

Phil Marshall

From: Gabi McFarlane
Sent: Wednesday, 5 June 2019 08:47 a.m.
To: Robinson, Christie
Subject: FW: How should an application for a second residential unit to be used for visitor accommodation be treated

Hi Christie,

Please see below policy comments regarding LUC-2019-250 - 26 Centre Road Dunedin.

Thanks!
Gabi



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From: Anna Johnson
Sent: Wednesday, 5 June 2019 7:51 a.m.
To: Gabi McFarlane; Alan Worthington; Phil Marshall; Campbell Thomson; John Sule
Subject: FW: How should an application for a second residential unit to be used for visitor accommodation be treated

Response for LUC-2019-250 - 26 Centre Road Dunedin.

And similar

The definition of 'working from home' refers to using your property as a place of employment as an ancillary use to living there, e.g. it is not a primary activity but an ancillary one and this is critical. The standards around working from home are, therefore, focused on limitations on what is allowed if you do that – it does not in any way imply an additional development right or the right to increase the density of use/occupation of a site if you want to also work at home. This is the way the equivalent rule in the operative plan has been interpreted and there is nothing in the 2GP that would indicate anything different.

I think there are two options if someone is proposing a second residential unit on a site:

1. If they say they want to use that unit as 'working from home'; you must first assess the development against the rules that apply to residential activity as they are increasing the scale and intensity of that residential activity (going from one to two units) – and as I said working from home is a secondary/ ancillary activity not a primary one.
 - a. This means the rules for a second residential unit apply (e.g. would need to meet the density rules for a second dwelling)
 - b. It is important to explain to them if they take this route then no other staff member can be employed to do with this business – this means all cleaning/servicing must be done by them

OR (preferably)

they apply for the second unit to be used for a visitor accommodation unit, then the rules for that activity apply; this application should still assess the potential future option where a new owner doesn't want to keep running it as VA and it goes back to being a second residential unit/activity.

I can't see any valid interpretation where another residential unit can be added without assessing the effects of that (whether it is used for short stay or long stay accommodation).

Working from Home

The use of land and buildings as a place of work, as part of an occupation, craft, profession, or service, that is:

- ancillary to the residential activity on the site; and
- carried out by a person or persons living on the site as their principal place of residence, and employs no other person on-site or operating from the site (relying on equipment or vehicles stored on the site or making regular visits to the site).

Working from home may include retail services but not direct retail sales except for goods produced on-site.

For the sake of clarity, this definition includes: visitor accommodation in the form of homestays, bed and breakfast, or similar, for no more than five guests; early childhood education for five or fewer children; and animal breeding involving one breeding pair of dogs and/or cats.

Working from home is an activity in the residential activities category.

From: Jane MacLeod [<mailto:Jane.Macleod@dcc.govt.nz>]

Sent: Friday, 6 March 2020 10:58 AM

To: Riddle, Callum <Callum.Riddle@wsp.com>

Subject: Blueskin and Fed Farmers appeal points

Hi Callum

The table below includes the appeal points I mentioned, and also another few points that may be relevant. As discussed, there is a consent memo in circulation at the moment that includes an agreement that resolves these appeals. We hope to file with this with the court, with signatures from all parties, by a week today.

The appeal point from Fed Farmers has been given the number 195 and is "Amend Rule 16.6.10.1.a.i.2 so that the minimum setback of residential buildings from side and rear boundaries with sites held in separate ownership is 40m (as notified)."

Cheers, Jane

Appellant and appeal point #	Relief sought	Section 274 parties (position)
Blueskin Projects & Others 153	Amend Objective 16.2.1 as follows: Rural zones are reserved for that enable productive rural activities and the protection and enhancement of the natural environment, along with certain activities that support the well-being of communities where these activities are most appropriately located in a rural environment rather than an urban environment. Residential activity in rural zones is limited to that which directly supports farming or which is associated with papakāika.	Construction Industry and Developers Association (Support), Gladstone Family Trust (Support), Kāti Huirapa Rūnaka Ki Puketeraki and Te Rūnanga o Ōtākou (Oppose), Otago Regional Council (Oppose)
Blueskin Projects & Others 155	Amend Policy 16.2.1.5 as follows: Enable Require residential activity, with the exception of papakāika , in the rural zones to be at a level (density) that supports farming activity and achieves objectives 2.3.1, 2.4.6, 16.2.2, 16.2.3 and 16.2.4 and their policies.	Construction Industry and Developers Association (Support), Gladstone Family Trust (Support), Kāti Huirapa Rūnaka Ki Puketeraki and Te Rūnanga o Ōtākou (Oppose), Otago Regional Council (Oppose)
Federated Farmers 189	Amend Policy 16.2.1.7 as follows: Avoid residential activity in the rural zones on a site that does not comply with the density standards for the zone, unless: <u>a. it is the result of a surplus dwelling subdivision; or</u> <u>b. there will be significant positive effects for rural productivity in line with Objective 16.2.4.</u>	Kāti Huirapa Rūnaka Ki Puketeraki and Te Rūnanga o Ōtākou (Oppose); Otago Regional Council (Oppose)
Blueskin Projects & Others 156	Delete Policy 16.2.1.7 and replace with: <u>Provide for rural residential living in the rural zones on existing undersized titles in the following circumstances:</u> <u>(a) The title is located within or adjoins an enclave of</u>	Construction Industry and Developers Association (Support), Gladstone Family Trust (Support), Kāti Huirapa Rūnaka Ki Puketeraki and Te Rūnanga o Ōtākou (Oppose), Otago Regional Council (Oppose)

	<u>existing undersized titles, some of which are developed;</u> <u>(b) Natural hazards can be avoided, remedied or mitigated;</u> <u>(c) Adequate set backs are provided to maintain the amenity values of adjoining properties and to minimise reverse sensitivity;</u> <u>(d) Infrastructure, including the roading network, is not compromised.</u> <u>Provide for further subdivision for rural residential living purposes in the rural zones within areas that are already fragmented.</u>	
Blueskin Projects & Others 160	Amend Policy 16.2.3.8 as follows: <u>Only allow Enable subdivision activities where the subdivision is designed to ensure any associated future land use and development will maintain or enhance the rural character and visual amenity of the rural zones or meets the criteria of Policy 16.2.1.7.</u>	Construction Industry and Developers Association (Support), Gladstone Family Trust (Support), Kāti Huirapa Rūnaka Ki Puketeraki and Te Rūnanga o Ōtākou (Oppose), Otago Regional Council (Oppose)
Blueskin Projects & Others 163	Amend Policy 16.2.4.2 by adding a new clause as a.iii: <u>iii. unless the location is an existing area of fragmented rural land</u>	Construction Industry and Developers Association (Support), Gladstone Family Trust (Support), Kāti Huirapa Rūnaka Ki Puketeraki and Te Rūnanga o Ōtākou (Oppose), Otago Regional Council (Oppose)
Blueskin Projects & Others 164	Amend Policy 16.2.4.3 by adding a new b.iii as follows: <u>iii. Consistent with Policy 16.2.1.7</u> OR Add a new clause <u>e. where the subdivision is designed to enable the development of those activities anticipated in Policies 16.2.2.5 and 16.2.3.6.</u>	Construction Industry and Developers Association (Support), Gladstone Family Trust (Support), Kāti Huirapa Rūnaka Ki Puketeraki and Te Rūnanga o Ōtākou (Oppose), Otago Regional Council (Oppose)
Blueskin Projects & Others 166	Amend Policy 16.2.4.4 as follows: Require residential activity in the rural zones to be at a density that will not, over time and/or cumulatively, reduce rural productivity by displacing rural activities <u>while recognising the need to enable appropriate development, including rural residential development, of existing undersized rural sites.</u>	Construction Industry and Developers Association (Support), Gladstone Family Trust (Support), Kāti Huirapa Rūnaka Ki Puketeraki and Te Rūnanga o Ōtākou (Oppose), Otago Regional Council (Oppose)
Blueskin Projects & Others 168	Amend density performance standard by adding the following after 16.5.2.3 a: <u>b. Standard residential activity on sites 15 hectares or above that were consented before 26 September 2015 shall be permitted activities.</u> <u>c. Standard residential activity provided for by Policy</u>	Construction Industry and Developers Association (Support), Gladstone Family Trust (Support), Kāti Huirapa Rūnaka Ki Puketeraki and Te Rūnanga o Ōtākou (Oppose), Otago Regional Council (Oppose)

	<u>16.2.1.7 shall be a restricted discretionary activity.</u> <u>Council's discretion is restricted to:</u> <u>i. Setbacks and screening to minimise adverse effects on the amenity values of adjoining properties and to minimise reverse sensitivity effects;</u> <u>ii. The provision of appropriate infrastructure to minimise any adverse effects water quality;</u> <u>iii. The bulk and design of the dwelling to minimise adverse visual effects;</u> <u>iv. Measures to avoid or mitigate natural hazards.</u> <u>e. Standard residential activity on existing undersized rural sites as at 26 September 2015 not provided for by Policy 16.2.1.7 and that are smaller than 15 hectares shall be a discretionary</u>	
Bruce Wayne Taylor 10	Amend Rule 16.5.2.1.f (Peninsula Coast) so that the minimum site size is 15ha and allow all existing titles to be able to be used for residential activity if they have been in the past. 15 hectare titles should have no restrictions on them in terms of residential activity.	None
Blueskin Projects & Others 170	Amend the minimum site size for the first residential activity per site as follows: 16.5.2.1.b 100ha <u>15ha</u> 16.5.2.1.f 20ha <u>15ha</u> 16.5.2.1.g 25ha <u>15ha</u>	Construction Industry and Developers Association (Support), Gladstone Family Trust (Support), Kāti Huirapa Rūnaka Ki Puketeraki and Te Rūnanga o Ōtākou (Oppose), Otago Regional Council (Oppose)

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