

Form 7

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

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

To the Registrar
Environment Court
Auckland, Wellington, and Christchurch

I, Stephen Gregory Johnston, appeal against a decision of Dunedin City Council on the following plan:

Dunedin City District Plan 2018

I made a submission on that plan.

I am not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.

I received notice of the decision on 7 November 2018.

The decision was made by Dunedin City Council.

The part of the decision that I am appealing is:

- The decision to treat 18 Patmos Avenue differently to the adjacent land within the Large Lot Residential 1 zone introduced by way of the decision on submissions.

The reasons for the appeal are as follows:

- The various properties at within the area of 18 Patmos Avenue need to have consistent management in order to achieve a satisfactory outcome.

I seek the following relief:

- That the decision to allow a minimum subdivision lot size of 1000m² within this part of the Large Lot Residential zone should apply equally to 18 Patmos Avenue.

I attach the following documents* to this notice:

- a) a copy of my submission ~~or further submission (with a copy of the submission opposed or supported by my further submission):~~
- b) a copy of the relevant part of the decision:
- ~~c) any other documents necessary for an adequate understanding of the appeal:~~
- d) a list of names and addresses of persons to be served with a copy of this notice.

*These documents constitute part of this form and, as such, must be attached to both copies of the notice lodged with the Environment Court. The appellant does not need to attach a

copy of a regional or district plan or policy statement. In addition, the appellant does not need to attach copies of the submission and decision to the copies of the notice served on other persons if the copy served lists these documents and states that copies may be obtained, on request, from the appellant.

.....
Signature of appellant
(or person authorised to sign
on behalf of appellant)

19 December 2018
Date

Address for service of appellant:
Telephone: 027 223 0383
Email: Stephen@oadunedin.nz
Contact person: Stephen Johson

Note to appellant

You may appeal only if—

- you referred in your submission or further submission to the provision or matter that is the subject of your appeal; and
- in the case of a decision relating to a proposed policy statement or plan (as opposed to a variation or change), your appeal does not seek withdrawal of the proposed policy statement or plan as a whole.

Your right to appeal may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.

The Environment Court, when hearing an appeal relating to a matter included in a document under section 55(2B), may consider only the question of law raised.

You must lodge the original and 1 copy of this notice with the Environment Court within 30 working days of being served with notice of the decision to be appealed. The notice must be signed by you or on your behalf. You must pay the filing fee required by regulation 35 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003.

You must serve a copy of this notice on the local authority that made the decision and on the Minister of Conservation (if the appeal is on a regional coastal plan), within 30 working days of being served with a notice of the decision.

You must also serve a copy of this notice on every person who made a submission to which the appeal relates within 5 working days after the notice is lodged with the Environment Court.

Within 10 working days after lodging this notice, you must give written notice to the Registrar of the Environment Court of the name, address, and date of service for each person served with this notice.

However, you may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (*see* form 38).



THE PROPOSED
**SECOND
GENERATION
DISTRICT PLAN**

SUBMISSION FORM

This is a submission on the Proposed Second Generation
Dunedin City District Plan (2GP) for Dunedin pursuant to
Clause 6 of Schedule 1 of the Resource Management Act 1991

Once you have completed this form, include any supporting documentation and return to the Dunedin City Council.

MAKE YOUR SUBMISSION:

Online: www.2gp.dunedin.govt.nz

Email: planning@dcc.govt.nz

Post to: Submission on 2GP
Dunedin City Council
PO Box 5045
Moray Place
Dunedin 9058

Deliver to: DCC Customer Services Agency
Ground floor
Civic Centre
50 The Octagon
Dunedin

Please note that all submissions are public information. Your name, contact details and submission will be available to the public and the media. The DCC will only use your information for the purposes of this plan review process.

All submissions must be received before 5pm on Tuesday, 24 November 2015.

SUBMITTER DETAILS *Fields indicated by an asterisks (*) are mandatory.*

Full name of submitter or agent* Stephen Gregory Johnston

Organisation (if submission on behalf of an organisation)

Address for service for submitter or agent* *Please provide an address where you would like correspondence sent to*

Email address stephen.johnston@me.com

Postal address* P.O. Box 1238, Dunedin Postcode* 9054

Phone number* 4740526 Mobile number 027 2230383

TRADE COMPETITION *Fields indicated by an asterisks (*) are mandatory.*

Please note: If you are a person who could gain an advantage in trade competition through your submission, your right to make a submission may be limited by clause 6(4), Schedule 1 of the Resource Management Act 1991.

Please tick one of the following*

I could ☐ could not ☒ gain an advantage in trade competition through this submission.

If you could gain an advantage in trade competition through this submission, please tick one of the following*

I am ☐ am not ☐ directly affected by an effect of the subject matter of the submission that:

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

HEARINGS *Fields indicated by an asterisks (*) are mandatory.*

Please tick one each of the following*

I would like ☒ would not like ☐ to be heard in support of my submission

If others submitters make a similar submission, I will ☒ will not ☐ consider presenting a joint case with them at a hearing

SUBMISSION DETAILS Fields indicated by an asterisks (*) are mandatory.

Please identify the specific provision(s) of the Proposed Second Generation Dunedin City District Plan that your submission relates to*.

Provision name and number (where applicable):

For example: Rule 15.5.2 Density

Section name (where applicable):

For example: the residential zones

Map layer name (where applicable):

For example: General Residential 1 Zone

Rural Residential - Large lot Residential 1

Scheduled item number (where applicable):

For example: Reference #T147 - Scheduled Tree at 123 Smith Street

My submission is*

☐

I support the provision

☐

I oppose the provision

☒

I seek to have the above provision amended

Choose the most appropriate statement. If more than one applies, for example you support the provision in part but wish to have part amended (removed or changed), choose 'have the provision amended' and explain this in the 'decision I seek' field.

The decision I seek is that (please give precise details, such as suggested amended wording)*

Please See attached

Reasons for my views (you may attach supporting documents)*

Please see attached

S Johnston

Signature of submitter (or person authorised to sign on behalf of submitter)
(A signature is not required if you make your submission by electronic means.)

24/11/2015

Date

My submission relates to the zoning provisions proposed in the (2GP) review in regard to the following properties:

1. No. 14 & 16 Patmos Avenue - Plan Zoning R/R2
2. No. 18 Patmos Avenue - Plan Zoning R/R2
3. No. 28 Patmos Avenue - Plan Zoning R/R2
4. No. 48 Patmos Avenue - Plan Zoning R/R2
5. No. 15 Dunedin-Waitati Road - Plan Zoning Large Lot Residential 1

The decisions I seek are:

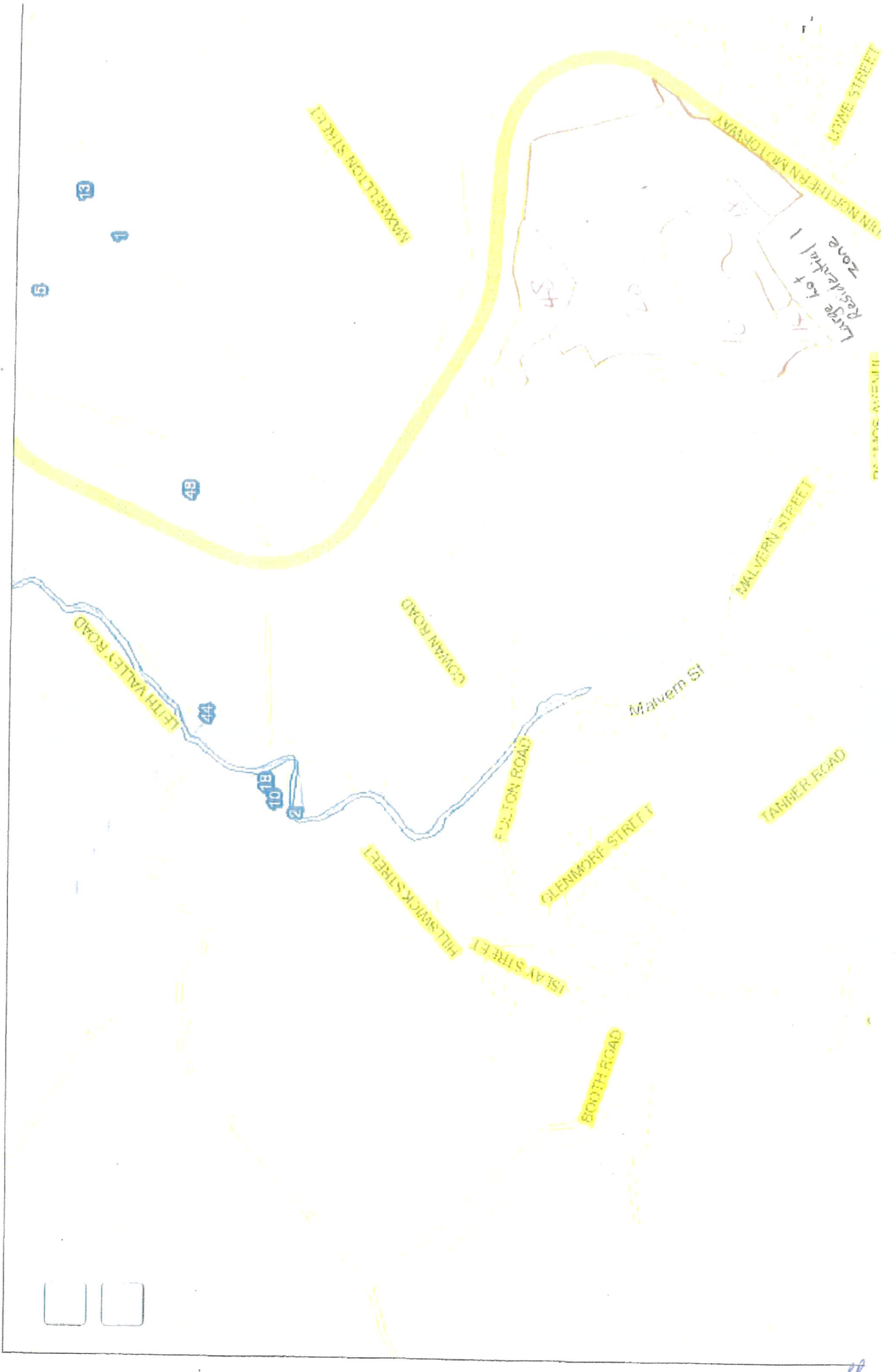
1. Inclusion of 14 & 16 Patmos Avenue in the Large Lot Residential 1 Zone
2. Inclusion of 18 Patmos Avenue in the Large Lot Residential 1 Zone
3. Inclusion of 28 Patmos Avenue in the Large Lot Residential 1 Zone
4. Inclusion of 48 Patmos Avenue in the Large Lot Residential 1 Zone
5. Retention of No. 15 Dunedin-Waitati Road in the Large Lot Residential 1 Zone

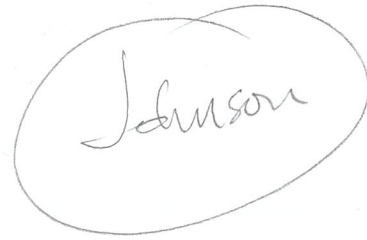
The reasons for my requested Zone amendments are as follows:

- (i) The avoidance of "artificial land use blocks" imposed on the subject landscape rather than a coherent land use pattern integrated with that landscape achieved through careful attention to both the access alignments and the dwelling and curtilage design and landscaping.

Piecemeal planning provisions have demonstrated in the past, the dangers inherent on not taking a broader view of development potential, and consequently, a compromised standard of development extension if, and when, that were to occur.

14, 16, 18 & 28 Portnos
d 48





The Chair and Members

I refer the panel to my original submission (SO1030.9) that related to 18 Patmos Avenue.

My submission sought Large Lot Residential 1 zoning rather than the 2GP zoning of Rural Residential 2.

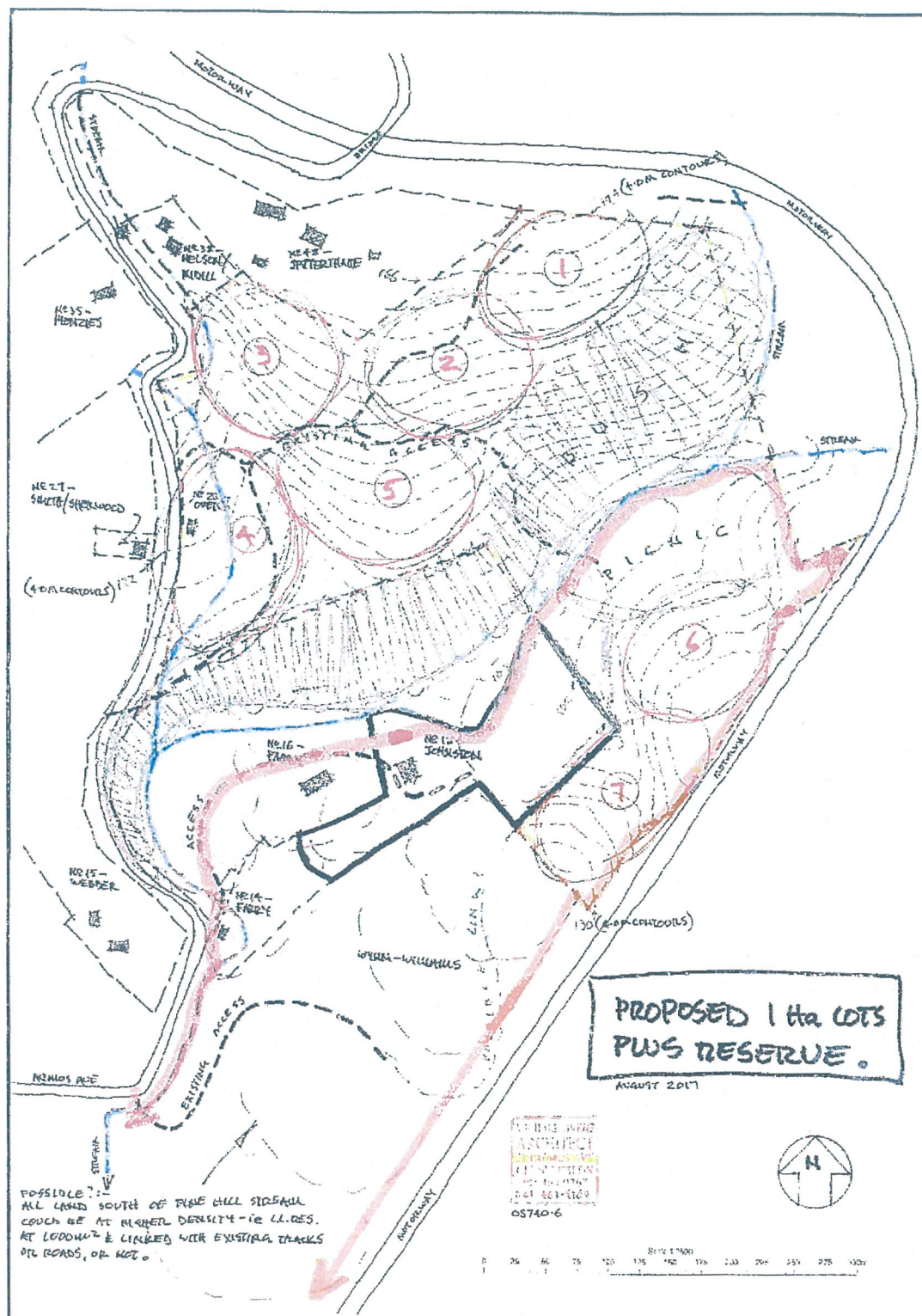
The fundamental reasons for the Large Lot Residential 1 zoning are:

- 18 Patmos Avenue has an area of only 1.9713 ha and already contains our existing home. Rule 17.5.2.1c effectively prohibits any further development of the property.
- 18 Patmos Avenue is part of a “special” residential amenity area and as such, there are opportunities for that to be shared with others.
- 18 Patmos Avenue has a common boundary with the land owned by Mr and Mrs Wyn-Williams that the Council zoned Residential 6 in the operative district plan in 2001 and which is now sought to be developed with a minimum site size of 1000m² (see report paragraph 3.3)
- 18 Patmos Avenue also has common boundary with the land owned by Michael Ovens who has now supplied a concept plan that shows two house sites (6 and 7) on the land adjoining our land at 18 Patmos Avenue.

The S42A report in paragraph 3.2 refers to 18 Patmos Avenue along with the Wyn-Williams and Oven land and seems to accept that the requested rezoning of our land at 18 Patmos Avenue as large Lot Residential 1 is appropriate. This would enable further development that would be consistent with that proposed for the adjoining land in the two structure plans

With an area of only 1.9713 ha, the opportunities are limited at 18 Patmos avenue and will need to be thought through but that can be achieved without the structure plan requirement recommended for the adjoining land.

Figure 1: Plan of Patmos Avenue supplied by Mr Ovens



3.8.7 Patmos Avenue area

905. Submissions were received relating to adjoining areas: 15 Dunedin-Waitati Road and sites on Patmos Avenue. We outline the submissions and evidence for each first, then present a joint decision for both areas, as they are inter-related.

3.8.7.1 15 Dunedin-Waitati Rd, Pine Hill

906. *G and K Wynn-Williams* (OS920.1) submitted that the part of 15 Dunedin-Waitati Road that was proposed to be zoned LLR1 should instead be zoned Low Density Residential with minimum site sizes of 1,000m².
907. *Stephen Johnston* (OS1030.10) submitted that this site should retain LLR1 status.
908. The Reporting Officer referred to assessment sheet 19. She noted that the site is an area zoned R6 in the operative plan (resolved by consent order in 2001). The R6 rules limit development to 34 sites, with a minimum area of 2000m² each. The submission (OS920.1) seeks to increase the density to a minimum site size of 1000m², and notes in support that 'a balance is needed between minimum site size and economically viable site numbers, given the particular landscape attributes of the site'. The Reporting Officer noted that smaller sites would be a more efficient use of the site, if the character of the site, including areas of bush, could be retained. She agreed with the submitter that the site is not highly visible from the northern motorway, as it is elevated above the road, nor from the Pine Hill/Liberton area.
909. The Reporting Officer considered that a development plan showing how a higher density might be achieved while retaining the character and amenity of the area which was intended to be protected by the R6 zoning would be useful. She noted that this could be provided by the submitter at the hearing. She also noted that capacity is not available in the wastewater network and therefore wastewater would need to be managed on-site through septic tanks or a proprietary wastewater management system. If deemed to be appropriate, small sites sizes as requested could be included in the 2GP through a structure plan (s42A Report for ULS Part 2, section 5.1.7, p. 69).

3.8.7.1.1 *Revised recommendation*

910. Neither of the above submitters appeared at the hearing or tabled evidence.
911. In her revised recommendations, the Reporting Officer recommended rezoning 15 Dunedin-Waitati Road to a Structure Plan Zone, to allow an increase in density in flatter areas, protection of bush areas, and a maximum limit on number of dwellings.
912. On the 29 November the Urban Land Supply Part 2 Hearing reconvened, following a request by the Panel for further evidence after the Panel had visited the area, in relation to a number of sites, including 15 Dunedin-Waitati Road.

3.8.7.1.2 *Reconvened s42A Report*

913. We requested that a concept plan be developed, preferably in association with the Patmos Avenue sites (see Section 3.8.7.2), showing any bush areas to be protected and areas allowed for house sites. The plan would ideally show a landscape amenity planting strip along the motorway to screen houses and look at opportunities for public access.
914. Mr Pitts submitted a plan showing the site and roading locations. The plan illustrated 15 sites, accessed via a right of way from SH1, with alternative access through the adjoining property. The plan also showed the two watercourse areas which would be covenanted, and a 5m planted strip on the property boundary, as well as possible alterations to the

road reserve as noted above (s42a Report ULS Reconvened Hearing, section 3.3, pp. 10-11).

915. Mr Knox assessed the concept plan and was generally in support of the proposed site density and dwelling locations (Memorandum to Panel, 1 November 2017).
916. The Reporting Officer noted that if the Panel decided to accept the submission and allow a minimum site size of 1000m², she recommended that a Structure Plan is included, specifying the maximum development potential, minimum site size, and areas to be protected (s42A Report ULS Reconvened Hearing, section 3.3.2, p. 12).
917. Nigel Pitts appeared on behalf of *Mr and Mrs Wynn-Williams* (OS920.1) and suggested that more intensive development was suitable on this site.

3.8.7.1.3 *Decisions and reasons*

918. Our decision regarding the request to rezone 15 Dunedin-Waitati Road is discussed in association with the Patmos Avenue sites below.

3.8.7.2 14, 16, 18, 28, 48 Patmos Avenue, Woodhaugh

919. *Stephen Gregory Johnston* (OS1030.9), supported by *Michael Ovens* (FS2198.7), sought to change the zoning of 14, 16, 18, 28, 48 Patmos Avenue from Rural Residential 2 Zone to Large Lot Residential 1 Zone, to achieve a coherent land use pattern and avoid 'artificial land use blocks' imposed on the landscape. Mr Ovens considered the change sought reflects the existing nature of the area and will result in better management of the area's natural assets.
920. *Michael Ovens* (OS740.6) also sought to change the zoning of 28 Patmos Avenue, to LLR or to provide for smaller section sizes in the RR2 zone down to 1000m²- 2000m² as he noted there is no rural activity near the site, the character and amenity of the area will be enhanced by additional houses, infrastructure is in place and the soil is poor.
921. *Paul Nelson* (FS2028.1) opposed *Mr Johnston's* request as he considers the area is rural in nature, with existing lifestyle blocks, and any further intensive development would not be appropriate. He was also concerned about road safety issues.
922. *John & Jan Satterthwaite* (FS2319.1) also opposed *Mr Johnston's* submission in part, with respect to 28 Patmos Avenue which they sought be rezoned at no more than Rural Residential 1 Zone. They noted that Patmos Avenue is inadequate for increased traffic and believed that subdivision would destroy parts of the nearby native bush. If any more development was provided for the other sites in *Mr Johnston's* submission there should be a requirement for the road to be upgraded.
923. The Reporting Officer referred to assessment sheet 18. She noted that this area is located between Patmos Avenue and the northern motorway. It has a small number of houses, with sites being rural residential in scale. The area is zoned Rural Residential 2 in the 2GP. Most of the area is covered with native bush, the exceptions being 48 Patmos Avenue, which is adjacent to the Patmos Avenue bridge over SH1, and a relatively small part of 28 Patmos Avenue. The area has both flat plateaus, and gullies with some steeply sloping areas. There is a scheduled heritage building on 16 Patmos Avenue. The large area of native bush is highly visible from the Pine Hill/Liberton area, and from SH1.
924. The Reporting Officer considered that there is no capacity in the wastewater network and no programmed upgrades. Extending the network to the site would also require significant expenditure by the developer. A second major issue with this area is the potentially significant impact of development on the large area of native bush and the visual amenity, and potentially biodiversity values that this provides. This particularly applies to 28 Patmos Avenue.

925. Consequently, the Reporting Officer considered that the rezoning would not be consistent with Policy 2.6.3.1. Rezoning 28 Patmos Avenue to RR1 is not consistent with Policy 2.6.1.4 unless it is found that there is a shortage of rural residential capacity. For these reasons she recommended that the RR2 zoning remain over the whole area (s42A Report for ULS Part 2, section 5.1.7, p. 68).

3.8.7.2.1 *Hearing evidence*

926. *Michael Ovens* spoke to his submission and provided photos and the history of his family's site. He noted the issues with productivity of the site for rural purposes and his brother's attempts to diversify into nuts. While the family valued the bush he contended that the Council was requiring them to retain a private reserve for the betterment of others. He also noted that there were parts of the property that did not have high indigenous bush values. He contended that the site was more urban than rural and produced photos of houses that would suit the site and not affect the amenity of the area.
927. In her revised recommendations on 23 June 2017, the Reporting Officer suggested that there should be no changes to the zoning of all of the sites due to amenity and constraint reasons, with the exception being 28 Patmos Avenue. She recommended rezoning 28 Patmos Avenue as a Structure Plan Zone to allow a 2ha average density, with sites identified to minimise impacts on native bush.

3.8.7.2.2 *Reconvened hearing s42A Report*

928. On the 29 November the Urban Land Supply Part 2 Hearing reconvened, following a request we made for further evidence in relation to sites in the area after we had visited them. Our interim view was these sites were potentially appropriate for some residential development and were interested in how the bush areas could be protected, how good public access could be ensured, and the potential need for a landscape amenity planting strip along motorway.
929. In response, Mr Ovens provided a concept plan, showing.
- an area in the centre of the site on the steepest slopes identified as 'bush'
 - an area close to the stream marked 'picnic'
 - five residential sites to the north of the bush area
 - two residential sites to the south of the bush area
 - indicative location of access roads through the site
 - potential residential sites of approximately 1 ha in area, on 14, 16 and 18 Patmos Avenue and 15 Dunedin-Waitati Road
930. The plan was assessed by Mr Knox, whose view was that the existing bush is a key feature of 28 Patmos Avenue and retaining significant bush cover is critical if additional residential development is considered. The residential sites to the south of the site are more open, and retention of bush cover on these sites is not critical (Reconvened hearing evidence, p. 2). He highlighted the importance of the bush when viewed from the Pine Hill/Liberton area, and from SH1; and that the landscape character is moderate to high. He recommended that buildings within the bush comply with height and colour restrictions to natural character values are maintained.
931. In her reconvened s42A Report, the Reporting Officer recommended that 28 and 16 Patmos Avenue are zoned Rural Residential 1, with a structure plan included in the 2GP showing development similar to that proposed by Mr Ovens. She further recommended that 16 Patmos be allowed to subdivide into 2 sites, as per the normal RR1 minimum site size, with 28 Patmos Avenue to be subdivided into 7 residential sites, and the bush/picnic area to be maintained as a reserve or protected area (s42A ULS Reconvened Report, section 3.2.2, p. 9).

932. The Reporting Officer also noted that she anticipated that sites of this size would be serviced by DCC for water and waste (the existing houses in the area are un-serviced). This approach would therefore require Structure Plan type provisions to be included in the Rural Residential section, similar to those in the Residential section (s42A ULS Reconvened Report, section 3.2.2, p. 9).
933. She noted that an alternative to this recommendation would be to rezone the area Large Lot Residential 2, with the Structure Plan specifying a larger site size; however, she remarked that this could give mixed messages about the development anticipated here and the need for servicing. Furthermore, she suggested 14 and 18 Patmos Avenue could also be rezoned Rural Residential 1 to provide consistent zoning over the wider area, however noted that this would not provide any additional development potential (s42A ULS Reconvened Report, section 3.2.2, p. 10).
934. With regards to the vegetation on site, the Reporting Officer noted that non-compliance with the Vegetation Clearance performance standard (Rule 10.3.2.2) is a restricted discretionary activity. She considered this sufficient to ensure a significant majority of the vegetation remains on site. A higher level of protection could be achieved through the Structure Plan. She also suggested further protection of the 'bush' area could be provided through an ASCV, covenant, assigning the area as a Dunedin City Council reserve (s42A ULS Reconvened Report, section 3.2.2, p. 10).
935. The Reporting Officer noted that the only practical ways of ensuring colour is managed is to either require a restricted discretionary consent for development activities on the site, or to develop an appropriate colour palette for the site. In respect of height for development, a 6m maximum height limit was recommended (s42A ULS Reconvened Report, section 3.2.2, p. 10).

3.8.7.2.3 *Reconvened hearing evidence*

936. At the hearing *Mr Johnston* spoke to his submission (OS1030), outlining the reasons he sought to amend the proposed 2GP zoning of 18 Patmos Avenue to Large Lot Residential 1. These included:
- further development on this site is restricted by the Density land use performance standard (Rule 17.5.2.1.c)
 - the site is part of a "special residential amenity area", creating opportunities for this to be shared with others
 - the property shares a common boundary with land owned by submitters *Mr and Mrs Wynn-Williams* (O920), which is zoned Large Lot Residential under the 2GP
 - the property also shared a common boundary with land owned by submitter *Mr Owens* (OS740), who supplied a concept plan for the land adjoining his site.
937. *Mr Johnston* concluded that opportunities at 18 Patmos can be achieved, without the use of a structure plan requirement that was recommend for the adjoining land (Statement of Evidence, p. 1).
938. *Mr Owens* (OS740) agreed that it was appropriate to protect the bush on the site. However, he disagreed with controls proposed on height and colour, deeming these unnecessary. He considered it unlikely that dwellings would dominate the landscape and provided Bishops Mansion as an example of this. He expressed that he is content to be zoned Rural Residential 1 or Large Lot Residential 2, with accompanying protection of bush (Statement of Evidence, pp. 1-2).
939. *Mr Owens* commented that he is open to methods of ownership, and maintenance of the bush and picnic areas, and while he agreed with the concept of public access, he indicated that he would like clarification on the legal implications of this.

940. Following the reconvening of the ULS Part 2 Hearing, the Panel requested further information to assist them in their decision concerning the vegetation present at 28 Patmos Avenue. An ecological assessment was conducted by Mr Steve Rate, to identify the significance of the vegetation present on the site, prior to decisions being made concerning the level of development that is appropriate.

941. Mr Rate assessed the ecological significance of the site against the criteria in the proposed 2GP, and his overall conclusion was that:

'The relatively large area of indigenous forest on the north-western side of the property would be significant in terms of Proposed District Plan criteria'

'The site contains a moderately large area of indigenous forest that buffers streams and provides useful habitat for indigenous forest birds. Indigenous plant species are dominant, but pest plants threaten ecological values at the site. Part of the indigenous vegetation is located on Acutely Threatened land environments.'

(Ecological Assessment of Patmos Avenue, Dunedin, p. 16).

942. Mr Rate concluded that the site at 28 Patmos Avenue contains 'moderately representative examples of indigenous forest' which are threatened by a variety of pest plant species. He outlined that opportunities to protect or enhance ecological values included weed control, avoiding or minimising vegetation clearance, legal protection, prohibitions on planting invasive species and reinstating a fish passage at stream crossings.

943. With regard to the clearance of indigenous vegetation, he recommended that residential development on the property should be preferentially located in exotic habitats and not fragment the area of indigenous forest on the north-western side of the property (Ecological Assessment of Patmos Avenue, Dunedin, p. 17).

3.8.7.2.4 Decision and reasons

944. Having considered the recommendations of the Reporting Officer and expert evidence, we accept in part the submissions of G and K Wynn-Williams (OS920.1), Stephen Gregory Johnston (OS1030.9), (OS1030.10) and Michael Ovens (OS740.6).

945. We agree that it is appropriate to provide for development of 15 Dunedin-Waitati Road and the part of 28 Patmos Avenue that is close to the Northern Motorway for residential use to a minimum lot size of 1,000m², by way of a Structure Plan. We also agree that 18 Patmos Avenue and 14 Patmos Avenue are suitable for some additional residential development, which we have similarly provided for by way of a Structure Plan with a minimum lot size of 2,000m² (consistent with the scope to rezone them Large Lot Residential 1 Zone).

946. As discussed in Section 3.3.6, while acknowledging that there is a need to provide some Large Lot Residential zoning to ensure the Plan delivers housing choice (in line with NPS-UDC OA2 and Objective 2.6.1 of the 2GP), where residential zoning is considered appropriate we have generally zoned at standard or medium density, unless we are limited by scope or there is another very clear reason why standard density is inappropriate (consistent with Policy 2.2.4.1.b). We consider this approach is aligned with the NPS-UDC OA1, and with 2GP objectives 2.2.4 (Compact and accessible city) and 2.7.1 (Efficient public infrastructure).

947. In this case of 15 Dunedin-Waitati Road, we note the area is already zoned for large lot development, and so the question for the Panel was not whether residential zoning is appropriate, but rather, whether a slightly denser form of development would better align with Policy 2.6.3.1. We consider the approach described above better achieves alignment with Policy 2.6.3.1.a by providing additional residential capacity, and with clauses 2.6.3.1.d.ix (relating to efficient public infrastructure) and xi (relating to a compact and accessible city) by providing this increased capacity within the existing urban footprint.

We consider it achieves better alignment with clauses 2.6.3.1.c and 2.6.3.1.d.x by increasing the opportunities for 15 Dunedin-Waitati Road to achieve an alternative to access via the State Highway. We believe the rezoning is not inconsistent with Policy 2.6.3.1.b, as the area is already zoned for large lot residential zoning and 1000m² will provide for on-site wastewater disposal.

948. We consider there is clear room for further improvement to the Structure Plan, particularly as it relates to access. We encourage the Council to work with the parties to ascertain the best approach to ensure access to schools and other community facilities.
949. In the case of the part of 28 Patmos Avenue that is close to the Northern Motorway, and 14 and 18 Patmos Avenue, we consider that providing for residential development at 1000m² and 2000m² density respectively is appropriate under the terms of Policy 2.2.4.1, as these sites are contiguous with the existing large lot residential zoning at 15 Dunedin-Waitati Road but there are a number of reasons why standard zoning is not appropriate, including access issues, wastewater network capacity constraints, and the presence of waterways and high ecological and heritage values in close proximity to the sites. While alignment with Policy 2.6.3.1 is not strong for any one site, in the context of 15 Dunedin-Waitati Road already being zoned for residential development, we consider it is the most appropriate use of the land, given the location of these sites adjacent to existing large lot zoning on the urban fringe, and the evidence that 15 Dunedin-Waitati Road must secure better alternative access. Importantly we do not consider providing for residential development in this area causes conflict with clause 2.6.3.1.d.iii, as the ecological report shows that there are no areas of particular ecological significance on this part of 28 Patmos Avenue.
950. In relation to the balance of 28 Patmos Ave, 16 Patmos Ave and 48 Patmos Ave, we consider that these should remain zoned Rural Residential 2. We consider the area of bush that extends over the balance of 16 and 28 Patmos Avenue (and the water course in this location) forms a natural urban boundary. We accept the ecological assessment of Mr Rate, which indicated that most of the balance of 28 Patmos Avenue has significant ecological values, and our assessment is that it is therefore inappropriate for residential development under clause 2.6.3.4.d.iii, which seeks to protect or enhance significant indigenous biodiversity. We also accept the expert evidence of DCC landscape architect Mr Knox, that the bush area is highly visible from the Pine Hill/Liberton area, and from SH1; that the landscape character is moderate to high; and that the bulk of the area should be retained. We consider this suggests the balance of 28 Patmos Avenue also demonstrates a lack of alignment with clauses 2.6.3.1.d.i and vii.
951. While we would ideally introduce rules to protect the area identified as being of significance ecological values, there is no scope to do so, and leaving this area as Rural Residential 2 will serve to protect it to some extent, given the rules around vegetation clearance in this zone. Should a landowner wish to pursue alternative forms of protection for the site, we note there are a range of options, including some that sit outside of the Plan. We also consider that it is inappropriate to use this area for road access to the new residential area provided for in the Structure Plan as set out above. The Structure Plan therefore specifies that alternative access must be found through one of the adjoining sites.
952. 48 Patmos Avenue is on the northern side of this area of bush and given this, there is a clear lack of alignment with the criteria set out in Policy 2.6.3.1.
953. We have therefore made the following amendments to the Plan:
- rezone part of 28 Patmos Avenue, 18 Patmos Avenue and 14 Patmos Avenue to Large Lot Residential 1 Zone
 - apply a Structure Plan mapped area across the above sites and the part of 15 Dunedin-Waitati Road currently zoned Large Lot Residential 1

- include Structure Plan mapped area performance standards (Rule 15.7A.7) such that:
 - vehicle access must not be provided through the part of 28 Patmos Avenue that is outside the Structure Plan mapped area; and
 - 28 Patmos Avenue and 15 Dunedin-Waitati Road can be developed a minimum site size of 1,000m².

3.8.8 North-East Valley

954. There are both wastewater and water capacity issues associated with the infrastructure catchments serving North-East Valley (NEV), and network upgrades, including water pressure management, are currently programmed. Initial capital works are due to start in the 2017/18 financial year. This work, including the downstream network for wastewater, is likely to take 15 or more years to complete.

3.8.8.1 636 North Road, North East Valley

955. *Douglas Hall* (OS1068.14) sought to add a GR1TZ overlay to that part of Pt Lot 2 DP 21174, 636 North Road, which is not currently in the GR1TZ, and to replace the GR1TZ overlay zone over the remainder of the site with General Residential 1 Zone (OS1068.2). *Mr Hall* stated that the area was proposed for housing in the 1950s but the decision was reversed in the 1995 District Plan.
956. The submissions were opposed by *Katherine Lilly and Jevon Longdell* (FS2409.1, 2), *Bronwyn and James Hegarty* (FS2474.2, 4) and *Tim Buscall* (FS2097.1, 2), for reasons including environmental impacts, a change in the buffering rural land provides for existing properties, high class soils and loss of natural environment and rural amenity.
957. The Reporting Officer noted that the submission relates to two adjoining sites at the top end of North East Valley. Lot 2 DP 305589 adjoins residential development along Norwood St, and Forrester Park and is a gently sloping north-facing paddock, with a GR1TZ overlay. Pt Lot 2 DP 21174 adjoins Lot 2 DP 305589 and extends around Forrester Park. It is partly overlain with a GR1TZ overlay and an SNL overlay (s42A Report for ULS Part 2, section 5.1.7, p. 71).
958. Mike Moore, consultant landscape architect called by DCC, assessed the landscape values of the site and stated that in terms of landscape character, the SNL boundary line in this area could be adjusted to align with North Road, and allow for urban development within the GR1TZ overlay. His reasons were that the land has a lower valley location and is well contained by higher rural slopes. It does not generally have high levels of visual prominence and is linked with existing urban land use on the adjacent valley floor and lower slope areas (Norwood St).
959. Mr Fisher, DCC transport planner, commented that the proposed zoning is considered to generally support the community and network resilience goals of the Integrated Transport Strategy. He described how residential development in this location will be close to the main urban area and community facilities which should decrease private trips, encourage travel by active modes and support increased high frequency public transportation. He did note however, that network capacity issues have been identified as being relevant to the proposed rezoning. The proposed development is likely to exacerbate existing network capacity issues. He concluded by commenting that development of the site would benefit from a comprehensive land use and infrastructure plan to ensure integration with existing transport networks. The proposed zone can generally be supported by existing road infrastructure and services (Statement of Evidence, p. 10).
960. The Reporting Officer considered that rezoning the GR1TZ area is not consistent with Policy 2.6.3.1 at present as there are wastewater infrastructure capacity issues and

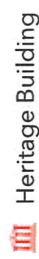
Layers

Scheduled Items

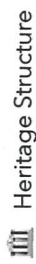
Areas of Significant Biodiversity Value



Heritage Buildings and Structures



Heritage Building



Heritage Structure



Character Contributing Building

Scheduled Trees



Scheduled Heritage Sites



Archaeological Sites



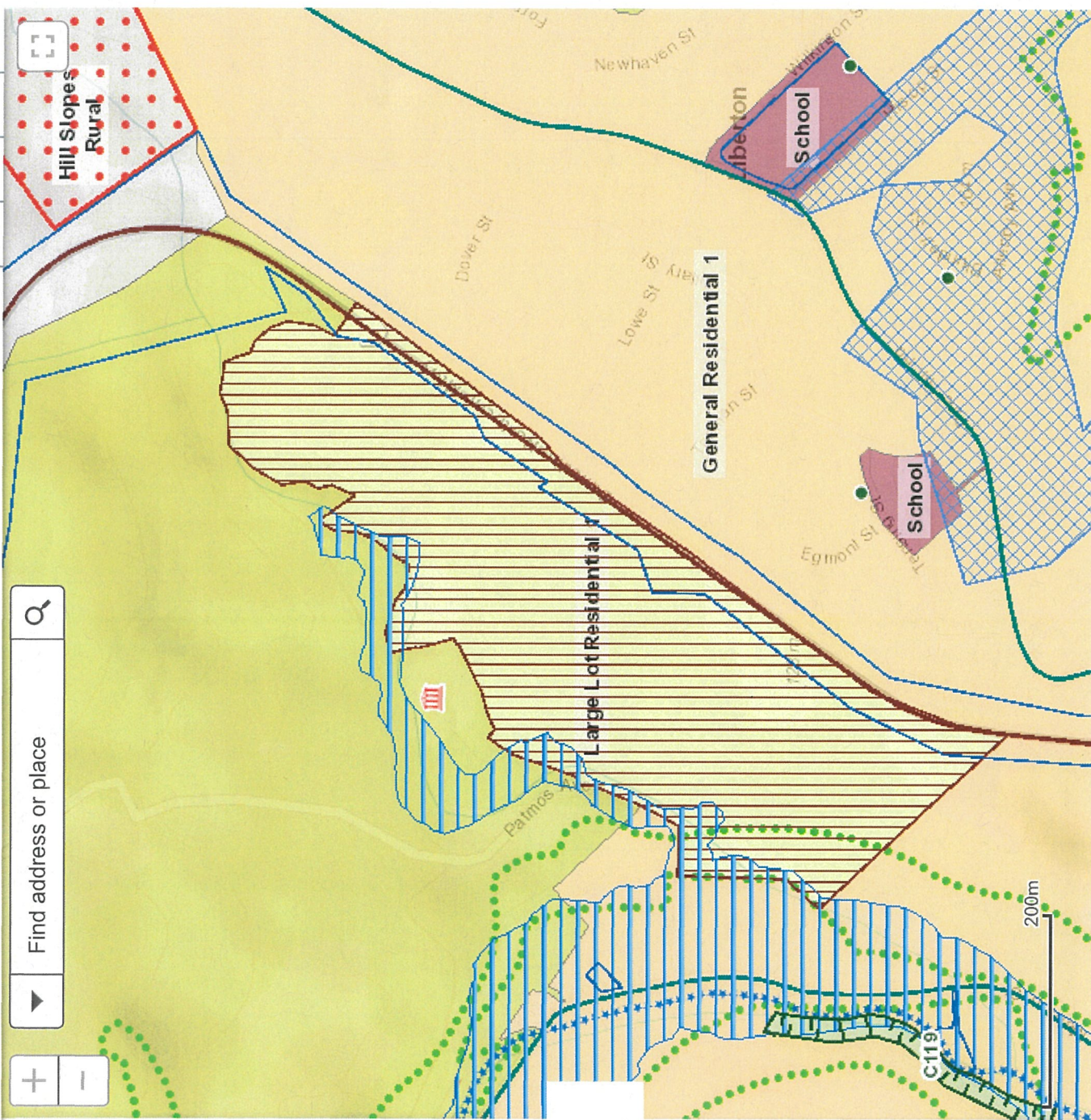
Designations



Sites with Multiple Designations



Dunedin Airport Flight Fan



Notice of Appeal sent to:

- The Registrar
Environment Court
Christchurch
Email: Christine.mckee@justice.govt.nz
- The Dunedin City Council
Email 2gpappeals@dcc.govt.nz
- Paul Nelson
Email: madnel@vodafone.co.nz
Phone 0211458531
- John and Jan Satterthwaite
Email jjisatt48@clear.net.nz
Phone 03 467 9761