



SECOND GENERATION DISTRICT PLAN

Public Amenities Decision of the Hearings Panel

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

7 November 2018



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

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

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

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

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

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

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

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

Hearing codes and submission point references

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

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

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

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

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

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

Master summary table of all decisions

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

List of hearing codes

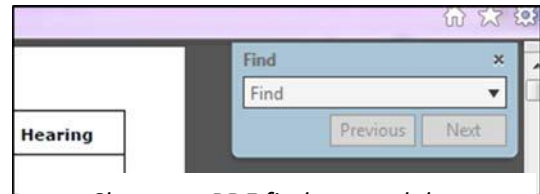
Hearing topic	Code
Commercial Advertising (cross plan hearing topic)	CP
Commercial and Mixed Use Zones	CMU
Community Correction Facilities (cross plan hearing topic)	CP
Defence Facilities and Emergency Services (cross plan hearing topic)	CP
Designations	Des
Earthworks	EW
Heritage	Her
Industrial Zones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

How to search the document for a submitter number or name

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



Chrome – PDF finder search box



Chrome – PDF finder search box

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

Table of Contents

1.0	Introduction	3
1.1	Scope of Decision	3
1.1.1	Section 42A Report	3
1.1.2	Structure of Report	3
1.2	Section 32AA Evaluation	3
1.3	Statutory Considerations	3
2.0	Hearing appearances and evidence presented	5
3.0	Discussion on provisions sought to be amended	6
3.1	Overview	6
3.2	Definition of Public Amenities	6
3.2.1	Decision and reasons	6
3.3	Management of Public Amenities in the Campus Zone	6
3.3.1	Decision and reasons	7
3.4	Management of Public Artworks	7
3.4.1	Decision and reasons	8
3.5	Management of Public Toilets	8
3.5.1	Decision and reasons	9
3.6	Management of Public Display Boards	9
3.6.1	Decision and reasons	9
3.7	Objective 3.2.1 and Policies 3.2.1.2-4	9
3.7.1	Amendment to remove wording to avoid significant adverse effects	9
3.7.1.1	Decision and reasons	11
3.7.2	Amendment to require avoidance of adverse effects on wāhi tūpuna	12
3.7.2.1	Decision and reasons	12
3.8	New activity for advertising on bus shelters	12
3.8.1	Decision and reasons	12
4.0	Future plan change reviews and other suggestions	14
5.0	Minor and inconsequential amendments	14
	Appendix 1 – ePlan amendments	15
	Appendix 2 – Summary of Decisions	

1.0 Introduction

1. This document details the decisions of the Proposed Dunedin City District Plan Hearings Panel/Te Paepae Kaiwawao Motuhake O Te 2GP with regards to the submissions and evidence considered at the Public Amenities hearing, held on 23rd June 2016 at the 2GP Hearings Centre.

1.1 Scope of Decision

2. Unless otherwise noted, this Decision Report addresses the 21 original submission points addressed in the Public Amenities s42A Report.

1.1.1 Section 42A Report

3. The Public Amenities s42A Report deals primarily with plan provisions included in the Public Amenities section of the Plan. The Public Amenities section contains provisions which link to the Management and Major Facility Zone sections of the Plan. The decisions on those topics should be read in conjunction with this decision.

1.1.2 Structure of Report

4. The decision report is structured by topic. The report does not necessarily discuss every individual submission point; instead it discusses the matters raised in submissions and records our decisions and reasons on the provisions relevant to each topic¹. Appendix 2 of this document, summarises our decision on each provision where there was a request for an amendment. The table in Appendix 2 includes provisions changed as a consequence to other decisions.
5. Schedule 1 of the RMA outlines key aspects of the process that must be used to prepare and make decisions on a plan change (including the submission and hearing process)
6. Clause 16(2) of that schedule allows a local authority to make an amendment where the alteration "is of minor effect", and to correct any minor errors, without needing to go through the submission and hearing process.
7. This Decision includes some minor amendments and corrections that were identified by the DCC Reporting Officers and/or by us through the deliberations process. These amendments are referenced in this report as being attributed to "cl.16". These amendments are summarised in Section 5.

1.2 Section 32AA Evaluation

8. Section 32 of the Resource Management Act 1991 (RMA) establishes the framework for assessing proposed objectives, policies and rules. Section 32AA of the RMA requires a further evaluation to be released with decisions, outlining the costs and benefits of any amendments made after the proposed Plan was notified.
9. The evaluation must examine the extent to which each objective is the most appropriate way to achieve the purpose of the RMA and whether, having had regard to their efficiency and effectiveness, the policies and rules proposed are the most appropriate for achieving the objectives. The benefits and costs of the policies and rules, and the risk of acting or not acting, must also be considered.
10. A section 32AA evaluation has been undertaken for all amendments to the notified plan. The evaluation is included with the reasons for each decision in sections 3.0 and of this Decision Report.

1.3 Statutory Considerations

11. The matters that must be considered when deciding on submissions on a district plan review are set out in Part 2 (sections 5-8, purpose and principles) and sections 31, 32

¹ In accordance with Schedule 1, section 10 of the RMA

and 72–75 of the RMA. District plans must achieve the purpose of the RMA and must assist the council to carry out its functions under the RMA.

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

2.0 Hearing appearances and evidence presented

14. Table 1 shows the submitters who appeared at the hearing, and the topics under which their evidence is discussed. All evidence can be found on the 2GP Hearing Schedule webpage under the relevant Hearing Topic <https://2gp.dunedin.govt.nz/2gp/hearings-schedule/index.html>

Table 1: Submitters and relevant topics

Submitter, (Submitter Number)	Represented by	Expert evidence, submissions or evidence tabled at the hearing	Topics under which evidence is discussed
University of Otago (OS308)	Murray Brass (Representative)	Pre-circulated evidence and appeared at hearing	<ul style="list-style-type: none"> • Management of public amenities in the Campus Zone • Objective 3.2.1 and Policies 3.2.1.2-4
NZ Transport Agency (NZTA) (OS881)	Kirsten Tebbutt (Representative)	Pre-circulated evidence did not attend hearing	<ul style="list-style-type: none"> • Definition of Public Amenities
Otago Peninsula Community Board (OPCB) (OS588)	Paul Pope (Representative - Chairperson)	Oral submissions	<ul style="list-style-type: none"> • Management of Public Artworks • Management of Public Toilets • Management of Public Display Boards

15. Appearances for the Dunedin City Council were:
Ms Jacinda Baker, Reporting Officer
16. Evidence provided by Ms Baker includes:
- s42A Report
 - opening statement (tabled and verbal)
 - revised recommendation (tabled and verbal)
17. Senior Planner assistance to the hearing was provided by:
Dr Anna Johnson, City Development Manager

3.0 Discussion on provisions sought to be amended

3.1 Overview

18. The Dunedin City District Plan (2006) provides for some public amenities, in the form of street furniture, but does not fully provide for all public amenities and does not provide for them in all public locations. Street furniture, as defined in the Dunedin City District Plan (2006), includes structures necessary for the functioning of roads or to cater to the needs of road users, such as bus/taxi shelters, rubbish bins, drinking fountains, public seating, and art.
19. The Public Amenities section is a new Citywide Activities section in the Plan. It was created to provide an improved resource management approach for public amenities installed for the benefit of the public, by better recognising the values of these activities and addressing the effects of the activities. The section applies to these activities across all zones.

3.2 Definition of Public Amenities

20. The *New Zealand Transport Agency* (NZTA) (OS881.4) sought the removal of 'pedestrian/cycle tracks' or 'paths' from the definition of public amenities and suggested that they should be included in a definition of infrastructure as they are about commuting. The NZTA also had a submission point requesting inclusion of a new definition of infrastructure, which is addressed in the Plan Overview Decision Report.
21. In her s42A Report, the Reporting Officer considered that the removal of tracks and paths from the definition would eliminate the ability to put in tracks and paths that are not about commuting, such as a path through a reserve to a playground, or an off-road mountain bike or walking track. She indicated that paths specifically designed for cyclist commuting would fit under the definition of cycleway, which is part of the definition of 'road' along with 'shared path and tracks'.
22. In the written evidence provided by Ms Tebbutt on behalf of the NZTA, she indicated that the NZTA was satisfied that the intent of their requested amendment had been reflected in the definition of public infrastructure agreed between NZTA and Dunedin City Council staff through the Plan Overview Hearing.

3.2.1 Decision and reasons

23. We reject the submission by the NZTA (OS881.4) noting that changes requested by the NZTA are no longer required due to other changes made as a result of related submission points heard at the Plan Overview Hearing.

3.3 Management of Public Amenities in the Campus Zone

24. The *University of Otago* (OS308.9) sought an amendment to the definition of public amenities to make it clear that it only applied to amenities in public places (roads and reserves) and did not apply to the campus.
25. The *University of Otago* also requested that all public display boards (OS308.111) and public toilets (OS308.109) be permitted activities within the Campus Zone and sought retention of the definition of Public Artworks provided that it is clear that the definition does not capture artworks within the University campus (OS308.479).
26. The Reporting Officer agreed with the *University of Otago* that the rules for public amenities should not apply to amenities provided for staff and students. The Reporting Officer recommended amending the definition of Campus Activities to specifically include public amenities provided for students/staff (where not provided for the public,

or artworks that are not visible from a public place), making these permitted as part of Campus Activity (s42A Report, Section 4.2.1, p. 9).

27. Mr Murray Brass (planner) spoke at the hearing on behalf of the *University of Otago*. He indicated in his evidence that the *University of Otago* wished to avoid unnecessary restrictions and consenting requirements for public amenities within the campus. He argued that it was not necessary for the 2GP to manage public amenities within the campus as these were provided for staff and students and should not require consent.

3.3.1 Decision and reasons

28. We accept in part the submissions by the *University of Otago* (OS308.9) and the relief suggested by the Reporting Officer to address the submitter's concerns, with minor wording changes as shown in the definition below. We agree that the public amenities rules should not apply to public amenities provided in the Campus Zone primarily for staff and students. The changes to the definition of Campus are shown below and in Appendix 1 attributed to submitter reference PA 308.9.

Campus

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

- laboratories
- libraries
- joint venture facilities
- administrative services
- staff and student facilities, including student and staff employment, health and well-being support services, student union offices, student and staff clubs and organisations
- amenities for staff and students that would otherwise meet the definition of public amenities.

29. Consequential changes are made to the definition of Public Amenities to exclude activities defined as Campus are shown in Appendix 1 attributed to submitter reference PA 308.9.

3.4 Management of Public Artworks

30. Public Artworks–Small Scale in residential zones, and all Public Artworks–Large Scale, are restricted discretionary activities.
31. The *Otago Peninsula Community Board (OPCB)* (OS588.17) requested that the Public Amenities Section be simplified further in relation to assessment of restricted discretionary activities (Rule 3.7.2.1) to ensure that communities do not feel hindered in the beautification of their utility or community areas by undue resource consenting issues.
32. The reason given by the *OPCB* is that public amenities, such as interpretative signage, seating and public toilets, are significant infrastructure issues for the Peninsula, particularly in regard to the tourism sector; and that the assessment gives the DCC full power to judge the appropriateness or merit of an artistic work, when it is actually the community that should be the sole judge in these matters, and whether they are comfortable living with a particular piece. The submitter suggests that a clear example on the Peninsula is the painting of bus shelters which have added vibrancy and colour to the area and that the Dunedin City Council should not be a critic of quality or content, but a manager of effects.
33. The *Dunedin City Council* (OS360.253) sought a minor amendment to clarify that Artworks can be painted on structures as well as buildings, as the definition does not currently make reference to structures.

34. The Reporting Officer stated in her s42A Report, that the assessment rules are included to provide better clarity to applicants about what will be assessed in terms of a resource consent process and, therefore, improve the transparency and ease of the process. The matters covered are based on the potential effects to artworks that are appropriate to manage in terms of the RMA – primarily in terms of the potential adverse effects on public amenity, which do not include aspects of public aesthetics or artistic preferences. The Reporting Officer considered that while the community may have an important role to play through submissions on a notified resource consent (where required), in her opinion the matters are appropriately assessed by staff or others with appropriate expertise (s42A Report, section 4.2.4, p. 18).
35. The Reporting Officer stated in her s42A Report, and reiterated at the hearing in response to a question of clarification from the Panel, that resource consent is not required for artworks on bus shelters, or for public artworks that meet the threshold of being 'small scale' in all but residential zones, as outlined in the activity status table.
36. In her s42A Report, the Reporting Officer considered that the addition of the word 'structure' to the definition as requested by the *Dunedin City Council* (OS360.253) adds clarity to the definition of Public Artworks–Small Scale.
37. At the hearing Mr Paul Pope, on behalf of the *Otago Peninsula Community Board*, reiterated the points raised in the submission.

3.4.1 Decision and reasons

38. We reject the submission by the *OPCB* (OS588.17) for the reasons outlined by the Reporting Officer, noting that acceptance of the *Dunedin City Council* submission (see below) will address the *OPCB*'s concerns about Public Art–Small Scale and the decoration of bus shelters. We consider that other Public Amenities could incur adverse effects – possibly greater adverse effects in the context of the Otago Peninsula – so should be assessed through a consenting process.
39. We accept the submission by the *Dunedin City Council* (OS360.253) to amend the definition of Public Artwork–Small Scale to include murals or artworks on structures for the reasons outlined by the Reporting Officer. The amendments to the definition of Public Artwork–Small Scale are shown in Appendix 1 attributed to submitter reference PA 360.253.
40. We also note amendments made in the Plan Overview Decision under clause 16 of the First Schedule to the RMA to include the term 'footprint' in the definition to improve clarity.

3.5 Management of Public Toilets

41. Public Toilets are restricted discretionary activities in the Plan (Rule 3.3.2.6.).
42. The *OPCB* (OS588.32) requested that Public Toilets on the Peninsula be permitted activities.
43. Mr Paul Pope explained at the hearing that the *OPCB* considered that Public Toilets should be permitted on the Peninsula allowing more facilities to be provided throughout the Peninsula for both community members and to support the tourism industry.
44. In her s42A Report the Reporting Officer considered that Public Toilets should require resource consent as a restricted discretionary activity as they have the potential to cause adverse effects on public amenity and cultural effects if they are not appropriately designed and located. Good design and location also have the potential to maximise the potential positive effects of these structures. In her consideration there is also a strong element of public interest in the location of Public Toilets in particular, in some instances due to the causal effects of anti-social or even criminal behaviour that can be associated with these facilities, which need to be managed through appropriate siting and design (s42A Report, Section 4.2.3, p. 15).

45. In her revised recommendations, in response to the *OPCB* submission, the Reporting Officer suggested that if the Panel wished to make it easier to establish Public Toilets, and if they were confident that there is scope in the submission by the *OPCB* to make this change across the city rather than just on the Otago Peninsula, they could make Public Toilets a controlled activity in all zones except the Rural Zone, where they could be permitted. In her opinion, a controlled activity status would still allow for consideration of effects, which could include the closeness of the facility to nearby housing due to the potential for amenity effects, although resource consent could not be declined.

3.5.1 Decision and reasons

46. We reject the submissions by the *OPCB* (OS588.32) to make Public Toilets a permitted activity on the Peninsula for the reasons given by the Reporting Officer above.
47. In the course of examining this topic, we considered there may be a need to require Public Toilets in association with walking tracks, however, as there is no scope in the submissions for such a change to the performance standards, we recommend this matter be considered during future reviews of the Public Amenities section of the 2GP.

3.6 Management of Public Display Boards

48. Public Display Boards are a restricted discretionary activity in all zones (Rule 3.3.2.5).
49. The *OPCB* (OS588.32) requested that Public Display Boards on the Peninsula be permitted activities.
50. Mr Paul Pope explained at the hearing that the *OPCB* consider that Public Display Boards should be permitted on the Peninsula to allow more information to be provided throughout the Peninsula for both community members and to support the tourism industry.
51. In her s42A Report, the Reporting Officer did not recommend any amendment to the restricted discretionary activity status of Public Display Boards, as she considered they have the potential to have adverse effects on public amenity (s42A Report, Section 4.2.3, p.15).

3.6.1 Decision and reasons

52. We accept in part the submission by the *OPCB* (OS588.32) and amend the definition of Public Display Boards to exclude Public Display Boards up to 2m² for the exclusive use by community groups and public bodies so these small-scale boards are not managed by the 2GP. Our reasons are that we agree with Mr Pope that small Public Display Boards are important for information sharing within the community and for tourists to the area. The amendments to the definition of Public Display Boards Appendix 1 attributed to submission reference PA 588.32.

3.7 Objective 3.2.1 and Policies 3.2.1.2-4

3.7.1 Amendment to remove wording to avoid significant adverse effects

53. The *University of Otago* (OS308.101) requested Objective 3.2.1.a and policies 3.2.1.2, 3.2.1.3, 3.2.1.4, which require the minimisation or avoidance of significant adverse effects, to be removed. The *University of Otago* considered that public amenities should be considered on their merits rather than under a negative policy framework. The submitter also considered that requiring adverse effects to be minimised as far as practicable, or that significant adverse effects be avoided, are unreasonable restrictions and could lead to a loss of overall amenity.

54. In her s42A Report, the Reporting Officer recommended that policies and related rules that require management of adverse effects resulting from public amenities are the most appropriate way to achieve the objective, as without these rules, public amenities, if poorly designed or sited, could have significant adverse effects on amenity (s42A Report, Section 4.2.2, p. 13).
55. Ms Baker also recommended amending Policies 3.2.1.2, 3.2.1.3, and 3.2.1.4, to be consistent with recommendations in the Plan Overview s42A Report, which discussed and recommended amendment to the wording, 'no significant adverse effects', based on related submissions by the *University of Otago* on this matter. The recommended amendments were:
- Policy 3.2.1.2
- ~~Require public amenities to be designed and located to avoid significant adverse effects on the amenity of surrounding sites and streetscape~~ amenity so any adverse effects on the amenity of the surrounding area are avoided or, if avoidance is not possible, minimised as far as practicable.
- Policy 3.2.1.3
- ~~Only allow public toilets and public display boards where significant adverse effects on surrounding sites will be avoided~~ any adverse effects on the amenity of the surrounding area are avoided or, if avoidance is not possible, minimised as far as practicable.
- Policy 3.2.1.4
- Only allow a public artwork-large scale where:
- a. it has positive effects for streetscape amenity; and
 - b. ~~significant adverse effects on surrounding sites will be avoided~~ any adverse effects on the amenity of the surrounding area are avoided or, if avoidance is not possible, minimised as far as practicable.
56. Consequential changes to assessment rules (Rule 3.7.2.1, Rule 3.7.2.2, Rule 3.7.2.3 and Rule 3.6.3.2.ii) to update the reference to the policy were also recommended.
57. Mr Murray Brass, in his tabled statement dated 20 June 2016, supported the Reporting Officer's recommendation to change the policy wording so any adverse effects on the amenity of the surrounding area "are avoided or, if avoidance is not possible, minimised as far as practicable". In his statement, Mr Brass sought clarification as to how "practicable" will be interpreted, since adverse effects are to be "minimised as far as practicable"; and stated that it could be helpful if the Panel addresses the anticipated interpretation of "practicable" in its decision for the sake of clarity. We note that this matter is discussed in our decision on the Plan Overview topic.
58. At the Reconvened Plan Overview Hearing, the Public Amenities Reporting Officer revised her recommendations on the basis of having reviewed the wording in the objective and policies in light of the evidence in the Reconvened Plan Overview Hearing Report (including the revised drafting protocol); she also took the point raised by the *University of Otago* (308.101) into consideration, and consequently revised her recommendations as follows:
- Objective 3.2.1
- Public amenities contribute positively to community wellbeing and streetscape amenity, while:
- ~~Avoiding or, if avoidance is not practicable, adequately mitigating minimising, as far as practicable,~~ any adverse effects on the amenity of surrounding sites.
- Policy 3.2.1.2
- Require public amenities to be designed and located to avoid ~~significant or,~~ if avoidance is not practicable, adequately mitigate adverse effects on the

amenity of surrounding sites and streetscape amenity.

Policy 3.2.1.3

Only allow public toilets and public display boards where ~~significant~~ adverse effects on surrounding sites will be avoided or, if avoidance is not practicable, adequately mitigated.

Public 3.2.1.4

Where:

b. ~~significant~~ adverse effects on surrounding sites will be avoided or, where avoidance is not practicable, adequately mitigated.

59. She further stated that public amenities are an important 'public good' activity, and as such they should be enabled by the Plan. However, she was of the opinion these activities must also have a requirement to appropriately manage any adverse effect they may create. In terms of the appropriate policy test to achieve this based on the revised policy drafting protocol, she considered that the flexible 'medium strictness' wording is the most appropriate as it allows the appropriate benchmark of acceptable effects to be considered on a case-by-case basis given the variability around the locational and design requirements of public amenities activity and the sensitivity of the environments it locates in. She was of the opinion that these amendments better give effect to the *University of Otago* submission than the ones originally proposed to address their concerns (Reconvened Plan Overview Hearing Report, Appendix 4).

3.7.1.1 Decision and reasons

60. We accept in part the submission by the *University of Otago* (OS308.101), and have amended the wording of Objective 3.2.1, and policies 3.2.1.2, 3.2.1.3 and 3.2.1.4 to give relief to the submission. In determining the appropriate wording we have also considered evidence that is discussed in the Plan Overview Decision. We have accepted the Reporting Officer's revised recommendations as the most appropriate relief, with minor wording change to Policy 3.2.1.4 to change "where" to "if" (see submission reference PA/PO 308.101 in Appendix 1).
61. We also make the consequential changes to assessment rules (Rule 3.7.2.1.iii, Rule 3.7.2.2.ii, Rule 3.7.2.3.ii, and Rule 3.6.3.2.ii) to update the reference to the policy. See submission reference PA/PO 308.101 in Appendix 1 and as follows:

Rule 3.6.3.2.a.ii

~~Public amenities~~ are designed and located to avoid or, if avoidance is not practicable, adequately mitigate ~~to avoid significant effects on the amenity of surrounding sites and streetscape amenity~~ adverse effects on the amenity of the surrounding sites and streetscape amenity {PA/PO 308.101} (Policy 3.2.1.2).

Rule 3.7.2.2.a.ii.

~~Significant~~ ~~a~~Adverse effects of ~~public display boards~~ on surrounding sites are avoided or, if avoidance is not practicable, adequately mitigated {PA/PO 308.101} (Policy 3.2.1.3).

Rule 3.7.2.3.a.ii

~~Significant~~ ~~a~~Adverse effects of public toilets on surrounding sites are avoided or, if avoidance is not practicable, adequately mitigated {PA/PO 308.101} (Policy 3.2.1.3).

Rule 3.7.2.1.a.iii

~~Significant~~ ~~a~~Adverse effects of public artworks on surrounding sites ~~will be~~ are avoided or if avoidance is not practicable, adequately mitigated {PA/PO 308.101} (Policy 3.2.1.4.1).

62. We accept the rationale presented by the Reporting Officer, which we note in part relied on earlier advice given in the Plan Overview s42A Report, that the changes will:

- make it clearer that it is not necessary to avoid effects if that is not possible
- better recognise the potential positive effects of public amenities.

3.7.2 Amendment to require avoidance of adverse effects on wāhi tūpuna

63. *Kati Huirapa Runaka ki Puketeraki and Te Runanga o Otakou* (OS1071.32 and OS1071.33) sought to amend policies 3.2.1.3 and 3.2.1.4 to require avoidance of adverse effects on wāhi tūpuna. The submitter considered that Public Toilets and Public Display Boards need to be sensitively located to avoid adverse effects on the values of wāhi tūpuna, and that development of Public Artworks provide an opportunity to recognise and enhance the Manawhenua values of wāhi tūpuna.
64. In her s42A Report, the Reporting Officer indicated the intent of the wording used in Objective 3.2.1.b is to make it clear that citywide activities are also required to meet the relevant objectives and policies that sit within the citywide provisions: "meeting the relevant objectives and policies for any overlay zone, scheduled site, or mapped area in which they are located", (including, if relevant, those in the Manawhenua Section, which include those related to wāhi tūpuna) (s42A Report, Section 4.2.2, p. 13).
65. The Reporting Officer indicated that due to the way the 2GP is structured, Rule 3.7.3 (Assessment of Restricted Discretionary Activities in an Overlay Zone, Mapped Area, or Affecting a Scheduled Item) requires that in the case of a Wāhi Tūpuna the effects are assessed; and that the provisions that support this sit within the policies and assessment rules of the Manawhenua section. Related submission points on this matter are considered in the Manawhenua Decision Report.

3.7.2.1 Decision and reasons

66. We reject the submissions by *Kati Huirapa Runaka ki Puketeraki and Te Runanga o Otakou* (OS1071.32 and OS1071.33) for the reasons outlined in the s42A Report, noting that, as discussed above, the submitter's concerns have been partly addressed by other means.

3.8 New activity for advertising on bus shelters

67. The *Otago Regional Council* (OS908.87) requested the inclusion of a new activity for advertising on bus shelters and that this be a permitted activity for advertising public transport products, services or service changes, and that advertising should meet the provisions of the public display boards. The *Otago Regional Council* also requested provision for commercial advertising on bus shelters (OS908.104).
68. In her s42A Report, the Reporting Officer expressed the view that providing information for bus users at bus shelters about public transport products, services, and service changes is a logical part of what one might expect in terms of a bus shelter and something that was anticipated by the Plan. However, she accepted that this was not clearly articulated and proposed an amendment to clarify that this is anticipated. The Reporting Officer recommended that new performance standards (Rule 3.5.9 Signs on Public Amenities) be added to provide for public transport products, services, and service changes, to be advertised on bus shelters; and that the activity status table (Rule 3.3.2.1) be amended to add the requirement for these performance standards to be met (s42A Report, Section 4.2.3, p. 15).
69. The submitter did not appear at the hearing.

3.8.1 Decision and reasons

70. We accept in part the submission by the *Otago Regional Council* (OS908.87). We acknowledge the recommendation of the Reporting Officer, however have decided not to include a new performance standard (Rule 3.5.9 Signs on Public Amenities) as she suggested. As noted by the Reporting Officer, information signs about bus services are

simply a normal part of a bus shelter but, for the avoidance of any doubt, we have amended the definition of public amenities to clarify this, as shown below and in Appendix 1 attributed to submission reference PA 908.87.

Public Amenities

~~Structures and facilities~~ Any structure and facility {PA cl.16} established for the convenience, enjoyment, or amenity of the public. For the sake of clarity, this includes signs containing information directly relevant to the purpose of the public amenity. {PA 908.87}

Examples are:

- pedestrian/biking tracks or paths
- public seating
- public picnic tables
- information or interpretation kiosks or panels (e.g., track/area or historical information and notice boards)
- public barbeques
- public shelters
- bus stop shelters and seating, including signs that display information related to public transport products, services, and service changes {PA 908.87}
- monuments and memorials
- rubbish and recycling bins
- bicycle stands
- public display boards
- public play equipment
- drinking fountains
- public artworks
- public lights
- free standing flagpoles
- permanent public notices
- place name signs; and
- public toilets.

~~Public toilets, public artworks-small scale, public artworks-large scale, and public display boards are managed as sub-activities of public amenities. {PO cl.16}~~

This definition excludes activities otherwise defined as commercial advertising {PA 908.87}, sport and recreation, or temporary activities (including temporary structures and buildings associated with temporary activities) {PA cl.16}.

The following are managed as sub-activities of public amenities: {PO cl.16}

- public toilets {PO cl.16}
- public artworks-large scale {PO cl.16}
- public artworks-small scale {PO cl.16}
- public display boards {PO cl.16}

Public amenities are an activity in the public amenities category. {PO cl.16}

71. We see commercial advertising as quite different from information notices, and in our assessment it would be unfortunate to allow something that could significantly detract from bus shelters, particularly Dunedin's traditional recessive green bus shelters. This sort of advertising is addressed in our decision on Commercial Advertising which is part of the Cross Plan topic decision.

4.0 Future plan change reviews and other suggestions

72. As discussed above (Section 3.5), we agree with the *Otago Peninsula Community Board* submission (OS588.32) that it would be desirable to make Public Toilets associated with walking tracks a permitted activity. We note however that there are no submissions requesting this city wide, and rather than create an anomaly allowing this only on the Peninsula, we recommend it should be included in a future plan change.

5.0 Minor and inconsequential amendments

73. Clause 16(2) of Schedule 1 of the RMA allows a local authority to make an amendment where the alteration "is of minor effect", and to correct any minor errors, without needing to go through the submission and hearing process.
74. This Decision includes minor amendments and corrections that were identified by the DCC Reporting Officers and/or by us through the deliberations process. These amendments are referenced in this report as being attributed to "cl.16". These amendments generally include:
- correction of typographical, grammatical and punctuation errors
 - removing provisions that are duplicated
 - clarification of provisions (for example adding 'gross floor area' or 'footprint' after building sizes)
 - standardising repeated phrases and provisions, such as matters of discretion, assessment guidance, policy wording and performance standard headings
 - adding missing hyper-linked references to relevant provisions (eg. performance standard headings in the activity status tables)
 - correctly paraphrasing policy wording in assessment rules
 - changes to improve plan usability, such as adding numbering to appendices and reformatting rules
 - moving provisions from one part of the plan to another
 - rephrasing plan content for clarity, with no change to the meaning
75. Minor changes such as typographical errors have not been marked up with underline and strikethrough. More significant cl. 16 changes (such as where provisions have been moved) are explained using footnotes in the marked-up version of the Plan.

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

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

Appendix 2 – Summary of Decisions

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

Summary of Decisions

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
1. Plan Overview and Introduction	Definition	1.5		Campus	Expand definition of Campus to also include 'amenities for staff and students that would otherwise meet the definition of public amenities'	PA 308.9	3.3	4.2.1
1. Plan Overview and Introduction	Definition	1.5		Public Amenities	Amend definition to exclude activities defined as "campus"	PA 308.9	3.3	4.2.1
1. Plan Overview and Introduction	Definition	1.5		Public Artworks – small scale	Amend definition to add words "or structure" so murals or artworks can be painted on buildings or structures	PA 360.253	3.4	4.2.4
1. Plan Overview and Introduction	Definition	1.5		Public Display Boards	Amend definition of public display boards to add "This definition excludes public display boards with a maximum area of all display faces of 2m ² or less, and used exclusively by individuals, community groups or public bodies for advertising local activities, such as sale of second hand goods by individuals, and working from home activities, local community events,	PA 588.32	3.6	4.2.3

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
					community notices, or public notices. These are not managed by the District Plan."			
3. Public Amenities	Definition	1.5		Public Amenities	Amend definition to add " For the sake of clarity this includes signs containing information directly relevant to the purpose of the public amenity" and expand the list of examples to include "bus stop shelters and seating, including signs that display information related to public transport products, services, and service changes"	PA 908.87	3.8	4.2.3
1. Plan Overview and Introduction	Definition	1.5		Public Amenities	Do not amend as requested		3.2	4.2.1
3. Public Amenities	Policy	3.2.1.2			Amend policy wording	PA 308.101	3.7.1	4.2.2
3. Public	Policy	3.2.1.3			Amend policy wording	PA 308.101	3.7.1	4.2.2

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
Amenities								
3. Public Amenities	Policy	3.2.1.3			Do not amend policy as requested		3.7.2	4.2.2
3. Public Amenities	Policy	3.2.1.4			Amend policy wording	PA 308.101	3.7.1	4.2.2
3. Public Amenities	Policy	3.2.1.4			Do not amend policy as requested		3.7.2	4.2.2
3. Public Amenities	Objective	3.2.1			Amend objective wording	PA 308.101	3.7.1	4.2.2
3. Public Amenities	Activity Status	3.3.2.5		Public Display Boards	Do not amend as requested		3.6	4.2.3
3. Public Amenities	Activity Status	3.3.2.6		Public Toilets	Do not amend as requested		3.5	4.2.3
3. Public Amenities	Activity Status	3.3.2		Advertising on bus shelters (new proposed activity)	Do not add new activity as requested, amend definition of public amenities		3.8	4.2.3
3. Public Amenities	Activity Status	3.3.2		Advertising on bus shelters (new proposed activity)	Do not amend as requested		3.8	4.2.3
3. Public Amenities	Assessment of Restricted Discretionary Performance Standard Contraventions	3.6.3.2			Amend assessment guidance to reflect change in Policy 3.2.1.2	PA/PO 308.101	3.7.1	4.2.2
3. Public Amenities	Assessment of Restricted Discretionary Activities	3.7.2.1			Amend assessment guidance to reflect change in Policy 3.2.1.4	PA 308.101	3.7.1	4.2.2

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
3. Public Amenities	Assessment of Restricted Discretionary Activities	3.7.2.2			Amend assessment guidance to reflect change in Policy 3.2.1.3	PA 308.101	3.7.1	4.2.2
3. Public Amenities	Assessment of Restricted Discretionary Activities	3.7.2.3			Amend assessment guidance to reflect change in Policy 3.2.1.3	PA 308.101	3.7.1	4.2.2
3. Public Amenities	Assessment of Restricted Discretionary Performance Standard Contraventions	3.7.2		Assessment of RD public artworks	Do not amend assessment		3.5	4.2.5