

Form 7

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

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

To the Registrar
Environment Court
Auckland, Wellington, and Christchurch

I, Fletcher Glass, appeal against a decision of Dunedin City Council on the following plan:

Dunedin City District Plan 2018, Urban Land Supply, Decisions 3.4.2.1 & 3.8.8.3.1

I made a submission on that plan.

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

I received notice of the decision on 7 November 2018.

The decision was made by Dunedin City Council.

The part of the decision that I am appealing is:

- Urban Land Supply, Decisions 3.4.2.1 & 3.8.8.3.1 to refuse to zone 303, 317 and 309 North Road (now referred to as 43 Watts Road) to Large Lot Residential 1.
- This matter relates to the planning maps (and any required amendments to the Dunedin City District Plan 2018 to achieve the outcome sought by the submission), as the submission sought to change the zoning of the subject area to Large Lot Residential. Note the submission did not state if this was Large Lot Residential 1 or Large Lot Residential 2. At the hearing, it was clarified the Submitter had intended to refer to Large Lot Residential 1.

The reasons for the appeal are as follows:

- The subject area is relatively flat, has access to views and sun, and is located in close proximity to key amenities (public transport, school and public spaces). While the site has road frontage, the flat area is separated from the road frontage via a steep bank. The lack of access effectively results in the site, along with the identified High Class Soils, as having no efficient use.
- Retaining the zoning of Rural Residential 2 limits the density to one residential unit. Given the access required to utilise the site, this is likely to result in the long term inefficient use of the land.
- The requested zoning is Large Lot Residential 1, which would provide for the enhanced use of the land resource (subject to the following).
- The original submission did not seek to remove the Significant Natural Landscape (SNL) overlay. This continues to provide for new buildings as a restricted discretionary activity.
- Zoning of Large Lot Residential 1 would give effect to the National Policy Statement on Urban Development Capacity 2016.

- No person made a further submission against the original submission.

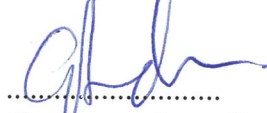
I seek the following relief:

- For the subject area, the zoning is amended to Large Lot Residential 1, along with any required amendments to the Dunedin City District Plan 2018 to achieve this and to maintain the the Significant Natural Landscape (SNL) overlay.

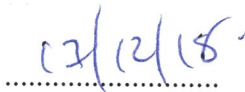
I attach the following documents* to this notice:

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

*These documents constitute part of this form and, as such, must be attached to both copies of the notice lodged with the Environment Court. The appellant does not need to attach a copy of a regional or district plan or policy statement. In addition, the appellant does not need to attach copies of the submission and decision to the copies of the notice served on other persons if the copy served lists these documents and states that copies may be obtained, on request, from the appellant.



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



Date

Address for service of appellant:

Telephone: 027 252 0141

Fax/email: conrad_a@xtra.co.nz

Contact person: Conrad Anderson, planning consultant

Note to appellant

You may appeal only if—

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

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

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

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

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

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

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

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

Advice to recipients of copy of notice of appeal

How to become party to proceedings

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must,—

- within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

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

**How to obtain copies of documents relating to appeal*

The copy of this notice served on you does not attach a copy of the appellant's submission and (*or* or) the decision (*or* part of the decision) appealed. These documents may be obtained, on request, from the appellant.

*Delete if these documents are attached to copies of the notice of appeal served on other persons.

Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.

Schedule 1 form 7 heading: amended, on 1 November 2010, by regulation 19(1) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2010 (SR 2010/279).

Schedule 1 form 7: amended, on 3 March 2015, by regulation 5(1) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2014 (LI 2014/386).

Schedule 1 form 7: amended, on 3 March 2015, by regulation 5(2) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2014 (LI 2014/386).

Schedule 1 form 7: amended, on 1 November 2010, by regulation 19(1) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2010 (SR 2010/279).

Schedule 1 form 7: amended, on 1 June 2006, by regulation 10(4) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2006 (SR 2006/99).

List of names and addresses of persons to be served with a copy of this notice:

Name	Submission #	Contact details	Method used, on 17/12/18
Dunedin City Council		2GP Appeal Dunedin City Council PO Box 5045 Dunedin 9054 2gpappeals@dcc.govt.nz	Email

Introduction

Welcome to the online submission form for the Proposed Second Generation Dunedin City District Plan.

Submissions are open until 5pm Wednesday 25 November 2015.

Fill out your details below and then click the "Make a Submission" tab to find the provisions you wish to submit on.

Privacy Statement

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

Submitter Details

First Name: **Fletcher**
Last Name: **Glass**
Street: **Suite 3, 301A Blenheim Road**
Suburb: **Upper Riccarton**
City: **Christchurch**
Country: **New Zealand**
PostCode: **8041**
Daytime Phone: **0220645161**
Mobile: **0220645161**
eMail: **fletcher@fbg.net.nz**

Trade competition and adverse effects:

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

☒ I am ☐ I am not

directly affected by an effect of the subject matter of the submission that :

- a. adversely affects the environment, and
- b. does not relate to the trade competition or the effects of trade competitions.

Wishes to be heard:

☒ Yes

☐ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

If others make a similar submission I will consider presenting a joint case with them at the hearing

☒ Yes

☐ No

Hearing Needs:

Correspondence to:

☒ Submitter

☐ Agent

☐ Both

Submission

Consultation Document Submissions

G. Submissions on Maps > 4. Zones > 4.3 Rural Residential Zones > 4.3.2 Rural Residential 2 Zone

- ☐ I support the provision
- ☐ I oppose the provision
- ☐ I seek to have the above provision amended

The decision I seek is (give precise details):

reconsider the zoning indicated for 303 North rd- 317 North rd- 309 North rd.

Reason for my views (you can add supporting documents):

The zone of rural residential 2 will inhibit any development on this site and make the site unsuitable for development and unsuitable for rural use. There is a road required to be built to service this area and one house lot will not be financially viable to cover the cost of this. Without a rd the use of the area is very limited from a rural aspect also. I am concerned that this area will be of no use to me or anyone else unless provision is made for some development. I feel that large lot residential zoning would be more appropriate as this would then provide a viable use for the land.

Attached Documents

File
No records to display.



**SECOND
GENERATION
DISTRICT PLAN**

**Urban Land Supply
Decision of Hearings Panel**

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

7 November 2018

165. We reject the part of *Harbourside & Peninsula Preservation Coalition's* submission (OS447.11) and the request presented by Mr Craig Werner on its behalf, that provision should be made in the 2GP for the development of 'satellite townships'. The reason for our decision is that there has been no work done, or evidence presented, to enable us to identify locations and forms of new settlements, that would enable us to make a meaningful decision on this. We also note that Dunedin already has a number of satellite townships. Should a later capacity assessment identify the need for more residential zoning, staff will be able to consider all options then for increasing capacity, with these assessed against the Plan's strategic directions.

3.4.2 Overlap with Significant Natural Landscapes and coastal character overlays

166. *Harboursides and Peninsula Preservation Coalition* (OS447.68, 69) sought to amend the transitional provisions (the introduction to Section 12, and the GR1TZ release rule (Rule 12.3.1)), to ensure that GR1TZ did not contain land identified in the 2GP as having special non-residential values and characteristics of zones or overlays, and that GR1TZ containing such land would not be released. The submitter stated that the values and characteristics of Dunedin's special places should not be sacrificed simply to accommodate population growth, when there are other growth options available.
167. That submission was opposed by *Federated Farmers of New Zealand* (FS2449.281), who believed that the proposal was unnecessary and went beyond the intent of the 2GP.
168. A number of GR1TZ overlay areas contain Significant Natural Landscapes (SNLs), and we received submissions to rezone land in SNLs to Residential from *Douglas Hall* (OS1068.2), *Fletcher Glass* (OS824.1), *Philip and Shakuntala Cunningham* (OS965.2) and (OS965.3), and *AM and JD Jensen* (on behalf of *M A E Jensen-Chave and Marks and Worth Trustee No2 Ltd*) (OS1023.1).
169. Mr Michael Moore, landscape architect called by the Dunedin City Council, provided expert evidence addressing submissions on rezoning land with SNL and Outstanding Natural Landscape (ONL) overlays to residential. He assessed nine properties, all of which were characterised by a SNL, ONL or NCC overlay zone. The specific sites are addressed in detail in Section 3.8.
170. It was Mr Moore's opinion that there is a clear discord in the proposed Plan provisions where GR1TZ and SNL/ONL overlays overlap. He considered that a key attribute of SNL/ONL overlays is 'naturalness', and said that urban land use is clearly incompatible with this, in particular the density of built development provided for in urban zones (Statement of Evidence, p. 20). He also stated that the NCC overlay is not compatible with zoning for urban development (Statement of Evidence, p.19).
171. He elaborated on the incompatibility of landscape overlays and urban zoning in the Revised Recommendations (Part 2 Hearing), stating:
- "This is because natural character, or natural character based rural amenity values, are key attributes of the [landscape] overlays and because the built density provided for in urban zones (including Large Lot Residential) is too high to provide for natural elements to be dominant. The scale of residential zones and rural zones (including RR zones) is totally different"* (Revised Recommendations Part 2 Hearing, p. 8)
172. Dr Read gave similar evidence in relation to the Saddle Hill SNL.
173. The Reporting Officer noted that the criteria for assessing the suitability of land for residential zoning (Policy 2.6.3.1) include consideration of landscape and coastal character overlays (s42A Report ULS Part 1, section 5.2.1, p. 85). She also noted that allowing residential development in an SNL is not consistent with Objective 10.2.5, which reads (s42A Report ULS Part 2, section 5.1.7, p. 71):

"...Significant Natural Landscapes (SNLs) are protected from inappropriate development and their values, as identified in Appendix A3, are maintained or enhanced."

174. Her recommendation was not to amend the GR1TZ rules, but to remove GR1TZ areas from sites subject to an SNL (Revised Recommendations Part 2 Hearing, p. 15).
175. Philip Page, legal counsel for the *Jensen Trust* (OS1023), criticised Mr Moore's evidence, arguing that his acknowledgement that more houses could be successfully integrated into his client's site, if carefully sited and designed, did not lead to the conclusion that residential development should not be allowed. He stated that the use of controls to manage residential development in an SNL was the most optimal solution (Statement of Evidence, p.4).
176. Emma Peters, a resource management consultant called by *Bob and Rose Cunninghame* (OS1006.1), interpreted the wording of Objective 10.2.5 to suggest that appropriate development which maintains or enhances the values of SNLs can occur. She described how conditions in the plan could be assigned to the property in question, to alter the zone rules. These conditions could be used to enable appropriate development of land in such a way that it maintains or enhances the features and characteristics of the site, and essentially achieve what is sought in Objective 10.2.5 (Statement of Evidence, p. 13-15).
177. Ms Peters also challenged the scope to remove the GR1TZ overlay from land with an SNL. Her view was that the *HPPC* submission (OS447) was too general to provide scope for this (Statement of Evidence, paras 27 to 30).
178. An alternative approach to maintaining landscape values where an SNL overlays residential land was outlined by Conrad Anderson, consultant planner called by *Fletcher Glass* (OS824). He noted that resource consent to subdivide is required under Rule 10.5.2.13. To ensure landscape values are maintained, conditions could be imposed on the subdivision consent that relate to any future dwellings on the site (consent notices on titles under s 221 of the RMA). He concluded by remarking that the matter of importance is not the additional dwellings resulting from the rezoning of land to residential use, but rather ensuring that visual effects of any future development are no more than minor. He expressed his belief that the SNL provisions can provide that confidence (Statement of Evidence, p. 6).
179. Mr Donald Anderson, consultant planner, was called by *Philip and Shakuntala Cunningham* (965) and the *Jensen Trust* (1023) tabled a proposed new rule for Residential Zones, which provides for an SNL overlay (Evidence of Don Anderson, p. 1), as follows:

15.6.4A SNL Overlays Zone Development Standards

- New buildings greater than 60m² on a landscape building platform is a Controlled Activity, with matters of control being the size, design, and appearance of the building (Guidance on the assessment of resource consent applications). See Rule 10.3.a.
- New buildings or structures greater than 60m² additions and alterations that result in a building or structure that is greater than 60m², or all other buildings and structures activities are a Restricted Discretionary Activity, with the matters of discretion being the effects on landscape values including the maximum height, reflectivity and minimum building separation. See Rule 10.4
- Earthworks – large scale is a Restricted Discretionary Activity, with the Assessment Matters as per 10.5.2.16.

- Subdivision is a Restricted Discretionary Activity with the matters of discretion being the effects on landscape values. See Rule 10.5.2.13.

3.4.2.1 Decision and reasons

180. We accept in part the submission of *Harboursides and Peninsula Preservation Coalition* (OS447.68, 69).
181. We accept Mr Moore's expert evidence that a key attribute of landscape and coastal character overlays is 'naturalness', and urban land use is in essence incompatible with this, in particular the density of built development provided for in urban zones. We note this conclusion is supported by the notified strategic directions - Policy 2.6.3.1 stated that "identified protected landscape or natural coastal character areas" should be avoided for future residential development. We do not think it inconsistent to hold that landscape or coastal character overlays may be able to absorb some residential activity, while also concluding that the density of development anticipated in urban zones is incompatible with the values of these overlay zones.
182. We do not support the contention that it is appropriate or efficient to determine conditions to manage development in these areas on a case-by-case basis, either through site specific rules in the Plan or through a subdivision consent. Furthermore, we do not agree that the visual effects of built urban development can adequately be determined at the time of subdivision. Nor is it appropriate or even practical to impose conditions addressing the myriad of aspects that need consideration in an urban style subdivision in advance. There is also the very real prospect that there will be adverse visual cumulative effects arising from development of several adjacent blocks of land and this can impact on the integrity of a landscape area. In our view, these are also problematic to assess in advance of development.
183. We agree with the submitter's point that the values and characteristics of Dunedin's special places should not be sacrificed simply to accommodate population growth, when there are other growth options available. We therefore reject *Federated Farmers* opposing submission (FS2449.281).
184. We therefore do not agree that it is appropriate to encourage or allow development at residential densities in these areas, and consider that residential zoning would undermine the significance and purpose of these areas, and generally be inconsistent with objectives 10.2.3 and 10.2.5, and with the higher order policy directions these objectives seeks to give effect to.
185. However, rather than adopting the approach promoted by the submitter, we prefer to adjust the boundaries of the residential areas (or SNLs if appropriate) so they do not overlap.
186. Consequently, in relation to our site-specific decisions in the second part of this decision, we have either refused residential zoning or (on the basis of tabled evidence) removed the landscape overlay in areas where they overlap. We disagree with Ms Peters in relation to scope to do this and consider that the submissions of *Harboursides and Peninsula Preservation Coalition* (OS447.68, OS447.69) provide scope.
187. As a consequential change, we have amended the activity status for rural activities in a RTZ that is also a landscape overlay to 'N/A'.
188. As part of decisions outlined in Section 3.4.12, we have also clarified the relevant strategic directions policies to note that achieving Objective 2.4.4 means "generally avoiding the application of new residential zoning in ONF, ONL and SNL Overlay Zones".

infrastructure capacity and residential capacity in making our decisions, and as a result this residential area is one in which provision of water and wastewater infrastructure capacity is likely to be prioritised (see discussion in Section 3.8.8.1 for further explanation), in the meantime residential development is not possible as a result of capacity constraints. We therefore consider any additional residential capacity would need to demonstrate very clear alignment with the other criteria in Policy 2.6.3.1, and to be in the form of a Residential Transition Overlay Zone, if it is to be considered not in conflict with Policy 2.6.3.1.b.

1007. We consider there is relatively poor alignment with Policy 2.6.3.1.c, with significant distances to the closest bus stop, school, centre and other services, and there are some slope/aspect constraints.
1008. In terms of alignment with Policy 2.6.3.1.d, the key issue relates to the presence of a Significant Natural Landscape overlay zone, which completely covers the sites. As recorded earlier in this decision (Section 3.4.2), based on the expert evidence of Ms Read and Mr Moore, our conclusion is that residential zoning is generally incompatible with all landscape and coastal character overlay zones. We consider that providing for development at residential density in these locations would be inconsistent with objectives 10.2.3 and 10.2.5, and with the higher order policy directions these objectives seeks to give effect to. Specifically, in this location, we accept the evidence of Mr Moore that further urban development in this area would reduce the rural hill setting to Opoho as viewed from distant viewpoints, and would significantly reduce rural amenity on Signal Hill Road itself. As well as raising clear issues of conflict with clause 2.6.3.1.d.iv, relating to the protection of landscape values, we consider this evidence suggests poor alignment with clauses 2.6.3.1.i and vi, relating to rural character and amenity and other aesthetic values.
1009. The evidence of the DCC Transportation Group staff also raised the issue of poor provision for non-motorised users, which is a relevant consideration under clause 2.6.3.1.d.x, and while the values of the indigenous vegetation mentioned in the evidence of Ms Peters and Mr Moore were not the subject of any evidence, we note its presence raises questions of alignment with clause 2.6.3.1.d.iii.
1010. Overall, our assessment is that both sites align poorly with Policy 2.6.3.1, particularly 2.6.3.1.c, and 2.6.3.1.d.iv, relating to landscape values. We agree with Mr Moore that site-specific conditions are not sufficient to resolve this incompatibility. We therefore do not consider it appropriate to zone either 210 or 236 Signal Hill Road any of the residential zoning options promoted by the submitters.
1011. For the same reason, we have removed the GR1TZ from 210 Signal Hill Road, relying on the scope provided by the *Harboursides and Peninsula Preservation Coalition* (OS447.68, 447.69).
1012. Noting that the *Bob and Rose Cunninghame* (OS1006.1) also suggested an option involving rezoning to rural residential, we note that 210 Signal Hill Road also does not meet criteria for rezoning as rural residential under Policy 2.6.1.Y (as it is not part of a cluster of mostly-developed small rural sites at RR1 or RR2 scale), or Policy 2.6.1.3 (for reasons including that there is an ample supply of rural residential land, and there is poor alignment with the criteria outlined in Policy 2.6.1.4 relating to landscape, and rural character and amenity).

3.8.8.3 Part of 303, 309, 317 North Road, North East Valley

1013. *Fletcher Glass* (OS824.1) sought to change the zoning of the Rural Residential 2 zoned part of 303, 309 and 317 North Road to Large Lot Residential 2 Zone. Mr Glass considered that rural residential zoning would inhibit development of the site and also make it unsuitable for rural use. He stated that as a road would need to be developed for any use, development of more than one house is required to make roading costs economic.

1014. The Reporting Officer noted that the site is the northernmost part of the former Palmer's quarry. It was more recently developed as a garden but is currently unused and overgrown. It is located within a Significant Natural Landscape overlay and is zoned Rural Residential.
1015. Mr Moore, a consultant landscape architect called by DCC, assessed the landscape values of the site. He noted the north-western slopes of NEV have a predominantly unbuilt, rural character that contributes to the amenity of the valley landscape generally, and separates the suburban area of NEV from Liberton and Pine Hill. The character of the site blends fairly seamlessly with the rural land above and the wooded areas below, and contributes to the rural landscape setting of the valley. In his view, it is appropriate that the upper parts of 303, 309 and 317 North Road subject to the rezoning request, are included within the SNL overlay. As such, he considered residential development to be inappropriate. He concluded that the Flagstaff – Mount Cargill Significant Natural Landscape overlay should be retained over the upper portions of the sites, and that Large Lot Residential 2 is incompatible with this (Statement of Evidence, p. 12).
1016. Mr Fisher provided transport evidence at the hearing, concluding that development of the site would benefit from a comprehensive land use and infrastructure plan to ensure integration with existing transport networks. The proposed zone can generally be supported by existing road infrastructure and services (Statement of Evidence, p. 10). Mr Fisher assessed three properties located on North Road concurrently and more detail of his assessment is provided earlier (Section 3.8.8).
1017. The Reporting Officer recommended retaining the Rural Residential 2 zoning based on Mr Moore's evidence, and wastewater infrastructure capacity issues and potential transport infrastructure issues (s42A Report for ULS Part 2, section 5.1.7, p. 72).
1018. *Fletcher Glass* (OS824) was represented at the hearing by Conrad Anderson, consultant planner, who noted that there were no submissions opposing the LLR zoning of the land. He cited that the s42A Report identified that when the 2GP was notified, the proposed zoning of Rural Residential 2 would have permitted the establishment of 3 dwellings; due to historic titles (Statement of Evidence, p. 2-4).
1019. Mr Anderson expressed his view that the SNL boundary could remain, with residential development being undertaken that is consistent with that overlay. He remarked that subdivision will require consent and Rule 10.5.2.13 seeks to ensure landscape values are maintained. In addition, he suggested that at the time of granting consent, conditions associated with any building platforms and future dwellings could be imposed (Statement of Evidence, p. 6).
1020. He noted that the key matter of importance is not the additional dwellings that would result from the rezoning, but instead is ensuring that the visual effects of any future development are no more than minor. He suggested that "the SNL overlay provides that confidence".
1021. As part of her revised recommendations, the Reporting Officer noted that a small number of sites were sought (four). She recommended that the site was subject to a Structure Plan, identifying building platforms, and conditions to minimise visual effect. She also recommended the consequential removal of the SNL layer (Revised Recommendations Part 2, p. 9).

3.8.8.3.1 *Decision and reasons*

1022. We reject the submission by *Fletcher Glass* (OS824.1) to rezone the Rural Residential 2 zoned part of 303, 309 and 317 North Road to Large Lot Residential 2 Zone.
1023. We assessed the site against the criteria in Policy 2.6.3.1.

1024. In relation to the need for residential capacity, as discussed in Section 3.6.6 we accept the Reporting Officer's evidence there is sufficient residential capacity for the short term (clause 2.6.3.1.a.i). The provision of additional capacity has therefore not been heavily weighted in our decision-making. We have therefore rezoned to residential only where there is clear alignment with other elements of Policy 2.6.3.1.
1025. Turning to Policy 2.6.3.1.b, which relates to the key question of infrastructure, the evidence of DCC Water and Waste Services staff is there are both wastewater and water capacity issues in the infrastructure catchments servicing North-East Valley, and while network upgrades are due to start in the 2017/18 financial year, this work is likely to take 15 or more years to complete. While we have taken a city-wide view of the relationship between infrastructure capacity and residential capacity in making our decisions, and as a result this residential area is one in which provision of water and wastewater infrastructure capacity is likely to be prioritised (see discussion in Section 3.8.8.1 for further explanation), in the meantime residential development is not possible as a result of capacity constraints. We therefore consider any additional residential capacity would need to demonstrate very clear alignment with the other criteria in Policy 2.6.3.1, and to be in the form of a Residential Transition Overlay Zone, if it is to be considered not in conflict with Policy 2.6.3.1.b.
1026. Looking to Policy 2.6.3.1.c, we consider there is reasonable alignment with this criterion, given its location at the edge of the main urban area.
1027. In terms of alignment with Policy 2.6.3.1.d, the key issue relates to the presence of a Significant Natural Landscape overlay zone, which completely covers the sites. As recorded earlier in this decision (Section 3.4.2), based on the expert evidence of Ms Read and Mr Moore, our conclusion is that residential zoning is generally incompatible with all landscape and coastal character overlay zones. We consider that providing for development at residential density within SNLs will generally be inconsistent with objectives 10.2.3 and 10.2.5, and with the higher order policy directions these objectives seeks to give effect to. Specifically, in this location, as discussed in the Natural Environment Decision Report we accept the evidence of Mr Moore that the character of the site blends with the rural land above and the wooded areas below, and contributes to the rural landscape setting of the valley, and that the SNL boundary should not therefore be moved. As well as raising clear issues of conflict with clause 2.6.3.1.d.iv, relating to the protection of landscape values, we consider this evidence suggests poor the sites have alignment with clauses 2.6.3.1.i and vi, relating to rural character and amenity and other aesthetic values. We do not agree with Mr Anderson that these issues can be resolved by way of conditions on development.
1028. The evidence of the DCC Transportation Group staff suggests that while development in this location may exacerbate existing pressure at George Street/Duke Street intersection, its proximity to the main urban centre and facilities should decrease private trips, encourage travel by active modes and support increased high frequency public transportation. We note in evidence across a range of hearings the Normanby-St Clair route was mentioned as one of the best public transport routes in town. On balance, we consider this achieves reasonable alignment with Policy 2.6.3.1.d.x.
1029. The submitter requested large lot residential zoning for this area. While acknowledging that there is a need to provide housing choice (in line with and Objective 2.6.1 of the 2GP), we generally consider it more consistent with the NPS-UDC OA1, and with 2GP objectives 2.2.4 (Compact and accessible city) and 2.7.1 (Efficient public infrastructure), to provide residential capacity at standard or medium residential density, unless the area is clearly appropriate for residential zoning according to the criteria in Policy 2.6.3.1, but there are very good reasons why it cannot be developed at standard or medium density (in line with Policy 2.2.4.1). We consider the proposed development density detracts from alignment with the clauses 2.6.3.1.d.ix and xi, relating to efficient public infrastructure and a compact and accessible city.

1030. Overall, then, we conclude that the sites are not suitable for large lot residential rezoning, primarily due to poor alignment with Policy 2.6.3.1.d.ix, relating to protection of landscape values.

3.8.9 West Harbour

1031. West Harbour is the western side of Otago Harbour from Port Chalmers south to the Stadium. The Reporting Officer identified wastewater capacity issues along this side of the harbour. Wastewater is pumped back to the Tahuna Wastewater Treatment Plant through a number of pumping stations, which overflow in high rainfall. No upgrades are currently programmed. The problems need further modelling and likely network upgrades before additional capacity is available (s42A Report for ULS Part 2, section 5.1.8, p. 75).
1032. However, evidence presented by Louisa Sinclair at the Reconvened Urban Land Supply hearing stated that a small number of additional dwellings (up to 20) could be provided for within the network (Louisa Sinclair, Reconvened Hearing Evidence, p. 3).

3.8.9.1 50 Fairview Terrace, Sawyers Bay (sheet 23)

1033. *Malcolm McLennan* (OS842.1) sought to change the zoning of his 3.344 ha property at 50 Fairview Terrace, Sawyers Bay, from Rural Residential 2 to Township and Settlement Zone. He noted that there are 20 township and settlement properties along the boundary, which makes the area difficult to manage as a rural unit. The property is on the local water supply and has sewerage, power, phone and road access.
1034. The submission was opposed by nine further submitters: *David Larsen* (FS2013), *Mike Philips* (FS2015), who suggested the land should retain its proposed zoning of RR2, *Shirley Walsh* (FS2033), *Dene McBride* (FS2141), *Graham John & Carol Harkness* (FS2177), *CF & KL Trezise* (FS2154), *Robyn Vivian* (FS2056) who sought the original submission be disallowed and *Jade Watt & Timothy Norton* (FS2048) and *Christina Watt* (FS2041) who sought to have the land rezoned to Rural, as in the operative plan. The issues they raised included: steepness of the slope (with resulting drainage issues); privacy; traffic and other noise; dust; visual impacts; sewerage disposal; increased street lighting / loss of dark skies; and that residential development on the site was previously rejected by Council.
1035. The Reporting Officer advised that zoning all of the land Township & Settlement would provide potential for 47 new houses. No consideration was given to an alternative zoning in terms of capacity in the assessment. She did not recommend rezoning the site, as it would be inconsistent with Policy 2.6.3.1 given the wastewater capacity issues and potentially significant effects on visual amenity, particularly at higher elevations (s42A Report for ULS Part 2, section 5.1.8, p. 76).
1036. The Reporting Officer based her reasoning on the evidence of Mr Knox, DCC Landscape Architect, who considered that the more elevated areas provide valuable visual amenity and a natural character context which links well with the open, unbuilt areas above. However, the lower parts of the site could link well with existing established house providing scope for a limited number of additional dwellings (Statement of Evidence, p. 13).
1037. The Reporting Officer noted that if additional residential capacity is required, rezoning small parts of the lower slopes to general residential (for example the area immediately to the west of 44 Fairview Terrace), or applying a GR1TZ to allow development in this area in the future, should be considered (s42A Report for ULS Part 2, section 5.1.8, p. 76).
1038. Mr Conrad Anderson, planning consultant, tabled evidence on behalf of Joe Connolly. Mr Connolly purchased 50 Fairview Terrace from *Malcolm McLennan*, the original submitter, and lodged evidence as a 'successor' to *Mr McLennan*.