



SECOND GENERATION DISTRICT PLAN

Designations

Decisions and Recommendations of the Hearings Panel

Proposed Second Generation Dunedin City District Plan

7 November 2018



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

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

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

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

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

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

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

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

Hearing codes and submission point references

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

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

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

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

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

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

Master summary table of all decisions

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

List of hearing codes

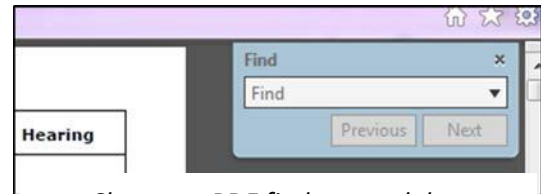
Hearing topic	Code
Commercial Advertising (cross plan hearing topic)	CP
Commercial and Mixed Use Zones	CMU
Community Correction Facilities (cross plan hearing topic)	CP
Defence Facilities and Emergency Services (cross plan hearing topic)	CP
Designations	Des
Earthworks	EW
Heritage	Her
Industrial Zones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

How to search the document for a submitter number or name

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



Chrome – PDF finder search box



Chrome – PDF finder search box

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

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1.0 Introduction

1. This document details the decisions and recommendations 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 Designation Hearing, held on 12th May 2016 at the 2GP Hearings Centre.

1.1 Scope of Decision

2. This Decision Report addresses the 78 original and 16 further submission points addressed in the Designation s42A report.

1.1.1 Section 42A Report

3. The Designation Topic s42A Report deals with Plan provisions included in the designation parts of the 2GP.
4. Designations are included in two parts of the 2GP, in Section F Appendices under Schedule A1.4 Designations, and in the planning maps where the spatial extent of the designations is shown.
5. Schedule A1.4 Designations includes a full text version of each designation, including the reference number, name of the requiring authority, purpose of the designation and any conditions, location or address, and a link to the planning map for each designation.

1.1.2 Structure of Report

6. The decision report is structured by topic. The report does not necessarily discuss every individual submitter or submission point; instead it discusses the matters raised in submissions and records our recommendations or decisions and reasons on the provisions relevant to each topic.
7. Recommendations or decisions (in the case of DCC designations) on specific submission points are tabulated in Sections 3.0 and 4.0 below. Section 3.0 assesses and makes recommendations (or decisions) on designation schedules in the 2GP, while Section 4.0 assesses and makes recommendations (or decisions) on designation maps in the 2GP.
8. Schedule 1 of the RMA outlines key aspects of the process that must be used to prepare and make decisions on a plan change (including the submission and hearing process)
9. Clause 16(2) of that schedule allows a local authority to make an amendment where the alteration "is of minor effect", and to correct any minor errors, without needing to go through the submission and hearing process.
10. This Decision includes some minor amendments and corrections that were identified by the DCC Reporting Officers and/or by us through the deliberations process. These amendments are referenced in this report as being attributed to "cl.16". These amendments are summarised in Section 5.0.
11. Section 6.0 (Appendix 1) provides a summary of all changes to the designation schedules and maps.

1.2 Statutory Considerations

12. The matters that must be considered when deciding on submissions on a district plan review are set out in Part 2 (sections 5-8, purpose and principles) and sections 31, 32 and 72-75 of the RMA. District plans must achieve the purpose of the RMA and must assist the council to carry out its functions under the RMA.
13. 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.
14. 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.

1.3 Background to Designations/Notice of Requirements

15. Designations allow requiring authorities to plan for network utilities and public works in relation to areas of land designated in the district plan. Only certain organisations have status as requiring authorities: a Minister of the Crown; a Local Authority; or a Network Utility Operator approved under section 167 of the Resource Management Act (RMA).
16. Notices of Requirement (NOR) are notices (under section 168 or section 168A of the RMA) by requiring authorities for a designation to undertake a public work. A designation comes into existence when a NOR has been confirmed and is incorporated in the district plan.

17. Section 176 of the RMA sets out the two main purposes of a designation. The first is to authorise the requiring authority responsible for the designation to do anything that is in accordance with the designation and any conditions placed on the designation in the area of land that is designated. This overrides any district plan provisions meaning requiring authorities do not need to obtain resource consent if their activities are for the purpose of the designation.
18. The second purpose of a designation is that it protects the land for the requiring authority to undertake designated activities, so no other person can without the written approval of the requiring authority, do anything that would prevent or hinder the work to which the designation relates. All designated land has an underlying zoning which applies when a designation is removed or for works not covered by the designation.

1.4 Submission analysis

19. Table 1 below lists the names of the requiring authorities and designations which have received submissions, and the status of these designations. This includes whether these designations are existing (rollover), modified or new.

Table 1:

Requiring Authority	General designation purpose	Status	Designations which have received submissions
<i>Chorus NZ Limited and Spark NZ Trading Limited</i>	Telecommunication and radio communication	Rollover	D321 Halfway Bush Exchange
		Rollover	D326 Mornington Exchange
		Rollover	D327 Mosgiel Exchange
		Rollover	D331 Ravensbourne Exchange
		Rollover	D343 Maungatua Microwave Station
		Rollover	D345 Swampy Summit Microwave Station
<i>Dunedin City Council</i>	Various	Rollover	D656 Warrington Waste Water Treatment Plant
		Rollover	D659 Proposed Smooth Hill Landfill
		Rollover	D687 Ramrock Road Reservoir
		Rollover	D785 Emerson Street Cemetery
		Rollover	D845 Harbourside Arterial Link
<i>Kiwirail Holdings Limited</i>	Railway	Modified	D419 Main South Railway
		Modified	D420 Taieri Branch Railway
		Modified	D422 Port Chalmers Branch Railway.
		Modified	D423 Hillside Depot
<i>Kordia Limited¹</i>	Telecommunication and radio communication	Rollover	D297 Anzac Avenue Site
<i>Minister of Education</i>	Education	Rollover	D027 Otago Boys High School Tennis Courts and School Hostel
		Rollover	D031 St Leonards School
		Rollover	D048 Otago Boys High School
		Rollover	D049 Otago Girls High School
		Rollover	D053 Bathgate Park School
		Rollover	D068 Portobello Primary School
		Rollover	D074 Concord Kindergarten
		Rollover	D080 Elmgrove School
		Rollover	D083 Port Chalmers Kindergarten

¹ Only submission to retain designation D297, so included in the 2GP without formality (refer paragraph 21.iii)

Requiring Authority	General designation purpose	Status	Designations which have received submissions
		Rollover	D092 Karitane Primary School
		Rollover	D099 Big Rock Primary School
		Rollover	D106 Queens High School
<i>New Zealand Transport Agency</i>	State Highway	Rollover	D449 (SH 1 DCC/WDC Boundary to Waitati)
		Rollover	D450 SH 1 Northern Motorway (Waitati to Pine Hill Road)
		Rollover	D464 (SH 87 Mosgiel Interchange to DCC/CODC Boundary North of Hyde)
<i>Otago Citigas Limited</i>	Distribution of manufactured gas	Not included in schedule (only in maps)	D509 (Otago Citigas Limited - Hillside Road/Braemar Street Gas Works - 'Gas Works')
<i>OtagoNet Joint Venture²</i>	Substations	New	D847 Clarks Substation
		New	D848 Hindon Substation
		New	D849 Middlemarch Substation
		New	D850 Hyde Substation
		New	D851 Merton Substation
		New	D852 Waitati Substation
		New	D853 Waikouaiti Substation
		New	D854 Blueskin Substation
<i>Otago Regional Council</i>	Various	Rollover	D214 To allow for Proposed Principal Premises
		New	D215 Leith Flood Protection Scheme
		New	D216 Lindsay Creek River Works
		New	D217 Lower Taieri Flood Protection Scheme
		New	D218 East Taieri Drainage Scheme
		New	D219 West Taieri Drainage Scheme
<i>Radio N Z Limited & N Z M E Radio Limited</i>	Telecommunication and radio communication	Rollover	D294 Highcliff Road Site
		Rollover	D296 Karetai Road Site
<i>Spark NZ Trading Limited</i>	Telecommunication and radio communication	Rollover	D319 Dunedin Exchange
		Rollover	D332 Signal Hill Landmobile Station
<i>Transpower NZ Limited³</i>	National grid activities	Rollover	D365 Berwick Substation
		Rollover	D366 Halfway Bush Substation
		Rollover	D367 South Dunedin Substation
		Rollover	D368 Three Mile Hill Switching Station

20. Many submissions on these designations were lodged by the requiring authorities themselves and relate to minor wording changes to the name of the designation or the extent of the designation on the planning maps. These include submissions by the *Ministry of Education* and *Spark New Zealand Trading Limited*.

² OtagoNet Joint Venture is operated and managed by PowerNet.

³ Only submissions to retain Transpower designations, so included in the 2GP without formality (refer paragraph 21.iii)

21. Other submissions were from land owners and organisations which sought changes to the extent of designations over their land holdings, amendment, or deletion of designations entirely. A number of these submissions related to the new notices of requirement for designations by the Otago Regional Council for flood protection work (particularly on the Taieri).
22. The Otago Regional Council has been consulting directly with these landowners after the submission period ended and in certain instances, has agreed to amend the boundaries of certain designations. In other instances, the Otago Regional Council has decided to retain the designation alignment or are still consulting with landowners. This decision has reflected these changes up to the point where the decision was drafted.
23. Our recommendations in this report will result in designations that are consistent with the intent of the 2GP, Part 2 of the RMA, and are reasonably necessary to achieve the various objectives of the requiring authorities for which the designations are sought. It is noted that we have also accepted several submissions which suggested helpful tidy ups to ensure the designations are correctly mapped and accurately described in the Schedule A1.4 text.
24. The Panel's overall broad response to submissions on designations are as follows:
 - i. For those submissions on designations where the DCC is the requiring authority and lodged a submission, and where further submissions in opposition have not been received, the Panel has modified the designations as outlined in the submissions, where the submission identified that a change to the designation was necessary. Where the submission identified a mapping error the Panel has decided that the error is corrected, so that the 2GP maps accurately reflect the land subject to the designation.
 - ii. Similarly, for submissions by other requiring authorities on their designations, and where further submissions in opposition have not been received, the Panel has recommended to the requiring authorities the designation is confirmed or modified, as set out in the submissions. Where the submission has requested an amendment to correct an error, the decision is to confirm the requirement and correct the error.
 - iii. The Panel does not make any recommendations or decisions on existing (rollover) designations for which the DCC has received no submissions in opposition or requesting changes, as these are included in the 2GP without formality, as required under Clause 9 (3) of the First Schedule to the RMA.

1.4.1 Designation consideration process

25. The designation process is different from the other 2GP hearing processes.
26. As part of the development of the 2GP, and in accordance with clause 4 of the First Schedule to the RMA, Dunedin City Council ('DCC') contacted all the requiring authorities in Dunedin to request they confirm whether they wished their existing designations in the operative District Plan to be included in the 2GP with or without modification, or new designations added.

27. Clause 9 of the First Schedule to the RMA outlines the role of the Panel in making recommendations or decisions on Notices of Requirement (NOR) and states:
- (1) The territorial authority shall make and notify its recommendation in respect of any provision included in the proposed district plan under clause 4(5) to the appropriate authority in accordance with section 171 or section 191.*
 - (2) The territorial authority shall make its decision on provisions included in the proposed district plan under clause 4(6) in accordance with section 168A(3) or section 189A(3), as the case may be.*
 - (3) Nothing in this clause shall allow the territorial authority to make a recommendation or decision in respect of any existing designations or heritage orders that are included without modification and on which no submissions are received.*
28. In making a recommendation or decision on a NOR, the Panel must not have regard to trade competition or the effects of trade competition. The matters that the Panel must have regard to are listed in section 171(1), as set out below:
- "When considering a requirement and any submissions received, a territorial authority must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to—*
- (a) any relevant provisions of—*
 - (i) a national policy statement;*
 - (ii) a New Zealand coastal policy statement;*
 - (iii) a regional policy statement or proposed regional policy statement;*
 - (iv) a plan or proposed plan; and*
 - (b) whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if—*
 - (i) the requiring authority does not have an interest in the land sufficient for undertaking the work; or*
 - (ii) it is likely that the work will have a significant adverse effect on the environment; and*
 - (c) whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought; and*
 - (d) any other matter the territorial authority considers reasonably necessary in order to make a recommendation on the requirement.*
29. The Panel must also provide reasons for the recommendations or decisions.
30. If the DCC is the requiring authority for the designation we have made a decision. Where the DCC is not the requiring authority we have made recommendations to the requiring authority on whether to confirm, modify, impose conditions or withdraw the requirement (s171RMA).
31. Within 30 days of receiving recommendations, the requiring authority is required to advise the DCC whether the requiring authority accepts or rejects the recommendation in whole or in part.
32. As noted in paragraph 21 iii (above), for existing designations (rollovers) to which the DCC has received no submissions (or only submissions in support) we have not made any decisions or recommendations. These "rollover" designations are included in the 2GP pursuant to clause 9(3) of the First Schedule to the RMA.

2.0 Hearing appearances and evidence presented

33. Submitters who appeared at the hearing or did not appear at the hearing but tabled evidence, and the topics under which their evidence is discussed, are shown below in Table 2. 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 2: Submitters and relevant topics

Submitter (Submitter Number)	Represented by/ experts called	Nature of evidence	Topics under which evidence is discussed
<i>Ian Bryant (OS987)</i>	Himself	Map of his property and area and page 13 from Taieri Geotechnical Risk Assessment (Nov 2011, Golder Associates)	D219 West Taieri Drainage Scheme (sub-section 3.7.6)
<i>Dunedin International Airport (DIAL) (OS724)</i>	AJ Logan, Counsel for Otago Regional Council	Pre-circulated Joint Memorandum of Counsel between ORC and Dunedin International Airport Limited	D219 West Taieri Drainage Scheme (sub-section 3.7.6)
<i>Mr John and Mrs Joanne Haddow (OS859)</i>	Themselves	Verbal submission	D218 East Taieri Drainage Scheme (sub-section 3.7.5)
<i>Mr Anthony Harris (OS132)</i>	Himself	Verbal submission	D218 East Taieri Drainage Scheme (sub-section 3.7.5)
<i>Mr Russell and Mrs Colleen Ischia (OS418)</i>	Themselves	Verbal submission	D218 East Taieri Drainage Scheme (sub-section 3.7.5)
<i>Mr David Johnston (OS245)</i>	Himself	Tabled written submission	D419 Main South Railway (sub-section 3.4.1)
<i>Mr Raymond Kean (FS2094)</i>	Himself	Tabled written submission (although did not appear)	D419 Main South Railway (sub-section 3.4.1)
<i>KiwiRail Holdings Limited (OS322)</i>	Ms Rebecca Beals, Senior RMA Advisor, KiwiRail Holdings Limited	Planning evidence pre-circulated (not expert as employee)	D419 Main South Railway (sub-section 3.4.1)
<i>Ms Sandra McIntyre (OS709)</i>	Herself	Tabled written submission	D216 Lindsay Creek River Works (sub-section 3.7.3)

Submitter (Submitter Number)	Represented by/ experts called	Nature of evidence	Topics under which evidence is discussed
<i>NZ Transport Agency (NZTA)</i> (FS2308)	Ms Kirsten Tebbutt, Principal Planning Advisor, NZ Transport Agency	Planning evidence pre- circulated (not expert as employee)	Assessment and recommendations on mapping of designations in the 2GP (sub- section 4.0)
<i>Otago Business Park Limited</i> (OS554)	Ms Alison Devlin	Verbal evidence	D218 East Taieri Drainage Scheme (sub-section 3.7.5)
<i>Otago Racing Club</i> (OS734)	AJ Logan, Counsel for Otago Racing Club	Pre-circulated Joint Memorandum of Counsel between ORC and Otago Racing Club	D218 East Taieri Drainage Scheme (sub-section 3.7.5)
<i>Otago Regional Council (OS725)</i>	Ms Megan Justice, planner, Mitchell Partnerships Limited	Evidence pre- circulated	D214 To allow for Proposed Principal Premises (sub-section 3.7.1)
	Mr Gerard Collings, Manager of Support Services, Otago Regional Council	Evidence pre- circulated	D214 To allow for Proposed Principal Premises (sub-section 3.7.1)
	Mr Chris Valentine, Manager of Engineering, Otago Regional Council	Evidence pre- circulated	D215 Leith Flood Protection Scheme (sub-section 3.7.2) D216 Lindsay Creek River Works (sub-section 3.7.3) D217 Lower Taieri Flood Protection Scheme (sub-section 3.7.4) D218 East Taieri Drainage Scheme (sub-section 3.7.5) D219 West Taieri Drainage Scheme (sub-section 3.7.6)
	Ms Julie McMinn, planner, Opus International Limited	Evidence pre- circulated	D215 Leith Flood Protection Scheme (sub-section 3.7.2) D216 Lindsay Creek River Works (sub-section 3.7.3) D217 Lower Taieri Flood Protection Scheme (sub-section 3.7.4) D218 East Taieri Drainage Scheme (sub-section 3.7.5)

Submitter (Submitter Number)	Represented by/ experts called	Nature of evidence	Topics under which evidence is discussed
			D219 West Taieri Drainage Scheme (sub-section 3.7.6)
	Mr Gavin Palmer, Director Environmental Engineering and Natural Hazards	Evidence pre-circulated	D215 Leith Flood Protection Scheme (sub-section 3.7.2) D216 Lindsay Creek River Works (sub-section 3.7.3) D217 Lower Taieri Flood Protection Scheme (sub-section 3.7.4) D218 East Taieri Drainage Scheme (sub-section 3.7.5) D219 West Taieri Drainage Scheme (sub-section 3.7.6)
	AJ Logan, Counsel for Otago Regional Council	Legal submissions Pre-circulated Joint Memorandum of Counsel between: <ul style="list-style-type: none"> • ORC and Otago Racing Club • ORC and Dunedin International Airport Limited Post hearing - Joint Memorandum of Counsel between ORC and the University of Otago	D215 Leith Flood Protection Scheme (sub-section 3.7.2) D216 Lindsay Creek River Works (sub-section 3.7.3) D217 Lower Taieri Flood Protection Scheme (sub-section 3.7.4) D218 East Taieri Drainage Scheme (sub-section 3.7.5) D219 West Taieri Drainage Scheme (sub-section 3.7.6)
<i>Owhiro River Limited</i> (OS845)	Mr Kurt Bowen	Verbal evidence	D218 East Taieri Drainage Scheme (sub-section 3.7.5)
PowerNet Limited (OS915)	Ms Megan Justice, planner, Mitchell Partnerships Limited	Evidence pre-circulated	Otagonet Joint Venture (sub-section 3.6) Assessment and recommendations on mapping of designations in the 2GP (sub-section 4.0)
<i>Radio New Zealand Limited</i> (OS918)	Ms Amy Hill, solicitor, Chapmen Tripp	Pre-circulated tabled letter (did not appear at hearing)	D294 Highcliff Road Site (sub-section 3.8.1)

Submitter (Submitter Number)	Represented by/ experts called	Nature of evidence	Topics under which evidence is discussed
<i>Audrey Shearer</i> (OS288) and <i>Jeremy Shearer</i> (OS99)	Themselves	Verbal evidence	Assessment and recommendations on mapping of designations in the 2GP (sub- section 4.0) • Removal of D049 (Otago Girls High School from 232 Rattray Street.
<i>Spark New Zealand Trading Limited</i> (OS1033)	Mr Graeme McCarrison, Engagement and Planning Manager, Spark New Zealand	Pre-circulated tabled letter (did not appear at hearing)	Chorus NZ Ltd and Spark NZ Trading Ltd (sub-section 3.2) Assessment and recommendations on mapping of designations in the 2GP (sub- section 4.0)
<i>Transpower New Zealand Limited</i> (OS806)	Ms Rebecca Eng, Senior Environmental Planner, Transpower New Zealand Limited	Pre-circulated tabled letter (did not appear at hearing)	Submission analysis (sub- section 1.3)
<i>University of Otago</i> (OS308)	Mr Murray Brass, Resource Planner / Policy Advisor, University of Otago	Planning evidence pre- circulated (not expert as employee)	D215 Leith Flood Protection Scheme (sub-section 3.7.2)

3.0 Assessment and recommendations / decisions on designation schedules in the 2GP

3.1 A1.4 Designations

Sub pt #	Submitter Name	Support/Oppose/Seek Amend	Summary of Submission	Accept/Reject/Accept in part	Decision
OS394.27	<i>Robert Francis Wyber</i>	I seek to have the above provision amended	Amend plan to include designations for any private land along the Highgate to George Street corridor required for the implementation of the proposed Strategic Cycleway and for public off-street parking and vehicle stopping	Reject	Do not designate any private land along the Highgate to George Street corridor
Submission: <i>Robert Wyber</i> (OS394.27) sought to amend the 2GP to include designations for any private land along the Highgate to George Street corridor required for the implementation of the proposed Strategic Cycleway and for public off-street parking and vehicle stopping.					
Decision: Our decision is to reject this submission and not designate any private land along the Highgate to George Street corridor.					
Decision reasons: We consider insufficient research on the alignment of any proposed designation over private land along the Highgate to George Street corridor to warrant a designation has been undertaken by DCC Transportation Planning. There is also a legal difficulty with the submission in that the Panel does not have the power to introduce a designation into the 2GP without a Notice of Requirement					
Amendment: None.					

3.2 CHORUS NZ LTD & SPARK NZ TRADING LTD

3.2.1 D321 Halfway Bush Exchange, D326 Mornington, D327 Mosgiel, D331 Ravensbourne Exchanges and the D345 Swampy Summit Microwave Station

Sub pt #	Submitter Name	Support/Oppose/Seek Amend	Summary of Submission	Accept/Reject/Accept in part	Recommendation
OS923.79	<i>Spark New Zealand Trading Limited</i>	I seek to have the above provision amended	Amend designation D321 Halfway Bush Exchange to note that Chorus has the primary designation and Spark is secondary (including changing mapping notation to refer to both Chorus and Spark (not Telecom) as requiring authorities)	Accept	Recommend to the requiring authority that the designation be modified as shown below.
OS923.80	<i>Spark New Zealand Trading Limited</i>	I seek to have the above provision amended	Amend designation D326 Mornington Exchange to note that Chorus has the primary designation and Spark is secondary (including changing mapping notation to refer to both Chorus and Spark (not Telecom) as requiring authorities)	Accept	Recommend to the requiring authority that the designation be modified as shown below.
OS923.81	<i>Spark New Zealand Trading Limited</i>	I seek to have the above provision amended	Amend designation D327 Mosgiel Exchange to note that Chorus has the primary designation and Spark is secondary (including changing mapping notation to refer to both Chorus and Spark (not Telecom) as requiring authorities)	Accept	Recommend to the requiring authority that the designation be modified as shown below.
OS923.82	<i>Spark New Zealand Trading Limited</i>	I seek to have the above provision amended	Amend designation D331 Ravensbourne Exchange to note that Chorus has the primary	Accept	Recommend to the requiring authority that the designation

			designation and Spark is secondary (including changing mapping notation to refer to both Chorus and Spark (not Telecom) as requiring authorities)		be modified as shown below.
OS923.84	<i>Spark New Zealand Trading Limited</i>	I seek to have the above provision amended	Amend D345 Swampy Summit Microwave Station to note that Chorus has the primary designation and Spark is secondary (including changing mapping notation to refer to both Chorus and Spark (not Telecom) as requiring authorities)	Accept	Recommend to the requiring authority that the designation be modified as shown below.

Submissions:

Spark New Zealand Trading Limited (OS923.79-84) sought to amend various exchange designations, (D321 Halfway Bush, D326 Mornington, D327 Mosgiel, D331 Ravensbourne Exchanges and the D345 Swampy Summit Microwave Station) to note that *Chorus* has the primary designation and *Spark New Zealand Trading Limited* the secondary designation. It also sought to change the mapping notation to refer to both *Chorus* and *Spark* (not Telecom) as the requiring authorities.

Submissions and evidence presented at the hearing:

Spark New Zealand Trading Limited's written submission dated 9th May stated that *Spark* supported the recommendations of the Reporting Officer in the s42A Report as they corrected the minor errors regarding their designations. *Spark* did not attend the hearing.

Decision:

Our recommendation to the requiring authority is that Designations D321, D326, D327, D331 and D345 are amended to note that *Chorus* has the primary designation and *Spark* the secondary designation (including changing mapping notation to refer to both *Chorus* and *Spark* (not Telecom) as requiring authorities).

Decision reasons and Section 32AA evaluation: The amendment proposed by *Spark* has no physical effect on the designations and is an efficient and effective way of clarifying the identity and role of each requiring authority. In addition, the proposed change to the mapping notation corrects the error of referring to Telecom instead of *Spark New Zealand Trading Limited*.

Amendments:

Amend the name of the requiring authority in the schedules and maps for D321 Halfway Bush Exchange read: Chorus NZ Limited (Primary) and Spark New Zealand Trading Limited (Secondary) (Des923.79)

Amend the name of the requiring authority in the schedules and maps for D326 Mornington Exchange to read: Chorus NZ Limited (Primary) and Spark New Zealand Trading Limited (Secondary) (Des923.80)

Amend the name of the requiring authority in the schedules and maps for D327 Mosgiel Exchange to read: Chorus NZ Limited (Primary) and Spark New Zealand Trading Limited (Secondary) (Des923.81)

Amend the name of the requiring authority in the schedules and maps for D331 Ravensbourne Exchange to read: Chorus NZ Limited (Primary) and Spark New Zealand Trading Limited (Secondary) (Des923.82)

Amend the name of the requiring authority in the schedules and maps for D345 Swampy Summit Microwave Station to read: Chorus NZ Limited (Primary) and Spark N Z Trading Limited (Secondary) (Des923.84)

3.3 DUNEDIN CITY COUNCIL

3.3.1 D659 Proposed Smooth Hill Landfill

Sub pt #	Submitter Name	Support/Oppose/Seek Amend	Summary of Submission	Accept/Reject/Accept in part	Decision
OS194.8	<i>Colin Weatherall</i>	I seek to have the above provision amended	Designation D659 Proposed Smooth Hill Landfill has been understated within the body of the Plan and many community interested parties are unaware of the proposal.	Reject	Confirm designation without amendment
FS2444.1	<i>Waste Management (NZ) Limited</i>	Not Stated	Oppose OS194.8. Disallow submission	Accept	Confirm designation without amendment
Submissions: <i>Colin Weatherall</i> (OS194.8) stated that while not opposing the designation <i>per se</i> , having significant knowledge of earlier investigations undertaken along with knowledge of strong community interest of the day, he suggested this scheduling (i.e. designation process) has been understated within the body of the 2GP and many community interested parties are unaware of the proposal. <i>Waste Management (NZ) Limited</i> (FS2444.1) opposed this submission.					
Decision:					

Our decision is that D659 Proposed Smooth Hill Landfill is confirmed.

Decision reasons:

We accept that, like many provisions in the 2GP, this proposal may not have been noticed by people who might want to comment on it. However, the requiring authority has followed the statutory process and is entitled to a decision. We also note that Designation D659 Proposed Smooth Hill Landfill is an existing designation in the Operative Plan which has been rolled over to the 2GP. Therefore, it has already been through a public process.

Amendments:

None required.

3.3.2 D785 Emerson Street Cemetery

Sub pt #	Submitter Name	Support/Oppose/Seek Amend	Summary of Submission	Accept/Reject/Accept in part	Decision
OS360.41	<i>Dunedin City Council</i>	I seek to have the above provision amended	Amend term 'watercourse' to 'water body' in Appendix A1.4.5 designation D785 Emerson Street Cemetery.	Accept	Amend condition 8 of designation as shown below and confirm designation
Background: 'Water body is a defined term under Other Definitions of the 2GP, while watercourse is not.					
Submissions: <i>Dunedin City Council</i> sought to amend the term 'watercourse' to 'water body'					
Decision: Our decision is that D785 is modified as shown below and the designation confirmed.					
Decision reasons: This amendment adds clarity to plan users about the meaning of the term and is used elsewhere in the 2GP.					
Amendment: Amend Condition 8 of designation D785 Emerson Street Cemetery as follows: 8. All stormwater that is not collected and discharged to a roadside water table shall be collected and discharged to natural water bodies-watercourses in a controlled manner that avoids saturation of slopes below the development line restriction shown on Opus Drawing No.97/583/59/40704 (Des360.41)					

3.4 KIWIRAIL

3.4.1 D419 Main South Railway

Sub pt #	Submitter Name	Support/Oppose/Seek Amend	Summary of Submission	Accept/Reject/Accept in part	Recommendation
OS245.1	<i>David Johnston</i>	I seek to have the above provision amended	Amend designation D419 Main South Railway to have a definition included which defines "Railway Purposes".	Reject	Recommend to the Requiring Authority that the designation be confirmed without amendment
FS2094.1	<i>Raymond Francis Kean and Alison Kean</i>	I support the submission	Support OS245.1. Allow submission	Reject	Recommend to the Requiring Authority that the designation be confirmed without amendment
FS2144.1	<i>Sandra Cameron and Hamish Caithness</i>	I support the submission	Support OS245.1. Allow submission	Reject	Recommend to the Requiring Authority that the designation be confirmed without amendment
FS2162.2	<i>KiwiRail Holdings Limited</i>	I oppose the submission	Oppose OS245.1. Disallow submission	Accept	Recommend to the Requiring Authority that the designation be confirmed without amendment
FS2166.1	<i>Philip Chapman and Karen Lee Chapman</i>	I support the submission	Support OS245.1. Allow submission	Reject	Recommend to the Requiring Authority that the designation be confirmed without amendment
OS322.166	<i>KiwiRail Holdings Limited</i>	I support the provision	Retain Designation D419 Main South Railway.	Accept	Recommend to the Requiring Authority that the designation

					be confirmed without amendment
OS363.8	<i>Michael Brough</i>	I seek to have the above provision amended	With regard to D419 Main South Railway the beeping from the excavator be lowered or removed	Reject	Recommend to the Requiring Authority that the designation be confirmed without amendment
OS812.1	<i>Mervyn & Jill Clearwater</i>	I seek to have the above provision amended	Amend D419 Main South Railway to include a definition for 'Railway Purposes', and 'railway ballast loading' be excluded on a Sunday in Rule 9.3.6(i) and a subsequent amendment to Rule 9.3.6(6)(h).	Reject	Recommend to the Requiring Authority that the designation be confirmed without amendment
FS2162.3	<i>KiwiRail Holdings Limited</i>	I oppose the submission	Oppose OS812.1. Disallow submission	Accept	Recommend to the Requiring Authority that the designation be confirmed without amendment
OS830.1	<i>David & Jacinta Grey</i>	I seek to have the above provision amended	Amend designation D419 Main South Railway to have a definition included which defines "Railway Purposes".	Reject	Recommend to the Requiring Authority that the designation be confirmed without amendment
FS2162.4	<i>KiwiRail Holdings Limited</i>	I oppose the submission	Oppose OS830.1. Disallow submission	Accept	Recommend to the Requiring Authority that the designation be confirmed without amendment
OS991.1	<i>Grant and Kristy Compton</i>	I oppose the provision	Amend designation D419 Main South Railway to clarify what is included in 'railway purposes' and restrict noise/activities on Sundays.	Reject	Recommend to the Requiring Authority that the designation be confirmed without amendment

FS2162.5	<i>KiwiRail Holdings Limited</i>	I oppose the submission	Oppose OS991.1. Disallow submission	Accept	Recommend to the Requiring Authority that the designation be confirmed without amendment
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Background: Designation D419 Main South Railway has a designation purpose of 'Main South Railway - Railway Purposes' and includes a rollover of designation D419, and extension of the designation to incorporate railway tunnels from previous designations. The designation can only be relied on by *KiwiRail* when operating for railway purposes, within the designation area, in accordance with the designation conditions and the requirements of the Railways Act (2005), (the legislation under which *KiwiRail* operates), and the designations provisions of the RMA.

Submissions:

David Johnston (OS245.1), opposed by *KiwiRail* (FS2162.2) but supported by further submissions from three others, sought a definition of activities that can be undertaken under the "Railway purposes" designation, as he was concerned about storage of materials on railway land. He also sought that ballast loading not be allowed on Sundays as it decreased residential amenity. *Mervyn & Jill Clearwater* (OS812.1), *David & Jacinta Grey* (OS830.1) and *Grant and Kristy Compton* (OS991.1) also sought clarity as to the activities that could be undertaken by *KiwiRail* under the "Railway purposes" designation, and restrictions on ballast loading on Sundays. They were opposed by *KiwiRail* (FS FS2162.3, 4 &5).

KiwiRail (FS2162.2) noted that a definition for Railway Purposes in the 2GP has the potential to allow for inconsistency between The Railways Act and the requirements of the designation and is considered as unnecessary. In addition, the purpose of the designation being described as 'railway purposes' provides for national consistency for *KiwiRail*. *KiwiRail* have also raised in their further submission that if residents have concerns regarding *KiwiRail* operations, that these can also be lodged with *KiwiRail* by contacting them on 0800 801 070 or at kiwirail@kiwirail.co.nz or logged online at www.kiwirail.co.nz. *KiwiRail* have described in their further submission that enquiries are taken seriously, and where both appropriate and feasible, actions taken to address any issues that are raised. *KiwiRail* noted that the DCC have existing powers in relation to excessive noise under s.16 of the RMA, and suggested that it is therefore unnecessary to impose site, time or activity specific conditions on this designation which provides for the entire Main South Line through the City area.

In his s42A report the Reporting Officer recommended no amendments be made to designation D419 Main South Railway.

Evidence presented at the hearing and subsequently:

David Johnston (OS245.1) presented written evidence for himself and on behalf of other submitters which detailed their concern about the noise from ballast loading at the rail siding between Gordon Road and Riccarton Road. He expressed concern about loading onto railway wagons on Sundays. He stated that submitters have had no success complaining to *KiwiRail*, and when he raised the matter with the DCC he was told the noise from ballast loading "had been tested and was compliant."

KiwiRail was represented at the hearing by a consultant planner, Ms Rebecca Beals. She expressed the view that there are better ways to address the submitters' concerns than limiting the designation with conditions, and noted that *KiwiRail* need to be able to do maintenance at any time and

sometimes do track maintenance on Sundays and Mondays when there is less traffic. She was not able to answer questions about the ballast loading operation at East Taieri. The Panel issued a Minute to KiwiRail dated 23 May 2016 (copied to submitters) requesting further information about Sunday ballast loading from *KiwiRail*. This Minute somehow did not reach *KiwiRail* till the 7th November 2016.

KiwiRail's legal counsel, Ms Bronwyn Carruthers, confirmed in response by memorandum dated 9 December 2016 that *KiwiRail* had undertaken further consultation with *Mr Johnston*, the *Clearwaters* and the *Comptons* and that ballast loading was no longer undertaken on a Sunday, except in emergencies. *Mr Johnston* has confirmed this by email to *KiwiRail* dated 11 November 2016. Legal counsel noted that *Mr Johnston* had also raised some separate concerns regarding noise and landscaping at the Mosgiel railway depot to which *KiwiRail* will respond in due course. She submitted that it was unnecessary to impose conditions on the designation regarding noise for the reasons given in Rebecca Beals' planning evidence at the hearing: an adequate complaints process is in place, the DCC has powers under s16 and s17 of the RMA to deal with excessive noise, and "conditions to achieve localised restrictions is problematic as the designation relates to the entire Main South Line through the city area, and trains so not alter operations passing over local government boundaries or other boundaries such as localised restriction conditions would create."

After deliberating on all this the Panel issued a second Minute to KiwiRail dated 2 February 2017 noting that the submitters had raised the operation of the East Taieri ballast loading facility again at the Public Health and Safety topic hearing, stating that although loading on Sundays has stopped, loading has increased considerably on other days and has significant adverse effects. Our Minute provided our preliminary view on the three arguments against a condition on the designation put forward by KiwiRail's counsel and planner summarised in the paragraph above.

Decision: and Reasons

Our decision is to confirm the designation, without recommending conditions.

After deliberating on the information provided by submitters and KiwiRail the Panel issued a second Minute to KiwiRail dated 2 February 2017 noting that the submitters had raised the operation of the East Taieri ballast loading facility again at the Public Health and Safety topic hearing, stating that although loading on Sundays has stopped, loading has increased considerably on other days and has significant adverse effects. Our Minute provided our preliminary view on the three arguments against a condition on the designation put forward by KiwiRail's counsel and planner summarised in the paragraph above.

We have since been advised at a reconvened hearing that ballast loading is to cease altogether at the East Taieri siding and will be carried out instead within the main railway yards in central Dunedin. On the face of it that resolves the issue, at least for these submitters. We do have a residual concern however because we are not persuaded by KiwiRail's three arguments against any conditions on the designation. The evidence of the submitters was that KiwiRail's complaints process was ineffective in this case. The excessive noise provisions in s16 of the Act and the general obligation to avoid, remedy or mitigate adverse effects under s17, are difficult to enforce. In relation to the argument that trains pass through the rail

network so could not alter operations for localised restrictions may be valid for normal rail operations along the network, but that is irrelevant to an operation like ballast loading taking place at a specific site adjoining the rail corridor.

A condition on the designation to constrain operations like this could well be appropriate, but we have no evidence about what noise or other standards should be imposed. Although KiwiRail would understandably not wish to exclude the possibility of a ballast loading operations commencing somewhere else, Ms Beal indicated that the proposed ballast loading facility within the main Dunedin railyards is committed and will involve some capital expenditure to construct. That suggests it is likely to be a long term facility, so on balance we have decided not to recommend a condition constraining other possible facilities elsewhere.

Amendment: None

3.5 MINISTRY OF EDUCATION

3.5.1 D027 Otago Boys High School Tennis Courts and School Hostel

Sub pt #	Submitter Name	Support/Oppose/Seek Amend	Summary of Submission	Accept/Reject/Accept in part	Recommendation
OS947.22	<i>Ministry of Education</i>	I seek to have the above provision amended	Amend purpose of Designation (D027) Otago Boys High School Tennis Court to: "Otago Boys High School Tennis Courts - Secondary School"	Accept	Recommend to the requiring authority that the designation be modified as shown below

Submissions: The amendment sought by the *Ministry of Education* was to amend the name of the purpose of the designation.

Decision: Our recommendation to the requiring authority is that D027 is modified as shown below.

Reasons for decision and Section 32AA evaluation: The change proposed for the designation purpose has no material effect on the designation, will more accurately reflect the activities to be expected on the designated site, and is efficient and effective. The Panel recommend that for clarity and consistency the designation title in the schedule should also be changed.

Amendment: Amend the name of designation D027 in the purpose and title of the designation schedule and planning maps as follows: Otago Boys High School Tennis Courts and School Hostel– sSecondary sSchool (Des947.22)

3.5.2 D053 Bathgate Park School

Sub pt #	Submitter Name	Support/Oppose/Seek Amend	Summary of Submission	Accept/Reject/Accept in part	Recommendation
OS947.56	<i>Ministry of Education</i>	I seek to have the above provision amended	Amend Designation purpose (D053) Bathgate Park School as follows: Bathgate School - <u>'Year 1-8 Full primary school'</u> .	Accept	Recommend to the requiring authority that the designation be modified as shown below
Submissions: The amendment sought by the <i>Ministry of Education</i> of changing the title and purpose of the designation has no material effect on the designation.					
Decision: Our recommendation to the requiring authority is that D053 is modified as shown below.					
Decision reasons and Section 42AA evaluation: Accept the change proposed for consistency and clarity of the 2GP, although it is noted that the purpose of the designation, as notified, already reflects the change requested by the <i>Ministry of Education</i> . Therefore, the amendment only relates to the title.					
Amendment: Change the title of designation D053 to read: D053 Bathgate Park School – <u>Year 1-8 Full Primary School</u> (Des947.56)					

3.5.3 D074 Concord Kindergarten

Sub pt #	Submitter Name	Support/Oppose/Seek Amend	Summary of Submission	Accept/Reject/Accept in part	Recommendation
OS947.26	<i>Ministry of Education</i>	I seek to have the above provision amended	Amend Designation (D074) Concord Kindergarten to read: "Reserve - Early Childhood Education Facility".	Accept	Recommend to the requiring authority that the designation be modified as shown below

Submissions: The amendment sought by the <i>Ministry of Education</i> makes it clear that the purpose is only for Early Childhood Education.
Decision: Our recommendation to the requiring authority is that D074 is modified as shown below.
Decision reasons and Section 42AA evaluation: The reasons are for efficiency and effectiveness of the 2GP.
Amendment: Amend the purpose of designation D074 as follows: Concord Kindergarten – Local Purpose Reserve – Early Childhood Education Facility (Des947.26)

3.5.4 D080 Elmgrove School

Sub pt #	Submitter Name	Support/Oppose/Seek Amend	Summary of Submission	Accept/Reject/Accept in part	Recommendation
OS947.27	<i>Ministry of Education</i>	I seek to have the above provision amended	Amend Designation (D080) Elmgrove School by changing the name from Mosgiel West Primary School to 'Elmgrove Primary School and Early Childhood Education Facility', and to include Lot 2 DP 26809.	Accept	Recommend to the requiring authority that the designation be modified as shown below
Submissions: The amendment requested by the <i>Ministry of Education</i> is to change the title and purpose of the designation and has no material effect on the designation. The proposed extension of the designation to include Lot 2 DP 26809 (79 Argyle Street, Mosgiel) is because it is also owned by the requiring authority, is located across Argyle Street from the school and operates as a community pool (which is in accordance with the purpose of the designation).					
Decision: Our recommendation to the requiring authority is that D080 is modified as shown below.					
Decision reasons and Section 42AA evaluation: The reasons are for efficiency and effectiveness of the 2GP.					

Amendment: Amend the name and purpose of designation D080 to read: Elmgrove Primary School and Early Childhood Education Facility. In addition, extend designation D080 to include Lot 2 DP 26809 (79 Argyle Street, Mosgiel) (Des947.27).
As a consequential amendment, we have also decided to extend the School Zone over Lot 2 DP 26809 (79 Argyle Street, Mosgiel) (Des947.27)

3.5.5 D083 Port Chalmers Kindergarten, Local Purpose Reserve

Sub pt #	Submitter Name	Support/Oppose/Seek Amend	Summary of Submission	Accept/Reject/Accept in part	Recommendation
OS947.28	<i>Ministry of Education</i>	I seek to have the above provision amended	Amend designation D083 Port Chalmers Kindergarten, Local Purpose Reserve purpose to read: 'Port Chalmers Kindergarten - 'Early Childhood Education Facility'.	Accept	Recommend to the requiring authority that the designation be modified as shown below
Submissions: The amendment requested by the <i>Ministry of Education</i> makes it clear that the purpose is only for Early Childhood Education.					
Decision: Our recommendation to the requiring authority is that D083 is modified as shown below.					
Decision reasons and Section 42AA evaluation: The reasons are for efficiency and effectiveness of the 2GP.					
Amendments: a. Amend the purpose of designation D083 as follows: Port Chalmers Kindergarten, Local Purpose Reserve - Early Childhood Education Facility (Des947.28) b. Amend the title of designation D083 as follows: D083 Port Chalmers Kindergarten, Local Purpose Reserve (Des947.28)					

3.5.6 D099 Big Rock Primary School

Sub pt #	Submitter Name	Support/Oppose/Seek Amend	Summary of Submission	Accept/Reject/Accept in part	Recommendation
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OS360.177	<i>Dunedin City Council</i>	I seek to have the above provision amended	Amend the purpose of designation D099 to read 'Big Rock Primary School - <u>Early Childhood Education and</u> Primary School'.	Accept	Correct the error as shown in the amendment below.
Submissions: The inclusion of the words Early Childhood Education in the purpose of the designation is consistent with the Notice of Requirement and provides greater clarity on the purpose of the designation and corrects an error in the 2GP.					
Decision: Our recommendation to the requiring authority is that D099 is confirmed and the error in the purpose of designation is corrected as shown below.					
Decision reasons and Section 42AA evaluation: The reasons are for efficiency and effectiveness of the 2GP.					
Amendment: Amend the purpose of designation D099 to read 'Big Rock Primary School - <u>Early Childhood Education and</u> Primary School' (Des360.177).					

3.5.7 D106 Queens High School

Sub pt #	Submitter Name	Support/Oppose/Seek Amend	Summary of Submission	Accept/Reject/Accept in part	Recommendation
OS947.30	<i>Ministry of Education</i>	I seek to have the above provision amended	Amend Designation purpose (D106) Queens High School to read: 'Queens High School and Early Childhood Education Facility' and amend the extent of the designation to include the entire section legally described as Part Lot 1 DP 4802 within the designation.	Accept	Recommend to the requiring authority that the designation be modified as shown below
Submission: The purpose of designation D106 currently states: Queens High School - Secondary School and Early Childhood Centre. <i>The Ministry of Education</i> sought a minor wording change to correct an error in the designated purpose and a mapping error which did not include all of Part Lot 1 DP					

4802 (318 Bay View Road) because it also owned by *the Ministry* and operates as part of the school. In effect *the Ministry* sought that the designation schedule and maps reflected the details in the NOR.

Decision: Our recommendation to the requiring authority is that D106 is modified as shown below OS947.30.

Decision reasons and Section 42AA evaluation:

The reasons are for efficiency and effectiveness of the 2GP.

Amendments:

- a. Amend the purpose of designation D106, as follows: Queens High School - Secondary School and Early Childhood Education Facility Centre (Des947.30)
- b. Include Part Lot 1, DP 4802 (318 Bay View Road) as part of designation D106 (Des947.30)
- c. As a consequential amendment, extend the School Zone over Part Lot 1, DP 4802 (318 Bay View Road) (Des947.30)

3.6 OTAGONET JOINT VENTURE

3.6.1 Designations for various existing substations

Sub pt #	Submitter Name	Support/Oppose/Seek Amend	Summary of Submission	Accept/Reject/Accept in part	Recommendation
OS915.19	<i>PowerNet Limited</i>	I support the provision	Retain Designation D847 - Clarks Substation.	Accept	Recommend to the requiring authority that the designation be confirmed
OS915.20	<i>PowerNet Limited</i>	I support the provision	Retain Designation D848 - Hindon Substation.	Accept	Recommend to the requiring authority that the designation be confirmed
OS915.21	<i>PowerNet Limited</i>	I support the provision	Retain Designation D849 - Middlesmarch Substation.	Accept	Recommend to the requiring authority that the designation be confirmed

OS915.22	<i>PowerNet Limited</i>	I support the provision	Retain Designation D850 - Hyde Substation.	Accept	Recommend to the requiring authority that the designation be confirmed
OS915.23	<i>PowerNet Limited</i>	I seek to have the above provision amended	Amend Designation D851 - Merton Substation - by removing the lapse date of 10 years.	Accept	Recommend to the requiring authority that the designation be modified
OS915.26	<i>PowerNet Limited</i>	I support the provision	Retain Designation D853- Waikouaiti Substation.	Accept	Recommend to the requiring authority that the designation be confirmed
OS915.28	<i>PowerNet Limited</i>	I seek to have the above provision amended	Amend Designation D854 - Blueskin Substation by adding a 10-year lapse date to the associated conditions and changing the boundary of the designation (on the planning maps) to align with the Notice of Requirement	Accept	Recommend to the requiring authority that the designation be modified
<p>Submission: The requiring authority, OtagoNet Joint Venture, is operated and managed by <i>PowerNet Limited</i>. The only submission for each location was from <i>PowerNet Limited</i> (OS 915.19-23, 26, 28) seeking the retention of the designations, with some minor amendments to correct 2GP drafting errors.</p>					
<p>Decision: We recommend to the requiring authority that D847-50 and D853 be confirmed, and that D851 Merton Substation and D854 Blueskin Substation be modified as shown below.</p>					
<p>Decision reasons and Section 32AA evaluation:</p> <p>D851 Merton Substation is an established and operating substation. It is therefore not necessary to include a lapse date as the works provided for by the designation have been established. Furthermore, the Notice of Requirement did not seek a lapse date for this designation.</p> <p>D854 Blueskin Substation: The addition of a lapse date and correction of mapping will correct minor drafting errors for this designation and will align the designation in the 2GP with what was requested by the requiring authority in the Notice of Requirement.</p> <p>For both designations the reasons for the changes are for the efficiency and effectiveness of the 2GP.</p>					

Amendments:

Designation D851 Merton Substation: Delete the year lapse date (Des915.23).

Designation D854 Blueskin Substation: Add a 10 year lapse date and change the boundary of designation D854 Blueskin Substation (on the planning maps) to align with the Notice of Requirement (Des915.28).

3.7 OTAGO REGIONAL COUNCIL

3.7.1 D214 To allow for Proposed Principal Premises

Sub pt #	Submitter Name	Support/Oppose/Seek Amend	Summary of Submission	Accept/Reject/Accept in part	Recommendation
OS908.97	<i>Otago Regional Council</i>	I seek to have the above provision amended	Amend Designation D214 to allow for Proposed Principal Premises so that the lapse date for Designation 214 within Schedule A1.4 is 10 years from the date that Designation 214 is included within the District Plan.	Accept	Correct the error as shown in the amendment below.
OS908.99	<i>Otago Regional Council</i>	I seek to have the above provision amended	Amend Designation D214 to allow for Proposed Principal Premises by altering the address of the designation as follows: Location (address) <u>15 Birch</u> , 39 Kitchener Street, and <u>49 Kitchener Street</u> Dunedin	Accept	Correct the error as shown in the amendment below.

Submission: The only submissions were from the requiring authority seeking amendment of the designation to correct drafting errors in D214 to reflect what was requested by the Requiring Authority in the Notice of Requirement.

Submissions and evidence presented at the hearing: Megan Justice and Alistair Logan on behalf of the *Otago Regional Council*, noted the only submission was from the ORC to correct drafting errors in the 2GP.

Decision: Our recommendation to the requiring authority is that D214 is confirmed. We also note that minor errors in the 2GP need correction as shown below.

Decision reasons and Section 32AA evaluation:

The changes correct minor drafting errors in D214 to reflect the details of the NOR as sought by the requiring authority.

Amendment: Amend D214 by including a 10 year lapse date from the date that the designation is included within the 2GP, and amend the location (address) of the designation to read: 15 Birch, 39 Kitchener and 49 Kitchener Street, Dunedin (Des908.97 and Des908.99).

Background to new designations for flood works by the Otago Regional Council

The *ORC* lodged six Notices of Requirement for designations providing for flood protection works. Several submitters opposed the designations, questioning the width of the designation and effect on existing buildings or objecting to the duplication with the Flood Protection Management Bylaw 2012 “the bylaw” that covers flood protection works. All new designations that included any railway land were opposed by *KiwiRail* in a generic submission. The *University of Otago* also opposed the designations where they affected the University Campus.

For brevity the generic submissions and evidence presented by *KiwiRail* will be discussed once here. Likewise, the evidence presented by the *ORC* that is relevant for all the new *ORC* designations will be discussed here, with individual submissions being considered later under each separate designation.

***KiwiRail* (D215; D217; D218; D219)**

KiwiRail (OS322.43 OS322.44, OS322.45 and OS322.46) submitted that as it was the Requiring Authority for the existing designation, that the *ORC* should hold the secondary designation for D215, D217, D218 and D219. It also noted that it would not support inclusion of any additional land that was not required for the purpose of the *ORC*’s designation, nor would it entertain any land ownership changes. It also noted that access to the rail corridor was controlled by *KiwiRail*.

The Reporting Officer in his s42A report noted that the new designations did have the potential to affect existing *KiwiRail* designations and so s177 RMA “Land subject to existing designation or heritage order” applied for all work within the *KiwiRail* designation. However, he noted that the introduction to the schedules, as notified in the 2GP states ‘For land subject to more than one designation, the provisions of Section 177 of the RMA apply.’ The Reporting Officer considered this sufficient to alert plan users to the provisions of Section 177 of the RMA and so no change to the 2GP was required to give effect to this submission point.

Hearing evidence

Dr Gavin Palmer, Director of Engineering, Hazards and Science for the *ORC* gave evidence that the designations were of strategic importance to the community, and required ongoing maintenance and renewal to achieve agreed levels of service. Designating the flood protection schemes would assist in publicising the existence of overflow and ponding areas and help protect them from inappropriate land use.

Mr Chris Valentine, Manager of Engineering for the *ORC*, discussed how the Flood Protection Management Bylaw would work together with the proposed new designations to deliver effective flood protection and land drainage schemes. He provided technical justification for the extent of the designations proposed, in part to allow appropriate width for access of machinery to the watercourse and space to undertake necessary activities. He also noted that the *ORC* has consulted with submitters and where a technical basis was presented in a submission that has been investigated by the *ORC*. If the investigation supported the submitter's position in part, or in its entirety the *ORC* has modified the designation sought in those areas. If the change reduces buffers, relaxes conditions, or adds clarity to the Notice of Requirement, the *ORC* will apply the change not only to the submitter's property but to all properties that would benefit from the same reasoning and variation.

Ms Julie McMinn, planner called by the *ORC*, noted in her evidence that the six new designations include existing works that have been lawfully established and are so now part of the existing environment. Therefore, any adverse effects to be assessed only relate to the ongoing operation and maintenance of these works. Her comments on individual submissions will be noted under the separate designations. Ms McMinn's response to the s42A report was that Mr Rawson had recommended for several designations that the extent of the designation be reconsidered. However, she considered that the expert evidence from the *ORC* had demonstrated the need for the extent of the buffer width requested. She also noted, however, that the *ORC* could reduce the width of the designation to exclude lawfully established structures without compromising the objective of protecting the area from flooding.

In her response to the s42A report she agreed with Mr Rawson that D219 should be amended in part as *ORC* and DIAL have agreed on modifications to D219. However, for various reasons she did not agree with the s42A report recommendations for amendment of the other designations in response to the submitters' concerns.

Overall, she considered that confirmation of all six new designations would allow the *ORC* to sustainably manage the various river works.

Legal submissions in Reply for the *ORC*

Mr Alastair Logan, legal counsel for the *ORC*, responded to matters brought up at the hearing and his responses will be noted in the discussion of each designation. He referred to ongoing consultation that was undertaken by the *ORC* and we have relied on his advice as to the outcome of this ongoing consultation. Common threads in the concerns about many designations were the extent of the buffer areas traversing private property and in some cases individual buildings, and the perceived duplication between the designation and the bylaw. These will be discussed once here.

Mr Logan advised that a single application to the *ORC* under both the designation and the bylaw would be required if a person wanted to do any work in the designated area and that a single decision would be issued, following an efficient process. Mr Valentine's evidence dated 6 May 2016 stated that the *ORC* had restricted its buffer width to the minimum necessary to enable operation, maintenance and reconstruction of structures and to manage erosion of natural and manmade features. In urban areas it ranged from zero to seven metres and in rural areas it is seven metres. Where a buffer intersects a lawfully established residential dwelling in an urban setting, the buffer has been trimmed to exclude the building platform.

Individual submissions for each of the six designations will now be addressed.

3.7.2 D215 Leith Flood Protection Scheme

Sub pt #	Submitter Name	Support/Oppose/Seek Amend	Summary of Submission	Accept/Reject/Accept in part	Recommendation
OS308.434	<i>University of Otago</i>	I oppose the provision	Remove or amend Designation D215 (Leith Flood Protection Scheme) to provide adequate protection to the campus environment.	Accept in Part	Recommend to the requiring authority that the designation be modified as shown below
OS322.43	<i>KiwiRail Holdings Limited</i>	I seek to have the above provision amended	<p>Amend designation D215 Leith Flood Protection Scheme as necessary to ensure that the following matters are taken into account when determining the extent of the designation and undertaking any future works within the designation:</p> <ol style="list-style-type: none"> 1. <i>KiwiRail</i> will only support that the designation is the area required for the purpose of the designation, not that any additional land / area is included; 2. The Designation by <i>ORC</i> is secondary, and therefore the provisions of Section 177 apply for all work within the <i>KiwiRail</i> designation; 3. No land ownership change in relation to the land required for the operational rail corridor will be 	Reject	Recommend to the requiring authority that the designation be modified as shown below

			<p>supported by <i>KiwiRail</i> as a result of the secondary designation;</p> <p>4. All access to the rail corridor is only allowed to occur following the necessary Permit to Enter being obtained, irrespective of the designation by <i>ORC</i>. This includes access to the underneath of rail structures / bridges.</p>		
OS1034.1	<i>New Zealand Motor Caravan Association Inc.</i>	I seek to have the above provision amended	<p>Amend designation D215 Leith Flood Protection Scheme to ensure matters are appropriately addressed, by amending condition 5 and adding new conditions as follows:</p> <p>5. The requiring authority must avoid, as far as practicable, dust and fumes arising from maintenance activities beyond the boundary of the designation. <u>This shall include (but not limited to) appropriate fencing along the boundary with 55 Woodhaugh Street (Lot 31 DP 56) to mitigate dust and fumes moving beyond the boundary of the designation.</u></p> <ul style="list-style-type: none"> • <u>Prior to any vehicles accessing the easement facility, the Requiring Authority shall, in consultation with the New Zealand Motor Caravan Association, erect a fence in</u> 	Reject	Recommend to the requiring authority that the designation be modified as shown below

			<p><u>accordance with condition (5) to safely separate the Leith maintenance works from the adjoining motor caravan park.</u></p> <ul style="list-style-type: none"> • <u>This designation does not affect the New Zealand Motor Caravan Association's lawful access to easement facility "A" as per Easement Instrument 9524699.2.</u> 		
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Submission:

University of Otago (OS308.434) sought removal or amendment of D215 Leith Flood Protection Scheme to provide adequate protection to the campus environment.

The Reporting Officer in his s42A Report recommended that amendment of D215 Leith Flood Protection Scheme to achieve the relief requested by the *University of Otago* (OS308.434) should be considered, and noted that further information was to be provided at the hearing by the *ORC* and the *University of Otago*. He recommended rejection of the other submissions.

Evidence presented at the hearing and subsequently

Mr Murray Brass, on behalf of the *University of Otago*, presented evidence at the hearing of how the University was significantly adversely affected by disruption and disturbance of flood works, and uncertainty over proposed works. However, he stated that the University recognised the need for flood protection works and was prepared to negotiate a memorandum of understanding with the *ORC* outside the designation process. He also sought changes to Condition 10 of the designation.

A Joint Memorandum for the *ORC* and the *University of Otago* dated 17/6/2016 agreed on wording for Condition 10, see below, amendment reference (OS308.434). The *ORC* also put in writing the approval process that would be followed by the *ORC* regarding proposed works by the *University of Otago*, and that there was agreement between the parties that a memorandum of understanding for managing their respective interests was an appropriate way forward, independent of the designation process.

Decision: Our recommendation to the requiring authority is that D215 is modified as shown below.

Replace condition 10 of the Notice of Requirement with:

"The University of Otago shall be consulted prior to the construction of new works or lodgement of any outline plan for future works within the University Campus Area and the Dunedin City Council shall be advised of the outcome of the consultation." (Des308.434)

Decision reasons: Designations are an effective RMA tool to provide for important works and both parties are agreed as to the wording of the conditions.

Submission: *New Zealand Motor Caravan Association Inc.* (OS1034.1) sought amendment to D215 by addition of a new condition addressing dust and fumes etc. arising from maintenance activities, including a fence for safety reasons separating any maintenance works from the caravan park. It did not attend the hearing or table evidence.

In his s42A report the reporting officer considered that it unnecessary to alter the designation because any works on this part of the Leith adjoining the Caravan Association site at 51-57 Woodhaugh Street Dunedin are likely to be infrequent and usually only after a flood event.

Ms McMinn in her expert planning evidence for the *ORC* noted that the *ORC* would discuss giving the submitter greater certainty on how works would be notified that may affect their property by forming a memorandum of understanding.

Decision: We recommend no change in the conditions in response to this submission.

Decision reasons: We accept that maintenance works within the designated area are likely to be infrequent and generally only after a flood event. Some noise etc is inevitable when such works are undertaken, but they are necessary - like road works. The question of fencing is best dealt with in the normal way of consultation between parties, with recourse if necessary to the Fencing Act 1978.

Submission: *KiwiRail* sought to clarify certain matters regarding land subject to more than one designation, access issues and land ownership matters.

Decision We agree with the submission by *KiwiRail* (OS322.43) that Designation D215 Leith Flood Protection Scheme is new and has the potential to affect existing *KiwiRail Holdings Limited* designations and therefore the provisions of section 177 of the RMA 'Land subject to existing designation or heritage order' should apply for all work within the *KiwiRail* designation. However, the introduction to the schedules is sufficient to alert plan users to the provisions of section 177 of the RMA and therefore no change to the 2GP is required to give effect to this submission point. The points regarding access and land ownership are private property matters outside the scope of the RMA unless part of the designation and so are also rejected.

N.B. This decision to reject *KiwiRail's* submission also applies to submissions OS322.44, 45 and 46.

Amendment:

1. Replace condition 10 of the Notice of Requirement (D215 Leith Flood Protection Scheme) with:

"The University of Otago shall be consulted prior to the construction of new works or lodgement of any outline plan for future works within the University Campus Area and the Dunedin City Council shall be advised of the outcome of the consultation." (Des308.434)

3.7.3 D216 Lindsay Creek River Works

Sub pt #	Submitter Name	Support/Oppose/Seek Amend	Summary of Submission	Accept/Reject/Accept in part	Recommendation
OS709.1	<i>Sandra McIntyre</i>	I oppose the provision	Remove Designation D216 Lindsay Creek River Works, and particularly that part of the designation affecting land adjacent to lower Lindsays Creek where the creek runs between concrete walls.	Accept in Part	Recommend to the requiring authority that the purpose of the designation be modified as shown below

Submission and evidence at hearing

In her evidence at the hearing *Sandra McIntyre* (OS709.1) accepted the need for the flood protection works but was concerned about the lack of details of the scope of works authorised in the 'scheme', the extent of the boundaries of the designation and duplication between the designation and the bylaw.

In his s42A Report the Reporting Officer recommended that the extent of the designation should be limited to the land that the requiring authority can reasonably expect to need to carry out its functions.

Mr Logan, legal counsel for the *ORC*, in his legal submissions in reply dated 27 March 2017 addressed *Ms McIntyre's* concerns. He confirmed *ORC's* oral advice at the hearing that a single application covering both the designation and the bylaw requirements would be efficiently dealt with by the *ORC*. He also noted that Dr Palmer's appended evidence dated 28 July 2016 would address the concern regarding what exactly was authorised by the designation.

Dr Palmer, Director of Engineering, Hazards and Science for the *ORC*, accepted *Ms McIntyre's* concern with the wording of the designation purpose and has proposed new wording to address her concerns. Specifically, the word "scheme" has been deleted and replaced with "river control and flood protection". For completeness he also noted that the word "scheme" only appeared in the designation purpose and nowhere else within the designation. Dr Palmer also noted that the extent of the designation was only in areas where there were already flood protection works and that a new Lindsay Creek Scheme would not be possible under the designation. He also noted that the designation is intentionally wide so that the standard of flood protection at any of the existing parts can be increased if required, or have a different form. Ms McMinn, in her expert planning evidence for the *ORC*, considered that a 3m designation width was appropriate in light of Mr Valentine's evidence.

Decision: We recommend the change to the purpose of the designation suggested by Dr Palmer and set out below.

Decision reasons: We accept *Ms McIntyre's* point that the stated purpose of the designation should be more explicit. The wording now proposed may not allay her concern because it encompasses a wide range of possible works, but we accept Dr Palmer's evidence that it is not practical to

specify in advance what works may be needed. A designation is the appropriate mechanism to authorise such works, in the expectation that the ORC will consult affected parties and minimize disruption when works are carried out.

Recommended amendment: Amend the purpose of designation D216 to the following wording
 "Lindsay Creek River Works which includes all works, structures, facilities, devices and appliances associated with ~~the scheme~~ river control and flood protection and includes all activities relating to ~~the~~ such works including construction, operation, maintenance, repair, reconstruction, extension, modification, replacement and improvement" (Des709.1)

3.7.4 D217 Lower Taieri Flood Protection Scheme

Sub pt #	Submitter Name	Support/Oppose/Seek Amend	Summary of Submission	Accept/Reject/Accept in part	Recommendation
OS322.44	<i>KiwiRail Holdings Limited</i>	I seek to have the above provisions amended	<p>Amend designation D217 Lower Taieri Flood Protection Scheme, as necessary to ensure that the following matters are taken into account when determining the extent of the designation and undertaking any future works within the designation:</p> <p>1. <i>KiwiRail</i> will only support that the designation is the area required for the purpose of the designation, not that any additional land / area is included;</p> <p>2. The Designation by <i>ORC</i> is secondary, and therefore the provisions of Section 177 apply for all work within the <i>KiwiRail</i> designation;</p>	Reject	Recommend to the requiring authority that the designation be confirmed.

			<p>3. No land ownership change in relation to the land required for the operational rail corridor will be supported by <i>KiwiRail</i> as a result of the secondary designation;</p> <p>4. All access to the rail corridor is only allowed to occur following the necessary Permit to Enter being obtained, irrespective of the designation by <i>ORC</i>. This includes access to the underneath of rail structures / bridges.</p>		
OS987.1	<i>Ian H Bryant</i>	I seek to have the above provision amended	Amend the boundary of D217 Excavation Sensitive Zone so it is in line with <i>ORC</i> commissioned engineering reports	Reject	Recommend to the requiring authority that the designation be confirmed with no alteration to the extent of the designation.

Evidence and submissions the hearing

Legal submissions in reply from the *ORC* dated 27 March 2017 cover *Mr Bryant's* hearing evidence. Dr Mackey, Natural Hazard Analyst for the *ORC*, in evidence dated 28 November 2016, provided technical justification for the extent of the excavation sensitive areas. For the *ORC* Mr Valentine noted that following a site visit with *Mr Bryant* and examination of the processes being undertaken by the *ORC* and the expert evidence regarding piping from Dr Mackey, that *Mr Bryant* had changed his opinion challenging the extent of the excavation sensitive area on his property. *Mr Bryant* now understood that extra material may be needed to be placed on his land to prevent piping.

Decision: We recommend no change to the area covered by the designation.

Decision reasons: The extent of excavation sensitive areas is a matter of expert judgement and the expert evidence was that the area in question is within the area where there is a reasonable probability that excavation could increase the risk of piping.

Recommended amendment: None

3.7.5 D218 East Taieri Drainage Scheme

Sub pt #	Submitter Name	Support/Oppose/Seek Amend	Summary of Submission	Accept/Reject/Accept in part	Recommendation
OS322.45	<i>KiwiRail Holdings Limited</i>	I seek to have the above provision amended	<p>Amend designation D218 East Taieri Drainage Scheme as necessary to ensure that the following matters are taken into account when determining the extent of the designation and undertaking any future works within the designation:</p> <ol style="list-style-type: none"> 1. <i>KiwiRail</i> will only support that the designation is the area required for the purpose of the designation, not that any additional land / area is included; 2. The Designation by <i>ORC</i> is secondary, and therefore the provisions of section 177 apply for all work within the <i>KiwiRail</i> designation; 3. No land ownership change in relation to the land required for the operational rail corridor will be supported by <i>KiwiRail</i> as a result of the secondary designation; 	Reject	Recommend to the Requiring Authority that the designation be modified as set out below

			4. All access to the rail corridor is only allowed to occur following the necessary Permit to Enter being obtained, irrespective of the designation by <i>ORC</i> . This includes access to the underneath of rail structures / bridges.		
FS2178.6	<i>Otago Business Park Limited</i>	I support the submission	Support OS322.45. Allow submission	Reject	Recommend to the Requiring Authority that the designation be modified as set out below
OS363.7	<i>Michael Brough</i>	I oppose the provision	Remove designation D218 East Taieri Drainage Scheme unless satisfactory explanation of the implications are given.	Reject	Recommend to the Requiring Authority that the designation be modified as set out below
OS554.1	<i>Otago Business Park Limited</i>	I oppose the provision	Remove Designation 218 East Taieri Drainage Scheme (not stated but inferred).	Reject	Recommend to the Requiring Authority that the designation be modified as set out below
OS812.2	<i>Mervyn & Jill Clearwater</i>	I seek to have the above provision amended	Remove D218 East Taieri Drainage Scheme unless satisfactory explanation of the implications are given.	Reject	Recommend to the Requiring Authority that the designation be modified as set out below
OS830.4	<i>David & Jacinta Grey</i>	I seek to have the above provision amended	Remove D218 East Taieri Drainage Scheme unless satisfactory explanation of the implications are given.	Reject	Recommend to the Requiring Authority that the designation be modified as set out below

OS859.1	<i>John & Joanne Haddow</i>	I oppose the provision	Amend D218 (East Taieri Drainage Scheme) to reduce the 14m wide access.	Accept in Part	Recommend to the Requiring Authority that the designation be modified as set out below
OS991.2	<i>Grant and Kristy Compton</i>	I oppose the provision	Remove designation D218 East Taieri Drainage Scheme from schedule.	Reject	Recommend to the Requiring Authority that the designation be modified as set out below
OS418.2	<i>RP & CE Ischia Family Trust</i>	I oppose the provision	Remove Designation 218 (East Taieri Drainage Scheme) from 19 Ashton Street, Mosgiel (inferred not stated).	Accept in Part	Recommend to the requiring authority that the designation be modified as set out below
OS734.1	<i>Otago Racing Club</i>	I oppose the provision	Remove that portion of Designation 218 East Taieri Drainage Scheme overlaying the scheduled drain marked O8A on the First Schedule to the Council's Flood Protection Management Bylaw 2012 (between Gladstone Road North and the racetrack) and rely on Council's Flood Protection Management Bylaw 2012 for the protection and control of scheduled drains.	Reject	Recommend to the requiring authority that the designation be modified as set out below
OS810.2	<i>Mathew Farmer</i>	I oppose the provision	Remove Designation D218 from 23 Ashton Street, Mosgiel.	Accept in Part	Recommend to the requiring authority that the designation be modified as set out below

OS845.4	<i>Owhiro River Limited</i>	I oppose the provision	Remove the Scheduled ORC Drain Designation (218 -East Taieri Drainage Scheme) and all associated plan provisions from 67A and 71 Gladstone Road North, Mosgiel	Reject	Recommend to the requiring authority that the designation be modified as set out below
OS854.1	<i>David & Maureen Denny</i>	I seek to have the above provision amended	Amend D218 (East Taieri Drainage Scheme) to change the 7m extent around the creek that runs through the site at 265 Gladstone Road North.	Reject	Recommend to the requiring authority that the designation be modified as set out below
OS132.1	<i>A L Harris Trust</i>	I oppose the provision	Remove Designation 218 - East Taieri Drainage Scheme from 128 Hagart-Alexander Drive, Mosgiel and move the boundary of the exclusion zone to 7 metres from the bank of the stream as it normally exists, onto the boundary of my property. Alternatively, that the designation be allowed only on the condition that the ORC produces concrete plans for works in this specific area of the East Taieri Drainage Scheme and indicates it is prepared to purchase affected properties.	Accept in part	Recommend to the requiring authority that the designation be modified as set out below

Submissions

Several submissions requested complete removal of the designation from their properties and others requested amendment of its boundaries. In his s42A report the Reporting Officer did not support the removal of these designations entirely from the schedules of the 2GP as they are necessary for the flood protection of these areas. He recommended rejection of all the above submissions except those from the *Haddow's*, the *Ischia Family Trust* and *Mr Farmer*.

Evidence presented at the hearing

For the *ORC*, Ms McMinn in her expert planning evidence noted that in the Gladstone Road area the designated width is the same as that under the existing Bylaw, and that the objective of the designation was to protect the area adjacent to drains from incompatible land uses. She noted that the *ORC* proposed to reduce the designation buffer so that it does not overlap any legally established residential dwelling or outbuilding. This would be considered for the *Denny's*, *Clearwater's*, *Grey's* and *Compton's* properties. However, as *Mr Brough's* property was not lawfully established, as it did not have Bylaw approval, she considered the designation buffer should not be adjusted for that property. Mr Valentine's evidence at the hearing also advised this approach.

Ms McMinn's response to the s42A report was that Mr Rawson had recommended for several designations that the extent of the designation be reconsidered. However, she considered that the expert evidence from the *ORC* had demonstrated the need for the width requested. However, she also noted that the *ORC* could reduce the width of the designation to exclude lawfully established structures without compromising the objective of protecting the area from flooding. Overall, she considered that confirmation of the designations would allow the *ORC* to sustainably manage the various river works.

Legal submissions in reply from the *ORC* (Mr Logan) dated 27 March 2017 cover D218 and address individual submissions as below. Counsel advised that a single application process would cover any overlap between the bylaw and the designation processes.

Otago Business Park: Alison Devlin appeared at the hearing for *Otago Business Park* and discussed concern about duplication of the Bylaw and extent of the designation through their property. Ms McMinn in her evidence at the hearing noted Mill Creek, now a drain, runs through the submitter's property, and that it was an important part of the East Taieri Drainage Scheme. She noted that the proposed designated area of 7m for a no obstruction zone is the same width as that required under the Bylaw. She considered the designation was appropriate at *Otago Business Park's* property.

Mr Logan advised that the *ORC* is reviewing its bylaws but that the scope of the bylaw is broader and covers matters which are not covered by the notices of requirement. He also noted that refinements to the designation boundaries were presented at the hearing.

Owhiro River Ltd: Mr Kurt Bowen appeared at the hearing for *Owhiro River Ltd*. The scheduled drain has been filled in by the company, which seeks removal of the designation from its land. Mr Logan advised that the *ORC* and the company were in ongoing discussions regarding stormwater management. If resolved to the *ORC's* satisfaction the designation may be uplifted from the company's land under s 182RMA. Mr Bowen provided by email dated 6 July 2017 further detail regarding the relocation of the creek and that Bylaw approval had been sought from the *ORC* in 2015. The *ORC* advised on 24 August 2017 that bylaw approval had been given to the filling of Drain 06 of the East Taieri Drainage Scheme, and withdrew their application for a designation for this part of D218.

J and J Haddow: The Haddow's spoke at the hearing and are concerned regarding the width of the proposed buffer through their property. On-site consultation with the *ORC* was held on their property and the designation width through their property has been reduced. Mr Logan in his legal submissions in reply advised he had been unable to get any comment from the *Haddow's* regarding the revised mapping.

Otago Racing Club: (OS734.1): The *Club* has sold their land which was subject to D218 and Mr Logan advises that the new purchaser has not expressed any interest in pursuing the *Club's* submission that the designation may restrict its subdivision aspirations.

Ischia Family Trust (OS418.2) and *Matthew Farmer* (OS810.2): The *Ischia's* spoke at the hearing regarding the extent of the designation. Following a site visit by the ORC to each of these Ashton Street properties, in her evidence Ms McMinn notes that the ORC proposed to pull back the designation boundary to the fence line with the *KiwiRail* yards. She noted that both submitters expressed satisfaction with this arrangement.

A L Harris Trust (OS132.1) *Anthony Harris* spoke to his submission at the hearing. Following a site visit by the ORC to assess the drain adjacent to *Mr Harris's* and adjacent properties the ORC proposed to reduce the buffer in this location so that it does not overlap any legally established residential dwellings. Mr Logan advised that *Mr Harris* expressed some satisfaction with this when contacted by the ORC.

In her evidence Ms McMinn advised that similar adjustments have been considered for the *Denny, Clearwater, Grey* and *Compton* properties.

Michael Brough (OS363.7) did not attend the hearing.

Ms McMinn advised that the buffer adjustment will not be applied to *Mr Brough's* property as his house was not lawfully established as it does not have Bylaw approval. For this reason, she considered that the designation over his property is appropriate. Mr Valentine's evidence (paragraph 53) also detailed site visits to submitters' properties and investigations as to whether the designation boundary should be changed. He advised that for lawfully established properties the ORC supports a small number of boundary changes.

In addition, in a letter dated 24 August 2017 from Tanya Winter, Director Policy, Planning and Resource Management the ORC confirmed they no longer sought that 'Drain 6' be designated as part of the East Taieri Drainage Scheme due to it being piped

Decision: We recommend the minor changes to the boundaries of this designation discussed above.

Decision reasons: As discussed above, consultation between ORC officers and affected submitters has resulted in some amendments to recognise existing houses and a consented alteration to a watercourse. We consider the alterations negotiated to be pragmatic and not detracting from the important flood protection purpose of the designation. In the case of the Brough dwelling, we can understand the ORC reluctance to recognise a structure that was not authorised under the Bylaw, but we would hope that if Mr Brough applied for retrospective consent, and met any conditions that might be attached to a consent, the ORC would then withdraw the designation over the built part of his property as a matter of consistency.

Recommended amendment: Amend the boundaries of the designation as discussed above and shown on the Planning Maps. See Appendix 1 for maps showing the extent of the amendment to designation D218 East Taieri Drainage Scheme.

3.7.6 D219 West Taieri Drainage Scheme

Sub pt #	Submitter Name	Support/Oppose/Seek Amend	Summary of Submission	Accept/Reject/Accept in part	Recommendation
OS322.46	<i>KiwiRail Holdings Limited</i>	I seek to have the above provision amended	<p>Amend designation D219 West Taieri Drainage Scheme as necessary to ensure that the following matters are taken into account when determining the extent of the designation and undertaking any future works within the designation:</p> <ol style="list-style-type: none"> 1. <i>KiwiRail</i> will only support that the designation is the area required for the purpose of the designation, not that any additional land / area is included; 2. The Designation by <i>ORC</i> is secondary, and therefore the provisions of section 177 apply for all work within the <i>KiwiRail</i> designation; 3. No land ownership change in relation to the land required for the operational rail corridor will be supported by <i>KiwiRail</i> as a result of the secondary designation; 4. All access to the rail corridor is only allowed to occur following the necessary Permit to Enter being obtained, irrespective of the designation by <i>ORC</i>. This includes 	Reject	Recommend to the Requiring Authority that the designation be confirmed with no alteration to the extent of the designation

			access to the underneath of rail structures / bridges.		
OS724.1	<i>Dunedin International Airport Limited</i>	I seek to have the above provision amended	Amend designation D219 West Taieri Drainage Scheme to ensure drains can be re-routed if Dunedin International Airport Ltd wish to extend their runway (proposed alternative route identified on map attached to submission 724).	Reject	Recommend to the Requiring Authority that the designation be confirmed with no alteration to the extent of the designation.
OS987.2	<i>Ian H Bryant</i>	I seek to have the above provision amended	Amend D219 drainage ditches to align with existing ORC maps	Reject	Recommend to the Requiring Authority that the designation be confirmed with no alteration to the extent of the designation.

In his s42A report the Reporting Officer considered that the alignment of the designation on the planning maps should be reconsidered regarding any further research undertaken by the ORC and matters raised by *Dunedin International Airport Ltd (DIAL)* (OS724.1) and *Ian Bryant* (OS987.2).

Legal counsel for *DIAL* noted that there was an agreed alignment of drainage between the ORC and *DIAL* should the runway need extending. However, the notified maps did not show the agreed alignment. As a result, the affected landowner Wilson / West Main Farms Ltd will not have seen the agreed alignment giving rise to a potential scope issue.

Mr Logan in his submissions in reply for the ORC noted that *DIAL* was still working through issues with the affected landowner.

Ms McMinn in her evidence noted that *Mr Bryant's* submission referred to an area that was not notified for D219. *Mr Bryant* did not appear at the hearing.

Decision: We recommend no changes to this designation.

Decision reasons: The KiwiRail submission does not seek any specific amendments. The concerns raised in the *DIAL* submission appear to have been addressed through consultation between ORC and *DIAL*, but the specific *DIAL* request to extend the designation beyond what was notified would

in our view be ultra vires. That would need to be done through a Notice of Requirement, providing affected property owners the opportunity to submit. The only evidence we have in relation to Mr Bryant's submission is Ms McMinn's evidence that it relates to an area beyond the notified D219.

Recommended amendment: None

3.8 RADIO NEW ZEALAND LIMITED

3.8.1 D294 Highcliff Road Site

Sub pt #	Submitter Name	Support/Oppose/Seek Amend	Summary of Submission	Accept/Reject/Accept in part	Recommendation
OS918.58	<i>Radio New Zealand Limited</i>	I seek to have the above provision amended	Amend the location address for designation D294 Highcliff Road Site to 740 Highcliff Road	Accept	Recommend to the requiring authority that the designation be modified as outlined below
Submission: <i>Radio NZ Ltd</i> (OS918.58) advised that 740 Highcliff Road Dunedin more accurately reflects the location of this designated site.					
Decision and decision reasons: Our recommendation to the requiring authority is that D294 be modified as shown below, for accuracy and ease of use of the 2GP.					
Amendment: Amend the location address for designation D294 Highcliff Road Site as follows: 35 Kareta Road 740 Highcliff Road Dunedin (Des918.58)					

4.0 Assessment and recommendations / decisions on mapping of designations in the 2GP

Sub pt #	Submitter Name	Support/Oppose/Seek Amend	Summary of Submission	Accept/Reject/Accept in part	Decision
OS99.3	<i>Jeremy Shearer</i>	I oppose the provision	Remove designation D049 (Otago Girls High School) from 232 Rattray Street	Accept	Correct the mapping error.
FS2288.5	<i>Ministry of Education</i>	I support the submission	Support OS99.3. Allow submission	Accept	Correct the mapping error.
OS288.2	<i>Audrey Shearer</i>	I seek to have the above provision amended	Remove designation D049 – Otago Girls High School from 232 Rattray Street, Dunedin.	Accept	Correct the mapping error.
FS2288.6	<i>Ministry of Education</i>	I support the submission	Support OS288.2. Allow submission	Accept	Correct the mapping error.
OS305.1	<i>Janet Ellis</i>	I seek to have the above provision amended	Remove Designation 464 (SH 87 Mosgiel Interchange to DCC/CODC Boundary North of Hyde) from 83 Outram-Mosgiel Road, Mosgiel.	Accept in Part	Correct the mapping error.
FS2308.28	<i>New Zealand Transport Agency (NZTA)</i>	I support the submission	Support OS305.1. Allow submission.	Accept in Part	Correct the mapping error.
OS360.175	<i>Dunedin City Council</i>	I seek to have the above provision amended	Adjust map of designation D687 Ramrock Road Reservoir to align with the building.	Accept	Correct the mapping error.
OS360.176	<i>Dunedin City Council</i>	I seek to have the above provision amended	Adjust map of designation D450 (New Zealand Transport Agency SH1 DCC/WDC Boundary to Waitati) to match the designation as mapped in the Operative District Plan.	Accept	Correct the mapping error.

FS2308.29	<i>New Zealand Transport Agency (NZTA)</i>	I oppose the submission	Oppose 360.176. Disallow submission and correct minor error using cl 16(2) of Schedule 1 of the RMA.	Reject	Correct the mapping error.
OS360.179	<i>Dunedin City Council</i>	I seek to have the above provision amended	Amend designation D656 Warrington Waste Water Treatment Plant to include Sections 1-7 SO 445013.	Accept	Correct the mapping error.
OS360.180	<i>Dunedin City Council</i>	I seek to have the above provision amended	Amend designation D845 Harbourside Arterial Link to match the designation as mapped in the Operative District Plan.	Accept	Correct the mapping error.
OS360.182	<i>Dunedin City Council</i>	I seek to have the above provision amended	Remove designation D509 (Otago Citigas Limited - Hillside Road/Braemar Street Gas Works - 'Gas Works') from 45, 61 and 63 Hillside Road, South Dunedin).	Accept	Correct the mapping error.
OS360.228	<i>Dunedin City Council</i>	I seek to have the above provision amended	Amend designation D449 (SH 1 DCC/WDC Boundary to Waitati) by removing Bendigo Road, Waikouaiti and railway land.	Accept	Correct the mapping error.
FS2162.11	<i>KiwiRail Holdings Limited</i>	I support the submission	Support OS360.228. Allow submission	Accept	Correct the mapping error.
FS2308.30	<i>New Zealand Transport Agency (NZTA)</i>	I oppose the submission	Oppose OS360.228. Disallow submission and correct minor error using cl 16(2) of Schedule 1 or the RMA.	Reject	Correct the mapping error.
OS915.24	<i>PowerNet Limited</i>	I seek to have the above provision amended	Amend the western boundary of D852 - Waitati Substation on the 2GP maps to align with the Notice of Requirement.	Accept	Correct the mapping error.
OS915.25	<i>PowerNet Limited</i>	I seek to have the above provision amended	Amend the western boundary of D852 - Waitati Substation -on the	Accept	Correct the mapping error.

			2GP maps to align with the Notice of Requirement.		
OS923.78	<i>Spark New Zealand Trading Limited</i>	I seek to have the above provision amended	Amend D319 'Dunedin Exchange' mapping notation to refer to Spark (still refers to Telecom on mapping)	Accept	Correct the mapping error.
OS923.83	<i>Spark New Zealand Trading Limited</i>	I seek to have the above provision amended	Amend D332 'Signal Hill Landmobile Station' mapping notation to refer to Spark (still listed as Telecom)	Accept	Correct the mapping error.
OS923.85	<i>Spark New Zealand Trading Limited</i>	I seek to have the above provision amended	Amend D343 'Maungatua Microwave Station' to note that <i>Chorus</i> has the primary designation and <i>Spark</i> is secondary (including changing mapping notation to refer to both <i>Chorus</i> and <i>Spark</i> (not Telecom) as requiring authorities) and retaining address (610 McKendry Road Maungatua)	Accept	Correct the mapping error.
OS947.23	<i>Ministry of Education</i>	I seek to have the above provision amended	Amend Designation (D031) St Leonards School to include Lot 48 Deeds 105.	Accept	Recommend to the requiring authority that the designation be modified as set out below
OS947.24	<i>Ministry of Education</i>	I seek to have the above provision amended	Amend Designation (D048) Otago Boys High School to include 143 London Street.	Accept	Recommend to the requiring authority that the designation be modified as set out below
OS947.25	<i>Ministry of Education</i>	I seek to have the above provision amended	Amend designation (D068) Portobello Primary School to include land owned by <i>Ministry of Education</i> held for education purposes including some of the local road.	Reject	Recommend to the requiring authority that the designation be confirmed with no extension to the

					extent of the designation.
OS947.29	<i>Ministry of Education</i>	I seek to have the above provision amended	Amend Designation (D092) Karitane Primary School to the boundary of the land parcel along the sea/coast area	Reject	Recommend to the requiring authority that the designation be confirmed with no extension to the extent of the designation.
OS947.31	<i>Ministry of Education</i>	I seek to have the above provision amended	Amend Designation (D049) Otago Girls High School, to include School Car Park Area located on Smith Street and the tunnel joining the school with the gym under Smith Street.	Reject	Recommend to the requiring authority that the designation be confirmed with no extension to the extent of the designation.

The Panel advise that for all decisions where we recommend that a mapping error is corrected it is so that the 2GP is consistent, clear and accurate so that plan users can efficiently see which activities are able to be undertaken at which locations.

Discussion on Ministry of Education designations

For all these designations Julie McMinn from Opus Consultants, on behalf of the *Ministry of Education*, advised that they were satisfied with the recommendations in the section 42A report and would not be appearing or presenting any further evidence at the hearing.

Designation (D031) St Leonards School

Submission: The *Ministry of Education* (OS947.23) sought inclusion of Lot 48 Deeds 105 as part of this D031 as it is owned by the *Ministry* and forms part of the St Leonards School (comprising one of the entrances to the school).

Decision: Our recommendation to the requiring authority is that D031 be modified as shown below.

Decision reasons: Lot 48 Deeds 105 is owned by the *Ministry* and forms part of the St Leonards School (29 St Leonards Drive)

Amendment: Amend designation D031 St Leonards School to include Lot 48 Deeds 105.

As a consequential amendment, extend the School Zone over Lot 48 Deeds 105

Designation (D048) Otago Boys High School

Submission: The *Ministry of Education* (OS947.24) sought inclusion of 143 London Street in D048 as it is owned by the *Ministry* and forms part of Otago Boys High School.

Decision: Our recommendation to the requiring authority is that D048 be modified as shown below.

Decision reasons: 143 London Street is owned by *the Ministry* and forms part of Otago Boys High School and so it is appropriate to be included in D048.

Amendment: Amend the planning maps by amending Designation D048 Otago Boys High School to include 143 London Street.

D049 (Otago Girls High School)

Submission: *Jeremy Shearer* (OS99.3) and *A Shearer* (OS288.2) sought removal of the designation from 232 Rattray Street.

Decision: Correct the mapping error as follows:

Decision reasons: 232 Rattray Street is owned by Modern Upholstery Limited, does not operate as part of Otago Girls High School, and was included in D049 by a mapping error. This correction is approved by the *Ministry of Education*.

Amendment: Amend the planning maps by removing designation D049 (Otago Girls High School) from 232 Rattray Street.

Submission: The *Ministry of Education* (OS947.31) sought to include within D049 the school car park area located on Smith Street and the tunnel joining the school with the gym under Smith Street.

Decision: Recommend to the requiring authority that the designation be confirmed with no extension to the designated site as notified in the 2GP. We do not support the amendment proposed by the *Ministry of Education* to include the school car park area located on Smith Street and the tunnel joining the school with the gym under Smith Street.

Decision reasons: DCC Transportation Planning has advised us that the carpark and underpass is public road reserve land which the school has use of and that they wish this arrangement to continue.

Amendment: None (OS947.31)

Designation (D068) Portobello Primary School

Background: DCC Transportation Planning officers have been talking to the Portobello Primary School Headmaster, Board of Trustees and the Community Board about making parts of the school site which are owned by the *Ministry of Education*, and which are formed as road, into road reserve, and it is understood that verbal agreement has been reached between these parties to do this. This is contrary to the relief sought by the *Ministry* of including some of the local road as part of the designation.

Submission: The *Ministry of Education* (OS947.25) sought to extend its designation to include within D068 parts of the school site which are owned by the *Ministry of Education*, and which are formed as road.

Decision: Recommend to the requiring authority that the designation be confirmed with no extension to the designated site.

Decision reasons: We do not support the relief of extending the designation over formed road. We consider that it is more effective for the road to be a road reserve, rather than designated for education purposes. We also note that the *Ministry of Education* is satisfied with this decision.

Amendment: None

Designation (D092) Karitane Primary School

Submission: The *Ministry of Education* (OS947.29) sought extension of D092 to the boundary of the land parcel along the sea/coast area. This area of land is between the *Ministry of Education* owned land of Karitane Primary School and the coast is 15A Parata Avenue, Karitane (legally described as LOT 2 DP 5859, LOT 3 DP 467961).

Decision: Recommend to the requiring authority that the designation as notified in the 2GP be confirmed with no extension to the designated site. We do not support the relief sought by the *Ministry of Education* to extend D092 to the boundary of the land parcel along the sea/coast area.

Decision reasons: This land is owned by Dunedin City Council Community and Recreation and was acquired by Council in 2014 as part of the subdivision of the school grounds and the land was vested in Council under the Reserves Act 1977. The school has no authority in law and there is no agreement to permit the school to include this land as part of the school operations. We note that that the *Ministry of Education* is satisfied with this decision.

Amendment: None

Discussion on N Z Transport Agency designations

Designation D449 (SH 1 DCC/WDC Boundary to Waitati)

Submission: *Dunedin City Council* (OS 360.228) sought to amend designation D449 by removing Bendigo Road, Waikouaiti and railway land from the mapping of designation of D449.

Submissions and evidence presented at the hearing: Kirsten Tebbutt appeared for *NZTA* and stated that D449 was incorrectly mapped in the operative District Plan and that this error had been carried through into the 2GP. She also noted that *NZTA* considered that a clause 16(2) error correction was the appropriate way to correct such an error, but the agency was prepared to accept correction of the error through the submission process.

Decision: Our recommendation to the requiring authority is that the designation be confirmed, and the mapping error corrected as shown below.

Decision reasons: The amendment will correct a mapping error in the 2GP and is supported by the requiring authority *New Zealand Transport Authority*.

Amendment: Amend the planning maps by removing Bendigo Road, Waikouaiti and railway land from designation D449 (SH 1 DCC/WDC Boundary to Waitati).

Designation D450 (New Zealand Transport Agency SH1 DCC/WDC Boundary to Waitati)

Submission: *Dunedin City Council* (OS 360.176) sought to amend the mapping of D450 (New Zealand Transport Agency SH1 DCC/WDC Boundary to Waitati) to match the designation as mapped in the Operative District Plan.

Submissions and evidence presented at the hearing: Kirsten Tebbutt appeared for *NZTA* and stated that D450 was incorrectly mapped in the operative District Plan and that this error had been carried through into the 2GP. She also noted that *NZTA* considered that a clause 16(2) error correction was the appropriate way to correct such an error, but the agency was prepared to accept correction of the error through the submission process.

Decision: Recommend to the requiring authority that the designation be confirmed, and the mapping error corrected as shown below.

Decision reasons: The relief corrects an error in the mapping of designation D450 to match the operative District Plan which did not correctly map the designated site.

Amendment: Amend the planning maps by amending boundaries of designation D450 (New Zealand Transport Agency SH1. DCC/WDC Boundary to Waitati) to match the legal description of land subject to the notice of requirement for D450.

Designation 464 (SH 87 Mosgiel Interchange to DCC/CODC Boundary North of Hyde)

Background: There is a mapping error relating to 83 Outram-Mosgiel Road as the map can be interpreted as D464 encroaching onto that property.

Submissions: Janet Ellis (OS305.1), supported by NZTA (FS2308.28) sought removal of Designation 464 from 83 Outram-Mosgiel Road, Mosgiel.

Submissions and evidence presented at the hearing: Kirsten Tebbutt appeared for NZTA and confirmed that the property at 83 Outram-Mosgiel Road is not included within D464. She stated that the intention was that D464 should be rolled over from the operative District Plan without modification.

Decision: Recommend to the requiring authority that the designation be confirmed but that it is mapped so that it does not encroach onto 83 Outram-Mosgiel Road.

Decision reasons and Section 32AA evaluation: NZTA has confirmed that 83 Outram-Mosgiel Road is not included within the designation and so the maps should reflect this. It is important that the 2GP maps are consistent and clear so that people can rely on them for accurate information.

Amendment: Map D464 so that it does not encroach onto 83 Outram-Mosgiel Road.

Discussion on Dunedin City Council designations

Designation D656 Warrington Waste Water Treatment Plant

Submission: Dunedin City Council (OS360.179) sought to amend D656 Warrington Waste Water Treatment Plant to include Sections 1-7 SO 445013.

Decision: Confirm the designation and correct the mapping error as shown below.

Decision reasons: The relief corrects an error in the mapping of D656 to cover the entirety of the Warrington Waste Water Treatment Plant facility.

Amendment: Amend the planning maps for D656 Warrington Waste Water Treatment Plant to include Sections 1-7 SO 445013.

Designation D687 Ramrock Road Reservoir

Submissions: Dunedin City Council (OS360.175) sought adjustment of the mapping of D687 Ramrock Road Reservoir to align with the building.

Decision: Confirm the designation and correct the mapping error as shown below.

Decision reasons: This will correct a minor mapping error so that the designated site corresponds with the location of the buildings on the designated site. It is important the 2GP maps are consistent and clear so that people can rely on them for accurate information.

Amendment: Amend the mapping of D687 Ramrock Road Reservoir to align designation with the building.

Designation D845 Harbourside Arterial Link

Submission: *Dunedin City Council* (OS360.180) sought to amend the mapping of the D845 Harbourside Arterial Link to match the designation as mapped in the Operative District Plan.

Decision: Confirm the designation and correct the mapping error as shown below.

Decision Reasons: The relief corrects an error in the mapping of designation D845 to match the Operative Plan.

Amendment: Amend the mapping for D845 Harbourside Arterial Link to reflect the legal description of land subject to the designation as listed in the Notice of Requirement and any subsequent alterations to designation to match the designation as mapped in the Operative District Plan.

Discussion on other requiring authorities' designations

Designation D509 (Otago Citigas Limited - Hillside Road/Braemar Street Gas Works - 'Gas Works')

Submission: *The Dunedin City Council* (OS360.182) sought to remove D509 (Otago Citigas Limited - Hillside Road/Braemar Street Gas Works - 'Gas Works') from 45, 61 and 63 Hillside Road, South Dunedin as it is a mapping error.

Decision: The Panel recommends that the mapping error is corrected.

Decision reasons and Section 42AA evaluation: It is important for the 2GP to accurately show designated sites so that the public can rely on the information to see which activities are undertaken where.

Amendment: Delete D509 from maps and schedule A1.4.

Designation D852 - Waitati Substation

Submission: *PowerNet* (OS919.25) sought to amend the western boundary of D852 - Waitati Substation on the 2GP maps to align with the Notice of Requirement.

Decision: Recommend to the requiring authority that the designation be confirmed, and the mapping error corrected as shown below.

Decision reasons: This relief will correct the designation extent in the 2GP maps with the area depicted in Appendix G of the Notice of Requirement for D852. It is also noted that *PowerNet* owns and operates OtagoNet Joint Venture who are the requiring authority for the Waitati Substation.

Amendment: Amend the planning maps for D852 - Waitati Substation by amending the western boundary to align with the Notice of Requirement.

Spark NZ submissions (OS923.78, 83 & 85)

Submission: *Spark New Zealand Trading Limited* (OS923.78 and 83) sought amendment of mapping notation to refer to "*Spark*" rather than "Telecom" for D319 'Dunedin Exchange' and for D332 'Signal Hill Landmobile Station'. *Spark* (OS923.85) also sought to Amend D343 'Maungatua Microwave Station' to note that Chorus has the primary designation and *Spark* is secondary (including changing mapping notation to refer to both Chorus and *Spark* (not Telecom) as requiring authorities) and retaining the address (610 McKendry Road, Maungatua).

Submissions and evidence presented at the hearing: *Spark New Zealand* made written submissions in support dated 9 May 2016.

Decision: Recommend to the requiring authority that the designation be confirmed, and the mapping error corrected as shown below.

Decision reasons: This relief will correct minor mapping errors of referring to Telecom instead of *Spark* in the planning maps for designations D319 'Dunedin Exchange, D332 'Signal Hill Landmobile Station and D343 'Maungatua Microwave Station, as well as providing the correct information regarding who are the primary and secondary designation holders.

Amendment: Amend the planning maps of the following 2GP designations by amending designations D319 'Dunedin Exchange and D332 'Signal Hill Landmobile Station by referring to *Spark* instead of Telecom. Also amend D343 'Maungatua Microwave Station' to note that Chorus has the primary designation and *Spark* has the secondary designation, including changing mapping notation to refer to both Chorus and *Spark* (not Telecom) as requiring authorities.

5.0 Minor and Inconsequential Amendments

34. 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.
35. 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
 - changes to improve plan usability, such as adding numbering to appendices and reformatting rules
 - rephrasing plan content for clarity, with no change to the meaning
 - mapping and symbology of areas subject to multiple designations.
 - notes to Plan Users about designations or parts of designations which are secondary to other designations where they have not been corrected under the submission process.
 - designation D425 Port Chalmers Tunnel has been incorporated into D422 Port Chalmers Branch Railway in schedules but not in planning maps. D422 Port Chalmers Branch Railway will replace D425 Port Chalmers Tunnel on planning maps.
36. 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.

6.0 Appendix 1 – Recommendations and decisions on changes to the designation text and mapping of designations in the 2GP

6.1 Chorus N Z Limited & Spark N Z Trading Limited designations

Amend the name of the requiring authority in the schedules and maps for D321 Halfway Bush Exchange, D326 Mornington Exchange, D327 Mosgiel Exchange, D331 Ravensbourne Exchange and D345 Swampy Summit Microwave Station as follows: Chorus NZ Limited (Primary) and Spark N Z Trading Limited (Secondary) {Des923.79 to Des923.82 and Des923.84}.

Amend the 2GP planning maps notation for designation D343 'Maungatua Microwave Station to refer to Spark instead of Telecom and that Chorus is the primary designation and Spark the secondary. {Des923.85}

Amend designations D319 'Dunedin Exchange and D332 Signal Hill Landmobile Station by referring to Spark instead of Telecom. {Des 923.78, 83 & 85}

6.2 Dunedin City Council designations

6.2.1 D687 Ramrock Road Reservoir

Amend the 2GP planning maps to align designation D687 Ramrock Road Reservoir with the building. {Des360.175}

6.2.2 D656 Warrington Waste Water Treatment Plant

Amend the 2GP planning maps including Sections 1-7 SO 445013 into designation D656 Warrington Waste Water Treatment Plant to {Des360.179}

6.2.3 D845 Harbourside Arterial Link

Amend the mapping for D845 Harbourside Arterial Link to reflect the legal description of land subject to the designation as listed in the Notice of Requirement and any subsequent alterations to designation to match the designation as mapped in the Operative District Plan. {Des360.180}

6.2.4 D785 Emerson Street Cemetery

Amend condition 8 of designation D785 Emerson Street Cemetery as follows: 8. All stormwater that is not collected and discharged to a roadside water table shall be collected and discharged to natural ~~water bodies~~ ~~watercourses~~ in a controlled manner that avoids saturation of slopes below the development line restriction shown on Opus Drawing No.97/583/59/40704. {Des360.41}

6.3 Minister of Education designations

6.3.1 D027 Otago Boys High School Tennis Courts and School Hostel designation

Amend designation D027 purpose in the designation schedule and planning maps as follows: Otago Boys High School Tennis Courts ~~and School Hostel~~ – sSecondary sSchool {Des947.22}

6.3.2 D031 St Leonards School

Amend the 2GP planning maps to include Lot 48 Deeds 105 as part of designation D031 St Leonards School and extend the School Zone over Lot 48 Deeds 105 Des947.23}

6.3.3 D048 Otago Boys High School

Amend the 2GP planning maps to include 143 London Street as part of designation (D048) Otago Boys High School {Des947.24}

6.3.4 D049 Otago Girls High School

Amend the 2GP planning maps by removing designation D049 (Otago Girls High School) from 232 Rattray Street {Des99.3, Des288.2, FS2288.5 and FS2288.6}

6.3.5 D053 Bathgate Park School

Amend the title of designation D053 as follows: D053 Bathgate Park School – Year 1-8 Full Primary School {Des947.56}

6.3.6 D074 Concord Kindergarten

Amend the purpose of designation D074 as follows: Concord Kindergarten, ~~Local Purpose Reserve~~. - Early Childhood Education Facility {Des947.26}

6.3.7 D080 Elmgrove School

Amend the name and purpose of designation D080 to read: Elmgrove Primary School and Early Childhood Education Facility. In addition, extend designation D080 to include Lot 2 DP 26809 (79 Argyle Street Mosgiel) {Des947.27}

As a consequential amendment, extend the School Zone over Lot 2 DP 26809 (79 Argyle Street, Mosgiel) (Des947.27)

6.3.8 D083 Port Chalmers Kindergarten, Local Purpose Reserve

Amend the purpose of designation D083 as follows: Port Chalmers Kindergarten, ~~Local Purpose Reserve~~ - Early Childhood Education Facility

Amend the title of designation D083 as follows: D083 Port Chalmers Kindergarten, ~~Local Purpose Reserve~~. {Des947.28}

6.3.9 D099 Big Rock Primary School

Amend the purpose of designation D099 as follows: Big Rock Primary School - Early Childhood Education and Primary School. {Des360.177}

6.3.10 D106 Queens High School

Amend the purpose of designation D106, as follows: Queens High School - Secondary School and Early Childhood Education Facility Centre {Des947.30}.

In addition, include Part Lot 1, DP 4802 (318 Bay View Road) as part of the designation and extend the School Zone over this area. {Des947.30}.

Amendment

On 28th February 2018, the Ministry of Education, pursuant to Section 182 of the RMA requested the partial uplift of D107 (Taieri Composite School) with respect to Section 1 SO 516137 (15 Church Street, Mosgiel). The removal was actioned without further formality and resulted in an amendment to the 2GP mapping.

6.4 NZ Transport Agency designations

6.4.1 D449 SH 1 DCC/WDC Boundary to Waitati

Amend the 2GP planning maps by removing Bendigo Road, Waikouaiti and railway land from designation D449 SH 1 DCC/WDC Boundary to Waitati {Des360.228}

6.4.2 D450 (New Zealand Transport Agency SH1 DCC/WDC Boundary to Waitati)

Amend the planning maps by amending boundaries of designation D450 (New Zealand Transport Agency SH1. DCC/WDC Boundary to Waitati) to match the legal description of land subject to the notice of requirement for D450. {Des360.176}

6.4.3 D464 SH87 Mosgiel Interchange to DCC CODC Boundary North of Hyde

Amend the 2GP planning maps so that D464 does not encroach onto 83 Outram-Mosgiel Road {Des305.1}.

6.5 OtagoNet Joint Venture designations

6.5.1 D851 Merton Substation

Delete the 10 year lapse date from designation D851 Merton Substation {Des915.23}

6.5.2 D852 Waitati Substation

Amend the 2GP planning maps by aligning the western boundary of D852 - Waitati Substation with the Notice of Requirement {Des915.24}

6.5.3 D854 Blueskin Substation

Add a 10 year lapse date and change the boundary of designation D854 Blueskin Substation (on the planning maps) to align with the Notice of Requirement {Des915.28}

6.6 Otago Regional Council designations

6.6.1 D214 To allow for Proposed Principal Premises

Amend D214 To allow for Proposed Principal Premises by including a 10 year lapse date from the date that the designation is included within the 2GP, and amend the location (address) of the designation as follows: 15 Birch, 39 Kitchener and 49 Kitchener Street, Dunedin {Des725.1 and Des725.3}

6.6.2 D215 Leith Flood Protection Scheme

Amend condition 10 of D215 Leith Flood Protection Scheme with:

"The University of Otago shall be consulted prior to the construction of new works or lodgement of any outline plan for future works within the University Campus Area and the Dunedin City Council shall be advised of the outcome of the consultation." {Des308.434}

6.6.3 D216 Lindsay Creek River Works

Amend the purpose of designation D216 to the following wording:

"Lindsay Creek River Works which includes all works, structures, facilities, devices and appliances associated with ~~the scheme river control and flood protection~~ and includes all activities relating to ~~the~~ such works including construction, operation, maintenance, repair, reconstruction, extension, modification, replacement and improvement" (Des 709.1)
{Des709.1}

6.6.4 D218 East Taieri Drainage Scheme

Amend the extent of designation D218 East Taieri Drainage Scheme, refer maps below {Des 859.1, Des 418.2 and Des 810.2}

Figure 1:

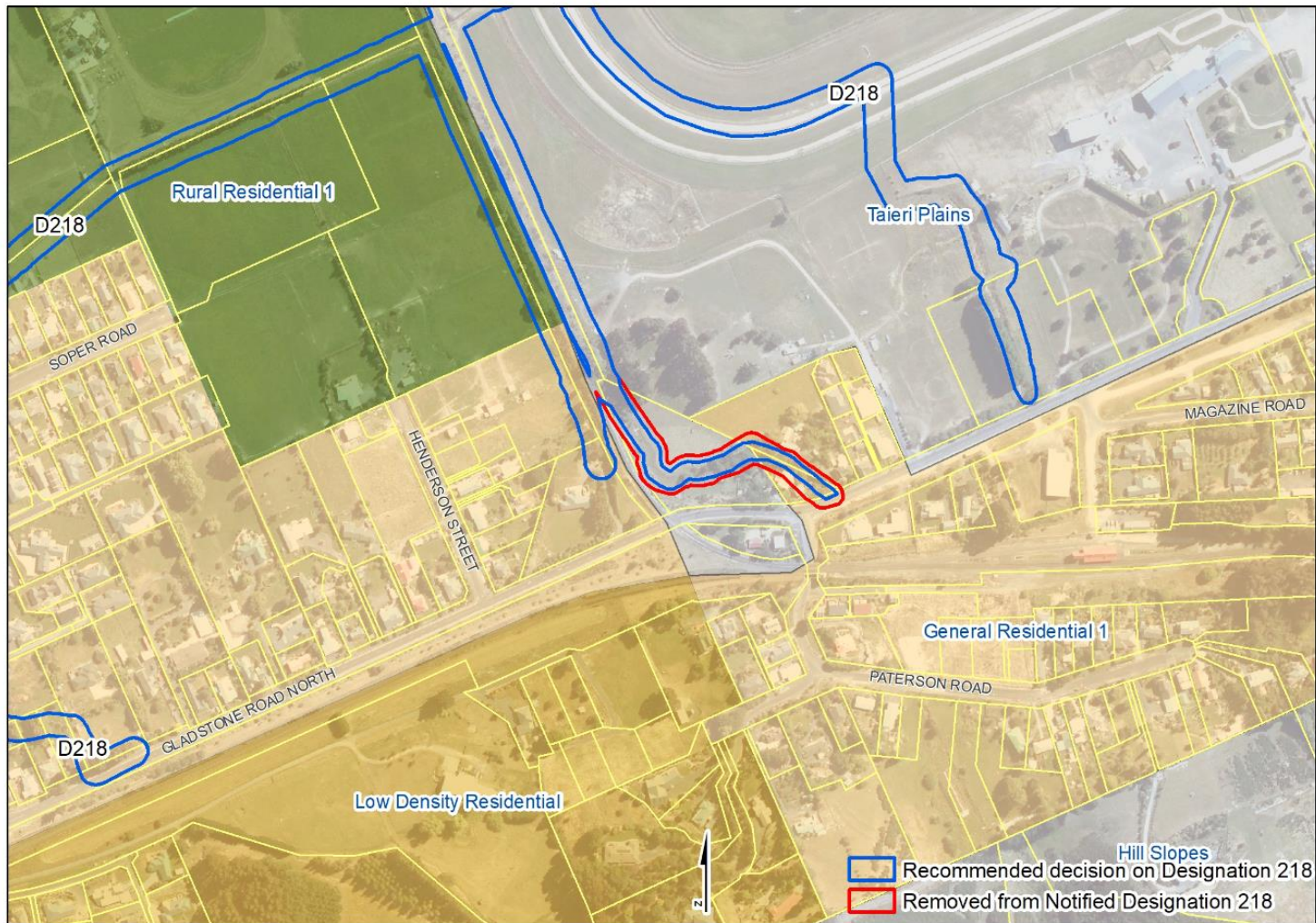
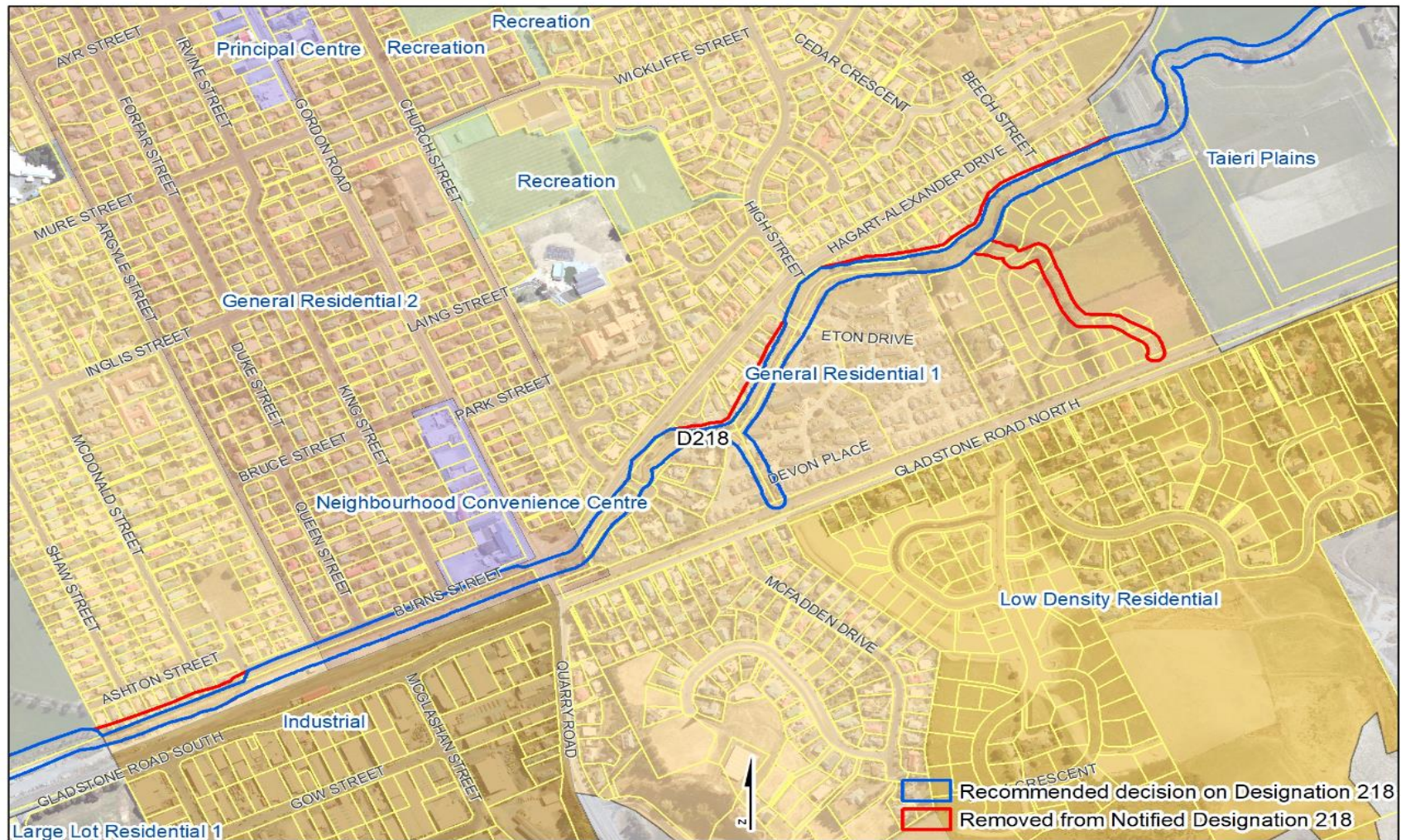


Figure 2:



6.7 Radio N Z Limited & N Z M E. Radio Limited designations - D294 Highcliff Road Site

Amend the location address for designation D294 Highcliff Road Site as follows: ~~35 Karetai Road~~ 740 Highcliff Road Dunedin {Des 918.58}

6.8 Spark N Z Trading Limited designations

Amend the 2GP planning maps notation for designations D319 'Dunedin Exchange and D332 'Signal Hill Landmobile Station to refer to Spark instead of Telecom {Des923.78 and Des923.83}

6.9 Otago Citigas Limited designation

Amend 2GP planning maps by removing designation D509 (Otago Citigas Limited - Hillside Road/Braemar Street Gas Works - 'Gas Works') from 45, 61 and 63 Hillside Road, South Dunedin {Des360.182}.

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
A1. Schedules		D215		Leith Flood Protection Scheme	Amend condition 10 (clarification rather than substantive change)	Des 308.434	4.7.2	3.1.29
A1. Schedules		D785		Emerson Street Cemetery	Amend condition 8 (clarification rather than substantive change)	Des 360.41	4.3.1	3.1.8