



SECOND GENERATION DISTRICT PLAN

Transportation Decision of Hearings Panel

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

7 November 2018



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

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

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

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

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

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

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

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

Hearing codes and submission point references

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

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

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

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

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

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

Master summary table of all decisions

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

List of hearing codes

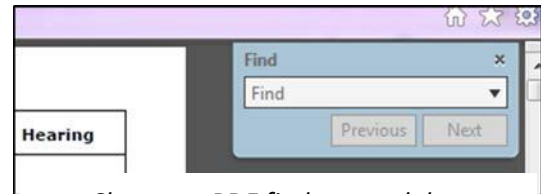
Hearing topic	Code
Commercial Advertising (cross plan hearing topic)	CP
Commercial and Mixed Use Zones	CMU
Community Correction Facilities (cross plan hearing topic)	CP
Defence Facilities and Emergency Services (cross plan hearing topic)	CP
Designations	Des
Earthworks	EW
Heritage	Her
Industrial Zones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

How to search the document for a submitter number or name

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



Chrome – PDF finder search box



Chrome – PDF finder search box

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

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1.0 Introduction

1. This document details the decision of the Proposed Dunedin City District Plan Hearings Panel/Te Paepae Kaiwawao Motuhake O Te 2GP, based on the submissions and evidence considered at the Transportation hearing. The Transportation hearing was held on 1, 2, 3 and 8 February 2017, at the 2GP Hearings Centre.

1.1 Scope of decision

2. This decision report addresses the 293 original submission points and 98 further submission points addressed in the Transportation s42A Report.
3. In addition, it also addresses the following points:
 - a. The *KiwiRail Holdings Limited* submission point OS322.40, which related to setbacks from the rail corridor for forestry and tree planting activities, and was included in the Rural Residential s42A Report.
 - b. *Southern District Health Board* submission point OS917.15, which related to provisions for cycle parking adjacent to recreation facilities, and was included in the Recreation s42A Report.
 - c. Mr *Gerrard Liddell's* submission point OS753.3, which related to provisions for pedestrian and cycle access, and was included in the Residential Zones s42A Report.
 - d. The *Cadbury Limited* submission point OS1015.17, which related to a proposed exemption from minimum car parking rule 19.5.6, and was included in the Industrial Zones s42A Report.
4. This Decision does not address the following submissions:
 - *KiwiRail Holdings Limited's* submission (OS322.19) which sought to amend strategic direction 2.7 to refer to transport infrastructure. This submission point was originally included within the Transportation s42A Report, however is now included in the Plan Overview Decision Report.
 - *NZ Transport Agency's* (OS881.41) submission to amend Objective 2.7.1 by removing the reference to ratepayers. This submission point was originally included in the Transportation s42A Report, however is now included in the Plan Overview Decision Report.

1.1.1 Section 42A Report

5. The Transportation s42A Report dealt primarily with the plan provisions included in the Transportation Section of the 2GP.

1.1.2 Structure of Report

6. The decision report is structured by topic. The report does not necessarily respond to individual submissions points; instead it discusses the matters raised in submissions and records our decisions and reasons on the provisions relevant to each topic¹. Appendix 2 at the end of the report summarises our decision on each provision where there was a request for an amendment. The table in Appendix 2 includes provisions changed as a consequence of other decisions.

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

7. 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)
8. 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.
9. 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.

1.2 Section 32AA evaluation

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

1.3 Statutory Considerations

13. 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.
14. 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.
15. 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.

2.0 Hearing appearances and evidence presented

16. A total of 23 submitters (or their representative) attended the hearing and/or provided evidence for consideration. The topics they covered are included in Table 1. All evidence can be found on the 2GP Hearing Schedule webpage under the relevant Hearing Topic <https://2gp.dunedin.govt.nz/2gp/hearings-schedule/index.html>

Table 1: Hearing appearances, evidence presented and topics covered

Submitter (Submitter Number)	Represented by	Expert evidence, submissions or evidence tabled at the hearing	Topics under which evidence is discussed
<i>BP Oil NZ Ltd and Mobil Oil NZ Ltd and Z Energy Ltd</i> (OS634) (FS2487)	Ms Ann-Marie Head (Transportation Consultant)	Appeared at hearing and tabled evidence	<ul style="list-style-type: none"> • High Trip Generating Activities • Rule 6.4.2 (Notification - NZTA considered an affected person) • Rule 6.6.3.2 • Rule 6.6.3.3 • Rule 6.7.1 • Rule 6.9.2 • Rule 6.10.2
	Ms Georgina McPherson (Planning Consultant)	Appeared at hearing and tabled evidence	
<i>Bunnings Limited</i> (OS489) (FS2152)	Mr Matt Norwell (Planning Consultant, Barker & Associates)	Pre-circulated evidence – did not appear at hearing	<ul style="list-style-type: none"> • Rule 18.5.6.9 Minimum car parking (trade related retail) • Rule 19.5.6 Minimum car parking (industrial zones)
<i>Bus Users Support Group Otepoti-Dunedin</i> (OS1080)	Mr Peter Dowden	Appeared at hearing	Rule 15.5.6 Minimum Car Parking
<i>Chalmers Properties Limited</i> (OS478)	Mr Len Andersen (Barrister)	Pre-circulated legal submissions – did not appear at hearing (joint evidence with Port Otago Limited)	<ul style="list-style-type: none"> • Rule 18.5.6 Minimum car parking • Rule 18.5.7 Minimum vehicle loading
<i>Christian Jordan</i> (OS927)	Mr Christian Jordan	Appeared at hearing	Rule 15.5.9 Minimum Car Parking (residential and CMU zones)
<i>Chorus New Zealand Ltd</i> (FS2079)	Mary Barton	Written statement received before the hearing (Joint statement with Spark and Vodafone). Did not appear	
<i>George</i>	George Hugh Kidd	Appeared at	Road Classification

<i>Hugh Kidd</i> (OS675)		hearing and tabled evidence (joint appearance for Riccarton Road West Safety Society also)	Hierarchy mapped area
<i>KiwiRail Holdings Limited</i> (OS322) (FS2162)	Ms Rebecca Beals (KiwiRail RMA Team Leader) and Ms Bronwyn Carruthers (legal counsel)	Planning evidence from Ms Beals pre-circulated before the hearing. Ms Carruthers attended the hearing and tabled evidence	Request to provide for rail activities
<i>Maurice Prendergast</i> (OS451)	Maurice Prendergast	Appeared at hearing and tabled evidence	Road Classification Hierarchy mapped area
<i>Mercy Dunedin Hospital Limited</i> (OS241) (FS2459)	Louise Taylor, Bridget Irving and Campbell Hodgson	Appeared at hearing Louise Taylor and Bridget Irving) and tabled evidence	
<i>Michael O'Neill</i> (OS403)	Mr Michael O'Neill	Appeared at hearing and tabled evidence	<ul style="list-style-type: none"> ● Rule 6.6.1.5 Surfacing and marking of parking areas ● Rule 15.5.9 Minimum Car Parking
<i>Miller Family Trust</i> (OS421)	Brian Miller	Appeared at hearing and tabled evidence	Road Classification Hierarchy mapped area
<i>NZ Transport Agency (NZTA)</i> (OS881) (FS2308)	Mr Andrew Henderson (planning consultant)	Pre-circulated evidence – did not appear at hearing	<ul style="list-style-type: none"> ● Definitions – Cycleway ● Objective 2.7.1 ● Objective 2.7.2 and Policy 2.7.2.1 ● Policy 6.2.1.3 ● Policy 6.2.3.12 ● Rule 6.4.2 (Notification - NZTA considered an affected person) ● Rule 6.6.3.6 ● Rule 6.9.2 ● Rule 6.10.2 ● Request for new policy 16.2.2.9 (Rural roads) ● Objective 18.2.1
<i>Oceana Gold (New Zealand) Limited</i> (OS1088) (FS2439)	Ms Jackie St John (legal counsel)	Appeared at hearing and tabled written statement	<ul style="list-style-type: none"> ● Objective 6.2.3 ● Policy 6.2.3.9 ● Rule 6.4.5 ● Appendix 6A: Road Classification Hierarchy

<i>Otago Polytechnic</i> (FS2448)	Ms Louise Taylor (Planning Consultant)	Appeared at hearing and tabled planning evidence	<ul style="list-style-type: none"> ● Rule 6.9.3.6 ● Rule 34.5.5.1 ● Rule 34.5.5.5 ● Policy 6.2.2.1 ● Policy 6.2.2.3
	Mr Philip Cullen (Deputy Chief Executive)	Appeared at hearing	
<i>Port Otago Limited</i> (OS737)	Mr Len Andersen (Barrister)	Pre-circulated legal evidence – did not appear at hearing (joint evidence with Chalmers Properties Limited)	<ul style="list-style-type: none"> ● Rule 18.5.6 Minimum car parking ● Rule 18.5.7 Minimum vehicle loading
<i>Riccarton Road West Safety Society</i> (OS195)	George Hugh Kidd	Appeared at hearing and tabled evidence (joint appearance for G H Kidd also)	Road Classification Hierarchy mapped area
<i>Robert Francis Wyber</i> (OS394)	Mr Robert Francis Wyber	Appeared at hearing and tabled evidence	<ul style="list-style-type: none"> ● Rule 15.5.9 Minimum Car Parking ● Road Classification Hierarchy mapped area ● Appendix 6A: Road Classification Hierarchy
<i>Robert Hugh Tongue</i> (OS452)		Appeared at hearing	Road Classification Hierarchy mapped area
<i>Roger Miller</i> (OS126)	Roger Miller	Appeared at hearing and tabled evidence	Road Classification Hierarchy mapped area
<i>Spark New Zealand Trading Ltd</i> (FS2146)	Graeme McCarrison	Written statement received before the hearing (Joint statement with Chorus and Vodafone). Did not appear	
<i>University of Otago</i> (OS308)	Mr Murray Brass	Appeared at hearing and tabled evidence	<ul style="list-style-type: none"> ● Rule 6.9.3.6 ● Rule 15.5.9.4 ● Rule 18.5.6.18 ● Rule 34.5.5.1 ● Rule 34.5.5.2 ● Rule 34.5.5.3 ● Rule 34.5.5.5 ● Rules 34.5.5.8-11 ● Policy 6.2.2.1 and Rule 6.10.2.2 ● Policy 6.2.2.3
<i>Vodafone New Zealand Ltd</i> (FS2076)	Colin Clune	Written statement received before the hearing (Joint statement with Chorus and Spark). Did not appear	

17. Appearances for the Dunedin City Council were:
 - Ann Rodgers, Reporting Officer
 - Sarah Connolly, Transportation Planning Principal Consultant (MWH)
 - Ian Clark, Transportation Consultant (Flow)
 - Grant Fisher, DCC Transportation Planner/Engineer
18. Evidence provided by Ann Rodgers included:
 - s42A Report
 - opening statement (verbal and PowerPoint)
 - revised recommendations (written and verbal)
19. Evidence provided by Sarah Connolly included:
 - written statement of evidence
20. Evidence provided by Ian Clark included:
 - written and verbal statements of evidence
21. Evidence provided by Grant Fisher included:
 - written statement of evidence
22. Planning assistance to the hearing was provided by:
 - Paul Freeland, DCC Senior Planner.

3.0 Key topics discussed at the hearing or covered in tabled evidence OR Discussion on provisions sought to be amended

3.1 Background

3.1.1 Overview

23. The Transportation Section contains objectives, policies and rules for managing Transportation activities. Transportation provisions apply across the whole plan and are triggered by activities undertaken in management zones and major facilities. Parking and loading requirements are included as performance standards in the relevant zones. There are also specific transportation activities relating to the maintenance and development of transportation infrastructure.
24. This Section also manages the effects of activities on the functioning of the transport network. Provisions are intended to encourage the accessibility of land use activities by a range of travel modes (including car, walking, cycling and public transport), and to ensure that activities are located and designed in a way that facilitates the safe and efficient operation of the transport network. These provisions are linked to performance standards located in management and major facility zone sections, including minimum car parking and minimum vehicle loading requirements, and design standards for parking and loading areas and vehicle access.
25. A road classification system is used to group roads into categories, thereby enabling provisions to be tailored to different categories of road, where appropriate. The classification reflects not only the transportation function of a road but also its role in creating a 'sense of place' and its contribution to the surrounding environment; taking into account the surrounding land use and the role the road plays in contributing to the amenity values, identity, and quality of the public space of the adjoining area.
26. The Plan contains additional provisions where activities are high trip generators. High trip generators are defined as new or additions to parking areas that result in 50 or more new parking spaces; and any activities that generate 250 or more vehicle movements per day.

3.2 Request to provide for rail activities

3.2.1 Submissions

27. *KiwiRail Holdings Limited* made a number of submission points, which sought to provide for rail as an activity in the Plan (OS322.17, OS322.9, OS322.18, OS322.26, OS322.28, OS322.7, OS322.8, OS322.14 and OS322.15).
28. As one option, the submitter requested that Policies 2.3.1.5 and 6.2.1.1, and the definition for "Transportation Activities" (which includes the definition for "Operation, repair and maintenance of the roading network") be amended to include reference to rail as well as roads. They reasoned that rail is part of the city's key transport routes, and a vital transport activity for the movement of freight. They noted that many transportation activities that require consent are restricted discretionary activities, and that having certainty that rail is able to be considered through these provisions was appropriate. As part of this suite of submission points they also requested that Policy 2.3.1.4, which as notified deals with protection of industrial land for industrial activities, should be expanded to deal with transportation activities (including rail) as well (OS322.9,

OS322.17, OS322.18, OS322.26 and OS322.28). They also made a related request in terms of Strategic Direction Objective 2.7, which we address in Section 3.8.1.

29. With regard to Policy 2.3.1.4, *KiwiRail* observed that while the policy wording seeks to recognise and protect industrial activities, there were other activities also included within the provision, such as key transport routes, which should include rail as well as roads. They submitted that these key transport routes are not all zoned industrial, and were therefore in conflict with the policy as worded. They sought changes to the policy to reflect that transport routes are more than just roads, and that industrial zoning is not always the underlying zone.
30. *KiwiRail's* submissions on most of these matters were supported by the *NZ Transport Agency* (FS2308.2) and the *Otago Regional Council (ORC)* (FS2381.486, FS2381.490, and FS2381.491). Notwithstanding this, the *ORC* opposed the deletion of "industrial" from Policy 2.3.1.4 (FS2381.487).
31. As an alternative to the above request, *KiwiRail Holdings Limited* (OS322.7, OS322.8, OS322.14, OS322.15, OS322.22, OS322.23 and OS322.24) submitted that rail and associated rail buildings and structures should be provided for as a network utility in the 2GP. To this end, they sought amendments to the definitions for "Network Utilities", "Network Utility Structures", "Network Utility Structures – Small Scale" and "Small Scale Network Utilities". They also sought amendments to a number of performance standards that apply to network utilities structures in respect of area, height, and clearance from navigable water bodies.
32. They reasoned that as rail is provided for under the RMA as a network utility they should therefore be recognised as such in the District Plan. They suggested that including rail as a network utility would enable rail to operate, and would also enable the effects on rail from adjoining activities (such as potential undermining from earthworks) to be considered through the resource consent process.
33. The *Otago Regional Council* (OS908.94) also requested that the 2GP provisions be amended to recognise the importance of the rail network as critical infrastructure in its own right, and to give effect to the *Otago and Southland Regional Land Transport Plans 2015-2021*, including the following policies from that document:
 - Policy 2.29 (ensuring land for critical future projects)
 - Policy 3.11 (provision for ensuring *KiwiRail* is able to continue operations safely and efficiently); and
 - Policy 4.7 (protection of existing rail corridors and the open space of ex-rail corridors).

3.2.2 s42A Report response

34. The Reporting Officer did not support either option for providing for rail activity in the Plan as, in her opinion, the operation repair and maintenance of the rail network is adequately provided for through the designation process. She noted that the operation, repair and maintenance of the rail network was provided for under *KiwiRail's* three designations for "railway purposes" (which cover all rail corridors in the DCC area) and that *KiwiRail*, as the requiring authority, had control over what occurs within the rail corridors. She noted the designation could be used by *KiwiRail* when operating for railway purposes, within the designation area, in accordance with the designation conditions and the requirements of the Railways Act and the designations provisions of the RMA. Conversely, she observed that not all roads, particularly local authority roads, are designated and that it was therefore necessary to specifically provide for the operation repair and maintenance of the roads as a Transportation Activity through the Plan rules (s42A Report, Section 5.19.1, pp. 208-209). With respect to the option of including rail as a network activity, she observed that the 2GP

provisions do not anticipate the inclusion of “rail and associated rail buildings and structures” as a type of network utility structure; and that the policies, performance standards and assessment matters associated with network utility structures had not been drafted with railway structures in mind. Similarly, the network utility provisions do not provide for the construction or operation of roads (s42A Report, Section 5.19.1, pp. 209-212).

35. Moreover, she did not agree that it would be appropriate to amend policies 2.3.1.4 or Policy 2.3.1.5, as requested. She noted that the focus of Policy 2.3.1.4 is on industrial zoning and key transport routes are referred to in relation to their importance to industrial activities. Policy 2.3.1.5 refers to the identification of “key transportation routes”. Unlike key roads, which are identified in the road classification hierarchy, railways are not identified on 2GP maps, except as designations. She considered that, to achieve the outcome sought by the submitter, it would be preferable to amend Policy 2.7.2.1 (see section 3.8.1).
36. With respect to the ORC’s request to ensure that the policies of the *Otago and Southland Regional Land Transport Plans 2015-2021* were reflected in the 2GP, she was of the opinion that these policies were provided for in Objective 2.3.1 and its associated policies, the rail corridor designation process, and the rules related to setbacks and reverse sensitivity. As such, she did not consider it necessary to make any amendments in response to the *Otago Regional Council* submissions (s42A Report, Section 5.19.1, pp. 207-208).

3.3 Request to Manage Land Use Near Rail Corridors, including setbacks from forestry and tree planting activities

37. *KiwiRail Holdings Limited* submitted that the 2GP be amended in a number of ways to manage land uses near railway corridors. They submitted that noise sensitive activities, all buildings and structures, earthworks and forestry and tree planting be subject to minimum setbacks from railway corridors because:
 - noise sensitive activities could experience adverse amenity effects, which could also result in reverse sensitivity effects on the railway
 - safety could be compromised when maintaining buildings and structures
 - earthworks could undermine railway track stability, and thereby lead to significant safety risks
 - forestry and tree planting could result in adverse effects on the safety and efficiency of the rail corridor.

3.3.1 Request to protect rail activities from reverse sensitivity effects

38. *KiwiRail* requested specific changes to Strategic Direction policies 2.2.4.1, 2.3.1.5 and 2.7.2.1, to protect rail activities from reverse sensitivity effects (OS322.16, OS322.18 and OS322.20 respectively).
39. They also sought amendments to policies, or requested the addition of new policies, in the Residential (new Policy 15.2.2.2), Rural (16.2.2.1), Rural Residential (17.2.2.1) and Commercial and Mixed Use (new Policy 18.2.2.10) zones; to indicate that the purpose of the setbacks is to minimise the potential for reverse sensitivity effects, particularly arising from residential buildings and other noise sensitive activities (OS322.51, OS322.36, OS322.39 and OS322.124 respectively). The submitter noted that the existing policies, as notified, do not enable consideration of network utilities as having the potential to raise reverse sensitivity effects, and sought that this is addressed.
40. Other *KiwiRail* submission points were:

- support for Rule 18.11.4.1, which provides for the assessment of development activities (in commercial and mixed use zones) that contravene the notified acoustic insulation standard within 70m of railways
- that Policy 31.2.2.1, in the Schools section (which sets out the purpose of boundary setbacks in the Schools zone) be amended to refer to the avoidance of reverse sensitivity effects. *KiwiRail* did not seek a 5m setback for buildings and structures from the railway boundary in this zone, and indicated that they were satisfied with the notified rule that requires all buildings and structures, additions and alterations in this zone to be set back at least 4.5m from boundaries other than the road boundary.

41. *KiwiRail* also sought:

- that Policy 5.2.1.3 in the Network Utilities section be amended so that noise sensitive activities are required to be setback from network utilities. This submission was opposed by *Transpower New Zealand Limited* (FS2453.13); and
- that Rule 5.6.2 in the same section be amended so that earthworks are required to be setback at least 1.5m from all network utilities, including railways.

3.3.1.1 s42A Report response

42. With regard to the management of reverse sensitivity effects, the Transportation Reporting Officer considered that the Public Health and Safety section policy, rule and assessment rule relating to acoustic insulation requirements within 70m of a railway line, which apply throughout the city, appropriately provide for the amenity of noise sensitive activities close to the railway corridor, and the minimisation of reverse sensitivity effects on the railway that could arise from noise complaints. Therefore, she did not agree that any additional provisions in relation to noise sensitive activities near railway corridors needed to be added to the 2GP (s42A Report, Section 5.19.1, pp. 213-214).
43. Furthermore, she considered that the notified assessment rules that apply to forestry and tree planting activities that contravene notified forestry and tree planting setbacks are adequate to assess the effects of activities that contravene the recommended 10m setback from the railway corridor and did not support amendments to them.
44. With regard to *KiwiRail's* requested changes in respect of strategic direction policies, Ms Rodgers did not consider that it was necessary to amend Policy 2.2.4.1, because *KiwiRail's* concerns about reverse sensitivity effects arising from medium density housing areas establishing near railway corridors were addressed by the notified acoustic insulation requirements, and by the minimum setbacks she had recommended.
45. She did not agree that Policy 2.3.1.5 should be amended, noting that this policy refers to the identification of "key transportation routes". Ms Rodgers observed that, unlike key roads, which are identified in the road classification hierarchy, railways are not identified on 2GP maps except as designations.
46. She considered that it would be preferable to amend Policy 2.7.2.1 to refer to the minimum setback rules for development activities, with a consequential amendment to Objective 2.7.2 to refer to "road and rail users" rather than "road

users". This would protect the railway corridors from potential adverse health and safety effects resulting from inappropriate development activities.

3.3.2 Request to provide for the safety and efficiency of the rail corridor/Request to amend provisions relating to level crossings

47. *KiwiRail* sought the following changes to the way development near level crossings is managed in the 2GP:
- amendments to Policy 6.2.4.5 (OS322.27) and Rule 6.6.3.4 (OS322.29) to require a minimum distance of 30m between new vehicle crossings and level crossings
 - a consequential amendment to Rule 6.9.5.8 (OS322.78) which is the assessment rule for contraventions of Rule 6.6.3.4, to allow for assessment of cases in which vehicle crossings are proposed within 30m of level crossings. This submission was supported in a further submission from the *NZ Transport Agency* (FS2308.17).
48. *KiwiRail* suggested that the 30m setback requested was consistent with Part 9 of the NZTA Traffic Control Devices Manual, Section 7.8; and that while level crossing accidents were rare, they were severe. The 30m separation distance was designed to:
- reduce the potential for vehicles to queue over the level crossing
 - ensure visibility of the crossing isn't blocked by turning vehicles
 - avoid congestion and confusion in the vicinity of the level crossing; and
 - allow space for vehicles to wait/stop at the level crossing without frustrating someone trying to get in or out of an adjacent property.
49. *KiwiRail* (OS322.30) also submitted that a rule be added to the 2GP to require compliance with Figure 6.14R (Railway level crossing sight line restrictions - now Figure 6B.18), because there are no rules that require compliance with that figure. In addition, they submitted that an assessment rule be added to the plan to guide the assessment of applications that contravene the new rule (OS322.79). They observed that the key factors in maintaining safety were to ensure:
- vehicle drivers had sufficient visibility along the rail tracks
 - traffic needing to gain access to adjacent properties and through-traffic did not conflict with one another
 - obstructions do not block the visibility of level crossing signs or alarms to approaching drivers.
50. These submissions were supported in a further submission from the *NZ Transport Agency* (FS2308.15 and FS2308.16).
51. The submitter also sought amendments to:
- performance standards in all management zone sections, except the Rural section (rules 15.6.14.1, 17.5.10, 18.6.17, 19.6.11.1 and 20.6.12.1) to require a minimum 5m setback from the rail corridor boundary for buildings, structures, additions and alterations, and (in the case of the commercial and mixed use zones) earthworks (OS322.52, OS322.41, OS322.56, OS322.57 and OS322.58 respectively). This is to enable access to the exterior of the building such as to undertake maintenance, without the need to access the rail corridor

- assessment criteria for boundary setbacks to accommodate the new performance standards
 - assessment rules 6.9.3.2 and 6.9.3.4, to allow for the assessment of contraventions of the requested setbacks (OS322.53 and OS322.77)
 - performance standards in the Rural (16.6.11), Rural Residential (17.6.10.2) and Recreation (20.6.12.2) sections to require a minimum 10m setback from the rail corridor boundary for trees associated with forestry and tree planting activities (OS322.106, OS322.42 and OS322.59).
52. The submitter also submitted support for assessment Rule 17.10.2.1, which is used to assess forestry activity. *KiwiRail* requested that consideration be given to health and safety effects as well as the safety of transportation networks, in relation to forestry setback encroachments.
53. A further *KiwiRail* submission point (OS322.40) was addressed in the Rural Residential s42A Report. That submission sought to amend Policy 17.2.2.6 to add consideration of health and safety effects in the location of forestry and tree planting activities, because of the submitter's concerns about health and safety in relation to the operation of the rail corridor. The Rural Residential Reporting Officer, Mr Michael Bathgate, did not support the submission, stating:

... Submissions in relation to the management of rail, along with setbacks from the rail corridor and reverse sensitivity effects, are to be considered in the Transportation Section 42A Report. These include submissions relating to the setback of forestry and tree planting from the rail corridor. I consider that this is the appropriate place to deal with these submissions, and that the scope of Policy 17.2.2.6 does not need to be expanded. I note also there is an existing Policy 9.2.2.5 in the Public Health and Safety section of the 2GP that requires forestry and tree planting to be set back from boundaries to manage risks to safety from fire or tree fall. [Rural Residential s42A Report, Section 5.1.12, p. 42.]

3.3.2.1 s42A Report response

54. In regard to *KiwiRail's* submission seeking that a rule be added to the 2GP to require compliance with Figure 6.14R (Railway level crossing sight line restrictions - now Figure 6B.18), the Reporting Officer recommended that the submission be accepted, for the reasons that had been set out by *KiwiRail* (s42A Report, Section 5.19.1, pp. 214-219). As the new rule would apply both to new vehicle accesses and to new roads, she recommended that appropriate performance standards be added to both the Transportation Activities Performance Standard which applies to new roads (Rule 6.5), and to the Vehicle Access Design and Location Performance Standard (Rule 6.6.3). She also recommended that consequential amendments be made to the plan's policies and assessment rules, to clearly state the intent of these performance standards and to provide for the assessment of activities that contravene them. Her recommended amendments were detailed in the s42A Report.
55. The Reporting Officer considered that for reasons of safety, it was appropriate to require a minimum setback of 5m from the railway corridor for all buildings, structures, additions and alterations, and earthworks, in all management zones. She suggested the simplest way to achieve this, which would also provide for consistency throughout the zones, was to add an appropriate policy, performance standard and assessment rule to the Public Health and Safety section, with rules linking to these provisions in the management zone and

Schools Zone sections. She did not consider it necessary to amend Rule 5.6.2 in relation to the setback of earthworks from network utilities.

56. Ms Rodgers agreed that it would be appropriate to amend the forestry and tree planting setback rules that apply in the Rural, Rural Residential and Recreation zones (i.e. the zones in which forestry and tree planting are provided for) to require a minimum setback of 10m from the railway corridor for trees planted as part of these activities. She did not consider that *KiwiRail's* request for an addition to the Rural Zone policies to set out the intent of this setback was necessary however, because the potential safety risk posed by forestry and tree planting on the rail network is already covered by Public Health and Safety Objective 9.2.2 and Policy 9.2.2.5.
57. Furthermore, she considered that the notified assessment rules that apply to forestry and tree planting activities that contravene notified forestry and tree planting setbacks are adequate to assess the effects of activities that contravene the recommended 10m setback from the railway corridor and did not support amendments to them.

3.3.2.2 Evidence presented at the hearing

58. With respect this topic, Ms Rebecca Beals, the planning consultant called by *KiwiRail Holdings Limited*, began by noting that she did not consider that the changes recommended in the s42A Report would result in an outcome that was consistent with Part 2 of the RMA.
59. *KiwiRail Holdings Limited* called Ms Rebecca Beals (planner) who pre-circulated written planning evidence, in which she focussed on those submission points where *KiwiRail* did not accept the Reporting Officer's recommendations detailed in the s42A Report.
60. Ms Beals referred to the Otago Regional Council's proposed *Otago Regional Policy Statement* ("RPS"), noting that this appeared to have adopted an inclusive approach to land transport, by recognising that this extended to both road and rail. She observed that *KiwiRail* wished the same inclusive approach to be adopted within the 2GP. She suggested the ORC's support for a number of *KiwiRail's* submission points reflected the strategic direction the ORC has provided for through its Regional Land Transport Plans.
61. She referred to objectives 2.7.2, 6.2.1 and 6.2.3 and suggested that while it appeared the intention behind the provisions was that rail is a transport network, there was an inconsistency in that other areas of the 2GP appeared to specifically exclude it. She submitted that this uncertainty be addressed through the specific inclusion of rail as a transport network.
62. Ms Beals also spoke in support of amendments to policies 2.3.1.5, 2.7.2.1, 6.2.1.1 and the addition of a new policy (15.2.2.2) to establish consistency and certainty in terms of the treatment of the rail corridor as a transport route; and to recognise the need to provide for the safety and efficiency of that route by managing issues of reverse sensitivity. She also considered that a clear link between 2GP policies and rules was desirable.
63. With regard to Policy 5.2.1.3 (which is the policy that manages activities near the National Grid), Ms Beals noted that there was no 2GP policy that specifically referenced noise sensitive activities in relation to network utilities. She observed that the 2GP requirements for boundary setbacks and noise mitigation were tools to manage reverse sensitivity effects, and that there ought to be a clear link between these mitigation requirements and the policy direction.
64. Ms Beals observed that while the main justification provided by the Reporting Officer for excluding rail activities from the network utility provisions appeared to be that the rail corridor is designated, not all rail related activities and

operations were designated, and not all were undertaken by *KiwiRail* (because both private operators such as Taieri Gorge Rail and private sidings existed). We note that Taieri Gorge Railway Limited is now a requiring authority, and designation D364 has been included in the 2GP. She noted that there were many aspects of *KiwiRail*'s broader transport network that were not designated, and therefore needed to be included as a recognised activity in 2GP provisions. In her view, it was appropriate that the 2GP be consistent with the treatment of network utilities under the RMA.

65. With regard to *KiwiRail*'s submission that rail be included within the 2GP definition of "Transportation Activity", Ms Beals observed that in the same way that the railway network was able to be designated, so too was the road network, and therefore if the reason to exclude rail from the relevant definitions was the ability to designate land, then it followed that the inclusion of road was also unnecessary. She added that while local roads were not designated, the state highways were, and yet the 2GP provisions did not distinguish between designated or non-designated roads. She suggested the approach taken for rail was inconsistent with that taken for roads, and questioned the need for a distinction between a road and a rail corridor when both were public assets and fundamentally enabled the same function, i.e. the transportation of goods and people.
66. *KiwiRail Holdings Limited* also called Ms Bronwyn Carruthers to present legal submissions on their behalf at the hearing. Ms Carruthers noted that the key issues for *KiwiRail* in respect of the Transportation Section were:
 - having objectives, policies and rules that recognise the rail corridor as a regionally and nationally significant physical resource, and
 - protection of people from adverse effects of activities undertaken on the rail corridor; and protection of the operation of the rail corridor from potential reverse sensitivity effects from sensitive land uses.
67. She spoke in some detail to the following relief sought by *KiwiRail*:
 - a. amendment to the definition of "Network utilities" and associated definitions, to include reference to rail
 - b. amendment to the definition of "Transportation activities" and associated definitions, to include reference to rail
 - c. consequential amendments to the Clearance from navigable water body rule (Rule 5.5.8.6) [N.B. this is now a separate performance standard as it has been separated out as a Clause 16 change from the Network Utilities decision – see Rule 5.5.C] and Policy 6.2.1 to reflect the amendments sought in (a) and (b) above
 - d. amendment of policies 2.3.1.5 and 2.7.2.1 (or other explicit policy recognition) to address potential reverse sensitivity effects on the rail corridor
 - e. a new policy 15.2.2.2 to provide explicit recognition of reverse sensitivity effects in relation to the rail corridor in the residential zones, and
 - f. minor amendments to the assessment criteria for Rule 6.9.3.4 to reflect policies relevant to the forestry setback rule for rail.
68. In her revised recommendation, Ms Rodgers acknowledged the submissions which suggested that, in terms of the RMA, rail is considered a network utility, but reiterated her view that in the context of the 2GP the definition for "Network Utilities" does not reflect the RMA definition.
69. She did, however, consider that it was appropriate that rail be considered as a Transportation activity and be included in that definition, and that all necessary consequential amendments to the 2GP objectives, policies, rules and assessment matters be made to give effect to this. We note that she did not offer any specific amendments that she advised were appropriate with respect to this change.

3.3.3 Decision and reasons

3.3.3.1 Request to provide for rail activities

70. With respect to the submissions by *KiwiRail Holdings Limited* to provide for rail activities in the Plan either via inclusion as a transportation activity or as a network utility activity and the range of amendments suggested to support this change, we accept that there may be some merit in including rail activity in the Plan if there are problems with relying on a designation. However, we do not agree that the requested amendments to the network utility or transport provisions of the 2GP are the best way to achieve this. In the absence of a set of provisions where there is expert agreement (at least to a substantial degree) that the provisions would be effective and efficient in terms of our obligations under s32AA, our decision at this time must be to reject these submissions. However, we strongly encourage *KiwiRail Holdings Limited* and the *ORC* to enter into further dialogue with the DCC to work with them to look at effective ways of amending the plan to address any practical issues there are for the efficient and effective operation and expansion of rail activities where these cannot be managed via the designation process. We suggest this is best done through a future plan change to enable potentially affected interests to participate through the Schedule 1 process.
71. We therefore reject the following submissions by *KiwiRail Holdings Limited*, for the reasons outlined above: OS322.17, OS322.9, OS322.18, OS322.26, OS322.28, OS322.7, OS322.8, OS322.14, OS322.15, OS322.22, OS322.23 and OS322.24.
72. We accept the associated further submission from the *Otago Regional Council* (FS2381.487), which opposed submission OS322.17.
73. We also reject the submission from *Otago Regional Council* (OS908.94) that sought that the 2GP be amended to give effect to the *Otago and Southland Regional Land Transport Plans 2015-2021*, for the reasons given by the Reporting Officer and for lack of clear evidence around amendments that were needed.

3.3.3.2 Request to protect rail activities from reverse sensitivity effects

74. We reject the submissions from *KiwiRail Holdings Limited* (OS322.16, OS322.18 and OS322.20) which sought amendments to Strategic Direction policies 2.2.4.1, 2.3.1.5 and 2.7.2.1, to protect rail activities from reverse sensitivity effects. Policies 2.2.4.1, 2.3.1.5 and 2.7.2.1 are retained without amendment.
75. We reject the submissions by *KiwiRail Holdings Limited* (OS322.51 and OS322.124) to add new policies in the Residential and Commercial Mixed Use Zones to manage reverse sensitivity.
76. We also reject the submissions by *KiwiRail Holdings Limited* (OS322.36 and OS322.39) to amend policies in the Rural (16.2.2.1), and Rural Residential (17.2.2.1) zones.
77. We reject the submission from *KiwiRail Holdings Limited* (OS322.60) which sought amendment to Policy 31.2.2.1, to refer to the avoidance of reverse sensitivity effects. We also accept the associated further submission from *Transpower NZ Limited* (FS2453.13), which opposed submission OS322.21. Policy 31.2.2.1 is retained without amendment.
78. We also reject the submissions from *KiwiRail Holdings Limited* which sought amendments to:

- Policy 5.2.1.3 to require that noise sensitive activities be setback from network utilities (OS322.21)
 - Rule 5.6.2 to require earthworks to be setback at least 1.5m from all network utilities, including railways (OS322.25).
79. Our reasons for these decisions are that in essence, we accept the evidence of the Reporting Officer that the 2GP provides sufficient protection for the adverse effects of reverse sensitivity on the rail network.
80. Such measures include, in the Public Health and Safety section policy, rule and assessment rule relating to acoustic insulation requirements within 70m of a railway line, which apply throughout the city, and which we consider appropriately provide for the amenity of noise sensitive activities close to the railway corridor, and the minimisation of reverse sensitivity effects on the railway that could arise from noise complaints.
81. Consistent with our decisions above, with respect to making no special policy provision in the 2GP for rail activities outside of the designation process, we consider that it is not necessary or appropriate to change the strategic direction objectives or policies to specifically provide for the protection of the rail network from adverse reverse sensitivity effects.
82. For example, we do not consider it is necessary to amend Policy 2.2.4.1, because *KiwiRail's* concerns about reverse sensitivity effects arising from medium density housing areas establishing near railway corridors are addressed by the plan's acoustic insulation requirements, and by the minimum setbacks. We also note that the notified assessment rules that apply to forestry and tree planting activities that contravene notified forestry and tree planting setbacks are adequate to assess the effects of activities that contravene the recommended 10m setback from the railway corridor.
83. We do acknowledge however that additional measures could be contemplated as part of a comprehensive suite of provisions in the event that a future plan change is developed, as noted in that earlier decision.

3.3.3.3 Request to provide for the safety and efficiency of the rail corridor/request to amend provisions relating to level crossings

84. We accept the submissions from *KiwiRail Holdings Limited* (OS322.27, OS322.29 and OS322.78), which sought amendments to Policy 6.2.4.5 and Rule 6.6.3.4 to require a minimum distance of 30m between new vehicle crossings and level crossings, and a consequential amendment to assessment Rule 6.9.5.4. We also accept the associated further submission from the *NZ Transport Agency* (FS2308.17). The amendments necessary for this decision are as follows:

Policy 2.7.2.1

Support the safe and efficient operation of the multi-modal land *{Trans 881.45}* transport network through rules that:

- g. require minimum separation distance of new vehicle crossings from level crossings *{Trans 322.27}*

Policy 6.2.4.5

Require new vehicle accesses to be located a sufficient distance from intersections and level crossings *{Trans 322.27}* to avoid or, if

avoidance is not possible, adequately mitigate adverse effects on safety and efficiency due to:

- a. vehicles queuing to enter the crossing hindering the efficient functioning of the intersection or level crossings {Trans 322.27}; and
- b. confusion over whether indicating vehicles are seeking to turn at the crossing or the intersection ~~creating safety problems~~ {Trans cl. 16}.

6.6.3.4 Minimum distances of new vehicle crossing from intersections and level crossings {Trans 322.30}

g. The minimum distance between a new vehicle crossing and a level crossing on the same road is 30m. {Trans 322.29}

Rule 6.9.5.4.a.ii

Vehicle access design and location

- Minimum distances of new vehicle crossing from intersections and level crossings {Trans cl.16} (Rule 6.6.3.4.g) {Trans 322.29}

~~Vehicle crossings~~ New vehicle accesses {Trans 322.27} are located a sufficient distance from intersections and level crossings {Trans 322.27} to avoid or, if avoidance is not ~~possible~~ practicable {PO 908.3 and others}, adequately mitigate adverse effects on safety and efficiency due to:

1. vehicles queuing to enter the crossing hindering the efficient functioning of the intersection or level crossing {Trans 322.27}; and
2. confusion over whether indicating vehicles are seeking to turn at the crossing or the intersection creating safety problems. (Policy 6.2.4.5)

85. We also note that “level crossing” is not defined in the 2GP, and pursuant to Clause 16 of the First Schedule to the RMA have included the following definition in the 2GP:

Level Crossing

Any place where a railway line crosses a road on the same level. {Trans cl.16¹}

¹ Trans cl.16: Added to the Plan for clarity.

86. We accept the submissions from *KiwiRail Holdings Limited* (OS322.30 and OS322.79), which sought the addition of a new rule to require compliance with Figure 6B.18: Railway Level Crossing Sight Line Requirements (formerly Figure 6.14R). We also accept the associated further submissions from the *NZ Transport Agency* (FS2308.15 and FS2308.16). We make the following amendments:

6.6.3.10 Sightlines to level crossings {Trans 322.30}

- a. Vehicle accesses that cross an operational rail network via a level crossing must maintain clear sightlines within the sight line triangles shown in Figure 6B.18 Railway Level Crossing Sight Line Requirements. {Trans 322.30}
 - b. Activities that contravene this performance standard are restricted discretionary activities. {Trans 322.30}
87. We make consequential amendments to Policy 6.2.4.6 and add a new row to the assessment of parking, loading and access standards performance standards contraventions (6.9.5.Y), as shown below:

Policy 6.2.4.6

Require sufficient visibility to be available:

- a. at vehicle crossings, to minimise, as far as practicable, {PO 906.34 and 308.497} the likelihood of unsafe vehicle manoeuvres; and {Trans 322.30}
- b. where a road or vehicle access crosses an operational rail network via a level crossing, to maintain the safety of the road and rail users. {Trans 322.30}

Rule 6.9.5.Y

Vehicle access design and location {Trans 322.30}

- Sightlines to level crossings (Rule 6.6.3.10) {Trans 322.30}

- a. Effects on the safety and efficiency of the transport network {Trans 322.30}

Relevant objectives and policies:

- i. Objective 6.2.4
- ii. Sufficient visibility is available:
 1. where a vehicle access or road crosses an operational rail network via a level crossing, to maintain the safety of the road and rail users (Policy 6.2.4.6.b). {Trans 322.30}

88. We amend the assessment of discretionary transportation activities (Rule 6.11.3) to add Objective 6.2.4 to the list of relevant objectives, and also add the following two clauses to row 2:

Relevant objectives and policies (priority considerations):

- e. Sufficient visibility is available where a vehicle access or road crosses an operational rail network via a level crossing, to maintain the safety of the road and rail users (Policy 6.2.4.6.b). {Trans 322.30}

General assessment guidance:

- g. Council will require new roads that cross an operational rail network via a level crossing to maintain clear sightlines within the sight line triangles shown in Figure 6B.18 Railway Level Crossing Sight Line Requirements. {Trans 322.30}

89. We also amend the title of Figure 6.B.18 to 'Railway Level Crossing Sight Line Requirements' and amend the diagram to now refer to both 'roads' and 'vehicle accesses'.
90. Our reason is that we accept the evidence of the Reporting Officer, and the submissions and evidence from *KiwiRail*, that these safety standards are appropriate for inclusion in the plan. Accordingly, we also consider that amendments to the policies are also appropriate.

91. We reject the submissions from *KiwiRail Holdings Limited* (OS322.52, OS322.41, OS322.56, OS322.57, OS322.58), which sought amendments to performance standards in all management zone sections, except the Rural section (rules 15.6.14.1, 17.5.10, 18.6.17, 19.6.11.1 and 20.6.12.1) to require a minimum 5m setback from the rail corridor boundary. Those 2GP provisions are retained without amendment.
92. We were not convinced there was a clear need for the requested set back rule, noting that there are already performance standards with respect to set backs from the rail corridor for mitigating noise impacts, and from rail crossings for safety reasons.
93. We reject the submissions from *KiwiRail Holdings Limited* (OS322.53 and OS322.77), which sought amendments to assessment rules 6.9.3.2 and 6.9.3.4 to allow for the assessment of contraventions of the requested setbacks. Those rules are retained without amendment.
94. We accept the submissions from *KiwiRail Holdings Limited* (OS322.106, OS322.42 and OS322.59) to require a minimum 10m setback from the rail corridor boundary for trees associated with forestry and tree planting activities.
95. We agree that forestry and tree planting should be set back from the railway corridor an adequate distance to manage the effects of potential tree-fall and forest fire.
96. To give effect to this decision, including consequential changes, we have:
 - Amended the forestry and shelterbelts and small woodlots setbacks performance standards in the Rural (Rule 16.6.11.2) *{Trans 322.106}*, Rural Residential (Rule 17.6.10.2) *{Trans 322.42}* and Recreation (Rule 20.6.12.2) *{Trans 322.59}* sections to require a set back of 10m from the rail corridor;
 - Amended Policy 6.2.3.2 to provide guidance for the new rule; and
 - Amended the assessment of performance standard contraventions (Rule 6.9.3.4) to add guidance relating to the new rule.
97. We accept, in part, the submission by *KiwiRail Holdings Limited* (OS322.40) that requested an amendment to Policy 17.2.2.6 to address health and safety effects. We consider that we are providing relief to the submitter insofar as we have amended Transportation Policy 6.2.3.2 and related assessment rule to provide guidance on the safety and efficiency of the transport network.

3.4 Minimum parking performance standard in Campus Zone

98. Rule 34.5.5.1 sets out the minimum car parking required for campus activities in the Campus Zone, as follows:

"34.5.5.1 Campus activity

a. The University of Otago must provide either:

- i. 1 parking space for every 3 FTE staff and 1 parking space for every additional 50 FTE students, if these parking spaces are managed as a licence to hunt or as short term parking, that is monitored to be available for no more than 4 hours; or*
- ii. a minimum of 2200 total parking spaces; and*
- iii. for the purposes of this standard, a conversion between the minimum number of parking spaces in Rule 34.5.5.1.a.i, to the minimum in Rule 34.5.5.1.ii is provided for by counting each new short term or licence to*

- hunt parking space as 1.25 parking spaces until the minimum in Rule 34.5.5.1.a.ii is reached.*
- b. *The Otago Polytechnic must provide either:*
 - i. *1 parking space for every 3 FTE staff and 1 parking space for every additional 50 FTE students, if these parking spaces are managed as a licence to hunt or as short term parking, that is monitored to be available for no more than 4 hours; or*
 - ii. *A minimum of 250 parking spaces; and*
 - iii. *for the purposes of this standard, a conversion between the minimum number of parking spaces in Rule 34.5.5.1.a.i, to the minimum in Rule 34.5.5.1.ii is provided for by counting each new short term or licence to hunt parking space as 1.25 parking spaces until the minimum in Rule 34.5.5.1.a.ii is reached.*
 - c. *Parking spaces for campus activity must be provided within 500m of the Campus Zone, and all parking not provided directly by the campus institutions must be provided as dedicated off-street parking for campus activities through a lease agreement."*
99. The *Otago Polytechnic Students Association (OPSA)* (OS268.12) submitted that the rule be amended to provide for the Polytechnic and the University to trade some of their minimum parking requirements for effective alternative transport initiatives, as an incentive to find and establish effective alternative schemes. In a further submission, the *Otago Polytechnic* (FS2448.28) noted an apparent drafting error in clause 34.5.5.1.b.iii which has incorrect rule number references within the rule that required correction.
100. The *University of Otago (University)* (OS308.365) requested that the wording and structure of the rule be amended to clarify that Rule 34.5.5.1 encourages, rather than requires, 'licence to hunt' and short term parking. The submitter considered that many parts of the University campus layout were unsuitable for licence to hunt or short term parking; and that a mandatory approach would be unjustified and unworkable. The submission also suggested the number of parking spaces required and the area covered in the rule did not correctly correlate with the existing requirements, and needed to be revised for consistency.
101. The *Otago Polytechnic* (FS2448.28) supported the *University* submission.
102. In response to the *OPSA* submission on trading minimum parking requirements, the Reporting Officer, Ms Ann Rodgers, in the Section 42A Report, said she considered the concept of including a mechanism for reducing the minimum car parking requirements by allowing dedicated bicycle facilities to be traded for required car parking in relation to the Campus Zone had merit. She advised that the DCC transportation consultant, Mr Ian Clark, had suggested two options to address this, as follows:
- 1) apply a credit system, or
 - 2) amend the assessment criteria for contraventions of minimum parking standards so that it is clear that demonstrable provision for other modes would be viewed favourably (s42A Report, Section 5.17.5).
103. Ms Rodgers stated that, in the absence of specific requirements for cycle parking as a performance standard, Mr Clark's evidence indicated that amendments to assessment criteria may be the better option, however he also indicated he could support the first option.

104. The Reporting Officer's recommendation was that we consider including a mechanism for reducing the number of car parking spaces required by providing dedicated bicycle facilities, as she considered this to be an appropriate means of encouraging alternative modes of transport.

105. She suggested that this could be drafted as an amendment to Rule 34.5.5.1 as follows:

"Provision of dedicated secure covered bicycle parking and changing facilities will count as 1 parking space per XX bike spaces."

106. In response to the University's request to remove the requirements for parking spaces to be licence to hunt, she agreed that this requirement should be removed. She also suggested some minor clarifications to the rule.

107. In response to the University's request to return to the existing requirements she recommended amending the requirement for 250 car parks in clause 34.5.5.1.b.ii to be 219.

108. In addition, Ms Rodgers recommended that Rule 34.5.5.1 be amended as follows:

"34.5.5.1 Campus activity

a. The University of Otago must provide either:

i. a minimum of 1 parking space for every 3 FTE staff and 1 parking space for every additional 50 FTE students, if these parking spaces are managed as a licence to hunt or as short term parking, that is monitored to be available for no more than 4 hours; or

ii. a minimum of 2200 total parking spaces whichever is the greater; and

iii. for the purposes of this standard, a conversion between the minimum number of parking spaces in Rule 34.5.5.1.a.i, to the minimum in Rule 34.5.5.1.ii is provided for by counting each new short term or licence to hunt parking space as 1.25 parking spaces until the minimum in Rule 34.5.5.1.a.ii is reached.

b. The Otago Polytechnic must provide either:

i. a minimum of 1 parking space for every 3 FTE staff and 1 parking space for every additional 50 FTE students, if these parking spaces are managed as a licence to hunt or as short term parking, that is monitored to be available for no more than 4 hours; or

ii. a minimum of 250 219 parking spaces whichever is the greater; and

iii. for the purposes of this standard, a conversion between the minimum number of parking spaces in Rule 34.5.5.1.a.i, to the minimum in Rule 34.5.5.1.ii is provided for by counting each new short term or licence to hunt parking space as 1.25 parking spaces until the minimum in Rule 34.5.5.1.a.ii is reached.

c. All other tertiary education providers must provide a minimum of 1 parking space for every 3 FTE staff and 1 parking space for every 50 FTE students;

d. The following provisions apply to the calculation of parking spaces under Rules 34.5.5.1.a – 34.5.5.1.c

i. parking spaces which are managed as licence to hunt or casual (i.e. available on a first come basis) will count as 1.25 parking spaces;

- ii. parking spaces for campus activity must be provided within 500m of the Campus Zone;~~and~~
- iii. all parking not provided directly by the campus institutions University of Otago or Otago Polytechnic must be provided as dedicated off-street parking for campus activities through a lease agreement;
and
- iv. where parking spaces located outside the Campus Zone are included in this calculation, for the avoidance of doubt the property where they are located is not required to also meet the minimum parking requirements of the zone where it is located." (s42A Report, pp. 179-180)

3.4.1 Evidence presented at the hearing

3.4.1.1 DCC expert evidence

109. Mr Clark (DCC's transportation consultant) provided transportation evidence at the hearing in relation to trading minimum parking requirements for effective alternative transport initiatives. He referred to parking reduction adjustment methods undertaken in Christchurch, Tauranga, Hamilton and Auckland where car parking requirements could be reduced if the minimum cycle parking standards were exceeded. He observed:

"The situation is different in the case of the 2GP, where no minimum cycle parking is proposed. This means that an Applicant could potentially earn a parking reduction by providing some facilities for cyclists, which he/she should be providing in any case. As a result, while I support the "trade" concept in principle, I suggest that it would need to be implemented with care into the 2GP and maybe implemented along with the introduction of minimum cycle parking standards..."

110. Mr Clark noted that while he would support the introduction of minimum cycle parking standards and Parking Reduction Adjustment Factors, their inclusion could be considered a significant departure from the 2GP, and possibly out of scope, so it may be simpler to include a further clause within assessment Rule 6.9.3.6.b (which relates to the assessment of minimum parking performance standard contraventions). He suggested this additional clause could specifically refer to the provision of facilities for cyclists, or the proximity to public transport, together with other measures supporting "alternative modes" as factors justifying a reduction in car parking. He noted however, that this was already covered, to a certain extent, by sub clause (iii) of that rule.
111. Ms Rodgers advised us at the hearing that there are two legal agreements (that are not part of the District Plan), one between the Dunedin City Council (DCC) and the *University*, and the other between the DCC and the *Polytechnic*. The minimum parking requirement rate under the Parking Protocols is as follows:
- 1 park required per 2 staff
 - 1 per 50 students
 - Extra required for visitors, operational vehicles, loading

Based on 2014 staff and student numbers, this worked out at over 2200 on-campus parks required at the University, plus over 250 at the Polytechnic – the total being close to 2500).

3.4.1.2 Submitter evidence

3.4.1.2.1 *University of Otago (OS308.365)*

112. Mr Murray Brass, in his written statement on behalf of the *University of Otago* (OS308.365), said that the *University* generally supports the amendments recommended by the Reporting Officer in the Section 42A Report. He outlined

how parking is managed on campus (on a “campus wide” basis), noting that parking was provided in a wide range of locations across the campus, mainly within the Campus Zone, but also outside of it (in particular, 47 parks at Abbey College and 150 parks at a Park’n’Ride facility at the Forsyth Barr Stadium). He described the annual leasing arrangements in place for staff, observing that the scheme is oversubscribed (with a long waiting list of hundreds of staff and a waiting time which could be in the years) and relatively inefficient (as the parks generally sit vacant when the leasing staff member is away). He noted location is a factor, with parking in the Health Science precinct highly oversubscribed, while parks in the east campus and Park’n’Ride have historically had relatively low utilisation.

113. Mr Brass discussed the *University's* obligations under the Parking Protocol, noting that the University had complied with these until November 2016 when construction underway on campus had resulted in a deficit of 400 parks. He noted that, while there appeared to have been some increased pressure on parking, especially in the south campus area, there has also been a significant increase in the use of the Park’n’Ride facility. He anticipated this situation would be resolved by November 2017.
114. He advised that a review of on-campus parking had been undertaken by Abley Transportation Consultants Ltd, and that this had identified a number of options for improving management of parking on the campus. In addition, he said the *University* strongly supported measures to improve public transport, cycling and walking in the wider city, which would improve travel options for staff and students, and reduce reliance on parking.
115. Mr Brass advised that the *University* considered that the amendments to Rule 34.5.5.1 proposed by the Reporting Officer were a significant improvement. He suggested however that the reference to student numbers be revised to EFTS rather than FTE, as the protocol within education is that FTE refers to “Full Time Equivalent” staff members, whereas EFTS refers to “Equivalent Full Time Students”.
116. He asserted that any minimum parking requirement needed to be balanced with minimising adverse effects, commenting that parking is a relatively low-value use of land, adversely affects amenity, and supports a higher rate of individual car use with resulting wider impacts in terms of traffic, amenity, health, air quality and greenhouse gas emissions. He suggested international and national trends were moving away from the ‘car is king’ mentality of the past, towards an increased focus on urban amenity and increased support for a wider range of travel options. He noted a number of projects planned or underway at a city level that would represent “major improvement” in public transport and the cycle network. He considered that the overall requirement for 2200 parks effectively carries over the current requirement under the Parking Protocol and suggested that a reasonable shift in the balance to support future needs would be to require 2000 parks on campus, instead of the currently proposed 2200. He used draw on surveys and the recent experience during periods of low campus parking provision to explain why he considered it appropriate.
117. In addition, he advised that the *University* strongly supported the submission from the *Otago Polytechnic Students Association* in respect of trading some minimum parking requirements for effective alternative transport initiatives. He recommended that discounting apply in respect of new improvements in cycling facilities used by both staff and students, which included provision of shower and changing facilities. He did not consider that the facilities needed to be secure, as in reality cyclists secure their bikes themselves. On this basis, he suggested the following new clause for Rule 34.5.5.1:

“Provision of new dedicated covered bicycle parking, where supporting shower and changing facilities are available, will count as 1 parking space per 20 bike spaces.”

3.4.1.2.2 *Otago Polytechnic (FS2448.28)*

118. The *Otago Polytechnic* (FS2448.28) called Ms Louise Taylor to provide expert planning evidence at the hearing. Mr Philip Cullen (Deputy Chief Executive, Otago Polytechnic) also attended the hearing.
119. In her evidence, Ms Taylor advised that the *Otago Polytechnic's* strong preference was for a 2GP parking framework that sets an overall parking requirement on a per capita basis, rather than a rate based on the individual floor area of buildings, or on the different activities within the Campus Zone. She considered this to be a much simpler method to calculate, apply and enforce.
120. In response to the amendments to Rule 34.5.5.1 recommended by the Reporting Officer, Ms Taylor noted that [based on 2016 figures] the *Polytechnic* generated a demand for 215 parking spaces, comprised of 62 student and 153 staff parking spaces. She observed that this was broadly in line with the minimum of 219 suggested by the Reporting Officer.
121. On the matter of an offset of minimum parking numbers, she noted she agreed with the *University of Otago*, and considered the provision of bicycle parking spaces with suitable support facilities such as showers was something that merited an offset opportunity. She supported the addition to Rule 34.5.5.1 of the clause promoted by Mr Brass in his statement on behalf of the *University* (see above).

3.4.2 Reporting Officer's revised recommendations

122. After hearing the evidence, Ms Rodgers reviewed her recommendations, advising that she considered amending the rule to make provision for trading minimum parking requirements for effective alternative transport initiatives was appropriate. She also recommended that we request further information about this from Mr Clark.

3.4.3 Further information requested by the Panel

123. As a result of the evidence presented by the *University of Otago* and the *Otago Polytechnic*, and taking into account the amendments recommended by the Reporting Officer in her s42A Report, we sought further information from the DCC's transportation specialist (Mr Clark) and a recommendation on what an appropriate figure for discounting of car parking might be based on the availability of cycle parking.
124. In a technical note dated 25 August 2017, Mr Clark suggested a car parking reduction of 1:3 (i.e. one less parking space for the provision of three cycle parking spaces) up to a maximum reduction of 5% of the total minimum parking requirement.
125. This information was subsequently circulated to the *Otago Polytechnic Students Association*, the *University of Otago* and the *Otago Polytechnic*. Mr Paul Freeland, Senior Planner assisting the Panel, advised the Final 2GP hearing on 8 December 2017 that those parties had agreed with the recommended discounting factor. Notwithstanding this, the *Otago Polytechnic Students Association* had expressed reservations about any reduction in the number of car parks available, and noted that the availability of car parking had been an ongoing issue.

3.4.4 Decision and reasons

126. We accept the *University's* (OS308.365) submission that the number of parking spaces required does not correctly correlate with the existing requirements, and needs to be revised for consistency. We consider it appropriate to amend Rule 34.5.5.1 to remove any specific number of car parks, and rely on the formula of parks per staff/student numbers instead. We note that the Parking Protocols are

based on formulas rather than specific numbers, and given that staff/student numbers may fall at any time, and it would not be efficient to require provision of car parking to remain at a fixed level should requirements fall below that level. We have therefore made the following amendment to Rule 34.5.5.1:

- a. ~~The University of Otago, Otago Polytechnic and all other tertiary education providers {Trans 308.365} must provide a minimum of {Trans 308.365} 1 parking space for every 3 FTE full time equivalent {Trans cl.16} staff and 1 parking space for every additional {Trans 308.365} 50 FTE full time equivalent {Trans cl.16} students, if these parking spaces are managed as a licence to hunt or as short term parking, that is monitored to be available for no more than 4 hours; or {Trans 308.365} either: {Trans 308.365}~~
 - i. ~~1 parking space for every 3 FTE staff and 1 parking space for every additional 50 FTE students, if these parking spaces are managed as a licence to hunt or as short term parking, that is monitored to be available for no more than 4 hours; or {Trans 308.365}~~
 - ii. ~~a minimum of 2200 total parking spaces; and {Trans 308.365}~~
 - iii. ~~for the purposes of this standard, a conversion between the minimum number of parking spaces in Rule 34.5.5.1.a.i, to the minimum in Rule 34.5.5.1.ii is provided for by counting each new short term or licence to hunt parking space as 1.25 parking spaces until the minimum in Rule 34.5.5.1.a.ii is reached. {Trans 308.365}~~
 - b. ~~The Otago Polytechnic must provide either: {Trans 308.365}~~
 - i. ~~1 parking space for every 3 FTE staff and 1 parking space for every additional 50 FTE students, if these parking spaces are managed as a licence to hunt or as short term parking, that is monitored to be available for no more than 4 hours; or {Trans 308.365}~~
 - ii. ~~A minimum of 250 parking spaces; and {Trans 308.365}~~
 - iii. ~~for the purposes of this standard, a conversion between the minimum number of parking spaces in Rule 34.5.5.1.a.i, to the minimum in Rule 34.5.5.1.ii is provided for by counting each new short term or licence to hunt parking space as 1.25 parking spaces until the minimum in Rule 34.5.5.1.a.ii is reached. {Trans 308.365}~~
127. We also accept those parts of the submission from the *University of Otago* (OS308.365) and the further submission from the *Otago Polytechnic* (FS2448.28) that relate to encouraging rather than requiring licence to hunt and short term parking, and have removed those elements of the rule. We accept the evidence that licence to hunt is not a workable solution for all campus parking areas.
 128. We have also made minor amendments to the rule for workability, accuracy and consistency, based on the recommendations of the Reporting Officer. All amendments are shown in Appendix 1 as attributed to submission points Trans 308.365 and Trans 268.12.
 129. We note that the further submission from the *Otago Polytechnic* (FS2448.28) in relation to incorrect rule number references within the rule is rendered redundant by the amendments to the rule, because those rule references are no longer included.
 130. We accept the submission from *Otago Polytechnic Students Association* (OS268.12) in respect of trading minimum parking requirements for alternative transport initiatives. We agree that there is a need balance the benefits of minimum car parking requirements with the potential adverse effects of these provisions on efficiency of land use and amenity, as well as other elements of well-being and health and safety. We note Objective 2.2.2 seeks reduced

reliance on private motor cars for transportation. We accept that the *University* has plans in place to progressively shift transport mode share to active and public transport, and that significant work programmes are underway both immediately adjacent to campus and elsewhere in the city that will support this shift. We consider that in this context there is a need for Rule 34.5.5.1 to be responsive as travel modes change, and that without the inclusion of a discounting provision, the rule is relatively inflexible.

131. We make the following change to Rule 34.5.5.1:
 - b. The following provisions apply to the calculation of parking spaces under Rule 34.5.5.1.a: {Trans 308.365 and others}
 - i. parking spaces which are managed as licence to hunt or casual (i.e. available on a first come first served basis) will count as 1.25 parking spaces: {Trans 308.365}
 - ii. provision of new dedicated covered bicycle parking, where supporting shower and changing facilities are available, will count as 1 parking space per 3 bike spaces, up to a maximum reduction of 5% of the total parking spaces required: {Trans 268.12}
132. We note that while Mr Clark generally favoured the option of assessment rules over a discounting factor because of the lack of minimum cycle parking requirements in the 2GP to set a minimum baseline, he also could support implementation of a discounting approach. We consider that amending the performance standard to formalise the discounting approach preferable as it provides greater certainty and allows for gradual change in travel modes over time. This, in our view, appropriately reinforces the importance of reducing car dependency and promoting cycling and other alternative modes of transport in line with the Objective 2.2.2 of the 2GP, noting that this is also aligned with *University* policy.
133. Accordingly, we have amended the Plan based on the discount factor recommended by Mr Clark and agreed to by the submitters.
134. We also recommend, as outlined in Section 3.5.5 below, that the introduction of minimum cycle parking requirements be considered as part of a future plan change, and suggest that campus discounting provisions could be revisited at that time.

3.5 Provisions Related to Pedestrian and Cycle Access

3.5.1 Background

135. A number of submissions requested changes to Plan provisions in relation to cycle and pedestrian access. The relevant Plan provisions are:

“Objective 6.2.2:

Land use activities are accessible by a range of travel methods.

Policy 6.2.2.1:

Require land use activities whose parking demand either cannot be met by the public parking supply, or would significantly affect the availability of that supply for surrounding activities to provide car parking either on or near the site at an amount that is adequate to:

- a. *avoid excessive pressure on publicly available parking in the vicinity of the site (including on-street parking and off-street facilities);*
- b. *avoid or, if avoidance is not possible, adequately mitigate adverse effects on the availability of public parking in the vicinity*

- of the site (including on-street parking and off-street facilities); and
- c. ensure accessibility for (as relevant) residents, visitors, customers, staff and students who have limited mobility, including disabled people, the elderly and people travelling with young children.

Policy 6.2.3.4:

Require land use activities to provide the amount of car parking space necessary to ensure that any overspill parking effects that could adversely affect the safety and efficiency of the transport network are avoided or, if avoidance is not possible, adequately mitigated.

Policy 6.2.3.13:

Require subdivisions to be designed to ensure that any required vehicle access can be provided in a way that will maintain the safety and efficiency of the adjoining road and wider transport network.

Policy 6.2.4.1:

Require parking and loading areas, including associated manoeuvring and queuing areas, to be designed to ensure:

- a. the safety of pedestrians travelling on footpaths and travelling through parking areas;
- b. that vehicle parking and loading can be carried out safely and efficiently;
- c. that any adverse effects on the safe and efficient functioning of the transport network is avoided, or if avoidance is not possible, would be no more than minor;
- d. the safe and convenient access to and from parking and loading areas for vehicles, pedestrians and cyclists; and
- e. that mud, stone, gravel or other materials are unlikely to be carried onto hard surface public roads or footpaths.

Policy 6.2.4.4:

Require vehicle accesses to be limited in number and width, in order to avoid or, if avoidance is not possible, adequately mitigate adverse effects on:

- a. pedestrian safety and ease of movement; and
- b. the safety and efficiency of the transport network."

136. In addition to the Plan provisions detailed above, the following Plan provisions encourage or relate to cycling and/or pedestrian access and safety:

"Objective 2.2.2: Energy resilience:

Dunedin is well equipped to manage and adapt to any changes that may result from volatile energy markets or diminishing energy sources by having:

- a. increased local electricity generation;
- b. reduced reliance on private motor cars for transportation; and
- c. increased capacity for local food production.

Policy 2.2.2.4:

Support transport mode choices and reduced car dependency through rules that:

- a. require activities that attract high numbers of users, including, major retail areas, offices, and community facilities, to locate where there are several convenient travel mode options, including private vehicles, public transport, cycling and walking;
- b. allow the highest development densities in the most accessible locations, being in the central city and suburban centres;

- c. *require most new housing to locate in areas that are currently serviced or likely to be easily serviced by frequent bus services; and*
- d. *providing for dairies and registered health practitioners in residential zones to meet day to day needs, in a way that does not undermine Objective 2.3.2.*

Objective 2.7.2: Efficient transportation:

The transport network operates safely and efficiently for all road users, including freight and passenger vehicles, public transport, motorcycles, cycling, walking, horse riding."

3.5.2 Submissions and Reporting Officer's s42A Report response

- 137. *Jenny Bunce (OS159.6) submitted that Objective 6.2.2 and associated policies and rules be amended to ensure there was a focus on pedestrian access, and not just a focus on cars and parking.*
- 138. *The Southern District Health Board (OS917.1, OS917.2 and OS917.3) submitted that policies 6.2.2.1, 6.2.3.4 and 6.2.4.1 be amended to include provision for bicycle parking. They considered that provision of secure cycle parking was essential for supporting the development of cycling as a practical transport choice, and that a lack of appropriate cycle parking facilities was often cited as a barrier to cycling and bicycle ownership. In a further submission, the NZ Transport Agency (FS2308.5) supported the Health Board's submission in respect of amending Policy 6.2.2.1.*
- 139. *A further Southern District Health Board submission point (OS917.15) was addressed in the Recreation s42A Report. That submission sought a requirement for the provision of cycle parking and bus loading areas and additional bus stops for public transport adjacent to recreation facilities, suggesting that secure cycle parking was required to encourage cycling as a practical transport choice. The Recreation Reporting Officer, Ms Jacinda Baker, did not recommend any amendment in response to this submission. She observed that Minimum Car Parking Rule 20.5.5 allows for required parking spaces to be used for car, cycle, or motorcycle parking. In her view, this provided the flexibility for landowners/facility managers to determine the type of patrons they expect to have at their venue and their potential travel modes, and to provide a mix of parking spaces that would be appropriate for their patrons needs. She did not consider that a rule in the Plan was the most efficient and effective way to achieve better cycle parking in public reserves, as these are generally provided by public bodies (DCC and ORC).*
- 140. *The Southern District Health Board (OS917.4 and OS917.5) also submitted that policies 6.2.3.13 and 6.2.4.4 be amended to include bicycle access and cycle safety.*
- 141. *Gerrard Liddell (OS753.2 and OS753.3) made a submission in which he made general comments seeking more support for cycling, and less road space allocation to parking. He also expressed concern that cul-de-sac developments were permitted, as he considered cul-de-sacs were impermeable to pedestrians and cyclists.*
- 142. *Generation Zero (OS764.5) sought an amendment of Plan objectives and policies to provide for secure cycle parking facilities in public spaces and by commercial businesses. The submitter considered that improving parking facilities would provide additional incentive for people to cycle, and that cycling can help with short range travel needs. The submission also sought an amendment to transportation rules to include provision for a cycle lane on main routes throughout the city to facilitate a safer cycle space for cyclists.*
- 143. *The Reporting Officer noted that Policy 6.2.2.1 was specifically linked to rules which require minimum on-site car parking for specific activities in different*

zones (s42A Report, Section 5.16.1). She advised that these performance standards also enable parking spaces, other than mobility parking spaces, to be used for cycle parking.

144. She considered that provision for discounting of vehicle parking when dedicated secure covered bicycle parking and changing facilities are provided, had merit; and that this could be addressed in terms of assessment criteria for contravention of car parking standards, or if included as a specific discounting ratio. In her view, including a mechanism for reducing the number of car parking spaces required by providing dedicated bicycle facilities, was an appropriate means of encouraging modes of transport other than vehicles.
145. Ms Rodgers referred to advice obtained from the DCC parking consultants, and noted that if a parking reduction based on provision of cycle parking and changing facilities was to be considered, she recommended including a provision along the lines of:

"Provision of dedicated secure covered bicycle parking and changing facilities will count as 1 parking space per XX bike space."

3.5.3 Evidence presented at the hearing

3.5.3.1 DCC expert evidence

146. In evidence at the Hearing, Mr Clark commented that minimum requirements for cycle parking are now incorporated within the Christchurch, Auckland and Hamilton Plans, and that he generally supports the move toward including minimum cycle parking standards within plans.
147. He noted that, despite the Introduction to the Transport Section (Section 6.1) noting that "access to a range of travel methods such as public transport services, cycleways and pedestrian walkways is a key factor in reducing private vehicle use and associated demand for car parking", specific provision in terms of a performance standard relating to cycle parking and other facilities for cyclists has not been included in the 2GP (Clark evidence, para 17).
148. He commented that there a number of good reasons for not providing the minimum car parking standards, and an ability to service sites by alternative forms of transport, and/or a commitment to provide facilities for cyclists (plus a range of other measures), could be included as matters for consideration as part of assessment of performance standard contravention, justifying a reduction in car parking.
149. He also referred to plans that specifically allow for reductions in car parking (without the need for a consent) where cycle facilities are provided (Clark evidence, paras 18-19).
150. Elsewhere in his evidence, he commented that the inclusion of minimum cycle parking standards and Parking Reduction Adjustment Factors could be considered a significant departure from the 2GP, and possibly out of scope, so it may be simpler to include a further clause within assessment Rule 6.9.3.6.b (which relates to the assessment of minimum parking performance standard contraventions). He suggested this additional clause could specifically refer to the provision of facilities for cyclists, or the proximity to public transport, together with other measures supporting "alternative modes" as factors justifying a reduction in car parking. He noted however, that this was already covered, to a certain extent, by sub clause (iii) of that rule (Clark evidence, paras 98-99).

3.5.4 Further information requested by the Panel

151. As a result of the matters raised in the submissions and the Section 42A Report, we requested further advice on how encouragement of cycle usage and pedestrian access is provided for in the 2GP.

152. This information was provided in a technical note from Mr Clark, and a memorandum from Mr Paul Freeland² entitled *Encouraging Cycle Usage*. This was considered at the Final 2GP hearing held on 8 December 2017.

3.5.4.1 DCC expert evidence

153. In a technical note dated 25 August 2017, Mr Clark commented that many New Zealand cities are currently enjoying a resurgence in people cycling for transport and recreation and that the provision of appropriate cycle parking provision has, and will continue to have, an important role in increasing the number of people choosing to cycle. He further stated that cycle parking as a stand-alone factor is generally not considered sufficient to warrant a reduction in minimum car parking standards, and that additional factors such as the safety and attractiveness of the road environment (as perceived by cyclists and potential cyclists), and the provision of end-of-trip facilities should be considered and assessed with at least equal importance as the provision of cycle parking.
154. In relation to where minimum parking requirements should be applied, he strongly advised to include minimum cycle parking requirements in zones that are not required to apply minimum car parking requirements, and that a tertiary campus may be considered a more appropriate location to apply the provision of cycle parking as a reduction adjustment factor. He also provided cycle parking standards from other plans, and several guidance documents that he considered may help determine specific cycle parking requirements.

3.5.4.2 Reporting Officer's memorandum

155. Mr Freeland's memorandum documented potential options for changes to the 2GP as a consequence of other submissions received. These included the potential discount factor for cycle parking in the Campus Zone, and the proposal to amend references to "the transport network" to "the multi-modal transport network", to better recognise and reflect the diversity of modes of transport.
156. In relation to the submission of *Jenny Bunce*, Mr Freeland considered Objective 6.2.2 seeks that land use activities are accessible by a range of travel methods, which includes walking. He noted that Policy 6.2.2.3 restricts some residential activities, visitor accommodation and supported living facilities, where some of the people staying at these types of accommodation may not have vehicles or be able to drive, to be located within convenient walking distance of centres or frequent public transport services. He therefore did not agree that Objective 6.2.2 and the associated policies are focussed solely on cars and parking, or that any changes are necessary.
157. In relation to the *Southern District Health Board* request to amend policies 6.2.2.1 and 6.2.3.4 to "include provision for bicycle parking", Mr Freeland said that the 2GP's focus on the effects on-street car parking supply was a result of this issue coming through very strongly as a problem (particularly in the University/Central City 'commuter belt') in the plan development pre-consultation process. He noted this pre-consultation process did not indicate any concerns with the lack of regulation for cycle parking, and as such no minimum standards for cycle parking were included in the 2GP. Instead, the Plan took an 'encouraging/enabling' approach by including allowance for car parks to be used for bicycle and motorcycle parking (e.g. Rule 15.5.9.10). He considered that, without any new evidence to indicate that regulation was necessary and the most effective and efficient method to encourage cycling, the approach used in the Plan was the most appropriate.

² The memorandum was authored by Mr Freeland because the s42A Reporting Officer, Ms Ann Rodgers, resigned her position at the DCC between the initial hearing and the reconvened hearing. Mr Freeland originally acted as the Senior Planner advising the Panel for the Transportation hearing, but as a result of the change in staff, stepped into the Reporting Officer role for the reconvened hearing. Dr Anna Johnson transferred into the role of Planning Advisor for the Panel at that point.

158. However, he did consider this approach could be stated more explicitly at a policy level, and that stronger policy support could be included for reducing car parking requirements when active modes are supported, with policy wording as follows:

Encourage cycling by:

a. enabling car parks to be used for bicycle parking;

b. considering reductions in car parking requirements where a travel management plan which encourages cycling has been implemented and a lower requirement due to a shift to active modes and/or public transport has been demonstrated.

159. In relation to the *Southern District Health Board* request to amend Policy 6.2.4.1 to "include provision for bicycle parking", he noted this policy, while discussing the safety of pedestrians and cyclists accessing and moving through parking and loading areas, does not include design standards for bicycle parking, and perhaps it could. However, he considered that, in the absence of evidence that the lack of design standards for bicycle parking is creating a safety issue, it is difficult to assess the appropriateness in terms of s32.
160. In response to the submission of the *Southern District Health Board* to amend Policies 6.2.3.13 and 6.2.4.4 "to include bicycle access and cycle safety", Mr Freeland commented that in both instances they reference the need to "maintain the safety and efficiency" of the "transport network", which in his view was meant to include safety for all users of that network (including cyclists). However, he considered if it was felt this needed to be further emphasised, the words "multi-modal transport network" could be added to both policies, and Policy 6.2.4.4 could be amended to also refer to cycle safety.
161. He also noted that Policy 6.2.3.12 discusses in more detail pedestrians and cyclists access and safety in subdivision design, and that additional guidance on this policy is included in Rule 6.10.2.9 which also speaks to pedestrian and cyclist access and safety. Overall, he considered that with these amendments, or even as notified, the plan provides for the request of the submitter to address bicycle access and safety.
162. In response to the submission of *Gerrard Liddell*, he commented that as it does not consider or comment on specific provisions, it is difficult to understand what the submitter thought about their adequacy. He explained that the 2GP enables roads to be used for all transport modes, but that the road-controlling authority determines which parts of which road are used for which transport modes. He offered the same response to *Generation Zero's* request that the Transportation rules be amended to include provision for a cycle lane on main routes throughout the city.
163. With respect to *Generation Zero* the submission on secure cycle parking facilities, he felt the 2GP already addresses their request, with these facilities being provided for as a public amenities activity (permitted activities throughout the city) and through provisions for structures in the Commercial and Mixed Use Zones.
164. Overall, Mr Freeland considered that, based on the scope provided within submissions to make changes to the Plan, a few clarifications to policies could be made to give relief to the submitters. Beyond this, he did not believe there was any scope to make other changes (nor evidence to suggest other changes were required) to encourage cycling through additional rules that required cycle parking.

3.5.5 Decision and reasons

165. Overall, having considered the submissions and evidence, and the objectives of the 2GP, we consider the Plan should express stronger support for cycling, and accept the submission of *Gerrard Liddell* (OS753.2) in this regard. We consider

there is a mismatch between the strategic directions objectives and policies, which make explicit reference to supporting transport mode choice and reduced car dependency, and the Transportation section provisions, which provide little direction around alternative transport modes in general, and in particular, cycling.

166. We accept Mr Freeland's evidence that the Plan's approach to encouraging cycling could be stated more explicitly at policy level, and have included a new policy (Policy 2.7.2.2) under Strategic Directions Objective 2.7.2 (Efficient transportation) based on his recommendation (see Appendix 1, amendment attributed to submission reference Trans 753.2). Albeit, with additional clauses describing the full range of methods used in the 2GP to encourage cycling, including those established or clarified in response to the submissions discussed below. The new policy states:

Encourage cycling by: {Trans 753.2}

- a. considering the need for and design of on-site cycle parking as part of consent applications where accessibility is a relevant consideration; {Trans 753.2}*
- b. considering the safety of cyclists entering and exiting sites where effects on the safe and efficient operation of the transport network is a relevant consideration; {Trans 753.2}*
- c. enabling parking spaces required through minimum parking standards to be used for bicycle parking; and {Trans 753.2}*
- d. considering reductions in parking requirements where a travel management plan which encourages cycling has been implemented and/or a lower requirement due to a shift to active modes and/or public transport has been demonstrated. {Trans 753.2}*

167. Also in response to this submission, we have amended:

- assessment rules 6.10.2.1 (assessment of restricted discretionary activities, where activities are likely to generate trips by bicycle and where effects on the safety and efficiency of the transport network is a relevant consideration)
- 6.10.2.7 (assessment of high trip generators), and 6.11.2.2 (assessment of all discretionary activities) to include assessment guidance that directs the consideration of the safety of cyclists entering and exiting the road network.
- Rule 6.11.3.2 (assessment of new roads and additions and alterations to roads) to include assessment guidance that directs the consideration of whether there is adequate, safe road space allocation and design to support cycling.

168. We consider this latter amendment also constitutes acceptance in part of the *Generation Zero* (OS764.5) submission seeking that rules be amended to include provision for a cycle lane on main routes throughout the city, to facilitate a safer cycle space for cyclists.

169. While we accept Mr Freeland's evidence that Objective 6.2.2 itself seeks that land use activities are accessible by a range of travel methods (including walking), we note that a number of the assessment rules related to this objective do not explicitly acknowledge the role of other modes in achieving accessibility. We accept Mr Clark's evidence that other measures supporting "alternative modes", when in conjunction with public transport or cycle facilities, may justify breaches of minimum car parking requirements. We therefore consider that a specific policy is needed to provide assessment guidance to this effect in assessment rules where "effects on accessibility" are a matter of

discretion. We consider this also constitutes partial acceptance of the submission of *Jenny Bunce* (OS159.6).

170. Also in response to the submission from *Gerrard Liddell* (OS753.2) generally, and *Jenny Bunce* (OS159.6), *Generation Zero* (OS764.5), and *Bus Users Support Group Otepoti - Dunedin* (OS1080.4) specifically, we have added new Policy 6.2.2.4, which reads:

Policy 6.2.2.4 {*Trans 753.2*}

Only allow activities that are likely to generate a significant number of trips by walking, cycling or public transport where: {*Trans 753.2*}

- a. for activities likely to generate trips by cycling, there will be safe access for cyclists into and through the site and sufficient secure cycle parking; {*Trans 753.2 and 764.5*}
- b. for activities likely to generate trips by walking, there will be safe access for pedestrians into and through the site; {*Trans 159.6*} and
- c. for activities likely to generate trips by public transportation, the activity will be located a reasonable walking distance from a frequent public transportation route with safe access for pedestrians from a bus stop to the site. {*Trans 1080.4*}

171. We have made several consequential amendments, comprising a paraphrase of new policy 6.2.2.4, to assessment rules 6.8A.1.1.a, 6.10.2.2.a, 6.10.2.4.a and 6.10.2.7.b. We have also amended assessment rule 6.11.2.2 to refer to Objective 6.2.2 and to include a paraphrase of new policy 6.2.2.4.
172. We accept in part the submissions of the *Southern District Health Board* (OS917.1, OS917.2), seeking that Policies 6.2.2.1 and 6.2.3.4 (respectively) be amended to include provision for bicycle parking, and the submissions of *Generation Zero* (OS764.5) seeking amendment of Plan provisions to provide for secure cycle parking facilities in public spaces and by commercial businesses.
173. We accept Mr Clark's evidence that the provision of appropriate cycle parking plays an important role in increasing the number of people choosing to cycle, and that that minimum requirements for cycle parking are generally supported and are now incorporated into a number of plans nationwide. However, we also agree with the assessment of Mr Clark and the Mr Freeland that introducing minimum cycle parking requirements would represent a significant departure from the existing rules in the 2GP. Taking into consideration the principles of natural justice, and in the absence of significantly more evidence on the topic, we recommend the introduction of a performance standard relating to cycle parking be considered as part of a future plan change.
174. We note that the one area where scope was clearly provided to include minimum cycle parking was in the submission by the *Southern District Health Board* (OS917.15) but only with regards to recreation areas. As discussed above, this was considered at the Recreation hearing. The *Southern District Health Board* did not appear or table evidence in support of this submission. Given the lack of detail on an appropriate standard provided by the submitter, we have rejected this submission but we recommend this is encompassed in the future plan change referred to above.
175. Notwithstanding that Mr Clark's evidence does lead us to question the adequacy of the approach, we accept Mr Freeland's evidence that the 2GP provides for cycle parking by allowing car parks to be used for bicycle and motorcycle parking. We consider the policies could be amended to make the 2GP approach clearer, and in response to these submissions, we have therefore made the

following amendments (see Appendix 1, attributed to submission reference Trans 917.1):

- Removed the word 'car' from the policies 6.2.2.1 {Trans 917.1} and 6.2.3.4 {Trans 917.2} and as a consequential change remove 'space' from Policy 6.2.3.4 to more generally refer to parking
- Made consequential amendments to assessment rules 6.10.2.2.a.ii (paraphrases Policy 6.2.2.1), and to rules 6.8A.1.1.b.ii, 6.9.3.6.b.ii and 6.10.2.4.b.ii (paraphrases Policy 6.2.3.4) to align those rules with the amended policy wording {Trans 917.1, Trans 917.2}

176. We accept Mr Clark's evidence the provision of cycle parking may justify breaches of minimum car parking requirements (if provided in conjunction with other measures to support "alternative modes", particularly end-of-trip facilities and cycle infrastructure). Policies 6.2.2.1 and 6.2.3.4 are implemented by way of minimum parking performance standards with contraventions assessed via Rule 6.9.3.6. In response to these submissions we have therefore also amended Rules 6.9.3.6.a and 6.9.3.6.b (assessment of contraventions of minimum parking performance standards) to add as a potential circumstance that may support a consent application as follows:

The applicant is able to demonstrate that there will be a reduction in car parking need due to the provision of secure and convenient cycle parking, in combination with other factors such as: {Trans 917.1 and 917.2}

1. the provision of other end-of-trip facilities; {Trans 917.1 and 917.2}
2. cycle infrastructure in the vicinity of the development; {Trans 917.1 and 917.2}
3. a travel demand management programme; and/or {Trans 917.1 and 917.2}
4. the characteristics of the activity and its predicted mode share. {Trans 917.1 and 917.2}

177. Also based on the evidence of Mr Clark, and to achieve the outcome sought by Policy 6.2.2.1, we consider assessment guidance should encourage the provision of cycle parking as part of assessment rules where "effects on accessibility" are a matter of discretion, and that notes to plan users should be added to provide guidance around best practice cycle park design. Therefore, in response to these submissions we have amended:

- Rule 6.11.2.2 (assessment of all discretionary activities) to reference to Policy 6.2.2.1 - a link which appears to have been omitted in error {Trans cl.16}
- Rules 6.10 (Assessment of Restricted Discretionary Activities) and 6.11 (Assessment of Discretionary Activities) with the addition of a new Note to Plan User (6.10A, and 6.11A) to provide guidance on best practice for the design of cycle facilities.
- Rule 6.11.3.3 (assessment of public transportation hubs) to add general assessment guidance as follows:
 - For off-street passenger transportation hubs, Council will consider whether the site and vehicle access design provide for the safety of cyclists entering and exiting the road network. {Trans 753.2}
 - Council will generally require passenger transportation hubs to provide safe and secure cycle parking facilities {Trans 753.2 and 764.5}

178. We reject the submission of the Southern District Health Board (OS917.3) specifically seeking amendment of Policy 6.2.4.1 to include provision for bicycle parking. In light of Mr Clark's evidence we are sympathetic to the request of the

submitters, and recommend that a future plan review consider introducing a performance standard for cycle parking design. However, we note that in the absence of minimum cycle parking requirements, amending Policy 6.2.4.1 to require that any cycle parking provided meet certain standards may only serve as a disincentive to the provision of cycle parks.

179. We accept, in part, the submissions of the *Southern District Health Board* (OS917.4 and OS917.5). We note that Policy 6.2.3.13 has been deleted, due to a duplication of content with Policy 6.2.3.9. However, we consider it will assist with Plan clarity for Policy 6.2.4.4 to be amended as suggested by the Reporting Officer.
180. In response to these submissions, we have therefore amended Policy 6.2.4.4 to add the word "and cyclist" in clause a; and add the words "multi-modal" to clause b. As a consequential amendment, we have made the same changes to the corresponding assessment Rule 6.9.5.2. See appendix 1, attributed to submission reference Trans 917.5.

3.6 High Trip Generating Activities

3.6.1 Background

181. The 2GP includes special provisions for high trip generating activities. The definition for 'High Trip Generating Activities' is:

The group of activities which includes:

- *service stations, including additions or alterations that create additional fuel pumps;*
- *restaurant - drive through, including additions or alterations that create additional drive through windows;*
- *early childhood education - large scale*
- *schools*
- *quarrying (defined as part of mining);*
- *new or additions to parking areas, which create 50 or more parking spaces;*
- *and*
- *any other activities that generate 250 or more vehicle movements per day.*

182. Plan provisions that use this term are as follows:

Special Information Requirement Rule 6.13.2 Integrated transport assessment

Resource consent applications for all high trip generating activities must include an Integrated Transport Assessment (ITA) unless, having considered the specific circumstances of the activity and site, Council determines that an ITA is unnecessary. The information requirements for an ITA are set out in the table below. The level of detail and analysis provided in each section of the ITA should reflect the scale and complexity of the proposed activity and the context of the site and its surrounding environment.

[Table with details required in the ITA]

Rule 6.4 Notification

1. *Applications for resource consent for high trip generating activities will be publicly notified in accordance with s95A(2) of the RMA, including the following activities:*
 1. *service stations, including additions or alterations that create additional fuel pumps;*
 2. *restaurant - drive through, including additions or alterations that create additional drive through windows;*
 3. *early childhood education - large scale;*
 4. *schools; and*

5. *quarrying (defined as part of mining).*

Policy 6.2.3.8

Only allow high trip generating activities where they are designed and located to avoid or, if avoidance is not possible, adequately mitigate adverse effects on the safety and efficiency of the transport network.

183. It is important to note that 'High Trip Generating Activities' is not an activity or category of activities in the Nested Tables. It is a defined term, used to tie a limited set of provisions to a set of activities without needing to list them all separately. However, it became apparent at the hearing that this distinction was not clear, as outlined below.

3.6.2 Requests to amend the definition of what is a high trip generator

184. *Saddle Views Estate Limited* (OS458.4) submitted that the definition of 'High Trip Generating Activities' be deleted so that mining is not managed as a high trip generator. *Blackhead Quarries Ltd* (OS874.11) and *Tussock Top Farm Ltd* (OS901.7) also made submissions to this effect. *Saddle Views Estate Limited* (OS458.4) argued it was "inappropriate and inefficient" for quarries to be required to submit an ITA, and that Rule 6.13.2 (the special information requirement rule) should be deleted. *Saddle Views Estate Limited* (OS458.7) also requested Policy 6.2.3.8 be replaced with alternative wording to require high trip generating activities to specifically design their access to address safety considerations and undertake remedial and mitigation measures within the road network where upgrades are necessary, while *Blackhead Quarries Ltd* (OS874.11) and *Tussock Top Farm Ltd* (OS901.7) submitted that the policy be removed entirely (together with the 'High Trip Generating Activities' definition, and the associated notification and assessment rules).
185. *BP Oil NZ Ltd, Mobil Oil NZ Ltd* and *Z Energy Ltd* ("the Oil Companies") (OS634.7) sought to amend the definition to exclude additions or alterations at existing service stations that create additional fuel pumps.

3.6.3 Request to delete mandatory notification altogether

186. *Orari Street Property Investments Limited* (OS984.4) and *Niblick Trust* (OS929.3) requested deletion of notification Rule 6.4.1, arguing it was not appropriate to automatically publicly notify all high trip generating activities, which in certain environments might not be of concern and might have only minor adverse effects.
187. *McKeown Group Limited* (OS895.15 and OS895.18) argued "the definition of High Trip Generating Activities and the manner in which it is used to create mandatory requirements for notification is not effects based nor does it accord with Section 95 of the RMA." They also submitted that the 'high trip generating activities' definition be deleted.
188. *BP Oil NZ Ltd, Mobil Oil NZ Ltd* and *Z Energy Ltd* (OS634.42) also submitted that high trip generators be subject to the usual tests for notification as set out in Section 95 of the RMA. *Progressive Enterprises Limited* (OS877.3) submitted that the notification rule be amended from "...will be notified..." to "...may be notified..."

3.6.4 Request to remove mandatory notification for early childhood education – large scale facilities

189. The *University of Otago* (OS308.152) submitted that the aspect of the notification rule requiring notification for early childhood education – large scale (i.e. Rule 6.4.1.3) be deleted. The submitter noted that there were two early childhood education facilities located on the University campus, and that it would be unjustified to automatically require public notification of any new or altered facilities regardless of their effects.

3.6.5 Request to amend Policy 6.2.3.8 test

190. *BP Oil NZ Ltd, Mobil Oil NZ Ltd and Z Energy Ltd* ("the Oil Companies") (OS634.13) submitted that Policy 6.2.3.8 be amended to require that adverse effects be appropriately mitigated rather than avoided.

3.6.6 Reporting Officer's s42A Report Responses

3.6.6.1 Overall comments

191. Overall, the Reporting Officer noted that certain activities generating large volumes of traffic had been identified as high trip generating activities, and had the potential to adversely affect the safe and efficient operation of the transport network and impact on the amenity of the surrounding environment. She considered it appropriate to require that resource consent applications for these activities should include an integrated transport assessment to specifically address any potential impacts on the safety and efficiency of the transport network.
192. As such, she recommended the submissions that sought to delete all the provisions be rejected (s42A Report, Sections 5.1.3, 5.6.1, 5.6.2 and 5.15.1).

3.6.6.2 Request to amend the definition of what is a high trip generator

193. The Reporting Officer noted that the potential traffic impacts of quarrying would vary dependent on the scale and nature of the quarry. She accepted that not all quarries would be of a scale and significance to require an ITA but that some would, and that the special information requirement rule (Rule 6.13.2) provides an option for the Council to not require an ITA if it was considered to be unnecessary. She advised that it was appropriate to consider the traffic impacts of quarrying on a case by case basis, with an ITA being requested when it was considered appropriate, and did not support the changes to the definition and associated rules and policy that had been sought by the mining companies (s42A Report, Section 5.1.3).
194. In relation to the request by *the Oil Companies* (OS634.7), the Reporting Officer said that if there was to be a significant increase in the scale or number of pumps at a service station, that could have a significant effect in terms of traffic generation. Ms Rodgers considered it appropriate that an ITA be required for a vehicle orientated activity such as a service station and could see no reason why an increase in the scale of a vehicle orientated activity should not also be subject to the same requirements.
195. However, she went on to state that it might be appropriate to remove the addition of one or two pumps to an established service station from the 'High trip generating activities' definition, and to consider this as a different activity status. She noted that high trip generating activities are usually discretionary or restricted discretionary activities, so if we considered that the addition of one or two pumps to a service station was not likely to create additional effects, then an activity status of controlled or permitted might be appropriate. She noted that if this option was preferred, consequential changes would be required to the definition of 'High trip generating activities' and associated parts of the 2GP (s42A Report, Section 5.1.3). We note that the second part of this recommendation is beyond the scope of the submission so we have disregarded it.

3.6.6.3 Request to delete mandatory notification altogether

196. The Reporting Officer noted that, as discussed above, the requirement for an ITA could be waived in instances where the Council has determined it to be unnecessary (based on the likely traffic effects being no more than minor). To address the submitters' concerns, in part, she suggested the notification rule (Rule 6.4.1) could be amended to require notification only for those high trip-

generating activities that require an ITA (s42A Report, Sections 5.1.3 and 5.6.2). We note however that this change would be ultra vires, as it would require a third-party approval, so we have disregarded this recommendation.

3.6.7 Evidence presented at the hearing

3.6.7.1 Submitter Evidence

197. *The Oil Companies* (OS634.7, OS634.13 and OS634.42) called Ms Ann-Marie Head to provide expert transportation evidence and Ms Georgina McPherson to provide expert planning evidence at the hearing.
198. Ms Head suggested that modest changes to an existing service station should not automatically trigger notification and the requirement for an ITA. She argued that service stations, although necessarily vehicle orientated by their nature, are benign activities due to the high proportion of pass-by trips and generally have minimal effects beyond their immediate interface with the transport network. She considered that application of Policy 6.2.3.8 as currently drafted had the potential to result in inconsistent assessments of the transport effects of proposed developments.
199. Consequently, her recommendation was to amend the wording of Policy 6.2.3.8 relating to the effects of high trip generator activities, and to remove explicit reference to service stations from the definition of high trip generator activities (noting that new service stations or significant expansions are likely to exceed the high trip generator threshold anyway). She also suggested that the high trip generator definition be amended by clarifying that the threshold applies only to additional traffic generation rather than existing traffic generation of an activity. She also requested the removal of the requirement for all high trip generator activities to be publicly notified.
200. Ms Georgina McPherson said that the definition both identified certain land uses, (irrespective of their size and scale) as well as setting a trip generation and parking threshold. She suggested this was an inconsistent and ad hoc approach, and at odds with the effects based approach of the RMA. She suggested that the definition be amended by removing the identified land uses, and clarifying that the 250 trips per day threshold only applied to new, or additions to, activities.
201. On Notification Rule 6.4.1, Ms McPherson disagreed with the Reporting Officer's recommendation that that the rule be amended to require notification only for those high trip-generating activities that require an ITA. She said that this pre-empted the outcome of the ITA, which might demonstrate that effects will be no more than minor and that notification (for traffic related reasons) is unwarranted. Ms McPherson added that the effect of the Reporting Officer's recommendation was that all HTGs that require an ITA will require full public notification without consideration of the nature and scale of adverse effects generated by the particular proposal. In her view, this was unreasonable and inefficient, and contrary to the effects based intent of the RMA.
202. With regard to Policy 6.2.3.8, Ms McPherson's evidence was that, as drafted, the policy required the complete avoidance of adverse effects on the transport network, and effectively acted "as a de facto rule within the policy". She added that the policy was inconsistent with (and potentially more onerous than) the activity status afforded to certain HTGs in certain zones (noting that service stations had a restricted discretionary status in many of the Commercial and Mixed Use zones). She requested that we adopt alternative wording for the policy, as promoted in *The Oil Companies'* submission.

3.6.7.2 DCC Expert Evidence

203. The DCC called Mr Ian Clark to provide transportation evidence at the hearing. Mr Clark spoke about the triggers used for the High Trip Generator rules within

other plans around New Zealand, focussing on the requirements in Auckland, Christchurch, Tauranga and Hamilton.

204. Mr Clark noted that the evidence presented on behalf of *The Oil Companies* had been critical of the use of car parking spaces as the determinant of status as a high trip generator. He acknowledged that both Auckland and Christchurch City Councils had moved to vehicles per hour being the determinant, and the thresholds had generally been converted to floor area, household units, and so on.
205. He responded however that the situation in Dunedin is clearly different to that in Auckland and Christchurch, and that it was relevant to note the requirements elsewhere, noting that Tauranga uses the number of parking spaces as the determinant, while Hamilton uses vehicles per day.
206. Thus while he did not disagree with Ms Head's preference to use vehicles per hour, he suggested it would not be out of step to accept other determinants which are also in use in current district plans around New Zealand. Overall, he considered that the number of parking spaces generally did provide a reasonable proxy measure for the traffic generating potential of a proposed development.
207. With regard to integrated transport assessments, Mr Clark noted that Special Information Requirements Rule 6.13.2 acknowledged the possibility that a transport assessment might be unnecessary in some cases, and that "the level of detail and analysis provided in each section of the assessment should reflect the scale and complexity of the proposed activity and the context of the site and its surrounding environment". He advised that this reference to discretion was consistent with the approaches adopted in other district plans, and with the recommendations in the NZTA Integrated Transport Assessment Guidelines (Research Report 422)³.

3.6.8 Reporting Officer's review of recommendations

208. The Reporting Officer reiterated the recommendations she had made in her s42A Report, noting that she considered the current provisions were generally appropriate. With regard to the appropriateness of the notification rule in relation to high trip generating activities, she advised that this provision was consistent with the drafting protocols adopted across the 2GP, and provided guidance to plan users in terms of applications that are likely to be notified. She thought this was appropriate when there is certainty in terms of a particular activity that will always be notified, but noted that the alternative would be to rely on the notification provisions of the RMA, although this would require consideration of the consistent application of notification provisions across the whole 2GP.
209. Ms Rodgers considered that it was appropriate to include extensions to existing service stations within the "High Trip Generating Activities" definition, because the addition of two pumps was likely to trigger the 250 vehicle movements per day threshold referred to in the definition.

3.6.9 Decision and reasons

3.6.9.1 Requests to amend the definition of what is a high trip generator

210. We reject the submissions by *Tussock Top Farm Ltd* (OS901.7) and *Blackhead Quarries Ltd* (OS874.11) insofar as they sought the removal of the entire set of provisions concerning high trip generating activities. Overall, we agree with the Reporting Officer that high trip generators have the potential to adversely affect the safe and efficient operation of the transport network and impact on the

³ <http://www.nzta.govt.nz/assets/resources/research/reports/422/docs/422.pdf>

amenity of the surrounding environment. As such, it is generally appropriate to require resource consent applications for high trip generators.

211. However, we accept in part the submissions of *Saddle Views Estate Limited* (OS458.4), *Blackhead Quarries Ltd* (OS874.11) and *Tussock Top Farm Ltd* (OS901.7), that as notified, the Plan provisions may capture activities that are in fact neither high trip generators nor causing effects that mean an integrated transport assessment is required. We agree that the definition of 'High Trip Generating Activities' should be linked to the scale or number of vehicle movements, and should not encapsulate all activities of a certain type without regard to the scale, nature or effects of the operation.
212. For the same reason, we accept the submission from *BP Oil NZ Ltd*, *Mobil Oil NZ Ltd* and *Z Energy Ltd (the Oil Companies)* (OS634.7), in respect of amending the definition to delete the reference to "additions or alterations that create additional fuel pumps at existing service stations". However, we reject the submission from *McKeown Group Limited* (OS895.18) which sought to delete the definition altogether, as we agree with the Reporting Officer that the management of high trip generators is necessary.
213. To address these concerns, our decision is to amend the definition of high trip generators to remove reference to individual activities and to retain only the end of the definition, as follows (see Appendix 1, where the changes are attributed to submission points Trans 458.4 and others, Trans 634.7 and Trans 308.152):

The group of activities which includes:

- ~~Service stations, including additions or alterations that create additional fuel pumps {Trans 634.7}~~
- ~~Restaurant – drive through, including additions or alterations that create additional drive through windows {Trans 458.4 and others}~~
- ~~Early childhood education – large scale {Trans 308.152}~~
- ~~Schools {Trans 458.4 and others}~~
- ~~Quarrying (defined as part of mining) {Trans 458.4 and others}~~
- New or additions to parking areas which create that result in 50 or more new parking spaces; and {Trans cl.16}
- Any ~~other~~ {Trans cl.16} activities that generate 250 or more vehicle movements per day.

214. We have also made a number of related and consequential changes including:
- Amendments to Rule 6.10.2.7 (assessment of restricted discretionary high trip generators) to remove the list of activities, in line with the changes to the definition but include the full definition for 'high trip generators' so there is a clear connection from the Management Zones and Major Facilities Zones' assessment rules (see Appendix 1, where the changes are attributed to submission points Trans 458.4 and others, Trans 634.7, Trans 308.152 and cl. 16)
 - Amendments to Rule 6.11.2.1 (assessment of discretionary high trip generators) to remove list of activities in line with changes to definition (see Appendix 1, where the changes are attributed to submission points Trans 458.4 and others, Trans 634.7, Trans 308.152 and cl. 16)
 - The inclusion of a new definition for 'vehicle movement', which reads

A single journey to or from a particular site by a person or persons in a motor vehicle. {Trans 458.4 and others}

We felt this change was necessary to further clarify the concept of high trip generators.

- Amendments to the integrated transport assessment (Rule 6.13.2)
 - Amendments to assessment Rule 18.10.2.1
215. We have also made a minor change of clarification by replacing all instances of the terms “high trip generating activities” with the term ‘High Trip Generators’ to minimise confusion with terminology for categories in the Nested Tables (made under Clause 16 of the First Schedule to the RMA), and also to simplify the term.
216. With respect to the concerns of *Saddle Views Estate Limited* (OS458.4) in respect of all quarries needing to submit an ITA, we believe the change to the definition, which means only quarries that meet the vehicle movement threshold will be considered high trip generators, will partly address their concerns. To further address their concerns we have also amended Rule 6.13.2 to change it from a mandatory requirement to one which states that “Council will generally require an ITA...” (See Appendix 1, where the amendment is attributed to submission point Trans 458.4)
217. We did not agree that the special information requirement in Rule 6.13.2 should be deleted entirely, as we felt it gives guidance to applicants on the information that is likely to be required of them, but still provides flexibility for this to be considered on a case by case basis.

3.6.9.2 Request to delete mandatory notification altogether

218. We accept the submissions from *Orari Street Property Investments Limited* (OS984.4), *Niblick Trust* (OS929.3), *McKeown Group Limited* (OS895.15), *BP Oil NZ Ltd*, *Mobil Oil NZ Ltd* and *Z Energy Ltd* (OS634.42) and *Progressive Enterprises Limited* (OS877.3) insofar as they relate to removing the mandatory notification of high trip generating activities. We also accept the submission from *University of Otago* (OS308.152) in respect of removing the requirement for mandatory notification of early childhood education – large scale.
219. This is because we agree that a decision to notify an application should be subject to the normal notification tests of the RMA, as there may be High Trip Generators which will have effects that are no more than minor or other special circumstances that make mandatory public notification inappropriate. Our decision is to delete Rule 6.4.1 to reflect this (see Appendix 1, where the amendment is attributed to Trans 634.42 and others).
220. We disagree with the Reporting Officer’s suggestion that the rule be amended to link the requirement for notification to high trip generators that require an ITA. We consider this would be *ultra vires* as the requirement for an ITA is subject to a separate decision process. We accept Ms McPherson’s evidence in that regard.

3.6.9.3 Request to amend Policy 6.2.3.8 test

221. We reject the submissions from *BP Oil NZ Ltd*, *Mobil Oil NZ Ltd* and *Z Energy Ltd* (“the Oil Companies”) (OS634.13), *Saddle Views Estate Limited* (OS458.7), *Blackhead Quarries Ltd* (OS874.11) and *Tussock Top Farm Ltd* (OS901.7) that sought amendments to Policy 6.2.3.8. We agree with the Reporting Officer that high trip generators have the potential to adversely affect the safe and efficient operation of the transport network and impact on the amenity of the surrounding environment. We note that the wording of Policy 6.2.3.8 reflects the 2GP drafting protocols for restricted discretionary or discretionary activities. Consequently, our decision is that the policy be retained without amendment.

3.7 Definitions

3.7.1 'Operation, repair and maintenance of the roading network' and 'Passenger transportation hubs'

222. Definitions for 'Operation, repair and maintenance of the roading network' and 'Passenger transportation hubs' are included in the 2GP. The definition for 'passenger transportation hubs' includes train and bus stations both on and off the road that provide passenger access to public transport services. The definition for 'Operation, repair and maintenance of the roading network' includes small in-road bus stops (up to four bays) as part of normal road operation. Transport depots that do not include passenger services are included in the definition of industrial activity.
223. *Robert Francis Wyber* (OS394.83 and OS394.82) requested that those two definitions are amended for consistency, and also to provide for both on-road and off-road passenger transportation hubs. Mr Wyber observed that it was unclear how five or more bus bays would be managed in the 2GP, and that this should be spelt out in the definitions. This submission was opposed in part by the *Otago Regional Council* (FS2381.493 and FS2381.492) who sought to include on-road passenger transport hubs (of any size) in the definition of 'Operation, repair and maintenance of the roading network'.
224. The *NZ Transport Agency* (OS881.2) submitted in support of the definition of 'Operation, repair and maintenance of the roading network'. It also submitted that the definition of 'Passenger transportation hubs' be amended to remove repetitive content (OS881.3). This submission was opposed in part by the *Otago Regional Council* (FS2381.494) who submitted that off-road passenger transportation hubs should be excluded, because depot operations are covered under Industrial Zone rules.
225. On the matter of including off-road public transportation hubs in the 'Passenger transportation hubs', Ms Rodgers noted that the intention in the 2GP was to provide for passenger transportation hubs to be located both on and off the road. She indicated that the definition did not distinguish between on-road or off-road passenger transportation hubs and did not consider it necessary to make any amendments in this regard (s42A Report, Section 5.1.1).
226. She also advised that it was the intention of the Plan that small in-road bus exchanges should be a permitted activity as part of normal road operation and not be captured by the definition 'Passenger transportation hub', which requires resource consent. The threshold of four in-road bus bays is where effects are anticipated to be within a normal range of road operations, whereas for larger transport hubs the effects on the transportation network and surrounding activities would need to be considered. For this reason, she did not consider it appropriate to include larger on-road or off-road passenger transportation hubs in the definition of 'Operation repair and maintenance of the roading network' which would essentially make them permitted activities.
227. With regard to the repetitive content in the 'Passenger transportation hubs' definition, Ms Rodgers noted that the 2GP referred to bus stops, bays, exchanges, terminals, depots, and stations, with some duplication of terms. She recommended that for additional clarity and consistency, the 2GP be amended to only refer to:
- Bus stops (with up to four in-road bus stops included in the definition of 'Operation, repair and maintenance of the roading network');
 - Bus stations (included in the definition of 'Passenger transportation hubs' and including in-road bus stations, where they involve five or more bus stops co-located in one location; and
 - Bus depots (included in the definition of 'Industry', and intended to apply to areas where buses are stored, and do not have passenger services).

228. None of the submitters provided further evidence on these matters or spoke to them at the hearing, and nor did the Reporting Officer discuss them in her right of reply.

3.7.1.1 Decision and reasons

229. We accept, in part, the submissions of *Robert Francis Wyber* (OS394.83 and OS394.82) and the *Otago Regional Council* (FS2381.493 and FS2381.494) and the *NZ Transport Agency* (OS881.2 and OS881.3), and reject the submission of the *Otago Regional Council* (FS2381.492), relating to amendments to the definitions of 'Operation, repair and maintenance of the roading network' and 'Passenger transportation hubs'.
230. We have amended the definition of 'Operation, repair and maintenance of the roading network' to include "on-road bus stops where up to four bus stops are co-located" (see Appendix 1 amendment attributed to submission reference Trans 394.82 and others).
231. We have also amended the definition of 'Passenger transportation hubs' (see Appendix 1 amendment attributed to submission reference Trans 394.82 and others).
232. We agree with the Reporting Officer's evidence that the intent of the 2GP is to provide for passenger transportation hubs to be located both on and off the road. We also agree that small in-road bus exchanges should be a permitted activity as part of normal road operation, and not one of the activities identified within the definition of 'Passenger transportation hub' that require resource consent.
233. We also considered some clarification and simplification of the definitions was required. The definitions for 'Operation, Repair and Maintenance of the Roding Network' and 'Passenger Transportation Hubs' are amended as shown in Appendix 1, in accordance with the provisions of Clause 16 of the First Schedule to the RMA.

3.7.2 'Cycleway'

234. The definition of 'Cycleway' is as follows:

"A special road, route, or path intended for use by cyclists from which vehicles and pedestrians are excluded".

235. The *NZ Transport Agency* (OS881.7) submitted that the definition was potentially unclear, particularly when a cycleway is a route provided within road reserve. They suggested that the definition be amended to read as follows: "A special road, route or path primarily intended for use by cyclists...".
236. The Reporting Officer suggested that amending the definition as proposed by NZTA would allow for routes also used by pedestrians. She observed that the 2GP also provides for 'shared path'⁴, and that she was comfortable that this definition would provide the relief sought by the NZTA by providing for a 'track' that will be available for a variety of travel modes. As such, she recommended that the submission be rejected, and the 'Cycleway' definition retained without amendment (s42A Report, Section 5.1.2).
237. The *NZ Transport Agency* (OS881.7) called Mr Andrew Henderson to provide a written statement in support of their submission, although he did not appear at the hearing. Mr Henderson's statement noted that the NZTA did not seek an outcome whereby pedestrians and vehicles were enabled to use cycleways when they are located within a road reserve. He advised the NZTA was concerned that a strict interpretation of the definition would mean that under no circumstances are vehicles or pedestrians able to use a cycleway, when under

⁴ The 2GP definition for 'Shared path' is "A special road, route, or path intended for use by cyclists and pedestrians (including wheeled pedestrians) from which vehicles are excluded".

normal roading conditions, vehicles and pedestrians must traverse or use cycleways to access other parts of the road, driveways or footpaths.

238. He said that whilst NZTA considered that their original submission would address this issue, if the word “primarily” was the concern, then the same result could be achieved if the definition was amended as follows:

“A special road, route, or path intended for use by cyclists from which vehicles and pedestrians are generally excluded”.

3.7.2.1 Decision and reasons

239. We accept the submission of the *NZ Transport Agency* (OS881.7), and the definition of ‘Cycleway’ is amended based on the revised worded suggested by the submitter in the statement read at the hearing (See Appendix 1, amendment attributed to Trans 881.7).
240. We agree that the term “generally excluded” will improve the clarity and efficacy of the definition.

3.7.3 ‘Parking areas’

241. The Plan defines ‘Parking areas’ as: “The part of a site used for vehicle parking and manoeuvring”.
242. The term ‘Parking areas’ is used in a number of the performance standards for car parking design, specifically Rules 6.6.1.2 to 6.6.1.7. These rules set out the requirements for parking areas, in respect of minimum manoeuvring space dimensions, minimum queuing space, gradient, surfacing and marking, lighting, and access.
243. *Dunedin City Council* (OS360.120) submitted that the definition be amended to add the words “This definition does not include garages and carports” at the end. The submission noted that the definition was used in a number of performance standards but lacked clarity, in that the intention of the definition is to cover open air parking only and not include parking in a garage/carport.
244. The Reporting Officer recommended that the definition be amended as requested in the submission, to better align with its intended use (s42A Report, Section 5.1.5).

3.7.3.1 Decision and reasons

245. We accept the submission of the *Dunedin City Council* (OS360.120) accepting the evidence of the Reporting Officer that this clarifies the intent of the provisions. The definition of ‘Parking Areas’ is amended accordingly.

3.7.4 ‘Road’

246. The definition of ‘Road’ is as follows:

Road

“Any public road or street as defined by the provisions of the Local Government Act 1974 (formed or unformed). The definition of road includes any vehicle lane, cycleway, footpath, shared path, track, and any parking or loading areas that are located within the road reserve”.

247. The *NZ Transport Agency* (OS881.14) submitted that the definition for road be amended to include the words “as defined in Section 315 of the Local Government Act 1974”, because they considered the reference to the Local Government Act introduced ambiguity and required correction.
248. The Reporting Officer referred to the extensive use of the term “road” throughout the Plan, and to the definition of road within Section 315 of the Local Government Act 1974. She recommended that the submission be accepted, to

provide clarity, and the definition be amended, to provide clarity (s42A Report, Section 5.1.6).

3.7.4.1 Decision and reasons

249. We accept the submission of the *NZ Transport Agency* (OS881.14) to amend the definition for 'Road' by including reference to section 315 of the Local Government Act 1974 (see Appendix 1, amendment attributed to Trans 881.14).
250. Section 5.1 of this report discusses a related issue to do with the implications of this definition in terms of the boundary setbacks required for buildings, such as dwellings and farm sheds, which adjoin unformed legal roads in the Rural and Rural Residential Zones.

3.7.5 'Road boundary'

251. The definition of 'Road boundary' is as follows:

Road boundary

"Where a site boundary adjoins the road reserve".

252. The *NZ Transport Agency* (OS881.15) submitted that the definition for 'Road' is ambiguous and, for clarity, the definition for 'Road Boundary' should be amended to note that it applies to both formed and unformed roads.
253. The Reporting Officer noted that the 2GP contains rules requiring buildings to be set back from the road boundary in the various zones, and that these setbacks are intended to support the amenity of these areas for pedestrians. She considered that it was appropriate for setback rules to be applied to formed or unformed roads and to designations for roading purposes, as to do otherwise could result in less than desirable outcomes in terms of reverse sensitivity issues, safety and efficiency in the future (s42A Report, Section 5.1.7).
254. Ms Rodgers observed that reference to "road reserve" in the 'Road boundary' definition was intended to include unformed roads but the lack of a definition for "road reserve" meant there was a risk that 'road boundary' would be interpreted widely in conjunction with the definition of 'road'. Consequently, she recommended that the 'Road boundary' definition remain as it is, but that a new definition for 'Road reserve' be created. She suggested that the definition from the operative Plan be adopted.

3.7.5.1 Decision and reasons

255. Our decision is to accept in part the submission from the *NZ Transport Agency* (OS881.15) insofar as it relates to clarifying the 'Road boundary' definition. The decision includes the addition of a new definition in the 2GP for 'Road reserve'. The definitions are shown below and in Appendix 1 (attributed to submission reference Trans 881.15).

Road boundary

Where a site ~~boundary~~ {cl.16} adjoins the road ~~reserve~~ {c.16}.

Road reserve {Confirmed for addition – Trans 881.15}

An area of land held by the Dunedin City {PO cl. 16} Council or the Crown, for roading or access purposes. {Trans 881.15}

256. In terms of use of the term "road reserve", we note that the term is used 36 times throughout the Plan (although, interestingly, not within the Transportation section) mainly in relation to the location of ancillary signs, and the location of utility structures. It is generally used to refer to the land owned by the road controlling authority, between the carriageway and the road boundary. We agree with the Reporting Officer that including a new definition for 'Road

reserve' provides clarity, but have settled on a less wordy definition than that suggested by the Reporting Officer.

3.7.6 'Road signs'

257. The definition of 'Road signs' is as follows:

Road Signs

"A sign required to provide vehicles, cycles, or pedestrians on a carriageway, cycle path or footpath with any of the following information:

- *'Regulatory' - requiring or prohibiting specified actions;*
- *'Warning' - informing of hazards or of other features requiring a safe response on or near carriageway, cycle path or footpath;*
- *'Directional' - identifying the location of, direction to and/or distance to destinations, routes, public amenities and building entrances, designed and installed by the dunedin city council, the new zealand transportation agency (nzta), or other public roading body, or relevant roading contractor".*

258. The NZ Transport Agency (OS881.17) sought to amend the definition to include reference to the 'Manual of Traffic Signs and Markings' and the 'Traffic Control Devices Manual'. This amendment was sought to reflect changes in technology around road signs with increasing use of variable message signs and Intelligent Transport Systems (ITS) signage.

259. This submission was supported in part by Otago Regional Council (FS2381.497), but they also requested a reference to the NZTA 'Guidelines for Public Transport Infrastructure and Facilities'.

260. The NZ Transport Agency also requested that the third bullet point be amended to the correct name of the Agency (i.e. the NZ Transport Agency), and that this correction be made across the Plan.

261. The Reporting Officer supported the NZTA's submission but did not support reference to 'Guidelines for Public Transport Infrastructure and Facilities' as promoted by the ORC, because this was a draft document which had not been progressed since the submission period for it closed in 2014. She noted however that the focus of the draft guidelines was on bus stop signs and the need for standardisation, and agreed that such signs should be provided for in the 'Road Signs' definition (s42A Report, Section 5.1.8).

262. Ms Rodgers recommended that the 'Road Signs' definition be amended to take into account the submissions from the NZTA (subject to changes in drafting); and to include specific reference to information signs associated with bus stops.

263. She also recommended that any reference to the "New Zealand Transport Agency" throughout the Plan be corrected to "NZ Transport Agency".

3.7.6.1 Further information requested by the Panel

264. The NZTA did not appear at the hearing or address this matter in the statement pre-circulated on their behalf by their planning consultant, Mr Andrew Henderson.

265. We queried the need for specific reference to the 'Manual of Traffic Signs and Markings' and the 'Traffic Control Devices Manual' in the definition, on the basis that the first three bullet points of the definition already capture the signs included in the manuals. Clarification on this matter was sought from the NZTA, and in an email dated 3 May 2017 a principal planning advisor for NZTA, Mr Tony MacColl, confirmed that reference to the manuals was superfluous.

3.7.6.2 Decision and reasons

266. We accept in part the submission from the *NZ Transport Agency* (OS881.17) insofar as it relates to ensuring that references to the Agency throughout the Plan are corrected to *the NZ Transport Agency*.
267. We reject that part of the submission from the *NZ Transport Agency* (OS881.17) that seeks to amend the definition of 'Road Signs' to include reference to the 'Manual of Traffic Signs and Markings' and the 'Traffic Control Devices Manual'. The definition already provides for such signage, and specific reference to the manuals is unnecessary as confirmed by Mr MacColl.
268. We accept in part the further submission from the *Otago Regional Council* (FS2381.497) and amend the definition of 'Road Signs' to include specific reference to information signs associated with public transportation services. We agree with the Reporting Officer's view that such signs should be provided for.
269. We note that the matter of road signs is also addressed in the CMU decision, where separate definitions for each of regulatory, warning and directional signs have been established, and consequential changes made to the 'Road Signs' definition.
270. The amended 'Road Signs' definition, incorporating the changes discussed in both this decision and the CMU decision, is shown in Appendix 1, where the amendments are attributed to CMU 271.18.

3.7.7 'Travel methods' vs 'Travel modes'

271. The definition of 'Travel methods' is as follows:

Travel methods

"Travel methods include but are not limited to the following:

- *Walking*
- *Cycling*
- *Private motor vehicles (e.g. car, motorcycles)*
- *Public transport services (e.g. buses)*
- *Helicopters*
- *Freight moving (e.g. trucks); and*
- *Horse-riding"*

272. The *NZ Transport Agency* (OS881.19, OS881.55, OS881.59 and OS881.63) submitted that terminology used in the Plan be amended to refer to 'transport modes' rather than 'travel methods'. The *NZTA* considered that 'transport modes' is a more widely accepted and understood term.
273. Ms Rodgers observed that the definition was not meant to be an exhaustive list. She noted that "mode of transport" is a common transportation planning term used to describe ways that people and goods are moved, and that modes of transport generally fit into three types, being air, land (i.e. road and rail) and water (s42A Report, Section 5.1.11).
274. Ms Rodgers referred to the Oxford Dictionary definitions for 'mode', 'method', 'transport' and 'travel', and recommended that the definition be amended to 'Travel modes', because it was a more appropriate term that reflected the more commonly used and understood terminology. She noted that consequential changes would be required across the Plan.

3.7.7.1 Decision and reasons

275. We agree with the advice from the *NZTA* and from the Reporting Officer that an amendment of the definition for 'Travel methods' would better reflect more commonly used and understood terminology. Accordingly, our decision is to accept in part the submission from the *NZ Transport Agency* (OS881.19, OS881.55, OS881.59 and OS881.63) and to amend the definition to refer to

'Travel modes'. The amended definition is shown in Appendix 1, where the amendments are attributed to Trans 881.19.

276. Consequential amendments have been made across the Plan where the term 'travel methods' occurred. Changes have been made in the following locations:

- Definition of 'operation, repair and maintenance of the roading network'
- Introduction to Section 6.1 and 15.1
- Objectives 6.2.1, 6.2.2 and 6.2.3 and 6.2.4
- Policy 6.2.1.2 and Policy 6.2.1.4
- Rule 6.10.2.7.b.xv and Rule 6.11.3.3.b.i
- 6A.2 Road Classification

3.8 Objectives and Policies Wording

3.8.1 Objective 2.7.2 and Policy 2.7.2.1 Effective transportation

277. Objective 2.7.2 and Policy 2.7.2.1 sit under Strategic Direction 2.7 - Dunedin has affordable and efficient public infrastructure, and read:

Objective 2.7.2: Efficient transportation

The transport network operates safely and efficiently for all road users, including freight and passenger vehicles, public transport, motorcycles, cycling, walking, horse riding.

Policy 2.7.2.1

Support the safe and efficient operation of the transport network through rules that:

- Provide for transportation activities;*
- Manage the location, scale and design of high trip generators;*
- Manage the location, number and design of vehicle accesses;*
- Require on-site vehicle loading where vehicle loading on-street could compromise the safety and efficiency of the transport network;*
- Require on-site car parking where required to enable adequate accessibility and/or to avoid or adequately mitigate adverse effects on the safety and efficiency of the transport network; and*
- Manage the design of parking, loading and access areas.*

278. The NZ Transport Agency (OS881.44) submitted that the aforementioned objective and policy focussed solely on land transport, and requested that Objective 2.7.2 be amended as follows:

"The multi-modal transport network operates safely and efficiently for all ~~road~~ users, ~~including freight and passenger vehicles, public transport, motorcycles, cycles, walking, horse riding~~ across land, air and sea transport networks"

279. The NZ Transport Agency (OS881.45) subsequently requested that Policy 2.7.2.1 be amended as follows:

"Support the safe and efficient operation of the land transport network through rules that:

- Provide for and recognise the unique characteristics and breadth of transportation activities..."*

280. The NZTA submission in respect of Policy 2.7.2.1 was opposed by the Otago Regional Council (FS2381.498), which considered that the proposed amendment

to the policy might exclude port and airport activities unintentionally, and introduced uncertainty.

281. In her s42A Report, Ms Rodgers acknowledged that the connections to air and sea transport networks were important, but noted that these were primarily managed through specific Port and Airport zones, and designations for state highways and strategic rail networks. She considered that management of the connections between the air, sea and land transportation networks would require a suite of objectives, policies and potentially rules, for something which is adequately managed through a combination of zoning and designations.
282. Consequently, she recommended that Objective 2.7.2 be amended to refer
283. The land transport network operates safely and efficiently for all travel modes ~~road-users~~, including freight and passenger vehicles, public transport, motorcycles, cycles, walking, horse riding. {Trans 881.44}
284. She recommended that Policy 2.7.2.1 be retained without amendment, because she considered including the word "land" as requested by the NZTA would not cover land-based links to sea transport (s42A Report, Sections 5.2.5 and 5.2.6).

3.8.1.1 Evidence presented at the hearing

285. The *NZ Transport Agency* called Mr Andrew Henderson, who pre-circulated written planning evidence, in which he suggested that the Reporting Officer's advice that limiting Policy 2.7.2.1 to the land transportation network would not cover land based links to sea transport, conflicted with her response to submission point OS881.44, where she recommended amending Objective 2.7.2 to refer to the land transport network.
286. In his evidence, Mr Henderson accepted that the District Plan cannot address matters such as air and sea transport, but observed that the land based links to these modes are an integral part of the transport network, and the *NZ Transport Agency* considered that they should be recognised within the policy approach to the management of the transport network. He stated that reference to the multi-modal transport network would achieve this in a broad sense.
287. Mr Henderson considered that approaching the transport network in an integrated manner was consistent with higher order documents, including the Regional Policy Statement and the Regional Land Transport Strategy.
288. He suggested that in order to be clear that the Plan does not address air or sea transport but recognises that the links to them are an integral part of the transport network, and therefore within the matters that the District Plan can address, the following alternative wording for Objective 2.7.2 was appropriate:

The multi-modal transport network, including connections between land, air and sea transport networks operates safely and efficiently for all ~~road~~ users, ~~including freight and passenger vehicles, public transport, motorcycles, cycles, walking, horse riding.~~

3.8.1.2 Decision and Reasons

289. We note that the policies and rules under Objective 2.7.2 primarily manage the land transport network (e.g. the roading network), with the only exception being the reference to transportation activities in Policy 2.7.2.1.a, which include Heliports. However, we consider that providing connections between land, air and sea transport networks is a function of the Plan and we consider the inclusion of reference to air and sea transport networks as suggested by Mr Henderson is appropriate in this context. We also agree to adding a reference to multi-modal transport network, which we consider more straightforward and more appropriate at an objective level, than listing all modes individually. Accordingly, we accept in part the submissions from the *NZ Transport Agency* (OS881.44 and OS881.45) and reject the submission of the *Otago Regional Council* (FS2381.498).

290. We have amended Objective 2.7.2 to read:

The multi-modal land {Trans 881.44} transport network, including connections between land, air and sea transport networks {Trans 881.44} operates safely and efficiently for all road users, ~~including freight and passenger vehicles, public transport, motorcycles, cycles, walking, horse riding.~~ {Trans 881.44}

291. As a consequential change, we have also added the term “multi-modal” to Policy 2.7.2.1 as follows:

Support the safe and efficient operation of the multi-modal land {Trans 881.45} transport network through rules that: a. provide for transportation activities;

3.8.2 Policy 6.2.1.3

292. Objective 6.2.1 (incorporating the amendment to refer to travel modes rather than travel methods discussed in Section 3.7.7) is as follows:

“Transport infrastructure is designed and located to ensure the safety and efficiency of the transport network for all travel ~~methods~~ modes {Trans 881.19} while:

- a. Minimising, as far as practicable, any adverse effects on the amenity and character of the zone; and*
- b. Meeting the relevant objectives and policies for any overlay zone, scheduled site, or mapped area in which it is located”.*

293. Policy 6.2.1.3, which sits under this objective, reads:

“Only allow new roads or additions or alterations to existing roads where:

- a. The road is designed to provide for the needs of all users, as appropriate for the surrounding environment and road classification hierarchy mapped area*
- b. The location and design of the road:*
 - i. Minimises adverse effects on surrounding residential or other sensitive activities, including severance effects, changes to drainage patterns, and vibration, noise, glare and fumes from vehicle movements;*
 - ii. Maintains or enhances the safety and efficiency of the overall transport network; and*
 - iii. Minimises adverse effects on water bodies or the coast, areas of indigenous vegetation or other areas important for biodiversity, or identified landscape or natural character of the coast values”.*

294. The NZ Transport Agency (OS881.58) considered that the focus of the policy was unduly narrow because it did not recognise the importance of new roads or additions or alterations to existing roads being integrated with adjoining land uses, and being fit for purpose. They submitted that the following sub-clause be added under 6.2.1.3.b:

“iv. the road will achieve integration with surrounding land uses, and is fit for the purpose it is intended”.

295. This submission was opposed by the Otago Regional Council (FS2381.499), which considered that it introduced uncertainty. The ORC also submitted in support of Policy 6.2.1.3 as notified (OS908.81).

296. In her s42A Report, the Reporting Officer suggested that Policy 6.2.1.3 deals with a range of management issues related to the construction of new roads,

and that the primary purpose of the policy is to outline the management of the construction of roads by road controlling authorities.

297. She noted that Policy 6.2.3.12 deals more directly with the matter raised by the NZTA, in terms of road connectivity in subdivisions and aspects of design and materials.
298. She considered that the separate focus of each of these two policies reflected that the concerns related to roads constructed by the DCC and the NZTA are more related to external effects of the road (recognising that these public bodies have other policies and procedures which appropriately ensure good road design); whereas the management concerns for new roads proposed by developers as part of subdivision extend more to aspects of road design, to ensure good outcomes for the transportation network.
299. She considered that this was the appropriate approach, and that it was unnecessary to broaden the role of assessing roads constructed by roading authorities through the District Plan, as this was adequately managed through other legislation, policies and procedures. Accordingly, she recommended that the policy be retained without amendment (s42A Report, Section 5.4.2.4).

3.8.2.1 Evidence presented at the hearing

300. Mr Henderson, in his pre-circulated written statement, suggested Policy 6.2.3.1.b did not make it clear that it is intended to relate to road controlling authorities only. The NZTA considered that new roads should be thoroughly assessed irrespective of whom they are constructed by, as the potential effects of roads, and the opportunities they present for connectivity between activities and zones, were the same irrespective of who constructed them. To that end, they considered it was important that the consideration of a new road include an assessment of the integration of the road with surrounding land uses, and that the resulting accesses and network will be efficient. Mr Henderson noted that the NZTA considered that the relief sought in the submission was appropriate, and requested that the Panel amend the policy accordingly.

3.8.2.2 Decision and reasons

301. We accept in part the submission from the *NZ Transport Agency* (OS881.58) insofar as we agree that the focus of Policy 6.2.1.3 should be widened to recognise the importance of new roads or additions or alterations to roads being integrated with adjoining land uses. We consider the most appropriate way to achieve this is to amend 6.2.1.3.a as follows rather than add an additional clause to Policy 6.2.1.3.b:

Only allow new roads or additions or alterations to existing roads where:

- a. The road is designed to provide for the needs of all users and to integrate with surrounding land uses {*Trans 881.58*} as appropriate for the surrounding environment and **road classification hierarchy mapped area**; and

302. A consequential change to the Assessment of Discretionary Activities rule (Rule 6.11.3.2) has also been made.
303. We therefore reject, in part, the submission and further submission from the *Otago Regional Council* (OS908.81 and FS2381.499) to reject the amendments to Policy 6.2.1.3 sought by NZTA.
304. We note that as a result of decisions made as part of the Plan Overview hearing we have made minor changes to the wording of the policy, with the words "as far as practicable" added to clauses (b.i) and (b.iii).

3.8.3 Policy 6.2.1.5

305. Policy 6.2.1.5 reads:

"Only allow heliports where they are located and designed to:

- a. Ensure the safety of users;*
- b. Maintain the amenity of the surrounding environment; and*
- c. Maintain or enhance the safety and efficiency of the overall transport network".*

306. The *NZ Transport Agency* (OS881.60) supported the intent of the policy but considered that it was important to recognise the potentially significant distraction effects that a heliport may have for road users. They submitted that it was appropriate that this is recognised in the policy, and also included in the rule relating to this activity. They sought the following amendments to sub-clause (a) of the policy:

- a. Ensure the safety of all users of the transport network*

307. The Reporting Officer considered that the change requested by the submitter clarified that the matters of safety related to all users of the transport network and not just those using the heliports. Accordingly, she recommended that the submission be accepted, and that Policy 6.2.1.5 be amended, and a consequential change be made to Rule 6.11.3.4.a (s42A Report, Section 5.4.2.6).

3.8.3.1 Decision and reasons

308. We accept in part the submission from the *NZ Transport Agency* (OS881.60) in respect to recognising the impact that heliports may have on the safety of road users by amending Policy 6.2.1.5. Our view is that Policy 6.2.1.5.c provides for the safety of the overall transport network and therefore no amendment is necessary, and we therefore retain Policy 6.2.1.5 (and Rule 6.11.3.4.a) without amendment.

3.8.4 Policy 6.2.2.3

309. Objective 6.2.2 (incorporating the amendment to refer to travel modes rather than travel methods discussed in Section 3.7.7) reads:

"Land use activities are accessible by a range of travel ~~methods~~ modes," {Trans 881.19}.

310. Policy 6.2.2.3 reads:

"Only allow visitor accommodation and supported living facilities to locate on sites where customers and residents will have convenient walking access to centres, or frequent public transport services; access to other appropriate transport services; and/or an appropriate range of on-site services or facilities".

311. The *NZ Transport Agency* (OS881.62) submitted in support of Policy 6.2.2.3.

312. *Robert Francis Wyber* (OS394.64) submitted that Policy 6.2.2.3 be amended to limit the location for all kinds of travellers' accommodation in the General Residential 1 and Township and Settlement zones to the arterial, commercial centre streets and collector roads. He believed that if a block of traveller's accommodation in a residential backstreet failed as a viable business, the attempt would be made to use it as general rental units, or sell it as individual ownership units. In his view, the best way of preventing this future problem was to prevent it from establishment in the first place.

313. The *University of Otago* (OS308.149) sought to have Policy 6.2.2.3 amended to include the campus as a centre. This submission was supported by the *Otago Polytechnic* (FS2448.9). The Reporting Officer advised that this matter has been addressed in the Commercial and Mixed Use Zones s42A Report.

314. In response to *Mr Wyber's* submission, the Reporting Officer considered that visitor accommodation should not be limited to particular road types, because there might be certain types of visitor accommodation (such as camping grounds, or B&Bs in heritage houses) that are entirely appropriate on other roads. She noted that Policy 6.2.2.3 is only one of the policies that direct the assessment of resource consent applications for visitor accommodation, and that the assessment matters included in Rule 15.10.2 (which assesses visitor accommodation as a RD activity in the residential zones) included 'effects on the safety and efficiency of the transportation network'. Accordingly, she recommended that the submission from *Mr Wyber* be rejected (s42A Report, Section 5.4.3.3).

3.8.4.1 Evidence presented at the hearing

315. *Mr Robert Francis Wyber* (OS394.64) spoke to his written statement at the hearing, and suggested there was no clear-cut indication of what sites the policy applied to, or what distance away from public transport or from centres was provided for. He observed that one person's 'convenient walking access' is another person's unachievable journey. He expressed concern at the inclusion of visitor accommodation within the policy because, as defined in the 2GP, in addition to modest, domestic-scale accommodation such as homestays, 'visitor accommodation' included large hotels and motels, and large apartment blocks. He asserted that the intensity of development associated with such accommodation was out of scale with, and inappropriate for, the back streets of lower density residential areas.
316. Mr Murray Brass, in his written statement on behalf of the *University of Otago* (OS308.149) noted that the issue of the campus being included as a centre had already been addressed by the *University* at the hearings on commercial and mixed use zones, and major facilities zones. He observed that the proposed Plan does not identify the campus as a 'Centre', despite the fact that the campus area provides just as wide a range of facilities and services as the identified centres do. He suggested this meant that Policy 6.2.2.3 would inappropriately work against establishment of visitor accommodation and student hostels in the vicinity of the campus, and, as raised at the other hearings, that the appropriate response was to identify the Campus Zone as a centre in terms of the centres hierarchy. Ms Louise Taylor, the planning expert called by the *Otago Polytechnic* (FS2448.9) also reiterated her evidence to the Panel that it would be appropriate that the Campus be considered a centre for the purposes of Policy 6.2.2.3 because if it was not visitor accommodation and supported living facilities might not be considered appropriate in the Campus Zone due to the fact that a "centre" as defined in the district plan might not be walkable or within easy public transport access.

3.8.4.2 Decision and reasons

317. We reject the submission from *Robert Francis Wyber* (OS394.64) that Policy 6.2.2.3 be amended to limit the location of all kinds of travellers' accommodation. We concur with the view of the Reporting Officer, and do not consider that visitor accommodation should be limited to particular road types, because we accept that the assessment against the full suite of policies include Policy 6.2.3.9 will ensure that the appropriateness of the location in terms of road type will be adequately assessed.
318. We also reject the submission from the *University of Otago* (OS308.149) and the further submission from the *Otago Polytechnic* (FS2448.9) which sought amendments to Policy 6.2.2.3 to include the campus as a centre. The specific issue of amending 2GP provisions to identify the Campus as a centre is addressed in the CMU Decision Report, where we rejected the *University's* submission seeking the amendment. In addition, we do not consider a literal interpretation of Policy 6.2.2.3 will work against visitor accommodation and student hostels from establishing in proximity to the Campus, given the central

location of the Campus, its proximity to frequent public transport services, and the characteristics of students' transportation requirements.

319. Policy 6.2.2.3 is retained without amendment.

3.8.5 Request for new Policy 16.2.2.9 (Rural Roads)

320. Objective 16.2.2 reads:

"The potential for conflict between activities within the rural zones, and between activities within the rural zones and adjoining residential zones, is minimised through measures that ensure:

- A. The potential for reverse sensitivity effects from more sensitive land uses (such as residential activities) on other permitted activities in the rural zones is minimised;*
- B. The residential character and amenity of adjoining residential zones is maintained; and*
- C. A reasonable level of amenity for residential activities in the rural zones.⁵"*

The policies associated with this objective focus on reverse sensitivity and the avoidance of adverse effects.

321. The *NZ Transport Agency* (OS881.112) sought the addition of a new Policy 16.2.2.9 as shown below.

"Require rural activities to be serviced by roads and access points that are constructed to a standard of formation appropriate to the scale of the activity and the use of the access".

322. This submission was supported by the *New Zealand Fire Service Commission* (FS2323.12).

323. In her s42A Report, the Reporting Officer noted that all provisions related to road construction and access points are in the Transportation section rather than in the individual zones. She considered the relevant provisions are:

- Objective 6.2.1 and Policy 6.2.1.3 relating to new roads and additions or alterations to existing roads
- Objective 6.2.4 and Policies 6.2.4.2, 6.2.4.4, 6.2.4.5, 6.2.4.6 and 6.2.4.7, relating to driveway width, vehicle accesses and crossings.

324. She was of the view that these objectives and policies, which require access points to be located and constructed to an appropriate standard and in consideration of the safety and efficiency of the road network, provide the outcome that the submitter is seeking. She did not consider that it was appropriate to have a new policy in a different part of the Plan to where the related provisions are located (s42A Report, Section 5.2.7).

3.8.5.1 Evidence presented at the hearing

325. The *NZ Transport Agency* called Mr Andrew Henderson, who pre-circulated written planning evidence, in which he observed that the 2GP sought to compartmentalise transport related matters into one chapter, rather than taking an integrated approach whereby transportation provisions are included throughout the Plan and in the individual zones. He suggested that this approach did not support an integrated approach to the management of transportation and land use, and did not give effect to the higher level policy approach of the Regional Policy Statement which seeks the integration of transport matters with land use.

⁵ This is the objective as notified. Proposed minor amendments to the objective are discussed in the Rural and Plan Overview decisions.

326. He considered that different rural activities might have different access requirements in respect of access, and changing land use activities could have different expectations as to the standard of access that was required. He suggested that the inclusion of a policy such as that proposed by NZTA in their submission would signal to Plan users that transport matters should be considered when contemplating activities; and would recognise the importance of an integrated approach to the management of transportation matters.

3.8.5.2 Decision and reasons

327. We agree with the submitter that integration of land use and transportation planning is important, however, we do not agree that having transportation provisions (objectives, policies, rules) spread across all the management and major facility zones is necessary to achieve this. In our view the decision to include all of these provisions into one Plan chapter makes sense in terms of Plan clarity and the desire to avoid repetition. We do not think the location of provisions precludes zone specific policies, if required. However, having said that we do not agree that only rural activities need "to be serviced by roads and access points that are constructed to a standard of formation appropriate to the scale of the activity and the use of the access" and agree with the Reporting Officer that a policy and rules to this effect should apply across all zones.
328. Accordingly, we reject the submission from the *NZ Transport Agency* (OS881.112) and the further submission from the *New Zealand Fire Service Commission* (FS2323.12) in respect of adding a new Policy 16.2.2.9 to the Rural section.

3.8.6 Objective 6.2.3

329. Objective 6.2.3 states:

"Land use, development and subdivision activities maintain the safety and efficiency of the transport network for all travel methods".

330. Submissions in support of the objective were received from the *University of Otago* (OS308.150), *KiwiRail Holdings Limited* (OS322.75), *Fonterra Limited* (OS807.13), the *Otago Regional Council* (OS908.78) and *Oceana Gold Limited* (OS1088.23).

331. The *NZ Transport Agency* (OS881.63) submitted that the objective be amended as follows:

"Land use, development and subdivision activities maintain the safety, and efficiency, and cost effectiveness of the transport network for all transport modes ~~travel methods~~."

332. This submission was opposed by the *Otago Regional Council* (FS2381.500) who submitted that subdivision was not always cost effective, because it required large capital expenditure on infrastructure at the beginning of development.
333. The Reporting Officer advised that she had assessed the policies and provisions that link to this objective, together with the strategic directions. She advised that Strategic Direction Objective 2.7.1 (Efficient Public Infrastructure) deals with cost effectiveness (i.e. "the least possible long-term cost burden to ratepayers"), and Policy 6.2.3.12 directly deals with the costs to ratepayers of new roads included in subdivisions.
334. She considered that effects could be difficult to predict, and that remediation measures such as traffic lights, signage or road space reallocation had large costs, and that it was therefore relevant to include cost effectiveness in Objective 6.2.3 as requested by the *NZ Transport Agency*. She noted that any amendment would result in the need to thoroughly consider any consequential changes to policies and assessment matters, to ensure the objective flowed properly through to plan provisions (s42A Report, Section 5.4.4.1).

3.8.6.1 Evidence presented at the hearing

335. Legal counsel for *Oceana Gold Limited* (OS1088.23), Ms Jackie St John, appeared at the hearing and tabled a written statement, in which she stated that the proposed inclusion of “cost effectiveness” in Objective 6.2.3 had implications for *Oceana*’s mining operations. She observed:

“Oceana Gold often find itself needing to move existing formed roads, or re-align paper roads, to enable mining development. An example is the Macraes-Dunback road which has been moved more than once to align it around mine infrastructure like pits and a tailings storage facility. As mining operations extend further into the Dunedin City District this may occur in relation to DCC managed roads. Sometimes the re-aligned road is longer than the road it replaces, which means the Council is responsible to manage more infrastructure. Arguably if cost effectiveness measures additional distance of travel for road users or expanded Council asset management costs this change could mean our development proposal might not be regarded as “maintaining the cost effectiveness of the transport network” in accordance with the Objective.”

336. Ms St John noted that the submitter’s concerns would be reduced if the associated policy (Policy 6.2.3.9) was amended to recognise mitigation measures⁶, but that to eliminate uncertainty their preference was to retain Objective 6.2.3 without any new reference to “cost effectiveness”.

3.8.6.2 Decision and reasons

337. We accept in part the submissions from the *University of Otago* (OS308.150), *KiwiRail Holdings Limited* (OS322.75), *Fonterra Limited* (OS807.13), the *Otago Regional Council* (OS908.78), *Oceana Gold Limited* (OS1088.23), and *NZ Transport Agency* (OS881.63).
338. We note the request of NZ Transport Agency was to include ‘cost effectiveness’ in Objective 6.2.3, but acknowledge and agree with the concerns raised by *Oceana Gold Limited* (OS1088.23) that depending on how cost effectiveness is measured, it may affect the provision of internal roading at the mine, which may not always be deemed to be cost effective. The issue was in our consideration more to do with affordability to the public in the provision of the transport network.
339. Therefore, we have amended Objective 6.2.3 to refer to “affordability to the public”, which we consider provides partial relief to the submitters.
340. The amendments required to implement this decision, including consequential amendments, are:
- Amending Objective 6.2.3 to read:

“Land use, development and subdivision activities maintain the safety and efficiency of the transport network for all travel ~~methods~~ modes {Trans 881.19} and its affordability to the public.” {Trans 881.63}
 - Amending Policy 6.2.3.9 to include ‘affordability to the public’ – see amendment in next section
 - Adding “affordability to the public” to rules 6.9.3.3.a.ii, 6.9.3.6.a.iii, 6.9.6.2.a.ii, 6.10.2.1.a.ii, 6.10.2.8.a.ii, 6.11.2.2.iii, 15.11.2.1.b, 16.8.2.1.v, 16.11.2.1.l, 17.11.2.2.r, 18.11.2.1.j, 20.11.2.2.k, 20.11.2.3.i, 20.11.2.4.f and 20.11.2.8.k.
341. See Appendix 1, where the amendments are attributed to submission point Trans 881.63.

⁶ Refer to section 4.6.7 of this decision report.

3.8.7 Policy 6.2.3.9

342. Policy 6.2.3.9 states:

"Only allow land use, development, or subdivision activities that may lead to land use or development, where there are no significant effects on the safety and efficiency of the transport network".

343. A submission in support of the policy was received from *KiwiRail Holdings Limited* (OS322.76).

344. The *NZ Transport Agency* (OS881.72) considered that the wording of the policy failed to recognise that effects could often be remedied or mitigated to the point where they were no more than minor. As such, they submitted that the policy be amended to read:

~~*"Only a*~~*Allow land use, development, or subdivision activities that may lead to land use or development, where there are no significant adverse effects on the safety, and efficiency and cost effectiveness of the transport network are remedied or mitigated".*

345. Similarly, *Oceana Gold (New Zealand) Limited* (OS1088.24) considered the wording of the policy was too restrictive, and did not recognise that some activities at the Macraes Gold Project might have unavoidable effects on the transport network. They suggested the policy be amended to include the following words:

"...no significant effects on the safety and efficiency of the transport network, or where those effects can be appropriately mitigated so that residual adverse effects are not significant".

346. The Reporting Officer advised that the matter of changing wording to "remedied or mitigated" or "or where those effects can be appropriately mitigated so that residual adverse effects are not significant" was discussed at the Plan Overview Hearing and also subsequent hearings. She observed that 2GP provisions are subject to a drafting protocol, to ensure Plan clarity and effectiveness, and that neither of the amendments suggested by the submitters aligned with that protocol.

347. Nonetheless, she recommended that the submissions be accepted in part, to include reference to mitigation of effects, and that the policy be amended as follows:

"Only allow land use, development, or subdivision activities that may lead to land use or development, where ~~there are no significant adverse effects on the safety and efficiency of the transport network~~ will be avoided or, if avoidance is not possible, adequately mitigated".

348. She noted that consequential changes to assessment rules 6.9.6.2, 6.10.2.1 and 6.11.2.2 would be required (s42A Report, Section 5.4.4.3).

3.8.7.1 Evidence presented at the hearing

349. Legal counsel for *Oceana Gold Limited* (OS1088.24), Ms Jackie St John, appeared at the hearing and tabled a written statement. In addition to the matters discussed in Section 3.8.6 above, Ms St John endorsed the modification of Policy 6.2.3.9 that had been promoted by the Reporting Officer in her s42A Report.

3.8.7.2 Decision and reasons

350. As discussed in the Plan Overview Decision Report, we consider the "no significant effects" wording creates a relatively 'hard line' in terms of tolerance for significant effects, and sets too high a bar in this instance. We agree with the amended policy wording proposed by the Reporting Officer, with the exception of the word "possible", which we have replaced with "practicable", this

reflects our broader decision on this matter which is discussed in the Plan Overview Decision.

351. Therefore, we accept in part the submissions from the *NZ Transport Agency* (OS881.72) and *Oceana Gold (New Zealand) Limited* (OS1088.24) insofar as they relate to amending Policy 6.2.3.9 to better provide for the remedy or mitigation of effects.
352. Incorporating the concept of affordability to the public based on the submissions discussed above, we have amended Policy 6.2.3.9 to read:
- "Only allow land use, and development activities {Trans cl. 16}, or subdivision activities that may lead to land use or development activities {Trans cl. 16}, where:*
- a. ~~there are no significant~~ adverse {Trans 881.72 and 1088.24} effects on the safety and efficiency of the transport network will be avoided or, if avoidance is not practicable, adequately mitigated {Trans 881.72 and 1088.24}; and..."*
353. Consequential amendments have been made to assessment rules 6.9.3.3.a.ii, 6.10.2.1.a.ii, 6.10.2.8.a.ii, 6.11.2.2.ii and 16.8.2.1.a.iv (which we note were not in the correct format in the notified 2GP) to be consistent with the change to Policy 6.2.3.9.
354. See Appendix 1, where the amendments are attributed to submission points Trans 881.72 and Trans 1088.24.
355. We note that the assessment rule 6.9.6.2.a.ii also appears to refer to Policy 6.2.3.9 incorrectly but actually includes a different policy wording which relates to the Service Station Design performance standard, which is missing from the policies. This matter is addressed in the section entitled 'Policy related to service stations standard' below.
356. In assessing this policy, we noticed that there is a duplication of content in Policy 6.2.3.13. We therefore remove Policy 6.2.3.13, in accordance with the provisions of clause 16 of the RMA.

3.8.8 Policy 6.2.3.12

357. Policy 6.2.3.12 states:

"Only allow subdivision activities that involve new roads where roads are designed to:

- a. Provide for the safe and efficient movement of vehicles, pedestrians and cyclists within the subdivision;*
- b. Provide adequate connections to surrounding areas, particularly for buses, pedestrians, and cyclists; and*
- c. Use materials that provide good urban design outcomes and provide good value with respect to on-going costs to ratepayers for maintenance if the roads are to be vested in council".*

358. The *NZ Transport Agency* (OS881.73), requested the following amendments to this policy:
- Amend Policy 6.2.3.12.c as follows: "Use materials that provide good urban design outcomes and provide good value with respect to on-going costs ~~to ratepayers~~ for maintenance if the roads are to be vested in Council".
 - Insert a new clause 6.2.3.12.d as follows: Integrate thoroughly with the existing transport network. And any other consequential amendments as required.
359. *NZTA* considered that the policy failed to recognise that the cost of new roads is not borne by the Council alone, and submitted that it be amended to reflect the

true nature of investment in road networks, and to recognise the importance of cost effective investment in those networks.

360. With regard to the first aspect, the Reporting Officer did not consider it was appropriate to remove reference to the ratepayers from Policy 6.2.3.12.c, because the reference related to roads to be vested in Council (s42A Report, Section 5.4.4.4).
361. With regard to the second aspect, the Reporting Officer considered that the issue of integration with the existing transport network was adequately covered by sub-clause (b) of the policy, which discusses connections to surrounding areas. She advised that the policy is supported by more detail in assessment Rule 6.10.2.9.

3.8.8.1 Evidence presented at the hearing

362. Mr Andrew Henderson, in his pre-circulated written planning evidence, reiterated that the NZTA considered it was appropriate to remove the reference to ratepayers to recognise that the costs of roading are often borne by Crown agencies, not just ratepayers.
363. On the matter of amending the policy to ensure integration with the existing transport network, Mr Henderson advised that the NZTA considered that the integration of roads with surrounding uses was an important consideration when ensuring that that the roading network is efficient. He suggested that a policy regime that provided support for an integrated network was important, and requested that the amendment sought be accepted.

3.8.8.2 Decision and reasons

364. With regard to the first aspect of the submission by NZ Transport Agency (OS881.73) we agree with the Reporting Officer's rationale that the policy was focused on roads created as a result of subdivision that are to be vested in Council therefore it is appropriate to refer to ratepayers. We note that we have sought to address the NZTA's wider concerns about needing to assess the effects of activities on the affordability of the transport network through amendments we have made to Policy 6.2.3.9.
365. With regard to the second aspect of the submission by NZ Transport Agency (OS881.73) we agree with the submitter and Mr Henderson that the reference to 'surrounding areas' is limiting. To give relief to this request we have amended clause (b) the policy to read:

Policy 6.2.3.12

Only allow subdivision activities that involve new roads where roads are designed to:

b. "provide adequate connections to surrounding areas and the wider transport network {Trans 881.73} particularly for buses, pedestrians and cyclists; and..."

366. We note consequential change to assessment Rule 6.10.2.9.a has also been made.
367. The full amendments are given in Appendix 1, where the amendments are attributed to submission point Trans 881.73.

3.8.9 Policies 6.2.4.1 and 6.2.4.2

368. Policies 6.2.4.1 and 6.2.4.2 sit under Objective 6.2.4, which relates to the design and location of parking areas, loading areas and vehicle accesses. The policies state:

Policy 6.2.4.1

"Require parking and loading areas, including associated manoeuvring and queuing areas, to be designed to ensure:

- a. The safety of pedestrians travelling on footpaths and travelling through parking areas;*
- b. That vehicle parking and loading can be carried out safely and efficiently;*
- c. That any adverse effects on the safe and efficient functioning of the transport network is avoided, or if avoidance is not possible, would be no more than minor;*
- d. The safe and convenient access to and from parking and loading areas for vehicles, pedestrians and cyclists; and*
- e. That mud, stone, gravel or other materials are unlikely to be carried onto hard surface public roads or footpaths".*

Policy 6.2.4.2

"Require all driveways to be designed to ensure:

- a. The surfacing and gradient of the driveway allows it to be used safely and efficiently;*
- b. That mud, stone, gravel or other materials are unlikely to be carried onto hard surface public roads or footpaths.*
- c. The width of the driveway is sufficient to allow the type and number of vehicles likely to be using it to do so safely and efficiently; and*
- d. Sufficient distance is provided between shared driveways and dwellings".*

369. The New Zealand Fire Service Commission (OS945.16) sought amendments to both policies to add "adequate access for firefighting appliances". They submitted that Section 9.2.2 of the 2GP recognises the importance of access to suitable water supply for firefighting purposes, and that it was essential that the Transportation chapter of the 2GP equally recognises the importance of providing access for firefighting to all properties.⁷

370. The Reporting Officer agreed that the changes proposed by the *Fire Service* were as follows:

- Amend Policy 6.2.4.1 and assessment Rules 6.9.5.4, 6.9.5.5, and 6.9.5.10 as follows:

Require parking and loading areas, including associated manoeuvring and queuing areas, to be designed to ensure:

- a. The safety of pedestrians travelling on footpaths and travelling through parking areas;*
- b. That vehicle parking and loading can be carried out safely and efficiently;*
- c. That any adverse effects on the safe and efficient functioning of the transport network is avoided, or if avoidance is not possible, would be no more than minor;*
- d. The safe and convenient access to and from parking and loading areas for vehicles, emergency services, pedestrians and cyclists; and*
- e. That mud, stone, gravel or other materials are unlikely to be carried onto hard surface public roads or footpaths.*

⁷ 2GP provisions for emergency services are also discussed in sections 3.11.2 and 3.15.4 below.

- Amend Policy 6.2.4.2 as follows:

Require all driveways to be designed to ensure:

- The surfacing and gradient of the driveway allows it to be used safely and efficiently;*
- That mud, stone, gravel or other materials are unlikely to be carried onto hard surface public roads or footpaths.*
- The width of the driveway is sufficient to allow the type and number of vehicles (including emergency services), likely to be using it to do so safely and efficiently; and*
- Sufficient distance is provided between shared driveways and dwellings.*

371. She also noted consequential changes would be required for assessment rules 6.9.5.4, 6.9.5.5, and 6.9.5.10 (s42A Report, Section 5.4.5.2).

3.8.9.1 Decision and reasons

372. We accept the submission from the *New Zealand Fire Service Commission* (OS945.16) to amend policies 6.2.4.1 and 6.2.4.2 to ensure policies explicitly require adequate access for firefighting appliances.

373. Our decision is to amend policies 6.2.4.1 and 6.2.4.2, as shown in Appendix 1, where the amendments are attributed to submission point Trans 945.16.

374. We have also made related changes to assessment rules 6.9.5.4.a, 6.9.5.5.a and 6.9.5.10.a (also attributed to submission point Trans 945.16), as a consequence of the amendment to the wording of policies 6.2.4.1 and 6.2.4.2.

3.9 Activity Status

3.9.1 Rule 6.3.2.3 New roads or additions or alterations to existing roads where part of an approved subdivision consent

375. The activity status for new roads or additions or alterations, where they are part of an approved subdivision consent is a restricted discretionary activity (Rule 6.3.2.3) in the activity status table.

376. *Rosemary Chalmers* (OS465.5), *Chalmers Investments Ltd* (OS478.2), *IT Property Developments Limited* (OS902.2), *Ian Thomas* (OS747.2) and *AKGO Limited* (OS765.2) submitted that the rule be amended by adding the following words at the end:

"...except where the new road connects the East Taieri Structure Plan area with Riccarton Road in East Taieri, in which case Rule 6.3.2.2 above shall apply".

377. Rule 6.3.2.2 gives the activity status for "new roads or additions or alterations to existing roads (where not part of an approved subdivision consent) as discretionary.

378. These submitters considered that the construction of new roads could have significant effects on the amenity values of a neighbourhood, both in relation to the short-term construction effects and in relation to the ongoing use of the road.

379. The *NZ Transport Agency* made a number of further submissions (FS2308.6, FS2308.7, FS2308.8, FS2308.9 and FS2308.10) in which they opposed each of the submissions detailed above. They considered that the transport effects of a subdivision would be assessed through the subdivision consenting process, and therefore that the replication of this consenting process for the connection of the

East Taieri Structure Plan Area to Riccarton Road would not secure any better outcomes than the proposed activity status.

380. The Reporting Officer provided background information pertaining to the inclusion of the East Taieri Structure Plan in the operative District Plan in February 2010. She advised that the Structure Plan had been prepared following negotiations between relevant DCC departments, the Otago Regional Council, and landowners (including the Pearson Family), and was subsequently approved by the Environment Court.
381. Ms Rodgers observed that the location of roads is identified on the structure plan (Appendix 15A: East Taieri Structure Plan and Notations), which also requires subdivision applications to include an Integrated Traffic Assessment (Rule 15A.3 Information Requirements). She noted that further detail of any roading infrastructure accesses would be included in resource consent applications and this would be the appropriate time to determine roading capacity, layout or design. She advised that non-compliance with the structure plan would trigger an activity status of non-complying.⁸ Given this, she did not consider it necessary or appropriate to require new roads developed in accordance with the East Taieri Structure Plan Area to be exempted from Rule 6.3.2.3 and subject to rule 6.3.2.2. She recommended that Rule 6.3.2.3 be retained without amendment (s42A Report, Section 5.5.1.2).

3.9.1.1 Decision and reasons

382. We note for this topic Commissioners Wilson and MacTavish did not participate in deliberations or decision-making.
383. We reject the submissions from *Rosemary Chalmers* (OS465.5), *Chalmers Investments Ltd* (OS478.2), *IT Property Developments Limited* (OS902.2), *Ian Thomas* (OS747.2) and *AKGO Limited* (OS765.2) in respect of amending Activity Status Rule 6.3.2.3, for the reasons given by the Reporting Officer and the NZTA in their further submission, which are summarised above. In essence, the Structure Plan sets the key parameters with respect to the main roading infrastructure and non-complying activity is therefore the appropriate activity status to determine any non-compliances with that.
384. In reviewing this provision, we note that a change under clause 16 has made to Rule 6.3.2.3 to reorder provisions 6.3.2.2 and 6.3.2.3 and to add 'all other' in front of 6.3.2.2 so the relationship between the rules is clearer and in line with how similar rules are presented in the 2GP.

3.10 Notification

3.10.1 Notification Rule 6.4.2 NZTA considered an affected person

385. Rule 6.4.2 states:

"The NZ Transport Agency will be considered an affected person in accordance with s95B of the RMA where their written approval is not provided with respect to the following applications for resource consent:

- 1. high trip generating activities on state highways;*
- 2. any new vehicle accesses onto state highways; and*
- 3. a subdivision that proposes to have access onto a state highway".*

⁸ We note however that while development that contravenes the Structure Plan performance standards and information requirements is a non-complying activity (Rule 15.6.15.2), the land between the structure plan area and Riccarton Road is not within the structure plan area. Therefore Rule 15.6.15.2 does not apply. Any new road in this area will be a discretionary or restricted discretionary activity, in accordance with Rule 6.3.2.2 or 6.3.2.3.

386. The NZ Transport Agency (OS881.83) submitted that they should be considered an affected party for all applications for resource consent for sites with frontage to a state highway. They believed the rule provided only limited opportunities for the Transport Agency to become involved in such consent applications, where they may have an impact on the ongoing operation, safety and efficiency of the state highway network. The NZTA sought the following amendments to Rule 6.4.2:

"The NZ Transport Agency will be considered an affected person in accordance with s95B of the RMA where their written approval is not provided with respect to the following applications for resource consent:

1. ~~*High trip generating activities on state highways all resource consent applications for sites that have frontage to state highways;*~~
2. ~~*Any new vehicle accesses onto state highways; and all resource consent applications for which an integrated transport assessment is required under rule 6.13.*~~
3. ~~*A subdivision that proposes to have access onto a state highway."*~~

387. The NZ Transport Agency (OS881.170) also submitted that Rule 6.9.2.1 (the guidance on the assessment of all performance standard contraventions) be amended to add the following words:

Potential circumstances that may support a consent application include:

- e. *The NZ Transport Agency has given its written approval for any resource consent applications that have frontage to a State highway.*

388. For the same reasons, the NZ Transport Agency (OS881.94) also submitted that Rules 6.10.2.1 to 6.10.2.7 be amended by adding the same words.

389. The submission to amend Rule 6.4.2 was opposed in further submissions from *Bunnings Limited* (FS2152.2) and *BP Oil NZ Ltd and Mobil Oil NZ Ltd and Z Energy Ltd* (FS2487.12). *Bunnings Limited* observed that where a development involving a high trip generating activity was not located on a site adjacent to a state highway, and the conclusions of the ITA demonstrated that the adverse effects of the activity on operations of the road network were less than minor, limited notification to NZTA was not warranted under the effects based approach of the RMA. *Bunnings Limited* suggested it was inappropriate to predetermine the notification decision of a resource consent application based on a supporting information requirement.

390. Similarly, *BP Oil NZ Ltd and Mobil Oil NZ Ltd and Z Energy Ltd* considered that applications requiring an ITA would not necessarily be located where they might result in effects on a state highway, and as such that it was inappropriate and unduly onerous to identify NZTA as an affected party in relation to all such consent applications. They also observed that resource consent might be required for a range of non-traffic related reasons on a site with frontage to a state highway.

391. The request to amend the assessment rules in 6.9 and 6.10 were opposed in further submissions from *BP Oil NZ Ltd and Mobil Oil NZ Ltd and Z Energy Ltd* (FS2487.14 and FS2487.15), for the same reasons.

392. The Reporting Officer considered that the NZTA's request to be considered an affected party for all resource consents that front a state highway and all resource consents that require an integrated transport assessment under Rule 6.13 was too wide. She agreed with *BP Oil NZ Ltd and Mobil Oil NZ Ltd and Z Energy Ltd* that resource consents might be required for a range of non-traffic related reasons on a site with frontage to a state highway and that NZTA should not be an affected party in relation to all such consent applications.

393. Ms Rodgers considered that it was appropriate for the *NZTA*, as road controlling authority for state highways, to be automatically considered an affected party for any resource consents that require access onto a state highway. However, she did not consider the same automatic right was necessary for resource consents applications which simply have frontage to a state highway, or trigger an ITA. While she acknowledged that *NZTA* might be an affected party in these circumstances, her view was that that this should be determined on a case by case basis. As such, she recommended that the submission from the *NZTA* be rejected (s42A Report, Section 5.6.3).
394. In terms of the amendment to the assessment rules she observed that Section 95E(3)(a) of the RMA determined that a consent authority must decide that a person is not an affected person if they have given their written approval in relation to an activity. Therefore, if the *NZTA* give their written approval, the consenting authority must disregard them as an affected party. She suggested that as this is already provided for in the RMA, there appeared to be no advantage in repeating it in the 2GP. She also observed that there might be instances where the *NZTA* give written approval, but it was inappropriate for the consent to be granted.
395. Overall, however she considered the request for resource consent applications to include the written approval of the *NZTA* was unnecessary and inappropriate. Consequently, she recommended that the rules be retained without amendment, and that the submissions from the *NZ Transport Agency* be rejected, and the further submissions from *BP Oil NZ Ltd and Mobil Oil NZ Ltd and Z Energy Ltd* be accepted (s42A Report, Section 5.13.1.1).

3.10.1.1 Evidence presented at the hearing

396. The *NZ Transport Agency* called Mr Andrew Henderson, who pre-circulated written planning evidence, in which he advised that the *NZTA* was concerned that the rule provided limited opportunities for *NZTA* to become involved in consent applications. He responded to the s42A Report by noting that the *NZTA's* statutory role was to promote an affordable, integrated, safe, responsive and sustainable land transport system, and to manage the state highway system in accordance with relevant legislation. He noted that part of discharging this function was to determine whether proposals would give rise to adverse effects on the safe and efficient operation of the state highway network, and that in assessing this, the *NZTA* took an overall network based approach.
397. Mr Henderson suggested that limiting the *NZTA's* ability to be considered an affected party on some applications that could have an impact on the network was not an appropriate planning outcome, and failed to recognise the statutory role of the *NZTA* in managing actual and potential effects on the state highways. He advised the *NZTA* was concerned that the Council's conservative approach to considering it an affected party did not recognise its role in managing effects on the network. He suggested it was appropriate to signal in the Plan that the written approval of the *NZTA* was necessary in order for any consent applications fronting a State highway to be successful, and that such a Plan provision would not bind the Council to granting a consent.
398. *BP Oil NZ Ltd and Mobil Oil NZ Ltd and Z Energy Ltd* (FS2487.12) called Ms Ann-Marie Head who provided expert evidence at the hearing. She opposed the *NZTA's* submission that all resource consents fronting a state highway be notified to the Agency as an affected party because resource consents might be required for a range of non-traffic related reasons where referring to the Agency is not appropriate or necessary; and because an obligation to notify the Agency might predetermine the notification decision of a resource consent application. She asserted that the requirement to obtain the written approval of the Agency was not always necessary or appropriate and should instead be based on the effects of a particular proposal.

3.10.1.2 Decision and reasons

399. We reject the submission from the *NZ Transport Agency* (OS881.83) in respect of amending Notification Rule 6.4.2 considering the *NZTA* an affected party for all applications for resource consent for sites with frontage to state highways, or requiring an ITA. We also reject the submissions from the *NZ Transport Agency* (OS881.170 and OS881.94) in respect of amending Rules 6.9.2 and 6.10.2.1 to 6.10.2.7. Accordingly, we accept the further submissions that opposed these changes. We agree with the evidence of Ms Rodgers and Ms Head as summarised above in that respect, and consider the tests in the RMA for notification can be applied in any instance where access is required to a State Highway, and due consideration can be given to the importance of the network in being able to function safely and efficiently. We favour this approach rather than a unilateral requirement that *NZTA* is automatically an affected party for all such applications, regardless of scale or effects.

3.10.2 Notification Rule 6.4.5 – All other Activities

400. Notification Rule 6.4.5 states:

"All other activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA".

401. *Rosemary Chalmers* (OS465.6), *Chalmers Investments Ltd* (OS478.3), *Ian Thomas* (OS747.3), *AKGO Limited* (OS765.3) and *IT Property Developments Limited* (OS902.3) submitted that Rule 6.4.5 be amended by adding the following words at the beginning:

"All resource consent applications for new roads, including new roads that connect the East Taieri Structure Plan area with Riccarton Road in East Taieri, shall be publicly notified".

402. These submitters considered that the construction of new roads could have significant effects on the amenity values of a neighbourhood, both in relation to the short-term construction effects and in relation to the ongoing use of the road. Consequently, they considered that it was appropriate that all new roads were identified as discretionary activities and resource consent applications were publicly notified.
403. The *NZ Transport Agency* made a number of further submissions (FS2308.11, FS2308.12, FS2308.13 and FS2308.14) in which they opposed the submissions detailed above. They considered that the effects of new roads could largely be determined at the time of application, and that upon application, the RMA provides very clear guidance for when resource consents should be publicly notified. The *NZTA* suggested that including a blanket notification rule failed to recognise that in many instances, these effects were no greater than minor, and/or the written approval of affected persons had been obtained.
404. In two further submissions, *Oceana Gold (New Zealand) Limited* (FS2439.8, FS2439.9) opposed the submissions from *Ian Thomas* and *AKGO Limited* because they supported the application of a statutory test rather than predetermined public notification.
405. The Reporting Officer, Ms Rodgers, believed it was important to retain the opportunity for applicants to demonstrate effects are no more than minor on a case by case basis. She observed that a carefully planned development where the applicant has considered, remedied and mitigated effects should be able to stand on its merits and be processed accordingly. She was of the view that limited notification or possibly even non-notification might be a reasonable option depending on the proposal, the assessment of affected parties in accordance with section 95E, and any written approvals received.

406. Accordingly, she recommended that the submissions from *Rosemary Chalmers, Chalmers Investments Ltd, Ian Thomas, AKGO Limited* and *IT Property Developments Limited* be rejected (s42A Report, Section 5.7.2).

3.10.2.1 Evidence presented at the hearing

407. Legal counsel for *Oceana Gold Limited* (FS2439.8 and FS2439.9), Ms Jackie St John, appeared at the hearing and tabled a written statement, in which she noted that the Reporting Officer had supported their further submission and recommended that Rule 6.4.5 be retained without amendment. She advised that *Oceana Gold* supported that recommendation.

3.10.2.2 Decision and reasons

408. We note for this topic Commissioners Wilson and MacTavish did not participate in deliberations or decision-making.
409. We accept the evidence of Ms Rodgers that a decision on notification should be made on a case by case basis. Accordingly, we reject the submissions from *Rosemary Chalmers* (OS465.6), *Chalmers Investments Ltd* (OS478.3), *Ian Thomas* (OS747.3), *AKGO Limited* (OS765.3) and *IT Property Developments Limited* (OS902.3) which sought amendments to Notification Rule 6.4.5, to require public notification for all new roads that connect the East Taieri Structure Plan area with Riccarton Road in East Taieri.
410. Notification Rule 6.4.5 is retained without amendment.

3.11 Performance standards

3.11.1 Surfacing and marking of parking areas (Rule 6.6.1.5)

411. Rule 6.6.1.5 is one of a number of car parking, loading and access design performance standards in the Transportation Section of the Plan, and reads as follows:

6.6.1.5 – Surfacing and marking of parking areas

"Parking areas (including associated access and manoeuvring areas) provided for any activity other than standard residential, must:

- a. be designed to ensure that water will not pool on the surface of the parking area, and will enter an appropriate stormwater drain effectively;*
- b. be hard surfaced;*
- c. have individual parking spaces permanently marked; and*
- d. where there are five or more parking spaces in total provided in the parking area, mobility parking spaces must be permanently marked to reserve them for the use of people with mobility parking permits".*

412. The *Disabled Persons Assembly Dunedin and Districts* (OS265.2) sought clarification of requirements for mobility parking in regard to buildings and workplaces. The submission also asked that new parks be added wherever additional demand has been measured/established, and that disabled people be involved in any decision-making process relating to mobility parking.
413. Mr *Michael O'Neill* (OS403.1) submitted that Rule 6.6.1.5.d be deleted or amended to permit disabled and short-term parking for smaller shop or office sites (i.e. other than in large scale activity areas such as supermarket and hardware stores). The submission noted:

MBIE advises that Barrier Free Trust does not require that such parks be reserved solely for use of people with permits ... It is said to be appropriate to use the parks for other purposes...

414. In her s42A Report, the Reporting Officer advised that mobility parking space requirements were outlined in the zone provisions of the 2GP as performance standards (i.e. in terms of the number of mobility parks to be provided for non-residential activities). She noted that Rule 6.6.1.5.d provides for physical requirements in terms of design and marking of car parks, rather than number and availability. She was satisfied that the 2GP provisions adequately provide for mobility parking spaces in terms of numbers, layout and surfacing.
415. The Reporting Officer advised that the 2GP does not unnecessarily prevent new mobility parks from being added, and that there are minimum requirements for mobility parking spaces but no maximum. She recommended that Rule 6.6.1.5.d be retained without amendment (s42A Report, Section 5.8.3).

3.11.1.1 Evidence presented at the hearing

416. Mr O'Neill tabled evidence and spoke at the hearing, noting that the intent of his submission was that mobility parks should be available, but not always reserved. He suggested wording for an amendment to the rule, which would enable mobility parks to also be available for general short-term parking.
417. In response to the evidence presented, the Reporting Officer suggested that the key issue was that mobility parks were available when needed, and for this reason, she did not consider amendment of the rule was appropriate.

3.11.1.2 Decision and reasons

418. We agree with the Reporting Officer that mobility parks should be managed to remain available when needed, therefore, we reject the submission from *Michael O'Neill* (OS403.1) in respect of amending or deleting clause (d) of Rule 6.6.1.5 to permit disabled and short term parking for smaller scale commercial sites.
419. We note the submission from the *Disabled Persons Assembly Dunedin and Districts* (OS265.2) sought that Rule 6.6.1.5 be clarified to indicate the requirements for mobility parking. As the Reporting Officer explained this requirement is listed in the minimum parking standard, which we agree is an appropriate place to have this standard. Accordingly, we reject the submission from *Disabled Persons Assembly Dunedin and Districts* (OS265.2).
420. We also note that the rule refers to the requirement for parking areas to be hard surfaced, and while the submissions do not raise any issues in relation to hard surfacing, it is considered that clarification of the 'Hard surface' definition will aid in the interpretation and implementation of Rule 6.6.1.5. Minor amendments, made in accordance with the provisions of clause 16 of the RMA, are detailed in Section 6.0 below.

3.11.2 Maximum number of vehicle crossings (Rule 6.6.3.1)

421. Rule 6.6.3.1 sets out the maximum number of vehicle crossings permitted on each road frontage of any site.
422. The *New Zealand Fire Service Commission* (OS945.18) submitted that Rule 6.6.3.1 be amended to provide for two vehicle crossings on all sites (unless three are otherwise permitted). They noted that fire stations needed to be accommodated within all communities, including the city centre and residential neighbourhoods, and that direct access onto streets was required to enable a timely response to emergencies. They submitted that restrictions on vehicle crossings in a Commercial Centre Zone, and the limited number on arterial and strategic roads was therefore inappropriate for fire station sites.⁹
423. The Reporting Officer noted that the management of emergency services had been considered as part of the Cross Plan Hearing where the Reporting Officer

⁹ 2GP provisions for emergency services are also discussed in Section 3.8.9 above and Section 3.15.4 below.

had recommended that emergency services be permitted in all but the Residential Zone, where they would remain a restricted discretionary activity.

424. She observed that fire stations had specific functional requirements that influence their design, including provision of adequate access for appliances and other vehicles. She considered that any effects on the safety and efficiency of the roading network would be no more than minor, and recommended that the submission be accepted (s42A Report, Section 5.10.1).

3.11.2.1 Decision and reasons

425. We accept the submission from the *New Zealand Fire Service Commission* (OS945.18) that Rule 6.6.3.1 should provide for additional vehicle crossings for emergency services. We accept the Reporting Officer's evidence that fire stations have specific functional requirements, and that any effects on the safety and efficiency of the network would be no more than minor.

426. The amendments required to implement this decision, including consequential amendments, are:

- Amend Rule 6.6.3.1.b to provide an exemption for fire stations
- Amend Rule 6.6.3.1 to add a new clause as follows:

c. For fire stations, the maximum number of vehicle crossings on each road frontage is two for all sites, except where three vehicle crossings are otherwise permitted. {Trans 945.18}

3.11.3 Minimum site distance from a vehicle crossing (Rules 6.6.3.2 and 6.6.3.3)

427. Rules 6.6.3.2 and 6.6.3.3 give the performance standards for the minimum sight distance from a vehicle crossing.

Rule 6.6.3.2.a

The minimum sight distance from a new vehicle crossing onto any state highway [table follows]

and

Rule 6.6.3.2.b

The minimum sight distance from a new vehicle crossing onto any road other than a state highway [table follows]

428. Rule 6.6.3.3 repeats Rule 6.6.3.2.b. The *Dunedin City Council* (OS360.3) submitted that Rule 6.6.3.3 should be deleted, as it was a repeat of Rule 6.6.3.2.b and is a drafting error.

429. The *NZ Transport Agency* supported Rule 6.6.3.2.a (OS881.86), but opposed Rule 6.6.3.2.b (OS881.87) and Rule 6.6.3.3 (OS881.88), because the different (lesser) minimum specified sight distances specified in those rules were not consistent with the guidance provided by the *Austroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections* ("Austroads Guide"). They recommended that Rule 6.6.3.2.b be deleted, and Rule 6.6.3.2.a be renamed as follows:

Rule 6.6.3.2.a

The minimum sight distance from a new vehicle crossing onto any road ~~state highway~~

430. These submissions were opposed in a further submission from *BP Oil NZ Ltd, Mobil Oil NZ Ltd and Z Energy Ltd* (FS2487.13) as they considered it was appropriate to apply lesser sight distances from vehicle crossings on roads that are not state highways. As an example, they suggested there would be many cases in which it was not possible to achieve a sight distance of 113m from a

new vehicle crossing onto a local road with a speed limit of 50 km/h and this would create an unnecessary consent requirement.

431. The Reporting Officer recommended that the *Dunedin City Council* submission be accepted, and that Rule 6.6.3.2.b be deleted (s42A Report, Section 5.10.2).

3.11.3.1 DCC expert evidence

432. The DCC Transportation Planner/Engineer, Mr Grant Fisher, provided a written statement of evidence, in which he responded to the *NZTA's* submission that noted that the *Austroads Guide* be used to set sight distance requirements at vehicle driveways. He supported the submission, and considered that adoption of the *Austroads Guide* to set sight distance requirements and the method for determining these requirements was appropriate. He noted that this would require changes to Transportation Figure 6.14M. We note that the transportation figures are now contained within Appendix 6B of the Plan, as a result of a clause 16 amendment. In that appendix, Figure 6.14M is now referred to as Figure 6B.13.

3.11.3.2 Evidence presented at the hearing

433. *The Oil Companies* (FS2487.13) called Ms Ann-Marie Head (transportation consultant) and Ms Georgina McPherson (planning consultant) to provide expert evidence at the hearing. Ms McPherson suggested that in the s42A Report, the Reporting Officer had recommended that rules 6.6.3.2.a and 6.6.3.2.b be retained without modification, which gave effect to the *Oil Companies'* further submission. For clarity, Ms McPherson noted that the *Oil Companies* did not oppose the deletion of Rule 6.6.3.3, as it was a duplication of 6.6.3.2. Ms Head made the same comment in her statement of evidence.

3.11.3.3 Further information requested by the Panel

434. The Reporting Officer's s42A Report did not include an assessment or recommendation in respect of the *NZTA's* submission that the *Austroads Guide* be used to set sight distance requirements at vehicle driveways. Accordingly, we requested further information to this effect. This was provided in a memo entitled *Minimum Sight Distance from a Vehicle Crossing*, which was made publicly available via the 2GP website.
435. The memo included further advice from the DCC Transportation Planner/Engineer (Mr Fisher), in which he noted that the *Austroads Guide* included the following table (Table 2 here):

Table 2: Table of minimum gap sight distances ('D' metres) for various speeds

Critical gap acceptance time (ta) (secs)	85 th percentile speed of approaching vehicle (km/h)										
	10	20	30	40	50	60	70	80	90	100	110
4	11	22	33	44	55	67	78	89	100	111	122
5	14	28	42	55	69	83	97	111	125	139	153
6	17	33	50	67	83	100	117	133	150	167	183
7	19	39	58	78	97	117	136	155	175	194	214
8	22	44	67	89	111	133	155	178	200	222	244
9	25	50	75	100	125	150	175	200	225	250	275
10	28	56	83	111	139	167	194	222	250	278	305

436. Mr Fisher considered that the sight distance measurements highlighted yellow in the table were appropriate sight distances to use for vehicle accesses. He also advised that while Figure 6.14 (Method for Determining Sight Distance) could be re-worked to more accurately represent the methodology for determining sight

distances that is promoted in the NZTA RTS6 guide, this could result in an overly complicated diagram; and that the existing Figure 6.14 was generally acceptable.

437. Taking Mr Fisher's advice into account, the memo noted that the distances in Rule 6.6.3.2.a were roughly double those proposed for non-state highways (i.e. Rule 6.6.3.2.b). She suggested the implications of adopting these sight distances for all roads were that the minimum sightlines will often be unable to be complied with in built-up areas, and that in these situations, non-compliance would trigger a requirement to obtain a resource consent, and that this was an unduly onerous approach.
438. Accordingly, she recommended that:
- Rule 6.6.3.2.a be retained without amendment;
 - Rule 6.6.3.2.b be amended to reflect the figures highlighted in yellow in the table above; and
 - Rule 6.6.3.3 be deleted.

3.11.3.4 Decision and reasons

439. We accept evidence of Mr Fisher that the rule should be amended to be consistent with the *Austroads Guide*.
440. Therefore, we accept in part the submissions from the *NZ Transport Agency* (OS881.87 and OS881.88) insofar as they relate to amending Rule 6.6.3.2.b to be consistent with the *Austroads Guide*.
441. However, we reject the aspects of the submissions from the *NZ Transport Agency* (OS881.87 and OS881.88) that sought to apply the same (higher) sight distance requirements to all roads.
442. Accordingly, we have retained Rule 6.6.3.2.a without amendment; and amended Rule 6.6.3.2.b, to align with the figures in the *Austroads Guide* highlighted by Mr Fisher. These amendments are attributed to submission point Trans 881.87.
443. We accept the submission from the *Dunedin City Council* (OS360.3) in respect of deleting Rule 6.6.3.3, as a double-up of Rule 6.6.3.2.b. Rule 6.6.3.3 is deleted, with that deletion attributed to submission point Trans 360.3.

3.11.4 Surfacing of vehicle driveways (Rule 6.6.3.6)

444. Rule 6.6.3.6 is one of the performance standards for vehicle access, design and location, and states:

6.6.3.6 Surfacing of Vehicle Driveways

- a. *Vehicle driveways that adjoin a legal road that is hard surfaced, must be constructed with a hard surface for a minimum distance of 5m from the edge of the road.*
- b. *In all zones other than the rural and rural residential zones, the full length of any driveway that serves 2 or more residential properties must be hard surfaced.*
445. The *NZ Transport Agency* (OS881.91) submitted that the 5m distance specified in the rule was not consistent with the diagrams shown at Figures 6.14N, 6.14O and 6.14P (which showed the seal extended to the property boundary) and suggested that the rule be amended to require sealing for 5m or to the front boundary of the site, whichever was the lesser. The *New Zealand Fire Commission* (FS2323.11) supported the NZTA submission.

3.11.4.1 DCC expert evidence

446. The DCC Transportation Planner/Engineer, Mr Grant Fisher, advised that the DCC Transport Department did not support the amendment requested, considering that a minimum 5m length of sealed vehicle access was not onerous, and assisted in maintaining public road assets (s42A Report, Section 5.10.4 and written evidence).

3.11.4.2 Evidence presented at the hearing

447. The *NZ Transport Agency* called Mr Andrew Henderson, who pre-circulated written planning evidence, in which he advised that *NZTA* considered that the requirement to hard surface the first 5m could prove onerous for some applicants, and might prove unnecessary in cases where properties are located a short distance from the road. He suggested that the relief sought in the *NZTA* submission would provide a more flexible arrangement for property owners.

3.11.4.3 Decision and reasons

448. We understand from Mr Fisher that the intent of Rule 6.6.3.6 is to provide hard surfacing from the road edge for a minimum distance to prevent the migration of gravel or loose material onto a sealed road, and the resultant damage to the road, footpath or vehicle crossing. We accept his evidence that specifying a minimum distance of this of 5m will be more efficient and effective than a 'moving target' related to the site boundary, which could depend on the quality of the surveying at the time of the area being developed, directly adjacent to the road.
449. Nonetheless, we accept that part of the submission from the *NZ Transport Agency* (OS881.91) that asserts that Rule 6.6.3.6 is inconsistent with the diagrams shown at Figures 6.14N, 6.14O, and 6.14P.
450. We have therefore included a new 'Vehicle Driveway Surfacing Diagram' to illustrate the hard surfacing requirements for vehicle accesses and driveways (Figure 6B.19) and reference to this diagram in Rule 6.6.3.6. In addition, for clarity in interpreting Rule 6.6.3.6, minor corrections to Figures 6B.14, 6B.15, and 6B.16 (formerly referred to as 6.14N, 6.14O, and 6.14P) are made.
451. See Appendix 1, where these changes are attributed to submission point Trans 881.91.
452. In addition, questions and answers at the hearing indicated there is confusion in the Plan about the related definitions of 'driveways', 'vehicle access' and 'vehicle crossing'. In particular, the definition of 'driveways' incorrectly refers to being "on a site" when the intention as per the other definitions was that 'driveway' mean the entire driveway from the vehicle crossing, across the road reserve, which is technically outside the site, (e.g. the vehicle access portion of the driveway) and through the site.
453. Consequently, the definition of 'driveways' is amended by removing the incorrect reference to "on a site", this change is made under clause 16 of the RMA. We also made minor corrections to the definition for 'Parking Loading and Access' to clarify the relationship between the terms 'driveways', 'vehicle tracks' 'vehicle access' and 'vehicle crossing' reflecting the new diagram.

3.11.5 Minimum distance between driveways and dwelling (Rule 6.6.3.8)

454. Rule 6.6.3.8 Minimum distance between driveways and dwelling is as follows:

Where a driveway serves more than one residential building, the driveway must be set back a minimum of 1m from any residential building see (Figures 6.14D and 6.14E).

455. *Mark Geddes* (OS228.1) sought to amend Rule 6.6.3.8 to remove the minimum setback of 1m required between driveway and residential building. The submitter considered that moves such as those under rules 6.6.3.8 will technically reduce the number of sites available for infill subdivision.
456. The Reporting Officer noted that the submitters concern with the rule as drafted relate to what they consider to be a provision that has the potential to limit infill development. The DCC Transportation department consider the proposed Rule limits potential conflict between dwelling occupants and access users, in a shared access situation, and is considered appropriate to retain. They would however, support this condition relating to the *formed* vehicle access. She therefore recommended amending the rule as follows (s42A Report, Section 5.10.6, p. 100):

Where a driveway serves more than one residential building, the formed section of the driveway must be set back a minimum of 1m from any residential building see (Figures 6.14D and 6.14E)

3.11.5.1 Decisions and reasons

457. Our decision is to accept the submission of *Mark Geddes* (OS228.1), and amend Rule 6.6.3.8 to include reference to the 'formed section' of the driveway. This amendment is shown in Appendix 1 (attributed to submission reference Trans 228.1).

3.11.6 Width of vehicle driveways (Rule 6.6.3.9)

458. Rule 6.6.3.9 sets out the performance standards for the widths of vehicle driveways.

3.11.6.1 Requests to amend (generally to reduce) minimum legal and formed widths

459. A number of submitters have requested a range of amendments to the various minimum legal and formed widths of driveways set out in Rule 6.6.3.9. The amendments requested are summarised below, and included in more detail in the s42A Report.
460. *Emily McEwen* (OS172.6) submitted that the increase in minimum legal width from that stipulated in the operative Plan would mean that some access strips that have been created to provide for future subdivision will no longer be of adequate width to allow for subdivision to proceed, and will leave some significant parcels of land effectively landlocked.
461. *Mark Geddes* (OS228.2), *TL Survey Services Ltd* (OS1059.1) and *Michael Brough* (OS363.3) also considered that the driveway widths set out in the operative Plan should be retained. They submitted that the proposed increase in driveway widths would reduce the number of sites available for infill subdivision.
462. *Craig Horne Surveyors Limited* (OS704.5), *Blueskin Projects Ltd* (OS739.5), *CTW Holdings Limited* (OS742.5) and *G & J Sommers Edgar* (OS889.23) submitted that the proposed 4.5 legal width was unnecessarily large, particularly for infill subdivision in existing residential zones for 1-3 lots/dwellings.
463. The *NZ Institute of Surveyors - Coastal Otago Branch* (OS490.5, OS490.6 and OS490.32) submitted that the proposed increase in driveway width would "have serious implications" for the development potential of existing sites for infill development. They also suggested that the legal width requirement provided no additional benefit beyond the formation width and often becomes dead space, not wide enough for any particular purpose. They requested the following amendments:

- creation of a separate provision for 1-2 lots whereby the formation width remains 3.0m but the legal width reduces to 3.5m (with an associated amendment of the number of units served from 1-6 to 3-6 inclusive)
 - Retention of the 6.5m legal width for access to a non-local road for 7+ residential activities, but a reduction to 4.5m for accesses to non-local roads.
464. These submissions were opposed in a series of further submissions from the *NZ Fire Service Commission* (FS2323.14, FS2323.26, FS2323.15, FS2323.8, FS2323.9, FS2323.10, FS2323.13, FS2323.25, FS2323.27 and FS2323.28), who submitted that the pumping appliance trucks used by the *NZFS* could access properties with the proposed formed and legal widths, and that a reduction of these widths could result in a fire appliance not being able to respond to an emergency in an effective, efficient and timely way. We note that Section X above discusses the related submission by the Fire Service to amend policies 6.2.4.1 and 6.2.4.2 to add the need to for adequate access for firefighting appliances, which we accepted in part based on relief suggested by the reporting officer.
465. The Reporting Officer advised that, in response to the submissions, the DCC Transportation Department had recommended that the minimum legal widths for driveways set out in Rule 6.6.3.9 be reduced to 4m, on the basis that this width would be adequate to satisfy firefighting requirements. She noted however that while the submissions provided scope to reduce the minimum legal width for driveways serving 1-6 residential units (in zones other than rural and rural residential zones) from 4.5m to 4m, they only provided scope to reduce the minimum legal width for driveways serving 7 or more units (in the same zones) from 6.5m to 4.5m. Consequently, she recommended that the minimum legal width for driveways serving 1-6 residential units (in zones other than rural and rural residential zones) be reduced to 4m, and to 4.5m for driveways serving 7 or more units (in the same zones).¹⁰

3.11.6.2 Request to increase maximum widths

466. The *NZ Institute of Surveyors - Coastal Otago Branch* (OS490.7, OS490.8 and OS490.9) submitted that maximum widths for driveways for residential activities in the rural and rural residential zones be increased from 6m to 10 or 12m, and from 9m to 10 or 12m for all other activities in these zones. In their submission, they suggested that most formations in the rural/rural residential environment were metalled with shoulders and water tables alongside, with the earthworks located beyond that to support the access, and as such that 6m and 9m was too narrow.
467. The Reporting Officer did not assess or respond to this submission in her s42A Report.

3.11.6.3 Requests to clarify wording or format of table

468. *Emily McEwen* (OS172.8) submitted that it was unclear whether the 'Maximum Width' header in the table within Rule 6.6.3.9 related to legal width or formed width.
469. The *NZ Institute of Surveyors - Coastal Otago Branch* (OS490.6 and OS490.32) requested that the formatting of row ii. of the table at Rule 6.6.3.9.a be amended, so that this row is split into two – the first to provide for driveways that serve seven or more residential units and adjoin a local road, and the second for driveways that serve seven or more residential units and adjoin a higher order road.

¹⁰ The table in the Section 42A report appears to include a typo, whereby the minimum legal width for 6.6.3.9.a.iii reads "6m" instead of "4.5m", as discussed in the Reporting Officer's assessment.

470. The Reporting Officer agreed with the points raised in these submissions and recommended that the header be amended to read *Maximum Formed Width*; and that the table be amended as requested (s42A Report, Section 5.10.7).

3.11.6.4 DCC expert evidence

471. The DCC Transportation Planner/Engineer, Mr Grant Fisher, provided a written statement of evidence, in which he agreed that Rule 6.6.3.9 required clarification. He noted that since the issue of the s42A Report, he had reconsidered his initial advice. He put forward an alternative table for inclusion in Rule 6.6.3.9, suggesting it was a simplified version of that contained within the 2GP, and took into account the submissions received. The suggested table included a formed width of 5m for 7-12 residential users fronting all roads, that Mr Fisher advised was consistent with the operative Plan, and an appropriate formed width for busier vehicle driveways from the perspective of safety and efficiency. The suggested table included a legal width of 6m for 7-12 users.
472. He noted that the minimum 4m legal width for 1-6 users (except Rural and Residential Zones which was 1-3 users) was to satisfy firefighting requirements (as per the submission from the *NZ Fire Service Commission*). He observed that an application for resource consent to breach this could be made if appropriate alternative firefighting measures were offered, and suggested that an amendment be made to the relevant assessment matter(s) to reflect this.
473. We note the evidence presented to us by Mr Fisher also made it clear that the reference to maximum width in the table within Rule 6.6.3.9 was an error, as it was meant to refer to maximum vehicle crossing width. The width of vehicle crossings is controlled as an issue of pedestrian safety.

3.11.6.5 Decision and reasons

3.11.6.5.1 Requests to amend legal and formed widths

474. Our decision is to accept in part the submissions from the *NZ Institute of Surveyors - Coastal Otago Branch* (OS490.7, OS490.8 and OS490.9) which sought to increase the maximum widths for driveways for residential activities in the rural and rural residential zones. We agree with the advice of Mr Fisher that the standards for maximum width for driveways in the table were incorrect and were meant to refer to maximum vehicle crossing widths, and have been amended accordingly.
475. We reject the submissions from *Mark Geddes* (OS228.2), *TL Survey Services Ltd* (OS1059.1) and *Michael Brough* (OS363.3) in terms of retaining the driveway widths set out in the Operative Plan. Notwithstanding this, we note that some of amendments to Rule 6.6.3.9 discussed below match the performance standards set out in the Operative Plan in any case.
476. We accept in part the submissions from *Craig Horne Surveyors Limited* (OS704.5), *Blueskin Projects Ltd* (OS739.5), *CTW Holdings Limited* (OS742.5), *Michael Brough* (OS363.3), *G & J Sommers Edgar* (OS889.23), the *NZ Institute of Surveyors - Coastal Otago Branch* (OS490.5) and *Emily McEwen* (OS172.6) with respect to reducing the legal width for driveways serving 1-6 residential units from 4.5m to 4.0m.
477. We accept (in part) the submission by the *NZ Institute of Surveyors - Coastal Otago Branch* (OS490.6) to reduce the minimum legal width for 7+ users. However, we have considered the advice of Mr Fisher, and have therefore decided to amend the width from 6.5m to 6m.
478. We accept the submission by the *NZ Institute of Surveyors - Coastal Otago Branch* (OS490.6) to retain the minimum formed width for 7+ users of 3.5m, as we consider 3.5m of formed width is all that is required even if a wider driveway is not formed to its full extent. However, we remove the differentiation in formed width between driveways adjoining a 'local road' with 'any other road'.

479. We accept (in part) the submission of *Emily McEwen* (OS172.8) where it relates to clarifying the intent of the maximum width column in Rule 6.6.3.9.
480. The amendments required to implement this decision, including consequential amendments, are:
- To amend Rule 6.6.3.9.a.i.2 to change the minimum legal width requirement for driveways serving 1-6 residential units from 4.5m to 4m (see Appendix 1 attributed to submission reference Trans 704.5 and others).
 - To amend Rule 6.6.3.9.a.ii.2 to change the minimum legal width requirements for driveways serving 7+ residential units in all zones except the Rural and Rural Residential zones from 6.5m to 6m. (Trans 490.6 and Trans 490.32).
 - To amend Rule 6.6.3.9.ii.4 to change the minimum formed width from 5m to 3.5m for driveways serving 7+ residential units in all zones except the Rural and Rural Residential zones for vehicle driveways that adjoin any road, including a local road. (see Appendix 1 attributed to submission reference Trans 490.6 and Trans 490.32).
 - To remove the column entitled 'maximum width' from Rule 6.6.3.9 and transfer this content to a new performance standard (Rule 6.6.3.X) entitled 'maximum width for a vehicle crossing' (attributed to Trans cl.16).
 - To make a consequential amendment to assessment rule 6.9.5.6 (attributed to clause 16 of the RMA), as a consequence of the new rule for the maximum width of a vehicle crossing discussed in the bullet point above.

3.11.7 Service Station Standards (Rule 6.7.1)

481. The 'Service Station Standards' performance standard (Rule 6.7.1) states:
1. *Pumps must be located at least 7m from the road boundary and 12m from the midpoint of any vehicle crossing.*
 2. *Service stations must provide 3 queuing spaces per pump and/or car wash.*
 3. *Queuing spaces must not obstruct any footpath, cycleway or vehicle access.*
482. *BP Oil NZ Ltd and Mobil Oil NZ Ltd and Z Energy Ltd* (OS634.107 and OS634.43) submitted in support of Rule 6.7.1, and also sought the establishment of a new land use performance standard for minimum car parking for service stations in each of the management zones, to provide certainty and a consistent approach. They submitted that parking for service stations to be provided at a minimum rate of one parking space per 40m² gross public floor area, suggesting this was consistent with parking requirements applied to service stations in a number of other jurisdictions.
483. *McKeown Group Limited* (OS895.16) submitted that Rule 6.7.1.1 be amended to require that pumps be 6m away from the road boundary, rather than 7m. They considered the rule was not practical or necessary in the context of service station development, but did not elaborate further.
484. The Reporting Officer noted that the 2GP does not have any minimum requirement for car parking for service stations. She advised that the Christchurch Replacement Plan has a rate of 1 space per 100m² of gross leasable floor area for customers, plus 1 space per 100m² of gross leasable floor area for staff, which effectively equated to 1 park per 50m² of gross leasable floor area. She considered that providing a minimum car parking requirement for service stations was appropriate, particularly because in many instances they also operate as a general retail activity. In her view, Rule 6.7.1 was the most appropriate place for parking to be included.
485. Accordingly, she recommended that the submission from *BP Oil NZ Ltd and Mobil Oil NZ Ltd and Z Energy Ltd* be accepted, and that a minimum car parking

performance standard at a rate of one parking space per 40m² of gross public floor area be included in Rule 6.7.1 (s42A Report, Section 5.11.1).

486. With regard to the submission from *McKeown Group Limited*, the Reporting Officer noted that, while no reason had been given as to why a 6m setback from a road boundary was preferred over a 7m setback, the DCC Transportation Planner/Engineer, Mr Grant Fisher indicated that he did not have any issues with the request for a 6m setback. Accordingly, the Reporting Officer recommended that the submission be accepted and the setback be amended from 7m to 6m.

3.11.7.1 Evidence presented at the hearing

487. *BP Oil NZ Ltd and Mobil Oil NZ Ltd and Z Energy Ltd* (OS634.107 and OS634.43) called Ms Ann-Marie Head (transportation consultant) and Ms Georgina McPherson (planning consultant) to provide expert evidence at the hearing. Ms McPherson noted that the recommendation in the s42A Report that parking standards for service stations be included in Rule 6.7.1 had not been carried through to the tracked changes version of the 2GP Transportation Section, and observed that this needed to be rectified.
488. Speaking to her evidence on this issue, Ms Head noted that the proposed parking rate was predominantly for customers visiting the convenience retail element of the service station, so it was appropriate for the rate to apply to the building floor area.
489. Ms Head also commented on the submission from the *McKeown Group Limited* that Rule 6.7.1.1 be amended to require that pumps be 6m away from the road boundary, rather than 7m. She referred to the guidelines on the layout of service stations provided in the *Road and Traffic Standard 13 (RTS13)*, a document published in 1996 by the Land Transport Safety Authority. From her reading of this, she concluded that reducing the distance to 6m would still exceed the setback requirements outlined in the RTS13 guide and would therefore not result in any adverse effects.

3.11.7.2 Decision and reasons

3.11.7.2.1 Request to add minimum parking standard

490. We accept in part the submission from *BP Oil NZ Ltd and Mobil Oil NZ Ltd and Z Energy Ltd* (OS634.107), insofar as it relates to the establishment of a minimum parking standard and accept the recommendations of the Reporting Officer in respect of establishing a minimum parking standard of 1 parking space for every 40m² of gross public floor area for service stations. We note however that elsewhere in the 2GP, minimum parking standards are included within the land use performance standards for the relevant management zone. Therefore, for consistency, we have included the service station minimum parking standard within the performance standards rules for the zones where service stations are a restricted discretionary activity.
491. To implement these decisions, we have made the following amendments (including consequential amendments):
- Added a minimum parking rate for service stations to minimum parking rules 18.5.6 (Commercial and Mixed Use zones) and 19.5.6 (Industrial zones); and
 - Added a minimum parking rate performance standard to activity status rules 18.3.3.11, 18.3.4.18, 18.3.5.16, 19.3.3.12 and 19.3.3.13.
492. These amendments are shown in Appendix 1, and are attributed to submission point Trans 634.107.
493. We note in our Cross Plan decision on service stations, we decided to create a sub-activity for service stations in the Industrial zones, being self-service fuel

stations. For consistency we have decided to apply the minimum car parking performance standard to both types of service stations in the Industrial Zones.

3.11.7.2.2 *Request to amend setback for pumps*

494. We accept the submission from *McKeown Group Limited* (OS895.16), which sought that Rule 6.7.1.1 be amended to require that pumps be 6m away from the road boundary, rather than 7m.
495. We have amended Rule 6.7.1.1 accordingly. See Appendix 1, amendment attributed to submission point Trans 895.16.

3.11.7.2.3 *Policy related to service stations standard*

496. In considering the matters raised by these submissions, we noticed that assessment Rule 6.9.6.2 erroneously referred to Policy 6.2.3.9. This policy is not related to service stations and has different wording.
497. It is our view that this must have been a publication error where a policy was missed from the list of objectives and policies. Therefore, under clause 16 we have added a new policy based on the wording that was included in the assessment rules.
498. The changes needed as a result, including consequential changes, are as follows:

- Insert new policy

"Policy 6.2.3.X

Require service stations to be designed to avoid or, if avoidance is not practicable, adequately mitigate, adverse effects on the safety and efficiency of the transport network {Trans cl.16¹} and its affordability to the public. {Trans cl.16¹}"

- Amend Rule 6.9.6.2.a.ii to refer to new Policy 6.2.3.X

Service stations are designed to avoid or, if avoidance is not possible practicable {PO 908.3 and others}, adequately mitigate adverse effects on the safety and efficiency of the transport network and its affordability to the public {Trans 881.63} (Policy ~~6.2.3.9~~ 6.2.3.X). {Trans cl.16}

499. We note this decision has also been affected by our Plan Overview decision (Section 3.1.4) to replace "possible" with "practicable" (PO 908.3 and others), and our decision in Section 3.9.6 of this decision to include "affordability to the public" in this assessment matter - these changes are also reflected in the decision on Policy 6.2.3.X. {Cl. 16}

3.12 Assessment Matters

3.13 Policy 6.2.2.1.a and b (and Rule 6.10.2.2)

3.13.1 Restricted discretionary activities where no minimum parking standard is specified (Rule 6.10.2.2 and Policy 6.2.2.1.a and b)

500. Policy 6.2.2.1 states:

"Require land use activities whose parking demand either cannot be met by the public parking supply, or would significantly affect the availability of that supply for surrounding activities to provide car parking either on or near the site at an amount that is adequate to:

- a. *Avoid excessive pressure on publicly available parking in the vicinity of the site (including on-street parking and off-street facilities);*
 - B. *Avoid or, if avoidance is not possible, adequately mitigate adverse effects on the availability of public parking in the vicinity of the site (including on-street parking and off-street facilities); and*
 - C. *Ensure accessibility for (as relevant) residents, visitors, customers, staff and students who have limited mobility, including disabled people, the elderly and people travelling with young children."*
501. Rule 6.10.2.2 sets out the assessment matters for restricted discretionary activities located in zones, where no minimum parking performance standard is specified. Rule 6.10.2.2.a.ii. addresses effects on accessibility, and states:
- "Where parking demand either cannot be met by the public parking supply, or would significantly affect the availability of that supply for surrounding activities the activity will provide car parking either on or near the site at an amount that is adequate to:*
- 1. *avoid excessive pressure on publicly available parking in the vicinity of the site (including on-street parking and off-street facilities);*
 - 2. *avoid or, if avoidance is not possible, adequately mitigate adverse effects on the availability of public parking in the vicinity of the site(including on-street parking and off-street facilities); and*
 - 3. *ensure accessibility for (as relevant) residents, visitors, customers, staff and students who have limited mobility, including disabled people, the elderly and people travelling with young children (Policy 6.2.2.1)."*

3.13.1.1 Submissions and Reporting Officer's s42A response

- 502. The *University of Otago* (OS308.147) considered that clauses (a) and (b) of Policy 6.2.2.1 address the same issue but had different requirements, and that for consistency, only one should be retained. They considered clause (b) to be unduly restrictive and preferred that clause (a) be retained.
- 503. The *University of Otago* (OS308.155) also sought the deletion of clause a.ii.2 of the associated assessment of restricted discretionary activities rule (Rule 6.10.2.2) for consistency with their submission above (i.e. as a consequential amendment).
- 504. This submission was supported by the *Otago Polytechnic* (FS2448.7) who considered that clause (b) was unreasonable as it did not recognise that the Polytechnic might have some effects on the public parking networks similar to other uses in the area.
- 505. Submissions in support of Policy 6.2.2.1 were received from the *Otago Regional Council* (OS908.82) and *Fonterra Limited* (OS807.12).
- 506. The Reporting Officer agreed that both clauses (a) and (b) of Policy 6.2.2.1 referred to pressure placed on public parking in the vicinity of the site, but recommended that clause (a) be removed, because clause (b) was more aligned with the 2GP drafting protocol. She also recommended that Rule 6.10.2.2.a.ii.1 be deleted as a consequential amendment (s42A Report, Section 5.13.1.5).

3.13.1.2 Submitter evidence presented at hearing

507. Mr Murray Brass, in his written statement on behalf of the *University of Otago*, suggested that it was not unreasonable for land use activities such as the University to have some effects on public parking availability, just as other Residential and Commercial activities in the vicinity do. He observed that this reflected that the parking was being used which was desirable, but inevitably meant that the parks were no longer available for other users. He considered that the issue came down to whether clause (b) of the policy allowed for reasonable use of parking without triggering a requirement to mitigate adverse effects. He suggested the following revision of clause (b) of Policy 6.2.2.1, so that the requirement only applied to significant adverse effects:

"avoid, or if avoidance is not possible, adequately mitigate significant adverse effects on the availability of public parking..."

508. He noted that Rule 6.10.2.2.a.ii uses the same wording so should also be revised to ensure consistency with the policy.
509. The *Otago Polytechnic* (FS2448.7) called Ms Louise Taylor to provide planning evidence at the hearing. Ms Taylor suggested that in seeking to avoid the effects of demand from activities for public car parking, clause (b) of Policy 6.2.2.1 did not acknowledge that effects are inevitable, or that it was not inappropriate for a use to generate demand for car parking. In her view, clause (a) provided more useful guidance about what the policy is attempting to achieve (i.e. the management of activities such that excessive pressure does not occur) and set a "bottom line" of excessive pressure which must be avoided. She considered that the wording of clause (b) was vague and that clause (a) provided more certainly as to outcome.

3.13.1.3 Decision and reasons

510. We accept in part the submissions from the *University of Otago* (OS308.147, OS308.155) and the *Otago Polytechnic* (FS2448.7) insofar as they seek to remove repetition from both the policy and the rule.
511. We agree with the submitters that there is some doubling up in the content of clauses (a) and (b) of Policy 6.2.2.1 and have deleted clause (a).
512. We did not consider it necessary to include the word "significant" within clause (b) (as suggested by the *University*) because the words "adequately mitigate" within the clause allow for a lower level of mitigation. We consider that clause b was intended to also manage the effects on publicly available car parking in the vicinity of activities, for instance a supermarket carpark, and therefore for clarity we have amended clause b as follows:
- avoid or, if avoidance is not ~~possible~~ practicable {PO 908.3 and others}, adequately mitigate adverse effects on the availability of publicly available {Trans 308.147} parking in the vicinity of the site (including on-street parking and off-street facilities);
513. The consequential changes needed as a result of this decision are amendments to the following assessment rules to paraphrase the changes to Policy 6.2.2.1:
- Rule 6.9.3.6.a.ii.1
 - Rule 6.10.2.2.a.ii.2
 - Rule 6.11.2.2.iii.1
514. We have also deleted clause (1) from Rule 6.10.2.2.a.ii, as a consequential amendment necessary to ensure the rule remains consistent with Policy 6.2.2.1.

515. We also note that as a result of our Plan Overview Decision Report, we have changed “possible” to “practicable” in clause (a) (originally clause (b)). We consider this will further give relief to the submitters, but the change is attributed to the *Otago Regional Council* submission (PO 908.3).
516. Policy 6.2.2.1 and Rule 6.10.2.2.a.ii are amended as shown in Appendix 1, where the amendments are attributed to submission point Trans 308.147.
517. We also removed the reference to “car” in Policy 6.2.2.1 as part of our decisions on submissions related to provisions for pedestrian and cycle access (see Section 3.5.5).
518. Issues pertaining to parking are also discussed in Section 3.4 above, and 3.15 below.

3.14 Road Classification Hierarchy¹¹

519. The road classification hierarchy is a ‘mapped area’ overlay. The provisions in the plan that relate to it are:

- New roads or additions and alterations to roads, which are a discretionary activity (Rule 6.3.2.2), must be assessed in accordance with Policy 6.2.1.3, (Rule 6.11.3.2) which states:

“Only allow new roads or additions or alterations to existing roads where:

a. the road is designed to provide for the needs of all users, as appropriate for the surrounding environment and road classification hierarchy mapped area...”

- Rules 6.6.1.2 and 6.6.2.1, which require that parking and loading areas provide sufficient manoeuvring space to ensure a motor vehicle is not required to reverse onto or off a motorway, strategic, arterial, urban high density corridor, commercial centre street or collector, as identified in the road classification hierarchy mapped area.
 - Rule 6.6.3, which manages the number and location of vehicle accesses based upon the road frontage of the site and its road classification hierarchy type.
 - The forestry and tree planting setbacks performance standards (Rules 16.6.11.2, 17.6.10.2 and 20.6.12.2), which require trees associated with forestry or tree planting activities not to shade a motorway, or a strategic, arterial or collector road between 10am and 2pm on the shortest day of the year. We note that there is no reference to the road classification hierarchy in these rules.
520. A description of each road type in the road classification hierarchy is included in Appendix 6A. The introduction states:

“The Road Classification Hierarchy is used to distinguish roads into categories, as some of the rules in the District Plan only apply to some of the roads in a particular category.

The classification reflects not only the transport function of a road but also the place function or its contribution to the surrounding environment, taking into account the surrounding land use, and the role the road plays in contributing to the amenity values, identity and public space of the adjoining area.”

¹¹ NOTE: Commissioners Kate Wilson and Jinty MacTavish did not participate in the discussion, deliberations or decision-making for the Riccarton Road component of the road classification hierarchy topic.

521. As explained at the hearing, the 2GP classifications were based primarily on the NZ Transport Agency *One Network Road Classification* (ONRC), which governs funding and levels of service nationally.¹²

3.14.1 Request to change road classifications in Mosgiel – submissions and the Reporting Officer’s s42A responses

522. *John Blackie* (OS113.1), *Shaun Blackie and Cheryl Tetlow* (OS116.1), *Roger Miller* (OS126.2), *Riccarton Road West Safety Society* (OS195.1), the *Miller Family Trust* (OS421.2) and *Allan West* (OS855.1) submitted that the local collector classification for Riccarton Road be retained, and that a heavy traffic bypass be established via Hagart-Alexander Drive. The submitters considered that as proposed, there would be a loss of quietness, vibration from the trucks, and that properties would lose value. Mr West also submitted that the classification of Gladfield Road be amended to arterial, to connect to SH87.
523. *Maurice Prendergast* (OS451.1) submitted that the Hagart-Alexander Drive/Centre Street/Carncross Street extension was the preferred and most cost-effective route through East Mosgiel, and inferred that the road classification be extended to include these streets.
524. In a series of further submissions, the *NZ Transport Agency* (FS2308.20-23 and 25-27) opposed all of these submissions, noting that the use of Hagart-Alexander Drive as a heavy vehicle bypass was likely to result in a significant traffic safety concern, due to queue lengths at its intersection with Gordon Road (SH87), together with the operation of the level crossing at this location.
525. The *Miller Family Trust* (OS421.3) opposed the proposed change of status of Riccarton Road East and West to arterial in the 2GP, and requested that appropriate consultation with residents be undertaken regarding this proposal.
526. *George A H Kidd* (OS675.2) submitted that the road classification for Riccarton Road be amended from arterial to local and collector. The submitter suggested it was never intended to be an arterial road and had been residential as early as 1853; and that making the road arterial would affect the safety of residents in Riccarton Road East.
527. *Katherine Brookes and Charles Bradfield* (OS699.1) also submitted that the status of Riccarton Road East and West remain as local and collector roads respectively, because changing Riccarton Road to arterial would increase the volume and speed of traffic and compromise residents' safety.
528. *John Hamer* (OS424.1 and OS424.3) also submitted that Riccarton Road East and West remain as local and collector roads respectively. He also submitted that the classification of Gladfield Road, East Taieri be upgraded to arterial, to connect to SH87, with Gladstone Road, Bush Road, School Road South as collector roads. Mr Hamer also submitted that the Centre Street/Carncross Street section over the Silverstream be completed so as to form the arterial link to the industrial area.
529. Ms Rodgers noted that the 2GP Road Classification Hierarchy identifies Riccarton Road (east and west) as an arterial route, largely because of the way it currently functions, and because it provides a direct link between State Highway 1 and State Highway 87. While she understood the concerns raised by submitters in respect of cycling/pedestrian safety and the safety of residents, she noted that despite part of Riccarton Road being zoned General Residential 1, the rest of the link between State Highway 1 and State Highway 87 was zoned rural (s42A Report, Section 5.14.1).

¹² The ONRC is a NZ Transport Agency classification system, which divides New Zealand’s roads into six categories based on how busy they are, whether they connect to important destinations, or are the only route available. This system comprises national, arterial, regional, primary collector, secondary collector and access roads.

530. With regard to the submissions suggesting that an alternative heavy bypass route be established via Hagart-Alexander Drive/Centre Street/Carncross Streets, Ms Rodgers noted that while historically there had been a proposal to provide a link via this route, this was now problematic because:
- i) the land adjacent to Hagart Alexander Drive was now predominantly General Residential 1
 - ii) Centre Road and Carncross Street do not physically link and to provide a heavy traffic route would also require a bridge over the Silverstream, and
 - iii) the Industrial zoned land near the Taieri Airport has access via Dukes Road North and South which provides a link directly to State Highway 87 and State Highway 1 via Riccarton Road.
531. With regard to the suggestion that an arterial route be established along Gladfield Road rather than Riccarton Road, the Reporting Officer noted that Gladfield Road is a local road. It would not provide the level of service required to be classified as an arterial route, whereas the classification of Riccarton Road as an arterial reflected its current functioning and its contribution to the surrounding environment.
532. In response to submitter concerns regarding pedestrian and cyclist safety, Ms Rodgers noted that the DCC Transport Department had indicated that on a road classified as arterial, more funding would be available to resolve any issues associated with conflicting uses.
533. Overall, she considered Riccarton Road to be appropriately identified as an arterial route, and that the suggested heavy traffic route via Hagart-Alexander Drive was not appropriate. Accordingly, she recommended that the road classification for these two roads remain as notified.

3.14.2 Request to change road classification on Highgate – submissions and the Reporting Officer's s42A responses

534. *Robert Francis Wyber* (OS394.28) and *Robert Hugh Tongue* (OS452.6) submitted that the classification for Highgate should be amended from urban high density corridor and arterial road to collector. Mr Tongue suggested that a cycleway could not be constructed in Highgate without removing on-street parking and the forcible taking of residential land, and submitted that the road be re-classified, or that the Highgate cycleway be removed from all DCC strategies, plans and policies. This was supported in a further submission from *Robert Francis Wyber* (FS2059.7).
535. *Robert Francis Wyber* (OS394.26) also submitted that the definitions of "Urban High Density Corridor" and "Collector" within the road classification hierarchy be amended as follows:
- (Urban High Density Corridor)
 - include the words "provide property access"
 - delete the term "medium density residential land use"
 - change the term "commercial or tertiary education activity" to "commercial and isolated retail shops, as well as educational facilities at all levels" and
 - delete the term "frequent" as it relates to bus services.
 - (Collector)
 - include the words "provide property access".
536. In addition, Mr Wyber recommended the discouragement of through traffic (other than public transport) along Highgate, and the painting of symbols on the roads to indicate to drivers that it is a shared space. He considered there were a multitude of conflicting Council policies in different plans that related to

Highgate, and that to date the Council had addressed the issues “via silos”, offered no realistic options and had not undertaken meaningful consultation.

537. The Reporting Officer noted that the DCC Transport Department did not support changing the classification of Highgate from urban high density corridor and arterial to collector, because Highgate already exceeded the definition of a collector road, particularly in terms of distribution of traffic, traffic volumes, and transport mode use. Accordingly, she recommended that the submissions be rejected (s42A Report, Section 5.14.1).

3.14.3 Request to change road classification (general) – submission and the Reporting Officer’s s42A response

538. The *Dunedin City Council* (OS360.181) submitted that the Road Classification Hierarchy Mapped Area be amended to show a change in classification for some sections of road that were incorrectly shown in the 2GP. This submission was supported in a further submission by the *NZ Transport Agency* (FS2308.24).
539. The *Miller Family Trust* (OS421.5) also submitted that Appendix 6A be amended by removing the road classification hierarchy description and replacing it with the classification hierarchy description from the operative District Plan, because the classification in the operative district plan was considered simple and clear to understand, while the new classifications were considered too undefined.
540. The Reporting Officer recommended that the submission be accepted and the mapping amended (s42A Report, Section 5.14.1).

3.14.4 Request to amend Appendix 6A Road Classification Hierarchy to include paper and unformed roads

541. *Oceana Gold (New Zealand) Limited* (OS1088.25) submitted that the road classification hierarchy be amended to add a definition for “Paper or unformed roads”, because in rural areas, unformed or paper roads were frequent and it made sense to define them in order that they might be adequately managed.
542. The Reporting Officer reiterated that the hierarchy not only reflected the transport function of a road but also its contribution to the surrounding environment; and that it correlated with the *One Network Road Classification*. As such, she did not consider it necessary or appropriate to include unformed legal roads in the road classification unless they had a clearly identified future purpose (s42A Report, Section 5.14.2).

3.14.5 Definitions to support road classification hierarchy /Request to amend Rule 6.6.3 to include a definition for “Commercial Centre Street” – submission and Reporting Officer’s s42A response

543. Rule 6.6.3.1.b states:
- “No new vehicle crossings are permitted onto a Commercial Centre Street.”*
544. The *NZ Transport Agency* (OS881.85) opposed the inclusion of Rule 6.6.3 within the Plan, because they considered there was no clarity or certainty as to the meaning of “Commercial Centre Street”, as no definition for that term was provided.
545. The Reporting Officer accepted that it would be helpful and appropriate to provide a link to road classification definitions where they occur throughout the 2GP. She suggested this could be done by adding a new note at the end of Rule 6.6.3 directing plan users to Appendix 6A and the Road Classification Hierarchy, but that this approach would need to be repeated in a number of locations throughout the Plan to cover all instances of reference to road classifications. She suggested a better option would be to specifically define each road type, as

this would provide Plan-users with instant access to the definitions as they occur (s42A Report, Section 5.9.1).

3.14.6 Hearing evidence

3.14.6.1 DCC expert evidence

- 546. Mr Grant Fisher, DCC Transportation Planner/Engineer presented a written statement of evidence. He noted that current traffic levels on Riccarton Road West, along with its direct connection to State Highway 1 and State Highway 87, are key drivers for its classification as an arterial road. He concurred with the Reporting Officer's s42A assessment, and did not support Riccarton Road West being classified differently.
- 547. With regard to the submissions in respect of establishing a heavy traffic route via Hagart-Alexander Drive, Mr Fisher commented on the significant severance between Centre Road and Carncross Street, and the difficulties of providing a connection between these two roads.
- 548. He did not support the submissions seeking to reclassify Highgate as a collector road, on the basis that Highgate already clearly exceeded the definition of a collector road, particularly in terms of distribution of traffic, traffic volumes, and transport mode use. He considered Highgate was more appropriately defined as an urban high density corridor.

3.14.6.2 Request to change road classifications in Mosgiel

- 549. Mr *Roger Miller* (OS1216.2) presented a written statement at the hearing, providing an account of the history of the proposed upgrading of Riccarton Road and the 2010 Notice of Requirement hearing for the upgrade. He observed that the DCC had undertaken numerous investigations, and allocated funds in various Annual Plans, for safety upgrades, but that to date, only minor safety works had been undertaken.
- 550. Mr Miller suggested that an arterial route through the Riccarton Road East area would have major effects on the residents and amenity values of the area, and raise considerable adverse safety issues. He was concerned that the changed classification of the road to arterial was the first step towards it eventually being designated as State Highway 87, but that Gladfield Road, Riverside Road and Allanton-Outram Road were viable alternative routes.
- 551. Mr Hugh Kidd presented a written statement on behalf of *Riccarton Road West Safety Society* (OS195.1) and *George A H Kidd* (OS675.2), in which he suggested that Riccarton Road was never intended to be more than a residential street, and that Gordon Road was regarded as the main through route. He spoke of the origins of the proposal to establish a heavy traffic bypass via Hagart-Alexander Drive, Centre Street and Carncross Street, and suggested that Hagart-Alexander Drive had been constructed specifically for this purpose.
- 552. Mr Kidd suggested that Riccarton Road was not suitable as an arterial road, and nor was it the safest option. He detailed various issues with the level crossing and with the intersection layouts along its extent. He believed Riccarton Road residents felt increasingly unsafe as a consequence of the increased development and traffic flows along the road, and requested that the classification remain as it is currently, and that the speed limit on Riccarton Road West be lowered to 50 km/h.
- 553. Mr Brian Miller presented a written statement on behalf of the *Miller Family Trust* (OS421.2, OS421.3 and OS421.5), in which he argued for Riccarton Road to retain its current classification. He suggested the road had "...sustained a 15 year plus onslaught of manipulation" by the Council, and that its transportation issues should have been resolved years ago.

554. Mr Miller requested that the present classifications of Riccarton Road East and West be retained, and that Centre Street/Carncross Street and Hagart-Alexander Drive be shown as an arterial route on the 2GP maps, in accordance with the direction previously agreed by the Mosgiel Bypass Working Party and the Council. He requested that proper consultation be carried out prior to changing the status of Riccarton Road West, and maintained that it was an inappropriate location for an arterial road, and should be maintained as a rural area used for food production.
555. Mr Miller also spoke to his submission opposing the road classification descriptions set out in Appendix 6A.2, and requested that the descriptions in the operative district plan be retained.
556. Mr *Maurice Prendergast* (OS451.1) spoke to his written statement at the hearing. In this, he provided an account of the history of local authorities (going back to the Mosgiel Borough Council and the Taieri County Council) seeking to address the issue of diverting traffic from the main street of Mosgiel, by establishing a heavy traffic bypass via Hagart-Alexander Drive, Centre Street and Carncross Street. He asserted that the issue had subsequently been the subject of misinformation and ignorance, and then said he disagreed with the assessment and recommendations within the s42A Report.

3.14.6.3 Request to change road classification on Highgate

557. Mr *Robert Francis Wyber* (OS394.28) said that the proposed classification of Highgate as an arterial road and as an urban high density corridor was unachievable without land acquisition and road widening. He suggested that an alternative solution be adopted rather than trying to impose a hierarchy classification that didn't fit. Mr Wyber also suggested that there had been no consultation with the community about the proposed change.
558. In the absence of designations to implement the strategic cycle network and purchase the necessary properties, Mr Wyber suggested that the urban high density corridor and arterial classifications be deleted from Highgate (and the roads down to the intersection with George Street), and that an appropriate classification, that conformed to the reality on the ground, be devised for these roads.
559. Mr *Robert Hugh Tongue* (OS452.6) expressed similar concerns to those of Mr Wyber. He reiterated the point made in his submission that a cycleway could not be constructed in Highgate without removing on-street parking and the forcible taking of residential land, and submitted that the road be re-classified, or that the Highgate cycleway be removed from all DCC strategies, plans and policies.

3.14.6.4 Request to amend Appendix 6A Road Classification Hierarchy to include paper and unformed roads

560. Ms Jackie St John appeared at the hearing as legal counsel for *Oceana Gold (New Zealand) Limited* (OS1088.25). In her statement she advised that the *Oceana Gold* submission requesting that paper or unformed roads be included in the road classification hierarchy related to the company's mining activities at Macraes Gold Project. She noted that in rural areas, unformed or paper roads occurred frequently. She suggested that the 2GP should be alive to the access values provided by some paper roads; and that it would be appropriate to include unformed roads that provide valued public access in the road classification hierarchy, in order to ensure they were adequately managed.

3.14.7 Further information requested by the Panel

561. As a result of the matters raised by submitters at the hearing, we considered further information on aspects of the road classification hierarchy was needed. The Transportation Hearing commenced on Wednesday 1 February 2017 and in a Minute dated 5 February 2017, the chairperson of the Panel sought

information about the purpose(s) of the road classification hierarchy, and its relationship with the categories in the roading hierarchy in the operative district plan and in the NZ Transport Agency's *One Network Road Classification*. Information was also sought about the justification for the proposed classification of Riccarton Road and Highgate, together with the practicality of these two routes being brought up to the standard anticipated by the proposed classifications.

562. Ms Sarah Connolly, former Transportation Planning Manager, Dunedin City Council (Currently Transportation Planning Principal Consultant (MWH)), provided a written statement in response to our information request, and attended the last day of the hearing on Thursday 9 February 2017 to speak to this.
563. Ms Connolly advised that the purpose of the classification is both to reflect the current state of the road in question, and to take a longer term, strategic view and consider the future role of that road in the wider network. In considering the latter, she observed that in some cases the road's classification will be aspirational. She noted that an aspirational classification did not represent a commitment to Council spending, but rather should be used as a guide to future investment, upgrades and future form of the transport network.
564. With regard to the relationship of the road classification hierarchy categories within the roading hierarchy in the operative district plan and with the NZ Transport Agency's *One Network Road Classification*, Ms Connolly advised that the categories of the three classification systems did not align neatly to one another. She advised that the 2GP classification introduces three additional categories – Urban High Density Corridor, Commercial Centre Street, and Industrial Road, which should make it easier to achieve the areas of focus in the *Integrated Transport Strategy* – in particular improving safety overall and especially in centres, which are complex environments and require particular management.
565. She added that both the operative District Plan road hierarchy and the *One Network Road Classification* rank roads in order of importance (as a hierarchy), but that the 2GP classification did not do this to the same degree. Rather, the 2GP recognises that all roads are important given their different functions.
566. Ms Connolly then commented on the justification for the proposed classification of Riccarton Road and Highgate. With regard to Riccarton Road, she advised that the proposed changes were to reflect the current situation, and give an indication of the strategic role of the road in the network; and were based on traffic volumes and historic traffic data. She noted that the proposed change to the classification of Riccarton Road represents the importance of this road to the overall network in providing network resilience.
567. She advised that the current form of Riccarton Road had been assessed by the Council previously, and work had been completed on widening sections of Riccarton Road to improve safety.¹³
568. Ms Connolly also noted that the Hagart-Alexander Drive extension is not included in the road classification. She said that, even if it had been included, it would have had broadly similar functions to Riccarton Road, but with some key differences mainly relating to Riccarton road being a rural arterial which would not then need to be developed to the standards required for an urban arterial. She said that Riccarton Road and Hagart-Alexander Drive (with extension) were not really therefore alternative options for meeting the purposes of the road classification hierarchy, noting that they would serve different transportation purposes.

¹³ This aspect of Ms Connolly's statement was subsequently corrected, to note that only some safety improvement work had already been undertaken, and that future works, including any widening, will be dependent on Council priorities and the availability of funding, land acquisition and planning approval.

569. Ms Connolly advised that Highgate had three different classifications in the 2GP, to reflect the change in land use along its length, i.e.:

- Urban High Density Corridor – between Stuart Street and Drivers Road
- Commercial Centre Street – where the road passes through Roslyn centre (approximately Stuart Street to City Road) and Maori Hill centre (Drivers Road)
- Arterial – remaining lengths of Highgate west of City Road and east of Drivers Road.

She noted that the aim is that the classification be used to manage future development, and guide decisions about transport infrastructure and management. Through traffic is catered for, but it is expected (as outlined in the definition) that over time the form and speed of the corridor will evolve to support the integration of the transport corridor 'link' function with the adjacent land use 'place' function.

570. Ms Connolly advised that, with regard to Highgate, the main gap between the current form of Highgate and the definition was in the area of anticipated cycle provision and speed environment. The aspiration would be for some provision for cyclists on Highgate, and for a review of speeds to ensure they are appropriate for the environment, with a consideration of the costs versus the benefits of a lower speed environment. She added that the Integrated Transport Strategy also anticipated some form of cycle facility on Highgate at some point in the future although it was too early to say what type of cycle facility would be suitable.

3.14.8 Reporting Officer's review of recommendations

571. In response to the matters raised by submitters, Ms Rodgers acknowledged that a lot of information about the history behind the Riccarton Road matter had been presented and that this provided a useful context. She observed however that there had been a number of developments in the area within the last 20 years, and that she was satisfied with the evidence that had been provided by Ms Connolly. She considered there was no practical route via Hagart-Alexander Drive/Centre Street/Carncross Street to service the North Taieri industrial area, and advised that she did not recommend any changes to the road classification hierarchy.

572. Similarly, Ms Rodgers indicated that she was comfortable with the road classification hierarchy as it relates to Highgate. Notwithstanding this, with regard to the points raised by Mr Wyber and by Mr Tongue in relation to the reference to the strategic cycle network, she recommended that references to the network be changed to refer to cycling in general.

573. With regard to the paper roads issue raised by *Oceana Gold (New Zealand) Limited*, Ms Rodgers observed that in her experience, unformed legal roads were largely historic and, while there was a right to access, in a general sense they did not form part of the roading network. Accordingly, she did not consider they should form part of the road classification, and nor was she aware of this being done by other local authorities.

3.14.9 Decisions and reasons

3.14.9.1 Request to change road classifications in Mosgiel¹⁴

574. In response to the submissions on this topic, our decision is to retain the road classifications for Riccarton Road, Hagart-Alexander Drive, Gladfield Road,

¹⁴ As noted above, Kate Wilson and Jinty MacTavish did not participate in the discussion, deliberations or decision-making for the Riccarton Road component of the road classification hierarchy subject.

Gladstone Road South, Bush Road, Dukes Road South and School Road South without amendment.

575. We reject the submissions from *John Blackie* (OS113.1), *Shaun Blackie and Cheryl Tetlow* (OS116.1), *Roger Miller* (OS126.2), *Riccarton Road West Safety Society* (OS195.1), the *Miller Family Trust* (OS421.2 and OS421.3), *Allan West* (OS855.1), *George A H Kidd* (OS675.2), *Katherine Brookes and Charles Bradfield* (OS699.1) and *John Hamer* (OS424.1) insofar as they sought to retain the local collector classification for Riccarton Road, and/or to establish a heavy traffic bypass via Hagart-Alexander Drive.
576. We reject the submission from *John Hamer* (OS424.3) that the classification of Gladfield Road, part of Gladstone Road South, part of Bush Road, Dukes Road South and part of School Road South be changed.
577. We also reject the submission from *Maurice Prendergast* (OS451.1) that sought to extend the road classification to include the Hagart-Alexander Drive/Centre Street/Carncross Street extension.
578. We accept the further submissions from the *NZ Transport Agency* (FS2308.20-23 and 25-27) which opposed the submissions above.
579. Overall, while we acknowledge the well expressed concerns of submitters regarding the potential effects on residential amenity and safety arising from any future upgrades to the arterial network in Mosgiel, we accept the expert evidence from both Ms Rodgers and Ms Connolly that the classification of these roads in the hierarchy is appropriate given the current usage and development along those routes. We accept that with regard to Riccarton Road, the proposed changes accurately reflect the current traffic volumes, and give an indication of the strategic role of the road in the network.
580. This does not represent a commitment to Council spending, but rather should be used as a guide to future investment, upgrades and future form of the transport network, which would all be subject to consenting and other Council budget processes.
581. Within this context we did not feel we had sufficient evidence to consider changing the road classifications for other routes from those that were notified.

3.14.9.2 Request to change road classification on Highgate

582. We reject the submission from *Robert Francis Wyber* (OS394.28), and reject in part the submission from *Robert Hugh Tongue* (OS452.6), which sought to amend the classification for Highgate from urban high density corridor and arterial road to collector. We accept the expert evidence from Ms Rodgers and Ms Connolly that the road classification for Highgate is appropriate given its traffic volumes and the role it is currently performing and is expected to perform. We accept Ms Connolly's advice that cycling facilities can be achieved on this route. The classification is retained without amendment.
583. We accept in part the submission from *Robert Hugh Tongue* (OS452.6), and accept the further submission from *Robert Francis Wyber* (FS2059.7) insofar as they relate to removing reference to the strategic cycle network within the road classification hierarchy. The description of *Urban High Density Corridor* in Appendix 6A.2 Road Classification Hierarchy is amended to refer simply to "cycling" rather than "Strategic Cycle Network", and the description of *Arterial* is amended to improve clarity around the priorities for the allocation of road space. These amendments to Appendix 6A.2 are shown in Appendix 1 and are attributed to submission point Trans 452.6 (as we consider the changes constitute partial alternative relief for the submission of *Robert Hugh Tongue* (OS452.6)).
584. We reject the submission from *Robert Francis Wyber* (OS394.26), which sought specific amendments to the definitions of 'Urban High Density Corridor' and 'Collector' within the road classification hierarchy. We agree with the Reporting

Officer that the hierarchy not only reflects the transport function of a road but also its contribution to the surrounding environment; and correlates with the One Network Road Classification.

3.14.9.3 Request to change road classification (general)

585. We accept the submission from the *Dunedin City Council* (OS360.181) and the further submission from the *NZ Transport Agency* (FS2308.24), in respect of amending the road classification hierarchy mapped area to show a change in classification for some sections of road that were incorrectly shown in the 2GP. The road classification hierarchy mapped area is amended as shown in the 2GP maps.
586. We reject the submission from the *Miller Family Trust* (OS421.5), which sought to amend Appendix 6A by removing the road classification hierarchy description and replacing it with the classification hierarchy description from the operative District Plan. We note the differences in these classifications were explained by Ms Connolly in evidence, and consider the description in the proposed Plan is appropriate.

3.14.9.4 Request to amend Appendix 6A Road Classification Hierarchy to include paper and unformed roads

587. We reject the submission from *Oceana Gold (New Zealand) Limited* (OS1088.25) to amend the road classification hierarchy to add a definition for "Paper or unformed roads". Paper roads are unformed legal roads, and included within the current definition for "Road", and therefore also within the road classification hierarchy.
588. Notwithstanding this, it is noted that there are a number of typographical errors and minor clarifications required within Appendix 6A.2 Road Classification. These amendments are shown in Appendix 1, and are made pursuant to Clause 16 of the First Schedule to the RMA.

3.14.9.5 Definitions to support road classification hierarchy /Request to amend Rule 6.6.3 to include a definition for 'Commercial Centre Street'

589. We accept in part the submission from the *NZ Transport Agency* (OS881.85) insofar as it seeks to clarify a Plan rule by providing a definition for the type of road referred to within the rule.
590. We agree that it would be helpful and appropriate to provide a link to road classification categories where they occur throughout the 2GP, and that the link explains that the road classification hierarchy is a mapped area overlay. Accordingly, the various categories of road types referred to within the road classification hierarchy have been added to the Definitions section of the Plan. By way of example, the definition for 'Motorway' is:

"Motorway {Confirmed for addition – Trans cl. 16}"

A road classified as motorway within the Road Classification Hierarchy mapped area shown on the planning map. {Trans cl. 16}"

591. The new definitions are added in accordance with the provisions of Clause 16 of the First Schedule to the RMA, and are shown in Appendix 1.

3.15 Minimum parking performance standards

3.15.1 Minimum car parking – Residential Zones (Rule 15.5.9)

3.15.1.1 Residential Activities in Residential Zones

3.15.1.1.1 Background

592. Rule 15.5.9 is the performance standard for minimum car parking in residential zones. Submissions were received in respect of rules 15.5.9.1 and 15.5.9.2, which state:

“Standard residential in Inner City Residential Zone (Rule 15.5.9.1)

- a. 1 - 5 habitable rooms on a site: 1 parking space
- b. 6 - 8 habitable rooms on a site: 2 parking space
- c. Greater than 8 habitable rooms on a site: 2 parking spaces plus 1 space for every 4 habitable rooms (or part thereof)
- d. Except:
 - i. where sites with less than 5 habitable rooms have no existing parking, no additional parking is required for additions that increase the number of habitable rooms to 5 (or fewer), provided no additional residential units are created;
 - ii. where the provision of an on-site parking space for sites with 1-5 habitable rooms would result in the loss of an on-street parking space, no parking space is required.

Standard residential in all other residential zones (Rule 15.5.9.2)

- a. 1 - 4 habitable rooms: 1 parking space
- b. 5 or more habitable rooms: 2 parking spaces”

593. Policy 2.2.4.2.b encourages new residential development in the central city and larger centres through rules that enable the adaptive re-use of heritage buildings for apartments by exempting scheduled heritage buildings from minimum parking requirements.

594. Policy 2.4.2.3.b encourages the adaptive re-use of heritage buildings through rules that exempt heritage buildings from minimum parking standards.

3.15.1.2 Request to extend exemptions if meeting minimum parking standard would require demolition

595. Carol Devine (OS252.9), Elizabeth Kerr (FS2429.127), Southern Heritage Trust & City Rise Up (OS293.104), Rosemary and Malcolm McQueen (OS299.69), John and Clare Pascoe (OS444.72), Margaret Davidson (OS417.29) and Jack Austin (OS53.4) requested that an exemption be made to minimum parking standards if meeting the standard would require a demolition of a building. Most of these submitters also added that the use of residential parking permits schemes to ensure access to parking was preferable to demolition of buildings to provide for on-site parking. The submitters also raised concerns about commuters parking in inner-city areas. We note several of these and other submitters also discussed their concerns about lack of on-street parking with regard to the application of medium density zoning. These matters are covered in Section 3.2.3 of our Residential decision.
596. Similarly, Margaret Davidson (OS417.3) submitted in support of Policy 2.2.4.2.b, but sought an amendment to broaden the parking exemption to “buildings where appropriate, especially in heritage precincts”. The submitter considered that requiring car parking in medium density housing areas would lead to demolition for parking and change the character of older suburbs.

597. The DCC called Mr Ian Clark to provide transportation evidence at the hearing. Mr Clark noted that there could be a number of good reasons (such as the safety or efficiency of the transport network, streetscape amenity, or heritage values) why the provision of the minimum parking requirement might be undesirable at a particular location. In these instances, he advised that the adverse transport effects of not providing the required level of parking should be weighed against the adverse “other” effects of providing the parking, and that the relative merits of transport and non-transport issues could be assessed on a case by case basis.

3.15.1.3 Request to limit the number of cars per dwelling allowed

598. *Cynthia Greensill* (OS729.2), *Robert Thornton* (OS907.4) *Royal/Pitt/Heriot Residential Heritage Precinct Protection Inc* (OS571.9), *Marilyn Willis* (OS582.3) and *Elizabeth Kerr* (FS2429.120, FS2429.113) suggested that parking was a consistent issue for inner city residents because of commuters parking in the area for its free parking, and because increased density had brought more residents and their cars to these areas. Some suggested that Rule 15.5.9.1 be amended to limit the number of vehicles allowed, and that the number of cars per dwelling in inner city residential areas be limited. No evidence on these points was provided at the hearing.

3.15.1.4 Request to reduce on-site car parking requirements for developments that are close to bus stops

599. The *Bus Users Support Group Otepoti - Dunedin* (OS1080.4) sought an amendment to Plan provisions to reduce on-site car parking requirements for developments that are close to bus stops.
600. On this matter Mr Clark suggested the location of developments close to bus stops might be a valid reason why a lower provision of parking (than the minimum standard) could be justified. He advised that the Christchurch and Tauranga Plans include a number of parking reduction factors for proximity to bus routes but that this was a quite novel approach, and it was more common in New Zealand to set minimum criteria, then assess particular shortfalls on a case by case basis through assessment criteria.
601. The *Bus Users Support Group Otepoti – Dunedin* was represented at the hearing by Mr Peter Dowden. Mr Dowden suggested that the Plan should not be silent on where the bus routes are, and could have maps to enable developers to build closer to bus routes. We discussed the practicalities of having maps of bus routes, determined and administered by the Otago Regional Council, being in the 2GP. We were assured by Mr Freeland that proximity to existing and proposed high-frequency public bus routes were a factor in determining the suitability of land for General Residential 2 (medium density residential) zoning.

3.15.1.5 Request to increase on-site car parking requirements or remove existing exemptions

602. *Humphrey Catchpole* (OS320.2) submitted that Rule 15.5.9.1 be amended to increase parking requirements, because he considered the existing and proposed parking requirements were inadequate when considering the increasing number of commuters parking on inner city streets. This submission was supported by *Francesse Middleton* (FS2277.1) who requested an increase in parking on sites, or alternatively that the lower parts of Duncan Street and lower parts of Canongate be designated for residents’ parking only.
603. *Michael O'Neill* (OS403.4) also submitted that Rule 15.5.9.1 be amended to increase parking requirements.
604. *Robert Francis Wyber* (OS394.46, OS394.85 and OS394.99) sought amendments to separate out the General Residential 2 Zone from other residential zones because he considered that new developments in the General

Residential 2 zone were going to be more intense than in the Residential 1 Zone. He suggested that the larger the unit, the more likely it was that the occupants will have more than one vehicle.

605. *Nigel Bryce* (OS909.2) opposed Rule 15.5.9.2 and submitted that the existing parking standards that apply to the Residential 1 Zone under the operative District Plan Rule 8.7.2 (vii)(a)(i) be retained within the proposed 2GP. This rule requires one car park per residential unit up to and including 150m² gross floor area (excluding garaging areas).
606. The *NZ Transport Agency* (OS881.32 and OS881.35) requested that Policy 2.2.4.2 (b) be amended as follows:

"Rules that enable adaptive reuse of heritage buildings for apartments, including by exempting heritage buildings from minimum on-site parking requirements, and enabling parking requirements to be met at an off-site (but not kerb-side) location."

607. They also sought that Policy 2.4.2.3 (b) was amended to read:

"Exempt scheduled heritage buildings from minimum on-site parking standards."

608. We assume these requests anticipated consequential changes to the related rules. Their concern was that the exemption of heritage buildings from minimum parking requirements failed to recognise the potential impact of increased demand for kerbside parking on the efficiency, effectiveness and safety of the transport network, particularly in those areas where State Highway 1 passes through heritage areas.
609. The Reporting Officer advised that the DCC parking consultants (Flow) had advised that households living in the inner city would still own cars, as they would if they lived further out, but that they might not use them as much and might choose other modes of transport. Flow advised that there was emerging anecdotal evidence that many inner city households were dispensing with the second car, and as such that a lower level of parking in the inner city might be justified (s42A Report, Section 5.17.2.1).
610. Flow had also noted that the number of parking spaces outlined in Rule 15.5.9 provides a minimum rate only and it would be up to individual property owners to determine the extent required to meet the market expectation. Conversely, if they choose to provide less than the performance standard requires, there is an opportunity to demonstrate that it is sufficient (through the resource consent process).
611. With respect to the question of the need to increase the minimum parking requirements, taking the advice from Flow into account, Ms Rodgers noted that she did not consider any amendments to rules 15.5.9.1 and 15.5.9.2 were necessary.
612. With regard to the submission by *NZ Transport Agency* in respect of policies 2.2.4.2.b and 2.4.2.3.b, Ms Rodgers explained that Rules 15.5.9.12 and 18.5.6.22 exempt Residential and Office activities (excluding registered health practitioners) taking place in scheduled heritage buildings from minimum car parking requirements completely,¹⁵ i.e. these rules do not require the minimum parking requirements to be met by the applicant at an off-site or kerb-side location.
613. She noted that the purpose behind the exemption is to enable the adaptive re-use of heritage buildings, and that the benefits of encouraging this re-use outweighed the potential adverse effects on accessibility and the efficient

¹⁵ The exemptions from minimum parking standards relate to scheduled heritage buildings, not character-contributing buildings.

operation of the road network that might arise from a lack of parking in the vicinity of sites containing scheduled heritage buildings.

614. Accordingly, she did not consider that developers seeking to re-use heritage buildings for residential or office purposes should be required to provide alternative off-street parking to meet the minimum requirement, and recommended that the policies be retained without amendment.
615. With regard to the submissions suggesting changes in parking requirements, Mr Clark advised that parking standards for residential dwellings in New Zealand are based on various criteria. He noted that it was common for residential parking requirements to differ according to size and/or location, with less parking in city centres reflecting the greater likelihood of short trips (and therefore greater walking and cycling) and the greater likelihood of there being good public transport. The actual "unit" used varied, and Mr Clark observed that none of the units of m², bedrooms or habitable rooms were necessarily right or wrong – just different. He added that the emphasis on the unit of habitable rooms in Dunedin needs to be properly understood, as it is not the same as the number of bedrooms.
616. Mr Clark reiterated his earlier advice that he accepted that many households living within the inner city will still own cars, and that these cars would be parked at home for a greater proportion of time. However, he referred to anecdotal evidence that indicated many inner city households were dispensing with the second car, and observed that this could mean that a lower level of required parking within the inner city might be justified. He suggested again that the issue was balance, and while there may be a desire by some submitters to provide additional, safe parking, there was also the desire by other submitters not to provide excessive parking, for non-transport reasons, such as amenity.
617. Mr Clark observed that the rules provide a minimum rate only and it will be private developers who will determine the extent of parking they consider is required to meet market expectations.
618. *Michael O'Neill* tabled evidence in support of his submission. This evidence included a photograph of 91 Arthur Street, which he suggested was an example of adaptation rather than demolition of an existing building to accommodate vehicle parking, although possibly at the expense of outdoor living space.
619. Mr *Robert Francis Wyber* tabled evidence and spoke at the hearing, noting that while he didn't agree with the Reporting Officer's s42A recommendations in respect of parking matters, he did not intend to argue this further.

3.15.1.6 Request to exempt situations where an existing building is split into more residential units without adding habitable rooms

620. *Christian Jordan* (OS927.3) submitted that Rule 15.5.9.1 be amended by adding an exemption, whereby in instances where an existing building is split into more residential units without adding habitable rooms, the site should not require additional parking spaces.
621. *Christian Jordan* appeared at the hearing to speak to his submission and discussed the potential impacts of exempting existing buildings from the additional car parking requirements, if the building is split into more residential units without adding habitable rooms. He considered that it may be difficult and expensive to get consent for reconfiguration of an existing dwelling with no car parks, and that the 2GP should be encouraging smaller residential units to cater for people's needs.
622. In response to the matters raised in the submissions and the s42A Report, we requested information on the potential implications for on-street parking in the Inner City Residential Zones, should no additional car parking be required for an existing residential unit converted into smaller residential units, where that

conversion resulted in no increase in the number of habitable rooms (in response to the submission from *Mr Jordan*).

623. This information was provided in a memorandum from the DCC Senior Planner for the Transportation Hearing, Mr Paul Freeland, and was considered at the reconvened hearing held on 8 December 2017. The memorandum included additional information from Mr Ian Clark, in which Mr Clark suggested that the prudent approach would be to require assessment on a case by case basis, through the resource consent process. He considered that this process would need to assess whether additional parking demand was likely, and if so, to weigh up any adverse effects of not providing additional car parking against the amenity/heritage effects of providing additional parking.
624. Taking Mr Clark's advice into account, Mr Freeland considered that the conversion of a large residential unit into a number of smaller units, albeit with the same number of rooms, had the potential to lead to an increase in demand for on-street parking. He agreed with Mr Clark that it was appropriate that such proposals be considered on a case by case basis via the resource consent process, and recommended that *Mr Jordan's* submission be rejected.

3.15.1.7 Decisions and reasons

3.15.1.7.1 *Request to extend exemptions if meeting minimum parking standard would require demolition*

625. We accept in part the submissions of *Carol Devine* (OS252.9), *Elizabeth Kerr* (FS2429.127), *Southern Heritage Trust & City Rise Up* (OS293.104), *Rosemary and Malcolm McQueen* (OS299.69), *John and Clare Pascoe* (OS444.72), *Margaret Davidson* (OS417.29) and *Jack Austin* (OS53.4) in respect of amending the Minimum Car Parking performance standard for the Residential Zones (Rule 15.5.9) to include an exemption if meeting the performance standard would require a demolition of a building.
626. We note that there are no requirements in the 2GP for buildings to be demolished to meet the minimum parking requirements, that there is already an exemption to providing additional car parking for a residential activity undertaken within a scheduled heritage building, and that the assessment matters for contravention of the Minimum Car Parking performance standard (Rule 6.9.3.6) provides general assessment guidance to take into consideration effects on heritage values and streetscape amenity. Our decision in response to the submission of *Christian Jordan* (OS927.3), outlined below, may provide some additional relief for these submissions.
627. We reject the submission of *Margaret Davidson* (OS417.3) in respect of amending Policy 2.2.4.2.b to broaden the parking exemption to buildings in heritage precincts. We accept that there might be a number of good reasons why the provision of the minimum parking requirement might be undesirable at a particular location (such as the safety or efficiency of the transport network, streetscape amenity, or heritage values). As discussed above, we note that Rules 15.5.9.12 and 18.5.6.22 exempt residential and office activities (excluding registered health practitioners) taking place in scheduled heritage buildings from minimum car parking requirements. We accept the evidence of Mr Clark, however, that in other instances, the relative merits of transport and non-transport issues are best assessed on a case by case basis via the resource consent process. We do however consider our decision in response to the submission of *Christian Jordan* (OS927.3), outlined below, may provide some relief for this submission point.

3.15.1.7.2 *Request to limit the number of cars per dwelling allowed*

628. We reject the request by *Cynthia Greensill* (OS729.2), *Robert Thornton* (OS907.4) *Royal/Pitt/Heriot Residential Heritage Precinct Protection Inc* (OS571.9), *Marilyn Willis* (OS582.3) and *Elizabeth Kerr* (FS2429.120 and

FS2429.113) in relation to amending Rule 15.5.9 to restrict the number of cars allowed on each site, as the technical transportation evidence provided to us was that the minimum parking rates were based on a low rate. We recognise that Council is working on parking issues, and we recommend they provide for residents-only parking schemes, and sensible reductions along key public transport routes once those routes are finalised.

3.15.1.7.3 Request to reduce on-site car parking requirements for developments that are close to bus stops

- 629. We also reject the submission from the *Bus Users Support Group Otepoti - Dunedin* (OS1080.4) that sought to reduce on-site car parking requirements for developments that are close to bus stops. We accept the evidence of Mr Clark that location of developments close to bus stops is a valid reason for lower parking provision, and agree that proximity to high frequency public transport routes should be a factor in reducing the minimum parking requirements.
- 630. However, based on the advice that proximity to arterial routes and bus routes was taken into account when drafting the 2GP and establishing the various zones and other Plan provisions for the city, and taking into account the principles of natural justice (noting that no specific reduction factors were suggested by submitters or in evidence), we recommend the introduction of reduction factors for developments in proximity to public transport infrastructure be progressed by way of a future plan change.

3.15.1.7.4 Request to increase on-site car parking requirements or remove existing exemptions

- 631. We reject the submissions of *Humphrey Catchpole* (OS320.2), *Francesse Middleton* (FS2277.1), *Michael O'Neill* (OS403.4), *Robert Francis Wyber* (OS394.46, OS394.85 and OS394.99) and *Nigel Bryce* (OS909.2) in respect of amending Rule 15.5.9.1 to increase or change parking requirements.
- 632. We also reject the submissions from the *NZ Transport Agency* (OS881.32 and OS881.35) in respect of amending policies 2.2.4.2.b and 2.4.2.3.b, to not exempt heritage buildings altogether from minimum parking requirements but rather to amend the rules to allow these to be provided "off-site".
- 633. In coming to these decisions, we were mindful of the need to balance the desire by some submitters to provide additional, safe parking, with that of other submitters not to provide excessive parking, for non-transport reasons, such as amenity and heritage. We accept the evidence of Mr Clark that the rule sets a minimum, and consider that the actual rate of on-site parking will be modified by market expectations, which we consider appropriate in light of Objective 2.2.2 (which seeks to reduce reliance on the private motor vehicle).
- 634. We consider the introduction of Objective 2.2.2 represents a change from the operative Plan, in line with the anecdotal evidence cited by Mr Clark that inner city households are dispensing with a second car, and that a lower level of parking in the inner city might be justified. While we have suggested (as discussed in Section 3.15.1.5) that Council consider increased use of residents-only parking schemes, given the predominance of heritage buildings in the inner city, the evidence presented suggests to us the approach promoted by the *NZ Transport Agency* (OS881.32 and OS881.35) is not necessary.

3.15.1.7.5 Request to exempt situations where an existing building is split into more residential units without adding habitable rooms

- 635. We accept the submission of *Christian Jordan* (OS927.3) in respect of amending Rule 15.5.9.1 to add an exemption for existing buildings split into more residential units without adding habitable rooms.

636. We considered whether allowing this exemption, in combination with the exemption from minimum parking standards for scheduled heritage buildings (refer Rule 15.5.9.12), might create an issue. We noted however, that because the 2GP already provides an exemption for existing residential units with less than five habitable rooms to increase up to a maximum total of five habitable rooms (refer Rule 15.5.9.1.d), it is only those existing residential buildings with more than five habitable rooms which will be affected by this submission. Mr Clark's evidence relating to the role of market expectations and anecdotal evidence relating to inner city car ownership (discussed in Section 3.15.1.5) suggested to us that any adverse effects associated with the change were not likely to outweigh the positive effects of such an exemption. In coming to this conclusion, we considered the submissions seeking to minimise parking-related requirements that may prove a disincentive for heritage reuse, and contribution to other strategic considerations (including Objective 2.2.2, 2.2.4 and 2.4.1).
637. We also amend the minimum car parking performance standard in the Campus Zone (Rule 34.5.5.3) to be consistent with that of the Residential Zone (Rule 15.5.9). Discussion regarding this change is in Section 3.15.6 (Minimum car parking – Campus Zone) and is attributed to submission reference Trans 927.3.

3.15.2 Supported living facilities (including student hostels) in residential zones (Rule 15.5.9.4)

638. Rule 15.5.9.4 sets out the minimum car parking requirements for supported living facilities in the residential zones. These facilities comprise student hostels for school and tertiary students, rest homes and retirement villages. Submissions were received in respect of Rule 15.5.9.4.a, which sets out the minimum parking requirements for student hostels as:

"a. Student hostels

- i. hostels with 1 - 10 residents: 1 parking spaces*
- ii. hostels with 11 - 20 residents: 2 parking spaces*
- iii. hostels with 21 - 30 residents: 3 parking spaces*
- iv. hostels with greater than 30 residents: 3 parking spaces plus 1 additional space for every 10 additional residents (or part thereof)"*

639. The *Knox and Salmond College Board* (OS182.14) submitted in opposition to Rule 15.5.9.4.a. The submission noted that colleges are located within a 10-15min walking radius from campus, are one block away from main bus routes, and that most residents are undergraduate students without cars. The submitter considered the proposed parking requirements were well above what is required, were not justified for University residential colleges, and could affect any future development or landscaping at the colleges. The submission also noted that *Knox and Salmond Colleges* currently have more parking than the proposed standard requires.
640. The *University of Otago* (OS308.276) also opposed Rule 15.5.9.4.a and submitted that it be deleted. The submitter noted that the University's residential colleges generally cater for younger students without cars, and are located to provide ready access for walking, cycling and public transport. The submitter considered the proposed requirements were unrealistic and unnecessary and, given that resource consent was required in any case, parking issues can be dealt with through the consent without requiring a performance standard.
641. The Reporting Officer referred to advice received from the DCC parking consultants, Flow, which indicated that while student hostels typically attract lower parking rates than general residential accommodation, the rate required in the 2GP is relatively low when compared with other district plans (s42A Report, Section 5.17.2.2).

642. Ms Rodgers noted that resource consent would be required to establish a student hostel in a residential zone; and that an application to contravene the minimum car parking requirements could be considered on its merits, on a case by case basis through the resource consent process.
643. She considered that it was appropriate to include a provision for parking associated with student hostels in the residential zones because of the potential impact on residential amenity and the availability of on-street parking, should adequate on-site parking not be provided. Accordingly, she recommended that the submissions be rejected and the rule retained without amendment.¹⁶

3.15.2.1 Evidence presented at the hearing

644. Mr Murray Brass, in his written statement on behalf of the *University of Otago*, suggested that the approach promoted in the s42A Report would create practical difficulties, as car parks at student hostels were managed as part of the overall campus parking. He advised that in some cases, parks located on hostel grounds are allocated to non-hostel users, while in other cases hostel users are allocated parks elsewhere on campus. His comments were primarily in relation to hostels in the Campus Zone however – see Section 3.15.6 below.

3.15.2.2 Decision and reasons

645. We accept that residential colleges that are located within or close to the Campus provide ready access for walking and cycling. We also accept the evidence of Mr Brass that car parks in student hostels are managed as part of the overall campus parking, which suggests effects are already managed. Therefore, while we reject the submissions from *Knox and Salmond College Board* (OS182.14) and the *University of Otago* (OS308.276) insofar as they relate to deleting Rule 15.5.9.4.a, we consider it appropriate to exclude student hostels in Residential zones within 500m walking distance of the Campus Zone, in line with the overall campus parking rule framework.
646. We therefore have amended Rule 15.5.9.4.a to exempt student hostels within 500m walking distance of the Campus Zone (see Appendix 1, change attributed to submission point Trans 308.276). We also note we have deleted the minimum parking requirements for Student Hostels inside the Campus Zone rule (Rule 34.5.5.5) – see Section 3.15.6 below.

3.15.3 Minimum Car Parking - Commercial and Mixed Use Zones (Rule 18.5.6)

3.15.3.1 Submissions

647. Rule 18.5.6 sets out the minimum car parking requirements that apply to various activities in the Commercial and Mixed Use (CMU) zones.
648. *Harvey Norman Properties (NZ) Limited* (OS211.3) submitted that Rule 18.5.6 be amended to introduce a less stringent car parking requirement of one parking space per 50m² gross public floor area for bulky goods retail in the Central Business District (CBD) Zone. We note that this submitter also submitted on the proposed definition of bulky goods retail (OS211.2) and the 1500m² gross floor area threshold for general retail in the CEC zone (OS211.6). These submissions were canvassed at the CMU hearing and, as discussed in the decision and reasons section below, the decisions from the CMU hearing have a bearing on our consideration of submission point OS211.3.
649. The Reporting Officer suggested parking for bulky goods retail was only required in the CBD Edge Commercial (CEC) Zone, that there were no requirements for car parking for bulky goods retail in the other CMU zones, and as such that the

¹⁶ Minimum parking requirements for student hostels are also discussed in respect of the Commercial Mixed Use zones and the Campus Zone. See Sections 3.15.2 and 3.15.6 below.

submitter's request was already being met by Plan provisions (s42A Report, Section 5.17.3.1). It is noted that the assessment in the s42A Report is erroneous, and was based on an incorrect interpretation of rules 18.5.6.1 (now 18.5.6.12) and 18.5.6.3 (now 18.5.6.5). Bulky goods retail is a sub-activity of retail (refer Nested Tables). Therefore, Rule 18.5.6.1 applies to bulky goods retail in premises with 1500m² or more of gross public floor area in the CBD (i.e. one parking space per 25 m²). The submitter sought a less stringent parking requirement of one park per 50m².

650. *Port Otago Limited* (OS737.20) and *Chalmers Properties Limited* (OS749.22) submitted that Rule 18.5.6 be amended to ensure that on-site parking is not required in the Harbourside Edge (HE) Zone. The submitters considered that on-site car parking was not practicable for the narrow sites within the HE Zone, or in keeping with 2GP urban design and amenity requirements. These submissions were supported in further submissions from the *Otago Regional Council* (FS2381.509 and FS2381.515).
651. Ms Rodgers referred to the Commercial and Mixed Use Zones s42A Report. She advised that she agreed with the CMU Reporting Officer (Ms Emma Christmas) that allowing the required parking to be provided within a certain distance of the site (as provided for in the Campus Zone) would provide for flexibility in terms of development opportunities in the HE Zone. Taking the road hierarchy and pedestrian movements into account, Ms Rodgers considered that the parking provisions associated with activities in the HE Zone could be amended to allow for parking to be provided within 200m of a site. She recommended an additional rule to this effect be included after the tables in Rule 18.5.6 (s42A Report, Section 5.17.3.1).
652. *Bunnings Limited* (OS489.8) submitted that the minimum car parking rule for trade related retail (was Rule 18.5.6.9, now 18.5.6.8) be amended so that the car parking requirement of one parking space per 75m² of gross public floor area for trade related retail would apply to all CMU zones. This submission was supported in a further submission from *Otago Land Group Limited* (FS2149.3).
653. The Reporting Officer suggested parking for trade related retail was only required in the PPH and TR zones, that there were no requirements for car parking for trade related retail in the other CMU zones, and as such that the submitter's request was already being met by Plan provisions. This s42A assessment was also erroneous, and based on an incorrect interpretation of rules 18.5.6.1 (now 18.5.6.12), 18.5.6.2 (now 18.5.6.11) and 18.5.6.9 (now 18.5.6.8). Trade related retail is a sub-activity of retail (refer Nested Tables). Therefore, rules 18.5.6.1 (now 18.5.6.12) and 18.5.6.2 (now 18.5.6.11) apply to trade related retail in the CBD and CEC zones, and the centres and WP zones respectively, (i.e. one parking space per 25 m² of gross public floor area). The submitter sought that the less stringent parking requirement of one park per 75m² (was Rule 18.5.6.9, now 18.5.6.8) apply to trade related retail in all CMU zones. She noted however that the DCC transportation specialist, Flow, was generally supportive of a reduced rate of parking for home improvement stores when compared to other retail, and considered one park per 75m² of gross floor area to be appropriate (s42A Report, Section 5.17.3.2).
654. *Robert Francis Wyber* (OS394.38) submitted that Rule 18.5.6 be amended to require car parking for multi storey apartment buildings in the Filleul Street part of the CBD Zone to be under the buildings.
655. Ms Rodgers observed that most activities in the CBD zone do not require car parking (Rule 18.5.6). She considered that landowners and developers would make commercial decisions about whether they need car parking, whether they needed it on-site, and whether the efficiency of undergrounding car parking would be feasible. As such, she recommended that Mr Wyber's submission be rejected (s42A Report, Section 5.17.3.1).

656. The *Dunedin City Council* (OS360.2) submitted that Rule 18.5.6.17.b (now Rule 18.5.6.20.a.ii) be amended to require two parking spaces (rather than one) to correct a typographical error.
657. The Reporting Officer recommended that the proposed amendment be accepted (s42A Report, Section 5.17.3.3).
658. *Christian Jordan* (OS927.6), similar to his submission in relation to minimum parking standards in residential zones, submitted that Rule 18.5.6.17.d (now Rule 18.5.6.20.a.iv) be amended to add a further exemption whereby existing buildings converted to residential use were not required to provide car parking. We note that minimum car parking for standard Residential activities only applies in the centres, Harbourside Edge, Princes, Parry and Harrow Street (PPH), and Smith Street York Place (SSYP) zones.
659. Ms Rodgers noted that Flow supported the performance standards for parking in the 2GP and considered that an assessment to compare existing demand with proposed demand (i.e. via a resource consent process) was appropriate, and as such that the submission from Mr Jordan should be rejected. Taking this into account, together with the exemption from minimum parking requirements for residential activity in the CBD zone and residential and office activity in scheduled heritage buildings, Ms Rodgers did not support Mr Jordan's submission (s42A Report, Section 5.17.3.3).
660. The *University of Otago* (OS308.296) submitted in opposition to the minimum car parking rule for student hostels (was Rule 18.5.6.18) suggesting that student hostels generally cater for undergraduate students without cars, and are located to provide ready access for walking, cycling and public transport, and therefore should not be subject to minimum car parking requirements.
661. The Reporting Officer referred to advice received from Flow which indicated that the rate required in the 2GP is relatively low when compared with other district plans. She noted that the provisions of the 2GP require parking for student hostels in the HE, PPH and SSYP zones of the CMU zones, but that no parking is required in other CMU zones, which is consistent with the Plan provisions for standard residential activity. She considered that this was appropriate, and recommended that the submission be rejected (s42A Report, Section 5.17.3.4).¹⁷

3.15.3.2 DCC Expert Evidence

662. The DCC called Mr Ian Clark to provide transportation evidence at the hearing.
663. Speaking to his evidence in respect of minimum parking for bulky goods retail, Mr Clark accepted that bulky goods retail stores (such as furniture and home appliance stores) generally attract a lower parking rate than standard retail, due to the size of the stock they are selling and therefore the requirement for a larger floor area. He noted that this is recognised in the proposed Plan with the reduced parking rate for bulky goods retail in the CEC zone. He considered however that the lack of a specific parking standard in the CBD zone might be because bulky goods retail stores are not anticipated for this zone, rather than because the Plan anticipates the need for a larger parking requirement (although he also noted that bulky goods retail stores are a permitted activity in the CBD).
664. Mr Clark observed that the recommended proposed minimum parking rate for bulky goods retail within the CBD zone is linked to the activity status and definition of this type of retail. Therefore, if it was intended that bulky goods retail is to be allowed for within the CBD zone, a reduced parking rate for larger stores (1 per 50m²) might be appropriate, particularly as the minimum standard only applies to retail with a GFA of 1,500m² or more.

¹⁷ Minimum parking requirements for student hostels are also discussed in respect of the residential zones and the Campus Zone. See Section 3.15.1 above and Section 3.15.6 below.

665. Mr Clark then addressed the matter of minimum parking for trade related retail, noting that the same discussion about bulky goods retail applied to the minimum parking requirement for trade related retail, in that the issue was the definition (of trade related retail) and the extent to which this type of retail is allowed for in each zone. He advised that in general he supported the need for a reduced parking rate for home improvements stores (such as Bunnings) compared to general retail, and recommended that if home improvement stores are included under the definition of 'Trade Related Retail', the reduced parking rate proposed in Rule 18.5.6.9 (now 18.5.6.8) (1 per 75m²) should apply in all zones where trade related retail is allowed.
666. Speaking to his evidence in respect of excluding the Harbourside Edge Zone from minimum parking requirements, Mr Clark supported the approach recommended by the Reporting Officer, whereby the Plan provisions were amended to allow for parking to be provided within 200m of a site.
667. With regard to minimum parking standards for residential activities in the CMU zones, Mr Clark advised that he supported the performance standards included in the Plan, which effectively meant that the demand for parking associated with the current/permitted use would need to be compared against the requirement for the new/proposed use. He considered this would then lead to an assessment of the net parking effect.
668. On minimum parking standards for student hostels in the CMU zones, Mr Clark observed that student hostels typically attract lower parking rates than general residential accommodation. He noted however that the minimum parking rates proposed in the Plan (i.e. one space per 10 residents) are lower than typical minimum rates for this type of accommodation in other district plans.

3.15.3.3 Evidence presented at the hearing

669. *Bunnings Limited* called Mr Matt Norwell (planning consultant) who pre-circulated written planning evidence, in which he suggested that a parking requirement of one space per 75m² of gross floor area for trade related retail was appropriate across all zones of the 2GP, because there was no correlation between parking requirements and the underlying zoning of the land or the activity status of an activity. He considered that parking demands were, in most cases, determined by the store format, floor area and trading nature of the activity itself; and that the zoning of the land on which the activity operates on did not influence the ratio of parking required.
670. Mr Norwell observed that, with the exception of prohibited activities, the opportunity to submit an application for resource consent existed, and therefore, the 2GP should provide clear guidance as to what parking standard applied for trade related retail activities.
671. *Port Otago Limited* and *Chalmers Properties Limited* called Mr Len Andersen (legal counsel) who pre-circulated legal submissions, in which he noted that the s42A Report had accepted the amendments proposed in his clients' submissions. He advised that his clients accepted the recommendations in the s42A Report and did not wish to be heard.
672. Mr *Christian Jordan* appeared at the hearing to speak to his submission and discussed the potential impacts of exempting existing buildings being converted to residential use from the additional car parking requirements.
673. Mr Murray Brass, in his written statement on behalf of the *University of Otago*, commented on minimum parking for student hostels, but primarily in relation to hostels in the Campus Zone – see Section 3.15.6 below.

3.15.3.4 Decision and reasons

3.15.3.4.1 *Bulky goods retail*

674. *Harvey Norman Limited* (OS211.3) has submitted that Rule 18.5.6 be amended to introduce a less stringent car parking requirement of one parking space per 50m² gross public floor area for bulky goods retail in the Central Business District (CBD) Zone. It is noted that as a consequence of submissions considered at the CMU Hearing, the zoning of the Harvey Norman site has been amended from CBD Edge Commercial Zone (CEC) to CBD Zone. In addition, the 'bulky goods retail' definition has been amended to remove the requirement for 90% of the gross floor area to be for the display of bulky goods. Taking these two factors into account, we note that, under the Plan provisions, the *Harvey Norman* business comprises a bulky goods retail activity in the CBD Zone.
675. We have taken into account Mr Clark's evidence, and specifically, his advice that if bulky goods retail is to be allowed within the CBD zone, a reduced parking rate for larger stores (one per 50m²) might be appropriate. Accordingly, we accept the submission from *Harvey Norman Limited* (OS211.3), and amend Rule 18.5.6.3 (now 18.5.6.5) to also apply to bulky goods retail activities in the CBD Zone. Rule 18.5.6.5 is amended as shown in Appendix 1, where the amendment is attributed to submission point Trans 211.3.

3.15.3.4.2 *Parking in the Harbourside Edge Zone*

676. We accept in part the submissions from *Port Otago Limited* (OS737.20) and *Chalmers Properties Limited* (OS749.22) (and the further submissions from the *Otago Regional Council* (FS2381.509, FS2381.515)) which sought to amend Rule 18.5.6 to ensure parking is not required in the HE Zone. We agree that allowing the required parking to be provided within a certain distance of the site will provide for flexibility in terms of development opportunities in the HE Zone, and is consistent with the approach taken in the Campus Zone. Rule 18.5.6 is amended to add an additional clause (Rule 18.5.6.24) to enable parking associated with activities in the HE Zone to be provided within 200m walking distance of the site the activity is on (see Appendix 1, where the addition is attributed to submission point Trans 737.20).

3.15.3.4.3 *Trade related retail*

677. *Bunnings Limited* (OS489.8) has submitted that the Minimum Car Parking performance standard for trade related retail activity in the Princes, Parry and Harrow Street and Trade Related zones (Rule 18.5.6.9 in the notified 2GP, now 18.5.6.8)¹⁸ be amended so that the car parking requirement of one parking space per 75m² of gross public floor area for trade related retail would apply to all CMU zones. This submission was supported in a further submission from *Otago Land Group Limited* (FS2149.3). It is noted that *Bunnings* were also concerned that the *Bunnings* operation was potentially not defined as trade related retail (refer submission point CMU 489.1). This matter was canvassed at the CMU Hearing, where it was established that home improvement stores such as *Bunnings* are included within the trade related retail definition.
678. We have taken into account Mr Clark's evidence, and specifically, his advice that if home improvement stores are included in the definition of trade related retail, (which they are) the reduced parking rate proposed in notified Rule 18.5.6.9 (one per 75m²) should apply in all zones where trade related retail is allowed. Accordingly, we accept in part the submission from *Bunnings Limited* (OS489.8), and amend Rule 18.5.6.8 to also apply to trade related retail in the Warehouse Precinct and CEC zones (i.e. to apply to all zones where trade

¹⁸ The activities within minimum car parking rule 18.5.6 have been re-numbered. The parking performance standard for trade related retail (formerly 18.5.6.9) is now 18.5.6.8.

related retail is permitted). Rule 18.5.6.8 is amended as shown in Appendix 1, where the amendment is attributed to submission point Trans 489.8.

679. We note that the layout, order and relationship between the sub-clauses of the Minimum Car Parking performance standard (Rule 18.5.6) have caused confusion for Plan users. For example, having the category of Retail (which was intended as a catch-all provision) listed before the specific sub-activities has resulted in some Plan users interpreting that the general provision applies without reading on to find the specific provision. For clarity and to aid with Plan interpretation we have restructured the performance standard to explicitly show by activity and then relevant zone, the specific minimum parking rate for each activity. These changes have been made pursuant to Clause 16 of the First Schedule to the RMA.

3.15.3.4.4 Parking for multi-storey apartment buildings in the Filleul Street part of the CBD

680. We reject the submission from *Robert Francis Wyber* (OS394.38) in respect of amending the Minimum Car Parking performance standard (Rule 18.5.6) to require car parking for multi storey apartment buildings in the Filleul Street part of the CBD Zone to be under the buildings, for the reasons set out in the s42A Report. We note there is no parking requirement for residential activities in the CBD Zone. Furthermore, Filleul Street is within a Secondary Pedestrian Street Frontage mapped area, where land use and development activities are required to maintain visual and environmental amenity for pedestrians.

3.15.3.4.5 Parking for residential activities in the CMU zones

681. We accept the *Dunedin City Council* (OS360.2) submission that Rule 18.5.6.17.b be amended to correct a typographical error relating to the number of parking spaces required for Standard Residential activities in some of the commercial and mixed use zones. Rule 18.5.6.17.b (now 18.5.6.20.a.ii) is amended as shown in Appendix 1 (attributed to submission reference Trans 360.2).
682. We accept in part the submission from *Christian Jordan* (OS927.6) who sought an amendment to Rule 18.5.6.17.d (now 18.5.6.1.t) to add a further exemption from car parking for existing buildings converted to residential use. We consider it appropriate that in the centres zones, no parking spaces be required for an existing building converted to Residential activity with less than five habitable rooms. Our reasons are similar to those given in response to another submission from *Christian Jordan* (OS927.3) in Section 3.15.1. An additional exemption clause is added to Rule 18.5.6.17.d (now 18.5.6.1.t) accordingly, as shown below and in Appendix 1 (attributed to submission reference Trans 927.6):

"Except:

- 1. where sites with less than 5 habitable rooms have no existing parking, no additional parking is required for additions that increase the number of habitable rooms to 5 (or fewer), provided no additional residential units are created; ~~and~~ {Trans 927.6}*
- 2. where the provision of an on-site parking space for sites with 1-5 habitable rooms would result in the loss of an on-street parking space, no parking space is required; and*
- 3. in centres, no parking space is required where an existing building is converted to residential activity with fewer than five habitable rooms. {Trans 927.6}"*

3.15.3.4.6 Parking for student hostels in the CMU zones

683. We accept that residential colleges are located close to campus and provide ready access for walking and cycling. Therefore, we consider it appropriate to take the same approach as for student hostels in the residential zones (see Section 3.15.2 above for reasons). Accordingly, we accept in part the

submission from the *University of Otago* (OS308.296) and exclude student hostels in the CMU zones that are within 500m of the Campus Zone from the minimum car parking standard. Rule 18.5.6.19 (now 18.5.7.s) is amended as shown in Appendix 1, where the amendment is attributed to submission point Trans 308.296.

3.15.4 Minimum car parking – Industrial zones (Rule 19.5.6)

684. Rule 19.5.6 sets out the minimum car parking requirements for various activities in the Industrial zones.

3.15.4.1 Submissions and Reporting Officer's s42A response

685. As part of a wider submission seeking to provide for trade related retail as a permitted activity in the Industrial Zone, *Bunnings Limited* (OS489.12) sought to amend Rule 19.5.6 to provide for trade related retail, at a ratio of one parking space per 75m² of gross floor area.
686. *Fonterra Limited* (OS807.46) submitted that Rule 19.5.6 be amended to provide a separate standard for the Fonterra site at Mosgiel, on the grounds that the site had a low proportion of staff and visitors to gross floor area, and as such that the generic parking standard did not represent the actual parking demand on that site.
687. *Ravensdown Limited* (OS893.3, OS893.37 and OS893.46) submitted that the proposed parking standard was onerous and unnecessary for lawfully established large scale industrial activities that do not generate traffic and provide adequate car parking to meet the demand. The submission sought that the rule be amended to exempt these existing activities, and associated changes to the activity status table (Rule 19.3.3.2) and the parking, loading and access performance standards (Rule 6.6).
688. *The Otago Chamber of Commerce* (OS1028.8) supported the reduced requirement for companies to provide parking in industrial zones.
689. The Reporting Officer responded to the submission from *Bunnings Limited*, noting that if an application was lodged for a trade related retail activity in the industrial zones, as a non-complying activity, the adequacy of on-site parking would be addressed as part of that process. As such, she recommended that the submission from *Bunnings* be rejected (s42A Report, Section 5.17.4.1).
690. With regard to the submission from *Fonterra Limited*, she observed that the provision sought was already provided for in Rule 19.5.6, and that no change was necessary to achieve the outcome requested by the submitter.
691. Similarly, with regard to *Ravensdown Limited*, Ms Rodgers noted that parking, loading and access requirements would only apply to new activities, and that existing lawfully established activities will have existing use rights. As such, she considered no change to the rule was necessary.
692. In addition, a submission point from *Cadbury Limited* (OS1015.17) was addressed in the Industrial s42A Report. That submission sought to amend Rule 19.5.6 to include a site specific exemption for the Cadbury Factory and associated Cadbury World restaurant and tourism operation. The Industrial Zones Reporting Officer, Mr Peter Rawson, noted that in a further submission to a submission by the *Property Council New Zealand* (CMU 317.62), *Cadbury Limited* (FS2451) had also requested that the part of 280 Cumberland Street occupied by the Cadbury World, Cafe and office space be rezoned from Industrial Zone to the CBD Zone. Further submission (FS2451) was considered in the Commercial and Mixed use zones s42A Report, in which the CMU Reporting Officer, Ms Emma Christmas recommended that the Cadbury World Café and Office be rezoned from Industrial to CBD.

3.15.4.2 Evidence presented at the hearing

693. *Bunnings Limited* called Mr Matt Norwell, who pre-circulated written planning evidence, in which he noted that the s42A Report rejected the relief sought by Bunnings because trade related retail is a non-complying activity in the Industrial zones. He suggested there was no correlation between parking requirements and the underlying zoning of the land or the activity status of an activity. He considered that parking demands were, in most cases, determined by the store format, floor area and trading nature of the activity itself; and that the zoning of the land on which the activity operates on did not influence the ratio of parking required.
694. Irrespective of trade related retail being a non-complying activity in the Industrial zones, Mr Norwell observed that, with the exception of prohibited activities, the opportunity to submit an application for resource consent existed, and therefore, the 2GP should provide clear guidance as to what parking standard applied for trade related retail activities.

3.15.4.3 Decision and reasons

695. With regard to the submission from *Bunnings Limited* (OS489.12) that the minimum parking rule be amended to include parking provisions for trade related retail, we note that in the Industry Decision Report, the *Bunnings'* submission for trade related retail to be provided for as a permitted activity in the Industrial zones was rejected. In that decision, the approach of having a non-complying activity status for trade related retail (and other commercial activities) in Industrial zones was supported on the basis that the 2GP provides for trade related retail activities through the establishment of a Trade Related Zone, as well as by allowing trade related retail in most other Commercial and Mixed Use zones. The non-complying activity status will enable the issue of whether there is adequate car parking provided for any proposed trade related retail activity to be considered as part of a resource consent application on a case by case basis.
696. With regard to the submissions from *Bunnings Limited*, *Fonterra Limited* and *Ravensdown Limited*, we note that the current activities of these submitters have existing use rights (assuming they have been lawfully established) and consequently that the requirement for resource consent would only be triggered by a change to, or expansion of, their respective activities.
697. With regard to the submission from *Cadbury Limited* (OS1015.17) that Rule 19.5.6 be amended to include a site specific exemption for the Cadbury Factory and associated Cadbury World restaurant and tourism operation, we note that as a consequence of the Commercial and Mixed Use Zones decision, the entire Cadbury's site is to be zoned CEC-North. Consequently Rule 19.5.6 does not apply to the site. Furthermore, the various *Cadbury* activities are no longer operating from the site.
698. Accordingly, we reject the submissions from *Bunnings Limited* (OS489.12), *Fonterra Limited* (OS807.46), *Ravensdown Limited* (OS893.3, OS893.37 and OS893.46), and *Cadbury Limited* (OS1015.17), and Rule 19.5.6 is retained without amendment except for the additional parking requirements included for emergency services which we decided as a result of the Cross Plan Hearing (CP 945.36) – see Section 3.2.2 of the Cross Plan: Emergency Services and Defence Facilities Decision Report.

3.15.5 Minimum car parking – Major Facilities Zones

3.15.5.1 Ashburn Clinic (Rule 21.5.4)

699. Rule 21.5.4 sets out the minimum car parking requirements for activities within the Ashburn Clinic Major Facilities Zone (80 parking spaces, including three mobility spaces).

3.15.5.1.1 *Submissions and Reporting Officer's s42A response*

700. *Ashburn Clinic* (OS32.3) sought an amendment to Rule 21.5.4 to reduce the minimum car parking from 80 to 50 with two mobility car parks (which as we understand it matches the on-site parking provided at present). The submitter considered that 50 car parks were adequate for day to day requirements and observed that additional areas were available for overflow of car parking as required, which was a rare occurrence usually caused by public or community events.
701. The Reporting Officer considered the submitter had not provided any reason to support the reduction in the total number of car parks and mobility parks. She advised that the understanding at the time the 2GP was notified was that the numbers reflected existing parking on site, and suggested the submitter provide some clarification of this at or prior to the hearing. In the absence of any further information provided at that time, she recommended that the submission be rejected (s42A Report, Section 5.17.4.2).

3.15.5.1.2 *Decision and reasons*

702. We accept the submission from *Ashburn Clinic* (OS32.3) and Rule 21.5.4 (Minimum car parking) is amended to require a minimum of 50 car parks with at least two mobility parks to match the existing provision on site. Amendment shown in Appendix 1 (Trans 32.3). Our reason for accepting this is that there were no submissions in opposition, and no evidence that the lower car parking requirement would result in on-street parking issues.

3.15.5.2 *Dunedin Hospital (Rule 23.5.4)*

703. Rule 21.5.4 sets out the minimum car parking requirements for activities within the Dunedin Hospital Major Facilities Zone. Rule 23.5.4.1 requires a minimum of 212 parking spaces, including six mobility spaces.

3.15.5.2.1 *Submissions and Reporting Officer's s42A response*

704. The *Southern District Health Board* (OS917.37) opposed Rule 23.5.4.1, and sought a reduction in the number of parks required, to 184 parking spaces (including the six mobility spaces) rather than 212. They suggested that if the intention was to set a baseline of how many car parks were available on the Dunedin Hospital site at the point of notification of the 2GP, the number should be 184 rather than 212.
705. The Reporting Officer advised the number of parks indicated in the rule reflected what was believed to be the existing number of on-site car parking spaces associated with Dunedin Hospital. She noted that this information appeared to be inaccurate, and recommended that the submission be accepted, and Rule 23.5.4.1 amended to reflect the correct number of parks on the site (s42A Report, Section 5.17.4.3).

3.15.5.2.2 *Decision and reasons*

706. We have taken into account the Reporting Officer's advice and have amended Rule 23.5.4.1 to reduce the number of parks required to 184, including six mobility spaces. We accept the submission from the *Southern District Health Board* (OS917.37), and Rule 23.5.4.1 is amended as shown in Appendix 1, where the amendment is attributed to submission point Trans 917.37.

3.15.5.3 Schools (Rule 31.5.5)¹⁹

707. Rule 31.5.5 sets out the minimum car parking requirements for schools and student hostels. Rule 31.5.5.1.b requires that, for certain schools (set out in Rule 31.5.5.1.a), one parking space must be added for each classroom added after 26 September 2015.

3.15.5.3.1 Submissions and Reporting Officer's s42A response

708. The *Ministry of Education* (OS947.19) sought the deletion of clause b from Rule 31.5.5.1, because the *Ministry of Education* did not have sufficient funds to increase the level of hardstand areas for parking ahead of essential education property needs. They noted that in some cases schools have insufficient playing fields, and that it would be counterintuitive to reduce the area of playing fields available (to provide for parking). This was supported by a further submission from *St Hilda's Collegiate School Inc* (FS2195.1).
709. The Reporting Officer advised that the DCC consultant parking specialists considered the addition of classrooms would increase the demand for staff and student travel and therefore might have an impact on the demand for parking. They considered that for the sake of simplicity there should be a performance standard but that it would be appropriate to consider the effects of not providing on-site parking through assessment matters, on a case by case basis.
710. The Reporting Officer noted that the assessment matters outlined in Rule 6.9.3.6 for non-compliance with minimum car parking list two matters of discretion: effects on accessibility; and effects on the safety and efficiency of the transport network. In terms of effects on accessibility, she noted Objective 6.2.2 provides for land use activities that are accessible by a range of travel modes, and Policy 6.2.2.1 requires land use whose parking demand cannot be met by the public parking supply, or that would significantly affect the availability of the supply for surrounding activities, to avoid excessive pressure on publicly available parking in the vicinity of the site, and to avoid, or if avoidance is not possible, mitigate adverse effects on availability of public parking in the vicinity.
711. She was of the opinion that a parking provision that requires an on-site parking space for each new classroom was appropriate, and that the parking space would effectively provide parking for a staff member (teacher). The 2GP has objectives, policies and assessment matters to allow schools to demonstrate that the provision of a parking space is not required or that there would be effects on the surrounding parking supply that would be no more than minor. Accordingly, she recommended that the submission be rejected (s42A Report, Section 5.17.4.5).

3.15.5.3.2 Decision and reasons

712. We accept the evidence of the Reporting Officer that it is appropriate that schools demonstrate that a parking space is not required or will have effects that are no more than minor, on a case by case basis, and that this is provided for in the existing 2GP provisions as a restricted discretionary activity. Accordingly, we reject the submission from the *Ministry of Education* (OS947.19) and the further submission from *St Hilda's Collegiate School Inc* (FS 2195.1). Rule 31.5.5.1 is retained without amendment.

3.15.5.4 Stadium (Rule 32.5.5)

713. Rule 32.5.5 sets out the minimum car parking requirements for Major Recreation Facility activities (163 parking spaces, including five mobility

¹⁹ Kate Wilson did not participate in the discussion, deliberations or decision-making for this subject.

spaces). This reflects the existing number of carparks on the stadium site at the time the 2GP was notified.

3.15.5.4.1 Submissions and Reporting Officer's s42A response

714. The *Otago Polytechnic Students Association* (OS268.7) suggested that facilities with larger car parking areas be required to provide a minimum number of priority parks for electric vehicles, to encourage the usage of such vehicles.
715. The Reporting Officer did not consider that making specific provision for parking spaces exclusively for electric vehicles was appropriate in the context of the RMA, and was not covered by any 2GP objectives or policies. She observed that the submitter had not provided any evidence in their submission to support making provision for electric vehicle parking as being a relevant RMA matter (s42A Report, Section 5.17.4.6).

3.15.5.4.2 Decision and reasons

716. We reject the submission from the *Otago Polytechnic Students Association* (OS268.7) to require larger car parking areas to set aside a minimum number of parks for electric vehicles. We consider that it is appropriate for the land user to determine which parts of parking areas are reserved for the various modes of transport, and therefore we retain Rule 32.5.5 without amendment.

3.15.5.5 Wakari Hospital (Rule 35.5.4)

717. Rule 35.5.4 sets out the minimum car parking requirements for activities within the Wakari Hospital Major Facilities Zone. Rule 35.5.4.1 requires a minimum of 600 parking spaces, including 13 mobility spaces.

3.15.5.5.1 Submissions and Reporting Officer's s42A response

718. The *Southern District Health Board* (OS917.39) opposed Rule 35.5.4.1, and sought a reduction in the number of parks required, to 555 parking spaces rather than 600. They suggested that if the intention was to set a baseline of how many car parks were available on the Wakari Hospital site at the point of notification of the 2GP, the number should be 555 rather than 600.
719. The Reporting Officer advised the number of parks indicated in the rule was intended to reflect the existing number of on-site car parking spaces. She observed that this appeared to have been incorrectly stated, and recommended that the submission be accepted, and Rule 35.5.4.1 amended to reflect the correct number (s42A Report, Section 5.17.4.7).

3.15.5.5.2 Decision and reasons

720. We have taken into account the Reporting Officer's advice and have amended Rule 35.5.4.1 to reduce the number of parks required to 555, including 13 mobility spaces. Accordingly, we accept the submission from the *Southern District Health Board* (OS917.39), and Rule 35.5.4.1 is amended as shown in Appendix 1, where the amendment is attributed to submission point Trans 917.39.

3.15.6 Minimum car parking – Campus Zone (Rule 34.5.5)

721. Rule 34.5.5 sets out the minimum car parking requirements for land use activities in the Campus Zone.
722. The minimum parking requirements for campus activities (Rule 34.5.5.1) are also discussed in Section 3.4 above, where the option of trading minimum parking requirements for alternative transport initiatives was considered.

3.15.6.1 Submissions and Reporting Officer's s42A response

723. The *University of Otago* (OS308.366) submitted that the minimum parking standards rule for restaurants ancillary to campus (Rule 34.5.5.2) be deleted, because ancillary restaurants were an integral part of the *University*, and already covered by Rule 34.5.5.1.
724. The Reporting Officer agreed with the submitter and recommended that the rule be deleted (s42A Report, Section 5.17.5.3).
725. The *University of Otago* (OS308.367) submitted that the minimum parking rule for standard Residential activity (Rule 34.5.5.3) be amended by deleting the words "for sites with 1-5 habitable rooms". The University considered that there were instances where the provision of two or more parks on-site would result in the loss of at least as many on-street parks, and as such that the rule should not be limited to sites where only one park is required.
726. The Reporting Officer referred to advice received from the DCC parking consultant (Mr Clark), which suggested that any reduction in parking provisions be assessed through a resource consent process on a case by case basis. Ms Rodgers considered this to be the most appropriate way forward and recommended that the submission be rejected (s42A Report, Section 5.17.5.4).
727. The *Otago Polytechnic Students' Association* (OS268.10) submitted that the minimum parking rule for "working from home" activities (Rule 34.5.5.4) be amended to allow for one vehicle per business to be parked on the street, because the requirement might be difficult for a start-up business based in a flat that had no car parking.
728. The Reporting Officer considered it was appropriate that any vehicles associated with working from home be provided for in terms of on-site parking. She noted that if there were no vehicles associated with an activity, there was no parking requirement and recommended that the submission be rejected (s42A Report, Section 5.17.5.2).
729. The *University of Otago* (OS308.368) submitted that the minimum parking standards for student hostels (Rule 34.5.5.5) be deleted, because residential colleges within the Campus Zone were within easy walking distance of the entire campus, and generally catered for younger students without cars. The submission observed that the small number of resident and staff parks were currently accommodated within the overall campus parking requirement, so no further provision was required. This submission was supported in a further submission received from the *Otago Polytechnic* (FS2448.29).
730. The Reporting Officer referred to advice received from the DCC parking consultants, Flow, which indicated that while students were more likely to walk between activities/land uses, some students might choose to own a car, in which case it will be parked for most of the time, meaning that there could be a greater need for on-site parking requirements for hostels on campus than hostels that are off campus (s42A Report, Section 5.17.5.5).
731. The Reporting Officer noted that, as discussed in relation to student hostels outside of the Campus Zone²⁰, the requirement for parking was low when compared to other cities. Taking Mr Clark's advice into account, she considered it was appropriate to retain a parking requirement for all new student hostels in the Campus Zone, and recommended that the submissions be rejected.
732. The *University of Otago* (OS308.369, OS308.370, OS308.371 and OS308.372) submitted that the minimum car parking performance standard for Sport and Recreation, Entertainment and Exhibition, Industrial, and Conference, Meeting and Function activities respectively (rules 34.5.5.8, 34.5.5.9, 34.5.5.10 and 34.5.5.11) be deleted, because these activities within the campus generate low

²⁰ Minimum parking requirements for student hostels are also discussed in respect of the residential zones and the commercial mixed use zones. See Sections 3.15.1 and 3.15.3 above.

numbers of vehicles, and are accommodated within the overall campus parking requirement, so no further provision was required.

733. The Reporting Officer referred to advice obtained from Flow, who considered that the activities covered by the respective rules had the potential to generate significant parking demand. Taking this into account, she recommended the submissions be rejected (s42A Report, Section 5.17.5.6).

3.15.6.2 DCC expert evidence

734. The DCC called Mr Ian Clark to provide transportation evidence at the hearing.
735. Speaking to his evidence in respect of parking standards for Restaurant activities ancillary to campus, Mr Clark accepted that restaurants within the campus grounds were unlikely to attract a high parking demand, and that it was to be expected that most customers would be walking from within the campus. He suggested however that there was a need to allow for some parking for staff, but that this could be taken into account in the overall FTEs on the campus.
736. With regard to minimum parking standards for Residential activities in the Campus Zone, Mr Clark agreed that site distance requirements may require more than one parking space to be removed to access on-site parking. He noted however that linking the reduction in on-site parking to the availability of on-street parking might result in future issues (should, for example, the DCC wish to remove any parking for streetscape upgrades or cycle lanes etc.). Accordingly, he recommended that any reductions be assessed on a case by case basis, or restricted to streets where this was unlikely to be an issue in the future.
737. Mr Clark responded to the submission seeking the deletion of the parking performance standard for student hostels on campus. He noted that while the majority of student-related trips within the campus were likely to be on foot, some students might own a car, in which case it will be parked for most of the time, meaning that there could be a greater on-site parking requirement for hostels on campus than hostels just off campus. Accordingly, he considered that the hostel parking requirement should be additional to the campus activity requirement. He suggested the rate of one space per 10 residents was quite low compared with the requirement in other cities.
738. Mr Clark then responded to the submissions seeking the deletion of the rules relating to minimum parking standards for sport and recreation, entertainment and exhibition, industrial, and conference, meeting and function activities. He observed that the parking demand for these activities depended on the extent to which they were ancillary to campus activities, and on how much growth was allowed for under the overall minimum parking requirement rule for campus activities within the Campus Zone (Rule 34.5.5.1). He considered the activities covered by the respective rules had the potential to generate significant parking demand, which might not necessarily be ancillary to the campus.
739. He agreed there would be many opportunities for shared or managed parking, and that this was preferable over the creation of additional parking spaces. Notwithstanding this, he advised that if the University was permitted to develop these activities within the Campus Zone as of right, a mechanism to allow the DCC to assess the potential effect on parking was recommended. Consequently, he recommended that the minimum parking requirements be retained but that assessment criteria be designed to allow the University to demonstrate how the activity was ancillary to the campus, would generate low parking demand and/or how parking could be found elsewhere on the campus.

3.15.6.3 Evidence presented at hearing

740. Mr Murray Brass, in his written statement on behalf of the *University of Otago* addressed the various submission points made by the University (OS308.366, OS308.367, OS308.368, OS308.369, OS308.370, OS308.371 and OS308.372).

741. With regard to parking standards for “restaurant activities ancillary to campus”, Mr Brass noted that the Reporting Officer had recommended that the rule be removed, and that he supported this.
742. On the matter of minimum car parking for residential activities, he responded to the s42A Report assessment, suggesting that there would always be uncertainty over what roading developments could occur in the future, and as such that a consent process was unlikely to offer any significant advantage compared to a Plan provision. He considered that the request made in the *University's* submission remained valid, and suggested the following amendments to rule 34.5.5.3.d.ii:
- ~~“where the provision of an on-site parking space for sites with 1-5 habitable rooms would result in the loss of the same number of, or more, an on-street parking spaces, no parking space is required.”~~*
743. He recommended that, for consistency, the same change apply as a consequential amendment to equivalent provisions in other zones (such as Rule 15.5.9.1 for the Inner City Residential Zone).
744. With regard to parking for student hostels within the Campus Zone, Mr Brass suggested that retaining the parking requirement in Rule 34.5.5.5 would create practical difficulties, as parks at student hostels were managed as part of the overall campus parking. He noted there were 286 such parks which counted towards the Parking Protocol calculation, and in some cases parks located on hostel grounds are allocated to non-hostel users, while in other cases hostel users are allocated parks elsewhere on campus. He observed that if hostels are treated individually, parking provision ranged from one park per 30 residents to one park per 1.5 residents.
745. Mr Brass suggested that hostels located outside the Campus Zone would be covered by clause d.iv of Rule 34.5.5.1²¹, but this would not apply to hostels within the Campus Zone. He recommended that student hostels within the Campus Zone be covered within the overall campus parking provision, but that the rule apply to other hostels, albeit amended as follows:
- “Student Hostels – Minimum Car parking:
Hostels where parking is managed as part of Campus Activity parking must comply with Rule 34.5.5.1.
Hostels where parking is not managed as part of Campus Activity parking shall comply with the following standards:....”*
746. In his evidence, Mr Brass then addressed the *University's* submissions seeking the deletion of the rules relating to minimum parking standards for sport and recreation, entertainment and exhibition, industrial, and conference, meeting and function activities. He asserted that, to a large extent how the rules worked in practice depended on what is covered by the definition of ‘campus activity’. He suggested that if that definition encompassed the full range of the *University's* activities, parking for these activities could be managed across the campus, as currently happens, and that stand-alone activities which were not part of campus activity would still need to meet the requirements.
747. Notwithstanding this, he also noted that if any of the activities were not covered by the “campus activity” definition, it would be impractical to provide parking provision for those activities, and that the *University's* original submission points remained valid in any case.
748. The *Otago Polytechnic* (FS2448.29) called Ms Louise Taylor (consultant planner) to provide planning evidence at the hearing. Mr Philip Cullen (Deputy Chief Executive, Otago Polytechnic) also attended the hearing.

²¹ This is not the case. Hostels outside of the Campus Zone are subject to the rules and provisions of whatever zone they are located within.

749. Ms Taylor addressed the minimum parking performance standard for hostels within the Campus Zone, noting that the *Polytechnic* supported the *University's* submission, on the basis that parking requirements for Hostel activities could be accommodated into the parking provision for the overall campus.
750. In her opinion, car parks required for hostels separate to the institution's overall obligations was tantamount to double counting. She believed that if the institutions chose to include car parking provided by hostels in the campus wide figure, this should be their choice as it would cover the total number of FTE staff and students. She suggested students who resided at a hostel were very unlikely to use their vehicles to drive to lectures, but might keep a car on campus for weekend or supermarket type activities. They would therefore be covered by the FTE student number in the rule.
751. She agreed with the amendment to Rule 34.5.5.5 proposed by Mr Brass in his evidence, and considered that this clause would resolve the matter appropriately without risk of additional effects or pressures generated.

3.15.6.4 Decision and reasons

3.15.6.4.1 *Restaurant activities ancillary to campus*

752. We accept the submission from the *University of Otago* (OS308.366) to remove the minimum car parking requirement for restaurant activities ancillary to campus (Rule 34.5.5.2) as these restaurants are required to be inward facing, and are intended to be primarily servicing the staff and students at the tertiary institutions.
753. The amendments required for this Decision, including consequential amendments, are:
- Delete reference to the Minimum Car Parking performance standard from the Campus Zone Activity Status Table for "restaurant activities ancillary to campus" (Rule 34.3.3.14). We note that this is also erroneously linked to "retail activities ancillary to campus" which does not have a minimum car parking requirement. This amendment will also resolve that inconsistency.
 - Delete the Minimum Car Parking performance standard for "restaurant activities ancillary to campus" in the Campus Zone (Rule 34.5.5.2).

3.15.6.4.2 *Residential activities in the Campus Zone*

754. We accept the submission from the *University of Otago* (OS308.367) to reduce the minimum on-site parking requirements for residential activities when on-street parking is lost. We agree that there may be residential activities with greater than five habitable rooms that in attempting to meet the minimum parking requirements may result in the loss of multiple on-street parks. Rule 34.5.5.3.d.ii is amended as follows:

"where the provision of ~~an~~ the on-site parking ~~space for sites with 1-5 habitable rooms required by this standard~~ would ~~result in~~ require an equivalent or greater the loss of ~~an~~ on-street parking spaces (for example, for sites with 1-5 habitable rooms meeting the standard would result in the loss of an on-street parking space), no on-site parking space is required provided the on-street parking is retained {Trans 308.367}."

755. We have noticed a duplication of minimum car parking performance standards and have therefore deleted reference to performance standards of the Inner City Residential Zone (see Rule 15.3.3) from Rule 34.3.3.20, attributed to submission reference Trans 308.367. We have also deleted reference to the

minimum car parking standard in Rule 34.3.3.21, which is discussed in Section 3.4 and attributed to submission reference Trans 308.368.

3.15.6.4.3 *Working from home activities in the Campus Zone*

756. We reject the submission from the *Otago Polytechnic Students' Association* (OS268.10) and Rule 34.5.5.4 is retained without amendment. We consider that the Minimum Car Parking performance standard for working from home in the Campus Zone (Rule 34.5.5.4) is appropriate as it only requires on-site car parking for those working from home activities that have vehicles associated with them.

3.15.6.4.4 *Student hostels in the Campus Zone*

757. As discussed in Sections 3.15.2.2 and 3.15.3.4.6 above, we accept that residential colleges (which are managed as student hostels in the 2GP) that are located within or close to the campus provide ready access for walking and cycling. We have therefore accepted the submission from the *University of Otago* (OS308.368) and the further submission from the *Otago Polytechnic* (FS2448.29) in part and delete Rule 34.5.5.5, as shown in Appendix 1 (attributed to submission point Trans 308.368). Consequentially, we have deleted reference to the minimum car parking performance standard for student hostels in the activity status table (Rule 34.3.3.21).

3.15.6.4.5 *Other activities in the Campus Zone*

758. We reject the submissions from the *University of Otago* (OS308.369, OS308.370, OS308.371 and OS308.372) to delete the Minimum Car Parking performance standards for sport and recreation, entertainment and exhibition, industrial, and conference, meeting and function activities respectively (Rules 34.5.5.8, 34.5.5.9, 34.5.5.10 and 34.5.5.11) are retained without amendment. We agree with the advice from Mr Clark that these activities have the potential to generate significant traffic movements and may not be ancillary to campus activities, therefore we consider it appropriate for there to be minimum car parking requirements for them.

3.15.7 Assessment of contraventions of minimum parking standard (Rule 6.9.3.6)

759. Rule 6.9.3.6 details how contraventions of the minimum car parking performance standards across the management and major facilities zones are to be assessed. The rule includes a number of "Potential circumstances that may support a consent application", including Rule 6.9.3.6.a.vi, which states:

"The applicant is proposing to provide a sufficient number of parking spaces to meet the minimum car parking performance standard, but some or all of these parking spaces are to be provided on a site other than the site on which the land use activity is taking place, and all of the following conditions are met:

- 1. all required mobility parking spaces will be provided on the same site as the land use activity;*
- 2. all required parking spaces are within 250m of the site on which the land use activity is taking place;*
- 3. all required parking spaces are legally available to users of the land use activity via binding long term agreement; and*
- 4. there are/will be adequate safe pedestrian crossing points for pedestrians moving between the parking area and the site, if there are roads to cross."*

- 760. The *University of Otago* (OS308.154) considered that the requirements for mobility parking to be on the same site, and for all parking spaces to be within 250m of the site, were not realistic and should be removed or revised so they apply across the overall campus.
- 761. This submission was supported in a further submission from the *Otago Polytechnic* (FS2448.11) who considered it appropriate to take into account the diffuse nature of campus development, which might make compliance with sub-clauses (1) and (2) impractical.
- 762. The Reporting Officer suggested that Rule 34.5.5.1.c provides for campus activity parking to be provided within 500m of the Campus Zone to allow flexibility, and to provide in part for the parking leased by the University at the Dunedin Stadium, but that other activities in the Campus Zone did not have the same provision.
- 763. She advised that the assessment matters in Rule 6.9.3.6 would only become relevant in the event of a contravention of a parking requirement Rule 34.5.5. In a general sense, she considered it appropriate that mobility parking be provided on the site to which it relates, but noted that in the case of campus activity, there was flexibility to provide the parking over a larger area.
- 764. For all other activities in the Campus Zone which have minimum car parking requirements, the Reporting Officer believed it was appropriate that parking be provided on-site, or be subject to the assessment criteria outlined in Rule 6.9.3.6. Accordingly, she recommended that the submissions be rejected, and the rule retained without amendment (s42A Report, Section 5.13.1.3)

3.15.7.1 Evidence presented at the hearing

- 765. Mr Murray Brass, in his written statement on behalf of the *University of Otago* (OS308.154) suggested that to a large extent, how the assessment rule worked depended on what was covered by the definition of "campus". He considered that if that definition encompassed the full range of the University's activities, it would allow parking to be managed across the campus, but that if elements of the University's operation were not covered by the definition, difficulties could arise. He advised that overall, the University would rather manage parking so that mobility parks are provided close to main buildings and in locations where there is a particular need, rather than at a stand-alone car park.
- 766. In his statement, Mr Brass noted that if the decision on the definition for "campus" resulted in a broad definition, he agreed with the s42A Report that modifications were not required to the parking provisions. However, if that was not the case, he encouraged favourable consideration of the University's submission.
- 767. The *Otago Polytechnic* (FS2448.11) called Ms Louise Taylor to provide planning evidence at the hearing. Ms Taylor reiterated the Polytechnic's support for the University's submission. She observed that given the large area of the Campus Zone and the dispersed nature of activities within it, together with the efficiencies to be gained by managing parking on a campus-wide rather than individual activity basis, sub-clauses 1 and 2 of the assessment rule could be improved.

3.15.7.2 Decision and reasons

- 768. As explained by the Reporting Officer, parking for Campus activity may be provided within 500m of the Campus Zone, as drafted this appears to include mobility car parking.
- 769. As outlined in Section 3.15.6 of this report, based on similar concerns by the *University* and the *Otago Polytechnic*, we have amended the minimum parking requirements to remove car parking requirements for Student hostels and Restaurants ancillary to Campus activity within the Campus Zone, and for

Student hostels within 500m walking distance of the Campus Zone. We also, in the Major Facilities decision, made amendments to the definition of Campus activity and added a new activity "Campus-affiliated office activities" as a permitted activity with no minimum parking requirements. In addition to the ability for parking for Campus activity to be supplied within 500m of the Campus Zone, this leaves very few activities subject to minimum parking requirements (for example Standard residential activities, Entertainment and exhibition, Conference, meeting and function; and the Registered health practitioners which was added as a permitted activity as a result of a decision we made in the Major Facilities topic).

770. Therefore, while we reject the submission from the *University of Otago* (OS308.154) in respect of amending the assessment guidance for the location of parking (and mobility parking) spaces within Rule 6.9.3.6.a, we note that these other amendments will give partial relief to the submitter on the matters raised through this submission.

3.16 Vehicle Loading

3.16.1 Minimum Vehicle Loading – Commercial and Mixed Use Zones

771. Rule 18.5.7 sets out the following minimum vehicle loading for the Harbourside Edge Zone:

<i>"a. Industry</i>	<i>1 loading space, to accommodate an 8m rigid truck...</i>
<i>b. Visitor Accommodation</i>	<i>Visitor accommodation based on guest rooms (eg hotels) for 50 or more guest rooms: 1 loading space, to accommodate a coach..."</i>

772. *Port Otago Limited* (OS737.21) and *Chalmers Properties Limited* (OS749.23) sought to amend Rule 18.5.7 to ensure that on-site parking, loading spaces and coach parking are not required in the Harbourside Edge Zone. The submitters considered that on-site car parking, loading and coach parking was not practicable for the narrow sites within the Harbourside Edge Zone, whilst achieving the urban design and amenity requirements of policies 18.2.3.4 and 18.2.3.5 of the 2GP.
773. These submissions were supported in further submissions from the *Otago Regional Council* (FS2381.510 and FS2381.516) who suggested that the requirement was likely to result in on-site loading and coach parking being contained within a building. The submitter considered that this was not cost-effective and might deter development.
774. The *NZ Transport Agency* (OS881.135) submitted in support of Rule 18.5.7, as they supported the requirements for minimum vehicle loading in association with specific activities in the commercial zones, and for appropriate loading facilities for sites with frontage to key roads.
775. In her s42A Report, the Reporting Officer observed that the Harbourside Edge Zone is intended to provide a mixed use environment with high amenity values. She advised that the zone rules allow for the current industrial uses, together with residential, visitor accommodation, restaurants, conference, meeting and function and entertainment and exhibition activities, allowing the area to transition to a vibrant and attractive place to live, work and visit. She noted that within the Harbourside Edge Zone, new buildings are a restricted discretionary activity, provided they comply with performance standards for setbacks, height and ensuring pedestrian access in the zone and along the coast.
776. The Reporting Officer advised that the minimum vehicle loading requirements only apply to industrial activities, and visitor accommodation capable of accommodating greater than 50 guests, and that a contravention of this

performance standard is a restricted discretionary activity, with effects on the safety and efficiency of the transport network being a matter of discretion. She advised that assessment criteria in Rule 6.9 provide for potential circumstances that may support an application, one of these being that adequate additional loading space available on an adjacent/nearby site.

777. She concluded that loading for industrial activities, and visitor accommodation (capable of accommodation greater than 50 guests) should be retained, because a lack of loading facilities for these activities had the potential to adversely affect the safety and efficiency of the roading network. In her view, the appropriateness or otherwise of providing such facilities would be more appropriately addressed through a resource consent application process (s42A Report, Section 5.18.1).

3.16.1.1 Evidence presented at hearing

778. *Port Otago Limited* and *Chalmers Properties Limited* called Mr Len Andersen, who pre-circulated legal submissions, in which he noted the s42A Report had rejected the amendments proposed in the submissions from his clients. He advised that his clients had considered the reasons for the rejection and accepted that Rule 18.5.7 remain without alteration; and did not seek to be heard.

3.16.1.2 Decision and reasons

779. We note that *Port Otago Limited* and *Chalmers Properties Limited* accepted that Rule 18.5.7 remain without alteration; and did not seek to be heard. Accordingly, we reject the submissions from *Port Otago Limited* (OS737.21) and *Chalmers Properties Limited* (OS749.23) for the reasons outlined by the Reporting Officer.

3.17 General Comments

3.17.1 Transportation – general comments

780. Objective 18.2.1 states:

“Dunedin has a well-structured and economically and socially successful range of commercial and mixed use environments based on:

- a. the CBD, which is the focus for employment, retail, entertainment, leisure, visitor accommodation, and arts and culture activities;*
- b. vibrant and viable principal, suburban and rural centres, which provide hubs for social and economic activity for rural, suburban and principal communities;*
- c. neighbourhood centres, which provide for the day to day needs of local areas, with destinations centres also servicing visitor needs, and convenience centres also servicing the needs of passing motorists;*
- d. a range of mixed use zones (WP, PPH, SSYP and HE zones) around the edge of the CBD, which provide for a compatible mix of inner-city living, commercial, and light industrial activities;*
- e. an area around Andersons Bay Road (TR Zone), which provides for trade related retail and specific categories of high traffic generators, which are likely to be incompatible with the amenity expectations of the CBD;*
- f. an area around MacLaggan, Cumberland and Crawford Streets (CEC Zone), which provides for specific categories of high traffic generators, large format general retail and bulky goods retail which*

are likely to be incompatible with the amenity expectations of the CBD and may require larger sites than available in the CBD; and

- g. an area around Birch and Kitchener Streets and the coast (HE Zone) which provides for the continuation of the existing environment characterized by industrial activity, while allowing for a transition toward a vibrant and attractive place to live, work and visit by also providing for conference, meeting and function, entertainment and exhibition, restaurant, visitor accommodation and residential activities”.*

781. The NZ Transport Agency (OS881.129) sought the establishment of a new policy under Objective 18.2.1, as follows:

Recognise the transport needs of activities in the commercial zones, and provide for continued efficient and convenient access to sites within these zones.

782. The Southern District Health Board (OS917.16) requested amendments to the Transportation Section to include a section on driveway safety. They submitted that New Zealand has one of the highest rates of child driveway death and injury in the world, and that safe driveway design could reduce the risk of driveway run over accidents and deaths.

783. The Reporting Officer observed that Objective 18.2.1 provides for an economically and socially successful range of commercial and mixed use environments, with the focus of policies being on provisions for activities in specific zones. She advised that recognition of the transport needs of activities in the commercial zones sits more in the Transport section of the 2GP. Specifically, she noted that Objective 6.2.3 provides for land use, development and subdivision activities that maintain the safety and efficiency of the transport network for all travel modes, and Policy 6.2.3.9 provides for land use, development, or subdivision activities that may lead to land use or development, where there are no significant effects on the safety and efficiency of the transport network. She considered that this recognised the transportation needs of activities and while there is no policy which specifically provides for efficient and convenient access to sites, this was part of a safe and efficient transport network, which is linked to performance standards for access location, separation and minimum sight distances. As such, she recommended that the submission from the NZTA be rejected.

784. With regard to the submission from the Southern District Health Board, the Reporting Officer noted that provisions for driveway safety were inherent throughout the 2GP, in parking, loading and access performance standards and setback provisions. She did not consider it necessary for any additional provisions to be provided and recommended that the SDHB submission be rejected (s42A Report, Section 5.21.1).

3.17.1.1 Evidence presented at hearing

785. The NZ Transport Agency called Mr Andrew Henderson, who pre-circulated written planning evidence, in which he observed that the NZTA considered that the Reporting Officer’s s42A Report assessment highlighted the philosophical approach of the Council whereby all transportation related matters were placed in Chapter 6 rather than an integrated approach where transportation matters were included in the relevant zones to recognise that transport matters can be specific to each zone. He observed that the NZTA considered it appropriate that the 2GP take an integrated approach to transport matters, whereby the relevant policy position is carried through the entire 2GP so Plan users were aware of the need to consider the issues in applications under specific zone rules.

3.17.1.2 Decision and reasons

786. We reject the submission from the *NZ Transport Agency* (OS881.129) that sought the establishment of a new policy under Objective 18.2.1. We note that the submitter did not give clear evidence for why the policy suggested was required and which Plan provisions it would be implemented through (either existing or new). We note as well that the 2GP's provision around restricting new vehicle accessways in primary pedestrian frontages may be argued as contradictory to this policy. In terms of Mr Henderson's views about whether it is appropriate in terms of Plan architecture to have a separate transportation section, we respond to that issue in Section 3.8.5.1 of this report.
787. We reject the submission from the *Southern District Health Board* (OS917.16) that requested amendments to the Transportation section to include a section on driveway safety. We note that this submitter did not give clear evidence for why the policy suggested was required and which Plan provisions it would be implemented through (either existing or new).

3.17.2 Note to Plan User NZTA – General

788. The following note to Plan users occurs in various locations throughout the 2GP:

"Note XX.XB - Other requirements outside of the District Plan

1. *For additional restrictions that may apply to signs, see also:*
 - a. *New Zealand Transport Agency, Traffic Control Devices Manual, Part 3, Advertising Signs.*
 - b. *Dunedin City Council Commercial Use of Footpaths Policy.*
 - c. *Dunedin City Council Roadway Bylaw.*
 - d. *Dunedin City Council Traffic and Parking Bylaw."*
789. The *NZ Transport Agency* (OS881.137) submitted in support of the reference to the NZTA's Manual, but suggested that reference to the NZTA bylaw for advertising signs on state highways should also be included within the notes.
790. The *NZ Transport Agency* also submitted that the note had been included in all zones, but omitted from the Otago Museum section (Section 29). They requested that it be added to Section 29.6.
791. The Reporting Officer considered that the changes sought by the *NZTA* would assist Plan users and recommended that the submission be accepted (s42A Report, Section 5.22.1).

3.17.2.1 Decision and reasons

792. We accept the submission from the *NZ Transport Agency* (OS881.137), in respect of a Note to Plan Users that occurs throughout the 2GP. as
793. We have amended the following notes to plan users to reference "and NZ Transport Agency Signs on State Highways Bylaw {Trans 881.137}."
794. Note 15.6B in Section 15.6.12A, 16.6.8A, 17.6.7A, 18.6.14B, 19.6.8A, 20.6.10B, 21.6.6B, 22.6.10B, 23.6.10B, 24.6B, 25.6.7B, 26.6.7B, 27.6.10B, 28.6.9B, 30.6.5B, 31.6.9B, 32.6.7B, 33.6.8B, 34.6.10B and 35.6.8B, as shown in Appendix 1, where the amendment is attributed to submission point Trans 881.137.
795. We have also added a new Note (Note 29.6.9B) to the Otago Museum section, also shown in Appendix 1 and attributed to submission point Trans 881.137.

4.0 Suggestions for future plan changes

4.1 Boundary setbacks for buildings adjoining unformed legal roads

796. In considering the definition for “Road boundary” (refer section 3.7.5 above), we noted that front yard setbacks rules apply to buildings, such as dwellings and farm-sheds adjoining unformed legal roads (paper roads) within the rural and rural residential zones (i.e. a farm shed in the Rural Zone must be 20m back from a boundary adjoining an unformed legal road, rather than the six metre setback that applies to side and rear yards.) In our view, the Plan might be improved by amending the setbacks performance standard rules across the Plan, to note that side and rear boundary setbacks will apply to unformed legal roads rather than road boundary setbacks (with the exception of dwellings in the Rural Zone, where the side yard setback is greater than the front yard setback).
797. We note, however, that we had no submissions requesting this; therefore, we include this comment as a suggestion for investigation for a future Plan review process.

5.0 Minor and inconsequential amendments

798. 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.
799. This Decision includes minor amendments and corrections that were identified by the DCC Reporting Officers and/or by us through the deliberations process. These amendments are referenced in this report as being attributed to “cl.16”. These amendments generally include:
- Correction of typographical, grammatical and punctuation errors
 - Removing provisions that are duplicated
 - Clarification of provisions (for example adding “gross floor area” or “footprint” after building sizes)
 - Standardising repeated phrases and provisions, such as matters of discretion, assessment guidance, policy wording and performance standard headings
 - Adding missing hyper-linked references to relevant provisions (eg. Performance standard headings in the activity status tables)
 - Correctly paraphrasing policy wording in assessment rules
 - Changes to improve plan usability, such as adding numbering to appendices and reformatting rules
 - Moving provisions from one part of the plan to another
 - Rephrasing plan content for clarity, with no change to the meaning
800. Minor changes such as typographical errors have not been marked up with underline and strikethrough. More significant cl. 16 changes (such as where provisions have been moved) are explained using footnotes in the marked-up version of the Plan.

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

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

Appendix 2 – Summary of Decisions

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

Summary of Decisions

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
1. Plan Overview and Introduction	Definition	1.5		Road signs	Amend definition	CMU 271.18	3.8.6	5.1.8
2. Plan Overview and Introduction	Definition	1.5		High trip generating activities (now High Trip Generators)	Amend definition of high trip generators to remove reference to particular activities, including: early childhood education - large scale (Trans 308.152); service stations (Trans 634.7); restaurant - drive through, schools, and quarrying (Trans 458.4 and others)	Trans 308.152, Trans 634.7, Trans 458.4 and others	3.7.9	5.1.3
1. Plan Overview and Introduction	Definition	1.5		Parking areas	Amend definition to clarify that it does not	Trans 360.120	3.8.3	5.1.5

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
					include garages and carparks			
1. Plan Overview and Introduction	Definition	1.5		Operation, repair and maintenance of the roading network	Amend definition to include "on-road bus stops where up to four bus stops are co-located" and to exclude "on-road bus stops where fewer than five bus stops are co-located".	Trans 394.82 and others	3.8.1	5.1.1
1. Plan Overview and Introduction	Definition	1.5		Passenger transportation hubs	Amend definition to exclude "on-road bus stops where up to four bus stops are co-located" and to exclude "on-road bus stops where fewer than five bus stops are co-located".	Trans 394.82 and others	3.8.1	5.1.1
1. Plan Overview and Introduction	Definition	1.5		Operation, repair and maintenance of the roading network	Do not amend as requested.	Trans 394.83	3.8.1	5.1.1

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
1. Plan Overview and Introduction	Definition	1.5		Vehicle movements (new)	Add new definition of 'vehicle movement'	Trans 458.4 and others	3.7.9	5.1.3
1. Plan Overview and Introduction	Definition	1.5		Road	Amend definition by including reference to section 315 of the Local Government Act 1974	Trans 881.14	3.8.4	5.1.6
1. Plan Overview and Introduction	Definition	1.5		Road reserve (new)	Add new definition for road reserve	Trans 881.15	3.8.5	5.1.7
1. Plan Overview and Introduction	Definition	1.5		Road signs	Amend definition to refer to the NZ Transport Agency	Trans 881.17	3.8.6	5.1.8
. Plan	Terminology	1.5			Amend provisions throughout the plan to refer to 'NZ Transport Agency'	Trans 881.17	3.8.6	5.1.8
1. Plan Overview and Introduction	Definition	1.5		Travel methods	Amend definition name from 'travel methods' to 'travel modes'	Trans 881.19	3.8.7	5.1.11
1. Plan Overview and Introduction	Definition	1.5		Operation, repair and maintenance of	Amend to reflect change in terminology	Trans 881.19	3.8.7	5.1.11

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
				the roading network	from 'travel methods' to 'travel modes'			
1. Plan Overview and Introduction	Definition	1.5		Cycleway	Amend definition to generally exclude vehicles and pedestrians	Trans 881.7	3.8.2	5.1.2
6. Transportation	Strategic Direction	2.2.4.1			Do not amend as requested.		3.3.1	5.19.1
6. Transportation	Strategic Direction	2.3.1.5			Do not amend as requested.		3.3.1	5.19.1
2. Strategic Directions	Strategic Direction	2.7.2.1			Amend strategic direction through a rule that requires vehicle crossings to be a minimum separation distance from level crossings.	Trans 322.27	3.4.1	5.19.1
2. Strategic Directions	Policy	2.7.2.1			Amend policy wording to refer to the transport network as multi-modal	Trans 881.45	3.9.1	5.2.5 5.2.6
6. Transportation	Strategic Direction	2.7.2.1			Do not amend as requested.		3.3.1	5.19.1

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
6. Strategic Directions	Strategic Direction	2.7.2.2 (New)			Include new strategic policy to encourage cycling.	Trans 753.2	3.6	5.16.1
2. Strategic Directions	Objective	2.7.2			Amend objective wording to refer to the transport network as multi-modal	Trans 881.44	3.9.1	5.2.5 5.2.6
6. Transportation	Introduction	6.1			Amend to reflect change in terminology from 'travel methods' to 'travel modes'	Trans 881.19	3.8.7	5.1.11
6. Transportation	Policy	6.2.1.2			Amend to reflect change in terminology from 'travel methods' to 'travel modes'	Trans 881.19	3.8.7	5.1.11
6. Transportation	Policy	6.2.1.3			Amend policy wording	Trans 881.58	3.9.2	5.4.2.4
6. Transportation	Policy	6.2.1.4			Amend to reflect change in terminology from 'travel methods' to 'travel modes'	Trans 881.19	3.8.7	5.1.11
6. Transportation	Policy	6.2.1.5			Do not amend as requested.	Trans 881.60	3.9.3	5.4.2.6

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
6. Transportation	Objective	6.2.1			Amend to reflect change in terminology from 'travel methods' to 'travel modes'	Trans 881.19	3.8.7	5.1.11
6. Transportation	Policy	6.2.2.1			Amend policy wording	Trans 308.147	3.14.1	5.13.1.5
6. Transportation	Policy	6.2.2.1			Amend policy wording to include provision for bicycle parking by removing word 'car' before parking	Trans 917.1	3.6	5.16.1
18. Commercial and Mixed Use Zones	Policy	6.2.2.3			Do not amend as requested.	Trans 308.149	3.9.4	5.4.3
6. Transportation	Policy	6.2.2.3			Do not amend as requested.	Trans 394.64	3.9.4	5.4.3.3
6. Transportation	Policy	6.2.2.4 (New)			Add a new policy about considering needs of cyclists and pedestrians, PT users for activities that are likely to generate significant numbers of	Trans 753.2 Trans 159.6 Trans 764.5 Trans 1080.4	3.6	5.19.1

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
					trips by cycling, walking and/or public transportation - linked to changes to assessment guidance for RD/D activities that have 'effects on accessibility' as a matter of discretions.			
20. Recreation Zone	Policy	6.2.2.4			Do not amend as requested.		3.3.2	5.19.1
6. Transportation	Objective	6.2.2			Amend to reflect change in terminology from 'travel methods' to 'travel modes'	Trans 881.19	3.8.7	5.1.11
6. Transportation	Policy	6.2.3.2			Amend policy linked to change to Forestry shelterbelts and small woodlots setbacks performance standard Rule (16.6.11.2)	Trans 322.106 and others	3.4.1	5.19.1

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
6. Transportation	Policy	6.2.3.4			Amend policy wording related to supporting bicycle parking (remove word 'car')	Trans 917.2	3.6	5.16.1
6. Transportation	Policy	6.2.3.8			Do not amend as requested.		3.7.2, 3.7.5	5.1.3
6. Transportation	Policy	6.2.3.8			Do not amend as requested.		3.7.5	
6. Transportation	Policy	6.2.3.9			Amend wording to add affordability to the public	Trans 881.63	3.9.6	5.4.4.1
6. Transportation	Policy	6.2.3.9			Amend policy wording	Trans 881.72 Trans 1088.24	3.9.7	5.4.4.3
6. Transportation	Policy	6.2.3.12			Amend Policy wording	Trans 881.73	3.9.8	5.4.4.4
6. Transportation	Policy	6.2.3.X	6.2.3.13		Amend wording to add affordability to the public	Trans 881.63	3.9.6	5.4.4.1
6. Transportation	Objective	6.2.3			Amend to reflect change in terminology from 'travel methods' to 'travel modes'	Trans 881.19	3.8.7	5.1.11
6. Transportation	Objective	6.2.3			Amend objective wording to	Trans 881.63	3.9.6	5.4.4.1

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
					include affordability to the public			
6. Transportation	Policy	6.2.4.1			Amend Policy to explicitly require adequate access for emergency vehicles	Trans 945.16	3.9.9	5.4.5.2
6. Transportation	Policy	6.2.4.2			Amend Policy to explicitly require adequate access for emergency vehicles	Trans 945.16	3.9.9	5.4.5.2
6. Transportation	Policy	6.2.4.4			Amend policy wording to add references to cyclists	Trans 917.5	3.6	5.16.1
6. Transportation	Policy	6.2.4.5			Amend policy wording linked to new performance standard requiring vehicle accesses to be at least 40m from a level crossing on the same road	Trans 322.27	3.4.1	5.19.1

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
6. Transportation	Policy	6.2.4.6			Amend policy linked to change new Sightlines to level crossings performance standard	Trans 322.30	3.4.1	5.19.1
6. Transportation	Objective	6.2.4			Amend to reflect change in terminology from 'travel methods' to 'travel modes'	Trans 881.19	3.8.7	5.1.11
6. Transportation	Activity Status	6.3.2.3		New roads or additions or alterations, where they are part of an approved subdivision consent	Do not amend as requested.		3.10.1	5.5.1.2
6. Transportation	Notification Rule	6.4.1	N/A		Delete the notification rule requiring notification for high trip generators	Trans 634.42 and others (Trans 634.42, 984.4, 929.3, 895.15, 877.3 and 308.152)	3.7.3	5.6.2
6. Transportation	Notification Rule	6.4.2	6.4.1		Do not amend as requested.		3.11.1	5.6.3

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
6. Transportation	Notification Rule	6.4.5	6.4.3		Do not amend as requested.		3.11.2	5.7.2
6. Transportation	Performance Standard	6.6.1.5		Car parking design - Surface and marking of parking areas	Do not amend as requested.		3.12.1	5.8.3
6. Transportation	Performance Standard	6.6.1.5		Car parking design - Surface and marking of parking areas	Do not amend as requested.		3.12.1	5.8.3
6. Transportation	Performance Standard	6.6.3.1		Vehicle Access Design and Location - Maximum number of vehicle crossings	Amend performance standard as it applies to fire stations	Trans 945.18	3.12.2	5.10.1
6. Transportation	Performance Standard	6.6.3.2		Vehicle Access Design and Location - Minimum sight distance from a vehicle crossing	Amend the minimum sight distances to be consistent with the Austroads Guide.	Trans 881.87	3.12.3	5.10.2
6. Transportation	Performance Standard	6.6.3.3	N/A	Vehicle Access Design and Location - Minimum sight distance from a vehicle crossing	Delete Rule 6.6.3.3 as it was a double up of Rule 6.6.3.2.b	Trans 360.3	3.12.3	5.10.2
6. Transportation	Performance Standard	6.6.3.4.g		Minimum distances of new vehicle crossing from intersections	Amend performance standard to add a new requirement for a minimum	Trans 322.29	3.4.1	5.19.1

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
					distance of 30m between a new vehicle crossing and a level crossing on the same road			
6. Transportation	Performance Standard	6.6.3.6		Vehicle Access Design and Location - Surfacing of vehicle driveways	Include a new 'Vehicle Driveway Surfacing Diagram' to illustrate the hard surfacing requirements for vehicle accesses and driveways (Figure 6B.19) and reference to this diagram in Rule 6.6.3.6.	Trans 881.91	3.12.4	5.10.4
6. Transportation	City Wide Performance Standard	6.6.3.8		Vehicle Access Design and Location - Minimum distance between driveways and dwellings	Amend rule to specify the 'formed section' of the driveway	Trans 228.1	3.12.5.1	5.10.6
6. Transportation	Performance Standard	6.6.3.9		Vehicle Access Design and Location - Width of driveways	Amend the performance standard to reduce the minimum legal	Trans 490.6Trans 490.32	3.12.6	5.10.7

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
					width for driveways serving 7+ residential units from 6.5m to 6.0m			
6. Transportation	Performance Standard	6.6.3.9		Vehicle Access Design and Location - Width of driveways	Amend the performance standard to reduce the minimum formed width for driveways serving 7+ residential units from 5.0m to 3.5m	Trans 490.6 Trans 490.32	3.12.6	5.10.7
6. Transportation	Performance Standard	6.6.3.9		Vehicle Access Design and Location - Width of driveways	Amend the performance standard to reduce the minimum legal width for driveways serving 1-6 residential units from 4.5m to 4.0m	Trans 704.5 and others (Trans 704.5, 739.5, 742.5 and 889.23, 490.5 and 172.6)	3.12.6	5.10.7
6. Transportation	City Wide Performance Standard	6.6.3.9		Vehicle Access Design and Location - Width of driveways	Do not amend as requested.		3.12.6	5.10.7

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
6. Transportation	Performance Standard	6.6.3.10 (new)		Sightlines to level crossings	Add new performance standard to require that vehicle accesses that cross an operational rail network via a level crossing maintain clear sightlines within the sight line triangles	Trans 322.30	3.4.1	5.19.1
6. Transportation	Performance Standard	6.7.1.1		Service Station Standards	Amend setback for pumps from the road boundary from 7m to 6m.	Trans 895.16	3.12.7	5.11.1
6. Transportation	Assessment of Restricted Discretionary Performance Standard Contraventions	6.9.2.1	6.10.2.1		Do not amend as requested.		3.11.1	5.13.1
6. Transportation	Assessment of RD Performance Standard Contraventions	6.9.3.3.a.ii	6.10.3.3.a.ii		Amend wording to reflect change to Objective 6.2.3.	Trans 881.63	3.9.6	5.4.4.1

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
6. Transportation	Assessment of RD Performance Standard Contraventions	6.9.3.3.a.ii	6.10.3.3.a.ii		Amend guidance to reflect change to policy 6.2.3.9.	Trans 881.72, Trans 1088.24	3.9.7	5.4.4.3
6. Transportation	Assessment of RD Performance Standard Contraventions	6.9.3.4	6.10.3.4		Amend assessment guidance to reflect change to Policy 6.2.3.2	Trans 322.106 and others	3.4.1	5.19.1
6. Transportation	Assessment of RD Performance Standard Contraventions	6.9.3.6.a.ii.1	6.10.3.6.a.ii.1		Amend assessment guidance to reflect change to Policy 6.2.2.1.	Trans 308.147	3.14.1	5.13.1.5
6. Transportation	Assessment of RD Performance Standard Contraventions	6.9.3.6.a.iii	6.10.3.6.a.iii		Amend wording to reflect change to Objective 6.2.3.	Trans 881.63	3.9.6	5.4.4.1
6. Transportation	Assessment of RD Performance Standard Contraventions	6.9.3.6.a	6.10.3.6.a		Add a potential circumstance that may support a consent application, related to supporting cycle parking	Trans 917.1 and 917.2	3.6	5.16.1

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
6. Transportation	Assessment of RD Performance Standard Contraventions	6.9.3.6.b	6.10.3.6.b		Add a potential circumstance that may support a consent application, related to supporting cycle parking	Trans 917.1 and 917.2	3.6	5.16.1
6. Transportation	Assessment of RD Performance Standard Contraventions	6.9.3.6.b.ii	6.10.3.6.b.ii		Amend assessment guidance to reflect change to policy 6.2.3.4	Trans 917.2	3.6	5.16.1
6. Transportation	Assessment of Controlled Activities	6.9.3.6	6.10.3.6		Do not amend as requested.		3.13.1	5.13.1
6. Transportation	Assessment of RD Performance Standard Contraventions	6.9.3.6.a	6.10.3.6.a		Do not amend as requested.		3.3.2	5.16.1
6. Transportation	Assessment of RD Performance Standard Contraventions	6.9.3.6.b	6.10.3.6.b		Do not amend as requested.		3.3.2	

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
6. Transportation	Assessment of RD Performance Standard Contraventions	6.9.5.2	6.10.5.2		Amend assessment guidance to reflect change to Policy 6.2.4.4	Trans 917.5	3.6	5.16.1
6. Transportation	Assessment of Restricted Discretionary Performance Standard Contraventions	6.9.5.4.a.ii	6.10.5.4.a.ii		Amend guidance to reflect changes to Policy 6.2.4.5.	Trans 322.27	3.4.1	5.19.1
6. Transportation	Assessment of Restricted Discretionary Performance Standard Contraventions	6.9.5.4.a (now 6.9.5.1.a),			Amend guidance to reflect change to Policy 6.2.4.1.	Trans 945.16	3.9.9	5.4.5.2
6. Transportation	Assessment of Restricted Discretionary Performance Standard Contraventions	6.9.5.5.a (now 6.9.5.6.a)			Amend guidance to reflect change to Policy 6.2.4.2.	Trans 945.16	3.9.9	5.4.5.2
6. Transportation	Assessment of Restricted Discretionary Performance Standard Contraventions	6.9.5.10.a (now 6.9.5.6.a)			Amend guidance to reflect change to Policy 6.2.4.2.	Trans 945.16	3.9.9	5.4.5.2

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
6. Transportation	Assessment of RD Performance Standard Contraventions	6.9.5.Y (new)	6.10.5.7		Add new assessment guidance for contravention of new Sightlines to level crossings performance standard	Trans 322.30	3.4.1	5.19.1
6. Transportation	Assessment of RD Performance Standard Contraventions	6.9.6.2.a.ii	6.10.6.2.a.ii		Amend wording to reflect change to Objective 6.2.3.	Trans 881.63	3.9.6	5.4.4.1
6. Transportation	Assessment of Restricted Discretionary Activities	6.10.2.1	6.11.2.1		Add general assessment guidance about considering for activities that are likely to generate trips by bicycle, whether the site and vehicle access design provides for the safety of cyclists entering and exiting the road network.	Trans 753.2	3.6	5.16.1
6. Transportation	Assessment of RD Activities	6.10.2.1.a.ii	6.11.2.1.a.ii		Amend wording to reflect change to	Trans 881.63	3.9.6	5.4.4.1

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
					Objective 6.2.3.			
6. Transportation	Assessment of RD Activities	6.10.2.1.a.ii	6.11.2.1.a.ii		Amend guidance to reflect change to policy 6.2.3.9.	Trans 881.72, Trans 1088.24	3.9.7	5.4.4.3
6. Transportation	Assessment of RD Activities	6.10.2.2.a.ii.2	6.11.2.2.a.ii.2		Amend assessment guidance to reflect change to Policy 6.2.2.1.	Trans 308.147	3.14.1	5.13.1.5
6. Transportation	Assessment of RD Activities	6.10.2.2.a	6.11.2.2.a		Amend assessment guidance to add reference to new Policy 6.2.2.4	Trans 753.2 Trans 159.6 Trans 764.5 Trans 1080.4	3.6	5.19.1
6. Transportation	Assessment of RD Activities	6.10.2.2.a.ii	6.11.2.2.a.ii		Amend assessment guidance to reflect change to policy 6.2.2.1	Trans 917.1	3.6	5.16.1
15. Residential Zones	Assessment of RD Activities	6.10.2.2.a	6.11.2.2.a		Do not amend as requested.		3.3.2	5.19.1
6. Transportation	Assessment of RD Activities	6.10.2.4.a	6.11.2.4.a		Amend assessment guidance to add reference to new Policy 6.2.2.4	Trans 753.2 Trans 159.6 Trans 764.5 Trans 1080.4	3.6	5.19.1

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
6. Transportation	Assessment of RD Activities	6.10.2.4.b.ii	6.11.2.4.b.ii		Amend assessment guidance to reflect change to policy 6.2.3.4	Trans 917.2	3.6	5.16.1
17. Rural Residential Zones	Assessment of RD Activities	6.10.2.4.a	6.11.2.4.a		Do not amend as requested.		3.3.2	5.19.1
. Transportation	Assessment of Restricted Discretionary Activities	6.10.2.7	6.11.2.2		Amend to reflect change to definition of high trip generators	Trans 458.4 and others Trans 634.7 Trans 308.152	3.7.9	5.1.3
6. Transportation	Assessment of Restricted Discretionary Activities	6.10.2.7	6.11.2.2		Add general assessment guidance about considering for activities that are likely to generate trips by bicycle, whether the site and vehicle access design provides for the safety of cyclists entering and exiting the road network.	Trans 753.2	3.6	5.16.1

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
6. Transportation	Assessment of RD Activities	6.10.2.7.b	6.11.2.7.b		Amend assessment guidance to add reference to new Policy 6.2.2.4	Trans 753.2 Trans 159.6 Trans 764.5 Trans 1080.4	3.6	5.19.1
6. Transportation	Assessment of RD Activities	6.10.2.7.b.xv	6.11.2.7.b.xv		Amend to reflect change in terminology from 'travel methods' to 'travel modes'	Trans 881.19	3.8.7	5.1.11
18. Commercial and Mixed Use Zones	Assessment of RD Activities	6.10.2.7.b	6.11.2.7.b		Do not amend as requested.		3.3.2	5.19.1
6. Transportation	Assessment of RD Activities	6.10.2.8.a.iii	6.11.2.8.a.iii		Amend wording to reflect change to Objective 6.2.3.	Trans 881.63	3.9.6	5.4.4.1
6. Transportation	Assessment of RD Activities	6.10.2.8.a.ii	6.11.2.8.a.ii		Amend guidance to reflect change to policy 6.2.3.9.	Trans 881.72, Trans 1088.24	3.9.7	5.4.4.3
6. Transportation	Assessment of Restricted Discretionary Activities	6.10.2.9.a	6.11.2.9.a		Amend guidance to reflect change to Policy 6.2.3.12.	Trans 881.73	3.9.8	5.4.4.4
6. Transportation	Assessment of RD Activities	6.10.2.1 - 6.10.2.7	6.11.2.1 - 6.11.2.7		Do not amend as requested.		3.11.1	5.13.1.1

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
6. Transportation	Note to Plan User	6.10.2A	6.11.2A		Add note to plan user to refer to Auckland Transport Transport Design Manual	Trans 753.2 and 764.5	3.6	5.16.1
. Transportation	Assessment of Discretionary Performance Standard Contraventions	6.11.2.1	6.12.2.2		Amend to reflect change to definition of high trip generators	Trans 458.4 and others Trans 634.7 Trans 308.152	3.7.9	5.1.3
6. Transportation	Assessment of D Activities	6.11.2.2.iii.1	6.12.2.2.iii.1		Amend assessment guidance to reflect change to Policy 6.2.2.1.	Trans 308.147	3.14.1	5.13.1.5
6. Transportation	Assessment of Discretionary Activities	6.11.2.2	6.12.2.1		Add general assessment guidance about considering for activities that are likely to generate trips by bicycle, whether the site and vehicle access design provides for the safety of cyclists entering and exiting the road	Trans 753.2	3.6	5.16.1

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
					network.			
6. Transportation	Assessment of D Activities	6.11.2.2	6.12.2.1		Amend assessment guidance to add reference to new Policy 6.2.2.4	Trans 753.2 Trans 159.6 Trans 764.5 Trans 1080.4	3.6	5.19.1
6. Transportation	Assessment of D Activities	6.11.2.2.iii	6.12.2.2.iii		Amend wording to reflect change to policy 6.2.3.9	Trans 881.63	3.9.6	5.4.4.1
6. Transportation	Assessment of D Activities	6.11.2.2.ii	6.12.2.2.ii		Amend guidance to reflect change to policy 6.2.3.9.	Trans 881.72, Trans 1088.24	3.9.7	5.4.4.3
19. Industrial Zones	Assessment of D Activities	6.11.2.2	6.12.2.1		Do not amend as requested.		3.3.2	5.19.1
6. Transportation	Assessment of D Activities	6.11.3.2	6.12.3.2		Amend assessment guidance for new roads to link to new policy 6.2.4.6	Trans 322.30	3.4.1	5.19.1

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
6. Transportation	Assessment of Discretionary Activities	6.11.3.2	6.12.3.2		Add general assessment guidance about how Council will assess whether new roads or additions or alterations to roads provide for the safe and efficient movement of cyclists using the road	Trans 753.2	3.6	5.16.1
6. Transportation	Assessment of Discretionary Activities	6.11.3.2	6.12.3.2		Amend assessment guidance to reflect change to Policy 6.2.1.3.	Trans 881.58	3.9.2	5.4.2.4
6. Transportation	Assessment of D Activities	6.11.3.3	6.12.3.3		Add general assessment guidance about for off-street passenger transportation hubs, Council will consider whether the site and vehicle access design provide for the safety of cyclists	Trans 753.2 and 764.5	3.6	5.16.1

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
					entering and exiting the road network.			
6. Transportation	Assessment of D Activities	6.11.3.3.b.i	6.12.3.3.b.i		Amend to reflect change in terminology from 'travel methods' to 'travel modes'	Trans 881.19	3.8.7	5.1.11
6. Transportation	Special Information Requirement	6.13.2	6.14.2	Integrated transport assessment	Amend wording of special information requirement related to integrated transport assessment and high trip generators	Trans 458.4	3.7.9	5.1.3
6. Transportation	Note to Plan User	6.11A	6.12A		Add note to plan user to refer to Auckland Transport Transport Design Manual	Trans 753.2 and 764.5	3.6	5.16.1

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
6. Transportation	Assessment of Controlled Activities	6.8A.1.1.a	6.9A.1.1.a		Amend assessment guidance to add reference to new Policy 6.2.2.4	Trans 753.2 Trans 159.6 Trans 764.5 Trans 1080.4	3.6	5.19.1
6. Transportation	Assessment of Controlled Activities	6.8A.1.1.b.ii	6.9A.1.1.b.ii		Amend assessment guidance to reflect change to policy 6.2.3.4	Trans 917.2	3.6	5.16.1
15. Residential Zones	Introduction	15.1			Amend to reflect change in terminology from 'travel methods' to 'travel modes'	Trans 881.19	3.8.7	5.1.11
15. Residential Zones	Assessment of D Activities	15.11.2.1.b	15.12.2.1.b		Amend wording to reflect change to Objective 6.2.3.	Trans 881.63	3.9.6	5.4.4.1
16. Rural Zones	Policy	16.2.2.9 (New)			Do not amend as requested.	Trans 881.112	3.9.5	5.2.7
16. Rural Zones	Development Performance Standard	16.6.11.2	16.6.10.2	Setbacks - Forestry and tree planting setbacks	Amend performance standard to add a requirement that trees associated with forestry and with shelterbelts and small woodlots	Trans 322.106	3.4.1	5.19.1

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
					must not be planted within 10m of the boundary of the designated rail corridor			
16. Rural Zones	Assessment of Controlled Activities	16.8.2.1.v			Amend wording to reflect change to Objective 6.2.3.	Trans 881.63	3.9.6	5.4.4.1
6. Transportation	Assessment of Controlled Activities	16.8.2.1.a.iv			Amend guidance to reflect change to policy 6.2.3.9.	Trans 881.72, Trans 1088.24	3.9.7	5.4.4.3
16. Rural Zones	Assessment of D Activities	16.11.2.1.l			Amend wording to reflect change to Objective 6.2.3.	Trans 881.63	3.9.6	5.4.4.1
6. Transportation	Policy	17.2.2.1			Do not amend as requested.		3.6	5.16.1
17. Rural Residential Zones	Development Performance Standard	17.6.10.2	17.6.9.2	Setbacks - Forestry and tree planting setbacks	Amend performance standard to add a requirement that trees associated with forestry and with shelterbelts and small woodlots must not be planted within	Trans 322.42	3.4.1	5.19.1

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
					10m of the boundary of the designated rail corridor			
17. Rural Residential Zones	Assessment of D Activities	17.11.2.2.r	17.11.2.1.r		Amend wording to reflect change to Objective 6.2.3.	Trans 881.63	3.9.6	5.4.4.1
18. Commercial and Mixed Use Zones	Activity Status	18.3.3.11	18.3.3.12	Service stations	Amend activity status table to list minimum car parking as a performance standard for service stations	Trans 634.107	3.12.7	5.11.1
18. Commercial and Mixed Use Zones	Activity Status	18.3.4.18		Service stations	Amend activity status table to list minimum car parking as a performance standard for service stations	Trans 634.107	3.12.7	5.11.1
18. Commercial and Mixed Use Zones	Activity Status	18.3.5.16	18.3.5.18	Service stations	Amend activity status table to list minimum car parking as a performance standard for service stations	Trans 634.107	3.12.7	5.11.1

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
18. Commercial and Mixed Use Zones	Land Use Performance Standard	18.5.6		Minimum car parking	Amend performance standard to include a minimum car parking requirement for service stations of 1 parking space for every 40m2 of gross public floor area	Trans 634.107	3.12.7	5.11.1
18. Commercial and Mixed Use Zones	Assessment of RD Activities	18.10.2.1			Amend to reflect change to definition of high trip generators	Trans 458.4 and others	3.7.9	5.1.3
18. Commercial and Mixed Use Zones	Assessment of D Activities	18.11.2.1.j			Amend wording to reflect change to Objective 6.2.3.	Trans 881.63	3.9.6	5.4.4.1
19. Industrial Zones	Activity Status	19.3.3.12	19.3.3.11	Service stations other than self-service fuel stations	Amend activity status table to list minimum car parking as a performance standard for service stations	Trans 634.107	3.12.7	5.11.1
19. Industrial Zones	Activity Status	19.3.3.13	19.3.3.12	Self service fuel stations	Amend activity status table to list minimum car parking as a performance	Trans 634.107	3.12.7	5.11.1

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
					standard for service stations			
19. Industrial Zones	Land Use Performance Standard	19.5.6		Minimum car parking	Amend performance standard to include a minimum car parking requirement for service stations of 1 parking space for every 40m2 of gross public floor area	Trans 634.107	3.12.7	5.11.1
6. Industrial Zones	Performance Standard	19.5.6		Minimum car parking	Do not amend as requested.		3.15.4	5.14.2
. Recreation Zone	Policy	20.5.5			Do not amend as requested.		3.6	5.16.1
20. Recreation Zone	Development Performance Standard	20.6.12.2	20.6.10.2	Setbacks - Forestry and tree planting setbacks	Amend performance standard to add a requirement that trees associated with forestry and with shelterbelts and small woodlots must not be planted within 10m of the	Trans 322.59	3.4.1	5.19.1

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
					boundary of the designated rail corridor			
20. Recreation Zone	Assessment of D Activities	20.11.2.2.k			Amend wording to reflect change to Objective 6.2.3.	Trans 881.63	3.9.6	5.4.4.1
20. Recreation Zone	Assessment of D Activities	20.11.2.3.i			Amend wording to reflect change to Objective 6.2.3.	Trans 881.63	3.9.6	5.4.4.1
20. Recreation Zone	Assessment of D Activities	20.11.2.4.f			Amend wording to reflect change to Objective 6.2.3.	Trans 881.63	3.9.6	5.4.4.1
20. Recreation Zone	Assessment of D Activities	20.11.2.8.k	20.11.2.5.k		Amend wording to reflect change to Objective 6.2.3.	Trans 881.63	3.9.6	5.4.4.1
34. Campus	Land Use Performance Standard	34.5.5.1		Minimum car parking	Amend performance standard to enable discounting for parking where cycle parking is provided.	Trans 268.12	3.5.4	5.17.5

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
34. Campus	Land Use Performance Standard	34.5.5.1		Minimum car parking	Amend performance standard to remove any specific number of car parks, and rely on the formula of parks per staff/student numbers instead	Trans 308.365	3.5.4	5.17.5
6. Transportation	Appendix	6A.2		Road Classification Hierarchy	Amend to reflect change in terminology from 'travel methods' to 'travel modes'	Trans 881.19	3.8.7	5.1.11
6. Transportation	Appendix	6A		Road Classification Hierarchy - Highgate	Amend appendix to remove reference to the Strategic Cycle Network and amend wording to improve clarity	Trans 452.6 and others (Trans 452.6, 394.26 and 394.28)	3.15.2	5.14.1
6. Transportation	Appendix	6A		Road classification hierarchy - Riccarton Road	Do not amend as requested.		3.15.1	5.14.1

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
6. Transportation	Appendix	6A		Road classification hierarchy - Hagart-Alexander Drive/Centre Street/Carncross Street	Do not amend as requested.		3.15.1	5.14.1
6. Transportation	Appendix	6A		Road classification hierarchy (general)	Do not amend as requested.		3.15.3	5.14.1
6. Transportation	Plan			Rail as an activity	Do not add rail as an activity.		3.2	5.19.1