SECOND GENERATION DISTRICT PLAN

Plan Change 1 – Minor Improvements

Section 32 Report

20 November 2024

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LIST OF ABBREVIATIONS

2GP	Partially Operative Dunedin City Second Generation District Plan 2024
AES	Acoustic Engineering Services
ASBV	Area of Significant Biodiversity Value
C	Controlled Activity
CBD	Central Business District
CEC	CBD Edge Commercial zones
CEC-North	CBD Edge Commercial North Zone
CEC-South	CBD Edge Commercial South Zone
CMU	Commercial and Mixed Use
Code	SNZ/PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice
D	Discretionary Activity
DCC	Dunedin City Council
DOC	Department of Conservation
FDS	Future Development Strategy 2024-2054
FENZ	Fire and Emergency New Zealand
GR1	General Residential 1 Zone
GR2	General Residential 2 Zone
HAIL	Hazardous Activities and Industries List
HE	Harbourside Edge Zone
HNCC	High Natural Coastal Character Overlay Zone
HNZPT	Heritage New Zealand Pouhere Taonga
HTG	High Trip Generator
ICR	Inner City Residential Zone
ITA	Integrated Transport Assessment
IVC	Indigenous Vegetation Clearance
LDR	Low Density Residential Zone
LGA	Local Government Act 2002
LMAP	Ōtepoti Live Music Action Plan
NC	Non-complying Activity
NCC	Natural Coastal Character Overlay Zone

NEC	Neighbourhood Centre Zone
NECC	Neighbourhood Convenience Centre Zone
NPS	National Policy Statement
NPS-ET	National Policy Statement on Electricity Transmission 2008
NPS-FM	National Policy Statement for Freshwater Management 2020
NPS-HPL	National Policy Statement for Highly Productive Land 2022
NPS-IB	National Policy Statement for Indigenous Biodiversity 2023
NPS-REG	National Policy Statement for Renewable Electricity Generation 2011
NPStds	National Planning Standards 2019
NPS-UD	National Policy Statement on Urban Development 2020
NZCPS	New Zealand Coastal Policy Statement 2010
NZECP	NZ Electrical Code of Practice for Electrical Safe Distances 34:2001
NZTA	Waka Kotahi NZ Transport Agency
ONF	Outstanding Natural Feature Overlay Zone
ONL	Outstanding Natural Landscape Overlay Zone
ORC	Otago Regional Council
P	Permitted Activity
Plan	Partially Operative Dunedin City Second Generation District Plan 2024
PPH	Princes, Parry and Harrow Street Zone
PPV	Peak Particle Velocity
Pr	Prohibited Activity
Previous Plan	Dunedin City District Plan 2006
pRPS 2021	Proposed Otago Regional Policy Statement
RD	Restricted Discretionary Activity
RMA	Resource Management Act 1991
RPS 2019	Operative Otago Regional Policy Statement
RR2	Rural Residential 2 Zone
RTZ	Residential Transition Overlay Zone
s32	Section 32 of the Resource Management Act 1991
SDLF	South Dunedin Large Format Zone
SH1	State Highway 1
SNA	Significant Natural Area

SNL	Significant Natural Landscape Overlay Zone
STEM	Standard Tree Evaluation Method
T&S	Township and Settlement Zone
TR	Trade Related Zone
UBMA	Urban Biodiversity Mapped Area
WP	Warehouse Precinct Zone

1 INTRODUCTION

1.1 Background

1. This report provides a summary of the evaluation undertaken by Dunedin City Council (DCC) of proposed changes included in Plan Change 1 – Minor Improvements. The assessments included in this report are required by Section 32 of the Resource Management Act 1991 (s32).

2. A plan change is a set of proposed amendments to a plan after it has been made operative. Plan Change 1 proposes amendments to the Partially Operative Dunedin City Second Generation District Plan 2024 (2GP). The 2GP was made partially operative on 19 August 2024, except for specific provisions and identified areas still subject to seven appeals outstanding at that date.

3. Prior to the 2GP being made partially operative, Plan Change 1 was known as Variation 3, with the 2GP having also been subject to two earlier variations. Variation 1 (notified in 2019) addressed minor errors and omissions and the changes are now operative. Variation 2 (notified in 2021) made changes to enable additional housing capacity and other changes to housing-related provisions. The Variation 2 changes are also now operative, except in relation to some outstanding appeals on areas requested for rezoning.

4. Plan Change 1 was approved for initiation by the Planning and Environment Committee on 2 November 2021 (as Variation 3) to enable minor improvements to be made to the 2GP. Minor improvements are changes to Plan provisions where the provisions have been identified as not effectively or efficiently achieving the objectives of the Plan, without substantive changes to those objectives or addition or removal of associated Plan methods.

5. It is noted that one change regarding healthcare activities (Change D16) has developed into a more substantive review and change in response to feedback from key stakeholders on the initial proposal.

6. A wide range of minor improvements are addressed in Plan Change 1 – Minor Improvements, including the following types of changes:

   - adjustments to definitions to clarify their application to specific activities
   - changes to performance standards and assessment rules to ensure the relevant objectives are more effectively and efficiently achieved (e.g. by changing the requirements or assessment guidance)
   - addition of exemptions to rules to avoid unnecessary resource consents; and
   - minor adjustments to the zoning of specified sites (only) to correct split-zoning, zoning alignment with site boundaries or to provide for established activities.

7. Change proposals are grouped in this report by the following sub-topics:

   - City-Wide: Infrastructure and Network Utilities Changes
   - City-Wide: Heritage, Signs, Earthworks, Manawhenua, Construction & Noise Changes

- Residential and Subdivision Changes
- Rural, Rural Residential, and Recreation Changes
- Business Land and Health Changes
- Natural Environment and Trees Changes
- Minor Corrections and Clarifications
- Zoning Changes

1.2 Scope of Plan Change 1

8. The scope of Plan Change 1 is limited to considering the proposals and rejected changes outlined in this evaluation report and any alternative options to achieve the purpose of each proposal, including but not limited to any alternative option that is assessed in this report. The purpose of each proposal is identified in the 'purpose of proposal and scope of change' section for each proposed change.

9. The scope of Plan Change 1 is being limited to ensure efficient progress can be made on the plan change alongside other projects, within resource and time constraints.

10. Given the limited scope of Plan Change 1, only submissions which address matters that fall within the purpose of each proposal will be considered submissions 'on' Plan Change 1. Any submissions made on other matters will be identified as out of scope and are unlikely to be considered by the Hearing Panel.

11. Any matters that have not been addressed in Plan Change 1 can be suggested for inclusion in a future plan change process by contacting DCC City Development[1]. Suggestions will be screened for potential inclusion in a future plan change process based on a range of factors, including the validity of the issues identified, the priority of the issues to resolve, and City Development's forward work programme.

1.3 Section 32 statutory considerations

12. Under s32 'Requirements for preparing and publishing evaluation reports', the Dunedin City Council is required to undertake an evaluation prior to the notification of Plan Change 1.

13. Under s32(1), this evaluation must:

    (a) examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and

    (b) examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—

    (i) identifying other reasonably practicable options for achieving the objectives; and

    (ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and

[1] email districtplan@dcc.govt.nz

(iii) summarising the reasons for deciding on the provisions; and

(c) contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.

14. Under s32(2), the evaluation must also:

(a) identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—

(i) economic growth that are anticipated to be provided or reduced; and

(ii) employment that are anticipated to be provided or reduced; and

(b) if practicable, quantify the benefits and costs referred to in paragraph (a); and

(c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.

15. Under s32(6), 'objectives' means:

(a) for a proposal that contains or states objectives, those objectives;

(b) for all other proposals, the purpose of the proposal.

16. All proposals in Plan Change 1 have a purpose statement which meets the meaning of 'objective' in accordance with s32(6). Each purpose is intended to assist in more appropriately achieving the relevant existing objectives of the Plan. These existing objectives have been considered appropriate to achieve the purpose of the Act through the decisions already made on the Plan. Therefore, it is considered that the purpose (or 'objective') of each proposal will also appropriately achieve the purpose of the Act.

17. It is noted that the plan change contains only two amended objectives (objectives 2.3.3 and 18.2.1), which are assessed in terms of their appropriateness to achieve the purpose of the Act in the relevant sections below.

1.4 Other planning considerations

18. Under s75 of the RMA a district plan must give effect to any national policy statements, New Zealand coastal policy statement, national planning standards and any regional policy statements, and not be inconsistent with a water conservation order or regional plan.

19. Under s74 of the RMA a territorial authority must also have regard to a proposed regional policy statement, proposed regional plan, management plans and strategies prepared under other Acts, amongst others, when preparing or changing a district plan. It must also take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority.

20. The key RMA and Local Government Act 2002 (LGA) documents of relevance to Plan Change 1 – Minor Improvements are summarised briefly below.

1.4.1 National Planning Standards 2019

21. The National Planning Standards 2019 (NPStds) were published in November 2019 to provide national consistency for the structure, form, definitions, and electronic accessibility of plans made under the RMA.

22. The timeframes for the implementation of different parts of the NPStds vary. As decisions on the 2GP had already been issued at the time the NPStds were published, extended timeframes apply for Dunedin to comply.

23. The following NPStds must be complied with through amendments to the Plan made by November 2026, or a full plan review (whichever comes first):

    - Foundation
    - District plan structure
    - Introduction and general provisions
    - District-wide matters
    - Zone framework
    - Designations
    - Format
    - District spatial layers
    - Mapping
    - Noise and vibration metrics
    - Electronic accessibility and functionality

24. The definitions NPStds must be complied with through amendments to the Plan made by November 2028, or a full plan review (whichever comes first).

25. The definitions part of the NPStds is most relevant to the change proposals included in Plan Change 1 – Minor Improvements. The definitions have been considered as part of any proposal to change definitions within the Plan. Reasons for the adoption or otherwise of definitions included in the NPStds are addressed in the assessments of the relevant change proposals below.

1.4.2 National Policy Statements

26. There are currently eight national policy statements that have legal effect, as follows:

    - National Policy Statement on Electricity Transmission 2008 (NPS-ET)
    - New Zealand Coastal Policy Statement 2010 (NZCPS)
    - National Policy Statement for Renewable Electricity Generation 2011 (NPS-REG)
    - National Policy Statement on Urban Development 2020 (NPS-UD)
    - National Policy Statement for Freshwater Management 2020 (NPS-FM)

- National Policy Statement for Highly Productive Land 2022 (NPS-HPL)
- National Policy Statement for Indigenous Biodiversity 2023 (NPS-IB)
- National Policy Statement for Greenhouse Gas Emissions from Industrial Process Heat 2023

27. The three NPSs that took effect prior to the 2015 public notification of the 2GP have been given effect to via 2GP provisions. For the NPS-ET and NPS-REG, this is achieved particularly via objectives 2.2.2, 2.3.1, 5.2.1 and 5.2.X and associated provisions, and for the NZCPS, via objectives 2.2.3, 2.4.5, 10.2.1, 10.2.2 and 10.2.3.

28. Following the changes made to the 2GP via Variation 2 - Additional Housing Capacity, the NPS-UD has also been given effect to, via 2GP objectives 2.6.1 and 2.6.2 and associated provisions.

29. The NPS-FM is to be implemented primarily via regional planning mechanisms. However, as part of resolving appeals on the 2GP, amendments were made to provisions that implement 2GP Objective 10.2.1 (specifically, Policy 10.2.1.Z) to give effect to this NPS in relation to wetlands.

30. Where appropriate, changes in Plan Change 1 have been assessed against the 2GP objectives referred to above. The Plan Change 1 changes are considered to give effect to these 2GP objectives, and therefore to the relevant higher order documents referred to above.

31. The NPS for Greenhouse Gas Emissions from Industrial Process Heat applies to emissions of greenhouse gases from fossil fuel-fired heat devices. This NPS does not include provisions that need to be given effect to via district plans.

32. The NPS-HPL requires that changes to district plans to give effect to it are publicly notified no later than two years after maps of highly productive land in the relevant regional policy statement become operative. A change to the pRPS 2021 to incorporate these maps has not yet been publicly notified. However, under Part 4.1(1) of the NPS, the NPS has effect from the commencement date (which was 17 October 2022), using the interim definition of highly productive land set out in the NPS. Existing 2GP provisions, including objectives 2.3.1, 16.2.1, 16.2.2 and 16.2.4 and associated provisions, aim to protect productive rural land from less productive competing or incompatible uses. Where appropriate, changes in Plan Change 1 have been assessed against both these 2GP objectives and the NPS-HPL and are considered to give effect to them.

33. The NPS-IB requires that changes to district plans to give effect to it are publicly notified no later than eight years after the commencement date (which was 4 August 2023). However, in the case of changes needed to give effect to the parts of the NPS that relate to significant natural areas, and to information required to be provided with resource consent applications for activities that would have more than minor effects on indigenous biodiversity, the deadline for public notification is five years after the commencement date. Existing 2GP provisions, including objectives 2.2.3, 10.2.1 and associated provisions, aim to protect indigenous biodiversity. Where appropriate, changes in Plan Change 1 have been assessed against both these 2GP objectives and the NPS-IB and are considered to give effect to them.

34. It is noted that the NPS-HPL, NPS-IB and NPS-FM and other national policy directions are currently under review by the government. RMA Amendment Bill #1 was introduced to

parliament in May 2024. It contains proposals to amend the NPS-IB, including by suspending the requirement for councils to identify and notify new significant natural areas (SNAs) for three years, and by postponing the requirement to publicly notify changes to district plans to give effect to NPS provisions relating to SNAs until the end of 2030. If passed, this Bill would become law by the end of 2024.

35. RMA Amendment Bill #2 is currently scheduled to be introduced to parliament before the end of 2024. A publicly released cabinet paper[2] indicates that this Bill will include a review of the NPS-HPL, including to exclude Land Use Classification 3 soils from the definition of the "highly productive land" that is protected under the NPS. If passed, this Bill is scheduled to become law in mid-2025.

36. The same cabinet paper also indicates that a proposed integrated national direction package, to include "replacing and rebalancing NPS-Freshwater Management, new infrastructure national direction including to support renewable electricity, a series of changes to make it easier for farmers, reviewing the existing NPS-indigenous biodiversity, and other national direction priorities", is currently under development. Revised national direction instruments are scheduled to be in place in early 2026.

37. As any proposed changes outlined by the government have not yet come into force, the proposals in Plan Change 1 have not been assessed against them.

1.4.3 Otago Regional Policy Statement 2019 & Proposed Otago Regional Policy Statement 2021

38. Otago has both a fully operative Otago Regional Policy Statement 2019 (RPS 2019) and a proposed Otago Regional Policy Statement 2021 (pRPS 2021).

39. The RPS 2019 has been given effect to via a wide range of the 2GP's objectives and associated provisions, including the objectives for infrastructure, biodiversity, and for natural coastal character. Changes in Plan Change 1 have been assessed against relevant 2GP objectives in the evaluation sections below. The changes are considered to give effect to 2GP objectives, and therefore to the RPS 2019.

40. In drafting the proposed changes, the Council has also had regard to the provisions of the pRPS 2021.

1.4.4 Kāi Tahu ki Otago Natural Resource Management Plan 2005

41. This Resource Management Plan was taken into account when preparing the Manawhenua provisions of the 2GP, including objectives 2.5.2 and 2.5.3 and associated provisions. Where relevant, proposed changes included in Plan Change 1 have been assessed against these 2GP objectives and are considered to give effect to them.

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[2] Work Programme for Reforming the Resource Management System (22 March 2024) https://environment.govt.nz/assets/publications/Work-Programme-for-Reforming-the-Resource-Management-System.pdf

1.4.5 Future Development Strategy 2024-2054

42. The Future Development Strategy 2024-2054 (FDS) is a long-term strategic plan to improve integration of land use planning with infrastructure planning and funding. The FDS identifies where and how Dunedin is expected to grow, and what its infrastructure needs are, so that planning can take place. It outlines expected growth for both housing and business land over the next 30 years. The FDS has identified that Dunedin has enough housing capacity, although some areas appropriate for residential intensification in the long term have been identified in it. The FDS does identify a need for some new industrial-zoned land, and certain other potential changes to business land zoning, including at Caversham, in the vicinity of the new Dunedin Hospital, and at the existing Dunedin and Wakari Hospital sites.[3]

43. The changes in Plan Change 1 are not inconsistent with the FDS. Changes to the 2GP to implement the FDS's findings in relation to business land will be implemented via a future plan change and are not included in this plan change.

1.5 Consultation

44. The RMA requires pre-notification consultation with the following parties as part of a plan change (clause 3(1) of Schedule 1):
    - Minister for the Environment
    - Other Ministers who may be affected
    - Local authorities who may be so affected
    - Tangata whenua of the area through iwi authorities
    - Any customary marine title group in the area.

45. Several ministers are considered potentially affected by the change proposals in Plan Change 1 – Minor Improvements. The only local authority considered affected by the proposals is Otago Regional Council. Tangata whenua of the area are represented by Aukaha, a Manawhenua-owned consultancy. The 2GP does not manage activities in the coastal marine area.

46. The RMA also allows consultation with any other parties (clause 3(2) of Schedule 1), provided the consultation is undertaken in accordance with section 82 of the Local Government Act 2002, which sets out the principles of consultation.

47. An overview of the consultation undertaken for Plan Change 1 is set out in the sections below.

1.5.1 Ministers Consulted

48. The following ministers were considered potentially affected by proposals in Plan Change 1 (taking a broad interpretation of what could affect them):

[3] Dunedin Future Development Strategy 2024 - 2054 (April 2024) https://www.dunedin.govt.nz/__data/assets/pdf_file/0007/1049299/Future-Development-Strategy-2024-54.pdf pp 91-92

- Conservation
- Defence
- Education
- Environment
- Health
- Housing
- Internal Affairs
- Transport

49. The relevant ministers were sent letters on 8 August 2024 advising them of the proposed changes that may affect them (or the function of their ministries or associated government agencies), for them to provide feedback if they wished.

50. Feedback was received from Department of Conservation staff on behalf of the Minister of Conservation, and from Fire and Emergency New Zealand on behalf of the Minister of Internal Affairs, with feedback from both parties having also been earlier provided through direct stakeholder consultation undertaken under cl.3(2) Schedule 1.

51. No further changes were made to the proposals as a result of the final feedback provided on behalf of ministers, and the relevant organisations acknowledged the potential to make submissions on Plan Change 1 when it is publicly notified.

1.5.2 Otago Regional Council

52. Otago Regional Council (ORC) was approached in April 2024 to determine whether they would like to review any draft proposals for Plan Change 1 – Minor Improvements. ORC was then provided a list of matters that were likely to be addressed as part of the plan change for them to identify any of particular interest to them.

53. ORC provided an indication of matters which were likely to be of interest in May 2024, and draft proposals on these matters were provided to them in May and June 2024. Feedback on the draft proposals was received in two batches in June 2024, and has been considered as part of finalising the proposals.

1.5.3 Manawhenua – Aukaha

Initial Consultation (cl.3(1)(d) Schedule 1)

54. Aukaha was approached in September 2022 to develop a process for reviewing topics likely to be included in Plan Change 1 – Minor Improvements and to make suggestions for additional changes that would fit within the scope of minor improvements.

55. In December 2022, Aukaha was provided with a preliminary list of matters that were likely to be addressed as part of Plan Change 1 – Minor Improvements for identification of matters which were likely to be of interest to Manawhenua that they would like to review in further detail.

56. Aukaha provided an indication of matters which were likely to be of interest in February 2023 and additional clarification was provided to Aukaha on some matters. An updated response was received from Aukaha in March 2023.

57. Batches of draft change proposals were then sent to Aukaha for review as they were completed from June 2023 to May 2024. Feedback was collated and considered by DCC as it was received, resulting in changes to some proposals, as noted in the relevant assessments below.

58. Additional changes suggested for inclusion by Aukaha, and DCC's response to these, were:

- Including missing native reserve mapped areas (included as Change MW1)
- Adjusting the viewshaft starting point for the 'Views from Ōtākou Marae Around Upper Harbour' wāhi tupuna mapped area (included as Change MW2); and
- Including rūnaka offices not at the marae within the definition of marae-related activities or other changes to avoid non-complying activity status in the Township and Settlement Zone (not included in Plan Change 1 as the topic is better suited for potential inclusion in an alternative future plan change).

<u>Pre-Notification Review of Proposals (cl.4A Schedule 1)</u>

59. In accordance with clause 4A of Schedule 1 of the RMA, Aukaha was provided with a copy of the draft proposals for Plan Change 1 – Minor Improvements on 15 July 2024. Aukaha were given almost five weeks to consider and provide advice on it.

60. Advice received from Aukaha as a result of this process focused on whether the most important concerns identified in the Clause 3 feedback provided by Aukaha had been addressed. The remaining concerns were as follows:

- Proposed changes to the definition of visitor accommodation (Change Res18), and whether these would result in consent requirements for the use of Māori land by whānau for nohoanga (temporary stays). Aukaha noted that this is not a commercial activity but may involve some form of koha to Māori landowners or rūnaka
- Proposed changes to boundary setbacks for structures in rural and rural residential zones (Change D10). Aukaha noted that the changes may inadvertently capture fences or holding pens on or near boundaries; and
- The proposed addition of a new policy providing for the upgrade and expansion of rural industry and intensive farming (Change RU6). Aukaha expressed a range of concerns with this change, including that it would be too enabling and was inconsistent with the normal 2GP policy drafting approach.

61. Having given particular regard to this advice, DCC:

- amended the proposed changes to the definition of visitor accommodation to further address Aukaha's concerns (see Change Res18 below);
- amended the proposal for changes to boundary setbacks in rural and rural residential zones so that fences and holding pens would be excluded from the setbacks (see Change D10 below); and

- did not amend the proposal for policy changes relating to rural industry and intensive farming (Change RU6). The proposed changes have been drafted in consultation with another key stakeholder, Mainland Poultry. It is therefore considered appropriate for this issue to be explored via the submission process, so that Mainland Poultry and other interested parties have the chance to respond to the points raised (see Change RU6 below).

1.5.4 Other Consultation

62. Other consultation undertaken included a survey of regular plan users and consultation with various stakeholders depending on the change proposal (e.g. government agencies, landowners, surveyors, network utility operators, advocacy groups and developers). No external pre-notification consultation was undertaken regarding very minor or technical planning issues.

63. The survey of regular plan users is outlined in more detail below, while consultation with stakeholders on specific change proposals is outlined under the assessments of the relevant change proposals.

Survey of Regular Plan Users

64. On 31 March 2022, a survey was sent to regular plan users such as surveyors and architects to obtain feedback on some specific Plan issues likely to be of interest to them, and to provide the opportunity for other issues to be identified for consideration as part of Plan Change 1 – Minor Improvements.

65. The survey included specific questions regarding issues with the following provisions (the feedback received is summarised under the assessments of the relevant change proposals):

    - Tiny homes (see Change Res7 and rejected changes RC7A and RC7B)
    - Firefighting (see Change PHS1)
    - Health facilities (see Change D16)
    - Rural and rural residential family flats (see Change CP6)

66. The survey also included specific questions regarding issues with the following provisions, but change proposals for these issues have been postponed for consideration as part of a future plan change on heritage and multi-unit development to manage the potential for overlap between the two plan change processes:

    - Outdoor living space
    - Building length

67. A copy of the survey questions is attached in Appendix D.

68. Several suggestions were also made in survey responses regarding other issues that could be considered for inclusion in Plan Change 1 – Minor Improvements. These suggestions were screened based on the nature and urgency of the issue and complexity of changes required to the Plan. As a result, four suggestions were included in Plan Change 1, for changes regarding the following topics:

- Walking tracks and how they are defined and managed (see Change CP11)
- Setback of earthworks from network utilities for vehicle crossings (see Change NU2)
- Requirement for driveways at the time of subdivision (see Change CP24, Issue 3)
- Construction noise limits for long-term construction (see Change PHS6)

69. A further ten suggestions were received but not included as part of Plan Change 1 for a range of reasons, including because:

- the matters had recently been addressed as part of Variation 2
- the matters would be more appropriately addressed through a future plan change due to the timing of other statutory processes or the complexity of the issues
- the issues and likely solutions were inconsistent with the Plan's objectives or the RMA; or
- the changes would provide little benefit over the status quo so are low priority.

1.6 Legal Effect of Proposed Rule Changes

70. Section 86B of the RMA sets out when rules in proposed plans have legal effect. A rule has immediate legal effect (i.e., effect from the date of public notification) if the rule:

- protects or relates to water, air, or soil (for soil conservation);
- protects areas of significant indigenous vegetation
- protects areas of significant habitats of indigenous fauna
- protects historic heritage
- provides for or relates to aquaculture activities; or
- has been requested by DCC for legal effect on a date other than the decision date in accordance with Section 86D(2) of the RMA.

71. Under these provisions, the following proposed changes in Plan Change 1 – Minor Improvements would have immediate legal effect:

- Scheduled heritage buildings (Change SHB3), which will protect historic heritage
- Additions to the Areas of Significant Biodiversity Value (ASBVs) schedule on public land (Change NE7), which will protect areas of significant indigenous vegetation or significant habitats of indigenous fauna; and
- Stormwater open watercourse setbacks (Change Res13), which relate to water.

72. However, in accordance with section 86B(1)(c) of the RMA, Council has resolved that the stormwater open watercourse setback rules should have legal effect only once the proposed

plan becomes operative.[4] No such resolution was requested of Council in relation to the rules to protect scheduled heritage buildings or ASBVs.

73. Therefore, only the provisions amended by Change SHB3 and Change NE7 will have immediate legal effect from the date Plan Change 1 is notified (20 November 2024). The affected provisions are highlighted lemon in Appendix A and the e-plan, and marked as having legal effect in the online Planning Map. No additional proposed changes have been requested by DCC for legal effect on a date other than the decision date.

74. In accordance with sections 86A(2) and 104(1)(b)(vi) of the RMA, amended objectives and policies have legal effect from the date Plan Change 1 is notified and will be considered in assessing resource consent applications and weighed against the status quo, according to the circumstances.

1.7 Material Incorporated by Reference

75. Some changes in Plan Change 1 propose to incorporate material by reference in accordance with cl. 30 of Schedule 1 to the RMA. The material proposed to be incorporated by reference and where it can be inspected or purchased is summarised in Table 1 below.

Table 1: Material proposed to be incorporated in the Plan by reference as part of Plan Change 1

Change ID	Material proposed to be incorporated by reference	Incorporated in existing Plan rules?	Where the material can be inspected	Where the material can be purchased
CP16	Dunedin Code of Subdivision and Development 2010	Yes (13 instances)	Online at DCC's website[5]	Free of charge
CP16	NZS 4404:2010 Land Development and Subdivision Infrastructure	Yes (7 instances)	Dunedin City Library (Ask at Floor 1 desk – Standards)	Online at Standards New Zealand[6]
PHS1	SNZ/PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice	Yes (Rule 9.3.3 and Rule 12.3.1.2)	Online at Fire and Emergency's website[7]	Free of charge
PHS6	NZS6803:1999 Acoustics Construction Noise	Yes (Rule 4.5.4.1)	Dunedin City Library (Ask at Floor 1 desk – Standards)	Online at Standards New Zealand[6]

[4] See the minutes of the Council meeting of 24 September 2024, available online here: https://www.dunedin.govt.nz/council/council-meetings/agendas-and-minutes
[5] CP-Dunedin-Code-of-Subdivision-Aug-2010.pdf
[6] https://www.standards.govt.nz/
[7] Microsoft Word - DZ4509 V8.3 Publication 20080731.doc (fireandemergency.nz)

Change ID	Material proposed to be incorporated by reference	Incorporated in existing Plan rules?	Where the material can be inspected	Where the material can be purchased
TA3	International Standard ISO-4866:2010 Mechanical Vibration and Shock	No	Dunedin City Library (Ask at Floor 1 desk – Standards)	Online at Standards New Zealand[6]
TA3	German Standard DIN 4150–3:2016 Vibrations in Buildings - Part 3: Effects on Structures	No	Dunedin City Library (Ask at Floor 1 desk – Standards)	Online at European Standards[8]

[8] https://www.en-standard.eu/

2 EVALUATION OF PREFERRED OPTIONS FOR NON-ZONING CHANGES

2.1 City-Wide: Infrastructure & Network Utilities Changes

76. This section assesses change proposals which will directly impact Plan provisions which manage transportation, 3-waters, and network utilities infrastructure across the city.

2.1.1 Improvements to the management of high trip generators (Change CP1)

Purpose of proposal and scope of change

77. The purpose of Change CP1 is to review how activities that will generate relatively high numbers of vehicle movements are managed (e.g., through the high trip generators provisions) to ensure that their effects on accessibility and the safety and efficiency of the transport network are effectively and efficiently managed.

78. The scope of this change does not extend to reviewing how other effects from these activities are managed in the Plan.

Background and issues of concern

79. High trip generators are defined in the Plan as follows:

    High Trip Generators

    The group of activities which includes:

    a. *new or additions to parking areas that result in 50 or more new parking spaces; and*

    b. *any activities that generate 250 or more vehicle movements per day.*

80. Provisions relating to high trip generators (HTGs) were included in the Plan to achieve objectives 6.2.2 and 6.2.3, as follows:

    Objective 6.2.2

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

    Objective 6.2.3

    Land use, development and subdivision activities maintain the safety and efficiency of the transport network for all travel modes and its affordability to the public.

81. These objectives also assist in achieving strategic objectives and policies in the Plan, including Objective 2.2.2 (and associated Policy 2.2.2.4.a) which seek reduced reliance on private motor cars for transportation, including by supporting transport mode choices; and Objective 2.7.2 (and associated Policy 2.7.2.1.b) which seek a safe and efficient multi-modal land transport network, including by managing the location, scale and design of HTGs.

82. Instead of being an activity within the nested tables in Section 1.3 of the Plan, HTGs can be a land use activity in any land use category, a development activity (for development of parking spaces), or a subdivision activity. Therefore, the provisions for HTGs apply in addition to the provisions for the underlying activity.

83. Where an underlying activity is restricted discretionary, HTG activities have discretion reserved to consider effects on the safety and efficiency of the transport network and effects on accessibility, in line with the above objectives.

84. To assist in the assessment of applications for HTGs, a special information requirement is included at Rule 6.14.2 to generally require integrated transport assessments (ITAs) to be provided with applications.

85. Despite the broad potential application of the HTG provisions based on the definition above, their application is narrowed by the structure of the associated Plan rules. This structure means that the provisions do not apply to permitted or controlled activities, while their application to some development activities and subdivision activities is unclear.

86. The 2GP decisions noted the importance of the HTGs definition linking to the scale or number of vehicle movements rather than encapsulating specific land uses without regard to the scale, nature, or effects of the activity[9]. The intent of the decision was for "any activities that generate 250 or more vehicle movements per day" to require consent via the HTG provisions (and was the basis for removing some specific land use activities from the definition of HTGs as part of that decision).

87. The issue of concern is that several gaps have been identified with the way HTGs are managed by the Plan, as follows:

- the aspect of the HTGs definition that relates to land use activities ("any activities that generate 250 or more vehicle movements per day") does not currently apply to activities that are otherwise permitted or controlled (e.g. self-service fuel stations in industrial zones or schools in Schools Zone). This is due to the HTG provisions not being subject to a specified activity status in the land use activity status tables;
- the lack of HTG provisions in the land use activity status tables also risks Plan users being unaware that additional assessment requirements apply to HTGs for activities that already require consent for other reasons;
- the 250 vehicle movements per day threshold may not ensure that all activities of concern regarding effects on the safety and efficiency of the transport network and accessibility are subject to an assessment;
- a vehicle movements per day threshold is difficult to implement because it can require a subjective assessment to determine whether the threshold is exceeded or not;
- there is a lack of clarity regarding whether the HTG provisions apply to subdivision (including that the assessment rules do not appear in the assessment tables for subdivision). There is nothing in the definition of HTGs to clarify this, and Transport have been applying the provisions to subdivision where they consider this appropriate;
- the HTG provisions based on vehicle movements do not distinguish between car movements and truck movements, which are likely to have different effects;

[9] 2GP Transportation Decision of Hearings Panel (7 November 2018), p. 49

- while effects on accessibility by cars is a key issue of concern, there is no policy guidance on this to assist in achieving Objective 6.2.2, as the policy related to this (Policy 6.2.2.1) was amended as part of removing the minimum car parking standards from the Plan (via implementation of the NPS-UD Policy 11). There is now only a policy related to accessibility by walking, cycling and public transport. The absence of a policy on access by cars is also of increased importance due to there no longer being minimum car parking standards, which used to work together with the HTG provisions to manage accessibility effects;
- while most development activity status tables in the Plan include a specific rule for "new or additions to parking areas that result in 50 or more new parking spaces" (which captures the development portion of HTGs and makes them restricted discretionary), similar rules are not included in sections 24, 29, 30, 31 and 34 even though this activity could occur in the associated zones. This appears to be an accidental oversight in the Plan's original drafting; and
- there is an error where Section 20 contains a row in the development activity status table for "new or additions to parking areas that result in 50 or more new parking spaces" making it a restricted discretionary activity, but the assessment rule is missing.

88. These issues are proposed to be resolved by:

- amending the definition of HTGs to apply proxy thresholds for vehicle movements per day (where practicable) for all activities that may generate relatively high numbers of trips (based on advice from DCC's transportation consultants, see Appendix C), to ensure that they are subject to the HTG provisions and activities that are likely to generate a lot of heavy traffic are captured;
- adding rows to the land use activity status tables in all management zone and major facility zone sections of the Plan to make any land use activities that exceed the thresholds stated in the amended definition of HTGs a restricted discretionary activity (and consequential changes to assessment rules);
- no longer applying HTG thresholds to subdivision, to enable an ITA to be requested on a case-by-case basis, in line with the changes proposed under Change CP16;
- adding Policy 6.2.2.Y for policy guidance on achieving Objective 6.2.2 on accessibility by ensuring HTGs locate near access to sufficient car parking and other modes of transport where suitable to the activity (and referencing this policy in the relevant assessment rule);
- adding rows to the development activity status tables where they are missing for "new or additions to parking areas that result in 50 or more new parking spaces", to ensure that they are treated as HTGs (includes section 24, 29, 30, 31, 34), and consequential changes to assessment rules; and
- adding an assessment rule to section 20 for contravention of the HTG threshold for the development of parking spaces (which already has a row in the development activity status table).

Proposed change and assessment

89. Change CP1 proposes the following amendments to the Plan, as shown in Appendix A:

- Amend the definition of high trip generators to include activities that exceed new thresholds specified in a new appendix;
- Add Appendix 6C to give the thresholds for HTGs, based on advice from DCC's consultant transport engineers, Abley (see Appendix C). Note that any land use activity not specifically listed as subject to a threshold is excluded on the basis that it is unlikely to generate transportation effects of concern;
- Add a definition of 'heavy vehicle' to assist in application of the new thresholds in Appendix 6C;
- Consequential changes to Section 6.1 Introduction arising from the change in the definition of high trip generators and the new approach that applies the provisions to permitted and controlled activities;
- Amend Objective 18.2.1 to remove references to HTGs being provided for in the CEC – South, South Dunedin Large Format, and Trade Related zones, as the HTG provisions are no different for those zones than for other zones:
- Add rows to the land use activity status tables at the following rules under a heading 'all land use activities' (after the rows applying performance standards to all land use activities) to ensure HTGs - new or expansions of land use activities that result in the thresholds in Appendix 6C being exceeded - require consent as a restricted discretionary activity:
    - Rule 15.3.3.X
    - Rule 16.3.3.X
    - Rule 17.3.3.X
    - Rule 18.3.3.X
    - Rule 18.3.4.X
    - Rule 18.3.5.X
    - Rule 19.3.3.X
    - Rule 20.3.3.X
    - Rule 21.3.3.X
    - Rule 22.3.3.X
    - Rule 23.3.3.X
    - Rule 24.3.3.X
    - Rule 25.3.3.X
    - Rule 26.3.3.X
    - Rule 27.3.3.X

- Rule 28.3.3.X
- Rule 29.3.3.X
- Rule 30.3.3.X
- Rule 31.3.3.X
- Rule 32.3.3.X
- Rule 33.3.3.X
- Rule 34.3.3.X
- Rule 35.3.3.X

- Consequential changes to add the following land use assessment rules for restricted discretionary HTGs (for sections that do not currently have an RD assessment rule, noting that for HTG in residential zones Rule 15.11.2.1 for the assessment of all restricted discretionary activities applies and does not require any changes), linking to Rule 6.11 for assessment:
  - Rule 21.9.X.1
  - Rule 22.10.X.1
  - Rule 25.9.X.1
  - Rule 26.10.X.1
  - Rule 27.10.X.1
  - Rule 30.9.X.1
  - Rule 32.9.X.1
- Consequential changes to the wording of the following land use assessment rules for restricted discretionary HTGs (for sections that currently have an RD assessment rule specific to HTGs):
  - Rule 6.11.2.2
  - Rule 16.10.2.2
  - Rule 17.10.2.2
  - Rule 18.10.2.1
  - Rule 19.10.3.1
  - Rule 20.10.2.2
  - Rule 23.9.2.1
  - Rule 24.8.2.1
  - Rule 28.9.2.1
  - Rule 29.10.3.1
  - Rule 31.10.2.1

- Rule 33.10.2.1
- Rule 34.10.3.1
- Rule 35.9.2.1

- Consequential changes to delete the following assessment rules for discretionary and non-complying HTGs, as these activities are now explicitly RD in the activity status tables and covered by assessment rules as a restricted discretionary activity:
  - Rule 6.12.2.2
  - Rule 6.13.2.2
- Add Policy 6.2.2.Y to guide the assessment of accessibility for HTGs in terms of location relative to sufficient car parking and access to other transport modes:
- Add reference to Policy 6.2.2.Y to the assessment rule for the accessibility of HTGs at Rule 6.11.2.2.b;
- Amend Rule 6.14.2.1 Special information requirement for integrated transport assessments to clarify that Council will not require an ITA if the application is for a small expansion of an activity for which an ITA has been approved, provided the transportation effects are likely to be closely similar;
- Add the following missing development activity status rules for development of car parking spaces that meet the definition of HTGs, using the same approach used for the existing equivalent rules in other sections of the plan (i.e., add as a row under the site development activities heading without using the term high trip generators as it is not an activity in the site development activities category, and apply performance standards for ‘boundary treatments and other landscaping’ and ‘parking, loading and access’ as appropriate):
  - Rule 24.3.4.X
  - Rule 29.3.4.X
  - Rule 30.3.4.X
  - Rule 31.3.4.X
  - Rule 34.3.4.X
- Consequential changes to add the following assessment rules for the rules added to the development activity status tables above:
  - Rule 24.8.3.2
  - Rule 29.10.4.2
  - Rule 30.9.Y.1
  - Rule 31.10.3.3
  - Rule 34.10.4.4

- Add assessment Rule 20.10.3.Y for the development of parking spaces that are HTG (as this section has the row in the activity status table but not the assessment rule) – see also Change Rec2.

Assessment against relevant objectives

90. A key element of Change CP1 is ensuring that all land use activities likely to generate high numbers of vehicle movements, including by heavy vehicles, will be subject to the rules for HTGs. This means these activities will require consent as a restricted discretionary activity and will generally be subject to an integrated transport assessment.

91. The proposal applies the thresholds to new or expansions of existing land use activities, meaning any existing activity forms part of the assessment. This approach has been taken to ensure that activities cannot be incrementally increased in scale over time without ever triggering the need for an ITA, particularly for activities that would otherwise be permitted. For activities that have already been consented, these can continue so long as they are in accordance with their consent conditions. Any substantive expansion to consented activities would require a change to the conditions of the original consent, or a new consent, (as usual) to enable the additional transportation effects (and any other effects as relevant) to be considered. The proposed wording of the special information requirement for ITAs retains some flexibility for Council to not require an ITA in circumstances where a simpler assessment of effects is appropriate.

92. This overall approach is necessary to ensure that effects on accessibility and on the safety and efficiency of the transport network are appropriately managed, and the relevant objectives effectively achieved (being objectives 2.2.2 and 6.2.2 on accessibility and objectives 2.7.2 and 6.2.3 on the safety and efficiency of the transport network).

93. The proposal also includes changes to ensure that the HTG provisions are more easily implemented. This is achieved by moving away from a 'vehicle movements per day' threshold (that captures all land use activities) to the use of proxy-measures such as gross floor area, numbers of units, or numbers of attendees. These new thresholds are more objective and easily applied when determining whether a consent will be required and have been tailored to each specific activity based on advice from DCC's transportation consultant, Abley (see Appendix C). The use of proxy-measures has been applied to as many activities as practicable and will ensure the relevant objectives are achieved as efficiently as possible.

94. However, Abley has advised that proxy-thresholds are too difficult to formulate for some activities where proposals are likely to vary considerably. Therefore, 'vehicle movements' thresholds are still retained for eight land use activities. In several cases these activities are likely to also be subject to consenting requirements for other reasons (e.g., landfills, mining (other than scheduled mining activity), and prisons and detention centres, which are all either discretionary or non-complying activities across all management and major facility zones), reducing the impact of not having objective thresholds in these cases.

95. To further assist in implementation and consistency across the Plan, the thresholds have been aligned with thresholds that are already used in the plan for some activities (e.g., for community and leisure, which is managed as either a large scale or small scale activity, based on thresholds included in the respective definitions). Existing Plan scale thresholds have not

been used only where they are unlikely to correlate with a high level of traffic generation (e.g., for rural tourism – large scale, which applies over an attendance rate of 25 people per day except of a maximum of 10 days per calendar year where the attendance rate may be up to 50 people per day).

96. A new policy to guide the assessment of accessibility for HTGs has also been proposed (Policy 6.2.2.Y). This policy fills a gap that has been created by the deletion of minimum car parking requirements (to give effect to Policy 11 of the NPS-UD). The policy will ensure that applicants consider the location of their proposal relative to the available supply of car parking in the environment (including off-site and any they propose on-site). This is relevant to achieving accessibility not only for the new activity, but also to ensure that accessibility to existing activities is maintained.

97. The new policy will also encourage applicants to consider the location of their proposal relative to access to other modes of transport than private car, to also assist in achieving the objectives seeking that land use activities are accessible by a range of travel modes (objectives 2.2.2 and 6.2.2).

98. The proposal will also resolve several errors in the form of missing rows in development activity status tables and missing assessment rules. Resolving these errors will improve the ease of Plan implementation and reduce the risk that important assessments are missed.

99. Overall, the proposal is based on expert evidence received from DCC's transport consultant, Abley and has been developed in conjunction with DCC Transport (see Appendix C). The approach reflects the approach taken in several comparable second-generation district plans and is an established mechanism for requiring integrated transport assessments.

<u>Alternative Option 1 – Review management of all P, C, and RD land use activities individually</u>

100. This alternative option would review the management of all permitted, controlled, and restricted discretionary land use activities across all zones to ensure that activities that have the potential to be HTGs can be assessed for effects on accessibility and effects on the safety and efficiency of the transport network, but not by using HTG provisions for land use activities (that are consistent across all zones). Under this option, the HTG provisions could still be retained for development activities (i.e. the development of car parks).

101. For permitted activities, this would involve considering whether those activities should require consent to ensure these effects can be managed. For controlled or restricted discretionary activities, this would involve ensuring that the relevant matters of control or discretion are reserved for consideration by Council.

102. One benefit of this option is that it would enable the consenting requirements to be tailored to each zone in recognition of differing contexts and potential for adverse effects by zone. However, this would require detailed analysis of all relevant land use activities across the various zones.

103. However, it is more efficient to amend the HTG provisions as proposed, which will fulfil its purpose as a high-level screening method to identify activities that may be of concern in terms of transport accessibility, safety, and efficiency effects due to the likely level of trip

generation. The proposal allows the context and effects of a proposal to be considered through the consenting process.

104. Therefore, this alternative option was rejected in favour of the proposal.

2.1.2 Corrections due to removal of car parking provisions (Change CP24)

Purpose of proposal and scope of change

105. The purpose of Change CP24 is to review the following Plan provisions that have been impacted by the removal of minimum car parking provisions through implementation of Policy 11 of the NPS-UD 2020 to ensure they are efficient and effective given the narrowed focus of the Plan in this respect:

- Provisions that relate to minimum mobility car parking (excluding a review of the minimum numbers of mobility car parks required)
- Policy 6.2.3.6 and assessment Rule 6.11.2.5 that apply to early childhood education and dairies; and
- The reference to providing a driveway in the performance standard for access at Rule 6.8.1, and associated policy direction.

106. There is no scope to reinstate minimum car parking requirements, given the ongoing effect of Policy 11 of the NPS-UD 2020.

Background and issues of concern

107. The Plan used to contain performance standards for minimum car parking (other than for mobility car parking) which applied to a wide range of land use activities. The purpose of these standards was to:

- maintain the safety and efficiency of the transport network, including key transportation routes (Objective 2.7.2, Objective 2.3.1, and Objective 6.2.3); and
- ensure land use activities are accessible (Objective 2.7.2 and Objective 6.2.2).

108. To give effect to Policy 11 in the National Policy Statement on Urban Development 2020 (NPS-UD), all minimum car parking standards, other than those for minimum mobility car parking, were removed from the Plan without using the public consultation process outlined in Schedule 1 of the RMA. These changes were made in three batches on 3 February 2021, 6 January 2022, and 28 January 2022[10].

109. Subpart 8 of the NPS-UD limited the changes that could be made as part of the removal of minimum car parking standards. The NPS-UD only provided for the removal of the following without the RMA Schedule 1 process:

…objectives, policies, rules, or assessment criteria that have the effect of requiring a minimum number of car parks to be provided for a particular development, land use, or activity…other than in respect of accessible car parks (NPS-UD clause 3.38(1)).

[10] Reports summarizing the updates that were made are available online here: https://www.dunedin.govt.nz/council/district-plan/2nd-generation-district-plan/read-the-plan

110. The NPS-UD did not provide for consequential changes to be made due to the removal of these types of provisions without a Schedule 1 process.

111. The overall issue of concern is that there are provisions remaining in the Plan that are no longer efficiently achieving the relevant Plan objectives, including those regarding the safety and efficiency of the transport network and accessibility. Details of the specific issues are outlined under the subheadings below.

Issue 1: Inappropriate provisions relating to minimum mobility car parking

112. The minimum car parking standards originally contained requirements for both standard car parking and mobility car parking.

113. The issue of concern is that the broader provisions for minimum car parking have been narrowed to only apply to minimum mobility car parking, without changes to associated provisions to reflect this narrower focus (because this was not enabled without a Schedule 1 process). This has resulted in provisions that are inappropriate to apply to mobility car parking and that are unnecessary to achieve the relevant objectives.

114. The provisions now relating to minimum mobility car parking that contain inappropriate content are set out under the sub-headings below.

1a. Provisions regarding effects on the safety and efficiency of the transport network

115. The first sub-issue is that while the minimum car parking standards previously were intended to manage effects on the safety and efficiency of the transport network and effects on accessibility, minimum mobility car parking standards are solely about managing effects on accessibility. However, the provisions remaining in the Plan still give Council discretion to consider effects on the safety and efficiency of the transport network and the associated policies also cover this.

116. This issue affects the following provisions:

- Strategic direction Policy 2.7.2.1.e;
- All assessment rules for contravention of the minimum mobility car parking standards across the management zones and major facilities sections of the Plan and the 'landing rule' in Rule 6.10.3.6; and
- Assessment Rule 6.11.2.4.b.iii for restricted discretionary visitor accommodation and supported living facilities, which refers to mobility car parking as part of the assessment of effects on the safety and efficiency of the transport network.

117. This issue is proposed to be resolved by amending these provisions (and making consequential changes) so that effects on the safety and efficiency of the transport network is no longer a consideration for contravention of the minimum mobility car parking performance standards.

1b. Policies and rules with unnecessary details for minimum mobility car parking

118. The second sub-issue is that the wording of some policies, performance standards, and assessment rules for minimum mobility car parking contain details that are unnecessary and

illogical when applied only to mobility car parking, or that should be further clarified. This affects the following provisions:

- Policy 6.2.2.1 (which sets up the minimum mobility car parking performance standard) includes elements that consider the impact of contraventions on the public supply of mobility car parking. However, 'effects on public supply' was more relevant to standard car parking;
- Policy 6.2.2.2 on the sharing of parking areas, which links to aspects of the minimum mobility car parking performance standards enabling sharing, should be specific to mobility car parking spaces;
- Rule 6.10.3.6 on the assessment of contraventions of the minimum mobility car parking performance standards includes excessive detail about how to balance contraventions of the performance standards with other outcomes, to potentially support the sharing of mobility car parks with loading spaces, and links to a special information requirement on parking demand information that is excessive for this situation;
- Rule 6.14.1, being the special information requirement referred to above;
- Rule 6.11.2.3 for the assessment of restricted discretionary activities that have 'effects on accessibility' as a matter of discretion, which refers to whether a minimum mobility parking performance standard is specified for the activity, and includes assessment guidance on mobility car parking that is not relevant to the assessment (as contraventions of those standards are addressed under a separate assessment rule);
- The performance standards for minimum mobility car parking in Rule 18.5.6 and Rule 23.5.4 refer to walking distance requirements for the location of required mobility car parking, which is inappropriate;
- The performance standard for minimum mobility car parking in Rule 25.5.4 refers to the provision of mobility car parking on land close to the zoned area, which is inappropriate; and
- Rule 6.6.1.7 on access to parking areas includes provisions which apply to "required parking spaces", which are now only mobility parking spaces. However, the performance standard should also apply when any other parking spaces are provided, whether required or not (note that the NPS-UD provides for parking design standards continuing to apply where parking is provided onsite).

119. This issue is proposed to be resolved by amending the policies and rules outlined above (and provisions in which they are referenced) to remove the details that unnecessary for minimum mobility car parking, or to make further clarifications on the application of the provisions.

<u>1c. References to minimum mobility car parking in other provisions</u>

120. The third sub-issue is that it is no longer appropriate to refer to minimum mobility car parking in the following provisions, as the reference was only appropriate when it related to standard car parking:

- Rule 4.5.1 development standards for temporary activities, which enables temporary buildings or structures to be located on required mobility car parking for up to 90 days;
- Rule 6.10.3.7 assessment rule for contravention of the minimum vehicle loading performance standards, which supports vehicle loading areas and minimum mobility car parking sharing the same space in some circumstances;
- Rule 6.11.2.2 assessment rule for HTGs, which unnecessarily refers to the assessment of contraventions of the minimum mobility car parking performance standards, which already addressed by a separate assessment rule; and
- Rule 15.7.4 minimum site size performance standard for the residential zones, which includes and exception that requires compliance with the minimum mobility car parking performance standard, which does not often apply in the residential zones (and similar clauses in other performance standards have already been removed from the Plan).

121. This issue is proposed to be resolved by deleting the references to the minimum mobility car parking requirements from these provisions.

Issue 2: Policy and assessment rule for early childhood education and dairies

122. Policy 6.2.3.6 and assessment Rule 6.11.2.5 apply to restricted discretionary early childhood education and dairies and provide guidance on the provision of short-term parking and dropping off and picking up facilities whether on-site or on-street. Policy 6.2.3.6 is:

Policy 6.2.3.6

Only allow early childhood education and dairies where adequate short-term parking and dropping off and picking up facilities are available, either on-site or on-street, to:

a. allow for people to safely enter or exit vehicles; and
b. maintain the safety and efficiency of the frontage road.

123. The issue of concern is that Policy 6.2.3.6 should have been amended to give effect to Policy 11 of the NPS-UD, as it may read as though it requires a minimum number of car parks as part of establishing early childhood education and dairies.

124. DCC Transport have identified that the intent of these provisions relates more to providing loading areas for dropping off and picking up children, rather than parking areas. Loading areas are defined in the Plan as follows:

Loading areas

An area used for the loading and un-loading of vehicles, including drop-off and pick-up.

125. This issue is proposed to be resolved by amending Policy 6.2.3.6 (and its associated paraphrasing in Rule 6.11.2.5) to refer to loading areas, rather than parking, to ensure consistency with the NPS-UD Policy 11 while continuing to enable DCC to assess the suitability of loading facilities provided for early childhood education.

126. The proposal will no longer apply Policy 6.2.3.6 or Rule 6.11.2.5 to restricted discretionary dairies, as advice from DCC Transport is that loading provision is not required for dairies. The

assessment of restricted discretionary dairies in terms of their effects on the safety and efficiency of the transport network generally can still be undertaken in accordance with Rule 6.11.2.1, which will continue to apply.

Issue 3: Access and driveway requirements for subdivision

127. The final issue of concern relates to the access performance standard at Rule 6.8.1, which includes a requirement for providing a driveway at the time of subdivision.

128. Access performance standards are included in the Plan to achieve Objective 6.2.2 so that land use activities are accessible by a range of travel modes.

129. Rule 6.8.1 Access applies to subdivision activity and states:

6.8.1 Access

1. *Every resultant site must have a legal accessway, and where on-site car parking is provided, this must be in the form of a driveway except if the resultant site is:*
    a. *an esplanade reserve;*
    b. *a reserve, other than an esplanade reserve, which adjoins a site in the same ownership that has a legal accessway; or*
    c. *the result of a road stopping process which adjoins a site in the same ownership that has a legal accessway.*
2. *Activities that contravene this performance standard are restricted discretionary activities.*

130. In considering applications that contravene the access performance standard, Council's discretion is restricted to 'effects on accessibility' (Rule 6.10.3.1).

131. The issue of concern is that since the minimum on-site car parking requirements have been removed from the Plan, it can no longer be presumed that on-site car parking will be provided as part of the future development of a resultant site, as access may be pedestrian-only. This issue was raised through consultation with regular Plan users as part of Plan Change 1.

132. This has implications for the requirement in Rule 6.8.1 for the provision of a driveway at the time of subdivision where on-site car parking is provided. The definition of driveway (see below) results in the accessway having to be constructed at the time of subdivision.

Driveway

A constructed accessway that provides vehicular access, other than as meets the definition of vehicle tracks. For the sake of clarity, this includes access legs, private ways, and service lanes.

133. By comparison, the term 'accessway' (see below) is broader and includes driveways. Rule 6.8.1 requires a legal accessway so that access must be legally possible from the road to the resultant site. The rule relating to accessways does not necessarily require the access to be constructed at the time of subdivision.

Accessway

Any driveway, walkway or other means of access (sealed or unsealed) to and/or from any part of a road.

134. A related issue is that there is no longer a policy that sets up the access performance standard or guides the assessment of contraventions, as this was also deleted as part of removing the minimum car parking standards.

135. These issues are proposed to be resolved by deleting the part of Rule 6.8.1 on providing a driveway, so it is just about providing legal access, and by adding a new Policy 6.2.2.Z to set up the performance standard and guide the assessment of contraventions.

<u>Proposed change and assessment</u>

136. Change CP24 amends the following provisions (grouped by issue they respond to), as shown in Appendix A.

Proposed changes in response to Issue 1a

- Amend the following provisions to reflect that on-site mobility car parking is required to manage accessibility effects, but not effects on the safety and efficiency of the transport network (including removing this matter of discretion from the relevant assessment rules):
    - Policy 2.7.2.1.e
    - Rule 6.10.3.6
    - Rule 15.10.3.8
    - Rule 16.9.3.6
    - Rule 17.9.3.6
    - Rule 18.9.3.4
    - Rule 19.9.3.3
    - Rule 20.9.3.3
    - Rule 21.8.3.3
    - Rule 22.9.3.3
    - Rule 23.8.3.2
    - Rule 24.7.3.2
    - Rule 25.8.3.3
    - Rule 27.9.3.3
    - Rule 28.8.3.3
    - Rule 29.9.3.2
    - Rule 31.9.3.3
    - Rule 32.8.3.3
    - Rule 33.9.3.3
    - Rule 34.9.3.4

    - Rule 35.8.3.3

- amend Policy 6.2.3.4 as a consequence of the above changes, to reflect that it no longer connects to a performance standard but simply guides assessment of some activities that require C or RD consent
- consequential changes to where Policy 6.2.3.4 is referenced in the following assessment rules:
    - Rule 6.9.1.1.b for controlled student hostels (Campus)
    - Rule 6.11.2.1.a for all restricted discretionary activities that have 'effects on the safety and efficiency of the transport network' as a matter of discretion
    - Rule 6.11.2.4.b for RD visitor accommodation and supported living facilities); and
- amend assessment Rule 6.11.2.4.b.iii for restricted discretionary visitor accommodation and supported living facilities to no longer refer to mobility car parking as part of the assessment of effects on the safety and efficiency of the transport network.

Proposed changes in response to Issue 1b

- Amend Policy 6.2.2.1 to no longer consider the impacts of contravention of the minimum mobility car parking performance standards on the public supply of mobility car parking
- Consequential changes to where Policy 6.2.2.1 is paraphrased in the following provisions:
    - Rule 6.10.3.6 for assessment of contraventions of the minimum mobility car parking performance standard
    - Rule 6.12.2.1 for all discretionary activities
- Consequential change to remove paraphrasing of Policy 6.2.2.1 from the following assessment rule, as this rule should not address contravention of the minimum mobility car parking performance standard (as it relates to the assessment of other activities):
    - Rule 6.11.2.3.a.ii on all restricted discretionary activities that have effects on accessibility as a matter of discretion
- Amend Policy 6.2.2.2 on the sharing of parking areas to make it specific to mobility car parking due to its link to content in the relevant performance standards
- Consequential change to remove the paraphrasing of Policy 6.2.2.2 from the following assessment rule, as it is not relevant to the assessment of the activities covered:
    - Rule 6.11.2.3 for the assessment of all restricted discretionary activities that have effects on accessibility as a matter of discretion

- Consequential change to add the paraphrasing of Policy 6.2.2.2 to the following assessment rule, as it is currently missing:
    - Rule 6.10.3.6 on the assessment of contraventions of the minimum mobility car parking performance standard
- Amend assessment Rule 6.10.3.6.a on effects on accessibility to remove assessment guidance of low relevance to mobility car parking
- Delete Special information requirement Rule 6.14.1 on parking demand management
- Amend Rule 6.11.2.3 so the assessment rule heading no longer refers to mobility parking requirements, and the assessment guidance no longer includes a potential circumstance that may support a consent application relating to the provision of mobility car parking, which are not relevant to this assessment row
- Amend the following minimum mobility car parking performance standards to remove content on walking distance and provision of mobility parking outside the zoned area:
    - Rule 18.5.6
    - Rule 23.5.4
    - Rule 25.5.4; and
- Amend Rule 6.6.1.7 Access to parking areas to ensure the rule applies when any parking spaces are provided onsite (as a design requirement allowed to remain under the NPS-UD).

Proposed changes in response to Issue 1c

- Delete Rule 4.5.1.2 so temporary buildings or structures cannot be located on required mobility car parking spaces
- Delete Rule 6.10.3.7.a.v so vehicle loading areas and minimum mobility car parking sharing the same space is no longer supported in some circumstances
- Delete Rule 6.11.2.2.b.iv on accessibility for HTGs as minimum mobility car parking is assessed via a separate assessment rule; and
- Delete Rule 15.7.4.3.c.iv.2 minimum site size exception that requires compliance with the minimum mobility car parking performance standard.

Proposed changes in response to Issue 2

- Amend Policy 6.2.3.6 to no longer apply to dairies, and to relate to the provision of loading areas for the drop-off and pick-up of children rather than of car parking; and
- Amend Rule 6.11.2.5 for the assessment of restricted discretionary early childhood education and dairies to no longer apply to dairies and reflect the changes to Policy 6.2.3.6, including in the associated assessment guidance.

Proposed changes in response to Issue 3

- Amend Rule 6.8.1 to remove the requirement for a driveway to be established at the time of subdivision to reflect the fact that provision of on-site car parking may not be decided until the development stage
- Add Policy 6.2.2.Z to set up the performance standards for access; and
- Amend Rule 6.10.3.1 to refer to new Policy 6.2.2.Z in the assessment guidance for contravention of the access performance standard.

Assessment against relevant objectives

137. The proposed changes to remove inappropriate Plan content for the management of mobility car parking will ensure that the relevant objective of the Plan on accessibility (Objective 6.2.2) is more efficiently achieved.

138. Changes to the policy and assessment rule for restricted discretionary early childhood education facilities will clarify that appropriate loading areas for dropping off and picking up children will still be required to ensure the safety of the transport network and achieve Objective 6.2.3, while ensuring the provisions do not read as conflicting with Policy 11 of the NPS-UD. No longer applying the provisions to restricted discretionary dairies is supported by DCC Transportation due to this being more appropriately dealt with through on-street parking management outside the Plan.

139. The proposed changes to not require driveways to be developed at the time of subdivision will also improve Plan efficiency and unnecessary costs to developers at subdivision stage while still ensuring that Objective 6.2.2 is achieved.

140. All the proposed changes have been reviewed by DCC Transport and are supported (see Appendix C).

2.1.3 Add Links from zone provisions to matters of discretion in rules 9.5.3.8 & 9.6.2.2 (Change CP4)

Purpose of proposal and scope of change

141. The purpose of Change CP4 is to review the matters of discretion for the following activities in the specified zones regarding stormwater management to ensure they are consistent with changes made through Variation 2 to the equivalent assessment rules in sections 9 and 15 of the Plan:

- Restricted discretionary contravention of maximum building site coverage and impermeable surfaces performance standards in the Moana Pool, Schools, Campus, and Wakari Hospital zones; and
- Restricted discretionary subdivision in the Rural Residential, Industrial and Campus zones.

Background and issues of concern

142. Various changes were made to the stormwater management provisions in Section 9 (Public Health and Safety) and Section 15 (Residential Zones) as part of Variation 2 to the 2GP. The

changes included adding new matters of discretion and assessment rule content for stormwater management to ensure stormwater effects from restricted discretionary subdivision and development are more effectively managed to better achieve Objective 9.2.1.

143. The issue of concern is that some changes made to the matters of discretion for assessing subdivision and development in Section 9 were not carried over to all relevant Plan sections that link to Section 9 for assessment. Therefore, the assessment of some consents might not be properly carried out regarding stormwater effects because the provisions do not align between sections.

144. This issue is proposed to be resolved by making changes to all outstanding relevant assessment rules that link to Section 9 to be consistent with the changes made in Variation 2.

Proposed change and assessment

145. Change CP4 amends the following provisions, as shown in Appendix A:

- For restricted discretionary contravention of maximum building site coverage and impermeable surfaces, amend the following assessment rules to add "(stormwater)" in brackets after the existing matter of discretion for effects on efficiency and affordability of infrastructure, and to add a new matter of discretion for "effects of stormwater from future development":
    - Rule 28.8.4.6 (Moana Pool Zone)
    - Rule 31.9.4.6 (Schools Zone)
    - Rule 34.9.4.9 (Campus Zone)
    - Rule 35.8.4.6 (Wakari Hospital Zone)
- For restricted discretionary subdivision, amend the following rules to add a new matter of discretion for "effects of stormwater from future development":
    - Rule 17.10.4.1 (Rural Residential Zone)
    - Rule 19.10.5.1 (Industrial Zone)
    - Rule 34.10.5.1 (Campus Zone).

146. The proposed changes will improve the interpretation of the Plan by ensuring alignment between the assessment rules for stormwater effects in the management zones and the equivalent rules in Section 9. This will ensure Objective 9.2.1 is more effectively achieved by ensuring activities are appropriately assessed for whether they maintain or enhance the efficiency and affordability of stormwater infrastructure.

2.1.4 Earthworks setbacks from network utilities (Change NU2)

Purpose of proposal and scope of change

147. The purpose of Change NU2 is to review the appropriateness of the setback rule for earthworks near network utilities (Rule 5.6.2) in relation to the minimum distance required between earthworks and underground network utility structures.

Background and issues of concern

148. Network utilities are defined as follows:

Network Utilities

Any systems, services and networks associated with:

- *the investigation and generation of electricity, and of other forms of energy such as heat*
- *the transmission and distribution of electricity, and of other forms of energy such as hot water or steam*
- *municipal and domestic water, wastewater and stormwater supply, treatment and drainage*
- *the transmission and distribution of natural or manufactured gas, petroleum or biofuel (excluding where part of bulk fuel storage facilities or service stations)*
- *telecommunications and radiocommunication*
- *navigational aids*
- *meteorological facilities*
- *air quality monitoring facilities; and*
- *river flow recording facilities.*

In order to be considered a network utility under the provisions of this Plan, it is not necessary for a network utility to be operated by a 'network utility operator' as defined in the RMA.

149. Strategic Objective 2.3.1 identifies network utilities as important for economic activity and social wellbeing and seeks to protect them from competing uses and enable them to operate efficiently and effectively. This objective needs to be balanced with other strategic objectives, including those that encourage the efficient use of existing urban land (Objective 2.2.4) and provision of sufficient housing with a range of housing choices (objectives 2.6.2 and 2.6.1).

150. Objective 2.3.1 as it relates to network utilities is implemented via provisions in Section 5 of the Plan. Objective 5.2.2 seeks to ensure that the operational effectiveness of network utilities is not compromised by development locating nearby. Regarding earthworks in proximity to network utilities, Policy 5.2.2.1 states:

Policy 5.2.2.1

Require earthworks to be set back from network utilities an adequate distance to avoid:

a. damage to existing network utilities;

b. obstruction of access to existing underground network utilities; and

c. adverse effects on the health and safety of people.

151. This policy links to Rule 5.6.2 for earthworks setbacks from network utilities, which is:

5.6.2 Setback from Network Utilities

1. Earthworks must be set back at least 2.5m from any water mains and at least 1.5m from all other network utility structures, except:

   a. earthworks within 12m of a National Grid support structure, which are managed through Rule 5.6.1;

b. *earthworks within 12m of Critical Electricity Distribution Infrastructure which are managed through Rule 5.6.X.2;*

c. *earthworks ancillary to network utility activities including earthworks associated with roading/accessways leading to and from network utility activities;*

d. *earthworks ancillary to the maintenance or replacement of underground fuel storage systems; and*

e. *earthworks ancillary to the operation, repair and maintenance of the roading network.*

2. *Activities that contravene this performance standard are restricted discretionary activities.*

152. Consents planners interpret the setback requirement as a horizontal distance measured in plan-view. Therefore, the depth of a network utility is currently not considered in determining whether the rule is contravened. Using a horizontal setback between earthworks and utilities is a practical approach when the depth of underground utilities is not always known and when underground utilities are located relatively close to the surface of the ground.

153. The DCC's network utility infrastructure is often located at depths shallower than 1.5m, as shown in Figure 1 below. However, not all network utility infrastructure is located in accordance with this figure, and pipes located shallower are not uncommon.

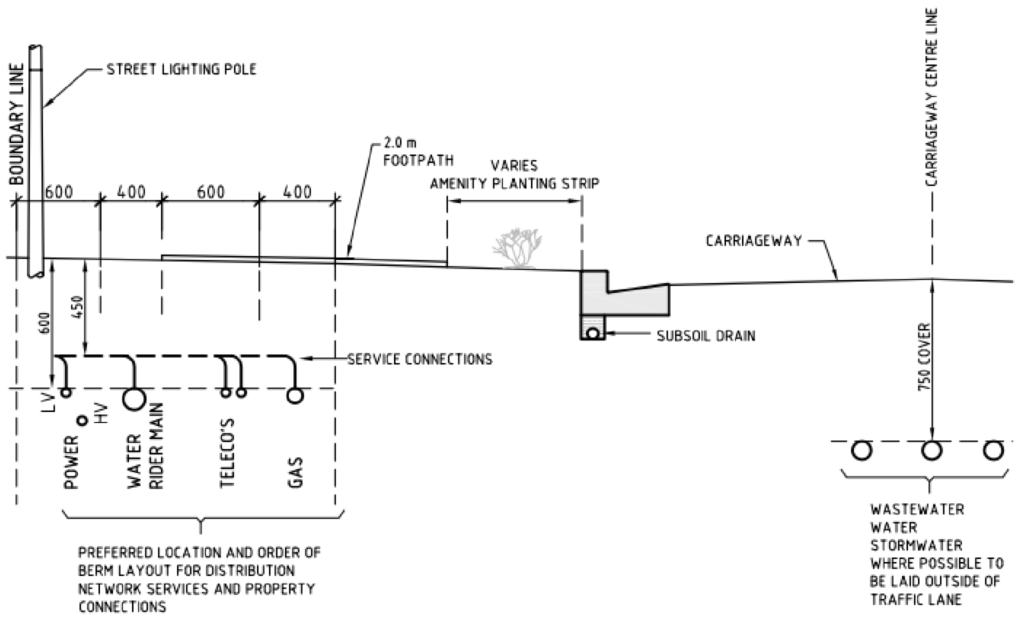


Figure 1: Typical cross section of services from the Dunedin Code of Subdivision and Development[11]

154. The earthworks setback rule applies to earthworks undertaken both outside and inside the road reserve, including for the establishment or alteration of vehicle crossings to private land and for the establishment of paths and driveways on private land, when network utilities are present. It is noted that these types of earthworks do not fall within the definition of

[11] Page 56, available at: https://www.dunedin.govt.nz/__data/assets/pdf_file/0019/153163/CP-Dunedin-Code-of-Subdivision-Aug-2010.pdf

earthworks ancillary to the operation, repair and maintenance of the roading network, which are exempt from Rule 5.6.2.

155. The setback rule helps to manage the potential for earthworks to damage important network utilities such as municipal water, stormwater or wastewater pipes and underground electricity or telecommunications networks.

Issue 1: Consent is almost always required for a new or altered vehicle crossing

156. The main issue of concern is that the current wording of Rule 5.6.2 almost always triggers the need for resource consent when new vehicle crossings are established, or existing vehicle crossings are altered. The presence of network utilities on private land may also trigger resource consents for earthworks associated with establishing paths and driveways.

157. This issue was initially raised in feedback from the regular Plan user survey undertaken as part of Plan Change 1, which raised concerns about overly restrictive consenting requirements for establishment or alteration of vehicle crossings, or land disturbance for minor works around network utilities on private land.

158. There are several aspects to this issue, including:

- the application of the rule is broad; it captures almost all urban site development activities that disturb the ground except for the maintenance of landscaping, gardens, and private ways;
- the requirement applies irrespective of the scale of earthworks required;
- in the case of vehicle crossings, designing access to developments that complies with Rule 5.6.2 would be impractical in most cases where network utility structures are located within the road reserve;
- accurately identifying the location and depth of network utilities prior to earthworks can be difficult, especially for underground electrical and telecommunications cables which are not mapped by DCC, resulting in inconsistent application of the rule across the various types of network utilities;
- work in proximity to electrical cables is also subject to regulations outside the Plan, including the need to lodge an underground cable close approach request with the network utility operator under NZ Electrical Code of Practice for Electrical Safe Distances 34:2001 (NZECP);
- establishing or altering a vehicle crossing is also subject to a requirement outside the Plan for vehicle crossing approval from DCC Transport[12], by which conditions can be imposed; and
- the issue will likely amplify as the rate of infill development increases across the city.

159. This issue is proposed to be resolved by adding an exemption to Rule 5.6.2 for shallow earthworks. Limiting the exemption to shallow (under 350mm depth) earthworks only and

[12] https://www.dunedin.govt.nz/services/roads-and-footpaths/working-on-our-roads/driveways

requiring a minimum depth of ground over the network utility structure at the completion of earthworks will help to ensure there is sufficient ground cover to protect network utilities.

160. A note to plan users advising that network utility structures should be identified on site prior to earthworks and explaining the process if network utility structures are damaged is also proposed to provide other information to assist in avoiding damage to network utility structures, and to provide guidance on what to do if damage does occur.

161. An alternative option that has been considered is outlined at the end of the assessment section below.

Issue 2: Unclear how to measure setback

162. As noted in the background above, consents planners interpret the setback requirement as a horizontal distance measured in plan-view. However, other Plan users may interpret the rule differently due to the rule not specifying how setback is to be measured.

163. For example, setback could be interpreted as a distance from the network utility structure in any direction (i.e. a 3-dimensional setback rather than a 2-dimensional setback in plan-view). This interpretation could become more common because of changes proposed to resolve Issue 1, which will introduce depth requirements to the performance standard.

164. This issue is proposed to be resolved by adding a clause to Rule 5.6.2 to clarify that the measurements are taken horizontally.

Issue 3: Setback from underground 3 Waters infrastructure should be consistent for all types of network

165. Although Rule 5.6.2.1 currently requires a larger setback for earthworks from water mains (2.5m) than from other network utilities (1.5m), the DCC 3 Waters team has advised that the type of pipes (i.e., water supply, stormwater, or wastewater) does not affect the technical setback requirements for 3 Waters' infrastructure and, therefore, a consistent setback can be required for all three types. 3 Waters consider a 1.5m setback to be sufficient in each case (see Appendix C).

166. This issue is proposed to be resolved by amending Rule 5.6.2 to replace the required 2.5m setback from water mains with a 1.5m setback requirement, which is the same as for stormwater and wastewater pipes.

Proposed change and assessment

167. Change NU2 proposes the following changes, as shown in Appendix A:

- Amend Rule 5.6.2 on setback from network utilities to remove the setback that is specific to water mains (i.e. reduce it from 2.5m to 1.5m), to add an exemption for shallow earthworks in certain circumstances, and to clarify that required setbacks are to be measured horizontally; and
- Add Note 5.6.2B – General advice, advising that network utility structures should be identified on site prior to earthworks and explaining the process if network utility structures are damaged.

Assessment against relevant objectives

168. The changes proposed as part of Change NU2 will ensure that Objective 2.3.1 and Objective 5.2.2 will be more effectively and efficiently achieved. The reasons for this are outlined below.

169. The proposed changes will exempt earthworks in proximity to network utilities from the requirement for a resource consent if they are at a scale that is unlikely to impact on underground network utility structures. This approach will remove an unnecessary consenting burden. Instead, consent assessments will be targeted to earthworks that have greater potential to damage network utilities and generate associated adverse effects on health and safety.

170. Any damage to network utility structures will still be subject to civil law on liability. This is highlighted in the proposed advice note to plan users, along with other advice about locating network utility structures on site prior to earthworks' commencement to help minimise the risk of damage.

171. DCC 3 Waters identified that 3 waters infrastructure in the road reserve is located at variable depths. To ensure damage to the network is avoided, DCC 3 Waters indicated in their evidence that it was important to ensure the depth of the network is identified and adequate ground cover (substrate) is maintained over it (see Appendix C). A minimum depth of 750mm was recommended to protect this infrastructure. However, a considerable proportion of existing 3 Waters utility structures are located at a depth shallower than 750mm. DCC 3 Waters is comfortable that more flexibility has been incorporated into the proposal by allowing a shallower substrate when existing infrastructure is located less than 750mm deep (provided there is no reduction in the existing substrate).

172. Consultation was undertaken with a range of external network utility providers on the proposed exemption rule. Responses were provided by the telecommunications company 2degrees, and lines companies PowerNet and Aurora. 2degrees and PowerNet were supportive of the proposal, but Aurora raised some concerns that the proposed earthworks exemption rules could lead to earthworks being located too close to their infrastructure, therefore creating a safety issue. Their response noted that some older electrical cables may be installed at a depth less that the 350mm, within which depth earthworks would be permitted by the proposal.

173. In response to this feedback, is it noted that NZ Electrical Code of Practice for Electrical Safe Distances 34:2001 (NZECP) manages activities near electrical infrastructure to protect people and property from harm or damage from electrical hazards. Consideration was given to drafting a new exemption to Rule 5.6.2.1 so that earthworks close to electricity infrastructure would be required to meet the NZECP to be eligible for the exemption. However, this approach is not proposed, for the reasons given under "Alternative Option 2", below. An existing note to plan users (Note 5.6.2A.1) highlights the NZECP requirements and notes that compliance with Plan rules does not ensure compliance with NZECP. In addition, the proposed new Note 5.6.2B.1 will highlight the requirement for earthworks to be undertaken following obtaining all regulatory approvals—including under the NZECP. This should help to address Aurora's concerns.

174. These proposed changes were also drafted in consultation with consultant surveyors and planners who had raised concerns about Rule 5.6.2 during the regular plan user survey carried out as part of preparation of this plan change. The final proposal responds to the feedback they provided.

175. The clarification of how to measure setbacks from network utilities will ensure consistency and certainty for all plan users and assist with more efficient implementation of the setback rules.

176. Finally, the proposed change will make the setback requirements for all types of 3 waters infrastructure (i.e., water supply, stormwater, or wastewater) consistent, as DCC 3 Waters have confirmed that network type does not affect the technical setback requirements (see Appendix C).

Alternative Option 1: Exempt earthworks for vehicle crossings altogether

177. This option was explored as an alternative means of addressing Issue 1, set out above.

178. Exempting all earthworks for vehicle crossings from Rule 5.6.2 could be achieved by amending the proposed exemption to Rule 5.6.2 or by amending the definition of 'operation, repair and maintenance of the roading network' to include establishment of vehicle crossings. While this option would not resolve the need for resource consents in proximity to infrastructure within private sites, vehicle crossings are a common resource consent trigger.

179. This option was highlighted via consultation with regular plan users, with a suggestion made that DCC Transport's vehicle crossing approval process could be relied on to manage potential adverse effects on network utilities without the need for a Plan rule or resource consent process.

180. While the vehicle crossing approval process does require the use of an approved contractor to construct the vehicle crossing, and conditions can be imposed on the approval, it is not supported by the same enforcement regime available under the RMA in the event of non-compliance, or the same processes to enable non-DCC network utility operators to participate. Discussions with DCC Transport and 3 Waters highlighted that the current format of the vehicle crossing approval process would need to be significantly revamped to allow the necessary checks to be made regarding potential impacts on network utilities, particularly for network utilities not owned by DCC.

181. While any damage to network utility structures would still be subject to civil law on liability, retaining a scale threshold over which consent is required is preferable (as proposed) to better assist in managing the risk of damage occurring in the first place. Exempting all earthworks for vehicle crossings without limitation would also not enable a safe depth of excavation or the amount of cover over network utility structures to be controlled, which is of concern to DCC 3 Waters and other network utility providers for the ongoing protection of their infrastructure.

182. Overall, considering the potential adverse effects of damage to network utility structures from earthworks in the road reserve, this alternative option would not be as effective at achieving objectives 2.3.1 and 5.2.2 as the preferred option to have an exemption for low-risk circumstances only. The alternative option also would not resolve the need for consents for

shallow earthworks in proximity to underground network utility structures on private property.

Alternative Option 2: Require compliance with the NZECP as part of the new exemption

183. This option was considered to address the issue of shallow underground power lines raised by Aurora, by building compliance with NZECP into the proposed exemption at Rule 5.6.2.Y as follows:

the earthworks are undertaken in accordance with NZ Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001);

184. This approach would raise the awareness of Plan users about earthworks occurring close to electricity infrastructure and would require such earthworks to meet the NZECP to be considered a permitted activity. However, the inclusion of this clause as drafted above would also have the following disadvantages:

- it would be inefficient and uncertain to implement the code as it would rely on Plan users exploring the Code to work out how to comply with the rule which would not be in line with best practice for drafting a performance standard; and
- assessment of technical details of the code would be difficult for and beyond the expertise of consenting planners, and therefore in practice, this rule could not be applied without obtaining Aurora's (or other power companies') approval or a close approach consent. This could introduce the discretion of a third party in applying the rule, which is inappropriate for a performance standard.

185. Overall, the existing note to plan users (Note 5.6.2A.1) as well as the proposed Note 5.6.2B.1 will sufficiently highlight the requirements for earthworks to be undertaken with regards to potential effects on electricity infrastructure.

2.1.5 Private infrastructure as a network utility (Change NU3)

Purpose of proposal and scope of change

186. The purpose of Change NU3 is to review the appropriateness of defining infrastructure as a network utility when it is located on privately owned property it exclusively serves.

187. The scope of this change does not include reviewing the definition of infrastructure as a network utility when it is located on public property (e.g. road) or on privately owned property which it does not exclusively serve.

188. See also the following related change proposals:

- Change NU2, which addresses earthworks setbacks from network utilities
- Change D1, which addresses boundary setbacks for water and other storage tanks in the residential and Ashburn Clinic zones; and
- Change D10, which addresses boundary setbacks for water and other storage tanks in rural and rural residential zones.

Background and issues of concern

189. Strategic Objective 2.3.1 identifies network utilities as important for economic activity and social wellbeing. Policy 2.3.1.7 seeks to enable the establishment and maintenance of network utilities and to protect them from inappropriate development while managing their adverse effects. This approach is implemented through the Network Utilities section of the Plan (Section 5).

190. Objective 5.2.1 seeks to enable network utilities to establish, operate and upgrade efficiently and effectively while achieving amenity objectives for zones, overlays, mapped areas, or scheduled sites where this is practicable.

191. Objective 5.2.2 seeks to ensure the operational effectiveness of network utilities is not compromised by development, flowing to policies and rules managing activities such as earthworks in proximity to network utilities.

192. The definition of network utilities is broadly framed, and includes "*Any systems, services, and networks associated with…domestic water, wastewater and stormwater supply, treatment and drainage…"* and similar clauses for electricity and telecommunications.

193. This means that network utilities currently capture privately owned domestic water tanks, stormwater detention tanks, septic tanks and all privately owned pipes associated with private water supply, wastewater, and stormwater. It also captures electricity and telecommunication cables connecting networks with a privately owned building.

Issue 1: Resource consents for earthworks in proximity to private network utilities

194. The first issue of concern is that treating infrastructure located on privately owned property it exclusively serves as a network utility has the potential to generate unnecessary resource consents for contravention of earthworks setback requirements.

195. Rule 5.6.2 requires earthworks to be set back from network utility structures to protect them from damage, as set out below:

5.6.2 Setback from Network Utilities

1. *Earthworks must be set back at least 2.5m from any water mains and at least 1.5m from all other network utility structures, except:*
    a. *earthworks within 12m of a National Grid support structure, which are managed through Rule 5.6.1;*
    b. *earthworks within 12m of Critical Electricity Distribution Infrastructure which are managed through Rule 5.6.X.2;*
    c. *earthworks ancillary to network utility activities including earthworks associated with roading/accessways leading to and from network utility activities;*
    d. *earthworks ancillary to the maintenance or replacement of underground fuel storage systems; and*
    e. *earthworks ancillary to the operation, repair and maintenance of the roading network.*
2. *Activities that contravene this performance standard are restricted discretionary activities.*

196. Given the broad definition of network utilities, earthworks on a private site would have to comply with the setback from network utilities rule for any underground pipes or cables on site. This would even apply to services exclusively servicing that property. Contravention would require a resource consent despite any damage to those pipes or cables potentially only impacting the property owner who is undertaking the earthworks themselves.

197. Various situations could give rise to such unnecessary consenting requirements, given the broad definition of earthworks. Situations could include earthworks to prepare for a building foundation or even a simple ground scrape to install a paved area. This is because the exclusions listed in the definition of earthworks are relatively narrow, being limited to *maintenance* of landscaping and gardens, private accesses, and fences, rather than extending to *new* landscaping etc.

198. Some further issues have also been identified regarding managing earthworks activities in proximity to network utilities located on privately owned property they exclusively serve, as follows:

- The location of these types of network utilities may be difficult to identify, so resource consent planners and Plan users may find it difficult to determine if a proposed earthworks activity would breach the rule in the first place.
- Providing provisions in the district plan requiring setbacks of earthworks from network utilities exclusively servicing the property they are located on has the potential to create an unnecessary demand on the council's resources, including involvement in resolving disputes between parties (which is better dealt with as a civil matter by those parties).

199. This issue is proposed to be resolved by amending Rule 5.6.2 so that it does not apply to earthworks near network utilities that exclusively serve the privately owned property they are located on.

Issue 2: Inclusion of domestic water tanks as network utilities is inappropriate

200. The second issue of concern is that above ground water tanks fall within the definition of network utilities, so are managed via the city-wide activities provisions in Section 5 of the Plan, rather than via the management zone provisions.

201. The reasons this is an issue are:

- Section 5 provisions do not apply boundary setback performance standards. This may result in adverse amenity effects if a water tank is inappropriately located within a residential site and would detract from achieving the management zone provisions for managing character and amenity effects.
- the definition of ‘building’ states that water or other storage tanks are a structure, which conflicts with the fact that water or other storage tanks currently fall under the definition of network utilities. The relevant part of the definition of ‘building’ is:

  “For the sake of clarity, water or other storage tanks, other than as captured in the definition of building utilities, are a structure not a building”; and

- to be permitted as a network utility structures – small scale activity, tanks are required to comply with the small scale thresholds in Rule 5.5.3.8, including a maximum height of 4m and maximum area of footprint of $5m^2$. However, water supply tanks required in unreticulated areas typically exceed that footprint area, meaning they would be considered network utility structures - large scale and require consent as a discretionary activity at a minimum.

202. Overall, the Plan provisions for water and other storage tanks are conflicting and the network utilities approach has the potential to be too permissive or too restrictive, depending on the scenario.

203. This issue is proposed to be resolved by clarifying that water and other storage tanks, when only serving the site that they are located on, are managed as structures. This would be achieved by explicitly excluding them from the definitions of network utility structures, and of building utilities.

<u>Proposed change and assessment</u>

204. Change NU3 amends the following provisions, as shown in Appendix A:

- Amend Rule 5.6.2.1 so that the required setback for earthworks does not apply from a network utility structure that is located on a privately owned property that it exclusively serves;
- Amend the definition of network utility structures to ensure domestic water, stormwater and wastewater tanks are managed as structures in line with the wording in the definition of building that clarifies water and other storage tanks are a structure where they only serve the site they are on (do not serve a network); and
- Amend the definition of building utilities to ensure water and other storage tanks are managed as structures.

<u>Assessment against relevant objectives</u>

205. The proposed change to Rule 5.6.2 removes earthworks setback requirements from network utility structures that exclusively serve the privately owned property they are located on. This change will more efficiently achieve Plan objectives to protect against damage to network utility structures from earthworks (objectives 2.3.1, 5.2.1 and 5.2.2) by avoiding unnecessary resource consents.

206. Rule 5.6.2 as currently worded would technically capture something as simple as ground scrape in proximity to the private services for a dwelling for the purposes of installing a paved pathway. It is appropriate for owners, occupiers or other affected parties to manage the private services themselves and the Plan does not need to manage these activities when there are no impacts on network utilities that serve other properties.

207. The proposed changes to the definitions of network utility structures and building utilities will clarify that water and other storage tanks only serving privately owned sites fall under the definition of structures. This will result in their bulk and location being managed under zone rules and only networked tanks that are serving other sites will be subject to the development performance standards and consenting requirements for network utility structures. This

proposal will more effectively achieve management zone amenity objectives as the bulk and location rules for structures will be managed.

208. When tanks are used as part of a utility network, they will typically be larger than tanks serving an individual site as they are associated with provision of essential services throughout a community. It is appropriate that such tanks are managed under the network utility provisions to ensure Objective 5.2.1, which seeks to recognise the benefits of network utility activities and enable them, is achieved.

Alternative option: manage private infrastructure as building utilities, not network utilities

209. An option of amending the network utility provisions so that they no longer include privately owned underground services on a private property that they exclusively serve was considered (where these services would instead be included with the definition of building utilities).

210. This approach would mean that the services would not be subject to the setback from network utilities provisions in section 5 in relation to earthworks, but they would instead be subject to all the setback rules that apply to new buildings or additions and alterations to buildings (e.g. setback from boundary etc.), because of the following statement in the definition for building utilities:

Building utilities are considered to be part of a building, and are therefore managed as part of new buildings and additions and alterations to buildings.

211. This option is more complex than the preferred option because:

- A new performance standard requiring pipes to be located underground would need to be added to all the management zone sections, similar to the rule that applies to network utilities.
- Exemptions would need to be included in the management zones for various setbacks provisions.
- Consequential changes would be needed to the definition of underground or internal utilities to align the relationship between underground or internal utilities and building utilities.

212. Including water and other storage tanks in the definition of building utilities as a means of resolving issue 2 would be equally effective to treating tanks as structures in the preferred option. However, as this option is more complex overall, it is not the most efficient and is not preferred.

2.1.6 Amend Rule 9.3.3 Firefighting (Change PHS1)

Purpose of proposal and scope of change

213. The purpose of Change PHS1 is to review the appropriateness of Rule 9.3.3, which relates to water supplies and fire engine access for firefighting, and associated provisions, in terms of achieving Objective 9.2.2 on maintaining or enhancing people's health and safety.

Background and issues of concern

214. Rule 9.3.3 of the 2GP requires subdivision activities and the development of new residential buildings to provide for firefighting. The requirements apply in the following zones:

- Residential Zones;
- Rural Zones;
- Rural Residential Zones;
- Commercial and Mixed Use Zones;
- Industrial Zones;
- Recreation Zone;
- Campus Zone.

215. The firefighting provisions are set up to achieve Objective 9.2.2 and are described in Policy 9.2.2.8 as follows:

Objective 9.2.2

Land use, development and subdivision activities maintain or enhance people's health and safety.

Policy 9.2.2.8

Require all new residential buildings, or subdivision activities that may result in new residential buildings, to have access to suitable water supply for firefighting purposes.

216. Rule 9.3.3 reads as follows:

1. *Subdivision activities must ensure resultant sites have access to sufficient water supplies for firefighting consistent with the SNZ/PAS:4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice, except sites created and used solely for the following purposes are exempt from firefighting requirements:*
    a. *reserve;*
    b. *Scheduled ASBV or QEII covenant;*
    c. *access;*
    d. *network utilities; or*
    e. *road.*
2. *New residential buildings must either:*
    a. *have a connection to the public water supply and be located within 135m of a fire hydrant; or*
    b. *provide an area of minimum dimensions of 4.5m x 11m with suitable fire engine access, water storage of 45,000 litres (45m³) or equivalent firefighting capacity, and have the water supply located within 90m of the fire risk or otherwise provide for water supply and access to water supplies for firefighting purposes consistent with the SNZ/PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice.*

3. *Activities that contravene this performance standard are restricted discretionary activities.*

217. Rule 9.3.3 references the SNZ/PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice[13] ('the Code'), which gives direction on how to provide the minimum requirements for water supply volume, pressure, and access for firefighting in urban fire districts. For areas outside urban fire districts (rural areas), it provides guidance on the adequacy of water volumes for firefighting and enables special circumstances to be considered in designing solutions, such as distance to the nearest fire station, size of buildings, and normal use of water from any storage tank. The Code applies to all types of development, not just residential development.

218. Compliance with the Code is not mandatory unless rules are included in district plans or bylaws that make it so. Territorial authorities have no legal obligation to make such rules. However, to ensure suitable firefighting water supplies are provided at developments, the Code is often incorporated into relevant bylaws under section 146(b) of the Local Government Act 2002 or into district plans prepared under the Resource Management Act 1991. Rule 9.3.3 on firefighting was added to the Plan as part of the 2GP review process.

219. There are several issues with how Rule 9.3.3 incorporates the Code into the Plan which have become apparent in implementing the rule. These issues are:

- General compliance with the Code as a requirement (Rule 9.3.3.1) or option (Rule 9.3.3.2), is ambiguous, and subject to discretion and verification by a third party (given the Code's flexibility to consider specific circumstances and guidance provided by Fire and Emergency New Zealand (FENZ)). This makes it unclear to the Plan users when an activity is permitted.
- Rule 9.3.3.1 applies to subdivision even though development may not occur at the time of subdivision. Development, rather than subdivision, is what the Code relates to and where risk to health and safety materialises. This issue was raised via the regular Plan user survey. In addition, the rule applies to all subdivision, not just subdivision that may result in new residential buildings, which conflicts with the direction in Policy 9.2.2.8.
- Rule 9.3.3.2.a for new residential buildings provides an option of connecting to the public water supply and being located within 135m of a fire hydrant. However, no directions are given on how that distance is to be measured (e.g. it could be interpreted as a measurement as the crow flies, but the Code requires it to be measured along the access route). Moreover, this rule does not reflect the Code's requirement for these buildings to also be located within 270m of a second fire hydrant.
- Rule 9.3.3.2.b for new residential buildings provides an option for the design of firefighting water supply that only includes parts of the Code and omits other important requirements. For example, it does not mention requirements for water

[13] Available online here: https://fireandemergency.nz/assets/Documents/Files/N5a-SNZPAS-4509-2008-NZFS-Firefighting-water-supplies-Code-of-practice.pdf

flow, fire service couplings, hardstand areas, or if the need to provide firefighting water supplies is additional to potable water supplies.

- The rule does not draw Plan users' attention to alternative options to meet the Code, such as sprinklered systems (i.e., 7,000 litres water supply storage). Sprinklered systems are of relevance where developments are unable to provide larger static water supply requirements. Sprinklered systems are also a more effective method to manage the spread of fire.
- The Code is a complex technical document, which makes it difficult for Plan users to interpret and apply, including resource consent planners. This makes it hard to know when Rule 9.3.3 is complied with for alternative options and relies heavily on FENZ reviewing proposals. It can also cause additional costs and delays when, after obtaining building consent, applicants get feedback from FENZ providing a more convenient alternative option for firefighting, requiring a change to the building consent.

220. Overall, the status quo is inefficient in ensuring suitable firefighting supplies are provided as part of development and this can frustrate development, planning assessments and processing of resource consents. This situation risks adverse effects on health and safety where unsuitable firefighting arrangements are permitted by the Plan, meaning Objective 9.2.2 may not be effectively and efficiently achieved.

221. To assist in addressing the issues, DCC consulted with FENZ Otago. The consultation included a review of the issues statements, a meeting to discuss, and two reviews of the proposals. FENZ Otago supported replacing the existing provisions with a more detailed and quantitative set of standards to better reflect the Code and provide developers with more options and certainty. While the proposed amendments to Rule 9.3.3 have generally been drafted in accordance with this feedback from FENZ, a different approach has been taken for the clause relating to the design of on-site firefighting water supply, for reasons explained under Alternative Option 1 below.

222. Therefore, the issues are proposed to be resolved by:

- for subdivision, removing Rule 9.3.3.1 altogether and incorporating its requirements into a new matter of discretion and assessment guidance for subdivision resource consent applications; and
- for new residential development, amending Rule 9.3.3.2 to add further requirements from the Code for fire hydrants, additional options for compliance, and remove the incomplete requirements for firefighting water supply adopted from the Code.

223. Feedback on the issues was also received through the regular Plan user survey. Suggestions included leaving the rule as it is (as FENZ Otago are good at providing compliance advice and there is a risk the Plan rule could become outdated compared to the Code), deleting the rule entirely, or allowing for shared firefighting facilities as a part of subdivision. The latter suggestion is provided for as part of the proposal. However, the other suggestions were rejected based on the assessment detailed below.

Proposed change and assessment

224. Change PHS1 proposes the following changes, as shown in Appendix A:

- Delete Rule 9.3.3.1, which sets the firefighting performance standard for subdivision
- Add Rule 9.6.2.X for the assessment of restricted discretionary subdivision as a new matter of discretion for 'Effects on health and safety' and associated assessment guidance regarding providing for firefighting for future residential buildings
- Amend Policy 9.2.2.8 to reflect that the firefighting provisions that now apply to subdivision are in an assessment rule rather than a performance standard, including by changing the opening words to "Only allow" rather than "Require all", in accordance with the 2GP Style Guide
- Amend the following activity status rules to remove application of the firefighting performance standard to subdivision:
    - Rule 15.3.5.1
    - Rule 15.3.5.2
    - Rule 16.3.5.1
    - Rule 17.3.5.2
    - Rule 18.3.7.1
    - Rule 19.3.5.1
    - Rule 20.3.5.1
    - Rule 34.3.5.1
- Amend or delete the following performance standard linking rules to remove application of the firefighting performance standard to subdivision:
    - Rule 15.6.3
    - Rule 15.7.3
    - Rule 16.6.1
    - Rule 16.7.3
    - Rule 17.6.1
    - Rule 17.7.3
    - Rule 18.7.3
    - Rule 19.7.3
    - Rule 20.7.3
    - Rule 34.7.3
- Delete the following assessment rules for contravention of the firefighting performance standard for subdivision:

    - Rule 15.10.5.3
    - Rule 16.9.5.3
    - Rule 17.9.5.3
    - Rule 18.9.5.3
    - Rule 19.9.5.3
    - Rule 20.9.5.3
    - Rule 34.9.5.3

- Amend the following assessment rules for subdivision to add a new matter of discretion for public health and safety to enable assessment of whether the subdivision provides for firefighting for future residential buildings:
    - Rule 15.11.4.1
    - Rule 16.10.4.1
    - Rule 17.10.4.1
    - Rule 18.10.4.1
    - Rule 19.10.5.1
    - Rule 20.10.4.1
    - Rule 34.10.5.1
- Amend Rule 9.3.3.2 by adding important aspects from the Code that are currently missing from the rule (including further requirements for fire hydrants, alternative options of sprinklered systems and use of communal firefighting system) and removing the incomplete requirements for on-site firefighting water supply
- Add Figure 9.3.3A showing how the distances to fire hydrants are to be measured
- Add Note 9.3.3A to refer plan users to the webpage where fire hydrant flow rates are available
- Amend Rule 9.5.3.5 for the assessment of contravention of the firefighting performance standard to reflect the deletion of the rule for subdivision and to provide additional guidance on how alternative options will be assessed and how FENZ might be involved in the assessment process; and
- Amend the Section 9.1 Introduction to reflect that the firefighting provisions do not only apply in unreticulated areas.

Assessment against relevant objectives

225. The changes proposed as part of Change PHS1 will ensure that Objective 9.2.2, which seeks the maintenance or enhancement of people’s health and safety, will be more effectively and efficiently achieved. The reasons for this are outlined below.

226. By removing the requirement for subdivision to comply with the firefighting performance standard and instead ensuring subdivisions are assessed for their ability to enable firefighting provision in future, the proposed change means:

- firefighting solutions do not need to be installed at the time of subdivision when residential buildings are not yet present; and
- the possibility of installing centralised firefighting systems to service subdivisions in unreticulated areas will be raised for developers to consider prior to selling resultant lots. If taken up, this would mean that future development would not need to provide firefighting solutions on a site-by-site basis.

227. DCC 3 Waters agrees that it is appropriate to remove the firefighting performance standard that applies to subdivision and supports adding discretion for Council to consider 'effects on health and safety' in assessing subdivision applications (see Appendix C).

228. For new residential buildings, by building in more requirements from the Code and providing more options for compliance, the change will:

- ensure clarity for how distances to fire hydrants are to be measured;
- encourage the use of sprinklered systems in unreticulated areas, which are a more effective method to control fire than tank systems that rely on fire services arriving at the site before fire control commences; and
- by referring to the Code in its entirety as the last step, allow for tanks to be provided for firefighting water supply storage provided they comply with the firefighting requirements.

229. It must be noted that the proposal does not address all the issues with the existing provisions identified above, as it still includes a reference to the Code in its entirety as an option for compliance. As discussed above, referring to the Code in its entirety makes it difficult for plan users to know when this clause is complied with, particularly in the absence of advice from FENZ. Nonetheless, this proposal is considered the most practical option in comparison to the other available alternatives discussed below.

Alternative Option 1: For the on-site firefighting water supply option, specify the main requirements from the Code that must be complied with instead of generally referring to complying with the Code

230. Through the consultation process with FENZ Otago, a proposal was considered to replace the existing provisions for the design of on-site firefighting water supply with a more detailed and quantitative set of standards to better reflect the Code and provide developers with more certainty. The wording for the clause that was considered is as follows:

have firefighting water supply, a hardstand area and access that meets all of the following requirements:

i. provide and maintain stored water for firefighting of the following minimum volumes:

1. for residential buildings with a gross floor area less than 200m^2, at least 30,000 litres; or

2. for residential buildings with a gross floor area of 200m^2 or more, at least 45,000 litres;

ii. provide water supply that meets the following requirements:

1. for gravity-fed water storage, have an outlet that can provide at least 1500 litres/minute (25 litres/second); or

2. for suction source water storage, have a vertical distance between the base of the water storage and the outlet of no more than 7.5m; and

3. have an outlet fitted with a fire services coupling located between 6m and 90m from the residential building measured as the hose would be laid;

iii. provide a hardstand area that meets all of the following requirements:

1. have a minimum width of 4.5m and length of 11m;

2. be located no more than 5m from the fire services coupling;

3. be located at least 6m away from the residential building; and

4. be capable of supporting a 20 tonne fire services vehicle; and

iv. provide access from the road to the hardstand area that meets all of the following requirements:

1. have a width and vertical clearance of at least 4m maintained to provide clearance for a fire services vehicle;

2. have a turning radius from the road and around any corners of at least 11m;

3. have a gradient of no more than 16%;

4. be capable of supporting a 20 tonne fire services vehicle; and

5. be located at least 6m away from the residential building.

231. This option would also have had an associated note to plan users, as follows:

For guidance on how to maintain firefighting water supply, suitable fire services couplings, and suitable access and hardstand construction, please contact Fire and Emergency New Zealand's Otago District Office.

232. The advantages of the above drafting are that:

- it would provide a quantitative permitted activity baseline which could eliminate the need for third party input and confirmation from FENZ, in theory; and
- if the need for third party input were removed, this would offer a better alignment with the principles of good performance standard drafting.

233. However, the inclusion of the clause as drafted above would also have the following disadvantage:

- assessment of technical details of this option (such as features of acceptable hardstand or access for a 20 tonne fire engine, or details of water storage outlet and coupling) would be beyond the expertise of consenting planners, and would likely rely on FENZ's input in practice.

234. Therefore, in practice, this option would not achieve the outcome sought and would be less efficient in achieving Objective 9.2.2.

Alternative Option 2: Delete 9.3.3.2 and require all applications for new residential buildings to comply with the Code in its entirety

235. This option would amend Rule 9.3.3.2 to require all applications for new residential buildings to comply with the Code of Practice in its entirety.

236. While this option would avoid the need to only include parts of the Code in the rule, it would be inefficient and uncertain to implement as it would rely on plan users traversing the Code to figure out how to comply with the rule. This option would also conflict with the principles of good performance standard drafting since it would not be free from discretion or interpretation, given the flexibility inherent in the Code.

237. This option would also rely on the consent planners getting advice from FENZ to confirm compliance with the Code in all instances. This introduces the discretion of a third party in applying the rule, which is inappropriate for a performance standard. Relying on advice from FENZ would also create additional time delays for Plan users (including delays on all relevant building consents before they can be stamped as complying with the Plan).

Alternative Option 3: Delete 9.3.3.2 and require FENZ written approval of compliance with the Code

238. This option is similar to the previous option above but would also require applicants to provide FENZ written approval that their development complies with the Code. In the case that the written approval is not provided, comments would be requested from FENZ by the processing planner.

239. Through this option the onus would be on applicants to provide FENZ certificate as part of lodging a building consent or resource consent application for development. However, this option suffers the same problems as previous option.

Alternative Option 4: Remove the firefighting performance standard altogether

240. This option was considered but was rejected because it would not effectively achieve Objective 9.2.2 to maintain or enhance health and safety, especially because compliance with the Code is not mandatory without a rule in a district plan or a bylaw and the requirements are not covered by the Building Act or other legislation.

2.1.7 Managing 3 waters effects of campgrounds and visitor accommodation (Change Rec1)

Purpose of proposal and scope of change

241. The purpose of Change Rec1 is to review:

- whether effects on the efficiency and affordability of infrastructure should be managed for restricted discretionary campgrounds in the Recreation Zone; and

- whether there is adequate assessment guidance for considering the stormwater effects of restricted discretionary visitor accommodation in residential zones.

242. The scope of the change does not extend to reviewing the activity status for campgrounds or visitor accommodation.

Background and issues of concern

243. Campgrounds are a sub-activity of visitor accommodation (a commercial activity) and are currently defined as follows:

Campgrounds

The use of land and buildings for the purpose of:

- *providing visitor accommodation primarily in the form of tent, caravan, or campervan sites, but may also include visitor accommodation units; or*
- *providing for accommodation in transportable homes in the form of caravans, house buses/trucks or 'tiny houses' provided these meet the meaning of "motor vehicle" in the Land Transport Act 1998, are road legal (warranted and registered), and are movable.*

This definition excludes freedom camping which is managed through a DCC by-law.

Campgrounds are a sub-activity of visitor accommodation.

244. Visitor accommodation is defined as follows:

Visitor accommodation

The use of land and buildings for temporary accommodation on a commercial fee paying basis.

For the sake of clarity, this definition includes the provision of facilities for resident guests (e.g. playgrounds, spa pools, swimming pools, gyms).

Examples are:

- *motels*
- *hotels*
- *homestays or bed and breakfasts*
- *serviced apartments; and*
- *backpackers and hostels.*

This definition excludes accommodation activities that meet the definitions of working from home or standard residential. Freedom camping is not managed by this Plan and is managed through a DCC by-law.

Campgrounds are managed as a sub-activity of visitor accommodation.

Visitor accommodation is an activity in the commercial activities category.

245. Two issues have been identified with the way the 3 waters effects of visitor accommodation are managed in the Plan. As detailed further below, these relate to the 3 waters effects of campgrounds in the Recreation zone, and the stormwater effects of visitor accommodation in the residential zones.

246. Objective 9.2.1 is relevant to managing effects on 3 waters infrastructure:

Objective 9.2.1

Land use, development and subdivision activities maintain or enhance the efficiency and affordability of public water supply, wastewater and stormwater infrastructure.

Issue 1: 3 waters effects of campgrounds in the Recreation Zone currently cannot be considered

247. Campgrounds are provided for in the Recreation Zone as a restricted discretionary activity, outside hazard facility mapped areas, to help achieve Objective 20.2.1, which is:

Objective 20.2.1

The Recreation Zone provides opportunities for a wide range of recreational, sporting, community, and cultural activities.

248. In assessing resource consent applications, Council's discretion is restricted to effects on the amenity of surrounding sites. There are no controls on the density of the activity.

249. The issue of concern is that, although campgrounds have the potential for intensive occupation, there is no discretion for Council to consider effects on 3 waters infrastructure as part of assessing a resource consent application.

250. The potential for intensively used campgrounds was increased by changes to the definitions of campgrounds and visitor accommodation that were previously made as part of Variation 2. These changes mean long-term temporary housing in transportable homes is included in the definition of campgrounds. This both recognises that some campgrounds include this type of activity and provides for new campgrounds to be established primarily for this type of activity, including in the Recreation Zone.

251. DCC 3 Waters Senior Policy Advisor, Jacinda Baker, has provided comments on this subject (see Appendix C). Ms Baker has confirmed that campgrounds in the Recreation Zone could have effects on wastewater and stormwater networks and it is appropriate to assess these as part of a resource consent application.

252. Therefore, this issue is proposed to be resolved by adding a matter of discretion for 'effects on efficiency and affordability of infrastructure' for campgrounds in the Recreation Zone.

Issue 2: No assessment rule for stormwater effects of visitor accommodation in residential zones

253. Visitor accommodation is provided for in the residential zones as a restricted discretionary activity, except in the George Street North residential heritage precinct where the activity is permitted subject to a performance standard for density. This approach is intended to achieve Objective 15.2.1 which seeks to provide for a limited number of non-residential activities in the residential zones, where those activities are compatible with residential activities.

254. Prior to Variation 2, the performance standard for density applied to all visitor accommodation in the residential zones to help manage 3 waters effects and ensure Objective 9.2.1 was achieved. Variation 2 removed application of the density performance standard because it was difficult to apply to the wide range of possible visitor accommodation types.

Variation 2 replaced the performance standard with discretion for Council to consider effects on the efficiency and affordability of infrastructure as part of assessing resource consents.

255. The issue of concern is that, as part of the Variation 2 changes, assessment guidance regarding how stormwater effects of visitor accommodation in residential zones should be considered was not added to the Plan. This means that the assessment rules in Section 9 of the Plan relevant to 3 waters effects currently only address effects on wastewater and water supply.

256. This issue is proposed to be resolved by adding a reference to visitor accommodation to the existing assessment rule for effects on stormwater in Section 9, and associated Policy 9.2.1.7. This change is also relevant to resolving Issue 1 above regarding assessing the stormwater effects from campgrounds, which is a sub-activity of visitor accommodation.

<u>Proposed change and assessments</u>

257. Change Rec1 proposes the following changes, as shown in Appendix A:

- Amend Rule 20.10.2.3 (restricted discretionary assessment rule for campgrounds) to include a new matter of discretion for effects on efficiency and affordability of infrastructure
- Amend Rule 9.6.2.2 for the assessment of stormwater so it also applies to visitor accommodation, to cover the assessment of both campgrounds in the Recreation Zone and visitor accommodation in the residential zones. Note that no changes are required to Rule 9.6.2.Z for the assessment of wastewater and water supply
- Amend Policy 9.2.1.7 to include visitor accommodation; and
- Amend Rule 9.9.3.3 to include visitor accommodation in the list of activities for which stormwater management needs to be considered.

258. Note that the definition of campgrounds and visitor accommodation is being reviewed separately as part of Change Res18.

<u>Assessment against the relevant objectives</u>

259. The proposed changes will ensure that any effects on 3 waters infrastructure arising from campgrounds in the Recreation Zone, and any stormwater effects from visitor accommodation in the residential zones, can be considered as part of assessing these resource consent applications.

260. In line with advice from DCC 3 Waters, the proposed approach will ensure that Objective 9.2.1 on maintaining or enhancing the efficiency and affordability of public water supply, wastewater and stormwater infrastructure can be more effectively achieved. The changes will not detract from achieving the relevant objectives providing for campgrounds and visitor accommodation in the Recreation or residential zones.

261. No alternative options to the proposal or status quo were identified or assessed.

262. Aukaha have reviewed this proposal and did not request any changes.

2.1.8 Stormwater open watercourse setbacks (Change Res13)

Purpose of proposal and scope of change

263. The purpose of Change Res13 is to review:

- whether the provisions for the management of stormwater open watercourses, which currently apply only in the new areas of General Residential 2 (GR2) Zone that were added by Variation 2 to the 2GP, should be extended to other areas that contain these watercourses;
- whether any modifications to the stormwater open watercourse setback requirements are needed;
- the matters of discretion that apply to contraventions of Rule 10.3.3.X, which requires a minimum setback from stormwater open watercourse mapped areas; and
- whether the provisions for Rule 10.3.3 Setback from Coast and Water Bodies should apply to the Mercy Hospital Zone.

264. The scope of the change does not include review of the parts of Rule 10.3.3 other than for stormwater open watercourse mapped areas and their purpose to manage effects on the efficiency and affordability of infrastructure only (except in the Mercy Hospital Zone). This means there is no scope to consider changes to manage effects on biodiversity, natural character, public access, natural hazards, or the cultural values of Manawhenua with respect to water bodies (except in the Mercy Hospital Zone), which are managed by other Plan provisions.

Background and issues of concern

265. A watercourse is generally defined as an open channel through which water flows or collects (be it natural, modified or artificial), either continually or intermittently, or has the potential to do so, and includes river beds, stream beds, gullies, natural depressions, ditches, and drainage channels.

266. The DCC Water Services Map[14] shows the location of the stormwater open watercourses which have been identified by the DCC. These stormwater open watercourses are identified as "Stormwater drain pipe – open watercourse – 214 Open WC" in this map.

267. The property owner is responsible for a watercourse from where it enters their property to where it exits. This includes keeping it and any associated grates clear so the water can flow unimpeded.

268. As part of decisions on Variation 2 to the 2GP, a new rule was introduced relating to stormwater open watercourses in parts of the city that were rezoned from General Residential 1 Zone to General Residential 2 Zone (thereby providing for intensification). The new rule requires development in these areas (identified by the 'Variation 2 mapped area' in the Planning Map) to be set back 5m from the stormwater open watercourses mapped in the Planning Map.

[14] https://www.dunedin.govt.nz/services/stormwater/watercourses

269. The new rule was in response to submissions that raised issues about the impacts of development on privately owned watercourses, and to help achieve Objective 9.2.1:

Objective 9.2.1

Land use, development and subdivision activities maintain or enhance the efficiency and affordability of public water supply, wastewater and stormwater infrastructure.

270. The changes made by Variation 2[15] were:

- Addition of a new 'stormwater open watercourse mapped area' to the Planning Map, **but only in new areas of GR2 Zone added by Variation 2**. The location of these new mapped areas was derived from the DCC Water Services Map (refer link above).
- Addition of a definition of stormwater open watercourse:

  Stormwater Open Watercourse

  A natural or artificial open channel where stormwater collects and flows and is part of the stormwater network. It may be privately or publicly owned.

- Addition of new Policy 9.2.1.6:

  Policy 9.2.1.6

  Only allow development activities adjacent to stormwater open watercourses where it will not compromise the current or planned capacity of the stormwater infrastructure.

- Addition of a 5m setback requirement from the stormwater open watercourse mapped area to Rule 10.3.3 as clause X:

  Rule 10.3.3 Setback from Coast and Water Bodies

  In all zones, other than the Harbourside Edge Zone, St Clair Neighbourhood Destination Centre, Dunedin Hospital Zone, Dunedin International Airport Zone, Mercy Hospital Zone, Moana Pool Zone, Otago Museum Zone, Port Zone and Wakari Hospital Zone, new buildings and structures, additions and alterations, earthworks - large scale, storage and use of hazardous substances, and network utility activities must be set back a minimum of:

  …

  3. 20m from any water body with a clearly defined bed of at least 3m in width in the rural zones;

  4. 5m from any water body with a clearly defined bed less than 3m in width in the rural zones; and

  5. 5m from any water body with a clearly defined bed in all other zones; and

  X. 5m from a ***stormwater open watercourse mapped area****;*

[15] See section A.2.4 "Stormwater management on private land and open watercourses" in the Hearing Panel's decision, here: https://www.dunedin.govt.nz/__data/assets/pdf_file/0007/873610/Variation-2-First-Decision-Provisions-and-Intensification-Rezoning-Decision-Report.pdf

6. ….

- Addition of assessment rules (at Rule 9.5.4.4 with a cross reference at Rule 15.10.6.11), which applies a matter of discretion for "Effects on the efficiency and affordability of infrastructure" when Rule 10.3.3.X is contravened.

271. In addition, assessment rules that were already in existence prior to the Variation 2 changes apply the following matters of discretion when any part of Rule 10.3.3 (including new clause X) is contravened in the zones, or for the city-wide activities, that the rule applies:

- "Effects on biodiversity values and natural character of riparian margins and the coast" (Rule 10.5.3.10.a);
- "Effects on public access" (Rule 10.5.3.10.b); and
- "Risk from natural hazards" (Rule 11.4.2.7).

272. An additional matter of discretion also applies in some locations outside the residential zones where the site is within a wāhi tupuna mapped area, being:

- "Where in a wāhi tupuna mapped area, effects on cultural values of Manawhenua" (Rule 14.3.2.6).

Issue 1: Inappropriate matters of discretion applying to some contraventions of Rule 10.3.3.X

273. Firstly, the provisions added via Variation 2 have unintentionally applied the matters of discretion for a contravention of any part of Rule 10.3.3 to the contravention of Rule 10.3.3.X. These matters extend beyond effects on stormwater infrastructure (which was the issue of concern) to effects on biodiversity and natural character, public access, and natural hazards (by application of assessment Rule 15.10.4.13 in addition to Rule 15.10.6.11).

274. While it is appropriate for these effects to be managed when setbacks from water bodies (Rule 10.3.3.1-5) are contravened, this is unnecessary for contraventions of the setback from stormwater open watercourses only (Rule 10.3.3.X).

275. This issue is proposed to be resolved by clarifying the assessment rules for contravention of Rule 10.3.3, so that where the contravention is only of a setback from a stormwater open watercourse mapped area the only matter of discretion is effects on the efficiency and affordability of infrastructure. The other matters of discretion will continue to apply to other contraventions of Rule 10.3.3 (e.g., for setbacks from water bodies).

Issue 2: The need to manage impacts on stormwater open watercourses in additional areas

276. The second issue of concern is that due to the scope limitations of Variation 2, the stormwater open watercourse mapped areas included in the Plan only apply to new areas of GR2 Zone added by Variation 2. This means that these provisions do not apply in any other parts of the city where there may be impacts on stormwater open watercourses from development locating too closely. Therefore, Objective 9.2.1 may not be effectively achieved in this respect.

277. The DCC 3 Waters department advises that Rule 10.3.3.X and associated provisions should apply to all zones and parts of the city where mapping of stormwater open watercourses is available (in the DCC Water Services Map). They advise that a setback is required to provide

space for watercourses to maintain sufficient flow capacity, so they operate effectively in a range of rainfall conditions (see Appendix C).

278. 3 Waters recommends that in rural areas the setback requirement is 20m, with 5m setback in all other zones as per the current rule. They consider that a 20m setback in rural zones provides sufficient setback for watercourses under a variety of flow conditions without significant disruption to existing development activities in the rural zone. It will also help to reduce the risk of water pollution from fertilisers, pesticides, and sediment runoff. They consider a 20m setback is too restrictive for development in urban areas, where infrastructure tends to be more developed (including buildings, roads, and utilities), which can limit the available space for a setback. A 5m setback is considered sufficient to provide a reasonable degree of risk mitigation without placing undue restrictions on urban development (see Appendix C).

279. Various types of structure are exempt from this setback (as well as from the setbacks from mean high water springs and water bodies), under existing Rule 10.3.3.6. Exempt structures generally include activities that, by their nature, need to locate near water - such as bridges and bird hides. DCC 3 Waters advise that fences and small structures (up to $2m^2$ and 2m in height) may also be exempted from the setback without creating significant concerns (see Appendix C). This will reduce the instances for which a consent will be required.

280. Therefore, this issue is proposed to be resolved by:

- Amending the Planning Map by extending the stormwater open watercourse mapped area city-wide, based on data from the DCC Water Services Map (see Figure 2 below which gives an overview of the locations of stormwater open watercourses in Dunedin and Mosgiel); and
- Amending Rule 10.3.3 Setback from Coast and Water Bodies:
    - so that there is a setback requirement of 20m in rural zones and 5m in all other zones from a stormwater open watercourse mapped area, with exemptions for fences and small structures; and
    - to apply the rule within the Mercy Hospital Zone because this zone contains a stormwater open watercourse and is currently exempt from Rule 10.3.3.

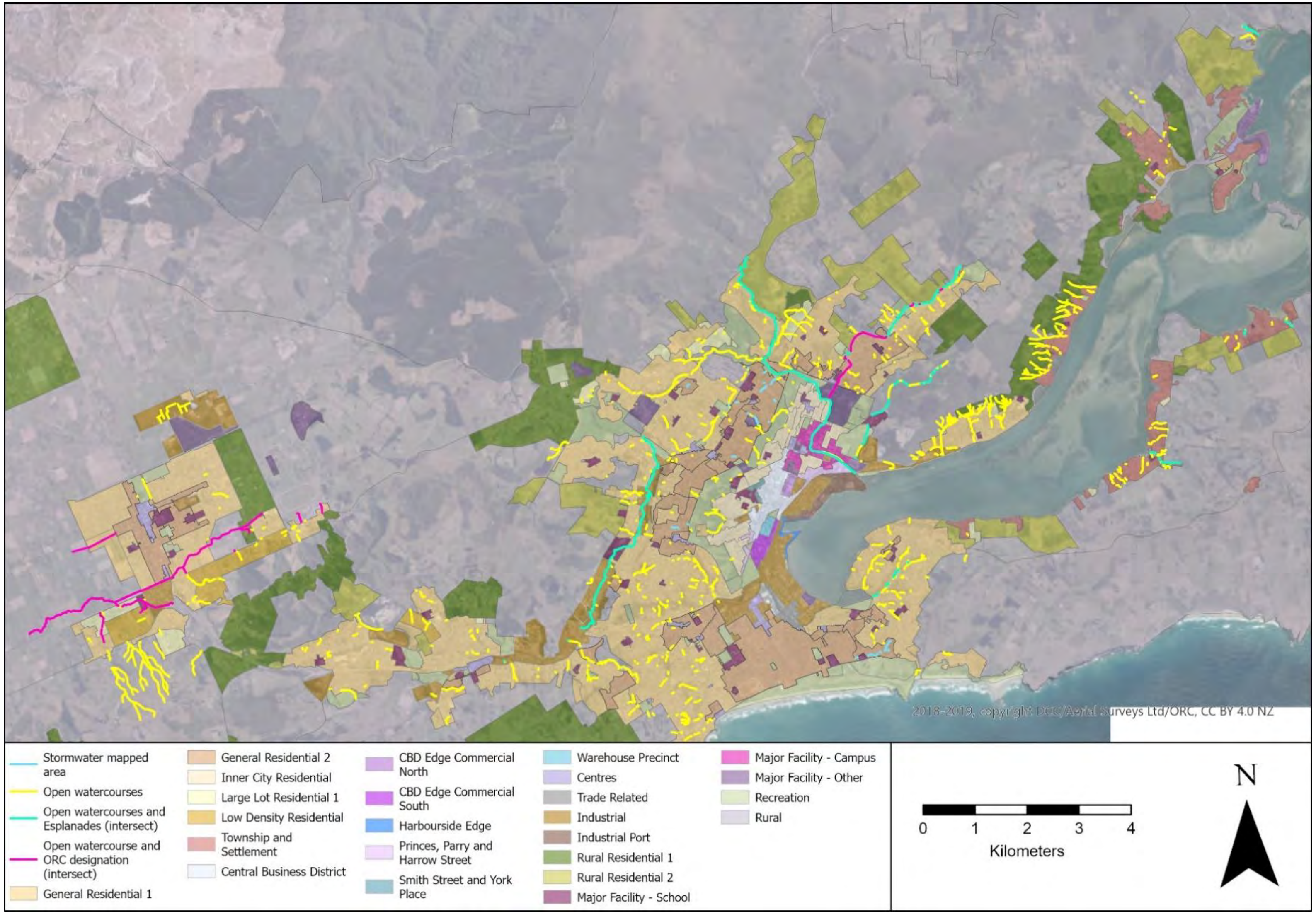


Figure 2: Location of open watercourse areas from the DCC Water Services Map

Proposed change and assessment

281. Change Res13 proposes the following amendments:

- Amendments to the Planning Map by adding new stormwater open watercourse mapped areas city-wide, using a new legend that is less dominant, as shown in the online Planning Map[16];
- Amendments to the following plan provisions, as shown in Appendix A:
    - o Amend Rule 10.3.3 to apply the rule in the Mercy Hospital Zone, include a 20m setback requirement from stormwater open watercourse mapped areas in the rural zones, and add exemptions for fences and small structures;
    - o Add Note 10.3.3C – General advice, to ensure Plan users are aware that where a water body is also in a stormwater open watercourse mapped area, the rules for both water bodies and the mapped area apply;
    - o Add Note 10.3.3A.2 – Other requirements outside of the District Plan, to ensure Plan users are aware that the Regional Plan: Water for Otago includes rules for structures on the margins of lakes and rivers;
    - o Consequential changes to add the following provisions in Section 27 for Mercy Hospital to apply Rule 10.3.3:
        - o Add Rule 27.3.4.X to the development activity status table to apply the setback from coast and water bodies performance standard to all buildings and structures activities;
        - o Add Rule 27.6.X to the development performance standards to require new buildings, new structures, additions and alterations, and storage and use of hazardous substances to comply with Rule 10.3.3; and
        - o Add Rule 27.9.4.X for contravention of rules 10.3.3.1 – 10.3.3.5 with matters of discretion for 'effects on biodiversity values and natural character of riparian margins and the coast' and 'effects on public access' linking to Rule 10.5; and 'risk from natural hazards' linking to Rule 11.4;
        - o Add Rule 27.9.6.1 for contravention of rules 10.3.3.W and 10.3.3.X with a matter of discretion for 'effects on the efficiency and affordability of infrastructure' linking to Rule 9.5;
    - o Consequential change to add assessment rules in the following locations for contravention of the stormwater open watercourse mapped area rules in the sections where the rule will now apply, with a matter of discretion

[16] The online Planning Map is available here: http://dunedin.maps.arcgis.com/apps/webappviewer/index.html?id=f7fc69e07dba4db589ffe2ddcac4acc7

being ‘effects on the efficiency and affordability of infrastructure’, specifying its application only to the stormwater open watercourse aspects of Rule 10.3.3 (i.e., clauses W and X) and linking to Rule 9.5:

    - Rule 5.7.5.AA
    - Rule 8A.6.4.Y
    - Rule 16.9.6.13
    - Rule 17.9.6.13
    - Rule 18.9.6.11
    - Rule 19.9.6.8
    - Rule 20.9.6.AA
    - Rule 21.8.6.1
    - Rule 22.9.6.4
    - Rule 25.8.6.1
    - Rule 26.9.6.1
    - Rule 31.9.6.4
    - Rule 32.8.6.1
    - Rule 33.9.6.4
    - Rule 34.9.6.1

- Consequential change to Rule 15.10.6.11 to specify its application to the stormwater open watercourse aspects of Rule 10.3.3 (i.e., clauses W and X)
- Consequential change to assessment Rule 9.5.4.4 to apply to contravention of either the rural zone or other zone clauses of the rule for stormwater open watercourse mapped areas only
- Amend the assessment rules in the following locations for contravention of Rule 10.3.3 clauses other than those relating to the stormwater open watercourse mapped area so that the additional matters of discretion relating to the natural environment, natural hazards, or Manawhenua do not apply to contraventions of the stormwater open watercourse mapped area aspects of the rule (as they are not relevant to the purpose of the rule):
    - Rule 5.7.3.4
    - Rule 8A.6.3.5
    - Rule 10.5.3.10 (landing rule in the natural environment section)
    - Rule 11.4.2.7 (landing rule in the natural hazards section)

        - Rule 14.3.2.6 (landing rule in the Manawhenua section)
        - Rule 15.10.4.13
        - Rule 16.9.4.10
        - Rule 17.9.4.8
        - Rule 18.9.4.11
        - Rule 19.9.4.8
        - Rule 20.9.4.11
        - Rule 21.8.4.9
        - Rule 22.9.4.7
        - Rule 25.8.4.7
        - Rule 26.9.4.8
        - Rule 31.9.4.8
        - Rule 32.8.4.7
        - Rule 33.9.4.6
        - Rule 34.9.4.14; and
    - Delete Rule 10.5.3.X linking to Rule 11.4 on natural hazards, as this linking rule is unnecessary and does not align with the 2GP Style Guide (whereby the zone provisions should link directly to the assessment rule in Section 11, not go via Section 10).

Assessment against relevant objectives

282. The 2GP objective that is most relevant to this proposal is Objective 9.2.1 (reproduced above) in relation to effects on the efficiency and affordability of infrastructure. The changes proposed as part of Change Res13 will help to ensure that this objective is effectively and efficiently achieved, for the following reasons.

283. The setback will be extended to cover all zones that contain stormwater open watercourses in the Water Services Map, with a 20m setback in rural zones and a 5m setback in all other zones, with new exemptions for fences and small structures (which are additional to the existing exemptions for activities listed in Rule 10.3.3.6). This is in line with advice from DCC 3 Waters regarding the appropriate distances of development from watercourses in these different environments (see Appendix C) and will reduce the number of consents required for activities that are likely to be acceptable.

284. Unnecessary matters of discretion relating to effects on biodiversity and natural character, public access, and hazards, which currently apply to contraventions of the setback from stormwater open watercourses in residential zones (where the watercourse does not meet the definition of a "water body"), will be removed and this will improve the efficiency of the rule. In the locations where the setback from stormwater open watercourse rule is being

extended to, the changes will also ensure these additional matters of discretion (and the matter of discretion relating to effects on cultural values of Manawhenua, where relevant) will not apply to this part of the rule.

285. It is noted that the rules for stormwater open watercourses and water bodies may still be triggered together due to overlap between the 2GP definitions of stormwater open watercourse (refer above) and the existing definition of water body. The definition of water body is:

Water body

Fresh water or geothermal water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof, which is not located within the coastal marine area.

286. For example, both sets of rules could be triggered where a stream collects stormwater and carries it to the sea. In other circumstances, only the “water body” definition will apply (e.g. a pond, wetland or aquifer that is not part of the stormwater network), or only the “stormwater open watercourse” definition will apply (e.g. an artificial open stormwater channel). Where overlap between the rules occurs, this is considered appropriate, as it will ensure the additional matters of discretion (and their relevant objectives) can be assessed where needed, but not assessed in other cases. The proposed new note to Plan users will ensure that they are aware of the potential for two sets of rules to apply.

287. The approach of applying the provisions of Rule 10.3.3 to the Mercy Hospital Zone recognises that the DCC Water Services Map shows a stormwater open watercourse in small undeveloped parts of the Mercy Hospital site, near the northern and southern boundaries. This amendment would have the effect of applying the setback from water bodies, as well as the setback from stormwater open watercourses within this zone. However, the stormwater open watercourse near the southern boundary is within an Urban Biodiversity Mapped Area so has existing 2GP provisions which limit development, and the watercourse near the northern boundary is in an area outside of the Mercy Hospital Development Plan. Therefore, there is limited potential for future development that would conflict with this watercourse, and the potential costs of the additional restrictions are likely to be insignificant. However, the change will ensure the rule will need to be complied with if development is proposed in these locations.

288. Aukaha reviewed this proposal and expressed concerns that the focus on managing infrastructure effects could detract from the wider functions of waterways, including by Plan users not being aware that rules for both water bodies and stormwater open watercourse mapped areas could apply together. In response, an advice note was added to ensure the potential for overlap is highlighted, and the legend for the mapping of the mapped area was reviewed to ensure it does not dominate other mapping.

2.1.9 Access minimum sight distance and distances from intersections (Change Trans1)

Purpose of proposal and scope of change

289. The purpose of Change Trans1 is to review Rule 6.6.3.2 (Minimum sight distance from a vehicle access) and associated Figure 6B.13, and Rule 6.6.3.4 (Minimum distances of new vehicle crossing from intersections and level crossings) and its associated Figure 6B.17, to ensure they are clear to Plan users, do not contain conflicting or redundant requirements and to ensure the relevant Plan objectives are efficiently and effectively achieved.

Background and issues of concern

290. Rule 6.6.3.2 sets minimum sight distances from vehicle accesses and links to Figure 6B.13 which illustrates how the sight distances are to be measured.

291. Rule 6.6.3.4 sets minimum distances of new vehicle crossings from intersections and level crossings and links to Figure 6B.17 which illustrates how the distances are to be measured.

292. The purpose of both rules is to help achieve Objective 6.2.4, which states:

Objective 6.2.4

Parking areas, loading areas and vehicle accesses are designed and located to:

a. provide for the safe and efficient operation of both the parking or loading area and the transport network; and

b. facilitate the safe and efficient functioning of the transport network and connectivity for all travel modes.

293. Several interrelated issues have been identified with these rules and their associated figures, as outlined under the subheadings below.

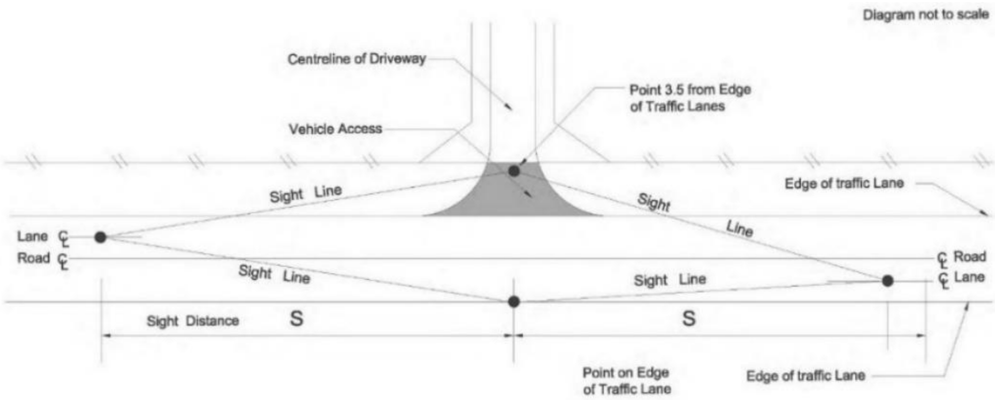
Issue 1: Inconsistency between Rule 6.6.3.2 clause (d) and (e) and associated Figure 6B.13

294. Rule 6.6.3.2 requires different minimum sight distances depending on whether the vehicle access is onto a state highway or other road and depending on the speed limit for the road. Clauses (d) to (e) contain requirements about how the sight distances are to be measured, as set out below:

d. Sight distances are measured from the points shown on Appendix 6B, Figure 6B.13.

e. In the rural and rural residential zones, clear sight triangles must be provided, as shown in Appendix 6B, Figure 6B.13. The clear sight triangle must be on the road side of any gate and visibility must not be obstructed by fences, structures, vegetation or any barrier above a height of 800mm.

295. Figure 6B.13 Method for Determining Sight Distance from a New Vehicle Access is below:



Notes:

1. Sight distances shall be measured to and from a height of 1.15m above the existing road surface and the proposed road surface level of the side road or vehicle access.
2. There are to be no obstructions to visibility inside the area bounded by the sight lines.

296. Rule 6.6.3.2.d applies to all zones and requires that sight distances are measured from the points shown in Figure 6B.13. It does not state any requirement for absence of obstructions, which instead appears as note (2) in Figure 6B.13.

297. The issue is that Rule 6.6.3.2.e partially duplicates and conflicts with Rule 6.6.3.2.d as it applies slightly different requirements in the rural and rural residential zones regarding obstructions and the height of measurement, compared to the notes in Figure 6B.13.

298. This issue is proposed to be resolved by:

- amending clause (e) so that it applies to all zones, not just rural and rural residential zones, and adopts the simpler approach from Figure 6B.13 of requiring no obstructions to visibility; and
- removing the notes from Figure 6B.13 and covering these in Rule 6.6.3.2.d-e instead.

Issue 2: The notes in Figure 6B.13 should be rules

299. The two notes in Figure 6B.13 are intended to have the effect of rules but are called notes and would be better located in Rule 6.6.3.2 itself.

300. This issue will be resolved as part of resolving Issue 1 above.

Issue 3: Unclear wording in Rule 6.6.3.2.e

301. The wording in Rule 6.6.3.2.e that states that “The clear sight triangle must be on the road side of any gate…” is unclear in its meaning.

302. In addition, this clause states “clear sight triangles must be provided, as shown in Appendix 6B, Figure 6B.13” but the term ‘sight triangle’ is not used in Figure 6B.13, raising uncertainty for Plan users.

303. This issue is proposed to be resolved by rewording Rule 6.6.3.2.e to rely on Figure 6B.13 to demonstrate how to measure sight distances and by referring to “the area bounded by the sight lines” rather than “sight triangles” to keep the terminology consistent with the figure.

<u>Issue 4: Exception to Rule 6.6.3.2 (and Rule 6.6.3.4) not effectively achieving Objective 6.2.4</u>

304. Rule 6.6.3.2.c and Rule 6.6.3.4.c provide exceptions to allow one vehicle crossing per site in the position which most nearly complies with rules 6.6.3.4.a or 6.6.3.4.b.

305. DCC Transport have identified that these exceptions are creating the potential for adverse effects on the safety and efficiency of the transport network, especially given earlier changes via Variation 2 that allow for additional intensification and the potential for installation of more vehicle accesses within existing urban areas (see the memo in Appendix C).

306. Application of the exceptions is resulting in some perverse outcomes in terms of achieving Objective 6.2.4, such as the example shown in Figure 3 below where the access to Lot 2 is permitted because the access most nearly complies with the rule (leaving DCC Transport little control over the design), while the access to Lot 4 contravenes the rule even though it is further from the intersection than the access to Lot 2.

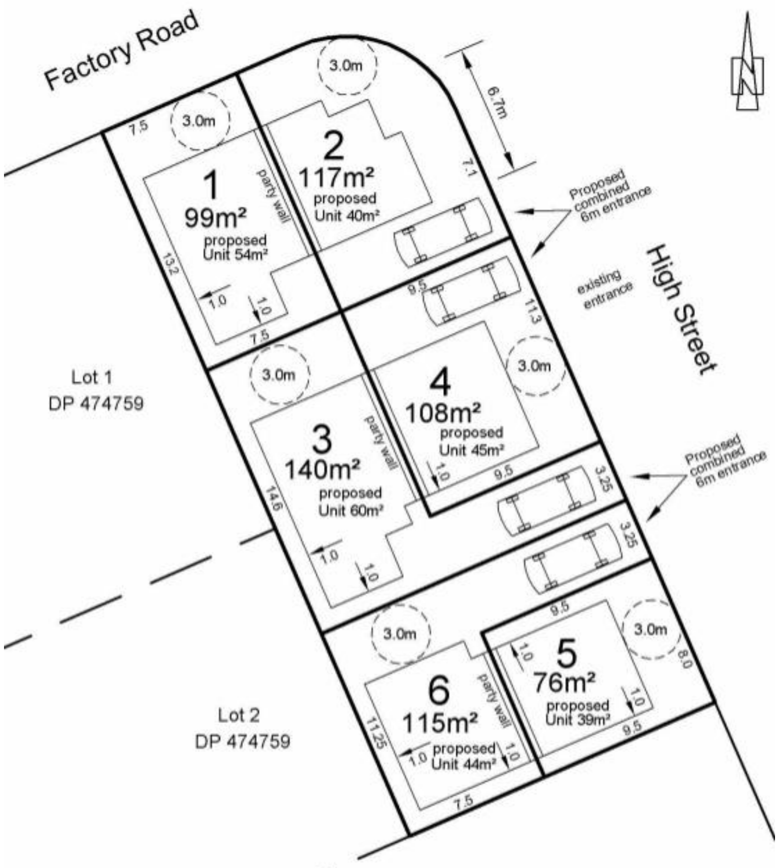
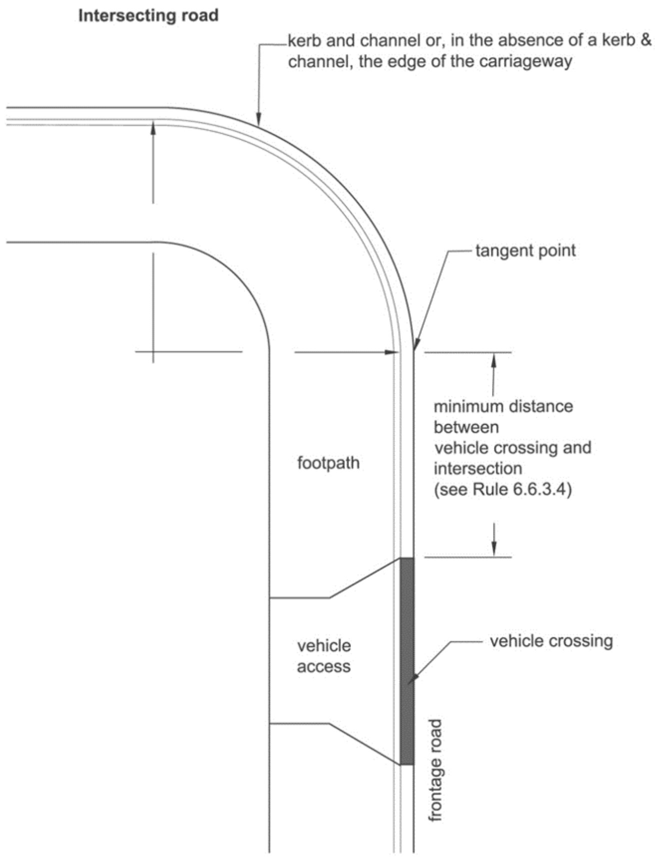


Figure 3: Vehicle access arrangements for a Mosgiel subdivision (SUB-2022-106)

307. Having exemptions to allow vehicle access to any site as a permitted activity are also considered less appropriate than previously due to the removal of minimum on-site car parking from the Plan in accordance with NPS-UD Policy 11, meaning that vehicle access is no longer required by the Plan for residential sites. In addition, despite the Plan provisions, Transport can decline access approval as part of considering an application for a new driveway crossing.

308. There is also an associated issue with Figure 6B.17 in Appendix 6B (linked to from Rule 6.6.3.4) which illustrates how the distances are to be measured. Figure 6B.17 "Method to determine minimum distance between vehicle crossing and intersection" is reproduced below:



309. The issue is that Figure 6B.17 does not show whether vehicle crossings on the opposite side of the road to the intersecting road also need to meet these distances. This is of particular concern when a new vehicle access is proposed directly opposite to the intersecting road, effectively creating a crossroads intersection.

310. This lack of clarity may mean that the rule is interpreted as only applying on the side of the road closest to the intersecting road for T-intersections, resulting in traffic safety issues.

311. This issue is proposed to be resolved by:

- removing the exceptions from Rule 6.6.3.2.c and Rule 6.6.3.4.c; and
- updating Figure 6B.17 to show application of the rule to accesses on both sides of the road.

<u>Proposed change and assessment</u>

312. Overall, Change Trans1 proposes the following changes to address the identified issues, as shown in Appendix A:

- amend Figure 6B.13 to delete the notes;
- amend Rule 6.6.3.2.d to clarify the measurement of distances and to incorporate the requirements from Figure 6B.13 note (1);

- amend Rule 6.6.3.2.e so that it applies to all zones, not just rural and rural residential zones, adopts the simpler approach from Figure 6B.13 note (2) of requiring no obstructions to visibility, and refers to sight lines instead of sight triangles consistent with Figure 6B.13;
- delete Rule 6.6.3.2.c to remove the exception;
- delete Rule 6.6.3.4.c to remove the exception; and
- replace Figure 6B.17 to show application of Rule 6.6.3.4 to vehicle accesses on the opposite side of the road to the intersecting road.

Assessment against relevant objectives

313. The changes proposed to resolve Issues 1 to 3 are primarily clarifications to remove duplication, conflict, and improve interpretation of the provisions. Most changes do not substantively impact the provisions and will improve Plan efficiency and administration.

314. In response to Issue 1, the change to remove duplication between Rule 6.6.3.2.e and note (2) in Figure 6B.13, which applies a consistent approach across zones regarding the restriction on obstructions to visibility and the height at which sight lines are to be measured, has been confirmed as appropriate by DCC Transport. The change will remove a potential source of confusion from the Plan's rules. The clarification of the requirement that there must be no obstruction to visibility within the areas bounded by the sight lines will support the achievement of Objective 6.2.4 for the safe and efficient functioning of the transport network.

315. In response to Issue 4, removing the exemptions provided under Rule 6.6.3.2.c and Rule 6.6.3.4.c will enable Council to assess all situations where new vehicle crossings potentially do not have adequate sight distances or are located too close to intersections to maintain road safety. This will enable Objective 6.2.4 to be more effectively achieved by enabling mitigation measures to be required via consent conditions.

2.1.10 Rule 6.6.3.4 for both state highways and the 2GP road hierarchy (Change Trans2)

Purpose of proposal and scope of change

316. The purpose of Change Trans2 is to review Rule 6.6.3.4 (minimum distances of new vehicle crossing from intersections and level crossings), which includes rules for both state highways and the 2GP road hierarchy, to address duplication and consistency issues between the two sets of provisions.

317. The scope of the change does not include reviewing transportation performance standards other than for the purpose set out above.

Background and issues of concern

318. Section 6A.2 of the Plan includes a road classification hierarchy which is applied to all roads in the district. This classification does not include a category for state highways, instead the various road classifications are applied to different parts of state highways depending on the nature of the highway in each location.

319. The first issue is that the Plan sets up transportation performance standards mainly based on its own road classification hierarchy, but Rule 6.6.3.4 also contains rules for state highways. This results in two rules applying to state highways; one rule based on the applicable 2GP road classification, and another rule based on the road being a state highway. In some instances, the two rules set different design requirements, which is potentially confusing to Plan users.

320. This issue is proposed to be resolved by adding a clause to Rule 6.6.3.4 to say that where there is conflict between the two sets of rules for state highways, the strictest rule applies.

321. The second issue is that the table for state highways in Rule 6.6.3.4.e applies different speed ranges than the tables for the 2GP road classification hierarchy, missing a rule for roads with a 90km/hr speed limit due to the way the speed limit ranges are expressed.

322. This issue is proposed to be resolved by amending the speed limit range in the table for state highways to match the other tables in the rule.

323. A third issue is that the table for state highways in Rule 6.6.3.4.e states posted speeds in km units rather than km/hr. This will be corrected.

Proposed change and assessment

324. Change Trans2 proposes the following changes, as shown in Appendix A:

- Amend Rule 6.6.3.4 to add clause X clarifying that where there is conflict between the two sets of rules for state highways, the strictest rule applies;
- Amend Rule 6.6.3.4.e.ii to apply to a posted speed limit range of 70 - 90 km/h, rather than 70-89 km so that there is a rule for 90km/h and the speed ranges align with the rules that apply to the road classification hierarchy; and
- Amend Rule 6.6.3.4.e to correct the units in the posted speed of state highway column to read as 'km/h'.

325. The proposed changes are minor in nature and will improve Plan clarity and consistency and correct errors. The changes will not have a substantive effect on achieving Objective 6.2.4 but will improve Plan implementation and are supported by DCC Transport (see Appendix C).

326. No reasonably practicable alternative options were identified or assessed.

2.2 City-Wide: Heritage, Signs, Earthworks, Manawhenua, Construction & Noise Changes

327. This section assesses change proposals which directly impact the management of heritage, signs, earthworks, Manawhenua values, construction, and noise across the city.

2.2.1 Add specified new scheduled heritage buildings (SHB3)

Purpose of proposal and scope of change

328. The purpose of Change SHB3 is to assess the limited number of buildings, listed below for their suitability for scheduling as scheduled heritage buildings in accordance with Policy 2.4.2.1.

329. The scope of the change includes adding provisions to manage the development of proposed scheduled heritage buildings in any zone chapters that do not yet contain these provisions (e.g., Dunedin Hospital Zone). The scope of the change also includes the deletion of the 22 buildings listed in Table 3 below from the schedule of character-contributing buildings in Appendix A1.1, only if they are to be included for scheduling as scheduled heritage buildings.

330. The scope of the change does not include:

- assessing any other buildings for their suitability for scheduling; or
- assessing existing scheduled buildings for removal from the schedule.

331. The reason for this limited scope is due to limited staff resource for assessing buildings. Further buildings may be assessed as part of a future plan change process[17].

Background and issues of concern

332. Objective 2.4.2 seeks the conservation and retention of important heritage items to ensure Dunedin's heritage is central to its identity and is protected and celebrated as a core value of the city. This objective is partly implemented by the identification of buildings and structures with significant heritage values as scheduled heritage buildings or structures in accordance with Policy 2.4.2.1, which states:

Policy 2.4.2.1

a. Identify in a schedule (Appendix A1.1) buildings and structures that have significant heritage values and use rules to:
   i. manage additions and alterations to, or removal for relocation of these buildings, in a way that maintains important heritage values;
   ii. restrict demolition of these buildings except in limited circumstances;
   iii. support adaptive re-use, heritage conservation and restoration; and
   iv. prioritise protection of heritage values over compliance with other performance standards where there is a conflict.

b. Identify heritage buildings and structures based on the following criteria:
   i. historic and social significance;
   ii. spiritual/cultural significance, including significance to Māori;
   iii. design significance; and
   iv. technological/scientific significance.

333. The issue of concern is that, due to the large number of historic buildings in Dunedin, not all buildings have been assessed for heritage significance against Policy 2.4.2.1 and added as scheduled heritage buildings. Continuing to identify and schedule buildings of significance is important to ensure that they are protected from inappropriate development and Objective 2.4.2 is better achieved over time.

[17] For updates on 2GP projects, subscribe to City Development News here: https://www.dunedin.govt.nz/council/district-plan/city-development-news

334. This issue is proposed to be partly resolved by the inclusion of the new scheduled heritage buildings listed in Table 2 below. The buildings that are proposed for scheduling include those identified through the following processes:

- Buildings that have been listed as historic places by Heritage New Zealand Pouhere Taonga (HNZPT) in accordance the criteria in Section 66(3) of the Heritage New Zealand Pouhere Taonga Act 2014 (seven additional buildings);
- Suggestions received from heritage advocates and members of the public since submissions closed on the full 2GP plan review; and
- Buildings identified by DCC's heritage advisors as being of high priority for scheduling.

335. For buildings that have been assessed by HNZPT, it is noted that the criteria in Section 66(3) of the Heritage New Zealand Pouhere Taonga Act 2014, listed below, have been used by HNZPT:

a. the extent to which the place reflects important or representative aspects of New Zealand history:

b. the association of the place with events, persons, or ideas of importance in New Zealand history:

c. the potential of the place to provide knowledge of New Zealand history:

d. the importance of the place to tangata whenua:

e. the community association with, or public esteem for, the place:

f. the potential of the place for public education:

g. the technical accomplishment, value, or design of the place:

h. the symbolic or commemorative value of the place:

i. the importance of identifying historic places known to date from an early period of New Zealand settlement:

j. the importance of identifying rare types of historic places:

k. the extent to which the place forms part of a wider historical and cultural area.

336. Historic places are listed in one of two categories, either:

- Category 1: places of special or outstanding historical or cultural heritage significance or value; or
- Category 2: places of historical or cultural heritage significance or value.

337. Listing of a building as a historic place by HNZPT is primarily for information purposes rather than affording the identified buildings any protection. HNZPT's regulatory responsibilities regarding archaeological sites (places associated with pre-1900 human activity) also do not afford protection but may result in recording-making requirements being imposed as part of the issuing of an archaeological authority.

338. Until HNZPT historic places are included in the Plan, there is no specific protection of these buildings and resource consents are not required for demolition or additions and alterations.

In other words, Objective 2.4.2 cannot be achieved with respect to these buildings until they are scheduled in the Plan.

Summary of consultation

339. Owners of the buildings proposed for addition to the heritage schedule via Plan Change 1 were contacted by letter and have had an opportunity to meet Council staff and provide relevant information about their buildings. Where appropriate, this information has led to updates to the heritage assessments for these buildings.

340. Updates made include:

- changes to 7 heritage assessments to correct or add to the background information about the building
- changes to 12 heritage assessments to amend the parts of buildings that are proposed for protection; and
- changes to no longer propose two assessed buildings for scheduling as heritage buildings.

341. Buildings that are no longer proposed for scheduling as heritage buildings are outlined in Table 4 in the assessment below as rejected changes and remain within the scope of Plan Change 1.

Proposed change and assessment

342. Change SHB3 proposes the following changes, which have immediate legal effect from the date Plan Change 1 is notified:

- Drafting changes, as shown in Appendix A:
  - Amend Appendix A1.1 Schedule of Protected Heritage Items and Sites to add the buildings identified in Table 2 below as scheduled heritage buildings; and
  - Consequential changes to amend Appendix A1.1 Schedule of Protected Heritage Items and Sites to delete the character-contributing buildings identified in Table 3 below that are proposed for scheduling as scheduled heritage buildings.
- Mapping changes, as shown in the online Planning Map[18]:
  - Add the new scheduled heritage buildings identified in Table 2 below to the Planning Map; and
  - Consequential changes to delete any character-contributing buildings identified in Table 3 below from the Planning Map, as they are proposed for scheduling as scheduled heritage buildings.

[18] The online Planning Map is available here: http://dunedin.maps.arcgis.com/apps/webappviewer/index.html?id=f7fc69e07dba4db589ffe2ddcac4acc7

Table 2: Buildings proposed for scheduling as heritage buildings under Change SHB3

Site Number	Item/Building Name	Address	HNZ Category	HNZ List Number	Protection Required
BX001	Andersons Bay Presbyterian Church (former)	76 Silverton Street	2	9695	Entire external building envelope excluding the adjacent hall
BX002	Otago Pioneer Women's Association Memorial Hall ***Currently CC071 in 2GP***	362 Moray Place	1	9725	Façade to Moray Place and entrance foyer, main stairs, lobby doors and memorial window
BX003	Scoular House (former) ***Currently CC848 in 2GP***	319 York Place	1	9273	Entire external building envelope
BX004	Truby King Harris Hospital (former)	79 Every Street	1	9659	Entire external building envelope
BX005	Arthur Street School Infant Department (former)	26 Arthur Street	2	9717	Entire external building envelope
BX006	Ralph Hotere's Studio (former)	2 Aurora Terrace, Port Chalmers	1	9762	Entire external building envelope excluding the rear addition (laundry/ workshop) as identified in the heritage covenant
BX007	Emily Siedeberg McKinnon House	75a and 75b York Place	1	9100	Entire external building envelope excluding the rear elevation
BX008	Venard Residence	18 Jubilee Street			Entire external building envelope excluding rear elevation and brick garage with tile roof
BX009	C & J Speight House ***Currently CC875 in 2GP***	362 York Place			Entire external building envelope and stone boundary wall and entrance gates
BX010	Haeata ***Currently CC808 in 2GP***	273 York Place			Entire external building envelope and street boundary fence and entry gate

Site Number	Item/Building Name	Address	HNZ Category	HNZ List Number	Protection Required
BX011	Challow Dene ***Currently CC809 in 2GP***	275 York Place			Entire external building envelope and street boundary fence and arched entry gate, and retaining walls
BX013	Cargill Court Apartments	1-13/27 Arthur Street			Entire external building envelope and boundary fence to Arthur Street and Cargill Street
BX014	Mason & Wales Architects' Studio	46 York Place			Entire external building envelope excluding rear elevation
BX015	Rutherford House (former)	38 Michie Street			Entire external building envelope and concrete block/timber fence to road boundary
BX016	Misses Johnstones' Residence (former)	7 Drivers Road			Entire external building envelope and boundary wall and gates to Drivers Road
BX017	Cameron House (former)	54 Grendon Street			Entire external building envelope
BX018	JS & MW Campbell House (former)	58 Grendon Street			Entire external building envelope excluding the rear elevation
BX019	Smith Building (former)	220 King Edward Street			Entire external building envelope
BX021	W & E Scoular House (former)	421 Highgate			Entire external building envelope and stone boundary wall and gates
BX022	St Georges Court	1-8/535 George Street, Dunedin			Entire external building envelope including street-side garages, excluding garage doors and rear elevation; entrance gates on street frontage
BX023	Highgate Presbyterian Church	580 Highgate			Entire external building envelope, excluding the hall and extension to the northwest dating from 1997
BX024	Julier/Sharpe House (former)	130 Aramoana Road, Deborah Bay			Entire external building envelope of the 1881 and c.1895 components of the dwelling, excluding the c.2005 addition

Site Number	Item/Building Name	Address	HNZ Category	HNZ List Number	Protection Required
BX025	Hercus Building	50 and 58 Hanover Street			Entire external building envelope including the Richard Gross sculptural relief panel, excluding steel framed windows on the rear elevation, roof plant and aerial walkway
BX026	Haynes House (former)	284 Stuart Street			Entire external building envelope and brick and timber boundary fencing to Stuart Street
BX028	Melrose House	24 Melrose Street, Dunedin			Entire external building envelope excluding the c.1992 single storey extension
BX029	Hosking House (former)	47 Māori Road			Entire external building envelope excluding the rear elevation; timber entry gates
BX030	S & F Bowman House (former)	10 Claremont Street			Entire external building envelope and boundary wall and entrance gates
BX031	Te Kauri	70 Grendon Street			Entire external building envelope excluding the rear elevation
BX033	FA Cargill Residence (former)	83 Manor Place			Entire external building envelope excluding the rear elevation
BX034	Kaikorai Presbyterian Church	127 Taieri Road			Entire external building envelope excluding the adjacent hall and link between the two buildings
BX036	Kensington Drill Hall	24 Bridgman Street			Entire external building envelope and parade ground, excluding any ACM roof cladding
BX037	Mobilisation Store and Office	211 St Andrew Street			Entire external building envelope
BX038	RNZNVR Divisional Headquarters (former)	211 St Andrew Street			Entire external building envelope, including Hall and former P.W.D Workshop
BX039	J. Louis Salmond’s House (former)	1 - 28 Bellevue Street			Entire external building envelope

Site Number	Item/Building Name	Address	HNZ Category	HNZ List Number	Protection Required
BX040	Paired Dwellings	2 and 4 Macnee Street			Facades to Macnee Street and Henderson Street, and iron fence at 2 Macnee Street
BX041	Honeyden	1 Macnee Street			Entire external building envelope excluding the rear elevation
BX043	Kippiehoe ***Currently CC709 in 2GP***	30 Tennyson Street			Entire external building envelope
BX045	Bryndwylt	38 Belgrave Crescent			Entire external building envelope
BX046	Albert House (former)	45 Beach Street, Dunedin			Entire external building envelope excluding the carport and garage on Albert Street
BX047	Woodhaugh Store (former)	79 Malvern Street, Dunedin			Entire external building envelope
BX049 (i)	Chinese Mission Church and Manse (former)	60 and 60A Carroll Street			Façade to Carroll Street and northeast elevation
BX049 (ii)	Chinese Mission Church and Manse (former)	58 Carroll Street			Façade to Carroll Street
BX050	Haynes Warehouse and Offices (former) ***Currently CC077 in 2GP***	24 and 26 Moray Place			Façade to Moray Place
BX051	Littlebourne House Stables	26 Littlebourne Road			Entire external building envelope
BX052	Pukehiki Library	1051 Highcliff Road			Entire external building envelope
BX053	Pukehiki District Hall	1056 Highcliff Road			Entire external building envelope
BX055	Dunedin Hospital Administration Block (former)	255 Great King Street			Entire external building envelope and central interior stair

Site Number	Item/Building Name	Address	HNZ Category	HNZ List Number	Protection Required
BX056	Ocean View Hotel (former)	301 King Edward Street			Entire external building envelope of the two storey c.1874 component, excluding the single storey additions
BX057	Dunedin North Intermediate School (former)	19 Riego Street			Façades to Riego Street, Albany Street and Anzac Avenue
BX058	Santa Sabina Convent (former)	16/73, 17/73 and 18/73 Buccleugh Street			Entire external building envelope of the former convent only
BX059	Queen Mary Maternity Hospital (former)	310 Castle Street, Dunedin			Entire external building envelope excluding the roof plant, the c.1961 northwest wing, and steel framed windows on the internal elevations
BX060	Dunedin Hospital Nurses' Home (former)	490 Cumberland Street			Entire external building envelope excluding roof plant, external fire escape, steel framed windows on the rear (west) elevation of the c.1948 component, pressed metal roof tiles and masonry chimneys; Cumberland Street boundary wall
BX061	Curtis House (former)	18 Forbury Road			Entire external building envelope excluding rear elevation
BX063	Fraemont	163 Carroll Street			Entire external building envelope and stone and brick wall to Melville Street and Carroll Street
BX064	Taieri Bank Cottage (Higgins' Cottage)	128 Hartfield Road			Entire external building envelope and upright slab schist fence
BX065	Acetylene Buildings (former) ***Currently CC070 in 2GP***	126, 130 and 132 Stuart Street and 29 Bath Street			Entire external building envelope of both the commercial and former workshop buildings, excluding the lower part of the east elevation obscured by the neighbouring building

Site Number	Item/Building Name	Address	HNZ Category	HNZ List Number	Protection Required
BX066	Herbert Haynes & Company Building (former) ***Currently CC109 in 2GP***	20 and 26 Princes Street			Façade to Princes Street
BX067	Salmond Residence (former) ***Currently CC460 in 2GP***	311 Stuart Street			Entire external building envelope excluding rear elevation
BX068 (i)	Gun emplacement #1	1 Domain Avenue and Road Reserve			Entire external building envelope
BX068 (ii)	Gun emplacement #2	1 Domain Avenue and Road Reserve			Entire external building envelope
BX068 (iii)	Magazine	14 Centre Road and Road Reserve, Tomahawk			Entire external building envelope
BX068 (iv)	Observation Post	14 Centre Road, Tomahawk			Entire external building envelope
BX069	Inglewood	62 Queen Street, Dunedin			Entire external building envelope excluding rear elevation
BX070	Hallenstein Brothers’ Building (former)	18 Princes Street			Entire external building envelope including the “HB” painted sign on the south elevation, but excluding the lower parts of the south and west elevations that are obscured by the neighbouring buildings
BX071 (i)	Cairns' Buildings	139 Carroll Street			Entire external building envelope excluding rear elevation
BX071 (ii)	Cairns' Buildings	141 Carroll Street			Principal (northeast) elevation and roof form
BX071 (iii)	Cairns' Buildings	143 Carroll Street			Principal (northeast) elevation and roof form
BX071 (iv)	Cairns' Buildings	145 Carroll Street			Principal (northeast) elevation and roof form

Site Number	Item/Building Name	Address	HNZ Category	HNZ List Number	Protection Required
BX071 (v)	Cairns' Buildings	147 Carroll Street			Elevation to Carroll Street, principal (northeast) elevation, and roof form
BX071 (vi)	Cairns' Buildings	155 Carroll Street			Façade to Carroll Street and side wall (northeast)
BX071 (vii)	Cairns' Buildings	157 Carroll Street			Façade to Carroll Street
BX071 (viii)	Cairns' Buildings	157A Carroll Street			Façade to Carroll Street
BX071 (ix)	Cairns' Buildings	157B Carroll Street			Façades to Carrol Street and Melville Street
BX073	Port Chalmers Pioneer Hall	45 George Street, Port Chalmers			Entire external building envelope excluding the rear elevation and external heat pump units
BX074	Glenthorne	39 Melville Street, Dunedin			Entire external building envelope and stone walls and wrought iron fence to Melville Street
BX075	Major Residence (former)	52 Manor Place			Entire external building envelope and stone retaining walls, wrought iron fence and gates
BX076 (i)	Paired Dwellings	54 Manor Place			Façade to Manor Place and east wall
BX076 (ii)	Paired Dwellings	56A and 56B Manor Place			Façade to Manor Place and west wall
BX077	Trengrove Residence (former)	109 Maitland Street			Entire external building envelope excluding the rear elevation
BX078	Cintra	217 Musselburgh Rise			Entire external building envelope
BX079	Dunedin's first state house	11 Wilkinson Street			Entire external building envelope
BX080	Archway Lecture Theatres	290 Leith Street			Entire external building envelope and internal corridor
BX081	Haynes' Residence (former)	5 Smith Street			Entire external building envelope excluding rear elevation; retaining wall and gate to Smith Street
BX082	Harptree	19 Wallace Street, Dunedin			Entire external building envelope excluding the rear extension

Site Number	Item/Building Name	Address	HNZ Category	HNZ List Number	Protection Required
BX083	Caledonian Hotel (former)	19 Carroll Street			Façades to Hope Street (including southern end of the building) and Carroll Street, excluding roofing
BX084	Congregational Church Manse (former) ***Currently CC113 in 2GP***	4 View Street, Dunedin			Entire external building envelope excluding rear elevation
BX085	Moray Place Congregational Church Sunday School (former) ***Currently CC116 in 2GP***	2 View Street, Dunedin			Entire external building envelope excluding the rear elevation
BX086	Temperance Hall (former)	2 Haig Street			Entire external building envelope
BX087	Hanna Residence (former)	56 Carroll Street			Entire external building envelope excluding the rear elevation
BX088	W Nees and Sons Showroom and Warehouse	266 Hanover Street			Façades to Harrow Street, Hanover Street, and Anzac Avenue
BX089 (i)	Otago Motors Ltd Showroom ***Currently CC599 in 2GP***	462 Princes Street			Façades to Princes Street and Carroll Street and north elevation to the intersection of Princes and Carroll streets
BX089 (ii)	Otago Motors Ltd Workshop	7 Carroll Street			Façades to Carroll Street and Hope Street
BX091	Mosgiel Knitwear House (former)	5 Melville Street, Dunedin			Entire external building envelope excluding additions to the side elevation on Melville Street and excluding the wall along the southern boundary
BX092	Burnside Residence (former)	62 Norfolk Street			Entire external building envelope excluding the rear elevation
BX093	Brinsley Residence (former)	169 Forbury Road			Entire external building envelope of the c.1931 dwelling

Site Number	Item/Building Name	Address	HNZ Category	HNZ List Number	Protection Required
BX094 (i)	Terrace Houses	107 York Place			Entire external building envelope excluding the rear elevation; stone walling to York Place boundary
BX094 (ii)	Terrace Houses	109 York Place			Façade to York Place and stone walling to York Place boundary
BX094 (iii)	Terrace Houses	111 York Place			Entire external building envelope excluding the rear elevation; stone walling to York Place boundary
BX095 (i)	Roslyn Worsted & Woollen Mills (former)	229-233 Kaikorai Valley Road			Entire external building envelopes of all buildings and structures
BX095 (ii)	Roslyn Worsted & Woollen Mills (former)	237 Kaikorai Valley Road			Entire external building envelopes of all buildings and structures, excluding any cladding that contains asbestos
BX095 (iii)	Roslyn Worsted & Woollen Mills (former)	293 Kaikorai Valley Road and 72 Stone Street			Façades to the west (Kaikorai Valley Road) and south (Stone Street), excluding the single storey extension to the north
BX096	Reid/Il Rudda Residence (former)	89 Carroll Street			Elevation to Carroll Street, the three storey component of the east elevation, and the three storey component of the west elevation. Excludes the rear elevation of the three storey component and the two storey component at the rear
BX097 (i)	Silverwood Terrace	134 Albany Street			Façade to Albany Street
BX097 (ii)	Silverwood Terrace	136 Albany Street			Façade to Albany Street
BX097 (iii)	Silverwood Terrace	138 Albany Street			Façade to Albany Street
BX097 (iv)	Silverwood Terrace	140 Albany Street			Façade to Albany Street

Site Number	Item/Building Name	Address	HNZ Category	HNZ List Number	Protection Required
BX097 (v)	Silverwood Terrace	142 Albany Street			Façade to Albany Street
BX097 (vi)	Silverwood Terrace	144 Albany Street			Façade to Albany Street and east wall
BX099	P Hayman & Co Warehouse (former)	180 Rattray Street			Entire external building envelope
BX102 (i)	Stafford Terraces ***Currently CC198 in 2GP***	816 Cumberland Street			Façade to Cumberland Street
BX102 (ii)	Stafford Terraces ***Currently CC197 in 2GP***	818 Cumberland Street			Façade to Cumberland Street
BX102 (iii)	Stafford Terraces	582 Castle Street			Façade to Castle Street
BX102 (iv)	Stafford Terraces ***Currently CC202 in 2GP***	583 Castle Street			Façade to Castle Street
BX102 (v)	Stafford Terraces	584 Castle Street			Façade to Castle Street
BX102 (vi)	Stafford Terraces ***Currently CC201 in 2GP***	585 Castle Street			Façade to Castle Street
BX102 (vii)	Stafford Terraces ***Currently CC200 in 2GP***	587 Castle Street			Façade to Castle Street
BX102 (viii)	Stafford Terraces ***Currently CC199 in 2GP***	60 Dundas Street			Façade to Dundas Street
BX103 (i)	Semi-Detached Residence	130 Albany Street			Façade to Albany Street
BX103 (ii)	Semi-Detached Residence	132 Albany Street			Façade to Albany Street
BX104	Grindley Residence (former)	45 Clyde Street, Dunedin			Façades to Albany and Clyde Streets and south wall
BX107	Sussex Hotel (former) ***Currently CC048***	140 George Street, Dunedin			Façade to George Street excluding fibre cement roof cladding

Site Number	Item/Building Name	Address	HNZ Category	HNZ List Number	Protection Required
BX111	Mosgiel Woollen Mill Manager’s House (former)	68 Factory Road, Mosgiel			Entire external building envelope excluding the rear elevation
BX112	Hudson/Petherbridge House	9 Alton Avenue			Entire external building envelope, freestanding garage, iron gates and posts at driveway, and garden fountain; entire interior excluding recent fireplace insert in the breakfast room and recent bathroom fittings to upstairs ensuite
BX113	Church of the Holy Name	400 Great King Street			Entire external building envelope, forecourt brick walls and entry lobby and nave
BX114	Green Island Civic Centre (former)	222 Main South Road, Green Island			Entire external building envelope and clock tower on the corner of Howden Street and Main South Road
BX115	Islington	218 Bush Road, Mosgiel			Entire external building envelope excluding conservatory extension
BX116	Mosgiel Coronation Hall	97 Gordon Road, Mosgiel			Entire external building envelope excluding rear skillion roof component
BX117	Lookout Point Fire Station	182 and 184 Mornington Road, Kenmure			Entire external building envelope for the fire station and the attached accommodation
BX118	Lodge St. John (former)	25 Gordon Road, Mosgiel			Entire external building envelope
BX119	Mosgiel Hotel	160 Gordon Road, Mosgiel			Two storey component of façades to Gordon Road and Bush Road
BX120	Holy Cross College (former)	93 Church Street, Mosgiel			Entire external building envelope of Burns Residence and associated residential wings, c.1901 chapel, dining room, and auditorium; Verdon Chapel; dormitory
BX121 (i)	Terraced Houses	22 Clyde Street, Dunedin			Façade to Clyde Street

Site Number	Item/Building Name	Address	HNZ Category	HNZ List Number	Protection Required
BX121 (ii)	Terraced Houses	24 Clyde Street, Dunedin			Façade to Clyde Street
BX121 (iii)	Terraced Houses	26 Clyde Street, Dunedin			Façade to Clyde Street
BX121 (iv)	Terraced Houses	28 Clyde Street, Dunedin			Façade to Clyde Street
BX121 (v)	Terraced Houses	30 Clyde Street, Dunedin			Façade to Clyde Street
BX121 (vi)	Terraced Houses	32 Clyde Street, Dunedin			Façade to Clyde Street and north wall
BX122 (i)	Terraced Houses	14 Clyde Street, Dunedin			Façade to Clyde Street
BX122 (ii)	Terraced Houses	16 Clyde Street, Dunedin			Façade to Clyde Street
BX122 (iii)	Terraced Houses	18 Clyde Street, Dunedin			Façade to Clyde Street
BX122 (iv)	Terraced Houses	20 Clyde Street, Dunedin			Façade to Clyde Street
BX123	Christian Brothers Residence (former) ***Currently CC818 in 2GP***	295 Rattray Street			Entire external building envelope and stone boundary wall at Rattray Street boundary
BX124	Bishop's Palace (former) ***Currently CC810 in 2GP***	277 Rattray Street			Entire external building envelope and stone boundary wall and gate at Rattray Street and Bishops Place
BX125	Helensea	262 Main South Road, East Taieri			Entire external building envelope excluding the rear elevation
BX126	Larnach's Byre	1299 Highcliff Road			Entire external building envelope
BX127	Allan Residence (former)	46 Gordon Road, Mosgiel			Entire external building envelope excluding the rear elevation, freestanding garage, and outbuilding to rear of the dwelling; gate posts and iron entry gates

Table 3: Buildings proposed for deletion from the schedule of character-contributing buildings due to their proposed scheduling as heritage buildings

Site Number	Building Name	Address	HNZ List Number	Heritage Precinct
CC048	Commercial building	132 George Street Dunedin		George Street Commercial
CC070	Commercial building	126 Stuart Street Dunedin		Stuart Street Commercial
CC071	Pioneer Womens Hall	362 Moray Place Dunedin		Stuart Street Commercial
CC077	Commercial building	24 Moray Place Dunedin		Moray Place - Dowling Street Commercial
CC109	Commercial building	20-26 Princes Street Dunedin		The Octagon Commercial
CC113	Residential building	4 View Street Dunedin		View Street Commercial
CC116	Residential building	2 View Street Dunedin		View Street Commercial
CC197	Residential building	818 Cumberland Street Dunedin		Dundas Street - Castle Street Residential
CC198	Residential building	816 Cumberland Street Dunedin		Dundas Street - Castle Street Residential
CC199	Residential building	60 Dundas Street Dunedin		Dundas Street - Castle Street Residential
CC200	Residential building	587 Castle Street Dunedin		Dundas Street - Castle Street Residential
CC201	Residential building	585 Castle Street Dunedin		Dundas Street - Castle Street Residential
CC202	Residential building	583 Castle Street Dunedin		Dundas Street - Castle Street Residential
CC460	Residential building	311 Stuart Street Dunedin		York Place - Stuart - Arthur Street Residential
CC599	Commercial building	462 Princes Street Dunedin		South Princes Commercial
CC709	Residential building	30 Tennyson Street Dunedin		View Street Commercial
CC808	Residential building	273 York Place Dunedin		City Rise Residential
CC809	Residential building	275 York Place Dunedin		City Rise Residential
CC810	Commercial building	277 Rattray Street Dunedin		City Rise Residential
CC818	Commercial building	295 Rattray Street Dunedin		City Rise Residential
CC848	Residential building	319 York Place Dunedin		City Rise Residential
CC875	Residential building	362 York Place Dunedin		City Rise Residential

Assessment against the relevant policy and objective

343. Objective 2.4.2 and Policy 2.4.2.1 are the most relevant Plan provisions in assessing buildings for protection as scheduled heritage buildings.

344. All buildings proposed for inclusion in the Plan as scheduled heritage buildings have been assessed against the criteria in Policy 2.4.2.1 based on research into each building's history. These assessments have been undertaken by DCC's heritage advisors and are attached to the heritage evidence in Appendix C.

345. For buildings that have been identified as historic places by HNZPT, the assessments undertaken by HNZPT have been reviewed and transferred into DCC's heritage assessment template by a DCC heritage advisor. HNZPT's assessments are available on their website by searching the relevant list number19.

346. A small number of buildings proposed for scheduling are on sites that have resource consent for redevelopment. It is noted that consent-holders can give effect to current resource consents where the description of the activity consented included demolition of the proposed scheduled heritage building. It is appropriate to still include these buildings in the proposal because resource consents may not be given effect to, and should they lapse, the buildings should be protected in accordance with Policy 2.4.2.1.

347. Through consultation, several building owners disagreed with scheduling of their buildings in the Plan. The reasons for disagreement generally did not relate to the achievement of 2GP objectives and policies for the management of heritage values. It is appropriate to still include these buildings in the proposal because there is no 2GP or Council policy that requires landowners' agreement for the scheduling of buildings, and this would detract from achieving Objective 2.4.2 on protecting Dunedin's heritage.

348. Overall, the proposed changes will enable Objective 2.4.2 to be more effectively achieved by ensuring more buildings with significant heritage values are identified and protected from inappropriate use and development.

349. For the proposed scheduled heritage buildings that will no longer be listed as character-contributing buildings, the contribution these buildings make to the heritage streetscape values of their respective heritage precincts will be more strictly managed through the rules that will apply to them as scheduled heritage buildings. This will be achieved through the stricter activity status rules that apply. Overall, the approach will ensure that Objective 13.2.3, which seeks the maintenance or enhancement of the heritage streetscape character of heritage precincts, will also continue to be effectively achieved.

Rejected changes

350. The two buildings outlined in Table 4 below were assessed for potential scheduling as heritage buildings by DCC's heritage advisors but have been rejected from the proposal based on consultation with the landowners, for the reasons given.

[19] https://www.heritage.org.nz/the-list?LinkParameter=

Table 4: Buildings assessed but rejected for scheduling as heritage buildings

Site Number	Item/Building Name	Address	Reason Rejected
RCBX020	First Church of Christ Scientist & Christian Science Reading Room	32 York Place	The building is a mid-20th century church, which was assessed as having local significance. The building is not a landmark within its context. Consultation revealed that it is unlikely the building will be needed for its church use for much longer, and that conversion of the building to accommodate an alternative use suited to its location in the CBD Zone is likely to be difficult. This means that, although the building still meets the criteria for scheduling in Policy 2.4.2.1, its maintenance and active reuse is unlikely to be achievable into the future, which is a key element of achieving Objective 2.4.2.
RCBX044	Puke Ora	37 Quarry Road, Waikouaiti	Consultation with the owners revealed that substantial renovation works have recently been undertaken on the building. The building has been reassessed as no longer meeting the criteria for scheduling in Policy 2.4.2.1.

2.2.2 Ancillary signs for working from home (CP18)

Purpose of proposal and scope of change

351. The purpose of Change CP18 is to clarify the restrictions on ancillary signs for working from home activities.

Background and issues of concern

352. Ancillary signs are defined in the Plan as follows:

Ancillary Signs

Signs relating to any permitted or lawfully established land use activity taking place on the site on which the sign is located that provides information about any of the following:

- *the name of a business or activity operating on-site*
- *the street address*
- *information about the nature or operation of the business including: opening hours and contact details*
- *any temporary events held on the site; and*

- *information on types of goods sold or services provided, including current special promotions or events.*

...

For the sake of clarity, signs that advertise goods or services that do not meet the definition of ancillary signs or temporary signs are managed as a separate land use activity - commercial advertising.

353. Ancillary signs may be needed to enable or support a permitted or lawfully established activity on a site by providing necessary information to its customers or other users. The Plan, therefore, permits ancillary signs in all zones, subject to performance standards which limit the number, location, and design of ancillary signs. For example, Rule 15.6.11 limits ancillary signs for residential activities to one sign per site which does not have more than two display faces and a maximum area of $0.6m^2$ per display face, etc. The purpose of these provisions is to manage effects on an area's character and amenity, and effects on the safety and efficiency of the transport network, while enabling the efficient and effective operation of activities that may require signage. Ancillary signs that contravene these performance standards are restricted discretionary activities.

354. Signs that are not 'ancillary' and meet the definition of commercial advertising (see below) are typically non-complying activities.

Commercial advertising

The use of land, buildings or structures for the advertising of goods and services that are not sold or provided on the site on which the sign is located, or other advertising of products and/or services that does not meet the definition of an ancillary sign. For the sake of clarity, this includes mobile signs displayed on a vehicle or trailer parked with the primary purpose of displaying the sign rather than for transport. This definition excludes:

- *commercial advertising located within a building that is not visible from a public space outside the building, which is not managed by this Plan; and*
- *signs that are managed as temporary signs.*

Tourism advertising is managed as a sub-activity of commercial advertising.

Commercial advertising is an activity in the commercial activities category.

355. Commercial advertising signs are managed as a commercial activity as they could be proposed anywhere across the city regardless of the location of the activities or businesses that they advertise. Therefore, to minimise potential visual clutter from commercial advertising signs the Plan applies a more restrictive control regime.

356. The objectives that are relevant to the management of ancillary signs are Objective 2.4.1 and Objective 2.4.3 (and related objectives for amenity in each management and major facility zone) and Objective 6.2.3 as follows:

Objective 2.4.1 Form and Structure of the Environment

The elements of the environment that contribute to residents' and visitors' aesthetic appreciation for and enjoyment of the city are protected and enhanced. These include:

a. *important green and other open spaces, including green breaks between coastal settlements;*
b. *trees that make a significant contribution to the visual landscape and history of neighbourhoods;*
c. *built heritage, including nationally recognised built heritage;*
d. *important visual landscapes and vistas;*
e. *the amenity and aesthetic coherence of different environments; and*
f. *the compact and accessible form of Dunedin.*

Objective 2.4.3 Vibrant CBD and Centres

Dunedin's Central Business District is a strong, vibrant, attractive and enjoyable space that is renowned nationally and internationally for providing the highest level of pedestrian experience that attracts visitors, residents and businesses to Dunedin. It is supported by a hierarchy of attractive urban and rural centres.

Objective 6.2.3

Land use, development and subdivision activities maintain the safety and efficiency of the transport network for all travel modes and its affordability to the public.

357. Working from home is a permitted activity in all zones where residential activity is permitted. Working from home is defined as follows:

Working from Home

The use of land and buildings as a place of work, as part of an occupation, craft, profession, or service, ancillary to their use as a principal place of residence. For the sake of clarity, this means that the activity:

- *can only be carried out by a person or persons living on the site as their principal place of residence; and*
- *cannot employ any other person on-site, including by way of operating from the site (relying on equipment or vehicles stored on the site or making regular visits to the site).*
- *Working from home may include retail services but not direct retail sales except for goods produced on-site.*
- *For the sake of clarity, this definition includes:*
- *hosted visitor accommodation, in the form of homestays, bed and breakfast, or similar, for no more than five guests, provided the accommodation is contained within the same residential unit that is being used as the principal place of residence;*
- *early childhood education for five or fewer children; and*
- *animal breeding involving one breeding pair of dogs and/or cats.*

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

358. The definition of ancillary signs cited above includes signs ancillary to “working from home”. Therefore, these signs are currently permitted subject to performance standards under the rules for ancillary signs described above.

359. The issue of concern is that ancillary signs permitted in association with a "working from home" activity could be used to advertise a business that is primarily operated from another site or to advertise products not made or sold on-site. For example, anyone who occasionally works from home could install a sign at their place of residence advertising their employer's business even though it is primarily operated from another site. Such signs are more akin to commercial advertising and therefore need to be managed in the same way to ensure that cumulative effects are controlled, and the relevant objectives are achieved.

360. This issue is proposed to be resolved by amending the definition of ancillary signs so it no longer includes signs for working from home activity that is undertaken for a business not primarily operating from that site, unless a sign is needed to give directions to the customers of the working from home activity.

<u>Proposed change and assessment</u>

361. Change CP18 proposes amendments to the following provisions, as shown in Appendix A:

- Amend the definition of ancillary signs to exclude signs for working from home where the business that the working from home activity is being undertaken for does not primarily operate from that site, unless the activity requires access to the site for customers.

<u>Assessment against relevant objectives</u>

362. The proposed change will ensure that ancillary signs can no longer be established for working from home activity undertaken for a commercial activity primarily operated from another site when they are not necessary for giving directions to customers of the working from home activity. Such signage is more akin to commercial advertising and permitting it risks proliferation of the visual clutter that the Plan is seeking to tightly control, as set out in objectives 2.4.1 and 2.4.3 and associated policies.

363. Overall, the changes will ensure these objectives are more effectively achieved by ensuring such signage is treated as commercial advertising and subject to a much stricter management regime.

2.2.3 Election signs (Change CP19)

<u>Purpose of proposal and scope of change</u>

364. The purpose of Change CP19 is to review the Plan provisions for election signs to ensure they adequately enable local and central government candidates to advertise their candidacy while minimising, as far as practicable, any adverse effects.

365. The scope of this change extends to a review of Rule 4.5.7.1 Number, Location and Design of Temporary Signs – General (in relation to election signs only) and a review of Rule 4.5.7.2 Number, Location and Design of Temporary Signs – Election signs.

<u>Background and issues of concern</u>

366. The 2GP manages election signs as a sub-activity of temporary signs in Section 4 of the 2GP on Temporary Activities.

367. The relevant objectives and policies are:

Objective 2.4.1 Form and Structure of the Environment

The elements of the environment that contribute to residents' and visitors' aesthetic appreciation for and enjoyment of the city are protected and enhanced. These include:

a. *important green and other open spaces, including green breaks between coastal settlements;*
b. *trees that make a significant contribution to the visual landscape and history of neighbourhoods;*
c. *built heritage, including nationally recognised built heritage;*
d. *important visual landscapes and vistas;*
e. *the amenity and aesthetic coherence of different environments; and*
f. *the compact and accessible form of Dunedin.*

Policy 2.4.1.6

Across the whole city, avoid visual clutter from signage through rules that:

a. *restrict the size, number and design of signs ancillary to activities;*
b. *restrict the size, number, location and design of temporary signs; and*
c. *do not allow new commercial advertising (hoarding) sites.*

Objective 4.2.1

Temporary activities are enabled while:

a. *minimising, as far as practicable, any adverse effects on the amenity and character of the zone; and*

b. *ensuring any adverse effects on people's health and safety are minimised as far as practicable.*

Policy 4.2.1.2

Require temporary signs to be located and designed to minimise, as far as practicable, adverse effects on:

a. *streetscape amenity; and*
b. *the safety and efficiency of the transport network.*

368. Temporary signs, which include election signs, are defined in the 2GP, as:

Temporary Signs

A sign that is displayed for a period of time and is then removed.

For the sake of clarity, this includes mobile signs displayed on a vehicle or trailer parked with the primary purpose of displaying the sign rather than for transport.

The following activities are managed as sub-activities of temporary signs:

- *construction signs*

- *election signs*
- *event promotion signs*
- *real estate signs; and*
- *temporary public notices.*

Temporary signs are an activity in the temporary activities category.

Election Signs

A sign erected for a local body election by a candidate or group of candidates, or for parliamentary elections by any registered political party, independent or non-party affiliated candidate contesting a general election, by-election, or referendum.

Election signs are a sub-activity of temporary signs.

369. Temporary signs are a permitted activity subject to a performance standard for the number, location and design of temporary signs (Rule 4.5.7). The parts of this rule that apply to election signs are the general requirements for all temporary signs, in Rule 4.5.7.1, and the specific requirements for election signs, in Rule 4.5.7.2.

370. Rule 4.5.7.1 on general requirements for temporary signs requires a resource consent if temporary signs are:

    - illuminated when located in certain areas, including pedestrian street frontage mapped areas or heritage precincts, residential, rural, rural residential and recreation zones and certain major facility and commercial and mixed use zones;
    - if they are attached to the roof of the building, if they exceed the lowest point of the roof, or if they protrude more than a certain distance from the façade; or
    - if transportation rules for signs on or above a public footpath, or visible from roads, are contravened.

371. Under Rule 4.5.7.2 on election signs specifically, resource consent is required for election signs that:

    - are erected more than two months prior to election or polling day, or removed after midnight prior to election or polling day
    - exceed one per site per candidate, group of candidates or political party
    - exceed a maximum area per display face of $3m^2$ and a combined maximum area of $6m^2$ for all display faces; or
    - exceed the maximum height, which varies depending on whether the sign is freestanding or attached to a building or a fence, retaining wall, trailer or vehicle; depending on which zone the sign is in; and whether it is located within a pedestrian street frontage mapped area or heritage precinct.

372. As general and local body elections occur on a 3-year cycle (with general elections occurring in October 2023, 2026, 2029 etc., and local body elections in October 2022, 2025, 2028 etc.), there is one year in three where there is no election and no year with both a general and local body election (in usual circumstances). Given that under Rule 4.5.7.2 election signs can be

displayed for no more than two months, this means that election signs will only appear for a total of 4 months over a 3-year cycle (i.e., an average of approximately 1.3 months per year).

Legislative requirements for election signs

373. As well as the rules in the Plan, the Electoral Act 1993 and the Local Electoral Act 2001, and associated regulations, set requirements for signs for general elections and local body elections respectively.

374. The Electoral Act 1993 sets the following requirements for general election signs:

- maximum size is $3m^2$ and signs must be displayed no more than 9 weeks before polling day and must be taken down the day before polling day [20]
- signs must include a promoter statement[21]; and
- signs must be authorised by the candidate[22].

375. The Electoral (Advertisements of a Specified Kind) Regulations 2005, created under Section 267A of the Electoral Act 1993, set the following additional requirements for general election signs, where visible from a road:

- signs must not be reflective, illuminated, flashing or revolving[23]; and
- signs must not be similar in shape or colour to a traffic sign[24]

376. The Local Electoral Act 2001 and Local Electoral Regulations 2001 set the requirements for local and regional body elections. However, they contain no requirements for election signs to be of a certain size, location or height, no restriction on signs being illuminated, or requirements for when they can be erected and must be taken down.

Issue of concern

377. Feedback on the Plan's election signs rules has raised concern that the rules result in election signs being vulnerable to vandalism (i.e., because signs must be located below a certain height when attached to buildings). This could mean the rules are not adequately enabling local and central government candidates to advertise their candidacy.

378. Concern has also been expressed on the restriction on election signs being illuminated in certain zones, for example within heritage precincts and pedestrian street frontages (Rule 4.5.7.1.b) as it makes election signs less visible for potential voters. Feedback received on this rule has indicated that the main areas of concern are the commercial and mixed use zones in the city, which include the CBD and local centres (as these are the areas where candidates seek to locate signs in order to be visible to the most people). These areas often have amenity and heritage values that the Plan seeks to protect.

[20] Section 221B Display of advertisement of a specified kind
[21] Section 204F Election advertisement to include promoter statement
[22] Section 204G Publication of candidate advertisement promoting candidate
[23] Section 5 Use of reflective material or illumination
[24] Section 6 Shape and colour of advertisement of a specified kind

379. The issue is proposed to be resolved by amending 2GP rules to allow election signs to be illuminated and to be located higher on a building in a wider range of circumstances, as described below.

Proposed change and assessment

380. Change CP19 proposes changes to the following provisions, as shown in Appendix A:

- Amend Rule 4.5.7.1 to permit the illumination of election signs within heritage precincts and pedestrian street frontage mapped areas, provided that either they are not attached to a scheduled heritage building or a character contributing building, or that they are located inside a building (e.g. attached to the inside of a window); and
- Amend Rule 4.5.7.2 to permit election signs attached to buildings within heritage precincts and pedestrian street frontages where they exceed 4m above ground level, provided that they are not mechanically fixed (e.g. screwed or bolted) to any part of a scheduled heritage buildings other than the verandah roof, and they are:
    - Fixed to a verandah roof;
    - attached to an existing lawfully established other sign (for example an ancillary sign); or
    - located inside a building (e.g. attached to the inside of a window).

381. The changes include restructuring parts of each performance standard to make it clear how the new exemptions apply.

Assessment against relevant objectives

382. The approach proposed in Change CP19 will be more effective than the status quo in achieving Objective 4.2.1 in relation to enabling election signs, because:

- it will allow signs attached to buildings to be located at greater heights in some circumstances, which should reduce the potential risk from vandalism for those signs
- signs located inside buildings will be further protected from any potential vandalism
- the change will also allow the illumination of signs, to make them more visible to potential voters, in a wider range of circumstances; and
- the changes better enables election signs in the commercial and mixed use zones, which feedback has indicated are the areas where candidates seek to locate signs, in order to be visible to most people.

383. As set out in Objective 4.2.1 and Policy 4.2.1.2, the rationale behind both the limit on height of election signs and the restriction on illumination is to manage potential effects on streetscape amenity and on the safety and efficiency of the transport network; these are the types of effects that are considered if the rules are contravened.

384. In addition, as highlighted in Objective 2.4.1 and Policy 2.4.1.2, quoted above, visual clutter from signs has the potential to compromise residents' and visitors' aesthetic appreciation for and enjoyment of built heritage.

385. Therefore, any change to the election sign rules needs to be assessed in terms of its potential effects on:

- streetscape amenity
- heritage streetscape character in heritage precincts; and
- the safety and efficiency of the transport network.

386. The proposed changes will allow signs to be illuminated, and to be located higher on a building, in a wider range of circumstances, including within pedestrian street frontage mapped areas and heritage precincts. This has the potential to increase adverse effects on streetscape amenity and heritage streetscape character.

387. The proposed changes have been drafted based on advice from Mr Mark Mawdsley, DCC's Team Leader - Advisory Services (see Appendix C). Mr Mawdsley is comfortable that the effects of the proposed changes on streetscape amenity and heritage streetscape character would be appropriately managed by the proposed limits, provided a limit of one election sign per site is also applied in pedestrian street frontages and heritage precincts. This additional restriction has not been adopted in the proposal.

388. DCC Transport have considered the proposed changes to restrictions on the illumination of signs in terms of potential effects on the safety and efficiency of the transport network. They consider the illumination of election signs is appropriate as long as any illuminated election sign complies with Rule 6.7.2 Public Amenities and Signs Located on or Above the Public Footpath and Rule 6.7.3 Signs Visible from Roads. These rules will continue to apply.

389. Overall, this approach provides an appropriate balance between allowing for elections signs in locations where they are protected from potential damage from vandalism and still able to be viewed by potential voters while minimising adverse effects on streetscape amenity, heritage streetscape character, and the safety and efficiency of the transport network.

Alternative Option: Further reduce controls on election signs in the Plan

390. This option would involve taking a more enabling approach to the management of election signs in the 2GP. That is, it would remove more restrictions from signs than is proposed via the change described above. Amendments to the rules that were considered for this option are shown in Table 5 below:

Table 5: Additional changes to the election signs rules considered as part of the alternative option

Existing rule relating to election signs	Change considered
Rule 4.5.7.1.b General states: *a. …;* *b. Temporary signs must not be illuminated (internally or externally), digital, or projected, except in:* *i. CBD, centres, PPH and SSYP zones outside pedestrian street frontage mapped areas and heritage precincts;* *ii. CBD Edge Commercial, South Dunedin Large Format and Trade Related zones;*	Amend Rule 4.5.7.1.b General to allow election signs to be illuminated in all zones, including within pedestrian street frontage mapped areas and heritage precincts.

Existing rule relating to election signs	Change considered
iii. *industrial zones; and* *iv.* *the Dunedin Hospital, Dunedin International Airport, Edgar Centre, Mercy Hospital, Moana Pool and Stadium major facility zones.* v. *election signs cannot be illuminated in certain zones including within pedestrian street frontage mapped areas and heritage precincts*	
Rule 4.5.7.1.c.i & ii General, states: *a. …;* *b. …;* *c. Temporary signs attached to buildings must:* *i.* *not be attached to a roof;* *ii.* *not exceed the height of the lowest point of a roof, except where mounted against a parapet or gable end, where they must not exceed the height of the parapet or gable end;* iii. *….*	Amend Rule 4.5.7.1.c General to allow election signs to be attached to a roof or exceed the height of the lowest point of a roof, including exceeding the height of the parapet or gable end.
Rule 4.5.7.2.f Election signs – permitted height of signs attached to buildings varies between 2m and 8m depending on zone.	Amend Rule 4.5.7.2.f Election signs to allow all election signs attached to buildings to be able to reach the maximum height permitted for buildings in the relevant zone.

391. In terms of potential benefits, this option would be considerably more enabling of signs, providing flexibility to locate them further away from potential vandalism, and to be illuminated and therefore more visible from a distance in a wider range of circumstances. However, this would not necessarily solve the problem of vandalism of election signs. The location of some graffiti around the city is evidence that some people can go to lengths to deface buildings and structures in locations that are high and are hard to reach.

392. In terms of costs, Mr Mark Mawdsley, DCC’s Team Leader - Advisory Services advises that this option could lead to more significant adverse effects on streetscape amenity and heritage streetscape character. There would be increased potential for election signs to detract from the visual amenity of the streetscape by obscuring views of upper-level facades. It is also possible that the presence of signs high on buildings at election time could give the impression that rules on signs in general have been relaxed, leading to the unlawful proliferation of other signs throughout the year.

393. Overall, this alternative option is not supported because it would be less effective in achieving Objective 2.4.1 and Objective 4.2.1 in relation to the management of effects on streetscape amenity and heritage streetscape character than the proposal.

2.2.4 Definition of ground level (Change D18)

<u>Purpose of proposal and scope of change</u>

394. The purpose of Change D18 is to review the definition of ground level and how it is to be identified and applied.

395. The scope of the change does not extend to reviewing any other provisions in the Plan that refer to 'ground level'.

Background and issues of concern

396. The Plan defines ground level as follows:

Ground Level

The natural surface of the ground prior to any earthworks on the site; or if the land has been subdivided and earthworks assessed, the level of the ground existing when assessed earthworks associated with the prior subdivision of the land were completed (but before filling or excavation for new buildings on the land has commenced).

397. The term 'ground level' appears 298 times in the Plan, across various other definitions, objectives, policies, performance standards, and designation provisions. A summary of the relevant provisions is provided in Table 6 below.

Table 6: Summary of Plan provisions that rely on the ground level definition

Definitions	
Operation, Repair, Minor Upgrading and Maintenance of Existing Network Utilities	
Public Artworks - small scale (height of artworks)	
Retaining Walls (when a retaining wall becomes a fence)	
Storey	
Objectives and Policies	
Residential Section	Objective 15.2.4 & Policy 15.2.4.1.d (visibility of service areas)
CMU Section	Objective 18.2.3 & Policy 18.2.3.1 (visibility of service areas)
Recreation Section	Objective 20.2.2 & Policy 20.2.2.1 (visibility of service areas)
Citywide Performance Standards	
Height of Public Amenities	Rule 3.5.2.2 (public amenities)
Height of Temporary Signs	Rule 4.5.7.2 (election signs); 4.5.7.3 (event promotion signs)
Setbacks	Rule 5.5.9.1 (wind generators) Rule 6.7.4 (rail corridor) Rule 7.5.2 (scheduled trees)
Earthworks	Rule 8A.5.1 (earthworks – small scale)
Vegetation Clearance	Rule 10.3.2; Rule 11.3.2
Management Zone Performance Standards	
Outdoor living space	Rule 15.5.11
Light Spill	Rule 16.5.5
Fence height	Rule 15.6.2; Rule 18.6.3; Rule 20.6.1
Height	Rule 15.6.6.1 (HIRB); Rule 15.6.6.2 (Max Height); Rule 16.6.5 (Max Height); Rule 17.6.5 (Max Height); Rule 18.6.5.2 (Maximum and minimum height); 19.6.4.1 (HIRB); Rule 19.6.4.2 (Max Height); Rule 20.6.4.1 (HIRB); Rule 20.6.4.2 (Max Height)
Outdoor Storage	Rule 15.6.8; Rule 18.6.9; Rule 20.6.6
Ancillary Signs	Rule 15.6.11; Rule 16.6.7; Rule 17.6.6; Rule 18.6.13; Rule 19.6.6; Rule 20.6.8
Setbacks	Rule 15.6.13; Rule 16.6.10; Rule 17.6.9; Rule 20.6.10
Major Facilities Zones Performance Standards	
Refer to ground level in the same way as in management zones	
Designations	
Ground level is referred to in designation conditions	

398. As identified in Table 6 above, several development performance standards set requirements that are to be measured in relation to ground level. These include maximum height, height in

relation to boundary, and fence height and design. In addition, ground level is referred to as a measurement point in some earthworks performance standards, including those for boundary setbacks. Therefore, establishing ground level is an essential step in determining compliance with these Plan performance standards and assessing contraventions.

399. The development performance standards that rely on the ground level definition are generally used to manage potential adverse effects on amenity values. Therefore, the achievement of Plan objectives for the maintenance of amenity values could be affected depending on where ground level is identified.

400. As outlined under the subheadings below, two related issues are to be addressed regarding the existing definition of ground level in the Plan.

Issue 1: The current definition of ground level does not clarify how to identify ground level when it is not possible to determine 'the natural surface of the ground'

401. The first issue of concern is that in most cases the definition requires ground level to be determined at the "natural surface of the ground prior to any earthworks on the site". This is because most historic earthworks undertaken around the city have not been assessed as part of a subdivision application (due to earthworks provisions only being introduced to the Plan in 2010). Therefore, the alternative (and more practical) part of the definition is not often relevant for infill developments.

402. Dunedin is an old and hilly city, and extensive excavation and filling has occurred over time, especially around the city centre. Therefore, it can be difficult or impossible to determine the natural surface of the ground. In such cases, the existing ground level would be the most practical reference point. However, the current definition offers no option to default to the use of existing ground level when it is not possible to determine the "natural surface" of the ground.

403. This issue has arisen with resource consent assessments and compliance investigations, and it leads to debate with landowners and developers about the nature and scale of performance standard contraventions and associated effects.

404. This issue is proposed to be resolved by amending the definition of ground level to provide a clear process for its determination, based on the circumstances. This will address the range of situations likely to be encountered, including where earthworks have been assessed for a subdivision, where other identifiable earthworks have occurred (permitted or consented other than for a subdivision), or where there have been historic unidentifiable land disturbances.

405. Alternative options that have been considered are outlined at the end of the assessment section below.

Issue 2: It is unclear how to determine ground level when retaining walls are present on a boundary

406. The second issue of concern is that, unlike the *National Planning Standards,* the current definition of ground level in the 2GP does not specify how to identify ground level when a retaining wall is present on a site boundary. This leaves some room for debate on the interpretation and implications of the ground level definition in this situation.

407. The *National Planning Standards* (2019) define ground level as follows:

Ground Level (for the purposes of district plans and the district plan component of combined plans) means:

(a) the actual finished surface level of the ground after the most recent subdivision that created at least one additional allotment was completed (when the record of title is created);

(b) if the ground level cannot be identified under paragraph (a), the existing surface level of the ground;

(c) if, in any case under paragraph (a) or (b), a retaining wall or retaining structure is located on the boundary, the level on the exterior surface of the retaining wall or retaining structure where it intersects the boundary.

408. Clause (c) of this definition determines how to identify the ground level if a retaining wall or retaining structure is present on a site boundary.

409. If a retaining wall/structure (for either a cut or fill) is located perpendicular to a boundary, it is not exactly clear which part of the retaining wall (its top or toe, or somewhere in-between) should be taken as the reference point for the ground level at the boundary.

410. This could cause confusion in a range of circumstances, for example:

- where a battered (sloping) retaining wall has been installed through historical earthworks which crosses the boundary but the exact location of boundary on the exterior surface of the retaining wall is not identifiable and, therefore, finding the reference point for ground level could not be feasible without a costly survey for even a very small development, or
- where a retaining wall (perpendicular to the boundary) has been installed through historical earthworks, and the prior surface of the ground intersecting the boundary is identifiable but it does not intersect with the top or toe of the retaining wall, the identifiable ground level may be considered too restrictive and impracticable as a measurement point for maximum height or height in relation to boundary.

411. The proposal resolves the issue by amending the definition of ground level through adopting a modified version of Clause (c) of the National Planning Standards definition to specify that the level of the existing ground surface of a site where it intersects with retaining walls/retaining structures at a boundary is the reference point for identifying the ground level, as follows:

"…if, in any case, a retaining wall or retaining structure crosses a site boundary, the level of the existing ground surface of the site where it intersects with the retaining wall or retaining structure." (a diagram will also be provided to assist with interpretation of this part of the definition)

412. Under this definition, if a retaining wall is located on the boundary between two sites (i.e. the top of the retaining wall is level with the surface of the ground on the higher site, and the bottom of the retaining wall is level with the surface of the ground on the lower site), then ground level will be the top of the retaining wall for the higher site, and the bottom for the

lower site. This is the outcome that makes most sense for the performance standards that apply to buildings on each site, in particular maximum height, and height in relation to boundary.

413. The reasons for proposing the definition wording set out above, rather than the wording contained in clause C of the National Planning Standards definition, are set out under Alternative Option 1, below.

Proposed change and assessment

414. Change D18 amends the following provisions, as shown in Appendix A:

- Amend the definition of ground level to allow the use of existing ground level in instances where the natural surface of the ground cannot be identified and to indicate how to establish ground level where a retaining wall is located on a boundary, including addition of figures to aid interpretation.

Assessment against relevant objectives

415. The proposed changes to the definition of ground level are designed to clarify how it is determined, which will assist with the efficient implementation of the Plan's provisions. The intent of the definition remains the same, but the definition provides a clear default option to enable use of existing ground level when the occurrence or extent of previous earthworks is not identifiable on the site.

416. The approach provides a series of steps to determine ground level depending on the situation, with the use of existing ground level as a last resort. This approach will minimise its potential abuse as a pathway to achieve earthworks or development outcomes not otherwise anticipated by the Plan and reflects current practice where historical changes in ground level are not identifiable. The process for determining ground level will be supported by diagrams to further aid interpretation.

417. By providing a specific clause for retaining walls, the proposal also provides a means of determining ground level when a retaining wall is located on or crosses a boundary. This ensures a consistent and practical approach will be applied to the identification of the ground level on or around boundaries where retaining walls are present.

418. Plan performance standards using ground level to control the height, bulk and location of buildings or structures typically arise from Plan objectives looking to ensure appropriate amenity standards are maintained within management zones, major facility zones, designation conditions and for city-wide activities in all zones. Therefore, a clearer definition of ground level will lead to more efficient implementation of the performance standards and assist in achieving the relevant management zone objectives, objectives of the major facility zones, and objectives for city-wide activities such as network utilities (Objective 5.2.1).

419. In making changes, the risk of introducing loopholes, including enabling progressive earthworks that could undermine achievement of the Plan's objectives, needs to be managed. The requirement to identify ground level as the surface prior to identifiable earthworks will achieve this, with progressive filling likely to be able to be identified at site visits by

considering the relationship between a site and adjoining properties, and through methods such as reviewing historical aerial photography.

420. Implementation efficiency will also be improved as a clearer definition for ground level will facilitate the quicker resolution of disputes involving earthworks or the height of buildings and structures.

421. Overall, the change will improve efficiency in achieving the relevant objectives of the Plan without undermining effectiveness.

422. Aukaha reviewed this proposal but did not request any changes. Further explanation was provided in the report for why the NPStds definition was not adopted.

Alternative Option 1 – Use the ground level definition from the National Standards

423. The definition of ground level from the NPStds is set out above under the issue statement for Issue 2.

424. Like the existing 2GP definition, this definition provides for subdivision earthworks to establish a new ground level, which is practical for the subsequent application of standards such as maximum height, height in relation to boundary, and fence height controls at new internal boundaries within the subdivision.

425. The NPStds potentially offers greater flexibility than the existing 2GP definition in determining ground level, as it includes a default of using "existing surface level of the ground" when no subdivision is involved.

426. A default to the use of existing ground in the absence of subdivision earthworks is considered useful for some situations in a city like Dunedin when historic changes to ground level cannot be readily identified. However, it also potentially provides for progressive filling that can raise ground level on sites and therefore it may allow a landowner or developer to potentially claim an altered ground as existing ground. This would potentially allow higher building height or more shading than the Plan considers appropriate.

427. When there are identifiable earthworks on a site, the use of the surface level prior to those earthworks is considered appropriate. Defaulting to an existing ground surface rather than the surface that existed prior to earthworks being undertaken on the site should only occur when changes are historic and cannot be identified. This will assist in achieving relevant amenity objectives in management zones including objectives 15.2.3 (Residential), 16.2.3 (Rural), 17.2.3 Rural Residential, 19.2.2 (Industrial) and 20.2.2 (Recreation) and the major facility zones.

428. The NPStds definition also specifically provides for situations where retaining walls are located on a site boundary at clause (c). While the proposed definition includes a clause of this kind (set out under Issue 2 above), the proposed wording differs from the NPStds wording. The NPStds wording does not clarify how to establish ground level where a retaining wall is perpendicular to a boundary. As a result, it is open to different interpretations and considered likely to lead to confusion for Plan users. It would also not be helpful in terms of historical earthworks where a battered retaining wall crosses the boundary, as it would necessitate a

survey of the wall to identify the points at which it crosses the boundary before ground level can be established.

429. Overall, the NPStds definition is not the preferred option because it allows an automatic default to existing ground which could be manipulated in a way that could have adverse amenity outcomes, and because the clause relating to retaining walls on boundaries is not worded in a readily understandable way.

430. DCC is able to propose an alternative approach because it is not required to comply with the NPStds definition until nine years from when the national planning standards came into effect (i.e. by November 2028). Partially moving to the definitions standard would not be an integrated approach to reviewing the Plan provisions against the NPStds. Significantly more wide-ranging changes to the structure and format of the Plan would be required to appropriately implement the NPStds. This would not constitute a minor change appropriate for Plan Change 1. In addition, anticipated RMA reform may affect the need for making these changes.

Alternative Option 2 – Use ground level specified at a date in time

431. The approach taken in the Dunedin City District Plan 2006 ('the previous Plan') was to apply a specific date to ground level so that ground level would be fixed in time. The date selected coincided with the introduction of earthworks controls into the previous District Plan in 2010. The ground level definition in the previous Plan was as follows:

Ground Level

- means the ground level as at 1 July 2010

432. This approach is pragmatic in that it identifies existing ground on 1 July 2010 as the appropriate reference level regardless of historic ground modification. It made it relatively simple to identify ground level based on the photographic and topographic record, and it protected against amenity impacts potentially resulting from changes to ground level from that point onwards. This had the effect of preventing progressive raising of ground level on a site after 1 July 2010 in a way that could lead to higher building and structures than the District Plan or neighbours on surrounding sites were anticipating.

433. However, this approach is not practical in all cases. For example, where large subdivisions involve significant earthworks to make sites more suitable for the establishment of future housing, the assessment of applications for new dwellings and structure on the subdivision sites would need to assess the height of buildings and structures and compliance with height to boundary controls from the level of the ground on a specified date. This could be problematic in cases where there is localised filling of depressions or other large but localised ground level changes.

434. On that basis, this alternative option is not the preferred approach.

2.2.5 Geotechnical investigation and driving of piles for building foundations (Earth1)

Purpose of proposal and scope of change

435. The purpose of Change Earth1 is to review the Plan provisions that apply to geotechnical investigation (such as test pile drilling and boreholes) and the driving of piles for building foundations.

436. The scope of the change does not extend to reviewing the content of existing earthworks performance standards.

Background and issues of concern

437. Test pile drilling and boreholes, and the driving piles for building foundations, are common activities associated with the construction of larger buildings or for geotechnical assessments to investigate contamination, underground water, or hazards.

438. Two of the key effects that can arise from test pile drilling and boreholes, and the driving of piles for building foundations, are vibration and noise. The most relevant strategic objective is Objective 2.2.6:

    Objective 2.2.6 Public Health and Safety

    The risk to people's health and safety from contaminated sites, hazardous substances, and high levels of noise or emissions is minimised.

439. However, there are two key issues with the Plan's ability to achieve this objective with respect to test pile drilling and boreholes, and the driving of piles for building foundations.

440. The first issue is that the Plan does not have any rules specific to geotechnical investigation, such as test pile drilling and boreholes, meaning that it is difficult for Plan users to know which rules to apply, and that noise and vibration effects may not be effectively managed.

441. The second issue is that the driving of piles for building foundations sits within the list of earthworks that are always considered earthworks – small scale (Rule 8A.5.1.1.c). This does not align well with the earthworks provisions because they do not manage noise or vibration effects. Instead, the earthworks provisions are concerned more with managing other adverse effects such as effects on visual amenity and land stability (which are less relevant to the driving of piles).

442. Of note, the Plan provisions for construction do manage adverse noise and vibration effects via sections 4 and 9. The relevant objective from Section 4 (Temporary Activities – construction being one activity in that category) is Objective 4.2.1, which sets up the performance standard for construction noise and vibration (Rule 4.5.4.1) and states:

    Temporary activities are enabled while:

    a. *minimising, as far as practicable, any adverse effects on the amenity and character of the zone; and*
    b. *ensuring any adverse effects on people's health and safety are minimised as far as practicable.*

443. Contravention of Rule 4.5.4.1 on construction noise and vibration is either a discretionary or non-complying activity, depending on the extent of exceedance. The assessment rules then link to the relevant objective in Section 9, which is Objective 9.2.2 and states:

Land use, development and subdivision activities maintain or enhance people's health and safety.

444. The issues are proposed to be resolved by managing site investigations and the driving of piles for building foundations as construction activity.

<u>Proposed change and assessment</u>

445. Change Earth1 amends the following provisions, as shown in Appendix A:

- Amend the definition of construction to:
    - rename it to include site investigation
    - clarify that it includes the driving of piles for building foundations and site investigation such as test piles or boreholes for the purpose of geotechnical, contamination, underground water, or hazard assessments
    - clarify that the earthworks provisions do not apply to site investigation when the ground is reinstated within 48 hours.
- Amend the definition of earthworks to exclude earthworks provided for in the definition of construction and site investigation.
- Amend Rule 8A.5.1.1 to delete clause c to no longer include driving of piles for building foundations as a small scale earthworks activity, to enable this to be covered under construction activity.
- Consequential changes to references to construction activity in:
    - Section 1.3 Introduction (3 instances)
    - Section 1.3.1 Temporary Activities Category table (1 instance)
    - Definition of Port Noise (1 instance)
    - Definition of Temporary Activities (1 instance)
    - Section 4.1 Introduction (1 instance)
    - Rule 4.3.2.2 Activity status table (1 instance)
    - Rule 4.5.1.1.c Development Standards (1 instance)
    - Rule 4.5.3.4 new performance standard for Maximum Duration, Frequency, and Site Restoration for construction added under Change TA4 (2 instances)
    - Rule 4.5.4.1 Noise - Construction (8 instances)
    - Rule 4.5.4.4.a.i Noise - Military exercises (1 instance)
    - Section 8A.1 Introduction (1 instance)

- Rule 9.3.6.3.k Noise (1 instance)
- Activity status introductions that refer to construction being managed via provisions in Section 4 as follows (1 instance in each): 3.3.1.7, 5.3.1.12, 6.3.1.7, 7.3.1.7, 8.3.1.7, 8A.3.1.6, 15.3.1.2, 16.3.1.2, 17.3.1.2, 18.3.1.2, 19.3.1.2, 20.3.1.2, 21.3.1.2, 22.3.1.2, 23.3.1.2, 24.3.1.2, 25.3.1.2, 26.3.1.2, 27.3.1.2, 28.3.1.2, 29.3.1.2, 30.3.1.2, 31.3.1.2, 32.3.1.2, 33.3.1.2, 34.3.1.2, 35.3.1.2

- Add Note 4.3.2A.8 for other requirements outside of the district plan, to refer to Regional Plan: Water for Otago requirements for bore construction and the drilling of land carried out for any other purpose.

446. Note that some aspects of the management regime for construction noise and vibration are proposed for change in response to other issues as part of changes TA3 and PHS6 (see the relevant sections of this report for details).

Assessment against relevant objectives

447. Change Earth1 will mean that the performance standard for construction noise and vibration will be applied to site investigations and the driving of piles. This will ensure that noise and vibration effects from these activities are managed so that Objective 2.2.6 can be more effectively achieved. The changes will also ensure all Plan users can more clearly understand what rules apply in these situations.

448. The proposal to include earthworks ancillary to site investigation within the definition of construction activity, where the site is reinstated to existing levels within 48 hours (and to not apply the earthworks provisions in these cases by excluding them from the definition of earthworks), recognises that such ancillary earthworks are a common part of site investigation.

449. Imposing a 48-hour limit on reinstating the ground ensures that adverse effects that are usually managed via the earthworks provisions will be adequately managed as a permitted construction and site investigation activity. These effects include those on visual amenity and character, and on the stability of land, buildings, structures, and surrounding properties, as outlined in Objective 8A.2.1. The approach is similar to that for other activities that are always considered earthworks - small scale (see Rule 8A.5.1.1) and not subject to the earthworks scale thresholds. This approach will also eliminate the need for resource consents for earthworks ancillary to site investigations.

450. Overall, the changes will ensure that Objective 2.2.6 is more effectively achieved. The approach is also consistent with related objectives 4.2.1, 8A.2.1, and 9.2.2.

Alternative Option: Manage site investigation and driving of piles as earthworks

451. The alternative option of managing site investigation and the driving of piles for foundations as earthworks activity was rejected because earthworks activities are not subject to noise and vibration provisions. Some site investigation or pile driving may result in unacceptable levels of noise and vibration and these need to be managed by performance standards or

assessment rules. This is to ensure Objective 2.2.6, which seeks the minimisation of risk to people's health and safety from high levels of noise or emissions, is achieved.

2.2.6 Missing native reserves mapped areas (Change MW1)

Purpose of proposal and scope of change

452. The purpose of Change MW1 is to reinstate the mapping of native reserves that are missing from the Planning Map in error.

453. The scope of the change does not include a review of the papakāika provisions or of their application within native reserve mapped areas (or elsewhere).

Background and issues of concern

454. The Plan provides for papakāika, which is defined as follows:

Papakāika

*Residential activity within the boundaries of an **original native reserves mapped area** where:*

1. *the land is fully or partly owned by one or more of the following:*
    a. *a descendant of an original grantee of an original native reserve, or their trustee*
    b. *a management structure governed by the Te Ture Whenua Māori Act 1993 or subsequent legislation over the land concerned, for the benefit of such persons in (a)*
    c. *a Rūnaka with authority/mana over the area in which the original native reserve is located*
    d. *a spouse/civil union/de facto partner of a descendant of an original grantee who has inherited the land from the descendant; and*
2. *the dwelling is primarily occupied by at least one of the following:*
    a. *a descendant of an original grantee of the reserve*
    b. *a spouse/civil union/de facto partner of a descendant of an original grantee who has inherited the land from the descendant; or*
    c. *a whāngai of a descendant of an original grantee.*

Papakāika is a sub-activity of standard residential.

455. The papakāika provisions assist in achieving Objective 2.5.2, which is:

Objective 2.5.2 Occupation of Original Native Reserve Land

Kāi Tahu can occupy, develop and use land in areas originally set aside for that purpose, in accordance with their culture and traditions and economic, social and cultural aspirations.

456. Native reserves are land that was originally set aside as native reserves in the 19th century when large areas of land were sold to European settlers. The land was intended to provide for kāika (villages) and food production and gathering. The term 'native reserves' reflects the correct historical names of the reserves as granted by the colonial government. The use of this terminology was requested by local rūnaka as part of decisions on the 2GP.

457. To implement the papakāika provisions, the original native reserves are mapped in the Planning Map as "native reserve mapped areas".

458. The issue of concern is that two native reserve areas are missing from the Planning Map, as well as parts of a third native reserve. The areas are missing in error, and the error was identified as part of consultation with mana whenua via their consultancy, Aukaha.

459. The missing areas are shown in figures 4 to 6 below, and include areas at:

- Lake Tatawai Landing Reserve and Lakebed (on the Taieri Plains)
- Port Chalmers / Koputai Native Reserve; and
- Pūrākaunui Native Reserve.

Figure 4: Lake Tatawai Landing Reserve and Lakebed

Figure 5: Port Chalmers Koputai Native Reserve

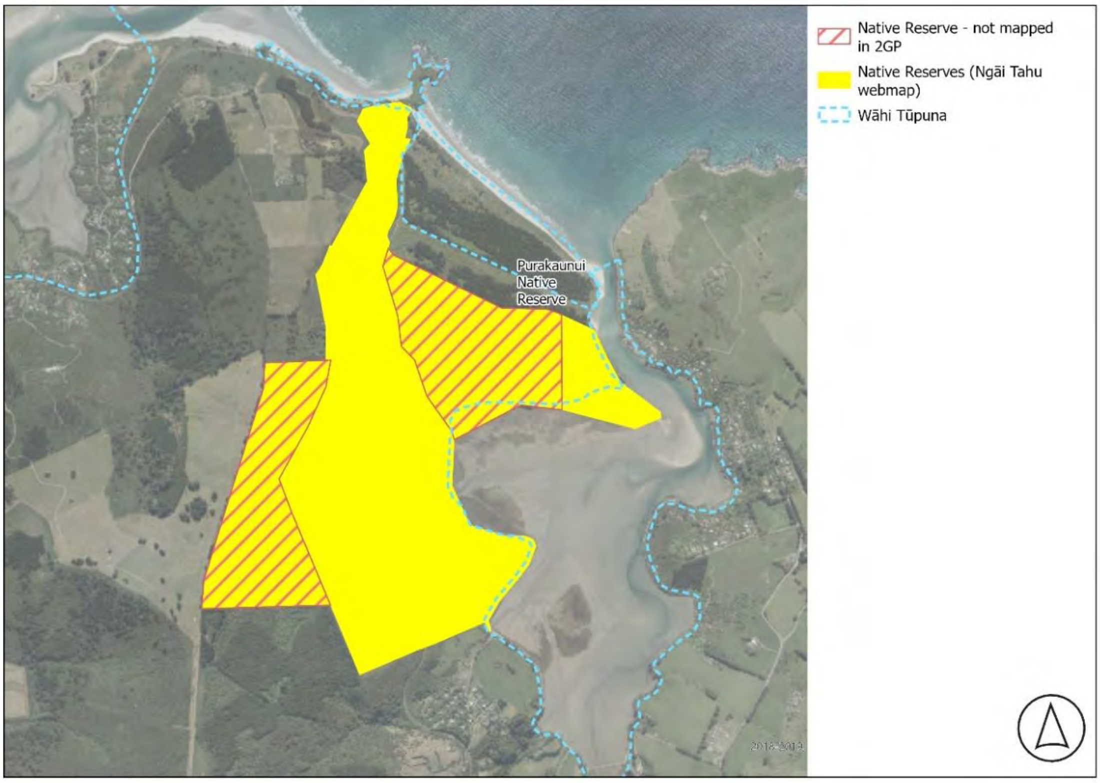


Figure 6: Pūrākaunui Native Reserve

Proposed change and assessment

460. Change MW1 proposes the following changes to the Planning Map, as shown in Appendix B:

- Add the missing native reserve areas at Lake Tatawai Landing Reserve and Lakebed, Port Chalmers / Koputai Native Reserve, and Pūrākaunui Native Reserve as native reserve mapped areas.

Assessment against relevant objectives

461. By correcting these errors in the Planning Map, this proposal will ensure that the papakāika provisions apply to the original native reserve areas as intended. This will ensure that Objective 2.5.2 can be more effectively achieved than under the status quo by enabling the occupation of original native reserve land.

462. Aukaha have reviewed the proposal and did not request any changes.

2.2.7 Wāhi tupuna ID 32 viewshaft origin (Change MW2)

Purpose of proposal and scope of change

463. The purpose of Change MW2 is to review the viewshaft origin of wāhi tupuna mapped area ID 32 – Views from Ōtākou Marae around Upper Harbour to ensure it includes viewing points from the marae that are of importance to Manawhenua.

Background and issues of concern

464. The Planning Map includes a range of areas mapped as wāhi tupuna, which are defined as landscapes and sites that embody the ancestral, spiritual and religious traditions of all the generations prior to European settlement.

465. Mapping of wāhi tupuna assists in achieving Objective 2.5.3 and associated Policy 2.5.3.1, which are:

Objective 2.5.3 Wāhi Tūpuna

Wāhi tūpuna (including wāhi tapu and wāhi taoka) and their relationship with Kāi Tahu is acknowledged and protected.

Policy 2.5.3.1

Identify wāhi tūpuna and protect them from identified threats through rules that manage:

a. *buildings, structures, forestry, network utility structures, roading, mining and earthworks on the upper slopes and peaks of hills and mauka;*
b. *earthworks in areas where there is high likelihood of archaeological remains; and*
c. *natural hazard mitigation activities and subdivision.*

466. One such wāhi tupuna identifies views from Ōtākou Marae around Upper Harbour as important to Kāi Tahu, with the viewshaft originating from the centre of the wharekai (dining hall) on the marae. The mapped area includes the peaks visible from the marae, which are significant landmarks that imbue ceremonial occasions and mihi. They are a reminder of the close link of people to the environment and are a cultural identity marker.

467. Principal threats to these values are described in Appendix A4.32 to the Plan and include activities that could affect views from the marae, being buildings, structures, public amenities, network utilities, forestry, shelterbelts and small woodlots, mining, earthworks, new roads, and additions and alterations to existing roads.

468. When consent is required to undertake any of the activities listed above (for other reasons) within the mapped area, discretion is reserved to consider effects on the cultural values of Manawhenua. Where the activities are otherwise permitted by the Plan, no additional consent requirements apply.

469. As part of consultation on Plan Change 1 with Manawhenua (via Aukaha), Aukaha requested that the origin point be modified to include the full width of the building containing the wharekai (dining hall) and wharenui (main meeting house) and the marae ātea (small courtyard in front of the wharenui).

470. This issue is proposed to be resolved by amending the wāhi tupuna mapped area ID 32 to include the additional areas requested by Aukaha.

Proposed change and assessment

471. Change MW2 proposes to amend the Planning Map as shown in Figure 7 below and in Appendix B.

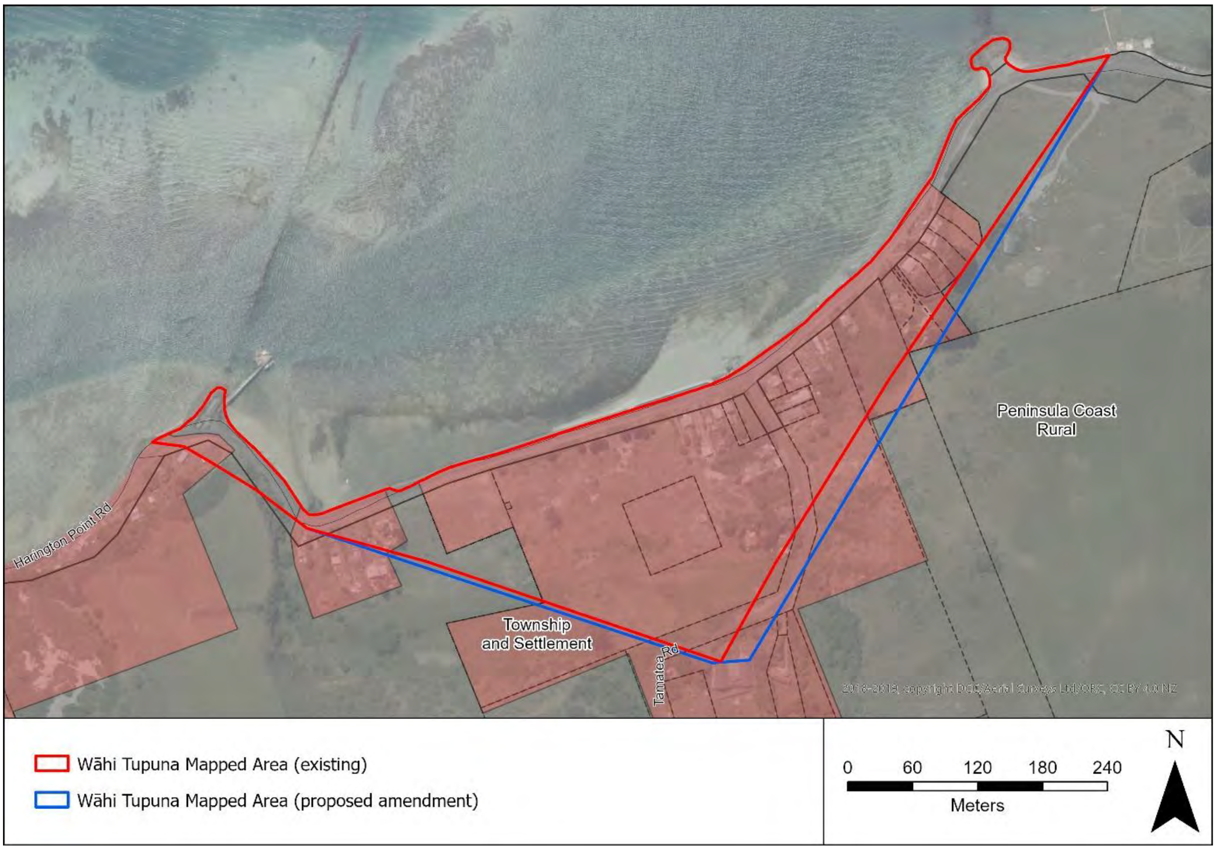


Figure 7: Proposed amendment to wāhi tupuna mapped area ID 32 at Ōtākou Marae

Assessment against relevant objectives

472. The proposed change to wāhi tupuna mapped area ID 32 will increase the area affected from 817.37 hectares to 818.62 hectares (a difference of 1.25 hectares). The change will affect only one additional property (to a very small extent) compared to the existing mapped area, as shown in Figure 8 below.

473. The additional affected property is at 61 Pipikaretu Road and sits within the Otago Heads (Taiaroa / Mount Charles) Native Reserves mapped area and the Rural Peninsula Coast Zone. All the activities listed as principal threats to the values of wāhi tupuna mapped area ID 32 except for mining, some types of public amenities, substations, network utility structures – large scale, earthworks – large scale, and new roads can be undertaken as a permitted activity on the affected portion of the property, provided the relevant performance standards are complied with. Therefore, the extension of the mapped area to this property is unlikely to have significant effects on its likely future use but will enable consideration of the effects on Manawhenua values where any of the activities listed above are proposed.

474. The extension of the mapped area over the other properties represents a minor change in the extent to which these properties are already affected by the wāhi tupuna provisions.

475. Overall, the proposed change will ensure that Objective 2.5.3 is more effectively achieved by acknowledging and protecting the relationship between Kāi Tahu and an area of significance to them.

476. Aukaha have reviewed this proposal and did not request any changes.

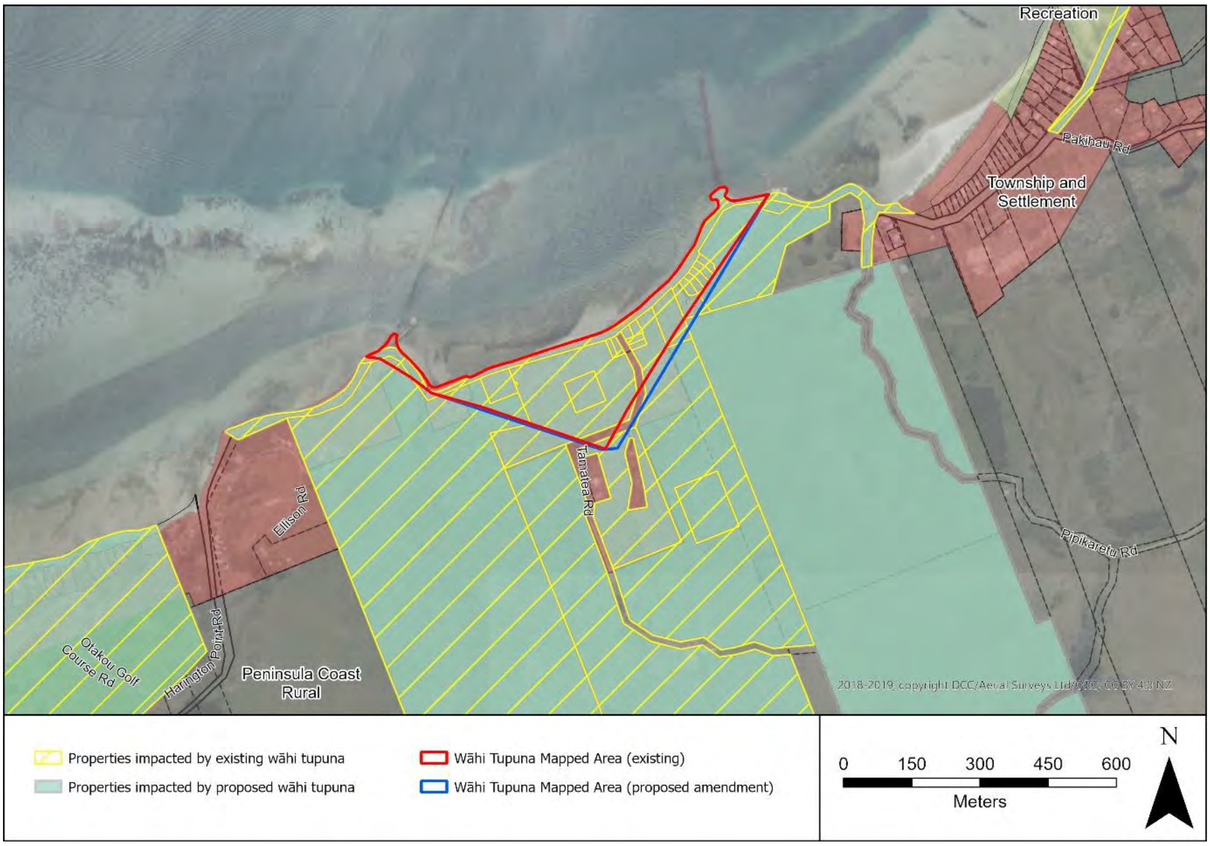


Figure 8: Comparison of properties impacted by the existing and proposed wāhi tupuna extent

2.2.8 Height for pou whenua (Change PA1)

Purpose of proposal and scope of change

477. The purpose of Change PA1 is to review the height controls and definitions that apply to pou whenua.

Background and issues of concern

478. Pou whenua are defined in the Plan as a "carved land post". Pou whenua are commonly used to mark an area, territory, place, or event of cultural significance to Manawhenua.

479. Pou whenua are included within the Plan activity definition for public amenities, and within the definition of monuments and memorials, as follows:

Public Amenities
Any structure or facility established for the convenience, enjoyment, or amenity of the public. For the sake of clarity, this includes signs containing information directly relevant to the purpose of the public amenity.

Examples are:

...

- *monuments and memorials*

…

- *structures marking an area, territory, place or event of cultural significance to Manawhenua, including but not limited to pou whenua, waharoa and interpretation signage.*

…

The following activities are managed as sub-activities of public amenities:

- *public artworks - large scale*
- *public artworks - small scale*
- *public display boards; and*
- *public toilets.*

Public amenities are an activity in the public amenities category.

Monuments and Memorials
A statue, plaque, or structure, erected in memory of, or to commemorate a person, place, building, structure, or event.

For the sake of clarity, this definition includes structures marking an area, territory, place or event of cultural significance to Manawhenua, including but not limited to pou whenua, waharoa and interpretation signage.

480. Public amenities are managed through rules in Section 3 of the Plan as a type of city-wide activity. A performance standard for height (Rule 3.5.2) applies to all public amenities, with different height requirements for different types of public amenities. The maximum height requirements are intended to achieve Objective 3.2.1, which is set out below:

Objective 3.2.1

Public amenities contribute positively to community well-being and streetscape amenity, while:

a. avoiding or, if avoidance is not practicable, adequately mitigating any adverse effects on the amenity of surrounding sites; and

b. meeting the relevant objectives and policies for any overlay zone, scheduled site, or mapped area in which they are located.

481. The maximum height for monuments and memorials (which includes pou whenua) is 5m (Rule 3.5.2.2.a.iv). Activities which contravene maximum height are a restricted discretionary activity, with the matter of discretion being 'effects on amenity'.

Issue 1: Height limit may be too low to enable typical pou whenua

482. The main issue of concern is that the height limit for pou whenua may be too low to enable typical pou wheua to be established as a permitted activity. The issue came to attention through the appeal by Te Rūnunga o Ngāi Tahu on the 2GP (ENV-2018-CHC-256) but there was no scope to amend the height limit for pou whenua through that process. Ground truthing of existing pou whenua by Te Rūnunga o Ngāi Tahu indicated that pou whenua typically tend to be closer to 9m in height than 5m.

483. Mr Peter Christos, DCC Urban Designer, has provided initial comments on the potential amenity effects from pou whenua (see Appendix C). He notes that the Plan provides for freestanding flagpoles and play equipment to a maximum height of 9m and that while pou whenua are likely to present more bulk compared to a flagpole, their bulk may be less than or equal to play equipment. Mr Christos suggests that, provided pou whenua are limited to clusters of no more than three, and to no more than 500mm width per pou, a maximum height of 9m would be consistent with the visual effects anticipated from flag poles and play equipment.

484. The issue is proposed to be resolved by increasing the height limit for pou whenua to 9m through new provisions for Kāi Tahu tohu whenua (cultural markers), without a limit on cluster size or maximum width per pou or marker. This is because limits on the clustering or width of flagpoles and play equipment are not applied in the existing Plan provisions and a consistent approach should be applied.

Issue 2: Duplication between the definitions of public amenities and monuments and memorials

485. A minor issue has been identified with unnecessary duplicate references to pou whenua within the definition of public amenities and the definition of monuments and memorials. For Plan clarity, it is preferable that the reference to pou whenua is included in one definition only.

486. This issue is proposed to be resolved by deleting the reference to pou whenua from the definition of monuments and memorials, and instead covering them in the definition of public amenities, except using the broader term 'Kāi Tahu tohu whenua (cultural markers)', also added as a new definition.

<u>Issue 3: Unclear that pou whenua are not to be treated as public artworks</u>

487. Sub-activities of public amenities include public artworks (managed as either small scale or large scale activities). Public artworks are defined as:

Public artworks

Artistic works located in a public place or located and designed to be viewed from a public place, for public enjoyment. This includes works of a permanent or temporary nature.

Examples are:

- *sculptures*
- *sound art*
- *light art*
- *moving image*
- *digital and media art*
- *street art; and*
- *murals.*

This definition excludes:

- *activities otherwise defined as ancillary signs, commercial advertising signs or temporary signs; and*
- *artworks on private property that may be visible from a public place but are for the enjoyment of residents, occupants, or visitors to that property, and are unlikely to attract significant public attention.*

488. Public artworks – small scale is defined as:

Public Artworks – Small Scale

Public artworks that do not exceed the following thresholds:

- *for murals or artwork painted on a building or structure, a maximum area of 10m² and a maximum height of 4m above ground level; and*
- *for all other artworks, the maximum total volume of a 3 dimensional artwork must be capable of being contained with an envelope with a footprint of 5m² and a height of 3m above ground level.*

Where an artwork installation comprises multiple pieces of artwork they must collectively fit within the dimensions of the envelope specified above.

Public artworks - small scale is a sub-activity of public amenities.

489. The issue of concern is that it is not clear from the definition of public artworks that monuments and memorials, including pou whenua, are not intended to be managed as public artworks. Pou whenua could be interpreted as a form of sculpture, which is listed as an example in the definition of public artworks.

490. If pou whenua were treated as public artworks, they would always be a restricted discretionary activity in residential zones or where in a heritage precinct or on a scheduled heritage site. In addition, should they not meet the small scale threshold, which contains a

maximum height limit of 3m, they would also be a restricted discretionary activity in all other zones. This conflicts with the existing height limit of 5m specified for pou whenua in Rule 3.5.2.2 and would also conflict with the proposed height limit of 9m.

491. This issue is proposed to be resolved by amending the definition of public artworks to clearly exclude monuments and memorials and Kāi Tahu tohu whenua (cultural markers), which now encompass pou whenua.

Proposed change and assessment

492. Change PA1 proposes to amend the following provisions, as shown in Appendix A:

- Add a definition of Kāi Tahu tohu whenua (cultural markers) to include pou whenua and waharoa, which will be listed as an example in the definition of public amenities
- Amend the definition of monuments and memorials to exclude pou whenua and waharoa, which are now covered by the new definition above
- Amend the definition of public amenities to remove the reference to structures such as pou whenua and add the example of Kāi Tahu tohu whenua (cultural markers)
- Amend the definition of public artworks to make clear that it excludes monuments and memorials such and Kāi Tahu tohu whenua (cultural markers); and
- Amend Rule 3.5.2.2.a to exclude pou whenua from the maximum height limit for monuments and memorials (5m) and add a rule applying a maximum height of 9m to Kāi Tahu tohu whenua (cultural markers).

Assessment against relevant objectives

493. Based on the potential amenity effects that might be anticipated from flagpoles or play equipment up to 9m, it is consistent to allow pou whenua up to a height of 9m and to ensure that they are not treated as public artworks (which are subject to additional consenting requirements and height limits).

494. Even without limits on cluster size and maximum width, increasing the height limit for pou whenua will not detract from achieving Objective 3.2.1 regarding adverse effects on amenity. As pou whenua are commonly used to mark an area, territory, place, or event of cultural significance to Manawhenua, a proliferation is not anticipated outside these areas.

495. Overall, the change will ensure Objective 3.2.1 can be more effectively achieved by enabling pou whenua of a typical height to make a positive contribution to community wellbeing, particularly the wellbeing of Manawhenua, without a resource consent requirement.

496. The change proposal responds to feedback received through Aukaha's review by deleting the reference to pou whenua from the definition of monuments and memorials and instead covering them under the broader term 'Kāi Tahu tohu whenua (cultural markers)', covered by a new definition.

2.2.9 Acoustic insulation for music venues noise management (Change PHS2)

Purpose of proposal and scope of change

497. The purpose of Change PHS2 is to review the level of acoustic insulation required under Rule 9.3.1 for commercial and mixed use zones where residential activity and entertainment and exhibition activity are both permitted and the noise limit is 60 dB LAeq (15 min) (Central Business District, Harbourside Edge and Warehouse Precinct zones).

498. The scope of the change does not extend to considering other changes to manage noise and reverse sensitivity, such as addition of entertainment precincts or any other actions identified in the Ōtepoti Live Music Implementation Plan 2023-2026[25], many of which relate to methods outside the 2GP.

Background and issues of concern

499. Between April 2021 and April 2023, nine noise complaints were lodged with the DCC about live music from licensed premises in Dunedin, with two of those complaints upheld for excessive noise[26].

500. These complaints included those regarding the noise from a music venue in the CBD (Dog with Two Tails) by a nearby resident, resulting in compliance action. This generated concerns in the music community about the potential loss of music venues due to residential activity within the city. These concerns were reignited by a 2022 resource consent approval of a proposed apartment building next to the Crown Hotel.

501. As a broader response to support live music in Dunedin, the DCC developed the Ōtepoti Live Music Action Plan (LMAP), which was adopted by Council in September 2023. The LMAP provides detailed background on the context for live music in Ōtepoti Dunedin and the challenges arising from conflict between live music and other activities[27].

502. The Ōtepoti Live Music Implementation Plan 2023 – 2026[28] sets out 36 actions that Council will lead to deliver on the LMAP, most of which relate to methods outside the 2GP. Some actions are already in progress and others await additional financial resources.

503. Action 19 in the Implementation Plan is to review the acoustic insulation requirements in the 2GP. This is the focus of this 2GP change proposal (Change PHS1). Other actions detailed in the Implementation Plan are not further considered as part of Plan Change 1 and will follow their own process for scoping and funding decisions by Council.

504. Therefore, the following content focuses on the background to the acoustic insulation provisions in the 2GP and changes proposed to them within the limits of the 'purpose of proposal and scope of change' statement above.

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[25] Available online here: otepoti-live-music-implementation-plan.pdf (dunedin.govt.nz)
[26] Ōtepoti Live Music Action Plan (2023), p.34: otepoti-live-music-action-plan.pdf (dunedin.govt.nz)
[27] The LMAP is available online here: otepoti-live-music-action-plan.pdf (dunedin.govt.nz)
[28] The Implementation Plan is available online here: otepoti-live-music-implementation-plan.pdf (dunedin.govt.nz)

Relevant 2GP objectives and methods

505. The 2GP provides for a wide range of activities in commercial and mixed use zones, including both standard residential activity and entertainment and exhibition activity in some zones (CBD, Harbourside Edge and Warehouse Precinct zones). This approach is intended to achieve Objective 18.2.1 and associated strategic Objective 2.3.2 by encouraging economically and socially vibrant and viable centres, Objective 2.2.4 which seeks a compact and accessible city, and Objective 2.6.1 on providing a range of housing choices.

506. Enabling residential activity in central urban areas can also encourage retrofitting of the concentration of heritage buildings in these areas[29], assisting in their preservation, and achievement of objectives 2.4.2 and 13.2.1, which encourage the active use of built heritage. In turn, preservation of heritage buildings contributes to achieving Objective 2.4.1 by protecting and enhancing elements of the city that contribute to residents' and visitors' aesthetic appreciation for the city.

507. Overall, the combination of entertainment and exhibition activity, residential activity, and the active use of heritage buildings in the central city assist in achieving Objective 2.4.3, which seeks a vibrant, attractive, and enjoyable CBD.

508. By providing for this range of activity in central urban areas, the potential for conflict between the needs of these activities arises. Objective 18.2.2 sets the direction for managing this potential conflict within the commercial and mixed use zones, as follows:

Objective 18.2.2

The potential for conflict between activities within the commercial and mixed use zones and in adjoining zones is minimised, as far as practicable, through adequate separation distances and other mitigation measures which ensure:

a. the amenity of adjoining residential and recreation zoned sites is maintained; and

b. the potential for reverse sensitivity effects is minimised as far as practicable.

509. This objective is relevant to managing amenity and reverse sensitivity effects arising from the potential for conflict between residential activity, which is sensitive to noise, and entertainment and exhibition activity, which generates noise. To help achieve Objective 18.2.2 and manage the potential for this conflict, the Plan uses a combined approach of noise limits that provide for louder activities alongside requirements for acoustic insulation of noise sensitive activities to manage reverse sensitivity.

510. Noise limits and acoustic insulation requirements are provided in Section 9 of the Plan in Rule 9.3.1 and Rule 9.3.6 respectively. They are also linked to Objective 9.2.2 and associated strategic Objective 2.2.6, which seek to maintain or enhance people's health and safety. Effective acoustic insulation avoids sleep interference to protect the health of residents from higher noise levels in the surrounding environment but should also help to manage amenity effects to help achieve Objective 18.2.2 and reduce the potential for conflict between activities.

[29] There are currently 246 scheduled heritage buildings in the zones affected by this review.

511. The acoustic insulation requirements in Rule 9.3.1 require noise sensitive activities in the listed locations (which include the CBD, Warehouse Precinct and Harbourside Edge zones where both residential and entertainment and exhibition activities are permitted activities, and where the noise limit is 60 dB LAeq) to have acoustic insulation that achieves a minimum design standard of DnT, w + Ctr > 30, except for rooms that are not frequently occupied such as bathrooms and hallways. 'Noise sensitive activities' is a defined term, as follows:

Noise Sensitive Activities

Activities where people are more likely to be sensitive to a high level of noise because they are sleeping, studying, seeking medical treatment, or engaged in religious activity.

These consist of:

- *residential activities*
- *hospital*
- *campus*
- *schools*
- *early childhood education*
- *registered health practitioners*
- *visitor accommodation; and*
- *the following community and leisure activities: libraries, marae-related activities, activities that involve the provision of care for babies and pre-school children and places of worship.*

512. The acoustic insulation rule also requires a positive supplementary source of ventilation to enable adequate ventilation when windows are closed (Rule 9.3.1.5).

513. It is noted that residential activity that was lawfully established prior to introduction of the 2GP is not subject to the 2GP's acoustic insulation rules[30], but similar rules were in place in the Dunedin City District Plan 2006 (e.g., for areas that used to be within the Central Activity Zone (former Rule 9.5.2(x)) or Large Scale Retail Zone (former Rule 9.6.2(viii))).

Initial expert evidence for changes to the 2GP approach

514. As an initial response to the concerns raised by members of the live music community about noise complaints, DCC commissioned acoustic engineers, Styles Group, to review the Plan's approach to managing music venue noise and compare it to national and international best practice (see Appendix D).

[30] In accordance with s10 of the Resource Management Act 1991: Resource Management Act 1991 No 69 (as at 17 February 2024), Public Act 10 Certain existing uses in relation to land protected – New Zealand Legislation

515. The Styles Group report found that while the Plan's noise limits and acoustic insulation requirements were generally appropriate, some improvements could be considered (see p.28 of the Styles Group report), including:

- Requiring mechanical cooling (air conditioning) in addition to the existing mechanical ventilation requirements to enable windows to be kept closed in warm conditions; and
- Increasing the required acoustic insulation for residential units from DnT,w + Ctr> 30 to DnT,w + Ctr> 35[31].

516. Therefore, the issue of concern is that the acoustic insulation requirements in the Plan may be insufficient to ensure that objectives 18.2.2 and 9.2.2 are effectively achieved.

Other councils' approaches to district plan acoustic insulation rules

517. Table 7 below compares the noise limits and acoustic insulation provisions in the Plan with three other districts that use a similar methodology (i.e., controls similar to DnT,w + Ctr). It shows that in areas where higher night-time noise is anticipated from music venues, the 2GP provisions are the least stringent out of the four jurisdictions. Other jurisdictions seek a reduction of 30 dB in most areas, as the 2GP does, but they require a higher level of 35 dB insulation for bedrooms or in entertainment precincts. Queenstown has a higher noise limit in its entertainment precinct and a correspondingly higher acoustic insulation requirement.

Table 7: Comparison of acoustic insulation requirements in different district plans

City	**Dunedin**	**Wellington**	**Christchurch**	**Queenstown**
CBD or entertainment precinct night-time noise limits	60dB LAeq	60dB LAeq	60 dB LAeq	65 dB LAeq
Acoustic insulation requirement	DnT, w + Ctr > 30.	DnT,w + Ctr > 35 dB: Courtenay Place Area DnT,w + Ctr > 30 dB: All other areas	$D_{tr,\,2m,\,nT,w} + C_{tr}$ >35 for bedrooms; $D_{tr,\,2m,\,nT,w} + C_{tr}$ >30 for other habitable spaces	40 dB Rw+Ctr

Additional expert evidence

518. A peer review of Styles Group's recommendations on acoustic insulation was sought from Acoustic Engineering Services (AES) for Plan Change 1. This review was sought primarily to ensure any increase in acoustic insulation requirements would be a cost-effective way to address the issues, and to provide the technical information required to amend the Plan provisions.

[31] A third recommendation to require noise to be controlled between units in the same building is not being considered as part of this review because noise between units within the same building is typically a matter for a body corporate or building owner to manage (i.e., a method outside the Plan).

519. In summary, AES agreed in part with Styles Group's recommendations on acoustic insulation (see Appendix C). AES concluded that:

- The acoustic insulation requirement should be increased to DnT,w + Ctr > 35 dB for sleeping areas for zones where entertainment and exhibition activity and residential activity are both permitted activities and the noise limit is 60 dB LAeq;
- Appendix 9A can be amended to also include acceptable solutions to provide acoustic insulation of DnT,w + Ctr > 35 dB;
- Mechanical cooling is not likely to be required for bedrooms where mechanical ventilation is provided due to Dunedin's relatively cool climate; and
- The additional cost of an increased design requirement of 35 dB DnT,w + Ctr for bedrooms is likely to be low for new builds, but the costs are likely to be higher for retrofitting heritage buildings.

520. Additional expert advice was also sought from AES after the Save Dunedin Live Music group sought a meeting with Council staff and raised some technical questions about the acoustic insulation provisions (see Appendix C for AES's memorandum). In summary, AES concluded that:

- The (DnT,w + Ctr) metric is appropriate for quantifying the noise reduction required by the acoustic insulation provisions and that alternative metrics to capture lower frequency sound can be unreliable and difficult to use;
- The proposed increase in acoustic insulation requirements will indirectly assist in controlling lower frequency sound;
- Requiring additional acoustic insulation to specifically target lower frequency sound would require 'high mass only' constructions, which risks overengineering façade protections;
- Specific provisions are not required to control room-to-room noise transmission because the combined sound insulation provided by closing all windows and doors would effectively be equivalent to a DnT,w + Ctr > 35 dB rating; and
- The ventilation requirements could be clarified to ensure that ventilation is designed to not compromise the required acoustic insulation performance of the façade.

Consultation feedback

521. The initial proposal to resolve the issue of concern was to adopt AES's recommendations based on the evidence provided in their report and memorandum, including their recommended changes to Appendix 9A on the typical building construction needed to achieve the required acoustic insulation, and clarified wording for the ventilation requirements.

522. This proposal was sent to Save Dunedin Live Music and developers of inner-city residential units for feedback. Developers of inner-city residential units were identified from building consent applications received by Council over the last few years, with three responses received from the developers contacted.

523. Overall, Save Dunedin Live Music wanted the proposed changes to go further, and developers wanted the proposed changes to be removed. A summary of the key points made in feedback is provided in Table 8.

Table 8: Summary of consultation feedback on the initial proposal

Feedback from Save Dunedin Live Music	
Relief Sought	**Reasons**
That the proposed increase in acoustic insulation requirements applies to all habitable spaces, not just bedrooms.	• Rooms may change use after they are established from non-bedroom to bedroom. • Other Councils (except Christchurch) do not limit the requirements to bedrooms (noting issues with noise conflict in Christchurch). • The assessment focuses too narrowly on managing health and safety effects (i.e. sleep disturbance) rather than other amenity and well-being effects, and most complaints of concern have not occurred during normal hours of sleep. • It is the responsibility of a local authority to ensure that a nuisance does not happen in the first place.
Feedback from residential developers	
Relief Sought	**Reasons**
Delete the proposal and consider alternative methods, such as: • Requiring no-complaints covenants for new residential units • An exemption for heritage buildings (e.g., provided double glazing is installed and a no-complaints covenant in place) • Requiring music venues to ensure they comply with the noise limits • Requiring acoustic insulation of the	• There are many scheduled heritage buildings in the affected zones, and it is more complicated to upgrade these buildings to meet the standard (i.e., may require specific design by an acoustic engineer). • Converting heritage buildings to residential use is already financially infeasible due to costs of required earthquake strengthening, accessibility and fire upgrades and adding more acoustic insulation requirements exacerbates this (but no specific costing information was provided). • The proposal imposes costs on developers of residential properties rather than the noise sources. It seems more efficient to target options at managing the noise sources. • The standards may encourage 'bland' redevelopments of heritage buildings (e.g. GIB-lining instead of exposed timber roof structures to comply with the given design solutions). • There is precedent in the High Court to grant demolition of protected heritage buildings where it can be proved that

music venues themselves (potentially supported by a Council grants fund)	redevelopment is uneconomic (i.e., the changes could encourage demolition). • Partially complete redevelopments would require redesign for the incomplete parts, or a resource consent would be required to continue with the development as planned. • The narrow scope of the review suggests that other activities that generate noise are of less concern to protect (e.g., industry). • The proposal cannot stop complaints, including because of the extent of established residential activities.

524. Having considered the feedback provided, on balance, no changes were made to the initial proposal. The reasons for this are detailed in the assessment below.

525. Therefore, the proposal is to adopt AES's recommendations based on the evidence provided in their report and memorandum, including their recommended changes to Appendix 9A on the typical building construction needed to achieve the required acoustic insulation, and clarified wording for the ventilation requirements.

Proposed change and assessment

526. Change PHS2 amends the following provisions, as shown in Appendix A:

- Amend Rule 9.3.1 to require acoustic insulation for noise sensitive activities to meet a design standard of DnT,w + Ctr > 35 dB in bedrooms in the CBD Zone, Warehouse Precinct Zone and Harbourside Edge Zone, being the zones where residential activity and entertainment and exhibition activity are both permitted and the maximum noise limit is 60 dB LAeq (15 min);
- Amend Rule 9.3.1.5 on the ventilation requirements to clarify that the required ventilation must not compromise the acoustic insulation performance of the façade; and
- Amend Appendix 9A Acoustic Insulation Requirements to include a new column with the minimum construction requirements needed to achieve DnT, w + Ctr > 35 dB.

Assessment against relevant objectives

527. The proposed increase in the acoustic insulation requirements for bedrooms in the CBD Zone, Warehouse Precinct Zone and Harbourside Edge Zone will be more effective in achieving objectives 18.2.2 and 9.2.2 than the status quo. This is because the changes will improve the mitigation of noise effects on health and safety (i.e., sleep disturbance), amenity, and of reverse sensitivity effects on music venues for new residential activity in these zones. The level of improvement is demonstrated in Table 9 below comparing the proposed changes to the status quo and the alternative option of requiring additional specific acoustic insulation for low frequency sound.

528. In assessing whether the proposed changes are practicable and efficient, the increase in building cost arising from requiring additional acoustic insulation needs to be considered. The recommended change to increase acoustic insulation for bedrooms only (to manage sleep disturbance) and only in zones where the potential for conflict between residential activity and entertainment and exhibition activity is greatest, is expected to impose a relatively low cost increase for new buildings, as indicated in the report from AES (see Appendix C).

529. Although costs may be higher for retrofitting heritage buildings, assessment Rule 9.7.4.1 identifies that Council can consider the practicality of acoustically insulating heritage buildings and the potential for impacts on the protected parts of those buildings in assessing resource consent applications. This will ensure that objectives 2.4.2 and 13.2.1 on enabling the active use of heritage buildings, and Objective 2.4.2 on the protection heritage buildings will, continue to be achieved.

530. Overall, the changes strike an appropriate balance between the current noise limits controlling music and other noise, and acoustic insulation requirements to achieve effective noise management. This will avoid the cost burden being disproportionate on either party by ensuring apartment development and entertainment and exhibition activity can continue in these zones, as anticipated by the Plan to help achieve objectives 2.3.2, 18.2.1, and 2.4.3 seeking a vibrant city environment. The changes will also ensure Objective 2.2.4, which seeks a compact and accessible city, and Objective 2.6.1 which seeks provision of a range of housing choicest, can continue to be achieved.

531. It is noted that the acoustic insulation requirements only apply to new or expanded residential activity, not to existing lawfully established residential activity due to Section 10 of the RMA providing for existing use rights. This provision cannot be overridden by the Plan and may mean that some conflict between activities needs to be managed by alternative methods outside the Plan.

Alternative Option 1: Increase the acoustic insulation requirements for low frequency noise

532. The option of increasing the acoustic insulation requirements specifically to address low frequency noise (e.g. from drums and bass instruments) was assessed after it was raised as a possibility by members of the Save Dunedin Live Music action group. Expert evidence was sought from AES to support the assessment (see Appendix C for their memorandum).

533. Overall, AES considered that the proposed increase in required acoustic insulation is likely to indirectly improve insulation performance at lower frequencies without any additional specific insulation requirements at this range. AES's assessment of the likelihood of occupant disturbance resulting from the proposal compared to the status quo and the option of additional specific acoustic insulation requirements for low frequency noise is illustrated in Table 9 below. The table shows that a low to moderate improvement in the likelihood of occupant disturbance can be expected from additional acoustic insulation requirements for low frequency noise over the proposal.

Table 9: Traffic light graphic to illustrate likelihood of occupant disturbance from three acoustic insulation requirement options (AES memorandum, p.2 – see Appendix C).

External noise source / Façade design requirement	Single music source without distinctive bass beat resulting in 60 dB L_{Aeq} outside a bedroom	Multiple music sources without distinctive bass beat resulting in 63 dB L_{Aeq} outside a bedroom	Multiple music sources with distinctive bass beat resulting in 63 dB L_{Aeq} outside a bedroom	Multiple music sources without distinctive bass beat, and traffic noise resulting in 65 dB L_{Aeq} outside a bedroom	Multiple music sources with distinctive bass beat, and traffic noise resulting 65 dB L_{Aeq} outside a bedroom	Multiple music sources with distinctive bass beat, and traffic noise resulting in greater than 65 dB L_{Aeq} outside a bedroom
30 $D_{nT,w} + C_{tr}$						
35 $D_{nT,w} + C_{tr}$						
35 $D_{nT,w} + C_{tr}$ with additional specific 63 Hz protection						

534. In assessing whether requiring additional acoustic insulation against lower frequency noise is an effective and efficient option to achieve the objectives of the Plan, the benefit of such changes was considered against the cost of the additional requirements. Key points to guide this assessment, based on advice from AES (see Appendix C for their memorandum), are:

- Additional acoustic insulation requirements for lower frequency noise could provide a low to moderate improvement in noise reduction over the proposal;
- Applying the required alternate metrics can be unreliable and difficult in practice; and
- Achieving additional acoustic insulation for lower frequency noise would require high mass construction techniques, and such construction techniques would likely substantially increase the cost of affected residential developments.

535. Overall, additional acoustic insulation for lower frequency noise would be slightly more effective in achieving Plan objectives 18.2.2 and 9.2.2 for the maintenance of residential amenity, minimisation of the potential for reverse sensitivity, and maintenance of health and safety than the proposed changes. However, the cost that the requirements would impose on developers of inner-city residential units would detract from achieving Plan objectives that seek economically and socially vibrant and viable centres (objectives 18.2.1 and 2.3.2), a compact and accessible city (Objective 2.2.4) and the adaptive reuse of heritage buildings to assist in the preservation of historic heritage (Objective 2.4.2).

536. Therefore, this alternative option was rejected on the basis that the benefits would not outweigh the costs.

<u>Alternative Option 2: Manage noise transmission via rooms with lower acoustic insulation</u>

537. The option of extending acoustic insulation requirements to rooms that are currently exempt under Rule 9.3.1.2, or other changes with similar effect, were also assessed after members of the Save Dunedin Live Music action group raised the potential for noise transmission via rooms that do not require specific acoustic insulation to neighbouring rooms in the same unit that are used for noise sensitive activities.

538. Rule 9.3.1.3 exempts the following rooms from acoustic insulation requirements:

> *"…bathrooms, laundries, toilets, pantries, walk-in wardrobes, corridors, hallways, lobbies, clothes-drying rooms, or other spaces of a specialised nature occupied neither frequently nor for extended periods."*

539. In addition, the schedule in Appendix 9A to the Plan describes the minimum requirements necessary to achieve the required insulation level but it is limited to construction methods for the external envelope of a building, not internal partitions or other building elements.

540. The combined effect of the room exemptions in Rule 9.3.1.3 and reliance on Appendix 9A to achieve compliance for rooms that do require acoustic insulation could, for example, result in a hallway in the corner of a building not being specifically acoustically insulated with an adjoining bedroom that has only one external wall with acoustic insulation.

541. AES considered similar scenarios and concluded that the combined acoustic insulation provided by external and internal walls with standard construction would likely be high enough to achieve a noise reduction equal to the requirements proposed as part of Change PHS1, provided all windows and doors are closed, without any additional requirements (see their memorandum in Appendix C).

542. Therefore, any changes to the Plan to address transmission of noise from external sources between rooms in the same unit would not be an effective or efficient method to better achieve Plan objectives 18.2.2 and 9.2.2 for the maintenance of residential amenity, minimisation of the potential for reverse sensitivity, and maintenance of health and safety than the proposed changes. Such changes could instead detract from achieving Plan objectives that seek economically and socially vibrant and viable centres (objectives 18.2.1 and 2.3.2), a compact and accessible city (Objective 2.2.4) and the adaptive reuse of heritage buildings to assist in the preservation of historic heritage (Objective 2.4.2) by imposing unnecessary acoustic insulation requirements that would increase the cost of developing residential units.

<u>Alternative Option 3: Extend the proposal to rooms other than bedrooms</u>

543. Another option of applying the proposed increase in acoustic insulation requirements to all rooms that usually require acoustic insulation under Rule 9.3.1, rather than just to bedrooms, was considered.

544. While this method would be more effective at achieving Objective 18.2.2 for the maintenance of residential amenity and the minimisation of the potential for reverse sensitivity, it would be neutral in terms of achieving Objective 9.2.2 for the maintenance of health and safety, compared to the proposal. This is because the key health and safety impacts from noise

experienced inside buildings would be from sleep disruption, which is most likely to occur in bedrooms rather than other rooms.

545. Extending the additional requirements to rooms other than bedrooms would also increase the cost to developers of residential units. The costs of redevelopment of heritage buildings were of particular concern in feedback from developers, with any additional costs seen as having strong potential to impact the financial viability of redevelopment of heritage buildings.

546. Therefore, extending the requirements for additional acoustic insulation to rooms other than bedrooms would detract from achieving other relevant Plan objectives encouraging the adaptive use of heritage buildings and providing for residential activity in central city areas compared to the proposal.

547. Overall, this option was rejected because it would result in higher costs but with only slightly higher benefits than the proposal.

Alternative Option 4: Require music venues to acoustically insulate and comply with noise limits

548. This alternative option was suggested by a developer via consultation feedback.

549. Targeting acoustic insulation requirements to the music venues themselves has the potential to be more effective and efficient than requiring acoustic insulation of the receiving environment, as there are likely to be fewer new music venues compared to new residential units in the affected zones.

550. However, it is noted that the Plan already manages noise emissions from music venues by application of noise limits. If an activity will not comply with the noise limits in the Plan, it would either need to apply mitigations to reduce the noise to permitted levels (e.g., by installing acoustic insulation), or apply for a resource consent, whereby Council could potentially impose conditions requiring acoustic insulation.

551. Live music venues that comply with the Plan's noise limits (with noise to be measured at the boundary of the receiving property, not at the venue itself) should not be subject to requirements for acoustic insulation. This is because the noise emissions are of a level that is anticipated in the relevant zone and is acceptable in terms of the Plan's objectives.

552. The noise limits are not subject to review as part of Plan Change 1 and have previously been found to be appropriate as part of a review by acoustic experts, Styles Group (see Appendix D).

553. Therefore, this option was rejected, as it would impose unreasonable requirements on music venues that comply with the noise limits in the Plan. Venues that would otherwise not comply with the Plan's noise limits may already effectively require acoustic insulation to manage their effects.

554. Music venues may still choose to acoustically insulate their premises to reduce the likelihood of any complaints arising, even where they will comply with the Plan's noise limits.

Alternative Option 5: Allow no-complaints covenants as an alternative compliance method

555. This alternative option was suggested by developers via consultation feedback. However, this option was rejected for the following reasons:

- No-complaints covenants are typically offered by an applicant for a resource consent to manage reverse sensitivity effects on surrounding activities,[32] not imposed on new permitted activities (residential activity in this case). Such covenants require the approval of both the covenanted property and the nearby property that is generating the effects of concern[33]. These covenants can be registered against the title of the affected property in accordance with section 109 of the Resource Management Act 1991 (which is provided for consent applications, not permitted activities)[34];
- No-complaints covenants typically will relate to reverse sensitivity effects on another activity that is already lawfully established in the environment (e.g., in this case, an existing live music venue), not activities that may establish in the future, especially permitted activities (i.e., a no complaints covenant would not apply in respect of potential future live music venues that may establish near existing residential activity);
- It is not best practice to require no-complaints covenants as an alternative to mitigating effects, as they may not end up adequately managing the issues. Such covenants would not achieve the relevant Plan objectives regarding managing the effects of concern[35].
- The covenants are generally not enforceable by Council (they are enforceable by the beneficiary of the covenant[36], i.e., the music venue in this case). Any complaints made to Council about noise would still need to be investigated in the usual manner.

556. Although addition of a no-complaints covenant could be further considered should any submissions be received from live music venues requesting such a rule apply in relation to their property, such covenants are unlikely to effectively achieve the relevant objective of the Plan (Objective 18.2.2 regarding the potential for conflict between activities) because they cannot physically prevent people from making noise complaints.

557. No-complaints covenants could already be applied through resource consent applications for new residential activity in the relevant zones, but only where they propose to contravene the acoustic insulation performance standard.

Alternative Option 6: Exempt heritage buildings, including where certain conditions are met

558. This alternative option was suggested by developers via consultation feedback. The option includes sub-options of either exempting activities within scheduled heritage buildings from the new acoustic insulation requirements entirely, or only where certain conditions are met.

559. Exempting scheduled heritage buildings from the additional acoustic insulation requirements would not achieve the relevant objectives for the management of conflict between activities and health and safety effects (objectives 18.2.2 and 9.2.2) as well as the proposal.

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[32] See Davidson, A. (2003) "Reverse Sensitivity – Are No Complaints Instruments a Solution?", New Zealand Journal of Environmental Law, 7, pp. 203-241: 8.pdf (nzlii.org)

[33] See "No 'wine-ing' covenants" declined for a subdivision consent in Gibbston Valley - Tompkins Wake

[34] Quality Planning: Doc 1 Information on no complaints covenants 19-8-08 (qualityplanning.org.nz)

[35] As in relevant case law from a proposed Gibbston Valley subdivision: "No 'wine-ing' covenants" declined for a subdivision consent in Gibbston Valley - Tompkins Wake

[36] See https://www.simpsonwestern.co.nz/helpful-reading/land-covenants/

Furthermore, given the number of scheduled heritage buildings in the affected zones, and the likelihood of residential conversions of these buildings continuing into the future, the cumulative impact on live music venues of not requiring the additional acoustic insulation must be considered.

560. At the same time, the Plan's objectives encouraging the adaptive reuse of heritage buildings as a way of protecting them for future generations must be weighed against the objectives relating to noise management.

561. On balance, this alternative option was rejected because the cumulative impact of exempting scheduled heritage buildings would undermine the effectiveness of the proposal in managing reverse sensitivity. The additional costs of acoustic insulation, and effects on the heritage values of a scheduled heritage building, could still be considered as part of assessing a resource consent application for contravention of the acoustic insulation requirements.

562. This alternative option could be reconsidered if more detailed information on the cost impacts of the additional acoustic insulation requirements were to be provided by submitters.

2.2.10 Construction noise controls for long-term duration construction (PHS6)

Purpose of proposal and scope of change

563. The purpose of Change PHS6 is to review Rule 4.5.4 for the control of construction noise to ensure it is not overly restricting infill development that is otherwise anticipated by the Plan, particularly in commercial and mixed use, industrial, and Port zones.

Background and issues of concern

564. This change was added in response to feedback from the regular Plan user survey undertaken as part of Plan Change 1.

565. Construction is a permitted temporary activity subject to meeting Rule 4.5.4.1 which limits noise. This approach is intended to achieve Objective 4.2.1, which seeks to enable temporary activities while minimising adverse effects on the amenity of the zone and the health and safety of people as far as practicable. Policy 4.2.1.1 is the relevant policy and states:

Policy 4.2.1.1

Require temporary activities to be designed and operated to minimise, as far as practicable, adverse effects on:

a. the amenity of surrounding properties;

b. people's health and safety; and

X. the safety and efficiency of the transport network.

566. Contravention of the performance standard for construction noise is either a discretionary activity (for contraventions less than 5dBA LAeq (15 min)) or non-complying activity (for contraventions of 5dB LAeq (15 min) or more). As well as considering an application against provisions in Section 4 of the Plan (Temporary Activities), assessment is also required against the relevant provisions in Section 9 of the Plan (Public Health and Safety).

567. Objective 9.2.2 seeks to ensure land use, development and subdivision activities maintain or enhance people's health and safety. Policy 9.2.2.1 sets a high bar in protecting health by requiring activities to be designed and operated to avoid adverse effects from noise on the health of people or, where avoidance is not practicable, by ensuring any adverse effects would be insignificant.

568. Rule 4.5.4.1 on construction noise contains two tables with noise limits. The first table applies stricter noise limits to construction noise received by noise sensitive activities (i.e. in residential zones, dwellings in rural and rural residential zones, and buildings housing any noise sensitive activities in any other zone). The second table applies less-strict noise limits to construction noise received in industrial, Port, and commercial and mixed use zones. However, the first table takes precedence wherever a building housing any noise sensitive activity is located in one of these 'higher noise' zones. Noise sensitive activities are defined as follows:

Noise sensitive activities

Activities where people are more likely to be sensitive to a high level of noise because they are sleeping, studying, seeking medical treatment, or engaged in religious activity.

These consist of:

- *residential activities*
- *hospital*
- *campus*
- *schools*
- *early childhood education*
- *registered health practitioners*
- *visitor accommodation; and*
- *the following community and leisure activities: libraries, marae-related activities, activities that involve the provision of care for babies and pre-school children and places of worship.*

569. In addition to there being two tables for construction noise for application to different receiving environments, the tables also contain varying noise limits depending on the duration of the construction activity. The three categories of duration are short-term duration (up to 14 calendar days per project), typical duration (more than 14 calendar days but less than 20 weeks per project), and long-term duration (duration exceeding 20 weeks per project). Less restrictive noise limits are specified for short-term duration activities and more restrictive limits are specified for long-term duration projects as there will be greater cumulative amenity and public health impacts if the construction works occur over a longer period.

Issue 1: Otherwise anticipated infill developments being impacted by non-complying activity status

570. The main issue of concern is that the combination of applying stricter noise limits to construction noise received at buildings housing any noise sensitive activities, and applying stricter noise limits to long-term duration construction, means that large infill developments

that are otherwise anticipated by the Plan will often require consent for a non-complying activity due to construction noise. This issue was raised via a survey of regular plan users as part of the consultation for Plan Change 1.

571. The scenario is most likely in the commercial and mixed use zones where large commercial building developments are expected and where noise sensitive activities such as residential and visitor accommodation may be located. Some recent examples include the new Dunedin Hospital and the Accident Compensation Corporation offices in Dowling Street (for noisy demolition and piling works in proximity to neighbouring sites, even when the best practicable option was being used).

572. Application of non-complying activity status to such projects means that they face a stricter resource consent assessment process, and this increases uncertainty for the developers.

573. This issue is proposed to be resolved by:

- adding a new construction noise limit table for the commercial and mixed use zones with a higher noise limit that aligns with the zone noise limits in Rule 9.3.6 (5dBA higher than currently applies to construction noise measured at noise sensitive activities);
- adding an exemption for up to three days of higher noise construction as part of a typical or long-term project (up to 80dBA LAeq (15 min));
- making contravention of day-time limits discretionary for all exceedances in Port, Industrial, and commercial and mixed use zones, to recognise that effects on health and safety are of greatest concern for night-time exceedances that could disrupt sleep; and
- adding a special information requirement to ensure adequate information is provided with resource consent applications to ensure that the effects of construction noise can be adequately assessed.

574. The proposal is based on expert acoustic advice from Styles Group (see Appendix C). Their report concluded that while the numerical limits, time periods, and assessment locations for construction noise currently included in the Plan are generally appropriate, they could be relaxed to better enable works during typical and long-term projects within zones where short exceedances are expected.

<u>Issue 2: Limits for long-term duration construction in industrial and Port zones no longer necessary</u>

575. Port and industrial zones are environments where higher noise is anticipated and where residential activity or visitor accommodation is not provided for. This is reflected in higher construction noise limits applying for noise received in these zones (see Rule 4.5.4.1.a.ii) although this rule currently includes commercial and mixed use zones (where residential activity and visitor accommodation are provided for). Where noise sensitive activities might be affected by noise in the Port and industrial zones, the reduced limits in Rule 4.5.4.1.a.i apply instead.

576. The issue of concern is that given the management regime above, and the proposal to create a new construction noise limit table for commercial and mixed used zones in response to Issue 1 (thus separating them from Port and industrial zone limits), the use of lower long duration noise limits within Port and Industrial zones is no longer necessary and may unnecessarily constrain construction activities in these zones.

577. This issue is proposed to be resolved by combining the typical and long duration noise limits in Rule 4.5.4.1(ii) to better enable construction works in locations where short exceedances are expected, in line with expert evidence received from Styles Group.

Issue 3: No activity status given for contravention of Lmax limits

578. A third issue with Rule 4.5.4.1 is that while Lmax noise limits are included in the first noise limit table in Rule 4.5.4.1.a.i, the activity status for contravention of these limits is not stated (as the rule only refers to LAeq 15 minute contraventions).

579. This issue is proposed to be resolved by generalising the wording in the activity status clauses in Rule 4.5.4.1.c and Rule 4.5.4.1.d to ensure both Lmax and LAeq contraventions are covered.

Issue 4: No link to Section 4 objective and policy in assessment rules for contravention

580. The final issue identified is that the assessment rules for contravention of the construction noise performance standard in Section 4 (rules 4.9.2.1 and 4.10.2.1) do not list the relevant Section 4 objective and policy as a priority consideration, instead linking directly to the assessment guidance in Section 9.

581. This issue is of concern because Objective 4.2.1 and Policy 4.2.1.1 include guidance on consideration of amenity effects, not just health and safety effects as the relevant provisions in Section 9 do. Not referencing the relevant Section 4 provisions risks amenity effects not being given enough consideration as part of the assessment of resource consents.

582. This issue is proposed to be resolved by adding reference to Objective 4.2.1 and Policy 4.2.1.1 in the Section 4 assessment rules for contravention of the construction noise performance standard.

Proposed change and assessment

583. Change PHS6 proposes the following amendments, as shown in Appendix A:

- add a new noise limit table at Rule 4.5.4.1.a.iii for commercial and mixed use zones which have a higher noise limit in Rule 9.3.6 (CBD, WP, PPH, HE, CEC, SDLF, and TR) and at buildings housing a noise sensitive activity in industrial and Port zones;
- amend Rule 4.5.4.1.a.ii so it no longer covers commercial and mixed use zones and only applies to industrial and Port zones other than at buildings housing a noise sensitive activity;
- amend Rule 4.5.4.1.a.i to make consequential changes arising from the addition of Rule 4.5.4.1.a.iii and amendments to Rule 4.5.4.1.a.ii;

- amend Rule 4.5.4.1.a.ii to increase the limits for long-term duration construction in industrial and Port zones (except at buildings housing a noise sensitive activity) to be the same as for typical duration projects;
- add an exemption at Rule 4.5.4.1.X for short duration higher noise levels in industrial, Port, and commercial and mixed use zones to better enable anticipated large scale construction projects;
- amend the activity status for construction noise limit contraventions in Rule 4.5.4.1.c-d so that all contraventions of day-time limits in Port, industrial, and commercial and mixed use zones are discretionary;
- amend the activity status for construction noise limit contraventions in Rule 4.5.4.1.c-d so they cover contraventions of the Lmax limits specified in Rule 4.5.4.1.a.i;
- add a special information requirement rule at Rule 4.11.2 to provide details of a construction noise and vibration management plan that Council may require to assess applications;
- amend the assessment rule for discretionary performance standard contraventions in Rule 4.9.2.1 to apply to activities that are now discretionary, reference Objective 4.2.1 and Policy 4.2.1.1 as priority considerations, and refer to the new special information requirement in Rule 4.11.2;
- amend the assessment rule for non-complying performance standard contraventions in Rule 4.10.2.1 to no longer apply to activities that are now discretionary, reference Objective 4.2.1 and Policy 4.2.1.1 as priority considerations, and to refer to the new special information requirement in Rule 4.11.2;
- amend the assessment rule for discretionary performance standard contraventions in Rule 9.7.4.5 to apply to activities that are now discretionary; and
- amend the assessment rule for non-complying performance standard contraventions in Rule 9.8.2.6 to no longer apply to activities that are now discretionary.

Assessment against relevant objectives

584. The proposed changes to Rule 4.5.4.1 will more efficiently achieve Objective 4.2.1 by better enabling typical and long-term duration construction in commercial and mixed use zone environments and Port and industrial zones where higher noise levels are expected and where large-scale redevelopment is anticipated. The approach will minimise the situations where large developments may be subject to a non-complying activity status due to construction noise contraventions, reducing uncertainty for developers.

585. An increase in noise limits to allow noise levels of up to 80dB(A) for short duration activities, such as piling, that are part of typical and long-term duration projects, will provide more flexibility for the construction process. However, restriction of the exemption to 3 days during daytime hours will ensure that effects are minimised.

586. The revised rule settings for construction noise also include a discretionary status for daytime construction noise limit contraventions in Port, industrial, and commercial and mixed use

zones. This will provide a better balance between enabling construction activity within commercial environments and the protection of health and safety than the status quo.

587. Public health and safety will be maintained to achieve Objective 9.2.2 as noise limits at night and in environments where noise sensitive activities may be present will be matched to the relevant noise limits for the zone in Rule 9.3.6. Any noise limit contraventions at night by more than 5dB(A) will retain a non-complying activity status.

588. Additional assessment guidance, including a new special information requirement regarding construction noise and vibration management plans will encourage applicants to provide the necessary details with their resource consent applications to enable a thorough assessment and to ensure the best practicable options to mitigate and minimise noise are adopted.

589. Overall, the changes strike a good balance in terms of enabling anticipated construction activity while managing amenity and health and safety effects. This will ensure Objective 4.2.1 and Objective 9.2.2 are more effectively and efficiently achieved than under the status quo.

Alternative Option 1: Retain current noise limits but add 3-day exception

590. This option would retain the current noise limit tables in Rule 4.5.4.1 but add an exception for exceedances on up to 3 days per typical or long-term duration construction project. As for the proposal, this would allow daytime exceedances up to a limit of 80 dB LAeq (15 minutes) in the commercial and mixed use and industrial zones.

591. This option was rejected because it does not alter the underlying noise limit to recognise that commercial and mixed use zones such as the CBD are already higher noise environments, as indicated by Rule 9.3.6 for general noise. Therefore, this option is not the most effective to achieve the relevant objectives.

Alternative Option 2: Amend noise limits for commercial and mixed use zones without an exception

592. This option would add another noise limit table specifically for commercial and mixed use zones as for the proposal but without an exemption for short-term exceedances.

593. This option was rejected because it gives less flexibility than the proposal (which includes a 3-day exemption) and may not enable high-noise aspects of construction projects (e.g. piling) to be completed without a consent process. Therefore, this option is not the most effective to achieve the relevant objectives.

2.2.11 Construction vibration – Rule 4.5.4.1.b (Change TA3)

Purpose of proposal and scope of change

594. The purpose of Change TA3 is to correct the provisions for construction vibration (Rule 4.5.4.1.b Noise – Construction) to ensure the limits and assessment guidance are appropriate.

595. The scope of the change does not include review of construction noise limits (see Change PHS6).

Background and issues of concern

596. The 2GP permits construction as a temporary activity subject to a noise performance standard, which includes a limit on vibration at Rule 4.5.4.1.b. This approach is intended to achieve Plan objectives regarding health and safety and amenity including Objective 2.2.6 Public Health and Safety and Objective 4.2.1, as follows:

Objective 2.2.6 Public Health and Safety

The risk to people's health and safety from contaminated sites, hazardous substances, and high levels of noise or emissions is minimised.

Objective 4.2.1

Temporary activities are enabled while:

a. minimising, as far as practicable, any adverse effects on the amenity and character of the zone; and

b. ensuring any adverse effects on people's health and safety are minimised as far as practicable.

597. While currently not referenced in the construction vibration provisions, objectives 2.4.2 and 13.2.1 are also relevant in terms of protecting buildings or structures with significant heritage values from potential damage caused by vibration:

Objective 2.4.2 Heritage

Dunedin's heritage is central to its identity and is protected and celebrated as a core value of the city, through the heritage conservation and retention of important heritage items, and the maintenance and active use of built heritage.

Objective 13.2.1

Scheduled heritage buildings and structures are protected.

598. Rule 4.5.4.1.b for construction vibration states:

b. Vibration from construction must not exceed a maximum particle velocity measured on any foundation of an adjacent building on another site, or the same site if different ownership, of 25mm/second for commercial buildings or 10mm/second for buildings housing noise sensitive activities.

599. Noise sensitive activities are defined by the 2GP as follows:

Activities where people are more likely to be sensitive to a high level of noise because they are sleeping, studying, seeking medical treatment, or engaged in religious activity.
These consist of:

- *residential activities*
- *hospital*
- *campus*
- *schools*

- *early childhood education*
- *registered health practitioners*
- *visitor accommodation; and*
- *the following community and leisure activities: libraries, marae-related activities, activities that involve the provision of care for babies and pre-school children and places of worship.*

600. Two interrelated issues have been identified with the construction vibration rule, as outlined under the subheadings below. To assist in responding to these issues, DCC commissioned acoustics and vibration consultants, Styles Group, to review the Plan's approach to managing construction vibration effects (see Appendix C). Proposals to resolve the identified issues are based on the advice received from Styles Group with some amendments for Plan efficiency.

Issue 1: The vibration limits are too permissive to effectively manage adverse effects

601. The main issue of concern is that the permitted vibration levels for construction are approximately five times higher than required to effectively manage health and safety and amenity effects, including the potential for structural and cosmetic damage to buildings. The permitted level of vibration could cause significant disruption to noise sensitive activities during the daytime, and sleep disturbance at night.

602. A review of the 2GP background documents shows the vibration limit was incorrectly adopted from expert recommendations made for air blast vibration associated with mining or mineral exploration activities and not construction.

603. This issue is proposed to be resolved by replacing Rule 4.5.4.1.b with a new vibration performance standard that adopts Option 4 outlined by Styles Group in their report (see Appendix C) with amendments to align that option with the Plan's drafting style and to aid efficient implementation of the rule.

Issue 2: No assessment guidance for contravention of construction vibration limits

604. The second issue of concern is that no activity status is specified for contravention of the construction vibration limits and no assessment guidance is provided.

605. Potential effects of vibration on amenity and health and safety depend on the level of vibration, the time of day that the vibration occurs, the frequency of the vibration, whether the vibration is steady and continuous or transient and intermittent, how often it occurs, its total duration, and the construction and sensitivity of receiving buildings (including whether they have significant heritage values). As such, assessment criteria should require this information to be provided with applications.

606. For buildings susceptible to damage from vibration in the surrounding environment, an evaluation of the potential for damage, and details of vibration monitoring and pre- and post-construction condition assessments should also be provided as part of an application for resource consent.

607. This issue is proposed to be resolved by adding a rule specifying the activity status for contravention of the proposed vibration limits along with corresponding assessment rules and a link to a special information requirement detailing what information should be provided with an application.

Proposed change and assessment

608. Change TA3 amends the following provisions, as shown in Appendix A:

- Delete Rule 4.5.4.1.b on construction vibration so that it can be addressed as an independent performance standard from construction noise;
- Amend the heading of Rule 4.5.4.1 to make clear that the rule is now only about noise, reflecting the addition of a new subrule for construction and site investigation vibration;
- Add Rule 4.5.4.X on construction and site investigation vibration (to sit directly after Rule 4.5.4.1) to set vibration limits that will ensure effects on amenity and health and safety (including the potential for damage to buildings and structures) will be appropriately managed, based on Option 4 outlined in the expert advice from Styles Group (see Appendix C);
- Add 'PPV' (peak particle velocity) to the list of abbreviations in Section 1.4.2 of the Plan;
- Add Rule 4.9.2.X for the assessment of discretionary construction and site investigation vibration contraventions;
- Add Rule 4.10.2.X for the assessment of non-complying construction and site investigation vibration contraventions;
- Add Rule 4.11.2 for a special information requirement to outline the details for a construction noise and vibration management plan that may be required by Council to enable assessment of applications (see also Change PHS6 regarding construction noise);
- Add Policy 13.2.1.10 regarding the management of vibration effects on scheduled heritage buildings and structures;
- Add Rule 13.7.3.1 for the assessment of discretionary vibration performance standard contraventions regarding effects on scheduled heritage buildings and structures; and
- Add Rule 13.8.4.3 for the assessment of non-complying vibration performance standard contraventions regarding effects on scheduled heritage buildings and structures.

Assessment against relevant objectives

609. The proposed performance standard adopts Option 4 outlined in the expert advice from Styles Group (Appendix C). However, to avoid unnecessary technical complexity, keep the standard clear to Plan users, and support effective implementation, the proposal has been simplified. The simplification involved removal of separate building damage limits for unoccupied

buildings by applying the amenity-based limits to all buildings. This change was made primarily because the wording of the building damage limits in Option 4 in the Styles Group report was not sufficiently certain for a permitted activity performance standard (see also the assessment of alternative options below).

610. The simplified approach to the vibration standard will not increase the potential for building damage effects arising from permitted activity because the vibration limits required to manage amenity effects are lower than the limits required to manage building damage. The approach also recognises that in most locations with buildings in the surrounding environment it is highly likely that at least one will be occupied, and vibration levels will need to be lower to manage amenity effects. Where the amenity-based vibration limits are contravened, the potential for building damage, be it cosmetic or structural, can be considered as part of the assessment of the application.

611. As part of simplifying the approach, the exemption for higher vibration activities of short duration was removed. This was because the exception was set at a level that could cause building damage, especially to sensitive buildings, and a condition that would manage this (requiring compliance with the German Standard for building damage) had the same limitations as other parts of Option 4. However, any increase in resource consent application numbers arising from this approach will likely be offset by the benefits of a clear, certain, and easily implemented rule, and of minimising potential adverse effects.

612. By providing additional assessment rules, including a new special information requirement regarding construction noise and vibration management plans, the proposed change will also minimise uncertainty for Plan users about what information to provide with an application. This will decrease the potential for processing delays arising from requests for further information, improving Plan efficiency.

613. Overall, the proposed changes offer a high degree of certainty that permitted construction and site investigation vibration will minimise adverse effects on health and safety and amenity due to annoyance, sleep disturbance, or cosmetic or structural building damage, including to scheduled heritage buildings and structures. Therefore, the proposed changes will ensure objectives 2.2.6, 4.2.1, 2.4.2 and 13.2.1 are much more effectively and efficiently achieved than under the status quo.

Alternative options

Options 1 & 2 outlined in the expert advice from Styles Group (see Appendix C)

614. Options 1 and 2 in the Styles Group report would provide clear limits on vibration levels in terms of amenity effects (for occupied buildings). Regarding building damage effects (for unoccupied buildings), the options referred to compliance with the German Industrial Standard DIN 4150-3:2016 in full. Option 2 also granted an exemption for construction activities generating higher levels of vibration (up to 5mm/s) to be carried out under specific conditions.

615. While these options would be technically correct in terms of requiring compliance with the German Industrial Standard DIN 4150-3:2016 to ensure no building damage occurs, they would not be certain and clear enough to set up a permitted activity standard. Plan users

would need to navigate the entire German standard to determine if consent is required, which may be difficult considering its technical content and complexity. Therefore, these options were rejected.

Options 3 & 4 outlined in the expert advice from Styles Group (see Appendix C)

616. Options 3 and 4 in the Styles Group report would provide clear limits on vibration levels in terms of amenity effects and clearer limits in terms of building damage effects compared to Options 1 and 2 outlined above. This is achieved via building the requirements of DIN 4150–3:2016 into the proposed performance standard. Option 4 also granted a similar exemption to higher vibration construction activities as provided by Option 2.

617. While these options would be technically correct in terms of ensuring compliance with the German Industrial Standard DIN 4150-3:2016 by providing clear thresholds for permitted vibration, other elements remained unclear. The classification of different types of structure to which the limits apply, and the definitions of activity durations were ambiguous and would not be clearly understood by Plan users. Therefore, these options were rejected.

2.2.12 Off-site storage and offices for construction and temporary works (Change TA4)

Purpose of proposal and scope of change

618. The purpose of Change TA4 is to review whether to provide for the use and storage of relocatable construction site offices, plant, tools, gear or materials associated with the operation, maintenance or development of network utilities, the transport network, or general construction activity, including when they are not located on the same site as the works being undertaken.

Background and issues of concern

619. The Plan generally provides for 'construction', 'operation, repair, minor upgrading and maintenance of existing network utilities' and 'underground or internal network utilities' activities as well as 'operation, repair and maintenance of the roading network' subject to performance standards such as those for noise and light spill.

620. This enabling approach is to support activities that are important for economic productivity, social well-being, and the efficient operation of the city, as directed by strategic objectives 2.3.1 and 2.7.2, as follows:

Objective 2.3.1 Land and Facilities Important for Economic Productivity and Social Well-being

Land, facilities and infrastructure that are important for economic productivity and social well-being, which include industrial areas, major facilities, key transportation routes, network utilities, and productive rural land:

a. …

b. in the case of facilities and infrastructure, are able to be operated, maintained, upgraded and, where appropriate, developed efficiently and effectively.

Objective 2.7.2 Efficient Transportation

The multi-modal land transport network, including connections between land, air and sea transport networks operates safely and efficiently.

621. This approach in the Plan's strategic directions is implemented by the following objectives in sections 4 (Temporary Activities, which includes construction), 5 (Network Utilities) and 6 (Transportation) as below:

Objective 4.2.1

Temporary activities are enabled while:

a. minimising, as far as practicable, any adverse effects on the amenity and character of the zone; and

b. ensuring any adverse effects on people's health and safety are minimised as far as practicable.

Objective 5.2.1

The benefits of network utility activities, including renewable energy generation activities, are recognised by enabling them to establish, operate and upgrade efficiently and effectively, while:

a. achieving the amenity and character objectives for the zone, to the degree practicable; and

b. achieving the relevant objectives and policies for any applicable overlay zone, scheduled site, or mapped area, for those areas.

Objective 6.2.1

Transportation infrastructure is designed and located to ensure the safety and efficiency of the transport network for all travel modes 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.

622. The activity definitions relevant to Change TA4 are construction; operation, repair, minor upgrading and maintenance of existing network utilities; underground or internal network utilities; and operation, repair and maintenance of the roading network, as follows:

Construction

The use of plant, tools, gear or materials as part of the erection, installation, repair, maintenance, alteration, dismantling or demolition of any building or structure; or site development. This definition includes all work from site preparation to site restoration.

This definition does not include any resultant buildings, structures or site development activities (including demolition or removal for relocation), which are separately defined under development activities or city-wide activities.

Construction is an activity in the temporary activities category.

Operation, Repair, Minor Upgrading and Maintenance of Existing Network Utilities

Activities associated with the operation, repair, maintenance and minor upgrading of any existing network utility structures, systems or services. For the sake of clarity, this includes trimming and pruning of vegetation necessary to protected electricity lines (required to meet the Electricity (Hazards from Trees) Regulations 2003).

…

Operation, repair, minor upgrading and maintenance of existing network utilities is an activity in the network utility activities category.

Underground or Internal Network Utilities

Network utility structures that are located:

a. underground; or

b. entirely within a building except that the following structures may be external:

i. pipes transitioning to an internal utility; and

ii. minor external protrusions, such as vents and chimneys, associated with an internal utility.

Underground or internal network utilities are an activity in the network utility activities category.

Operation, Repair and Maintenance of the Roading Network

The use of the road for transport-related activity by all travel modes and the maintenance and minor upgrade of roads. For the sake of clarity, this includes:

- *road widening or realignment within an existing formed road corridor or legal road reserve*
- *installation and replacement of road signs, street lighting, landscaping, parking meters and other ancillary structures or features*
- *on-road bus stops where up to four bus stops are co-located; and*
- *temporary traffic management.*

This definition excludes activities otherwise defined as:

- *public amenities*
- *commercial advertising*
- *mobile trading*
- *passenger transportation hubs; and*
- *network utilities.*

Operation, repair and maintenance of the roading network is an activity in the transportation activities category.

623. The issue of concern is that the activities outlined above may require storage of related materials (e.g. gravel for road maintenance or pipes for stormwater upgrades), tools,

machinery, and relocatable site offices on sites other than where the activity is occurring. However, the storage and use of such items off-site is not included as part of the activity definitions, so is treated separately under other activity definitions that typically have a stricter activity status (e.g. industry). This approach does not align with the objectives of the Plan outlined above to enable activities that are important for economic productivity and social well-being.

624. This issue is proposed to be resolved by adding the use or storage of materials, equipment, or relocatable site offices (either on-site or off-site) to the definitions of 'operation, repair, minor upgrading and maintenance of existing network utilities', 'underground or internal network utilities', and 'operation, repair and maintenance of the roading network', and 'construction'.

625. To ensure that the adverse effects of the proposed changes are appropriately managed, new performance standards are proposed to restrict the duration and frequency of these activities when undertaken off-site. Associated assessment rules and new policies are also proposed to support the assessment of applications.

626. Examples of cases where this issue has occurred are outlined below.

Example 1: Underground or internal network utilities, operation, repair, minor upgrading and maintenance of existing network utilities, and construction

627. As part of a large project to renew the existing 3 waters pipes in Sawyers Bay, Downer Group NZ planned to store pipes used in the project in the vicinity at a vacant residential zoned lot (10 Mill Street) along with a small relocatable office comprised of two shipping containers. Downer planned to carry out this project in approximately 10 months.

628. While the main activity was treated as an underground or internal network utilities activity with a permitted activity status, the activity on the vacant residential zoned lot was treated as industry with a non-complying activity status. This resulted in the operations at 10 Mill Street having to cease and move to the road reserve.

629. Similar situations could occur with the operation, repair, minor upgrading and maintenance of existing network utilities, or construction.

Example 2: Operation, repair and maintenance of the roading network

630. Off-site temporary storage of gravel and waste material is common for transport network operation, repair and maintenance. For example, Fulton Hogan has used some of the Council's reserves or recreation sites as yards for their roadwork projects across the city (e.g. Recreation zoned land at 50 Three Mile Hill Road).

631. While the main activity has been treated as operation, repair and maintenance of the roading network with a permitted activity status, the activity on the recreation zoned land was treated as industry, which has a non-complying activity status. Therefore, DCC requested Fulton Hogan to either apply for resource consent or stop the work and remove the gravel or chip stockpile storage from the site.

Proposed change and assessment

632. Change TA4 proposes amendments to the following provisions, as shown in Appendix A:

- Amend the following definitions to provide for the use and storage of materials or relocatable site offices either on-site or off-site as part of the same activity:
    - Construction
    - Operation, repair, minor upgrading and maintenance of existing network utilities
    - Underground or internal network utilities; and
    - Operation, repair and maintenance of the roading network
- Amend Rule 4.3.2.2 to add a reference to a new performance standard for maximum duration, frequency and site restoration in the activity status table for construction
- Amend the following rules to add references to new performance standards for maximum duration, frequency and hours of operation in the activity status tables:
    - Rule 5.3.2.2 for operation, repair, minor upgrading and maintenance of existing network utilities
    - Rule 5.3.2.3 for underground or internal network utilities
    - Rule 6.3.2.1 for operation, repair and maintenance of the roading network
- Add Rule 4.5.3.4 as a new performance standard for maximum duration, frequency, and site restoration applying to construction to restrict the duration, frequency, and hours of operation of the off-site use and storage of plant, tools, gear, materials or relocatable site offices
- Add Rule 5.5.12 as a new performance standard for maximum duration, frequency, and hours of operation applying to the operation, repair, minor upgrading and maintenance of existing network utilities and underground or internal network utilities to restrict the duration, frequency, and hours of operation of the off-site use and storage of plant, tools, gear, materials or relocatable site offices
- Add Rule 6.5.3 as a new performance standard for maximum duration, frequency, and hours of operation applying to the operation, repair and maintenance of the roading network to restrict the duration, frequency and hours of operation of the off-site use and storage of plant, tools, gear, materials or relocatable site offices
- Add the following assessment rules for contravention of the performance standards for maximum duration, frequency, and hours of operation, with discretion to consider effects on the amenity of surrounding sites:
    - Rule 5.7.3.Y
    - Rule 6.10.4.3

- Amend Policy 5.2.1.3 to also include 'operation, repair, minor upgrading and maintenance of existing network utilities' to guide the assessment of performance standard contraventions; and
- Add Policy 6.2.1.X to guide the assessment of performance standard contraventions for operation, repair, minor upgrading and maintenance of existing network utilities.

Assessment against relevant objectives

633. By building 'off-site storage of plant, tools, gear, materials or relocatable site offices' into the definition of 'Construction' and 'Operation, repair, minor upgrading and maintenance of existing network utilities', 'Underground or internal network utilities' and 'Operation, Repair and Maintenance of the Roading Network' the proposal ensures the Plan's objectives to ensure facilities and infrastructure important for economic productivity are able to be operated, maintained, upgraded and developed (objectives 2.3.1 and 2.7.2) will be more effectively and efficiently achieved.

634. The proposed change simultaneously offers new or amended performance standards, assessment rules and policies to limit the duration and frequency of off-site storage. This approach will ensure the potential adverse effects will adequately be managed in line with the relevant objectives for temporary activities, network utilities and transportation (objectives 4.2.1, 5.2.1 and 6.2.1 respectively). This ensures the proposal strikes a good balance between enabling these activities and managing their adverse effects.

635. The proposed changes will also result in bridging a gap in the Plan in terms of necessary ancillary activities to operation, maintenance, and upgrade of key infrastructure in the city and provide more certainty for Plan users.

636. No alternative options to the proposal or status quo were identified or assessed.

2.3 Residential and Subdivision Changes

637. This section assesses change proposals which directly impact the management of residential land use and development, and general subdivision.

2.3.1 Shape performance standards for subdivision (Change CP8)

Purpose of proposal and scope of change

638. The purpose of Change CP8 is to clarify:

- whether the shape performance standards across the Plan should be amended to apply to resultant sites that contain existing development (not just to sites that are "intended to be developed");
- the relationship between the shape performance standards and their guiding Policy 2.4.1.8;
- the assessment rules that apply when these performance standards are contravened, to ensure that they address all potential types of contravention and appropriately guide assessments; and

- the shape performance standards and assessment rules to be clearer and more consistent with each other.

Background and issues of concern

639. The shape performance standards, which appear throughout the management zones and Campus Zone sections of the Plan, require resultant sites to be of a size and shape to ensure that future land use and development can comply with the relevant performance standards.

640. This requirement is intended to ensure that, irrespective of whether subdivision or development is undertaken first, the outcome and effects that the Plan enables will be the same. Such an approach ensures that the relevant objectives of the Plan cannot be undermined based only on the order in which development and subdivision take place.

641. As the shape performance standards manage a range of different effects across various zones, the policy setting up this method sits in the strategic directions at Policy 2.4.1.8, as follows:

Policy 2.4.1.8

*Require subdivision to be designed to ensure any future land use or development is able to meet the performance standards in the zone, or where in a **structure plan mapped area**, reflects the requirements of the **structure plan mapped area** performance standards, unless:*

a. a resource consent is approved for a development that does not meet the performance standard and the subdivision is intended for and capable of providing for that approved development; or
b. the resultant site is required for:
i. a Scheduled ASBV; or
ii. a QEII covenant; or
iii. a reserve; or
iv. an access; or
v. a utility; or
vi. a road.

642. Policy 2.4.1.8 sits under Objective 2.4.1 as the most relevant strategic objective. However, other objectives are also relevant depending on the performance standard that is being considered as part of applying the shape performance standard. Objective 2.4.1 seeks the protection and enhancement of elements of the environment that contribute to residents' and visitors' aesthetic appreciation for and enjoyment of the city.

643. An example of the shape performance standard, Rule 15.7.6 from the residential zones section, is given below. It is noted that there is some variation in the content of the shape performance standards across the Plan sections, which resulted from various submissions made on the 2GP:

15.7.6 Shape

1. Each resultant site that is intended to be developed must be of a size and shape that is large enough to contain a building platform of at least 7m by 10m that meets the performance standards of this Plan including, but not limited to:

   a. *outdoor living space;*
   b. *setbacks from boundaries, water bodies, scheduled trees; and*
   c. *esplanade reserves or strips.*
2. *Building platforms must have a slope of 12° (1:4.7 or 21%) or less and must:*
   a. *not contain scheduled heritage buildings or scheduled heritage structures; or*
   b. *not contain right-of-way easements.*
3. *For unreticulated areas, resultant sites must provide for a wastewater disposal area to be located at least 50m from any water body and Mean High Water Springs.*
4. *Sites created and used solely for the following purposes are exempt from the shape standard:*
   a. *Scheduled ASBV or QEII covenant;*
   b. *reserve;*
   c. *access;*
   d. *network utility; or*
   e. *road.*
5. *Subdivision activities that do not meet this standard are restricted discretionary activities.*

644. The shape performance standards link the requirement to comply with other performance standards in the Plan with the need to provide a building platform with minimum dimensions, maximum slope, and without encumbrances that would limit development. This is to ensure that applicants do not propose infeasible building platforms as a way of complying with the rule.

Issue 1: Existing development on resultant sites does not need to comply with performance standards

645. Separate to the shape performance standard for subdivision, the Plan contains development performance standards which apply when new development activities are undertaken (but these do not apply to existing development). These development performance standards apply a range of controls to achieve objectives across the management zones and city-wide provisions. Examples include requirements for boundary setbacks and maximum building site coverage and impermeable surfaces.

646. The development performance standards would not apply at the time of subdivision without the shape performance standard. The shape performance standard recognises that while subdivision itself has limited direct effects on the environment, it does change the potential for future land use and development on the resultant sites.

647. The issue of concern is that the shape performance standards only apply to resultant sites that are “intended to be developed”. However, some resultant sites can contain existing development that would not comply with the development performance standards if it was built after the subdivision, because of the size of the resultant site and/or the location of the new boundaries.

648. For example, a larger site with a house built towards the front could be subdivided in two and the boundary could be located closer to the existing dwelling than would be permitted if the dwelling was being built after the subdivision when the setback performance standards apply.

649. Similarly, the resultant site with the house already on it could have a larger area of hard surfacing than permitted by the impermeable surfaces performance standard, if the hard surfacing was being installed after the subdivision.

650. This issue means that Council's ability to manage the effects arising from subdivision around existing development are constrained and the relevant objectives, such as those on character and amenity and the efficiency and effectiveness of 3 waters infrastructure, cannot be effectively achieved. This issue occurs frequently, so there is potential for unacceptable cumulative effects over time.

651. Examples of recent consents where this issue has occurred include SUB-2023-19, SUB-2023-104 and SUB-2023-107, but this is not an exhaustive list.

652. This issue is proposed to be resolved by amending the shape performance standards throughout the Plan to apply to existing development and not just potential future development.

653. Other minor changes are also proposed to the shape performance standards to provide greater clarity, such as adding 'maximum building site coverage and impermeable surfaces' and 'structure plan mapped area performance standards' to the list of examples of performance standards that must be complied with, and exempting resultant sites containing scheduled heritage buildings or structures rather than requiring building platforms to not contain these developments. A minor consequential change to Policy 2.4.1.8 is also required so that it does not just apply to future land use or development, but also to existing development.

Issue 2: Policy 2.4.1.8 does not address all requirements that are included in the shape rules

654. The second issue of concern is that Policy 2.4.1.8, which sets up the shape performance standard method across the Plan, is not broad enough to capture all details of the performance standards across the Plan. This has occurred due to changes to some shape performance standards in response to submissions on the 2GP.

655. Examples of inconsistencies include that the policy does not cover the requirement to enable sufficient area for wastewater disposal in unserviced areas, and it does not cover all circumstances where a subdivision is exempt (due to changes to the rural version of the rule as part of 2GP decisions).

656. In addition, the policy requirement to comply with structure plan mapped area performance standards is not well-reflected in the performance standards.

657. This issue is proposed to be resolved by amending Policy 2.4.1.8 to mention the wastewater disposal requirements and to be more general in terms of when the exemption applies (rather than listing them). The performance standards are also proposed to be amended to explicitly require compliance with structure plan mapped area performance standards, where that zone contains such provisions.

Issue 3: Assessment rules do not address all shape requirements and possible contraventions

658. A further issue of concern is that the assessment rules for contravention of the shape performance standards do not provide guidance on all possible contraventions. For example, Rule 15.10.5.6 is the assessment rule for contravention of the shape performance standard in the residential zones (Rule 15.7.6 – see above). This rule only provides guidance on how to assess consents based on what performance standard the site shape does not provide for compliance with, or for contravention of the slope requirement for building platforms.

659. Issues identified with Rule 15.10.5.6 include:

- Guidance is missing for when a building platform does not meet the design requirements other than slope (e.g. minimum dimensions and presence of a right of way easement), and for the requirement to provide for on-site wastewater disposal in unreticulated areas; and
- The matters of discretion that are referred to are listed under general assessment guidance, which does not constitute a Plan rule.

660. This issue is proposed to be resolved by splitting the shape assessment rules into multiple rows to cover the various types of contraventions, and by stating the matters of discretion in the rule, rather than in the general assessment guidance.

Issue 4: Rule content varies across the Plan sections without clear reasons

661. There are several variations to the shape performance standard and their assessment rules across different Plan sections. While some of these variations arose from changes in response to submissions on the 2GP, other variations were carried through from the notified version of the 2GP without clear reasons. These variations may have occurred due to different reporting officers developing each Plan section.

662. The variations that have been identified are:

- the rural provision (Rule 16.7.5) was amended in response to 2GP submissions to include extra exceptions to the rule for sites created for conservation, Reserves Act agreements, heritage covenants, and protection of scheduled heritage items;
- the rural provision (Rule 16.7.5) is the only one that requires the building platform to not contain esplanade reserves and strips, even though the esplanade reserves and strips performance standard must be complied with separately as part of the rule;
- the industrial and recreation provisions (rules 19.7.5 and 20.7.5) apply a limited set of performance standards that the shape of the site must provide for, rather than requiring compliance with all performance standards of the Plan as the other versions of the rule do;
- the Recreation Zone performance standard (Rule 20.7.5) does not set any design requirements for the building platform, such as maximum slope and a requirement not to contain right-of-way easements, and does not set any requirement to provide for wastewater disposal in unreticulated areas as other versions of the rule do;

- the reference to the esplanade reserves and strips performance standard is incorrectly referenced in several of the rules, but not all;
- the wording of the contravention clause does not align with the 2GP Style Guide in most instances, while some do; and
- some assessment rules repeat clauses with similar meaning to clauses in the same assessment rule or other assessment rules but using different words.

663. This issue is proposed to be resolved by making the shape performance standards more consistent with each other to aid application and interpretation of the rule across the zones and to ensure the objectives are more effectively achieved.

Issue 5: Building platform should not contain any easements, not just right-of way easements

664. Most of the shape performance standards require a building platform that does not contain right-of-way easements. However, the building platform should not contain any easements, as these can impact the feasibility of the building platform and the ability of the site to meet the performance standards in the Plan, as required by Policy 2.4.1.8.

665. This issue is proposed to be resolved by amending the shape performance standards so that the required building platform must not contain any easements.

Proposed change and assessment

666. Change CP8 proposes the following changes, as shown in Appendix A:

- Amend Policy 2.4.1.8 so that it applies to existing development, includes the need to provide a wastewater disposal area in unreticulated areas, and to replace the detailed list of exceptions with a more general description;
- Amend the following shape performance standards to apply to existing development and make amendments for consistency in the rule across the Plan:
    - Rule 15.7.6
    - Rule 16.7.5
    - Rule 17.7.6
    - Rule 18.7.5
    - Rule 19.7.5
    - Rule 20.7.5
    - Rule 34.7.5
- Add notes to plan users at the end of each of the shape performance standards to clarify the requirements regarding wastewater disposal in unserviced areas, as follows:
    - Note 15.7.6A
    - Note 16.7.5A

- Note 17.7.6A
- Note 18.7.5A
- Note 19.7.5A
- Note 20.7.5A
- Note 34.7.5A

- Amend and add assessment rules for the shape performance in the following sections of the Plan to ensure all contraventions are covered and to ensure that matters of discretion are listed in the rules and not the general assessment guidance:
  - Amend Rule 15.10.5.6
  - Add Rule 15.10.5.7
  - Add Rule 15.10.5.8
  - Amend Rule 16.9.5.4
  - Add Rule 16.9.5.4A
  - Add Rule 16.9.5.4B
  - Amend Rule 17.9.5.5
  - Add Rule 17.9.5.6
  - Add Rule 17.9.5.7
  - Amend Rule 18.9.5.5
  - Add Rule 18.9.5.6
  - Add Rule 18.9.5.7
  - Amend Rule 19.9.5.5
  - Add Rule 19.9.5.6
  - Add Rule 19.9.5.7
  - Amend Rule 20.9.5.5
  - Add Rule 20.9.5.6
  - Add Rule 20.9.5.7
  - Amend Rule 34.9.5.5
  - Add Rule 34.9.5.X
  - Add Rule 34.9.5.Y
- Add Rule 9.5.3.12 for the assessment of the wastewater disposal area element of the shape performance standards, referring to existing Objective 9.2.1 and Policy 9.2.1.1 to guide the assessment;

- Delete the suite of provisions requiring minimum landscaping at the time of subdivision, which were added via Variation 2 to ensure existing development had to comply with minimum landscaping requirements at the time of subdivision, as this is now captured by the amended shape performance standard, including the following provisions:
    - Rule 15.3.5.1.h in the subdivision activity status table
    - Rule 15.3.5.2.i in the subdivision activity status table
    - Rule 15.7.8, the minimum landscaping performance standard
    - Rule 15.10.6.10, second bullet-point, applying the assessment rule to contravention of the minimum landscaping performance standard; and
- Amend Rule 15.10.5.4 for the assessment of contravention of minimum site size in the residential zones to update the paraphrasing of Policy 2.4.1.8 as a result of its amendment.

Assessment against relevant objectives

667. Change CP8 makes important changes to ensure that development will comply with the performance standards of the Plan irrespective of whether it occurs before or after subdivision. This approach will resolve a loophole in the Plan that is currently enabling subdivisions that may compromise the achievement of objectives for amenity and stormwater management (amongst others) across the Plan.

668. Changes to resolve other issues with the shape performance standards are more administrative in nature and will ensure a consistent approach across the Plan sections, between Policy 2.4.1.8 and the rule content, and to ensure that the assessment of consent applications is correctly guided, without gaps in the matters of discretion.

669. Changes to Policy 2.4.1.8 to accurately reflect the purpose and content of the shape performance standard are minor in nature.

670. Overall, the changes will ensure that Objective 2.4.1, which seeks the protection and enhancement of elements of the environment that contribute to residents' and visitors' aesthetic appreciation for and enjoyment of the city, will be more effectively and efficiently achieved. Other objectives relevant to amenity outcomes in the relevant zone provisions will also be more effectively and efficiently achieved.

671. Objectives relating to other outcomes that are relevant to the performance standards that the shape of a new site must provide for will also be more effectively and efficiently achieved. These include objectives for the affordable and efficient provision of public infrastructure, including Objective 2.7.1, which is relevant to stormwater management and compliance with the impermeable surfaces standard. DCC 3 Waters is supportive of the proposed change in this regard (see Appendix C).

672. Changes to ensure that guidance is provided for contravention of the requirement to provide for a wastewater disposal area in unreticulated areas will ensure that any effects on the efficiency and affordability of wastewater infrastructure are considered. This will assist in

achieving Objective 9.2.1 and associated strategic directions at Objective 2.7.1 and Policy 2.7.1.3, which seek to avoid future pressure for unplanned expansion of public infrastructure, which may arise if sites in unreticulated areas are not designed to accommodate a wastewater disposal area.

673. Aukaha reviewed this proposal and no changes were requested. Some minor changes were made in response to feedback from ORC.

2.3.2 Integrated transport assessments for subdivisions (Change CP16)

Purpose of proposal and scope of change

674. The purpose of Change CP16 is to review whether to require integrated transport assessments for subdivisions to ensure Objective 6.2.3 on the safety and efficiency of the transport network is more effectively achieved.

Background and issues of concern

675. Subdivision that complies with the relevant performance standards is typically a restricted discretionary activity across the zones and subject to assessment rules and policies regarding effects on the safety and efficiency of the transport network. This approach applies irrespective of the scale of subdivision, which can range from small 2-lot infill subdivisions to subdivisions of 12 or more lots where a road may be required, through to larger and more complex subdivisions involving large greenfield rezoning areas that have the potential to generate large amounts of traffic once developed. The subdivision assessment guidance and policies for transportation considerations are found in Section 6 of the Plan.

676. In addition, some large greenfield residential zoned areas of land have been identified as 'structure plan mapped areas' and have requirements for provision of an integrated transport assessment as part of a subdivision application (e.g., Rule 15.8.19.2 for the Ayr Street structure plan mapped area).

677. Some large greenfield residential zoned areas of land have also been identified as a 'new development mapped area', with more detailed assessment rules for subdivision in the New Urban Land Provisions in Section 12 of the Plan. However, none of these additional assessment rules currently relate to transport effects.

678. At the time of subdivision, both within and outside new development mapped areas, Objective 6.2.3 is of primary relevance in terms of transport effects, as it relates to the applicable matter of discretion 'effects on the safety and efficiency of the transport network'. The objective reads as follows:

Objective 6.2.3

Land use, development and subdivision activities maintain the safety and efficiency of the transport network for all travel modes and its affordability to the public.

679. The policies that implement this objective for all subdivision are Policy 6.2.3.9, Policy 6.2.3.Y and Policy 6.2.3.12, as set out below. These are referenced in the two key assessment rules that apply to all subdivision (Rule 6.11.2.7 for all subdivision activities, and Rule 6.11.2.8 for subdivision activities that include a new road). Note that Policy 6.2.3.12 includes aspects that

also relate to accessibility (clause b), as it is relevant to managing effects on the safety and efficiency of the transport network.

Policy 6.2.3.9

Only allow land use and development activities or subdivision activities that may lead to land use or development activities, where:

- *a.* *adverse effects on the safety and efficiency of the transport network will be avoided or, if avoidance is not practicable, adequately mitigated; and*
- *b.* *any associated changes to the transportation network will be affordable to the public in the long term.*

Policy 6.2.3.Y

Require subdivision activities to provide for new roads where:

- *a.* *any proposed vehicle accessway will service more than 12 residential sites, or a development with an equivalent amount of vehicle trip demand, unless the location or design of the subdivision makes this inappropriate;*
- *b.* *it is necessary to provide connectivity to potential future urban growth areas in the surrounding environment; or*
- *c.* *it is otherwise necessary to support the safe and efficient operation of the transport network.*

Policy 6.2.3.12

Only allow subdivision activities where roads, private ways and pedestrian and cycling connections are appropriate to the scale and location of the subdivision and are designed to:

- *a.* *provide for the safe and efficient movement of vehicles, pedestrians and cyclists within the subdivision;*
- *b.* *provide connections to surrounding areas and the wider transport network, particularly for buses, pedestrians, and cyclists, in a way that maximises opportunities for active mode and public transport connections to existing or planned:*
  - *i.* *centres, public open spaces, schools, cycleways, walkways, public transport stops, and community facilities in the surrounding environment; and*
  - *ii.* *neighbouring urban land, including by providing appropriate connections to undeveloped land, whether zoned for future urban use or not, unless that land is inappropriate for urban development, based on the presence of overlay zones or mapped areas protecting significant values or indicating significant site constraints such as natural hazards; and*
- *c.* *use materials that provide good urban design outcomes and, where infrastructure is to be vested in Council, provide good value with respect to on-going costs to ratepayers for maintenance.*

680. Some subdivision activity may also meet the definition of ‘high trip generators’, which triggers an additional assessment process (see Rule 6.11.2.2) including a potential requirement for an integrated transport assessment to be provided (see Rule 6.14.2).

681. The relevant part of the high trip generators definition is "any activities that generate 250 or more vehicle movements per day". Advice from DCC Transport is that this threshold is triggered by larger scale subdivisions, e.g., residential subdivision of 35 lots or more (see Appendix C). Transport's calculation of whether the threshold is exceeded is based on application of New Zealand Transport Agency Research Report 453 (2011)[37].

682. Advice from DCC Transport also states that it can be desirable to require an ITA for subdivision of smaller areas that do not meet the definition of high trip generators, especially where there are existing issues in the surrounding transport network, there is a need to consider accessibility by all transport modes (not just private car), or where access to commercial subdivisions needs to be addressed (see Appendix C).

683. Therefore, the issues of concern for the subdivision of large greenfield areas, and for other subdivisions where transportation effects may be of concern, are:

- the assessment rules that apply to subdivision do not identify the potential for DCC to require an integrated transport assessment, unless specifically required by structure plan provisions for the site, or in the rare event that the high trip generator provisions are triggered. Only seven out of the 26 residential structure plan mapped areas currently contain a requirement for ITAs to be provided; and
- where integrated transport assessments will assist Council's assessment of an application due to the potential effects on the transport network, ITAs are best provided with an application. Therefore, it would assist Plan users if the Plan was clearer about when an ITA is likely to be required to help avoid delays in the processing of subdivision consent applications.

684. These issues are proposed to be resolved by:

- Adding new general assessment guidance to Rule 6.11.2.7 for all subdivision setting out that Council may require an ITA for subdivision, linking to the special information requirement in Rule 6.14.2; and
- Amend Rule 6.14.2 on ITAs so that it applies to subdivision in accordance with the previous point, not just high trip generators as at present.

<u>Proposed change and assessment</u>

685. Change CP16 proposes to amend the following provisions, as shown in Appendix A:

- Amend Rule 6.11.2.7 for the assessment of all subdivision to state that DCC may require an ITA to be submitted with an application, with a link to the special information requirement for ITAs in Rule 6.14.2; and
- Amend Rule 6.14.2 (special information requirement) to include details regarding ITAs for subdivision.

[37] See Table C.1: [Research Report 453. Trips and parking related to land use (nzta.govt.nz)]()

Assessment against relevant objectives

686. The changes proposed as part of Change CP16 will ensure that integrated transport assessments can be required by DCC for subdivision applications where a more detailed assessment of the effects on the safety and efficiency of the transport network will be needed.

687. The reference from the assessment rules for subdivision to the special information requirement Rule 6.14.2 on what information should be provided in an ITA will provide guidance to applicants on Council's expectations, improving certainty and reducing the risk of delays during the processing of applications.

688. The adjustments to the wording of Rule 6.14.2 will preserve some flexibility to enable the scope and detail of ITAs to be adapted to the specific situation to aid in the efficiency of the rule.

689. An ITA will not be automatically required for subdivision, instead leaving Council discretion to require one based on the nature and scale of the proposal and issues in the surrounding transport network. This approach aligns with advice received from DCC Transport (see Appendix C).

690. Overall, the proposed changes will help to more effectively achieve Objective 6.2.3 while giving DCC Transport discretion to target the ITA requirements as required for efficiency.

2.3.3 Amend boundary setbacks for structures in residential and Ashburn Clinic zones (Change D1)

Purpose of proposal and scope of change

691. The purpose of Change D1 is to review whether it is appropriate to allow water and other storage tanks in boundary setbacks, and whether it is appropriate to allow other structures in road boundary setbacks, in residential zones and the Ashburn Clinic Zone.

692. The following types of structures are managed under other Plan provisions and are outside the scope of this review:

- Any structures defined in the Plan as 'building utilities', such as roof-mounted water (pressure) tanks, or gas bottles; or
- Any structures defined in the Plan as 'network utility structures', such as tanks for the treatment, supply, or distribution of water or for the drainage and treatment of stormwater or wastewater (except tanks that exclusively serve an activity within the same site as the tank – see also Change NU3).

Background and issues of concern

693. Structures are defined in the Plan as follows:

Structures

The development activity that includes a structure, other than as provided for under the definition of "buildings", and is:

- *fixed permanently to the land; or*
- *if movable, greater than $10m^2$ or 2m in height and stored or placed undisturbed on a site for more than 12 months.*

This definition only applies in relation to structures as an activity in the development activities category. It does not cover any other use of the word "structures", such as in relation to "utility structures", which should rely on the broader definition for structure (singular).

…

694. Structures include water or other storage tanks, as clarified in the definition of building, which states:

Building

A structure that includes a roof that is, or could be, fully or partially enclosed with walls. The definition of building includes the parts of buildings defined as building utilities and rooftop structures. For the sake of clarity, water or other storage tanks, other than as captured in the definition of building utilities, are a structure not a building.

695. Development performance standards, including setbacks from boundaries, apply to structures. In the residential zones, these standards are intended to help achieve Objective 15.2.3 on maintaining a good level of amenity on surrounding residential properties and public spaces, and Objective 15.2.4 on maintaining or enhancing the amenity of the streetscape and reflecting the current or intended future character of the neighbourhood. In the Ashburn Clinic Zone, these standards are intended to help achieve Objective 21.2.2 to ensure development maintains or enhances the residential amenity of surrounding sites.

696. In the residential zones, some exemptions to the setback requirements apply to structures that are of a size and location so that the effects on amenity of neighbours and streetscape amenity are likely to be less than minor. These include:

    - exemptions for fences, and for structures less than $10m^2$ footprint and 2m in height. These exemptions apply to all boundary setbacks.
    - exemptions for decks less than 0.5m above ground level. These exemptions apply to all boundary setbacks.

697. A setback exemption for structures also applies in the Ashburn Clinic Zone, allowing buildings or structures less than $10m^2$ and less than 2m high to be located within any boundary setback (Rule 21.6.8.1.a). This is included within the review so that a consistent approach to the provisions can be taken across the different zones, where appropriate.

698. The exceptions help to balance managing effects on amenity outside the site with managing effects on on-site amenity. This is to also help achieve Objective 15.2.2 on providing high quality on-site amenity for residents and Objective 21.2.2 on achieving a reasonable standard of on-site amenity for patients, staff and visitors.

699. Implementation of the provisions for boundary setbacks for structures has highlighted three issues as set out under the headings below.

Issue 1: Unclear whether boundary setbacks apply to an underground structure

700. The first issue is that it is unclear how the boundary setback rules apply to water tanks and septic tanks that are partly or fully buried. This is of concern because septic tanks are always underground and water tanks are sometimes partly or fully buried, removing or reducing the potential for visual amenity effects.

701. This issue is proposed to be resolved by amending the boundary setback performance standards in the residential and Ashburn Clinic zones (Rule 15.6.13.1 and Rule 21.6.8.1) to exempt any parts of structures that are underground. This approach is consistent with comments from DCC Urban Designer, Mr Peter Christos, on other parts of this change proposal (see Appendix C).

Issue 2: Whether large water and other storage tanks should have a boundary setback exemption

702. The second issue is whether the boundary setback rules should also exempt water or other storage tanks that are not underground but that meet other suitable criteria.

703. Exemptions for setbacks from boundaries already exist in the residential zones for decks less than 0.5m above ground level, and structures less than $10m^2$ in footprint and 2m in height (Rule 15.6.13.1.a.viii.5). A similar exemption is provided in Ashburn Clinic Zone, as noted above. However, in both residential and Ashburn Clinic zones, where a water or other storage tank is greater than $10m^2$ in footprint, the full boundary setbacks apply.

704. Water and other storage tanks may be required in association with residential, industrial, recreational, or other activities to store drinking water, collect stormwater for detention or domestic-scale irrigation, or for other purposes. In areas where a connection to the public water supply is not available, water storage of at least 45,000 litres may be required for new residential buildings for firefighting purposes (Rule 9.3.3). Therefore, it is appropriate to consider how these larger tanks can be accommodated on residential-sized sites while ensuring amenity effects are appropriately managed.

705. DCC Urban Designer, Mr Peter Christos, has provided comments on this topic (see Appendix C). For side and rear yards adjoining residential zones and reserves, Mr Christos concludes that tanks up to 2m in height above ground level, are acceptable within the boundary setbacks. This is based on a 2m tall fence being permitted between properties which could screen a tank of this scale. For side and rear yards adjoining other zones, Mr Christos concludes that tanks up to 45,000L could be permitted within the boundary setbacks without any other limits.

706. For water and other storage tanks in front yards, Mr Christos concluded that, irrespective of their size, tanks should only be permitted within front boundary setbacks where they are buried or otherwise not visible from the street.

707. Therefore, this issue is proposed to be resolved by amending the side and rear boundary setback requirements in the residential and Ashburn Clinic zones to exempt water and other storage tanks less than 2m in height above ground level from rear and side boundary setback requirements (Rule 15.6.13.1 and Rule 21.6.8.1) but not from front boundary setback requirements.

Issue 3: Whether the setback exemption for a structure should apply to road boundaries

708. A third issue is that the current exception from setbacks for structures (Rule 15.6.13.1.a.viii.5) applies to all setbacks, including from the road boundary. The exception is currently worded as follows:

decks less than 0.5m above ground level, signs attached to buildings and structures, and buildings or structures less than 10m² in footprint and 2m in height, and all fences are exempt from this standard;

709. This exception was amended as part of Variation 1 to the 2GP, which increased the footprint of structures that are exempt from $2m^2$ to $10m^2$ to align with an exception that existed in the Dunedin City District Plan 2006. However, no assessment was carried out regarding the appropriateness of this increase in road boundary setbacks compared to other boundary setbacks. The Dunedin City District Plan 2006 exception only applied to side and rear yards.

710. This issue is also the case in Ashburn Clinic Zone (Rule 21.6.8.1.a.i) since the exemption applies to all setbacks, including from the road boundary. The exemption is currently worded as follows:

buildings or structures less than 10m² and less than 2m high may be located within the boundary setbacks where the total length of the buildings facing a boundary and within the setback does not exceed 7m in length and there are no windows or openings along the wall facing the boundary;

711. DCC Urban Designer, Mr Peter Christos, has provided comments on this topic (see Appendix C). Regarding structures up to 2m in height and $10m^2$ in footprint located within front yards, Mr Christos commented that they could have significant adverse visual effects given their excessive bulk and scale, potential visual clutter and poor coordination with existing structures, particularly when existing garages and carports are established close to road boundaries.

712. Mr Christos consequently concluded structures with a footprint exceeding $2m^2$ should not be exempt from the road boundary setback rules unless they are buried or not visible from the street.

713. This issue is proposed to be resolved by amending the exemptions for structures in rules 15.6.13.1.a.viii.5 and 21.6.8.1.a.i so they only apply to side and rear boundary setbacks. A new exception for structures within the road boundary setback is also proposed, which exempts structures with maximum height and footprint of 2m and $2m^2$ respectively, and larger structures where they are not visible from the street.

Proposed change and assessment

714. Change D1 amends the following provisions, as shown in Appendix A:

- Amend Rule 15.6.13.1 Boundary setbacks for residential zones to:
    - limit the existing setback exemption for structures less than $10m^2$ in footprint and 2m in height to only apply in relation to side and rear boundaries;

- exempt water and other storage tanks of 10m^2 or greater in footprint but less than 2m in height from side and rear boundary setback requirements;
- reduce the footprint of exempted structures located in a road boundary setback from 10m^2 to 2m^2;
- exempt all structures that are not visible from the street from road boundary setback requirements; and
- exempt structures or parts of structures that are underground from all setback requirements.

- Amend Rule 21.6.8.1.a Boundary setbacks for Ashburn Clinic Zone to:
  - limit the existing setback exemption for structures less than 10m^2 in footprint and 2m in height to only apply in relation to side and rear boundaries;
  - exempt water and other storage tanks of 10m^2 or greater in footprint but less than 2m in height from side and rear boundary setback requirements;
  - reduce the exempted footprint of structures located in road boundary setback from 10m^2 to 2m^2;
  - exempt all structures that are not visible from the street from road boundary setback requirements; and
  - exempt structures or parts of structures that are underground from all setback requirements.
- Amend Rule 15.10.4.1.a for the assessment of boundary setback contraventions in the residential zones to add a new potential circumstance that may support a consent application for structures that are not located adjacent to a residential or Recreation zoned site, based on the advice from Mr Christos.

Assessment against relevant objectives

715. Removing the limit on water and other storage tanks' footprint when located along side and rear boundaries (provided the tanks are no greater than 2m height) will give greater flexibility for the development of sites in the residential and Ashburn Clinic zones. The changes will enable tanks to be located away from road boundaries and on-site amenity space, while the height limit of 2m and exemption for the parts of tanks that are underground will manage impacts on the amenity of neighbours by encouraging tanks to be buried or semi-buried. This approach will ensure objectives 15.2.2, 15.2.3, 15.2.4 and 21.2.2 are more efficiently and effectively achieved than under the status quo.

716. Reducing the permitted footprint of structures in the road boundary setbacks from 10m^2 to 2m^2 and only allowing larger structures or tanks of any size to be located within the road boundary setbacks where they are not visible from the street will minimise potential adverse visual effects on the streetscape. The stricter approach for tanks reflects their utilitarian appearance and greater potential for adverse effects on the amenity of the streetscape (as per expert advice from Mr Christos). Other smaller structures (e.g. mail boxes) may have a

functional need to locate in the road boundary setback and are likely to be easier to integrate with other elements within the setback. The approach will help better achieve Objective 15.2.4 which seeks to maintain or enhance the amenity of the streetscape.

717. No practicable alternatives to the preferred option and status quo have been identified or assessed for Change D1.

2.3.4 Height of garages in boundary setbacks (Change Res1)

Purpose of proposal and scope of change

718. The purpose of Change Res1 is to review Rule 15.6.6.2 Maximum height as it applies to garages and carports when they are located within the boundary setbacks.

719. The scope of the proposal does not extend to reviewing other standards that apply to garages and carports or reviewing the maximum height performance standard more broadly.

Background and issues of concern

720. Residential performance standards for setback from boundaries, height, and height in relation to boundary are included in the Plan to achieve the following objectives:

- Objective 15.2.3, which seeks to maintain a good level of amenity on surrounding residential properties and public spaces;
- Objective 15.2.4, which seeks to maintain or enhance the amenity of the streetscape and ensure that activities reflect the current or intended future character of the neighbourhood; and
- For garages and carports near road boundaries, Objective 6.2.3, which seeks to maintain the safety and efficiency of the transport network.

721. In the residential zones these rules provide more flexibility to locate smaller buildings, such as garages and carports, closer to the boundaries to enable the efficient use of sites, provided the amenity effects will be no more than minor (by applying reduced maximum height limits in these scenarios).

722. One example of this is for garages and carports in road boundary setbacks, where the maximum height Rule 15.6.6.2.a.ii and associated setback Rule 15.6.13.1.a.viii.3 permit garages and carports up to 3m in height (from ground level to the bottom of the eaves) to locate within the road boundary setback, provided they are set back at least 0.5m and are no wider than 4.5m.

723. Another example is for garages and carports (and other new buildings, structures and additions and alterations) in side or rear boundary setbacks, where the maximum height Rule 15.6.6.2.a.iii and associated setback Rule 15.6.13.1.a.viii.4 permit buildings and structures up

to 2m in height (overall) to locate in side or rear boundary setbacks[38] provided they are set back at least 1m and are no longer than 6m.

724. Height in relation to boundary rules apply in addition to the examples above, with the requirements varying by zone and site characteristics. In the General Residential 1 Zone, for flatter sites, the plane rises at an angle of 45 degrees measured from a point 2.5m above ground level at the boundary.

725. Implementation of the provisions has revealed a need for some rules to be clarified or amended to improve practical application to standard-sized garages.

Issue 1: Height limit unclear when a garage is in a road boundary and other boundary setback

726. Issue 1 is that it is not clear within Rule 15.6.6.2 which maximum height limit applies to any part of a garage or carport located in both the road boundary setback (Rule 15.6.6.2.a (ii) maximum height limit of 3m applies) and within other setbacks from boundaries (Rule 15.6.6.2.a (iii) maximum height limit of 2m applies).

727. This issue is proposed to be resolved by amending Rule 15.6.6.2 Maximum height so that where more than one maximum height limit is relevant, it is clear the most restrictive one applies. This change follows standard interpretation practice where the most restrictive rule is generally applied where more than one rule exists for the same activity.

Issue 2: Maximum height exemptions do not provide for standard-height garages

728. Issue 2 is that the maximum height limit of 2m within the setback from side and rear boundaries does not provide for a garage or carport of standard height. Typically, standard kitset garages are available in 2.1m, 2.4m, 2.7m or 3.0m stud heights[39]. Therefore, the maximum height within a side or rear boundary setback would be contravened in most instances.

729. It is noted that the maximum heights set in Rule 15.6.6.2 are to be measured from ground level. Stud heights do not account for the additional height of foundation slabs over ground level, or any filling required to create a level building platform. In addition, the maximum height within setbacks from boundaries is maximum overall height within the setback, so the slope of the roof can further add to height.

730. Resource consent applications involving garages are common, with 218 land use consent and deemed permitted boundary activity applications processed in the three years from 2019 to 2021. Most of these consents relate to contraventions of height or boundary setbacks.

731. For example, seven applications for garages were received in December 2021 and processed, four being deemed permitted boundary activities and three being land use consents. The data

[38] Note that other than for garages or carports (i.e. other buildings, structures and additions and alterations within setbacks from boundaries) Rule 15.6.6.2.a.ii applies in relation to any boundary setbacks (i.e. road, side, or rear).

[39] Versatile Garage specifications: see https://www.versatile.co.nz/buildings/garages/double-garages/; Skyline Garage specifications: see http://skylinebuildings.co.nz/garages/single_garage_6m_x_36m#/products/attributes/construction

relating to these consents in summarised in Table 10 below as a small sample of typical garage consents.

Table 10: Applications processed for garage setback/height contraventions from December 2021

Application #	Zone	Boundary setbacks	Height to eave or stud height	Type of garage
BACT-2021-81	GR1	1m side yard	2.1m stud	Versatile kitset
BACT-2021-84	GR1	1.3m side yard	2.5m	Attached garage
BACT-2021-85	GR2	1m side yard	2.4m stud	Totalspan kitset
BACT-2021-90	GR1	1m rear yard 0.1m side yard	2.4m	Standalone garage
LUC-2021-719	GR1	0.7m front yard 0.6m side yard	2.6m stud	Standalone garage
LUC-2021-722	GR1	1.12m rear yard 1m side yard	3.6m	Widespan Sheds kitset
LUC-2021-732	GR1	0m front yard 0m side yard	3.0m (1.3m buried)	Standalone garage

732. Written approvals relating to infringed boundaries were provided in all cases, except for one infringed boundary. No conditions relating to mitigation of amenity effects were imposed in any instance, and all applications were granted non-notified.

733. This issue is proposed to be resolved by increasing the maximum height for garages and carports within setbacks from boundaries other than a road boundary from 2m overall to 2.6m to the bottom of the eaves via the addition of new Rule 15.6.6.2.a.X.

Issue 3: Garage maximum height unclear it applies only where setback exemption applies

734. Issue 3 is that the existing maximum height rule for garages and carports in a road boundary setback (Rule 15.6.6.2.a.ii) does not stipulate that it only applies where the relevant exception from the setbacks performance standard applies (Rule 15.6.13.1.a.viii.3). This should be clarified to ensure the two related rules are considered together.

735. This issue is proposed to be resolved by amending Rule 15.6.6.2.a to ensure the maximum height for garages in setbacks only applies where the relevant exception to the setbacks performance standard is complied with.

Proposed change and assessment

736. Change Res1 proposes to amend the following provisions, as shown in Appendix A:

- Amend Rule 15.6.6.2 (maximum height performance standard) – multiple amendments as outlined under the issue headings above; and

- Amend Rule 15.6.13.1.a (boundary setbacks) to reference the new clause at Rule 15.6.6.2.a.X for setbacks from side and rear boundaries for garages and carports.

<u>*Assessment against relevant objectives*</u>

737. The 2GP objectives that are most relevant to assessing this proposal are objectives 15.2.2, 15.2.3 and 15.2.4 regarding amenity effects:

Objective 15.2.2

Residential activities, development, and subdivision activities provide high quality on-site amenity for residents.

Objective 15.2.3

Activities in residential zones maintain a good level of amenity on surrounding residential properties and public spaces.

Objective 15.2.4

Activities maintain and enhance the amenity of the streetscape, and reflect the current or intended future character of the neighbourhood.

738. Policy 2.2.4.1 on ensuring land is used efficiently, and associated Objective 2.2.4, are also relevant.

739. The increase in the permitted height of a garage or carport in a side or rear yard from 2.0m maximum to 2.6m at the eaves will enable garages with a 2.1m stud height and some garages with a 2.4m stud height to be located within side and rear yards without the need for a resource consent (accounting for additional height from foundations). This assumes the setbacks exemptions are complied with as per the rule wording. Therefore, height in relation to boundary would be able to be complied with in many cases.

740. Out of the seven applications detailed in Table 10 above, four would no longer require consent. Therefore, the change will enable some new garages to be located in a way that efficiently uses sites and better provides amenity on the remaining areas of sites as a permitted activity, helping to better achieve objectives 15.2.2 and 2.2.4.

741. The increase in permitted height has also been considered with respect to adverse effects on neighbouring property and the streetscape. To help manage the effects of the increase in permitted height, the rule has been amended to only apply when the exceptions for boundary setbacks for garages given in Rule 15.6.13.1 apply. This means that garages will need to be at least 1m from the side or rear boundaries, and no longer than 6m for the increased height limit to apply.

742. In some cases, particularly on sloping sites where the ground is to be built up, a consent will still be required for shorter garages. Garages with stud heights greater than 2.4m, or which are longer than 6m or located closer than 1m to a side or rear boundary, will continue to require consent.

743. In addition, where the height in relation to boundary is contravened, consent will still be required. This is more likely to be the case where a garage with gable ends has one end within

the boundary setback (e.g., where a garage is placed in the rear corner of a site within both the rear and side boundary setbacks). Height in relation to boundary is less likely to constrain development in cases where only the side of a garage is aligned with a side boundary.

744. The proposal has been assessed by DCC urban designer, Mr Christos (see Appendix C). He considers that given the relatively low profile of garages, effects of additional shading on neighbouring properties would be minimal in most instances. Mr Christos supported an increase in maximum height to 2.6m from ground level to the eaves to allow a nominal step down from the top of the slab to ground level. Mr Christos also supported the continued restriction of the exception to garages and carports no longer than 6m.

745. Overall, the increase in height is of a level that will ensure amenity effects on neighbouring properties and the streetscape are effectively managed and objectives 15.2.3 and 15.2.4 are achieved.

746. A reduction in unnecessary resource consent applications is also anticipated, assisting with efficient implementation of the Plan.

747. The other changes proposed are minor in nature and improve the clarity of the provisions, rather than having any substantive effect. Therefore, assessment of these changes against the objectives of the Plan is unnecessary.

Alternative Options: Smaller or larger increases in maximum height

748. The option of a smaller increase in the maximum height for garages in side or rear yards to 2.1m or 2.4m to the eaves was rejected because it would likely continue to be infeasible to achieve with a standard garage design in many cases, taking into account the height required for a foundation slab and a gentle slope across a site.

749. A larger increase in the maximum height for garages in side or rear yards was also rejected because further additional height could adversely impact on the amenity of neighbouring properties to an extent that is minor or greater. A consent process is appropriate in these circumstances to enable effects to be assessed and for neighbours to be approached for written approvals. This was balanced against the additional reduction in consenting requirements that would be achieved for a wider range of garages and the benefits for the efficient use of subject sites that would eventuate from a higher maximum.

2.3.5 Amenity and character effects from development performance standard contraventions (Change Res3)

Purpose of proposal and scope of change

750. The purpose of Change Res3 is to review how the Plan enables off-site amenity and character effects to be considered when the development performance standards for the residential zones are contravened, including effects on public places such as reserves, to ensure that the relevant objectives are achieved.

751. The scope of the change does not include reviewing the development performance standards or the objectives they are intended to achieve, only their associated policies and assessment

rules in terms of considering amenity and neighbourhood character effects when the performance standards are contravened.

Background and issue of concern

752. Objective 15.2.3 states:

Activities in residential zones maintain a good level of amenity on surrounding residential properties and public spaces.

753. Objective 15.2.4 states:

Activities maintain or enhance the amenity of the streetscape, and reflect the current or intended future character of the neighbourhood.

754. These objectives are implemented in part via the following policies that apply to development activities in residential zones:

Policy 15.2.3.1

Require buildings and structures to be of a height and setback from boundaries that ensures there are no more than minor effects on the sunlight access of current and future residential buildings and their outdoor living spaces.

Policy 15.2.4.1

Require activities to maintain or enhance streetscape amenity by ensuring:

- *a. garages, carports and car parking do not dominate the street;*
- *b. there are adequate green space areas free from buildings or hard surfacing;*
- *c. buildings' height and boundary setbacks, and scale reflect the existing or intended future residential character;*
- *d. shared service areas are not visible from ground level from outside the site; and*
- *e. outdoor storage is managed in a way that does not result in unreasonable visual amenity effects or create nuisance effects.*

755. The Plan’s residential zone provisions include development performance standards to implement these policies, as follows:

- Boundary setbacks (Rule 15.6.13.1) and Height and height in relation to boundary (Rule 15.6.6) performance standards, which implement both policies. Activities that contravene these rules are therefore assessed against both Policy 15.2.3.1 in terms of effects on surrounding properties, and Policy 15.2.4.1 in terms of effects on streetscape amenity.
- Performance standards for Building length (Rule 15.6.1), Location and screening of car parking (Rule 15.6.7), Location and screening of outdoor storage (Rule 15.6.8) and Maximum building site coverage and impermeable surfaces (Rule 15.6.10), which implement Policy 15.2.4.1 only. Activities that contravene these rules are therefore assessed against this policy in terms of effects on streetscape amenity.

<u>Issue 1: Management of effects on the amenity of surrounding sites</u>

756. The first issue of concern is that Policy 15.2.3.1 and assessment rules for contravention of the boundary setback, height, and height in relation to boundary performance standards, are currently drafted in a way that is too narrow to ensure that Objective 15.2.3 (relating to amenity of surrounding residential properties and public spaces) is achieved.

757. Firstly, Policy 15.2.3.1 only focuses on sunlight access for residential buildings and their outdoor living spaces, but not other amenity effects covered by Objective 15.2.3. Specifically, it does not cover:

- other amenity effects on residential buildings and outdoor living spaces, such as effects on privacy, or
- amenity effects on public places such as reserves.

758. Secondly, the wording of the relevant matter of discretion for contravention of the performance standards (at Rule 15.10.4.1.a, and Rule 15.10.4.7.a) is “effects on surrounding sites’ residential amenity”. This is too narrow to ensure effects on public places such as reserves are managed.

759. As a result of these gaps, there is potential for amenity effects other than effects on sunlight access not to be adequately managed as part of processing resource consent applications for development performance standard contraventions in residential zones.

760. This issue is proposed to be resolved by amending Policy 15.2.3.1 and the matter of discretion at assessment Rule 15.10.4.1.a, and Rule 15.10.4.7.a, to ensure that amenity effects relating to privacy, and amenity effects on reserves, can be considered. The changes do not extend to covering effects on public places other than reserves (i.e., roads) because the amenity of these environments is managed by the provisions under Objective 15.2.4 on streetscape amenity.

<u>Issue 2: Management of effects on neighbourhood residential character and streetscape amenity</u>

761. The second issue of concern is that Policy 15.2.4.1 is currently drafted in a way that is too narrow to ensure Objective 15.2.4 (relating to streetscape amenity and neighbourhood character) is achieved. The policy only refers to streetscape amenity effects and does not include effects on neighbourhood residential character.

762. However, the wording of the relevant matter of discretion for contravention of the performance standards is broader than the policy, being “effects on neighbourhood residential character and amenity” (at Rule 15.10.4.1.b, Rule 15.10.4.3.a, Rule 15.10.4.7.b, Rule 15.10.4.8.a, Rule 15.10.4.9.a, and Rule 15.10.4.10.b). This is better aligned with the breadth of Objective 15.2.4 but does not align with the limited extent of Policy 15.2.4.1.

763. While having a policy that is narrower than the matter of discretion does not limit what Council can consider in assessing an application, the Plan would be strengthened by broadening the policy to better align with its associated objective and the matter of discretion.

764. This issue is proposed to be resolved by adding a reference to neighbourhood residential character in Policy 15.2.4.1, which will also be reflected in updated policy paraphrasing in the relevant assessment rules.

Proposed change and assessment

765. Change Res3 proposes to amend the following provisions as shown in Appendix A:

- Amend Policy 15.2.3.1 to apply it to amenity effects generally, including on reserves
- Amend Policy 15.2.4.1 to include a reference to maintaining or enhancing neighbourhood residential character, consistent with the matter of discretion in the assessment rules and the associated objective
- Amend the following assessment rules so that Council's discretion is broad enough to consider amenity effects on reserves and other amenity effects (e.g., on privacy) to reflect the changes to Policy 15.2.3.1:
    - Rule 15.10.4.1
    - Rule 15.10.4.7
    - Rule 15.10.4.4 (fence height and design – see also Change Res9)
- Amend the paraphrasing of Policy 15.2.4.1 in the following assessment rules to reflect the changes to that policy:
    - Rule 15.10.4.1.b
    - Rule 15.10.4.3.a
    - Rule 15.10.4.7.b
    - Rule 15.10.4.9.a
    - Rule 15.10.4.10.b
    - Rule 15.10.6.10.a

Assessment against relevant objectives

766. The changes proposed as part of Change Res3 will ensure that objectives 15.2.3 and 15.2.4 are more effectively achieved by making their associated policies and assessment rules more consistent with the outcomes sought.

767. This will ensure that the amenity and residential character effects of contravention of the performance standards for boundary setback, building length, height, height in relation to boundary, location and screening of car parking, location and screening of outdoor storage and maximum building site coverage and impermeable surfaces can be more effectively managed, particularly in relation to effects on privacy and effects on reserves.

2.3.6 Density for Residential Activity in Movable Buildings (Change Res7)

Purpose of proposal and scope of change

768. The purpose of Change Res7 is to further clarify that the density performance standards apply to residential activity in movable buildings (e.g. a building on wheels or a trailer, often referred to as a tiny home).

769. The scope of the change does not include reviewing whether density controls should continue to apply to residential activity in movable buildings or not.

770. Rejected changes RC7A and RC7B (outlined in the two sections after Change Res7) address the review of other topics closely related to Change Res7.

Background and issues of concern

771. Standard residential activity is defined in the Plan as "the use of land and buildings for residential activity at a domestic scale". Residential activity in a movable building (such as a tiny home) meets the definition of standard residential activity. Therefore, the land use performance standards for standard residential activity apply, including for density.

772. DCC regularly receives enquiries from the public about how the use of movable buildings for housing is managed in the Plan. Feedback from the regular Plan user survey highlighted the Plan's lack of clarity on this topic.

773. Confusion can occur between the requirements and case law under the Building Act and those under the Plan. One assumption that is sometimes made is that a movable building does not meet the definition of 'building' because of determinations under the Building Act and Ministry of Business, Innovation and Employment guidance that tiny homes on wheels that are registered vehicles are not buildings. However, that guidance does not apply to the interpretation of the Plan.

774. The Plan definition of 'building' is "*A structure that includes a roof that is, or could be, fully or partially enclosed with walls*…" and can be clearly read as applying to movable buildings. However, due to the confusion with Building Act determinations that occurs, it would be beneficial to clarify that the Plan definition of 'building' applies to tiny homes.

775. Application of the definition of 'building' to a movable building is important to the interpretation of definitions of habitable room, residential unit, and ancillary residential unit, all of which are relevant to applying the density performance standards.

776. To resolve this issue, it is proposed to amend the definition of 'building' to clarify that movable buildings are included, and to add a note to plan users in the density performance standards to explain that movable buildings used for housing, such as tiny homes on wheels or trailers, and caravans, are subject to density provisions.

Proposed change and assessment

777. Change Res7 amends the following provisions, as shown in Appendix A:

- Amend the definition of building to clarify that it includes tiny homes on wheels and caravans and to ensure it does not hyperlink to the definition of buildings, which is not relevant to the definition; and
- Add general advice notes to each density performance standard in the Plan to clarify that the density provisions apply to standard residential activity (and visitor accommodation where relevant) whether it is in a building or not, and that it applies to standard residential activity (and visitor accommodation where relevant) in a movable building. This change affects the following advice notes:
    - Add Note 15.5.2A.3
    - Add Note 16.5.2A.1
    - Add Note 17.5.2A.1
    - Add Note 34.5.7A.2

778. The proposed changes are a clarification of existing provisions for the application of density performance standards to residential activity in movable buildings and will not affect the extent to which the relevant objectives of the Plan are achieved. However, they will make the Plan easier to use and administer.

2.3.7 Rejected Change – Enable temporary housing in movable buildings (RC7A)

Purpose and scope of review

779. The purpose of RC7A was to review whether special provisions should be created for temporary accommodation in movable buildings, including for emergency housing provided by housing authorities or for a civil defence emergency, so that the density performance standard does not apply.

Background and reasons for rejection

780. Currently, whether temporary or not, housing in movable buildings (including vehicles) needs to meet the density performance standards to be a permitted activity. If the density standard is contravened due to exceeding the permitted number of habitable rooms or residential units, the activity would typically be non-complying.

781. While non-complying activity status may cause issues for some temporary housing, there are several reasons why removing the application of the density performance standard has been rejected, including:

- Variation 2 changes have recently relaxed the density provisions across large areas of the city, including by expanding the application of the family flats provisions. This means there will be many more situations where temporary residential accommodation could be added to a site with existing residential activity as a permitted activity.

- Variation 2 changes also expanded the definition of 'campground' to provide for housing in movable buildings/tiny homes.
- In a disaster event situation, the temporary disaster management provisions can be relied on. Although these provisions do not specifically refer to tiny homes on wheels, caravans, and trailers, the definition is sufficiently broad to allow temporary accommodation in this form.
- While there are regular enquiries regarding tiny homes on wheels in relation to establishing a long-term residential activity, there is no obvious pressure currently in relation to short-term residential use.

782. Overall, the current Plan provisions are adequate to provide for temporary housing in a wide range of locations and circumstances, ensuring Objective 2.6.1 on housing choice continues to be achieved.

2.3.8 Rejected Change – Apply development standards to movable buildings (RC7B)

Purpose and scope of review

783. The purpose of RC7B was to review whether the performance standards that apply to the development of buildings and structures activities (e.g. bulk and location) should also apply to movable buildings or structures when they are not permanently fixed to land and will be undisturbed on a site for less than 12 months.

Background and reasons for rejection

784. Movable buildings, such as tiny homes on wheels, homes on trailers, and caravans currently do not need to comply with the development standards unless they are undisturbed on site for more than 12 months. This is because they do not meet the definition of either 'buildings' activity or 'structures' activity. Buildings must be permanently fixed to land, and structures, if movable, must be stored or placed undisturbed on a site for more than 12 months for the development standards to apply.

785. Development standards, such as those for bulk and location (e.g. setback from boundaries, height etc.) are used to manage effects on amenity and character. Further, in specific environments such as mapped landscape areas, additional development standards (e.g. for reflectivity) apply to manage effects on the particular values of those environments.

786. Despite the potential for adverse effects on amenity, character and other values arising from the location of movable buildings remaining undisturbed on a site for less than 12 months, the application of development standards was rejected for the following reasons:

- Residential activity in movable buildings is subject to the land use performance standards for density, which limits the proliferation of movable buildings overall. Contravention of density is typically a non-complying activity, allowing any potential adverse effects to be considered; and
- Movable buildings are relatively small-scale which has a limiting effect on the potential for adverse effects. The adverse effects from bulk and location are likely to

be similar to other permitted activities, such as the parking or storage of an unoccupied caravan or larger vehicle on a site.

787. Overall, the current absence of Plan provisions for the development of movable buildings is acceptable and ensures an appropriate balance between enabling people to be housed in temporary movable accommodation (supporting achievement of Objective 2.6.1 on housing choices) and managing adverse effects on amenity, character and other important values (ensuring Objective 2.4.1 on the form and structure of the environment is achieved).

788. The rejection of this option is also consistent with the proposal under Change D10, which proposes to apply boundary setback performance standards to structures in the rural and rural residential zones, but not where they are undisturbed on site for less than 12 months.

2.3.9 Assessment of fence height and design in residential zones (Change Res9)

Purpose of proposal and scope of change

789. The purpose of Change Res9 is to review whether effects on surrounding sites' residential amenity are being appropriately managed when Rule 15.6.2 on fence height and design is contravened.

790. The scope of the change does not extend to reviewing the fence performance standards for zones other than the residential zones.

Background and issues of concern

791. Rule 15.6.2 on fence height and design sets maximum height and visual permeability requirements for fences in residential zones.

792. The performance standard is intended to assist in achieving the following objectives:

- Objective 9.2.2 on maintaining or enhancing public health and safety by enabling opportunities of informal surveillance;
- Objective 13.2.3 on maintaining or enhancing the heritage streetscape character of heritage precincts;
- Objective 15.2.3 on maintaining a good level of amenity on surrounding residential properties and public spaces; and
- Objective 15.2.4 on maintaining or enhancing streetscape amenity and neighbourhood residential character.

793. Contravention of Rule 15.6.2 is a restricted discretionary activity with assessment guidance given in Rule 15.10.4.4 and Rule 15.10.6.4. The matters of discretion are 'effects on health and safety' (linking to Objective 9.2.2), 'effects on neighbourhood residential character and amenity' (linking to Objective 15.2.4) and 'effects on heritage streetscape character' (linking to Objective 13.2.3).

794. The issue of concern is that the fence height and design performance standard has not been linked to Objective 15.2.3 on maintaining a good level of amenity on surrounding residential properties and public spaces, despite the maximum height requirements applying to all

boundaries, not just road boundaries. There is no matter of discretion to consider effects on surrounding sites' amenity which could mean that effects on neighbours cannot be adequately considered in assessing an application.

795. This issue is proposed to be resolved by adding a new matter of discretion for effects on surrounding sites' amenity, referencing Objective 15.2.3 and Policy 15.2.3.1.

Proposed change and assessment

796. Change Res9 amends the following provisions, as shown in Appendix A:

- Amend Rule 15.10.4.4 for the assessment of contraventions of the fence height and design performance standard to add a new matter of discretion and assessment guidance for 'effects on surrounding sites' residential amenity.

Assessment against relevant objectives

797. The proposed changes will ensure that Council has discretion to consider amenity effects on surrounding sites when the fence height and design performance standard is contravened. This will ensure that Objective 15.2.3 on maintaining a good level of amenity on surrounding residential properties and public spaces can be more effectively achieved than under the status quo.

798. No alternative options to the proposal or status quo were identified or assessed.

2.3.10 Solid waste provisions for all residential zones (Change Res11)

Purpose of proposal and scope of change

799. The purpose of Change Res11 is to review whether to extend the solid waste provisions introduced via Variation 2, including whether to apply these provisions to all residential and commercial and mixed use zones and to Campus Zone.

Background and issues of concern

800. As residential activity intensifies across the city through infill development, there is a corresponding increase in the number of residential solid waste bins. The proliferation of these bins increases the potential for adverse impacts on the safety and efficiency of the transport network due to congestion and obstruction of footpaths and inadequate access design for collection vehicles.

801. This situation detracts from the achievement of Objective 6.2.3, which reads:

Objective 6.2.3

Land use, development and subdivision activities maintain the safety and efficiency of the transport network for all travel modes and its affordability to the public.

802. This issue was partly resolved by the first decision on Variation 2, based on evidence from DCC Waste and Environmental Solutions[40] and DCC Transport. A new policy was added to the Plan,

[40] See Appendix A to the Variation 2 Section 42A Report, Part 1 – Provisions, available online here: Variation-2-Additional-Housing-Capacity-Provisions-42A-Report.pdf (dunedin.govt.nz)

along with changes to the assessment rules for multi-unit development and subdivision but only in residential zoned areas affected by Variation 2. The changes made by Variation 2 were:

- Addition of new Policy 6.2.3.Z which reads:

  Only allow multi-unit development and subdivision activities where the activity is designed to ensure:

  a. the safe and efficient operation of waste collection vehicles; and
  b. any on-street solid waste collection will not obstruct footpaths, private accessways or roads.

- A new matter of discretion 'effects on the safety and efficiency of the transport network' and associated assessment guidance for all subdivision and multi-unit development in areas affected by Variation 2

- Application of the Variation 2 mapped area to identify some of the areas where the new provisions apply (N.B. this mapped area also applies other Variation 2 rules).

803. The issue of concern is that due to the scope limitations of Variation 2, the changes to better manage the effects of solid waste collection on the transport network were limited to applying only in areas where intensification was also provided for by Variation 2 (i.e. the General Residential 1 Zone, the Township and Settlement Zone except within the no DCC reticulated wastewater mapped area, and new areas of General Residential 2 Zone identified by the Variation 2 mapped area). This means that the new provisions added through Variation 2 do not apply to some areas of the city where residential intensification is occurring, for example the Inner City Residential Zone, General Residential 2 zoned areas added via the 2GP full plan review, Campus Zone, and commercial and mixed use zones where residential activity is permitted.

804. This issue is proposed to be resolved by amending the provisions added through Variation 2 to apply to all subdivision and multi-unit development in all residential zoned areas, and for residential subdivision in the Campus Zone, and commercial and mixed use (CMU) zones where residential activity is permitted (all CMU zones except CBD Edge Commercial North Zone, CBD Edge Commercial South Zone, South Dunedin Large Format Zone and Trade Related Zone).

805. Note that multi-unit development rules currently only apply in residential zones, so the corresponding multi-unit solid waste provisions have not been extended to other zones as part of this proposal.

<u>Proposed change and assessment</u>

806. Change Res11 makes the following changes, as shown in Appendix A:

- Amend Rule 6.11.2.9 so that the assessment of all subdivision and multi-unit development applies to all residential zones, and so the assessment of all subdivision applies to all commercial and mixed use zones where residential activity is permitted, and the Campus Zone

- Amend Rule 15.11.3.2 for multi-unit development to add the matter of discretion for effects on the safety and efficiency of the transport network (instead of this being in Rule 15.11.3.2 which only applies to the areas identified in Variation 2)
- Delete Rule 15.11.3.2 for multi-unit development only in the GR1 Zone and T&S Zone (except within a no DCC reticulated wastewater mapped area)
- Delete Rule 15.11.5.13 for multi-unit development in the Variation 2 mapped area

807. No changes are required to the assessment rules for subdivision in the CMU or Campus Zone sections of the Plan.

Assessment against relevant objectives

808. The changes proposed will ensure that Council can more fully consider the impacts of solid waste collection on the safety and efficiency of the transport network as part of assessing subdivision consents and applications for multi-unit development.

809. The changes will mean that Policy 6.2.3.Z can be better implemented through application of the extended assessment guidance to resource consent applications. This will ensure that Objective 6.2.3 is more effectively achieved than under the status quo.

2.3.11 Definitions of standard residential, short term house rentals, visitor accommodation, and campgrounds (Change Res18)

Purpose of proposal and scope of change

810. The purpose of Change Res18 is to review the relationship between the definitions of standard residential, short term house rentals (which are included in the definition of standard residential), visitor accommodation, and campgrounds to ensure it is clear which definition applies in various circumstances.

811. The scope of the change does not include reviewing the management regime for any of the activities listed above.

Background and issues of concern

812. Sleeping accommodation for people can potentially fall under several different activity definitions in the Plan, depending on its purpose and characteristics. Activity definitions that are relevant to this proposal include standard residential and its sub-activities (residential activities), and visitor accommodation and its sub-activity, campgrounds (commercial activities).

813. Different management regimes apply to each set of activities to provide for them in appropriate locations and to manage their effects appropriately to achieve the relevant objectives for the zone. These include objectives on managing infrastructure servicing, on-site and off-site amenity, neighbourhood character and rural character, and others depending on the setting.

814. These differing management regimes affect the activity status of each activity and the performance standards that apply, as summarised in Table 11 below for the activities relevant to Change Res18.

Table 11: Activity status and performance standards that apply to standard residential, visitor accommodation and campgrounds in the various management zones[41]

Zones	Standard Residential	Visitor accommodation	Campgrounds
Residential	P Density Outdoor living space Service areas Ancillary residential units	RD Minimum mobility parking Minimum vehicle loading	As for visitor accommodation
Rural	P Density Separation distances Family flats	D	As for visitor accommodation
Rural Residential	P Density Separation distances Family flats	D	As for visitor accommodation
CMU *(except Trade Related Zone & CBD Edge Commercial Zones)*	P Minimum mobility car parking Location	P Minimum mobility car parking Minimum vehicle loading	As for visitor accommodation
Industrial	NC	NC	As for visitor accommodation
Recreation	NC	NC	RD Minimum mobility car parking

815. Of note, the density performance standard applies to standard residential activity and contravention is usually a non-complying activity. However, the density performance standard does not apply to visitor accommodation or campgrounds in most instances.

816. The current Plan definitions for standard residential, short term house rentals, visitor accommodation and campgrounds are as follows:

Standard Residential

The use of land and buildings for residential activity at a domestic scale.

For the sake of clarity, this definition includes:

- *short-term house rentals*
- *boarding houses*
- *supported living accommodation (with 10 or fewer residents); and*
- *emergency and refuge accommodation.*

This definition excludes supported living facilities.

[41] Some exceptions apply, such as in mapped areas and overlay zones

Papakāika and social housing are managed as sub-activities of standard residential.

Standard residential is an activity in the residential activities category.

Short Term House Rentals

The short term rental of a residential unit, where the residential unit is primarily occupied by the owner(s) and let for no more than a total of 28 nights per calendar year.

This definition excludes activities otherwise identified as visitor accommodation.

Visitor Accommodation

The use of land and buildings for temporary accommodation on a commercial fee paying basis.

For the sake of clarity, this definition includes the provision of facilities for resident guests (e.g. playgrounds, spa pools, swimming pools, gyms).

Examples are:

• motels
• hotels
• homestays or bed and breakfasts
• serviced apartments; and
• backpackers and hostels.

This definition excludes accommodation activities that meet the definitions of working from home or standard residential. Freedom camping is not managed by this Plan and is managed through a DCC by-law.

Campgrounds are managed as a sub-activity of visitor accommodation.

Visitor accommodation is an activity in the commercial activities category.

Campgrounds

The use of land and buildings for the purpose of:

- *providing visitor accommodation primarily in the form of tent, caravan, or campervan sites, but may also include visitor accommodation units; or*
- *providing for accommodation in transportable homes in the form of caravans, house buses/trucks or 'tiny houses' provided these meet the meaning of "motor vehicle" in the Land Transport Act 1998, are road legal (warranted and registered), and are movable.*

This definition excludes freedom camping which is managed through a DCC by-law.

Campgrounds are a sub-activity of visitor accommodation.

817. The definition of visitor accommodation was recently changed under Variation 2 to remove a limit on it covering stays over a 3-month duration. The definition of campgrounds was also changed to enable long stays in mobile tiny homes within campgrounds as a form of temporary housing. These changes were made to better provide for a range of housing options and to acknowledge that campgrounds often include longer-term guests.

818. The issue of concern is that it is unclear which activity definition applies in some circumstances. This is particularly the case for increasingly common alternative types of sleeping accommodation, including the use of tiny homes and campervans. A related issue is that arguments have been made that neither definition applies and that a proposed activity is not managed by the Plan at all.

819. Examples have included:

- sleeping accommodation (in campervans) that most closely resembled visitor accommodation, but where it was argued that the activity was not on "a commercial fee-paying basis" because a voluntary donation system was applied. It was also argued that the accommodation was potentially freedom camping, which is managed by a bylaw and is not managed by the Plan (it is excluded from the definition of campgrounds). However, the accommodation was on private land and the bylaw does not cover freedom camping on private land. Freedom camping is not defined in the Plan; and
- the proposed hospital worker accommodation at the Brighton campground, which most closely resembled standard residential activity although the definition of campground could also have been applied.

820. Debate over which activity definition applies (if any) means that the relevant objectives of the Plan may not be achieved. These include objectives on managing infrastructure servicing, on-site and off-site amenity, neighbourhood character and rural character, and others depending on the setting.

821. This issue is proposed to be resolved by amending the definitions of standard residential, short term house rentals, and visitor accommodation, to ensure that sleeping accommodation is clearly and appropriately classified and managed under the Plan to achieve the relevant objectives.

Proposed change and assessment

822. Change Res18 amends the following provisions, as shown in Appendix A:

- Amend the definition of standard residential to clearly identify it is for living accommodation, but to ensure it includes accommodation of guests at a domestic scale;
- Amend the definition of short term house rentals to identify it is for visitors;
- Amend the definition of visitor accommodation to:
    - ensure all relevant payment methods are included; and
    - clarify that freedom camping managed outside the Plan only relates to Council managed land;
- Amend the following provisions to clarify that freedom camping managed outside the Plan only relates to Council managed land:
    - Definition of campgrounds; and

    - Note 20.3.4A.5; and

- Amend the Introduction at Section 1.3 of the Plan to clarify that only freedom camping on land managed by Council is not managed by the Plan.

Assessment against relevant objectives

823. Minor changes to the provisions outlined above are an effective and efficient means of ensuring the appropriate definitions are applied to sleeping accommodation for living or for visitors. This will ensure that the effects anticipated from each type of activity can be appropriately managed by the existing management regimes for each activity definition.

824. The proposed changes to definitions are primarily clarifications designed to address implementation issues from unclear categorisation and do not change the management regimes that will be applied.

825. The change to ensure freedom camping that is not covered by the Freedom Camping Bylaw is managed by the Plan will ensure the effects of this activity are appropriately managed. This will more effectively achieve the relevant Plan objectives, whether the activity is living accommodation or visitor accommodation.

826. Expanding the scope of what constitutes a fee in the definition of visitor accommodation will make it is less likely that privately owned sites will be unexpectedly used for ongoing motor vehicle camping activity which potentially impacts on the amenity of surrounding sites.

827. Overall, the proposed changes will ensure that the relevant objectives of the Plan can be better achieved. These include objectives on managing infrastructure servicing, on-site and off-site amenity, neighbourhood character and rural character, and other objectives depending on the setting.

828. Clarifications also reduce the risk of debate over the interpretation and intentions of the Plan provisions.

829. Aukaha reviewed this proposal and expressed concern that the proposed wording of the definition of visitor accommodation (including any ‘other form of reward’ and deleting the reference to ‘commercial’ fees) could inadvertently capture the use of Māori land to host guests. The initial response was to amend the definition of standard residential to include accommodation of guests at a domestic scale and note that the definition of marae-related activities includes overnight accommodation for visitors and is provided for as a community and leisure activity.

830. Aukaha reviewed the revised proposal and were still concerned that the wording could cause the same issues they earlier raised. They noted that guests could be hosted on land that is not currently used for standard residential activity and that the proposed reference to the accommodation of guests at a domestic scale (in the definition of standard residential) implies a limit on the numbers of guests. They also noted the definition of marae-related activities only applies on marae and guests could be hosted on other land.

831. Therefore, Aukaha requested that the reference to ‘commercial’ fees be retained in the definition of visitor accommodation, and that donation-based or subscription-based systems

are included under that banner. This request was considered, but the reference to 'commercial' was still deleted, as it is essential to resolving part of the original issue, particularly because arguments could be made that donations are not commercial fees.

832. To further assist in resolving Aukaha's concerns, an additional change was instead made to delete the reference to 'other form of reward' and to instead add a reference to subscriptions as a form of payment.

833. It is acknowledged that this proposal may not entirely resolve Aukaha's concerns, which also relate more broadly to how the Plan manages activities on Māori land. These broader concerns will be considered through a separate upcoming plan change.

Alternative Option 1: Apply the definitions from the National Planning Standards

834. The relevant National Standards definitions are as follows:

Visitor Accommodation: *means land and/or buildings used for accommodating visitors, subject to a tariff being paid, and includes any ancillary activities.*

Residential Activity: *means the use of land and building(s) for people's living accommodation.*

835. The national planning standards definitions would make it clearer that visitor accommodation is for visitors and subject to a tariff, while residential activity is for living accommodation.

836. However, the following issues have been identified with the option of adopting these definitions and these are the reasons for rejecting this option:

- in the National Standards definition of visitor accommodation, it is unclear what constitutes a tariff and whether this would capture donations or subscriptions, as was argued in the case of a complaint Council responded to;
- adopting the definition of residential activity would require all references to standard residential and residential activity in the Plan to be updated to ensure the definition applies in the appropriate locations; and
- the format of the national planning standards definitions does not align with the Plan's style for defining land use activities, which includes outlining the relationships with other activities as summarised in the nested tables.

837. DCC is able to reject this option because it is not required to comply with the definition standards until nine years from when the national planning standards came into effect (i.e. by November 2028). Partially moving to the definitions standards would not be an integrated approach to reviewing the Plan provisions against the national planning standards. Significantly more wide-ranging changes to the structure and format of the Plan would be required to appropriately implement the national planning standards. This would not constitute a minor change appropriate for Plan Change 1 and anticipated RMA reform may affect the need for making these changes.

Alternative Option 2: Reinstate the time-limit for visitor accommodation activity

838. As outlined in the background above, a duration of stay component was removed from the visitor accommodation definition as part of Variation 2. This limited visitor accommodation to stays of less than 3 months.

839. While reinstating the duration of stay would make it easier to determine when sleeping accommodation is 'temporary' or not, it would also remove the benefits of covering longer-term temporary sleeping accommodation under the definition of campgrounds. Such activity would then be treated as standard residential activity. This is undesirable given the management regime for standard residential activity and the associated density controls across the zones. This option does not support providing housing choice for all the community's needs, as sought by Objective 2.6.1, which was a key reason for the change under Variation 2.

2.3.12 Allowing 3 Waters agreements for RTZ transition (Change Res20)

Purpose of proposal and scope of change

840. The purpose of Change Res20 is to review whether to amend Rule 12.3.1 on the release of land in the residential transition overlay zone (RTZ) to enable agreement between the DCC and the developer on 3 waters infrastructure as an option to enable transition.

841. The scope of the change does not include review of any other parts of Rule 12.3.1 or rezoning or transitioning any existing or new RTZ land.

Background and issues of concern

842. Several rural and rural residential zoned greenfield development areas around the city have been identified as appropriate for future residential development by application of the residential transition overlay zone (RTZ).

843. The RTZ is used when there are 3 waters and/or transport infrastructure servicing issues that need to be resolved before residential development can be undertaken and the required infrastructure upgrades were not programmed at the time of identifying the RTZ.

844. The relevant objectives of the Plan are strategic Objective 2.6.2, which seeks the provision of adequate urban land supply, along with strategic objectives on the affordable and efficient provision of 3 waters and transportation infrastructure (objectives 2.7.1 and 2.7.2), and Objective 12.2.1 regarding the RTZ method specifically, as follows:

Objective 12.2.1

Land within the Residential Transition Overlay Zone (RTZ) is able to be released and developed in a coordinated way as residential zoned land, in advance of the need for additional residential capacity to accommodate growth.

845. Land subject to the RTZ can transition from application of the current rural or rural residential zone rules to the rules of the residential zone identified in Appendix 12A for that RTZ area when the criteria in Rule 12.3.1 of the Plan are met.

846. Rule 12.3.1 requires the Chief Executive Officer or their delegate to release land in a RTZ when the DCC has published a statement on its website outlining that specified water and wastewater design outcomes are met, and an agreement between the DCC and developer on the method, timing and funding of any necessary transportation infrastructure is in place.

847. The issue of concern is that the release rule does not provide the option for an agreement between the DCC and developer regarding solutions for any necessary 3 waters infrastructure, even though this method is becoming an increasingly common method of resolving 3 waters infrastructure constraints at greenfield sites as part of rezoning decisions.

848. This issue is proposed to be resolved by amending Rule 12.3.1 to provide the option for agreements to resolve 3 waters infrastructure issues, similar to the clause regarding transportation infrastructure.

Proposed change and assessment

849. Change Res20 proposes to amend the following provisions, as shown in Appendix A:

- Amend Rule 12.3.1 for the release of land in the residential transition overlay zone (RTZ) to enable agreements between the DCC and developers on the provision of 3 waters infrastructure; and
- Amend Policy 12.2.1.1 to reflect the change to the method.

Assessment against relevant objectives

850. Change Res20 will provide an additional pathway for the release of land from an RTZ where the DCC and a developer can agree on the method, timing and funding of any necessary 3 waters public infrastructure as an alternative to waiting for Council's own long-term planning, funding, and project scheduling processes.

851. The increased flexibility will create potential for objectives 2.6.2 and 12.2.1 to be more efficiently achieved by giving developers the opportunity to take a more proactive role in resolving infrastructure constraints to enable their developments to go ahead. Objective 2.7.1 seeking the affordability and efficiency of public infrastructure will still be able to be achieved, as Council will be party to any negotiations and is not bound to agree to any alternative methods proposed by a developer where they are considered inappropriate.

852. DCC 3 Waters are comfortable with the use of private development agreements to resolve infrastructure constraints as part of providing for new development, as evidenced through recent decisions on 2GP rezoning appeals, and supported by their comments specifically on this proposal (see Appendix C).

853. The wording of the criterion within the release rule is unambiguous and objective (i.e., it can be answered by a yes/no in terms of whether an agreement has been reached or not). Therefore, it meets the legal test for a 'release rule' of this type as it does not have the effect of amending the Plan through a subjective assessment process.

854. Aukaha reviewed this proposal and questioned how the private agreement process would ensure best practice management of 3 waters infrastructure. No changes were proposed in response. It was noted that the provisions in the Plan relating to infrastructure would still

apply at the time of subdivision. This would include the new development mapped area provisions, which apply to most RTZs, and require comprehensive stormwater management plans to be provided.

2.3.13 Rule 15.5.2.4 for more than one residential building per site (Change Res22)

Purpose of proposal and scope of change

855. The purpose of Change Res22 is to review the residential density standard that applies when more than one residential building is built on a site (Rule 15.5.2.4), and the associated assessment rule. The review is limited to considering:

- how the other performance standards specified in Rule 15.5.2.4 must be complied with in relation to pre-existing versus potential new boundaries, and in relation to pre-existing buildings versus new buildings; and
- whether the assessment rule at Rule 15.10.3.1 provides discretion for Council to consider all relevant effects arising from contravention.

856. The scope of the change does not include reviewing the list of other performance standards that must be complied with under Rule 15.5.2.4, or any other aspects of the density performance standard.

Background and issues of concern

857. There are a range of objectives for the residential zones to help manage effects on amenity and character. Objective 15.2.2 seeks to provide high quality on-site amenity for residents, Objective 15.2.3 seeks to maintain a good level of amenity on surrounding residential properties and public spaces, and Objective 15.2.4 seeks to maintain or enhance the amenity of the streetscape and reflect the current or intended future character of the neighbourhood.

858. An important method to achieve these objectives is the application of the development performance standards specified in Rule 15.6, such as building site coverage, height in relation to boundary, and setbacks. The development performance standards also assist in achieving other objectives, such as those relating to the protection of scheduled trees, or to the management of stormwater effects. The location of existing boundaries is critical to assessing compliance with the development performance standards.

859. To ensure that the same amenity outcomes (and other outcomes relevant to the objectives for development performance standards) are achieved, irrespective of whether subdivision or development occurs first, the Plan includes a rule for when more than one residential building is proposed for a site. This is contained in the density performance standard at Rule 15.5.2.4.

860. Rule 15.5.2.4 requires that all residential buildings on a site can comply with a selection of development performance standards should they ever be subdivided into separate sites in future, as follows:

More than one residential building (other than an ancillary residential unit) may only be built on a site if all residential buildings are able to meet all the following performance standards if they were ever subdivided into separate sites:

a. *site coverage;*

b. *height in relation to boundary;*

c. *setbacks; and*

d. *access.*

<u>*Issue 1: The rule applies performance standards to pre-existing buildings at pre-existing boundaries*</u>

861. The first issue of concern is that Rule 15.5.2.4 does not prevent the listed performance standards from being applied to pre-existing buildings in relation to pre-existing boundaries. In this situation, the effects are likely to be lawfully established and it is unreasonable to require a consent.

862. Rule 15.5.2.4 should continue to apply to new buildings in relation to pre-existing boundaries, and to all buildings (whether pre-existing or new) in relation to a hypothetical new boundary between residential buildings. Otherwise, residential buildings could be placed closer together than would be permitted if subdivision occurred first, and potential shading, privacy, and on-site amenity effects would not be adequately managed into the future. The result may be a lesser amenity outcome (or other relevant outcome) than anticipated by the Plan's objectives.

863. This issue is proposed to be resolved by no longer applying the rule to pre-existing buildings in relation to pre-existing boundaries.

<u>*Issue 2: Application of development performance standards to pre-existing buildings*</u>

864. Interpretation issues have also arisen with the wording of the listed performance standards themselves, when applied to pre-existing buildings. This is because the development standards for setbacks and height in relation to boundary only apply to new residential buildings and additions and alterations, not existing buildings, as follows (***emphasis added***):

15.6.13.1 Boundary setbacks

a. ***New buildings, new structures, and additions and alterations****, must have a minimum set back from boundaries, as follows: …*

15.6.6.1 Height in relation to boundary

a. *On all side and rear boundaries that adjoin a site with a residential zone or a Residential Transition Overlay Zone,* ***new buildings and additions and alterations*** *to buildings must not protrude through the following planes: …*

865. This means that it can be argued that Rule 15.5.2.4 does not apply to pre-existing buildings in these cases.

866. This issue is proposed to be resolved by amending Rule 15.5.2.4 so that the listed performance standards are to be applied as though pre-existing residential buildings are new.

<u>*Issue 3: The assessment rule does not provide Council discretion to consider all relevant effects*</u>

867. The matters of discretion for contravention of density Rule 15.5.2.4 are specified in Rule 15.10.3.1 and they are currently limited to "effects on on-site amenity".

868. The issue of concern is that the effects arising from contravention of one or more of the performance standards listed in Rule 15.5.2.4 may have broader effects than on on-site amenity. For example, there may be adverse effects on residential character arising from detached buildings being located too close together, or effects on accessibility if adequate access is not provided. Contravention of setbacks other than boundary setbacks could also generate other types of effects (e.g. on scheduled trees, coast and water bodies, the National Grid etc.).

869. Overall, there are a range of effects that are relevant depending on the performance standard that would be contravened. The assessment rules for each separate performance standard reflect that range of effects in the listed matters of discretion. However, this range is not reflected in Rule 15.10.3.1 and this limits Council's ability to consider relevant effects when Rule 15.5.2.4 is contravened.

870. This issue is proposed to be resolved by amending Rule 15.10.3.1 so that the relevant matters of discretion for the applicable performance standard contravention will apply.

Proposed change and assessment

871. Change Res22 amends the following provisions, as shown in Appendix A:

- Amend Rule 15.5.2.4 so that the listed performance standards are to be applied as though all residential buildings are new, and to exempt their application to pre-existing residential buildings in relation to pre-existing boundaries.
- Amend Rule 15.10.3.1 for the assessment of contraventions to ensure that all relevant effects arising from contraventions can be considered by Council.

Assessment against relevant objectives

872. The proposed changes will ensure that Rule 15.5.2.4 manages all relevant effects in the same way they would be if subdivision occurred first. When contraventions do occur, the changes will ensure Council has appropriate discretion to consider the relevant effects.

873. The approach will more effectively achieve the relevant objectives of the Plan, particularly those that are not referenced in the existing assessment rule. For example, Objective 15.2.4 on residential character effects will be more effectively achieved by ensuring appropriate separation between new and existing buildings, and Objective 6.2.2 on accessibility will be more effectively achieved by ensuring Council has discretion to consider accessibility effects when access is not provided for.

874. The rule will be more efficient than the status quo as it will target assessments to relevant effects and will not capture contraventions by pre-existing buildings in relation to pre-existing boundaries. This will remove the need for consent where effects are lawfully established and focus the rule on the new effects of concern.

2.3.14 Add missing performance standards for standard residential activity in the Campus Zone (Change CM1)

Purpose of proposal and scope of change

875. The purpose of Change CM1 is to ensure the Campus Zone provisions for standard residential activity appropriately apply the performance standards for the Inner City Residential Zone.

Background and issues of concern

876. The Campus Zone includes a large residential area in the vicinity of the University of Otago and Otago Polytechnic campuses. Standard residential activity and associated development in the Campus Zone is intended to be managed by applying the relevant performance standards for the Inner City Residential Zone (ICR). This intention is reflected in Policy 34.2.2.3, which sits under Objective 34.2.2. These provisions read as follows:

Objective 34.2.2

Land use, development and subdivision activities maintain or enhance:

- *a. the distinctive character and overall amenity of the university and polytechnic campus environments and surrounding streets; and*
- *b. the amenity of residential properties and the Recreation Zone located adjacent to the Campus Zone, as far as practicable; and*
- *c. on-site amenity of residential activities located in the Campus Zone.*

Policy 34.2.2.3

Require standard residential activity, including any associated development activities, to meet the relevant policies and objectives and performance standards of the Inner City Residential Zone.

877. The main issue of concern is that the approach set out in Policy 34.2.2.3 above is not reflected in the performance standards that apply to standard residential activity in the Campus Zone.

878. Rule 34.3.3.25 in the activity status table currently states that standard residential is a permitted activity and not subject to any additional performance standards than those that apply to all land use activities in Rule 34.3.3.1. This approach is inconsistent with the management of the ICR Zone and Policy 34.2.2.3 and means that Objective 34.2.2 cannot be effectively achieved.

879. This issue has arisen due to an error in the 2GP Transportation Decision that was attempting to correct another issue[42]. The issue was that the notified version of the activity status table applied the performance standards of ICR Zone as well as the minimum car parking performance standard, creating duplication (because minimum car parking was also a performance standard for the ICR Zone). However, this was erroneously corrected by deleting

[42] See para. 755 of the 2GP Transportation decision https://www.dunedin.govt.nz/__data/assets/pdf_file/0006/716406/Transportation-Decision-Report.pdf

the link to the ICR performance standards rather than deleting the link to the minimum car parking performance standard, as shown below.

Residential activities		Activity status	Performance standards
20.	Standard residential	P	a. ~~Performance standards of the Inner City Residential Zone apply (see Rule 15.3.3)~~ ***{Trans 308.367}*** b. Minimum car parking

880. At the time of the decision, the performance standards that applied to standard residential in the residential zones were as shown below.

3.	Standard residential	P	a. Density b. Minimum car parking c. Outdoor living space d. Service areas e. <u>Family flats</u> ***{PO 876.1, 207.1 and others}***

881. It is noted that the minimum car parking performance standard has since been deleted to give effect to Policy 11 of the NPS-UD. Furthermore, the performance standard for family flats (now ancillary residential units) was never relevant to the ICR Zone because family flats were not provided for in that zone as it is a medium density zone (see Rule 15.5.2).

882. Therefore, standard residential activity in the Campus Zone currently is missing performance standards for density, outdoor living space and service areas.

883. This issue is proposed to be resolved by reinstating the link to the density, outdoor living space and service areas performance standards as for the ICR, except by drafting this in a way that is better aligned with the way the Plan typically refers to rules in other sections compared to what was proposed in the notified version of the 2GP.

<u>Proposed change and assessment</u>

884. Change CM1 amends the following provisions, as shown in Appendix A:

- Amend Rule 34.3.3.25 for standard residential (in the activity status table) to apply performance standards for density, outdoor living space, and service areas
- Amend Rule 34.5.7 Density to link to Rule 15.5.2 for ICR
- Add Rule 34.5.Z Outdoor living space to link to Rule 15.5.11 for ICR
- Add Rule 34.5.AA Service areas to link to Rule 15.5.12
- Add the following assessment rules for restricted discretionary land use performance standard contraventions, linking to Section 15 for assessment:
    - Rule 34.9.3.Z for density (for more than one residential unit per site that does not comply with the specified performance standards)
    - Rule 34.9.3.AA for density (for where the ICR restricted discretionary limit applies)

    - Rule 34.9.3.AB for outdoor living space; and
    - Rule 34.9.3.AC for service areas; and
- Add Rule 34.12.3.2 for assessment of non-complying density contraventions.

Assessment against relevant objectives

885. The proposed changes will address a significant gap in the Campus Zone section of the Plan that currently means Objective 34.2.2 may not be effectively achieved regarding character and amenity outcomes in the Campus Zone.

886. For density, the changes also have significant implications for managing effects on the efficiency and affordability of 3 waters infrastructure. By reintroducing the link to the density performance standard, appropriate limits on development will be applied, providing discretion for Council to consider the effects of contraventions on 3 waters. This will ensure Objective 9.2.1, which seeks to maintain or enhance the efficiency and affordability of 3 waters infrastructure, can be more effectively achieved.

887. The drafting approach is also more consistent with the Plan's style for referring to rules in other sections of the Plan, making it clearer and easier for Plan users to navigate than the previous rule in the notified version of the Plan. The drafting approach is also consistent with other rules already in the Campus Zone section that refer to Section 15 (see Rule 34.6.12).

Alternative Option 1: Reinstate the link as proposed in the notified version of the Plan

888. The option of simply reinstating the link to the ICR performance standards that was deleted in error as part of the 2GP decisions was assessed and rejected. While this option would be very easy to draft, it is not aligned with the Plan's drafting style for linking to performance standards in other Plan sections, and it is unclear to Plan users what rules apply without further investigation. The proposal takes a clearer and more efficient approach.

Alternative Option 2: Build the missing performance standards into the Campus Zone section

889. The option of building the performance standards for density, outdoor living space and service areas into the Campus Zone section itself was assessed and rejected.

890. This option was considered because the approach of cross-referencing from the Campus Zone to the ICR Zone provisions in Section 15 does not align with the typical Plan drafting style for other major facility zones.

891. This option was rejected because it would result in the need for a wide range of changes to the Campus Zone section other than adding the performance standards themselves. These changes are not necessary to achieve the Plan's objectives and are inefficient compared to the proposal. Such additional changes would include:
    - Amending Policy 34.2.2.3 so that it no longer refers to standard residential activity meeting the relevant policies and objectives and performance standards of the ICR
    - Adding new objectives and policies to the Campus Zone to duplicate the function of the relevant policies from the Residential section of the Plan to enable the assessment of consent applications; and

- Consequential changes to other performance standards already in the Campus Zone section of the Plan which refer back to the Residential section for requirements and illustrative figures (e.g. Rule 34.6.12 on maximum building site coverage and impermeable surfaces; Rule 34.6.6 on height).

2.4 Rural, Rural Residential and Recreation Changes

892. This section assesses change proposals which directly impact the management of rural, rural residential, and recreational land use and development.

2.4.1 Family Flats in Rural and Rural Residential Zones (Change CP6)

Purpose of proposal and scope of change

893. The purpose of Change CP6 is to consider whether the family flats provisions for the rural and rural residential zones should be amended to cap the maximum gross floor area in a similar way to the ancillary residential unit provisions for the residential zones, to ensure the provisions are effective at maintaining the use of family flats as an ancillary use to the primary residential activity on the site and to reduce the risk of demand for future subdivision associated with family flats.

894. The scope of the change allows for submissions to be made requesting changes to the tenancy and design performance standards that apply to family flats in the rural and rural residential zones, within the framework of existing policies 16.2.1.6 and 17.2.1.7.

895. The scope of the change does not include reviewing policies 16.2.1.6 or 17.2.1.7, the density or minimum site size performance standards or policies in the rural or rural residential zones, or the ancillary residential unit provisions for other zones.

Background and issues of concern

896. Family flats provisions are included in the rural and rural residential zones to provide for a secondary residential unit to be established on a site as accommodation for family or employees of the main household. One family flat is allowed in association with each standard residential activity that meets the density performance standard for the zone (Rule 16.5.2 and Rule 17.5.2).

897. The family flats provisions include restrictions on the tenancy of family flats to persons with a specific relationship with the occupants of the main dwelling (Rule 16.5.14.1 and Rule 17.5.3.1) and if these requirements are not met, the activity is non-complying.

898. Restrictions on the design of family flats also apply (Rule 16.5.14.2 and Rule 17.5.3.2), setting a maximum gross floor area of $60m^2$, requirements for shared infrastructure with the primary residential unit, and co-location requirements. Contravention of the design requirements is a restricted discretionary activity.

899. The restrictions on the tenancy and design of family flats in the rural and rural residential zones are intended to manage several issues to help achieve the relevant objectives for those zones. Key objectives include managing the risk of future pressure to further subdivide sites and the associated loss of productive land (objectives 16.2.1, 16.2.4, 17.2.1 and 17.2.4),

reverse sensitivity effects (objective 16.2.2 and 17.2.2) and managing potential impacts on the natural environment and rural character (objectives 16.2.1, 16.2.3, and 17.2.3).

900. The issue of concern is that while consent is required for a family flat over 60m^2 gross floor area, there is no upper limit at which a family flat is treated as a primary residential unit. This means that resource consents are being sought and granted for large standalone 'family flats' that are more akin to a primary residential unit than a 'flat'. These consent applications are assessed as a restricted discretionary activity, whereas contravention of the density performance standards for a second primary residential unit would be assessed as a non-complying activity.

901. Examples in the rural zones include:

- LUC-2019-616 for a family flat with a gross floor area of 135m^2
- LUC-2020-47 for a family flat with a gross floor area of 93m^2
- LUC-2022-492 for a family flat with a gross floor area of 150m^2

902. Therefore, the status quo is not enabling the zone objectives to be effectively achieved because it is providing a loophole for development of large second dwellings as a restricted discretionary activity on sites that could otherwise only have one primary residential unit (with contraventions being non-complying and subject to a stricter assessment). This increases the potential for future demand for subdivision.

903. This issue is proposed to be resolved by amending the performance standards for the design of family flats to introduce a limit on gross floor area beyond which consent is required as a non-complying activity (i.e., over 80m^2). This is like the approach taken in the definition of ancillary residential units for the residential zones.

904. The proposed changes also add an exemption from the gross floor area limits when a family flat is in the same residential building as a primary residential unit to reflect that the risk of future pressure for subdivision is lower in these circumstances.

905. Feedback on family flat provisions for the rural and rural residential zones was received as part of the regular Plan user survey. Two respondents suggested removing the provisions for the rural zones entirely due to intensification being inappropriate to the nature and purpose of these zones. This alternative option is assessed further below. Other suggestions included making the rural and rural residential family flat provisions consistent with those for the residential zone, but this is not within the purpose of this change to consider.

<u>Proposed change and assessment</u>

906. Change CP6 amends the following provisions, as shown in Appendix A:

- Amend Rule 16.5.14.2 (family flats – design) to exempt family flats within the same residential building as the primary residential unit from maximum gross floor area, and to make family flats over 80m^2 gross floor area a non-complying activity;
- Delete Rule 16.9.3.1.a.vi (assessment of family flats – design restricted discretionary contraventions) as a consequence of adding an exemption to the rule for family flats within the same residential building as the primary residential unit;

- Amend Rule 16.12.5.7 for the assessment of non-complying contraventions of the family flats – tenancy performance standard, to also apply it to the design of family flats over 80m^2 gross floor area;
- Amend Rule 16.9.3.1 (assessment of family flats – design contraventions) to make clear that it does not apply to family flats over 80m^2 gross floor area;
- Amend Rule 17.5.3.2 (family flats – design) to exempt family flats within the same residential building as the primary residential unit from maximum gross floor area, and to make family flats over 80m2 gross floor area a non-complying activity;
- Delete Rule 17.9.3.1.a.iv (assessment of family flats – design contraventions) as a consequence of adding an exemption to the rule for family flats within the same residential building as the primary residential unit;
- Amend Rule 17.12.6.6 for the assessment of non-complying contraventions of the family flats – tenancy performance standard, to also apply it to the design of family flats over 80m^2 gross floor area; and
- Amend Rule 17.9.3.1 (assessment of family flats – design restricted discretionary contraventions) to make clear that it does not apply to family flats over 80m^2 gross floor area.

<u>Assessment against relevant objectives</u>

907. The changes to introduce a non-complying activity status for family flats over 80m^2 gross floor area will ensure that the strategic Objective 2.3.1 for land and facilities important for economic productivity (and associated zone objectives 16.2.1, 16.2.2, 16.2.4, 17.2.1, 17.2.2 and 17.2.4) will be better achieved by preventing the family flats rules from being used as an avenue to establish a second primary residential unit on a site as a restricted discretionary activity.

908. The change will also ensure that the strategic Objective 2.4.6 for character of the rural environment (and associated zone objectives 16.2.1, 16.2.3 and 17.2.3) will be better achieved by helping to maintain the rural character and visual amenity values of rural and rural residential zones.

909. At the same time, the introduction of exemptions from the maximum gross floor area limits for family flats that are within the same residential building as the primary residential unit will provide greater flexibility for larger family flats where the risk of future pressure for subdivision, and of impacts on rural character, are likely to be low.

<u>Alternative Option 1: Delete family flat provisions for the rural zones</u>

910. This option was suggested by two respondents to the regular Plan user survey.

911. However, the family flat provisions for the rural zones help enable productive rural activities by providing for worker accommodation as part of the tenancy performance standard. This is consistent with Objective 16.2.1 and associated Policy 16.2.1.6 and, in combination with the proposal to limit the gross floor area of family flats, will ensure a proliferation of separate residential activities in the rural zones is avoided as far as practicable.

2.4.2 Activity definition for walking and biking tracks (Change CP11)

Purpose of proposal and scope of change

912. The purpose of Change CP11 is to clarify the management of recreational walking tracks (which includes cycling tracks) to ensure they are appropriately managed by the Plan.

Background and issues of concern

913. This change was added in response to feedback from the regular Plan user survey undertaken as part of Plan Change 1.

914. The Plan seeks to support leisure and recreation through strategic direction Objective 2.3.3 and associated Policy 2.3.3.1 (on community and leisure activity, sport and recreation and essential community facilities). Objective 2.3.3 states:

Objective 2.3.3 Facilities and Spaces that Support Social and Cultural Well-being

Dunedin has a range of accessible recreational, sporting, social and cultural facilities and spaces, which provide for high levels of physical, social, and cultural well-being across the community.

915. This support is implemented through objectives, policies, and rules in the management zones to provide for these facilities and spaces (under the community activities category of activities) while also seeking to manage their effects on amenity and other values that are relevant to the zone or location.

916. Effects of concern in residential and recreation zones relate to ensuring on-site, off-site and streetscape amenity is acceptable. In the rural and rural residential zones, effects of concern relate more to maintaining rural character, rural productivity, and managing the potential for reverse sensitivity. Accessibility and effects on the safety and efficiency of the transport network are also relevant.

917. Despite the Plan's general support for leisure and recreation, issues have arisen with the implementation of the associated rules, particularly for walking tracks. The Plan definition of walking track is:

Walking Track

A formed track or trail on public or private land, over which the public has right of access for pedestrian or cycling use.

918. Given that the use of walking tracks is typically for informal recreation, they best fit under the definition of community and leisure (although walking tracks are not listed as an example in the definition). Part of the community and leisure definition is shown below with important words in bold:

Community and Leisure

The use of land and buildings for the purpose of social gathering, worship, community support, ***non-competitive informal recreation, or leisure activities****. These activities are generally not-for-profit and/or may make use of space in an existing building.*

…

919. The management of community and leisure is split by an attendance scale threshold into small scale and large scale. The threshold is given in the definition below:

Community and Leisure - Small Scale

Community and leisure that does not exceed an attendance rate of 50 people at any one time, except for a maximum of 10 days per calendar year, where the attendance rate does not exceed 100 people at any one time.

Community and leisure - small scale is a sub-activity of community and leisure.

920. Implementation issues relating to walking tracks are outlined further below and need to be resolved to ensure walking tracks are appropriately provided for, while also managing their effects in various environments.

Issue 1: Examples in the definition of sport and recreation are causing confusion over walking tracks

921. The first issue of concern is that, although the definition of community and leisure is most relevant to the typical informal use of walking tracks, the definition of sport and recreation lists "walking and cycling facilities" as an example of what it includes. This has led to confusion about whether walking tracks are intended to be managed under the sport and recreation provisions instead.

922. However, the definition of sport and recreation focuses on organised sport and recreation activity. Part of the definition of sport and recreation is shown below with important words in bold:

Sport and Recreation

*The use of land and buildings for **organised** indoor and **outdoor** sport and **recreation activity**, ancillary events, sports education, and club meetings, presentations, and functions. For the sake of clarity, this definition includes ancillary office activity and ticket sales activities.*

Examples are facilities managed by clubs, Dunedin City Council, schools or private entities including:

- *…, and*
- ***outdoor recreational facilities**, including **walking and cycling facilities.***

…

Sport and recreation is an activity in the community activities category.

923. The management regimes for sport and recreation and community and leisure are different due to the difference in effects anticipated from each activity. Therefore, the activity status varies depending on which activity definition is applied. An overview of the different possible activity statuses for the zones where walking tracks are likely to be located is shown in Table 12 below. Note that walking tracks may cross zone boundaries.

Table 12: Activity status of walking tracks depending on the zone and activity definition applied

Activity/Zone	Residential	Rural	Rural Residential	Recreation
Community and leisure - small scale	P	P	P	P
Community and leisure - large scale	RD	D	D	RD
Sport and recreation	D	D	D	P

924. For community and leisure - large scale in residential zones, discretion is restricted to:

- Effects on accessibility
- Effects on the safety and efficiency of the transport network
- Effects on surrounding sites' residential amenity
- Effects on streetscape amenity and character

925. For community and leisure – large scale in Recreation Zone, discretion is restricted to:

- Effects on the safety and efficiency of the transport network

926. Issue 1 is proposed to be resolved by amending the definition of sport and recreation to remove the reference to walking and cycling facilities and by amending the definition of community and leisure to list walking tracks as an example. This will ensure walking tracks are consistently treated as community and leisure activity as intended.

927. The proposal also ensures temporary events are excluded from the definition of sport and recreation, as there might otherwise be confusion due to the reference in the sport and recreation definition to organised sport. This is also supported by changes to the definition of temporary events to list walking, cycling, or running races as examples of temporary events.

Issue 2: Recreation Zone activity status for community and leisure – large scale is too restrictive for walking tracks

928. The second issue is that in the Recreation Zone, community and leisure – large scale (which includes large scale walking tracks) is a restricted discretionary activity whereas sport and recreation is permitted (see Table 12 above). This is despite the effects from large scale walking tracks likely being no greater than for a sport and recreation activity.

929. This issue is proposed to be resolved by amending the Recreation Zone land use activity status table to provide for large scale walking tracks outside a hazard mapped area as a permitted activity, consistent with the activity status for sport and recreation. The change in activity status will not affect other types of community and leisure – large scale activity, which will continue to be treated as restricted discretionary activities.

Issue 3: Overlap between definition of walking track and road

930. The third issue is that it is currently possible for a walking track to fall within both the definition of walking track and road, which may cause further confusion for Plan users in determining the applicable activity definition.

931. The definition of road is as follows:

Road

Any public road or street (formed or unformed) as defined by the provisions in section 315 of the Local Government Act 1974. For the sake of clarity, this includes any vehicle lane, cycleway, footpath, shared path, track, and any parking or loading areas that are located within the road reserve.

932. If the definition of road is applied, development of the road is a transportation activity, which is managed via Section 6 of the Plan on Transportation.

933. This issue is proposed to be resolved by amending the definition of walking track to exclude tracks otherwise defined as road.

<u>*Issue 4: Title of the walking track definition may cause confusion regarding cycling use*</u>

934. The final issue identified is that it is not clear from the title of the definition of walking track (see above) that it includes cycling use.

935. This issue is proposed to be resolved by renaming the definition of walking track to recreation track, as this better describes the definition's scope and purpose.

<u>Proposed change and assessment</u>

936. Change CP11 amends the following provisions, as shown in Appendix A:

- Amend the definition of walking track to better reflect its scope and application;
- Make consequential changes to the following provisions to replace walking track with recreation track:
    - Rule 8A.5.1.1.g
    - Policy 12.2.4.1
    - Rule 12.X.2.5.c.ii
    - 20.1 Introduction
- Amend the definition of community and leisure to clarify that recreation tracks fall within this activity definition;
- Amend the definition of sport and recreation to clarify that it does not include walking and cycling facilities, activities otherwise defined as community and leisure or temporary events;
- Amend the definition of temporary events to list walking, cycling, and running races as examples of temporary events; and
- Add Rule 20.3.3.Y and amend Rule 20.3.3.4 in the land use activity status table for the Recreation Zone to permit recreation tracks that fall under the definition of community and leisure – large scale.

Assessment against relevant objectives

937. The proposed changes to ensure that walking tracks (which would be renamed 'recreation tracks') used for informal recreation are explicitly categorised as a community and leisure activity (rather than sport and recreation) will improve Plan clarity and administration overall.

938. In all zones where recreation tracks are likely, ensuring recreation tracks are correctly treated as community and leisure will ensure that tracks that meet the community and leisure – small scale threshold are treated as a permitted activity, rather than a discretionary activity as sport and recreation (excluding the Recreation Zone, where sport and recreation is already a permitted activity). Ensuring this more enabling approach is applied to recreation tracks within the community and leisure - small scale thresholds is consistent with the Plan's strategic directions for enabling community activities (Objective 2.3.3 and Policy 2.3.3.1).

939. Recreation tracks that fall within the definition of community and leisure – large scale will remain discretionary activities in the rural and rural residential zones. This is the same activity status as for sport and recreation in these zones, so the change in this regard is neutral in terms of achieving the relevant objectives for these zones.

940. Recreation tracks that fall within the definition of community and leisure – large scale in the residential zones will be treated as a restricted discretionary activity compared to sport and recreation, which is discretionary. The existing matters of discretion that apply to the assessment of community and leisure – large scale in residential zones (see above) are still considered sufficient to ensure likely adverse effects are managed. These effects extend to traffic generation and amenity. Large scale activity is also subject to performance standards such as noise, and light spill and hours of operation. Therefore, the changes will ensure the residential zone objectives on amenity will continue to be achieved.

941. Recreation tracks that fall within the definition of community and leisure – large scale in the Recreation Zone would be treated more strictly (discretionary) than sport and recreation (permitted) without additional changes. However, the change to the activity status table to ensure recreation tracks are always permitted in the Recreation Zone will correct this, consistent with the relevant objectives and purpose of Recreation zoned land.

942. Overall, the proposed changes will ensure that recreation tracks will be consistently treated as community and leisure activity, reducing Plan interpretation issues. This approach is slightly more enabling than if the definition of sport and recreation is applied, but this is consistent with the Plan's strategic direction for enabling community and recreation activities and the intent of the provisions. Furthermore, the changes ensure that potential adverse effects from large scale activity can still be managed through consenting processes to ensure zone objectives continue to be achieved.

943. The change proposal responds to feedback received through Aukaha's review by ensuring the definitions of sport and recreation and temporary events are clear that organised walking, cycling or running races on a recreation track is a temporary event. While Aukaha questioned the non-complying activity status for recreation tracks in the Recreation Zone within a hazard facility mapped area (which is proposed to be non-complying), changes were not made on the

basis that this approach is consistent with the existing definition of bulk fuel storage facilities sensitive activities, which includes community and leisure (but not sport and recreation).

Alternative Option 1: Always treat walking tracks as community and leisure – small scale

944. Issues with the implementation of Plan provisions relating to walking tracks were discussed with representatives from the Department of Conservation (DOC) in January 2023.

945. DOC representatives' general view was that new recreation tracks should always be community and leisure - small scale because they considered the level of adverse amenity effects anticipated from a recreation track do not warrant a resource consent process. They considered that consents should only be triggered when carparking, buildings, or other facilities are proposed that do not comply with the Plan provisions.

946. While new recreation tracks will not create amenity issues in some situations, it is dependent on the location of the track relative to other land uses, the likely intensity of track use, and whether the facilities provided for track users are aligned with that intensity of use.

947. For example, if a new track is proposed close to dwellings and the track attracts a high level of use while having poor facilities for track users, then adverse effects on the amenity of nearby dwellings could arise in relation to privacy, noise, inappropriate toileting, and the new track may generate security concerns. Visitors roaming on to private property is a commonly reported issue with recreation tracks. At Tunnel Beach track, issues for surrounding landowners arose over time as the intensity of track use increased without a corresponding increase in the facilities for track users.

948. Overall, without a consent process for tracks with a higher intensity of use, it is difficult to ensure that the adverse effects will be appropriately managed to achieve the Plan's relevant objectives. An enabling approach is only appropriate for tracks with a lower intensity of use where the level of adverse effects is likely to be acceptable without specific management by the Plan. Therefore, this alternative option was rejected from further consideration.

Alternative Option 2: Always treat walking tracks as community and leisure – large scale

949. An option to ensure all adverse effects from recreation tracks can be considered on a case-by-case basis is to always treat them as community and leisure - large scale, irrespective of their intensity of use. This would mean that all new recreation tracks are subject to a resource consent assessment process.

950. This approach would result in new tracks with low intensity use requiring consent without a strong likelihood of specific conditions or management regimes needing to be imposed. While this approach would be effective at managing any unanticipated scenarios and associated adverse effects, it was rejected as a less efficient option to achieve the relevant Plan objectives than the proposal.

Alternative Option 3: Amend the scale threshold for community and leisure activity

951. Community and leisure activities are currently treated differently depending on the scale of use (small scale or large scale). The scale threshold for a large scale activity (when consent is required) is an attendance rate of more than 50 persons at any one time, with some

exceptions. However, this threshold may be more practically applied to a facility that has a routine or 'block' attendance (e.g. a place of worship) than a recreation track that has arrivals and departures spread through the day.

952. The potential for an appropriate number of track users be built into the scale threshold (e.g. track users per hour) was discussed with DOC representatives. Track counting is used by DOC for allocating maintenance resources. However, track usage data was not provided by DOC, and a suitable threshold was not identified through discussions. Furthermore, no other district plans were found that employed a threshold of this type for determining when a new recreation track needs a resource consent.

953. In the absence of suitable data to support this option, it was rejected in favour of relying on the existing scale threshold within the community and leisure - small scale definition. The submission process will allow further input from stakeholders on the most effective and efficient approach.

2.4.3 Boundary setbacks for structures in rural & rural residential zones (Change D10)

Purpose of proposal and scope of change

954. The purpose of Change D10 is to review whether boundary setback performance standards should apply to structures activities (e.g. installation of shipping containers, tiny homes on wheels, or other structures) in the rural and rural residential zones.

Background and issues of concern

955. Performance standards for boundary setbacks apply in the rural and rural residential zones to assist in achieving objectives for the protection of the amenity of properties, management of reverse sensitivity, and maintenance of rural/rural residential character and visual amenity (objectives 16.2.2, 16.2.3, 17.2.2 and 17.2.3).

956. To achieve the relevant objectives, the performance standards for boundary setbacks (rules 16.6.10.1 and 17.6.9.1) are focussed on buildings rather than structures. The rules cover residential buildings, non-residential buildings, and buildings housing animals, but they do not require any minimum setback from boundaries for structures other than roadside produce stalls.

957. The development of buildings is defined as follows:

Buildings

The development activity which includes a building that is permanently fixed to the land and over 10m².

This definition only applies to "buildings" as an activity in the development category. It does not cover any other use of the word "building", which should rely on the broader definition for "building" (singular).

For the sake of clarity, this definition consists of newly constructed buildings and buildings relocated to, or within, a site.

Buildings are an activity in the buildings and structures sub-category, which is in the development activities category.

958. The development of structures is defined as follows:

Structures

The development activity that includes a structure, other than as provided for under the definition of "buildings", and is:

- *fixed permanently to the land; or*
- *if movable, greater than 10m² or 2m in height and stored or placed undisturbed on a site for more than 12 months.*

…

959. Given the definitions above, structures of any size (excluding roadside stalls) can be placed without any boundary setbacks in the rural and rural residential zones. This is the case even where these structures are placed undisturbed on a site for more than 12 months. Examples of larger structures that may be located up to the boundary, for any length of time, include:

- shipping containers (a 20ft container is almost 15m^2 and a 40ft container is about 30m^2);
- water tanks (e.g. a 30,000L tank can have a footprint of 11.3m2);
- movable structures designed to house animals (e.g. 'Portasheds' up to 14.4m^2); or
- tiny homes on wheels (which are likely to always be greater than 2m in height, irrespective of footprint but are more likely to be easily moved and so may not often constitute a structures activity).

960. The issue of concern is that structures that are larger than 10m^2 in area and placed undisturbed on a site on a long-term basis would have similar amenity effects to similar-sized buildings but without the need to comply with boundary setbacks. The issue extends to structures that might be used to house animals where odour, dust, and noise may cause additional amenity issues. Not controlling the setback of such structures detracts from achieving the relevant objectives regarding effects on the amenity of neighbours and on rural/rural residential character.

961. The potential for adverse effects on neighbours' amenity is demonstrated by an example where a line of shipping containers was located along a side boundary in a rural residential zone. While the neighbour made a complaint, and there was an amenity impact, the structures were permitted by the Plan on an ongoing basis and the containers were not required to be moved. By comparison, had the shipping containers instead been a series of storage sheds similar in size to shipping containers but fixed to ground, they would have been treated as buildings and would have been required to be set back from boundaries.

962. This issue is proposed to be resolved by applying the same setback requirements to structures that are greater than 10m^2 in area as for non-residential buildings, except when they are under 2m in height and do not house animals. This means structures housing animals will also

be subject to stricter setback rules than for structures not housing animals. The definition of structures will continue to allow movable structures such as shipping containers to be placed on a site within a setback for up to 12 months.

963. A threshold of $10m^2$ aligns with the threshold in the definition of buildings, below which setback requirements do not apply. An exception to the $10m^2$ threshold is also proposed for water and other storage tanks whereby the setback requirement is reduced to 1m. Finally, exceptions to the amended rules are also proposed for fences and holding pens, so that these structures can continue to be located on or near the boundary.

Proposed changes and assessment

964. Change D10 proposes the following changes, as shown in Appendix A:

- Amend Rule 16.6.10.1 for setbacks in the rural zones to require structures greater than $10m^2$ to be set back from boundaries to the same extent as non-residential buildings (unless they are less than 2m in height), accounting for whether the structures house animals or not. Include an exception for water and other storage tanks of 10-15m2, up to 3.5m in height, so they have a reduced setback requirement of 1m from side and rear boundaries. Include exceptions for fences and holding pens.
- Amend Rule 17.6.9.1 for setbacks in the rural residential zones to require structures greater than $10m^2$ to be set back from boundaries to the same extent as non-residential buildings (unless they are less than 2m in height), accounting for whether the structures house animals or not. Include an exception for water and other storage tanks of 10-15m2, up to 3.5m in height, so they have a reduced setback requirement of 1m from side and rear boundaries. Include exceptions for fences and holding pens.
- Amend the rural and rural residential policies that set up the setback performance standards to include large structures. This amends the following policies:
    - Policy 16.2.2.2
    - Policy 16.2.2.3
    - Policy 17.2.2.2
    - Policy 17.2.2.3
- Amend the assessment rules for boundary setback contraventions to update the paraphrasing of the policies above and amend the assessment guidance to reflect the broadened rules:
    - Rule 16.9.4.2
    - Rule 17.9.4.1
- Amend the headings for the following figures to reflect the addition of structures over $10m^2$ to the relevant setback requirements:
    - Figure 16.6.10.1B
    - Figure 16.6.10.1C

- Figure 17.6.9.1B
- Figure 17.6.9.1C

Assessment against relevant objectives

965. The changes proposed as part of Change D10 will ensure that structures greater than $10m^2$ and 2m in height (unless they house animals) that are undisturbed on site for more than 12 months will be subject to the same setback requirements as buildings of a similar size. This approach acknowledges that the character and amenity effects will be similar whether they arise from structures or similar-sized buildings. Therefore, the changes will better achieve objectives 16.2.2 and 16.2.3 (for rural zones) and objectives 17.2.2 and 17.3.3 (for rural residential zone) regarding managing effects on neighbours' amenity and the character of the wider environment.

966. The proposed approach will be efficient in meeting the objectives as it is targeted to structures greater than $10m^2$ that are in place for more than 12 months (which are the structures most likely to create amenity concerns), allowing for structures that are larger in area where less than 2m height (e.g. a swimming pool or raised garden). The setbacks that apply are the same as for non-residential buildings, ensuring that the additional amenity effects from the housing of animals are factored in. The relevant front yard setbacks for buildings in these zones are also considered appropriate for structures greater than $10m^2$ in terms of rural character effects. Other smaller scale structures used for farming purposes can continue to enjoy the flexibility of no specified setback requirement.

967. The possibility of structures being moved every 12 months to avoid application of the setback requirements has been considered. Overall, this appears to be a relatively low risk and not a situation that has been encountered by the resource consents compliance team in other management zones where a setback is applied to structures. If adverse effects were to eventuate from a deliberate effort to circumvent the rules, Council has compliance options under Section 17 of the RMA if the adverse effects are objectionable.

968. Overall, the risk of unacceptable effects arising from misuse of the proposed provisions must be balanced with the benefit of providing flexibility for other structures to locate close to site boundaries in a rural or rural residential environment. The proposal strikes a good balance in this regard.

969. Providing an additional exemption for water and other storage tanks is appropriate as tanks are an expected element in a rural or rural residential environment. Standard water tanks are typically slightly larger than the $10m^2$ threshold proposed in the performance standard, hence the exception for water and other storage tanks applying up to $15m^2$ and 3.5m in height. A setback of 1m for side and rear yards is appropriate for these slightly larger tanks because of their widespread use in rural and rural residential environments and as they are typically put to a relatively benign storage use.

970. Overall, the approach will appropriately achieve the relevant objectives while avoiding unnecessary consents for short duration storage activities and for structures that are anticipated in the rural and rural residential zones. The imposition of requiring setbacks for

structures greater than $10m^2$ to maintain amenity values will be minor and is appropriate in the context of the objectives and existing rules for buildings.

971. The change proposal responds to feedback received through Aukaha's review by ensuring the new setback requirements do not apply to fences or holding pens, or to structures less than 2m in height (even when over $10m^2$ in area) for better consistency with the setback provisions in other sections of the Plan. However, the exemption for structures under 2m high was not applied to structures housing animals due to the potential amenity effects irrespective of structure height. The exemption for holding pens is appropriate, as they only contain animals intermittently and for short durations, and are not used to house animals.

Alternative Option 1: Apply the additional setbacks to structures less than $10m^2$

972. This alternative option was rejected because applying setback requirements to all structures would remove the flexibility to locate typical small-scale structures associated with farming near boundaries (e.g. tanks, pumps and troughs). The occasional appearance of these structures does not generally impact on rural or rural residential character and amenity given the scale of these structures relative to property sizes and their association with anticipated land uses.

Alternative Option 2: Apply the additional setbacks only in the Rural Residential zones

973. This alternative was considered because the amenity issues arising from larger scale structures are likely to be more pronounced in a rural residential setting where properties are typically closer together, there is a greater sensitivity to amenity impacts, and setbacks are not as large. However, it was rejected because there will also be situations in rural zones where amenity impacts could arise, such as when the separation distances between adjoining residential activities are small.

Alternative Option 3: Apply setbacks to all structures above $10m^2$ regardless of duration

974. An alternative of requiring all structures greater than $10m^2$, including movable structures that would be present on a site for less than 12 months, to be subject to setbacks requirements was considered. This option was rejected as there are a range of situations such as construction or house renovation or house moving where the presence of a structure such as a shipping container for a short duration up to 12 months is considered appropriate. This activity is also permitted in other zones where amenity expectations are high, including the residential zones.

2.4.4 Boundary setbacks Rule 16.6.10.1 (Change RU2)

Purpose of proposal and scope of change

975. The purpose of Change RU2 is to review the appropriateness of exemptions from the boundary setbacks rule (Rule 16.6.10.1) for additions and alterations to existing buildings that do "not further increase the contravention of the setback".

976. The scope of the change does not include reviewing other aspects of the setback requirements.

Background and issues of concern

977. Rule 16.6.10.1 requires new buildings, structures and additions and alterations in the rural zones to be set back from boundaries.

978. Setbacks from site boundaries are intended to achieve objectives 16.2.2 and 16.2.3. Objective 16.2.2 seeks to minimise reverse sensitivity and conflict between activities on adjoining sites and Objective 16.2.3 seeks to maintain or enhance the rural character values and amenity of rural zones.

979. Rule 16.6.10.1 applies exceptions where development "does not further increase the contravention of the setback", as follows:

16.6.10.1 Boundary setbacks

a. New buildings, new structures, and additions and alterations, must be set back from boundaries as follows:

i. …

vi. except:

1. *additions and alterations to an existing building located within the minimum setback from road boundary, provided the addition and alteration does not further increase the contravention of the setback and does not increase the height of the building;*
2. *additions and alterations to an existing building used for residential activity located within the minimum setback from side and/or rear boundary, provided the addition and alteration does not further increase the contravention of the setback and does not increase the height of the residential building; and …*

980. The wording "does not further increase the contravention of the setback" has been interpreted as permitting the extension of a building that already contravenes a setback, where that extension is no closer to the boundary than the existing wall.

981. The issue of concern is that these exemptions do not enable effective management of adverse effects on the character and amenity of rural zones or on adjoining properties. This is because the exemptions do not enable an assessment of effects to be carried out via a resource consent process. Therefore, neighbours, and rural character and amenity, may be adversely affected and objectives 16.2.2 and 16.2.3 may not be effectively achieved.

982. The setback exemptions were carried over from Rule 6.5.2(xi) of the Dunedin City District Plan 2006. However, those exemptions were incorrectly applied to front yards and to non-residential buildings due to a drafting error when a court decision was issued. Furthermore, the exemptions are less appropriate in the 2GP because the minimum boundary setback for residential buildings has been reduced from 40m to 20m.

983. This issue is proposed to be resolved by removing the exemptions for development that "does not further increase the contravention of the setback" from the rural boundary setbacks rule.

Proposed change and assessment

984. Change RU2 proposes to amend the following provisions, as shown in Appendix A:

- Delete Rule 16.6.10.1.a.vi.1-2 boundary setback exemptions for development that "does not further increase the contravention of the setback".

Assessment against relevant objectives

985. The proposed changes will better achieve Objective 16.2.2 which seeks to minimise reverse sensitivity and conflict between activities on adjoining sites in rural zones. It will also help to achieve Objective 16.2.3 more efficiently and effectively by better managing the maintenance or enhancement of rural character values and the amenity of rural zones, including due to removal of the exemption for setbacks from road boundaries.

Alternative Option 1: Delete front yard exemption and restrict side and rear yard exemption

986. This alternative option would delete the front yard exemption altogether and restrict the exemption for the side and rear yards to where a specified separation distance from residential buildings on a neighbouring site can be achieved, or where a limit on the size or percentage increase in building footprint is complied with.

987. This option was rejected as a less effective option to achieve the relevant Plan objectives than the proposal due to the remaining potential for impacts on neighbouring sites and the difficulty establishing an exemption where the effects would be appropriately managed.

Alternative Option 2: Keep both exemptions but further restrict them

988. This alternative option would make the same changes as for the Alternative 1 above but would keep a version of the exemption for front yards, limited based on the size of the additions and alterations.

989. This option was rejected as a less effective and efficient option to achieve the relevant Plan objectives, given its complexity, and remaining potential for impacts on neighbouring sites and rural character generally.

2.4.5 Distance between residential activities in rural zones (Change RU4)

Purpose of proposal and scope of change

990. The purpose of Change RU4 is to review whether the minimum distance between multiple standard residential activities on a single site required by the density performance standard for rural zones (Rule 16.5.2.2) is appropriate.

991. The scope of the change does not include reviewing other aspects of the density performance standards.

Background and issues of concern

992. Rule 16.5.2.2 is part of the rural density performance standard and allows multiple houses on a single site where they are located no closer than 80m from other residential buildings on the

same site. Contravention of this rule is treated as a non-complying activity under Rule 16.5.2.5.

993. The required separation distance is intended to achieve Objective 16.2.3, which is:

Objective 16.2.3

The rural character values and amenity of the rural zones are maintained or enhanced, elements of which include:

a. a predominance of natural features over human made features;

b. a high ratio of open space, low levels of artificial light, and a low density of buildings and structures;

c. buildings that are rural in nature, scale and design, such as barns and sheds;

d. a low density of residential activity, which is associated with rural activities;

e. a high proportion of land containing farmed animals, pasture, crops, and forestry;

f. extensive areas of indigenous vegetation and habitats for indigenous fauna; and

g. other elements as described in the character descriptions of each rural zone located in Appendix A7.

994. Rule 16.5.2.2 reads as follows:

16.5.2 Density

1. The maximum density of standard residential activity is as follows:

…

2. Multiple standard residential activities (additional primary residential buildings (houses)) are only allowed on a single site where they are located no closer than 80m from other residential buildings on the same site (family flats or sleepouts are considered part of the same residential activity), except:

a. multiple residential units developed as part of papakāika may be located closer than 80m to each other.

995. The separation distance required in the density performance standard applies to multiple houses on the same site. For separation distances between houses on adjoining sites, the setback performance standard in Rule 16.6.10.1 applies. This requires a setback from side and rear boundaries of 20m, or a setback to achieve 40m separation between residential buildings, whichever is greater.

996. The approach in both performance standards is intended to be consistent to achieve the relevant objectives on amenity and rural character.

<u>*Issue 1: The density separation distance no longer aligns with the setback separation distance*</u>

997. The first issue of concern is that the separation distance between residential buildings on the same site required in the density performance standard (80m) is double the separation

distance required between residential buildings on different sites in the setback performance standard (40m). This is an inconsistent approach to managing similar effects.

998. This issue arose because the setback performance standard was reduced from 40m to 20m in response to submissions on the 2GP, but consequential changes were not made to the analogous provisions in the density performance standard.

999. This issue is proposed to be resolved by reducing the required separation distance between residential buildings on the same site to 40m.

<u>Issue 2: Activity status for contravention of density separation distance is too restrictive</u>

1000. The second issue of concern is that while the potential effects of contravention of the density separation distance are of a similar nature to the potential effects from a boundary setback contravention, the Plan takes a more restrictive approach towards the former (non-complying activity status) than the latter (restricted discretionary activity status). This is despite the two provisions being intended to achieve the same rural character and amenity objectives.

1001. This issue is proposed to be resolved by amending the activity status for contravention of the density separation density from non-complying to restricted discretionary and applying the same assessment criteria as for a boundary setback contravention, but without the criteria that relate to effects on neighbours (as the effects are on-site).

1002. The proposal was reviewed and supported by Aukaha on behalf of Manawhenua as part of consultation on Plan Change 1.

<u>Proposed change and assessment</u>

1003. Change RU4 amends the following provisions, as shown in Appendix A:

- Amend Rule 16.5.2.2 by reducing the required setback between standard residential activities located on the same site from 80m to 40m to align with the setback performance standard, including a consequential change to the exception for papakāika
- Amend Rule 16.5.2.5 to change the activity status for the contravention of the separation distance requirement from non-complying to restricted discretionary; and
- Add Rule 16.9.3.11 as a new assessment rule for restricted discretionary contravention of the separation distance between requirement for residential activities located on the same site. Use the assessment guidance as for contravention of the setback performance standard, excluding the matters of discretion and assessment guidance related to effects between sites (as the rule applies to residential buildings on the same site).

<u>Assessment against relevant objectives</u>

1004. The proposed changes will remove inconsistency from the Plan regarding how separation distances between residential buildings are managed in the rural zones. The changes will improve the Plan's efficiency in achieving Objective 16.2.3 by amending provisions that are overly strict (in terms of required separation distances and activity status for contravention), while ensuring that the objective is still effectively achieved.

1005. No practicable alternatives to the preferred option or status quo were identified or assessed for Change RU4.

1006. Aukaha reviewed this proposal and did not suggest any changes.

2.4.6 Rural industry & intensive farming assessment rules in rural zones (Change RU6)

Purpose of proposal and scope of change

1007. The purpose of Change RU6 is to review the assessment guidance and matters of discretion for rural industry and intensive farming undertaken in the rural zones to ensure positive effects arising from the development and upgrade of existing rural industry and intensive farming activities are assessed to better achieve objectives 2.3.1 and 16.2.1.

1008. The scope of the change does not extend to reviewing the objectives relevant to rural industry and intensive farming or reviewing their activity status.

Background and issues of concern

1009. Rural industry and intensive farming are anticipated activities in Dunedin's rural zones. Objective 2.3.1, Policy 2.3.1.2 and Objective 16.2.1 set the direction for providing for these activities, while objectives 16.2.2, 16.2.3 and 16.2.4 outline other considerations when managing these activities, as set out below.

Objective 2.3.1 Land and Facilities Important for Economic Productivity and Social Well-being

Land, facilities and infrastructure that are important for economic productivity and social well-being, which include industrial areas, major facilities, key transportation routes, network utilities, and productive rural land:

a. are protected from less productive competing uses or incompatible uses, including activities that may give rise to reverse sensitivity; and

b. in the case of facilities and infrastructure, are able to be operated, maintained, upgraded and, where appropriate, developed efficiently and effectively.

1010. Policy 2.3.1.2 which sits below this objective is particularly relevant:

Policy 2.3.1.2

Maintain or enhance the productivity of farming and other activities that support the rural economy through:

a. rules that enable productive rural activities;
b. rules that provide for rural industry and other activities that support the rural economy;

…

1011. Relevant objectives in the rural section include:

Objective 16.2.1

Rural zones are reserved for productive rural activities and the protection and enhancement of the natural environment, along with certain activities that support the well-being of communities where these activities are most appropriately located in a rural rather than an urban environment.

Objective 16.2.2

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 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.

Objective 16.2.3

The rural character values and amenity of the rural zones are maintained or enhanced, elements of which include:

a. a predominance of natural features over human made features;
b. a high ratio of open space, low levels of artificial light, and a low density of buildings and structures;
c. buildings that are rural in nature, scale and design, such as barns and sheds;
d. a low density of residential activity, which is associated with rural activities;
e. a high proportion of land containing farmed animals, pasture, crops, and forestry;
f. extensive areas of indigenous vegetation and habitats for indigenous fauna; and
g. other elements as described in the character descriptions of each rural zone located in Appendix A7.

Objective 16.2.4

The productivity of rural activities in the rural zones is maintained or enhanced.

1012. To manage potential adverse effects, rural industry and intensive farming are discretionary and restricted discretionary activities respectively.

1013. The matters of discretion for intensive farming are effects on amenity of surrounding properties, effects on rural character and amenity, and effects on the safety and efficiency of the transport network.

1014. Rural industry is a fully discretionary activity, so in addition to those matters considered in relation to intensive farming, a range of other potential effects may be considered, depending on the nature of the activity.

1015. Where already established in the rural environment, rural industry and intensive farming may also be subject to reverse sensitivity from newly establishing residential or other 'sensitive' activities. Intensive farming is supported in this regard through a performance standard aimed at avoiding reverse sensitivity. This requires that new residential buildings in the rural and rural residential zones must be located at least 100m from existing, lawfully established intensive farming on a separate site (Rule 16.5.10). There is no equivalent rule relating to rural industry.

1016. Issues for lawfully established activities may arise when they need to apply for new resource consents (e.g. because of expansion of operations). The presence of nearby residential activities, particularly recently developed ones, may result in opposition to resource consent applications. This issue was highlighted to the DCC by Mainland Poultry Canterbury Limited, who operate an intensive poultry farm in Waikouaiti.

1017. The issue to be addressed is that there is no specific recognition in the assessment rules for the positive effects of the development and upgrade of established rural industry and intensive farming activities. Adding guidance supporting the efficient and effective operation of such activities would help provide balance in assessing any future consent applications.

<u>Proposed change and assessment</u>

1018. Change RU6 amends the following provisions, as shown in Appendix A:

- add new Policy 16.2.1.13 on providing for the upgrade and expansion of rural industry and intensive farming
- amend assessment Rule 16.10.2.5 to add 'positive effects on rural productivity' as a new assessment matter and add reference to new Policy 16.2.1.13; and
- amend assessment Rule 16.11.2.3 to add reference to new Policy 16.2.1.13.

<u>Assessment against relevant objectives</u>

1019. The 2GP objectives that are most relevant to this proposal as outlined above are objectives 2.3.1, 16.2.1, 16.2.2, 16.2.3 and 16.2.4.

1020. Objective 2.3.1 and Policy 2.3.1.2 set up the policy framework and methodology for providing for intensive farming and rural industry in the rural environment, while Objective 16.2.1 establishes that both intensive farming ('productive rural activities') and rural industry (certain activities supporting the well-being of communities) are appropriately located in the rural zones.

1021. Policy 16.2.1.2 which sits under Objective 16.2.1 provides for rural activities (including intensive farming) and rural industry "where the effects will be adequately managed in line with objectives 16.2.2, 16.2.3 and 16.2.4 and their policies, and the objectives and policies of any relevant overlay zones".

1022. The addition of a new policy and assessment matters relating to 'positive effects on rural productivity' outlined above will assist in achieving Objective 2.3.1 and Objective 16.2.1 by giving specific guidance on providing for rural industry or intensive farming activities that are already established in the rural environment.

1023. Objective 16.2.2 is aimed at minimising the conflict between activities within the rural zones and between activities within the rural zones and adjoining residential zones, Objective 16.2.3

is aimed at the maintenance or enhancement of rural character values and amenity and Objective 16.2.4 is aimed at maintaining or enhancing the productivity of rural activities. The development or extension of existing intensive farming and/or rural industrial activities on an existing site will be subject to the same rules and assessment guidance as activities being newly established, with regard to effects on residential amenity and the potential for conflict between different activities, rural character values and the productivity of rural zones. This means that, along with helping to achieve Objective 16.2.1, the amendments are not inconsistent with objectives 16.2.2, 16.2.3 and 16.2.4.

1024. Overall, the additional guidance supporting the efficient and effective operation and upgrade/expansion of existing lawfully established operations in the rural environment will help provide an appropriate balance in assessing any future consent applications.

1025. Aukaha reviewed this proposal and expressed concern at the extent of change, particularly the inclusion of new policies, and would prefer if only the assessment guidance was amended. This alternative option is assessed below.

Alternative Option: Amending assessment guidance but not adding a new policy

1026. The option of including specific new assessment guidance and a matter of discretion without introducing a new policy was considered but rejected. This is because a new policy and assessment guidance referencing the policy will provide a stronger framework for considering the positive effects of upgrading and expansion of existing rural industry and intensive farming. The policy guidance will allow for the consideration of a wider range of potential positive effects on rural productivity, while ensuring any effects will continue to be managed in line with other relevant objectives and policies.

2.4.7 Policy 16.2.1.7 and assessment guidance for residential activity on undersized sites (Change RU7)

Purpose of proposal and scope of change

1027. The purpose of Change RU7 is to review the circumstances in which residential activity may be appropriate on undersized rural-zoned sites, where there is a proposal to make a "significant" contribution to biodiversity values. This involves a review of Policy 16.2.1.7.b.ii, the relevant assessment guidance in Rule 16.12.5, the special information requirements in Rule 16.13.2, and the reference to these provisions in strategic Policy 2.2.3.3.b.iii.

1028. The scope of the change is limited to reviewing the wording of these provisions as they relate to the contribution to biodiversity values. It does not extend to a review of:

- clauses 'a' or 'b.i' of Policy 16.2.1.7, which relate to residential activity that is the result of a surplus dwelling subdivision and residential activity that is associated with capital investment that will result in significant positive effects for rural productivity; or
- any assessment guidance or special information requirements that are specifically associated with clauses 'a' and 'b.i'.

Background and issues of concern

1029. The principal functions of the rural zones in the 2GP are firstly to provide for productive rural activities and secondly, the protection and enhancement of the natural environment, including indigenous biodiversity. The 2GP objectives that are most relevant to setting this direction are strategic objectives 2.3.1 and 2.2.3, rural zone objectives 16.2.1 and 16.2.4, and natural environment objective 10.2.1, as follows:

Objective 2.3.1 Land and Facilities Important for Economic Productivity and Social Well-being

Land, facilities and infrastructure that are important for economic productivity and social well being, which include industrial areas, major facilities, key transportation routes, network utilities, and productive rural land:

a. are protected from less productive competing uses or incompatible uses, including activities that may give rise to reverse sensitivity; and
b. in the case of facilities and infrastructure, are able to be operated, maintained, upgraded and, where appropriate, developed efficiently and effectively.

Objective 2.2.3 Indigenous Biodiversity

Dunedin's significant indigenous biodiversity is protected or enhanced, and restored; and other indigenous biodiversity is maintained or enhanced, and restored; with all indigenous biodiversity having improved connections and improved resilience.

Objective 16.2.1

Rural zones are reserved for productive rural activities and the protection and enhancement of the natural environment, along with certain activities that support the well-being of communities where these activities are most appropriately located in a rural rather than an urban environment.

Objective 16.2.4

The productivity of rural activities in the rural zones is maintained or enhanced.

Objective 10.2.1

Biodiversity values are maintained or enhanced, including by protecting areas of significant indigenous vegetation and the significant habitats of indigenous fauna.

1030. In addition to the objectives above, the National Policy Statement for Highly Productive Land 2022 (NPS-HPL[43]) requires that highly productive land is protected for use in land-based primary production, both now and for future generations. It sets up a strong direction for local government to restrict the urban rezoning of highly productive land (Policy 5 and clause 3.6), to avoid its rezoning to rural residential (Policy 6 and clause 3.7), to avoid subdivision of highly productive land (Policy 7 and clause 3.8) and to protect highly productive land from inappropriate use and development (Policy 8 and clause 3.9).

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43 https://environment.govt.nz/assets/publications/National-policy-statement-highly-productive-land-sept-22-dated.pdf

1031. Under Part 4, local authorities must give effect to the NPS-HPL from its commencement date and are also separately required to notify changes to objectives, policies and rules in their district plans to give effect to the NPS as soon as practicable (but no later than 2 years after RPS maps of highly productive land become operative). Therefore, although the DCC has not yet notified a change to the 2GP to give effect to the NPS-HPL, its policies including those referred to in the previous paragraph already apply.

1032. The methods that the 2GP uses to achieve the objectives set out above include performance standards that limit both subdivision and residential development on rural-zoned land (among other methods). Subdivision that does not meet the minimum site size (Rule 16.7.4), and residential activities that do not meet the minimum site area per activity (Rule 16.5.2) are non-complying activities. A strict policy framework applies in both cases, to strongly discourage the use of rural land for lifestyle blocks or urban-scale residential development. However, a slightly different approach is taken to residential activity on existing undersized sites (i.e., existing sites on which any residential activity would contravene Rule 16.5.2), compared with the creation of new undersized sites via subdivision. In the former case, although the activity status is non-complying, the policy framework (specifically, Policy 16.2.1.7) provides a narrow pathway to consent in limited sets of circumstances, as follows:

Policy 16.2.1.7

Avoid residential activity in the rural zones on a site that does not comply with the density standards for the zone, unless:

- *a. it is the result of a surplus dwelling subdivision; or*
- *b. the residential activity will be associated with long term land management and/or capital investment that will result in:*
  - *i. significant positive effects for rural productivity; and/or*
  - *ii. a significant contribution to the enhancement or protection of biodiversity values.*

1033. A surplus dwelling subdivision is the subdivision of land containing an existing surplus dwelling, where subdivision will not result in any additional residential development potential (and is outside the scope of this review).

1034. Clause b of the policy provides a pathway to consent in the case of residential activity on existing undersized sites, where it can be shown that the activity accompanies a proposal that will help to achieve the key objectives for the rural zones in relation to productivity or biodiversity.

1035. The second part of clause b provides a circumstance where a residential activity may be able to establish if it can demonstrate a 'significant' contribution to the protection or enhancement or protection of biodiversity values. This is also reflected in clause Y.iii of strategic Policy 2.2.3.3, which describes the methods used in the Plan to achieve Objective 2.2.3:

Policy 2.2.3.3

Maintain or enhance indigenous biodiversity in the rural environment through:

…

b. policies and assessment rules that:

…

iii. *create a pathway for residential activities to be established on sites in the rural zones that contravene the minimum site area for residential activity (density standard) where the activity is associated with a significant contribution to the enhancement or protection of biodiversity values.*

1036. The associated non-complying assessment guidance for the performance standard contravention (16.12.5.1) contains the following specific guidance:

General assessment guidance:

g. In assessing whether a proposal for land management or investment meets Policy 16.2.1.7.b.i and/or 16.2.1.7.b.ii, Council will consider the information provided with the consent application (see Special Information Requirements – Rule 16.13.2).

…

i. In assessing whether a proposal may meet Policy 16.2.1.7.b.ii, Council will consider the ecological context of the site and proposal at a local level, rather than requiring the contribution to be significant at an ecological district or citywide level.

1037. In addition to assessment against Objective 16.2.1 and Policy 16.2.1.7, Rule 16.12.5.1 also requires assessment of residential activity on undersized sites against Policy 16.2.4.4 and Objective 16.2.4, in relation to effects on productivity, and Policy 16.2.3.2 and Objective 16.2.3 in relation to effects on rural character. These policies read as follows:

Policy 16.2.4.4

Require residential activity in the rural zones to be at a density that will not, over time and/or cumulatively, reduce rural productivity by displacing rural activities.

Policy 16.2.3.2

Require residential activity to be at a density that maintains the rural character values and visual amenity of the rural zones.

1038. Therefore, even if Policy 16.2.1.7 is assessed as being met, it does not mean that consent should necessarily be granted, as an assessment of the amount of land that will be displaced in terms of Policy 16.2.4.4, and an assessment of effects on rural character values and visual amenity in terms of Policy 16.2.3.2, should also be undertaken.

1039. Further, the NPS-HPL policies and related implementation clauses referred to above should also be considered in assessing an application on highly productive land. Policy 8 and clauses 3.9 and 3.10 are most relevant in the case of a proposal for residential activity on highly productive land.

1040. Clause 3.9(1) of the NPS-HPL states that territorial authorities must avoid the inappropriate use or development of highly productive land that is not land based primary production. Clause 3.9(2) contains a list of appropriate uses such as:

- supporting activities (defined in the NPS-HPL as activities "reasonably necessary to support" land-based primary production - Clause 3.9(2)(a))

- activities that address a high risk to public health and safety (Clause 3.9(2)(b)); or
- activities that are for the purpose of protecting, maintaining, restoring or enhancing indigenous biodiversity (Clause 3.9(2)(e)).

1041. With regard to the list of activities that may be appropriate on HPL, the National Policy Statement for Highly Productive Land Guide to Implementation[44] states that:

The intent is that [the clause] applies to the main purpose of the use and development, i.e. the core activity being proposed. For example, where the main purpose of the activity is not listed in Clause 3.9 (e, a proposed golf course or retirement village) but elements of the activity will provide public access and restore some indigenous biodiversity, ***this does not mean the core activity is also appropriate on HPL by association****… Mitigation planting proposed as part of non-land based primary production would not justify such an activity.* ***The planting itself would be appropriate on HPL but it would not justify the associated 'core' activity****… (MfE, 2022, pp. 28, 30) [emphasis added]. …*

1042. Clause 3.10 of the NPS-HPL provides a very limited pathway whereby residential activity not otherwise enabled under other clauses may be allowed on highly productive land, where there are permanent or long-term constraints on the land that mean its use for land based primary production is not able to be economically viable for at least 30 years, and a number of other criteria are met.

Issues of concern

1043. An issue has arisen over the interpretation of Policy 16.2.1.7.b.ii, highlighted by a successful appeal that overturned a decision by the DCC to decline a consent for a residential activity on an undersized rural lot (ENV-2022-CHC-024). The proposal at the centre of the appeal involved indigenous vegetation planting with pest control, to be protected by fencing and a covenant. It was Council's position that because pre-existing biodiversity values on the site were "very limited"[45], the proposal did not meet the exception provided by 16.2.1.7.b.ii. However, the Court found that the proposal would make "a significant contribution to the enhancement and protection of the biodiversity values" at a local level[46]. The decision highlighted a number of issues with the drafting of Policy 16.2.1.7.b.ii and the associated assessment guidance (16.12.5.1) and special information requirements (16.13.2.2).

1044. Policy 16.2.1.7 requires that there is 'a significant contribution to the enhancement or protection of biodiversity values'. The potential issue with this is that 'enhancement' of biodiversity does not necessarily require that there are substantive existing biodiversity values. As shown in ENV-2022-CHC-024, 'enhancement' could be interpreted as including a proposal that starts from a site with very little existing biodiversity value, but that proposes to make a 'significant contribution' to the enhancement of biodiversity values through undertaking mass planting of indigenous trees and shrubs. Similar wording is used in strategic Policy 2.2.3.3. Connected to this, the word 'any' in 16.13.2.2.b (in the context of a

[44] https://environment.govt.nz/assets/publications/NPS-Highly-Productive-Land-Guide-to-implementation.pdf
[45] ENV-2022-CHC-024, Brief of Evidence of Scott Hooson, p. 13, para 45
[46] ENV-2022-CHC-024, Decision of the Environment Court, p.41, para 190

requirement to describe 'any indigenous vegetation present' on the site) may imply that the policy pathway is still available in situations where there is no vegetation at all on the site.

1045. The wording in the assessment guidance is also potentially problematic. Rule 16.12.5.1.i states: "In assessing whether a proposal may meet Policy 16.2.1.7.b.ii, Council will consider the ecological context of the site and proposal at a local level, rather than requiring the contribution to be significant at an ecological district or citywide level". However, there is no guidance in the 2GP on what would define the local level, with the two ecological experts involved in ENV-2022-CHC-024 drawing different conclusions over what the relevant ecological context was at a 'local' level. In areas that have little or no existing biodiversity values, there could therefore be a lower bar for what constitutes a 'significant' contribution compared with areas that already have existing biodiversity values.

1046. The concern is, if the Court's interpretation was to be applied more widely, and the use of the pathway was not limited by any need for existing biodiversity values to be present, it could potentially lead to a proliferation of residential development on undersized lots in the rural environment. Although there could be positive effects in terms of biodiversity enhancement, residential activity that contravenes Rule 16.5.2 could also result in a range of adverse effects including reverse sensitivity effects, effects on rural character values and visual amenity of the rural zones, cumulative reduction of rural productivity by displacement of rural activities, and effects on the efficiency and affordability of infrastructure. Where on highly productive land, this may also lead to a failure to give effect to the NPS-HPL.

1047. Further, ecological advice provided to Council (including for the aforementioned Court case) suggests that establishment of indigenous vegetation where there was previously none is likely to be less beneficial than the protection and enhancement of existing areas of indigenous vegetation or habitat of indigenous fauna. This is due to a number of factors including the amount of time it would take for the biodiversity values in a site with little value to be enhanced to a level where plants reach maturity and/or make a significant contribution to habitat for indigenous fauna. For instance, it may take several decades for an indigenous forest ecosystem to be restored so that there is natural ecosystem functioning[47], whereas benefits for biodiversity would be seen much earlier if a substantive existing area of indigenous vegetation was to be protected and enhanced.

1048. Further, the eventual success of restoration planting may be too uncertain to definitively say that an application for planting on a bare site will lead to significant benefits for biodiversity. Therefore, overall, the costs of the policy and associated provisions remaining unchanged could potentially be high while the benefits may be relatively low, compared to a more restricted approach where 16.2.1.7.b.ii only applies to areas with existing biodiversity values.

1049. The case also highlights issues around the interpretation of what is considered to be an appropriate use of highly productive land in relation to the NPS-HPL. While the council is required to give effect to the NPS-HPL from its commencement date and must have regard to it in the assessment of resource consents, the phrasing of the existing policy along with the

[47] Brief of Evidence of Scott Hooson, p.15, para 56.

exceptions for biodiversity in clause 3.9(2)(e) of the NPS-HPL leaves some room for uncertainty.

1050. The NPS-HPL guidance referred to above clarifies that it was not intended that mitigation planting proposed as part of non-land based primary production would justify an associated non-productive ‘core’ activity. However, the Court in ENV-2022-CHC-024 did not give weight to the guidance document and considered that the “restoration proposal would be consistent with the exclusions in either of sub-clauses (e) and/or (g)” (small-scale or temporary land use-activity that has no impact on the productive capacity of the land), or that “it may even come within the further exemption in cl 3.10(b)(i) due to the small size of the site area:

We consider that the 2GP does not see the use of this land for enhancement of indigenous biodiversity coupled with a residential activity as ***necessarily*** *inappropriate when considered in the context of Policy 16.2.1.7.b.ii*[48]

1051. In summary, the way the policy, assessment guidance and special information requirements are currently drafted may lead to an interpretation that is potentially contrary to both the 2GP productivity policies and NPS-HPL Policy 8 and Clause 3.9.e, if it allows for the use of an undersized rural section for the primary purpose of residential activity where there is a lack of certainty as to what constitutes a ‘significant’ contribution to biodiversity enhancement or protection.

1052. This issue is proposed to be resolved by clarifying that the consenting pathway provided by Policy 16.2.1.7.b.ii relates to a significant contribution to the protection and enhancement of an existing and ‘important’ area or areas of indigenous vegetation and/or habitat of indigenous fauna.

1053. Alongside the policy change, more detailed assessment guidance is proposed to clarify the assessment of the importance of the existing area and the significance of the proposed contribution to it. It is also proposed that general assessment guidance is added to alert plan users to the fact that national direction on highly productive land may also apply to activities managed by Policy 16.2.1.7.b.ii.

1054. Finally, it is proposed that the special information requirements are amended to align with changes to the policy and assessment guidance as well as to provide more detail to guide the preparation and assessment of an ‘ecological protection and enhancement plan’. This includes requiring a detailed description of different vegetation types present on site (e.g. indigenous, mixed, exotic) and an assessment of the current habitat condition in order to provide more comprehensive baseline information for measuring changes in habitats over time. Clear milestones for the staging of enhancement actions and appropriate timeframes for meeting ecological enhancement goals, along with a methodology for measuring improvements in biodiversity condition and ecological functioning will also be required.

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[48] Decision of the Environment Court. ENV-2022-CHC-024, p. 44, para 204.

Proposed change and assessment

1055. Change RU7 proposes the following amendments, as shown in Appendix A:

- amend Policy 16.2.1.7.b.ii to clarify that it relates to the protection of an existing area of important indigenous vegetation and/or habitat of indigenous fauna and its enhancement;
- amend Rule 16.12.5.1 to:
    - update the paraphrasing of Policy 16.2.1.7;
    - clarify how the importance of the existing area and significance of the proposed contribution will be assessed (including deleting reference to the contribution to the site being significant at the local level);
    - add additional general assessment guidance to Rule 16.12.5.1 to alert plan users to the fact that the national direction on highly productive land may also apply to activities managed by Policy 16.2.1.7;
- amend Rule 16.13.2.2 to clarify that there must be existing biodiversity values on the site and amend the requirements of the ecological protection and enhancement plan to provide additional direction on assessing importance and significance; and
- amend Policy 2.2.3.3 as a consequential change to the amended wording in Policy 16.2.1.7.b.ii.

Assessment against relevant objectives

1056. The 2GP objectives that are most relevant to this proposal are objectives 2.3.1, 2.2.3, 16.2.1 and 16.2.4, as outlined above.

1057. The amendments to Policy 16.2.1.7.b.ii (and consequential change to Policy 2.2.3.3), and rules 16.12.5 and 16.13.2.2 will assist in achieving objectives 2.3.1, 2.2.3, 16.2.1 and 16.2.4 by providing additional clarity regarding the need to demonstrate:

- that there is an existing area or areas of important indigenous vegetation and/or habitat(s) on the site; and
- that the measures taken to protect and enhance the area(s) will ensure the contribution to indigenous biodiversity values is significant.

1058. Overall, the amendments will help provide a more appropriate balance between the objectives of retaining rural land for productive rural activities and protecting and enhancing important existing areas of biodiversity in the rural environment when assessing any future consent applications. The amendments are also consistent with NPS-HPL, given that they will result in a more restrictive set of provisions for the establishment of undersized residential activities on rural-zoned land, including on highly productive land.

1059. Aukaha reviewed this proposal and did not request any changes.

Alternative option: Refer to the significance criteria in Policy 2.2.3.2 for existing biodiversity

1060. An option of requiring the existing area of indigenous biodiversity on site to meet one or more of the significance criteria laid out in Policy 2.2.3.2 was considered but rejected. This is because the biodiversity enhancement pathway should still be available to provide for conservation and the protection and enhancement of indigenous biodiversity on a site where it may not currently meet the significance criteria but may after enhancement efforts.

2.5 Business Land and Health Changes

2.5.1 'Retail ancillary to industry' provisions (Change D9)

Purpose of proposal and scope of change

1061. The purpose of Change D9 is to review the Plan provisions for 'retail ancillary to industry' in terms of their effectiveness in achieving the relevant objectives of the Plan, and to address overlap between the definitions of industry and trade related retail as they relate to vehicle repairs and the associated sale of goods and materials.

1062. The scope of the change does not extend to reviewing the management of retail activity generally in industrial zones (i.e., for retail activity that is not ancillary to industry).

Background and issues of concern

1063. The 2GP provides for industrial activities in a range of zones, including industrial zones (Section 19), several commercial and mixed use zones (Section 18), Taieri Aerodrome (Section 33) and Campus (Section 34). These zones also provide for retail ancillary to industry to help support industrial activity while not enabling retail activity generally (except in some commercial and mixed use zones).

1064. This approach stems from the strategic objectives of the Plan regarding how industrial and retail activities are to be managed. The strategic objectives 2.3.1, 2.3.2 and 2.4.3 seek for industrial areas to be protected from less productive competing uses or incompatible uses and aim for Dunedin to have a hierarchy of vibrant commercial centres anchored around one strong and vibrant CBD by encouraging retail activity to concentrate in centres.

1065. The strategic directions are implemented through the objectives, policies, and rules of the relevant zones. For the industrial zones, Objective 19.2.1 provides for a limited range of non-industrial activities, provided their potential reverse sensitivity effects are insignificant, as follows:

Objective 19.2.1

The industrial zones enable and protect industrial and port activities by:

a. *only providing for a very limited range of specified non-industrial or non-port activities; and*
b. *ensuring the potential for reverse sensitivity is insignificant.*

1066. Policies regarding non-industrial activities in the industrial zones include Policy 19.2.1.5 on retail ancillary to industry, which states:

Policy 19.2.1.5

Only allow retail ancillary to industry where it is of a size that:

- a. *is clearly subordinate to and part of the operation of the primary industry activity; and*
- b. *does not conflict with objectives 2.3.1, 2.3.2 and 2.4.3; and*
- c. *does not create adverse effects on other industrial activities, for example from traffic, parking or reverse sensitivity.*

1067. This approach is also implemented in other zones where industrial activity is provided for. For example, in the commercial and mixed use zones, Objective 18.2.1 aims for Dunedin to have a well-structured and economically and socially successful range of commercial and mixed use environments. The relevant policy guidance for retail ancillary to industry in the commercial and mixed use zones is given in Policy 18.2.1.7, as follows:

Policy 18.2.1.7

Limit the scale of retail ancillary to industry to a size that:

- a. *is clearly subordinate to and part of the operation of the primary industry activity;*
- b. *does not conflict with objectives 2.3.2 and 2.4.3; and*
- c. *does not create adverse effects on other industry activities, for example from traffic, parking, or reverse sensitivity.*

1068. Note that Policy 18.2.1.7 is only relevant to commercial and mixed use zones where retail activities are not otherwise provided for.

1069. Similar provisions (Policy 33.2.1.2, Policy 33.2.2.4, Policy 34.2.1.2 and Policy 34.2.1.8) implement the strategic directions for Taieri Aerodrome (Section 33), and Campus (Section 34), where industrial activity is permitted.

1070. In all zones where industrial activity is permitted, retail ancillary to industry is also permitted but subject to the performance standard for maximum gross floor area. In industrial zones it also needs to comply with minimum mobility car parking requirements.

1071. Retail ancillary to industry currently does not have its own definition in the 2GP and instead relies on the three separate definitions for retail, ancillary, and industry, as follows:

Retail

The use of land and buildings for:

- *the sale or hire of goods; or*
- *retail services, which are the provision of services including personal, household, financial, property or other services, where a front counter customer service is provided.*

…

Ancillary

For the purposes of this Plan, an activity being "ancillary" means it is subordinate to and part of the operation of the primary activity identified. It is not a stand-alone activity that is operated outside of or distinctly apart from the operation of the primary activity.

Industry

The use of land and buildings for any of the following:

- *manufacturing, assembly, processing, storage, repair, maintenance, and packing of goods and materials, including machinery or vehicles*
- *transport facilities including distribution centres, collection points, courier depots and bus depots (except where passengers are picked up or dropped off)*
- *depots for the storage and dispatch of vehicles, equipment, and/or materials, and the administration and dispatch of workers using these in the field*
- *bulk fuel storage facilities*
- *laboratory or factory-based research*
- *waste management facilities including refuse transfer and recycling stations*
- *property and equipment maintenance services*
- *vehicle repair and testing stations; and*
- *wholesale.*

…

This definition excludes:

…

- *direct 'customer facing' retail sales, which is provided for under the definition of retail and included in 19.3.3 activity status table as 'retail ancillary to industry'.*

…

<u>*Issue 1: The 'retail ancillary to industry' provisions are too broad to effectively achieve the objectives*</u>

1072. The key issue of concern is that relying on the definitions outlined above, including the broad definition of industry, means the retail ancillary to industry provisions could enable activities that are inappropriate in the context of the relevant Plan objectives.

1073. The retail ancillary to industry provisions were intended to support industry that includes manufacturing or processing by enabling sales directly to the public from the same site, where restricted in scale. However, given the broad definition of industry, the retail ancillary to industry provisions could also be applied to wholesale or storage.

1074. For example, a business could establish a warehouse storing imported goods as an industrial activity from which it sells and distributes a significant quantity of goods directly to the public through an on-site shop that meets the gross floor area limits as retail ancillary to industry. Such an approach is not the intention of the provisions.

1075. This and other scenarios risk compromising the achievement of objectives 2.3.1, 2.3.2 and 2.4.3 by detracting from Dunedin having vibrant commercial centres anchored around one strong and vibrant CBD, and by effectively enabling large scale retail activity in areas more appropriately reserved for industry.

1076. This issue was raised by the reporting officer for the 2GP Commercial and Mixed Use Zone hearing, but there was no scope to resolve it in response to submissions on the 2GP.

1077. This issue is proposed to be resolved by removing the term 'retail ancillary to industry' from the Plan and instead building a more limited version of the concept into the definition of industry itself (including the cap on gross floor area). This approach means the associated performance standards for maximum gross floor area are redundant and can be deleted.

Issue 2: Maximum gross floor area is applied to retail ancillary to industry in CMU zones where most other retail activity is permitted without floor area limits

1078. A second issue is that the performance standard for maximum gross floor area that is applied to all retail ancillary to industry activity is also applied in commercial and mixed use zones where most other retail activity is permitted.

1079. The purpose of the maximum gross floor area performance standard is to help limit the impacts on centres from out-of-centre retail activity and to help reduce the extent to which industrial land is used for retail activity. This is to support achieving the relevant objectives outlined in the background above. However, in zones where most retail is permitted anyway, being the CBD Zone where all retail except yard based retail is permitted, and the centres zones where all retail is permitted (see Rule 18.3.3), this restriction does not have a purpose.

1080. This issue will be resolved by deletion of the maximum gross floor area performance standards as part of resolving Issue 1.

Issue 3: Overlap between definitions of 'industry' and 'trade related retail' for vehicle repairs

1081. The third issue is that while the definition of industry includes activities related to repair of machinery or vehicles (and associated retail as part of the changes made in resolving Issue 1 above), the definition of trade related retail also includes motorised-vehicle repairs as follows:

Trade Related Retail

Retail where the predominant goods or services sold are:

- *goods and materials used for the construction, repair, alteration and renovation of buildings (including building materials, painting, lighting, electrical and plumbing supplies)*
- *motorised-vehicle repairs*
- *…*

1082. The overlap in definitions causes uncertainty for Plan users regarding the rules to apply to motorised-vehicle repair activities.

1083. This issue is proposed to be resolved by removing 'motorised-vehicle repairs' from the definition of trade related retail to ensure such activities are always treated as industry.

Proposed change and assessment

1084. Change D9 amends the following provisions, as shown in Appendix A:

- Amend the definition of industry to provide for retail ancillary to industry, specifying the types of goods that can be sold and incorporating the maximum gross floor area limit of 10% from the existing performance standard
- Amend the definition of trade related retail to delete the reference to it including "motorised-vehicle repairs", as this is more appropriately covered by the definition of industry
- Delete all activity status table rules that are specific to retail ancillary to industry, which are:
    - Rule 18.3.3.8
    - Rule 18.3.4.19
    - Rule 18.3.5.17
    - Rule 19.3.3.12
    - Rule 34.3.3.17
- Amend Rule 33.3.3.6 on retail ancillary to Taieri Aerodrome to delete the reference to retail ancillary to industry and remove application of the performance standard for maximum gross floor area (retail ancillary to industry)
- Delete the maximum gross floor area performance standards for retail ancillary to industry and all the associated assessment rules (except the assessment rule for Taieri Aerodrome, which also applies to contravention of the hours of operation performance standard). The rules being deleted are:
    - Rule 18.5.5.3
    - Assessment Rule 18.9.3.3
    - Rule 19.5.5.1 and 19.5.5.3
    - Assessment Rule 19.12.4.4
    - Rule 33.5.5
    - Rule 34.5.4.2
    - Assessment Rule 34.9.3.5
- Amend Rule 19.5.5.4 to reflect the standard wording of contravention clauses, given the deletion of other content from the rule
- Amend assessment Rule 33.9.3.2 to remove its reference to maximum gross floor area
- Delete policies that only relate to the maximum gross floor area performance standards that have been deleted. These policies are:
    - Policy 18.2.1.7

- Policy 19.2.1.5
- Policy 34.2.1.8

- Amend all remaining policies that are related to retail ancillary to industry and maximum gross floor area of retail ancillary to industry, as well as being related to other activities, to remove the references that are no longer required. These policies are:
  - Policy 19.2.1.1
  - Policy 34.2.1.2
- Consequential changes to remove references to retail ancillary to industry throughout the Plan as follows:
  - Definition of ancillary licensed premises (one instance)
  - Section 19.1. Introduction (one instance)
  - Policy 19.2.1.9 (one instance)
  - Rule 19.12.2.5 Assessment of non-complying land use activities (two instances)
  - Rule 33.12.2.1 Assessment of all non-complying activities (one instance)
  - Section 34.1. Introduction (one instance)

Assessment against relevant objectives

1085. By building 'retail ancillary to industry' into the definition of industry, it is possible to appropriately limit the scope of goods and materials which can be sold on-site as part of industry. Importantly, the proposed wording makes it clear that retail ancillary to wholesale or storage activity is not provided for as part of industry. Transferring the gross floor limit from a performance standard into the definition of industry itself will also mean that any activity that exceeds the floor limit will be treated as retail activity (rather than a contravention of a performance standard), ensuring the management regime for retail for each zone applies, whether it is more enabling (such as in the CMU zones where most retail is permitted without gross floor area limits) or less enabling (such as in the industrial zones). This approach will ensure that the relevant objectives for each zone will be better achieved.

1086. The changes will also ensure the relevant strategic objectives are more effectively achieved by more tightly controlling the proliferation of retail activities outside of the CBD and centres, and in locations more appropriately reserved for industrial activity (including to manage reverse sensitivity effects). This outcome is relevant to strategic objectives 2.3.1, 2.3.2 and 2.4.3, which seek for Dunedin to have vibrant commercial centres anchored around one strong and vibrant CBD, and which seek to protect areas intended for industry from competing uses.

1087. The proposed changes will also result in provisions which are more straightforward and certain for Plan users.

1088. In terms of the overlap between the definitions of industry and trade related retail, clarifying that vehicle repairs should be treated as industry will ensure the Plan provisions are consistently applied. This will remove the risk that different activity statuses could result depending on Plan interpretation, especially in the Harbourside Edge Zone where industry is permitted and trade related retail is non-complying. Overall, given the nature of motorised-vehicle repairs (which can include noisy works), they are better aligned with the provisions for industry than for trade related activities.

Alternative options

1089. To resolve the first two issues identified above, two alternative options were considered and rejected, as set out below.

1090. The first alternative option was to add a definition of 'retail ancillary to industry' and manage this as a type of retail activity. This option was rejected as it would not align with the existing objectives and policies around not allowing commercial activities in industrial zones and it could raise the question of whether all other types of 'ancillary' activities should be defined in the Plan.

1091. The second alternative option was to add a performance standard to the existing provisions for retail ancillary to industry to limit the types of good sold. This option was rejected because it would require new policies to be added in the relevant sections of the Plan to set up the performance standard. In addition, any contravention of a new performance standard would also be duplicating the function of all the other provisions that manage 'retail' in the relevant zones.

1092. No practicable alternatives to the preferred option and status quo were identified or assessed to resolve the third issue identified above.

2.5.2 Providing for healthcare activities (Change D16)

Purpose of proposal and scope of change

1093. The purpose of Change D16 is to review how the Plan manages healthcare activities, in order to:

- ensure different types of healthcare activities are provided for in the most appropriate zones to meet their functional and operational needs, while still achieving Plan objectives;
- ensure the full range of healthcare activities are included in relevant activity definitions, without duplication; and
- provide for healthcare hubs as an emerging model of healthcare provision, including ancillary commercial activities of an appropriate nature and scale.

Background and issues of concern

1094. Healthcare activities are currently included in the Plan through a wide range of activity definitions. These are as follows (please refer to the 2GP for the full definitions):

- Commercial activities, being:

    - Office, which includes administrative or professional offices (for example, radiologists or speech therapists);
    - Registered health practitioners – a sub-activity of office, which applies to the provision of primary healthcare services by registered professionals (for example, doctors or dentists);
- Industrial activities, being:
    - Industry, which includes research laboratories;
- Community activities, being:
    - Community and leisure (particularly Plunket)
    - Marae-related activities (a sub activity of community and leisure), which includes a broad range of activities undertaken on Marae including services primarily aimed at the health and well-being of the Māori population;
- Major facilities activities, being:
    - Hospital (which covers a wide range of health care and ancillary services undertaken in a hospital setting);
- Residential activities, being:
    - Rest homes, which cover licensed rest homes or hospices, but excluding hospital level care; and
    - Working from home, which covers the ancillary use of a residence as a place of work by persons living on site, but with no employees on site (for example, a midwife working out of her own home).

1095. The Plan's strategic objectives most directly relevant to providing for health-related activities are:

- Objective 2.3.1 (and associated Policy 2.3.1.6), which seeks to enable hospitals to be maintained, upgraded and operated efficiently and effectively; and
- Objective 2.3.3 (and associated Policy 2.3.3.1), which seeks a range of accessible social and cultural facilities and spaces to provide high levels of physical, social, and cultural well-being across the community by supporting community and leisure activity across all zones.

1096. Also relevant are the following broader objectives guiding the location of commercial activities to maintain the vibrancy of centres and supporting mode choice:

- Objective 2.3.2 (and associated policies 2.3.2.2, 2.3.2.3 and 2.3.2.5) and Objective 2.4.3 (and associated Policy 2.4.3.4), which seek to achieve a hierarchy of vibrant centres anchored around one Central Business District Zone (CBD) by restricting office activities outside these areas;

- Objective 2.2.2 (and associated Policy 2.2.2.4.e), which seeks to support transport mode choices and reduced car dependency by providing for registered health practitioners in residential zones; and
- Objective 15.2.1 (and associated policies 15.2.1.1, 15.2.1.2 and 15.2.1.5) that seeks to manage non-residential activities in residential zones by only providing for a limited range of activities that are compatible with residential activities, including community activities.

1097. The way healthcare activities fall within the various activity definitions, and the associated Plan objectives for those activities, affect the management regime for healthcare activities across the zones. A summary of the activity status for the activity definitions that encompass healthcare is provided in Table 14 below, with a key to the terms used given in Table 13. In summary, healthcare that is currently treated as a commercial activity is managed relatively strictly (i.e., only permitted in a few zones and non-complying in most zones).

Table 13: Key to abbreviations used in Table 14 below

P	Permitted activity status (no resource consent required)
RD	Restricted discretionary activity status (resource consent required, with restrictions on the matters that the Council may consider when assessing the application)
D	Discretionary activity status (resource consent required, Council may consider any relevant matter when assessing the application)
NC	Non-complying activity status (resource consent required, Council may consider any relevant matter when assessing the application; non-complying status is a signal that an activity is not anticipated in a given zone)
HE	Harbourside Edge Zone
CBD	Central Business District Zone
CBD-South	CBD Edge Commercial South Zone
CEC-North	CBD Edge Commercial North Zone
NEC	Neighbourhood Centre Zone
NECC	Neighbourhood Convenience Centre Zone
PPH	Princes, Parry and Harrow Street Zone
SDLF	South Dunedin Large Format Zone
SSYP	Smith Street and York Place Zone
TR	Trade Related Zone
WP	Warehouse Precinct Zone

Table 14: Summary of existing activity statuses for a range of healthcare activities, by zone

Land Use Category		Commercial		Major Facility	Residential		Community	
Activity Definition		**Office** (e.g. radiologists, speech therapists)	**Registered Health Practitioners** (registered primary healthcare only, e.g. doctors, dentists)	**Hospital** (includes hospital care at rest homes)	**Rest Homes** (excludes hospital care, includes hospice)	**Working from Home (e.g. midwife)**	**Community and Leisure** (for Plunket & marae-related activities)	
							Small Scale	Large Scale
Management Zones	**Residential**	NC	D	NC	RD	P	P	RD
	Rural	NC	NC	NC	NC	P	P	D
	Rural Residential	NC	NC	NC	NC	P	P	D
	Commercial & Mixed use (CBD, Centres & HE)	P	P	NC	P	P	P	P (RD in NECC/NEC)
	Commercial & Mixed use (WP, PPH & SSYP)	NC (WP & SSYP - P in heritage building only)	NC (WP & SSYP - P in heritage building only)	NC	P	P	P	P
	Commercial & Mixed use (CEC- North, CEC-South, SDLF & TR)	NC (P in CEC nth)	NC (P in CEC nth)	NC (RD in CEC nth)	NC (D in CEC nth)	NC (D in CEC nth)	P	P
	Industrial	NC	NC	NC	NC	NC	NC	NC

Land Use Category		Commercial		Major Facility	Residential		Community	
Activity Definition		Office (e.g. radiologists, speech therapists)	Registered Health Practitioners (registered primary healthcare only, e.g. doctors, dentists)	Hospital (includes hospital care at rest homes)	Rest Homes (excludes hospital care, includes hospice)	Working from Home (e.g. midwife)	Community and Leisure (for Plunket & marae-related activities)	
							Small Scale	Large Scale
	Recreation	NC	NC	NC	NC	NC	P	RD
Major Facility Zones (selected)	Ashburn Clinic	P (Commercial activities ancillary to hospital)	P	P	P	D	P	D
	Dunedin Hospital	P (Commercial activities ancillary to hospital)	P	P	NC	NC	D	D
	Mercy Hospital	P (Commercial activities ancillary to hospital)	P	P	D	D	P	D
	Wakari Hospital	P (Commercial activities ancillary to hospital)	P	P	D	D	P	D
	Campus	P (Campus-affiliated office only)	P	NC	D	P	P	RD

Consultation with healthcare providers

1098. Consultation was initially undertaken generally in April 2022 through the regular Plan user survey. Then direct contact was made with a range of healthcare providers in February 2023, including those who had earlier raised issues regarding the Plan's management of healthcare activities. Some feedback was provided through the regular Plan user survey; most was given by healthcare providers directly.

1099. The feedback provided through this initial consultation assisted with identifying the issues of concern, with the focus being on what could be achieved within the scope of 'minor improvements' to the Plan (i.e. not changing Plan objectives or substantive changes to Plan methods).

1100. Subsequently, a request for consultation on a draft proposal was circulated directly to the following healthcare providers for feedback, in early 2023:

- Te Whatu Ora (Health New Zealand) Southern
- WellSouth Primary Health Network (and affiliated practices)
- Te Kāika / Ōtākou Health Limited
- Pacific Radiology (via their consultant)
- Arai Te Uru Whare Hauora
- Pacific Trust Otago
- Te Hou Ora Whānau Services
- Te Roopu Tautoko Ki Te Tonga

1101. Four healthcare providers agreed to provide feedback and were sent a copy of the first draft proposal.

1102. The feedback received through this consultation included the following themes:

- general support for addressing clarity and overlap issues with existing definitions and enhancements to consenting pathways as a result;
- identification of community healthcare hubs as an emerging trend in healthcare, and a request for sufficient scope within the changes to provide for these activities and ancillary activities;
- concern that the extent of proposed changes may not adequately address the issues. For example, Ōtākou Health Limited suggested simplifying the definitions framework and including a bespoke healthcare definition that is broader in scope than existing definitions to provide greater clarity and more enabling outcomes; and
- support for including non-registered and traditional healthcare practitioners within the Plan's management of healthcare activities.

1103. As a result of the feedback received, the approach to the scope of the review was reconsidered. The scope of the review was broadened to enable more substantive changes to better address the issues of concern.

1104. The revised proposal was then circulated in March 2024 to the healthcare providers who had given feedback on the first draft, other healthcare providers, and rest home providers.

1105. The feedback received was generally supportive of the revised approach. Some amendments were suggested to the detail of definitions for "healthcare" and "hospital"; these have been considered when finalising the proposed changes set out below.

Issues of concern

1106. Application of the Plan's management approach to new or expanding healthcare activities, and consultation with healthcare providers, has highlighted issues which indicate that the status quo may not be effectively achieving the relevant objectives of the Plan. Broadly, this is due to:

- concerns that the Plan may not be providing sufficiently enabling consent pathways for some healthcare activities outside commercial zones to provide for community well-being; and
- uncertainty over the relevant definitions and provisions to use, as there is a degree of overlap between some definitions, and it can be unclear which activity some proposals fall within.

1107. Seven specific areas of concern, which are described in more detail below, are:

- Issue 1: Appropriateness of managing healthcare as a commercial activity
- Issue 2: Providing for non-registered and non-primary healthcare
- Issue 3: Providing for healthcare hubs with ancillary activities
- Issue 4: Providing for inpatient treatment facilities (other than rest homes) outside hospitals
- Issue 5: Providing for hospital level care at rest homes
- Issue 6: Providing for medical imaging, testing, and equipment facilities
- Issue 7: Definition of hospital is unclear

Issue 1: Appropriateness of managing healthcare as a commercial activity

1108. As outlined in the background above, the Plan classifies most non-hospital healthcare activities as commercial activities (i.e. office and the sub-activity of registered health practitioners) with some also classified as community activities (i.e. community and leisure, which itself includes Whānau Āwhina Plunket).

1109. The issue of concern is that the management approach for commercial activities provides almost no opportunity for healthcare activities to locate outside the CBD, CBD Edge Commercial North, centres, or Harbourside Edge Zone, except for registered health practitioners in residential zones (as a discretionary activity) or through a non-complying activity consent application (see Table 14 in the background above).

1110. For example, a counselling service would currently be classified as an office activity (as it would not meet the definition of "registered health practitioner") and would be a non-complying activity in a residential zone, potentially hindering access to important mental health services unless they can be provided as a 'working from home' activity.

1111. These restrictions would not be the case if the healthcare activities that are currently treated as 'commercial' were instead treated as a type of community activity. This is because the objectives that apply to community activities recognise their benefits and provide for them in a wider range of zones, as demonstrated for community and leisure activity in Table 14 in the background above.

1112. Providing for healthcare activities outside the commercial and mixed use zones could:

- enable people to access a broad range of healthcare services close to where they live, promoting social and community well-being; and
- provide more opportunities for healthcare activities to establish, encouraging their provision in recognition of the benefits they provide to the community.

1113. These outcomes are more relevant to achieving the Plan's strategic objectives for community activities than for commercial activities.

1114. Feedback from consultation in 2023 included a suggestion from Ōtākou Health Limited that the definitions framework for healthcare activities should be simplified by including a bespoke healthcare definition that is broader in scope than existing definitions. This approach could result in a more enabling outcome to recognise the benefits of healthcare services.

1115. This issue is proposed to be resolved by:

- no longer managing healthcare as a commercial activity;
- providing for all healthcare activities other than hospitals via a new healthcare activity definition within the community activity category, with a more enabling activity status regime;
- amending activity status tables, policies and assessment rules as required in all zones to achieve this new regime; and
- amending strategic objectives and policies to reflect the change in approach to managing healthcare.

Issue 2: Providing for non-registered and non-primary healthcare

1116. The second issue relates to the definition of registered health practitioners, which is a sub-activity of office. Registered health practitioners are provided for in residential zones as a discretionary activity, but the definition of this term is quite narrow, as discussed below. Healthcare activities that do not fall within the definition of registered health practitioners are treated as "office", which has non-complying activity status in residential zones. These activities are also only permitted in some commercial and mixed use zones (see Table 14 in the background above).

1117. The definition of registered health practitioners is as follows:

Registered Health Practitioners

The use of land or buildings for the provision of primary health care services by doctors, nurses, dentists, physiotherapists, or other health professionals who operate under the Health Practitioners Competence Assurance Act (2003), including any administrative support staff.

This definition excludes activities otherwise defined as hospital.

Registered health practitioners are a sub-activity of office.

1118. There are two parts of the definition that significantly limit what activities it applies to. These are the reference to 'primary health care services' and the requirement for the service to operate under the specified Act.

1119. Firstly, the term 'primary health care' typically means the initial outpatient care patients receive for a health issue, including from a general practitioner or a dentist but not from a subsequent specialist like a radiologist, speech therapist, psychiatrist or orthodontist. This approach excludes some activities that would generally be registered health practitioners.

1120. This would not be an issue for smaller scale healthcare activities that can meet the requirements for 'working from home', which is a permitted activity in the residential zones, but it becomes an issue as soon as employees are required to work on the site.

1121. Secondly, the requirement for operation under the Act (i.e. to be "registered") was identified by WellSouth as an additional issue during consultation. They requested that unregistered and traditional health practitioners also be provided for. Otherwise, these providers would be treated as office activities and subject to a stricter management regime than registered healthcare providers, despite likely similarities in terms of effects on the environment.

1122. This issue is proposed to be resolved by:

- providing for healthcare as a type of community activity, as described under issue 1 above;
- deleting the definition of registered health practitioners and no longer relying on the definition of office to manage healthcare activities; and
- providing for a wide range of healthcare activities under the new definition of healthcare (including non-registered, traditional and non-primary healthcare practitioners).

<u>Issue 3: Providing for healthcare hubs with ancillary activities</u>

1123. As outlined in the section on consultation in the background above, feedback received identified an increasing trend towards integrated healthcare hubs and a desire for the Plan to provide for this. This included feedback that ancillary commercial activities, such as government agency offices, or retail such as pharmacies or cafes should be provided for as part of a hub facility, undertaken outside of hospital facilities and within the community where possible.

1124. The issue is that the Plan currently does not provide for integrated healthcare hubs, as it treats each different activity within a hub under separate provisions, sometimes with different activity statuses. This can result in all activities in a healthcare hub being assessed according to the strictest activity status that applies (e.g. non-complying if an office is proposed in a residential zone), leading to a more onerous consenting process.

1125. When Ōtākou Health Limited sought a resource consent in 2021 to expand its services at its Te Kāika health hub to include government agency offices, it was also not initially clear whether the proposed offices were office activity or if the expanded activity fell within the definition of community and leisure. Questions were also raised about whether the activity should have been captured within the marae-related activities definition, which is listed as an example of community and leisure activity but only relates to provision of services on Marae. In the General Residential 2 Zone (the location of the hub), office is a non-complying activity whereas community and leisure – large scale is restricted discretionary.

1126. An initial proposal to include healthcare hubs within the definition of community and leisure was consulted on. Some providers were concerned that this proposal would not fully resolve the issues and may result in unintended consequences for the management of other community and leisure activities. A broader rethink of the approach to healthcare activities was requested, such as inclusion of a new definition to provide for healthcare hubs with ancillary activities.

1127. This issue is proposed to be resolved by:

- introducing a new healthcare activity definition in the community activities category, as described under Issue 1 above, and
- including integrated healthcare hubs with ancillary retail activities as part of the new definition of healthcare (the proposed limit of 25% gross floor area of buildings for ancillary retail has been informed by consultation responses from healthcare providers).

Issue 4: Providing for inpatient treatment facilities (other than rest homes) outside hospitals

1128. This issue of concern is that the Plan definitions currently do not provide for inpatient care (overnight stay) through any definition other than 'hospital' or 'rest home'. This means that the stricter activity status for hospital activity applies, reflective of its categorisation as a major facilities activity, even if a smaller scale niche facility is proposed.

1129. Hospital activity is non-complying in all zones except the relevant major facilities zones (Ashburn Clinic, Dunedin Hospital, Mercy Hospital and Wakari Hospital zones) and the CBD Edge Commercial North Zone, which provides for the new Dunedin hospital. This effectively requires a plan change to rezone land before a new healthcare facility can be established outside the existing zoned areas (see Table 14 in the background section above).

1130. DCC has had enquiries from treatment providers seeking to establish niche live-in facilities targeted to the treatment of specific conditions. These include providers who treat people struggling with addiction, eating disorders or other mental or physical health issues where a small-scale facility that includes inpatient care (rather than a hospital) could be appropriate in a range of zones, including in residential environments close to the community, or in rural or rural residential environments that might support treatment outcomes due to the amenity values in these zones. Examples of existing facilities in other parts of New Zealand are Taranaki Retreat; https://taranakiretreat.org.nz/residential/ and Recovered Living NZ in Christchurch; https://recoveredlivingnz.com/.

1131. Ashburn Clinic (major facility zone) is an example of an inpatient mental health treatment facility in a rural residential setting where the environment in which the facility is located supports the treatment provided.

1132. This issue is proposed to be resolved as part of the response to Issue 1 by providing for small-scale inpatient treatment facilities (up to 10 inpatient beds) as part of the definition of healthcare.

1133. It is noted that Mercy Hospital's consultation feedback in early 2024 included a request that activities providing any overnight care should be treated as "hospitals". However, the proposed approach is instead to use 10 inpatient beds as the dividing line between "healthcare" and "hospital", so that the 2GP can address the issue set out above by providing for smaller scale live-in facilities in a more enabling way.

Issue 5: Providing for hospital level care at rest homes

1134. Rest home facilities often provide hospital level care to their residents. However, in residential zones, where rest homes are typically located, hospitals are non-complying activities.

1135. Rest homes fall within the definition of supported living facilities as follows:

Supported Living Facilities

The use of land or buildings for the purposes of providing supported living accommodation for more than ten residents that includes full-time management, care and supervision, and may include laundry, meal, and cleaning services. For the sake of clarity, this definition includes any ancillary activities directly associated with the functioning of the facility, including medical treatment, recreational facilities, and other facilities necessary to service the needs of the residents or their visitors.

This definition excludes activities otherwise defined as standard residential.

The following activities are sub-activities of supported living facilities:

- *rest homes*
- *retirement villages; and*
- *student hostels.*

Supported living facilities are an activity in the residential activities category.

1136. The current definitions of rest homes and retirement villages exclude provision of a hospital, as follows:

Rest Homes

Supported living facilities licensed as a rest home or hospice that provide full time care of the elderly or infirm.

This definition excludes activities defined as hospital or retirement villages.

Rest homes are a sub-activity of supported living facilities.

Retirement Villages

Supported living facilities that provides supported living in individual residential units and may also provide rest home care.

Retirement villages are a sub-activity of supported living facilities.

1137. Most rest home facilities are located within residential zones, as their primary activity is living accommodation, and they rely on the services infrastructure that is provided in residential zones. They also benefit from the transport connections provided within urban environments.

1138. Establishing a new hospital within a rest home facility in a residential zone currently changes its activity status from a restricted discretionary activity to a non-complying activity. As discussed under Issue 4 above, hospitals are not provided for in any zones other than selected major facilities zones and CEC North Zone (see also Table 14 in the background above). Furthermore, a strong policy direction is given to avoid their establishment in residential zones, as follows (noting that hospitals are a type of major facility activity):

Policy 15.2.1.6

Avoid industrial activities, rural activities, and major facility activities other than those expressly provided for, sport and recreation that involves motor vehicles, and any other activities not compatible with the character and amenity of the residential zone.

1139. This issue is proposed to be resolved by amending the definition of rest homes to include hospital level care provided as part of the facility.

Issue 6: Providing for medical imaging, testing, and equipment facilities

1140. A further issue of concern is that it is currently unclear which activity definition applies to medical imaging, medical testing, or medical equipment facilities (e.g. for prosthetics). Examples of these facilities include Pacific Radiology, Awanui/Southern Community Laboratories and NZ Blood. Based on the current activity definitions, these activities could potentially be treated as a type of "office", on the basis that they include "professional offices" or as "industry", which includes "laboratory-based research".

1141. The definition of hospital has also been considered potentially relevant due to its broad wording of "The use of land or buildings for the purpose of providing health care services for the community." However, the definition of hospital is intended to apply to major facilities containing a range of inpatient and outpatient services, rather than a standalone imaging, testing or equipment facility without broader hospital services (see Issue 7 below).

1142. Both office and industry can establish in the CBD and several other commercial and mixed use zones as permitted activities. However, office is a non-complying activity in the industrial zones, meaning classification as an office activity would be much more restrictive.

1143. The operating needs for medical imaging, medical testing and medical equipment facilities include the ability to provide on-site car parking for disabled patients and a suitable building to enable operation of large and heavy specialist equipment. If the activity definition for these activities has a non-complying activity status in a desirable location, it may prevent essential facilities from establishing. This issue became apparent when Pacific Radiology sought to establish a new facility in the Industrial Zone.

1144. Consideration has been given to inclusion of these activities within the new "healthcare" definition. However, the proposed activity status for "healthcare" in industrial zones is non-complying; therefore, this option would not fully resolve the issue.

1145. This issue is proposed to be resolved by amending the definitions of hospital and industry to include medical imaging, medical testing, and medical equipment facilities, and by drafting the definition of "healthcare" so that healthcare hubs may include medical imaging services and blood or other medical testing or collection services. This proposal provides an enabling approach across multiple zones, as follows:

- in all zones that provide for hospitals (i.e. Ashburn Clinic, Dunedin Hospital, Mercy Hospital and Wakari Hospital zones and the CBD Edge Commercial North Zone), medical imaging services, blood or other medical testing or collection services, and medical equipment fitting or supply services (including prosthetics) will be provided for as part of "hospital"
- because both industry activities and healthcare activities are permitted in most commercial and mixed use zones, both standalone medical imaging, testing, and equipment facilities (as industry activities) and healthcare hubs including medical imaging and medical testing/collection (as healthcare activities) would be permitted in these areas;
- healthcare hubs including medical imaging and medical testing/collection (as healthcare activities) would also be provided for in all other zones except industrial and Port; and
- standalone medical imaging, testing, and equipment facilities (as industry activities) would be permitted in industrial zones.

<u>Issue 7: Definition of hospital is unclear</u>

1146. The existing definition of hospital includes a range of activity examples but does not make it clear that a "hospital" should include a minimum range of these activities. As a result, the provisions could be interpreted as treating a standalone "dispensary" or "physiotherapy facility", for example, as a hospital. This would lead to unnecessarily restrictive rules being applied, given that hospitals are non-complying activities in most zones.

1147. This issue is proposed to be resolved by amending the definition of hospital to indicate that a hospital must comprise a minimum range of activities and may include additional related activities (so it cannot be interpreted as applying to standalone component activities).

Proposed change and assessment

Summary of key changes

1148. A detailed list of all provisions being amended as part of Change D16 is provided under the next sub-heading. However, a summary of the key changes is to amend the following provisions:

- Add a new definition of healthcare in the community activities category including registered and unregistered health practitioners, traditional healthcare, primary and non-primary healthcare and integrated healthcare hubs that can include complementary activities such as education services, government agencies, pharmacies, medical imaging services and blood or other medical testing or collection services (with a 25% limit on the amount of floor space that can be taken up by ancillary retail).
- Delete the definition of registered health practitioners, and delete references to this activity throughout the Plan, replacing these with references to healthcare as appropriate.
- Amend the definition of hospital to indicate that a hospital must comprise a minimum range of activities, and may include additional related activities.
- Amend the definition of industry to include "medical imaging services, blood or other medical testing or collection services, medical equipment fitting or supply services (including prosthetics)".
- Amend the definition of rest homes to include hospital-level care.
- Amend Objective 2.3.3 and Policy 2.3.3.1 to include references to healthcare, and therefore indicate that accessible healthcare is an important part of physical, social and cultural wellbeing.
- Amend or add policies, activity status rules and assessment rules across a range of zones to ensure that healthcare is provided for in all zones except the industrial and Port zones, or where located within a hazard facility mapped area (where the activity status will be non-complying), and to ensure that effects on amenity and from reverse sensitivity are managed as appropriate, depending on the zone.
- Add new policies and assessment guidance to the rural and rural residential zones to provide guidance around the nature and scale of healthcare activity that may be appropriate in these zones.
- Apply a more enabling activity status regime for healthcare appropriate to the objectives for each zone, as summarised in Table 15, below.

Table 15: Summary of proposed activity statuses for healthcare by zone (right column), with current provisions shown for comparison

Zone	Current 2GP activity status		Proposed activity status
	Office (excluding RHP)	**Registered health practitioners**	**Healthcare**
Management Zones			
Residential	NC	D	D
Rural	NC	NC	D outside hazard facility mapped area
			NC within hazard facility mapped area
Rural Residential	NC	NC	D
Commercial & Mixed use (CBD, Centres, HE, CEC- North)	P	P	P
Commercial & Mixed use (PPH)	NC	NC	P outside hazard facility mapped area
			NC within hazard facility mapped area
Commercial & Mixed use (WP & SSYP)	P in a scheduled heritage building	P in a scheduled heritage building	P
	NC not in a scheduled heritage building	NC not in a scheduled heritage building	
Commercial & Mixed use (CEC-South, SDLF & TR)	NC	NC	P in CEC-South
			D in SDLF & TR
Industrial	NC	NC	NC
Recreation	NC	NC	D outside hazard facility mapped area
			NC within hazard facility mapped area
Major facility zones			
Ashburn Clinic	NC	P	P
Campus	P (Campus-affiliated office)	P	P
	D (all other office)		
Dunedin Botanic Garden	NC	NC	D
Dunedin Hospital	P (Campus-affiliated office)	P	P
	NC (all other office)		
Dunedin International Airport	D	D	D
Edgar Centre	NC	NC	D
Invermay/Hercus	D	D	D
Mercy Hospital	NC	P	P

Zone	Current 2GP activity status		Proposed activity status
	Office (excluding RHP)	**Registered health practitioners**	**Healthcare**
Moana Pool	NC	NC	D
Otago Museum	P (Campus-affiliated office)	D	D
	D (all other office)		
Port	NC	NC	NC
Schools	NC	NC	D
Stadium	D outside hazard facility mapped area	D outside hazard facility mapped area	D outside hazard facility mapped area
	NC within hazard facility mapped area	NC within hazard facility mapped area	NC within hazard facility mapped area
Taieri Aerodrome	NC	NC	D
Wakari Hospital	NC	P	P

<u>List of all changes</u>

1149. Change D16 amends the following provisions, as shown in Appendix A:

- Add a definition of healthcare;
- Consequential changes to add reference to healthcare in the following provisions (which relate to community activities):
    - Amend Section 1.3.2 Activities managed by this Plan (Nested Tables) - Land Use activities by adding healthcare as an activity in the community activities category;
    - Amend the definition of bulk fuel storage facilities sensitive activities to include healthcare;
    - Amend the definition of community activities to include healthcare as an activity in that category;
    - Objective 2.3.3
    - Policy 2.3.3.1
- Delete the definition of registered health practitioners;
- Consequential changes to delete the references to registered health practitioners from the following provisions (which relate to commercial activities):
    - Amend Section 1.3.2 Activities managed by this Plan (Nested Tables) - Land Use activities by deleting registered health practitioners as a sub-activity of office
    - Definition of natural hazards potentially sensitive activities
    - Definition of office
    - Table 11.1.3A Hazard sensitivity, row for natural hazards potentially sensitive activities
    - Policy 15.2.1.2
    - Rule 15.3.3.14 activity status table
    - Rule 15.5.8.3 on minimum mobility car parking
    - Rule 18.3.3.6 on minimum mobility car parking
    - Rule 18.5.6.3 on minimum mobility car parking
    - Rule 21.3.3.8 activity status table
    - Rule 23.3.3.9 activity status table
    - Rule 27.3.3.9 activity status table
    - Policy 34.2.1.5
    - Rule 34.3.3.14 activity status table

- Rule 34.11.2.1 assessment rule
- Rule 35.3.3.10 activity status table
- Rule 35.11.2.1 assessment rule

- Consequential changes to replace references to registered health practitioners with references to healthcare in the following provisions:
    - Definition of hospital
    - Definition of national grid sensitive activities
    - Definition of natural hazards sensitive activities
    - Definition of noise sensitive activities
    - Policy 2.2.2.4
    - Policy 2.3.2.5
    - Rule 9.3.4.3.m Hazardous substances quantity limits and storage requirements in the Campus Zone
    - Table 11.1.3A Hazard sensitivity, row for natural hazards sensitive activities
    - Table A6.1.5 Class 5 – Oxidising substances, rows for oxygen and nitrous oxide
    - Table A6.2.5 Class 5 – Oxidising substances, rows for oxygen and nitrous oxide
- Amend or add the following policies for healthcare across the management and major facility zone sections:
    - Amend Policy 15.2.3.4 to replace registered health practitioners with healthcare
    - Amend Policy 15.2.4.7 to replace registered health practitioners with healthcare
    - Add Policy 16.2.1.14
    - Amend Policy 16.2.1.2 to exclude healthcare
    - Amend Policy 16.2.2.5 to include healthcare
    - Amend Policy 16.2.3.6 to include healthcare
    - Add Policy 17.2.1.X
    - Amend Policy 17.2.2.5 to include healthcare
    - Amend Policy 17.2.3.3 to include healthcare
    - Add a new Policy 18.2.1.X for permitted healthcare
    - Add a new Policy 18.2.2.X for discretionary healthcare

  - Amend Policy 20.2.2.12 to include healthcare
  - Amend Policy 21.2.1.1 to include healthcare
  - Amend Policy 27.2.1.1 to include healthcare
  - Amend Policy 34.2.1.2 to include healthcare
  - Amend Policy 35.2.1.1 to include healthcare
- Amend or add the following activity status rules for healthcare across the management and major facility zone sections:
  - Amend Rule 15.3.3.Z to make healthcare a discretionary activity in the residential zones
  - Add Rule 16.3.3.Y to make healthcare a discretionary activity in the rural zones, where outside a hazard facility mapped area
  - Add Rule 16.3.3.Z to make healthcare a non-complying activity in the rural zones, where within a hazard facility mapped area
  - Add Rule 17.3.3.Y to make healthcare a discretionary activity in the rural residential zones
  - Add Rule 18.3.3.Y to make healthcare a permitted activity in the Central Business District and centres zones, subject to the performance standard for minimum mobility car parking
  - Add Rule 18.3.4.Y to make healthcare a permitted activity in the Warehouse Precinct; Princes, Parry and Harrow Street; Smith Street and York Place; and Harbourside Edge zones (where outside a hazard facility mapped area, and non-complying where within a hazard facility mapped area), subject to the performance standard for minimum mobility car parking
  - Add Rule 18.3.5.Y to make healthcare a permitted activity in the CEC – North and CEC – South zones, and a discretionary activity in the South Dunedin Large Format and Trade Related zones, subject to the performance standard for minimum mobility car parking
  - Add Rule 19.3.3.Y to make healthcare a non-complying activity in the industrial zones
  - Add Rule 20.3.3.Z to make healthcare a discretionary activity in the Recreation Zone where outside a hazard facility mapped area
  - Add Rule 20.3.3.AA to make healthcare a non-complying activity in the Recreation Zone where within a hazard facility mapped area
  - Add Rule 21.3.3.Y to make healthcare a permitted activity in the Ashburn Clinic Zone

- Add Rule 23.3.3.Y to make healthcare a permitted activity in the Dunedin Hospital Zone
- Add Rule 24.3.3.Y to make healthcare a discretionary activity in the Dunedin International Airport Zone
- Add Rule 25.3.3.Y to make healthcare a discretionary activity in the Edgar Centre Zone
- Add Rule 27.3.3.Y to make healthcare a permitted activity in the Mercy Hospital Zone
- Add Rule 28.3.3.Y to make healthcare a discretionary activity in the Moana Pool Zone
- Add Rule 29.3.3.Y to make healthcare a discretionary activity in the Otago Museum Zone
- Add Rule 31.3.3.Y to make healthcare a discretionary activity in the Schools Zone
- Add Rule 32.3.3.Y to make healthcare in the Stadium Zone within a hazard facility mapped area a non-complying activity
- Add Rule 32.3.3.Z to make healthcare in the Stadium Zone outside a hazard facility mapped area a discretionary activity
- Add Rule 34.3.3.Y to make healthcare a permitted activity in the Campus Zone, subject to the performance standard for minimum mobility car parking
- Add Rule 35.3.3.Y to make healthcare a permitted activity in the Wakari Hospital Zone

- Amend or add the following assessment rules for healthcare across the management and major facility zone sections:
  - Amend Rule 15.12.2.2 for the assessment of discretionary registered health practitioners to instead apply to healthcare
  - Amend Rule 16.11.2.5 to add healthcare for the assessment of discretionary land use activities
  - Amend Rule 17.11.2.1 to add healthcare for the assessment of discretionary land use activities
  - Add Rule 18.11.3.8 to add healthcare in the SDLF and TR zones for the assessment of discretionary land use activities
  - Amend Rule 20.11.2.2 to add healthcare for the assessment of discretionary land use activities
  - Amend Rule 24.9.2.1 to add healthcare for the assessment of discretionary activities

- Amend Rule 25.10.2.1 to add healthcare for the assessment of discretionary activities
- Add Rule 28.10.3.1 for the assessment of healthcare as a discretionary activity
- Amend Rule 29.11.2.1 to add healthcare for the assessment of discretionary activities
- Amend Rule 31.11.2.1 to add healthcare for the assessment of discretionary activities
- Amend Rule 32.10.2.1 to add healthcare outside a hazard facility mapped area for the assessment of discretionary activities

- Amend the definition of hospital;
- Amend the definition of industry; and
- Amend the definition of rest homes.

Assessment against relevant objectives

Relevant strategic directions

1150. The 2GP strategic objective that is most relevant to provision for healthcare is Objective 2.3.3 as follows:

Objective 2.3.3 Facilities and Spaces that Support Social and Cultural Well-being

Dunedin has a range of accessible recreational, sporting, social and cultural facilities and spaces, which provide for high levels of physical, social, and cultural well-being across the community.

1151. It is proposed that this objective is amended to add a reference to "healthcare", so that the revised wording will read "Dunedin has a range of accessible healthcare, recreational, sporting, social and cultural facilities and spaces…" The inclusion of 'healthcare' within Objective 2.3.3 will help to achieve the purpose of the Resource Management Act 1991 by enhancing the ability of people and communities to provide for their social well-being and health, as it recognises that healthcare's benefits to the community. The change to this objective is linked to amendments to plan provisions that will take a more enabling approach to healthcare, in recognition of these benefits.

1152. Other strategic objectives that are relevant to the proposed changes in this topic are as follows:

Objective 2.2.4 Compact and Accessible City

Dunedin stays a compact and accessible city with resilient townships based on sustainably managed urban expansion. Urban expansion only occurs if required and in the most appropriate form and locations.

Objective 2.3.1 Land and Facilities Important for Economic Productivity and Social Well-being

Land, facilities and infrastructure that are important for economic productivity and social well-being, which include industrial areas, major facilities, key transportation routes, network utilities, and productive rural land:

a. are protected from less productive competing uses or incompatible uses, including activities that may give rise to reverse sensitivity; and
b. in the case of facilities and infrastructure, are able to be operated, maintained, upgraded and, where appropriate, developed efficiently and effectively.

Objective 2.3.2 Centres Hierarchy

Dunedin has a hierarchy of vibrant centres anchored around one Central Business District Zone (CBD), which provides a focus for economic and employment growth, driven by:

a. attraction of businesses to these areas based on the high level of amenity and density of activity in the area;
b. opportunities for social interaction, exchange of ideas and business cooperation;
c. public investment in public amenities and other infrastructure in the CBD; and
d. opportunities for agglomeration benefits from the co-location of activities.

Objective 2.4.3 Vibrant CBD and Centres

Dunedin's Central Business District is a strong, vibrant, attractive and enjoyable space that is renowned nationally and internationally for providing the highest level of pedestrian experience that attracts visitors, residents and businesses to Dunedin. It is supported by a hierarchy of attractive urban and rural centres.

1153. Objective 2.3.1 is relevant to the proposed approach to providing for healthcare in rural and major facility zones, and for medical imaging, testing and equipment facilities (as part of “industry”) in industrial zones.

1154. Objectives 2.3.2 and 2.4.3 are relevant to both:

- the proposed approach to providing for healthcare in CMU zones; and
- the proposed approach outside these zones (e.g. in residential and rural zones), which will provide for retail, such as pharmacies, as part of a healthcare hub, but only up 25% of the gross floor area of the hub.

1155. Objective 2.2.4 is relevant as healthcare facilities are proposed to be provided for in residential zones, close to the communities they serve, which has benefits for accessibility.

<u>Relevant management and major facility zone objectives</u>

1156. The 2GP management zone objectives that are relevant to whether healthcare should be provided for in commercial and mixed use, residential, rural, rural residential zones are objectives 15.2.1, 16.2.1, 17.2.1, 18.2.1, 19.2.1, and 20.2.1 and relevant major facility zones are objectives 21.2.1, 23.2.1, 27.2.1, 34.2.1 and 35.2.1.

1157. The objectives of these major facilities are considered particularly relevant because these are the zones where healthcare is proposed to be permitted or, in the case of the Port Zone (Objective 30.2.1), non-complying. In all other major facility zones, healthcare is proposed to be a discretionary activity; this generally aligns with the existing approach to other types of community activity in these zones.

Objective 15.2.1

Residential zones are primarily reserved for residential activities and only provide for a limited number of compatible activities, including: visitor accommodation, community activities, major facility activities, and commercial activities that support the day-to-day needs of residents.

Objective 16.2.1

Rural zones are reserved for productive rural activities and the protection and enhancement of the natural environment, along with certain activities that support the well-being of communities where these activities are most appropriately located in a rural rather than an urban environment.

Objective 17.2.1

The rural residential zones enable lifestyle blocks, hobby farms and associated residential activities as the appropriate place in the rural environment for these to occur, and provide for a limited range of other compatible activities.

Objective 18.2.1

Dunedin has a well-structured and economically and socially successful range of commercial and mixed use environments …

Objective 19.2.1

The industrial zones enable and protect industrial and port activities by:

- *a. only providing for a very limited range of specified non-industrial or non-port activities; and*
- *b. ensuring the potential for reverse sensitivity is insignificant.*

Objective 20.2.1

The Recreation Zone provides opportunities for a wide range of recreational, sporting, community, and cultural activities.

Objective 21.2.1

Ashburn Clinic is able to operate efficiently and effectively as a hospital and medical training and research facility.

Objective 23.2.1

Dunedin Hospital is able to operate efficiently as a medical training and research facility.

Objective 27.2.1

Mercy Hospital is able to operate efficiently and effectively as a hospital.

Objective 30.2.1

The Port at Port Chalmers is able to operate efficiently and effectively as a key shipping and passenger port for the region.

Objective 34.2.1

The Campus Zone enables the University of Otago and the Otago Polytechnic to operate efficiently and effectively as tertiary education and research facilities, while also providing for residential living and a limited range of specified activities that are closely associated to and compatible with these tertiary institutions.

Objective 35.2.1

Wakari Hospital is able to operate efficiently and effectively as a hospital and medical training and research facility.

<u>Assessment against relevant objectives in relation to healthcare (Issues 1-4)</u>

1158. This part of the assessment considers the changes that are proposed to address issues 1 to 4 above and assesses them against the relevant 2GP objectives set out above. Issues 1 to 4 each concern the need to provide for healthcare in a more enabling way, by treating it as a “community” rather than a “commercial” activity, and by proposing a broad definition of “healthcare” that will include:

- registered, unregistered and traditional practitioners
- healthcare hubs that include other complementary activities, and
- small live-in treatment facilities.

1159. A broad definition of healthcare that captures most healthcare activities other than hospitals (within a community activities classification) and clearer more enabling consenting pathways for healthcare activities will better support access to healthcare services. This will support community wellbeing by broadening the range of healthcare services that can be established both within and outside of centres, closer to where patients live.

1160. The proposed change in management approach will more effectively achieve Objective 2.3.3 (as amended by this change, see discussion above) than the status quo by providing improved pathways for healthcare facilities to locate in proximity to the communities they serve. Co-location of healthcare activities with the communities they serve will also help to better achieve Objective 2.2.4 which seeks a compact and accessible city.

1161. Under the proposed changes, as outlined in Table 15 above, healthcare is proposed to be permitted in all commercial and mixed use (CMU) zones, apart from South Dunedin Large Format and Trade Related zones. This status is to reflect that office, including registered health practitioners, and residential activities are generally permitted in these zones already. Permitted activity status is also proposed in the Campus Zone, and in major facility zones with a focus on health - i.e., Ashburn Clinic, Dunedin Hospital, Mercy Hospital and Wakari Hospital zones.

1162. Healthcare is proposed to be a discretionary activity in: South Dunedin Large Format and Trade Related zones; the residential, rural, rural residential and recreation zones; and in most major facility zones (Dunedin Botanic Garden, Dunedin International Airport, Edgar Centre, Invermay and Hercus, Moana Pool, Otago Museum, Schools, Stadium and Taieri Aerodrome). Discretionary activity status is considered appropriate in these zones, for the reasons discussed below.

1163. In the South Dunedin Large Format and Trade Related zones, discretionary activity status will allow assessment of the suitability of any proposed healthcare facility against Objective 18.2.2 and Policy 18.2.2.6 in relation to the potential for reverse sensitivity.

1164. In the residential, rural, rural residential and recreation zones, discretionary activity status will allow assessment of the suitability of any proposed healthcare facility against the relevant objectives for the zone (objectives 15.2.1, 16.2.1, 17.2.1 and 20.2.1 respectively) and policies for relevant management zones will provide direction on suitability, and they will be linked to relevant assessment rules to inform consent assessments. More specifically:

- In residential zones the assessment provision in Rule 15.12.2.2 will require healthcare to be assessed against the requirements of objectives 2.2.2, 15.2.1, 15.2.3 and 15.2.4 and associated policies in relation to transport mode choices and reduced car dependency, effects being managed in line with objectives 15.2.3 and 15.2.4 and adverse effects on the amenity of surrounding residential properties and streetscape.
- In rural zones the assessment provision in Rule 16.11.2.5 will require healthcare to be assessed against the requirements of objectives 2.3.1, 16.2.1, 16.2.2, 16.2.3 and 16.2.4 and associated policies in relation to restricting healthcare to where it requires a rural location or supports a rural activity, where it is more appropriately located in a rural rather than an urban environment, where effects are managed in line with objectives 16.2.2, 16.2.3 and 16.2.4 and their policies, and where adverse effects on the amenity of surrounding residential properties and of development on rural character and visual amenity are considered.
- In rural residential zones the assessment provision in Rule 17.11.2.1 will require healthcare to be assessed against the requirements of objectives 17.2.1, 17.2.2, 17.2.3, 17.2.4 and associated policies in relation to restricting healthcare to where it is more appropriately located in a rural residential rather than an urban environment, where the effects will be adequately managed in line with objectives 17.2.2 and 17.2.3 and 17.2.4 and their policies and where adverse effects on the amenity of surrounding rural residential properties and of development on rural residential character and visual amenity are considered.
- In the Recreation Zone the assessment provision in Rule 20.11.2.2 will require healthcare to be assessed against the requirements of Objective 20.2.2 and amended Policy 20.2.2.12 in relation to adverse effects on the amenity of surrounding residential properties or other recreation area users.

1165. New assessment rules in rural, rural residential and recreation zones will emphasise the need for the type and scale of facilities to be appropriate to the environment in which they are located, recognising that some large-scale facilities will be more appropriately located in commercial and mixed use zones.

1166. In addition to direct adverse effects arising from the scale of an activity and locational sensitivity, the impact of healthcare facilities outside of urban centres needs to be considered having regard to strategic objectives to protect centres, industrial zoned land, rural productivity and reserve sensitivity and support sustainable transport modes.

1167. As discussed in issue 4 above, there is potential for small scale inpatient facilities (less than 10 inpatients) to be established in residential, rural, rural residential zones or recreation zones close to the communities they serve or in environments with therapeutic benefits. Enquiries have previously been received in relation to establishing these types of facilities. Providing a discretionary activity consent pathway for an occasional new, small inpatient treatment facility within these zones is unlikely to materially impact on the values of these zones and the resource consent process allows a broad assessment of the effects of a proposed facility.

1168. The definition of healthcare also includes healthcare hubs that include both healthcare and other complementary activities, such as a dispensing pharmacy or other retail activity, provided that total retail activity takes up no more than 25% of the gross floor area of buildings. This definition has been drafted with the aim that these activities will not detract from achieving the vibrant centres strategic objectives (objectives 2.3.2 and 2.4.3), because the healthcare activity is required to be the primary activity and any retail activity complimentary to this activity is restricted in size. Retail activity which is larger than 25% gross floor area would be treated as a separate retail activity (not part of the definition of healthcare) which is non-complying in residential, rural, rural residential and recreation zones.

1169. The proposed approach for the management of healthcare in residential, rural, rural residential and recreation zones is also not expected to detract from achieving the vibrant centres strategic objectives, as a proliferation of new facilities outside centres is not anticipated.

1170. Industrial zones and the Port Zone are inappropriate for the establishment of healthcare; therefore, healthcare facilities are proposed to be non-complying activities in these zones. Industrial and Port-zoned land needs to be protected for industrial and port uses. Healthcare is incompatible with these uses, given the potential for reverse sensitivity. Therefore, providing for healthcare in these zones would be contrary to Objective 2.3.1.

1171. Healthcare activities are also proposed to be non-complying in the 2GP's "hazard facility mapped areas", which surround the Oil Companies and Liquigas' bulk fuel facilities (called Bulk Fuel Storage Facilities in the 2GP). The proposed non-complying status reflects that healthcare is an activity whose users are at greater risk from hazards associated with bulk fuel storage facilities.

1172. Overall DCC considers that the proposed approach for the management of healthcare will achieve objectives 2.2.4, 2.3.1, 2.3.2, 2.3.3 and 2.4.3 and 2GP management zone and major facility zone objectives 15.2.1, 16.2.1, 17.2.1, 18.2.1, 19.2.1, 20.2.1, 21.2.1, 23.2.1, 27.2.1, 34.2.1 and 35.2.1 more efficiently and effectively than the status quo.

Assessment against relevant objectives in relation to providing for hospital level care at rest homes (Issue 5)

1173. This part of the assessment considers the change that is proposed to address issue 5 above and assesses it against the relevant 2GP objectives set out above. The proposed change is to amend the definition of rest homes to include hospital level care provided as part of the facility. This change also indirectly has the effect of providing for this level of care as part of retirement villages, because the relevant 2GP definition indicates that retirement villages may provide rest home care.

1174. Small-scale hospitals are not an uncommon component of a new rest home facility. A comprehensive retirement village/rest home (supported living facility) can include a range of accommodation options and care levels including independent apartments or units, a communal rest home building and a hospital. Providing for these range of accommodation options better caters to the needs of residents as they age, which allows the facility to provide progressive care to residents over time. The existing non-complying activity status for small scale hospital facilities for the elderly across the Plan's management zones, and the lack of policy support within management zones for these hospitals, is a barrier to providing an integrated facility.

1175. The proposal for providing for hospital level care in rest homes will be more effective in achieving amended objective 2.3.3, which seeks to secure a range of accessible recreational, sporting, healthcare, social and cultural facilities and spaces, which provide for high levels of physical, social, and cultural well-being across the community.

1176. Rest homes are typically located in residential zones, where they require resource consent as a restricted discretionary activity, with discretion restricted to "Effects on efficiency and affordability of infrastructure", "Effects of stormwater from future development" and "Effects on surrounding sites' residential amenity". Any difference in effects arising from a hospital component can be managed via the existing assessment framework. Although staff ratios will likely be higher with a facility with a hospital component, the environmental effects of a rest home with or without a hospital level care will be similar if the number of residents in the facility is the same.

1177. Overall, the proposal will achieve an appropriate balance between supporting social and cultural well-being of the community to achieve Objective 2.3.3, while not detracting from vibrant centre objectives 2.3.2 and 2.4.3, supporting the compact and accessible city objective (Objective 2.2.4), and achieving Objective 15.2.1 in residential zones.

Assessment against relevant objectives in relation to providing for medical imaging, testing, and equipment facilities (Issue 6) and definition of hospital (Issue 7)

1178. This part of the assessment considers the changes that are proposed to address issues 6 and 7 above and assesses them against the relevant 2GP objectives set out above.

1179. The proposed changes in response to Issue 6 are to amend the definitions of hospital and industry to include medical imaging, medical testing, and medical equipment facilities, and to draft the new definition of "healthcare" so that healthcare hubs may include medical imaging services and blood or other medical testing or collection services.

1180. The proposed change in response to Issue 7 is to amend the definition of hospital to indicate that a hospital must comprise a minimum range of activities, and may include additional related activities (so it cannot be interpreted as applying to standalone component activities).

1181. In relation to Issue 6, ensuring medical imaging, medical testing and medical equipment facilities clearly fall within the definitions of industry and hospital will provide for these facilities in a broader range of locations suitable to their operational needs. This will retain the option for these activities to locate in the CBD or commercial centres, enable them also to locate in industrial zones, and provide clarity that they may also occur in zones which provide for hospitals, and as part of healthcare hubs, helping to achieve Objective 2.3.3 on supporting community well-being more effectively.

1182. Enabling medical imaging, testing and equipment facilities to establish outside of the CBD or a centre is unlikely to materially impact the vitality and vibrancy of the CBD or centres as only a small number of additional premises are likely to establish in industrial zones. These activities are also similar in nature to "laboratory or factory-based research" which is already provided for as part of the definition of industry. This will ensure that the strategic objectives seeking vibrant centres (objectives 2.3.2 and 2.4.3) and protecting industrial areas from competing uses (Objective 2.3.1) will continue to be achieved.

1183. In relation to Issue 7, the proposed changes to the definition of hospital will provide greater clarity about what minimum range of activities are required to be considered as a hospital and what additional related activities may also be included. The changes will more clearly define the difference between a hospital and a healthcare facility.

1184. Overall, the changes will achieve an appropriate balance between supporting social and cultural well-being to achieve Objective 2.3.3, managing effects on the vibrancy of centres to achieve objectives 2.3.2 and 2.4.3, and minimising impacts on other industrial activities to achieve Objective 2.3.1.

2.5.3 Signs attached to buildings in CMU zones (Change CMU1)

Purpose of proposal and scope of change

1185. The purpose of Change CMU1 is to review the Plan provisions for signs attached to buildings in commercial and mixed use (CMU) zones to ensure that they are appropriate to achieve the Plan's objectives for the maintenance or enhancement of streetscape amenity.

1186. The scope of the review does not extend to reviewing the Plan provisions for signs other than those attached to buildings, or any signs in zones other than the CMU zones.

Background and issues of concern

1187. Signs in commercial and mixed use zones are managed to achieve two objectives relating to streetscape amenity:

- Objective 18.2.3, which addresses general streetscape amenity and pedestrian amenity along pedestrian street frontage mapped areas; and
- Objective 13.2.3 which is about the streetscape character within heritage precincts.

1188. Signs attached to buildings and structures are a permitted development activity in the CMU zones (Rule 18.3.6.4), subject to compliance with the performance standard for the number, location and design of ancillary signs (Rule 18.6.13).

1189. Rule 18.6.13 (number, location and design of ancillary signs) has stricter standards for signs within heritage precincts and areas where amenity is of greater concern (e.g. pedestrian street frontage mapped areas and Harbourside Edge Zone). The first four sub-parts of the rule are relevant to signs attached to buildings (refer to the 2GP for rule content).

1190. Rule 18.6.11 Minimum glazing and building modulation also contains a sign control where the rule requires that no more than 50% of the required minimum ground floor glazing be obstructed by signage, glass frosting or other materials preventing visual permeability.

1191. Through implementation of these provisions, various issues have been raised which may impact whether the Plan's CMU rules are effective at managing the potential effects of signs on the heritage streetscape character of heritage precincts and the streetscape character of pedestrian frontage mapped areas. These issues are outlined below.

Issue 1: No restriction for signs on top of verandahs

1192. Rule 18.6.13.2 allows signs attached to a building to be up to 4m height above ground level within heritage precincts, Harbourside Edge Zone, or where visible from pedestrian street frontage mapped areas (in other locations, the height is up to 8m). The rule also limits signs from projecting above roofs. In addition, Rule 18.6.13.3 limits signs from projecting above verandah fascia. These controls help to manage adverse effects on streetscape amenity.

1193. The issue of concern is that no similar rule exists for signs attached to the top of a verandah. In some instances, such as the recently installed Bargain Chemist signage at the corner of George and Hanover Street, signs meeting the 4m maximum height and projection rules can be located on top of a verandah as a permitted activity.

1194. Peter Christos, DCC Urban Designer, has reviewed this issue and considers that the gap in the rules could lead to visual clutter and façade detailing being obscured, especially in the centres and CBD where verandahs are prevalent (see Appendix C). He considers that this issue should be rectified by restricting signs on verandahs within all CMU zones to protect against visual clutter.

1195. The proposed solution is to amend Rule 18.6.13.2(b) by requiring signs to not be attached to the top of verandahs within the CMU zones.

Issue 2: Reference to 'solid material' and order of wording unclear in Rule 18.6.13.2(d)

1196. Rule 18.6.13.2(d) requires signs to be of a solid material but does not clarify what that means. The intent of the rule is to control fabric signs, and this can be done without reference to 'solid material'.

1197. The order of the clause, which lists the locations where the rule applies after the requirement, is also not good drafting practice because it makes it hard for Plan users to scan through the rule and determine which requirements are relevant to their circumstances.

1198. This issue is proposed to be resolved by clarifying that signs must not be in the form of a flag, banner, or other type of fabric sign, and reordering the requirements in the rule.

Issue 3: Management of signs in windows via the minimum glazing rule (Rule 18.6.11) is ineffective

1199. Another method used to achieve Objective 18.2.3 on streetscape amenity is the standard for minimum glazing and building modulation (Rule 18.6.11), which applies to new buildings and additions and alterations to buildings. This rule also indirectly manages signs in ground floor windows, in clause 4, by specifying the percentage of the glazed area that can be obstructed by signage or other materials.

1200. The location of this signs-related rule in a standard about minimum glazing and building modulation creates a risk that the rule will be missed. It is preferable for it to be built into the ancillary sign rule (Rule 18.6.13), with the other signs requirements. In addition, the current rule structure means that there are two separate requirements relating to the proportion of a building frontage that may be covered by signage, located in two different rules, as follows:

- Rule 18.6.11.4 controls the proportion of a glazed area that may be covered by signs, and
- Rule 18.6.13.3 controls the proportion of the area of walls facing the street that may be covered by signs.

1201. The separation of these two requirements means that they are calculated separately, which could result in a perverse outcome of encouraging extra signage. For example, if a window already has more than 50% coverage with signs, 50% of the wall space could also be covered in signs without deducting the extra signage that already exists on the window.

1202. Mr Christos has provided comment on this situation (see Appendix C), concluding that it is appropriate to calculate the percentage of signage cover across walls and glazing together, rather than separately.

1203. An additional issue with including the rule for the permitted proportion of signs on glazing within the minimum glazing and building modulation rule (Rule 18.6.11) is that scheduled heritage buildings and buildings within the Trade Related and South Dunedin Large Format zones are exempt from this rule. This exemption applies not because signs on glazing should not be managed in these locations but because requiring glazing and modulation in these contexts in inappropriate or unnecessary.

1204. It is proposed to address this issue by amending Rule 18.6.13.3 for signs attached flat against buildings so that it includes signs in windows. A new clause at Rule 18.6.13.3.X will build in similar requirements to Rule 18.6.11.4 by only allowing up to 50% of the total ground floor window space to be covered by any combination of signs or other materials. This new clause will not exempt scheduled heritage buildings or buildings in the Trade Related Zone or South Dunedin Large Format Zone.

Proposed change and assessment

1205. Change CMU1 amends the following provisions, as shown in Appendix A:

- Amend Rule 18.6.13.2 to add a provision not allowing signs to be attached to the top of a verandah in Clause (b) (Issue 1) and reorder clause (d) for clarity and to remove the reference to 'solid material' (Issue 2)
- Amend Figure 18.6.13.2A Signs attached to buildings, to identify that signs attached to the top of a verandah require a resource consent (Issue 1)
- Amend Rule 18.6.13.3.a to apply the signs limits to signs attached to glazing (Issue 3)
- Add Rule 18.6.13.3.X to include the standard for signs and other visually impermeable materials in ground floor windows, to align with Rule 18.6.11.4 (Issue 3)
- Amend Figure 18.6.13.6A, Signs in pedestrian street frontage mapped areas, heritage precincts and Harbourside Edge Zone, to identify windows are not excluded from the sign coverage rule thresholds for walls facing the street; and
- Amend Figure 18.6.13.6B, Signs in the Trade Related and South Dunedin Large Format zones, to identify windows are not excluded from the sign coverage rule thresholds for walls facing the street.

Assessment against relevant objectives

1206. DCC Urban Designer, Mr Peter Christos, has confirmed that the proposed sign rules changes will appropriately address gaps in the CMU signs provisions to ensure adverse effects on streetscape amenity are managed (see Appendix C). He concludes that restricting verandah top signage would assist in preventing visual clutter in CMU zones and that a rule restricting CMU signs to 50% of the combined area of ground floor facade and glazing would be positive for reducing the risk of signage dominating building facades.

1207. Overall, the proposed changes will clarify rule interpretation, ensure requirements for signs on glazing are not missed, and manage visual clutter from signs attached to the top of verandahs. Together, the changes will ensure Objective 13.2.3 to maintain or enhance heritage streetscapes and Objective 18.2.3 to maintain the amenity of streetscapes are more effectively achieved.

2.5.4 Exemption from Minimum Height (Change CMU2)

Purpose of proposal and scope of change

1208. The purpose of Change CMU2 is to clarify the minimum height rules in the commercial and mixed use zones for buildings that cannot be seen from a public place. The scope of the review does not extend to reviewing this rule more broadly.

Background and issues of concern

1209. In commercial and mixed use zones, Rule 18.6.5.2 Maximum and minimum height, imposes a minimum height limit in all zones except for the Trade Related and South Dunedin Large Format zones and Centres other than the CBD. This approach is to achieve Objective 18.2.3, which seeks to maintain and enhance streetscape amenity, by securing a consistent and appropriate built form at the street interface with the public realm.

1210. The rule triggers a restricted discretionary resource consent when new buildings and structures or additions and alterations do not meet the specified minimum height requirements.

1211. Implementation of the 2GP has revealed some inefficiencies in the rule's operation and unintended consent requirements have resulted in situations where relatively small-scale structures have triggered resource consent applications. For example, a 30m2 2.6m high tool shed associated with the temporary court facilities on High Street that was screened from public view triggered a resource consent in 2020 (LUC-2020-193).

1212. Small-scale buildings do not represent a threat to achieving streetscape objectives if they are located behind other buildings and are not visible. While the number of consents being triggered are relatively few (one or two a year) it is appropriate to make a change to prevent unnecessary consents if there is a simple solution available.

Proposed change and assessment

1213. Change CMU2 amends the following provision, as shown in Appendix A:

- Amend Rule 18.6.5.2.a.ix Maximum and Minimum Height by exempting buildings that are not visible from a public place from minimum height requirements.

1214. The proposed change will improve Plan efficiency by avoiding unnecessary consents. It will not change the effectiveness of the provisions in relation to Objective 18.2.3, which seeks to maintain and enhance streetscape amenity, as confirmed by DCC Urban Designer, Mr Christos, in his memorandum (see Appendix C).

1215. No practicable alternatives were identified or assessed for this proposal.

2.5.5 Signs on screens (Change CMU3)

Purpose of proposal and scope of change

1216. The purpose of Change CMU3 is to review and clarify how signs on portable screens in the road reserve are managed in the Plan. The scope of the change does not include reviewing provisions for other types of signs.

Background and issues of concern

1217. Portable screens are used for demarcation and protection of outdoor seating areas on footpaths. They are often used by licensed premises located in commercial and mixed zones such as the CBD. Signs are commonly placed on portable screens as ancillary signs.

1218. The performance standard for the number, location and design of ancillary signs in commercial and mixed use zones is in Rule 18.6.13 and includes provisions for portable freestanding signs on footpaths. This rule is intended to achieve Objective 18.2.3 on maintaining or enhancing the amenity of the streetscape (including for pedestrians) and Objective 6.2.3 on maintaining the safety and efficiency of the transport network.

Contravention of the rule is a restricted discretionary activity and enables these matters to be considered.

1219. The definition of portable freestanding signs appears to include signs on portable screens, even though they are not listed as an example:

Portable Freestanding Signs

A freestanding sign that can be readily moved. Examples are sandwich boards and flag signs.

Issue 1: It is not clear whether Rule 18.6.13.5 should be applied to signs on portable screens

1220. The first issue is that although Rule 18.6.13.5 applies standards for portable freestanding signs its requirements are targeted at sandwich board and flag signs, making it unclear whether it is intended to apply to signs on portable screens.

1221. Most signs on portable screens would not comply with this performance standard because they:

- Relate to premises with ground floor street frontage
- Exceed the dimension and spacing requirements
- Exceed the number per site.

1222. One explanation for this is that signs on portable screens are managed through the public places bylaw (the latest version of which is the Trading in Public Places Bylaw 2020) and may not have been intended to be managed via this performance standard. The bylaw controls the location, colour, materials, and dimensions of portable screens, limits the amount of signage provided on them, and restricts signage to displaying the name or logo of the business. The bylaw replaced the Dunedin City Council Commercial Use of Footpaths Policy (which is still referred to in Note 18.6.13B[49]).

1223. Despite this likely explanation, the Plan does not include signs on portable screens within its list of activities that are not managed by the Plan within the introduction to Section 1.3.

1224. Therefore, the status quo provisions are inefficient as they are unclear to Plan users and may result in consents being required where the effects of concern are already managed by the bylaw.

1225. This issue is proposed to be resolved by including signs on portable screens that are managed in the bylaw in the list of activities that are not managed in the Plan in Section 1.3 and adding a note to plan user at Rule 18.6.13.5 to refer to the exclusion in Section 1.3

Issue 2: The definition of public amenities could be interpreted as applying to portable screens

1226. It is possible that Plan users could interpret the definition of public amenities (see below) as including portable screens and signs on them, even though this was not the intent as they are ancillary to a commercial activity and for the benefit of patrons only.

[49] This out-of-date reference will be updated under Clause 16 in due course. Updates to notes are considered of minor effect because they do not contain any plan provisions only general information.

Public Amenities

Any structure or facility established for the convenience, enjoyment, or amenity of the public. For the sake of clarity, this includes signs containing information directly relevant to the purpose of the public amenity.…

1227. Therefore, the status quo provisions are inefficient as they are unclear to Plan users and may result in rules being applied where this was not the intention.

1228. This issue is proposed to be resolved by amending the definition of public amenities to make clear it does not apply to structures ancillary to commercial activities.

Proposed change and assessment

1229. Change CMU3 amends the following provisions, as shown in Appendix A:

- Amend Section 1.3 (introduction to nested tables)
- Amend definition of public amenities
- Add a Note 18.6.13A.5

Assessment against relevant objectives

1230. The proposed changes will improve Plan efficiency by ensuring that restrictions on signs on portable screens included in the Trading in Public Places Bylaw 2020 are not duplicated in the 2GP.

1231. An alternative option of including provisions specific to signs on portable screens within the Plan was also considered. This option was rejected because the Trading in Public Places Bylaw is still fit for purpose, and it is desirable to avoid duplication or conflict between the Plan and the bylaw.

2.5.6 Speights Buffer Mapped Area Method (Change CMU6)

Purpose of proposal and scope of change

1232. The purpose of Change CMU6 is to review the appropriateness of the Speights buffer mapped area method.

1233. The scope of this change does not extend to reviewing the recent consent order to remove the Speights mapped area from the Harvey Norman site at 20 Maclaggan Street and 201 Rattray Street, Dunedin.

Background and issues of concern

1234. The Speights buffer mapped area (hatched blue in Figure 9 below) appears on the Planning Map to the west and east of the Speights site (shaded dark brown in Figure 9 below) at 200 Rattray Street, Dunedin. It covers 41, 43 and 45 Dowling Street, and 180 and 195 Rattray Street.

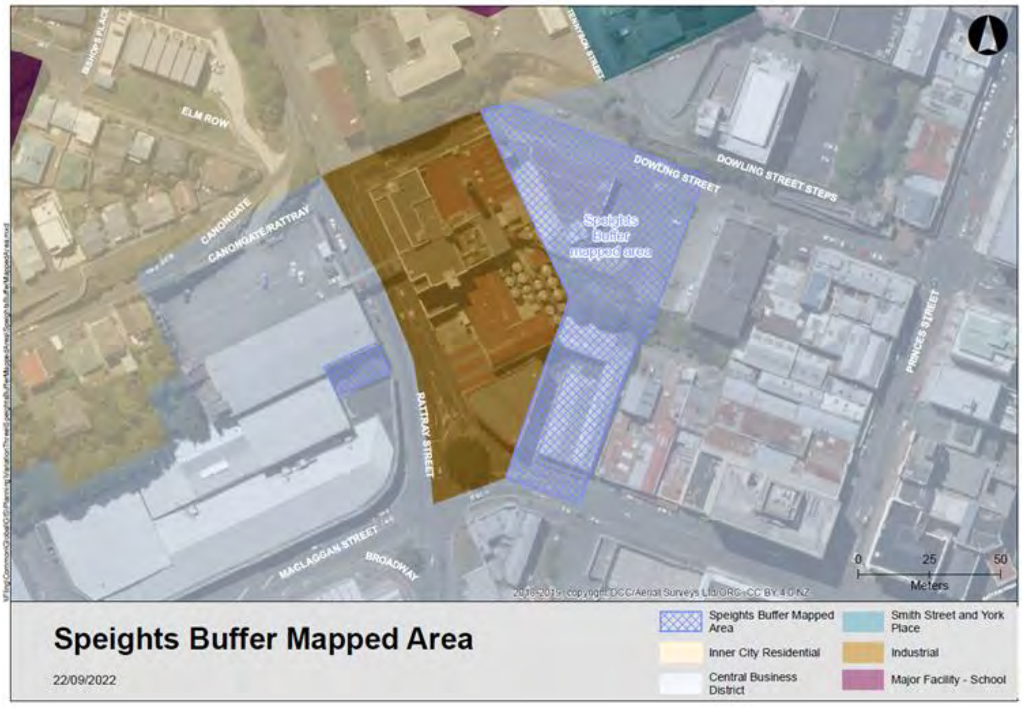

Figure 9: Extent of Speights buffer mapped area remaining in the 2GP

1235. The provisions that apply in the Speights buffer mapped area are Policy 18.2.2.11, Rule 18.5.4.5 (location of residential activities), and assessment rule 18.9.3.6. These provisions were intended to manage the potential for reverse sensitivity from residential activity within the mapped area, particularly due to concerns about noise and odour, to assist in achieving Objective 18.2.2, which states:

Objective 18.2.2

The potential for conflict between activities within the commercial and mixed use zones and in adjoining zones is minimised, as far as practicable, through adequate separation distances and other mitigation measures which ensure:

a. the amenity of adjoining residential and recreation zoned sites is maintained; and

b. the potential for reverse sensitivity effects is minimised as far as practicable.

1236. Objective 18.2.2 implements in part strategic Objective 2.3.1 to protect industrial areas from activities that may give rise to reverse sensitivity.

1237. The application of the Speights buffer mapped area to the property owned by Harvey Norman to the west of the Speights site was appealed by Harvey Norman as part of appeals on the 2GP. On 21 September 2022 the Environment Court issued a consent order to remove the Speights buffer mapped area from the Harvey Norman site at 20 McLaggan Street and 201 Rattray Street, Dunedin. This resolved the appeal by Harvey Norman on this matter.

1238. The issue of concern is that refreshed expert evidence commissioned by the DCC as part of resolving the Harvey Norman appeal, indicated that provisions associated with the Speights buffer mapped area are not required to manage reverse sensitivity issues.

1239. The evidence, from acoustic specialist Malcolm Hunt, concluded that the requirements in Rule 9.3.1 Acoustic Insulation are sufficient to address any reverse sensitivity effects relating to noise arising from residential activities establishing in the Speights buffer mapped area (see Mr Hunt's evidence in Appendix C).

1240. Regarding the potential for odour effects, the 2GP does not manage odour directly (this is managed by the Otago Regional Council). However, industrial zoning recognises the effects that industrial activities generate, including odour. Expert evidence produced by Harvey Norman as part of the appeal resolution confirmed that the Speights brewery activities would be a permitted activity under Rule 16.3.5.1 (4) of the Otago Regional Air Plan and these rules are sufficient to address any reverse sensitivity effects relating to odour arising from residential activities establishing in the Speights buffer mapped area.

1241. Fully removing the Speights buffer mapped area and associated provisions was not possible as part of the appeal resolution due to scope limitations.

1242. This issue is proposed to be resolved by removing the Speights buffer mapped area and associated provisions from the Plan entirely, based on the expert evidence which indicates these provisions are not required to manage reverse sensitivity (and therefore achieve objectives 18.2.2 and 2.4.1), and to ensure consistency with the recent consent order to remove the Speights buffer mapped area.

Proposed change and assessment

1243. Change CMU6 amends the following provisions:

- Remove the Speights buffer mapped area from the Planning Map, as shown in Appendix B;
- Amend the following provisions, as shown in Appendix A:
  - Delete Policy 18.2.2.11
  - Delete Rule 18.5.4.5 Location of residential activities
  - Delete assessment Rule 18.9.3.6 Location of residential activities.

1244. Note that the acoustic insulation provisions for the CBD Zone (being the zone where the Speights buffer mapped area currently applies) are also being reviewed in Plan Change 1 in response to concerns about reverse sensitivity to music venue noise from residential activities (see Change PHS2).

2.6 Natural Environment and Trees Changes

2.6.1 Exemptions from vegetation clearance rules for erection, maintenance or alteration of fences and construction or maintenance of tracks (Change NE3)

Purpose of proposal and scope of change

1245. The purpose of Change NE3 is to review whether the exemptions from the vegetation clearance performance standards for the erection, maintenance or alteration of fences (including gates), and the construction or maintenance of tracks that apply in urban biodiversity mapped areas (Rule 10.3.2.4.b.ii and iv) and hazard overlay zones (Rule 11.3.2.2.a and c) are enabling the relevant objectives to be achieved.

1246. The scope of the proposal does not include reviewing:

- exemptions from indigenous vegetation clearance rules under Rule 10.3.2.1 (indigenous vegetation clearance - small scale thresholds), Rule 10.3.2.2 (protected areas (vegetation clearance)), and Rule 10.3.2.3 (protected species (indigenous vegetation clearance)); or
- clauses within Rule 10.3.2.4 and Rule 11.3.2 other than those specified above relating to vegetation clearance for the erection, maintenance or alteration of fences (including gates), and the construction or maintenance of tracks up to 2m in width.

Background and issues of concern

1247. The Plan controls vegetation clearance in several management zones, mapped areas and overlay zones to help achieve a range of Plan objectives. These include vegetation clearance rules for urban biodiversity mapped areas (UBMAs) to achieve objectives 2.2.3 and 10.2.1 and for land instability hazard overlay zones to achieve Objectives 11.2.1. These objectives are as follows:

Objective 2.2.3 Indigenous Biodiversity

Dunedin's significant indigenous biodiversity is protected or enhanced, and restored; and other indigenous biodiversity is maintained or enhanced, and restored; with all indigenous biodiversity having improved connections and improved resilience.

Objective 10.2.1

Biodiversity values are maintained or enhanced, including by protecting areas of significant indigenous vegetation and the significant habitats of indigenous fauna.

Objective 11.2.1

Land use and development is located and designed in a way that ensures that the risk from natural hazards, and from the potential effects of climate change on natural hazards, is no more than low, in the short to long term.

1248. The rules managing vegetation clearance in UBMAs are contained in Rule 10.3.2.4, as follows:

10.3.2.4 Maximum area of vegetation clearance (UBMA)

a. *Vegetation clearance in an urban biodiversity mapped area (UBMA) must not exceed 20m² on any site over any three year period.*

b. *This standard does not apply to vegetation clearance that is:*

   i. *part of conservation activity involving vegetation clearance and replacement with indigenous species;*

   ii. *for the erection, maintenance or alteration of fences (including gates);*

iii. for the maintenance (but not extension) of existing network utilities, irrigation infrastructure, tracks, drains, structures, roads or firebreaks;

iv. for the construction or maintenance of tracks up to 2m in width;

v. consistent with or provided for as part of a conservation management strategy, conservation management plan, reserve management plan or covenant established under the Conservation Act 1987 or any other Act specified in the First Schedule of the Conservation Act 1987;

vi. required to remove material infected by unwanted organisms as declared by Ministry for Primary Industries' Chief Technical Officer, or to respond to an emergency declared by the Minister for Primary Industries under the Biosecurity Act 1993;

vii. clearance of non-indigenous plant species and replanting within 3 months with indigenous or non-indigenous plant species, not on the pest plant list in Appendix 10B, that will attain at least the same height and coverage as the plants that have been cleared; or

viii. clearance of a pest plant listed in Appendix 10B.

c. …

d. Activities that contravene this performance standard are restricted discretionary activities.

1249. As can be seen above, Rule 10.3.2.4 contains a range of exemptions at clause b for circumstances where the vegetation clearance rules do not apply to provide flexibility for conservation, infrastructure maintenance, clearance of pest plants, or normal farming activities such as construction or maintenance of fences and tracks.

1250. The rules managing vegetation clearance in hazard overlay zones are contained in Rule 11.3.2, as follows:

11.3.2 Maximum Area of Vegetation Clearance in the Hazard Overlay Zones

1. *In the Hazard 1 (land instability) or Hazard 2 (land instability) Overlay Zones, the maximum area of vegetation clearance is 50m² per site, per year, except that, on sites that are located within rural zones, more than one area up to 50m² may be cleared if one of the following situations apply:*
    a. *the area to be cleared is located at least 400m from any other area of vegetation clearance on the same site; or*
    b. *the area to be cleared is located within 400m of another area of vegetation clearance on the same site, but the other area is not located within the same Hazard 1 (land instability) or Hazard 2 (land instability) Overlay Zone.*
2. *This standard does not apply to vegetation clearance as part of any of the following:*
    a. *the erection, maintenance or alteration of fences (including gates);*

b. the maintenance (but not extension) of existing network utilities, irrigation infrastructure, tracks, drains, structures, firebreaks or roads;

c. the construction of tracks up to 2m in width;

d. clearance of areas that, within the last 10 years, have been cultivated or clear of vegetation; or

e. removal of pest plant species listed in Appendix 10B, or of grasses or plant species with a root depth of less than 30cm, provided that the area is replanted within 3 months.

3. …

4. …

5. Activities that contravene this performance standard are restricted discretionary activities.

1251. As can be seen above, Rule 11.3.2 also contains a range of exemptions at clause 2.

1252. The issue of concern is that the exemptions for erection, maintenance or alteration of fences in UBMA or hazard overlay zones, and for the construction or maintenance of tracks up to 2m in width in UBMA or hazard overlay zones, do not quantify the maximum width or area of vegetation that may be cleared as a permitted activity. This ambiguity leaves the exemptions open to interpretation, as occurred in the Environment Court case ENV-2019-CHC-122. The absence of limitations risks more vegetation clearance occurring than necessary for fences or tracks and the potential for the exemptions to be exploited by people wishing to undertake more substantive vegetation clearance.

1253. This issue is proposed to be resolved by amending clauses b.ii and b.iv of Rule 10.3.2.4 and clauses a and c of Rule 11.3.2.2 to prescribe a maximum width of 3m for vegetation clearance for the erection, maintenance and alteration of fences or the construction or maintenance of tracks in UBMA and hazard overlay zones.

1254. In terms of the issue in UBMA, DCC Biodiversity Advisor, Ms Zoe Lunniss, has provided comments on this topic (see Appendix C). Ms Lunniss concludes that the proposed 3-metre vegetation clearance limit for fencing and track construction activities within UBMAs advances the current protection of biodiversity within urban areas and effectively addresses the inadequacies of the current rules, provided it also avoids clearance of protected plant species listed in 2GP Appendix 10A. For this reason, the proposal includes a requirement for threatened plant species or mature indigenous trees (as listed in the relevant Plan appendices) to not be damaged, including when installing fence posts, as part of the exception.

1255. In relation to Hazard Overlay Zones, Mr Lee Paterson from Stantec (via email on 29 November 2023) commented that a 3m vegetation clearance exemption for fencing and track construction activities would bring clarity to the Plan's provisions, while it would also enable the use of required machinery for these activities.

<u>Proposed change and assessment</u>

1256. Change NE3 proposes amendments to the following provisions, as shown in Appendix A:

- amend Rule 10.3.2.4.b.ii to specify a maximum width of vegetation clearance of 3m for the erection, maintenance or alteration of fences (including gates) or the construction or maintenance of tracks up to 2m in width, provided these activities do not damage threatened plant species listed in Appendix 10A.1, or mature indigenous trees listed in Appendix 10A.3;
- delete Rule 10.3.2.4.b.iv as the vegetation clearance exemption for construction of tracks is now incorporated into Rule 10.3.2.4.b.ii.
- amend Rule 11.3.2.2.a to specify a maximum width of vegetation clearance of 3m for the erection, maintenance or alteration of fences (including gates); and
- amend Rule 11.3.2.2.c to specify a maximum width of vegetation clearance of 3m for the construction of tracks.

<u>Assessment against relevant objectives</u>

1257. Regarding the erection, maintenance or alteration of fences (including gates) and the construction or maintenance of tracks in UBMAs, the proposal will limit the permitted vegetation clearance to 3m in width. This provides more clarity compared to the existing provisions which do not impose any limitation on the width or area of vegetation clearance required for fencing or track construction within UBMAs. The change also requires the related vegetation clearance to not damage the protected indigenous plant species listed in 2GP Appendix 10A. The change will, therefore, better maintain and enhance the biodiversity values and help achieve Objectives 2.2.3 and 10.2.1 more effectively and efficiently. It is also considered to be consistent with NPS-IB.

1258. DCC Biodiversity Advisor, Ms Zoe Lunniss, has confirmed that the proposed 3-metre vegetation clearance limit for fencing and track construction, along with the protection of plant species listed in 2GP Appendix 10A, will underpin the protection of biodiversity within urban areas (see Appendix C). She concludes the proposed restriction on vegetation clearance will assist in improving the ecological integrity, processes and diversity of UBMAs and avoiding adverse outcomes such as habitat loss or fragmentation.

1259. In terms of the erection, maintenance or alteration of fences (including gates) and the construction of tracks in hazard overlay zones, the proposal will restrict the permitted vegetation clearance to 3m in width. This provides more clarity compared to the existing provisions which could be interpreted as allowing unlimited vegetation clearance for fencing or track construction within hazard overlay zones. The proposal will, thereby, help achieve Objective 11.2.1 more effectively and efficiently by limiting the potential for risk for land instability risks to increase as a result of excessive vegetation clearance.

1260. Consultant Geotechnical engineer, Mr Lee Paterson from Stantec has confirmed that the proposed 3-meter vegetation clearance limit for fencing and track construction is appropriate as it enables equipment and access requirements for plants to undertake the required works and clarifies and restricts the amount of vegetation clearance in hazard overlay zones.

1261. Overall, the proposed changes are generally aligned with other Plan provisions on vegetation clearance, including those already amended as part of the 2GP appeals, for example, the exemptions under Rule 10.3.2.1.

1262. No alternative options to the proposal or status quo were identified or assessed.

1263. Aukaha have reviewed this proposal and did not request any changes.

2.6.2 Natural environment overlays in Recreation Zone (Change Rec2)

Purpose of proposal and scope of change

1264. The purpose of Change Rec2 is to correct the Recreation Zone provisions to ensure activities in Outstanding Natural Feature, Outstanding Natural Landscape, Significant Natural Landscape and High Natural Coastal Character overlay zones are managed.

1265. The scope of the change does not include reviewing the extent of the overlay zones or the objectives and policies that apply to these overlay zones in Section 10.

Background and issues of concern

1266. The Plan uses various overlay zones to identify land with natural environment values and applies rules in these overlay zones to manage effects on these values. The natural environment overlay zones include the following, amongst others:

- Outstanding Natural Feature Overlay Zone (ONF)
- Outstanding Natural Landscape Overlay Zone (ONL)
- Significant Natural Landscape Overlay Zone (SNL)
- High Natural Coastal Character Overlay Zone (HNCC)

1267. For ONFs, ONLs and SNLs, Objective 10.2.5 seeks for these areas to be protected from inappropriate development and for their values to be maintained or enhanced.

1268. For HNCCs, Objective 10.2.3 seeks for these areas to be protected from inappropriate use and development and for their values to be preserved or enhanced.

1269. The issue of concern is that areas of ONF, ONL, SNL and HNCC overlap with the Recreation Zone, but this zone does not include any provisions to manage inappropriate use or development in these areas. Seven areas of overlap have been identified, as outlined under the subheadings below.

1270. This issue is proposed to be resolved by:

- applying the existing Recreation Zone activity status rules for the natural coastal character overlay zone (NCC) to the areas covered by ONL and SNL;
- adding new activity status rules for activities in ONF or HNCC;
- applying the appropriate performance standards from the Natural Environment section of the Plan (Section 10) to activities in each of the affected overlay zones; and

- adding and amending assessment rules as required to guide the assessment of consent applications.

1271. Overall, the approach will be consistent with the relevant policies in Section 10 of the Plan by replicating the rules that apply to the relevant overlay zones in the Rural Zone, except where an alternative approach is more appropriate for other outcomes sought in the Recreation Zone.

<u>ONF and HNCC at Tunnel Beach</u>

1272. The Recreation-zoned area of rocky peninsula at Tunnel Beach is fully overlain by ONF and HNCC overlay zones (0.68ha), as shown in Figure 10 below.

Figure 10: Area of Recreation zoned land at Tunnel Beach overlain by ONF and HNCC outlined in yellow

ONL at Aramoana Domain

1273. The Recreation zoned area of land at Aramoana Domain is fully overlain by ONL (5.62ha), as shown in Figure 11 below.

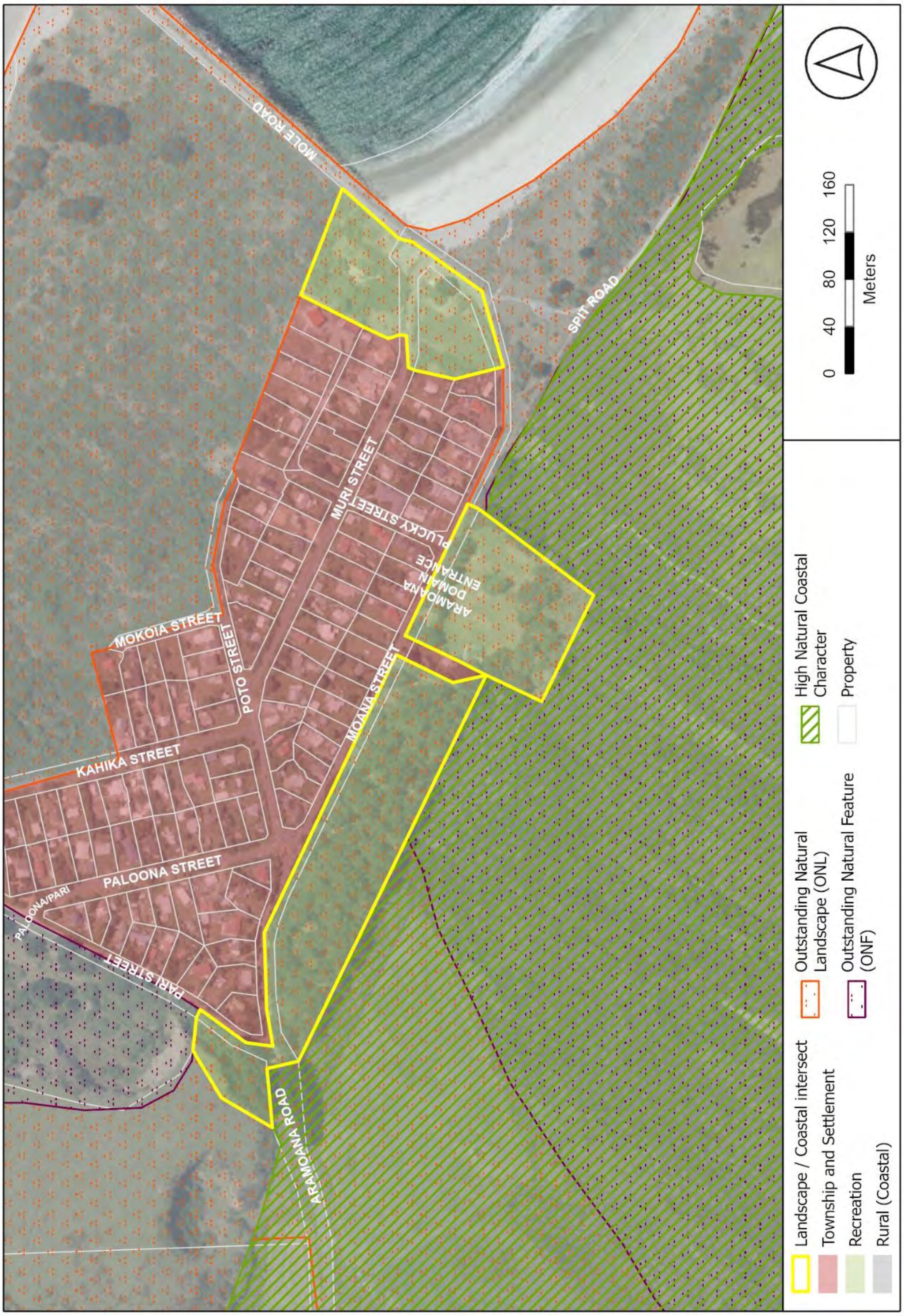

Figure 11: Area of Recreation zoned land at Aramoana Domain overlain by ONL outlined in yellow

ONL at Long Beach

1274. The Recreation zoned area of land along Beach Road at Long Beach is fully overlain by ONL (7.15ha), as shown in Figure 12 below.

Figure 12: Area of Recreation zoned land at Long Beach overlain by ONL outlined in yellow

<u>ONL at Smaill's Beach</u>

1275. A large portion of the eastern area of Recreation zoned land at Smaill's Beach is overlain with ONL (7.8ha), as shown in Figure 13 below.

Figure 13: Area of Recreation zoned land at Smaill's Beach overlain by ONL outlined in yellow

SNL at Truby King Reserve (22 Russell Road, Seacliff)

1276. The Recreation zoned part of Truby King Reserve is fully overlain by SNL (16.4ha), as shown in Figure 14 below.

Figure 14: Area of Recreation zoned land at Truby King Reserve overlain by SNL outlined in yellow

SNL at Forrester Park (194 Norwood Street, Dunedin)

1277. A small area at the northern corner of Forrester Park is overlain by SNL (0.07ha), as shown in Figure 15 below.

Figure 15: Area of Recreation zoned land at Forrester Park overlain by SNL outlined in yellow

SNL at Ross Creek Reserve

1278. A small area of Ross Creek Reserve is overlain by SNL (0.16ha), as shown in Figure 16 below.

Figure 16: Area of Recreation zoned land at Ross Creek Reserve overlain by SNL outlined in yellow

Proposed change and assessment

1279. Change Rec2 proposes to amend the following provisions, as shown in Appendix A:

- Amend Rule 20.3.3 Land use activity status table to ensure an activity status is given for land use activities in the ONF, ONL, SNL or HNCC (no changes are required to associated performance standards or their assessment rules)
- Consequential changes to the legend in Section 20.3.2, to include acronyms for Pr, ONF, ONL, SNL, and HNCC
- Consequential changes to the assessment rules for activities which now require consent, as listed below:
    - Add Rule 20.10.5.Y for assessment of restricted discretionary forestry in an ONL or SNL to reflect addition of the rule for forestry in these locations
    - Amend Rule 20.11.2.3 for assessment of discretionary mining activity to reflect the addition of the rule for mining in SNL
    - Amend Rule 20.12.3.2 for assessment of non-complying activities in the Recreation Zone to reflect that campgrounds, cemeteries and mining are now non-complying in the ONF and HNCC overlay zones (and mining in the ONL), to provide assessment guidance on matters not related to the presence of the overlay zones
    - Add Rule 20.12.3.X for assessment of non-complying activities in the ONF and HNCC overlay zones to reflect the addition of the new land use rules in these locations
    - Add Rule 20.12.3.Y for assessment of non-complying activities in the ONL to reflect the addition of the new land use rule for mining in these locations
- Amend Rule 20.3.4 Development activity status table to add rules for ONF, ONL, SNL and HNCC and a link to the reflectivity performance standard
- Amend Rule 20.3.5 Subdivision activity status table to add rules for ONF, ONL, SNL and HNCC
- Amend the relevant development performance standards and their associated assessment rules to reflect their application to the additional overlay zones, as follows:
    - Amend Rule 20.6.4.2 (maximum height performance standard) so that a reduced maximum height applies to buildings and structures in the ONF, ONL, SNL and HNCC as is the case in the rural and rural residential zones and for NCC in the Recreation Zone
    - Amend Rule 20.6.12.1 (area, number and location of buildings performance standard) to also apply to ONLs and SNLs

- Amend rules 20.6.8.1, 20.6.8.3, and 20.6.8.4 on the number, location and design of ancillary signs to add further restrictions in the overlay zones in line with the requirements in the Rural Zone, to give effect to policies 10.2.3.11 and 10.2.5.14
- Add Rule 20.6.13 on reflectivity so that all new buildings and structures (except fences) and additions and alterations in any landscape or coastal character overlay zone must comply with Rule 10.3.6, as is the case in the rural and rural residential zones
- Amend Rule 20.9.6.2 for the assessment of restricted discretionary performance contraventions in the NCC Overlay Zone to add the number, location and design of ancillary signs to the list of performance standards that are relevant, and correct the reference to the performance standard for area, number and location of buildings
- Add Rule 20.9.6.X for the assessment of restricted discretionary performance standard contraventions in the ONL or SNL to reflect application of performance standards for maximum height, area, number and location of buildings and structures, reflectivity, and number, location and design of ancillary signs in these overlay zones
- Add Rule 20.9.6.Y for the assessment of restricted discretionary contravention of the performance standard for number, location and design of ancillary signs in the ONF overlay zone
- Add Rule 20.9.6.Z for the assessment of restricted discretionary contravention of the performance standard for number, location and design of ancillary signs in the HNCC and NCC

- Amend assessment rules for development and subdivision activities to reflect the additional rules that apply in the overlay zones, as follows:
    - Add Rule 20.10.3.X for assessment of restricted discretionary indigenous vegetation clearance – large scale to reflect the addition of rules in the ONL, SNL and ONF overlay zones, and that this rule is currently missing for this activity in the NCC
    - Add Rule 20.10.3.Y for assessment of restricted discretionary development of new or additions to parking areas that result in 50 or more new parking spaces to reflect the addition of rules in the ONL, SNL, ONF and HNCC, and that this rule is currently missing for this activity in other locations
    - Add Rule 20.10.5.Y for assessment of restricted discretionary general subdivision to reflect the addition of rules for the ONL and SNL
    - Add Rule 20.10.5.Z for assessment of restricted discretionary indigenous vegetation clearance – large scale, shelterbelts and small woodlots, and general subdivision to reflect the addition of rules for the ONF

- Add Rule 20.10.5.AA for assessment of restricted discretionary shelterbelts and small woodlots, and general subdivision to reflect the addition of rules for the HNCC
- Add Rule 20.12.4.3 for assessment of non-complying new buildings or additions and alterations to reflect the addition of rules for the ONF and HNCC, and for indigenous vegetation clearance – large scale to reflect the addition of rules for the HNCC
- Consequential change to Rule 10.6.3.4 for the assessment of restricted discretionary indigenous vegetation clearance – large scale to refer to the rule now applying in the Recreation Zone.

Assessment against the relevant objectives

Land use activities

1280. The activity statuses that have been proposed for land use activities within the relevant overlay zones have been selected to align with the relevant policy direction in Section 10 of the Plan. The activity statuses that apply in the rural zones have also been used as a guide but adapted where necessary to reflect the differing objectives in the Recreation Zone.

1281. Activities that are to be treated less strictly in the Recreation Zone than the rural zones include community and leisure – large scale outside a hazard facility mapped area, early childhood education – small scale outside a hazard facility mapped area, sport and recreation other than that involving motor vehicles, restaurants or retail activity ancillary to sport and recreation, campgrounds in an ONL or SNL, and conference, meeting and function in an ONL or SNL. The less strict approach reflects the objectives and policies in the Recreation Zone being more enabling for these activities than the equivalent provisions for the rural zones. These activities do not require any specific management of effects on the values of the overlay zones based on the relevant objectives and policies in Section 10 of the Plan.

1282. Activities that are to be treated more strictly in the Recreation Zone than the rural zones include rural activities, rural-related industrial activities, working from home, and stand-along car parking. This approach reflects the objectives and policies in the Recreation Zone being stricter than the equivalent provisions in the rural zones rather than there being a need to manage effects more strictly in the overlay zones when located in the Recreation Zone.

1283. Overall, the proposed approach to managing land use activities within the relevant overlay zones is consistent with objectives 10.2.3 and 10.2.5 and their relevant policies for the natural environment given in Section 10 of the Plan, and with the objectives for the Recreation Zone in Section 20.

1284. Aukaha reviewed this proposal and requested that the activity status for retail and restaurants ancillary to sport and recreation both have discretionary activity status where in an ONF or HNCC, rather than being permitted as proposed. However, no changes were made in response as the activity status relates to the use of land only (e.g. in existing buildings) and any new buildings or additions and alterations would be non-complying under Rule 20.3.4.5.

Development activities

1285. The same approach to applying activity statuses to land use activities explained above was also taken for applying activity statuses to development activities. The proposed activity statuses for development activities in the Recreation Zone are the same as for the rural zones in the relevant overlay zones.

1286. However, changes are required to some relevant development performance standards to ensure that they apply to activities in the relevant overlay zones, consistent with the approach in the rural zones and the policies in Section 10 of the Plan. These include changes to:

- Maximum height
- Reflectivity
- Number, location and design of ancillary signs
- Area, number and location of buildings

1287. No changes are required to the vegetation clearance performance standards, as the current wording will ensure that they apply as appropriate.

1288. Overall, the proposed approach to managing development activities within the relevant overlay zones is consistent with objectives 10.2.3 and 10.2.5 and their relevant policies for the natural environment given in Section 10 of the Plan, and with the objectives for the Recreation Zone in Section 20.

Subdivision activities

1289. The same approach to applying activity statuses to land use activities explained above was also taken for applying activity statuses to subdivision activities. Cross lease, company lease and unit title subdivision will be treated more strictly in the Recreation Zone than the rural zones to align with the stricter approach to this type of subdivision already taken across the Recreation Zone.

1290. Overall, the proposed approach to managing subdivision activities within the relevant overlay zones is consistent with objectives 10.2.3 and 10.2.5 and their relevant policies for the natural environment given in Section 10 of the Plan, and with the objectives for the Recreation Zone in Section 20.

Summary

1291. The proposed changes are consistent with the Plan's intended management regime for activities in the relevant overlay zones and address the gaps in the Recreation Zone provisions. The changes will ensure that Objective 10.2.3 on coastal character and Objective 10.2.5 on natural landscapes are effectively achieved in the locations highlighted in the background above.

1292. No practicable alternative options to the proposal or status quo were identified or assessed.

2.6.3 Additions to the ASBV schedule on public land (Change NE7)

Purpose of proposal and scope of change

1293. The purpose of Change NE7 is to add land to the 2GP Appendix A1.2 Schedule of Areas of Significant Biodiversity Value (ASBVs), either as new ASBVs or via extensions to existing ASBVs, where that land:

- is publicly owned, either by the Department of Conservation (DOC) or the Dunedin City Council (DCC); and
- contains areas of significant indigenous vegetation and/or significant habitats of indigenous fauna that meet the ASBV criteria in Policy 2.2.3.2.

1294. The scope of the change does not include addition of privately owned land to the ASBV schedule.

Background and issues of concern

1295. The protection of Dunedin's significant indigenous biodiversity is a key strategic objective of the 2GP (Objective 2.2.3). Under strategic policy 2.2.3.1, areas of significant indigenous vegetation and/or significant habitats of indigenous fauna are to be protected, including by identifying them in a schedule of Areas of Significant Biodiversity Value (ASBVs), where they meet one or more of the criteria in Policy 2.2.3.2.

1296. Land that is scheduled as an ASBV is protected via rules in the Plan. Under these rules, activities that are likely to adversely affect the protected values of the ASBV, such as forestry (Rule 16.3.3.7), mining (rules 16.3.3.12-15 and 19), or indigenous vegetation clearance (Rule 10.3.2.1), are generally non-complying activities. The Plan also contains strict policies to protect these areas (see Policy 10.2.1.X and Policy 10.2.1.Y).

1297. In addition to the 2GP provisions, the National Policy Statement for Indigenous Biodiversity (NPS-IB) 2023 requires each territorial authority to identify the areas of significant indigenous vegetation or significant habitat of indigenous fauna that exist in its district, and to protect these areas as Significant Natural Areas (SNAs) in their District Plans. "Areas of Significant Biodiversity Value (ASBVs)" is the term used for SNAs in the 2GP. In addition, clauses 3.10 to 2.15 of the NPS set out how activities within SNAs should be managed.

1298. As set out in section 1.4.2 above, territorial authorities are currently required to give effect to the NPS-IB, in relation to SNAs, via plan changes to be notified no later than 5 years after the commencement date of the NPS (i.e. no later than 4 August 2028). However, the NPS-IB is currently under review by the government; it will be affected by RMA Amendment Bill #1 (introduced May 2024), and by the proposed integrated national direction package (scheduled to be in place by early 2026). While the full details of the potential changes are not yet known, the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna remains a matter of national importance under section 6 of the RMA.

<u>Issue 1: Schedule of ASBVs currently excludes many areas of eligible land owned by DOC or DCC</u>

1299. The first issue of concern is that the Plan's schedule of ASBVs currently excludes many areas of land owned by DOC or DCC that have been assessed under Policy 2.2.3.2 and meet the ASBV criteria. The total area of this land is 24,120 hectares. The land currently protected by the ASBV schedule has a total area of 44,575 hectares. Therefore, if the proposed area is added to the schedule, this would result in a 54% increase in the scheduled land.

1300. This issue is proposed to be resolved by adding land owned by DOC or DCC that meets the ASBV criteria to the Plan's ASBV schedule, based on evidence from DCC's Biodiversity Advisor (see Appendix C).

Issue 2: Proposed ASBVs on some DCC land could adversely affect the renewal or upgrade of public infrastructure

1301. The second issue of concern is that most of the 5,766 hectares of DCC-owned land that meets the ASBV criteria is owned by DCC 3 Waters and a small proportion of this land is occupied by existing 3 waters infrastructure, which may need to be extended or upgraded to meet the city's needs. The relevant infrastructure is:

- the raw water pipeline at Deep Creek, Deep Stream and Taieri Gorge feeding into Mount Grand Treatment Plant as the main supplier of drinking water to the city, servicing the higher level area and suburbs[50], as well as a track at Deep Creek used by 3 Waters staff to access infrastructure
- raw water intake, pipelines and spill way on the eastern side of the dam at Sullivan's Dam/Silverstream and two raw water intakes and pipelines in the Lower Silverstream Catchment that feed Southern Water Treatment Plant as the second major supplier of potable water in the city, servicing the lower level area and suburbs[51]
- open water courses that flow to a reservoir at Port Chalmers which services the port and cruise ships mainly during summer months; and
- at Lower Ross Creek, the open stormwater watercourse, drinking water pipeline, wastewater pipeline, spillway on the eastern side of the reservoir, and upper water pipeline feeding into the reservoir.

1302. DCC's 3 Waters team have raised concerns over the inclusion of the land containing the above infrastructure in the ASBV Schedule given the potential need to upgrade or extend this infrastructure in the near future. Such works may be needed due to rezoning and housing intensification across the city provided for via Variation 2 to the 2GP.

1303. As an example, servicing the proposed rezoning and housing intensification along Wakari Road will require the existing infrastructure (particularly wastewater and stormwater which are almost at their capacity) to be upgraded to sufficiently service a higher number of dwellings and residents in the area. This infrastructure, however, lies within the proposed ASBV for Lower Ross Creek and any upgrade or extension is very likely to involve at least some removal of indigenous vegetation.

[50] Higher level suburbs include areas like Pine Hill, NormanBy, St Clair, Corstorphine, Ravensbourne, Mornington, Wakari, Kaikorai Valley, St Leonards, Opoho, Upper Leith Valley, Maori Hill, North East Valley, Mosgiel and Wingatui.

[51] Lower level suburbs include areas like Forbury, Andersons Bay, Lower Leith Valley, North Dunedin, the Otago Peninsula, Green Island, Fairfield, Waldronville, and Brighton to the CBD via the North End Reservoir.

1304. The pipelines transferring water from Deep Creek, Deep Stream and Silverstream catchments to Mount Grand and Southern treatment plants service different parts of the city. The serviced suburbs and areas accommodate several rezoned areas nominated for future housing intensification which, in turn, could increase demands for water supply and trigger a need for extension of the feeding network. As for infrastructure located in Lower Ross Creek, any upgrade or extension of these pipes and their associated facilities would very likely require some removal of indigenous vegetation.

1305. If the land around this infrastructure were included in the ASBV schedule under the current rules, this would result in non-complying activity status applying to the vegetation clearance that is likely to become necessary for planned upgrade or extension of the 3Waters network.

1306. Under Rule 10.3.2.1, indigenous vegetation clearance (IVC) in ASBVs that is required for the "maintenance" of existing utilities is considered 'small scale' and permitted. IVC in ASBVs required for other purposes, including *upgrade* or *extension* of existing infrastructure, is a non-complying activity. The clearance would be assessed against Objective 10.2.1 and Policy 10.2.1.Y of the Plan, which apply to IVC associated with network utility activities in ASBVs. All non-complying activities are also subject to the gateway test of s104D of the RMA, which states a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either the adverse effects of the activity on the environment will be minor, or the proposed activity will not be contrary to the objectives and policies of its relevant plan or proposed plan.

1307. Consents may ultimately be granted for limited IVC activities associated with extension or upgrade of 3 Waters infrastructure, where activities can comply with Policy 10.2.1.Y. Nonetheless, non-complying activity status would cause uncertainty as to whether necessary upgrade or extension work on public infrastructure could proceed.

1308. This uncertainty could constrain the effectiveness and efficiency of the 3 Waters network in servicing the community, which would be contrary to Objective 2.7.1 of the Plan. It could also frustrate required upgrades of 3 Waters network where these are needed for additional housing to meet the requirements of Objective 2.6.2 and the National Policy Statement on Urban Development 2020 (NPS-UD) to provide sufficient housing development capacity to meet anticipated demand.

1309. In addition, non-complying activity status is generally used in the Plan for activities that are not anticipated at a certain location; however, in this case, some amount of vegetation clearance in the vicinity of existing infrastructure can be anticipated, as part of necessary future work.

1310. To resolve this issue, it is proposed to design provisions so that indigenous vegetation clearance associated with upgrade or extension of the 3 Waters infrastructure described above will be a discretionary, rather than a non-complying, activity. Under these provisions, any IVC of this kind would still be assessed against Policy 10.2.1.Y and Objective 10.2.1, but the activity status would reflect that such clearance was anticipated.

1311. The changes to provisions would involve creating a '3 Waters infrastructure mapped area' over the proposed ASBVs on the Planning Map, generally of 20 metres width on either side of affected 3 Waters infrastructure. In the case of the Port Chalmers Water Supply Catchment 1 and 2, a narrower buffer of 5 metres on either side of open watercourses is proposed, based on evidence from the 3 Waters team that 5m is sufficient in this case (see Appendix C regarding Change Res13). An amendment would also be made to Rule 10.3.2.1.e to provide a discretionary (instead of non-complying) consenting pathway for IVC activities for the upgrade or extension of 3 Waters infrastructure within the proposed '3 Waters infrastructure mapped area'.

Proposed change and assessment

1312. Change NE7 proposes the following amendments which have immediate legal effect from the date Plan Change 1 is notified:

- Amendments to the following Plan provisions, as shown in Appendix A:
    - Appendix A1.2 Schedule of Areas of Significant Biodiversity Value to add 31 new ASBVs and extend 13 existing ASBVs, as listed in tables 16 and 17 below;
    - Amend Rule 10.3.2.1.e to provide a discretionary consenting pathway for indigenous vegetation clearance within the '3 Waters infrastructure mapped area' where it is for the upgrade or extension of 3 waters infrastructure;
    - Amend Rule 10.7.2.5 for the assessment of discretionary activities to apply it to consent applications for indigenous vegetation clearance – large scale within the 3 Waters infrastructure mapped area;
    - Consequential changes to the following activity status tables for zones in which a new 3 Waters infrastructure mapped area will be located (rural and Recreation zones):
        - Amend Rule 16.3.4.22.d
        - Amend Rule 20.3.4.22.c
    - Consequential changes to the following discretionary assessment rules for zones in which a new 3 Waters infrastructure mapped area will be located (rural and Recreation zones):
        - Add Rule 16.11.X.1
        - Add Rule 20.11.X.1
- Amendments to the Planning Map as following, as shown in Appendix B:
    - add 31 new ASBVs and extend 13 existing ASBVs, as listed in tables 16 and 17 below; and
    - add a '3 Waters infrastructure mapped area' based on the buffer areas over 3 waters infrastructure proposed by DCC 3 Waters.

Table 16: Proposed new ASBVs

Site Number	Name (Location)	Area (ha)	Description and values	Other protection status
C171	Kaikorai Beach	116.60	The site includes a dune sequence from beach to stable rare dunes, with a regenerating dune forest of mahoe, kōhūhū, and ngaio which provides important resting habitat for New Zealand sea lion (pakake). Small areas of salt marsh are also present.	DCC Local Purpose Reserve
C172	Te Papanui Conservation Park	15,045.92	A significant and diverse area of tussock grassland, wetlands and shrublands, which provide significant habitat for herpetofauna and other nationally threatened species including Eldon's galaxias.	DOC Conservation Park
C177	Pūrākaunui Road	12.13	Comprises kānuka forest and broadleaved forest in hillslope gullies within a landscape where most of the indigenous vegetation has been cleared.	DCC Local Purpose Reserve
C178	Hodson Hill	7.09	Comprises regenerating indigenous forest and areas of gorse scrub on hillslopes below Heyward Point Road. Located in a landscape in which only small remnants of indigenous forest remain.	DCC Local Purpose Reserve
C179	Aramoana Dunes	27.93	Comprises predominantly exotic vegetation on dunes which occur on Acutely Threatened land environments. Contains important habitat for seabirds and New Zealand sea lions.	DCC Recreation Reserve

Site Number	Name (Location)	Area (ha)	Description and values	Other protection status
C180	Garden Bush Creek	12.66	Located in the upper catchment of Garden Bush Creek. The site comprises several different vegetation types including kānuka forest, regenerating broadleaved forest, bracken fernland, tussock grassland and rocky outcrops. The site is significant for its role in buffering Garden Bush Creek.	NA
C181	Little Hoopers Inlet Wildlife Management Refuge	8.77	Largely comprises an open water estuary separated from the larger Hoopers Inlet by Allans Beach Road which provides valuable habitat for indigenous water birds. Areas dominated by oioi are present on wetland margins.	DOC Government Purpose Reserve
C182	Company Bay Recreation Reserve	1.42	Broadleaved forest on a scarp above the Yellow-eyed Penguin Trust Nursery at Company Bay.	DCC Recreation Reserve
C183	Tomahawk Beach and Smaill's Beach	24.55	Coastal forest and scrub on dunes which provides important habitat for New Zealand sea lion.	DCC Recreation and Local Purpose Reserve
C184	Harcourt	1.56	Comprises an area of broadleaved forest dominated by fuchsia, mahoe, and putaputawētā and forms part of the Dunedin Town Belt. The area provides an important function as a wildlife corridor and seed source for surrounding areas.	DCC Recreation Reserve

Site Number	Name (Location)	Area (ha)	Description and values	Other protection status
C185	Dundas	3.89	Comprises a compact area of forest within the urban area and includes a small area of rare alluvial forest with mature kahikatea and narrow-leaved lacebark. Kānuka-broadleaved forest and broadleaved forest is also present.	DCC Recreation Reserve
C186	Lovelock	3.17	Comprises two areas of kānuka-broadleaved forest on either side of Lovelock Ave. Has important values as habitat for indigenous forest birds.	DCC Recreation Reserve
C187	Northern	0.83	Comprises two areas of kānuka-broadleaved forest and broadleaved forest on hillslopes to the west of Logan Park School. Significant for its rarity values associated with indigenous vegetation on Acutely Threatened and At Risk land environments.	DCC Recreation Reserve
C188	Logan Park	8.46	Comprises a relatively large area of kānuka-broadleaved forest on the western side of Logan Park School which provides important habitat for indigenous forest birds.	DCC Recreation Reserve
C189	Deborah Bay	37.16	Comprises areas of different vegetation types that provide important habitat for indigenous forest birds. These include podocarp/broadleaved forest, broadleaved forest, kānuka forest, and regenerating forest located between Blueskin Road and the railway in the upper catchment of Deborah Bay.	NA

Site Number	Name (Location)	Area (ha)	Description and values	Other protection status
C190	Port Chalmers Water Supply Catchment 1	6.62	Comprises a sizeable area of broadleaved gully forest and regenerating forest in a sub-catchment above the Port Chalmers reservoir that provides habitat for indigenous forest birds.	NA
C191	Port Chalmers Water Supply Catchment 2	31.83	Comprises of podocarp/broadleaved forest and broadleaved forest in the central gully above the Port Chalmers water supply reservoir providing habitat for indigenous forest birds.	NA
C192	Mt Kettle	77.55	Comprises part of an upland plateau, Mt Kettle and its flanks, supporting a mix of podocarp-cedar/broadleaved forest, kānuka forest, mānuka scrub, rock outcrops and gorse scrub. A relatively large site that buffers adjoining ASBVs and provides a diversity of habitats for indigenous fauna.	NA
C193	Mt Martin	0.86	Comprises a small area of kānuka-dominant forest on the lower northern slopes of Mt Martin. Provides important connectivity and habitat within the wider area.	NA
C194	Sullivans Dam	182.68	Comprises a large area of podocarp-cedar/broadleaved forest and podocarp/broadleaved forest on the ridge and north faces above Pigeon Flat Road and in the basin above Sullivans Dam. Includes the largest and most important area of podocarp-cedar/broadleaved forest in Dunedin and contains numerous important indigenous tree species.	DCC Local Purpose Reserve

Site Number	Name (Location)	Area (ha)	Description and values	Other protection status
C195	Ross Creek Reservoir	9.71	Mostly comprises kānuka-dominant forest on the eastern side of the Ross Creek Reservoir as well as a small area of podocarp/broadleaved forest and broadleaved forest. Provides important habitat and connectivity for indigenous fauna.	NA
C196	Lower Ross Creek	16.18	Comprises a compact area of kānuka forest and kānuka-broadleaved forest in the lower part of Ross Creek. Provides important habitat and connectivity for indigenous fauna.	Urban Biodiversity Mapped Area (UBMA09)
C197	Upper Ross Creek	175.78	A large site spanning a wide elevational range and contains a diverse range of habitats and vegetation types, including podocarp/broadleaved forest, broadleaved forest, kānuka forest, mixed shrubland, narrow-leaved snow tussock grassland, boulder field, and a fen wetland. The site provides important habitat for a diverse range of flora and fauna, including threatened and/or locally important species such as the South Island fernbird and white rātā.	NA
C198	Whānau-paki/ Flagstaff and Silverstream	3549.69	Comprises a large area on the western slopes of the Flagstaff-Swampy Ridge and the upper Silverstream catchment. Vegetation types include a wide range of broadleaved, kānuka/broadleaved, mānuka shrubland and forest, flaxland, grassland associations, wetland associations as well as occasional emergent rimu, matai, kōwhai, and lowland ribbonwood. A sizeable number of locally important plant species are also present. This diverse site provides a range of habitats for threatened fauna and flora including the South Island fernbird.	NA

Site Number	Name (Location)	Area (ha)	Description and values	Other protection status
C199	Nicols Creek	168.76	Comprises the catchment of Nicols Creek on the eastern side of the Flagstaff-Swampy Ridge and spans a wide elevation range. A diverse range of vegetation types, including podocarp/broadleaved forest, kānuka/broadleaved forest, mānuka-broadleaved forest, scrub and shrubland, and tussock grassland are present throughout the area. Several Threatened, At Risk, and locally important plant species are present and provides important habitat for indigenous forest fauna.	NA
C200	Morrisons Burn	218.95	Located in the catchment of Morrisons Burn, a tributary of Leith Stream with a wide elevation range supporting a diverse range of vegetation types from podocarp/broadleaved forest at lower elevation, through broadleaved forest to kānuka and mānuka forest, upland shrubland, grassland, and wetland types. Several Threatened, At Risk, and locally important plant species are present. Provides habitat for South Island fernbird.	NA
C201	Whare Flat Kōwhai	36.56	Located in the McQuilkans Creek catchment above Whare Flat. Supports a distinctive area of dry forest dominated by kōwhai, tōtara, and narrow-leaved lacebark. Kānuka-dominant forest is extensive on dry-north-facing slopes, with broadleaved forest in gullies. Alluvial forest dominated by tōtara, kānuka, and kōwhai is present in the downstream part of the site. Contributes to the connection of surrounding vegetation.	NA

Site Number	Name (Location)	Area (ha)	Description and values	Other protection status
C202	Whare Flat	5	Comprises kānuka forest on sunny slopes with kōwhai, kānuka, and broadleaved trees in alluvial sites. Contributes to the connection of surrounding indigenous vegetation. Partly located on Acutely Threatened land environments with less than 10% of their original vegetation remaining, and partly on At Risk land environments.	NA
C203	Upper Whare Flat	12.2	Comprises kānuka-broadleaved forest that helps to buffer Whare Creek and connects adjacent indigenous vegetation.	NA
C204	Black Rock Stream	2.77	Comprises schist rock outcrops beside Black Rock Stream, with locally dense coprosma-matagouri-porcupine shrub shrubland. Comprises indigenous shrubland vegetation that may provide habitat for indigenous lizards on an Acutely Threatened land environment.	DCC Local Purpose Reserve
C205	Kaikorai Scenic Reserve	4.03	Comprises a kānuka-broadleaved forest in a gully near Brockville and located on Acutely Threatened land environments.	DCC Scenic Reserve

Table 17: Proposed extensions to existing ASBVs

Site Number	Name (Location)	Area (ha)	Description and values	Other protection status
C001	Rock and Pillar Scenic Reserve	~~7453.9200~~ 9501.53	High altitude subalpine/alpine herbfields with four species unique to the Rock and Pillar Range. Includes a bog wetland area- cushion bog of Regional Significance. Supports a diversity of other indigenous vegetation types including *Dracophyllum* shrublands, coprosma-matagouri shrubland and narrow-leaved snow tussock grassland.	DOC ~~(H43 008)~~Conservation Area; Wetland - WERI Database (Regional Significance)
C005	Mill Creek	~~1,136.4500~~ 1567.55	Deep sided valley that flows into the Waipori Valley. Area contiguous with Waipori Falls and the Maungatua Range Scenic Reserve. Largest remnant of silver beech forest in eastern Otago north of the Catlins. The site provides significant habitat for indigenous forest birds.	DOC ~~(H44 076, H44 077, H44 086)~~Scenic Reserve
C008	Maungatua Summit Wetland Management Area and Maungatua Scenic Reserve	~~1440.4500~~ 1441.9	Rolling tussock and boggy tops descending to deeply dissected gullies with beech forest remnants. Tarn restiad~~g~~ bog and tussock~~land~~ cushion bog. Typical alpine wetland ~~cushionfield~~cushion field, shrubland and grassland at low altitude (of National Significance). Forested slopes on the eastern side of the Maungatua Range at the end of Grainger Road which contain~~s~~ regenerating native forest and remnant silver beech forest.	DOC (H44 088); DOC (H44 087); Wetland - WERI Database; (National Significance); DCC Local Purpose Reserve

Site Number	Name (Location)	Area (ha)	Description and values	Other protection status
C023	Taieri Gorge	~~514.9300~~ 563.04	Long narrow reserve made up of steep forested slopes adjacent to the Taieri River, contains a sizeable tract of kānuka-dominant forest on the eastern side of Taieri Gorge. Botanical and fauna values including~~-~~ long-tailed bat habitat.	DOC ~~(I44 010)~~Scenic Reserve
C031	Silverpeaks and Whawha-raupō/ Swampy	~~3421.4400~~ 4326.24	The Silverpeaks hills west of Dunedin. Contains remnant silver beech forest, snow-tussock grasslands, broadleaf forest, kānuka forest, mānuka scrubland and cassinia/inaka shrubland. ~~and is t~~The area provides significant habitat for kārearea (New Zealand~~native~~ falcon), South Island fernbird~~s~~ and ~~a large number of~~ a variety of indigenous invertebrates.	DOC (I44 039); DCC Local Purpose Reserve; DCC Scenic Reserve
C037	Westwood and Ocean View Recreation Reserve	~~42.8500~~ 55.51	Area of sandhills just north of Brighton between the sea and the road. Important site of remnant pingao which is~~-~~ uncommon in this area.	DOC Recreation Reserve (I44 110) and DCC Recreation Reserve
C043	Mihiwaka	~~7.4700~~ 140.13	~~Sub-alpine vegetation on slopes of Mt Mihiwaka.~~ Comprises podocarp/broadleaved forest and cedar-podocarp/broadleaved forest on the flanks of Mihiwaka. Mānuka scrub, subalpine scrub, and rock outcrops on the Cedar Creek plateau, connect to a seven-hectare area of Public Conservation Land.	DOC Conservation Area (I44 209)

Site Number	Name (Location)	Area (ha)	Description and values	Other protection status
C060	Burns Park and Burns Park North	~~88.5300~~ 106.03	Most of the remaining bush in the steep easterly aspect overlooking Otago Harbour ~~and containing podocarps~~. Bush remnants ~~–~~include Hall's tō~~o~~tara, rimu and miro. ~~Burns Park North -~~Broadleaved~~- and~~ kā~~a~~nuka forest is also present on hillslopes.	DOC Scenic Reserve (I44 332) and DCC Natural Reserve
C078	Mt Cargill Scenic Reserve (including Bethunes Gully)	~~287.9800~~ 310.18	Contains diverse vegetation types including a~~A~~lpine/subalpine ~~area of native~~ herbs, ~~shrubs, and~~ tussock grasslands, podocarp/broadleaf forest, kānuka-broadleaf forest, mānuka-broadleaf forest, and mānuka scrub. The area is close to the urban centre and provides important habitat for ~~with important populations of native insects~~indigenous fauna. ~~Broadleaved and kanuka forest on hillslope and gully.~~	DCC Natural Reserve, DCC Local Purpose Reserve, and DOC Scenic Reserve (I44 217)
C132	North branch Waikouaiti River 1	~~508.4600~~ 645.09	Tussock grassland, montane scrub, kā~~a~~nuka scrub and forest, broadleaved forest, podocarp/broadleaved forest on hillslopes and boulderfields occupying the entire height of Mt Watkin.	DCC Scenic Reserve

Site Number	Name (Location)	Area (ha)	Description and values	Other protection status
C137	Prospect Park Reserve (Lachlan)	~~4.9300~~ 12.46	Includes ~~Woodhaugh Gardens, Prospect Park, part Botanic Garden (not including Northern Cemetery),~~ northern parts of Town Belt, Willowbank and traffic island. ~~Kanuka forest, broadleaved forest, on midslope.~~ Kā~~a~~nuka/broadleaved forest dominated by fuchsia is ~~on hillslope~~ present throughout. Notably, groves of kōwhai and ngaio are scattered, including the presence of fierce lancewood (among other important tree species).	DCC Natural Reserve
C143	Parks Wallace	~~7.9000~~ 15.54	Lowland broadleaf forest dominated by mā~~a~~hoe, tree fuchsia, tarata, kānuka, māpou and ngaio. Forms parts of the Dunedin Town Belt and provides connectivity and habitat for indigenous flora and fauna across the urban area ~~and surrounded by residential suburbs~~.	DCC Recreation Reserve
C144	City Forests Whare Flat Silverstream and Flagstaff Forest	~~176.8400~~ 187.57	Extensive area of representative dry land forest vegetation within City Forests plantation. Supports a high diversity of indigenous habitats and species some of which are nationally or locally uncommon	City Forest

Assessment against relevant objectives

1313. The proposed new ASBVs and extensions to the existing ASBVs have been assessed as meeting one or more of the criteria listed under Policy 2.2.3.2. Their addition to the ASBV schedule will represent a 54% increase in the district's scheduled areas of significant indigenous vegetation or significant habitats of indigenous fauna. This will enable the Plan to ensure Dunedin's significant indigenous biodiversity or other indigenous biodiversity is better protected, enhanced, or restored by improved connections and resilience. Therefore, the change will help to achieve Objective 2.2.3 more effectively and efficiently. It will also give effect to the objective of the NPS-IB.

1314. DCC 3 Waters, DCC Parks and Recreation and DOC were all consulted on the proposed change as landowners, and they indicated that the change will not adversely affect their future plans or required works within the nominated areas.

1315. In the case of 3 Waters infrastructure on the land proposed to be scheduled, the proposed provision of a discretionary consenting pathway for indigenous vegetation clearance activities required for upgrade or extension of this infrastructure will ensure the proposal will align with Objective 2.7.1 in terms of effectiveness and efficiency of public infrastructure networks operation, with the NPS-UD and Objective 2.6.2 of the Plan in terms of provision of housing capacity, and strike an appropriate balance between achieving these objectives, and achieving Objective 2.2.3.

1316. The proposed discretionary activity status within the 3 Waters infrastructure mapped area is also considered to give effect to the NPS-IB, as it will provide for effects on biodiversity to be appropriately assessed and managed. Although 2GP provisions to manage activities in ASBVs have not yet been amended to be consistent with clauses 3.10 to 3.15 of the NPS, it is noted that 2GP provisions take a similar approach to the NPS in relation to infrastructure. In the 2GP, Policy 10.2.1.Y applies to activities (including infrastructure) that are important to economic and social wellbeing, where they have a functional or operational need to locate in ASBVs. Policy 10.2.1.X applies to all other activities. The effects tests in Policy 10.2.1.Y are somewhat more lenient than those in Policy 10.2.1.X. This is similar to the approach taken in the NPS, via clause 3.11(1).

1317. The proposal responds to feedback from Aukaha's review of the initial proposal by ensuring that indigenous vegetation clearance for upgrade or extension of 3 waters infrastructure is not exempt from the ASBV mapping or a consenting requirement.

2.6.4 ASBV boundary adjustments over QEII covenant areas (Change NE13)

Purpose of proposal and scope of change

1318. The purpose of Change NE13 is to review the extent of the scheduled area of significant biodiversity value (ASBV) at 606 Mount Cargill Road (C097) to ensure that it only includes areas with significant indigenous vegetation or significant habitats of indigenous fauna in accordance with Objective 2.2.3, Policy 2.2.3.1 and Policy 2.2.3.2.

1319. The scope of the change also includes a review of any other existing scheduled ASBVs that intersect with QEII covenants, to ensure that all land protected via the ASBV schedule meets the ASBV criteria under Policy 2.2.3.2. While no other ASBVs have been proposed for change at this stage, submissions may be made requesting removal of ASBV status from any QEII land that does not meet the Policy 2.2.3.2 criteria.

Background and issues of concern

1320. As set out in the background to Change NE7 (additions to ASBV schedule on public land), the 2GP requires the protection of Dunedin's significant indigenous vegetation and significant habitats of indigenous fauna. These areas are to be identified by meeting the criteria set out under Policy 2.2.3.2 (see Change NE7 for details).

1321. Criterion 'a' of Policy 2.2.3.2 takes a blanket approach to recognising existing protected areas (set aside by statute or covenant or listed in an operative Otago Regional Council Regional Plan) as having significant indigenous biodiversity value.

1322. This criterion led to the scheduling of 18 scheduled ASBVs that are located on QEII National Trust covenanted areas, and in some cases, such as ASBV C097, the area of the ASBV covers the whole area of the associated QEII covenant.

1323. Although most of the QEII covenanted areas contain significant indigenous biodiversity values, QEII covenants also protect historical and archaeological sites, as well as areas with high scenic and recreational values. Furthermore, QEII open space covenants sometimes include features that have no or low biodiversity values such as paddocks, access areas, and dwellings or sheds located across subject properties. As a result, not all land that is subject to a QEII covenant will necessarily meet the Policy 2.2.3.2 criteria for protection via the ASBV schedule.

1324. The property at 606 Mount Cargill Road is subject to a QEII open space covenant, and a scheduled ASBV (C097) with a similar area and delineation to the QEII covenant (i.e., covers the whole site). However, the owners have indicated to the Council that some of this land does not contain indigenous biodiversity. The site plan attached to the covenant deed shows that the site is divided into three management zones including indigenous biodiversity, forestry, and habitation zones (see Figure 17 below).

1325. As described by the covenant deed, the 'indigenous biodiversity' zone has features and values that would warrant protection as it contains significant indigenous vegetation, whereas the forestry and habitation zones are designated to forestry, and residential or visitor accommodation activities respectively. The Council's Biodiversity Advisor (Ms Zoe Lunniss) conducted a site visit in June 2024 and confirmed that forestry and habitation zones did not exhibit signs of supporting any significant indigenous vegetation (see Appendix C).

1326. The issue is proposed to be resolved by adjusting the boundary of the ASBV to remove the forestry and habitation zones of the QEII from the ASBV to only retain the indigenous biodiversity zone in the scheduled ASBV.

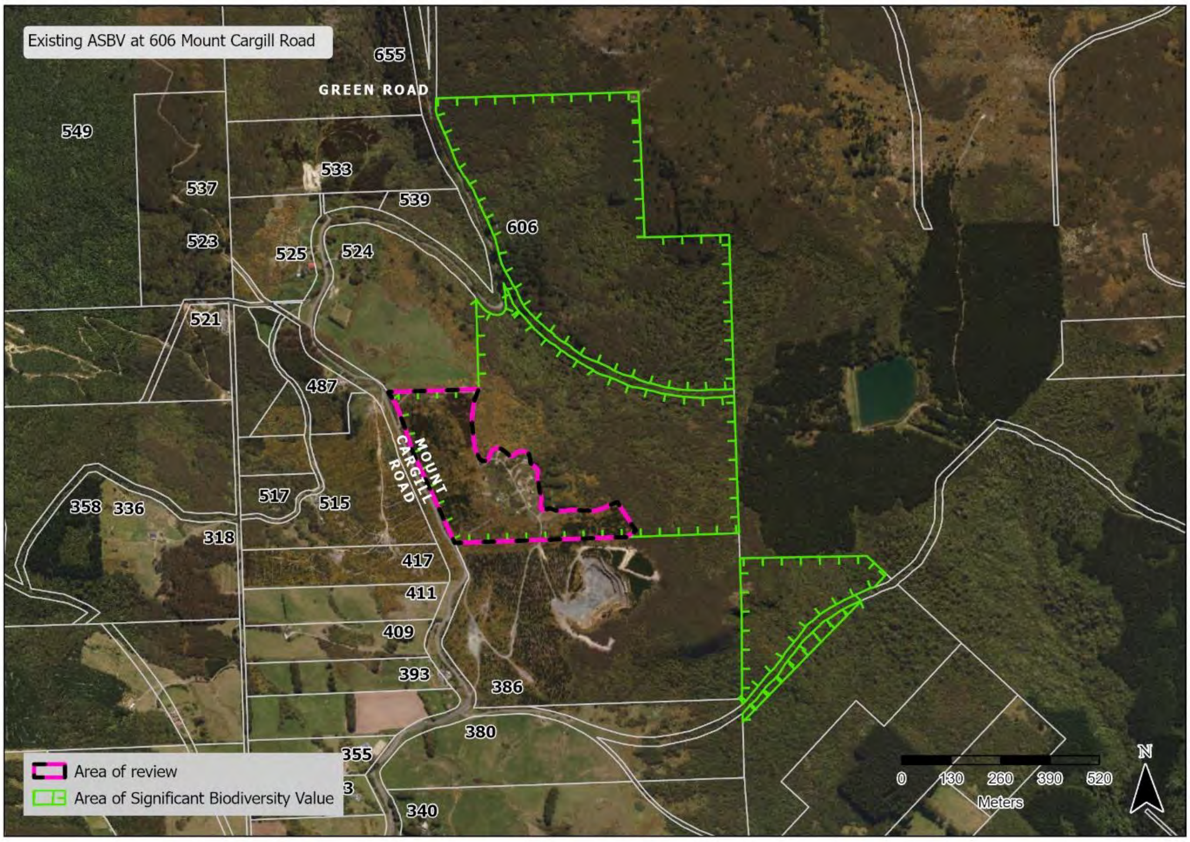

Figure 17: Site plan of QEII covenant management zones (left) and the proposed adjusted boundary for ASBV (right) at 606 Mount Cargill Road

Proposed change and assessment

1327. Change NE13 proposes the following amendments:

- Amend the Planning Map to remove the forestry and habitation zones of the QEII covenant from the scheduled ASBV C097, as shown in Appendix B; and
- Update the "Area" entry for the ASBV C097 in the Schedule table of Appendix A1.2 (Schedule of Areas of Significant Biodiversity Value) from 82.3 to 71.1 ha, being the reduced area of the ASBV, as shown in Appendix A.

Assessment against relevant objectives

1328. The proposed change is minor in nature to correct a mapping error in the Plan. It removes the area with no or low biodiversity values from the ASBV schedule, and therefore means that 2GP rules applying in ASBVs will no longer be inappropriately applied to this land.

1329. Council's Biodiversity Advisor, Ms Zoe Lunniss, reviewed the evidence, conducted a site visit and confirmed that amending the extent of this ASBV would better align it with the criteria of Policy 2.2.3.2.

1330. Overall, the change will improve the Plan's efficiency in achieving Objective 2.2.3.

1331. No reasonably practicable alternative options were identified or assessed.

2.6.5 Substantive changes to the schedule of trees (Change TreeX)

Purpose of proposal and scope of change

1332. The purpose of Change TreeX is to add trees to the Schedule of Trees in Appendix A1.3 of the Plan and the Planning Map where they meet the criteria for scheduling set out in Policy 2.4.1.2.

1333. The scope of the change also provides for submissions seeking the addition of other trees to the schedule, or for amendments to, or removal of, existing scheduled trees or tree groups.

Background and issues of concern

1334. Objective 2.4.1 seeks to protect and enhance elements of the environment that contribute to the aesthetic appreciation and enjoyment of the city, including trees.

1335. Objective 2.4.1 reads as follows:

Objective 2.4.1 Form and Structure of the Environment

The elements of the environment that contribute to residents' and visitors' aesthetic appreciation for and enjoyment of the city are protected and enhanced. These include:

…
b. trees that make a significant contribution to the visual landscape and history of neighbourhoods; …

1336. Policy 2.4.1.2 outlines the method to achieve this objective, being the identification of scheduled trees and rules to protect them. It includes the criteria for identifying trees of significance, as follows:

Policy 2.4.1.2

Identify in a schedule (see Appendix A1.3) trees that make a significant contribution to the visual and historical landscape and amenity of neighbourhoods and other places, and use rules to restrict removal or modification of these trees. Identify significant trees based on the following criteria:

a. health and condition of the tree, including:

i. vigour and vitality; and

ii. age; and

b. contribution to the amenity of an area, including:

i. occurrence of the species and historic and scientific values;

ii. function (usefulness), for example biodiversity supporting or fruit bearing;

iii. stature;

iv. visibility;

v. proximity of other trees;

vi. role in the setting;

vii. climatic influence; and

c. *any potential adverse effects, including:*

i. risk to safety; and

ii. risk of potential damage to existing infrastructure, buildings or structures.

1337. The listing of a tree as a scheduled tree means that a resource consent is required to modify the tree (Rule 7.3.2.2), to remove the tree (Rule 7.3.2.1 and Rule 7.3.2.3) or to undertake construction work or earthworks within the dripline of the tree (Rule 7.5.2).

1338. The current schedule of trees lists 97 tree groups and about 1050 individual trees. Most of the trees were originally scheduled under Variation 11 to the Dunedin City District Plan 2006 in 2003. An audit of all significant trees was undertaken over the 2GP plan review (2012-2014). The 2GP also added 13 individual trees and one tree group to the schedule.

1339. Between the closing of the 2GP submission period in 2016 and the early stages of Plan Change 1 preparation, 34 nominations were received for potential new scheduled trees, involving 31 individual trees and three tree groups. In addition, four trees (formerly T116, T117, T118 and T119) at 152 School Road North, North Taieri, were identified as having been accidentally deleted from the schedule as part of the 2GP process and tree group G106 at 98 Woodside Road, Outram, was reassessed when the extent of the group was found to be unclear as part of Change Tree2.

1340. These trees have been considered for addition to the schedule as part of this change proposal, according to the process set out below.

Proposed change and assessment

1341. Change Tree X proposes the following changes based on the outcome of the overall assessment of each tree/tree group against Policy 2.4.1.2, summarised below:

- Amend Appendix A1.3 Schedule of Trees to add nine new individual tree listings, including reinstating three trees previously listed under the Dunedin City District Plan 2006 at 152 School Road Nth, North Taieri (T117, T118 and T119), and amending tree group G106 to include two new species (a total of three additional trees), as shown in Table 19 below and Appendix A; and
- Amend the Planning Map to reflect the additions to Appendix A1.3, as shown in Appendix B.

Process for screening and assessing nominated trees

1. Screening

1342. To make the assessment process more efficient, nominated trees that were very unlikely to meet the criteria in Policy 2.4.1.2 were removed from further consideration after review by DCC's Parks Operations Manager and by DCC's Landscape Architect via a desktop assessment. In cases where the location or status of a tree was unclear, a drive-by site visit was undertaken. Sixteen nominations were screened out.

2. STEM assessment of the remaining trees

1343. DCC's Landscape Architect and a consultant arborist conducted site visits of the remaining tree suggestions in October 2022 where they evaluated the trees using the 'Standard Tree Evaluation Method' (STEM) developed by Ron Flook. This system evaluates the condition, amenity and notable values of trees and allocates points under various criteria. Trees scoring a total of 145 points or more are considered significant and warrant inclusion in the schedule of trees, subject to considering the risk of potential damage to infrastructure.

1344. A memo from DCC Landscape Architect, Luke McKinlay, outlines the STEM assessment process and results (see Appendix C).

1345. Following re-mapping of existing scheduled tree groups under Change Tree2, a fresh STEM assessment is also undertaken for the tree group G106 to clarify the extent of the group.

1346. In relation to previously scheduled trees under the Dunedin City District Plan 2006, it was determined to take T117, T118 and T119 back into the tree schedule following a review of the original STEM sheets and confirmation of their score by the arborist and landscape architect's site visit. As the original STEM sheet for T116 was not available, a fresh STEM assessment was undertaken which yielded an overall score of 114 and failed to meet the threshold for scheduling.

3. Assessment of the risk of potential damage to existing infrastructure

1347. To assess trees in terms of their potential to damage existing infrastructure, comments were sought from DCC 3 Waters, DCC Transport, Transpower, PowerNet, Aurora, Delta, Chorus, Spark, Vodafone and 2degrees. Comments were received from all infrastructure providers except for Vodafone.

1348. Risk of potential damage was quantified by multiplying a score for likelihood of damage with a score for impact of damage, based on the risk matrix shown in Table 18 below. Scores up to 4 were considered low risk and the trees were retained for scheduling, and any trees with a risk score of 5 or higher were excluded from scheduling.

Table 18: Risk matrix used to determine trees' risk of damage to infrastructure

Likelihood	Impact / Consequence				
	1 Negligible	2 Minor	3 Moderate	4 Major	5 Catastrophic
5 Almost certain	5	10	15	20	25
4 Likely	4	8	12	16	20
3 Possible	3	6	9	12	15
2 Unlikely	2	4	6	8	10
1 Rare	1	2	3	4	5

<u>4. Overall assessment of suitability for scheduling in accordance with Policy 2.4.1.2</u>

1349. Trees which scored 145 or higher in the STEM assessment and 4 or less in the infrastructure risk assessment were selected for scheduling and the others were not.

1350. Tables 19 and 20 show the results of the overall assessment for the nominated trees. Table 19 includes nominees that are proposed to be added to the schedule and Table 20 shows nominees that will not be added to the schedule.

Table 19: Summary of assessment of trees proposed for scheduling (sorted by STEM score)

Tree Ref.	**Tree Location**	**Tree Species**	**Tree Common Name**	**Tree Māori Name**	**STEM Score**	**Risk of damage to infrastructure and any associated risk to safety**	**Result and Reasons**
T118	152 School Road Nth North Taieri	*Quercus robur*	English oak		183	No risk identified	Add T118 at 152 School Road Nth, North Taieri to Schedule A1.3.
TX001	34 North Road Dunedin	*Ulmus glabra 'Horizontalis'*	Spreading elm		180	No risk identified	Add TX001 at 34 North Road, Dunedin to Schedule A1.3.
T119	152 School Road Nth North Taieri	*Quercus robur*	English oak		171	No risk identified	Add T119 at 152 School Road Nth, North Taieri to Schedule A1.3.
TX002	27A Riccarton Road East Mosgiel	*Sequoiadendron giganteum*	Wellingtonia		162	No risk identified	Add TX002 at 27A Riccarton Road East, Mosgiel to Schedule A1.3.
TX003	27 Helensburgh Road Wakari	*Eucalyptus globulus*	Blue gum		162	No risk identified	Add TX003 at 27 Helensburgh Road, Wakari to Schedule A1.3.
TX004	21 Driver Street Long Beach	*Eucalyptus* sp.	Eucalyptus		156	No risk identified	Add TX004 at 21 Driver Street, Long Beach to Schedule A1.3.
G106	98 Woodside Road Outram	*Quercus robur (~~group 4-5~~ 4x) / Ulmus glabra (2x) / Tilia x europaea (1x)*	Oak / Elm / Lime		156	No risk identified	Amend G106 at 98 Woodside Road, Outram in Schedule A1.3 to include two *Ulmus glabra* and one *Tilia europea*.

T117	152 School Road Nth North Taieri	*Juglans regia*	Common walnut		153	No risk identified	Add T117 at 152 School Road Nth, North Taieri to Schedule A1.3.
TX005	6 Gamma Street Dunedin	*Metrosiderous umbellata*	Southern rātā	Rātā	150	No risk identified	Add TX005 at 6 Gamma Street, Dunedin to Schedule A1.3.
TX006	44A Elliot Street Dunedin	*Quercus* sp.	Oak		150	No risk identified	Add TX006 at 44A Elliot Street, Dunedin to Schedule A1.3.

Table 20: Summary of assessment of trees not proposed for scheduling (sorted by STEM score)

Tree Ref.	Tree Location	Tree Species	Tree Common Name	Tree Māori Name	STEM Score	Risk of damage to infrastructure and any associated risk to safety	Result and Reasons
TreeX1	27 Northfield Avenue Dunedin	*Fuscospora fusca*	Red beech	Tāwhairaunui	156	Transport: Potential damage to footpath by roots which can lead to a need to remove trip/ fall hazard for pedestrians. (risk score of 6).	Exclude TreeX1 at 27 Northfield Avenue, Dunedin from Schedule A1.3 due to risk to people's safety and risk of damage to transport infrastructure (footpath).
TreeX15	9 Victory Place Port Chalmers	*Eucalyptus globulus*	Blue gum		156	Transport: Not acceptable; overhanging the road posing safety risk from falling branches or whole tree onto pedestrians, parked vehicles, or blocking the road esp. during high winds. Risk of damage assessed as moderate to catastrophic (risk score of 9 to 15).	Exclude TreeX15 at 9 Victory Place, Port Chalmers from Schedule A1.3 due to risk to people's safety and risk of damage to transport infrastructure.
TreeX21	208 Elgin Road Dunedin	*Podocarpus totara*	Totara		150	3Ws: Not acceptable; next to wastewater connection point. Risk of damage assessed as moderate as a wastewater pipe is	Exclude TreeX21 at 208 Elgin Road, Dunedin from Schedule A1.3 due to the risk of damage to wastewater infrastructure.

Tree Ref.	Tree Location	Tree Species	Tree Common Name	Tree Māori Name	STEM Score	Risk of damage to infrastructure and any associated risk to safety	Result and Reasons
						located under the tree (risk score of 6).	
TreeX29	130 Cannington Road Dunedin	Group of six (6) trees: *Libocedrus bidwillii* (x1), *Fuscospora solandri* (x1), *Fuscospora fusca* (x4)	Kaikawaka (x1) / Black beech (x1) / Red beech (x4)		150	3Ws: Not acceptable; wastewater pipe runs straight through. Stormwater drainpipe and open watercourse running through the area and has a higher potential of hitting tree roots. Risk of damage assessed as moderate (risk score of 6).	Exclude TreeX29 at 130 Cannington Road, Dunedin from Schedule A1.3 due to its potential risk to wastewater and stormwater infrastructure
TreeX30 A	34 North Road Dunedin	Group of six (6) trees: *Fagus sylvatica 'Purpurea'*	Copper beech		150	Spark NZ: Stand of trees has potential to impact coverage in the school (minimum risk score of 12).	Exclude TreeX30A at 34 North Road, Dunedin from Schedule A1.3 due to its potential major impacts on network coverage.
TreeX4B	21 Driver Street Long Beach (Southern nominee)	*Eucalyptus globulus*	Blue gum		138	No risk identified	Exclude TreeX4B at 21 Driver Street Long Beach from Schedule A1.3 as the nominated tree does not meet the STEM threshold.
TreeX9	William Martin Reserve (Adjoining 12 St James Place Fairfield)	*Cedrus deodara*	Himalayan cedar		138	No risk identified	Exclude TreeX9 at William Martin Reserve, Fairfield from Schedule A1.3 as the nominated tree does not meet the STEM threshold.

Tree Ref.	Tree Location	Tree Species	Tree Common Name	Tree Māori Name	STEM Score	Risk of damage to infrastructure and any associated risk to safety	Result and Reasons
TreeX32	27 Lundie Street Kaikorai Valley	Mixed group of trees: *Dacrydium cupressinum, Podocarpus totara, Sophora microphylla*	Rimu, Totara, Kowhai, European Beech		138	No risk identified	Exclude TreeX32 at 88 Warrender Street, Dunedin from Schedule A1.3 as the nominated tree does not meet the STEM threshold.
TreeX6	88 Warrender Street Dunedin	*Lophozonia menziesii Syn. Nothofagus menziesii*	Silver beech	Tawhai	126	No risk identified	Exclude TreeX6 at 88 Warrender Street, Dunedin from Schedule A1.3 as the nominated tree does not meet the STEM threshold.
TreeX16	6 Eventide Lane Company Bay	*Metrosideros excelsa*	Pōhutukawa	Pōhutukawa	126	No risk identified	Exclude TreeX16 at 6 Eventide Lane, Company Bay from Schedule A1.3 as the nominated tree does not meet the STEM threshold.
TreeX22 A	8 Prospect Row Roseneath	*Metrosideros excelsa*	Pōhutukawa	Pōhutukawa	120	Transport: Not acceptable; regular trim required to maintain adjacent walkway access.	Exclude TreeX22A at 8 Prospect Row, Roseneath from Schedule A1.3 as the nominated tree does not meet the STEM threshold and poses potential risk to the safety of the users of adjacent walkway.
T116	152 School Road Nth North Taieri	*Agathis australis*	Kauri	Kauri	114	No risk identified	Exclude T116 at 152 School Road Nth North Taieri from Schedule A1.3 as the nominated tree does not meet the STEM threshold.

Tree Ref.	Tree Location	Tree Species	Tree Common Name	Tree Māori Name	STEM Score	Risk of damage to infrastructure and any associated risk to safety	Result and Reasons
TreeX10	9 Moerangi Street Broad Bay	*Agathis australis*	Kauri	Kauri	114	No risk identified	Exclude TreeX10 at 9 Moerangi Street, Broad Bay from Schedule A1.3 as the nominated tree does not meet the STEM threshold.
TreeX2	174 Signal Hill Road Dunedin	*Fagus sylvatica 'Purpurea'*	Copper beech		108	3Ws: The tree is located at the back of the property near wastewater & stormwater pipes (approximately 2m away from the dripline). However, the risk of damage assessed as minor.	Exclude TreeX2 at 174 Signal Hill Road, Dunedin from Schedule A1.3 as the nominated tree does not meet the STEM threshold.
TreeX20	8 Fea Street Dunedin	*Pseudopanax crassifolius*	Lancewood	Horoeka	108	No risk identified	Exclude TreeX20 at 8 Fea Street, Dunedin from Schedule A1.3 as the nominated tree does not meet the STEM threshold.
TreeX23	22 Rosebery Street Dunedin	*Kunzea ericoides*	Kanuka	Kānuka	96	3Ws: Not acceptable; too close to stormwater and water course. Risk of damage assessed as moderate.	Exclude TreeX23 at 22 Rosebery Street, Dunedin from Schedule A1.3 as the nominated tree does not meet the STEM threshold and poses risk of potential damage to existing stormwater infrastructure.
TreeX22 B	8 Prospect Row Roseneath	*Pittosporum eugenioides*	Lemonwood	Tarata	84	Transport: Not acceptable; regular trim required to maintain adjacent walkway access.	Exclude TreeX22B at 8 Prospect Row, Roseneath from Schedule A1.3 as the nominated tree does not meet the STEM threshold and poses potential risk to the safety of the users of adjacent walkway.

Assessment against relevant objectives

1351. The identification of proposed new scheduled trees is based on applying the criteria listed under Policy 2.4.1.2. This ensures the change aligns well with Objective 2.4.1 by including trees/tree groups that make a significant contribution to the visual landscape and history of neighbourhoods as well as to residents and visitors' aesthetic appreciation for and enjoyment of the city.

1352. Due to the small number of trees being proposed for scheduling and their distribution across the district, the change will not compromise efficient and effective achievement of Objective 2.6.2 in terms of providing sufficient development capacity. The costs to landowners in terms of tree maintenance and resource consent applications regarding works on scheduled trees is managed in part by funding available through the Fund for Maintaining Scheduled Trees[52] and no fees charged on non-notified resource consent applications relating only to scheduled trees. Overall, the benefits provided by scheduling the proposed trees outweigh the costs.

2.6.6 Correct mapping of existing scheduled tree groups and associated changes (Change Tree2)

Purpose of proposal and scope of change

1353. The purpose of Change Tree2 is to correct and clarify the scheduled tree groups in the 2GP to ensure all are accurately mapped and listed.

1354. The scope of the change includes reviewing whether tree groups should remain scheduled and to what extent, but only where:

- the number of trees in the group has changed since scheduling;
- the number of trees in the group was unclear at the time of scheduling;
- some trees in the group are unhealthy; or
- some trees in the group pose a risk to people’s safety or of potential damage to existing infrastructure, buildings or structures.

1355. Note that submissions seeking addition or removal of scheduled tree groups are provided for under Change TreeX.

Background and issues of concern

1356. There are 97 scheduled tree groups listed in the Schedule of Trees (Appendix A1.3 of the 2GP).

1357. As set out in the background to Change TreeX above, modification or removal of scheduled trees is restricted to help achieve Objective 2.4.1, and Policy 2.4.1.2 outlines the criteria for how scheduled trees are to be identified and protected (see above).

1358. Several issues have been identified with existing scheduled tree group listings, as outlined under the subheadings below.

[52] https://www.dunedin.govt.nz/__data/assets/pdf_file/0003/147477/Significant-Tree-Funding.pdf

Issue 1: The current mapping of tree groups is usually unclear as to the groups' extent

1359. The location of scheduled tree groups has been recorded in the Planning Map in two different ways. Most of them are marked using a single dot for the whole group and a few are marked by a cluster of dots representing each individual tree in the group.

1360. Indicating a whole tree group by a single dot leaves the extent of scheduled tree groups unclear and can create issues for the Plan users, applicants, and developers when they are trying to determine which Plan rules apply.

1361. As a recent example, the application for a new sign at 57 Anzac Avenue (LUC-2021-739) did not consider the required setback from the scheduled tree group G008 because the Planning Map only shows one dot for all the trees in the group along Anzac Avenue.

1362. Another example is the application for the proposed subdivision (SUB-2022-161 & LUC-2022-494) at 125 Gladstone Road South Mosgiel, where the extent of tree group G004 could not be readily identified as part of developing a subdivision proposal.

1363. A third example is in relation to G089 at 8 Scotia Street Waikouaiti where the decision report for LUC-2018-739 by the hearing committee raised concerns about the ambiguity of the tree group's extent. The hearing committee also requested that the District Plan team audit all the scheduled tree groups to ensure similar issues would not emerge in the future.

1364. This issue is proposed to be resolved by amending the Planning Map to show tree groups with the location of each individual tree marked, or the extent of the tree group shown by a polygon outline, based on GPS information obtained at site visits.

Issue 2: The registered address for some groups does not include the relevant properties

1365. Some tree groups are located near or on property boundaries but are only listed under one address. In addition, due to subdivision, the address of some subject properties has changed, or the extent of listed tree groups is now covering some of the newly subdivided lots. It will be clearer to Plan users to list all relevant property addresses and update addresses as appropriate.

1366. This issue is proposed to be resolved by amending the location of trees' position on the Planning Map to show them on the boundary where they are close to a boundary line, and by amending the addresses listed in the Schedule of Trees to include all relevant addresses.

Issue 3: The number of trees in some groups is unclear

1367. The number of trees in more than half of the groups in the schedule (53 groups) is not clear, i.e., either not mentioned, or expressed as ranges (e.g. "group of 3-4"). This has led to uncertainty for property owners, developers, and other plan users, especially in cases of proposed subdivision or development.

1368. This issue is also proposed to be resolved by amending the Planning Map to show the number of trees (for smaller groups) or use a polygon outline (for larger or denser groups) and update the numbers in the Schedule of Trees for smaller groups. In a few cases, such as G008 (the tree group on Anzac Avenue), larger groups of trees have also been indicated by dots because each tree was easily identifiable from other trees in the group and its surroundings, and their location was precisely recorded by the GPS device with no or minimal error providing further clarity and certainty to the Planning Map. Moreover, some tree groups—for example, G064 and G065—have been shown by both dots and polygon due to their close proximity to one another and to avoid confusion regarding the association of individual trees to each group.

Issue 4: Some trees have died or been removed since they were scheduled

1369. Since the inclusion of scheduled tree groups in the Dunedin City District Plan 2006 ('the previous Plan') in 2003, some trees have died, been blown over in storms, or been cut down due to their risk to people's safety or of damage to infrastructure or assets. These changes may have reduced the amenity value of affected groups and they may no longer meet the significance criteria set out in Policy 2.4.1.2.

1370. This issue is proposed to be resolved by removing tree groups or trees within groups from the schedule and Planning Map based on preliminary screening undertaken by the DCC's Urban Forest and Open Space Officer (Mr David Glenn) and subsequent new STEM and risk assessments.

Issue 5: Some tree groups pose a risk to people's safety or of potential damage to infrastructure

1371. Given the natural growth of scheduled trees since their listing, the development of infrastructure across the city, and the slightly different policy for scheduling under the 2GP compared to the previous Plan (which now places more emphasis on considering the risks posed by significant trees as a reason to not protect them) some tree groups may no longer be appropriate for scheduling.

1372. The issue is proposed to be resolved by removing tree groups or trees within groups from the schedule and Planning Map based on preliminary screening undertaken by the DCC's Urban Forest and Open Space Officer followed by a new STEM assessment and assessments of risk to infrastructure, assets or people's safety.

Proposed change and assessment

1373. Change Tree2 proposes the following amendments:

- amend the mapping of all tree groups, as shown on the online Planning Map[53], to ensure that each remaining tree in a group is represented by a dot (mostly for smaller groups) and that large or denser tree groups are represented by a polygon outline to show the extent of the group;
- amend the Schedule of Trees (Appendix A1.3), as shown in Appendix A by:
    - amending the number, species, and address of tree groups, following the results of the site visits and reassessment process outlined below;
    - removing five tree groups (G015, G018, G033, G054, and G073), according to the results of the reassessment process described below;

[53] The online Planning Map is available here: http://dunedin.maps.arcgis.com/apps/webappviewer/index.html?id=f7fc69e07dba4db589ffe2ddcac4acc7

- removing ten tree groups (G013, G023, G027, G029, G035, G047, G053, G062, G107, and G112) and replacing these with individual scheduled trees, following changes in the condition of rest of trees in the groups; and
- removing two individual tree listings due to duplication with nearby tree group listings (merging T439 with G038, and T1093 with G098).

Process used for re-mapping and reassessing tree groups

1374. This section sets out the process by which tree groups were remapped and screened for potential reassessment of their inclusion in the schedule.

1. Reviewing background information

1375. As the first step, the background information for all the existing scheduled tree groups (97 groups) was reviewed to identify the number, species, and location of trees within each group. This included reviewing the original assessment sheets (STEMs), the 2GP audit information, and any other information related to tree works (e.g., related resource consents).

2. Site visit to record trees' location and screen trees' condition

1376. From December 2022 to March 2023, DCC's Urban Forest and Open Space Officer (Mr David Glenn) conducted site visits to record the trees' coordinates by GPS and take photos of them. In cases where the original STEM or 2GP audit information was not precise about the number of trees in a group, the officer identified trees that were most likely to be those protected, based on arboricultural expertise.

1377. Mr Glenn also identified if there were substantial issues with the trees' condition, or if they could pose a risk to health and safety. Nine tree groups were identified as appropriate for further assessment in this regard (see section below on STEM reassessments).

1378. Apart from the required STEM reassessments, the DCC's Landscape Architect (Mr Luke McKinlay) also conducted a complementary site visit for 17 tree groups in October and November 2023. These tree groups required a second opinion to ensure the accuracy of initial data collected by Mr Glenn. Mr McKinlay's site visits and on-site assessments did lead to a need for some further adjustments in the location and species of the subject tree groups, and the Tree Schedule and Planning Map were proposed to be updated accordingly.

3. STEM reassessment of tree groups identified as potentially problematic

1379. The DCC's Landscape Architect (Mr Luke McKinlay) and the Consultant Arborist (Mr Mark Roberts) conducted site visits to reassess the nine tree groups using the 'Standard Tree Evaluation Method' (STEM). The method was as for the STEM reassessments completed under Change TreeX above.

1380. It is noted that the reassessment results for G106 are incorporated into Change TreeX, as the proposal for adding new tree species to the group is out of the scope of Change Tree2.

1381. A memo from DCC Landscape Architect, Luke McKinlay, outlines the STEM assessment process and results (see Appendix C).

4. Assessment of the risk of potential damage to existing infrastructure

1382. To assess trees in terms of their potential to damage existing infrastructure, comments were sought from DCC 3 Waters, DCC Transport, PowerNet, Aurora, Delta, Chorus, Spark, Vodafone and 2degrees. Only the tree groups with a total STEM assessment score of 145 or higher were provided to the infrastructure providers for comments. Comments were received from Spark, PowerNet and Aurora (as well as DCC 3 Waters and DCC Transport).

5. Overall assessment of suitability for scheduling

1383. An overall planning assessment was then undertaken to determine whether the risk of potential damage to existing infrastructure was high enough to warrant not keeping trees on the schedule even when they had a total STEM assessment score of 145 or higher.

1384. Risk was assessed using the same methodology applied to new tree nominations under Change TreeX above. Only low risk tree groups were considered appropriate to retain in the Schedule of Trees.

1385. Tables 21 and 22 below summarise the results for the reassessed tree groups. Five tree groups are proposed to be removed from the schedule, two individual trees are also proposed to be removed from the schedule due to overlap with tree groups (T439 and T1093), and three tree groups are proposed to be retained on the schedule.

Assessment against relevant objectives

1386. The changes proposed will improve the accuracy of the Plan's Schedule of Trees and associated mapping. This will ensure it is clearer to Plan users which trees are protected as part of scheduled tree groups, helping achieve Objective 2.4.1 more efficiently and effectively.

1387. The method for screening tree groups and reassessing those identified as having issues is consistent with the criteria outlined under Policy 2.4.1.2 and the method used for assessing potential new scheduled trees under Change TreeX above. The process ensures that tree groups reassessed to stay on the schedule are of good health and condition, continue to make a significant contribution to the amenity of their surrounding area, and are of low risk to the health and safety of people and to infrastructure and other assets.

1388. Removal of tree groups from the schedule is proposed based on their risks outweighing their amenity benefits, ensuring that works that may be required to remove or modify these trees or nearby infrastructure can be more efficiently undertaken without requiring a resource consent.

1389. Overall, the approach will ensure Objective 2.4.1 is more efficiently and effectively achieved by making it clearer which trees are scheduled and subject to protection and by removing tree listings that no longer require protection.

Table 21: Summary of assessment of trees proposed to be removed from the schedule (sorted by STEM score)

Tree Ref.	Tree Location	Tree Species	Tree Common Name	Tree Māori Name	STEM Score	Risk of damage to infrastructure and any associated risk to safety	Result and Reasons
G073	1 - 73 Buccleugh Street Dunedin	*Sequoia sempervirens*	Sequoia		186	3Ws: The stormwater drain pipe within the roading corridor may trigger works to be undertaken within the dripline (overhang) of the tree. Impact on the canopy of the tree may happen due to the use of heavy machinery. However, the risk to the stormwater infrastructure would be minimal with the possibility of tree roots causing additional inflow and infiltration issues (risk score of 4-6).	Remove G073 at 1 - 73 Buccleugh Street, Dunedin from Schedule A1.3 due to its potential risk of damage to 3Ws infrastructure.
G033	R Dalziel Road Dunedin	*Cupressus macrocarpa / Pinus radiata* (avenue)	Monterey cypress / Monterey pine		183	Transport: Roots may damage road. Trees can be blown over or loosing branches in high winds damage to adjacent properties or traffic – worst case scenario injury or death (risk score of 12).	Remove G033 on Dalziel Road, Dunedin from Schedule A1.3 due to its potential risk to people's safety and risk of damage to transport infrastructure.
G018	35 Braeside Mosgiel	*Quercus robur*	Oak		150	Transport: Possible extension of footpath - no set timeframe but would increase costs of installation. Possibility of tree blown over/loose branches – damage to property/ persons may be significant (risk score of 8-9). 3Ws: Water supply pipes located in the dripline and trees' roots may cause additional inflow and infiltration issues. If the trees were blown over because of a strong wind, this would impact the water supply pipe. The stormwater pipe and	Remove G018 at 35 Braeside, Mosgiel from Schedule A1.3 due to its potential risk to people's safety and risk of damage to water supply and stormwater infrastructure as well as its impact on the future development of transport infrastructure.

						culvert are located within the group. This has a higher potential for the tree roots to affect the function and maintenance of stormwater infrastructure (risk score of 8-9).	
G054	1711 Highcliff Road Dunedin	*Eucalyptus globulus*	Blue gum		138	No risk identified	Remove G054 at 1711 Highcliff Road, Dunedin from Schedule A1.3 as the tree group does not meet the STEM threshold any longer.
G015	11 Bellevue Place Port Chalmers	*Eucalyptus globulus*	Blue gum		132	No risk identified	Remove G015 at 11 Bellevue Place Port Chalmers from Schedule A1.3 as the tree group does not meet the STEM threshold any longer.

Table 22: Summary of assessment of trees proposed to remain in the schedule (sorted by STEM score)

Tree Ref.	Tree Location	Tree Species	Tree Common Name	Tree Māori Name	STEM Score	Risk of damage to infrastructure and any associated risk to safety	Result and Reasons
G063	101 and 103 Maryhill Terrace Dunedin	*Sequoia sempervirens (2x)*	Sequoia		192	No risk identified	Retain G063 at 101 and 103 Maryhill Terrace, Dunedin in Schedule A1.3.
G102	126 Wairongoa Road North Taieri	*Podocarpus totara*	Totara	Tōtara	165	No risk identified	Retain G102 at 126 Wairongoa Road, North Taieri in Schedule A1.3.
G035	186 Doctors Point Road Waitati	*Pseudopanax crassifolius*	Lancewood	Horoeka	150	No risk identified	Retain G035 at 186 Doctors Point Road, Waitati in Schedule A1.3.

2.7 Minor Corrections and Clarifications

1390. This section of the report summarises ten non-rezoning corrections and clarifications of minor effect in Table 23. No practicable alternatives to the preferred option have been identified or assessed for these changes.

1391. The overall s32 evaluation for these changes is that they will assist in ensuring the relevant objectives of the Plan are effectively and efficiently achieved, as intended and earlier assessed at the time the provisions were added to the Plan. No additional assessment is considered necessary due to the nature and scale of the changes.

Table 23: Non-rezoning corrections and clarifications of minor effect

Change ID	Topic	Purpose of Proposal	Description of Change	Provisions affected
		Description of methods in strategic directions		
SD1	Description of Plan methods in Policy 2.2.2.1.a	Correct the wording of Policy 2.2.2.1.a. to ensure that it accurately describes the methods in the Plan. The scope of change does not include reviewing any methods or making any substantive changes to the Plan.	Amend Policy 2.2.2.1.a to expand the description of methods to encompass activities managed in Policy 16.2.4.2 ("activities other than farming", e.g. mining, visitor accommodation and tourist operations), as follows: *Identify areas important for food production and protect them from activities or subdivision (such as conversion to residential use) that may diminish food production capacity through:* *a. use of zoning and rules that limit subdivision and ~~residential activity~~ activities other than farming, based on the nature and scale of productive rural activities in different parts of the rural environment; …*	• Policy 2.2.2.1.a

Change ID	Topic	Purpose of Proposal	Description of Change	Provisions affected
SD5	Description of Plan methods in Policy 2.2.4.3.c	Correct the wording of Policy 2.2.4.3.c to ensure that it accurately describes the methods in the Plan. The scope of the change does not extend to reviewing any methods or making any substantive changes to the Plan.	Amend Policy 2.2.4.3.c as follows to remove the last part of the clause, because the reference to Policy 2.6.2.1 introduces an incomplete list and the provision is accurate without that reference: *Ensure expansion of urban areas occurs in the most appropriate locations and only when required by:* … *c. requiring any alternative development areas suggested via a plan change process to demonstrate that the proposed zoning is the most appropriate in terms of the objectives and policies contained within these strategic directions~~, and including that for residential zoning, the proposal is appropriate in terms of the criteria contained in Policy 2.6.2.1~~.*	• Policy 2.2.4.3.c
References to objectives and policies in assessment rules				
CP5	References to relevant objectives and policies in assessment rules for community facilities	Review whether references to objectives and policies of relevance to discretionary community activities are appropriate in the rural and rural residential assessment rules.	Amend assessment rules for community and leisure – large scale in the rural and rural residential zones so that: • Rule 16.11.2.5 no longer refers to Objective 2.3.1 and Policy 2.3.1.2.g, as these strategic directions are implemented by Objective 16.2.1 which is already referenced; and	• Rule 16.11.2.5 • Rule 17.11.2.1

Change ID	Topic	Purpose of Proposal	Description of Change	Provisions affected
			• Rule 17.11.2.1 now refers to Objective 17.2.1, which implements Objective 2.3.1 and is relevant to the assessment.	
Tai1	References to relevant objectives and policies in Rule 33.9.3.2	Correct the references to objectives and policies in Rule 33.9.3.2 for contravention of the hours of operation performance standard in the Taieri Aerodrome Zone.	Amend assessment Rule 33.9.3.2 so that it references Objective 33.2.2 instead of Objective 33.2.1, as this is the relevant objective and relates to the policy referenced (Policy 33.2.2.4). Amend the paraphrasing of Policy 33.2.2.4 to correctly reflect the policy content in accordance with the 2GP Style Guide.	• Rule 33.9.3.2.a.i • Rule 33.9.3.2.a.ii
Activity status issues				
Port1	Rule 30.6.1 Location of outdoor storage	Correct Rule 30.6.1 Location of Outdoor Storage, which does not include the activity status for contravention.	Add restricted discretionary activity status for contravention of Rule 30.6.1. The assessment rule already exists at Rule 30.8.4.3. The issue exists because a general rule in the activity status introduction stating that permitted or controlled activities contravening one or more performance standards would automatically become restricted discretionary was removed as part of the 2GP decision. However, this performance standard was not updated to provide the activity status for contravention.	• Rule 30.6.1

Change ID	Topic	Purpose of Proposal	Description of Change	Provisions affected
Mer1	Rule 27.6.3 Small scale buildings and structures	Correct Rule 27.6.3 Small scale buildings and structures, which states the incorrect activity status for contravention of rules 27.6.3.1.a and c.	Amend the restricted discretionary activity status at Rule 27.6.3.2 for contravention of rules 27.6.3.1.a and c to discretionary. The assessment rule for a discretionary activity already exists at Rule 27.11.3.1.	• Rule 27.6.3.2
Other minor changes				
D2	References to church/churches in the Plan	Amend references to churches in the Plan to refer to 'places of worship', where appropriate.	Amend references to churches in the Plan to refer to 'places of worship', where appropriate.	• Definition of community and leisure • Definition of conference, meeting and function • Rule 4.5.3.1.b • Rule 15.5.4.6
CP15	Permitted baseline rules	Correct the permitted baseline rules in the Plan to ensure they are each located in the notification rules <u>and</u> the correct assessment rules in accordance with the 2GP Style Guide.	Add or delete permitted baseline rules to/from the relevant notification rules section or assessment rules section where one part of the 'pair' of rules is missing or in the incorrect location. The affected permitted baseline rules regard: • not considering ancillary residential units as part of assessing residential density contraventions (Section 15);	For ancillary residential units: • Add Rule 15.10.1.4 • Delete Rule 15.11.1.6 • Delete Rule 15.12.1.4 For impermeable surfaces: • Add Rule 15.11.1.X

Change ID	Topic	Purpose of Proposal	Description of Change	Provisions affected
			• not considering potential permitted new buildings and structures or compliance with the building site coverage and impermeable surfaces rule as part of assessing subdivision (Section 15); and • not considering papakāika or family flats as part of assessing residential density contraventions (Section 17).	For papakāika and family flats: • Delete Rule 17.10.1.6 • Delete Rule 17.11.1.4
Tree1	Scheduled tree locations	Correct the address and location shown for existing scheduled trees with incorrect information.	Amend the addresses listed in Appendix A1.3 Schedule of trees, and the locations shown on the Planning Map, to reflect the correct location for the following trees: • T062 at 10 and 12 Church Street, Mosgiel • T325 at 121 (not 125) Clyde Street, Dunedin • T396 at 13 and 15 Durham Street, Dunedin Amend the address listed in Appendix A1.3 Schedule of trees only to reflect the correct location for the following tree: • T1148 at ~~145~~ 163 Union Street, Dunedin Amend the locations shown on the Planning Map only to reflect the correct location for the following trees: • T1143, T1144, and T1146 at 22 Tyne Street, Dunedin (Kaikorai Primary School)	• Appendix A1.3 (T062, T325, T396, T1148) • The Planning Map (T062, T325, T396, T1143, T1144, T1146), as shown in Appendix B

Change ID	Topic	Purpose of Proposal	Description of Change	Provisions affected
CP23	References to the development of buildings less than $10m^2$	Correct references to the development of buildings under $10m^2$ footprint across the Plan.	Delete the references to the development of buildings less than $10m^2$ footprint from all relevant provisions (and replace with 'structures' where necessary) as the definition of buildings excludes structures of $10m^2$ or less in footprint.	• Rule 6.7.4.2.a • Rule 15.6.13.1.a.viii.5 • Rule 21.6.8.1.a.i
Res24	Reference in Rule 15.6.6.2.a.iii to the setbacks performance standard	Correct the duplication of the setbacks performance standard in Rule 15.6.6.2.a.iii.	Delete Rule 15.6.6.2.a.iii as it effectively duplicates the setbacks rule it refers to, which is inefficient for Plan implementation.	• Rule 15.6.6.2.a.iii

3 EVALUATION OF PREFERRED OPTIONS FOR ZONING CHANGES

1392. This section of the report addresses all proposed changes to zoning, being changes with a 'Z' or 'CZ' change ID. This only includes the following change proposals, limited in scope by the 'purpose of proposal and scope of change' statements for each proposed change:

- Five residential rezoning proposals;
- Three commercial and mixed use (centres) rezoning proposals; and
- Eight minor corrections rezoning proposals to various zones.

1393. There is no scope to consider submissions seeking the rezoning of any properties not assessed in the following sections.

3.1 Residential Rezoning

1394. Five specific areas are assessed for residential rezoning in this section. An additional three areas are identified for residential rezoning in Section 3.3 on minor zoning corrections.

1395. The key strategic objective and policy relevant to residential rezoning are Objective 2.6.2 and Policy 2.6.2.1, which are reproduced below. These provisions give the criteria for assessing residential rezoning and have been considered in the assessment of the rezoning proposals outlined in this section.

Objective 2.6.2 Adequate Urban Land Supply

Dunedin provides sufficient, feasible, development capacity (as intensification opportunities and zoned urban land) in the most appropriate locations to at least meet demand over the medium term (up to 10 years), while sustainably managing urban expansion in a way that maintains a compact city with resilient townships as outlined in Objective 2.2.4 and policies 2.2.4.1 to 2.2.4.3.

Policy 2.6.2.1

Identify areas for new residential zoning based on the following criteria:

a. rezoning is necessary to ensure provision of at least sufficient housing capacity to meet expected demand over the short and medium term; and

b. rezoning is unlikely to lead to pressure for unfunded public infrastructure upgrades, unless either an agreement between the infrastructure provider and the developer on the method, timing, and funding of any necessary public infrastructure provision is in place, or a Residential Transition overlay zone is applied and a future agreement is considered feasible; and

c. the area is suitable for residential development by having all or a majority of the following characteristics:

i. a topography that is not too steep;

ii. being close to the main urban area or townships that have a shortage of capacity;

iii. currently serviced, or likely to be easily serviced, by frequent public transport services;

iv. close to centres; and

v. close to other existing community facilities such as schools, public green space and recreational facilities, health services, and libraries or other community centres;

d. considering the zoning, rules, and potential level of development provided for, the zoning is the most appropriate in terms of the objectives of the Plan, in particular:

i. the character and visual amenity of Dunedin's rural environment is maintained or enhanced (Objective 2.4.6);

ii. land, facilities and infrastructure that are important for economic productivity and social well-being, which include industrial areas, major facilities, key transportation routes, network utilities and productive rural land:

1. are protected from less productive competing uses or incompatible uses, including activities that may give rise to reverse sensitivity; and

2. in the case of facilities and infrastructure, are able to be operated, maintained upgraded and, where appropriate, developed, efficiently and effectively (Objective 2.3.1).

Achieving this includes generally avoiding areas that are highly productive land or may create conflict with rural water resource requirements;

iii. Dunedin's significant indigenous biodiversity is protected or enhanced, and restored; and other indigenous biodiversity is maintained or enhanced, and restored; with all indigenous biodiversity having improved connections and improved resilience (Objective 2.2.3). Achieving this includes generally avoiding the application of new residential zoning in ASBV and UBMA;

iv. Dunedin's outstanding and significant natural landscapes and natural features are protected (Objective 2.4.4). Achieving this includes generally avoiding the application of new residential zoning in ONF, ONL and SNL overlay zones;

v. the natural character of the coastal environment is, preserved or enhanced (Objective 2.4.5). Achieving this includes generally avoiding the application of new residential zoning in ONCC, HNCC and NCC overlay zones;

vi. subdivision and development activities maintain and enhance access to coastlines, water bodies and other parts of the natural environment, including for the purposes of gathering of food and mahika kai (Objective 10.2.4);

vii. the elements of the environment that contribute to residents' and visitors' aesthetic appreciation for and enjoyment of the city are protected or enhanced. These include:

1. important green and other open spaces, including green breaks between coastal settlements;

2. trees that make a significant contribution to the visual landscape and history of neighbourhoods;

3. *built heritage, including nationally recognised built heritage;*
4. *important visual landscapes and vistas;*
5. *the amenity and aesthetic coherence of different environments; and*
6. *the compact and accessible form of Dunedin (Objective 2.4.1);*

viii. *the potential risk from natural hazards, and from the potential effects of climate change on natural hazards, is no more than low, in the short to long term (Objective 11.2.1);*

ix. *public infrastructure networks operate efficiently and effectively and have the least possible long term cost burden on the public (Objective 2.7.1);*

x. *the multi-modal land transport network, including connections between land air and sea transport networks, operates safely and efficiently (Objective 2.7.2); and*

xi. *Dunedin stays a compact and accessible city with resilient townships based on sustainably managed urban expansion. Urban expansion only occurs if required and in the most appropriate form and locations (Objective 2.2.4).*

1396. While one focus of these provisions is the need to provide additional housing capacity, it is noted that the residential rezonings assessed below are primarily to recognise existing uses and/or to correct anomalous zone boundaries, not to provide additional housing capacity. Therefore, only brief assessments against Policy 2.6.2.1 are provided below.

1397. As part of some rezoning proposals, removal of part of a Significant Natural Landscape (SNL) or Outstanding Natural Landscape (ONL) overlay zone is proposed (i.e., Change Z1 at Macandrew Bay, Change Z7 at Ravensbourne, Change Z19 at Pukehiki, and Change Z24 at Wakari, as described in the following sections). In these cases, strategic Objective 2.4.4 and policies 2.4.4.1 and 2.4.4.3 are also relevant, as follows, and have been considered in the assessments:

Objective 2.4.4 Natural Landscapes and Natural Features

Dunedin's outstanding and significant natural landscapes and natural features are protected.

Policy 2.4.4.1

Identify and assess natural features and natural landscapes based on the following values:

a. *natural science factors;*
b. *aesthetic values and memorability;*
c. *expressiveness and legibility;*
d. *transient values;*
e. *whether values are shared and recognised;*
f. *value to takata whenua; and*
g. *historical associations.*

Policy 2.4.4.3

Protect the values in identified Outstanding Natural Feature (ONF), Outstanding Natural Landscape (ONL) and Significant Natural Landscape (SNL) overlay zones by listing these values in Appendix A3 and using rules that:

a. *prohibit certain activities in ONFs;*
b. *require resource consent for activities in ONFs, ONLs and SNLs, where they may be incompatible with the values of the area; and*
c. *restrict the scale of development in ONFs, ONLs and SNLs and ensure the design of development is appropriate.*

3.1.1 1A and 15 Conway Street, Macandrew Bay (Change Z1)

Purpose of proposal and scope of change

1398. The purpose of Change Z1 is to review whether the Hill Slopes Rural zoned part of 1A and 15 Conway Street, Macandrew Bay, should be rezoned to Township and Settlement Zone and whether the Significant Natural Landscape (SNL) overlay zone should be removed from the same area.

1399. The scope of the change does not extend to reviewing the zoning or SNL overlay zone for any other sites. The area of review is shown in Figure 18 below.

Figure 18: Change Z1 area of review (pink/black outline)

Background and issues of concern

1400. 1A and 15 Conway Street are split-zoned between Township and Settlement Zone and Hill Slopes Rural Zone, with the rural zoned parts being within a Significant Natural Landscape overlay zone.

1401. 15 Conway Street contains one existing dwelling which is accessed off a driveway from the end of Conway Street over a neighbouring site. The dwelling is located on the south-western corner of the site at the 40m contour. The site then slopes downwards to the north to the 16m contour at its lowest point (near Conway St).

1402. 1A Conway Street is a rear site adjacent to 15 Conway Street, which also contains a dwelling located in the Hill Slopes Rural (rear - southern) part of the site between the 36m and 40m contours. This dwelling is not shown in Figure 18 because it was built after the aerial photo was taken. 1A Conway Street also slopes downwards to the north from the 40m contour at the rear of the site to the 14m contour at the front (near Conway Street).

1403. 1A Conway Street has a site area of 3279m^2 and 15 Conway Street has a site area of 8466m^2, with a combined site area 11,745m^2. The rural zoned part of these sites has an area of 2030m^2, which is 17% of the combined site area.

1404. Theoretically, a 2030m^2 increase in Township and Settlement zoned land would allow for up to 5 additional dwellings. However, this additional capacity is highly unlikely to be realised because of the specific characteristics of the sites, including their slope and the location of existing dwellings. Only two additional dwellings could be realistically established by rezoning this area.

1405. The overall issue of concern is that the split zoning of these sites may result in complications for residential activity that is already being undertaken there because:

- the differently zoned areas are treated as separate sites for the purposes of the Plan (due to the Plan's definition of 'site');
- the rules that apply in the rural zones do not enable residential activity and development at an urban scale; and
- the SNL overlay zone introduces additional resource consent requirements, including for buildings and structures, and which may be inappropriate given the residential character and setting of the sites.

Proposed change and assessment

1406. Change Z1 proposes the following amendments to the Planning Map (see Appendix B):

- rezone the 'area of review' part of 1A and 15 Conway Street, Macandrew Bay, from Hill Slopes Rural Zone to Township and Settlement Zone; and
- remove the Significant Natural Landscape (SNL) overlay zone from the 'area of review' part of 1A and 15 Conway Street, Macandrew Bay.

1407. The proposed rezoning will result in a minor increase in development capacity, directly adjacent to an existing area of residential zoning (realistically two additional dwellings). Therefore, the proposal will not materially affect the achievement of:

- Policy 2.6.2.1.a and Policy 2.6.2.1.b in relation to housing capacity and infrastructure demand; or
- the clauses of Policy 2.6.2.1.d that relate to effects on character and visual amenity, economic productivity and social well-being, effects on the transport network, or effects on access to water bodies.

1408. DCC 3 Waters and DCC Transport have confirmed that the proposed rezoning is acceptable in terms of effects on their infrastructure (see Appendix C).

1409. In relation to Policy 2.6.2.1.c, the area has most of the characteristics needed to be suitable for residential development due to its location next to an existing residential zone. In relation to slope, while there may be constraints to development in the gully parts of 15 Conway Street, overall, the slope of the site is appropriate for some residential development and is consistent with the policy.

1410. In relation to other clauses of Policy 2.6.2.1.d, I note that the site does not contain any significant indigenous biodiversity or identified hazard overlay zones, is not within the coastal environment or within any coastal character overlay zone.

1411. Regarding the SNL overlay zone, DCC's Landscape Architect, Mr Luke McKinlay, has assessed its appropriateness and whether it should be removed from the area of review (see Appendix C). He considers that removal of the SNL from the area of review will not notably detract from the Inner Peninsula Bays SNL and the site does not display notable natural science, aesthetic, or associative values (historic or shared and recognised values) that would support the retention of this overlay.

1412. Therefore, the proposal to remove the SNL from the area of review is appropriate as is consistent with policies 2.6.2.1.d, 2.4.4.1 and 2.4.4.3, and achieves Objective 2.4.4.

3.1.2 32 and 34 Manuka Street, 30 Rimu Street and part of 11A Matai Street, Ravensbourne (Change Z7)

Purpose of proposal and scope of change

1413. The purpose of Change Z7 is to review whether 32 and 34 Manuka Street, 30 Rimu Street and part of 11A Matai Street, Ravensbourne, or part thereof, should be rezoned from Hill Slopes Rural Zone to General Residential 1 Zone (GR1) and whether the SNL overlay zone should be removed from the same area.

1414. The scope of the change does not extend to reviewing the zoning or SNL overlay zone for any other sites.

1415. The area of review is shown in Figure 19 below.

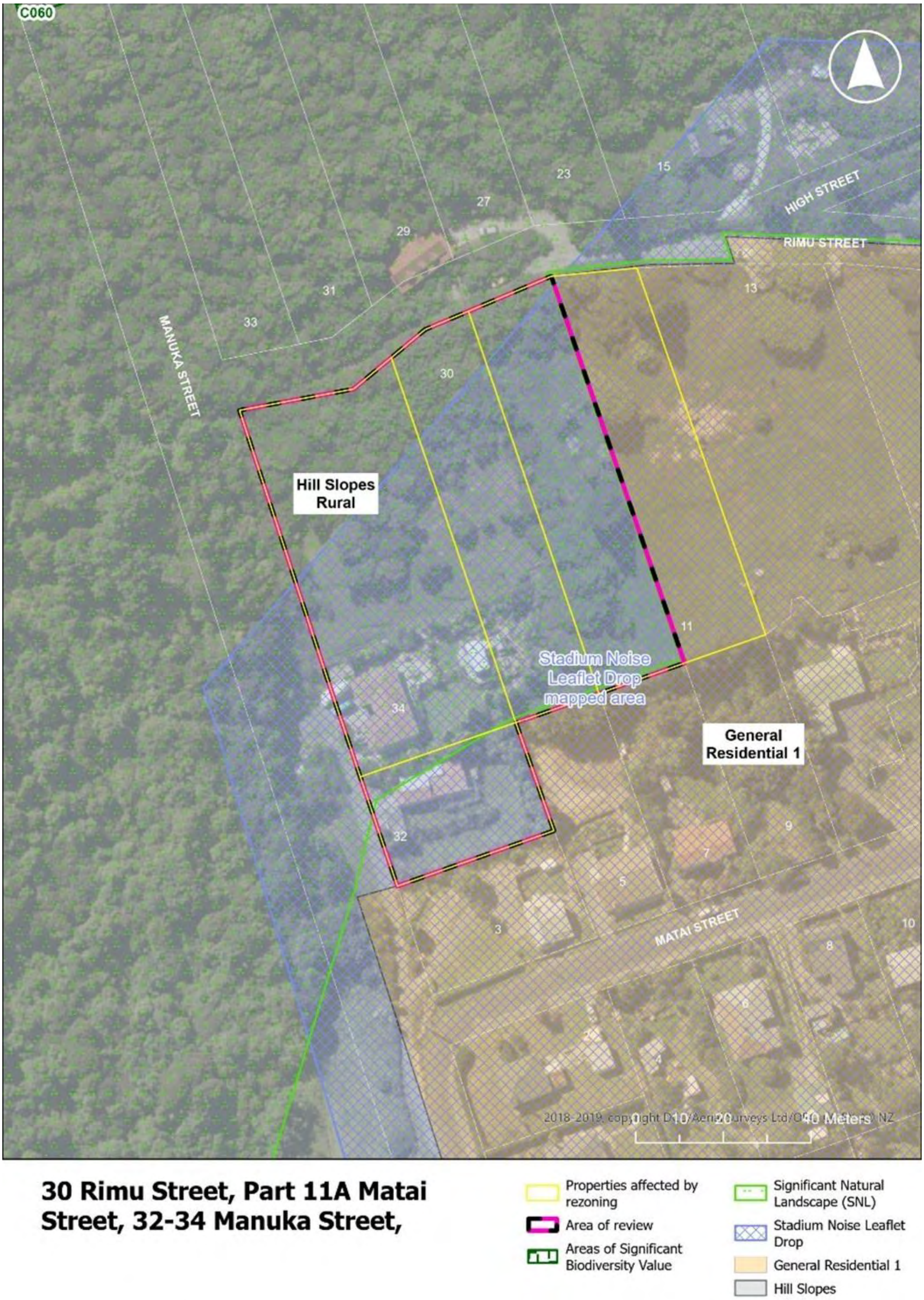

Figure 19: Change Z7 area of review (pink/black outline)

Background and issues of concern

1416. The area of review includes four sites that are split-zoned between Hill Slopes Rural Zone and General Residential 1 Zone, with a Significant Natural Landscape overlay zone extending over most of the rural zoned portions of the sites.

1417. 32 Manuka Street has an area of 961m^2 and contains an existing dwelling at the 92m contour.

1418. 34 Manuka Street has an area of 3111m^2 and also contains an existing dwelling at the 96m contour and the site slopes upwards from the 94m contour at the southern boundary of the site to the 126m contour at the northern boundary.

1419. 30 Rimu Street adjoins the eastern boundary of 34 Manuka Street and has an area of 1796m^2 and slopes upwards from the 94m contour at the southern boundary of the site to a 125m contour at the northern boundary. 30 Rimu Street is currently in the same ownership as 34 Manuka Street and contains no buildings, except for part of a shed and children's play equipment extending over the 34 Manuka Street boundary into the site.

1420. 11A Matai Street adjoins the eastern boundary of 30 Rimu Street and has an area of 3667m^2, approximately half of which is already zoned General Residential 1 Zone (outside the area of review). This site slopes upwards from the 96m contour at the southern boundary of the site to a 123m contour at the northern boundary.

1421. DCC's Biodiversity Advisor, Ms Zoe Lunniss, visited the sites and assessed their indigenous biodiversity values. She concluded that the rear areas of 34 Manuka Street and 30 Rimu Street contain areas of significant indigenous biodiversity value which are worthy of protection by retaining rural zoning (see Appendix C).

1422. DCC's Landscape Architect, Mr Luke McKinlay, assessed the sites' landscape values and the appropriateness of the SNL overlay zone in this location, and concluded that landscape values are present over the rear parts of 34 Manuka Street and 30 Rimu Street which are worthy of protection by retention of the SNL overlay zone (see Appendix C).

1423. Theoretically, if the area of review was wholly zoned General Residential 1 and developed to the maximum capacity for this zone, it would allow for 14 additional dwellings across the four sites, as follows:

- 32 Manuka Street (961m^2): 1 potential additional dwelling
- 34 Manuka Street (3111m^2): 6 potential additional dwellings
- 30 Rimu Street (1796m^2): 4 potential additional dwellings; and
- Part 11A Matai Street (approx. 1900m^2 which is zoned rural): 4 potential additional dwellings.

1424. The overall issue of concern is that the rural zoning of these sites may result in complications for residential activity that is already being undertaken there because:

- the rules that apply in the rural zones do not enable residential activity and development at an urban scale; and

- the SNL overlay zone introduces additional resource consent requirements, including for buildings and structures, which may be inappropriate given the residential character and setting of the sites; but
- parts of the area of review contain biodiversity and landscape values that should be protected.

1425. These issues are proposed to be resolved by only rezoning the parts of the sites that do not have biodiversity or landscape values, and only removing the SNL overlay zone from the same areas. Combined with the steep slope of the sites, only two additional dwellings could be realistically established across the rezoned area at 32 and 34 Manuka Street.

Proposed change and assessment

1426. Change Z7 proposes the following amendments to the Planning Map (see Appendix B):

- rezone the following areas from Hill Slopes Rural Zone to General Residential 1 Zone:
    - 32 Manuka Steet
    - southern part of 34 Manuka Steet (Lot 20 Blk II DP 37) (approximately 961m^2); and
    - part of 30 Rimu Street (around the existing building and structure; approximately 220m^2); and
- remove the Significant Natural Landscape overlay zone from the same areas.

1427. The proposed rezoning will only result in a minor increase in development capacity, directly adjacent to an existing area of residential zoning (realistically two additional dwellings). Therefore, the proposal will not materially affect the achievement of:

- Policy 2.6.2.1.a and Policy 2.6.2.1.b in relation to housing capacity and infrastructure demand; or
- the clauses of Policy 2.6.2.1.d that relate to effects on character and visual amenity, economic productivity and social well-being, or effects on the transport network.

1428. DCC 3 Waters do not support the rezoning of any part of 30 Rimu Street or 11A Matai Street (see Appendix C). However, the proposed rezoning of a small part of 30 Rimu Street only recognises the existing building and structure which straddles the boundary with 34 Manuka Steet and will not affect infrastructure demand, so is appropriate.

1429. DCC Transport have confirmed that the proposed rezoning is acceptable in terms of effects on the transport network (see Appendix C).

1430. In relation to Policy 2.6.2.1.c, the area has most of the characteristics needed to be suitable for residential development due to its location next to an existing residential zone. In relation to slope, only small parts of 34 Manuka Street adjacent to the existing buildings have a slope of 20 - 26 degrees, with most parts of the sites proposed to be rezoned not being as steep. Overall, the slope of the site is appropriate for some residential development and is consistent with the policy.

1431. In relation to other clauses of Policy 2.6.2.1.d, I note that the site does not contain any water bodies or identified hazard overlay zones, is not within the coastal environment or within any coastal character overlay zone.

1432. Regarding the SNL overlay zone, the proposal is consistent with advice from DCC's Landscape Architect, who recommended rezoning and removal of the SNL overlay zone only over parts of the area of review. Retention of Hill Slopes Rural zoning and SNL overlay over the remainder of the sites is consistent with his advice that these areas are characterised by a relative dominance of natural landscape elements, including indigenous vegetation, which contribute to the rural landscape backdrop to the harbourside settlement of Ravensbourne (see Appendix C).

1433. Therefore, the proposal to remove the SNL from only parts of the area of review and retain it over the remainder of the area of review is appropriate and consistent with policies 2.6.2.1.d, 2.4.4.1 and 2.4.4.3, and achieves Objective 2.4.4.

1434. Regarding biodiversity values, Policy 2.6.2.1.d.iii indicates that rezonings should be consistent with the protection and enhancement of Dunedin's significant biodiversity, including by avoiding the application of new residential zoning in Areas of Significant Biodiversity Value.

1435. The proposal is consistent with this policy by adopting the advice from DCC's Biodiversity Advisor to exclude the rear (northern) part of 34 Manuka Street (Lot 18 Blk II DP 37 & Lot 19 Blk II DP 37), most of 30 Rimu Street and the Hill Slopes Rural Zoned part of 11A Matai Street from the rezoning because they contain significant biodiversity values.

3.1.3 Elsie Purnell Place / Heathfield Drive, Mosgiel (Change Z10)

Purpose of proposal and scope of change

1436. The purpose of Change Z10 is to review whether the split-zoned sites at 56, 58 & 59 Heathfield Drive, 4, 12 & 15 Elsie Purnell Place, and adjacent road, Mosgiel, should be rezoned so that each site sits wholly within either the Low Density Residential 1 Zone or the General Residential 1 Zone.

1437. The scope of the change does not extend to reviewing the zoning for any other sites.

1438. The area of review is shown in Figure 20 below.

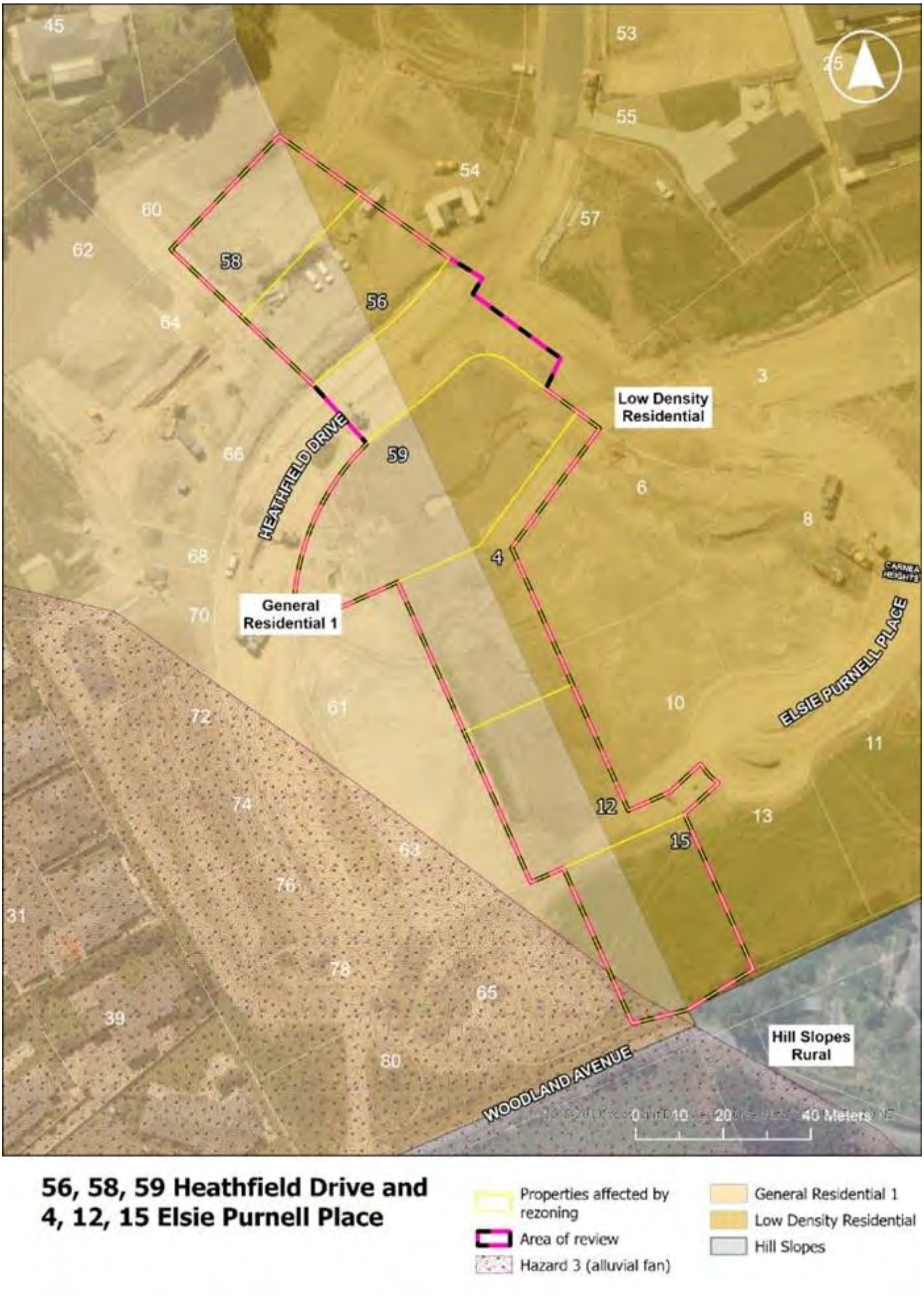

Figure 20: Change Z10 area of review (pink/black outline)

Background and issues of concern

1439. The area of review includes six sites that are split-zoned between Low Density Residential (LDR) Zone and General Residential 1 (GR1) Zone (along with adjacent road). The title plan (DP 552369) for the subdivision that created these sites was deposited in February 2021 after the decisions on rezoning through the 2GP in 2018, creating the split-zoning.

1440. Two sites (58 Heathfield Drive and 12 Elsie Purnell Place) have since been developed with a single standalone home. The site at 59 Heathfield Drive is owned by DCC 3 Waters for stormwater management.

1441. The overall issue of concern is that the split zoning of these sites may result in complications for residential activity that is already being undertaken there because:

- the differently zoned areas are treated as separate sites for the purposes of the Plan (due to the Plan's definition of 'site'); and
- the rules that apply in each zone are different.

1442. The main differences between the LDR and GR1 zone provisions relate to the permitted density (Rule 15.5.2) and minimum site size (Rule 15.7.4). In the LDR Zone, the minimum site area for density and the minimum site size for new resultant sites is 750m², while it is 400m² in the GR1 zone for a single residential unit.

1443. The majority of each of these sites is already zoned GR1 and in the case of 4 & 12 Elsie Purnell Place some of the LDR zoned parts contain accessways, which can't be developed into additional residential capacity. Therefore, rezoning the LDR parts of these sites to GR1 would result in a maximum increase in residential development capacity of approximately 3 additional residential units over the area of review.

Proposed change and assessment

1444. Change Z10 proposes the following amendments to the Planning Map (see Appendix B):

- rezone the General Residential 1 zoned part of 4, 12 and 15 Elsie Purnell Place, 59 Heathfield Drive and adjacent road to Low Density Residential zone; and
- rezone the Low Density Residential zoned portions of 56 and 58 Heathfield Drive and adjacent road to General Residential 1 Zone.

1445. DCC Transport have confirmed that the proposed rezoning is acceptable in terms of effects on the transport network (see Appendix C).

1446. DCC 3 Waters have highlighted issues with water supply, wastewater, and stormwater, and because of these concerns they only support rezoning of 56 and 58 Heathfield Drive to GR1, and the other sites to LDR (see Appendix C).

1447. There is no specific strategic policy direction for the assessment of a rezoning from one residential zoning to another (except when rezoning to a medium density zone). However, Objective 2.2.4 does seek a compact and accessible city, which can be achieved by using land efficiently and zoning to a higher density zone where appropriate.

1448. In addition, the introduction to Chapter 15 of the Plan on Residential Zones, there are zone descriptions for each of the residential zones, providing some guidance on the anticipated character of each zone.

1449. In paragraph 3 of Plan Section 15.1.1.1 General Residential 1, it states:

The anticipated future character of the General Residential 1 Zone will include:

- *stand-alone dwellings, duplexes, and occasionally on larger sites multi-unit attached, 'terrace style' developments up to 9m in height;*
- *sites generally between 400m² and 800m² in size;*
- *a greater variety in site sizes encouraged by flexibility in the minimum site size rule;*
- *small (up to 80m²) ancillary residential units where site sizes allow; and*
- *larger developments that house supported living facilities (rest homes, retirement villages and student hostels) or social housing where site sizes allow.*

1450. In paragraph 15.1.1.4 Low Density Residential, it states:

The Low Density Residential Zone is a small subset of the outer Dunedin suburban environment, and has slightly larger sites than the General Residential 1 Zone. It is characterised by a more spacious and open suburban environment with larger stand-alone dwellings and gardens. Sites in this zone may also be developed with an ancillary residential unit to provide additional accommodation.

1451. Based on these zone descriptions, there is a difference in the intended characters of the GR1 and LDR zones; however, the choice of zone for each of the affected sites is unlikely to make a significant difference to the character of the area as a whole, given their location on the boundary between the two zones.

1452. Overall, the proposal will have a limited effect on the character of the area and is appropriate to the context.

3.1.4 1050 Highcliff Road, Pukehiki (Change Z19)

<u>Purpose of proposal and scope of change</u>

1453. The purpose of Change Z19 is to review whether the Peninsula Coast Rural zoned part of 1050 Highcliff Road, Pukehiki, should be rezoned to Township and Settlement Zone, along with any appropriate changes to the overlay zones and mapped areas that apply in these areas.

1454. The scope of the change does not extend to reviewing the zoning, overlay zones or mapped areas for any other sites.

1455. The area of review is shown in Figure 21 below.

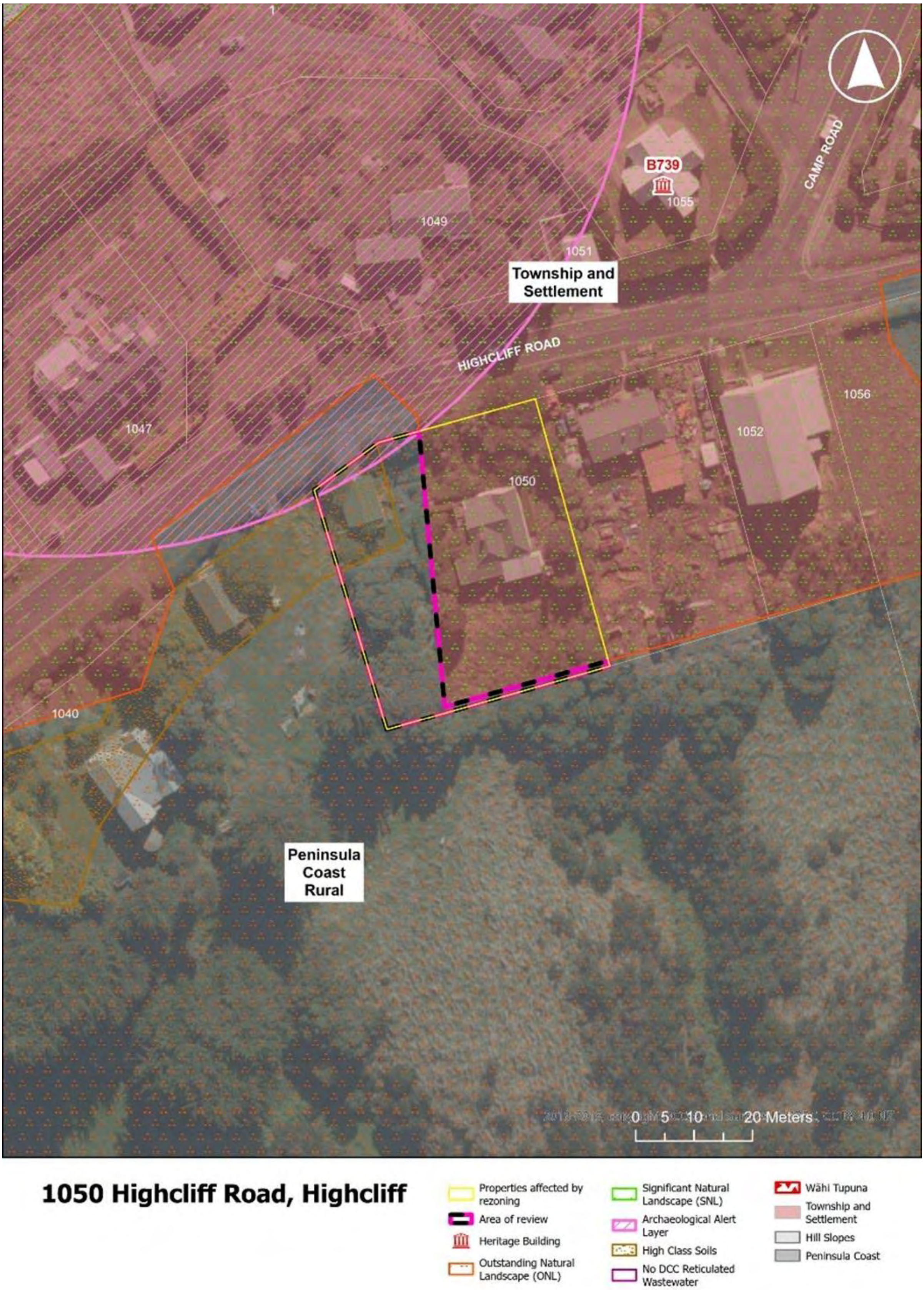

Figure 21: Change Z19 area of review (pink/black outline)

Background and issues of concern

1456. 1050 Highcliff Road is a split-zoned site in both the Peninsula Coast Rural Zone and Township and Settlement Zone. The Township and Settlement (T&S) zoned part of the site is within a Significant Natural Landscape overlay zone and has a ‘no DCC reticulated wastewater mapped area’, while the rural zoned part of the site is within an Outstanding Natural Landscape overlay zone and has a small area of high class soils mapped area. The entire site is within a wāhi tupuna mapped area (Upper slopes and peaks of Otago peninsula).

1457. 1050 Highcliff Road is 2023m^2 in size and contains a single dwelling on the T&S zoned part of the site (to the east) and a double garage on the rural zoned part of the site (to the west). There are T&S zoned and occupied sites located adjoining the eastern boundary and across Highcliff Road from the site, and Peninsula Coast Rural zoned sites located adjoining the western and southern boundaries.

1458. The Peninsula Coast Rural zoned part of the site is approximately 721m^2 in size. The rezoning of this area of land to T&S Zone (with a ‘no DCC reticulated wastewater mapped area’) would enable one additional dwelling to be built.

1459. The overall issue of concern is that the split zoning of these sites may result in complications for residential activity that is already being undertaken there because:

- the differently zoned areas are treated as separate sites for the purposes of the Plan (due to the Plan’s definition of ‘site’);
- the rules that apply in the rural zones do not enable residential activity and development at an urban scale;
- the ONL overlay zone introduces additional resource consent requirements, including for buildings and structures, which may be inappropriate given the residential character and setting of the sites; and
- the high class soil mapped area located within the rural zoned part of the site may be inappropriate given the residential use of the site.

Proposed change and assessment

1460. Change Z19 proposes the following amendments to the Planning Map (see Appendix B):

- rezone the Peninsula Coast Rural zoned part of 1050 Highcliff Road to Township and Settlement Zone;
- extend the no DCC reticulated wastewater mapped area over the rezoned area;
- remove the high class soils mapped area; and
- replace the Otago Peninsula Outstanding Natural Landscape Overlay Zone with the Inner Peninsula Bays Significant Natural Landscape (SNL) overlay zone.

1461. The proposed rezoning will only result in a minor increase in development capacity, directly adjacent to an existing area of residential zoning (potential for 1 additional dwelling). Therefore, the proposal will not materially affect the achievement of:

- Policy 2.6.2.1.a in relation to housing capacity; or
- the clauses of Policy 2.6.2.1.d that relate to effects on character and visual amenity, economic productivity and social well-being, effects on the transport network, or effects on access to water bodies.

1462. In relation to Policy 2.6.2.1.b, DCC 3 Waters have confirmed that there is no DCC reticulated wastewater, water supply or stormwater supplied to Pukehiki (see Appendix C). Therefore, they did not raise any concerns regarding the rezoning proposal, and it is appropriate to extend the 'no DCC wastewater mapped area' to cover the entirety of the site. DCC Transportation also consider the proposal acceptable (see Appendix C).

1463. In relation to Policy 2.6.2.1.c, the area has most of the characteristics needed to be suitable for residential development due to its location next to an existing residential zone with a topography that is not too steep (slope of less than 12 degrees). Therefore, the proposal is consistent with this criterion.

1464. In relation to the part of Policy 2.6.2.1.d that relates to avoiding rezoning of highly productive land, approximately 200m^2 of the north-western frontage of the site contains a high class soils mapped area. Most of this area is occupied by an existing double garage (see Figure 21 above). In addition, none of the site is listed as Land Use Capability Class 1-3 (i.e., it is not highly productive land in terms of the NPS-HPL). Overall, the high class soils mapped area has limited or no productive capacity, which meets the requirements of this criterion.

1465. While Policy 2.3.1.10 on the identification of high class soils mapped areas does not list existing development as a reason to not identify areas as high class soils, the mapped area is typically only applied over areas with rural or rural residential zoning, so removal of the mapped area from the site is appropriate as part of the proposed rezoning.

1466. Regarding the ONL and SNL, DCC's Landscape Architect considers that it is appropriate to replace the ONL with the SNL (see Appendix C). This is because the SNL applies to the majority of Pukehiki and the subject site is not consistent with the less developed, rural and/or wilderness characteristics typical of this ONL. Therefore, the proposal is consistent with policies 2.6.2.1.d, 2.4.4.1 and 2.4.4.3, and achieves Objective 2.4.4.

1467. In relation to other clauses of Policy 2.6.2.1.d, the site does not contain any significant indigenous biodiversity or identified hazard overlay zones and is not within the coastal environment or any coastal character overlay zone.

1468. Aukaha reviewed this proposal and did not request any changes.

3.1.5 243 and 245 Wakari Road, Dunedin (Change Z24)

<u>Purpose of proposal and scope of change</u>

1469. The purpose of Change Z24 is to review whether the small areas of Rural Residential 2 zoned land at 243 and 245 Wakari Road, Dunedin, should be rezoned to General Residential 1 Zone, along with any appropriate changes to the overlay zones and mapped areas that apply in these areas.

1470. The scope of the change does not extend to reviewing the zoning, overlay zones or mapped areas for any other sites.

1471. The area of review is shown in Figure 22 below.

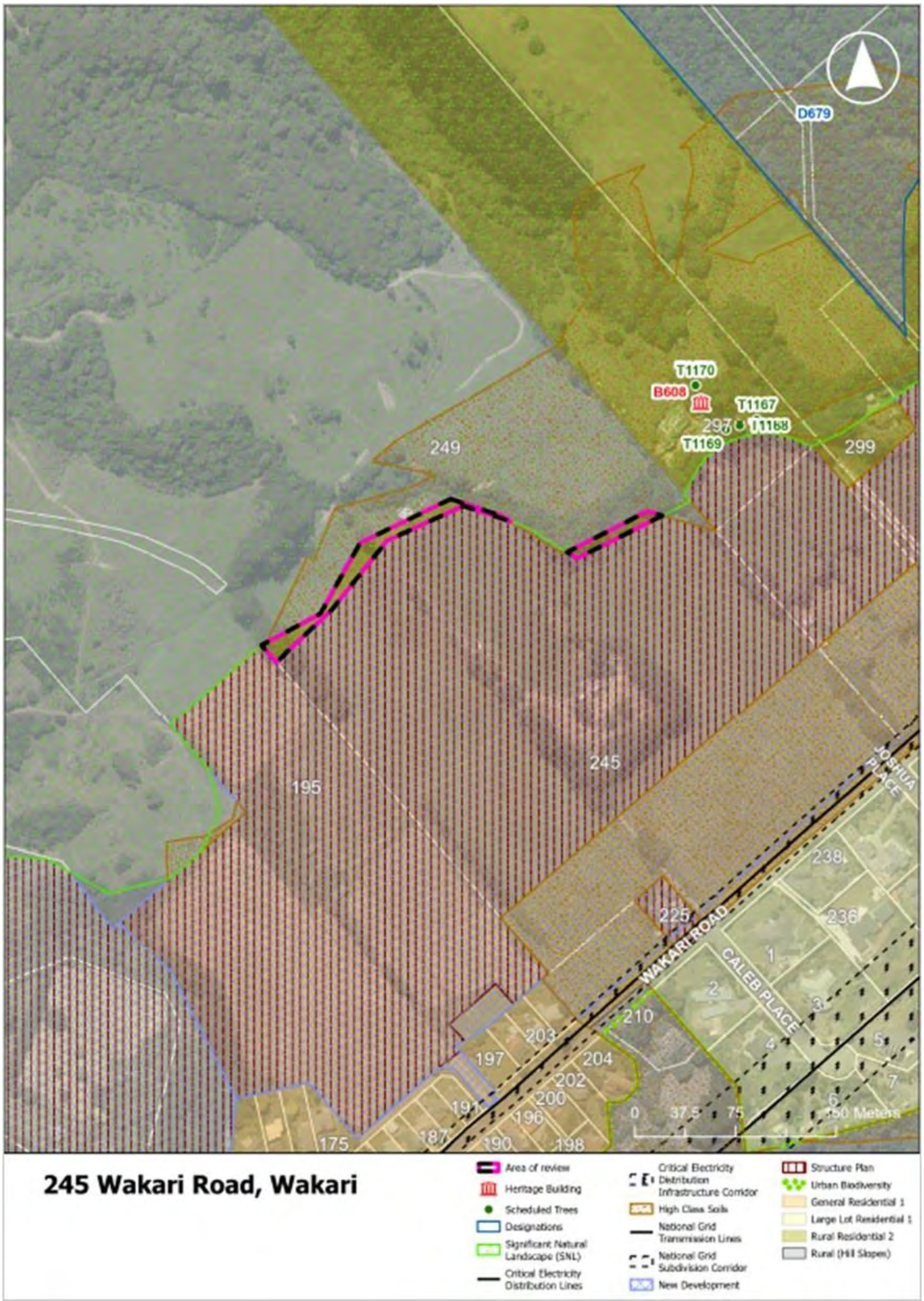

Figure 22: Change Z24 area of review (pink/black outline)

Background and issues of concern

1472. 243 and 245 Wakari Road are split-zoned properties primarily within the General Residential 1 (GR1) Zone, but with small areas of Rural Residential 2 (RR2) zoned land along their northern boundaries. The split-zoning occurred because of residential rezoning via Variation 2 to the Plan, where the area identified for rezoning did not align with the site boundaries.

1473. The rural residential zoned parts of the sites are subject to an SNL overlay zone and high class soils mapped area. The residential zoned parts of the sites are not subject to the SNL overlay zone, and the high class soils mapped area is only located along the southern ends of the residential zoned area. The residential zoned parts of the sites are also within a new development mapped area and partly within the Helensburgh Structure Plan Mapped Area.

1474. 243 Wakari Road is 3.7 hectares and 245 Wakari Road is 5.9 hectares. The existing RR2 zoned parts of these sites are approximately 2308m^2 in area and comprises strips of land up to approximately 14m wide.

1475. Rezoning the rural residential zoned areas to GR1 Zone and applying the provisions of the Helensburgh structure plan mapped area would result in an estimated additional capacity for 2 residential units.

1476. The overall issue of concern is that the split zoning of these sites may result in complications for residential activity that may be undertaken there because:

- the differently zoned areas are treated as separate sites for the purposes of the Plan (due to the Plan's definition of 'site'); and
- the rules that apply in each zone are different (including that the area of the rural residential zoned parts of the site do not meet the minimum site area for residential activity of 1ha).

Proposed change and assessment

1477. Change Z24 proposes the following amendments:

- amendments to the Planning Map for the Rural Residential 2 zoned parts of 243 and 245 Wakari Road (see Appendix B) as follows:
    - rezone the areas from Rural Residential 2 Zone to General Residential 1 Zone;
    - apply the new development mapped area;
    - apply the Helensburgh structure plan mapped area;
    - remove the high class soils mapped area; and
    - remove the SNL overlay zone.
- amendments to the following Plan provisions (see Appendix A):
    - amend Figure 15.8.14A: Helensburgh structure plan to extend the boundaries of the mapped area over the rezoned areas (by enlarging Area

A over the larger area of review and the structure plan generally over the smaller area.

1478. The proposed rezoning will only result in a minor increase in development capacity, directly adjacent to an existing area of residential zoning (potential for 2 additional dwellings). Therefore, the proposal will not materially affect the achievement of:

- Policy 2.6.2.1.a and Policy 2.6.2.1.b in relation to housing capacity and infrastructure demand (including by applying the new development mapped area to ensure public infrastructure is appropriately managed); or
- the clauses of Policy 2.6.2.1.d that relate to effects on character and visual amenity, economic productivity and social well-being, effects on the transport network, or effects on access to water bodies.

1479. In relation to Policy 2.6.2.1.c, the area has most of the characteristics needed to be suitable for residential development due to its location next to an existing residential zone with a topography that is not too steep (slope of less than 12 degrees). Therefore, the proposal is consistent with this criterion.

1480. In relation to the part of Policy 2.6.2.1.d that relates to avoiding rezoning of highly productive land, DCC has no evidence on the productive value of these two areas of land, so its productive value cannot be discounted. However, they are relatively small strips of land (up to 14m wide) isolated from other area of highly productive land on the site. Any loss of productive value is to be balanced against the benefits of rezoning the land to residential. On balance, the proposed rezoning is not inconsistent with Policy 2.6.2.1.d.ii. In addition, these areas are not listed as Land Use Capability Class 1-3 (i.e., it is not highly productive land in terms of the NPS-HPL).

1481. Regarding the SNL overlay zone, DCC's Landscape Architect considers that it is appropriate to remove the SNL from the parts of 243 and 245 Wakari Road which are proposed to be rezoned GR1 (see Appendix C). This is because they are minor adjustments which will have no notable effect on the values of the SNL. Therefore, the proposal is consistent with policies 2.6.2.1.d, 2.4.4.1, and 2.4.4.3, and achieves Objective 2.4.4.

1482. In relation to other clauses of Policy 2.6.2.1.d, the site does not contain any significant indigenous biodiversity or identified hazard overlay zones and is not within the coastal environment or any coastal character overlay zone.

3.2 Commercial and Mixed Use (Centres) Rezoning

1483. Three specific areas are assessed for rezoning to one of the centres zones (being types of commercial and mixed use zones) in this section. An additional one area is identified for centres rezoning in Section 3.3 on minor zoning corrections.

1484. The key strategic objectives and policies relevant to centres rezoning are objectives 2.3.2, 2.4.3, and 2.6.2, and associated policies 2.3.2.5, 2.4.3.5, 2.6.2.5 and 2.6.2.6, which are reproduced below. These have been considered in the assessment of the rezoning proposals outlined in this section of the report.

Objective 2.3.2 Centres Hierarchy

Dunedin has a hierarchy of vibrant centres anchored around one Central Business District Zone (CBD), which provides a focus for economic and employment growth, driven by:

a. *attraction of businesses to these areas based on the high level of amenity and density of activity in the area;*
b. *opportunities for social interaction, exchange of ideas and business cooperation;*
c. *public investment in public amenities and other infrastructure in the CBD; and*
d. *opportunities for agglomeration benefits from the co-location of activities.*

Policy 2.3.2.5

a. *Ensure any proposals to create new areas of commercial mixed use zoning do not detract from Objective 2.3.2 through an oversupply of commercial land or changes in agglomeration or co-location benefits in the CBD or existing centres.*
b. *For proposals that create new suburban or neighbourhood centres, achieving (a) generally means:*
   i. *the centre will primarily provide for commercial activities focused on serving the day-to-day needs of residents in the intended catchment, such as dairies, food and beverage retail, pharmacies, restaurants, registered health practitioners, beauty salons and community activities;*
   ii. *the centre, including where focused around a single food and beverage anchor activity, will provide for a diversity of independently run activities of the above types; and*
   iii. *the centre not providing for retail types with an intended city-wide customer catchment such as large department stores and 'big box' general, bulky goods or trade related retail.*

Objective 2.4.3 Vibrant CBD and Centres

Dunedin's Central Business District is a strong, vibrant, attractive and enjoyable space that is renowned nationally and internationally for providing the highest level of pedestrian experience that attracts visitors, residents and businesses to Dunedin. It is supported by a hierarchy of attractive urban and rural centres.

Policy 2.4.3.5

Ensure that all areas proposed to be rezoned as CBD or a centre zone achieve high amenity values both within the zone and on zone boundaries, and provide a safe, attractive and enjoyable space for people through an appropriate rule framework. For new centres, this is preferably outlined in a structure plan, that identifies rules that:

a. *manage the form and location of buildings and car parking to ensure convenient and safe passage for pedestrians and people arriving by public transport and active modes, with particular attention to the principles of Crime Prevention Through Environmental Design (CPTED);*
b. *ensure appropriate areas for outdoor seating and passive recreation;*
c. *ensure good amenity within open spaces;*

d. *manage amenity values on the boundaries with zones where there is an expectation of higher amenity, such as residential and schools zones; and*
e. *manage development to ensure a high amenity, active, pedestrian street frontage, for example through appropriate application of pedestrian street frontage mapped areas.*

Objective 2.6.2 Adequate Urban Land Supply

Dunedin provides sufficient, feasible, development capacity (as intensification opportunities and zoned urban land) in the most appropriate locations to at least meet demand over the medium term (up to 10 years), while sustainably managing urban expansion in a way that maintains a compact city with resilient townships as outlined in Objective 2.2.4 and policies 2.2.4.1 to 2.2.4.3.

Policy 2.6.2.6

Apply new commercial and mixed use zoning only where the change to the plan is appropriate to achieve the objectives of the plan, particularly because it achieves:
a. *Objective 2.3.2 and is consistent with Policy 2.3.2.5;*
b. *Objective 2.4.3 and is consistent with Policy 2.4.3.5;*
c. *Objective 2.3.1 and does not conflict with ensuring there is sufficient industrial land to meet projected demand of the intended catchment and provide choice, and by not increasing the potential for reverse sensitivity effects;*
d. *Objective 2.7.1;*
e. *Objective 2.7.2 by maintaining the safety and efficiency of the transport network for all road users and ensuring accessibility by a range of modes, including walking, cycling and public transport; and*
f. *Objective 2.2.4 by supporting the maintenance of a compact and accessible city.*

3.2.1 9 and 11 Harvey Street, Waitati (Change CZ1)

<u>Purpose of proposal and scope of change</u>

1485. The purpose of Change CZ1 is to review whether 9 and 11 Harvey Street, Waitati, and adjacent road, should be rezoned from Township and Settlement Zone to Rural Centre Zone.

1486. The scope of the change does not extend to reviewing the zoning of any other sites.

1487. The area of review is shown in Figure 23 below.

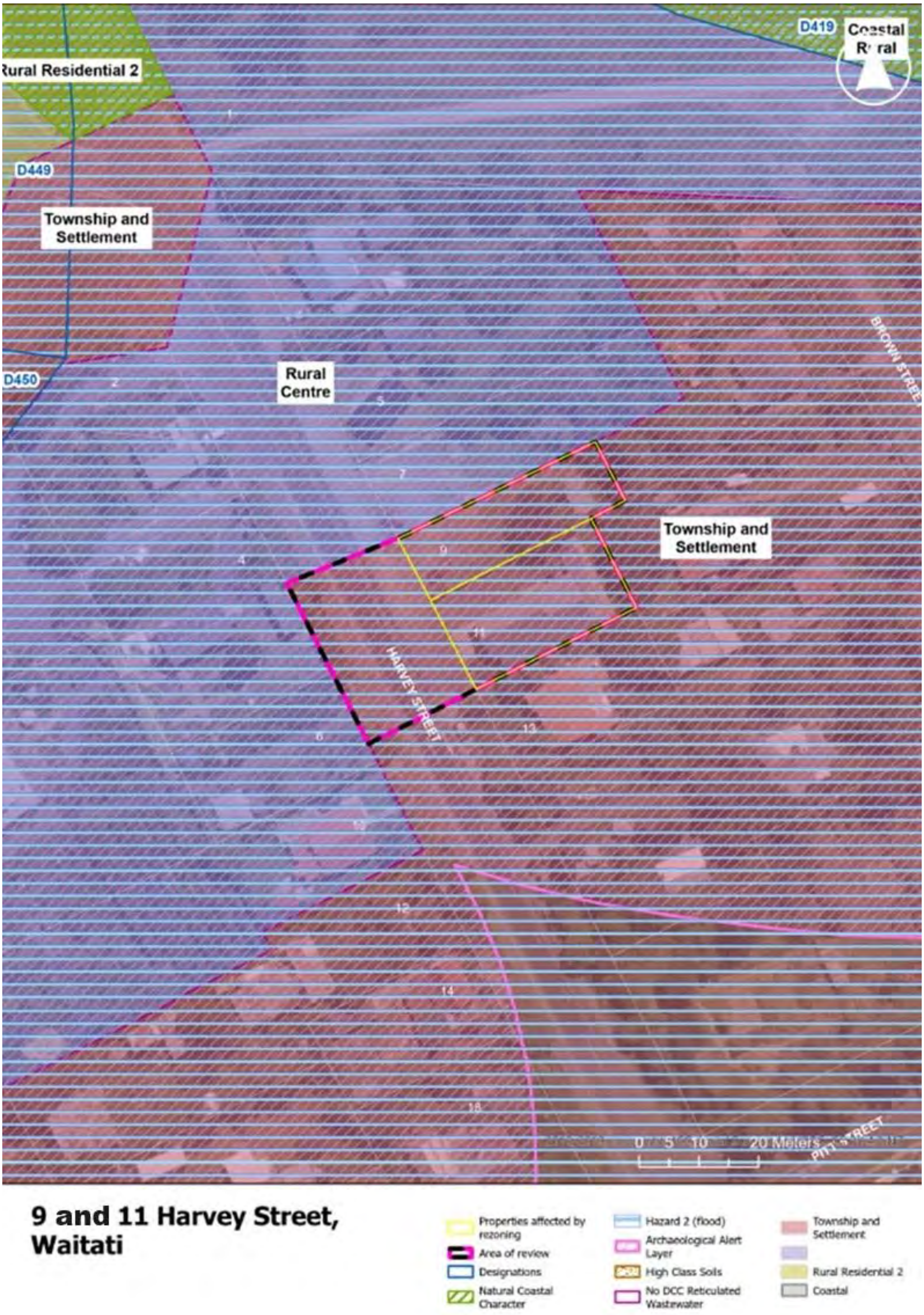

Figure 23: Change CZ1 area of review (pink/black outline)

Background and issues of concern

1488. 11 Harvey Street adjoins the southern boundary of 9 Harvey Street, which itself adjoins the southern boundary of the existing Rural Centre zone at Waitati. Both sites are subject to the following overlays:

- Hazard 2 (flood) Overlay Zone, which extends over the entirety of Waitati;
- Archaeological Alert Layer Mapped Area, which extends over the northern half of Waitati; and
- The No DCC Reticulated Wastewater Mapped Area, which extends over all the T&S zoned and Rural Centre zoned parts of Waitati.

1489. The DCC data map also shows these two sites are within an estimated flood minimum floor level height above ground level of 0.5m, slope of less than 12 degrees and land use capability class 2, which is described as *"Very good land with slight limitations to arable use."* The NPS-HPL does not apply to the potential rezoning because the sites are currently zoned T&S, and therefore are already in an 'urban zone'.

1490. 9 Harvey Street is 468m^2 in area, is currently vacant and is used for parking for the adjacent Rural Centre zoned site at 7 Harvey Street, which adjoins the northern boundary of the site and is owned by the same party. 11 Harvey Street is 506m^2 in area and operates as the Waitati Fire Station with associated offices and is owned by Fire and Emergency NZ.

1491. The issue of concern is that the existing zoning is inconsistent with the existing activities on the site and therefore unnecessarily constrains development and/or creates complications in 2GP administration and interpretation.

1492. Under the current T&S zoning, 9 Harvey Street with an area of 468m^2 is too small for a dwelling as it would contravene the density and minimum site size rules in the T&S zone within a no DCC reticulated wastewater mapped area. All commercial activities in the T&S zone require resource consent, while most commercial activities in the Rural Centre zone are permitted.

1493. In relation to 11 Harvey Street, additions or alterations to the existing fire station operation would require resource consent under the T&S zone, while they would be a permitted activity in the Rural Centre zone.

Proposed change and assessment

1494. Change CZ1 proposes the following amendment to the Planning Map (see Appendix B):

- rezone the entirety of 9 and 11 Harvey Street, Waitati, and adjacent road, from Township and Settlement Zone to Rural Centre Zone.

1495. This proposal is considered appropriate on the basis that it achieves the relevant objectives and policies of the 2GP. These objectives and policies are outlined above.

1496. Policy 2.6.2.6 provides a guide for the assessment of new areas of commercial and mixed use zoning against the key objectives and policies of the Plan. The assessment below addresses the provisions outlined in that policy.

Assessment against Objective 2.3.2 and Policy 2.3.2.5, regarding the centres hierarchy

1497. The proposed rezoning recognises existing uses of a commercial nature occurring within the area of review, therefore there is a minimal risk that an over-supply of commercial land will be created which could affect the hierarchy of vibrant centres.

Assessment against Objective 2.4.3 and Policy 2.4.3.5, regarding the vibrancy of centres

1498. The proposal will retain and support the existing pedestrian experience and streetscape amenity for visitors, residents and businesses in Waitati. The Waitati rural centre does not have a primary or secondary pedestrian street frontage mapped area applied to it.

Assessment against Objective 2.3.1, regarding effects on availability of industrial land, and reverse sensitivity

1499. There is no industrial zoned land in Waitati, therefore the proposed rezoning will not affect its availability. However, under Rule 18.3.3.23, all activities in the industrial activities category are permitted activities in the Rural Centre Zone, compared with non-complying in the T&S zone. Therefore, the proposed rezoning will increase the potential for industrial activities occurring within the area of review.

1500. Existing rules will manage reverse sensitivity at the boundary between the proposed Rural Centre and the existing T&S zone (e.g., Rule 18.6.5.1 Height in relation to boundary and Rule 9.3.6 Noise). Therefore, the potential for reverse sensitivity will be managed.

Assessment against Objective 2.7.1 and 2.7.2, regarding implications for public infrastructure and a safe and efficient transport system

1501. DCC 3-Waters has confirmed that there is no reticulated wastewater or stormwater infrastructure for these sites or for Waitati generally, and these sites are serviced by a restricted water supply as part of the Northern Schemes Rural Water Supply. They consider that any potential impact on the water supply network from rezoning is minor and acceptable (see Appendix C).

1502. DCC Transport has considered the rezoning of the area of review and considers it acceptable and that it would not impact on the safety and efficiency of the surrounding transport network (see Appendix C).

Assessment against Objective 2.2.4, regarding a compact and accessible city

1503. The area of review immediately adjoins the existing Rural Centre zoned site at 7 Harvey Road and is located across Harvey Road from the Rural Centre zoned sites at 4 and 6 Harvey Street. It is also located in close proximity (approximately 40m) to 2-4 Harvey Street, which contains the existing Blueskin Nurseries and Café, which is a major attraction for Waitati. Other attractions nearby include The Gallery On Blueskin, located at 1 Harvey Street. The proposed change in zoning will therefore retain the compact and accessible nature of Waitati.

3.2.2 12 and 12A-C Main South Road, Concord (Change CZ2)

Purpose of proposal and scope of change

1504. The purpose of Change CZ2 is to review whether the entirety of 12 and 12A-C Main South Road, Green Island, and adjacent road, should be rezoned from General Residential 1 (GR1) to Neighbourhood Centre (NEC) Zone.

1505. The scope of the change does not extend to reviewing the zoning of any other sites.

1506. The area of review is shown in Figure 24 below.

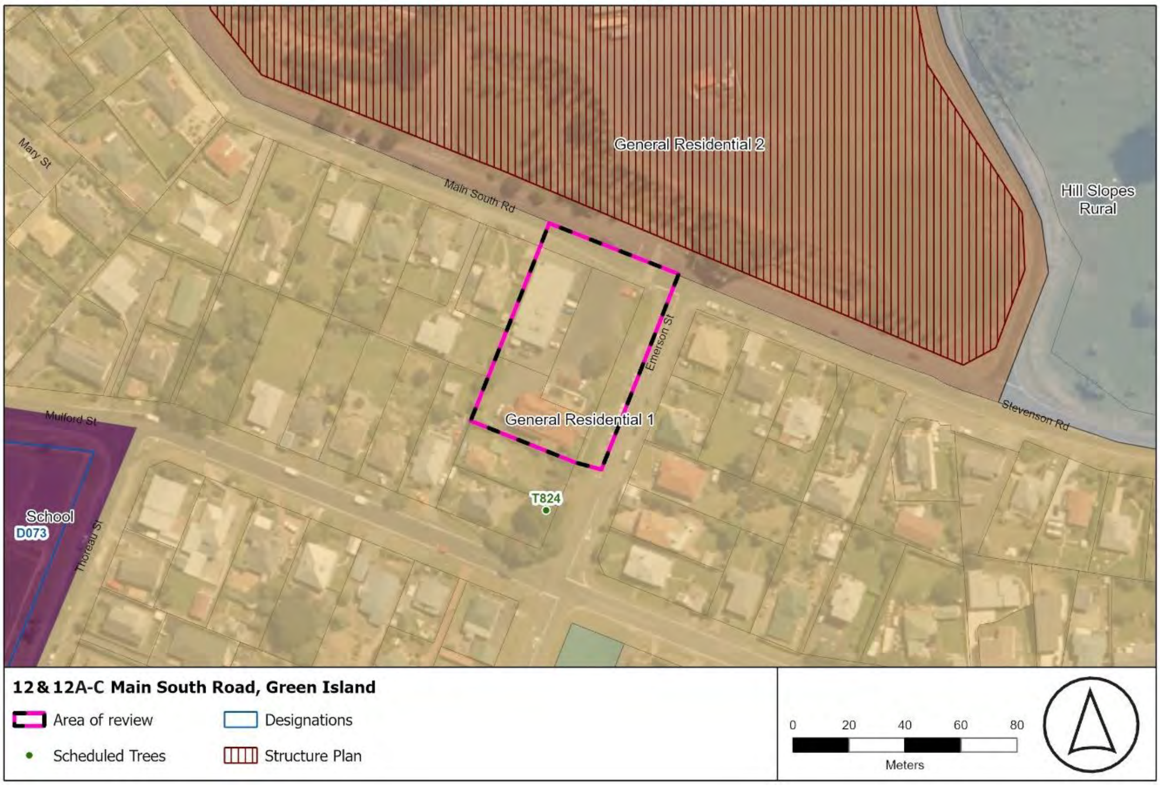

Figure 24: Change CZ2 area of review (pink/black outline)

Background and issues of concern

1507. 12 and 12A-C Main South Road are located on the corner of Main South Road and Emerson Street at Concord.

1508. 12 Main South Road, Green Island has a site area of 841m^2 and contains the Concord Inn. The planning compliance certificate POL-2015-22 granted by DCC on 5th May 2015 explains how the Concord Inn was established as a permitted activity in 1989 under the previously operative Green Island Section of the Transitional District Plan.

1509. The Concord Inn has continued to operate in accordance with the requirements of this planning compliance certificate under the 2GP. The only noise complaint recorded by the DCC about the Concord Inn was completed in 2012.

1510. 12A-C Main South Road, Green Island has a site area of 845m^2 and contains an existing strip of shops which include the 'Rapport Hair Art' hairdressers, 'Concord Takeaways, the 'Big Barrel' bottle shop and an associated carparking area. DCC records also show that this bottle shop has been operating since 1996.

1511. Main South Road is a collector road under the Appendix 6A Road Classification Hierarchy of the 2GP. A collector road provides a local through movement function as well as access to properties.

1512. Surrounding sites to the west, south and across Emerson Street to the east of the sites are zoned GR1 and contain residential activity. Across Main South Road from these sites is a General Residential 2 zoned site at 19 Main South Road, which is owned and operated by the Baptist Union of New Zealand.

1513. The issue of concern is that the existing zoning in the area of review is inconsistent with the existing activities on the site and therefore unnecessarily constrains development and/or creates complications in 2GP administration and interpretation.

1514. All commercial activities in the GR1 zone require resource consent and all retail activities are non-complying activities (except dairies). By comparison, most commercial activities in the NEC zone are permitted activities, however ancillary licensed premises are a discretionary activity.

1515. In relation to 12 and 12A-C Main South Road, changes to the existing activities would require resource consent under GR1 zone provisions, if those changes resulted in a change to the character, intensity or scale of the effects of the activity. However, new or expanded commercial activities would generally be permitted in the NEC zone.

1516. The Plan's introduction to the commercial and mixed use (CMU) zone section (18.1.1.2 Centres Zones) gives a description of centre zones, and the second paragraph states:

There are also Neighbourhood Centre zones, which provide for the day to day needs of individual neighbourhoods, with the Neighbourhood Destination Centre Zone also servicing visitor needs, and the Neighbourhood Convenience Centre Zone also servicing the needs of passing motorists. The Neighbourhood Centre Zone includes Andersons Bay Terminus, Brighton, Brockville, Corstorphine, Forbury, Helensburgh, Hillside, Larnach, Macandrew Bay, Maori Hill, Musselburgh, the southern part of Andersons Bay Road, the area adjoining the University and Wakari…

<u>Proposed change and assessment</u>

1517. Change CZ2 proposes the following amendments:

- amend the Planning Map to rezone the entirety of 12 and 12A-C Main South Road, Green Island, and adjacent road, from General Residential 1 to create a new Neighbourhood Centre Zone, as shown in Appendix B; and
- amend the zone description for the Centres Zones at Section 18.1.1.2 of the Plan to include 'Concord' in the list of areas that include a Neighbourhood Centre Zone, as shown in Appendix A.

1518. This proposal is considered appropriate on the basis that it achieves the relevant objectives and policies of the 2GP. These objectives and policies are outlined above.

1519. Policy 2.6.2.6 provides a guide for the assessment of new areas of commercial and mixed use zoning against the key objectives and policies of the Plan. The assessment below addresses the provisions outlined in that policy.

Assessment against Objective 2.3.2 and Policy 2.3.2.5, regarding the centres hierarchy

1520. The proposed rezoning recognises the existing commercial uses occurring within the area of review, therefore there is a minimal risk that an over-supply of commercial land will be created which could affect the hierarchy of vibrant centres.

Assessment against Objective 2.4.3 and Policy 2.4.3.5, regarding the vibrancy of centres

1521. The existing activities are of a scale consistent with the surrounding environment and there are footpaths on both sides of Main South Road and Emerson Street, therefore the surrounding amenity and character will be maintained.

1522. The sites are approximately 2km from 175 Main South Road Green Island, which is the eastern most and closest part of the Green Island Principal Centre. Therefore, the proposal is unlikely to affect the vibrancy and attractiveness of this principal centre and instead serves the local community and passing motorists.

1523. The activities occurring on the site are similar to other activities in other NEC zones, which include Andersons Bay Terminus, Brighton, Brockville, Corstorphine, Forbury, Helensburgh, Hillside, Larnach, Macandrew Bay, Māori Hill, Musselburgh and Wakari (see Table 24 below for examples).

Table 24: Activities occurring in existing Neighbourhood Centre Zones

Existing NEC name and address	Activities occurring at centre
Andersons Bay Terminus: 1-23 Tomahawk Rd and 1 Highcliff Rd	2 x restaurants, hairdresser, service station
Brighton: 1034-1042 Brighton Road	Brighton store and Brighton surfboard and boat hire
Brockville: 265-283 Brockville Road	Pharmacy, Supermarket, takeaways
Corstorphine: 221- 231 Middleton Road	Superette and takeaways
Forbury: Corner 145-156 Forbury Rd & 7 Allandale Road	Takeaway, vets, Four Square supermarket, butcher
Helensburgh: 212- 220 Balmacewen Road	Vets, hairdresser, midwifery, bakery
Hillside: Intersection with David St, Fitzroy St, Ruskin Tce and Hillside Rd	Signage maker, heath centre, Waterloo Hotel, vehicle repair, pharmacy, bakery
Larnach: 142-150 Larnach Road	Vehicle repair, café, dairy, takeaway,
Macandrew Bay: 490-498 Portobello Road	Community centre, dairy, art gallery, café, chemist
Māori Hill: Bounded by Balmacewen Road, Highgate and Sim Street	Garage, takeaways, pharmacy, Dairy, medical centre, restaurant
Musselburgh: Musselburgh Rise, Cavell Street and Moana Crescent	Bakery, café, restaurant, pharmacy, medical centre, real estate offices, dairy, takeaways
Wakari: 128 Helensburgh Road and 284 Taieri Road	Pharmacy, fish shop, jewellery store, hairdresser, dairy, takeaway

Assessment against Objective 2.3.1, regarding effects on availability of industrial land, and reverse sensitivity

1524. There is no industrial zoned land in the vicinity of the area of review, therefore the proposed rezoning will not affect its availability. However, under Rule 18.3.3.23, all activities in the industrial activities category are permitted activities in the NEC Zone, compared with non-complying in the GR1 Zone. Therefore, the proposed rezoning will increase the potential for industrial activities occurring within the area of review.

1525. Existing rules will manage reverse sensitivity at the boundary between the proposed Rural Centre and the existing T&S zone (e.g., Rule 18.6.5.1 Height in relation to boundary and Rule 9.3.6 Noise). Therefore, the potential for reverse sensitivity will be managed.

Assessment against Objective 2.7.1 and 2.7.2, regarding implications for public infrastructure and a safe and efficient transport system

1526. DCC 3-Waters has confirmed that the proposed rezoning of the area of review is acceptable, consistent with the existing activities occurring within the area of review. They do not expect any significant impact on water demand or stormwater and wastewater discharges in the area (see Appendix C).

1527. DCC Transport have also considered the proposed rezoning of the area of review and consider it acceptable and that it does not give rise to any overriding Transportation concerns regarding the future impact on the safety and efficiency of the surrounding transport network.

Assessment against Objective 2.2.4, regarding a compact and accessible city

1528. The sites are well connected to public transport with a bus stop located on Main South Road directly outside 12 Main South Road, which serves buses travelling in both directions and therefore is readily accessible. In addition, the proposed rezoning is not urban expansion but rather the rezoning of one urban zone (GR1 Zone) to another urban zone (NEC Zone).

3.2.3 1870 Waikouaiti-Waitati Road, Merton (Evansdale) (Change CZ3)

Purpose of proposal and scope of change

1529. The purpose of Change CZ3 is to review whether 1870 Waikouaiti-Waitati Road and 7 King Street, Merton (Evansdale), and adjacent road, should be rezoned from Rural Coastal Zone to Rural Centre Zone and whether associated overlay zones and mapped areas should be removed or added.

1530. The scope of the change does not extend to reviewing the zoning of any other sites.

1531. The area of review is shown in Figure 25 below.

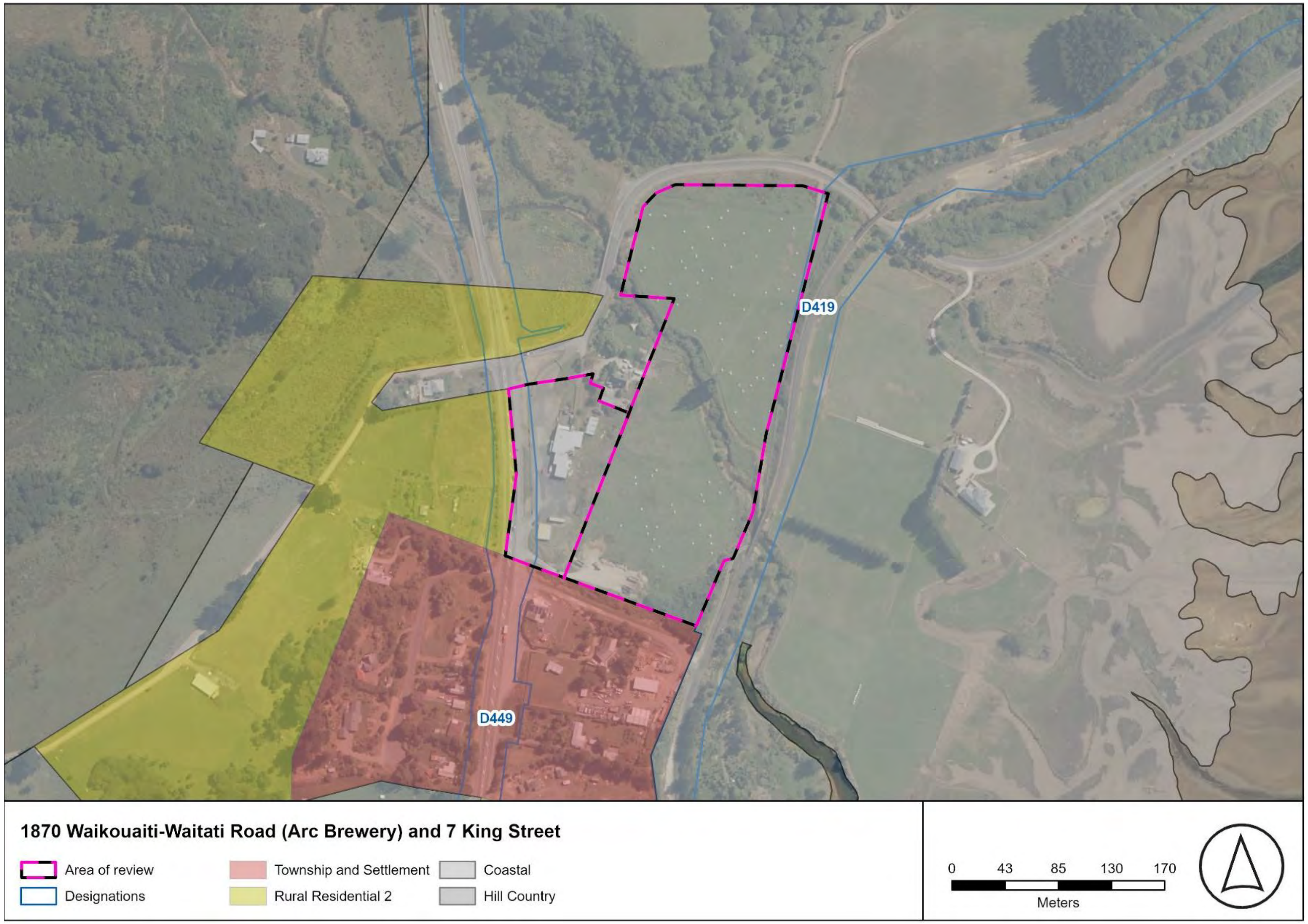

Figure 25: Change CZ3 area of review (pink /black outline)

Background and issues of concern

1532. 1870 Waikouaiti-Waitati Road is a flat site 7902m^2 in area adjacent to State Highway 1 and its intersection with Coast Road and Jones Road. The site contains the ARC brewery and bar, parking areas to the north and south of the building, and shipping containers to the south which operate as a 'pop up' shop on an infrequent basis. Food trucks temporarily park at the site to serve food to patrons.

1533. Various land use and building consents have been granted for commercial activity occurring on the site since 1975, when a service station operated. The operation of the brewery and bar was approved by DCC on 4 November 2016 via resource consent LUC-2016-502 and a planning compliance certificate POL-2016-56, for the purposes of the Sale and Supply of Alcohol Act 2012. The approved land use consent included consultation with Waka Kotahi NZ Transport Agency (NZTA).

1534. Council records show the site as being a Hazardous Activities and Industries List (HAIL) site as it was a former service station and therefore National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health applies. HAIL stands for Hazardous Activities and Industries List and is a compilation of activities and industries that are considered likely to cause land contamination resulting from hazardous substance use, storage or disposal. The resource consent decision noted that the brewery and bar activity was a permitted activity under this National Environmental Standard.

1535. Adjoining the eastern boundary of the ARC brewery and bar site is 7 King Street, which is 4.1 hectares in area and under resource consent LUC-2018-664 on 16 July 2019 obtained consent for: "the establishment and operation of rural contracting yard with ancillary retail activity and a building construction yard", which extends approximately 100m into the site from King Street. A planting plan is also part of the requirements of the approved resource consent, including requirements for a bund, filtration ponds and planting adjacent to Careys Creek.

1536. Careys Creek runs through 7 King Street and towards the north and east of the ARC brewery and bar site.

2GP zoning, overlays and DCC data map

1537. 1870 Waikouaiti-Waitati Road and land to the east, including 7 King Street, is zoned Rural Coastal Zone. These sites also adjoin the Township and Settlement zone across King Street to the south, and Rural Residential 2 zoned land across State Highway 1 to the west.

1538. The area of review and surrounding area also has a Coastal Character Overlay Zone (Blueskin Bay NCC) and a Wāhi Tupuna Mapped Area (Pūrākaunui to Hikaroroa to Huriawa) applied to it.

1539. The north-eastern part of 1870 Waikouaiti-Waitati Road, and the majority of 7 King Street and surrounding area is within a Hazard 2 (flood) Overlay Zone.

1540. The north-eastern part of 1870 Waikouaiti-Waitati Road and approximately three quarters of 7 King Street and surrounding area is also within a High Class Soils Mapped Area. The area where the approved rural contracting yard on 7 King Street operates from is outside the High Class Soils Mapped Area. The DCC Data map shows that the site and surrounding area is not land use capability class 1-3 and therefore is not highly productive under the National Policy Statement for Highly Productive Land.

1541. Careys Creek is identified as an Esplanade Reserves and Strips Mapped Area and either side of it is also shown as a Hazard 1 (flood) Overlay Zone. Extending further into 7 King Street is also a Hazard 3 (coastal) Overlay Zone. The DCC data map shows the southern part of 7 King Street (covering the rural contracting yard) as having a Coastal Minimum Floor Level of 102.60 Otago Metric Datum. Both sites are also within a Geologically Sensitive Area.

1542. 1870 Waikouaiti-Waitati Road adjoins and is accessed from State Highway 1 (SH1) which is designated by NZTA as a state highway (designation number D449).

1543. Under the 2GP, the bar part of the ARC bar and brewery falls within the definition of Restaurants, which is an activity in the commercial activities category, while the brewery part falls within the definition of industry in the industrial activities category. The rural contracting yard at 7 King Street is a type of industrial activity and is a discretionary activity if large scale.

Issue of concern

1544. The issue of concern is that the existing zoning is inconsistent with the existing brewery and bar activity which occurs on 1870 Waikouaiti-Waitati Road and therefore unnecessarily constrains development and/or creates complications in 2GP administration and interpretation. The existing zoning of 7 King Street would also constrain additional development with industrial activity, especially any other than rural industry or rural contractor and transport depots.

1545. All commercial activities in the Rural Coastal zone require resource consent except stand-alone car parking, with restaurants being a non-complying activity. The brewery as an industrial activity is also a non-complying activity in the Rural Coastal Zone.

1546. By comparison, all industrial and commercial activities in the Rural Centre zone are permitted activities, except for service stations which are restricted discretionary, restaurants – drive through which are discretionary, and commercial advertising which is non-complying.

1547. Currently, if the ARC brewery and bar or rural contracting yard on these two sites wanted to undertake an activity outside the parameters of their respective resource consents, they would require another resource consent. A change in zoning would allow greater flexibility to grow their businesses as well as allow other commercial activities to establish on these sites.

Proposed change and assessment

1548. Change CZ3 proposes the following amendments:

- amend the Planning Map for 1870 Waikouaiti-Waitati Road, being the ARC brewery and bar site only, and adjacent road, as follows (see Appendix B):
    - rezone from Rural Coastal Zone to Rural Centre Zone;
    - remove the Blueskin Bay Natural Coastal Character Overlay Zone;
    - remove the High Class Soils Mapped Area; and
    - add the No DCC Reticulated Wastewater Mapped Area; and

- amend the zone description for the Centres Zones at Section 18.1.1.2 of the Plan to include 'Evansdale' in the list of areas that include a Rural Centre Zone, as shown in Appendix A.

1549. This proposal is considered appropriate on the basis that it achieves the relevant objectives and policies of the 2GP. These objectives and policies are outlined above.

1550. Policy 2.6.2.6 provides a guide for the assessment of new areas of commercial and mixed use zoning against the key objectives and policies of the Plan. The assessment below addresses the provisions outlined in that policy.

1551. The objectives and policies relevant to the Blueskin Bay Natural Coastal Character Overlay on the site have also been considered below.

Assessment against Objective 2.3.2 and Policy 2.3.2.5, regarding the centres hierarchy

1552. The proposed rezoning of the ARC brewery and bar site recognises the existing activity occurring within the area of review, therefore there is a minimal risk that an over-supply of commercial land will be created which could affect the hierarchy of vibrant centres.

1553. Rezoning of 7 King Street to a Rural Centre zone would provide a larger area of additional commercial land in a location which is removed from existing commercial centres and the CBD, and which is largely undeveloped. This has the potential to create an oversupply of commercial land which has the potential to affect the hierarchy of vibrant centres. Therefore, 7 King Street has not been proposed for rezoning.

Assessment against Objective 2.4.3 and Policy 2.4.3.5, regarding the vibrancy of centres

1554. The ARC brewery and bar is accessed from Waikouaiti-Waitati Road, SH1, mainly by car and it is also possible for people to arrive at the site via bus or train (refer details in the assessment against Objective 2.2.4, below). As the road reserve of Waikouaiti-Waitati Road does not have any footpaths, the pedestrian experience around the site is limited, although pedestrian access to the site is possible by walking along the grass and concrete verges which form part of the road reserve of SH1 leading to the site. The existing layout within the site is attractive with separated parking areas and outdoor and indoor seating. Rezoning of the ARC brewery and bar therefore achieves Objective 2.4.3 and Policy 2.4.3.5.

1555. The rural contracting yard is accessed off King Street, which is mostly gravel surfaced apart from where it enters onto SH1. There are no footpaths on King Street and the contracting yard activity generates truck and other vehicle movements. Overall, the activity occurring on this site and access to this site has limited amenity and is inconsistent with providing pedestrian access and therefore rezoning it would not achieve Objective 2.4.3 and Policy 2.4.3.5.

Assessment against Objective 2.3.1, regarding effects on availability of industrial land, reverse sensitivity and productive rural land

1556. There is no industrial zoned land in the vicinity of the area of review, therefore the proposed rezoning will not affect its availability. However, under Rule 18.3.3.23 all activities in the industrial activities category are permitted activities in the Rural Centre Zone. By comparison in the Rural Coastal Zone small scale rural contractor and transport depots are permitted, large scale rural contractor and transport depots and rural industry are discretionary, rural industry is discretionary, and all other industrial activities (which includes breweries) are non-complying activities. Therefore, the proposed rezoning will increase the potential for industrial activities occurring within the area of review.

1557. Existing rules will manage reverse sensitivity at the boundary between the proposed Rural Centre and the existing T&S zone (e.g., Rule 18.6.5.1 Height in relation to boundary and Rule 9.3.6 Noise). The T&S zoned parts of Evansdale are also separated by King Street and elevated above the area of review, which also reduces the potential for reverse sensitivity. Therefore, the potential for reverse sensitivity will be managed.

1558. In addition, in relation to the small (approximately 942m^2) part of the site to the northeast containing a high class soils mapped area, it is appropriate that the associated rules do not apply to the site, as it has previously been identified as a HAIL site with likely land contamination caused by its previous use as a service station. Therefore, it is unlikely that this part of the site has any productive value.

Assessment against Objective 2.7.1 and 2.7.2, regarding implications for public infrastructure and a safe and efficient transport system

1559. DCC 3-Waters has confirmed that:

- In relation to water supply, the area is serviced by a restricted flow supply as part of the Northern Schemes Rural Water Supply, which has capacity challenges in summer. They support the rezoning of the ARC brewery and bar site but not 7 King Street, which they consider is likely to result in increased water demand.
- In relation to wastewater, DCC does not provide servicing in Evansdale and Waitati and wastewater servicing is provided by individual on-site wastewater treatment and disposal systems. 3-Waters has concerns with rezoning having the potential to increase wastewater discharges, affecting the water quality of Blueskin Bay. They support the rezoning of the ARC brewery and bar site but not 7 King Street, which they consider is likely to result in increased wastewater discharges.
- In relation to stormwater, DCC does not provide servicing in Evansdale and Waitati and drainage is achieved by roadside table drains, open channels and swales. DCC 3-Waters does not support the rezoning of 7 King Street because it is bisected by Carey's Creek and most of the site is within a Hazard 2 (flood) Overlay Zone. DCC 3-Waters does support the rezoning of the ARC brewery and bar site because it is mainly outside the Hazard 2 (flood) Overlay Zone.

1560. Overall, DCC 3 Waters support the rezoning of 1870 Waikouaiti-Waitati Road (the ARC brewery and bar site) only, as it is an existing activity that, along with other commercial activities, has been operating on the site for some time and the water supply, wastewater and stormwater issues can be managed (see Appendix C).

1561. DCC Transport have also considered the proposed rezoning of the area of review and are of the opinion that it better reflects the current usage of the site as a brewery and therefore doesn't give rise to any overriding Transportation concerns regarding the future impact on the safety and efficiency of the surrounding transport network (see Appendix C).

1562. NZTA have been consulted for their views in terms of any effects on the State Highway and have similar views to DCC Transport.

Assessment against Objective 2.2.4, regarding a compact and accessible city

1563. The rezoning of the ARC brewery and bar site reflects an existing commercial and industrial activity and there have been commercial activities at the site since 1975.

1564. The Palmerston to City (number 1) bus service occurs 3 times a day into and from Dunedin City on weekdays and 4 times a day into and from the City on weekends. One of the bus stops is at the ARC Brewery. Being a state highway, there is easy vehicle access into both sites from the north and the south. The Seasider train service also makes approximately twice-monthly trips from Dunedin to Merton return, with passengers able to stop at the ARC brewery and bar.

1565. Overall, the rezoning of 1870 Waikouaiti-Waitati Road will not affect the compact nature of Dunedin, or its accessibility.

Assessment against Objective 2.4.5, regarding the Natural Character of the Coastal Environment

1566. The objective and policy relevant to the Blueskin Bay Natural Coastal Character Overlay are Objective 2.4.5 Natural Character of the Coastal Environment and Policy 2.4.5.3, which read as follows:

Objective 2.4.5 Natural Character of the Coastal Environment

The natural character of the coastal environment is preserved or enhanced.

Policy 2.4.5.3

Protect and enhance the natural character values in Outstanding Natural Coastal Character (ONCC), High Natural Coastal Character (HNCC) and Natural Coastal Character (NCC) overlay zones through listing natural character values in Appendix A5 and using rules that:

a. *prohibit certain activities in ONCCs and HNCCs;*
b. *require resource consent for activities in ONCCs, HNCCs and NCCs, where they may be incompatible with the values of the area;*
c. *restrict the scale of development in ONCCs, HNCCs and NCCs and ensure the design of development is appropriate; and*
d. *promote restoration of natural character.*

1567. Mr Luke McKinlay, DCC Landscape Architect has undertaken a landscape assessment of the rezoning proposal and considers that the ARC brewery and bar buildings and surrounding grounds are clearly commercial in character, instead of having rural or natural character values and therefore the proposed rezoning is appropriate (see Appendix C).

1568. Mr McKinlay also considers that the southern end of 7 King Street, where the rural contracting yard is located is inconsistent with the rural character values of the wider Rural Coastal Zone and instead displays an industrial character and the proposed rezoning along the existing boundaries of the rural contracting yard only is appropriate.

1569. Overall, Mr McKinlay supports the rezoning of the ARC brewery and bar site and the southern end of 7 King Street, where the rural contracting yard is located and the removal of the Blueskin Bay Natural Coastal Character Overlay.

3.3 Minor Corrections Rezoning

1570. This section of the report summarises eight zoning changes of minor effect in Table 25 below, with the areas of review shown in the figures following the table.

1571. The overall s32 evaluation for these changes is that they will assist in ensuring the relevant objectives of the Plan are effectively and efficiently achieved, as intended. No additional assessment is considered necessary due to the nature and scale of the changes, including that no additional development capacity is likely to result.

1572. No practicable alternatives to the preferred options have been identified or assessed for these changes.

Table 25: Minor zoning corrections

Change ID	Purpose of Proposal	Description of Change	Provisions affected
Z2	Review whether the Recreation zoned parts of 16 Emerson Street and 10 Vandes Way, Concord, should be rezoned to General Residential 1 Zone. The scope of the change does not extend to reviewing the zoning of any other sites.	Rezone the Recreation zoned part of 16 Emerson Street and 10 Vandes Way, Concord, to General Residential 1 Zone as shown in Appendix B to resolve the split zoning of the site and recognise the existing residential use of the site.	• Planning Map zoning (part 16 Emerson Street and part 10 Vandes Way, Concord)
Z5	Review whether the Hill Slopes Rural zoned portion of 224 Pigeon Flat Road, Waitati, and adjacent roads, should be rezoned to Coastal Rural Zone. The scope of the change does not extend to reviewing the zoning of any other sites.	Rezone the Rural Hill Slopes portion of 224 Pigeon Flat Road and adjacent road on Pigeon Flat Road and O'Connell Road (to their centrelines) to Rural Coastal Zone as shown in Appendix B so that the zone boundary aligns with the junction of those two roads.	• Planning Map zoning (part 224 Pigeon Flat Road, Waitati, and part adjacent roads)
Z6	Review whether the Hill Slopes Rural zoned portion of 299 Pigeon Flat Road, Waitati, and adjacent road, should be rezoned to Coastal Rural Zone. The scope of the change does not extend to reviewing the zoning of any other sites.	Rezone the Rural Hill Slopes portion of 299 Pigeon Flat Road and adjacent road on Dunedin Northern Motorway (to the centreline) to Rural Coastal Zone as shown in Appendix B to resolve split zoning of the site.	• Planning Map zoning (part 299 Pigeon Flat Road, Waitati, and part adjacent road)
Z8	Review whether 105 Morris Road, 141 Morris Road, 40 Saddleview Place, and the sites with legal description Pt Sec 2 Sec 34 Blk VII, Lot 61 DP 62 and PT LOT	Rezone 105 Morris Road, 141 Morris Road, 40 Saddleview Place, and the sites with legal description Pt Sec 2 Sec 34 Blk VII, Lot 61 DP 62 and PT LOT 71 DP 62, Fairfield, and adjacent roads (to the centreline), from Rural Residential 2 Zone to	• Planning Map zoning (105 Morris Road, 141 Morris Road, 40 Saddleview Place, and the sites with legal description Pt

Change ID	Purpose of Proposal	Description of Change	Provisions affected
	71 DP 62, Fairfield, and adjacent roads, should be rezoned from Rural Residential 2 Zone to Rural Residential 1 Zone. The scope of the change does not extend to reviewing the zoning of any other sites.	Rural Residential 1 Zone (RR1) as shown in Appendix B to align with the zoning of surrounding land that was rezoned as part of resolving a 2GP appeal where there was no scope to rezone these sites. No substantive change in development capacity is provided for and some sites are likely to be amalgamated with adjoining RR1 zoned sites in future.	Sec 2 Sec 34 Blk VII, Lot 61 DP 62 and PT LOT 71 DP 62, Fairfield, and part adjacent roads)
Z20	Review whether 30 Porteous Road and 40 Porteous Road, Warrington, and adjacent roads, should be rezoned from Coastal Rural Zone to Rural Residential 2 Zone. The scope of the change does not extend to reviewing the zoning of any other sites.	Rezone 30 Porteous Road and 40 Porteous Road, Warrington, and adjacent roads, from Rural Coastal Zone to Rural Residential 2 Zone as shown in Appendix B to align with the zoning of surrounding land that was rezoned as part of resolving a 2GP appeal where there was no scope to rezone these sites. No substantive change in development capacity is provided for. Aukaha reviewed this proposal and did not request any changes.	• Planning Map zoning (30 Porteous Road, 40 Porteous Road, Warrington, and part adjacent roads)
Z21	Review whether the Coastal Rural zoned parts of 7 and 11 Chelivode Street, Waitati, should be rezoned to Township and Settlement Zone. The scope of the change does not extend to reviewing the zoning of any other sites.	Rezone the Coastal Rural zoned parts of 7 and 11 Chelivode Street to Township and Settlement Zone and apply the ‘no DCC reticulated wastewater mapped area’ as shown in Appendix B to resolve the split zoning of these sites and to align with the zoning of surrounding land that was rezoned as part of resolving a 2GP appeal where there was no scope to rezone these sites. No substantive change in development capacity is provided for.	• Planning Map zoning and addition of ‘no DCC reticulated wastewater mapped area’ (part 7 and 11 Chelivode Street, Waitati)

Change ID	Purpose of Proposal	Description of Change	Provisions affected
Z22	Review whether the Rural Residential 1 zoned parts of 21 White Hart Lane, 39 Soper Road, and part of the designated area adjoining the eastern boundary of 41 Soper Road and 20-21 Henderson Street (SEC 1 Dunedin - Tranzrail Dunedin) should be rezoned to General Residential 1 Zone. The scope of the change does not extend to reviewing the zoning of any other sites.	Rezone the Rural Residential 1 zoned parts of 21 White Hart Lane, 39 Soper Road, and part of the designated area adjoining the eastern boundary of 41 Soper Road and 20-21 Henderson Street (SEC 1 Dunedin - Tranzrail Dunedin) to General Residential 1 Zone as shown in Appendix B to align with the zoning of surrounding land that was rezoned as part of resolving a 2GP appeal where there was no scope to rezone these sites. No substantive change in development capacity is provided for.	• Planning Map zoning (part 21 White Hart Lane, part 39 Soper Road, and part of the designated area adjoining the eastern boundary of 41 Soper Road and 20-21 Henderson Street (SEC 1 Dunedin - Tranzrail Dunedin))
CZ5	Review whether 60 Macandrew Road, the Industrial zoned part of 278 King Edward Street, and adjacent road, should be rezoned from Industrial Zone to Principal Centre Zone. The scope of the change does not extend to reviewing the zoning of any other sites.	Rezone 60 Macandrew Road, the Industrial zoned part of 278 King Edward Street, and adjacent road, from Industrial Zone to Principal Centre Zone as shown in Appendix B, to recognise the existing uses of the sites. Both are used as a parking area for the Principal Centre zoned part of 278 King Edward Street.	• Planning Map zoning (60 Macandrew Road, the Industrial zoned part of 278 King Edward Street, and adjacent road)

3.3.1 Maps of areas of review for minor corrections rezoning

Figure 26: 16 Emerson Street and 10 Vandes Way, Concord (Change Z2 area of review)

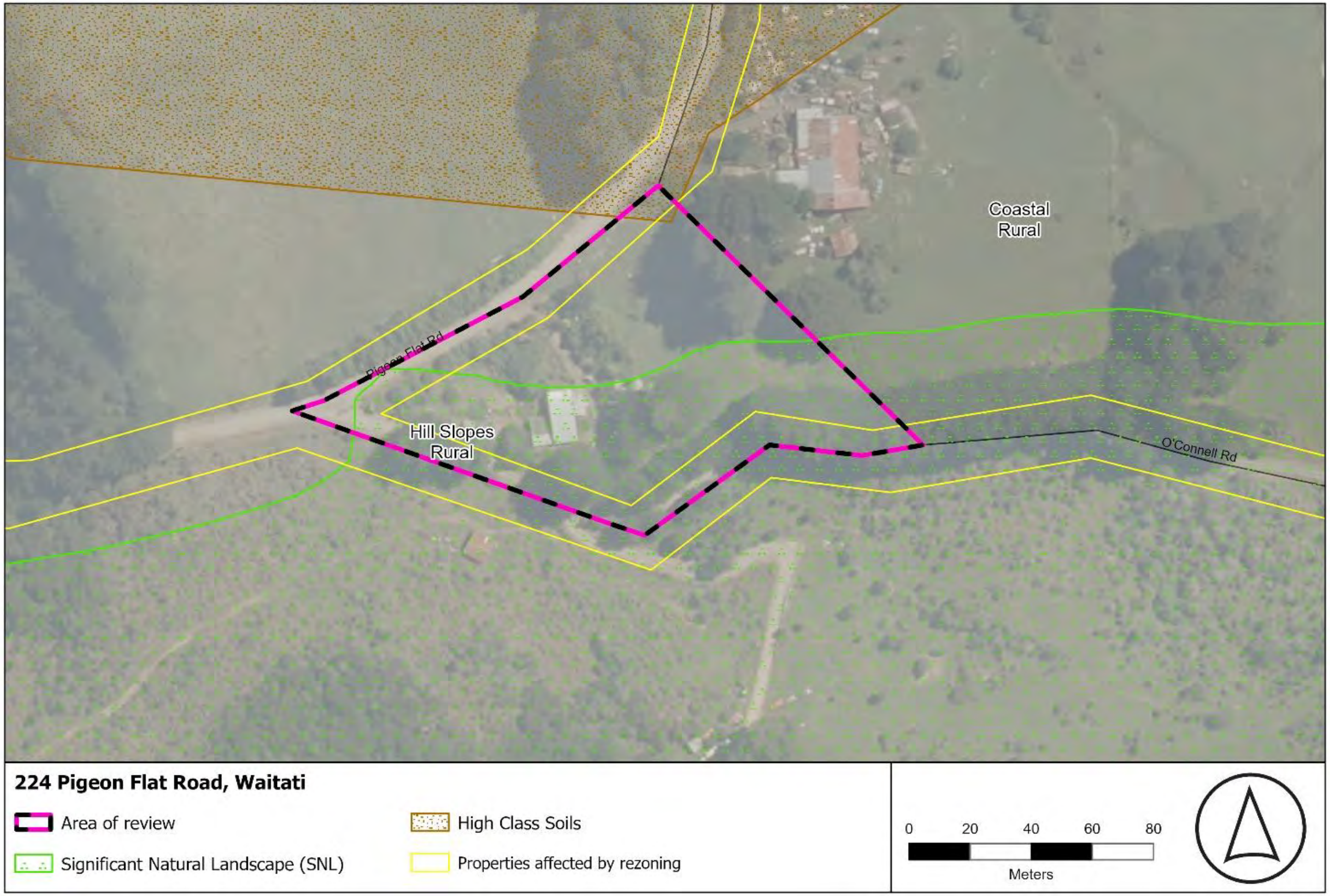

Figure 27: 224 Pigeon Flat Road, Waitati (Change Z5 area of review)

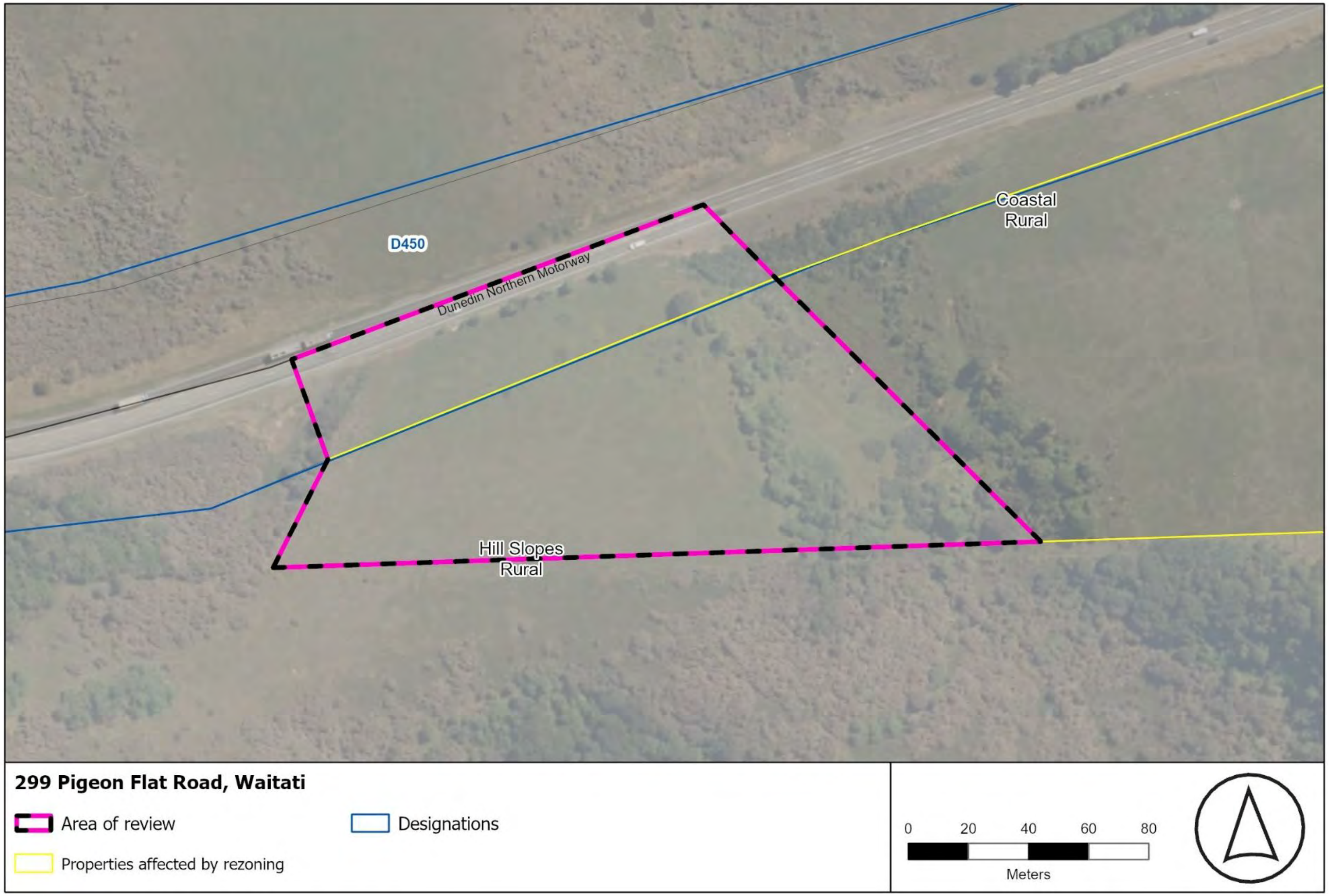

Figure 28: 299 Pigeon Flat Road, Waitati (Change Z6 area of review)

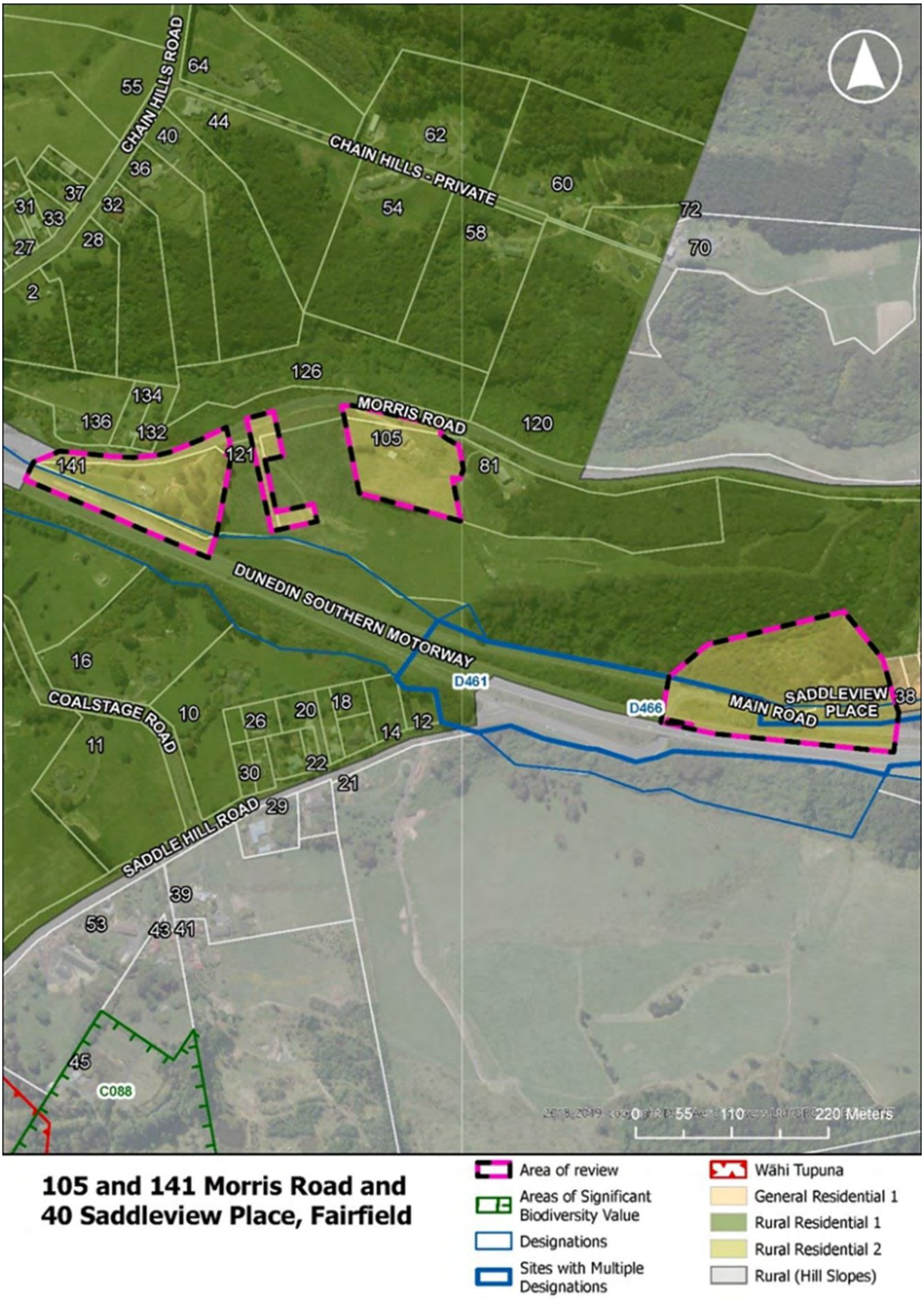

Figure 29: 105 & 141 Morris Road, 40 Saddleview Place and others (Change Z8 area of review)

Figure 30: 30 and 40 Porteous Road, Warrington (Change Z20 area of review)

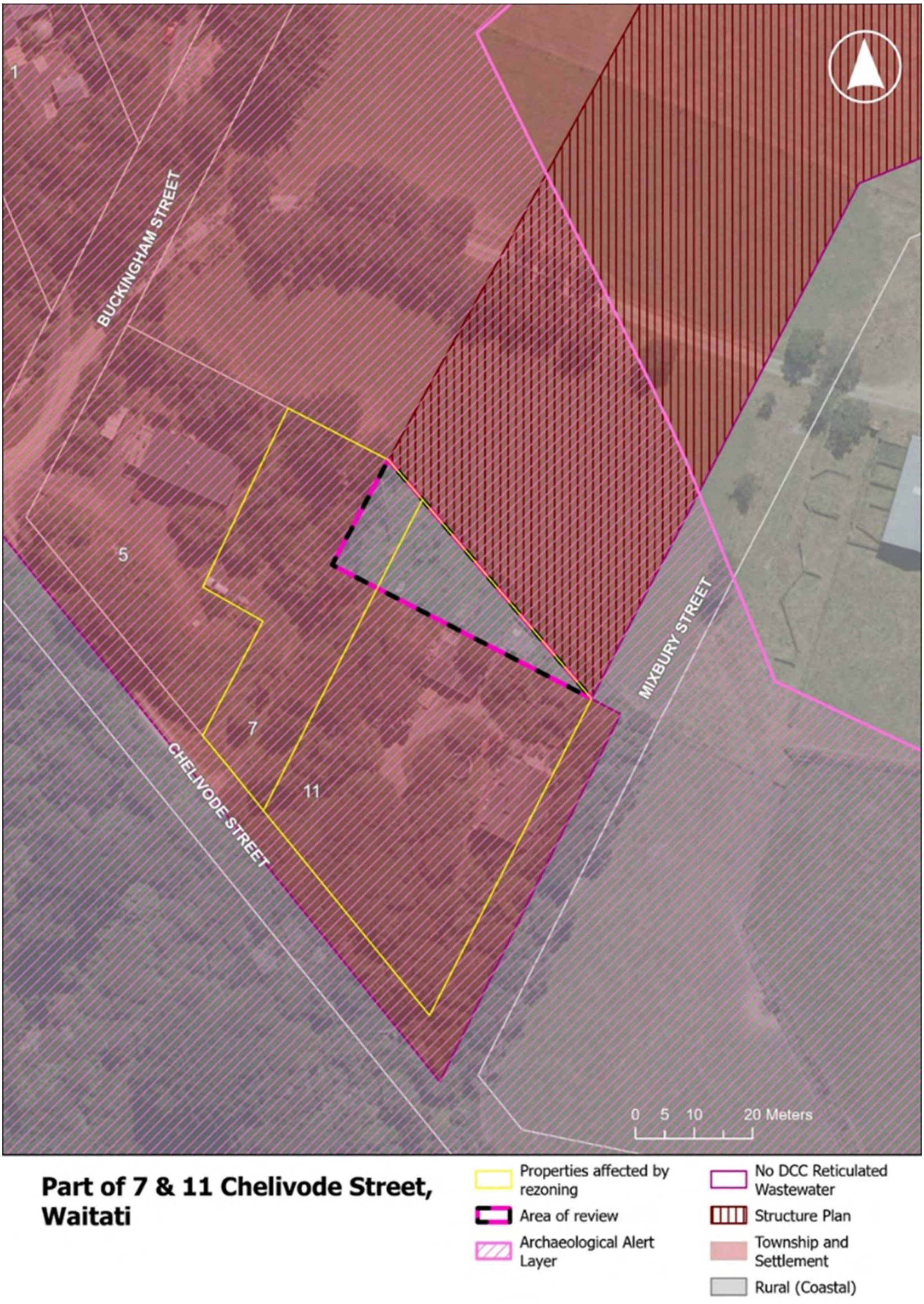

Figure 31: 7 & 11 Chelivode Street, Waitati (Change Z21 area of review)

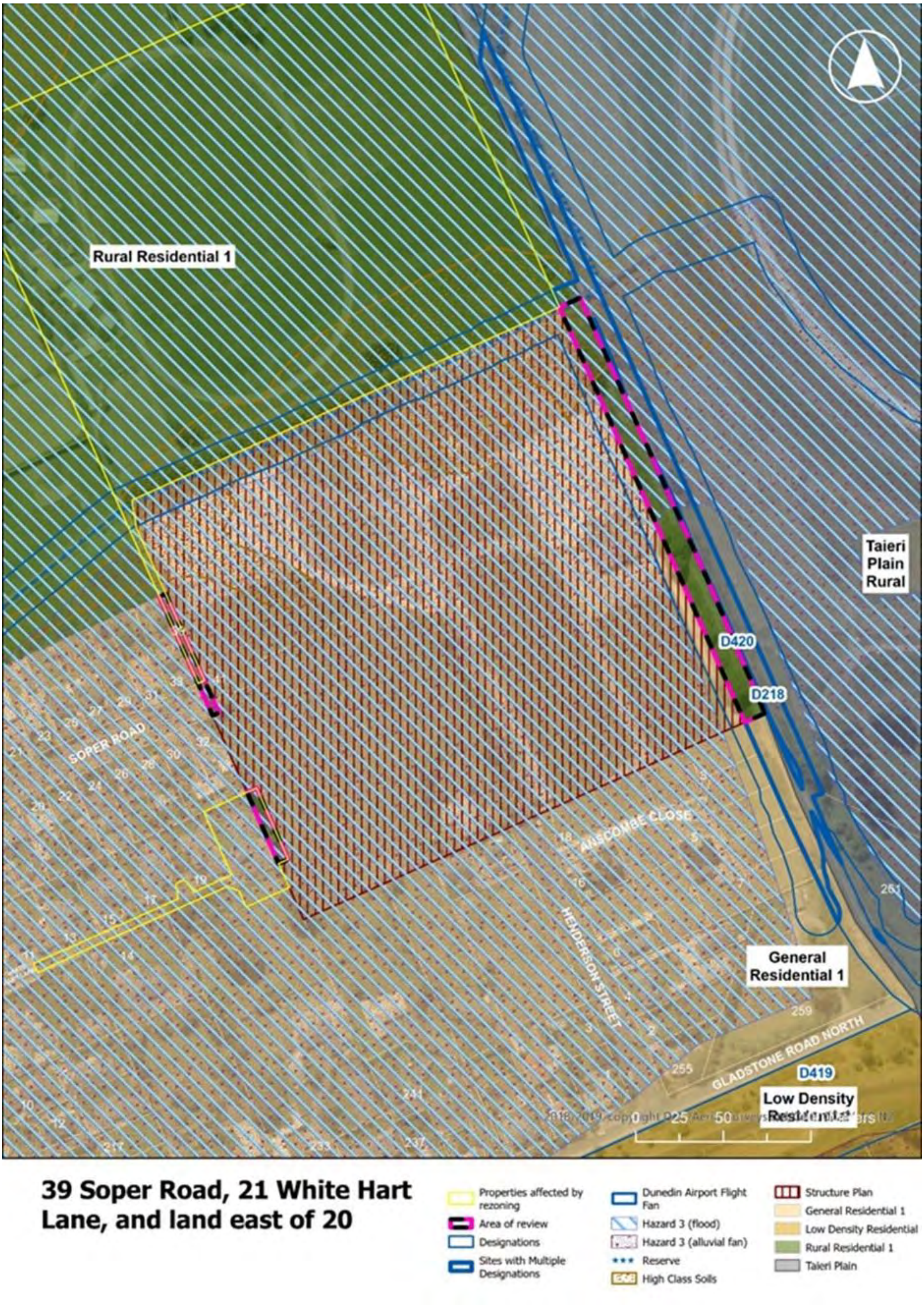

Figure 32: 21 White Hart Lane, 39 Soper Road and others (Change Z22 area of review)

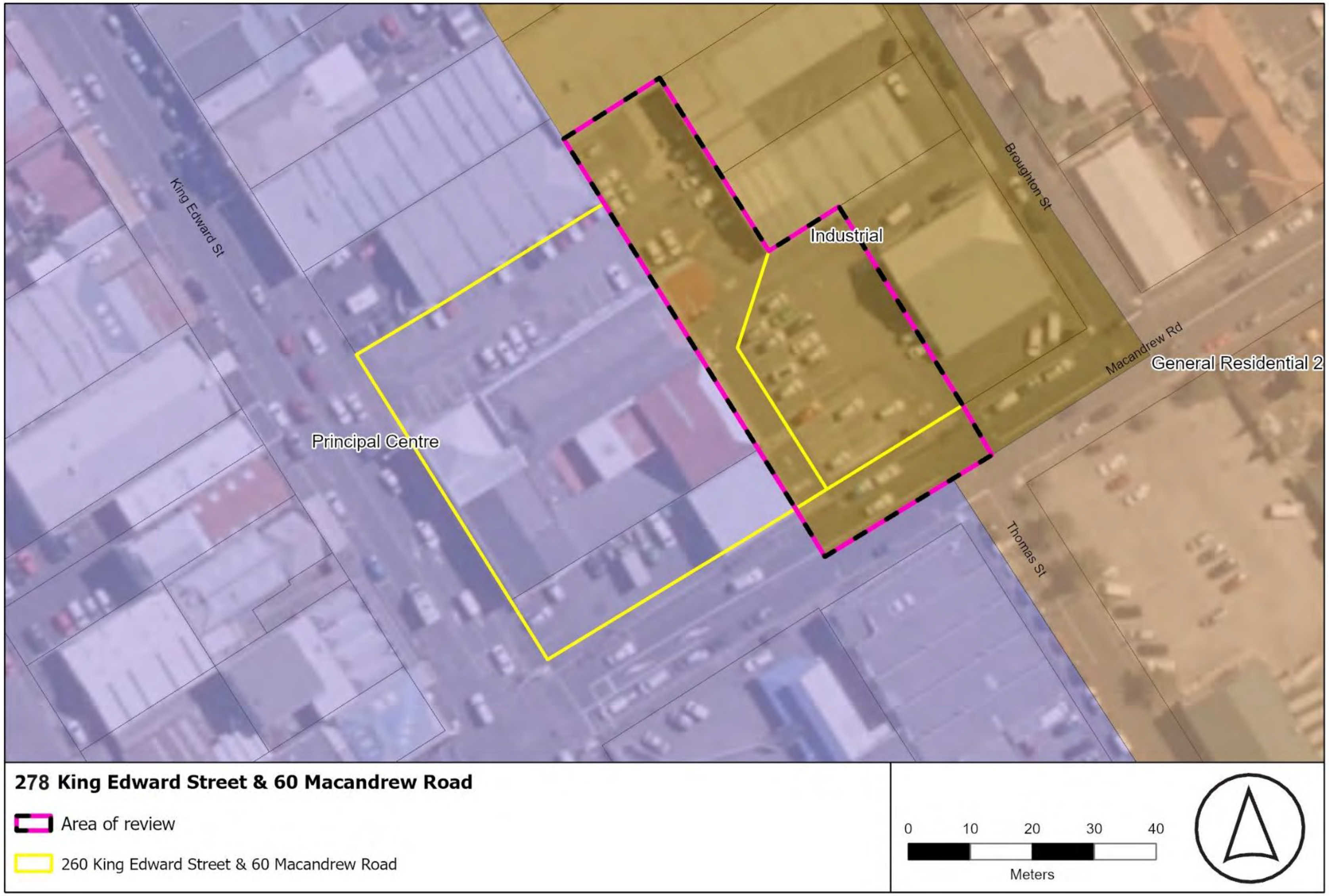

Figure 33: 278 King Edward Street and 60 Macandrew Road, South Dunedin (Change CZ5 area of review)

APPENDIX A – PROPOSED CHANGES TO PROVISIONS

See separate file.

APPENDIX B – PROPOSED MAPPING CHANGES

See separate files.

APPENDIX C – EXPERT EVIDENCE

See separate files.

APPENDIX D – SUPPORTING DOCUMENTS

See separate files.