘only allow’ policies, which manage their adverse effects on the amenity of residential activities (Policy 16.2.2.5) and rural character and visual amenity (Policy 16.2.3.5), in order to meet these objectives.

130. Using ‘only allow’ for an activity that is provided for/anticipated in the rural zones and is already listed as ‘provided for’ in another policy under Objective 16.2.1 could potentially lead to uncertainty. Retaining the wording as notified would maintain consistency with Policy 16.2.1.2 while not being inconsistent with the 2GP drafting protocol.

131. Likewise, the phrase “*and effects will be adequately managed in line with*” is used consistently in policies 16.2.1.2 and proposed new policy 16.2.1.14. While the submitter’s proposed addition of ‘adverse effects’ may be acceptable, I recommend that the wording in the Section 42A report is retained for consistency.

Recommended amendments

132. None.

RU7 – POLICY 16.2.1.7 AND ASSESSMENT GUIDANCE FOR RESIDENTIAL ACTIVITY ON UNDERSIZED SITES

Purpose of Change

133. Review the circumstances in which residential activity may be appropriate on undersized rural-zoned sites, where there is a proposal to make a “significant” contribution to biodiversity values. This involves a review of Policy 16.2.1.7.b.ii, the relevant assessment guidance in Rule 16.12.5, the special information requirements in Rule 16.13.2, and the reference to these provisions in strategic Policy 2.2.3.3.b.iii.

Discussion

Malcolm Burns (\$63.001)

134. The evidence tabled at the hearing has been considered. No changes are recommended, and the reasons outlined in the Section 32 and Section 42A report for Change RU7 remain valid.
135. In response to specific points set out in the tabled evidence relating to Environment Court Decision ENV-2022-CHC-024 I do not agree with Ms Peters’ assertion that the analysis in the Section 32 and Section 42A report is unsound or her statement that there is “no proper analysis or account of the Court’s findings” with respect to biodiversity evidence.
136. The relevance of the Court’s findings is that they highlight that the wording used in 16.2.1.7.b.ii, alongside the supporting assessment guidance (16.12.5.1.i) and special information requirements (16.13.2.2.b), leaves the consenting pathway open to broad interpretation and uncertainty, which Council is addressing through the proposed change. It was therefore not necessary or appropriate to provide a further analysis of the Court’s findings, which were based on the existing policy and guidance wording in relation to the consideration of a specific proposal. Similarly, the discussion in Ms Peters’ evidence about the Court’s determination of the NPS-HPL relates to how the existing wording was interpreted, again highlighting the issues that the Council is trying to address.
137. Policy 16.2.1.7 as a whole requires that residential activity is avoided on undersized sites, except in very limited circumstances. As discussed in the Section 42A report the Council’s concern is that because of the current wording of Policy 16.2.1.7.b.ii, this particular pathway “could be used as a way to circumvent the otherwise strict density standard in order to essentially create a rural residential activity, with potentially only a minor or negligible gain for biodiversity values in the district” . Ecological evidence was not required to support the proposed change as it is primarily a drafting issue to aid interpretation. I refer to the Section 32 and Section 42A reports for further discussion relating to Policy 16.2.1.7 and Objective 2.2.3 and the balancing of rural and biodiversity objectives.
138. In relation to the amendments to the guidance rules, I also disagree with Ms Peters’ statement that there is “no exploration of the criteria, planning and ecological, that a site must meet to avail the consenting pathway in Policy 16.2.1.7.b.ii”. As set out in the Section 42A response to the submission of Oceana Gold, the amended assessment rule and special

information requirements provide clarity around how the Council will assess the importance of an existing area and the significance of the proposed contribution to it.

Recommended amendments

139. None.

Tree2 - Correct mapping of existing scheduled tree groups and associated changes

Purpose of Change

140. Appendix A1.3 Schedule of Trees contains both individual trees and groups of trees. In a similar way to Change Tree1, Change Tree2 corrects the mapping of scheduled tree groups to ensure all are accurately mapped and listed. This includes determining whether mapping should be of the whole group as a polygon, or of the individual trees in the group. The Change also includes removing tree groups or individual trees within groups where the trees are no longer present or have been reassessed as no longer meeting the significance criteria in Policy 2.4.1.2.

Discussion

Kylie Robinson S24.001

141. A query was raised in relation to G014 – 89 Bedford Street, as to whether there is scope for the submitter to request that these trees be unscheduled. The original submission only requested to amend the location of G014 on the 2GP Planning Maps. As a result, there is no scope within the submission to remove the tree group from the schedule.

Recommended amendments

142. None

TA4 - OFF-SITE STORAGE AND OFFICES FOR CONSTRUCTION AND TEMPORARY WORKS

Purpose of Change

143. Review whether to provide for the use and storage of relocatable construction site offices, plant, tools, gear or materials associated with the operation, maintenance or development of network utilities, the transport network, or general construction activity, including when they are not located on the same site as the works being undertaken.

Discussion

Port Otago Limited (S248.004)

144. The submitter requests that clause 4.5.3.4.b.i refers to both the 'Industrial' Zone and 'Industrial Port Zone', as well as the 'Major Facility Port Zone', for clarity. While the existing reference in the rule to 'industrial zones' is correct (there are two industrial zones), I have no concern with explicitly stating 'Industrial Zone' and 'Industrial Port Zone' if this provides clarity. However, the Port Zone is correctly named the 'Port Zone', not the 'Major Facility Port Zone'.

Recommended amendments

145. Amend Rule 4.5.3.4.b.i as follows:

i. off-site use and storage of plant, tools, gear, materials in the Central Business District, CBD Edge Commercial North, CBD Edge Commercial South, Harbourside Edge, Princes, Parry and Harrow Street, South Dunedin Large Format, Warehouse Precinct, Centres, Trade Related, Port, Taieri Aerodrome, Campus, ~~and industrial~~Industrial, and Industrial Port zones; and

TREEX – SUBSTANTIVE CHANGES TO SCHEDULE OF TREES

Purpose of Change

146. The purpose of Change TreeX is to add trees to Appendix A1.3 and the planning map where they meet the criteria for scheduling set out in Policy 2.4.1.2.

Discussion

Shane Maaka (\$213.001) (TX003)

Urban Biodiversity Mapped Area Rules

147. In response to the discussion around urban biodiversity mapped areas (UBMA) and TX003, it is noted that TX003 is located within a UBMA, however this does not afford it the same level of protection as scheduling. Rule 10.3.2.4 Maximum area of vegetation clearance (UBMA) does not protect specific individual trees or species, but limits the amount of vegetation that can be cleared as a permitted activity (20m² over three years).

148. The rule also includes an exemption (10.3.2.4.b.vii) for the clearance of non-indigenous plant species, provided replanting occurs.

STEM assessments and Policy 2.4.1.2

149. Information on the relationship between STEM assessments and Policy 2.4.1.2 is outlined below.

150. Policy 2.4.1.2 lists the criteria for the identification of significant trees, which broadly cover the health and condition of the tree, contribution to the amenity of an area, and any potential adverse effects, including risk to safety and damage to infrastructure, buildings, and structures.

151. The STEM method is used to determine the significance of trees and ensures a consistent approach to their evaluation. The scoring criteria cover the factors listed in Policy 2.4.1.2.a and b, as shown in the attached STEM scoring sheet. [STEM FORM.pdf](#)

152. In addition to the STEM criteria, the risk to safety and damage is also assessed and considered, in line with Policy 2.4.2.1.c.

Self-seeding

153. In response to a question from Cr O'Malley, *Eucalyptus globulus* can self-seed in NZ.

Recommended amendments

154. None.

Maungatua View Limited (FS10)

155. I have clarified with the submitter that their opposition specifically relates to any scheduled trees on their property at 176 McDonald Road (LOT 1 DP 18254, LOT 1 DP 8216, LOT 2 DP 8216).

156. The Beardsmores nominated a group of remnant podocarp trees (S70.007) and a totara tree (S70.011) on this property.

157. The remnant podocarp trees are not recommended for scheduling because they could not be accessed for assessment.

158. The Totara tree, which is on this property, is recommended for scheduling and has been given the number TX021. The map below shows the location of the tree on the property ([Zoomed out map of TX021.jpg](#)).

159. It is also noted that the incorrect address for the tree location for TX021 was included in the Section 42A recommended amendments. This has been corrected in Appendix A.

Recommended amendments

160. Amend the Tree Location for TX021 to 176 McDonald Road, Woodside.

Tree Number	Tree Location	Tree Species	Tree Common Name	Tree Māori Name
<u>TX021</u> (S70.011)	<u>176 McDonald Road,</u> <u>Woodside</u>	<u>Podocarpus totara</u>	<u>Totara</u>	<u>Totara</u>

Michael Thornton-Pay (S115.001) (Tree TX002)

161. Tree TX002 at 27A Riccarton Road, East Mosgiel, has been removed since the Section 42A report was produced. It is therefore no longer appropriate to include it on the 2GP schedule.

Recommended amendments

162. Remove TX002 from Appendix A1.3 Schedule of Trees

Tree Number	Tree Location	Tree Species	Tree Common Name	Tree Māori Name
TX002 (S115.001)	27A Riccarton Road East Mosgiel	Sequoiadendron Giganteum	Wellingtonia	

OUT OF SCOPE MATTERS

Discussion

New Zoning Change: 12 McKinlay Road, 300 Hillside Road (Terramark Limited S188.019, S188.020)

163. As outlined in the Section 32 Report (para 1393) there is no scope to consider submissions seeking the rezoning of any properties not assessed in the report. The report does not include 12 McKinlay Street. The DCC data map shows the majority of 12 McKinlay Road is LUC 3 land under the NPS-HPL. A decision was made to exclude all LUC 1-3 sites from inclusion in PC1 because of the difficulty of complying with clause 3.6 of the NPS-HPL.