



**SECOND  
GENERATION  
DISTRICT PLAN**

## **Residential Zones**

# **Decision of Hearings Panel**

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

**7 November 2018**





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

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

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

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

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

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

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

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

### **Hearing codes and submission point references**

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

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

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

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

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

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

### Master summary table of all decisions

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

### List of hearing codes

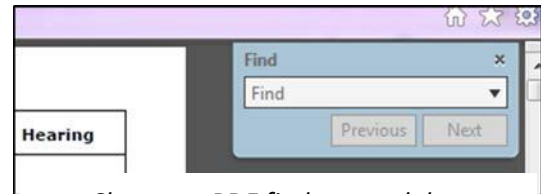
Hearing topic	Code
Commercial Advertising (cross plan hearing topic)	CP
Commercial and Mixed Use Zones	CMU
Community Correction Facilities (cross plan hearing topic)	CP
Defence Facilities and Emergency Services (cross plan hearing topic)	CP
Designations	Des
Earthworks	EW
Heritage	Her
Industrial Zones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

## How to search the document for a submitter number or name

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



*Chrome – PDF finder search box*



*Chrome – PDF finder search box*

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



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## 1.0 Introduction

1. This document details the decisions of the Proposed Dunedin City District Plan Hearings Panel/Te Paepae Kaiwawao Motuhake O Te 2GP on the submissions and evidence considered at the Residential topic hearing, held on 3, 4, 9, 11, 16, 18 November 2016, and the reconvened Residential Hearing 5–6 July 2017, both held at the 2GP Hearings Centre.

## 1.1 Scope of decision

2. Unless otherwise noted, this Decision Report addresses the 601 original and 274 further submission points addressed in the Residential s42A Report. The exceptions are:
  - submission points by *Mr Robert Wyber* (OS394.47) and *Mr Graeme and Mrs Lynette Reed* (OS491.3) related to restrictions on the location or building materials of stand-alone family flats in front yards, and by *Ms Jacqui Hellyer* (OS372.1) and *Mr Alan Middleditch* (OS207.2) related to increase in size of family flats, and submissions by *Christopher Murray Davis* (OS314.2) and *Marlene Du Toit Parks* (OS62.1) supporting family flat provisions, which were considered at the Reconvened Plan Overview Hearing as part of the family flats topic, held on 6 December 2017, and are included in the Plan Overview Decision Report.
  - submission point by *Mr Gerrard Liddell* (OS753.3) related to poor road layout and provision for pedestrians and cyclists impacting on streetscape amenity, which we address in the Transport Decision Report.
  - submission point by *New Zealand Fire Service Commission* (OS945.58) related to providing for major facility activities specifically in residential policies, which we address in the Cross Plan – Emergency Services and Defence Facilities Decision Report.
  - submission point by *Mr Michael Doherty* (OS695.5) related to providing exceptions to rules for previously consented or legally established structures and building, which we address in the Plan Overview Decision Report.
3. In addition, it also addresses the following points:
  - submission point from *Mr Alistair Logan's* (OS425.4) to include reference to the retention of access to sunlight in Objective 2.2.5 which was included in the Plan Overview s42A Report.
  - submissions from residents of Raglan Street who requested that the DCC purchase a section of Raglan Street currently in private ownership and legalise this section as public road, which were included in the Plan Overview s42A Report. The submitters were: *Mr Peter and Mrs Nicole Labes* (OS626.1), *Mrs Jillian and Mr Jeff Gray* (OS631.1), *Ms Joan Buchanan* (OS636.1), *Mr Raymond and Mrs Jacqueline Spence* (OS639.1), *Mr Stephen and Mrs Maryanne Haggie* (OS651.1), *Ms Lina Chen and Mr Libang Kuang* (OS654.1), *Ms Karen Dunlea* (OS655.1), *Ms Jean Duncan* (OS656.1), *Mr Lawrence & Mrs Marie Cooper* (OS657.1), *Mr Brent & Mrs Fiona Smaill* (OS658.1), *Mr Graham Steele* (OS659.1), *Ms Frida Swerdloff* (OS662.1), *Frances Sharples* (OS665.1), *Ms Gladys Dick* (OS669.1), and *Mr Michael Kerr* (OS670.1) and further submitter *Mr Craig Paddon* (FS2026.1) who opposed submission OS654.1.

4. Matters considered in this decision have some overlap with matters discussed in the Heritage Decision Report, in relation to protection of heritage character in inner city residential areas. The decision on that section should be read in conjunction with this decision.
5. The residential zones section of the 2GP contains provisions related to the seven residential zones in the 2GP, which are:
  - General Residential 1
  - General Residential 2
  - Inner City Residential
  - Low Density Residential
  - Large Lot Residential 1
  - Large Lot Residential 2
  - Township and Settlement

### **1.1.1 Section 42A Report**

6. The Residential s42A Report deals primarily with plan provisions included in the Residential Zones section of the 2GP. The Residential Zone contains provisions which link to other parts of the 2GP; of particular relevance are Transportation (Section 6), Public Health and Safety (Section 9), Transitional Provisions (Section 12) and Heritage (Section 13).

### **1.1.2 Structure of Report**

7. The decision report is structured by topic. The report does not necessarily discuss every individual submitter or submission point; instead it discusses the matters raised in submissions and records our decisions and reasons on the provisions relevant to each topic. Appendix 2 at the end of the report summarises our decision on each provision where there was a request for an amendment. The table in Appendix 2 includes provisions changed as a consequence of other decisions.
8. Schedule 1 of the RMA outlines key aspects of the process that must be used to prepare and make decisions on a plan change (including the submission and hearing process)
9. Clause 16(2) of that schedule allows a local authority to make an amendment where the alteration "is of minor effect", and to correct any minor errors, without needing to go through the submission and hearing process.
10. This Decision includes some minor amendments and corrections that were identified by the DCC Reporting Officers and/or by us through the deliberations process. These amendments are referenced in this report as being attributed to "cl.16". These amendments are summarised in Section 8.0.

## **1.2 Section 32AA Evaluation**

11. Section 32 of the Resource Management Act 1991 (RMA) establishes the framework for assessing proposed objectives, policies and rules. Section 32AA of the RMA requires a further evaluation to be released with decisions, outlining the costs and benefits of any amendments made after the Proposed Plan was notified.

12. The evaluation must examine the extent to which each objective is the most appropriate way to achieve the purpose of the RMA and whether, having had regard to their efficiency and effectiveness, the policies and rules proposed are the most appropriate for achieving the objectives. The benefits and costs of the policies and rules, and the risk of acting or not acting must also be considered.
13. A section 32AA evaluation has been undertaken for all amendments to the notified plan. The evaluation is included within the decision reasons in sections 3.0 and 4.0 of this decision.

### **1.3 Statutory Considerations**

14. The matters that must be considered when deciding on submissions on a district plan review are set out in Part 2 (sections 5–8, purpose and principles) and sections 31, 32 and 72–75 of the RMA. District plans must achieve the purpose of the RMA and must assist the council to carry out its functions under the RMA.
15. The s42A Report provided a broad overview of the statutory considerations relevant to this topic. These include:
  - Section 75(3) of the RMA, which requires us to ensure the 2GP gives effect to any National Policy Statement (NPS) or National Environmental Standard (NES) that affects a natural or physical resource that the Plan manages. We note that there are no NPS or NES directly relevant to this particular topic
  - Section 74(2)(a) of the RMA, which requires us to have regard to the proposed Otago Regional Policy Statement (pRPS) and section 75(3)(c) of the RMA, which requires us to ensure the 2GP gives effect to the operative Otago Regional Policy Statement (oRPS). We note that the proposed RPS was notified on 23 May 2015, and decisions released on 1 October 2016. At the time of making these decisions on 2GP submissions some of the proposed RPS decisions are still subject to appeal, and therefore it is not operative
  - Section 74(2)(b)(i), which requires us to have specific regard to any other key strategies prepared under the Local Government Act. The s42A Report highlighted the Dunedin Spatial Plan 2012 as needing to be considered as this DCC strategic document sets the strategic directions for Dunedin's growth and development for the next 30 plus years.
16. These statutory requirements have provided the foundation for our consideration of submissions. We note:
  - where submissions have been received seeking an amendment of a provision and that provision has not been amended, we accept the advice in the original s42A Report that the provision as notified complies with the relevant statutory considerations
  - where a submitter has sought an amendment in order to better meet the statutory considerations, we have discussed and responded to these concerns in the decision reasons
  - in some cases, while not specifically raised, we have made amendments to the Plan as the evidence indicated this would more appropriately achieve these statutory considerations, in these cases we have explained this in our decision reasons
  - where we have amended the Plan in response to submissions and no parties have raised concerns about the provisions in terms of any statutory considerations, and we have not discussed statutory considerations in our

decision, this should be understood to mean that the amendment does not materially affect the Plan's achievement of these statutory considerations.

## 2.0 Hearing appearances and evidence presented

### 2.1 Original Hearing commencing 3 November 2016

17. Submitters who appeared at the hearing, and the topics under which their evidence is discussed, are shown below in Table 1. All evidence can be found on the 2GP Hearing Schedule webpage under the relevant Hearing Topic <https://2gp.dunedin.govt.nz/2gp/hearings-schedule/index.html>

**Table 1: Submitters and relevant topics**

<b>Submitter (Submitter Number)</b>	<b>Represented by/ experts called</b>	<b>Nature of evidence</b>	<b>Topics under which evidence is discussed</b>
A & E Walker (OS82)		Attended hearing	· Requests to change GR2/GR1 Zone boundaries – Mosgiel
Akmal Bashir (FS2125)		Statement tabled at hearing	· Zoning - Wakari
Alastair Logan (OS425 and FS2315)		Statement tabled at hearing	· How and where should the Plan provide for medium density development?  · Management of sunlight, greenspace, views and vistas
Alice Wouters and Chris Rietveld (FS 2256)		Statement tabled at hearing	· Zoning - Wakari
Alison Rowena Beck and Philip Jeffrey Ward (FS2380)	Alison Beck and Forbs Williams	Statement tabled at hearing	· Broard Submissions on the density performance standard relating to criteria for, or extent of, medium density zones  · Management of sunlight, greenspace, views and vistas



Allan Sutherland (OS1044)	Kurt Bowen (surveyor)	Attended hearing	· Zoning - Aramoana
Anthony Parata (OS248)		Statement tabled at hearing	· How and where should the Plan provide for medium density development?
Barry Smaill (OS167)		Attended hearing	· Rule 15.5.2 Density · Impermeable surfaces · Rule 15.5.12 Outdoor living space performance standard · Rule 5.6.7.1 Height in Relation to Boundary
Blueskin Nurseries Limited (OS309) Blueskin Projects Limited (OS739)	Mark Brown Ciaran Keogh (resource management consultant)	Attended hearing	· How and where should the Plan provide for medium density development? · Fence height and design · Rule 15.7.4 Minimum site size · Zoning - West Harbour/North Coast
Bob Mathieson (OS1040)	Kurt Bowen (surveyor)	Attended hearing	· Mapping corrections – 15 Thoreau Street
BP Oil NZ Ltd and Mobil Oil NZ Ltd and Z Energy Ltd (OS634)	Georgina McPherson (resource management consultant)	Pre-circulated statement	· How and where should the Plan provide for medium density development?
Bus Users Support Group (OS1080)	Peter Dowden (representative)	Attended hearing	· How and where should the Plan provide for medium density development?
Catherine Morrison (FS2135)		Pre-circulated statement	· Zoning - West Harbour/North Coast

Cecilia and Megan Mikelsen (FS2382, and FS2297)		Attended hearing	<ul style="list-style-type: none"> <li>· Requests to change GR2/GR1 Zone boundaries – South City</li> <li>· Rule 15.5.8 Maximum gross floor area</li> </ul>
<p>Craig Horne (OS368)</p> <p>Craig Horne Surveyors Ltd (OS704)</p>	Craig Horne (representative)	Attended hearing	<ul style="list-style-type: none"> <li>· How and where should the Plan provide for medium density development?</li> <li>· Fence height and design</li> <li>· Rule 15.5.2 Density Performance Standard</li> <li>· Rule 15.7.4 Minimum site size</li> </ul>
<p>Dunedin Residential Development (OS546)</p> <p>Dwelling Architectural Design (OS721)</p>	<p>Maaike Duncan (surveyor)</p> <p>Cameron Grindlay (architect)</p>	Pre-circulated evidence	<ul style="list-style-type: none"> <li>· Rule 5.6.7.1 Height in Relation to Boundary</li> <li>· Impermeable surface provisions in Rule 15.6.11</li> </ul>
Gerald Fitzgerald (OS233)		Statement tabled at hearing	<ul style="list-style-type: none"> <li>· Minimum site size for subdivision and minimum site/area per residential unit</li> <li>· Submissions where no amendments were made</li> </ul>
Geraldine Tait (OS101)		Attended hearing –Photos tabled at hearing	<ul style="list-style-type: none"> <li>· Zoning - West Harbour/North Coast</li> </ul>
Gordon Tocher (OS716 and FS3417)		Attended hearing	<ul style="list-style-type: none"> <li>· Minimum site size for subdivision and Minimum site/area per residential unit</li> <li>· Zoning - Aramoana</li> </ul>

Hilary Calvert (OS 190)		Statement tabled at hearing	<ul style="list-style-type: none"> <li>· Fence height and design</li> </ul>
Jenny Bunce (OS159)		Statement tabled at hearing	<ul style="list-style-type: none"> <li>· Requests to change GR2/ICR Zone boundaries – NEV/Opoho</li> </ul>
Jo Galer (OS801)  Peter McIntyre (OS712)		Attended hearing	<ul style="list-style-type: none"> <li>· How and where should the Plan provide for medium density development?</li> <li>· Requests to change GR2/ICR Zone boundaries – NEV/Opoho</li> </ul>
John Sule (OS834)		Statement tabled at hearing	<ul style="list-style-type: none"> <li>· Requests to change GR2/GR1 Zone boundaries – Peninsula and surrounding suburbs</li> </ul>
Liz Angelo (FS2489)  Arthur Street Neighbourhood Support (OS843)	Liz Angelo (representative)	Attended hearing	<ul style="list-style-type: none"> <li>· How and where should the Plan provide for medium density development?</li> <li>· Rule 15.5.2 Density</li> </ul>
Margaret Davidson (OS417)		Statement tabled	<ul style="list-style-type: none"> <li>· How and where should the Plan provide for medium density development?</li> <li>· Management of sunlight, green space, views and vistas</li> <li>· Rule 14.4 Notification</li> <li>· Rule 15.3.4 Activity status table – development activities</li> </ul>

Mark Lambert (OS672)	Kurt Bowen (surveyor)	Attended hearing	<ul style="list-style-type: none"> <li>· Submission in support of notified zoning</li> </ul>
Melva Davidson (FS2361) Tracey Fleet (FS2130)		Attended hearing	<ul style="list-style-type: none"> <li>· Zoning - Aramoana</li> </ul>
Michael O'Neil (OS403)		Statement tabled at hearing	<ul style="list-style-type: none"> <li>· Rule 5.6.7 Height</li> <li>· Rule 5.6.14 Setbacks</li> <li>· Garages and Carports</li> <li>· Rule 5.4 Notification</li> <li>· Rule 5.6.7.1 Height in Relation to Boundary</li> <li>· Rule 15.6.8 Location and screening of car parking</li> </ul>
Michael Ovens (OS740 and FS2198)  Veronica Dalloway (OS676 and FS2404)		Statement tabled at hearing	<ul style="list-style-type: none"> <li>· Rule framework for medium density zones</li> <li>· Rule 15.5.2 Density Performance Standard</li> <li>· Rule 15.5.12 Outdoor living space performance standard</li> <li>· Rule 15.6.1 Building length</li> <li>· Rule 5.6.7.1 Height in Relation to Boundary</li> <li>· Garages and carports</li> <li>· Rule 15.6.7.2 Maximum Height</li> <li>· Boundary setbacks</li> </ul>

Murray Johnston (OS273 and FS2231)		Statement tabled at hearing	<ul style="list-style-type: none"> <li>Minimum site size for subdivision and minimum site/area per residential unit</li> </ul>
Nick Orbell (OS681)		Statement tabled at hearing	<ul style="list-style-type: none"> <li>Rule 5.6.7.2 Maximum Height</li> </ul>
Nicholas Oldham (FS2095)		Attended hearing	<ul style="list-style-type: none"> <li>Requests to change GR2/GR1 Zone boundaries – South City</li> </ul>
NZ Institute of Surveyors (OS490)	Maaike Duncan (surveyor) Kurt Bowen (surveyor)	Pre-circulated evidence Attended hearing	<ul style="list-style-type: none"> <li>Rule framework for medium density zones</li> <li>Submissions on density rules</li> <li>Garages and carports</li> <li>Rule 5.6.7.1 Height in Relation to Boundary</li> <li>Rule 15.7.4 Minimum site size</li> </ul>
New Zealand Transport Agency (NZTA) (OS881)	Andrew Henderson (resource management consultant)	Pre-circulated statement	<ul style="list-style-type: none"> <li>How and where should the Plan provide for medium density development?</li> <li>Rule 15.6.12 Number, location and design of ancillary signs</li> <li>Rule 15.5.4 Blank page</li> </ul>
Owen Duffy (OS871 and FS2387)		Attended hearing	<ul style="list-style-type: none"> <li>Requests to change GR2/ICR Zone boundaries – Central City</li> </ul>
Owhiro River Ltd (OS845)	Kurt Bowen (surveyor)	Attended hearing	<ul style="list-style-type: none"> <li>Maps – Infrastructure constraint mapped area</li> </ul>

Port Otago Ltd (FS2378)	Len Anderson (legal counsel)	Legal submission tabled at hearing	<ul style="list-style-type: none"> <li>Request for new policy for Careys Bay</li> </ul>
Richard La Hood (OS419)		Statement tabled at hearing	<ul style="list-style-type: none"> <li>Requests to change GR2/GR1 Zone boundaries – South City</li> </ul>
Robert Frances Wyber (OS394)		Statement tabled at hearing	<ul style="list-style-type: none"> <li>How and where should the Plan provide for medium density development?</li> <li>Rule framework for medium density zones</li> <li>Garages and carports</li> <li>Fence height and design</li> <li>Management of Early Childhood education</li> <li>Definition of habitable room</li> <li>Introduction</li> <li>Rule 15.4 Notification</li> <li>Rule 5.6.7.1 Height in Relation to Boundary</li> <li>Rule 15.6.12 Number and location of ancillary signs</li> <li>Maps – Infrastructure Constraint Mapped Area</li> </ul>
Robert Tongue (OS452)		Attended hearing	<ul style="list-style-type: none"> <li>Rule 15.5.2 Density</li> <li>Requests to change GR2/ICR Zone boundaries – Central City</li> </ul>
Roger Miller (OS126)	Shelly Chadwick (legal counsel) and Paul Hadden (surveyor) Roger Miller	Legal submission and other statements tabled at hearing	<ul style="list-style-type: none"> <li>Zoning - Mosgiel</li> </ul>

RPR Properties Limited (OS688)	Kurt Bowen (surveyor) Tom & Loretta Richardson	Pre-circulated evidence Attended hearing	<ul style="list-style-type: none"> <li>· Zoning - Wakari</li> </ul>
Southern Heritage Trust/City Rise Up (OS293)	Jo Galer and Peter McIntyre (representatives)	Statement tabled at hearing	<ul style="list-style-type: none"> <li>· How and where should the Plan provide for medium density development?</li> <li>· Rule framework for medium density zones</li> <li>· Introduction</li> <li>· Rule 15.4 Notification</li> <li>· Submissions where no amendments were made</li> </ul>
T & D Johnson (OS28)		Attended hearing	<ul style="list-style-type: none"> <li>· Zoning - West Harbour/North Coast</li> <li>· Mapping corrections – 55 (65) Ellesmere Street</li> </ul>
University of Otago (OS308)	Murray Brass (representative)	Pre-circulated evidence Attended hearing	<ul style="list-style-type: none"> <li>· Rule 15.5.2 Density performance standards</li> <li>· Strategic directions</li> <li>· Submissions were no amendments were made</li> </ul>
Whatsoever Ltd (OS979)	David Sharp	Attended hearing	<ul style="list-style-type: none"> <li>· Requests to change GR2/GR1 Zone boundaries – South City</li> </ul>

18. Appearances for the Dunedin City Council were:

Ms Jacinda Baker, Reporting Officer

Mr Grant Fisher, Transportation

Mr Mark Garden, Architect and Partner: Baker Garden Architects

Mr Peter Christos, Urban Design

Ms Louisa Sinclair/Mr Jared Oliver, Water and Waste Services

Mr Ian Munro, Urban Designer/Planner (Reconvened Residential hearing)

Mr Dan Windwood, Heritage Planner (Reconvened Residential hearing)

19. Evidence provided by Ms Baker included:

- Section 42A Report
- opening statement (tabled and verbal)
- revised recommendations (tabled and verbal)

20. Planning assistance to the Hearing was provided by:

Dr Anna Johnson, City Development Planning Manager

## 2.2 Reconvened Residential Hearing 5-6 July 2017

Submitters who appeared at the hearing, and the topics under which their evidence is discussed, are shown below in Table 2.

**Table 2: Submitters and relevant topics**

<b>Submitter (Submitter Number)</b>	<b>Represented by/ experts called</b>	<b>Nature of evidence</b>	<b>Topics under which evidence is discussed</b>
John and Clare Pasco (OS444)		Appeared at hearing	<ul style="list-style-type: none"> <li>• Rule 15.7.4 Minimum site size</li> <li>• Rule 15.6.14 Setbacks</li> <li>• Strategic Directions</li> <li>• Management of sunlight, green space, views and vistas</li> <li>• Future development</li> <li>• Introduction</li> <li>• Rule 15.4 Notification</li> </ul>
Michael O'Neill (OS403)		Table evidence Appeared at hearing	See Table 1 above



Michael Ovens (OS740) and Veronica Dalloway (OS676)		Tabled Evidence Appeared at hearing	See Table 1 above
Richard La Hood (OS419)		Tabled evidence (email)	See Table 1 above
Southern Heritage Trust and City Rise up (OS293)	Meg Davidson Jo Galer	Appeared at hearing	See Table 1 above
University of Otago (OS308)	Murray Brass	Tabled evidence Appeared at hearing	Provided evidence on heritage matters only – see Heritage Decision Report. See Table 1 above for other submission points.

21. Appearances for the Dunedin City Council were:

Ms Jacinda Baker, Reporting Officer

Mr Ian Munro, Urban Designer/Planner

Mr Dan Windwood, Heritage Planner

Ms Emma Christmas, Reporting Officer for Heritage

22. Evidence provided by Ms Baker included:

- Reconvened Residential Section 42A Report – Medium Density Provisions (including appended evidence of Mr Ian Munro and Mr Dan Windwood)
- opening statement (tabled and verbal)
- revised recommendations (tabled and verbal)

23. Planning assistance to the Hearing was provided by:

Dr Anna Johnson, City Development Planning Manager

## 3.0 Decisions on Submissions by Topic

### 3.1 Introduction

24. In her overview presentation at the commencement of the hearing, the Reporting Officer highlighted four key Strategic Directions objectives that the residential section provisions respond to. These were:

- *"Objective 2.2.2 Energy resilience – Dunedin is well equipped to manage and adapt to any changes that may result from volatile energy markets or diminishing energy sources by having: a. increased local electricity generation; b. reduced reliance on private motor cars for transportation; and c. increased capacity for local food production."*
- *"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 2.4.1 Form and structure of the urban environment – The elements of the urban 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; b. trees that make a significant contribution to the visual landscape and history of neighbourhoods; c. built heritage; d. important visual landscapes and vistas; e. the amenity and aesthetic coherence of different urban environments; and f. the compact and accessible form of Dunedin."*
- *"Objective 2.6.1 Housing choice – There is a range of housing choices in Dunedin that provides for the community's needs and supports social well-being."*

25. The s42A Report identified the key resource management issues that the 2GP's Residential provisions seek to respond to, and the 2GP response, as follows (s42A Report, section 2.1, pp.6–10):

- **Restriction of non-residential activities**  
Encroachment of non-compatible activities into residential zones can adversely affect the character, liveability and amenity of Dunedin's residential environments. These issues include noise, parking and traffic movements. The 2GP provides for residential activities in the residential zones and clearly identify which activities are compatible with the residential environment (and at what scale) and what effects must be avoided or mitigated. Small neighbourhood centres have been zoned as commercial centres in the 2GP and restrictions have been placed on future establishment of commercial activities in residential environments.
- **Changing population dynamics and lack of housing choice**  
Research indicates a lack of housing choice, especially smaller dwellings (1–2 bedroom) and smaller sites, to provide for changing population dynamics, including an aging population and an increase in 1–2 person households. Greater flexibility is needed in the size and type of dwelling options available throughout Dunedin. Providing for smaller forms of housing and retaining a compact city necessitates provisions that enable areas to be developed more densely than conventional family homes within the existing urban environment. The 2GP

provides for this through the Inner City Residential and General Residential 2 zones, and through family flats in other residential zones.

- **Quality onsite amenity for residents**  
As density in certain areas of the city increases, maintaining access to high quality outdoor living space becomes more important. The approach in the 2GP is to link the size of the outdoor living space required proportional to the scale of the residential activity and new requirements have been included to improve the quality of outdoor living spaces, including outdoor living spaces being located on the northern, eastern or western sides of residential buildings; directly accessible from the principal living area; and being relatively flat in gradient.
  - **Amenity of surrounding residential properties and streetscape**  
Residential developments can adversely affect the amenity of surrounding residential properties and public spaces, as well as at the scale of streetscape amenity and overall neighbourhood character. The 2GP establishes an anticipated scale and character, which provides certainty regarding the settlement pattern of each zone. It also requires development to maintain or enhance streetscape amenity through setting densities to reflect existing or intended character, only allowing subdivision that will maintain streetscape amenity and character, and placing limits on family flats, signage, and earthworks. The height in relation to boundary rules have been formed to ensure that adequate access to sunlight for that adjacent property will be maintained and protecting amenity value for owners and occupants of existing properties. Other rules serve other functions as well as residential and streetscape amenity:
    - maximum building site coverage and impermeable surface performance standards also manage the potential for adverse effects on the efficiency and affordability of infrastructure.
    - controls on fences are also a response to the National Guidelines for Crime Prevention through Environmental Design in New Zealand (CPTED) enhancing passive surveillance and custodianship.
26. Overall, the 2GP's approach to, and extent of medium density zones (namely the General Residential 2 and Inner City Residential zones) attracted the greatest volume of submissions and evidence. We therefore discuss submissions and evidence relating to medium density zoning, before addressing submissions on other aspects of the 2GP's Residential provisions.

## **3.2 How and where should the Plan provide for medium density development?**

### **3.2.1 Overview of the medium density zones decision**

27. Firstly, we provide context, at a broad level, for decisions on submissions on all aspects of medium density development. We describe the approach taken in the 2GP to providing for medium density development through its Strategic Directions objectives and policies, and the application of medium density zoning.
28. We then outline our decisions with respect to submissions on these matters, drawing on evidence in the Section 42A Report, matters raised in submissions, and from evidence presented at the hearing. This includes the evidence we received on the demand for medium density development, and the limited evidence received on medium density zone capacity.
29. The next parts of the Decision Report address submissions on other aspects of the policy and rule framework for medium density development.

30. In the final part of this section we discuss and give decisions with respect to those specific submissions concerning the zoning of individual parcels of land (either seeking the addition or removal of medium density zoning).
31. We note and acknowledge the interrelatedness of a number of these topics. We have considered all of the submissions and evidence in the round as we have made our decisions, but we have needed to separate topics for the purposes of writing a Decision Report.

### 3.2.2 General approach

32. The 2GP provides two medium density zones.
33. The Inner City Residential Zone (ICR) is the residential areas between the town belt and the central city, which in general are parts of the city with a long history of occupation, but with various degrees of change and redevelopment, with more redevelopment apparent closer to the Campus end of the city and less to the southern end. Because of the age of these areas, there are parts of this zone that are within Heritage Precinct Overlay Zones. Additional rules apply to these areas. This Zone is described in the 2GP as follows:

*"The Inner City Residential Zone covers the residential area near the campus and between the town belt and the central business district. It is characterised by existing or proposed medium density residential living and provides for a range of housing choices close to the central area of Dunedin. With good access to public transport and facilities this environment supports opportunities for higher densities of development than other areas of the City which also allows for different forms of development. Within this environment particular areas that contain dwellings with high heritage characteristics are identified as residential heritage precincts and will have additional rules to protect heritage values."*

34. The General Residential 2 Zone (GR2) is applied in more parts of the city including Opoho, North East Valley, The Gardens, Dalmore, Woodhaugh, Maori Hill, Roslyn, Belleknowes, Mornington, Balaclava, Caversham, St Clair, Musselburgh, Andersons Bay, Waverley, Port Chalmers, Green Island and Mosgiel. It is described in Section 15 Residential as follows:

*"The General Residential 2 Zone covers defined areas within the city's suburbs of the main urban area of Dunedin and Mosgiel. It is characterised by existing or proposed medium density suburban residential living and provides for a range of housing choices throughout the suburban area. Within this zone, the rules differ between those existing and proposed new medium density areas on recognition of the existing or surrounding built form."*

35. The s42A Report explained that the major differences between the different types of zones were in density and minimum site size requirements. The approach to density provisions in the 2GP was changed from those in the operative District Plan with the expanded use of a habitable room approach in the density performance standard (included as part of maximum development potential standard). In medium density zones, density standards were set to: 1. provide for the existing density of development of many parts of the zone and/or 2. provide for multi-unit style housing options such as terrace houses, semi-detached housing and small apartment buildings.

### 3.2.3 Strategic directions related to medium density zoning

36. The Strategic Directions section of the 2GP outlines the objectives in response to the key resource management issues for the city, and introduces the methods used in the plan to achieve those objectives. Several policies include zoning as part of the methods identified. Collectively, these provide the policy guidance for determining the appropriateness of zoning under the 2GP.

37. The Section 42A Report highlights two strategic objectives as particularly relevant: "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, and Objective 2.6.1 Housing Choices – There is a range of housing choices in Dunedin that provides for the community's needs and supports social wellbeing."
38. The Reporting Officer considered that these objectives place a clear priority on intensification within the existing zoned areas, including the Residential Zones, and acknowledge the importance of providing a wide range of housing choice in order to meet the changing needs of the community and, in turn, maintain and enhance the social well-being of the community. The preference to use existing urban land over urban expansion into rural areas is derived from Spatial Plan objectives and policies found under "An environmentally sustainable and resilient city" Direction (s42A Report, Section 2.1.2, p. 8).
39. Policy 2.6.1.2 sets up medium density zones (and the provision for family flats as a permitted activity except in medium density zones) as methods in the Plan:
- "Encourage more residential housing suitable for our ageing population and growing number of one and two person households, through:*
- (a) zoning of areas that provide for medium density housing to enable transition to lower maintenance housing in existing neighbourhoods ('ageing in place');*
  - (b) rules that enable family flats, other than in General Residential 2 and Inner City Residential zones and areas subject to natural hazards."*
40. Policy 2.2.4.1 sets out the criteria upon which areas suitable for medium density zoning were identified, and states:
- "Prioritise the efficient use of existing urban land over urban expansion by identify existing areas of urban land that could be used more efficiently in a range of locations to provide for medium density housing while minimising any effects on neighbourhood amenity, based on having all or a majority of the following characteristics:*
- (a) locations with good transportation choices (proximity to frequent bus services);*
  - (b) good access to services and facilities (proximity to CBD and centres and other community facilities);*
  - (c) locations with older or cheaper housing stock more likely to be able to be redeveloped;*
  - (d) compatibility of medium density housing with existing neighbourhood character;*
  - (e) ability for medium density housing to be developed without significant effects on streetscape amenity;*
  - (f) locations with a topography that is not too steep;*
  - (g) locations that will receive reasonable levels of sunlight;*
  - (h) locations that are not subject to significant hazards, including from rising sea level; and*
  - (i) market desirability particularly for one and two person households."*
41. Policy 2.2.4.4 relates to density provisions, and states:
- "Avoid subdivision that provides for residential activity of a fundamentally different type than provided for in the various zones, through...*
- c. rules in urban environments, that require the density of residential activity to reflect the existing or intended future character of the residential area; and*
  - d. rules that do not provide for family flats, that are provided solely to allow extended or large families to live together, to be converted into primary residential units through subdivision or other means."*
42. Also relevant in terms of managing the effects of amenity in medium density zones is Objective 2.4.1, which states:
- "The elements of the urban 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;*

- (b) *trees that make a significant contribution to the visual landscape and history of neighbourhoods;*
- (c) *built heritage;*
- (d) *important visual landscapes and vistas;*
- (e) *the amenity and aesthetic coherence of different urban environments; and*
- (f) *the compact and accessible form of Dunedin."*

43. Policy 2.4.1.5 states:

*"In residential neighbourhoods, manage building bulk and location, site development (including site coverage), and overall development density, to:*

- (a) maintain or create attractive streetscapes; and*
- (b) protect the amenity of residential activities and public open space on surrounding sites."*

### 3.2.4 Application of medium density zoning

- 44. The Reporting Officer summarised the background research and consultation undertaken to determine the boundaries of the GR2 in Sections 2.2 and 2.3 of the s42A Report. This background research and consultation included different iterations of areas, and responses to issues raised.
- 45. Overall, she said zoning which provided for medium density housing was applied close to suburban commercial centres and in locations where services and public transport were accessible. Consultation undertaken indicated a preference for these areas to be spread throughout the city to provide a range of location choices and allow people to stay within their existing communities if they wish to downsize their home.
- 46. It was explained that the main evolution of the zones was from one which only took a centres-focused approach to one which took a broader approach to 'accessibility', that also looked for areas near public transportation routes and other facilities. This was in response to feedback that the centres-only approach was too limited as many areas near centres either had limited capacity or other constraints.
- 47. The Council commissioned research from Baker Garden Architects (DCC Medium Density Zone – Recommendations, October 2014, and final recommendations in District Plan Medium Density Areas, May 2015). These reports identify six key assessment criteria and six other factors.
- 48. The key criteria were:
  - *"Compatibility of medium density housing with existing neighbourhood forms;*
  - *Proximity to local centre, town centre, or city centre;*
  - *Access to public transport;*
  - *Condition and type of existing building stock;*
  - *Site orientation and topography; and*
  - *Protection of streetscape and landscape amenity."*

The other factors were:

- *"Market demand for medium density housing in the area;*
  - *Size and shape of existing sections;*
  - *Potential for cycling access;*
  - *Access to green space;*
  - *Vehicle manoeuvring / site access; and*
  - *Hazards."*
- 49. Under the first criterion, the research looked at the bulk, location, and density of existing housing stock and the potential effects of medium density housing development on neighbouring sites, and the overall effect of new medium density housing on neighbourhood form. It considered characteristics of neighbourhoods, such as front gardens, setbacks, roof shape, and materials (s42A Report, Section 5.4.2, p. 95).

50. The extent of the ICR and GR2 Zones were based on the final recommendations set out in the Baker Garden Architects' reports, with some additions based on a process the DCC ran inviting property owners to submit rezoning requests for individual sites. Rezoning requests were assessed against a range of factors including consistency with 2GP strategic objectives, surrounding land uses, access and topography issues, natural hazards, landscape values, and infrastructural constraints (s42A Report, Section 2.2.3, p.12).

### **3.2.5 Submissions on the 2GP's approach to, and extent of, medium density zoning**

51. Many submissions were received on the matters discussed above, including both submissions directly on the Strategic Directions policies and Density performance standard themselves, and submissions on the extent and application of medium density zoning which, if accepted, would impact on the strategic directions policies and Density performance standard. In the interests of efficiency and clarity, we discuss all of them here, together.
52. There were also a large number of submissions on the other provisions applying to medium density zones (mainly in relation to performance standards). With the exception of a handful of broad submissions on the density standards (which seemed to relate more to medium density zone criteria or extent than the density standard itself) these are discussed separately below, but we acknowledge here the interrelatedness of the various submission points and have considered them all as a whole in our decision making.

#### **3.2.5.1 Submissions on Policy 2.6.1.2 and Policy 2.2.4.1**

53. Three submissions were received in support of Policy 2.6.1.2:
- *Urban Cohousing Otepoti Ltd* (OS818.9)
  - *Mr Robert Francis Wyber* (OS394.11) because he notes that it directly supports his contention that two-unit redevelopment should be permitted in all of the commuter suburbs along both sides of the harbour;
  - *Mr John Campbell* (OS495.2) because he supports in principle the concept of infill development as appropriate in areas where intensification or infill has already been happening; where it has been present historically; or where there is little character of note needing protection.
54. We note submissions received on Objective 2.2.4 are discussed in the Urban Land Supply Decision Report.
55. A number of submissions were received on Policy 2.2.4.1.
56. The *University of Otago* (OS308.483), *Radio New Zealand Limited* (OS918.60), and *Urban Cohousing Otepoti Ltd* (OS818.7) supported the policy, and *New Zealand Transport Agency (NZTA)* (OS881.27) sought amendment to Policy 2.2.4.1 to correct a minor typographical error ('identify' to 'identifying').
57. *BP Oil NZ Ltd*, *Mobil Oil NZ Ltd* and *Z Energy Ltd* (OS634.12) generally supported the intent of Policy 2.2.4.1 to identify where medium density housing is suitable, but requested additional criteria be added to Policy 2.2.4.1 to protect existing activities by referencing reverse sensitivity effects.
58. *Ms Elizabeth Kerr* (OS743.54) requested Policy 2.2.4.1.c be amended to remove unnecessary value judgements associated with the wording "older or cheaper housing stock more likely to be able to be redeveloped", as this type of housing is likely to be affordable for many residents. She also (OS743.55) sought to amend Policy 2.2.4.1.d and Policy 2.2.4.1.e to review the adverse effects of medium density housing on

Dunedin's residential heritage and existing townscape, and their overall significance to the heritage city.

59. *Mr Alastair Logan* (OS425.3) requested amendment of Policy 2.2.4.1 to include additional characteristics of medium density areas, being: i) retain existing residential amenity; ii) reflects existing patterns of land use and tenure; iii) does not result in loss of views and sunlight; iv) has infrastructure available to accommodate increased demand. He stated the proposed zoning does not match the existing patterns of subdivision and development, suggesting it excludes land that has already been developed at medium density levels, and encourages more intensive development in locations which are unsuited because of topography or infrastructural constraints.

### 3.2.5.2 Broad submissions seeking a review of medium density zoning criteria, or the extent of medium density zoning

60. A range of submissions were received seeking a review of the extent of, or approach to medium density, particularly because of anticipated effects on residential character and amenity, and on heritage values. Submissions that broadly objected to medium density zoning on that basis are set out here, along with specific requests for inclusion of heritage or residential character values in medium density zone assessment criteria.
61. Some submitters did not necessarily object entirely to medium density housing being provided for in their neighbourhoods; rather their key concerns related to the potential adverse effects of poorly or unsympathetically designed medium density development on the character of residential areas, particularly in older suburbs and areas with heritage values.
62. *Mr Alistair Logan* (OS425.1) suggested deleting the whole GR2 Zone, including all related objectives, policies, rules and maps. He suggested if this did not happen then zone boundaries should be modified to limit the General Residential 2 Zone to areas which meet the criteria specified in the submission, including: reflect existing patterns of subdivision and development; not in infrastructure constrained areas; where intensive development is consistent with existing amenity; views and vistas won't be diminished; access to sunlight is not reduced; and topography is suitable for an aging population. This submission was supported by *Robert Wyber* (FS2059.3) (because he believes the zoning should reflect existing development and subdivision patterns and should be consistent with existing amenities). It was opposed by *Lawrence and Marie Cooper* (FS2060.1), particularly for Mornington because they would like to be able to utilise their property to their advantage.
63. *Peter McIntyre* (OS712.1) requested a review of the zoning of GR2 areas as he believed the areas earmarked for medium density within the suburbs surrounding the inner-city area constitute a major shift in planning for the city, and depending on the speed of this type of development, will inevitably create a significant change to Dunedin's inner suburban look and feel, and vistas of the hillsides, impacting on streetscapes, and a reduction in green spaces. This was supported by *Peter McDonald* (FS2017.2) because he believes it does not adequately provide for the needs of student residential hostels, *Hamish Spencer* (FS2209.1) who requested the eastern parts of North East Valley and Opoho to be excluded because he believes the case for their inclusion is weak to non-existent, *Bronwen Strang* (FS2304.2), *Alastair Logan* (FS2315.3), *Opoho Playcentre* (FS2357.1), *Opoho Presbyterian Church* (FS2420.1), and *John Bain* (FS2358.1). Their reasons include supporting the need to study demographic population trends and predictions, concerns about houses which do not face north, limited traffic and parking, and concerns about traffic safety for children.
64. *Jo Galer* (OS801.1) supported by *Rosalind Whiting* (FS2050.6) and *Robert Francis Wyber* (FS2059.26) sought that more research be carried out into the need for medium density housing and the potential effect this may have on the character and streetscapes of areas, and undertake appropriate consultation, and ways to provide for different housing types without having medium density zoned areas.



65. *John Campbell* (OS495.13) sought to retain Objective 2.6.1 but review how different housing types can be provided without the need for medium density areas. *John Campbell* (OS495.10) requested that more research be carried out to ensure areas that currently have character houses are not being threatened by development.
66. *Jo Galer* (OS801.5) also sought to amend boundaries of General Residential 2 Zone following further research to assess the character of these areas. This was supported by *Robert Francis Wyber* (FS2059.27) and supported in part by *Alastair Logan* (FS2315.5), who also sought to remove the General Residential 2 Zone from the 2GP, or limit it to areas that meet criteria specified in his submission.
67. *Carol Devine* (OS252.1) supported by *Elizabeth Kerr* (FS2429.121) sought that the residential zones be amended to take into account the suitability of older suburbs for medium density housing.
68. *Southern Heritage Trust & City Rise Up* (OS293.155) and *John Campbell* (OS495.12) sought that further research be undertaken to assess the character across the proposed General Residential 2 Zone, and *Southern Heritage Trust & City Rise Up* (OS293.157) sought that medium density areas be reviewed to show that they can be developed without loss of amenity or character.
69. *Margaret Davidson* (OS417.5) submitted that it should be ensured the areas proposed for medium density development do not have any heritage character or values that should be protected. This submission was supported by *Rosalind Whiting* (FS2050.13) and opposed by *Elaine Snell Family Trust* (FS2307.5) who did not want 56 Cargill St and the wider Cargill Street area as a heritage precinct.
70. *Elizabeth Kerr* (OS743.56) sought that the potential of medium density housing, infill development and redevelopment to create cumulative adverse effects on residential heritage be reviewed and researched in greater detail for:
  - residential heritage areas below the town belt from Woodhaugh to Maitland St and extending west of George St and Princes St;
  - the wider tertiary campus area;
  - North East Valley (settled river flat following Lindsay Creek);
  - and the housing area extending west and north of Gardens shopping centre, including parts of Dalmore.
71. *Southern Heritage Trust & City Rise Up* (OS293.160) requested that the DCC ensure the use of NZ Urban Design principles for all medium density areas and heritage precincts. They support the DCC's consistent use (via its planners and committees) of NZ Urban Design principles over all heritage precincts and all medium density areas that are decided on. These principles provide standards for quality in developments. The DCC is a signatory to the principles (since 2005), and it includes a medium density housing and assessment methodology. *Southern Heritage Trust and City Rise Up* (OS293.156) also sought to add new policies and rules, or amend existing ones, to encourage re-use of older houses in the Inner City Residential for medium density development so character is retained (inferred not stated).
72. *Elizabeth Kerr* (OS743.31) stated that DCC (planning) must improve control of student spread into City Rise (student residence/absentee landlords/lack of live-in property managers). She claimed this is quickly eroding heritage values, residential amenity and ambiance. Her reasoning included the DCC desktop planning and use of consultation methods in the Spatial Plan.
73. *Ms Kerr* (OS743.30) also sought to review objectives, policies and rules in the 2GP that advocate for or permit medium density housing (including policies 2.4.1.3–2.4.1.8, also objectives 2.2.4, 2.4.2 and 2.6.1), in the absence of non-regulatory DCC design guidelines and appropriate controls for sustainable management and retention of established heritage values. *Ms Kerr* (OS743.56) also sought that the potential for cumulative adverse effects of medium density housing (max building height increases to 12m) on Dunedin's residential heritage and existing townscape be reviewed with consideration of heritage, architectural, character and amenity values, and their overall

significance to the Heritage City; and when seen in the regional and national heritage context (distinctiveness, representativeness, and rarity).

74. *Graeme and Lynette Reed* (OS491.2) seek to add a new performance standard requiring the design/character of the original dwelling to be retained with development or redevelopment of a property in the General Residential 2 Zone. They suggest development and redevelopment should retain the natural design and character of the original dwelling to continue Dunedin's retention of old buildings and maintenance of character.

### 3.2.5.3 Broad submissions on the density performance standard relating to criteria for, or extent of, medium density zones

75. *Bus Users Support Group Otepoti-Dunedin* (OS1080.3) supported the density rules set out in Table 15.5.2A as they favour increased density housing and reduced on-site car parking requirements at developments that are close to bus stops.
76. *Ms Jude Egerton* (OS870.1) sought a reduction in permitted density in ICR near the campus. She stated that prior to 1990 the population was more balanced between students and residents, but this has changed. *Ms Egerton* believed that fundamental problems arise from allowing and encouraging the development of the area solely for students with higher dwellings fitted into smaller sites, resulting in shading and loss of gardens. *Ms Egerton* suggested actions be taken to improve matters in the area.
77. *Arthur Street Neighbourhood Support* (OS843.4) supported by *Liz Angelo* (FS2489.4) sought that provision for infill housing be removed from the Stuart Street – Arthur Street – York Place Heritage Precinct.
78. *David Murray* (OS849.50) stated that impacts on heritage through increased density appear not yet to be adequately identified and addressed, and that the need for medium density housing had been overstated. This was supported by *Rosalind Whiting* (FS2050.4), *Alison Rowena Beck and Philip Jeffrey Ward* (FS2380.7), and *Elizabeth Kerr* (FS2429.105).
79. *Jo Galer* (OS801.6) also sought to amend Rule 15.5.2 (density) to encourage re-use of existing houses within their footprint in Residential Heritage Precincts in the Inner City Residential Zone, rather than allowing for subdivision to 200m which could provide possibilities for developers to demolish and build more intensively on those sites with less attractive housing. This was supported by *Rosalind Whiting* (FS2050.8) and *Robert Francis Wyber* (FS2059.28).
80. *Mr Wyber* (OS394.95, OS394.96) requested multi-units (three or more) only be allowed on sites having a road frontage wider than site depth, and also sought addition of a new performance standard requiring site amalgamations unless a single site can meet a minimum shape factor (width greater than depth).

### 3.2.5.4 Request for more medium density zones in flat areas like Mosgiel

81. *Mr Michael Brough* (OS363.4), *Blueskin Projects Ltd* (OS739.25), *G and J Sommers Edgar* (OS889.24), *CTW Holdings Limited* (OS742.25) and *Craig Horne Surveyors Limited* (OS704.25) requested changes to the zoning of areas within the city (such as Mosgiel and other flat suburbs) to allow a minimum site size of 200m<sup>2</sup> and more intensive development similar to the ICR. The submitters were concerned that the proposal for higher density development was on steeper land below the Town Belt, which was the shady side of the hill. They suggested that generally, from a development perspective, this is considered the least suitable land for intensive development as development costs are considerably higher, less land is ultimately available for dwellings, and invariably more shading of downhill properties occurs. They suggested it is far more appropriate that gently sloping or flat land, preferably with a northerly aspect, is available for intensive development. At the hearing Mr Horne pointed out that Mosgiel did not have any additional areas rezoned for infill and there was limited

capacity for infill. He suggested the boundaries of GR2 in Mosgiel could be extended and smaller site sizes, similar to the ICR, should be permitted.

### 3.2.5.5 Request to allow medium density based on a distance from a road or centre

82. *Mr Robert Wyber* (OS394.94) requested that GR2 be provided for:
- within 400m of the perimeter of all suburban centres that contain a supermarket
  - within 100m either side of the North Road to Forbury Road to St Clair corridor, and on any other suburban street that is: wide, has frequent (every 20 minutes or better) public transport, has marked or formed cycleways and has on-street parking
  - include smaller zoned areas for multi-units within 50m of the edge of local centres.
83. This submission was partially supported by *Alastair Logan* (FS2315.4).
84. *Mr Wyber* believed the research to determine GR2 locations did not consider where people want to purchase properties, or the practicalities of development. He considered they don't provide for a range of housing options or respond to the city's changing demographics. He provided a number of examples of what he considered to be poor design (particularly in terms of infill development), suggesting that incentives and design guides, along with better provisions, may help improve the design of new dwellings. Much of his concern was about the impacts on streetscape, particularly where new dwellings were inappropriately located at the front of a site with an existing dwelling.

### 3.2.5.6 Request to allow two residential units on vacant sites of 700m<sup>2</sup> or more

85. In addition to the amendment outlined above, *Mr Robert Wyber* (OS394.60) sought to allow two residential units on vacant sites of 700m<sup>2</sup> or more in "all the older residential areas, including the habourside commuter suburbs, on flatter to gently sloping land", preferring the clearance of sites before medium density development rather than infill development.
86. He felt this would provide for a better outcome than infill in the form of new dwellings being placed in front of, or behind, existing dwellings. He believed that this often resulted in an unattractive outcome as the original dwelling was not placed or designed in a way that was compatible with the new dwellings. Further, *Mr Wyber* believed, in order for these developments to be attractive there should be one coherent design, designed from the start of a multi-unit development.

### 3.2.5.7 Other submissions raising specific concerns relating to medium density zoning

87. Other submitters also expressed concerns about the potential effects of medium density development, generally in conjunction with a request to remove or reduce the GR2 zoning in a part of the city. These included that medium density development would:
- have adverse effects on access to sunshine, views and vistas, gardens, trees and greenspace – e.g. *Ms Margaret Davidson* (OS417), *Ms Carol Devine* (OS252) and others (set out in section 4.2, below), *Arthur St Neighbourhood Support* (OS843.11)
  - increase pressure on already limited on-street parking capacity – *Arthur St Neighbourhood Support* (OS843.11)
  - increase traffic with adverse effects on safety – *Mr Simon Cantem* (OS591.1), *Mr Jamie Wollstein* (OS703.1), *Mrs Jennifer and Mr John Dunbar* (OS1076.1), *Chloe Dick* (OS411.1), *Mr Howard and Mrs Annette Randal* (OS948.1)
88. There was also criticism by some submitters, including *Mr Robert Wyber* (OS394), that the consultation process on medium density provisions was inadequate.

### 3.2.6 Section 42A Report

#### 3.2.6.1 Consultation

89. The Reporting Officer, Ms Jacinda Baker, disagreed with *Mr Wyber* that insufficient research and consultation was undertaken in assessing areas suitable for medium density and the effect of this medium density housing on the character and streetscape of these areas. She pointed to the consultation processes described in section 2 of the s42A Report.

#### 3.2.6.2 Demand

90. In relation to questions of demand for medium density, the Reporting Officer commented that given the projected demographic trends outlined in the *Housing Choice in Dunedin (Dunedin City Council, 2007)* report, including a decrease in the number of traditional two-parent family households, an increase in single person and couple households, smaller family sizes, longer life expectancies, and an aging population, it is highly likely that a large number of smaller dwellings will be required in the future. Dunedin has a shortage of smaller dwellings, and the purpose of the medium density zones is to provide increased opportunities for smaller dwellings to be developed and provide increased choice of housing typologies for people. In her view it is appropriate to locate these housing types close to main centres and in locations where services and public transport are accessible. The Reporting Officer noted the support of the *Bus Users Support Group Otepoti-Dunedin* for this approach.
91. She noted that consultation undertaken indicated a preference for these areas to be spread throughout the city to provide a range of location choices and allow people to stay within their existing communities if they wish to downsize.

#### 3.2.6.3 Reverse sensitivity effects

92. In relation to the request that reverse sensitivity considerations be added as a criterion in the identification of new medium density zoning, the Reporting Officer explained that the policy was concerned with prioritising existing residential areas for more efficient development to occur where certain favourable circumstances exist (those listed in sub clauses (a) to (i)) (s42A Report, Section 5.2.2, p. 45). It does not enable large scale greenfield development, although it could include development of some larger sites within the urban environment or increased density. Ms Baker did not consider it was necessary to include reference to reverse sensitivity, because residential activities are already occurring in these identified areas, or close by, and therefore the capacity for reverse sensitivity effects to occur is already likely to exist.

#### 3.2.6.4 Effects on residential character and amenity, and heritage values

93. The Reporting Officer explained that the compatibility of medium density housing within the existing neighbourhood character was one of the key criteria used in determining the location and extent of medium density zones, including:
- whether the area already exhibits a subdivision pattern and built form that is 'medium density' and whether this would align better with the proposed General Residential 2 Zone or Inner City Residential Zone provisions than a General Residential 1 Zone;
  - the bulk, location, and density of existing housing stock and the potential compatibility of medium density housing with development on neighbouring sites; and
  - the overall effect of new medium density housing on neighbourhood character.

94. Ms Baker also noted that the condition of the housing stock was also assessed. In her opinion, encouraging the redevelopment of older housing stock (which is not necessarily affordable) can have positive effects in terms of improved environmental performance standards and amenity. The 'older and cheaper' wording in Policy 2.2.4.1 recognised that redevelopment is less likely to occur in areas where housing stock is new. She disagreed with the arguments that there is no demand for medium density housing and that older suburbs are unsuitable for medium density housing.
95. She further commented that where areas were determined to have high character values, these areas were often not included within the boundaries of the General Residential 2 Zone.
96. She noted the role of heritage precincts (discussed in the Heritage s42A Report), noting that many of the additional areas suggested in submissions as having heritage values had been assessed as potential heritage precincts as part of the development of the 2GP and discounted "most often due to a lack of consistent, quality streetscape to protect." She noted the additional rules that apply where heritage precincts overlay medium density areas, not by preventing infill development, or preventing demolition and replacement with additional residential dwellings, but managing the design and form of development to meet the objective to maintain the heritage values of the precinct.
97. The Reporting Officer acknowledged that the character of some areas will change in some respects, for example loss of rear gardens due to infill development, and that this would be of most concern to neighbouring properties that overlook areas being developed. However, she considered that imposing controls on infill development to protect these areas would prevent the proposed increased density and benefits of providing more housing options in inner city neighbourhoods, which in her view outweighed the benefits of retaining these back sections as open space.
98. Ms Baker also stated that the 2GP does not prevent any sector of the community from living in a specific area, nor can it control the behaviour of residents. With regard to *Ms Egerton's* submission, the Reporting Officer noted that although the minimum site size had reduced for the residential area around the campus (Residential 3 in the operative District Plan), the density provisions of one habitable room per 45m<sup>2</sup> had not changed in the 2GP. She felt that this submitter's concerns were not so much with the density *per se*, but the type of development and occupants that this attracts to the area. She noted that the DCC and University were aware of concerns residents have with students and in the past have had meetings to discuss these matters.
99. In relation to suggestions that the 2GP be amended to encourage re-use of older houses in the Inner City Residential for medium density development, the Reporting Officer noted that, while the residential section of the 2GP may not specifically refer to encouraging re-use, the strategic direction Policy 2.2.4.2 (applicable across the 2GP) refers to encouraging, "new residential housing development in the central city and larger centres, through rules that enable adaptive reuse of heritage buildings...". She also noted that provisions for medium density zones with no limit on the number of residential units per site, with density being determined on a habitable room basis. In her view, this removes constraints in the operative District Plan and should facilitate retention of larger houses. Finally, she considered the requirements for resource consent for demolition of character contributing and heritage buildings and for new buildings in heritage precincts should help to encourage conversion rather than replacement of these buildings.
100. The Reporting Officer considered the *Medium-density Housing Case Study Assessment Methodology* (Ministry for the Environment, 2012) has been designed to evaluate larger medium density developments and it is unlikely to be appropriate or necessary for small scale infill developments. She noted a number of the assessment criteria were taken into account when determining the location of medium density zones, and other factors are managed through performance standards. However, some of the assessment criteria outlined in the document could be incorporated into the assessment criteria used in the 2GP if it provided some additional factors not already included.

101. She considered that for new buildings in a heritage precinct which require resource consent, the consideration of urban design principles could be included as assessment criteria. However, this is more difficult in the General Residential 2 Zone or areas of the Inner City Residential Zone not within a heritage precinct, as there are fewer development activities that require resource consent, unless a performance standard is contravened. She considered design guides could include consideration of urban design principles.
102. In response to the new performance standard suggested by *Graeme and Lynette Reed* (OS491.2) she commented that the 2GP contains provisions in heritage precincts that require the assessment of new buildings and additions to character contributing buildings (and large additions to non-character-contributing buildings) to be assessed against the heritage values of the precinct with the objective of maintaining the heritage values, which generally provides for replicating or complementing heritage design. So, in her view the submitter's request is addressed in part already in the Plan's provisions. Outside of these areas, there is more flexibility and the control of character is limited to consideration of bulk and location of buildings rather than building style. She believed this approach appropriate with respect to the broad issue raised by the submitter.

### 3.2.6.5 Management of infrastructure constraints

103. The Reporting Officer noted that areas in the GR2 Zone that are subject to infrastructure constraints have been included within an Infrastructure Constraint Mapped Area and have additional restrictions on development. As areas of the network are upgraded and infrastructure constraints are removed, these mapped areas can be uplifted. The proposed approach for Infrastructure Constraint Mapped Areas will be to permit development levels that are currently permitted in the operative District Plan (i.e. at General Residential 1 Zone density in the 2GP if the area is zoned Residential 1 in the operative District Plan), and to require resource consent where the density provided in other General Residential 2 areas is sought, therefore giving Water and Waste Group the opportunity to consider infrastructure capacity where medium density development is proposed (s42A Report, Section 5.4.3, p. 101).

### 3.2.6.6 Alternatives or additions to the application or extent of medium density zones

104. In relation to requests that more zoning at ICR densities be provided in flatter areas of the city, the Reporting Officer indicated that the 2GP already had GR2 in flatter areas in Mosgiel, South Dunedin, Caversham, North East Valley, and Musselburgh Rise. There were also other GR2 areas spread throughout the city with a mix of flat and hilly terrains. Her view was that the GR2 with a minimum site size of 300m<sup>2</sup> adequately provides for a range of small scale housing choices (Section 5.13.2, s42A Report, p. 340).
105. Ms Baker originally did not support the suggestion of *Mr Wyber* to enable two houses on sites over 700m<sup>2</sup> and considered this could potentially change the built form and character of these areas, and not afford neighbours an opportunity to comment on this change (Section 5.7.1.1, s42A Report, p. 155). She also thought it may encourage demolition of older character houses (without protection under the 2GP). Although we note, she later raised it, in a modified form, as an option for use to consider in the reconvened hearing (see below).
106. In relation to *Mr Wyber's* suggestion to restrict medium density zoning to a prescribed distance from roads or centres with certain characteristics, the Reporting Officer considered that one of the major problems with specifying an area based on a distance from a road or centre, rather than determining a boundary, is that this creates uncertainty for landowners. She considered the determination of areas for inclusion was based on sound criteria, including many requested by the submitters (s42A Report, Section 5.13.2, p. 343).

107. With regard to *Mr Wyber's* request to require amalgamation of sites, Ms Baker agreed that amalgamation of very small sites can allow better design options (s42A Report, Section 5.8.10, p. 304). She considered that if two sites were already in joint ownership, the 2GP's rules would encourage the amalgamation as it would provide better development opportunities as a permitted activity than keeping them separate.
108. With regard to *Mr Wyber's* suggestions around restricting medium density based on site frontage to depth ratios, she felt that these restrictions would significantly reduce the opportunities for medium density housing. She presented evidence based on the 2013 residential capacity dataset, analysing vacant sites between 700m<sup>2</sup> and 1,000m<sup>2</sup>, of a shape suitable to allow for two dwellings and with no, or only minor, constraints.
109. In general, she considered that the approach used in the 2GP does not discourage quality development but provides opportunities for landowners to determine what is appropriate for their site and the customer market. She considered that townhouses could just be as easily put on a site as any other form of flats or semi-detached housing, and that the provisions do not encourage a specific design (including the 'sausage flats' of particular concern to *Mr Wyber*).

### 3.2.6.7 Minor amendments

110. The Reporting Officer considered the correction to Policy 2.2.4.1 identified by *NZTA* would implement what was intended and improve meaning and clarity.

## 3.2.7 Evidence presented at the hearing

### 3.2.7.1 Evidence of Mr Garden at the hearing

111. Mr Mark Garden (architect) was called by the DCC.
112. In response to questions at the hearing about taking a finer grained approach to determining zone boundaries, Mr Garden expressed the view that it was a matter of balance. He was of the opinion that while some individual property owners may object to the zoning, it is important to look at the bigger picture. He considered that boundaries could be pulled back but a broad-brush approach is still needed as you cannot skew zone boundaries around individual properties. He believed that the core of the proposed areas should be retained as medium density but some areas closer to the zone boundaries could be amended if there was concern. Mr Garden indicated that the zone boundaries were determined without knowing definitively what the rules for the area would be. With rules now proposed, fine tuning could be undertaken with regard to what the rules would allow to happen and the implications of those rules, and boundaries could be tweaked.

### 3.2.7.2 Submitter evidence

113. In her tabled statement, Ms Georgina McPherson (planning consultant) for *BP Oil NZ Ltd, Mobil Oil NZ Ltd* and *Z Energy Ltd* indicated she did not support the Reporting Officer's assessment as the wording used in the policy was 'urban' land not 'residential' land, and therefore she concluded that this could include commercial and industrial, as well as residential zoned land. She believed the policy set out a preference for medium density housing to be located across the city not just in greenfield areas, and that the criteria did not indicate that this would be restricted to residential areas. She was of the view that it is appropriate to consider reverse sensitivity in non-residential areas, especially where mixed use is provided for and there is a high potential for compatibility issues to arise. Of concern to the submitter was the potential for medium density housing near its fuel storage facility.
114. In his tabled statement, Mr Andrew Henderson (planning consultant) for the *NZTA*, indicated he supported the Reporting Officer's recommendation.

115. *Ms Liz Angelo* spoke at the hearing on behalf of herself and *Arthur St Neighbourhood Support*. *Ms Angelo* outlined how she considered the makeup of property ownership and residents in the City Rise area had changed over time to where it was now dominated by rental properties. She expressed concern that this changed the way the area was being developed and considered that this had impacts on the retention of older buildings and the preservation of character and amenity. In response to a question about whether her concerns were about design and/or density, *Ms Angelo* indicated medium densities could be achieved through good design but that this should not be done at the expense of green spaces. She considered that medium density may be appropriate for some areas, depending on the location and surrounding environment.
116. *Ms Margaret Davidson* spoke at the hearing on behalf of herself and *City Rise Up* in conjunction with a presentation by *Ms Jo Galer* and *Peter McIntyre* on behalf of themselves and the *Southern Heritage Trust*. The submitters considered that the changing nature of residents and development has resulted in a loss of character and amenity, and an increase in buildings that were not compatible with the character of older buildings throughout many areas in the ICR. They were concerned about the potential further implications in areas of the ICR, and other neighbourhoods in GR2, which were not protected by heritage precincts.
117. The submitters also argued that medium density areas not in a heritage precinct were at risk from poor quality design and loss of green spaces. They considered front gardens make an important contribution to streetscape amenity and are often the first thing to be lost if the house becomes a rental property. They also considered that leafy back gardens were important shared views for neighbours. They argued the importance of protecting these green spaces.
118. *Ms Davidson* considered there were not many stretches of continuous good quality housing and believed even three or four character houses together should be protected. In response to questions, *Ms Davidson* indicated that she considered consent should be required for all new dwellings in the ICR so that design could be assessed.
119. *Mr Ovens* and *Ms Dalloway* (architects) presented jointly at the hearing. Although *Mr Ovens* did not specifically submit on this point, he suggested that the locations for the GR2 areas would be better focused around commercial centres, as he considered this a complimentary activity with surrounding concentration of residents. He also considered centres gave the areas a sense of identity and character. He considered GR2 without a centre was not appropriate and that density could be increased in suitable areas to provide the same overall capacity if some GR2 were removed. He also suggested that new comprehensive developments could have a central point such as community facilities with higher density around it.
120. They considered the approach of zoning areas around suburban centres for medium density development would create fewer conflicts with the existing environment and expectations.
121. *Mr Alastair Logan* appeared at the hearing and argued more thought needed to be given to GR2 as he considered more intensive development on smaller sites would impact on amenity. He agreed with DCC providing more housing choice but considered that people wanting smaller houses may not want smaller sections. He argued existing residential amenity was not included in Policy 2.2.4.1 and should be considered.
122. *Mr Logan* outlined his concern about how the criteria had been applied to some GR2 areas, arguing that some proposed areas were not suitable for medium density development.
123. Neither *Ms Davidson* nor *Mr Logan* provided additional evidence at the hearing regarding their concerns about adverse effects on views.
124. *Ms Alison Beck* was concerned about loss of character and amenity as she believed properties would be degraded by infill housing, and that poor quality housing would create slums.



125. She also considered there were parking issues that would be exacerbated with more infill development. She expressed concern about the potential for high levels of impermeable surfacing and provided photos demonstrating front yards of flats that had been totally hard surfaced to provide driveways and parking areas. She believed crime levels would increase in this area with more infill development that this was a concern due to the number of schools and day care facilities in the area and because there are several boarding houses in the area used to house released prisoners.
126. *Ms Beck* argued that it is important to protect amenity and green space and expressed concern about height rules allowing tall buildings to be constructed next to existing small cottages, blocking sun and views.
127. She provided Census data on Dunedin's aging population and expressed concern that the ICR contained steep hills and given the ORC had removed bus services recently, it made this area unsuitable for an aging population. Considering these factors, she believed the area does not meet strategic directions criteria for encouraging medium density development. She also argued there was little population growth in Dunedin, therefore she believed infill housing was not needed.
128. *Mr Forbes Williams* also spoke in support of *Ms Beck*. He expressed concern about the lack of parking currently available and believed this would worsen with infill housing. He considered there is a large change from current R4 zoning to ICR and that this elevates the area's status for infill development. He argued the criteria for medium density were not met as he was of the view that City Rise is not well served by public transport.
129. *Mr Wyber* spoke to a statement which questioned the appropriateness of notified areas of medium density zoning, which he pointed out had steep, narrow or one-way streets. He stated he had heard anecdotally that people were relocating to Mosgiel because it was not possible to get a "modern townhouse or ownership unit" anywhere else in the city. In his view there was a large deficit of suburban two-unit (stand-alone) developments. He considered that the 2GP excludes neighbourhoods and did not support this approach, highlighting again the alternative suggestions he had put forward in his original submission.
130. *Ms Louisa Sinclair* (DCC Water and Waste Services) stated that allowing two residential units on on vacant sites of 700m<sup>2</sup> or more (as advocated by *Mr Wyber*) would lead to problems for infrastructure capacity planning, as it would be difficult to predict development patterns and, therefore, may have adverse effects on the water and waste infrastructure network.
131. *Mr Wyber* also contended amenity may be impacted because the rules as drafted would produce low quality development characterised by 'sausage flats'. He suggested that narrow sites were only suitable for one dwelling and that site amalgamation would result in improved multi-unit development rather than people over-developing narrow sites in the ICR. He suggested that quality redevelopment is problematic without site amalgamations because it becomes increasingly difficult the smaller the sites become.
132. *Mr Ovens* argued that the negative connotations being associated with multi-units by some submitters were unjustified and demanding extra design controls was unfounded unless developments were in precincts or exceed the density rules in the Plan. He considered multi-unit developments deserve the same level of certainty as individual dwellings.
133. *Mr Peter Dowden* spoke at the hearing on behalf of the *Bus Users Support Group Otepoti-Dunedin*. He indicated the bus network was not included in 2GP as part of infrastructure but believed it should be considered the same way as other infrastructure. He was of the view that increasing the number of people living along permanent bus routes, through allowing higher density or infill development, may increase their viability and encourage more people to use them. He believed this may help reduce requirements for parking as well.

### 3.2.8 Reporting Officer revised recommendations

134. The Reporting Officer reiterated her s42A Report position or provided clarifying statements on a number of submissions and recommended some further amendments.
135. In response to *Mr Logan* (OS425.3), she recommended an amendment to Policy 2.2.4.1.d so it reads: "compatibility of medium density housing with existing neighbourhood character, form, and amenity."
136. Ms Baker accepted the expert advice provided by Mr Mark Garden in regard to the suitability of the areas and proposed boundaries for medium density areas and therefore considered retention of the proposed areas was appropriate. She did however recommend some further work be undertaken to identify areas in the ICR that have heritage character that is at a lower level to those in the heritage precincts, but still worthy of some form of recognition and protection, and to reconsider the periphery areas of the GR2 in: Roslyn, Opoho, Andersons Bay, Caversham, Maori Hill and other areas mentioned in submissions, being Belleknowes, Balaclava and Waverley.
137. She stated that, if the Panel were of a mind to want to manage design in some way within the GR2 Zone, one option would be to make the bulk and location performance standards in the GR2 (except the five already denser areas) the same as the General Residential 1 (GR1) performance standards.

### 3.2.9 Hearing Panel request for further information

138. At the end of the Residential Hearing, in response to submitter evidence on GR2 boundaries and provisions, amenity, and heritage values, we requested further information from the Council in order to assist us in reaching decisions on the extent and application of medium density zoning.
139. The further work we requested included:
  - a peer review of the methodology used to assess potential medium density areas
  - re-evaluation of the proposed GR2 and ICR boundaries from an urban design perspective including assessment of areas requested through submissions
  - re-evaluation of proposed GR2 and ICR zones to identify any areas that have heritage or character values requiring additional protection or recognition
  - a high-level review of provisions related to medium density zones and evaluation of further options to manage effects on adverse amenity and neighbourhood character
  - compiling assessment information for areas included in the GR2 or ICR into one document.

### 3.2.10 Urban Land Supply (Part 1 and Part 2) Hearings

140. While this further work was being progressed, the Urban Land Supply (Part 1 and Part 2) hearings took place.
141. The Urban Land Supply (Part 1) took a broad overview of the application of zoning in the Strategic Directions section.
142. The Reporting Officer to the Urban Land Supply (ULS) Hearing, Ms Emma Christmas, explained that the policy framework related to the application of zoning was intended to:
  - determine 'new' zoning in the 2GP (e.g. zoning that was not already in place in the Operative Plan);
  - assess any submissions for zone changes as part of the public submissions process on the 2GP; and
  - assess any future plan changes (including private plan changes).

143. Ms Christmas made several recommendations related to the strategic policies that address the application of zoning. These were based on submissions by *Colin Weatherall* (OS194.9) who expressed general concerns about the assessment matters used in policies to determine zoning, and by *Bob Wyber* (OS394) who expressed concerns about the consistency of the strategic policies and how they relate to the rest of the 2GP. *Anthony Parata* (OS248.6) also submitted that the zoning of additional residential and rural residential areas should only be undertaken with regard to the Strategic Directions policies, in particular 2.6.1.3, 2.6.3.2, 2.7.1.1, 2.7.1.2 and 2.2.2.4.
144. Ms Christmas' recommendations included:
- Amending the first part of Policy 2.2.4.1 (the general policy of prioritising efficient use of existing land) and amending this to cover what had been in policy 2.6.1.3 in relation to the use of large lot zoning
  - Removing the second part of Policy 2.2.4.1 (suitability for medium density zoning assessment criteria) and including it in new Policy 2.6.3.4 (under Objective 2.6.3 Adequate Urban Supply, with the general policy about the application of new residential zoning)
  - Improving the wording of Policy 2.6.3.1 and new Policy 2.6.3.4 to make them consistent with drafting in other policies regarding the application of zoning; to better align the criteria with the objectives and policies of the 2GP; and to make it more suitable for application in a range of rezoning and expansion scenarios.
  - Including reference to slope and aspect in Policy 2.6.3.1, for which she considered there was scope under the submissions of *Mr Bob Wyber* (OS394.94) and *Mr Alistair Logan* (OS425.1).
145. At the Urban Land Supply (Part 2) Hearing, Mr Kelvin Collins (Managing Director of Harcourts Highland Real Estate Group) was called by the DCC. Relevant to our deliberations on medium density zoning, Mr Collins commented that ageing owners who traditionally live in areas like Maori Hill, Roslyn, Waverley and Mosgiel do not have enough suitable options to move into, which is contributing to a shortage of housing supply for other buyer groups. He considered many of these owners would be motivated to move if there were more low maintenance, modern homes, terraced style developments and low-rise apartment style properties. He noted that whenever Harcourts lists an apartment that offers easy living close to the CBD, it is snapped up quickly. In his opinion some centres could also provide enough services to provide an attractive living locality for retirees.

### 3.2.11 Reconvened Residential Hearing Report

146. The Reconvened Residential Hearing Report supplied in response to our request for further analysis, included:
- a peer review of the methodology used to assess potential medium density areas;
  - re-evaluation of the proposed GR2 and ICR boundaries from an urban design perspective;
  - re-evaluation of the proposed GR2 and ICR to determine any areas that have heritage or character values requiring additional protection or recognition;
  - options to manage heritage, amenity and neighbourhood character in GR2 and ICR; and
  - a review of provisions, taking into account evidence from the Urban Land Supply Hearing.
147. The report drew on the expert advice of a mixture of DCC planning staff (including Ms Emma Christmas, Reporting Officer for the Heritage topic, the new DCC Heritage Planner, (Mr Dan Windwood), and a consultant planner/urban designer (Mr Ian Munro).

### 3.2.11.1 Peer review of methodology

148. Ian Munro (urban designer and planner) was commissioned to undertake a peer review of the report prepared by Baker Garden Architects (*District Plan Medium Density Areas, May 2015*), that was used to assist the DCC in determining areas that may be suitable for medium density housing.
149. Mr Munro determined that the Baker Garden study focused exclusively on the physical existing environment today. Mr Munro considers that numerous Court decisions have determined that the 'existing environment' for the purposes of planning decisions must also consider reasonable non-fanciful permitted activities that could occur under the relevant Plan as well. As a consequence, he considered the Baker Garden study was overly conservative in its identification of areas suitable for GR2 – the land identified in the Baker Garden study was most appropriate or the 'best' land for GR2 and a spatially larger area of GR2 might have been justifiable. He suggested the Panel could take from this some confidence that the GR2 areas proposed are, in general, readily defensible on built character and neighbourhood amenity grounds, especially once the existing and proposed permitted activities of the operative and proposed plans are also taken into account.
150. However, he was not convinced that there is such urgent demand or need that all possible land that could be zoned General Residential 2 should be so zoned at this time, considering that the 2GP approach would better promote sustainable management than a more permissive approach that over-zoned the General Residential 2 Zone based on not appreciating existing character values enough.
151. In conclusion, Mr Munro considered that the methodology used to identify GR2 zoned areas relied on accepted and relevant criteria and was executed such that the proposed zones represent generally well-justified and appropriate locations.

### 3.2.11.2 Reevaluation of proposed boundaries

152. Mr Munro reviewed the specific GR2 and ICR areas and the recommendations reached by the Council's staff and the Baker Garden report. He also considered the submissions made in opposition to the notified zoning. Discussion of Mr Munro's recommendations about individual locations is documented in section 3.4, below, where site-specific rezoning requests are discussed, however, he generally concluded that:
  - The areas proposed to be zoned GR2 and ICR are generally defensible and appropriate.
  - The proposed GR2 and ICR areas are very strongly related to where historical intensification or higher density has occurred and, in most cases, have already been partially intensified in line with the outcomes enabled in the zones. In this respect, the GR2 appears to be evenly split between enabling further growth in appropriate locations, and simply recognising what has already been developed on the ground (without resulting in additional actual development capacity).
  - The criteria had been applied consistently and evenly, and he supported the 'overall' approach to analysis of multiple criteria that was used.
153. He did however recommend the removal of one area of medium density zoning in its entirety; the amendment of a boundary of a second area; and two extensions to existing areas of medium density zoning. These site-specific changes are discussed in further detail in section 3.4.
154. He also commented that, overwhelmingly, it is the issue of potential effects on local character and amenity values that is of most worry to submitters, and that this is a key effect that should be convincingly managed.
155. He explained what he considered to be significant difficulties in implementing any built-character base Plan provisions, stating they only function coherently where effectively

any change to any building identified as being part of the character area needs resource consent, which he considered would be a significant change for the 2GP and would in his opinion likely require a Plan Variation or Plan Change and re-notification given its ramifications.

156. However, he concluded that given that the 2GP approach combines a relatively restrictive approach to both zone extent and zone provisions (more restrictive still under Option 4a, discussed below), there are sufficient safeguards in place that, even if the GR2 zone extent was slightly in error:
- it is unlikely that overdevelopment would result on land that was not suited for medium density housing but was so zoned, and
  - it is likely that a resource consent could be sought and obtained providing for medium density housing on land that was suited for medium density housing but was not so zoned.

### 3.2.11.3 Options to manage heritage, amenity and residential character

157. Ms Baker (and the Reporting Officer for the Heritage topic, Ms Emma Christmas) presented several options to provide for medium density development, protection of heritage values, and the management of design. Some of these options were based (at least in part) on suggestions from submitters, consideration of what other Councils do, and options identified by us or the Reporting Officer or Senior Planning Advisor to address our concerns based on the submissions received and evidence presented at the hearing.
158. The Reporting Officers discussed additional approaches:
- Ms Christmas recommended, based in part on a revised assessment by the Council's new Heritage Planner Mr Dan Windwood, additions to some heritage precincts. The evidence on this, submitter responses, and our decision on these matters are outlined in the Heritage Decision Report.
  - Ms Baker presented several options for providing for medium density development in response to concerns raised by submitters about the proposed densities, the potential impacts on the amenity and character of these areas (Reconvened Residential s42A Report, Section 5.4, p. 15).
159. These options included: Option 4a – permitting development in GR2 or ICR that met GR1 densities; Option 4b – providing for medium density development on any site; and Option 4c – *Mr Wyber's* suggestion of providing for two units on 700m<sup>2</sup> sites across several zones throughout the city. The Reporting Officer and Mr Ian Munro (urban designer/planner) assessed the costs and benefits of these options.
160. Ms Baker, recommended a "modified Option 4a" approach, which would enable, as a permitted activity, a maximum of two residential units on each site in the ICR and GR2 zones, providing that the development meets the GR1 bulk and location performance standards, and meets the maximum development potential (habitable rooms) for GR2 or ICR as appropriate. This would provide for a residential unit and a family flat in the GR1 zone, and two residential units in the GR2 and ICR zones.
161. She suggested the modified Option 4a could be appropriate for some areas, and the status quo could be retained for areas already developed at medium density levels, as there was little risk or likelihood of a change in character as a result of further medium density development.
162. Ms Baker recommended that any multi-unit development for three or more residential units should be a restricted discretionary activity, with consideration of building design including layout and provision of green space being matters of discretion.
163. Mr Munro assessed Option 4a as "likely to be the most workable, effective and efficient method in urban design terms."

### 3.2.11.4 Review of provisions

164. Ms Baker explained that, as part of the Urban Land Supply Hearing (Part 1), the Reporting Officer Emma Christmas recommended a suite of changes to the strategic directions policies related to the application of residential zoning.

165. She stated that any areas to be considered for new residential zoning (at any density) are also subject to Policy 2.6.3.1. New Policy 2.6.3.4 applies specifically to the application of medium density residential zoning and as recommended in Urban Land Supply Hearing is as follows:

*"Identify areas for new medium density zoning based on the following criteria:*

- a) rezoning is necessary to recognise an existing pattern of development and there will be no or negligible additional development potential; or*
- b) rezoning is necessary to meet a short term (up to 5 year) shortage of capacity to meet demand in the catchment (as per Appendix 12A), unless an infrastructure constraint mapped area is applied; and*
- c) the area is suitable for medium density housing by having all or a majority of the following characteristics:*
  - i. lower quality or older housing stock more likely to be able to be redeveloped;*
  - ii. locations with a topography that is not too steep;*
  - iii. market desirability, particularly for one and two person households; and*
  - iv. is able to achieve the objectives in (d);*
- d) the area is suitable for medium density housing by having all or a majority of the following characteristics:*
  - i. The elements of the urban environment that contribute to residents' and visitors' aesthetic appreciation for and enjoyment of the city are protected and enhanced. These include:*
    - 1) important green and other open spaces;*
    - 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 urban environments; and*
    - 6) the compact and accessible form of Dunedin (Objective 2.4.1);*
  - ii. Locations provide for the community's needs and supports social wellbeing, including by providing options in a range of existing neighbourhoods to support 'ageing in place' (Objective 2.6.1);*
  - iii. The locations reduce reliance on private motor cars for transportation, by having good transportation choices, including through one or more of the following:*
    - 1) being currently serviced, or likely to be easily serviced, by frequent public transport; (Objective 2.2.2);*
    - 2) being close to existing community facilities such as schools, public green spaces recreational facilities, health services, and libraries or other community centres; and*
    - 3) being close to existing centres;*
  - iv. locations facilitate good solar access (Objective 2.6.2);*
  - v. the potential risk from natural hazards is low, if in a natural hazards overlay zone (Objective 11.2.1)."*

166. Ms Baker explained that as part of re-evaluating the suitability of areas for medium density housing, areas were assessed against this new policy, except for clause 2.6.3.4.d.ii, relating to housing choice. She considered it is the collective provision of areas across the city representing a good spectrum of Dunedin neighbourhoods (both by location and type) combined with opportunities for a range of housing types that combine to provide for housing choice in the city.

167. In terms of capacity (clause 2.6.3.4.b), Ms Baker deferred to the assessments in the Urban Land Supply s42A Report as to how much land is needed for medium density zoning and the capacity provided by the zones. She commented that these assessments are based on the number of additional dwellings per site, rather than number of habitable rooms and can therefore only give an indication of additional capacity in the ICR or GR2 that could occur under the 2GP provisions. The data shows a shortfall in capacity in the short, medium and long term in the ICR.

### 3.2.12 Reconvened Residential Hearing

168. The Reconvened Residential Hearing facilitated the opportunity for the new evidence to be presented and for submitters to provide comments on the new evidence.

#### 3.2.12.1 Evidence of Mr Munro

169. Mr Ian Munro appeared at the Reconvened Hearing as an expert witness for the Council presenting urban design and planning evidence.
170. In response to questions about amenity and the protection of character, Mr Munro stated it was essential for plans to define what elements of an area's character are important and to be protected, as people will have different views of what important character is. He considered that micro-managing development through having lots of design rules for people to meet would not be beneficial, nor would it encourage good design outcomes. Character would be difficult to determine, as GR2 areas generally have a mix of patterns and types of developments with few consistent design features. While there may be clusters of up to 10 houses that are consistent, rules apply across the whole area or zone, so the character of the whole area would need to be considered.
171. He suggested it would be better to aim for consistency in the grain of the development, such as similar size sites, width, and therefore width of houses. Mr Munro was of the opinion that having design rules could result in consent being required for something that was consistent with the neighbourhood. He also suggested that the Plan could specify the dominant era of buildings in each precinct, and require consent for multi-units so roof pitch and materials, for example, could be prescribed to be compatible with houses from that era. This would be regulating new character rather than necessarily requiring replication of existing building styles.
172. Mr Munro was of the opinion that design guidelines don't work if they are not linked to a regulatory method such as requiring restricted discretionary consent, with assessment for design. Any guidance needs to be linked to provisions in the Plan. He suggested that good design could be encouraged in larger developments by requiring design to meet Crime Prevention Through Environmental Design principles, without inhibiting a variety of house types and forms.
173. In response to questions about whether infill development is cost effective or whether cost drives people into greenfield areas, Mr Munro considered that the disincentive of consent is overstated. He considered that notified discretionary consents carry risk and uncertainty, but restricted discretionary consents under a framework which indicates what is expected won't disincentivise development.
174. In response to questions about loss of green space and trees in medium density areas, Mr Munro stated that under the operative or proposed Plans, trees can be cut down as a permitted activity regardless of the development proposed and there are no objectives requiring retention of trees. Mr Munro advised that most councils just provide/protect street trees and trees in reserves. He suggested it may be possible to require space for mature trees on developments over a certain number of lots, or require retention of mature trees in the resource consent.
175. In response to questions about providing for high density development on identified sites, as suggested by *Mr Wyber*, Mr Munro indicated he considered this would involve very few landowners and would essentially be 'picking winners' as to who could develop land. He suggested that those landowners may not be interested in re-developing and

that there may be limited market for four story apartments in Dunedin. He considered having a variety of areas zoned for medium density development provided more chances of them being developed over time.

### 3.2.12.2 Submitter evidence

176. Ms Davidson for *City Rise Up* and Ms Galer for the *Southern Heritage Trust* presented jointly at the hearing on both the review of heritage precincts and on character controls more broadly. They supported the heritage precincts though expressed concern there were no controls to manage character in GR2 areas, especially at the north end of City Rise and in Caversham. In their view people would develop outside heritage precincts resulting in degradation of these areas.
177. While they had previously suggested voluntary guidelines, they agreed with the advice provided by Mr Munro that these would be ineffective if not linked to a regulatory method. They also agreed assessment criteria could be expanded to include design guidelines.
178. Ms Davidson indicated she supported intensification in City Rise but was concerned that there was already a parking shortage, steep or narrow streets in some areas and inadequate public transport. She argued that intensification would further increase parking pressure. She considered there needed to be maintenance of character and amenity in medium density areas.
179. Ms Clare Pascoe spoke on behalf of herself and her husband. She was of the opinion that the areas suggested in City Rise for inclusion in the heritage precinct were large and varied, and she was pleased the Reporting Officer had suggested rules to target areas to protect quality heritage areas. She considered modern development was appropriate in some areas needing redevelopment, however, she was concerned that tall buildings would be permitted and could occur next to small sites which may be out of character with the area.
180. Mr Michael O'Neil supported the Fern Hill and City Rise heritage precincts proposed by Mr Windwood. He was not concerned about medium density development but was concerned about accessibility to services such as dairies, supermarkets and doctors. He also considered that the permitted height and shading may be an issue. Mr O'Neil argued parking is at capacity and that more demand for parking would result in devaluing properties due to the lack of parking. He did not consider that the parking scheme in the area works for rented properties.
181. Mr Michael Ovens and Ms Veronica Dallaway presented jointly at the hearing. Mr Ovens considered that design controls on visual appearance and zone character preservation were best limited to areas of most importance. He also suggested that design controls should be limited to generic fundamentals rather than specific detail. The submitters did not support encouraging amalgamation of sites as they considered this could have negative effects on an area's character.
182. Ms Dallaway argued that resource consent for multi-units would increase time and costs for developers and that this was not what the Government intends. She considered the bulk and location rules in the ICR may result in distorted buildings, suggesting that she supports heritage but that it may be difficult to achieve compliance with bulk and location rules.

### 3.2.13 Decision and Reasons

#### 3.2.13.1 General approach to provision for medium density development

183. Here we describe our decisions on the broad submissions on the overall approach in the 2GP to provision for medium density zoning.



184. We reject the submission of *Mr Logan* (OS425.1) insofar as he requested removal of the GR2 method entirely. We also reject the submissions of *Mr Campbell* (OS495.13) and *Ms Galer* (OS801.1) insofar as they sought different housing types be provided for without having medium density zones.
185. We accept the Reporting Officer's evidence that, given Dunedin's projected demographic trends, it is highly likely that a large number of smaller dwellings will be required in the future; that Dunedin has a shortage of smaller dwellings; and that it is necessary to provide increased opportunities for smaller dwellings to be developed, along with increased choice of housing typologies. We consider the fact that there is a need for increased provision of this type of housing was generally accepted by submitters, and was corroborated by the evidence of Mr Collins at the Urban Land Supply (Part 2) Hearing. We did not hear any evidence to suggest that the need for medium density housing has been overstated, as suggested by *Mr Murray*.
186. We discuss criteria relating to the application of medium density zoning below, including suggested alternative approaches to application of this method. However, speaking generally, we accept the Reporting Officer's assessment that it is appropriate to locate these housing types close to main centres and in locations where services and public transport are accessible, and in a range of locations across the city. We also note this general approach was supported by the expert evidence of Mr Munro, who stated that the "centres-based or compact urbanism approach to enabling medium density housing proposed in the 2GP is the norm".
187. Overall, we accept the Reporting Officer's evidence that the provision of medium density zoning is an appropriate response to provide for additional housing choice and to allow people to stay within their existing communities if they wish to downsize (Objective 2.6.1); to promote a compact urban form (Objective 2.2.4); and to reduce reliance on private motor vehicles (Objective 2.2.2)<sup>1</sup>.
188. Notwithstanding this, a broad range of submissions were received seeking amendment of medium density zone boundaries and/or provisions, citing concerns about a range of adverse effects.
189. The evidence of Mr Munro was that the majority of these concerns (such as increases in traffic, noise, rubbish) should not be problematic or unmanageable. We consider this a fair assessment, noting that the DCC Transportation Group has been involved in the assessment of the appropriateness of all medium density zones, and we agree with the Reporting Officer's assessment that the 2GP does not have a role to play in prevent or enabling any sector of the community from living in a specific area, or responsibility for controlling the behaviour of residents.
190. Mr Munro's evidence, however, was that effects on local character and amenity are different, and should be 'convincingly managed'. We accept this evidence. We note that by far the most cited concern of submitters about the impacts of medium density zoning is adverse effects on local character and amenity, including heritage values, and that these concerns often seemed linked to the issue of provision of green space. While there is near-consensus among experts and submitters about the need for medium density housing, and general agreement about the best theoretical locations for it, there is also acknowledgement by almost all parties that medium density zoning has the potential to undermine residential character and amenity, and heritage values where they are present. In other words, unless medium density zoning is carefully managed, there is a risk of poor alignment with Objective 2.6.1 (relating to form and structure of the environment). Our assessment is that compromises have to be made to simultaneously pursue all the relevant strategic objectives and policies.
191. We accept in part the submissions of *Jo Galer* (OS801.1), *Ms Kerr* (OS743.56) and *John Campbell* (OS495.12), insofar as they sought further assessment of the potential effects (including cumulative effects) of medium density zoning on heritage values and

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<sup>1</sup> We note Objective 2.6.1 and Objective 2.2.4 have been retained as notified (as discussed in the Urban Land Supply Decision Report), and Objective 2.2.2 retained with some amendments (as set out in the Network Utilities Decision Report) which do not change our assessment in this regard.

on local character and amenity. We requested this review, and the results were presented at the Reconvened Residential Hearing.

192. In terms of effects on heritage values, we considered the evidence and submissions on medium density areas in conjunction with the evidence and submissions on heritage precincts. As outlined in the Heritage Decision Report, based on the evidence of Mr Windwood and Ms Christmas, we accept heritage precincts are the most efficient and effective method to provide for the protection of heritage character where this extends to a whole area, including where this overlap with medium density zones. Based on the evidence presented we do not conclude that heritage precincts and medium density zones are mutually exclusive, and so reject the submission of *Margaret Davidson* (OS417.5) insofar as she sought that areas with heritage character are not zoned for medium density development.
193. We also accept that by relying on a habitable-room approach to density (removing the requirement to adhere to a set number of residential units per site) the 2GP provisions incentivise heritage re-use compared to provisions in the operative Plan.
194. In terms of effects on local character, we accept Mr Munro's evidence that amendments are required to the zone provisions to ensure that development within the zone achieves industry-accepted expectations for built form quality and amenity and maintains existing built character values of Dunedin's residential areas while enabling (relatively limited) additional intensification. We therefore accept in part the submissions of *Ms Kerr* (OS743.30) insofar as she sought a review of objectives, policies and rules with respect to medium density zoning; *Graeme and Lynette Reed* (OS491.2) insofar as they sought additional controls to manage new medium density housing, and *Southern Heritage Trust and City Rise Up* (OS293.156) insofar as they sought new policies or rules to achieve re-use of older homes in the ICR.
195. We agree, in part, with the Reporting Officer's recommended methods to achieve this outcome ('Option 4a'), including suggestions around new assessment guidance that guide assessment of design elements where consent is required. We acknowledge the concerns of *Mr Owens* and *Ms Dallaway* that this option introduces additional controls in medium density zones, and that this may have some additional costs, however we were persuaded by the evidence of Mr Munro that the use of design guidelines must be connected to a regulatory method to be effective. This does not preclude the DCC from promoting good design by providing advice and design guides. Overall, we consider the introduction of a method based on Option 4a better balances the achievement of Objective 2.4.1 with other strategic outcomes.
196. However, we were not entirely sure that the method proposed by the Reporting Officer would be the most efficient and effective, so sought further drafting advice on alternative methods from the Senior Planner assisting us. Based on this, we determined that an alternative approach of requiring resource consent for new development that proposed three or more units was more targeted than a rule based on development (which would also pick up single unit developments that happen to push overall density on a site over a limit). Our reason for choosing this approach was that the main concerns expressed by submitters in relation to medium density zoning related to larger scale developments that they felt were unsympathetic to existing character and, therefore, had significant adverse effects on neighbourhood amenity and character.
197. These amendments are shown in Appendix 1, and include amendments to:
  - Add new lines to the activity status table for development activities (Rule 15.3.4) for multi-unit development and combine 'new buildings over 300m<sup>2</sup>' with it, so that this rule will apply to all residential zones, irrelevant of heritage overlays. Make activity RD. Delete new buildings over 300m<sup>2</sup> from existing location in activity status table as now combined with multi-unit development. Attributed to submission point Res 743.46 and clause 16 of the First Schedule to the Act.
  - Add additional assessment matters (Rule 15.10.3) to consider effects multi-unit development and new buildings over 300m<sup>2</sup> (attributed to submission points Res 491.2 and 743.30 and cl. 16).

- Add new definition of multi-unit development. Attributed to submission point Res 743.46.
- Add new Policy 15.2.4.8 to manage design of multi-unit development. Combine management of buildings over 300m<sup>2</sup> (existing activity) into the policy as well rather than manage this as part of Policy 15.2.4.1 which is about protecting amenity through performance standards. As a consequence, delete reference to Policy 15.2.4.1.c in the assessment guidelines and reference the new Policy 15.2.4.8 instead. Attributed to submission points Res 491.2 and 743.30.

We also note that minor amendments to Rule 15.5.2 have been made under clause 16 to improve layout and clarity.

198. As set out above, we consider the inclusion of assessment guidance stating, “whether the development provides adequate green space and maintains an appropriate balance of green space vs built and hard features” in Rule 15.10.3.1 also constitutes alternative relief for a range of submissions seeking to amend plan provisions to better provide for the protection of green space.
199. We reject the submissions of *Southern Heritage Trust & City Rise Up* (OS293.160). We did consider the addition in this amended assessment guidance to the *Medium-density Housing Case Study Assessment Methodology* (Ministry for the Environment, 2012) in response to the submission of *Southern Heritage Trust & City Rise Up*. However, having reviewed the document we generally agreed with the Reporting Officer’s assessment that several the assessment criteria used to identify medium density zoning, and the 2GP rule framework for medium density zones, already encompasses most of the matters identified in the document for consideration.
200. We consider these changes may also provide some alternative relief for the submissions of *Ms Galer* (OS801), *Mr McIntyre* (OS712.1), *Mr Alastair Logan* (OS425), *Ms Margaret Davidson* (OS417), *Ms Carol Devine* (OS252), *Arthur St Neighbourhood Support* (OS843), *Mrs and Mr Dunbar* (OS1076.1), *Mr Simon Cantem* (OS591.1), *Mr Jamie Wollstein* (OS703.1), *Ms Dick* (OS411.1), *Mr and Mrs Randal* (OS948.1) and *Mr Murray* (OS849.50) and others to the extent that they raised specific concerns about loss of vistas, effects on traffic and parking or concerns that medium density zoning would significantly change the look and feel of the city.
201. We also reject the submissions of *Mr Wyber* (OS394.95, OS394.96) to require amalgamation of sites, or to have to have additional requirements for frontage width for multiunit developments. In relation to the former, we agree with the Reporting Officer, that such a requirement is not practical or possible. We note that during the hearing the topic of site amalgamation arose during discussions on other topics, particularly in regard to streetscape amenity or character and design controls on development. In general other submitters did not support having requirements for site amalgamation. While we agree with the submitter that larger sites, or amalgamated sites, may provide opportunities for more comprehensive or well-designed development, we are concerned, as were a number of other submitters, that larger sites pose the risk of larger developments that may not be in keeping with the surrounding residential character and may have greater impacts on streetscape amenity. Compatibility with existing character is more difficult with larger developments.
202. In relation to the additional restrictions for multi-unit developments promoted by the submitter, we do not consider these additional restrictions are necessary given our decision to require resource consent for multi-unit developments in medium density zones, which we consider may also provide some relief to this submitter. We acknowledge the concerns about amenity raised by *Mr Wyber* and have taken these into consideration as we have considered the submissions and options presented to us.

### 3.2.13.2 Application of medium density zoning

203. In the context of the range of submissions received that either suggested the amendment or addition of criteria used in the determination of locations for medium density zoning, and submissions suggesting alternative approaches to the application of medium density zoning, we requested a peer review of the methodology used to assess potential medium density areas. The peer review was conducted by Mr Munro, with the findings presented at the Reconvened Residential Hearing.
204. We were generally persuaded by the evidence of Mr Munro that the criteria used to identify General Residential 2 zones are "accepted and relevant", and that the proposed zones are generally well-justified and in appropriate locations.
205. We therefore reject the submission of *Mr Logan* (OS425.1) insofar as it sought to amend these criteria (albeit noting our decision below, under the scope of another of his submissions, to ensure all criteria are listed in the appropriate Strategic Directions policies). In relation to his concern that the notified zoning does not match the existing patterns of subdivision and development and excludes land that has already been developed at medium density levels, we accept the evidence of the Reporting Officer and Mr Munro, who concluded that the proposed General Residential 2 areas are very strongly related to where historical intensification or higher density has occurred and in most cases, have already been partially intensified in line with the outcomes enabled in the zone. We note that his concern that the zoning will encourage more intensive development in locations which are unsuited because of topography was not upheld by the peer-review, and we accept the Reporting Officer's evidence that the infrastructure constraint mapped area method appropriately manages area-specific infrastructure issues.
206. We also reject the submissions by *Mr Brough* (OS363.4), *Blueskin Projects Ltd* (OS739.25), *G and J Sommers Edgar* (OS889.24), *CTW Holdings Limited* (OS742.25) and *Craig Horne Surveyors Limited* (OS704.25) to rezone areas within the city (such as Mosgiel and other flat suburbs) to allow a minimum site size of 200m<sup>2</sup>, and more intensive development similar to the ICR.
207. In terms of the suggestions to rezone additional areas of ICR, we accept that maintaining sufficient capacity in medium density is integral to the achievement of the 2GP's strategic objectives, particularly Objective 2.2.4. As noted above, we accept that estimates presented at the Urban Land Supply (Part 2) Hearing suggest that there is a shortfall in capacity provision in the ICR zone even in the short term. However, with the exception of a few discrete areas specifically requested for rezoning by submitters (discussed in section 3.4) we do not consider there is a strong case for adding large areas of additional ICR or GR2 zoning at this time, for several reasons.
208. Firstly, the 2GP differs from the operative Plan, in that also provides for residential development in the Commercial and Mixed Use zones, and we note capacity calculations do not factor in the potential in this area.
209. Secondly, we accept the evidence of Ms Sinclair, that the approach promoted by *Mr Wyber* may impact on infrastructure capacity planning and may have adverse effects on the water and waste network. We understand that this is likely to be an issue for any option that provides for medium density development widely across the city. Specifically in relation to Mosgiel, as discussed in the Urban Land Supply Decision Report, we accept the evidence of DCC Water and Waste Services that there are significant infrastructural network wide constraints in the Mosgiel catchment, which suggests this area would not meet the criteria for rezoning.
210. Thirdly, we accept Mr Munro's expert evidence that the "conservative" 2GP approach will better promote sustainable management than a more permissive approach.
211. Finally, as discussed in the Urban Land Supply Decision Report, we accept the evidence that regular updates of the Plan are envisaged, and given that monitoring is required under the NPS-UDC, we have confidence that this regime will be able to facilitate the

provision of additional ICR or GR2 as the data suggests it is required, following a more robust assessment of capacity and demand.

212. For similar reasons, we also reject the submissions of *Mr Wyber* (OS394.60, 394.96) to allow two residential units on vacant sites over 700m<sup>2</sup> in a number of residential zones, and to provide for medium density development in different forms and locations, specifically within a specified distance from certain roads and centres.
213. We note that the “vacant sites” option was examined as part of the options assessment presented at the Reconvened Residential Hearing, and was not recommended as the most efficient and effective option by Ms Baker or Mr Munro. Of most concern to us, however, was the evidence of Ms Sinclair, who considered that this type of highly distributed provision for medium density development may compromise the ability to plan for and provide appropriate infrastructure. We therefore consider that this approach would not be well aligned with the NPS-UDC.
214. In relation to the second option, we note that the provision of medium density development within a specified distance of roads or centres that meet certain criteria was considered by DCC staff in the earlier phases of determining options for providing for medium density development and was determined, through consultation and research, to not be the most desirable approach, due in part to lack of certainty, and weighting of other criteria. We accept this evidence, though we do note that proximity to services, facilities, and high frequency bus routes were amongst the criteria used to identify areas for medium density zoning and note that, as a result, ICR and GR2 zones are generally areas that are generally in close proximity to some combination of centres, services and/or public transport, which we consider to be broadly appropriate. We accept the submission of the *Bus Users Support Group Otepoti-Dunedin* (OS1080.3) insofar as it supported this approach.
215. We accept in part the submissions of *Peter McIntyre* (OS712.1), *Jo Galer* (OS801.5), *Carol Devine* (OS252.1), *Southern Heritage Trust & City Rise Up* (OS293.155, 293.157), *John Campbell* (OS495.12) and *Elizabeth Kerr* (OS743.56), insofar as they sought further assessment and review of medium density zone boundaries, with particular regard to heritage values and existing amenity.
216. We requested a peer review along these lines be undertaken, and the results were presented at the Reconvened Residential Hearing. Notwithstanding our acceptance of the evidence of Mr Munro that the proposed zones are generally well-justified and in appropriate locations, we note that (as discussed in the Heritage Decision Report) our decision does include some additional heritage precincts and removes two areas of GR2 zoning as recommended by the Reporting Officer in line with the expert evidence of Mr Windwood and Mr Munro.
217. We reject the submission by *Ms Egerton* (OS870.1) to reduce the permitted density in ICR near the campus. The density provisions in both the operative District Plan and the 2GP near the campus is calculated on the basis of habitable rooms. This approach is the same in both plans and both the original 2GP assessment, and the peer review we requested, considered this density generally appropriate in this area.
218. We also reject the submission of *Arthur Street Neighbourhood Support* (OS843.4), to remove the provision for infill housing from the Stuart Street – Arthur Street – York Place Heritage Precinct. As discussed above, based on the evidence presented at the Reconvened Residential Hearing, we do not conclude that medium density zoning and heritage precincts are mutually exclusive. We do however note that the amendments we have made to provisions such that multiunit developments in medium density zones will require a resource consent with an assessment of effects on streetscape character and amenity, including provision of green space, may provide some relief to the submitter.

### 3.2.13.3 Strategic directions policies relating to medium density zoning

219. We now turn to the Strategic Directions relating to medium density zoning.

220. We accept the submissions of *Urban Cohousing Otepoti Ltd* (OS818.9), *Robert Francis Wyber* (OS394.11) and *John Campbell* (OS495.2) and have retained Policy 2.6.1.2 as notified, noting all submissions were in support of this policy.
221. We accept in part the submissions of *University of Otago* (OS308.483), *Radio New Zealand Limited* (OS918.60), and *Urban Cohousing Otepoti Ltd* (OS818.7) insofar as they submitted in support of Policy 2.2.4.1, noting that we have retained this policy subject to amendments as set out below. We also accept the submission by *New Zealand Transport Agency* (OS881.27) to correct a minor typographical error. The amendment to Policy 2.2.4.1 is shown in Appendix 1 attributed to submission reference Res 881.27.
222. As discussed in the Urban Land Supply Decision Report, we accept in part the submissions of *Bob Wyber* (OS394), *Colin Weatherall* (OS194.9). For full discussion on these submissions, please see that report. The decisions are mentioned here to outline the changes made to strategic directions that are relevant to the residential zones. For full discussion on these submissions, please see that report. We agree with the Urban Land Supply Reporting Officer Ms Christmas' assessment that there is scope to improve the consistency of the Strategic Direction provisions with the rest of the plan, and to improve their general workability, with clear assessment matters for determining zoning.
223. We accept Ms Christmas' evidence that the Strategic Directions policies related to the application of medium density zoning are intended to:
- outline the policy framework that was used to determine 'new' zoning as part of the development of the 2GP, and
  - provide a policy framework to assess submissions for zone changes through the 2GP, and to assess future plan changes.
224. As part of the Urban Land Supply decisions, we accept the submissions of *Colin Weatherall* (OS194.9), *Bob Wyber* (OS394) and *Anthony Parata* (OS248.6) and generally agree with Ms Christmas' recommendations that the policies should be amended as follows:
- remove the second part of Policy 2.2.4.1 (suitability for medium density zoning assessment criteria) and include it in new Policy 2.6.3.4 (under Objective 2.6.3 Adequate Urban Supply, along with the general policy about the application of new residential zoning); and
  - draft new Policy 2.6.3.4 consistent other policies regarding the application of zoning; better align the criteria with the objectives and policies of the 2GP; and the policy suitable for application in a range of rezoning and expansion scenarios.
225. While we consider this drafting a significant improvement in terms of the outcomes sought by the submitters, we observe that there is still no direction in the policy framework setting out under which circumstances ICR or GR2 zoning is more appropriate. While we did not consider that we had sufficient evidence on the matter to make any clarifications in this regard, we highlight the issue and recommend that clarification of this is incorporated into the document by way of future plan change.
226. We reject the submission of *Mr Alastair Logan* (OS425.3). We consider the issues raised by *Mr Logan* are largely covered either by criteria in new Policy 2.6.3.4, or by criteria in amended Policy 2.6.3.1 (amendments described in the Urban Land Supply Decision Report), which areas for new medium density zoning also must align with. We do not consider that the considerations for areas of medium density zoning should be limited to those identified by the submitter, however.
227. We accept the submission of *Ms Kerr* (OS743.54) and have amended the wording of concern to the submitter (in Policy 2.2.4.1) to read "lower quality housing stock more likely to be able to be redeveloped" (in new Policy 2.6.3.4). This recognises that it is the quality of buildings rather than the age of buildings that determines their value,

and thus their attractiveness, to someone wishing to redevelop a site. The amendments to Policy 2.6.3.4 are shown in Appendix 1, attributed to submission reference Res 743.54.

228. We accept in part the submission from *BP Oil NZ Ltd, Mobil Oil NZ Ltd and Z Energy Ltd* (OS634.12). We do not support the amendments sought by the submitter, however we agree that the potential for reverse sensitivity should be a consideration in determining new areas of residential zoning (irrespective of density), and note that as a result of amendments outlined in both the Plan Overview Decision Report, and the Urban Land Supply Decision Report, the potential for reverse sensitivity is a consideration in the assessment of areas of for residential zoning under Policy 2.6.3.1 (which new medium density zoning must align with under under Policy 2.6.3.4.a). We consider this change constitutes partial alternative relief for these submissions.
229. Incorporating amendments in response to all submissions, Policy 2.2.4.1 and new Policy 2.6.3.4 are therefore set out as follows:

Policy 2.2.4.1

*"Prioritise the efficient use of existing urban land over urban expansion by:*

*a. identifying {Res 881.27} existing areas of urban land that could be used more efficiently in a range of locations that could be used more efficiently {ULS cl.16} to provide for medium density housing in accordance with 2.6.3.4; while minimising any effects on neighbourhood amenity, based on having all or a majority of the following characteristics: {ULS 194.9 and ULS 394}*

*b. ensuring that land is used efficiently and zoned at a standard or medium density (General Residential 1, General Residential 2, Inner City Residential, Low Density, or Township and Settlement), except if: hazards; slope; the need for onsite stormwater storage; the need to protect important biodiversity, water bodies, landscape or natural character values; or other factors make a standard density of residential development inappropriate; in which case, a large lot zoning or a structure plan mapped area should be used as appropriate. {ULS 194.9 and ULS 394}*

*a. locations with good transportation choices (proximity to frequent bus/public transport {PO 908.3} services); {ULS 194.9 and ULS 394}*

*b. good access to services and facilities (proximity to CBD and centres and other community facilities); {ULS 194.9 and ULS 394}*

*c. locations with older or cheaper housing stock more likely to be able to be redeveloped; {ULS 194.9 and ULS 394}*

*d. compatibility of medium density housing with existing neighbourhood character; {ULS 194.9 and ULS 394}*

*e. ability for medium density housing to be developed without significant effects on streetscape amenity; {ULS 194.9 and ULS 394}*

*f. locations with a topography that is not too steep; {ULS 194.9 and ULS 394}*

*g. locations that will receive reasonable levels of sunlight; {ULS 194.9 and ULS 394}*

*h. locations that are not subject to significant hazards, including from rising sea level; and {ULS 194.9 and ULS 394}*

*i. market desirability particularly for one and two person households. {ULS 194.9 and ULS 394}*

Policy 2.6.3.4

"Identify areas for new medium density zoning based on the following criteria: {ULS 194.9 and 394}"

a. alignment with Policy 2.6.3.1; and {ULS 194.9 and 394}"

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 infrastructure constraint mapped area is applied; and {ULS 194.9 and 394}"

c. 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: {ULS 248.6, 194.9 and 394}"

i. there is a range of housing choices in Dunedin that provides for the community's needs and supports social wellbeing (Objective 2.6.1); {ULS 248.6, 194.9 and 394}"

ii. Dunedin reduces its reliance on nonrenewable energy sources and is well equipped to manage and adapt to changing or disrupted energy supply by having reduced reliance on private motor cars for transportation (Objective 2.2.2), including through one or more of the following: {ULS 248.6, 194.9 and 394}"

1. being currently serviced, or likely to be easily serviced, by frequent public transport services; and {PO 908.3, ULS 248.6, 194.9 and 394}"

2. being close (good walking access) to existing centres, community facilities such as schools, public green spaces recreational facilities, health services, and libraries or other community centres; and {ULS 248.6, 194.9 and 394}"

iii. 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: {ULS 248.6, 194.9 and 394}"

a. important green and other open spaces, including green breaks between coastal settlements; {ULS 248.6, 447.11 and 900.23}"

b. trees that make a significant contribution to the visual landscape and history of neighbourhoods; {ULS 248.6, 194.9 and 394}"

c. built heritage, including nationally recognised built heritage; {ULS 194.9 and 394}"

d. important visual landscapes and vistas; {ULS 248.6, 194.9 and 394}"

e. the amenity and aesthetic coherence of different environments; and {ULS 248.6, 194.9 and 394}"

f. the compact and accessible form of Dunedin (Objective 2.4.1); {ULS 248.6, 194.9 and 394}"

iv. the potential risk from natural hazards, including climate change, is no more than low, in the short to long term (Objective 11.2.1); {ULS 248.6, 194.9 and 394}"

d. the area is suitable for medium density housing by having all or a majority of the following characteristics: {ULS 194.9 and 394}"

i. lower quality housing stock more likely to be able to be redeveloped; {Res 743.54}"



*ii. locations with a topography that is not too steep; {ULS 194.9 and 394}*

*iii. locations that will receive reasonable levels of sunlight; and {ULS 194.9 and 394}*

*iv. market desirability, particularly for one and two person households. {ULS 194.9 and 394}*

### 3.3 Rule framework for medium density zones

230. Residential section performance standards under which ICR and/or GR2 provisions differ from other residential zones include rules 15.5.2 (Density), 15.5.12 (Outdoor Living Space), 15.6.7 (Height, including both maximum height and height in relation to boundary provisions), 15.6.11 (Maximum Building Site Coverage and Impermeable Surfaces), 15.6.14 (Setbacks), and 15.7.4 (Minimum Site Size, relating to subdivision).
231. Some of these performance standards attracted several submissions pertaining solely to the aspects that related to medium density zones. We discuss those submissions in this section. We note that more general submissions on the performance standards (which may also affect the provisions as they relate to medium density zones) are discussed in section 4.

#### 3.3.1 Rule 15.5.2 Density

232. The density provisions for residential zones are set out in Rule 15.5.2, as follows:

##### *"15.5.2 Density*

- 1. Residential activities must not exceed the density limits set out in Table 15.5.2.A, except:*
  - 1. A single residential unit may be erected on an existing site (created before 26 September 2015) of any size not in a **no DCC reticulated wastewater mapped area** provided all other performance standards are met...*
  - 2. For the purposes of this standard:*
    - 1. the calculation of habitable rooms includes rooms in family flats and sleep outs;*
    - 2. the calculation of minimum site area excludes access legs provided for rear sites; and*
    - 3. the calculation of maximum development potential only applies in the Inner City Residential and General Residential 2 Zones, and for determining whether a family flat can be developed in other zones.*
  - 3. In the General Residential 2 Zone, more than one residential unit must not be built on sites smaller than 400m<sup>2</sup>.*
  - 4. In the Inner City Residential Zone, more than one residential unit must not be built on sites smaller than 200m<sup>2</sup>.*
  - 5. Family flats must not exceed 60m<sup>2</sup> and must be ancillary to a primary residential unit on the same site.*
  - 6. More than one residential building (other than a family flat) 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 onto separate sites:*
    - 1. site coverage;*
    - 2. height in relation to boundary;*
    - 3. setbacks; and*

## 4. access.”

**Table 15.5.2.A**

Zone		i. Minimum site area for a residential unit (excluding family flats)	ii. Maximum development potential per site	iii. Number of family flats permitted per site
a.	General Residential 1 Zone	1 per 500m <sup>2</sup>	1 habitable room per 100m <sup>2</sup>	1
b.	General Residential 2 Zone not within an <b>infrastructure constraint mapped area</b> or the <b>South Dunedin mapped area</b>	N/A	1 habitable room per 45m <sup>2</sup>	0
c.	General Residential 2 Zone within an <b>infrastructure constraint mapped area</b>	N/A	1 habitable per 100m <sup>2</sup>	0
d.	General Residential 2 Zone within the <b>South Dunedin mapped area</b>	N/A	1 habitable per 60m <sup>2</sup>	0
e.	Inner City Residential Zone	N/A	1 habitable per 45m <sup>2</sup>	0
f.	Low Density Residential Zone	1 per 750m	1 habitable room per 150m <sup>2</sup>	1
g.	Large Lot Residential Zone 1	1 per 2000m <sup>2</sup>	1 habitable per 400m <sup>2</sup>	1
h.	Large Lot Residential Zone 2	1 per 3500m <sup>2</sup>	1 habitable per 700m <sup>2</sup>	1

Zone		i. Minimum site area for a residential unit (excluding family flats)	ii. Maximum development potential per site	iii. Number of family flats permitted per site
i.	Township and Settlement Zone not within the <b>no DCC reticulated wastewater mapped area</b>	1 per 500m <sup>2</sup>	1 habitable per 100m <sup>2</sup>	1
j.	Township and Settlement Zone within the <b>no DCC reticulated wastewater mapped area</b>	1 per 1,000m <sup>2</sup>	1 habitable per 200m <sup>2</sup>	1

7. Residential activity that contravenes the performance standard for density is a non-complying activity, except:

- a) papakaika that contravenes the performance standards for density is a restricted discretionary activity;
- b) standard residential in the General Residential 2 Zone (**infrastructure constraint mapped area**) that contravenes the performance standards for maximum development potential per site is a restricted discretionary activity, provided the maximum development potential per site of the activity proposed does not exceed 1 habitable room per 45m<sup>2</sup>;
- c) contravention of Rule 15.5.2.6 is a restricted discretionary activity; and
- d) residential activity on an existing site not in a **no DCC reticulated wastewater mapped area** is a restricted discretionary activity

8. Visitor accommodation must have a maximum of one visitor accommodation unit per 80m<sup>2</sup> of site area. Visitor accommodation that contravenes this standard is a non-complying activity."

### 3.3.1.1 Submissions on the Rule 15.5.2 Density, insofar as it relates to medium density zones only

- 233. Submissions in support of the ICR density rules were received from *Glen Williamson* (OS11.1), *Steven Liang and Diana Mei* (OS17.1) and *Veronica Dalloway* (OS676.5) supported by *Michael Ovens* (FS2198.60), because he believes that the proposed density level for this area/location is the most appropriate proposed and gives an efficient use of this land resource.
- 234. *Elizabeth Kerr* (OS743.32) stated that residential heritage should not be compromised by the addition of family flats and habitable rooms to former garden and yard spaces. *Arthur Street Neighbourhood Support* (OS843.3) supported by *Liz Angelo* (FS2489.3) submitted in support of Rule 15.5.2, Table 15.5.2.A.e, insofar as it does not provide for

family flats in the Inner City Residential Zone (including the Stuart Street – Arthur Street – York Place Heritage Precinct). The group seek that gardens, trees and green spaces within this area be maintained.

235. *Mr Robert Wyber* (OS394.45 and FS2059.4) and *Mr Robert Tongue* (OS452.3) requested that the density (maximum development potential per site) of ICR and GR2 be carefully considered, as they may be far too high for the bulk and location standards allowed, and density rules may be inconsistent and contradictory. *Mr Wyber* specifically sought to reduce the maximum development potential per site in GR2 to 1 habitable room per 80m<sup>2</sup>.
236. *Mr Wyber* (OS394.96) suggested the number of residential units should be limited based on the site size as the density control rather than the habitable room approach. He also sought addition of a new performance standard requiring site amalgamations unless a single site can meet a minimum shape factor (width greater than depth).
237. *Mr Wyber* (OS394.73) also sought amendment to the wording of the rule which specifies that in the GR2 more than one residential unit must not be built on sites smaller than 400m<sup>2</sup> (Rule 15.5.2.3). He believed the way this provision was worded could lead to confusion. To clarify the rule, he believed this needed to be reworded to “only a single residential unit may occupy a site smaller than 400m<sup>2</sup>”.
238. *Mr Smaill* (OS167.1) requested that the ICR density provisions be amended to remove the rule relating to maximum development potential per site (1 habitable room per 45m<sup>2</sup>). *Mr Smaill* considered that this rule would decrease permitted density by half. In *Mr Smaill’s* view, this would be counterproductive and contradictory to the objectives of increasing density in this zone.
239. The *Otago Property Investors Association (OPIA)* (OS539.4) sought that properties purchased in the current Residential 4 Zone before the 2GP provisions were proposed, should be exempt from the 2GP provisions for a certain period of time (e.g. 3 to 5 years). The *OPIA* notes that the rules in the operative District Plan for the Residential 4 Zone allow for greater density than the proposed 2GP rules, under which the permitted density could be as little as half that currently allowed.
240. The *NZ Institute of Surveyors – Coastal Otago Branch (NZIS)* (OS490.20) requested amendment to Rule 15.5.2.3 to allow multiple units on 300m<sup>2</sup> sites (rather than requiring sites to be a minimum 400m<sup>2</sup> for multiple units). In the *NZIS’s* view, the rule should be consistent with Rule 15.7.4.1, which specifies the minimum site size for subdivision in various residential zones (Rule 15.7.4.1.e states that the minimum site size in the GR2 is 300m<sup>2</sup>).

### 3.3.1.2 Section 42A Report

241. In response to the concerns of *Mr Wyber* and *Mr Tongue* about whether sites could provide for the density and height being allowed, the Reporting Officer indicated that the DCC undertook some testing of unit configuration and rules while drafting the 2GP (s42A Report, Section 5.7.1.2, p. 162). She acknowledged that site factors influence what configurations of units are possible. Not all sites will be able to accommodate the maximum development potential or maximum height, and the rules should not be read as implying that they can.
242. With regard to *Mr Wyber’s* suggestions around restricting medium density based on site size, she felt that these restrictions would significantly reduce the opportunities for medium density housing.
243. She did however support the wording change to Rule 15.5.2.3 suggested by *Mr Wyber* (OS394.73) to clarify that “only a single residential unit may occupy a site smaller than 400m<sup>2</sup>”.
244. With regard to *Mr Smaill’s* submission, Ms Baker acknowledged the 2GP as notified would decrease the number of habitable rooms that may be established on sites, because the operative District Plan rules do not restrict this aspect of development in these areas. However, unlike the 2GP rules, the operative provisions did not allow for

multiple units to be erected on a site. Additionally, the proposed provisions increased the height limit in the area covered by the current Residential 4 Zone from 9m (operative District Plan) to 12m. The Reporting Officer was of the opinion that, although greater restrictions were placed on the density of development via the application of maximum development potential rules across the city, 2GP rules would provide opportunities for different configurations and forms of development. She considered that the proposed maximum development potential rules were necessary in the ICR in order to manage pressures on public infrastructure in accordance with Objective 2.7.1, and to maintain the amenity and character of streetscapes and neighbourhoods in accordance with Objective 15.2.4.

245. With regard to *Otago Property Investors Association submission*, she noted that under the operative District Plan rules, the maximum permitted density in the current Residential 4 Zone is one residential unit per 200m<sup>2</sup> of site area, except that a single residential unit may be erected on an existing site of any size (s42A Report, Section 5.7.1.1, p. 153). As the submitter pointed out in the submission, this may allow for a larger number of habitable rooms per site area than would be permitted under the proposed 2GP provisions. However, unlike the 2GP rules, operative provisions do not allow for multiple units to be erected on a site. In addition, the proposed 2GP provisions increase the height limit in the area covered by the current Residential 4 Zone from 9m to 12m. The Reporting Officer considered that although greater restrictions are placed on the density of development through the habitable room approach, 2GP rules would provide opportunities for different configurations or forms of development.
246. With regard to the *NZ Institute of Surveyors – Coastal Otago Branch (NZIS)*, the Reporting Officer initially explained that the proposed minimum site size for more than one residential unit was increased from 300m<sup>2</sup> to 400m<sup>2</sup> as a result of pre-notification consultation on potential rules for the GR2 (s42A Report, Section 5.7.1.5, p.169). Feedback on the earlier proposal for a minimum site size of 300m<sup>2</sup> in the GR2 raised concerns that this figure was too low and would result in overly dense development patterns. To address these concerns in part, the site size for multiple units was raised to 400m<sup>2</sup>, with subdivision for a single residential unit still provided for on sites of 300m<sup>2</sup>.
247. Finally, with respect to the concerns raised by *Elizabeth Kerr* (OS743.32 and OS743.46) about family flats compromising heritage values or being rented out and an increase in habitable rooms, she noted that family flats are not permitted in the ICR or GR2 zones, and that currently there are no restrictions on the number of habitable rooms on a site (except in areas zoned Residential 3 in the operative District Plan). Therefore, under the operative District Plan, any number of habitable rooms is permitted. In contrast, rules proposed in the 2GP place limits on the number of habitable rooms.

### 3.3.1.3 Evidence presented at the hearing

248. *Mr Wyber* suggested that it would not be possible to achieve the anticipated density “within the rules”, and that this would raise false expectations with developers. He did not support the habitable room approach, considering it sets a land price based on the theoretical number of habitable rooms that can be developed, potentially resulting in overdevelopment of sites.
249. *Mr Tongue* argued that the density should be set at a level that would easily fit on sites, as these rules provided an expectation about what is required, and developers will seek to build to achieve this, which can have undesirable results.
250. Conversely, *Mr Smaill* argued the ICR can cope with higher occupancy than one habitable room per 45m<sup>2</sup>. He argued that under the operative provisions (with no restriction on the number of habitable rooms) a dwelling could have had up to eight bedrooms on small sites and the proposed restrictions halve the number of habitable rooms permitted. *Mr Smaill* considered that these, in combination with changes to Height in Relation to Boundary rules, would impact on the ability for higher density development. He did not consider that outdoor living space was necessary on sites

when people are living short term while studying and when there are plenty of parks and reserves in close proximity.

251. *Mr Smaill* argued that developments should be considered on their merits so more habitable rooms could be provided if the development was well designed. He was concerned the proposed rules would result in resource consent being required for future developments that would be complying under the operative District Plan. *Mr Smaill* approved of the new provisions providing for multiple units on a site as he considered apartment living would be good. He considered that extra height provided for in the area would not work on many smaller sites, although considered it good to facilitate basement car parking.
252. Ms Maaike Duncan (surveyor) and Mr Kurt Bowen (surveyor) called by the *NZIS*, argued that as density was controlled by habitable room therefore it was not necessary to have additional restrictions on how many units could be built. They suggested that a developer could subdivide to 401m<sup>2</sup> and have more units. They argued built form was controlled by bulk and location not density, and rules in the 2GP already manage amenity, therefore the number of dwellings wouldn't impact this if they meet the performance standards. They considered site size naturally restricts what can be developed so the 2GP does not need a rule to restrict this further.

#### 3.3.1.4 Reporting Officer revised recommendations

253. In response to the submission of the *NZIS*, the Reporting Officer accepted the submitter's argument and recommended amending Rule 15.5.2.3 to allow multiple units on sites of 300m<sup>2</sup> or greater.
254. In response to the concerns of *Mr Wyber* and *Mr Tongue*, the Reporting Officer recommended the inclusion of notes to plan users highlighting that maximum development potential and maximum height may not always be achievable as they are influenced by site dimensions and topography.

#### 3.3.1.5 Panel request for further information

255. At the end of the Residential Hearing, in response to submitter evidence on GR2 boundaries and provisions, amenity, and heritage values, we requested further information from the Council in order to assist us in reaching decisions.
256. The further work we requested included further modelling of medium density development on narrow sites to show the maximum development potential on typical sites in the ICR.

#### 3.3.1.6 Reconvened Residential Hearing

257. The Reconvened Residential Hearing Report supplied in response to our request for further analysis, included modelling to demonstrate the maximum development potential on sites.
258. The Reporting Officer presented additional modelling work undertaken to demonstrate how the maximum development potential could be achieved on narrow sites, through different configurations of development. Ms Baker emphasized that steep, oddly shaped or narrow sites may not be able to achieve the maximum development potential based on the site size. Therefore, developers will need to consider what is appropriate for a site and how it might fit in, and not assume that the maximum development potential will also be achievable.
259. She confirmed her previous recommendation for the inclusion of a note to plan users highlighting this (Section 4, Reconvened Residential Hearing s42A Report, p.6, and Appendix 2).

### 3.3.1.7 Decision and Reasons

260. We accept in part the submissions of *Glen Williamson* (OS11.1), *Steven Liang and Diana Mei* (OS17.1) and *Veronica Dalloway* (OS676.5), noting that our decisions retain Rule 15.5.2 with amendments as described below.
261. We accept in part the submissions by *Mr Tongue* (OS452.3) and *Mr Wyber* (OS394.45) requesting consideration of whether the maximum development potential is appropriate. We note that we requested and received a further assessment of the development potential, including on narrow and steep sites. We accept the Reporting Officer's evidence that the maximum development potential may not be able to be achieved in all instances, and the relief suggested to include a note to plan users to explain that the maximum development potential (and maximum height) may not be achievable on all sites. See new Note 15.5A and 15.6A – General Advice in Appendix 1 and attributed to submission point Res 452.3 and 394.45.
262. We reject the submissions of *Mr Wyber* (OS394.96) to have additional minimum site size requirements for multiunit developments. We consider that the habitable-room approach to density (removing the requirement to adhere to a set number of residential units per site), incentivises re-use of large heritage buildings, consistent with Objective 2.4.1. In addition, we do not consider these additional restrictions are necessary, given our decision that multi-unit developments in medium density zones should have a restricted discretionary activity status. We consider this will address amenity and density concerns raised by some submitters, including *Mr Wyber*.
263. We reject submissions by *Mr Smaill* (OS167.1) and *Otago Property Investors Association* (OS539.4) seeking exemption from density rules and reverting to existing provisions. The process of review results in some new rules being more lenient and others being more restrictive on development than the operative plan. It is neither appropriate or possible to have developers choosing which set of rules they wish to follow for each development. We consider the proposed rules provide a balanced approach, and agree with the Reporting Officer that they will better provide opportunities for new forms and configurations of development.
264. We accept in part the submission by *NZ Institute of Surveyors – Coastal Otago Branch* (OS490.20) to amend Rule 15.5.2.3 to allow multiple units on 300m<sup>2</sup> sites. We accept the evidence of the submitter on this matter, and the evidence of the Reporting Officer as presented in her revised recommendations. We have removed the requirement for sites in the GR2 zone to be a minimum of 400m<sup>2</sup> for multiple units and have required consent for more than three units on a site in response to other submissions. We note that this rule has subsequently been deleted in response to another submission (changes shown attributed to Res 368.1) so the *NZIS's* changes are not shown. In a related matter, we reject the submission *Mr Wyber* (OS394.73) to amend the wording of the rule which specifies that in the GR2 more than one residential unit must not be built on sites smaller than 400m<sup>2</sup> (Rule 15.5.2.3). As a result of the aforementioned amendments, we have removed the rule that *Mr Wyber* submitted on.
265. We accept the submissions of *Elizabeth Kerr* (OS743.32) and *Arthur St Neighbourhood Support* (OS843.3). We agree with the submitters and with the Reporting Officer that it would be inappropriate to provide for family flats in medium density zones. No amendment is required to achieve the outcomes sought by the submitters.

### 3.3.2 Rule 15.7.4 Minimum Site Size

266. The minimum site size provisions for subdivision in residential zones are set out in Rule 15.7.4, as follows:
1. The minimum site sizes for new resultant sites is:

Zone		Minimum site size
a.	General Residential 1 Zone	500m <sup>2</sup>
b.	General Residential 2 Zone <ul style="list-style-type: none"> <li>• not within an infrastructure constraint mapped area;</li> <li>• or within the Mosgiel infrastructure constraint mapped area.</li> </ul>	300m <sup>2</sup>
c.	General Residential 2 Zone within an <b>infrastructure constraint mapped area</b> , except for the <b>Mosgiel infrastructure constraint mapped area</b>	500m <sup>2</sup>
d.	Inner City Residential Zone	200m <sup>2</sup>
e.	Low Density Residential Zone	750m <sup>2</sup>
f.	Large Lot Residential 1 Zone	2000m <sup>2</sup>
g.	Large Lot Residential 2 Zone	3500m <sup>2</sup>
h.	Township and Settlement Zone	500m <sup>2</sup>
i.	Township and Settlement Zone ( <b>no DCC reticulated wastewater mapped area</b> )	1,000m <sup>2</sup>

- j. Except resultant sites created and used solely for the following purposes are exempt from the minimum site size:
- i. Scheduled ASCV or QEII covenant;
  - ii. reserve;
  - iii. access;
  - iv. utility; or
  - v. road.
2. General subdivision that does not comply with the standard for minimum site size is non-complying, except in the following circumstances where the subdivision is restricted discretionary:
- a. a three-site subdivision where one resultant is below the minimum site size and the average of the site sizes meets the minimum site size performance standard; and



- b. the subdivision does not result in any resultant site being of a size that could be further subdivided in accordance with the minimum site size performance standards; and
- c. the undersized resultant 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:
  - i. outdoor living space;
  - ii. minimum car parking space;
  - iii. setbacks from boundaries, water bodies, significant trees, national grid transmission lines; and
  - iv. esplanade reserves and strips.

### 3.3.2.1 Submissions on Rule 15.7.4 Minimum Site Size insofar as it relates to medium density zones only

- 267. Submissions in support of confirming Rule 15.7.4.1.d (the minimum site size for subdivision in the ICR) at 200m<sup>2</sup> were received from *Carol Devine* (OS252.12) supported by *Elizabeth Kerr* (FS2429.130), but with reservations. She noted it would change the character of some parts of the zone characterised by large houses and gardens. We note that *Southern Heritage Trust & City Rise Up* (OS293.110), *Rosemary & Malcolm McQueen* (OS299.75) and *John and Clare Pascoe* (OS444.78) also sought to amend Rule 15.7.4 (minimum site size) to ensure the minimum site size does not change the built character of the area.
- 268. Submissions seeking to amend Rule 15.7.4.1.d were received from *Clifford Seque* (OS449.5), who sought to reduce it to 180m in line with the number of habitable rooms, and *Jack Austin* (OS53.5), who sought to amend it to ensure development can occur on existing sites of less than 200m<sup>2</sup>. He indicated that some existing sites in the ICR are smaller than this, and he questioned what it means for houses on these sites if they are truly past repair and need to be replaced.
- 269. *Mr Wyber* (OS394.57) sought that the minimum site size for subdivision be confirmed at 300m<sup>2</sup> in GR2. *Mr Robert Herron* (OS301.1) sought that it be reduced to 250m<sup>2</sup> to facilitate development on an existing site.
- 270. *Mr Darrell Thomson* (OS559.1) sought to have the exceptions to the minimum site size rule (Rule 15.7.4.2) amended to make subdivision in GR2 within an infrastructure constraint mapped area, a restricted discretionary activity where the habitable room density specified in Rule 15.5.2 is complied with. He points out that the density provisions (Rule 15.5.2) provide for the same density as in GR1 (1 habitable room per 100m<sup>2</sup>) but also provide for multiple units.
- 271. This would allow a 600m<sup>2</sup> site in the GR2 (infrastructure constraint mapped area) to have two three-bedroom dwellings constructed as of right. However, Rule 15.7.4.2 makes subdivision of two units non-complying as the minimum site size in the GR2 in an infrastructure constraint mapped area is 500m<sup>2</sup> (the same as GR1). A number of submitters support the submission as it facilitates provision of appropriate residential rental properties in Dunedin.

### 3.3.2.2 Section 42A Report

- 272. In response to the submission of *Mr Seque* (OS449.5) the Reporting Officer stated that the minimum site size for the operative District Plan Residential 3 Zone, where most of Mr Seque's developments occur, has already been reduced from 250m<sup>2</sup> to 200m<sup>2</sup> in the 2GP (consistent with the minimum site size for the majority of the remainder of this zone). Although 200m<sup>2</sup> is not directly divisible by 45, neither is 250m<sup>2</sup> under the

operative District Plan. She did not consider it is necessary to further reduce the minimum site size in this area.

- 273. In response to the submission of *Mr Austin* (OS53.5), the Reporting Officer noted that Rule 15.7.4.1.d specified the minimum site size for subdivision and that, under Rule 15.5.2.1.a, a single residential unit may be erected on an existing site of any size in the ICR (Section 5.7.2.3, s42A Report, page 179).
- 274. In response to the submissions of *Ms Devine* (OS252.12), the Reporting Officer noted that the minimum site size for the majority of the area between the Town Belt and the central city, currently zoned Residential 4 in the operative District Plan, is already 200m<sup>2</sup>. The potential to develop multiple units on a site may reduce the need for sites to be subdivided to enable development of a site, as there is potential for more development, or re-use of existing buildings without having to subdivide.
- 275. The Reporting Officer recommended accepting the submission of *Mr Darrell Thomson* (OS559.1), as she considered the amendment would improve clarity and consistency with other provisions in the 2GP (s42A Report, Section 5.9.2, p. 312).
- 276. In response to the submissions of *Mr Herron* (OS301.1), the Reporting Officer pointed out that Rule 15.7.4.1.b relates to new subdivisions. However, under Rule 15.5.2, Table 15.5.2.A.b, there is no minimum site area for a residential unit in the General Residential 2 Zone. This means that the rules in the 2GP allows for a dwelling to be established on an existing site of less than 300m<sup>2</sup>, provided that relevant performance standards are complied with.

### 3.3.2.3 Decisions and reasons

- 277. We accept the submission of *Ms Devine* (OS252.12) and *Mr Wyber* (OS394.57), and reject the submission of *Mr Seque* (OS449.5) and *Mr Herron* (OS301.1) and confirm Rule 15.7.4.1.b and Rule 15.7.4.1.d as notified. We consider these provisions appropriate balances the need to provide for medium density development, while ensuring there is not an unacceptable impact on character and amenity. We therefore also reject the submissions of *Southern Heritage Trust & City Rise Up* (OS293.110), *Rosemary & Malcolm McQueen* (OS299.75) and *John and Clare Pascoe* (OS444.78).
- 278. We also reject the submission of *Mr Austin* (OS53.5). We accept the Reporting Officer's evidence that no amendment is required to achieve the outcome sought by *Mr Austin* (OS53.5) or *Mr Herron* (OS301.1) in terms of facilitating development on existing sites.
- 279. We reject the submissions by *Mr Thomson* (OS559.1) to amend the subdivision provisions. We agree that there is an apparent inconsistency between the density and subdivision rules, however the advice from the Council's water and wastewater services engineers was that it is necessary to strongly discourage intensification in these identified infrastructure constraint areas until more capacity can be provided. The submission does not provide scope to resolve the inconsistency by lowering the permitted intensity of development. In practice, the restriction on subdivision can be expected to discourage intensive development putting strain on infrastructure capacity.

### 3.3.3 Rule 15.6.7 Height

- 280. Rule 15.6.7.1 sets out the height in relation to boundary provisions. All submissions, evidence and decisions relating to this, including those that relate to medium density zones, are discussed together in section 4.20, below.
- 281. Rule 15.6.7.2 sets out the maximum height provisions for new buildings and structures and additions and alterations above ground. The ICR is the only zone in which this provision differs, with the maximum height of all other buildings and structures set at 12m, rather than 9m (as it is for all other residential zones, including GR2). Therefore, we address submissions specific only to the maximum height performance standard in ICR in this section, with all other submissions on the maximum height standard (including those relating to GR2) in section 4.21.

### 3.3.3.1 Submissions on the Rule 15.6.7.2 Maximum height, insofar as it relates to the ICR zone only

282. *Michael O'Neill* (OS403.7) considered that the rules in the 2GP would mean that no one purchasing a property in the Inner City Residential Zone would have any real protection from major infringement of amenities. Principally the submitter considers this is because 12m high 'towers' on largely south facing slopes will tend to dominate their neighbours as to privacy, shading, and infringement on views.
283. *Steven Liang and Diana Mei* (OS17.2) agreed with the height rule for 896 George Street.
284. *Robert Francis Wyber* (OS394.32) sought to amend Rule 15.6.7.2 in relation to that part of the Inner City Residential Zone between the Town Belt and the CBD, by reducing the proposed 12m height to 9m.
285. *Elizabeth Lau and Ming Kwong* (OS647.1) and *Veronica Dalloway* (OS676.6) supported by *Michael Ovens* (FS2198.4), supported the 12m maximum height in the Inner City Residential Zone.
286. *Rayelyn Irene Hodge* (OS755.1) supported the 12m maximum height in the Inner City Residential Zone and considered that more inner-city housing is needed for the growth of Dunedin.
287. *Jody Heaps* (OS303.3) opposed the 12m height limit in the Inner City Residential Zone and seeks that it be reduced to 9m. She suggests that higher buildings would block sunlight from neighbours and results in increased density where there are not the services (such as carparking) available.
288. *Humphrey Catchpole* (OS320.1) opposed the 12m height limit in the Inner City Residential Zone and suggests the 2GP should take into consideration the loss of light and view to be caused by a proposed development. He suggests the height restriction of 9m in the operative District Plan allows for two storeys plus roof, with the proposed height of 12m even more. By trying to greatly increase inner city density, consideration is not given to the existing residents. In addition, consideration should be given to the orientation of the proposed and existing dwellings. The submitter feels the proposed height restriction of 12m will allow proposed developments to completely remove what view an existing residence has and greatly reduce the light – with resulting adverse health to residents a possible outcome. He suggests the height restrictions do not take into consideration orientation of proposed and existing dwelling, noting that the sun moves through 180 degrees, whereas a dwelling can be positioned over 360 degrees, with the resulting effect varying greatly.
289. *Jamie Heaps* (OS282.3) opposes the 12m height limit in the Inner City Residential Zone and suggests services will not handle increased population in these areas and that neighbouring properties need to be asked permission as it directly affects them.
290. There was also the suggestion from *Ms Elizabeth Kerr* (OS743.29) that new development amongst residential heritage should be contextual in terms of height, scale, materials, openings, roof treatments, bulk and location, however this does not preclude contemporary design approaches. She was concerned the proposed 12m maximum building height would impact on the heritage character and values in heritage precincts.

### 3.3.3.2 Section 42A Report

291. The Reporting Officer considered that the notified height limits achieve an appropriate balance between allowing reasonable development to occur while protecting amenity value for owners and occupants of existing properties, and recommended rejecting the submissions (s42A Report, Section 5.8.6.4, p.261). She also considered the proposed height limit was consistent with many of the existing buildings in the ICR.

### 3.3.3.3 Evidence presented at the hearing

292. In *Mr Wyber's* written statement he indicated that his submission opposing the maximum height was part of his holistic submission on the CBD, and would allow us to reduce CBD boundaries if we decided to.
293. No other new evidence was presented by submitters at the hearing.

### 3.3.3.4 Decision and Reasons

294. We accept the submissions of *Steven Liang and Diana Mei* (OS17.2), *Elizabeth Lau and Ming Kwong* (OS647.1), *Veronica Dalloway* (OS676.6), *Rayelyn Irene Hodge* (OS755.1), and we reject the submissions of *Michael O'Neill* (OS403.7), *Robert Francis Wyber* (OS394.32), *Jody Heaps* (OS303.3) and *Humphrey Catchpole* (OS320.1), and have retained the maximum height performance standard at 12m in the ICR zone as notified.
295. We accept the Reporting Officer's evidence that many buildings in the ICR zone are already built to 12m in height and agree that 12m is generally appropriate for buildings in this area, subject to adherence to the height in relation to boundary provisions. We consider that the provision that sets a restricted discretionary activity status for all buildings of greater than 300m<sup>2</sup> in footprint, and the new provision for a restricted discretionary activity status for multiunit developments in medium density zones (outlined in section 3.2.13.1), will help maintain the amenity of the ICR, while providing for increased density. We also note that heritage precincts cover many of the parts of the zone with notable heritage character. We do not consider that further controls on height are required to protect these values, and therefore reject the submission of *Elizabeth Kerr* (OS743.29).

### 3.3.4 Rule 15.6.11 Maximum Building Site Coverage and Impermeable Surfaces

296. Rule 15.6.11 sets out the maximum building site coverage and impermeable surfaces requirements as follows:
1. "Development activities must not result in the maximum site coverage limits in Table 15.6.11A being exceeded.
  2. Column i gives maximum site coverage, as a percentage of the site, for buildings and structures with a footprint greater than 10m<sup>2</sup>.
  3. Column ii gives the maximum site coverage, as a percentage of the site, for buildings, structures with a footprint greater than 10m<sup>2</sup>, and any impermeable surfaces.

**Table 15.6.11A**

Zone		i. Maximum site coverage: buildings and structures with a footprint greater than 10m <sup>2</sup> (% of site)	ii. Maximum site coverage: buildings and structures and any impermeable surfaces (% of site)
a.	General Residential 1 Zone	40%	70%

Zone		i. Maximum site coverage: buildings and structures with a footprint greater than 10m <sup>2</sup> (% of site)	ii. Maximum site coverage: buildings and structures and any impermeable surfaces (% of site)
b.	General Residential 2 Zone	50%	80%
c.	Inner City Residential Zone	60%	80%
d.	Low Density Residential Zone	35%	65%
e.	Large Lot Residential 1 and 2 Zones	30%	50%
f.	Township and Settlement Zone	40%	70%
g.	Township and Settlement Zone in a no DCC reticulated wastewater mapped area	30%	50%

4. For the purpose of this standard, the footprint area of buildings is measured from the external side of walls and excludes any eaves or spouting.
5. Any vehicle access that provides access to another site and access leg for rear sites will be excluded from the calculation of total site area for the purpose of calculating site coverage in column i but included in the calculation of site coverage in column ii (see Figure 15.6I)."

#### 3.3.4.1 Submissions on the Rule 15.6.11, insofar as it relates to the ICR and GR2 zones only

297. *Southern Heritage Trust & City Rise Up* (OS293.159) sought to retain Rule 15.6.11 and other performance standards designed to maximise amenity values of future infill development in the Inner City Residential Zone. They suggested that amenity values of future infill development in the Inner City Residential Zone will be improved by Rule 15.6.11, which is in line with the policy driving the rule. *Francesse Middleton* (FS2277.2)

supported this as she believed limiting the amount of residential site that can be built on will contribute increased amenity, as it will maximise open space and prevent shading.

298. *Mr Wyber* (OS394.53) requested Rule 15.6.11, Table 15.6.11A.b.i (site coverage for General Residential 2 Zone) be changed from 50% to 40%. He did not provide any reasons.
299. On the other hand, the *Otago Property Investors Association* (OS539.2) sought amendment to Rule 15.6.11, Table 15.6.11A rows (b) (GR2) and (c) (ICR) to make the maximum site coverage higher for these residential zones. The submitter considered the site coverage percentage in GR2 and ICR could be higher to allow for better sized internal accommodations in zones recognised by the Plan as suitable for more intensive housing.

#### 3.3.4.2 Section 42A Report

300. The Reporting Officer acknowledged the support for *Southern Heritage Trust & City Rise Up* (OS293.159), recommending no amendment.
301. Ms Baker noted GR2 will have smaller sites to be used for buildings and structures and are not intended to have as much open space as GR1 (s42A Report, Section 5.8.8.3, p. 274). She was of the opinion the maximum site coverage had been calculated to be the most appropriate balancing the need to provide for the level of development allowed for in the zone and to achieve the objectives 15.2.2, 15.2.4 and 9.2.1 (related to residential amenity, neighbourhood amenity, and effects on infrastructure).
302. The Reporting Officer was of the opinion that reducing the maximum site coverage for GR2 as suggested by *Mr Wyber* would not be appropriate in order to achieve the objectives for the GR2 which anticipates a medium density level of development. On the other hand, she considered increasing it would not be as appropriate to achieve the objectives related to amenity and effects on stormwater infrastructure capacity.

#### 3.3.4.3 Evidence presented at the hearing

303. In his written evidence *Mr Wyber* indicated his requested amendment to the rule was part of his wider submissions to allow multi-units in suburbs, and to assist us to rewrite the package of rules to allow these.
304. Ms Margaret Davidson and Ms Jo Galer appeared jointly for the *Southern Heritage Trust & City Rise Up* and reiterated their views that gardens and green spaces are of importance for protecting character and amenity. These views are set out more fully in section 4.2 below.

#### 3.3.4.4 Decision and Reasons

305. We accept the submission of the *Southern Heritage Trust & City Rise Up* (OS293.159), noting that we have retained this provision as notified.
306. We reject the submissions by *Mr Wyber* (OS394.53) and the *OPIA* (OS539.2) to amend the rule for the reasons outlined by the Reporting Officer. We consider that the 50% maximum site coverage strikes an appropriate balance between the various competing objectives and policies and note that the provisions as notified align with the evidence of Water and Waste Services, as set out in their *Memorandum on Maximum site coverage and impermeable surfaces – Rule 15.6.11, August 2015*.

### 3.3.5 Rule 15.6.14 Setbacks

307. Rule 15.6.14 sets out setback requirements as follows:
  - a. New buildings and structures, and additions, must be set back from boundaries as follows:

<b>Zone</b>		<b>1. Setback from any road boundary</b>	<b>2. Setback from side and rear boundaries</b>	<b>3. Setback from boundary with right of way</b>
i.	General Residential 1 Zone	4.5m	2m	1m
ii	General Residential 2 Zone (except for Gardens, Mornington, Mosgiel, South Dunedin and Caversham mapped areas)	4.5m	2m	1m
iii	General Residential 2 Zone (Gardens, Mornington, Mosgiel, South Dunedin and Caversham mapped areas)	3m	1m	1m
iv	Inner City Residential Zone	3m	1m	1m
v	Low Density Residential Zone	4.5m	2m	1m
vi	Large Lot Residential 1 and 2 Zones	4.5m	4m	1m
vii	Township nad Settlement Zone (except as for Formby Street Structure Plan)	4.5m	2m	1m
viii	In the Formby Street Structure Plan, on the side or rear boundary (as relevant on the eastern site boundary of Lots 1-10 (as shown on the Formby Street Structure Plan)	4.5m	10m	1

ix. Except:

1. where residential buildings are located on a site between two sites with residential buildings that do not meet the standard for setback from the road boundary, then the minimum setback may be reduced to the depth of the larger of the two existing setbacks, as shown in Figure 15.6J. Existing setbacks will be measured from the main part of residential buildings and will exclude any garages or carports within the setback from the road boundary;
2. where buildings are built to the boundary and share a common wall no setback is required for the length of the buildings where joined (see Figure 15.6K);
3. in all areas, except Large Lot Residential Zones, for stand-alone and attached garages and carports that: have their entry facing the road **and** are no greater than 4m high and 4.5m in width (measured as parallel to the road boundary), the setback

- is reduced to 0.5m from the road boundary or 1m from the edge of any formed footpath or cycleway (whichever is greatest);
4. the setback from the side and rear boundary for stand-alone and attached garages no greater than 3.3m high and 6m in length (measured as parallel to the boundary) is reduced to 1m; and
  5. decks less than 0.5m above ground level, structures less than 2m<sup>2</sup> in floor area and 2m in height, and all fences are exempt from this standard.

### 3.3.5.2 Submissions on Rule 15.6.14 Setbacks, insofar as it relates to the ICR and GR2 zones only

308. *Ms Carol Devine* (OS252.11), *Southern Heritage Trust & City Rise Up* (OS293.109), *Mr John and Mrs Clare Pascoe* (OS444.77) and *Mrs Rosemary & Mr Malcolm McQueen* (OS299.74) requested the setback rules for the GR2 (Gardens, Mornington, Mosgiel, South Dunedin, and Caversham mapped areas) and the Inner City Residential Zone (Rules 15.6.14.1.a.iii.2 and 15.6.14.1.a.iv.2) be amended to change the side and rear setbacks from 1m to 1.5m. No specific reasoning was provided for these submissions.
309. *Mr Michael O'Neill* (OS403.8) sought amendment of the boundary setbacks in the Inner City Residential Zone (except for the areas north of Pitt Street and Corrie Street and to the area in the vicinity of Gowland/Frederick/Harrow Street). He requested the removal of the 3m setback from road boundary where window sills are more than 2m higher than the adjoining footpath, and the removal of the 1m setback requirement for side and rear boundaries requirement when neighbours consent is obtained.
310. He reasoned that long, narrow sites in this zone allows access to sun and views for neighbours but that this isn't always taken into account for maximising sunlight and views for new dwellings. He considered there was an attempt in the 2GP to create an incentive for development at the front of sections, which reflects historic practices and that this has merit in some cases, but in other cases it would severely reduce existing sunlight amenity.
311. He submitted that an alternative approach would be to incentivise consultation and agreement with neighbours, as this is the most likely method of achieving a good outcome as it enables affected persons to make choices. He believed developers would then have certainty that their application could then be processed as of right and without notification.
312. The *Dunedin City Council* (OS360.107) sought to add an additional exemption to the setbacks performance standard for the Inner City Residential Zone (Rule 15.6.14.1.a.ix, new Rule 15.6.14.1.a.ix.6). This was in order to clarify that where new buildings or additions are being built in accordance with the 'alternate' height in relation to boundary performance standard provided for in this zone (Rule 15.6.7.1.a.iii.1), that there is a different (larger) minimum side boundary requirement required by that provision.

### 3.3.5.3 Section 42A Report

313. The Reporting Officer recommended against increasing the boundary setback to 1.5m and sought by *Ms Carol Devine* (OS252.11), *Southern Heritage Trust & City Rise Up* (OS293.109), *Mr John and Mrs Clare Pascoe* (OS444.77) and *Mrs Rosemary & Mr Malcolm McQueen* (OS299.74), noting that most of the area already has a minimum setback of 1m under the operative District Plan, or the pattern of development is such that a 1m setback is characteristic of the areas (s42A Report, Section 5.8.9.1, p. 292).
314. The Reporting Officer also recommended against removing the road boundary setback entirely as requested by *Mr O'Neill*. In her opinion this would lead to unusual form of



architecture that would be both out of character and aesthetically unpleasant in most residential environments and, therefore, would not be appropriate in achieving the Plan's objectives with respect to neighbourhood character and amenity. She also considered that even with additional requirements for acoustic treatment and a higher window height to prevent people being able to look through windows, this would reduce residential amenity and would not achieve the Plan's objectives in terms of residential amenity as it would remove the ability to have a visual connection with the street and allow for passive surveillance. Consultation as part of the 2GP's development, particularly with students, indicated that the use of front yards for recreation and social interaction was a valued and positive part of student life, and students in particular were attracted to buildings that had a front yard or porch area that provided for this activity.

- 315. She noted that the 2GP provides for fire-rated common walls with no windows on the adjoining boundary instead of side boundary setbacks of in Rule 15.6.14.1.a.ix.2, so this part of *Mr O'Neill's* request is already provided for in the Plan.
- 316. She also noted that a performance standard cannot include approval by another party (neighbour's consent) as part of establishing a permitted activity status (s42A Report, Section 5.8.9.1, p. 293). Neighbour's consent is only relevant to removing the need to assess effects on that person if resource consent is required.
- 317. In relation to the *DCC's* submission point, the Reporting Officer noted that the minimum setback from side and rear boundaries in the Inner City Residential Zone is 1m. However, the height in relation to boundary standard provides two options: either measuring 3m above ground level at side and rear boundaries; or for any new buildings and additions or alterations to buildings within 16m of the road boundary, measuring from 6.5m above ground level at side boundaries, provided that all buildings on the remainder of the site are set back from the side boundaries by at least 2m (s42A Report, Section 5.8.9.1, p. 296).
- 318. She considered that this amendment is necessary to avoid conflict or confusion between the rules. She recommended that the submission be accepted in principle, although, slightly different wording to that indicated in the *DCC* submission was recommended.

#### 3.3.5.4 Evidence presented at the hearing

- 319. Mr Peter Christos, *DCC* Urban Designer, provided advice confirming that the 1m setbacks are a consistent residential character of properties located between the Town Belt and the central city. He indicated minimal separation distances occur regularly and are a feature of the streetscape and are an established characteristic.

#### 3.3.5.5 Decision and Reasons

- 320. We reject the submissions by *Ms Devine* (OS252.11), *Southern Heritage Trust & City Rise Up* (OS293.109), *Mr and Mrs Pascoe* (OS444.77), *Mr and Mrs McQueen* (OS299.74), and *Mr O'Neill* (OS403.8). We accept the evidence of the Reporting Officer and Mr Christos that one aspect of the *Mr O'Neill's* submission is already provided for in the Plan, and the options promoted by submitters would be beneficial in terms of maintaining the character and amenity of the affected zones.
- 321. We accept the submission by the *DCC* (OS360.107) to align the performance standards, subject to the recommended minor amendments to the wording, and agree with the relief recommended by the Reporting Officer. We agree this change will improve Plan clarity and alignment. Amendments to Rule 15.6.14.1.a.ix.6 are shown in Appendix 1 attributed to submitter reference Res 360.107.

## 3.4 Individual requests for adjustments to the medium density zones

### 3.4.1 Background

- 322. A number of submitters requested that medium density zoning be removed from their neighbourhoods or streets.
- 323. Submissions in relation to the general application of medium density zoning were considered above in section 3.2 of this Decision Report.
- 324. This part of the Decision Report addresses submissions to change the zoning of specific sites. We respond to these submissions by grouping them into similar geographical locations.

### 3.4.2 Assessment of zoning requests

#### 3.4.2.1 Re-evaluation of the proposed GR2 and ICR boundaries

- 325. At the end of the Residential Hearing, in response to submitter evidence on GR2 boundaries and provisions, amenity, and heritage values, we requested further work from the DCC to assist us in making our decisions on the extent and application of medium density zoning. The work requested included:
  - a peer review of the methodology used to assess potential medium density areas
  - re-evaluation of the proposed GR2 and ICR boundaries from an urban design perspective including assessment of areas requested through submissions
  - re-evaluation of proposed GR2 and ICR zones to identify any areas that have heritage or character values requiring additional protection or recognition
  - a high-level review of provisions related to medium density zones and evaluation of further options to manage effects on adverse amenity and neighbourhood character
  - compiling assessment information for areas included in the GR2 or ICR into one document.
- 326. The Reconvened Residential Hearing Report supplied in response to our request for further analysis included:
  - a peer review of the methodology used to assess potential medium density areas;
  - re-evaluation of the proposed GR2 and ICR boundaries from an urban design perspective;
  - re-evaluation of the proposed GR2 and ICR to determine any areas that have heritage or character values requiring additional protection or recognition.
  - options to manage heritage, amenity and neighbourhood character in GR2 and ICR; and
  - a review of provisions, taking into account evidence from the Urban Land Supply hearing.
- 327. The Report was presented at the Reconvened Residential Hearing, and the content is outlined in more detail in section 3.2.11, along with our decisions on broad submissions relating to the extent and application of medium density zoning (section 3.2.13). However, we summarise here some evidence of particular relevance to our consideration of submissions in this section.
- 328. Ian Munro (Urban Designer and Planner) was commissioned to undertake the peer review of the report prepared by Baker Garden Architects (*District Plan Medium Density Areas, May 2015*) that was used to assist the DCC in determining areas that may be

suitable for medium density housing, and also to review to the specific GR2 and ICR areas and the recommendations reached by the Council's staff and the Baker Garden report. He also considered the submissions made in opposition to the notified zoning. He concluded that:

- the methodology used to identify GR2 and ICR zoned areas had relied on accepted and relevant criteria and the proposed zones represent generally well-justified, appropriate locations, and were readily defensible on built character and neighbourhood amenity grounds;
- the proposed GR2 and ICR zones were very strongly related to where historical intensification or higher density had occurred and in most cases, had already been partially intensified in line with the outcomes enabled in the zone; and
- the criteria had been applied consistently and evenly, and he supported the overall approach and analysis of multiple criteria that was used.

329. He did however recommend the removal of one area of medium density zoning in its entirety; the amendment of a boundary of a second area; and two extensions to existing areas of medium density zoning.

330. As part of re-evaluating the suitability of areas for medium density housing, the areas subject to submissions were assessed against the new Policy 2.6.3.4 as recommended by Ms Christmas at the Urban Land Supply (Part 1) Hearing. The boundary assessments are outlined in detail below. We note that while the final version of this policy differs slightly from the wording of new Policy 2.6.3.4, we note the content is very similar.

#### 3.4.2.2 Strategic Directions policies relating to medium density zoning

331. The 2GP strategic outcomes and criteria for rural residential zoning were set out in Policy 2.2.4.1 and Policy 2.6.3.1.

332. As discussed in section 3.2.13.3, we have amended the strategic policies in response to submissions. Changes include amendments to improve their workability and consistency with other strategic zoning policies, to better set out the range of criteria that have been used to apply rural residential zoning and that will be used for determining new areas for rural residential zoning. The relevant policies for the assessment of new areas of medium density zoning are Policy 2.6.3.1 and new Policy 2.6.3.4.

#### 333. **Policy 2.6.3.1**

Policy 2.6.3.1 sets out the criteria for all new residential zones:

- rezoning is necessary to meet a shortage of capacity (including capacity available through releasing a Residential Transition overlay zone), either in the short term (up to 5 years), or in the medium term (up to 10 years), in which case a Residential Transition overlay zone is applied to the rezoned area; and
- rezoning is unlikely to lead to pressure for unfunded public infrastructure (unless an agreement can be reached between the infrastructure provider and the developer on the method, timing, and funding of any necessary infrastructure provision is in place, or a Residential Transition Overlay Zone is applied and a future agreement is considered feasible); and
- 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; and
- 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:
  - Objective 2.4.6 – Character of rural environment;
  - Objective 2.3.1 – Land and facilities important for economic productivity and social wellbeing. Achieving this includes generally avoiding areas that are highly productive land or may create conflict with rural water resource requirements;
  - Objective 2.2.3 – Indigenous biodiversity. Achieving this includes generally avoiding the application of new rural residential zoning in ASBV and UBMA;
  - Objective 2.4.4 – Natural landscapes and natural features. Achieving this includes generally avoiding the application of new rural residential zoning in ONF, ONL and SNL overlay zones;
  - Objective 2.4.5 – Natural character of the coastal environment. Achieving this includes generally avoiding the application of new rural residential zoning in ONCC, HNCC and NCC overlay zones;
  - Objective 10.2.4 – 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 2.4.1 – Form and structure of the environment;
  - Objective 11.2.1 – the potential risk from natural hazards is low, if in a natural hazards overlay zone.
  - Objective 2.7.1 – Efficient public infrastructure
  - Objective 2.7.2 – Efficient transportation
  - Object 2.2.4 – Compact and accessible city

#### 334. **Policy 2.6.3.4**

Policy 2.6.3.4 sets out the criteria specific to medium density zones:

- alignment with the criteria in Policy 2.6.3.1; and
- rezoning is unlikely to lead to pressure for unfunded public infrastructure (unless an agreement can be reached between the infrastructure provider and the developer on the method, timing, and funding of any necessary infrastructure provision is in place, or a infrastructure constraint mapped area is applied); and
- 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:
  - Objective 2.6.1 – Housing choice
  - Objective 2.2.2 – Energy resilience
  - Objective 2.4.1 – Form and structure of the environment;
  - Objective 11.2.1 – the potential risk from natural hazards is low, if in a natural hazards overlay zone.
- the area is suitable for residential development by having all or a majority of the following characteristics:
  - i. lower quality housing stock more likely to be able to be redeveloped
  - ii. locations with a topography that is not too steep;
  - ii. being close to the main urban area or townships that have a shortage of capacity;
  - iii. locations that will receive reasonable levels of sunlight; and
  - iv. market desirability, particularly for one and two person households.

335. We note that all areas subject to submissions are already residentially zoned, so we have not conducted an assessment against Policy 2.6.3.1. Rather, we have endeavoured to assess rezoning requests against the criteria listed in Policy 2.6.3.4.

### 3.4.3 Submission in support of notified zoning

- 336. *Mr Mark Lambert* (OS672.1) sought retention of the General Residential 2 Zone and all map layers and provisions relevant to 380 South Road, Caversham. He believed that the proposed zoning format resulting in the subject property existing within the GR2 is appropriate and allows for sensible ongoing use of the land and improved land management opportunities.
- 337. The Reporting Officer noted the submitter's support for the zoning (s42A Report, Section 5.13.1, p. 334).
- 338. Mr Kurt Bowen (surveyor) spoke on behalf of *Mr Lambert* at the hearing. He indicated that resource consent had been lodged for the development of five units on the site. He explained this is overly dense for the existing Residential 1 zoning, but was consistent with the GR2 zoning proposed in the 2GP.

#### 3.4.3.1 Decision and reasons

- 339. We accept in part the submission of *Mr Mark Lambert* (OS672.1), noting that our decision retains the notified GR2 zoning in this area, and the provisions with amendments as discussed elsewhere in this Decision Report.

### 3.4.4 Requests to change GR2/ICR Zone boundaries – Central City

#### 3.4.4.1 3 Butts Road

- 340. *Hawkdun Properties Ltd and Palmer and Sons Ltd* (OS585.1) requested that Industrial (lot 5) and ICR (lot 4) zones near Lots 4 & 5, 3 Butts Road, be changed to ICR (lot 5) and Industrial (lot 4) respectively. The basis for their request was that the current zoning of the property reflects the existing legal boundary and a subdivision is intended to be implemented in the very near future which will mean that the zone boundaries will no longer accurately reflect the site boundaries and the submitter will have split zoning over their land.
- 341. The Reporting Officer considered that as the proposed rezoning at 3 Butts Road reflects land swapping that is proposed between the two landowners and formalised through subdivision, it is reasonable to have the zone boundaries align with this (s42A Report, Section 5.13.4, p.357).

##### 3.4.4.1.1 Decision and reasons

- 342. We accept the submission by *Hawkdun Properties Ltd and Palmer and Sons Ltd* (OS585.1) and change the zoning at 3 Butts Road to ICR (lot 5) and Industrial (lot 4) respectively for the reasons outlined by the Reporting Officer.

#### 3.4.4.2 3, 5, and 7 Hereford Street

- 343. *Mr Russell Hendry* (OS27.3) requested that 3, 5, and 7 Hereford St be rezoned to GR1 as he believed the gradient of the land would not enable development on these sections to the height and density proposed for GR2 without having adverse effects by shading and loss of amenity values for the bordering properties on Highgate located in the GR1.
- 344. The Reporting Officer indicated the properties are generally small sites and are fully developed (s42A Report, Section 5.13.4, p.359). She did not consider that additional development or subdivision of these sites is likely as a result of the GR2 zoning. She also noted that the maximum height in both these zones is 9m, the same as in the operative District Plan.

#### 3.4.4.2.1 *Decision and reasons*

345. We reject the submission by *Mr Hendry* (OS27.3) for the reasons outlined by the Reporting Officer.

#### 3.4.4.3 Belleknowes GR2

346. *Mr Elliot and Mrs Kirsty O'Sullivan* (OS942.1) requested the rezoning of the area of Bellevue Street, Granville Terrace and Bright Street, Belleknowes from GR2 to GR1 because the topography of the streets is such that access to public transportation routes is difficult; proximity to Roslyn and Mornington is an inappropriate justification for the proposed zoning; there are larger site sizes in the area; and most are single dwelling sites. The submitter suggested the nature and density provided for by the GR2 would be inconsistent with, and have adverse effects on, the existing character of this area.
347. The Reporting Officer, based on the assessment of the Belleknowes areas in the *District Plan Medium Density Area* (Baker Garden Architects, 2015), considered GR2 zoning to be suitable (s42A Report, Section 5.13.4, p.360). The Reporting Officer suggested an option of amending the boundary to provide some relief to the submitters' concerns.
348. Mr Ian Munro (Urban Designer/Planner) also peer reviewed the methodology used for assessments in that report and has reviewed the areas proposed for medium density zoning (ICR or GR2) and did not recommend any amendments to the zoning in this area.

#### 3.4.4.3.1 *Decision and reasons*

349. Based on the expert advice provided by Mr Garden, Mr Munro and Ms Baker that GR2 is the most appropriate zoning, we reject the submission by *Mr and Mrs O'Sullivan* (OS942.1).

#### 3.4.4.4 Balaclava GR2

350. *Ms Rachel Stevenson* (OS397.1) requested the rezoning of the entire Balaclava GR2 area to GR1, or an amendment to exclude northern Mornington Road. Her reasons were that reducing section sizes to 300m<sup>2</sup> would significantly disrupt the current suburban setting, potentially be detrimental to the demographic makeup of the area, and that adding further housing to the back of sections which reduce outdoor areas and green space. *Mr Wyber* (FS2059.9) supported this submission.
351. We received a number of submissions from residents of Raglan Street who requested that the DCC purchase a section of Raglan Street currently in private ownership and legalise this section as public road. They considered that the proposed zoning of the area as GR 2 Zone under the 2GP would potentially result in an increased number of accessways onto the road. They were of the view that the road is in poor condition and additional vehicle traffic would further worsen it. The Raglan Street Community submitters are: *Mr Peter and Mrs Nicole Labes* (OS626.1), *Mrs Jillian and Mr Jeff Gray* (OS631.1), *Ms Joan Buchanan* (OS636.1), *Mr Raymond and Mrs Jacqueline Spence* (OS639.1), *Mr Stephen and Mrs Maryanne Haggie* (OS651.1), *Ms Lina Chen and Mr Libang Kuang* (OS654.1), *Ms Karen Dunlea* (OS655.1), *Ms Jean Duncan* (OS656.1), *Mr Lawrence & Mrs Marie Cooper* (OS657.1), *Mr Brent & Mrs Fiona Smaill* (OS658.1), *Mr Graham Steele* (OS659.1), *Ms Frida Swerdlhoff* (OS662.1), *Frances Sharples* (OS665.1), *Ms Gladys Dick* (OS669.1), and *Mr Michael Kerr* (OS670.1).
352. Further submitter *Mr Craig Paddon* (FS2026.1) opposed submission (OS654.1). While the further submitter supported the road becoming public road, he did not agree that neighbours should have to improve the quality of the road beforehand.
353. The Residential Reporting Officer initially recommended that the notified zoning be retained based on the assessment of the Balaclava area by Mark Garden (s42A Report, Section 5.13.4, p.360). However, the peer review by Mr Munro's analysis of this area found that while the predominant building form and grain is consistent with more recent

eras (1960+), it is much closer to the GR1 than GR2 in character. He recommended the whole Balaclava area should be removed from the GR2 Zone. As a result, the Reporting Officer revised her recommendation and recommended accepting the submission and rezoning this whole area GR1.

354. The Reporting Officer for Plan Overview noted that while zoning the area GR2 may well increase the number of accessways onto the road, the road status is not managed by the 2GP. For this reason, she recommended that no amendment to the 2GP was made in response to the submissions, and instead recommended forwarding the request to the DCC Transportation department to respond to, outside of the 2GP process (Plan Overview s42A Report, Section 6.8.2, p. 147).
355. At the Plan Overview Hearing we heard from Mr Kurt Bowen (surveyor) on behalf of the Raglan Street Community, *Mr Kerr*, and Mr Ben Neville (legal counsel) for *Mr and Mrs Labes*.
356. Mr Bowen discussed the history of the road, noting that it was not a public road, despite inferred rights of access, which made it difficult for work to be carried out on it. He indicated there were stormwater issues and that the road itself needed work. He urged the DCC to acquire the road to resolve these difficulties and indicated the landowner's willingness to work with the DCC to reach some agreement on future upgrading of the road. He suggested the GR2 zoning could go ahead with some provision for upgrading the road to support it.
357. Mr Neville submitted that zoning the area GR2 would have flow-on effects and indicated a preference for the area to be zoned GR1 until these other matters were resolved.
358. *Mr Kerr* indicated support for GR2 zoning, as this would allow further residential development in the area.
359. We raised the difficulty in addressing these issues through the 2GP process, given the jurisdictional limitations. Mr Bowen advised that they were discussing matters with the Transport Department, and that they would prefer for the area to not be rezoned until the problem had been resolved.
360. The Reporting Officer suggested in the revised recommendations that the area may need to be rezoned to GR1 if the road was not upgraded and transferred to DCC. Mr Bowen subsequently clarified via email that the Raglan Street Community would prefer for the area to be zoned GR2 than GR1, even if the road issues are not resolved at this time and that they would continue to seek resolution of the matters with DCC.

#### 3.4.4.4.1 *Decision and reasons*

361. We accept the submission by *Ms Stevenson* (OS397.1) to change the zoning of the entire Balaclava GR2 area to GR1. We accept the expert advice provided by Mr Munro that it is much closer to the GR1 than GR2 in character. In addition the area is not close to services/centres, as promoted by Policy 2.6.3.4.c.ii. We reject the submissions from the Raglan Street Community of *Mr Peter and Mrs Nicole Labes* (OS626.1), *Mrs Jillian and Mr Jeff Gray* (OS631.1), *Ms Joan Buchanan* (OS636.1), *Mr Raymond and Mrs Jacqueline Spence* (OS639.1), *Mr Stephen and Mrs Maryanne Haggie* (OS651.1), *Ms Lina Chen and Mr Libang Kuang* (OS654.1), *Ms Karen Dunlea* (OS655.1), *Ms Jean Duncan* (OS656.1), *Mr Lawrence & Mrs Marie Cooper* (OS657.1), *Mr Brent & Mrs Fiona Smaill* (OS658.1), *Mr Graham Steele* (OS659.1), *Ms Frida Swerdloff* (OS662.1), *Frances Sharples* (OS665.1), *Ms Gladys Dick* (OS669.1), and *Mr Michael Kerr* (OS670.1) as we consider their request to change the status of Raglan Street is outside the scope of the Plan, however we consider that rezoning this area to GR1 addresses some of the issues raised in the submissions, albeit that this may not be the overall outcome that the submitters desired.

#### 3.4.4.5 Properties in the ICR that are Residential 1 Zone in the operative District Plan

362. A submission from *Mr Robin Graham* (OS837.1) requested that all the properties in the ICR that are Residential 1 Zone in the operative District Plan, be zoned GR1. He argued that the inner-city area is already intensified without making the density higher.
363. A submission from *Ms Cynthia Greensill* (OS729.1) requested the zoning of properties around London St, Royal Terrace, Heriot Row and Pitt St (area in heritage precinct) be changed from ICR to GR1. The main reason given is the decline in the market for rental accommodation and concerns about heritage building demolition and conversion, and increased noise and rubbish associated with higher density housing.
364. A number of further submitters opposed these submissions. Their main reasons were that the ICR will commercially allow the older or more run-down buildings in the area to be redeveloped or removed where appropriate, thus improving the whole area in terms of aesthetic, living quality and value outcomes. They also thought this would help maintain the viability of the character contributing heritage buildings of the area.
365. The Reporting Officer indicated that she agreed with *Mr Graham* that much of the inner-city area had already intensified (s42A Report, Section 5.13.4, p.362). She considered that the zoning proposed reflected the types of development that was occurring on the ground. Overall, the Reporting Officer considered the ICR was the most appropriate zoning as much of the area was already in medium density zoning; medium density development was occurring under the operative Plan; and the zoning would enable internal redevelopment of existing older dwellings into multiple flats, thereby encouraging their retention.
366. No new evidence on this topic was provided by submitters at the hearing.
367. We note that the evidence of Mr Munro presented at the Reconvened Residential Hearing did not recommend any amendments to the zoning in this area.

##### 3.4.4.5.1 *Decision and reasons*

368. We accept the expert advice of Mr Garden, Mr Munro, and Ms Baker that the ICR zoning is most appropriate for these areas. Therefore, we reject the submissions by *Mr Robin Graham* (OS837.1) and *Ms Cynthia Greensill* (OS729.1). In relation to the concern about preserving heritage buildings in the area, we note that the 'habitable room' approach in the ICR Zone is expected to make it easier and more economic to renovate and more intensively use large older houses in this area.

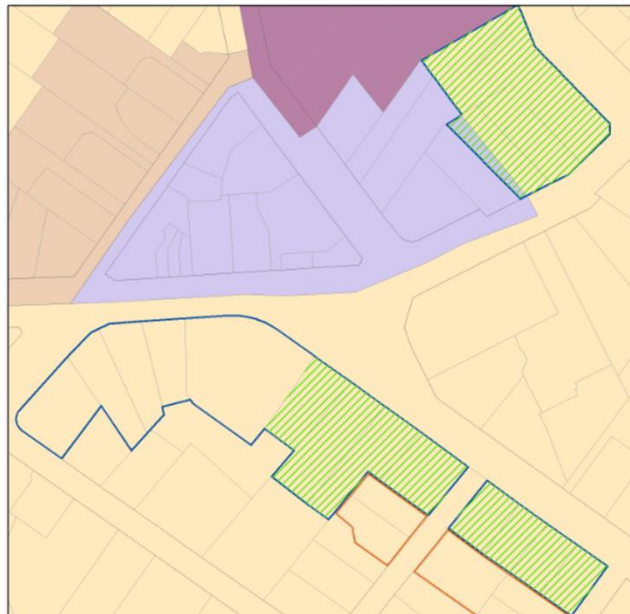
#### 3.4.4.6 Properties around Highgate

369. *Mr Robert Tongue* (OS452.2) requested the zoning of properties in the following locations be changed from GR1 to GR2:
- east side of Highgate from Grendon Street to Drivers Road
  - the south side of Drivers Road from Highgate to Brent Street (or Baxter Street),
  - the west side of Highgate from the Maori Hill neighbourhood centre to Passmore Crescent, and the south side of Passmore Crescent from Highgate to the school.
370. He believed that these areas in Maori Hill meet the criteria stated in the objectives, policies and the supporting material. *Mr Wyber* (FS2059.2) supported the submission in part, where it reflected his request for medium density zones within 50 metres of the edge of local centres and allowing for two-unit developments on vacant 700m<sup>2</sup> sites in all the older residential areas on flatter or gently sloping land.
371. *Mr Peter Chamberlain* (FS2136.1) and *Mr Grant and Mrs Jenny Paris* (FS2414.1) opposed the submission because of concern about changes in the housing density of the area and associated parking and traffic effects, as well as safety issues for children caused by higher housing and occupancy.



372. The Reporting Officer initially recommended rejecting the submission because it had already been assessed and excluded from the GR2 (s42A Report, Section 5.13.4, p. 363).
373. In his evidence *Mr Tongue* considered that the wider area was already medium density, had no infrastructure constraints, was flat, and provided good access to commercial and community facilities. He considered having higher densities close to the school was beneficial. In response to questions, *Mr Tongue* replied that clustering of medium density areas around centres was preferable to having them along transport routes.
374. At the Reconvened Residential Hearing, Mr Munro said he considered that this submission could be accepted, in part, as this land was in close proximity to an urban centre and bus route, and had been developed to a mixture of densities and housing types. This is also reflected on the land opposite that proposed to be re-zoned and would further reduce the likelihood of any inappropriate built form or character effects eventuating. Mr Munro suggested a slightly different shape to the GR2 than identified by the submitter.
375. The Reporting Officer agreed with the advice and recommendations made by Mr Munro to include part of the area in Maori Hill sought by *Mr Tongue*, with slightly modified boundaries from those requested in the submission or suggested by Mr Munro as some

Extension to Maori Hill General Residential 2 Zone boundary



areas suggested by Mr Munro for inclusion were beyond the scope of the submission. The Reporting Officer noted there were two submitters with properties within this area who were opposed to the rezoning.

376. At the Reconvened Residential Hearing, based on the expert evidence provided by Mr Munro, the Reporting Officer revised her recommendations for the area, recommending the boundary of the Maori Hill GR2 area be amended to include some properties sought by *Mr Tongue*, with the boundary stopping between 71 Drivers Road and 580 Highgate (the Presbyterian Church). She also suggested we consider the exclusion of 5 and 7 Passmore St from this area due to submissions by landowners not supporting *Mr Tongue's* submission.

#### 3.4.4.6.1 Decision and reasons

377. We accept, in part, the submission by Mr Tongue (OS452.2) to extend the boundary of the Maori Hill GR2 based on the expert evidence provided by Mr Munro, and advice of Ms Baker, that this is the most appropriate zoning. Our decision is that the following properties be rezoned from GR1 to GR2: 3, 5, and 7 Passmore Crescent, 611, 613, 615,

and 619 Highgate, 51, 53, 55, 57, 61, 67, 69, and 71 Drivers Road as shown in green striped area below.

378. In doing so, we reject the submissions by *Mr Chamberlain* (FS2136.1) and *Mr and Mrs Paris* (FS2414.1).

#### 3.4.4.7 Request to retain operative District Plan zoning

379. *Mr Duffy* (OS871.3) sought to change both sides of upper Warrender Street from ICR to the current Residential 3 zoning (as per the operative District Plan) as he was concerned about students living in the area.
380. The Reporting Officer noted that *Mr Duffy* was primarily concerned with development that had already occurred in the area and the type of people who were living in the area (s42A Report, Section 5.13.4, p.363). She considered *Mr Duffy* did not understand that the ICR rules are very similar to the existing Residential 3 Zone. And noted he did not indicate any specific concerns regarding the rules in the 2GP. The Reporting Officer recommended rejecting the submission. The submitter did not provide any new evidence at the Hearing.

##### 3.4.4.7.1 *Decision and reasons*

381. We reject the submission by *Mr Duffy* (OS871.3) to apply one of the zones in the operative District Plan, rather than the zone proposed in the 2GP for the reasons outlined by the Reporting Officer.

### 3.4.5 Requests to change GR1/GR2 Zone boundaries – South City

#### 3.4.5.1 Background

382. An assessment of the validity of areas in Dunedin for medium density development was considered in the report titled *DCC Plan Medium Density Zone – Recommendations* (Baker Garden Architects, 2014). Parts of St Clair were considered as appropriate for medium density housing (GR2) which included properties along Bedford Street and around Norfolk Street and Cliffs Road.

#### 3.4.5.2 Properties around Norfolk Street and Cliffs Road

383. *Whatsoever Ltd* (OS979.1) requested the zoning in the area of Norfolk Street, Bedford Street, and Cliffs Road be changed from GR1 to GR2. The submitter discussed how they were consulted on zoning this area as a medium density housing zone during consultation in November 2014 and were supportive of this. The submitter was not happy that this area was not notified as GR2. The submitter considered that GR2 would be a better and more efficient use of urban land to allow for further development in St Clair. Three further submitters supported this submission for similar reasons because they considered the area had excellent transport options (roads and buses), recreational facilities, and sustainable population growth opportunities (proximity to the employment).
384. *Mr Walt Moffat* (FS2084.1) and *Mr Oldham* (FS2095.1) opposed the submission because of the belief that there is little need for medium density housing in St Clair, and concerns about increased traffic flow and loss of amenity of the area.
385. The Reporting Officer explained that during public consultation on these proposed areas, concern was raised about the inclusion of this area for a variety of reasons. After further consideration and discussion with the DCC Water and Waste Group, the boundaries of the St Clair medium density area were modified, and only a portion of the area around Bedford Street was included in the GR2 when the 2GP was notified.
386. The prime reason for modifying the boundaries was that a number of the properties between Bedford Street and Cliffs Road are serviced for storm water by private

watercourses and small localised storm water catchments. The pipe capacity at the moment is the responsibility of the landowner over which the pipe passes. Changing the zone to GR2 would mean there was significant scope for increased impervious surface area and therefore run-off which could impact on the system (s42A Report, Section 5.13.5, p.368). She therefore recommended rejecting the submission by *Whatsoever Ltd*.

387. Mr David Sharp presented at the hearing on behalf of *Whatsoever Ltd*. Mr Sharp was in favour of the GR2 zoning proposed throughout the city and said that this recognised future needs. He considered that the boundary changes made to the proposed area following the initial consultation phase where major and that landowners should have been individually advised that their properties were not included in the GR2 in the notified 2GP. Mr Sharp did not consider the boundary changes were reasonable and considered that there were no traffic issues, as suggested by further submitters. He urged us to reconsider the zoning, suggesting caveats could be put on titles to deal with infrastructure concerns.
388. At the hearing *Mr Oldham* indicated that he was one of the landowners whose property the private drain passed through. He considered the private infrastructure and roads would not handle increased density. *Mr Oldham* supported the DCC decision not to include this area in the GR2. He also indicated that he did not support the GR2 that is proposed for St Clair in the 2GP, as he didn't consider it appropriate for the area generally.
389. In his expert evidence, Mr Munro did not consider the re-zoning requested would be appropriate, and otherwise did not meet the conditions specified in the (revised) policy proposed to sit under Strategic Objective 2.6.3. Mr Munro considered the land is undulating, with gaps and voids around houses giving frequent views of the coastal landform and the coast itself. The sites are characterised by larger homes or mixed styles on larger sites. Mr Munro was of the opinion that overall they better reflect the outcomes sought within the GR1 provisions and were not suited to substantial additional intensification.

#### 3.4.5.2.1 *Decision and reasons*

390. We reject the submission by *Whatsoever Ltd* (OS979.1) to extend the GR2 boundary for the reasons outlined by the Reporting Officer and based on the expert evidence provided by Mr Munro.

#### 3.4.5.3 Properties in Albert Road, Sandringham Street, and Forbury Road

391. *Mr Richard La Hood* (OS419.1) requested the properties on Albert Street and bounded by Beach Street, Sandringham Street, and Forbury Street be changed from GR1 to GR2 zoning. The submitter believed the GR2 proposed for St Clair was too small for the potential demand to downsize over the next several years. He considered that because the area in question is flat and has nearby beachside amenities it is an ideal site for development to accommodate our aging population who are looking to downsize.
392. A number of further submitters, including *Ms Cecilia Mickelson* (FS2382.2), and *Ms Megan Mickelson* (FS2382.1) opposed the submission. Their main grounds for opposition were increases in apartment and townhouse numbers and the resultant increases in the quantity of traffic (and the danger this could pose to people in the area); aggravation of parking issues; a belief that the area had a good mix of stately houses, family homes, town houses and rental property, which reflected the population mix presently living in the area; and a desire to not live in a denser area. Other issues raised included loss of vegetation and increased land slippage potential and concerns that families would no longer be able to occupy the area.
393. The Reporting Officer outlined the expert evidence provided to assist with the assessment of submissions (s42A Report, Section 5.13.5, p. 368). She indicated that the DCC Water and Waste Group had advised that there was no capacity available within the wastewater and stormwater networks to cope with increased density in this

area. However, the DCC Transportation Group had not identified any effects on the transport network and considered there was adequate infrastructure and services in the area to support increased density. Mr Peter Christos, DCC Urban Designer, considered there was merit in residential intensification around an existing vibrant centre with a good bus service, however, he considered that rezoning to GR2 could be harmful to the existing residential character and streetscape as the streets provided a consistently high level of architectural quality with well-kept bungalows and villas with well-maintained established front gardens and some large brick and tile Tudor style bungalows.

394. The Reporting Officer noted that a number of further submitters raised concerns about increased land slippage potential, however, there were no hazards identified in this area in the 2GP (s42A Report, Section 5.13.5, p.369). Based on the evidence of Mr Christos, and the advice from the DCC Water and Waste Group, the Reporting Officer recommended rejecting the submission by *Mr La Hood*.
395. At the hearing, *Mr La Hood* indicated that he considered there were inadequate areas for GR2 in St Clair. He quoted DCC articles and research regarding population changes and the need for medium density housing and considered these justified having medium density areas in St Clair. He also considered there was a need to plan for changing demographics. *Mr La Hood* argued that owners in the area supported the proposal to rezone as only 4 out of 43 properties in the proposed rezone area objected to his submission. He considered the area was close to amenities, facilities, and public transport, has flat sunny sites, and adequate transport infrastructure, and therefore was suitable and ideal for medium density development, as it meets the criteria in the Baker Garden Architect reports.
396. He refuted the expert evidence provided by Mr Christos as he considered there were many small sites and dilapidated houses, cross lease properties and flats, and commercial activities in the area.
397. He considered increased density would be gradual so there would be no immediate increase in waste water and stormwater infrastructure requirements and upgrade could be planned for over time.
398. He refuted the suggestion by further submitters that he wanted to build four houses on one site as this is not his intention. He felt it was not recognised that a large highly valued house exists on the site and it would need to be demolished to divide the site into four.
399. At the hearing, *Mesdames Mickelsen* stated that the area in question was a good community area where everyone looks after each other, with a mix of age groups and families. They indicated they were representing other neighbours as well. The submitters considered increased density would change the feel of the area, and increase traffic and parking issues.
400. Mr Munro considered that GR2 zoning would be appropriate as the land is within close proximity and a flat walk to an urban centre and bus route, as well as public open space and beach. He considered the land was very appropriate for greater housing density. He noted there was a varied range of house types and eras represented such that the built form or character effects of further diversification would be unlikely to prove problematic.
401. At the Reconvened Residential Hearing, based on the expert evidence provided by Mr Munro, the Reporting Officer revised her recommendations for the area, recommending amendment to the boundaries of the St Clair GR2 area to include the area around Sandringham, Albert and Beach Streets and Forbury Road sought by *Mr La Hood*.
402. The Reporting Officer noted that in the infrastructure evidence from the DCC Water and Waste Group that the area at St Clair was not supported because of existing infrastructure issues, therefore, recommending an infrastructure constraint mapped area may need to be applied to this area, which would hold medium density development until these issues could be resolved.

403. In *Mr La Hood's* statement (email) tabled at the Reconvened Residential Hearing, he noted that an infrastructure constraint mapped area was not included in the 2GP over the area he sought for rezoning. He considered that the concerns outlined by Water and Waste Services about the lack of infrastructure capacity were unsupported by sufficient evidence and had not been applied to the adjacent GR2 zoned area. He argued that as the infrastructure constraint mapped area had not been notified in the 2GP, affected parties would be disadvantaged by additional constraints without proper notice and processes.

#### 3.4.5.3.1 *Decision and reasons*

404. We accept the submission by *Mr La Hood* (OS419.1) to extend the boundaries of the St Clair GR2 zone as shown bounded by red on the map below, based on the expert advice provided by Mr Munro as to its suitability. However, we also agree with the recommendation of the Reporting Officer to include an Infrastructure Constraint Mapped Area as a consequential change.

Extension to St Clair General Residential 2 Zone boundary



405. We note that the s42A Report indicated that the DCC Water and Waste Group had advised that there was no capacity available within the wastewater and stormwater networks to cope with increased density in this area requested for rezoning, and that this was one of the reasons for the Reporting Officer recommending rejecting the submission for rezoning in this area.
406. While the St Clair and wider area was not initially identified in the infrastructure constraint layer provided by the Water and Waste Group, we accept the advice that more recent modelling has identified constraints over this area, as is highlighted in the assessment sheets for the St Clair GR2 area and requested additional area (included in the Reconvened Residential Hearing Report Appendix 4).
407. The Infrastructure Constraint Mapped Area is only triggered by performance standards applying to the GR2. The rezoning requested would change the zone from one where the infrastructure constraint overlay was not relevant (GR1) to a zone where the overlay has been applied where necessary (GR2), therefore we consider any overlays needed to facilitate the rezoning could be included as a consequential change even though not identified previously under the notified zoning. As landowners are only permitted to develop at GR1 levels under the operative and notified plans, we do not consider any

landowners are disadvantaged by the infrastructure overlay which continues to allow this level of development and in addition provides for medium density development subject to resource consent.

### **3.4.6 Requests to change GR1/GR2 Zone boundaries – Mosgiel**

#### **3.4.6.1 2 Elgin Place**

408. *Mr and Mrs Walker* (OS82.1) sought that the GR2 boundary be extended to include 2 Elgin Place. The main reason for their request is that they consider that their section would be great for subdivision as it is on a corner, which means that both sections would have separate entrances.
409. The Reporting Officer considered that rezoning 2 Elgin Place as GR2 would not be consistent with the development patterns and site sizes of the properties in the immediate vicinity (s42A Report, Section 5.13.7, p.373). She recommended rejecting the submission.
410. At the hearing *Mr and Mrs Walker* indicated their property was close to facilities and on a corner site, and was, therefore, able to have separate entrances. They considered there was lots of development in Mosgiel into smaller sites or multi units. They didn't see the difference between streets and felt they should be able to subdivide irrelevant of the zone but didn't see why their property shouldn't be GR2.
411. Mr Munro evaluated this submission and assessed the area. He recommended rejecting the submission as he did not consider the re-zoning request would be appropriate, and it did not meet the conditions specified in the (revised) policy proposed to sit under Strategic Objective 2.6.3. The proposed zone boundary between the zones follows the internal mid-block boundary between Ross Street and Factory Road. He considered that this is the correct delineator given the different existing character values of the two frontages. Development on the north side of the block, including the submitter's site, would be more appropriately based on the GR1 character of Ross Street rather than a density and character that has developed in response to the very different Factory Road frontage. Mr Munro did not agree that including the site within the GR2 would result in a logical or defensible zone edge.

##### **3.4.6.1.1 Decision and reasons**

412. We reject the submission by *Mr and Mrs Walker* (OS82.1) to extend the Mosgiel GR2 boundary to include their property for the reasons outlined by the Reporting Officer and Mr Munro.

### **3.4.7 Requests to change GR1/GR2 Zone boundaries – North East Valley/Opoho**

#### **3.4.7.1 Opoho GR2**

413. A large number of submitters, including *Ms Jenny Bunce* (OS159.1), sought various changes to the boundaries of the Opoho GR2 area for the following reasons:
  - concerns about increased density as many areas are already developed in medium density format
  - potential to lose sunlight if higher or larger buildings were developed
  - already parking and traffic congestion, which may be exacerbated, especially around church and community facilities at times of celebration, and potential safety problems for families due to more cars on the street
  - important to maintain green areas, increased density may result in less green space and fewer trees
  - people do not want what the zone provides for and it does not make sense to divide the area into two different zones

- concerns for the character of the area, effects on the natural beauty of lower Opoho, and potential loss of valued characteristics of the community
  - increased buildings and hard surfacing with increased stormwater runoff, wastewater systems which don't cope in times of high rainfall, increased demands on infrastructure
  - character of the area does not match the criteria outlined in the medium density reports.
414. *Mr Peter McIntyre* (OS712.1) and *Ms Jo Galer* (OS801) submitted generally about the identification and assessment of areas in the GR2 zone and the lack of consultation on the areas. They discussed the North East Valley/Opoho area as their prime example to demonstrate these matters. They expressed concern about the lack of character assessments of the area and the impacts medium density housing would have on the character of some streets, as well as concerns around narrow streets and parking capacity.
415. The Reporting Officer indicated that some of the areas requested for removal from the GR2 were already fully developed at medium density levels and was of the opinion that these properties were suitable and appropriate for inclusion in the GR2 (s42A Report, Section 5.13.7, p. 380). She noted Mr Mark Garden had identified the proposed Opoho area as being suitable for medium density, and that the DCC Transportation Group did not identify concerns with the capacity of the transport infrastructure in this area. The Reporting Officer recommended rejecting the submissions. However, she did suggest an option to reduce the size of the GR2 area by removing the area surrounded by Opoho Road, Hatfield Street, Balmoral Street and Signal Hill Road as it contained mostly larger sites.
416. At the hearing *Ms Bunce* suggested that the number of submissions lodged show a clear consensus that submitters don't want GR2 in Opoho. She considered parts of the GR2 in Opoho did not fit with the medium density criteria. *Ms Bunce* found the scoring system used in the Baker Garden report to be confusing and obscure. She considered the change in zoning should be based on robust, clear, consistent criteria. *Ms Bunce* argued that public transport was infrequent, there were parking issues, and steep sites, and there was not a clear difference between the areas zoned GR1 and GR2.
417. *Ms Bunce* did not consider GR2 zoning should go ahead until issues identified by submitters were resolved. She supported the Reporting Officers suggested removal of the area from GR2 but felt it would result in a small island with adjacent sites along Signal Hill Road in GR2. *Ms Bunce* supported small houses on small sites which had occurred under R1 zoning but wanted mixed housing not GR2. She argued Opoho didn't have medium density housing except some flats developed under R1 zoning, and had high residential character so should be zoned GR1.
418. *Mr McIntyre* and *Ms Galer* argued that infill housing would result in the removal of trees to make space for more dwellings and impact on vistas in the areas. They expressed concern about the lack of consultation with residents beyond the boundaries of GR2. They believed that adequate assessments of the environmental effects on streetscape and amenity values had not been undertaken, and that these effects would conflict with the objectives of the 2GP to protect amenity. They believed the area included in the GR2 had the same characteristics as areas adjacent to those in the GR1, and considered this contributed to the justification for the area not to be zoned GR2 or for a more in-depth character assessment to be undertaken prior to zoning.
419. At the hearing, Mr Garden said he, along with the DCC Urban Designer (Mr Christos), had identified the area as appropriate for medium density development, although not all sites in the area would be appropriate for this type of development. He suggested that the zone boundaries may have been proposed too far along Evans Street and could be amended. He considered it was important to listen to submitters where they considered it out of character.
420. In response to questions about topography in the North East Valley area being suitable for medium density, Mr Garden indicated development may be difficult on some sites

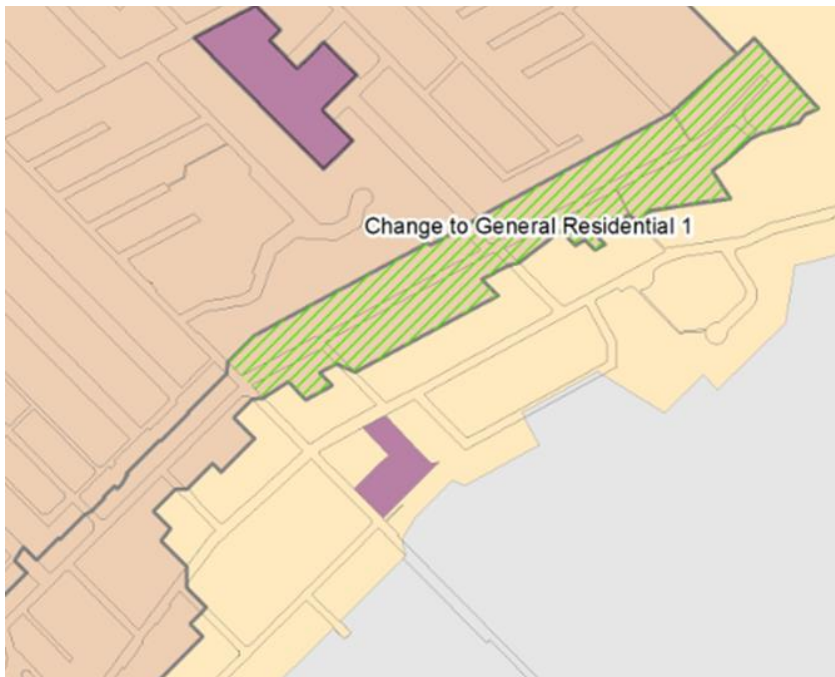


but that the existing development largely reflects the proposed medium density rules and therefore further medium density zoning is appropriate.

421. In his expert evidence provided at the Reconvened Residential Hearing, Mr Munro was of the opinion the Opoho area should be reduced to the 'bulb' south-west of Blacks Road. The topography on either side of Evans Street was such that in Mr Munro's view it would not be possible to develop the land in a manner that could achieve the built form outcomes sought by the zone.
422. At the Reconvened Residential Hearing, based on the evidence provided by Mr Munro, the Reporting Officer revised her recommendations for the area, recommending amendment to the boundaries of the GR2 at Opoho to remove the properties around Evans Street north east of Blacks Road and zone this area GR1.

#### 3.4.7.1.1 *Decision and reasons*

423. We accept, in part, the submissions by *Ms Jenny Bunce* (OS159.1), *Mr Peter McIntyre* (OS712.1), *Ms Jo Galer* (OS801) and others to amend the boundaries of the Opoho GR2 based on the expert evidence provided by Mr Munro and the Reporting Officer. The green striped area to be changed from GR2 to GR1 in Opoho is shown below.



#### 3.4.7.2 Properties at Norwood Street

424. *Ms Gail Kyle* (OS785.1) requested that land at 1 Norwood Street be zoned from GR1 to GR2. She believed that the area fulfils the description and requirements of the GR2 and sought to have zoning which allows the development of a small residence on a rear yard and the use of street frontage for access. *Mr Aran Bailey* (FS2016.1) supported the submission because the ability to have access to the property from two street frontages in a well serviced amenity area close to the student population, creates a situation where a greater density of housing will not have adverse effects, and will allow an increase in room quality. *Mr Bailey* also requested that all properties with dual street frontages on North Road, Norwood Street and Dryden Street should be rezoned as GR2 for these reasons.



425. The Reporting Officer indicated that these properties are not located near a proposed GR2 area, and if zoned as suggested by *Mr Bailey*, would create a small isolated cluster of 11 properties (s42A Report, Section 5.13.8, p.381). She did not consider this area was suitable for zoning as GR2 as it would not meet the criteria for GR2 zoning and could not be added as an extension to an existing GR2 area as it does not adjoin the zone. She, therefore, recommended rejecting the submissions.
426. Mr Munro also recommended rejecting the submissions as he does not consider the area met the conditions specified in the (revised) policy proposed to sit under Strategic Objective 2.6.3.

#### 3.4.7.2.1 *Decision and reasons*

427. We reject the submissions by *Ms Kyle* (OS785.1) and *Mr Bailey* (FS2016.1) to add a new GR2 area at Norwood St based on the expert evidence presented by the Reporting Officer and Mr Munro.

#### 3.4.7.3 347 North Road

428. *Mr Evan Tosh* (OS255.1) requested that land at 347 North Road, North East Valley, be changed from GR1 to GR2. The submission indicated the land had been used for over one hundred years for commercial purposes. Currently the site is now only partly in use for commercial purposes. It has a main building facing Watts Road no longer in use (as it is an earthquake prone double brick building) and a more modern building (50 years old) on the corner of Watts and North Road, still in good condition, though no longer used for its original purpose. *Mr Tosh* considered residential development to be the only option suitable for the site and that it was large and well situated for a substantial medium density development. He believed this would not adversely affect adjoining properties in terms of blocking views, or sun, or causing any form of inconvenience, and would enhance this area of North East Valley.
429. The Reporting Officer noted that although not included in the GR2, the residential zoning in both the operative District Plan and 2GP already allowed for residential development to occur on this site (s42A Report, Section 5.13.8, p.382). It is close to, but not adjacent to, land zoned GR2 and therefore zoning of this site would be an isolated patch of GR2 unless properties between it and the proposed GR2 were also rezoned. The adjacent residential sites were consistent with GR1 site sizes, and the Reporting Officer considered GR2 zoning would not be consistent with the existing environment.
430. The Reporting Officer also noted that the site, if zoned GR2, would be subject to the 'Infrastructure Constraint Mapped Area' overlay which would place restrictions on the density to be the same as for the GR1, unless resource consent for higher density was gained. The Reporting Officer recommended rejecting the submission.
431. Mr Munro also recommended rejecting the submission as he did not consider the re-zoning request would be appropriate, as it does not meet the conditions specified in the (revised) policy proposed to sit under Strategic Objective 2.6.3.

#### 3.4.7.3.1 *Decision and reasons*

432. We reject the submissions by *Mr Tosh* (OS255.1) to rezone his property GR2 for the reasons outlined by the Reporting Officer. We agree with the expert advice provided by Mr Munro.

### 3.4.8 Requests to change GR1/GR2 Zone boundaries – Peninsula and adjoining suburbs

#### 3.4.8.1 Andersons Bay

433. *Mr and Mrs Sule* (OS834.1) requested a change to the zoning of properties at Andersons Bay from GR2 to GR1, or alternatively if this was not done, suggest changing the GR2 boundaries to exclude the properties on Cranston St and zoning them GR1. The main reason given was the belief that the area was mostly family homes and there was not a strong demand for intensification. The submitter also noted that the zone provisions did not contain design controls that would ensure good quality development other than a simple range of performance standards.
434. The Reporting Officer, based on the expert advice of Mark Garden (Baker Garden Architects, 2015) who identified the proposed Andersons Bay area as being suitable for medium density, recommended rejecting the submission (s42A Report, Section 5.13.9, p.386).
435. At the hearing *Mr Sule* indicated he considered there were many poor examples of medium density in City Rise and he was not convinced the medium density rules would improve the quality of housing being built. He suggested it may be better to have design assessments as is the case in heritage precincts.
436. *Mr Sule* argued that the area was not close to a commercial centre, just a small group of shops, that there would be more cars likely as a result of GR2 zoning, and that Cranston St is a narrow street and street parking prevents two lanes of traffic. He considered the area is steep and significant earthworks may be required for development. *Mr Sule* argued that amenity values in the area are likely to decrease and suggested moving the GR2 boundary to the middle of the block as dwellings facing Cranston Street are different to others in area.
437. At the hearing, in response to questions on the suitability of Cranston Street due to its orientation, Mr Garden expressed the view that the area had potential for medium density development, but this part may not be ideal.
438. At the Reconvened Residential Hearing, Mr Munro considered the Andersons Bay area proposed to be zoned GR2 is appropriate and he did not recommend any boundary changes in response to submissions.
439. At our request, additional transportation assessment of the area was undertaken by the DCC Transportation Group (Appendix 4 of the Reconvened Residential Hearing s42A Report). They found there were no significant anticipated transport effects identified and walking and public transport are supported by existing infrastructure within or near this area. The DCC Transportation Group determined the proposed zone could be supported by existing infrastructure and services.

##### 3.4.8.1.1 Decision and reasons

440. We reject the submission by *Mr and Mrs Sule* (OS834.1) based on the expert assessment by the Reporting Officer, Mr Munro and the DCC Transport Group. However, we note as discussed in Section 3.2.13.1, that we have decided to require consent for developments over 3 residential units, and this addresses the submitter's submission point related to lack of design controls.

#### 3.4.8.2 Waverly (Larnach Road)

441. *Jennifer and John Dunbar* (OS1076.1), *Chloe Dick* (OS411.1), *Howard and Annette Dureen Randal* (OS948.1) and a large number of further submitters, sought deletion or various changes to the boundaries of the Waverly GR2 area for the following reasons:

- a relatively small resident population coexists comfortably and zoning this area as medium density would counteract the benefits of the quiet residential environment
  - green areas for sports would be eliminated
  - the streetscape would have the effect of creating a slum in the future
  - medium density housing is incompatible with the width of the roadway and pavements, and with school activities in the area, creating safety issues from increased traffic flows
  - medium density housing is incompatible with the existing neighbourhood character.
442. The Reporting Officer recommended rejecting the submissions. She noted that there are no reserve areas within the proposed GR2 area, and that the nearby school has green space for children's sport (s42A Report, Section 5.13.9, p.388). The school has been zoned Major Facility – Schools in the 2GP, whereas it was zoned residential in the operative District Plan. Therefore, the zoning in the 2GP will not result in loss of public green space.
443. The Reporting Officer considered that there is unlikely to be a significant difference in the streetscape values of this area with GR2 zoning. The DCC Transportation Group did not have concerns about the infrastructure capacity of the roading network in this area.
444. In his expert evidence provided for the Reconvened Residential Hearing, Mr Munro was of the opinion the Waverly area proposed to be zoned GR2 is appropriate and he did not recommend any boundary changes in response to submissions.

#### *3.4.8.2.1 Decision and reasons*

445. We reject the submissions by *Jennifer and John Dunbar* (OS1076.1), *Chloe Dick* (OS411.1), *Howard and Annette Direen Randal* (OS948.1) to remove or amend the boundaries of the Waverly GR2 based on the expert evidence of Mr Garden, Mr Munro, and Ms Baker that the zoning is appropriate.

## 4.0 Other key topics discussed at the hearing or covered in tabled evidence

### 4.1 Strategic directions

#### 4.1.1 Submissions on Objective 2.4.1

446. Six submissions were received in support of Objective 2.4.1.
447. *Carol Devine* (OS252.21) supported Objective 2.4.1 with reservations. Her reservations relate to backpackers in View street, which she says has degraded the street's amenity and heritage values; she thinks inner city heritage should not be sacrificed to infill housing. *Elizabeth Kerr* (FS2429.138) supports this submission, noting that *Ms Devine* (OS252.21) has informed knowledge and experience of the impacts on residential heritage.
448. The *University of Otago* (OS308.61) supports Objective 2.4.1 because it recognises the importance of built and natural character to the campus and the wider city.
449. *Elizabeth Kerr* (OS743.7) supports Objective 2.4.1 because she states that Dunedin is a heritage city and is complemented by green spaces. *June Diane Yeldon* (FS2228.2) supports the submission by *Elizabeth Kerr* (OS743.7) as she believes it is in the public interest to adopt *Ms Kerr's* suggestions.
450. *Southern Heritage Trust & City Rise Up* (OS293.54), *Rosemary & Malcolm McQueen* (OS299.27) and *John and Clare Pascoe* (OS444.27) support Objective 2.4.1 and its policies because they believe limiting urban expansion is preferable environmentally. They recognise that if managed carefully, residential intensification can contribute to a better quality of life for residents (less traffic congestion, lower commuting times, better access to facilities). They consider importance is attributed to green spaces, character-contributing buildings, rules for development, and the views of the harbour and Peninsula.
451. *Urban Cohousing Otepoti Ltd* (OS818.13) sought an amendment to Objective 2.4.1 to allow for Dunedin's reserve land to be used more productively such as with playgrounds, community gardens, and high end residential development. The submitter reasoned that around Dunedin's reserve land there are many spaces that are simply lawn and waste space, costing ratepayers to be mown several times a year.
452. The Reporting Officer noted the support of *Carol Devine* (OS252.21) *Elizabeth Kerr* (OS743.7 and FS2429.138), the *University of Otago* (OS308.61), *June Diane Yeldon* (FS 2228.2), *Southern Heritage Trust & City Rise Up* (OS293.54), *Rosemary & Malcolm McQueen* (OS299.27) and *John and Clare Pascoe* (OS444.27) and recommended accepting these submissions, and retaining Objective 2.4.1 without amendment. She also noted that the View Street area is within the Smith Street and York Place Zone, which is a Commercial and Mixed Zone, so is therefore not within a residential zone in the 2GP.
453. The Reporting Officer noted in response to the submission from *Urban Cohousing Otepoti Ltd* (OS818.13), that Objective 2.4.1 does not preclude the building of playgrounds, the establishment of community gardens or other recreational land uses that the community may choose to establish/undertake in these areas referred to, as they are permitted activities in Residential zones and the Recreation Zone. She was of the opinion that Objective 2.4.1 is appropriate as it identifies spaces that should be protected and enhanced as they contribute to the aesthetic appreciation of the city and enjoyment for its residents and visitors. She considered new residential development, high end or not, has the potential to cause adverse effects on amenity and enjoyment of public spaces and generally is not a significant or consistent contributor to people's appreciation and enjoyment of the city, therefore, she did not believe it should be added to this objective (s42A Report, Section 5.2.4, p. 52).

#### 4.1.2 Decision and reasons

- 454. We reject the submission of *Urban Cohousing Otepoti Ltd* (OS818.13) for the reasons given by the Reporting Officer.
- 455. We accept the submissions of *Carol Devine* (OS252.21), *University of Otago* (OS308.61), *Elizabeth Kerr* (OS743.7), *Southern Heritage Trust & City Rise Up* (OS293.54), *Rosemary & Malcolm McQueen* (OS299.27) and *John and Clare Pascoe* (OS444.27), noting they were all in support, and have retained Objective 2.4.1 without amendment.

#### 4.1.3 Submissions on Objective 2.6.1

- 456. Three submissions were received in support of Objective 2.6.1.
- 457. *University of Otago* (OS308.85), because they submit that the provision of quality and affordable housing for students and staff is crucial to the University's role as a residential campus.
- 458. *Urban Cohousing Otepoti Ltd* (OS818.4) as they state it is the way of the future in the light of social, demographic and environmental challenges facing us. They note that they would love to see the DCC make an explicit encouragement of new housing models in the city (such as co-housing) that fulfil these goals and adopt provisions that actively support the development of such models (e.g. rates relief, financial support). They state this because they believe the current housing models are wasteful and inadequate for the needs and demands of the future and consider new creative models are needed.
- 459. *Otago Regional Council* (OS908.68) supports Objective 2.6.1 as they believe it gives effect to the Proposed Regional Policy Statement.
- 460. The Reporting Officer noted the support of the *University of Otago* (OS308.85), *Urban Cohousing Otepoti Ltd* (OS818.4), and *Otago Regional Council* (OS908.68) and recommend retaining Objective 2.6.1 without amendment.

#### 4.1.4 Decision and reasons

- 461. We accept the submissions of *University of Otago* (OS308.85), *Urban Cohousing Otepoti Ltd* (OS818.4), and *Otago Regional Council* (OS908.68), noting they were all in support, and have retained Objective 2.6.1 without amendment.

### 4.2 Management of sunlight, green space, views and vistas

#### 4.2.1 Requests to better recognise access to sunlight, views and vistas

- 462. *Mr Alastair Logan* sought that Objective 2.2.2 (OS425.2), Objective 2.2.5 (OS425.4), Objective 2.4.1 (OS425.5), Policy 2.2.5.3 (OS425.8), (OS425.9), Policy 2.4.1.1 (OS425.10), Policy 2.4.1.5 (OS425.12), Objective 15.2.2 (OS425.11), Objective 15.2.3, Policy 15.2.3.1 and Objective 15.2.4 (OS425.14) and its related policies be amended to include retention of access to sunlight, view and vistas, and the recognition of the importance of natural sunlight for indoor and outdoor living and energy efficiency. He believed these provisions fail to recognise the importance of natural sunlight for warm, dry, healthy housing and energy efficiency. He stated that access to sunlight assists energy efficiency and believed this omission is compounded by the density provisions for GR2.
- 463. *Humphrey Catchpole* (OS320.4) sought that the 2GP take into consideration the loss of light and views which could be caused by a proposed development. He considered that the current inner-city residential height restriction of nine metres allows for two storeys plus roof, with the proposed height of 12 metres even more. He is concerned that by trying to increase inner-city density, consideration is not given to the existing residents and suggests consideration should be given to the orientation of the proposed and

existing dwellings. *Mr Catchpole* suggests the proposed height restriction of 12 metres will allow developments to completely remove what view an existing residence has and greatly reduce the light, with adverse health to residents a possible outcome. He suggests the height restrictions do not take into consideration orientation of proposed and existing dwellings, noting that the sun moves through 180 degrees, whereas a dwelling can be positioned over 360 degrees, with the resulting effect varying greatly.

464. The Reporting Officer agreed with *Mr Logan* that sunlight is important for indoor and outdoor living, warm dry homes and energy efficiency (s42A Report, Section 5.4.1, p. 83). She was of the view that the objectives and policies as proposed adequately address the issue of sites/development needing to be designed to provide quality on-site amenity and maintain a good level of amenity on surrounding properties, and that access to sunlight is specified in a number of these provisions. She noted that as discussed in other sections of the s42A Report, the performance standards which manage bulk and location of buildings, outdoor living space, and site coverage requirements, are designed to achieve these outcomes (s42A Report, Sections 5.7.5, 5.8.5, 5.8.8, and 5.8.9). She provided detailed explanation of the purpose of the different strategic directions mentioned in *Mr Logan's* submissions and discussed why she considered the amendments sought were not appropriate.
465. The Reporting Officer at the Plan Overview Hearing did not recommend accepting submission OS425.4, noting that the objective promotes access to sunlight through the method (via assessment rules) of considering solar orientation in the assessment of subdivision consents (Strategic Policy 2.2.5.3.a) and secondly through the requirement that outdoor living spaces be on the sunny sides of buildings, and for principal living areas to connect to outdoor living spaces (Strategic Policy 2.2.5.3.c) (Plan Overview s42A Report, Section 6.6.4, p. 128).
466. In *Mr Logan's* hearing statement, he considered residential amenity includes space, privacy, sunlight and views. He believed direct sunlight and enjoyment of views from inside are just as relevant as these things outside, possibly even more important given Dunedin's climate. He stated that direct sunlight indoors warms houses, contributes to energy efficiency and engenders a sense of well-being. He was concerned GR2 development would compromise these values.
467. In *Mr Logan's* hearing statement presented at the Plan Overview Hearing, he focused on the importance in Dunedin of access to sunlight, and issues with intensification in existing suburbs. The submitter's concerns were that Objective 2.2.5 and associated policies do not go far enough and were inconsistent, failing to recognise and provide for the geographical realities of Dunedin. The submitter highlighted shortcomings in the following strategic policies:
  - 2.2.5.1 is restricted to "domestic scale renewable energy generation" which ignores the benefits of solar energy,
  - 2.2.5.3 (a) merely requires consideration of a subdivision's layout in terms of solar orientation, and
  - 2.2.5.3 (c) although requiring outdoor living space to be on the sunny side of buildings, and the principal living area to connect to the outdoor living space, omits requiring the principal living area to be on the sunny side of buildings.
468. *Mr Logan's* submission noted that Strategic Policy 2.2.5.3(b), which encourages new medium density housing in parts of the city with existing older housing stock undermines the objective, ignores the city's location and solar energy's potential. Introducing medium density housing into existing residential areas has the potential to impact on existing housing's access to sunlight.
469. He suggested that the objective should be expressed more affirmatively, and the principles need to be reflected in the zoning and zone rules, where increased density in existing suburban areas should be avoided. Specifically, strategic policies:
  - Policy 2.2.5.1 should encourage and maintain access to direct sunlight for both amenity and energy purposes,

- Policy 2.2.5.3 (a) should promote subdivision which maximises solar orientation,
- Policy 2.2.5.3 (b) should be qualified so that any introduction of medium density housing in existing residential areas does not reduce solar access, and
- Policy 2.2.5.3 (c) should encourage principal living areas to be located on the sunny side of residential buildings.

470. In her revised recommendations, the Residential Reporting Officer recommended amendments to Policy 2.2.5.3 as follows:

*"Encourage improvements to the environment performance of new housing by:*

- a. assessment rules that consider the layout of subdivision, and development (if it contravenes a performance standard rule) in terms of solar orientation;*
- b. encouraging new medium density housing in parts of the city that have old housing stock that is not protected for its heritage values; and*
- c. rules that require outdoor living space to be on the sunny side of buildings, and requiring principal living areas to connect to the outdoor living space.; and*
- d. rules that require height in relation to boundary to facilitate access to sunlight in outdoor areas."*

#### 4.2.1.1 Decision and reasons

471. We accept in part the submissions by *Mr Logan* (OS425.2 and others), and *Mr Catchpole* (OS320.4). We agree with both *Mr Logan*, *Mr Catchpole* and the Reporting Officer that providing for access to sunlight in the residential environment helps people provide for their social wellbeing, as well as promoting the efficient end use of energy, in line with 7(ba) of the RMA.
472. We note that *Mr Logan* was particularly concerned about the impacts of medium density development. While we acknowledge that where the plan has introduced medium density zoning into areas not already developed at medium density, the provisions may over time have some effect on the views and vistas and solar access of existing residential dwellings. We also accept the Reporting Officer's evidence that there are a number of methods in place in the 2GP to seek to reduce this impact (in particular the height-in-relation-to-boundary rule) and to ensure that future developments achieve good solar access. We also consider that, as discussed in section 3.2.3, we accept that the provision of medium density housing is a key part of the Plan's approach to achieving the Plan's strategic objectives, especially Objective 2.2.4 and 2.6.1, and on balance we consider the importance of achieving these objectives outweighs any adverse effects on residential amenity.
473. We agree with the Reporting Officer's revised recommendations to amend Policy 2.2.5.3 with minor wording alterations. The amendments to Policy 2.2.5.3 are shown in Appendix 1 attributed to Res 425.8. We consider the addition of the words "and development" and the addition of new clause (d) better reflect the 2GP rule framework, including the fact that the height in relation to boundary rules have been designed in part to protect solar access.
474. We note that Objective 2.6.2 and its related policies seek to set out some of what *Mr Logan* is advocating be included in Objective 2.2.5 and related policies. However, we agree with *Mr Logan* that the outcomes these methods are seeking to achieve are not outlined as clearly as they could be in the Strategic Directions section of the 2GP. While the Strategic Directions are considered together and work across the Plan, we consider Section 2.2 of the Strategic Directions section (Dunedin is Environmentally Sustainable and Resilient), and Objective 2.2.2 more specifically, to be a clearer and more appropriate location in the Strategic Directions to set out outcomes related to energy efficiency, than either Objective 2.6.2 (as notified) or Objective 2.2.5 (as advocated by the submitter at the hearing).

475. We have therefore made the following amendments to increase the emphasis on energy efficiency as it relates to housing stock, including by maximising solar access (attributed to submission Res 425.2 in Appendix 1):
- Amended Objective 2.2.2 to include “housing that is energy efficient” as a factor contributing to this objective,
  - Added new Policy 2.2.2.5, to encourage the development of new housing that is durably-constructed and energy efficient to operate, by managing subdivision, and building and site design to maximise solar access and the environmental performance of buildings,
  - As a consequence of these amendments, deleted Objective 2.6.2 and its policies (Policy 2.6.2.1 and 2.6.2.2), and
  - All references to Objective 2.6.2 and its policies in the Plan (Policy 2.6.1.6 and Policy 2.6.3.4) are also replaced with reference to the new Policy 2.2.2.5.
476. We consider important visual landscapes and vistas are appropriately specifically supported by Objective 2.4.1 (and Policy 2.4.1.4). We consider this is an area that may warrant further work, but until such a time as other important views have been identified and described, we do not consider it possible to expand these provisions. We also agree that views, vistas and solar access are all components of the amenity of residential activities (which Policy 2.4.1.5 supports the protection of). We agree with the Reporting Officer that listing all aspects of residential amenity in this policy is unnecessary.

#### **4.2.2 Requests to reduce requirements associated with on-site amenity**

477. The *Property Council New Zealand* (OS317.19) sought amendment to Policy 15.2.2.1 to reduce the required quality of on-site amenity. The submitter considers the prescriptive nature of Policy 15.2.2.1 could hinder future development because it is difficult to qualify or quantify and were concerned that aspects of the policy are vague and uncertain.
478. The Reporting Officer noted that the policies of the 2GP are given effect to through the rules of the 2GP, and the rules specify the detail of how the policy is to be achieved (s42A Report, Section 5.3.5, p. 65). She recommended that the submission of *Property Council New Zealand* be accepted in part and Policy 15.2.2.1.a be amended to change “and” to “and/or” to clarify that outdoor space could be provided for a range of purposes but did not have to serve all those purposes.

##### **4.2.2.1 Decision and reasons**

479. We accept, in part, the submission by the *Property Council New Zealand* (OS317.19) and replace “and” with “or”, for the reasons outlined by the Reporting Officer. We do not agree that other aspects of the policy are vague or uncertain, when considered in the context of the rule framework, and as discussed in section 3.3, we had a lot of evidence to suggest that maintaining the amenity and quality of new developments, including outdoor space, was key to community acceptance of medium density zones. We consider this policy plays a key role in achieving that outcome.
480. The amendments to Policy 15.2.2.1 and consequential amendments to Rule 15.9.3.10 to reflect the policy change are shown in Appendix 1 attributed to submitter reference Res 317.19.

#### **4.2.3 Request to protect gardens, trees and key visual relationships**

481. The *Otago Peninsula Community Board (OPCB)* (OS588.25) sought amendment to Policy 15.2.2.1 to ensure that residential development, when and if it occurs, provides connectivity for biodiversity and the wider environmental landscape. They did not provide specific reasoning but note that the Otago Peninsula is an important area of the city due to its unique location, biodiversity, landscape, history and cultural values, and that these values are crucial to the economy, lifestyle and environmental well-



being of the Peninsula and its people. The *Harboursides and Peninsula Preservation Coalition* (FS2267.110) supported this submission.

482. A number of submitters sought amendment to land use, development and subdivision rules (by adding new performance standard for “preserving existing amenity values of surrounding residential properties”), and to policies 2.4.1.4, 15.2.2.1, 15.2.3.2, 15.2.3.3) and to reflect:
  - the importance of gardens, trees, views other than that of the harbour and the peninsula, and/or
  - to protect the visual relationship between residential properties/the city and the natural environment or heritage buildings/surroundings (variations thereof).
483. These submitters included *Margaret Davidson* (OS417), *Southern Heritage Trust & City Rise Up* (OS293), *John and Clare Pascoe* (OS444), *Carol Devine* (OS252) and *Rosemary & Malcolm McQueen* (OS299), with supporting submissions variously from *Jeffrey Herkt* (FS2020), *Elizabeth Kerr* (FS2429), *Rosalind Whiting* (FS2050), *Alison Rowena Beck* and *Philip Jeffray Ward* (FS2380.9).
484. Many of these submitters also sought to retain some of Objective 5.2.3, and policies 15.2.3.1–15.2.3.6.
485. The submitters requested this as they consider that green spaces (both public and private gardens) and views are crucial to the city's amenity and the character, and that the visual relationship of inner city residential properties to their natural environment must be maintained so they remain attractive, sunny and green places to live. *Ms Alison Beck* and *Mr Philip Ward* (FS2380.9) supported *Ms Davidson's* submission (OS417.28) because they believe buildings that block sun and natural light and that are built very close to boundaries will negatively impact on, not only resale of properties, but also quality of life.
486. The Reporting Officer noted that the policies of the Plan reflect the rules included in the Plan (s42A Report, Section 4.5.1, p. 85). Many of the changes requested by submitters go beyond what the rules are designed to achieve and are contrary to other strategic objectives of the Plan such as encouraging more housing options in inner city residential areas to avoid urban sprawl and provide people with housing options within walking distance of amenities and employment. Ms Baker acknowledged that parts of the inner city still retain original houses on large sites with established gardens and that an increase in density will inevitably change the nature of this environment with some houses which overlook large gardens now losing that outlook. However, this loss has been balanced against the need to identify locations for new housing and the substantial benefits to the city of having new housing in areas with existing infrastructure and amenities, and the rules are designed to minimise as far as practicable the losses of amenity in these areas.
487. She noted there are other provisions that also seek to do this such as protected trees that have special amenity values and/or heritage value through the Scheduled Trees listing process. She considered the provisions of the Plan appropriate to achieve Policy 2.4.1.4.
488. She also considered the green character of the inner city residential area was largely contributed to by the town belt, which is protected by a mixture of provisions in the 2GP.
489. She commented that performance standards are required to be measurable standards that can be enforced, and that the new rule as proposed by *Rosemary & Malcolm McQueen* (OS299.60) and *John and Clare Pascoe* (OS444.63) is subjective and not measurable and, therefore, *ultra vires*.
490. The Reporting Officer considered it was unclear what the *OPCB* were requesting and no specific suggestions for rules to give effect to this policy were suggested by submitters. She noted the residential objectives and policies seek to require residential development to maintain or enhance the amenity and/or character of an area, and that biodiversity policies sit in other places within the 2GP.

491. *Ms Beck*, and Ms Jo Galer and Ms Margaret Davidson (who jointly presented at the hearing on behalf of *Southern Heritage Trust & City Rise Up*) spoke to the importance of amenity and green spaces, primarily in the context of concerns about the effect of medium density provisions. These views are summarised in section 3.2.7.2.

#### 4.2.3.1 Decision and reasons

492. We agree with some of the points raised by submitters and accept in part the submissions of *Ms Davidson* (OS417.10), *Arthur Street Neighbourhood Support* (OS843.3) and others, insofar as they sought amendments to the Plan to protect green space. We agree that the provision of green space fulfils a range of important functions, including contributing to residential character and amenity.
493. We note that the submitters seemed particularly concerned about the protection of green space in areas of medium density zoning. We acknowledge that where the plan has introduced medium density zoning into areas not already developed at medium density, the provisions may over time reduce the amount of green space on private residential properties. As discussed in section 3.2.3, we accept that the provision of medium density housing is a key part of the Plan's approach to achieving the Plan's strategic objectives, especially Objective 2.2.4 and 2.6.1, and that the loss of private green space has been balanced against the substantial benefits to the city as a whole of having new housing in or close to areas with existing infrastructure and amenities.
494. We accept the Reporting Officer's evidence that there are a number of methods in place in the 2GP to seek to promote the retention or provision of green space (in particular the maximum site coverage controls, and the requirement to provide outdoor living space with minimum dimensions in areas with good solar access). Mr Munro was unable to identify additional rules that could be employed to directly target green space retention and provision. We do consider, however, that the connection between existing plan provisions and the provision of green space as a desired 'outcome' can be strengthened and have amended policies 15.2.2.1 and 15.2.4.1 to achieve this (with consequential amendments for assessments in Rule 15.9.3.10 and 15.9.4.14 to reflect these policy changes). We have also amended the Section 15 Introduction to include reference to allowing for adequate green space. See Appendix 1, amendments attributed submission point reference Res 417.10 and 843.3.
495. Noting the submitters' emphasis on medium density zoning provisions, we consider amendments described in section 3.2.13, also provide some alternative relief for these submissions. As amended, the 2GP will require a restricted discretionary consent not only for all new buildings with a footprint of greater than 300m<sup>2</sup> (or all additions and alterations to buildings that result in the same), but also for multiunit developments in the ICR and GR2 zones. Assessment guidance has been added to relevant assessment rule (Rule 15.20.3.1) stating that, in assessing effects on streetscape amenity and character, DCC will consider "whether the development provides adequate green space and maintains an appropriate balance of green space vs built and hard features".
496. We also note that, as outlined in the Urban Land Supply Decision Report, new Policy 2.6.3.4 (setting out criteria previously in Policy 2.2.4.1) has been drafted to include proximity to public green space as a criterion for determining the location of medium density zones. As residential development intensifies, we consider the provision of high quality public green space will become increasingly important, and while we note the Reporting Officer's comment about the 2GP's Town Belt protections, we consider that strategic provision of high quality public green space is an area the Council may wish to consider doing some further work in.
497. In terms of submissions relating to key visual relationships, important visual landscapes and vistas are appropriately specifically supported by Objective 2.4.1 (and Policy 2.4.1.4). We consider the protection of important views an area that may warrant further work, but until such a time as other important views have been identified and described, we do not consider it possible to expand these provisions. We also agree that views and vistas are components of the amenity of residential activities (which Policy 2.4.1.5 supports the protection of).

498. We agree with the Reporting Officer that the submission of the *OPCB* (OS588.25) is unclear in terms of the outcomes sought and therefore reject it; however, we consider the amendments outlined above may provide some relief to this submission, in addition to the the Urban Conservation Mapped Area provisions of the Plan.

## 4.3 Future development

### 4.3.1 Request for clarification of 'Future character'

499. Objective 15.2.4 and the policies under this objective manage the amenity of streetscapes and the intention for development to reflect the current or intended future character of neighbourhoods. This objective recognises that some areas may change in character as a result of differing zonings or rules in the Plan, and that development will reflect those changes.
500. *Southern Heritage Trust & City Rise Up* (OS293.154) and *Mr John Campbell* (OS495.11) sought to amend Objective 15.2.4 and requested that the 'future character' referred to is clarified as it is an unknown quantity. They sought advice on whether future character is the same as the current character. They suggested that infill housing may irrevocably change the city's current character and therefore this projected future character needs to be well defined so meaningful assessments in relation to heritage values could be made.
501. Similarly, the *Property Council New Zealand* (OS317.21, OS317.22, OS317.24, and OS317.34) sought to amend the policies by removing the reference to the 'intended future residential character'. The submitter questioned how a development can be designed or built now not knowing what intended future residential character may be, which in reality could change and considered development built now should not have to factor in the sunlight requirements of future developments. The submitter also sought clarification on what unreasonable earthworks and engineering requirements means (OS317.24).
502. The Reporting Officer indicated that the term 'future character' is used to indicate that in some zones, such as the ICR and GR2 zones, the performance standards proposed in the 2GP (particularly density) may result in changes to the character of some areas as a result of increases in density and/or changes to bulk and location rules from those in the operative District Plan (this is different from the use of the word character in relation to the specific heritage objectives and policies identified in precincts) (s42A Report, Section 5.3.8, p.73). An example of intended future residential character in the ICR would be expected changes to the built form due to increased height limits and the number of residential units per site. The Reporting Officer recommended changes to Objective 15.2.4, and policies 15.2.4.2 and 15.2.4.6 to further clarify the use of the term 'intended future character'.
503. The Reporting Officer noted that 'effect' is defined under the Resource Management Act 1991 to include any future effect (section 3(c)) (s42A Report, Section 5.3.6, p. 67). She indicated the purpose of referring to the effects of development on future residential buildings on adjacent sites is because it is reasonable to take into account what can be built as of right on neighbouring vacant sites and the future effects on those residential activities.
504. In her revised recommendations, the Reporting Officer recommended retaining the notified wording of Objective 15.2.4, Policies 15.2.4.2 and 15.2.4.6 in regard to current or future intended character, and also recommended adding an explanation as a new 4<sup>th</sup> paragraph in the introduction to section 15.

#### 4.3.1.1 Decision and Reasons

505. We accept in part the submissions by *Southern Heritage Trust & City Rise Up* (OS293.154), *Mr John Campbell* (OS495.11) and *Property Council New Zealand*

(OS317.21, OS317.22, OS317.24, and OS317.34) to the extent that we agree that what is intended by 'future character' may not be clear in the Plan, but do not consider it appropriate to remove this requirement from the plan. We agree with the Reporting Officer that amending the introduction to clarify what was meant by future character is the best way to address the submitters' concerns, however, have not adopted the wording suggested. In response to the clarification requested by the *Property Council New Zealand* (OS317.24) about terminology used in the policy, we note that the policies set the framework for performance standards and matters that will be considered when resource consent is required. The requirement in Policy 15.2.4.6 for a development to occur without unreasonable earthworks or engineering requirements indicates there are performance standards to achieve this policy, which specify the limits for volumes of earthworks associated with development (Rule 15.6.2). We do not consider it necessary to further clarify this matter within the policy.

506. The amendments to the Introduction we determined would be most appropriate are shown in Appendix 1 attributed to submitter reference Res 293.154 and 495.11.

#### **4.3.2 Request to ensure infrastructure is adequate for new development**

507. Policy 15.2.4.6 states:

*"Only allow subdivision activities where the subdivision is designed to ensure any future land use and development will:*

- a. maintain the amenity of the streetscape;*
- b. reflect the current or future intended character of the neighbourhood;*
- c. provide for development to occur without unreasonable earthworks or engineering requirements; and*
- d. provide for quality housing."*

508. *John and Clare Pascoe* (OS444.54), *Rosemary & Malcolm McQueen* (OS299.51) and *Southern Heritage Trust & City Rise Up* (OS293.86 and OS293.92) requested Policy 15.2.4.6 be amended to add *"where the infrastructure is adequate for development"*, as they oppose the development of new suburbs which require the provision of new infrastructure.

509. The Reporting officer noted that the topic of infrastructure in new greenfield development is managed in the Public Health and Safety Section (Section 9) of the Plan (s42A Report, Section 5.3.8, p. 72). She was of the view that these submitters were expressing concern in relation to greenfield development, as they refer to 'new suburbs'. With greenfield development, infrastructure is never going to be adequate prior to beginning development, as no development is there to start with. Objective 9.2.1 and Policy 9.2.1.1 are the relevant provisions that address the consideration of infrastructure in relation to the subdivision and development of greenfield land. Policy 9.2.1.1 takes into account not only the subdivision activity but the future land use and development to ensure where there is public infrastructure, the future land use and development will not exceed the current or planned capacity or compromise its ability to service activities permitted within the zone (Policy 9.2.1.1.a paraphrased); and where there is no public infrastructure, will not lead to future pressure for unplanned expansion of public infrastructure (Policy 9.2.1.1.b paraphrased). This allows consideration of additional capacity requirements above that provided for the area under its current zoning. As development in areas where infrastructure already exists, the residential zoning provisions have taken into account the proposed maximum density for each residential zone according to the existing infrastructure capacity. Where infrastructure is not available, is limited, or almost at capacity, mapped area overlays such as the Infrastructure Constraint Mapped Area and the "no DCC reticulated wastewater mapped area" function to restrict density and residential development in these areas.

510. The Reporting Officer explained that entirely undeveloped areas that have been identified for residential development in the future are managed by the General Residential 1 Transitional Overlay zoning provisions. These areas have been identified based on criteria within the strategic directions policies, which include prioritising areas that: are close to an existing urban area, are able to be easily serviced by public transportation and infrastructure, and are close to existing community facilities. Furthermore, this transition can only happen via a resolution of Council and one of the factors the Council would consider is the existing availability of infrastructure. She was of the opinion the Plan adequately provides provisions designed to ensure the infrastructure for new residential development is adequate and it would be unnecessary that this clause is added to Policy 15.2.4.6. Policy 15.2.4.6 would nonetheless be an inappropriate place for such a clause to be added as it is principally about amenity and character.

#### 4.3.2.1 Decision and decisions reasons

511. We reject the submissions by *John and Clare Pascoe* (OS444.54), *Rosemary & Malcolm McQueen* (OS299.51) and *Southern Heritage Trust & City Rise Up* (OS293.86 and OS293.92) for the reasons outlined by the Reporting Officer. We note that the Residential transitional overlay zones provide for the management of future possible areas for residential development.

## 4.4 Garages and Carports

### 4.4.1 Garage and carport minimum setbacks and maximum height standards

512. Rule 15.6.14.1 specifies the boundary setbacks for buildings and structures, and rules 15.6.14.1.ix.3 and 15.6.14.1.ix.4 provide for exceptions to the setback rules for garages and carports (below the specified height and width). Rule 15.6.7.2.b specifies the maximum height of garages and carports in the road boundary setback.
513. The *DCC* (OS360.113 and 360.114) identified inconsistency between rules 15.6.14.1.ix.3, 14.6.14.1.ix.4, and 15.6.7.2.b, and sought to make the rules consistent by having a 4m maximum height limit for garages and carports in a road boundary setback.
514. The *NZ Institute of Surveyors – Coastal Otago Branch (NZIS)* (OS490.23) sought amendment to Rule 15.6.14.1.ix.4 (exception to boundary setback that relates to minimum setbacks from the side and rear boundaries for certain standalone or attached garages and carports) as follows: the setback from the side and rear boundary for stand-alone and attached garages and carports no greater than ~~3.3m~~ 4m high and ~~6m~~ 7m in length (measured as parallel to the boundary) is reduced to 1m.
515. The *NZIS* also identified inconsistencies in Rule 15.6.14.1.a.ix and sought their correction. The *NZIS* consider the reduced 3.3m height will restrict the ability to provide for roller doors with sufficient clearance. The submitter suggests the extension of a garage from 6m long to 7m long in Rule 15.6.14.1.a.ix.4 when in a side yard is proposed because most garages that are 6m long do not have sufficient room to move around the vehicle or to store items such as bicycles as well as a car. The *NZIS* considered the additional metre is common in garage design and should be incorporated into the 2GP.
516. *Mr Ovens* (OS740.16) also considered a carport and garage maximum height of 3.3 m was too low and should be increased in those areas where the existing building stock reflect a more vertical orientation such as ICR and heritage precincts. *Mr Ovens* suggested that if someone wanted to design a carport or garage for a character contributing building then these limits would not allow this.

517. *Mr O'Neill* (OS403.2 and 403.9) sought a reduction in the permitted height of garages and carports to 2.5m at the boundary and suggested measuring the height rising to a gable height of 3.3m at the midline of the building on the axis facing the street, or for flat roofs at the end furthest from the side boundary. *Mr O'Neill* suggested the shading effect of garages or carports, if the structure is kept as low as possible at the boundary, is not much more than that of a fence.
518. Mr Mark Garden, providing expert architectural advice to the DCC, was in agreement with submitters who considered the height of 3.3m proposed in the 2GP was too low. In addition, Mr Garden recommended setting the height of garages and carports based on a measurement to the eaves rather than a maximum height (s42A Report, Section 5.8.6.2, p.254). He considered this would allow the roof line to have the same pitch of the primary dwelling. He recommended a 3m height limit for eaves.
519. The Reporting Officer noted that Rule 15.6.14.1.ix.3 is an enabling rule to allow garages and carports to be within the road boundary setback and was in response to the large number of resource consent applications requesting garages or carports to be within the road boundary setback (s42A Report, Section 5.8.9.2, p.302). The Reporting Officer considered that a maximum height of 4m allows for reasonable access to sunlight and would not overly shade adjacent properties. She considered it necessary to retain the requirement that garages and carports within this road boundary setback are street-facing to avoid garages and carports being perpendicular to the street, which visually blocks a larger portion of the property from the street and detracts from streetscape amenity.
520. The Reporting Officer recommended the maximum height limit for garages and carports in road boundary setbacks (Rule 15.6.7.2.b) be deleted and replaced with a maximum height limit of 3m from ground level to the bottom of the eaves, and that consequential changes be made to Rule 15.6.14.1.ix to reflect the amendments recommended and make the measurements of garages and carports consistent. (s42A Report, Section 5.8.9.2, p.302, and Section 5.8.6.2, p.254).
521. The Reporting Officer did not consider it necessary to extend the permitted length that is allowed in a side yard as requested by *NZIS*, as she was of the opinion that the length as notified was the appropriate balance between allowing sufficient sized garage (considering the average length of a large family car is 4.8m) and minimising adverse effects on the amenity of adjoining properties.
522. At the hearing the *NZIS*, acknowledged the recommendation for consistency and accepted the Reporting Officer's recommendation to retain the proposed length of garages at 6m. Other submitters did not provide additional evidence on this topic at the hearing.

#### 4.4.1.1 Decisions and reasons

523. We accept, in part, the submission by *Mr Owens* (OS740.16) to increase the height of garages and carports. We accept in part the submissions by *DCC* (OS360.113 and 360.114) and *NZIS* (OS490.23) regarding the need for consistency noting the requests in these submissions are superseded by the changes to the height rule and the consequential changes. We agree with the relief recommended by the Reporting Officer, which is based on the expert advice of Mr Garden, to amend Rule 15.6.7.2.b to measure height to the eaves and make consequential amendments to Rule 15.6.14.1.a.ix to make the rules consistent (See amendment in Appendix 1 attributed to Res 740.16). In doing so we reject the submissions by *Mr O'Neill* (OS403.2 and 403.9) to decrease the height.
524. We reject the part of the submission by *NZIS* (OS490.23) to increase the permitted length of garages in boundary setbacks for the reasons outlined by the Reporting Officer.

#### 4.4.2 Rule 15.6.14.1.ix – Garage/carports in road boundary setbacks

525. *Mr Robert Wyber* (OS394.55 and OS394.79) requested Rule 15.6.14.1 be amended to ensure that there is a minimum of 5.5m provided in front of any garage or in front of a dwelling where the area is intended to be used for on-site car parking. He considered garages and carports should either be well forward on the site, or at least 5.5m back from the road boundary as vehicles get parked in front of garages and that if the depth is insufficient, then the vehicle will overhang the footpath. He believed unless there is an open parking space off-street, on which a vehicle can be washed and hosed down, that activity will invariably be transferred to the street itself. He noted that an increasing number of vehicles are now well in excess of 4.5m long. He was also concerned that assessment of resource consent applications for activities contravening the boundary setbacks under Rule 6.9.3.2.a.ii only requires assessment against Policy 6.2.3.10 which states "garages and carports are set back from the road boundary an adequate distance to allow pedestrians and cyclists to see vehicles exiting before they cross the footpath, and to minimise the risk to pedestrians and cyclists from garage doors opening over the footpath".
526. The *Disabled Persons Assembly Dunedin and Districts* (OS265.1) sought amendment to Rule 15.6.14.1.ix.3 (garages setback from footpath) to ensure no obstruction on footpaths. They sought this change to ensure that all privately constructed garages and carports that front onto residential streets should only be permitted at a fair measurement from street footpaths so as to prevent access obstructions.
527. The Reporting Officer thought it was not necessary or appropriate in terms of the relevant objectives of the Plan, to ensure there is enough space for car parking in front of garages and that the issue of cars parking illegally over the footpath is an issue more appropriately dealt with by Parking Enforcement rather than by the district plan (s42A Report, Section 5.8.9.2, p.301).
528. The Reporting Officer noted Rule 15.6.14.1.ix.3 required garages to be setback at least 0.5m from the property boundary or 1m from a sealed (formed) footpath, whichever is greatest. This setback was to ensure opening garage doors do not protrude over the footpath.
529. At the hearing *Mr Wyber* reiterated the concerns raised in his submission and argued that vehicles being parked over the footpath is an issue the 2GP should prevent by ensuring adequate space is provided on site for vehicles to be parked in front of buildings without overhanging the footpath. He argued that if parking space could not be provided on site this was indicative of over development of the site.

##### 4.4.2.1 Decision and reasons

530. We have some sympathy for the issues raised by the submitters, however, we reject the submissions by *Mr Wyber* (OS394.79 and OS394.55) and *Disabled Persons Assembly Dunedin and Districts* (OS265.1) to amend the road boundary setback for the reasons outlined by the Reporting Officer. The problem *Mr Wyber* identified can occur where garages are constructed considerably further back from the footpath than the minimum setback required, but not far enough back to allow parking totally clear of the footpath. We accept that in those situations there may well be some motivation to park a vehicle mostly off street but protruding into the footpath. In our assessment it is better to address that by parking enforcement, like other inconsiderate parking, rather than impose a considerable constraint on the layout of front yards through a 5.5 metre setback rule.
531. We note the support for Rule 15.6.14.1.ix.3 from *Kathleen Palenski* (OS847.1).

## 4.5 Fence height and design

532. The operative District Plan includes a maximum height for fences of 2m. The 2GP introduces new requirements for the height and permeability of fences, and for fences in heritage precincts. The 2GP still allows for fences up to 2m but has a new requirement that any portion of fence above 1.4m is visually permeable, or where 40% of the structure overall is visually permeable.

### 4.5.1 Submissions

533. Nine submitters (see s42A Report, Section 5.8.3, p. 220) supported the proposed fence provisions and the underpinning policy (Policy 15.2.4.4) and sought that they be retained. These submitters supported the provisions as they agreed that high impermeable fences have adverse effects on residential amenity. They also agreed that encouraging passive surveillance provides a 'community feel' and improved public safety, and contributes to increased street use.
534. The *Property Council New Zealand* (OS317.23) sought that Policy 15.2.4.4 be removed in its entirety. The submitter was unsure how a fence can contribute positively to either the streetscape or the character of the neighbourhood, when its prime purpose is to provide privacy and delineate boundaries.
535. Other submitters (see s42A Report, Section 5.8.3, p. 223), including *Mr Wyber* (OS394.80), *Blueskin Projects Ltd* (OS739.2), *Craig Horne Surveyors Limited* (OS704.2) and *Mrs Hilary Calvert* (OS190.1) sought amendment to the maximum fence height rules (Rule 15.6.3.1) to permit all fences at a height of 1.8m or 2m (depending on submitter), and that the rule requiring fences to be visually permeable above 1.4m (Rule 15.6.3.3) be removed, amended to not require a visual connection, deletion of rules entirely, or the same provisions as is in the operative District Plan.
536. These submitters opposed the proposed rules for a range of reasons, primarily relating to the privacy and security of houses and gardens. Many of them also questioned why the height of fences should be controlled, when hedges may be of any height. These submitters were generally sceptical of the argument that managing fence height will improve pedestrian safety or reduce crime and saw the proposed rules as an excessive and unjustified regulatory burden.
537. The *Otago Property Investors Association (OPIA)* (OS539.1) sought amendment to the fence rule (Rule 15.6.3) to be outcomes based, rather than prescribing acceptable styles or building methods, and so that it is the responsibility of the applicant to satisfy that the necessary outcome is achieved. The OPIA believes it is a governance body's responsibility to strive for outcomes rather than prescribe acceptable styles or building methods. The OPIA considers that performance standards relating to fence height and design are too prescriptive, and as a result will limit ingenuity in the use of resources or methods. In the OPIA's view, improvements in products or construction methods will arise in the future that do not fit the current prescription put in place.

### 4.5.2 s42A Report and expert evidence

538. The Reporting Officer noted there were several reasons driving this proposed change and addressed each issue raised by submitters and referred to Mr Christos, DCC Urban Designer's expert evidence, dated 16 August 2016 (s42A Report, Section 5.8.3, p.223). He noted several points including the negative visual effects caused by blank fencing which can have adverse effects on residential streetscape values; the benefits of passive surveillance (where private space overlooks public space and vice versa and provides a visual connection which contributes to safety on footpaths); and custodianship. He explained that custodianship is related to when a visual connection exists between the public and private realm, people feel safer. Where this is lacking, the public are given the sense that the area is unsafe. According to Mr Christos, these benefits are well documented and supported by empirical evidence referred to in the



National Guidance for Crime Prevention through Environmental Design in New Zealand (2005).

539. The Reporting Officer was of the opinion fences constructed in compliance with the proposed provisions would, in most situations, allow for a reasonable level of privacy, protection from wind and noise, and adequate security for pets and children. In her opinion, the rules are the result of balancing the right of land owners to do as they wish with their properties with the rights of the public to reasonable amenity in terms of streetscape, but also facilitating an area that can be comfortably and safely used by the public. She considered the points in the s42A Report to provide adequate resource management reasons for managing the height and permeability of fences, and to be in line with the purpose of the RMA.
540. Many submitters questioned why there were restrictions on fence height and permeability and not on hedges. The Reporting Officer noted that the fence height and design rule (Rule 15.6.3) does not apply to hedges as is indicated by the definition of fence, and explained the benefits of hedges, as outlined in Mr Christos's evidence.
541. Submitters raised concern about not being able to have a retaining wall the height required for stability of land, and/or fence on top of the retaining wall depending on the ground level. The Reporting Officer noted this was a permitted activity if relevant rules were complied with, and explained how height from ground level was calculated and outlined concerns about impacts on amenity if a 2m fence was erected on top of a retaining wall as it could result a structure rising 3m above ground level, creating a solid, towering structure, which could overshadow and be intimidating to passers-by.
542. Several submitters raised concerns about the rules prescribing materials or styles, suggesting that people should be able to determine how to achieve outcomes, or that the rules may result in less diversity of fences. The Reporting Officer noted that the 2GP fence rules will not restrict the materials that can be used to build a fence. While certain materials were suggested in the rules to achieve permeability, they are not mandatory, nor are any materials restricted.
543. In response to concerns about implications on existing fences, the Reporting Officer indicated that any existing fences would not be required to comply with the 2GP rules as the rules would only apply to new fences built after the date at which the new rules became operative. She also outlined that processes are available for consent to be applied for to contravene the rules, so applications can be considered on a case-by-case basis.

#### **4.5.3 Hearing evidence**

544. *Mr Craig Horne* considered the fence rule to be unnecessary based on a site visit to areas of Mosgiel where there were only a few fences that would exceed the new rules and these were appropriate and not affecting amenity. He considered higher fences in medium density housing areas may be appropriate where windows are near the street.
545. In his written evidence, *Mr Wyber* explained the National Guidelines for Crime Prevention through Environmental Design in NZ are only guidelines and are more relevant to commercial and public areas such as reserves. He did not consider rules will contribute to safety for pedestrians and that their safety is a matter for Police not the 2GP. He was of the opinion dwellings with windows close to the street need to exclude people from looking in from the street with the use of tall, solid fences.
546. *Ms Hilary Calvert* outlined her concern that there had been insufficient consideration of negative effects (or costs of the rules) and a lack of evidence as to how the fence rules would achieve the amenity and safety outcomes sought. She was also concerned whether people would know what their existing use rights were, may not be aware of 2GP rules that needed to be complied with, and that non-compliance over time from developing under a different set of district plan rules could influence home buyers or result in legal challenges.

547. *Ms Calvert* considered the fencing rules wouldn't change the streetscape amenity or safety in most established neighbourhoods as not many new fences were being built. She was concerned people would be required to get consent for building fences and that not only would this be a cost to the landowner, but that the discretion to grant the consent and what rules to apply would be at the discretion of DCC staff, which she considered would result in inconsistent application of the rules. She requested that the reasons for allowing fences (currently in the assessment criteria for resource consents) should be put in as exceptions to the rules rather than relying on DCC planners to decide if an applicant has a good reason for wanting taller solid fence.
548. *Ms Calvert* suggested a number of options for consideration:
- the rules could be applied to new subdivisions rather than all areas
  - instead of having the rules, information explaining the benefits of lower and/or visually permeable fences and give planting advice for suitable plants could be provided to people applying for building consent for new homes and could be displayed on a prominent position on the website
  - allow exceptions to the rule if the applicant could show that specific criteria apply and limit the fee for approval to \$50. The criteria could be that solid tall fencing was needed to hide rubbish bins in front yards, minimise significant street noise, privacy for bedrooms facing the street, the premises is used for childcare purposes, or outdoor living space is provided adjacent to the street.
549. In response to questions, *Ms Calvert* argued there should be exceptions for corner sites and childcare facilities where taller solid fences may be needed for privacy reasons.
550. In her revised recommendations, the Reporting Officer recommended adding an exemption for fences built in association with early childhood education facilities.

#### **4.5.4 Decisions and reasons**

551. We reject the submissions by *Property Council New Zealand* (OS317.23) to delete the fence rules.
552. We accept in part submissions by *Mr Wyber* (OS394.80), *Blueskin Projects Ltd* (OS739.2), *Craig Horne Surveyors Limited* (OS704.2), *Mrs Hilary Calvert* (OS190.1), *Otago Property Investors Association (OPIA)* (OS539.1), and others referred to above to retain, delete, or amend the fence rules.
553. We acknowledge that fencing rules are contentious with passionate views and arguments both for and against these provisions common place. However, overall we agreed with expert evidence provided by Mr Christos and the reasons outlined by the Reporting Officer for having these rules in terms of the potential for adverse effects on streetscape amenity, and the importance of passive surveillance. We note that for property owners who want higher levels of visual screening, hedges are not managed by the Plan. This is to recognise that although tall dense hedges do not serve some of the purposes of these rules, such as allowing passive surveillance, hedges do provide amenity.
554. This is another decision where we have had to weigh conflicting interests. We accept that it is important to discourage visually impermeable and dominant street boundary structures, but we also accept that restrictions limit the freedom of individual property owners. A compromise has been struck and we recommend that the DCC monitors how these rules work. We also suggest the DCC supplements the 2GP controls with promotion of good design of street boundary structures through a design guide.
555. We have amended the visual permeability component of the rules to allow for fencing along 50% of the boundary to be a solid 2m high fence and 50% of the boundary to have fencing that is visually permeable above 1.4m. These changes are attributed to Res 190.1 and others in Appendix 1. These changes have also been made to rules 20.6.2, 22.6.3, 27.6.3, 28.6.4, 31.6.2, 34.6.3, and 35.6.3 for consistency.

556. We have also considered the issues raised in submissions, and have made a number of amendments to improve the clarity of provisions as changes under Clause 16 of the First Schedule to the RMA including:
- adding a definition of visual permeability and removing this detail from the rule
  - amending Rule 15.6.3 to simplify the provisions, including separating the maximum height and visual permeability rules, deleting the table and rewording these rules so they are clearer
  - updating the figures in Rule 15.6.3 and deleting the figures from Rule 20.6.2, with this rule now referring to the figures in the Rule 15.6.3
557. These changes are shown in Appendix 1 as changes made under clause 16 of the RMA.
558. In making these amendments to the structure of these sections, we note that some of the major facilities zones had included a requirement for fences on the side or rear boundary of *residential* properties to have to meet the permeability rules (27.6.3, 31.6.2, 34.6.3, and 35.6.3). This was included in these sections in error and there is no corresponding rule in the Residential Zone. We consider it appropriate to remove this requirement to ensure consistency between the sections of the 2GP. As this is a substantive change we are unable to correct it under clause 16 of the RMA. We note that there were some submissions on the residential fence provisions generally requesting removal of the provisions or fewer rules. While these submissions did not specifically address the provisions in the major facility zones, the provisions in the major facility zones relate to the boundary of residential zones and we attribute this correction to rules 27.6.3, 31.6.2, 34.6.3, and 35.6.3 in Appendix 1 to Res 394.80 and 1051.2. We do not consider there are any parties that would be prejudiced by these corrections.

## 4.6 Impermeable surfaces

### 4.6.1 Definition of impermeable surfaces

559. The definition of Impermeable Surfaces is: "A surface through which water cannot pass and that sheds water. This definition excludes paths that use paving stones, and retaining walls, provided they are less than 1m in width, and are separated from other impermeable surfaced areas by at least 1m."
560. *Ms Emily McEwan* (OS172.7) requested that paths that use paving stones be considered impermeable surfaces because these paving systems are designed not to have water permeate through the joints. She stated that if significant water permeates through the joints these paving systems will fail and suggested that excluding paths using paving stones will simply mean many path and driveway areas will be paved instead of concreted. She believed this will undermine the objective of preventing the adverse amenity and infrastructure efficiency effects of excessive hard surfacing. She further considered large areas of paving stones can present reduced amenity value compared to concrete as they are more prone to allowing the growth of weeds in the joints. She sought the decision that "*paths that use paving stones, and*" be deleted from the definition of impermeable surface.
561. The Reporting Officer indicated that excluding paths that use paving stones from the definition of impermeable surface recognises that paths such as these are common in residential landscaped (permeable) areas and have little or no effect on stormwater runoff. She noted the definition requires these to be less than 1m in width and separated from other impermeable surfaced areas by at least 1m to allow runoff to percolate through the landscaped areas on either side of the path (s42A Report, Section 5.1.4, p.41).
562. The Reporting Officer also noted that Rule 15.6.11 Maximum Building Site Coverage and Impermeable Surfaces, sets limits on the maximum site coverage including buildings and structures and any impermeable surfaces, as a percentage of the site

area. The remaining area of the site (although not explicitly stated in the rule) has to be permeable.

563. Based on the concerns raised by the submitter, it is acknowledged that the definition as written may be confusing and recommend removing 'that use paving stones' but retaining reference to paths in the exclusion.

#### 4.6.1.1 Decisions and reasons

564. We accept the submission by *Ms Emily McEwan* (OS172.7) to remove the exclusion of "*paths that use paving stones*" from the definition and consider that by removing this aspect it is appropriate to remove the whole sentence referring to exclusions completely. The amendments to the definition are shown below and in Appendix 1 (see submission reference Res 172.7).

##### **Impermeable surfaces**

A surface through which water cannot pass and that sheds water.

~~This definition excludes paths that use paving stones, and retaining walls, provided they are less than 1m in width, and are separated from other impermeable surfaced areas by at least 1m.~~

#### 4.6.2 Impermeable surface provisions in Rule 15.6.11

565. *Mr Barry Smaill* (OS167.3) opposed the maximum impermeable surface site coverage rules (Rule 15.6.11, Table 15.6.11A.ii), and sought that they not be included in the Plan because he believed the rule imposes additional requirements to those required in the operative District Plan.
566. *Dwelling Architectural Design* (OS721.1) also sought deletion of the maximum impermeable surfaces rules. The submitter believed there are a lot of small, sloping sections in Dunedin City that have been there for 100+ years, and to change the rules and make it harder to develop would lead to more buildings just being left. The submitter considers the rules are fine for flat new subdivisions in Mosgiel but not for existing sloping, small sections in the city.
567. The Reporting Officer noted that as outlined in the *Memorandum on Maximum site coverage and impermeable surfaces – Rule 15.6.11* (DCC Water and Waste Group, August 2015), managing impermeable surfaces is necessary to ensure that the amount of stormwater run-off can be quantified, to ensure there is sufficient capacity within the stormwater network (s42A Report, Section 5.8.8, p. 273). Impermeable surface rules in the 2GP are considered the best approach for achieving this. The management of building and impermeable surfaces for amenity reasons also came through strongly through the consultation in the development of the 2GP. For these reasons, the Reporting Officer was of the opinion the rule as proposed was appropriate to achieve Objectives 15.2.4 and 15.2.2, and removal of the rule would be contrary to those objectives.
568. The submitters did not provide any new evidence on this topic at the hearing.

#### 4.6.2.1 Decision and Reasons

569. We reject the submissions by *Mr Smaill* (OS167.3) and *Dwelling Architectural Design* (OS721.1) to remove the impermeable surface rules for the reasons outlined by the Reporting Officer.
570. We note that minor amendments to the structure of the rule have been made under clause 16 of the RMA to improve clarity and remove repetition.

## 4.7 Management of Early Childhood Education

571. Early childhood education is included in the Community Activities Category and is divided into two scales, large and small. In the 2GP, Early Childhood Education – Large Scale is a Discretionary activity in residential zones. Early Childhood Education – Small Scale is a Restricted Discretionary activity in residential zones providing the relevant performance standards are met.

Early Childhood Education is defined as:

*"A place or premises used for the care, education and welfare of children of pre-school age and includes any creche, Kōhanga Reo, day care, kindergarten, or play centre, where children can be left in the care of others.*

*Early childhood education is managed at two different scales – small scale and large scale.*

*This definition excludes:*

- *home-based early childhood education and childcare for five or less children that meets the definition of working from home; and*
  - *plunket and play groups which are a community and leisure activity."*
572. The *Otago Peninsula Community Board* (OS588.38) sought amendment to the definition of early childhood education to clarify that it does not include toy libraries. The submitter also sought amendment to the activity status of early childhood education – small scale (Rule 15.3.3.8) from a restricted discretionary to a permitted activity (OS588.28), and early childhood education – large scale (Rule 15.3.3.9) from a discretionary activity to an activity status that enabled facility development that takes into account generational population change (OS588.29). They believed that almost all of this type of activity is within residential areas of the Peninsula and such rules may not enable facility development that takes into account generational population change.
573. *Mr Wyber* (OS394.61 and OS394.62) sought to amend the definition of early childhood education–large scale, and early childhood education–small scale to have the threshold differentiating these activities set at 25 children rather than 50. He considered early childhood education is run as a commercial business and can detract from residential amenity and create negative effects including noise, vehicle access and parking.
574. The *Roman Catholic Bishop of the Diocese of Dunedin* (OS199.21) sought amendment to the activity status of early childhood education–small scale (Rule 15.3.3.8) and early childhood education–large scale (Rule 15.3.3.9) to make these permitted activities within the General Residential 2 Zone where already existing on the site and on contiguous adjoining land.
575. The *Construction Industry and Developers Association* (OS997.39) sought amendment of the activity status of early childhood education–large scale to make it a restricted discretionary activity. The submitter believed that the 2GP did not provide enough flexibility for activities and development in a financially viable way.
576. *Mr Justin Courtney* (OS81.3), *Mr Brent Ward* (OS166.3), and *Mr John Aarts* (OS164.1) sought to:
- amend Rule 15.3.3 to make early childhood education categorised as a commercial rather than community activity
  - alternatively, they suggested amending Rules 15.3.3.8 and 15.3.3.9 to make early childhood education (large and small scale) in residential zones a non-complying activity and amend assessment of non-complying assessment criteria (Rule 15.12) to include an assessment matter in relation to no-exit streets
  - make changes to Rule 15.4 (Notification) to require consent applications or variations to existing consents for early childhood education facilities in residential zones to be processed as notified consents

- amend thresholds for early childhood education–large scale to be between 25–40 children and make early childhood education–small scale (Rule 15.3.3.8) a restricted discretionary activity and make the threshold less than 25.
577. These submitters believed that childcare centres now operate from commercial operation models and have adverse effects to residential areas with regard to section 7 of the RMA because of their size. They considered effects included amenity impacts, increased traffic flow, incompatible development scale and cumulative traffic, and noise impacts on surrounding property values.
578. The Reporting Officer agreed with the submitters that there is a commercial component to some forms of early childhood education, such as a day care or child care centre but considered that most other forms, such as a creche, Kōhanga Reo, kindergarten, or play centre are centred around providing opportunities for the benefit of the community (s42A Report, Section 5.4.4, p. 109). Although a day care may be run as a business, it provides an essential part of functioning communities by providing care of children in locations which are convenient and beneficial for parents, such as close to their homes, places of work, or near a school an older child may attend.
579. Ms Baker noted that the 2GP does not differentiate between whether an activity is commercial or not-for-profit, rather, it considers the effects of an activity. So, an early childhood education facility will have similar effects irrelevant of whether it has a commercial or community focus. She did, however, acknowledge there are some differences in the way they operate, and the thresholds and assessments proposed in the 2GP seek to address variations in effects which are different, such as scale or hours of operation. Requiring resource consent for these activities allows for consideration of effects and conditions to mitigate them.
580. The Reporting Officer considered a scale threshold of 25 requested by some submitters was too low to allow for these facilities to operate in a viable way and may place additional requirements on some small facilities that may only have limited effects. She also considered that setting an upper limit of 40, as requested by some submitters, for large scale childhood education was too limiting, as this would not allow for any larger centres to establish.
581. The Reporting Officer outlined that research undertaken on noise assessments for childcare centres (*Carrying out noise assessments for proposed childcare facilities, Scannell and Harwood, 2006*) indicates that the noise from 35 children playing outside using a casual or normal type of voice is likely to meet, or be close to meeting, the noise requirements for residential environments specified in the noise performance standards (Rule 9.3.6). She considered setting the threshold level for large and small scale early childhood education to be consistent with this was reasonable for continuing to allow for smaller, non-commercial centres, as a restricted discretionary activity. The types of early childhood education facilities that are more commercial in nature would be likely to exceed this threshold, and therefore would trigger the need for discretionary resource consent.
582. In response to concerns raised by submitters, the Reporting Officer noted that:
- the definition of early childhood education, as notified in the 2GP, gives examples of the types of facilities which fall under this activity, and that toy libraries do not meet the criteria specified in the definition, particularly in regard to being a place “*where children can be left in the care of others*”; therefore, the definition already clearly excludes toy libraries. Toy libraries would be considered as community and leisure activity which is a permitted activity in residential zones where they occur at a small scale.
  - existing activities that have been lawfully established have existing use rights and would be able to continue to operate, as the 2GP rules do not apply to them unless they seek to change the scale or nature of their activities, in which case resource consent would allow for consideration of effects on amenity of

surrounding sites and the streetscape. Therefore, it would be unnecessary to specifically permit the activity on specific sites where they already exist.

- although Early Childhood Education–Large Scale is a discretionary activity in residential zones, it is restricted discretionary in most commercial zones. Therefore, if the establishment of such an activity was considered difficult as a discretionary activity, operators could seek to establish within a centre, or other commercial area, where the matters to be assessed are more limited.
- Rules 6.10.2.5 and 6.1.2.1 provide for assessment of effects on the safety and efficiency of the transport network for any resource consent for an early childhood education facility, and Rules 15.10.2.1 and 15.11.2.3 provide for the assessment of effects on surrounding sites' residential amenity, which includes further consideration of vehicle movements and the appropriateness of the type of road the facility is located on. Policy 15.2.3.4 is considered in the assessment of resource consents and specifies that "activities are designed to avoid or, if avoidance is not possible, adequately mitigate, adverse effects on the amenity of surrounding residential properties". The Reporting Officer considered that the 2GP already contains adequate provisions to consider the effects of early childhood education in the residential environment, raised by the submitters. We note that we have amended Policy 15.2.3.4 as a result of submissions considered as part of the Plan Overview topic.

583. With consideration of these factors, the Reporting Officer recommended amending the definitions of early childhood education–large scale and early childhood education–small scale to be based on a threshold of 35 children and retaining the other rules without amendment.

584. In his written evidence, *Mr Wyber* indicated the Reporting Officer's recommendations went some way toward providing the relief requested in his submission, but that he still considered the threshold requested in his original submission was preferable.

#### **4.7.1 Decisions and reasons**

585. We accept, in part, the submissions from *Mr Courtney* (OS81.3), *Mr Ward* (OS166.3), *Mr Aarts* (OS164.1) and *Mr Wyber* (OS394.61 and OS394.62) in regard to changing the threshold for the activity and agree with the relief recommended by the Reporting Officer to amend the definitions of early childhood education–large scale and early childhood education–small scale to have a scale threshold of 35 children. We recognise the research available that suggests this threshold is only in relation to noise, however, the assessment matters in the 2GP allow for assessment of effects on the transport network and consideration of effects on neighbouring sites. As resource consent is required for all early childhood education activities we consider issues related to traffic and parking can be adequately addressed as part of that process. See amendments to definitions of early childhood education–large scale in Appendix 1, submitter reference Res 394.61, and amendments to definition early childhood education–small scale in Appendix 1, submitter reference Res 394.62.

586. We reject the submissions by the *Roman Catholic Bishop of the Diocese of Dunedin* (OS199.21), the *Otago Peninsula Community Board* (OS588.38, OS588.28 and OS588.29), and the *Construction Industry and Developers Association* (OS997.39), for the reasons indicated by the Reporting Officer.

## **4.8 Definition of habitable room**

587. As notified in the 2GP, the definition of habitable room is:

*"Any room in a residential unit, family flat or sleep out that is designed to be, or could be, used as a bedroom. The calculation of a habitable room will exclude only*

*one principal living area per residential unit (including family flats). Any additional rooms that could be used as a bedroom but are labelled for another use, such as a second living area, gym or study, will be counted as a habitable room."*

588. *Mr Wyber* (OS394.78) sought to amend the definition of habitable room to align with the Building Regulations 1991 definition of 'habitable space', or the Housing Improvement Regulations 1947 (reprinted 2013) definition of 'habitable room'. He believed the DCC should avoid its own interpretation of what a habitable room is and wants principal living areas to be counted as a habitable room as he considers excluding these creates a loophole that means extra rooms could be slipped through under the definition of maximum development potential.
589. *Mr Seque* (OS449.4) sought that an exemption for rooms that are not bedrooms be added to the definition of habitable room. He requested this change because he believed the definition is too limiting as it does not allow for home offices, TV rooms or other living areas. *Mr Wyber* (FS2059.31) opposed *Mr Seque's* submission because he believes it is too loose and should be tightened and aligned with other regulations.
590. *KiwiRail Holdings Limited* (OS322.11) in their original submission supported the definition of habitable room but did not give any reason for their support.
591. The Reporting Officer noted that the July 2013 reprint of the *Housing Improvement Regulations 1947*, *The Building Regulations 1992*, *Schedule 1 – The Building Code*, and the *Building Regulations 1991*, all include different definitions of habitable room/space (s42A Repor, Section 5.1.3, p.39).
592. She explained that the definition of habitable room in these regulations and the 2GP are used for different purposes. The *Housing Improvement Regulations 1974* (reprinted 2013) and *The Building Regulations 1992* use the term habitable room/space to specify building requirements for specific areas of a dwelling. In the 2GP the term habitable room is used as a measure of density, counting the number of rooms in a dwelling that could be used as bedrooms. The definition allows for each dwelling to have a living area/lounge, which is not counted as a habitable room, but additional separate lounge areas or other rooms that could be used as a bedroom (e.g. office, TV room, gym, library, etc.) are counted and used to calculate development potential of a site.
593. The Reporting Officer indicated that the Operative District Plan already contains a definition of habitable room which includes allowance for one functional communal living area not to be counted as a habitable room. Advice provided to the Reporting Officer from the DCC Resource Consents team was that this definition has worked without issues. Generally, there have been no instances of people trying to slip extra rooms in, as is raised as a concern by *Mr Wyber*, and that the allowance for one living area was included into the definition, as without it, problems were arising with developers not providing a communal living area and this allowance was considered necessary to ensure reasonable internal amenity was provided.
594. The Reporting Officer did not consider it appropriate to only include rooms being proposed as a bedroom, as suggested by *Mr Seque* (OS449.4), as other rooms have the potential to be used as bedrooms in the future. She considered that this would also mean that someone could claim that rooms would be used for other purposes, so they could develop at a higher density.
595. In his written evidence, *Mr Wyber* reiterated his thoughts about the definitions he considered appropriate and indicated the 2GP definition as notified, left a main room uncounted, because the 2GP is based on a 'bedrooms' approach.

#### **4.8.1 Decisions and reasons**

596. We reject the submissions by *Mr Wyber* (OS394.78) and *Mr Seque* (OS449.4) and accept the submission by *KiwiRail Holdings Limited* (OS322.11) to retain the notified definition for the reasons outlined by the Reporting Officer. We consider the habitable room approach is working well in the operative plan and see no reason why this should not be applied across the city.



## 4.9 Policy 2.6.1.3

597. Policy 2.6.1.3 reads:

*"Use large lot residential zoning only where all of the following factors are present:*

- a. for new zoning, it is in line with Policy 2.2.4.3.*
- b. land is already subdivided in a way that means it is not capable of supporting productive use as part of rural zoning;*
- c. land is constrained by hazards, slope or other factors that make a standard density of residential development unachievable or development at a larger lot size is necessary to protect important **conservation**, waterways, landscape or natural values;*
- d. development at a large lot density will have no more than minor effects on rural productivity, landscape values, and rural character;*
- e. due to factors a–c it is not more appropriate to apply a rural residential zoning;*
- f. the location enables reasonable levels of accessibility to critical services and facilities (centres); and*
- g. the zoned area (number of lots) is of an adequate size to support community-building, and will not create isolated housing."*

598. *Mr Parata* (OS248.8) opposed Policy 2.6.1.3, particularly clause (b), and sought to not have the word subdivided/subdivision used in this context because he considered the term 'subdivision' (as defined in the 2GP) is merely lines on a map and did not make the land any more or less productive. He stated in his original submission that it is the use of the land (or adjoining land) that may influence production, not the subdivision that could render land incapable of supporting productive use.

599. The Reporting Officer indicated the purpose of the policy is to establish where it might be appropriate to rezone land to large lot residential (and conversely where it would not be appropriate) (s42A Report, Section 5.2.8, p.55). She noted that in referring to subdivided "in a way that means it is not capable of supporting productive use as part of rural zoning" the policy wording is meant to mean that the land is not only subdivided (lines on a map) but likely also has a mixed ownership pattern that means that the size of the holdings are no longer financially viable to farm.

600. At the hearing *Mr Parata* argued that the policy would allow people to seek consent on an undersized rural lot on the basis that it is an existing lot. He also considered the policy would weaken the rural zone provisions and that the 2GP should not contain policies that state criteria for rezoning.

### 4.9.1 Decisions and reasons

601. We accept in part the submission of *Mr Parata* (OS248.8). We note that, as outlined in the Urban Land Supply Decision Report we have redrafted Policy 2.6.1.3, and amendments have been made to Policy 2.2.4.1 to set out the situations in which large lot zoning may be appropriate. We note that *Mr Parata's* concerns seem to relate mainly to effects on rural productivity. As a type of residential zone, any plan changes seeking to rezone an area Large Lot Residential would first need to be assessed against the residential zoning criteria set out in Policy 2.6.1.3, which includes consideration of alignment with Objective 2.3.1 (relating to, amongst other things, protection of productive rural land). Changes to the policy are discussed in the Urban Land Supply and Rural Residential decisions in response to other submissions, which we consider address some of the submitters concerns.

## 4.10 Request for new policy for Careys Bay

602. *Ms Eryn Makinson* (OS516.3) requested that a new policy be added under Objective 15.2.2 to protect the amenity of Careys Bay, particularly from effects of activities at the Port. She requested this as Careys Bay's residential amenity was protected under the operative District Plan and she stated this area still has these same qualities, so they should still be protected. *Port Otago Limited* (FS2378.17) opposed this submission because the company considers this would create a hierarchy that potentially gives such amenity priority over the operation of the port at Port Chalmers, meaning there can be no proper balancing of the wider interests of the Dunedin community in considering the effects of the operation of the port.
603. The Reporting Officer explained that the residential amenity of Careys Bay is recognised and protected in the operative District Plan in Policy 11.3.6 which relates to 'Ports' (s42A Report, Section 5.3.4, p. 62). Similarly, in the Port Section of the 2GP (Section 30), there is an objective and policies that aim to protect the amenity of this area. Policies 30.2.2.1 and 30.2.2.3 also both aim to mitigate adverse effects on the streetscape amenity and visual amenity in Port Chalmers and Careys Bay through managing the height of buildings, structures and outdoor storage, and through controlling the location of ancillary signs (in relation to the Port).
604. She was of the view that Objective 30.2.2 of the 2GP (in the Port Zone section) and the policies referred to, aim to achieve the same outcome as Policy 11.3.6 of the operative District Plan. It is logical that this objective and these policies are contained within the Port Zone section as they are managing the activities of the Port and its effects on the surrounding area. The Reporting Officer believed it would reduce plan clarity to have a policy in the residential zones trying to manage the effects of the activities in the Port Zone.
605. Mr Len Anderson (legal counsel) for *Port Otago Ltd* in his tabled submissions indicated that the submitter supported the Reporting Officer recommendations as the new policy requested by *Ms Makinson* did not accord with Objective 30.2.2 in the 2GP, which recognised a balancing exercise was required between the Port and the adjacent residential areas. He considered that reverse sensitivity of Port Otago's activities would be addressed as part of the Port hearing. He considered the proposed new policy would place an unfair special protection on Careys Bay above the other adjacent residential areas, was contrary to the New Zealand Coastal Policy Statement 2010, and that the requirement to "protect the existing character" would be an absolute obligation placed on the DCC as a result of the King Salmon decision.
606. He submitted that the efficient operation of *Port Otago Ltd* was essential to the economic health of Otago and that the proposed new policy had the potential to adversely impact on the continued efficient operation of Port Otago because of the limitation it could potentially put on its activities.

### 4.10.1 Decision and Reasons

607. We reject the submission by *Ms Makinson* (OS516.3) to add new a policy for Carey's Bay, therefore accepting the submission by *Port Otago Limited* (FS2378.17), for the reasons outlined by the Reporting Officer and Mr Anderson's submissions at the hearing, noting that the issue of protecting Careys Bay from the adverse effects of nearby Port activities is addressed in the Port Zone provisions.
608. We note that we have made a decision on a similar submission from *Christopher Hilder* (OS311.3) which sought inclusion of policies in the Port section for protection of amenity at Carey's Bay. This submission is discussed in the Port Decision Report.

## 4.11 Introduction

### 4.11.1 Residential Introduction

609. The Introduction to the residential zones describes the existing residential areas in Dunedin and their importance. It also contains a description of the proposed 2GP residential zones.
610. *Mrs Rosemary & Mr Malcolm McQueen* (OS299.39), the *Southern Heritage Trust & City Rise Up* (OS293.74) and *Mr John and Mrs Clare Pascoe* (OS444.42) supported the Introduction. They stated that it is highly desirable that Dunedin remain compact but wanted to ensure that the compromise necessary to achieve this is managed so that neither heritage nor amenities valued by residents of the city are lost.
611. *Ms Elizabeth Kerr* (OS743.44) sought to amend the wording, relating to the clause about the diversity of housing types in Dunedin. She requested this as she considered the reason given in the Introduction was too simplistic. She also sought that 'claims' made in the Introduction should be reviewed.
612. *Mr Wyber* (OS394.87) sought to change the third paragraph in a rather subtle manner to better align with his other submission points. He wanted the reference to Dunedin as a 'compact' city removed and instead he requested reference to Dunedin's 'commuter suburbs'. He also sought to refer to the 'resilient townships' as 'commuter suburbs' and 'resilient outer townships'.
613. He sought the insertion of a statement saying Dunedin currently has limited areas of undeveloped residentially zoned land and wanted urban expansion on land between and adjacent to the 'existing commuter suburbs' provided for. He also sought changes to the portrayal of residential land in Dunedin being limited to 'residentially zoned land', implying that there is land that could be zoned residential.
614. He suggested specific types of housing, such as apartments and townhouses as more flexible types of housing needed.
615. The Reporting Officer considered *Ms Kerr's* (OS743.44) requests to change 'range' to 'variety' and add 'successive waves of settlement' to elaborate on the reasons for the 'range of housing types' found in Dunedin, added to the description positively (s42A Report, Section 5.5.2, p. 114). However, she considered *Ms Kerr's* request to add 'subsequent building changes and replacements' was adding too much detail and was self-evident. The Reporting Officer recommended the following changes to the introduction in response to *Ms Kerr's* submission "Dunedin's residential environments are diverse in character and include a variety range of housing types ranging from apartments to stand-alone residential buildings. This diversity stems from successive waves of settlement and prior zoning regimes and will continue through the approaches proposed in the Second Generation Plan."
616. The Reporting Officer considered *Mr Wyber's* suggested amendments did not add clarity to the Introduction and were inconsistent with the provisions of the 2GP. She noted that the Introduction is intended to provide a general overview of the issues encountered with residential land in Dunedin and the ways in which the 2GP has tried to address these issues as well as the goals for the management of this land in the 2GP.
617. In his written evidence, *Mr Wyber* indicated that in his view, his submission would be better considered in the Urban Land Supply Hearing as part of the wider, holistic issue of addressing compact city matters. We accept that, and have focussed primarily on his Urban Land Supply submissions. Our conclusions on *Mr Wyber's* requests for amendments to the Introduction to the residential zones follow from our decisions on his Urban Land Supply submissions.

#### 4.11.1.1 Decisions and reasons

- 618. We acknowledge the support for the Introduction from a number of submitters.
- 619. We accept, in part, the submission by *Ms Kerr* (OS743.44) to amend the wording in the Introduction and agree with the relief recommended by the Reporting Officer. See amendments to the Introduction in Appendix 1, submitter reference Res 743.44.
- 620. We do not agree that any of *Mr Wyber's* requests (OS394.87) to amend the wording would better achieve the purpose of the Introduction. While we accept that Dunedin cannot be regarded as a 'compact' city by international standards, the main built up area is quite densely populated and compact compared to some other centres in New Zealand. It is important that this concept is mentioned in the Introduction because it is a central objective to maintain this characteristic.
- 621. We note that we have made additional changes to the Introduction in response to submissions addressed in Section 4.3.1 and Section 4.2.

#### 4.11.2 Large Lot Residential 1 and 2 Zone descriptions

- 622. The *DCC* (OS360.121) sought to amend the descriptions of the Large Lot Residential 1 Zone and the Large Lot Residential 2 Zone (OS360.122) because they did not take full account of new areas that were proposed for re-zoning because of their subdivision characteristics and site sizes. The submitter proposed expanding the descriptions to be more encompassing of the new areas.
- 623. The Reporting Officer recommended amending the descriptions to include development and subdivision with larger lot sizes to maintain other values or respond to other issues (s42A Report, Section 5.5.3, p. 116). She considered this better reflected the land proposed for re-zoning, which would provide more certainty and clarity for plan users.
- 624. The submitter did not appear at the hearing.

#### 4.11.2.1 Decisions and reasons

- 625. We accept the submissions by the *DCC* (OS360.121 and 360.122) to amend the zone descriptions with some minor wording changes (see submitter reference Res 360.121 and 360.122 in Appendix 1).

### 4.12 Rule 15.4 Notification

- 626. *Mr Wyber* (OS394.58) and *Mr Jack Austin* (OS53.3) requested that any potentially adversely affected neighbour is considered an affected party to any breach of Rule 15.9.4.1.a (boundary setback – effects on surrounding sites' residential amenity). *Mr Austin* was concerned about neighbours being notified where their access to sun might be affected as he considered access to sun to be particularly important in Dunedin. *Mr Wyber* submitted that if there was no signed agreement with neighbours, then an application should be notified as he considered the applicant may be attempting to overdevelop the site, or that if performance standards could not be achieved then the site was not suitable for the development.
- 627. *Mr Graeme & Mrs Lynette Reed* (OS491.7) requested that property owners adjacent to a proposed development should be notified of the proposed development, even when the development is totally compliant. Their reasons include that neighbours know the potential problems of the area more than council officers.
- 628. *Southern Heritage Trust & City Rise Up* (OS293.107), *Mr and Mrs Pascoe* (OS444.75), *Mr and Mrs McQueen* (OS299.72) and *Ms Carol Devine* (OS252.10 and OS252.49) sought to require affected party notification for breaches of Rule 15.6.7.1.a.iii (exception to height in relation to boundary rule in the Inner City Residential Zone) if

new development was proposed for a height within 3m of the maximum specified. *Ms Kerr* (FS2429.157 and FS2429.128) supports both of *Ms Devine's* submissions.

629. *Ms Margaret Davidson* (OS417.24) and a number of the submitters above (OS293.112, OS444.48, OS444.80 and OS299.77) also generally requested that affected parties, including neighbours, are provided with affected party notification or given all relevant consent applications for comment where their amenity, sunlight, or views will be affected.
630. *Mr Michael O'Neill* (OS403.6) requested that the height in relation to boundary rule (Rule 15.6.7.1) be amended to require the consent of the relevant neighbour where the listed exceptions to the height in relation to boundary rules are applied (Rule 15.6.7.1.a.iv). He considered this would incentivise consultation and agreement with neighbours.
631. The Reporting Officer noted that the decision on whether to publicly notify or limited notify a resource consent application is made in accordance with the tests in sections 95 to 95G of the RMA (s42A Report, Section 5.5.4, p. 121). This analysis is made on a case-by-case basis for every application, as in some circumstances there will be no, or less than minor, effects on neighbours. Requiring limited notification in every instance would override this case-by-case analysis.
632. The Reporting Officer also noted that both the height, and height in relation to boundary performance standards in Rule 15.6.7, become restricted discretionary activities in the residential zones if contravened. The matters of discretion (Rule 15.9) include the effects on surrounding sites' residential amenity, including access to sunlight and outdoor living space (Policy 15.2.3.1), and on neighbourhood residential character and amenity. Consideration of effects on neighbourhood residential character and amenity further ensures the streetscape amenity is maintained or enhanced by the proposed development to reflect the current or intended future character of the neighbourhood, as per Policy 15.2.4.1.c. The Reporting Officer considered that in the majority of cases where performance standards are breached neighbours will be considered affected parties, however, it is important that applications are considered individually.
633. The Reporting Officer indicated that notification of neighbours is never undertaken by the DCC where the rules in the District Plan have not been contravened, and/or the land use or development activity is a permitted activity. In this case the effects are anticipated within that specific environment. That is, any adverse effects are considered to be minor. The bulk and location rules are designed to mitigate any adverse shading effects on neighbouring properties as well as adverse effects on neighbours' amenity. The Reporting Officer did not recommend any amendments in response to the submissions.
634. In his written evidence, *Mr Wyber* argued that if a developer wants to overdevelop a site the determination of likely adverse effects on a neighbouring property should not be undertaken by DCC planners. He was of the opinion that it should be for the potentially adversely effected neighbour to determine the degree of likely adverse effects. He considered that if the neighbour did not provide written agreement, that the development should be redesigned to comply with the performance standards.

#### 4.12.1 Decisions and reasons

635. We reject the submissions by *Mr Wyber* (OS394.58), *Mr Austin* (OS53.3), *Southern Heritage Trust & City Rise Up* (OS293.107), *Mr and Mrs Pascoe* (OS444.75), *Mr and Mrs McQueen* (OS299.72), *Mr & Mrs Reed* (OS491.7), *Ms Devine* (OS252.10), and *Ms Kerr* (FS2429.157 and FS2429.128) and others referred to above for the reasons outlined by the Reporting Officer.
636. We reject the submission by *Mr O'Neill* (OS403.6) which sought to amend the height in relation to boundary rules to require the consent of the relevant neighbour for the permitted activities provided for in one part of the rule. To make permitted activity status dependent on a neighbour's approval, would be ultra vires to the RMA. We note that any performance standards that are contravened require resource consent.

### 4.13 Request for new land use activity for storage of wrecked or un-roadworthy vehicles

637. *Mr Nigel Bryce* (OS909.3) sought the addition of a new activity to prevent the storage of wrecked or un-roadworthy vehicles on residential sites. He stated that this issue had previously been a costly issue for the DCC (and the community) and that amenity concerns had been highlighted by neighbours. The Environment Court had further concluded that the effects of this activity were offensive and objectionable and have adverse effects on the local environment. Safety and hazard concerns were also raised. He considered that the storage of wrecked or un-roadworthy vehicles should be a non-complying activity on residential properties.
638. The Reporting Officer noted that the definition of Outdoor Storage would capture wrecked or un-roadworthy cars where these were stored on a residential property, and this prevented them being located in parking, loading, manoeuvring, or outdoor living areas (s42A Report, Section 5.6.3, p.126). *Mr Bryce's* main concern was the effect on amenity where these activities occur. The Reporting Officer considered that other than space being required for outdoor living and parking as required by the 2GP, or the Health Act being used by Environmental Health Officers where health concerns existed, controlling the type and scale of storage for amenity reasons was difficult.
639. She suggested a possible option to manage this issue but highlighted concerns with the practicality of it and did not recommend its inclusion.
640. We sought further information from the Reporting Officer about whether other councils manage storage of cars and what options might be available for inclusion in the 2GP.
641. The Reporting Officer provided this further information to us in a memorandum dated 3 March 2017. The memorandum set out the research undertaken which showed that other councils did not appear to manage storage of vehicles under their district plans.
642. *Mr Bryce* responded to us with comments on the Reporting Officer's memorandum, providing examples of provisions on this matter from Kapiti and Horowhenua District Councils for us to consider.

#### 4.13.1 Decisions and reasons

643. We reject the submission by *Mr Bryce* (OS909.3) for the reasons outlined by the Reporting Officer and in the memo from the Reporting Officer (dated 3 March 2017). We consider it is difficult to find a comprehensive resource management solution to the issue raised by the submitter. In addition to cars, other items may affect amenity such as boats, caravans and building materials, and definitions of what makes a vehicle not permitted would inevitably have to be arbitrary. The new outdoor storage rules proposed in the 2GP do assist in dealing with this matter however.

### 4.14 Rule 15.3.4 Activity status table – development activities

#### 4.14.1 Request for new activity – removal of mature trees

644. *Ms Davidson* (OS417.12) sought to amend the activity status table so that development in residential areas requiring the removal of mature trees would be a restricted discretionary activity, so amenity could be balanced against the effects of tree roots (should the trees remain).
645. The Reporting Officer noted that the 2GP includes a schedule of protected trees which can be nominated by the public for protection and are assessed for inclusion based on the STEM system. Existing vegetation to a limited degree is protected through

maximum site coverage and impermeable surfaces rules (s42A Repot, Section 5.6.12, p. 145).

646. She also noted the RMA specifically precludes the generic protection of trees.

647. The submitter did not provide evidence on this submission point at the hearing.

#### 4.14.1.1 Decisions and reasons

648. We reject the submission by the *Ms Davidson* (OS417.12). We agree, in part, with the reasons given by the Reporting Officer. Although we do not however accept that site coverage and impermeable surfaces rules will protect trees much, we do consider the schedule of protected trees the most appropriate way to promote the retention of specific mature trees.

### 4.15 Rule 15.5.2 Density performance standard

#### 4.15.1 Excluding student hostels from density rules

649. *Knox and Salmond Colleges Board* (OS182.13) sought that either student hostels be excluded from the density provisions or that it be clarified that these rules are not a barrier to residential college accommodation. The submitter considered that residential colleges would never meet the proposed density standard of no more than 1 bedroom per 100m<sup>2</sup> and would be considered as part of resource consent. *Mr Peter McDonald* (FS2017.1) supported this submission as he feels that the 2GP does not adequately provide for the needs of student residential hostels.

650. The Reporting Officer noted that under proposed Rule 15.3.3.2, Supported Living Facilities, which include student hostels, are provided for as a restricted discretionary activity (s42A Report, Section 5.7.1.1, page 152). Under this rule they are not required to meet the performance standard for density. Therefore, in her view no amendment to Rule 15.3.3.2 was considered necessary to achieve the outcome sought by submitters.

#### 4.15.1.1 Decision and reasons

651. We reject the submission by *Knox and Salmond Colleges Board* (OS182.13) because it is based on a misunderstanding. Student hostels do not have to meet this density rule.

#### 4.15.2 Consideration of effects on amenity

652. The *University of Otago* (OS308.275) sought that the provisions be amended to adequately address the potential effects of increased density on neighbours and on the amenity of the wider area. *Mr Wyber* (FS2059.24) supported this submission.

653. The Reporting Officer considered that the performance standards for density, along with those managing the bulk and location of buildings, seek to ensure amenity on surrounding sites is maintained while enabling land to be used for medium-density housing (s42A Report, Section 5.7.1.1, p. 153). This is to achieve the 2GP's strategic objectives, to encourage a compact and accessible city.

654. The Reporting Officer noted that if density or bulk and location performance standards are contravened, resource consent is required and effects on the residential amenity of surrounding sites will be considered as part of that process. No amendment to provisions was necessary to achieve the outcome sought by submitters.

655. In his evidence, Mr Brass for the *University of Otago*, indicated that the submitter generally supports the provisions in the 2GP that manage amenity. He is working collaboratively with relevant organisations to manage amenity, safety, and behavioural issues that fall outside the regulation of the 2GP to help minimise the potential for

issues in areas occupied by student. Mr Brass considered that the potential effects of increased density on neighbours and amenity are appropriately addressed in the 2GP.

#### 4.15.2.1 Decision and reasons

656. We accept in part the submission by the *University of Otago* (OS308.275). We acknowledge the measures undertaken by the University of Otago that fall outside those regulated by the 2GP. We consider that amendments to the medium density zone provisions (described in section 3.2.13.1) such that multi-unit developments are a restricted discretionary activity, including in the ICR Zone immediately surrounding the University, constitute partial relief for the submitter.

#### 4.15.3 Development on any existing site

657. *Mr Horne* (OS368.1) sought to allow residential activity on all existing sites regardless of their site area or zoning, if they were created or consented prior to 26 September 2015 (i.e. the date of notification of the 2GP). *Mr Horne* considered there would be many existing sites that had been created or consented (and titles not issued) where now under the new 2GP rules, the erection of a new residential unit would no longer be permitted. In *Mr Horne's* view, it would be unreasonable for the DCC to restrict previously created/consented sites from being able to be developed in the manner that was reasonably expected for them, prior to notification of the 2GP.
658. The Reporting Officer noted that (s42A Report, Section 5.7.1.1, p. 154):
- where resource consent was granted under the operative District Plan, these consents remain valid until their date of expiry and can be completed without being subject to the 2GP provisions
  - under Rule 15.5.2.1.a, a single residential unit may be erected on an existing site (created before 26 September 2015) of any size, even if the limits set out in Table 15.5.2A are exceeded, provided that the site is not located in a “no DCC reticulated wastewater mapped area”, and all other performance standards are met
  - the minimum site sizes proposed in the 2GP have not been increased in residential areas, so it is unlikely that subdivisions previously granted in accordance with the operative District Plan would have resulted in sites which would be of a size that would now not comply with the 2GP.
659. The Reporting Officer recommended rejecting the submission.
660. At the hearing, *Mr Horne* argued there may be a number of sites that would not comply with future minimum areas and that people may have consents for subdivisions with undersized sites but may not have land-use consent for dwellings and therefore may be disadvantaged by the 2GP rules. He suggested removing the date from the provision as he considered that any subdivisions after the notified date should be allowed to be built on.
661. In her revised recommendations, the Reporting Officer recommended accepting the submission as she considered any site created through subdivision will be anticipated for development and it would be appropriate to allow a residential unit to be developed on these sites as well as existing ones. The reporting Officer recommended the following amendment to Rule 15.5.2.1.a: “A single residential unit may be erected on ~~an existing~~ a site (created before 26 September 2015) of any size provided all other performance standards are met.”

#### 4.15.3.1 Decision and reasons

662. We accept, in part, the submissions by *Mr Horne* (OS368.1) and agree with the relief recommended by the Reporting Officer.



663. We have amended the density provisions by removing the date existing sites needed to be created by and instead allow for a single residential unit on a site of any size in all residential zones except GR2 and ICR (Rule 15.5.2.1.k.i.1). This amendment is shown in Appendix 1 attributed to submitter reference Res 368.1. We note that it is not necessary for the same rule to be applied to GR2 and ICR as they do not require a minimum site size per residential unit (Rule 15.5.2.1.i). Amendments to the density provisions (Rule 15.5.2) in response to other submissions considered in the medium density section of this Report (Section 3.3.1. above), and shown in Appendix 1, increase the clarity that one residential unit is permitted on a site below the minimum site size, and we consider this achieves what the submitter was seeking.

#### 4.15.4 Activity status and density of residential activities on existing sites in “no DCC reticulated wastewater mapped area”

##### 4.15.4.1 Submissions

664. In order to correct a drafting error, the DCC (OS360.221) sought that the wording of Rule 15.5.2.7.d, which relates to the default activity status for residential activity on existing sites, be amended as follows: “Residential activity on an existing site ~~not~~ in a ‘no DCC reticulated wastewater mapped area’ is a restricted discretionary activity”.
665. *Ms Amy Young* (OS542.2) sought that for residential activities that do not comply with the performance standard for density in Table 15.5.2A.j below (the maximum development potential per site in the Township and Settlement Zones within a “no DCC reticulated wastewater mapped area”), the activity status be restricted discretionary rather than non-complying, provided that the residential activity could meet the Building Act requirements for on-site foul water disposal. In *Ms Young’s* view, non-complying activity status should only apply if there is no acceptable solution available under the *Building Act* in relation to on-site foul water disposal.

**Table 15.5.2.A.j**

Zone	i. Minimum site area for a residential unit (excluding family flats)	ii. Maximum development potential per site	iii. Number of family flats permitted per site
Township and Settlement Zone within the <b>no DCC reticulated wastewater mapped area</b>	1 per 1,000m <sup>2</sup>	1 habitable room per 200m <sup>2</sup>	1

666. *Ms Young* considered that it was unnecessarily onerous to make residential activity on an existing site non-complying in relation to density, given that it is the Building Act that controls the design and functionality of a foul water treatment and disposal system. She requested that the activity status be the same as if the residential activity was in a serviced area.
667. *Ms Young* (OS542.3) also sought that Table 15.5.2A.j be amended:
- to review the proposed minimum site area of 1,000m<sup>2</sup> per residential unit in Township and Settlement Zones that are within the “no DCC reticulated wastewater mapped area”; and
  - to amend the maximum development potential per site in the same zone from 1 habitable room per 200m<sup>2</sup> to 1 habitable room per 100m<sup>2</sup>.

668. In *Ms Young's* view, the proposed density of the Township and Settlement Zone does not reflect the number of existing lot sizes that are less than 1,000m<sup>2</sup>. She indicated some of these lots have had residential activity established on them for over 100 years. *Ms Young* noted that she is not opposed to 1,000m<sup>2</sup> being imposed at the time of subdivision. *Ms Young* considered that the proposed density provisions do not align with the policy provisions, namely "the existing residential character" (Policy 15.2.4.2: "Require residential activity to be at a density that reflects the existing residential character or intended future character of the zone").
669. The Reporting Officer commented that *Ms Young's* requests sought restricted discretionary activity status for development on any sized site within a "no DCC reticulated wastewater mapped area", however her reasoning sought that it be the same as for serviced areas, which is a permitted activity (s42A Report, Section 5.7.1.1, p. 157). The Reporting Officer agreed with *Ms Young's* view that the building consent process will consider whether there is adequate land available to provide for on-site waste water systems, and therefore considered requiring resource consent did impose additional and unnecessary requirements for landowners.
670. The Reporting Officer noted that the maximum development potential only applies to sites where a Family Flat, or more than one residential unit on a site was proposed, so for most residential activity without a Family Flat there is no limit on the number of habitable rooms. A restriction on development where more than one residential unit (i.e. primary residential unit and a Family Flat, or two residential units) occurs on a site, there are additional requirements for on-site wastewater systems. Limiting development potential at this time ensures adequate on-site wastewater systems are available to service both dwellings. The Reporting Officer did not consider it necessary to change these provisions and considered that the amendments proposed achieve what the submitter is seeking.
671. The Reporting Officer recommended deleting Rule 15.5.2.7.d. and amending Rule 15.5.2.1.a (new rule number 15.5.2.1.k.i.1) to remove the reference to the mapped area, thereby making the construction of a single residential unit on a site of any size a permitted activity.

#### 4.15.4.2 Decision and reasons

672. We accept, in part, the submissions by *Ms Young* (OS542.2 and OS542.3) and agree with the relief recommended by the Reporting Officer to delete Rule 15.5.2.7.d and amend Rule 15.5.2.1.a to allow development on a site of any size in both reticulated and non-reticulated residential zones. As this recommendation deletes the part of the rule that the DCC submission related to, we therefore reject the submission by the DCC (OS360.221). The amendments to Rule 15.5.2 are shown in Appendix 1 attributed to Res 542.2 and 542.3.
673. We make consequential amendments to Rule 15.9.3 to delete 'Residential activity on an existing site not in a **no DCC reticulated wastewater mapped area**', attributed to Res 542.2 and 542.3. We also delete the equivalent Rule 9.4.3.4 (the guidance on assessment that sits in the Public Health and Safety section).

#### 4.15.5 Rule 15.5.2.2.b Calculation of minimum site size excludes access legs

674. Rule 15.5.2. (Density performance standard) states:
- "2. For the purposes of this standard: ... b. the calculation of minimum site area excludes access legs provided for rear sites".
675. *Mr Ovens* (OS740.3) sought that Rule 15.5.2.2.b be removed. In his view, the area of any access strip or access leg should be included in the density calculations because any access strip or leg is open and contributes to the clear/open space of any area in a positive way. Several further submitters supported *Mr Ovens's* submission for the reasons given in the original submission.

676. The Reporting Officer considered that because access legs need to be available for vehicle access use, they did not provide spaces that can be used for other purposes (such as outdoor living) and, therefore, did not contribute to the required area needed for outdoor amenity (s42A Report, Section 5.7.1.4, p.167). She noted that rules in the operative District Plan also exclude the access leg from the calculation of minimum site size, so she did not consider the 2GP rules were introducing a new restriction on landowners and did not recommend any change to the provisions.
677. At the hearing, *Mr Owens* argued that although access strips can't be used for outdoor amenity they can have positive attributes and increase amenity for neighbours by having separation. He considered rear sites have more space available as they don't have a front yard setback. He considered it was not any different from a front site with a driveway which is included in the minimum site size calculations.

#### 4.15.5.1 Decision and reasons

678. We reject the submission by *Mr Owens* (OS740.3) to include access legs in the minimum site area calculation. While we partially agree with the submitter that there may be a small amount of benefit achieved in terms of open space, accessways cannot be used for outdoor living, or planted, as outlined by the Reporting Officer. We note as well that resource consent can be sought for proposed undersized lots and any special circumstances related to the access legs or site can be considered through that process.

#### 4.15.6 Township and Settlement Zone at Harrington Point

679. *Te Rauone Incorporation* (OS1085.2) requested the minimum site area for a residential unit performance standard (Rule 15.5.2.A.j.i) for the properties at 942–1019 Harrington Point Rd, Harrington Point be amended to reflect the established site areas and dimensions. The site includes some 50 leasehold sites.
680. The submitter stated that existing sites in this area are generally smaller than 1,000m<sup>2</sup>. Therefore, residential activity on these sites would need to rely on existing use rights if the minimum site size remained at 1,000m<sup>2</sup>. The submitter considered that amending the minimum site size to reflect existing site sizes would avoid reliance on existing use rights, providing stability both to lessor and lessee tenure rights, and to established infrastructure. In the submitter's view, reliance on existing use rights can create impediments to altering existing dwelling footprints and infrastructure (such as waste water disposal), which would invoke a land use consent requirement to validate any building consents required from the DCC. Given the historic nature of settlement in this area, the submitter saw this as unnecessarily restrictive in the circumstances of a functioning community.
681. The Reporting Officer indicated that the minimum site size for a residential unit is set at 1,000m<sup>2</sup> in the Township and Settlement Zone (within the "no DCC reticulated wastewater mapped area") to ensure that there is adequate room to manage on-site wastewater disposal systems (s42A Report, Section 5.7.2.8, p.195). The property owned by *Te Rauone Incorporation* is held in one site, and individual dwellings and associated gardens are not subdivided as separate sites. Therefore, the density standard is calculated for the site as a whole; to meet the standard, the total area of the site must be equal to the number of residential units on the site, multiplied by the minimum site size. This allows for shared on-site wastewater disposal infrastructure, as well as shared amenity areas.
682. The Reporting Officer noted that the 2GP already makes allowances for papakāika development. Rule 15.5.2.7.a specifies that "papakāika that contravenes the performance standards for density is a restricted discretionary activity". Under this rule, resource consent is needed for any development that does not meet density standards. However, provided that either there is adequate room available for on-site disposal or other shared community infrastructure is available to service the dwelling(s), resource consent would likely be granted. The Reporting Officer did not consider that reducing the minimum site area for a residential unit was appropriate, as

it would not allow for consideration of the adequacy of the land area for sewage disposal.

683. No evidence was presented at the hearing.

#### 4.15.6.1 Decision and reason

684. We reject the submission by *Te Rauone Incorporation* (OS1085.2) to amend the density provisions for the reasons outlined by the Reporting Officer.

### 4.16 Minimum Site Size for subdivision and Minimum Site/Area per residential unit (Density Performance Standard)

#### 4.16.1 Large Lot Residential 2 and Township and Settlement Zones at Doctors Point

685. The Doctors Point area is zoned Rural Coastal at the northern extent, Large Lot Residential through an area with larger site sizes and Township and Settlement in an area of where smaller sites are more common. The Township and Settlement Zone was also applied at Opeke, a large historic estate currently owned by *Willowridge Developments Limited*.

686. *Louise Borrie* (OS787.3), *Phil and Jillian Borrie* (OS129.5), *Gerald Fitzgerald* (OS233.5 and OS233.6), *Stephanie McConnon* (OS415.4), *Benedict Stewart* (OS678.4), *Diana Struthers* (OS745.3 and OS745.8), *Jeanette Trotman* (OS963.6), *Clive Trotman* (OS970.6 and OS970.7), *Catherine Fitzgerald* (OS983.6 and OS983.5), *Hilary Newby* (OS220.5 and OS220.6), *Murray Johnston* (OS273.3), *Benedict Stewart* (OS678.7), *Jeanette Trotman* (OS963.7), sought amendment to Density performance standard (Rule 15.5.2.A.h.i – minimum site area for residential unit) and/or Subdivision performance standard (Rule 15.7.4.1.g – minimum site size for the Large Lot Residential 2 Zone) from 3,500m<sup>2</sup> to 4,000m<sup>2</sup>. Several of these submissions specifically requested the change for the Doctors Point area, and although others referred to the zone generally based on the wider content of their submissions, it appeared that their concerns were primarily also related to the Doctors Point area.

687. These submitters considered that the reduced minimum site area proposed for the Large Lot Residential Zone was unsupported by any reasons in any of the material published in connection with 2GP. In their view, the very reason for the zoning of Large Lot Residential 2 is undermined by the reduction. Submitters were concerned about the area being unsupported by reticulated wastewater and needing wastewater to be contained on site, as well as amenity being impacted by the potential density of development.

688. *Hilary Newby* (OS220.7 and OS220.8), *Gerald Fitzgerald* (OS233.7 and OS233.8), *Jeanette Trotman* (OS963.8 and OS963.9), *Clive Trotman* (OS970.8 and OS970.9), *Catherine Fitzgerald* (OS983.7 and OS983.8), *Stephanie McConnon* (OS415.3), *Benedict Stewart* (OS678.3) and *Diana Struthers* (OS745.2 and OS745.5) also requested that the Density performance standard for the Township and Settlement Zone (within the “no DCC reticulated wastewater mapped area”) (Rule 15.5.2.A.j.i) be reduced from 1 unit per 1,000m<sup>2</sup> to 1 unit per 10,000m<sup>2</sup>, and that the corresponding change to the minimum site size (Rule 15.7.4.1.i) for subdivision from 1,000m<sup>2</sup> to 10,000m<sup>2</sup> also be made. These submissions were opposed by *Willowridge Developments Limited*.

689. These submitters request this change because, in their view, where a Township and Settlement Zone is unsupported by reticulated wastewater a precautionary approach should be adopted, so that any more intensive development is the subject of case by case scrutiny to mitigate any effects of development. These submitters were

particularly concerned about development at Opeke and the potential amenity and environmental effects they considered could result.

690. The Reporting Officer noted that in the Large Lot Residential 2 Zone at Doctors Point, there are only two sites that were of a size that would allow them to be subdivided further under the proposed 3,500m<sup>2</sup> minimum site size (i.e. they are larger than 7,000m<sup>2</sup>) (s42A Report, Section 5.7.2.6, p. 186). These sites are both larger than 8,000m<sup>2</sup>, so they would be subdividable regardless of whether the minimum site size was 3,500m<sup>2</sup> or 4,000m<sup>2</sup>. As a result, reducing the minimum site size from 4,000m<sup>2</sup> to 3,500m<sup>2</sup> would not create any risk of increased development or pressure on services.
691. The Reporting Officer considered that generally across the whole Large Lot Residential Zone, the minimum site size proposed in the 2GP is adequate to allow for on-site sewage disposal systems and the protection of amenity. She noted that the minimum site size was reduced to reflect the range of areas included in this zone, and considered it was unlikely to provide opportunities for significantly more development across this zone.
692. The Reporting Officer noted that the submissions requesting an increase in the minimum site size in the Township and Settlement Zone from 1,000m<sup>2</sup> to 10,000m<sup>2</sup> (i.e. one hectare) would result in a minimum site size ten times larger than is currently required (s42A Report, Section 5.7.2.8, p.194). She felt this would be impractical and compromise the viability and function of this zone and would be an inefficient use of land as a residential zone. In her opinion, at this requested density most existing sites could no longer be developed, and subdivision would become a non-complying activity. She also said the requested density would not reflect Policy 15.2.4.2 which states: "Require residential activity to be at a density that reflects the existing residential character or intended future character of the zone".
693. At the hearing, both *Mr Fitzgerald* and *Mr Johnston* confirmed the concerns raised in their submissions were only relevant to Opeke not the zone generally, and that if Opeke remained zoned rural then their submissions would have been addressed. They were concerned that if this area was zoned Large Lot Residential 2, more development would be provided for under a minimum site size of 3,500m<sup>2</sup> than 4,000m<sup>2</sup>, and there would be amenity and environmental effects. The remainder of their evidence outlined their concerns about the potential residential zoning of the Opeke area.

#### 4.16.1.1 Decision and reasons

694. Firstly, we note that the primary issue raised by these submitters relates to the zoning of land at Opeke. This was considered at the Urban Land Supply Hearing (Part 2), and our decision on this matter was to not include this area in the Township and Settlement Zone but rather to zone the Opeke area as Rural Residential 2. This decision is included in the Urban Land Supply Decision.
695. As we feel that we have addressed the primary issues of concern, we reject the submissions by *Hilary Newby* (OS220.7 and OS220.8), *Gerald Fitzgerald* (OS233.7 and OS233.8), *Jeanette Trotman* (OS963.8 and OS963.9), *Clive Trotman* (OS970.8 and OS970.9), *Catherine Fitzgerald* (OS983.7 and OS983.8), *Stephanie McConnon* (OS415.3), *Benedict Stewart* (OS678.3) and *Diana Struthers* (OS745.2 and OS745.5) to amend the Density performance standard for the Township and Settlement Zone (within the "no DCC reticulated wastewater mapped area") (Rule 15.5.2.A.j.i) from 1 unit per 1,000m<sup>2</sup> to 1 unit per 10,000m<sup>2</sup> and the corresponding change to the minimum site size (Rule 15.7.4.1.i) for subdivision. Overall, we agree with the reasons outlined by the Reporting Officer for rejecting this request.
696. We reject the submissions by *Louise Borrie* (OS787.3), *Phil and Jillian Borrie* (OS129.5), *Gerald Fitzgerald* (OS233.5 and OS233.6), *Stephanie McConnon* (OS415.4), *Benedict Stewart* (OS678.4), *Diana Struthers* (OS745.3 and OS745.8), *Jeanette Trotman* (OS963.6), *Clive Trotman* (OS970.6 and OS970.7), and *Catherine Fitzgerald* (OS983.6 and OS983.5) *Hilary Newby* (OS220.5 and OS220.6), *Murray Johnston* (OS273.3) *Stephanie McConnon* (OS415.4), *Benedict Stewart* (OS678.7), and *Jeanette Trotman*

(OS963.7) to amend the Density performance standard (Rule 15.5.2.A.h.i – minimum site area for residential unit) and subdivision minimum site size performance standard for the Large Lot Residential 2 Zone to 4,000m<sup>2</sup> (Rule 15.7.4.1.i) for the reasons outlined by the Reporting Officer.

#### 4.16.2 Request to only have one Township and Settlement Zone

- 697. *Mr Gordon Tocher* (OS716.2) requested the deletion of the Township & Settlements Zone (“no DCC reticulated wastewater mapped area”) thereby making only one Township and Settlement Zone, which would have a minimum site size of 500m<sup>2</sup>.
- 698. He believed there are various modern small-scale wastewater disposal systems available that do not require the additional 500m<sup>2</sup> required by the Plan for un-serviced properties. He explained that his own traditional septic tank and field tile disposal system is about as large as any waste water disposal system required for a residential purpose and only takes up 84m<sup>2</sup>. Further, he stated that the evapo-transpiration systems take up even less space and are quite adaptable to different typographies and substrate types. He suggested indoor composting toilets are also an option that takes up no space outside a dwelling.
- 699. He noted that the maximum proposed building coverage limit for Township and Settlements Zone is 40%, so even on a 500m<sup>2</sup> section there is a minimum of 300m<sup>2</sup> available for a waste water system.
- 700. He considered it excessive to mandate a minimum section size given that no wastewater disposal system can be installed without DCC Drainage approval and suggested it should be at the consent stage where the suitability of the disposal system should be controlled. He believed the majority of the sections in the proposed Townships and Settlement Zone in Aramoana and Te Ngaru are less than 1,000m<sup>2</sup>. Many of these sections, he believed, have renewed their waste water disposal systems in recent years and have had no problem constructing systems to meet the approval of DCC drainage inspectors.
- 701. At the hearing *Mr Tocher* reiterated that he did not see a need to have two Township and Settlement Zones distinguished by reticulated and non-reticulated areas, as he did not consider 1,000m<sup>2</sup> was needed for modern waste disposal systems.

##### 4.16.2.1 Decision and reasons

- 702. We reject the submission by *Mr Tocher* (OS716.2) to the deletion of the Township & Settlements Zone (“no DCC reticulated wastewater mapped area”).
- 703. We note that this submission point was not responded to by the Reporting Officer in the s42A Report. However, we had some expert evidence at the Urban Land Supply Hearing related to the effectiveness of septic tanks in relation to the zoning at Opeke, which discussed the potential effects on water bodies in situations where septic tanks were not effective (probably due to a combination of age/design, poor maintenance, and difficult soil conditions) (Statement of Evidence of Mr Marc Schallenberg, an aquatic scientist, called by *Mr Gerald Fitzgerald* (OS233.1) and *The Waitati Beach Society Inc* (OS1041.1), paras 23–24).
- 704. We also had some information and a report tabled by *Jason Hewlett* (OS109) in respect of a subdivision proposal in Bradford, Dunedin. This information related to the effectiveness of wastewater units provided by a company called Innoflow; as well as a report on the effectiveness of several other wastewater units. We have had to consider how much weight to give to this report because the author was not present to explain it and answer questions, but we note the study’s conclusions on the effectiveness of wastewater units highlighted the variability of these units, although it did conclude that the Innoflow unit was the highest performing unit. We accept that modern package plant on-site effluent treatment and disposal systems can be effective, but this depends on factors such as design, maintenance and soil types. This evidence leads us to conclude that a cautious approach should be taken in terms of minimum site size to

support effective effluent disposal, as some areas like Doctors Point demonstrate that if effluent systems fail they can have significant adverse effects.

## 4.17 Rule 15.5.12 Outdoor Living Space performance standard

### 4.17.1 Request to retain operative District Plan provisions

- 705. *Mr Barry Smaill* (OS167.4) opposed the requirements for minimum outdoor living space per residential unit as set out in Rule 15.5.12.1 and requested the retention of the operative District Plan requirements of 35m<sup>2</sup> of outdoor living space per residential unit. He believed the proposed 2GP rule imposes additional requirements of space.
- 706. The Reporting Officer explained that the 2GP has reduced the amount of space required (for residential units with three or less rooms) by basing the amount of outdoor living space required on the number of habitable rooms, rather than requiring the same amount for all residential units (s42A Report, Section 5.7.5, p. 203). The proposed rules add additional requirements for outdoor living spaces to: not be on the south side of the dwelling, be relatively flat, have minimum dimensions, and be accessible from the principal living area. There is also a new requirement ensuring that one area provided is no smaller than 15m<sup>2</sup>, which applies to ground level spaces. The Operative Plan requires a set amount of outdoor space capable of containing a specified size circle and only requires accessibility from a living room just in one higher density zone. The s42A Report explains that changes were made to ensure the quality of outdoor living spaces.
- 707. She considered that while the amount of physical space provided was important, how that space can be used was equally important. Where the space is provided on the southern aspect of the house, is on steep land, or is dispersed around the perimeter of the house and is not one designated area, then the usability and ability to enjoy that space is severely compromised.
- 708. *Mr Smaill* believed outdoor living space were not necessary particularly on sites where people are living short term while studying, particularly when there are plenty of parks and reserves in close proximity.

#### 4.17.1.1 Decision and reasons

- 709. We reject the submission by *Mr Smaill* (OS167.4) to retain the operative District Plan provisions for the reason outlined by the Reporting Officer.

### 4.17.2 Request for amendments to dimensions of outdoor living space

- 710. *Mr Clifford Seque* (OS449.2) and *Mr Michael Ovens* (OS740.10) sought to reduce the minimum dimension of upper level decks/balconies from 1.8m to 1.2m (Rule 15.5.12.6.e). *Mr Seque* believed a deck with a minimum dimension of 1.2m gives a usable space. *Mr Ovens* suggested the 1.8m dimensions proposed could be difficult to achieve and may not suit the character of the area if the deck or balcony was too deep.
- 711. Several further submitters supported the submissions for the reasons outlined in the original submissions.
- 712. The Reporting Officer provided a comparison with the dimensions required in other district plans, which in several districts had wider requirements (s42A Report, Section 5.7.5, p.203). She also outlined the requirements of the *New Zealand Building Code* which requires accessible routes for people with disabilities to have a minimum width of 1200mm. She explained that the minimum area for an outdoor living space is not intended simply for access and that the *Planning and Design Data Metric Handbook* shows a minimum depth of 1.4 meters is needed for people in wheelchairs to turn around. She did not believe that a minimum dimension of 1.2m was sufficient for the purposes the space is required for and noted that resource consent could be sought if there were amenity reasons for a reduced width.

713. *Mr Owens* spoke to his submission at the hearing. He provided photos of large balconies to illustrate his point that if balconies are too wide they can be ugly and destroy the character of the environment. He also provided photos of 'Juliet' balconies and suggested having zero width decks (barriers only) with sliding doors that can let in light and fresh air, and shared amenity space elsewhere, would produce better outcomes and contribute to amenity. He believed smaller dimensions better relates to Dunedin's buildings character and proportions. He suggested differentiation could be made between a deck, balcony, terrace, and roof terrace, and that open space at an elevated position should be given more weighting than a ground level area, therefore a smaller space would be appropriate.
714. In her revised recommendations, the Reporting Officer suggested amending the assessment matters for outdoor living space where a performance standard is contravened (Rule 15.9.3.10) to include a potential circumstance that may support an application where Juliet balconies are offered, along with shared space, as an alternative to the requirements specified in the rules (Rule 15.5.12). The recommended addition was:

Potential circumstances that may support a consent application include:

Juliet balconies (balconies less than the width required by the rule, including zero depth) with glass doors that can be opened to create an opening greater than 1m wide and allow direct sunlight into the principal living area, may be acceptable if alternate shared outdoor living space is available and easily accessed and it is more compatible with the design of the dwelling than alternative balcony forms.

#### 4.17.2.1 Decision and reasons

715. We accept in part the submissions by *Mr Owens* (OS740.10), *Mr Seque* (OS449.2), and further submitters, and agree with the relief recommended by the Reporting Officer to add a matter of assessment to guide consideration of when the alternative of a Juliet balcony with shared ground level space may be appropriate. The amendments to Rule 15.9.3.10 are shown in Appendix 1 and attributed to Res 740.10.
716. In considering this matter, we also determined that the provisions as drafted were hard to follow and need to clarify that outdoor living spaces do not have to be for the exclusive use of one residential unit in multi-unit situations – they can be shared space accessible from every unit with no dividing fences. We have made minor amendments to the layout of the rule under clause 16 of the First Schedule to the RMA. The amendments to Rule 15.5.12 are shown in Appendix 1.

## 4.18 Rule 15.6.1 Building Length

### 4.18.1 Request for exemptions

717. The *New Zealand Fire Service Commission (NZFC)* (OS945.32) requested that the building length rule (Rule 15.6.1) be amended to specifically exclude fire stations. *NZFC* note that the purpose of this rule is to visually integrate buildings into the surrounding neighbourhood, and that fire stations have specific operational requirements which influence design, including the length of the buildings. In *NZFC's* view, restrictions such as those included within this rule compromise the ability of the *NZFS* to establish fully functioning fire stations.
718. The Reporting Officer noted that, under Rule 15.3.3.24 of the 2GP, incorporating the amendment to this rule recommended in the Emergency Services and Defence Facilities Section 42A Report fire stations would be a restricted discretionary activity in residential zones (Emergency Services and Defence Facilities Section 42A Report, p. 14). Given that a resource consent requirement already applies to the activity, she did not consider it necessary to amend Rule 15.6.1 as requested. Instead, she recommended that an



assessment rule be added to Rule 15.9.4.3, to ensure that the operational requirements of a fire station are considered where a proposal breaches Rule 15.6.1.

#### 4.18.1.1 Decision and reasons

719. We accept in part the submission by *NZFC's* (OS945.32) and the relief suggested by the Reporting Officer to amend the assessment of performance standard contraventions for building length (Rule 15.9.4.3) to include potential circumstances that may support a consent application for emergency services where there is an operational requirement for a building length that contravenes the standard. The amendment to Rule 15.9.4.3 is shown in Appendix 1 attributed to Res 945.32.

#### 4.18.2 Request to delete or modify rules

720. *Mr Michael Owens* (OS740.9) requested that the building length rule (Rule 15.6.1) be removed, or alternatively, that it be amended to add modulation devices to mitigate the perceived problem. He considered that the rule is unnecessary as building modulations and scale can overcome any negative effects of a long building facing the street. In his view, a long building is not necessarily a bad thing if it is designed well.
721. *Ms Emily McKewan* (OS172.2) also sought that Rule 15.6.1 be removed. She considered that there are other adequate performance standards within the 2GP to control the scale of residential development. In her view, the maximum building length rule unnecessarily complicates the process of building or altering/adding to a home without adding any significant benefit to achieving the objectives of the 2GP.
722. The Reporting Officer agreed with *Mr Owens* that a long building may be ok if well designed. This was why the 2GP allows individual designs to be considered on their merits, rather than specifying arbitrary modulation requirements, as this, in her view, encourages better design outcomes (s42A Report, Section 5.8.2, p. 211). She noted that where buildings exceed the length specified in Rule 15.6.1, resource consent is required, and consideration of modulation or other design features is provided for in the assessment criteria in Rule 15.9.4.3 as potential circumstances that may support a consent application.
723. She noted that the majority of standard residential buildings in Dunedin fall well below the maximum length specified in Rule 15.6.1. She explained that this rule is important to capture large buildings, which are out of scale with standard residential development, such as supported living facilities or buildings for non-residential activities. She believed that it is necessary to manage effects of these large buildings to ensure residential amenity is maintained. She considered requiring resource consent for these large buildings allows effects to be mitigated or designs reconsidered to avoid adverse effects.
724. *Mr Owens* believed the 2GP shouldn't have building length rules and suggested including rules for modulation. He suggested modulation requirements would need to be relevant to usable chunks of a dwelling, such as room size. He considered the proposed rules may limit the ability to construct terraced housing.
725. We sought further information from the Reporting Officer on how Rule 15.6.1 addressed modulation and whether a building wall that has step-ins or is stepped-back, meets the rule. Information was provided by the Reporting Officer in a memorandum (*Residential follow up questions from the Panel for the Reporting Officer*, 3 March 2017).
726. The Reporting Officer explained that in the 2GP, total building length was considered irrespective of whether modulation is proposed. Modulation from the outset does not eliminate the need for rule compliance and the need for resource consent. The effectiveness of any modulation or any other mitigation, and the effects of the building length, are assessed with resource consent.
727. She noted that when drafting the 2GP, rules in other councils' district plans were evaluated and advice on different options for management of building length was provided by Mark Garden (Architect) and Peter Christos (DCC Urban Designer). She

considered it better to allow for case-by-case mitigation for proposed long buildings using assessment criteria, rather than requiring arbitrary modulation that may not address the effects or requiring complex rules about building length and setbacks (as some councils have). She considered the assessment rule (Rule 15.9.4.3) allows for modulation as a form of mitigation where the length of the building exceeds that specified in the performance standard. Case-by-case assessment through the resource consent process allows for consideration of site specific characteristics, including landscaping, building design, effects on neighbours or streetscape, and mitigation appropriate to manage effects or achieve good design outcomes.

#### 4.18.2.1 Decision and reasons

728. We accept in part the submissions by *Ms McKewan* (OS172.2) and *Mr Owens* (OS740.9), who sought the rule be removed or be more lenient, for example by requiring modulation for walls over 20m.
729. Overall, we accepted the evidence of the Reporting Officer that buildings with a dimension over 20m were out of proportion for typical buildings in the Dunedin context and, therefore, could have an adverse effect on residential amenity and character. We note that *Mr Wyber* in his verbal submission to us at this hearing about how and whether to provide for increased density expressed concerns about the negative visual effects from the number of poorly designed 'sausage flats' that had been built in Dunedin. Therefore, we rejected the idea of removing this standard. However, we felt it could be made more targeted and more efficient by:
- a. Allowing for buildings with larger modulations (over 1m in depth) and
  - b. Providing an exception for buildings that are not visible from a public place.
730. In addition, in the course of examining this rule we also considered improvements could be made to the clarity of the rule to improve its administration, therefore, under clause 16 we also amended the wording of the rule and added a figure to illustrate the rule. We note that as part of this we removed reference to boundaries 'with a road or a residential zoned property' as we considered this only made the rule confusing in that there would be few, if any, situations of 'island zoning' where two opposite site boundaries did not border a site/s with residential zoning or were not a road boundary. Instead we felt the change to exempting buildings that were not visible from a public place more accurately reflected what was intended here in terms of considering effects on neighbourhood amenity and character.
731. The amendments to Rule 15.6.1 are shown in Appendix 1 attributed to Res 740.9.

### 4.19 Rule 15.6.7 Height Performance standards – General submissions

732. *Mr Richard Oliver* (OS480.1) requested that the height performance standard (Rule 15.6.7) is reviewed as he considered that these rules could be improved.
733. *Mr John Campbell* (OS495.9) and *Ms Elizabeth Kerr* (OS743.12) also requested Rule 15.6.7 was reviewed. Their primary concerns were that intensification or infill development may adversely impact on heritage values, character, and amenity of areas.
734. *Mr Michael Doherty* (OS695.3) supported the rule as notified.
735. The Reporting Officer explained that the decisions on height and height in relation to boundary rules, including where they were applied, were informed by expert input from Mark Garden (consultant Architect) (s42A Report, Section 5.8.4, p.231).

#### 4.19.1 Decision and reasons

736. We accept in part the submissions from *Mr Oliver* (OS480.1), *Mr Campbell* (OS495.9) and *Ms Kerr* (OS743.12) in so far as we have made amendments in response to other submissions on the height in relation to boundary performance standards. We also note decisions we have made in response to other submissions that result in greater protection of amenity and character in zones where intensification and infill development is provided for (see sections 3.2.13.1 above). We consider these amendments may go some way to alleviating some of the submitters' concerns.

### 4.20 Rule 15.6.7.1 Height in Relation to Boundary

#### 4.20.1 Request to prevent overshadowing of roof-mounted solar panels

737. *Mr Wyber* (OS394.65 and OS394.66) sought restrictions on new buildings and the growth of trees over time to prevent overshadowing of neighbouring properties to ensure the protection of sunlight access to neighbours' roof mounted solar panels.
738. The Reporting Officer did not support this submission as she considered it was impractical and difficult to enforce such a provision (s42A Report, Section 5.8.5, p. 239). The Reporting Officer suggested it would be far more effective and efficient to instead appropriately locate roof mounted solar panels away from where trees are (or are likely to be) planted, and for neighbours to privately negotiate the removal or trimming of any trees which inappropriately shade adjoining solar panels.
739. In his evidence, *Mr Wyber* argued that he considered it appropriate to include provisions even though controlling the height of a neighbouring tree would be difficult. He suggested that provisions could be included with some legal assistance.
740. At the Network Utilities Hearing *Mr Wyber* provided articles discussing:
- that in America some places have rules which prevent people building structures or planting trees that might overshadow properties
  - how site design can facilitate trees and solar panels, and how rules could be placed over a street to restrict planting in certain locations depending on the orientation of the street and sun angles
  - how shading adversely affects the output of solar panels
  - utilities and energy provisions contained in the Christchurch City Council District Plan

##### 4.20.1.1 Decision and reasons

741. We reject the submissions by *Mr Wyber* (OS394.65 and OS394.66) to restrict the height of new buildings and the growth of trees to ensure the protection of sunlight access to neighbouring roof mounted solar panels as we agree that the approach would be onerous and administratively difficult to monitor.
742. We consider that the Plan's height in relation to boundary rules will generally be effective in managing building over-shadowing. In respect of trees, it appears to be quite difficult to devise a rule that could 'second guess' where solar panels might be placed on existing or future dwellings on nearby properties, and an arbitrary rule would conflict with objectives and policies promoting residential amenity.

#### 4.20.2 Requests for changes in the height in relation to boundary provision

##### 4.20.2.1 Submissions

743. A large number of submissions were received on the height in relation to boundary provisions, providing contrary views on whether the 2GP rules were tougher, or more

lenient, than the operative District Plan provisions. Some submitters sought reversion to the operative District Plan provisions, others suggested various amendments to the proposed provisions.

744. *Ms Camilla Cox* (OS482.1), *Taylorred Spaces Ltd* (OS604.1), *Dwelling Architectural Design* (OS721.2), *Mr Barry Smaill* (OS167.2) and *Mr John Fielding* (OS90.1) sought reversion to the operative District Plan rules.
745. *Ms Cox* believed the height in relation to boundary rule will effectively negate any effort to allow for denser residential zones and will significantly limit the ability of owners of small sections to do anything with their houses as the rules will restrict redevelopment
746. *Taylorred Spaces Ltd*, *Dwelling Architectural Design* and *Mr Smaill* considered some properties comply with the operative District Plan rules but would not comply with the proposed 2GP rule.
747. *Taylorred Spaces Ltd*, *Dwelling Architectural Design*, and *Mr Fielding* suggested that on smaller and/or sloping sections it would be difficult to build a two storey house complying with the proposed rules, which will restrict infill development.
748. *Mr Bram Evans* (OS406.2), *Mr Wyber* (OS394.50), and *Mr O'Neill* (OS403.5) suggested lowering the proposed height plane at the boundary to 2m or 2.5m (depending on submitter and zone) above ground level. They raised concerns that there are instances in which the proposed height in relation to boundary provisions allows more shading than the operative District Plan rule. They thought this change would better maximise the potential for sunlight admission to neighbouring properties in winter. *Mr Ovens* (OS740.21 and OS740.20), *NZ Institute of Surveyors – Coastal Otago Branch (NZIS)* (OS490.21), *Dunedin Residential Development Ltd* (OS546.1), *Dwelling Architectural Design* (OS72.2), *Smada Projects Design* (OS846.1), *Ms Dalloway* (OS676.7) and several further submitters considered that the height in relation to boundary standards were too limiting. They said compared to the operative provisions once over 5.1m in height the 45° line tends to truncate roof lines.
749. *Ms Dalloway* considered that in the ICR, the proposed height in relation to boundary provisions for heritage precincts were not consistent with preserving its street amenity values and character features. *Ms Dalloway* and *Mr Ovens* believed that provisions should mimic the existing buildings, which are very tall and are built in close proximity to each other, and that development should better reflect historical/existing aspects especially in a Victorian context which have a more vertical aspect to their appearance.
750. *NZIS* and *Dunedin Residential Development Ltd* considered there was inadequate consideration of existing site width, sloping sites, and dwelling location when drafting provisions and a lack of testing of the recommendations to real life examples. They stated that on a sloping site it will be very difficult to have a one storey property fit into the height plane angle let alone two or three stories like the existing surrounding historic buildings. Therefore, on steep sites it would be impossible to extend existing dwellings or construct new ones.
751. *NZIS* and *Dunedin Residential Development Ltd* stated that the rules are in conflict with objectives and policies to provide for high on-site amenity, increased density within suburbs close to the city centre, and to encourage and facilitate redevelopment and infill development on existing sites to maintain a compact city.
752. *NZIS* and *Ms Dalloway* suggested that the ICR (or parts of it) should have a plane of 45° commencing at 6 or 6.5m above ground level at the boundary, or alternatively *Ms Dalloway* suggested allowing this on sites with an average gradient of 1 in 4 if not on all sites, while the *NZIS* also suggested a plane of 72° commencing at 3m above ground level as an alternative.
753. *Mr Ovens*, *Ms Dalloway*, and several further submitters, suggested Rule 15.6.7.1.a.iii.1, which allows an exception for new buildings and additions or alterations to buildings, within 13m of the road boundary in the Inner City Residential Zone, should not be limited to only properties that are within 13m of the road frontage. They also suggested increasing this from 13m to 16m to allow for possible bathrooms and to ensure that

any new additions or alterations can match in with the existing heritage buildings surrounding it or applying it to all of a site and sites not on the road frontage, i.e. rear sites.

754. *Smada Projects Design* suggested a height plane starting at 2.5m and rising at a 50° angle in the GR2.

#### 4.20.2.2 Reporting Officer and expert advice

755. The Reporting Officer relied on the expert evidence of Mr Garden (registered architect called by the Council) and both considered that a balanced approach was required in the consideration of the appropriate height in relation to boundary performance standards. She considered allowing for further development and redevelopment to be important, although equally important is maintaining amenity values (including daylight and sunlight penetration) to neighbouring properties (s42A Report, Section 5.8.5, p. 240).
756. Mr Garden's evidence (*Residential Rules – Height Plan Angles*, September 2016) agreed with *Mr Owen's* suggestion of extending from 13m to 16m the extent of the 6.5 m plus 45° recession plane. In Mr Garden's opinion the proposed 2GP rule of 6.5 metres plus 45° for the front 13m of sites is a good way of allowing for intensification of the area. He considered the provision of 3m and 45° further back on the site provided a concession to amenity values, to ensure sunlight and amenity is preserved to some extent.
757. Mr Garden did not support the *NZIS* proposal to extend the 6.5m and 45° for the full extent of the site, considering it did not adequately protect amenity. Mr Garden advised that the 3m and 72° scenario suggested by the *NZIS* offered more development potential as it would afford better use of the 12m height limit in the Inner City Residential Zone. However, he did not favour this proposal as he felt it could lead to over-development on narrow sites where the existing texture and scale of development tends to be more small scale.
758. Mr Garden indicated that on sloping sections, it is appropriate and desirable to have more flexible rules to reflect specific site peculiarities.
759. Mr Garden expressed the view that in regard to GR1 the proposed 2GP rule of 2.5m plus 45° allows reasonable development on wider sites, but he agreed with the view of some submitters that it presented impediments to development on narrow and/or sloped sites. Mr Garden suggested 55° recession planes should be considered although there would be the potential for negative effects on some neighbours. The two metre side yard requirement for this zone would keep buildings a reasonable distance from each other but he noted that a two-storied development could be built adjacent to the side yard.
760. Mr Garden considered there were pros and cons and was of the opinion that on a site with a more than 6° slope it may be appropriate to allow a 55° recession plane due to the difficulty of achieving complying developments. Similarly, in the situation with a narrow site (less than 15 metres wide) a steeper recession height plane could be allowed. If a 2.5m and 55° option was selected the overall envelope for development is very similar to the existing 63° recession plane from ground.
761. The Reporting Officer agreed with the assessment provided by Mr Garden and the amendments recommended by Mr Garden as shown below in Table 6 (s42A Report, Section 5.8.5, p. 243):

**Table 6: Mr Mark Garden's suggested amendments in response to submissions**

Zone	Height in relation to boundary angle recommended change
General Residential 1	

	<ul style="list-style-type: none"> <li>• 55° from 2.5m origin for narrow (less than 15m wide) sites</li> <li>• 55° from 2.5m origin for sites with more than a 6 slope</li> <li>• Otherwise 45° from 2.5m origin</li> </ul>
General Residential 2	<ul style="list-style-type: none"> <li>• 55° from 3m origin for all sites</li> </ul>
Inner City Residential	<ul style="list-style-type: none"> <li>• 45° from an origin 6.5m high for front 16m of site</li> </ul>

762. The Reporting Officer considered that these changes would achieve, or partially achieve, the relief sought by most submitters and be an appropriate balance between allowing reasonable development to occur and protecting amenity value for owners and occupants of existing properties. She noted that from a practical perspective, 55° angles would be more difficult to determine than the angles proposed in the 2GP or operative District Plan.
763. She agreed, in principle, with the changes suggested by Mr Garden in making an exception for narrow (less than 15m) or sloping sites (average slope of 6° or more) in the General Residential 1 Zone to have a higher height in relation to boundary angle, however, she considered there needed to be some restrictions or specification in regard to site shape, i.e. it needed to be clear which part of the site should be measured in relation to building platform, and if there are parts of a site that are not sloping or narrow that could be built on, then the rule should not be applied to another part of the site.
764. The Reporting Officer did not support the relief sought by those submitters wanting reversion to the operative District Plan rules for the reasons outlined in the report titled *Height in Relation to Boundary – DCC Residential Development (Baker Garden Architects, June 2015)* and in the *Residential Section 32 Report*, which was notified as part of the 2GP. When evaluated, the existing provisions were less efficient at facilitating gabled roof shape and protecting access to sunlight (in the operative Plan Residential 4 Zone), therefore scoring lower than the options chosen when a comparison assessment was undertaken by Mr Garden. While the Reporting Officer did not agree with using the operative District Plan rules, she considered the amendments proposed in response to other submissions would alleviate much of the concern raised by the submitters as they would allow the increased development potential requested, similar to that provided by the operative District Plan rules.

#### 4.20.2.3 Hearing

765. *Mr O'Neill* argued for a maximum height limit in parts of the Inner City Residential Zones of two stories which he proposed as 6m plus a 6° angle downwards from the highest ground level of the building to the furthest point of the building plus a pitched roof to a maximum height of 2m. He did not want to see 12m buildings among 1–2 story houses. He considered people don't want three stories (9m) (except for student flats) and he saw them as uneconomic to provide lifts in and unsuitable for an aging population. He argued density should be increased via low level not high rise buildings, as he did not consider there is a need for the same height for new buildings as older ones to get the same number of stories. *Mr O'Neill* argued that 12m high buildings would create excessive shading, so this limit should not be introduced to an existing environment.
766. In response to questions about people from different demographics being drawn to the ICR and not all areas needing to be wheelchair accessible, *Mr O'Neill* argued that he considered the area unsuitable for medium density development as most of the ICR area was steep and there were not many buses running through the area.
767. *Mr O'Neill* raised concerns about the methodology used to evaluate the different options for height in relation to boundary provisions, and the conclusions reached which have resulted in rules he considered unsuitable for parts of the ICR. He considered planning is about ensuring congruity between existing and new development, so the 2GP shouldn't introduce increased height or change height in relation to boundary for ICR.

He suggested there is a need to rework these rules to get the balance right or keep these rules for some areas specified in his evidence.

768. The Reporting Officer considered that the alternative maximum height rule of allowing a height of 6m plus a 6° angle downwards from the highest ground level of the building to the furthest point of the building plus a pitched roof to a maximum height of 2m, suggested by *Mr O'Neill*, appeared to be a complicated approach to still achieve a height not significantly less than the minimum specified in the Plan.
769. *NZ Institute of Surveyors – Coastal Otago Branch (OS490.21)*, *Dunedin Residential Development Ltd (OS546.1)* and *Dwelling Architectural Design (OS72.2)* called Ms Maaike Duncan (surveyor), Mr Kurt Bowen (surveyor) and Mr Cameron Grindlay (architect) to present evidence at the hearing. They were pleased with a number of the recommendations in the s42A Report to amend the provisions to increase the proposed height in relation to boundary angles. They considered, however, the minimum width of sites to be treated as narrow sites, as proposed in the s42A Report, should be increased to reflect the standard historical width of sites, suggesting a width of 15.5m or 16m. They continued to be concerned that on narrow sites it would be difficult to achieve the maximum height permitted anywhere except in the middle of the sites.
770. Ms Duncan agreed with the changes proposed in the s42A Report to the rule in the ICR that provides for a greater bulk of building to be developed at the front of the site, however, she expressed concern that this rule did not apply to rear sites as well, and continued to be concerned that the height in relation to boundary rules were still restrictive on smaller or sloping sites.
771. Ms Duncan commented that the ICR is a large area to be covered by just one rule when there were different rules for different zones in the operative plan (R1, R3, and R4). She was concerned that the proposed rules will not be good for hilly areas and that there needs to be more flexible rules than just the proposed exceptions.
772. Mr Bowen suggested having a rule like that recommended for GR1 (i.e. having a different rule for narrow or sloping sites), or the height plane on the northern side of the property could steepen to allow more development on the smaller sites. He suggested this would be simpler than the dial approach (where the recession plane from boundaries varies with the orientation of that boundary) used by some councils and which was also raised through questions at the hearing and would avoid unreasonable shading on neighbours. In response to questions about the dial approach (which was considered during the drafting of the 2GP) Mr Bowen stated he was happy with the approach proposed in the 2GP, subject to some tweaking, but would also be happy if the dial approach was pursued, however he noted that in his view the dial approach was not perfect and was complicated.
773. In response to questions about conflicts between increasing density vs heritage, and whether rules are getting in the way of good design, Mr Grindlay stated that they have clients who want to achieve good quality design even if breaching rules. They prepare modelling to show neighbours that impacts are reduced. He indicated that gable roofs won't address concerns about shading and that shallow pitched roofs were better to maximise development and minimise shading on neighbours.
774. In response to questions about whether some developers may try to maximise development, resulting in poor outcomes, Mr Bowen indicated that they are not promoting rules that would make shading worse, rather they seek flexibility to take account of topography, so there won't be worse outcomes by trying to meet the rules. They want flexibility so the 2GP doesn't dictate design and would like to make sure that it allows for the development and achievement of its objectives and strategic directions.
775. *Mr Owens* argued that the 2GP needed to have rules that reflected the surrounding environment so that new builds were consistent with the bulk and character of existing buildings. He considered the operative height rules are easy to understand and visualise from 2D drawings.

776. *Mr Owens* considered there should be more design controls on buildings in front yards and preferred the revised recommendation of how to measure the height of these buildings than what was proposed in the notified 2GP.
777. *Mr Owens* outlined his concerns that the 2GP rules would restrict development on narrow sites and even on single storied dwellings with minimum side yards. He argued the maximum height of 12m would be impossible to achieve. He considered the rule allowing the height in relation to boundary angle to start 6.5m up was good as it allowed for development more consistent with the existing character and suggested that this rule should apply on the whole site and on rear sites, instead of just at the front of sites with street frontage. He considered that if rules are flexible they will allow design to take account of surroundings, be site dependent, and may not be shading neighbours. He argued they are too limiting at the moment especially on sloping sites.
778. In response to questions about the inclusion of assessment matters in the 2GP or design guides, *Mr Owens* indicated that requiring consent would achieve better design outcomes than trying to comply with rules. He suggested that developers like the flexibility of habitable rooms and multi units as there was more value and popularity in smaller dwellings than a large dwelling. He also argued that this allowed preservation of older houses as they could be divided into smaller units.
779. When questioned about the approach suggested by another submitter to have different height in relation to boundary angles on the north side of properties, *Mr Owens* indicated this would push dwellings to the south side of properties, therefore shading the north side of neighbouring sites, and this would only work if all properties were developed in this way, such as could happen in a new subdivision.
780. *Ms Dalloway* argued that more flexibility in the rules allows developers to make developments more viable and achieve better design. She suggested that developers won't do up old buildings if they can't get good returns, and the multi-unit/habitable room approach is good.
781. While in attendance at the hearing on behalf of the *University of Otago*, Mr Murray Brass (planner) was asked for his expert opinion as to whether the height in relation to boundary provisions were too simple and whether it might be better to allow more height if balanced with more open space. Mr Brass stated that a simple approach was good and that he considered the dial approach (suggested by us and considered by the Reporting Officer in the early stages of Plan drafting) was too complicated. Mr Brass supported more outdoor space and considered that front yards often get paved over and used for parking, and that it would be better not to have parking in front yards and instead have this area available for amenity and outdoor space.
782. The Reporting Officer, in her revised recommendations, suggested applying the recommended GR1 rule for sloping sites and narrow sites in the ICR Zone i.e. apply 55° angle 3m above boundary. She also recommended increasing the width of what are identified as "narrow sites" to 16m and adding additional provisions of how to apply the provisions to narrow sites.
783. At the hearing we requested that the Reporting Officer and the representatives from the NZIS work together to draft provisions for sloping and narrow sites that would determine where and how the 55° angle 3m above boundary, would apply. They have subsequently provided us with these drafted provisions.

#### 4.20.2.4 Decision and reasons

784. We reject the submissions from *Ms Cox* (OS482.1), *Taylorred Spaces Ltd* (OS604.1), *Dwelling Architectural Design* (OS721.2), *Mr Smaill* (OS167.2) and *Mr Fielding* (OS90.1) to revert to the operative District Plan rules.
785. We reject the submissions from *Mr Evans* (OS406.2), *Mr Wyber* (OS394.50), and *Mr O'Neill* (OS403.5) to lower the height above ground level at the boundary that the height plane is measured from.



786. We accept in part the submissions from *Mr Owens* (OS740.21 and OS740.20), *NZ Institute of Surveyors – Coastal Otago Branch (NZIS)* (OS490.21), *Dunedin Residential Development Ltd* (OS546.1), *Dwelling Architectural Design* (OS72.2), *Smada Projects Design* (OS846.1) and *Ms Dalloway* (OS676.7) to amend the height in relation to boundary provisions. We accept the recommendations of the reporting officer, which were based on the advice of Mr Garden.
787. Based on the evidence presented at the hearing, we make the following changes to provide relief to submitters:
- inclusion of a new rule in Rule 15.6.7.1.a, which allows development on steep or narrow sites in the GR1 and ICR to have a height in relation to boundary angle of 55° (see Amendment to Rule 15.6.7.1, attributed to submission point Res 546.1 and 490.21 in Appendix 1)
  - in the GR2, amend the height in relation to boundary plane to start at 3m above ground level and rise at an angle of 55° (see Amendment to Rule 15.6.7.1.a.i, attributed to submission point Res 740.21 in Appendix 1)
  - amend Rule 15.6.7.1.a.iv.1 to read 16m instead of 13m (see Amendment to Rule 15.6.7.1, attributed to submission point Res 740.20 in Appendix 1)
788. Other sections of the Plan have Height in Relation to Boundary performance standards, which require sites adjoining a residential zone to meet the performance standard for that residential zone, which is mirrored in the content of those rules. We consider it more appropriate for those sections to refer to the requirement to meet the rules of the adjoining residential zone, as outlined in Rule 15.6.7.1, rather than repeating the performance standard. We make this amendment to the following sections under clause 16 of the First Schedule to the RMA:
- Industrial Zone – Rule 19.6.6.1
  - Dunedin Botanic Garden – Rule 22.6.6.1
  - Moana Pool – Rule 28.6.6.1
  - Schools – Rule 31.6.5.1
  - Campus – Rule 34.6.7.1
  - Wakari Hospital – Rule 35.6.5.1
789. We note that similar changes have been made in the Commercial and Mixed Use Zone (Rule 18.6.6.1) and the Mercy Hospital Zone (Rule 27.6.6.1). The changes are outlined in those decisions in response to submissions considered in those hearings.
790. We have made consequential amendments to the figures in Rule 15.6.7.1 to reflect the decisions above. The changes to the figures in Appendix 1 are attributed to Res 740.21.
791. In considering these rules, we also note that we do not agree with Rule 15.6.7.1.a.iv.3 (which allows any part of a building built to a common wall, where the height and angle of the roofline are the same as the adjoining building, exemption from the height in relation to boundary rules) and consider it should be removed, or if not removed, the wording should be amended, or new assessment criteria added which ensure buildings will be symmetrical and meet 'height in relation to boundary' rules on other boundaries. We are concerned the rule will not work as intended and could lead to lopsided development. We acknowledge that there is no scope for these amendments and recommend that these changes be considered during any future reviews of these provisions. However, we have included a new diagram (Figure 15.6I: Roofline mirror image where shared wall) to demonstrate the mirror imaging as a clause 16 amendment to improve clarity.

#### **4.20.3 Request for deletion of rule allowing development to meet adjacent zone rule**

792. The Residential Section Height in Relation to Boundary performance standard (Rule 15.6.7.1) provides for an exemption from the standard as follows:

*"on boundaries adjacent to non residential zones, the height in relation to boundary of the adjacent zone applies;"*

793. *Mr Owens* (OS740.18) sought removal of Rule 15.6.7.1.a.iii.2 alongside the removal of Rule 18.6.17.2 that requires the residential zones height in relation to boundary standard to be complied with. He argued that the other zones (i.e. Industrial, and Commercial and Mixed Use) also have rules stating that the residential height in relation to boundary performance standards must be complied with for development on the boundary of those zones. His primary concern seemed to be about the mirroring of these rules and the unreasonableness of the rule in commercial and mixed use zones (18.6.17.2) that required the residential zones height in relation to boundary standard to be complied with.
794. The Reporting Officer explained that in the Commercial and Mixed Use Zone, Industrial Zones, and some major facility zones, there are height in relation to boundary controls (the same as in the residential zones) which apply where these zones adjoin a residential zoned site. She considered it was rather redundant and unnecessary to have this exception in the residential zones as it appeared to have no effect. She therefore, recommended it be removed (s42A Report, Section 5.8.5.1, p. 246).
795. At the hearing *Mr Owens* agreed with the Reporting Officer's recommendation to remove the rule from the residential provisions as he considered there should not be buffers between zones. He considered the height in relation to boundary rules for residential should apply, and Commercial and Mixed Use or Industrial Zones had their own rules which should apply and didn't want a rule allowing for different height in relation to boundary for other zones if they adjoin the Residential Zone. He considered the contrast is good.

#### 4.20.3.1 Decision and reasons

796. It appears to us that what the submitter was primarily requesting in relation to the residential zones rule was that height in relation to boundary rules that are designed to protect the amenity of adjoining residentially zoned sites are not appropriate for boundaries of zones where that same level of amenity (via protection from shading effects) is not being sought to be protected (e.g. the boundary of an industrial or commercial mixed use zone). We do not see how the recommended relief provided by the Reporting Officer addresses the issue raised (despite the submitter supporting it) as with its removal the height in relation to boundary standard still applies to all boundaries, even to those where the effect the rules is trying to manage is unlikely to occur (e.g. shading on neighbouring residential dwellings and their curtilage).
797. We accept in part the submission by *Mr Owens* (OS740.18) to remove Rule 15.6.7.1.a.iii.2 insofar as we agree that residential development should not be required to comply with the Height in Relation to Boundary performance standards of adjacent zones for the reasons outlined in the submission and by the Reporting Officer. We amend the provision to apply to side and rear boundaries that adjoin a site in a residential zone or Residential Transitional Overlay Zone rather than requiring buildings on boundaries with adjacent non-residential zones to comply with the height in relation to boundary rules for the adjacent zone.
798. To better achieve this, we have decided that Rule 15.6.7.1.a.iii.2 be amended as shown in Appendix 1 attributed to submitter reference Res 740.18.

#### 4.20.4 Request for allowing larger gable ends and dormers to protrude through the height in relation to boundary plan

799. *Mr Owens* (OS740.1) and several further submitters sought that Rule 15.6.7.1.a.iii.4 be amended to allow 2m gable ends and dormers to protrude through the height in relation to boundary plane. He considered a 1m protrusion was too small to be of any benefit once it is extrapolated down into the inside of a building and suggested that with

increased thermal efficiency requirements in the building code, the internal accommodation provided by the 1m rule becomes almost unusable.

- 800. Mr Mark Garden (architect for the DCC) considered the submissions and recommended an amendment to the gable ends and dormer provisions to allow them to protrude through the height in relation to boundary plane by a maximum of 2m.
- 801. The Reporting Officer recommended accepting this submission based on the advice provided by Mr Garden (s42A Report, Section 5.8.5, p. 247).
- 802. At the hearing *Mr Owens* agreed with the Reporting Officer's recommendation as he considered this would allow rooves to be turned in the opposite orientation which would cause less shading impacts.

#### 4.20.4.1 Decision and reasons

- 803. We accept the submission by *Mr Owens* (OS740.1) and amend Rule 15.6.7.1.a.iii.4 to allow 2m gable ends and dormers to protrude through the height in relation to boundary plane for the reasons outlined by the submitter and the evidence presented by Mr Garden. The amendment to Rule 15.6.7.1.a.iv.4 is shown in Appendix 1 attributed to Res 740.1.
- 804. There are consequential amendments to Figure 15.6.h to reflect the amendments to the rule.

#### 4.20.5 Request to require chimneys to meet the height in relation to boundary rules

- 805. *Ms June Diane Yeldon* (OS12.1) sought that Rule 15.6.7.1.a.iv be amended to not have chimneys (as part of rooftop structures) excluded from meeting height in relation to boundary provisions, due to concerns of potential health hazards and nuisance to neighbours of smoke emissions.
- 806. The Reporting Officer considered it appropriate to exclude chimneys from meeting the height in relation to boundaries performance standards as they were generally narrow structures and were unlikely to cause any shading on neighbouring sites (s42A Report, Section 5.8.5, p. 246).
- 807. No further evidence was provided at the hearing.

#### 4.20.5.1 Decision and reasons

- 808. We reject the submission by *Ms Yeldon* (OS12.1) seeking that Rule 15.6.7.1.a.iv be amended to not have chimneys (as part of rooftop structures) excluded from meeting height in relation to boundary provisions for the reasons outlined by the Reporting Officer.

#### 4.20.6 Height in relation to boundary figures

- 809. The *DCC* (OS360.251), *Mr Wyber* (OS394.51) and *Mr Owens* (OS740.19) sought improvements to the height in relation to boundary figures to improve clarity, reflect accurate side boundary setbacks, and show separate diagrams for different zones where appropriate. *Mr Owens* (OS740.19) was concerned that the height plane angle/set back diagram is misleading as it shows a huge side yard setback which is not normally the case.
- 810. The Reporting Officer acknowledged the figures could be improved and the suggestions made should be incorporated into the new figures (if the recommended amendments to the height in relation to boundary rules were accepted or to implement these submissions) (s42A Report, Section 5.8.5.2).

811. The Reporting Officer noted that in addition, a consequential amendment to Figure 15.6H: Gable ends and dormers protruding through height plane, is required to give effect to the 2m exception for gable ends and dormers proposed by *Mr Owens* (OS740.1).

#### 4.20.6.1 Decision and reasons

812. We accept the submissions from *DCC* (OS360.251), *Mr Wyber* (OS394.51) and *Mr Owens* (OS740.19) to amend the figures and note the consequential changes resulting from changes to the provisions as outlined above. The figure for gable ends and dormers is amended in Appendix 1 attributed to Res 740.1 and other figures are amended with submitter reference Res 740.21.

### 4.21 Rule 15.6.7.2 Maximum height

#### 4.21.1 Rule 15.6.7.2.e Maximum height within the Huriawa Height Restriction Mapped Area

813. *Mr Henry Orbell* (OS137.1) considered the proposed 4.5m height restriction would make it impossible to build on steeply sloping sites in this area and flexibility was needed.
814. *Mr Nick Orbell* (OS681.1) considered the proposed Huriawa height restriction impractical as many existing dwellings already breach this rule, and further development on many sites would be difficult, if not impossible, to comply with the proposed rule. He suggested a height restriction rule may be appropriate with a permissible overall height envelope which allows development of a residential building on each section, with height restrictions consistent with the general rule (9m), provided the visual impact of each building was managed by restrictions on colour, and building materials. Sight-lines from roadways and the relationship with Huriawa ridge-line would also need to be taken into account.
815. The Reporting Officer agreed with the submitters that Rule 15.6.7.2.e places unreasonable restrictions on development in this area and may have greater impact on the values of the Huriawa Peninsula by necessitating significant earthworks (s42A Report, Section 5.8.6.3, p.254). She considered an amendment to the rule was appropriate and indicated that the rūnaka agree with a modified approach. The Reporting Officer suggested discussions should be undertaken with the rūnaka and submitters to determine options to manage the issue.
816. At the hearing, *Mr Nick Orbell* stated it was not practical to have the proposed height restriction and he would prefer 9m as per the zone rules. He did however recognise the importance of the area and acknowledged that the 2GP was trying to be sensitive to this. He provided photos and maps indicating both existing buildings and development already underway in the area that do not meet the proposed rules. He considered it appropriate to have rules to mitigate visual impact or intrusions, such as design rules, site location suggestions, limitations in colour palette, sensitive placement of building sites, for example in hollows, and site specific differentiation.
817. Following the hearing the Reporting Officer met with the rūnaka and submitters, resulting in revised recommendations provided to us in a Memorandum dated 9 April 2017. The Memorandum recommended that the restrictions apply to a smaller mapped area and that the rules in that area be amended.

#### 4.21.1.1 Decision and reasons

818. We accept the submissions by *Mr Henry Orbell* (OS137.1) and *Mr Nick Orbell* (OS681.1) to amend provisions and the relief recommended in the Memorandum dated 9 April 2017 to amend the Huriawa height restriction mapped area rule (Rule 15.6.7.2) and

re-map the Huriawa height restriction mapped area. See amendments in Appendix 1 attributed to Res 137.1 and 681.1.

#### **4.21.2 Rule 15.6.7.2.f Maximum height of all other buildings and structures**

##### **4.21.2.1 Concern with existing height limits and potential loss of views**

- 819. *Ronald Leslie Adams* (OS188.1), *John Hesketh* (OS13.1), *Graeme & Lynette Reed* (OS491.1) and *Robert Thornton* (OS907.3) suggested that the 9m maximum height in residential zones (Rule 15.6.7.2.f.ii) should be reduced or restricted by specifying the number of stories a building could have. Some submitters expressed concern with potential loss of views.
- 820. *Mr Michael Ovens* (OS740.14) submitted that the height performance standards should better reflect, and be consistent with, both adjacent properties and existing historic built-up areas. He suggested applying 'mirror image' provision on a shared boundary wall and extending this idea to 1.5m away from common boundaries.
- 821. The Reporting Officer noted that the 9m maximum height proposed reflects the current height limits in the operative District Plan, therefore, this level of development could already occur and that the 9m provided for in residential zones allows for a two to three storeyed dwelling depending on its stud height and design (s42A Report, Section 5.8.6.4, p.261). She was of the opinion that specifying a height rather than number of storeys gives more certainty, as the height of storeys could vary depending on the stud height used.
- 822. No new evidence was presented at the hearing on this topic.

##### **4.21.2.1.1 Decision and reasons**

- 823. We reject the submissions from *Ronald Leslie Adams* (OS188.1), *John Hesketh* (OS13.1), *Graeme & Lynette Reed* (OS491.1), and *Robert Thornton* (OS907.3) requesting a reduction in the maximum height for the reasons outlined by the Reporting Officer, acknowledging that rules like this have to strike a compromise in order to pursue all the relevant objectives and policies. There is no perfect solution.

#### **4.21.3 Rule 15.6.7.2.a Maximum height of family flats**

- 824. *Mr Michael Ovens* (OS740.11) submitted that the permitted height of family flats is too low and should be increased in those areas where the existing building stock reflects a more vertical orientation i.e. inner city residential areas and heritage areas. He suggested that if someone wanted to design a family flat for a character-contributing building then these limits would not allow this.
- 825. *Ms Jacqui Hellyer* (OS372.2) also submitted that the height of family flats should be increased because the 4.5m height limit was too restrictive.
- 826. Mr Garden (registered architect called by the DCC) has provided expert advice on submissions relating to Rule 15.6.7.2.a Maximum height – family flats. Mr Garden agrees with *Mr Ovens* and *Ms Hellyer* that the 4.5m maximum height limit for family flats is too low. In addition, Mr Garden recommends that a rule is implemented that allows for secondary buildings on site to follow the form of the primary dwelling. In a situation where an existing dwelling has a 45° roof pitch, the garage or any outbuilding should be allowed to have the same roof slope. He suggested that one way of allowing this while maintaining sun penetration to neighbours would be to stipulate a maximum height for eaves rather than maximum overall height. He recommended a 3m height limit for eaves.
- 827. The Reporting Officer noted that the purpose of the height restriction is to provide for single storey family flats so that this additional residential unit on a site has minimal effect on amenity values of surrounding sites and character of neighbourhood generally. She also noted that family flats are not permitted in the Inner City Residential Zone as

the zone provides for multiple residential units on a site. Therefore, provision for family flats in the Inner City Residential Zone is not necessary (s42A Report, Section 5.8.6.1, p. 251).

828. The Reporting Officer relied on the expert evidence of Mr Garden and recommend that the 4.5m maximum height limit for family flats be amended to a maximum height limit of 3m from ground level to the bottom of the eaves. She was of the view that this would allow those developing family flats to have the flexibility over roof pitch, whilst restricting family flats to one storey.
829. *Mr Owens* did not provide additional information on family flats height at the hearing.

#### 4.21.3.1 Decision and reasons

830. We accept the submissions by *Mr Owens* (OS740.11) and *Ms Hellyer* (OS372.2) to amend the maximum height of family flats. We agree with the relief recommended by the Reporting Officer, which is based on the expert advice of Mr Garden, to amend Rule 15.6.7.2.a.ii to measure height to the eaves. Our decision is consistent with other decisions we have made in section 4.4 above to have a maximum height of 3m, measured from **ground level** to the bottom of the eaves.
831. The Amendments to Rule 15.6.7.2.a.ii are shown in Appendix 1 attributed to submitter reference Res 740.11 and 372.2.

## 4.22 Rule 15.6.8 Location and Screening of Car Parking

### 4.22.1 Car parking on the street instead of on-site

832. Rule 15.6.8 reads:

*"1. In residential heritage precincts, parking areas must not be visible from an adjoining public place, unless they are set back a minimum of 4m from the road boundary.*

*2. In all other residential areas, parking, loading and access areas and garages and carports must not occupy more than 50% of the area of the front yard that is part of the road boundary setback required by Rule 15.6.14."*

833. *Mr Michael O'Neill* (OS403.3) sought removal of the rule requiring parking, loading and access areas and garages and carports not to occupy more than 50% of the area of the front yard (Rule 15.6.8.2) and suggested the option of replacing it with more appropriate screening requirements, taking into account views, sunlight, privacy, accessibility by car, on-site amenity, and transport network safety (on and off street), which he considers the most important amenities in the ICR. He believed the 2GP rules encourage cars to reverse across footpaths and into traffic flows. His solution to this issue was the provision of multiple parks parallel to the street.
834. The Reporting Officer noted that the issue of amenity being affected by front yards being dominated by car parking came through strongly in the pre-notification consultation and was discussed generally by some of the submissions by the residents of the ICR who are concerned with amenity generally (s42A Report, Section 5.8.7, p. 264). With respect to *Mr O'Neill's* concern about transport safety from cars backing directly onto the street, Rule 6.6.1.2 (minimum manoeuvring space dimensions for parking areas), requires parking areas to provide manoeuvring space that ensures that a motor vehicle is not required to reverse on to or off the site where it is accessed from streets and roads with high traffic volume.
835. The Reporting Officer did not consider the rule prevents a smaller area being used for a garage, with a greater manoeuvring space, nor does it preclude having no garage. The reasons for the submitter's concerns were not clear, however, Ms Baker considered

that if the issue was that a garage might take up more of the front boundary to allow a larger area behind it for manoeuvring (i.e. run the garage along the boundary rather than perpendicular to it), then a solution could be to add additional clauses into the relevant assessment rule (15.9.4.12), that stated:

Potential circumstances that may support a consent application include:

1. Landscaping or other features soften the impact of these activities.
2. The proposed location of the garage or car port is necessary to provide sufficient manoeuvring space in the front yard to avoid reversing onto the road where this is unsafe.

836. At the hearing *Mr O'Neill* argued the Plan needed to ensure adequate car parking could be provided on site. He agreed with the approach of allowing garages at the front of sites so space was not wasted for driveways and to allow for more amenity space on the back of sites. However, he considered parking on the front of properties, while practical, can impact amenity. He noted other options: having no car parking on site, car parking underneath dwellings, or parking at the back of sites. He was of the opinion that inadequate on-site parking, and therefore street parking pressure, would reduce the desirability of the area to live in. *Mr O'Neill* suggested new performance standards for parking.

#### 4.22.1.1 Decision and reasons

837. We accept in part the submission by *Mr O'Neill* (OS403.3) and reject the relief recommended by the Reporting Officer because it relates to the issue of traffic safety so is outside the scope of the discretionary matters set out by the rule. We instead add a new assessment matter as we consider this goes some way to relieve the submitter's concerns. The assessment matter is as follows and as shown to Rule 15.9.4.12 in Appendix 1 and attributed to submission point Res 403.3:

"2. In order to meet Rule 6.6.1.2.a.i (requirement to not reverse onto a motorway, strategic, arterial, urban high density corridor, commercial centre street, or collector), there are no reasonably practicable alternatives other than to contravene the standard."

#### 4.22.2 Exemption from rule for lawful property access

838. *Mr Michael Doherty* (OS695.4) requested Rule 15.6.8 be amended to add an exception for cases where useful and/or established (consented) access to an approved property for permitted purposes would be adversely impacted. His reasons for this request include ensuring that such access to an approved property for permitted purposes is not adversely impacted.
839. The Reporting Officer explained that where resource consents are granted (and undertaken within time limits) prior to the 2GP becoming operative, the performance standards in the 2GP do not apply, as the consent granted sets out the rules and conditions that apply to that development (s42A Report, Section 5.8.7, p. 265).

#### 4.22.2.1 Decision and reasons

840. We reject the submissions by *Mr Doherty* (OS695.4), for the reasons outlined by the Reporting Officer.

#### 4.22.3 Request to allow parking in front yards

841. *Mr Mark Thom* (OS914.1) requested Rule 15.6.8.1 be amended to allow car parking in front yards in heritage precincts because he owns a property in one of these proposed heritage precincts that he would like to develop, but the only way possible to do this is to put parking in the front.

842. *Ms Hilary Hutton* (OS722.2) requested removal of Rule 15.6.8.2 so people have the ability to make full use of the area at the front of the house for garaging and parking, especially if the design of the house and the slope of the land mean that this is the common sense way to build it to have cars off the road.
843. The Reporting Officer noted that the 2GP rules do allow for car parking in the front yards of properties as requested by *Mr Thom*, however, car parking must be set back 4m from the front boundary (s42A Report, Section 5.8.7, p. 265). She explained that the aim is to protect heritage streetscape character within heritage precincts and that open air/surface parking in front sections, particularly where gardens are removed and asphalted over, is a significant factor eroding the quality of residential heritage streetscapes.
844. In regard to *Ms Hutton's* submission, the Reporting Officer noted that the current operative District Plan does not allow for any buildings within the front yard setback from the road, whereas the 2GP is more permissive allowing garages to occupy up to 50% of this area (s42A Report, Section 5.8.7, p. 267). She explained that when the rules cannot be met resource consent would be required and the application can be looked at on a case-by-case basis which would include topographical issues.

#### 4.22.3.1 Decision and reasons

845. We reject the submissions by *Mr Thom* (OS914.1) and *Ms Hutton* (OS722.2) to amend the location and screening of car parking performance standards for the reasons outlined by the Reporting Officer.

## 4.23 Boundary setbacks

### 4.23.1 Review Rule 15.6.14.1 Boundary setbacks

846. *Mr Richard Oliver* (OS480.4) requested that the setback rules (Rule 15.6.14.1) be reviewed as he considers the rules can be improved.
847. Without further information on why the submitter believed the rules were inappropriate or what would be more appropriate, the Reporting Officer was unable to make a recommendation on the merit of their submission (s42A Report, Section 5.8.9.1, p. 293).

#### 4.23.1.1 Decision and reasons

848. We accept in part the submission by *Mr Oliver* (OS480.4) to the extent that amendments have been made in response to other submissions as outlined below, and as set out in section 3.3.5, relating to medium density zone provisions

### 4.23.2 Request to amend setback for Township and Settlement Zone ("no DCC reticulated wastewater mapped area")

849. *Mr John Aldis* (OS715.1) requested the boundary setbacks in the Township and Settlement Zone ("no DCC reticulated wastewater mapped area") (Rule 15.6.14.1.a.2.vii) be amended to make the side and rear setbacks 4.5m. He stated that these locations are characterised by low intensity development and he did not consider a 2m side boundary provides adequate separation distance.
850. The Reporting Officer noted that although many properties in this zone have more than a 2m setback, some properties do have only a 2m setback (s42A Report, Section 5.8.9.1, p. 294). She considered a 2m setback provided flexibility for landowners to build closer to one boundary thereby having more open space on the other. She noted that the 2m setback for side and rear boundaries is an existing provision in the operative District Plan.



#### 4.23.2.1 Decision and reasons

851. We reject the submission by *Mr Aldis* (OS715.1) to increase the Township and Settlement setbacks. We note that this is an existing provision in the operative Plan and there was no evidence that it is causing problems. Only one submitter questioned the setback rule and no planning evidence was provided to us other than from the Reporting Officer. Therefore, we accept the recommendation of the Reporting Officer for the reasons provided in the s42A Report.

#### 4.23.3 Setbacks applying to corner sections

852. *Mr Trevor Walker* (OS23.1) requested the boundary setback rules (Rule 15.6.14) for residential buildings located on a corner section with two road boundaries be amended to enable one of these boundaries to be designated as a side boundary and the setback adjusted accordingly, but with the setback of the designated side boundary not being able to be less than that of the adjacent residential site. He reasoned that there are many small corner sections and that the setbacks required in the 2GP would take up over half of the section and would make it difficult to leave a reasonable outdoor area that was not dominated by the road. He believed that if the rule was not amended that building options would be limited, sections would decrease in value, and owners would be pushed into building a second storey.
853. The Reporting Officer noted that the rationale behind having a larger setback for properties abutting the road is not only amenity but also for traffic safety (s42A Report, Section 5.8.9.1, p. 291). She explained that setbacks from the road on corner sites play a key role in allowing for visibility around a corner for turning vehicles. She recognised that while other obstacles such as trees or fences may obstruct this line of vision, many are permeable or not as solid as a building. She believed that while not all obstacles impeding the line of vision on corner sites can be avoided, buildings set further back from the road boundary can help to mitigate this and therefore considered it appropriate to maintain the road setback requirements for all boundaries abutting a road, whether it is a corner site or not.

#### 4.23.3.1 Decision and reasons

854. We accept in part the submission by *Mr Walker* (OS23.1) and have amended the rules to clarify that the rules allowing for reduced setbacks to match existing setbacks on adjacent sites also apply to corner sites. The amendments to Rule 15.6.14 are shown in Appendix 1 and attributed to Res 23.1.
855. On small sites the requirement to provide two front yard setbacks can severely limit design options. We appreciate the benefit of visibility across corners for traffic safety pointed out by the Reporting Officer however, so we conclude that any lesser setback should not reduce visibility. That also helps to maintain visual amenity from the street. If the adjoining house is built closer to the street than the front yard standard we accept that there is no great benefit in terms of street amenity and depending on the scale and type of houses there may be amenity benefit of consistent setbacks.

#### 4.23.4 Request for setback exemptions for buildings sharing a common wall

856. *Mr Michael Ovens* (OS740.15) requested the boundary setback exemptions for buildings sharing a common wall (Rule 15.6.14.1.a.ix.2) be amended to also apply to walls that do not adjoin but are within 1.5m of the common boundary. He believed the provision is only for the benefit of the neighbour and not the general public. He considered that at a resource consent hearing there is nothing worse than a neighbour submitting an objection to a boundary setback breach when they themselves are breaching the setback rules. He considered that a side boundary is useless anyway other than for side access or service areas and considered that having provisions to allow development to better reflect historical/existing development patterns would solve this problem.

857. The Reporting Officer noted that the submitter was seeking the change to Rule 15.6.14.1.a.ix.2 in conjunction with changes to other rules to allow for mirroring of building form (s42A Report, Section 5.8.9.1, p. 295).
858. She explained that the exemption from side boundary and rear boundary setbacks for buildings that share a common wall only applies to the area where the buildings are joined. It means that the building is not required to be setback from their neighbour where they are joined to them, and that they may mirror the length of the adjoining building. She considered it is logical to have this exemption, as where one building is joined to a neighbouring building, a side boundary setback on the adjoining side is impossible. She did not consider it logical to allow this exemption to boundaries where the building is already setback from the boundary by 1.5m.
859. No new evidence was presented at the hearing.

#### 4.23.4.1 Decisions and reasons

860. We do not accept the request to amend the rule such that no setback is required if an adjacent building is within 1.5m of the boundary but we do accept that there could be a potential circumstance in which consent might be granted with perhaps conditions around window placement. We therefore accept in part the submission by *Mr Owens* (OS740.15) and amend the plan to add in the assessment rules a potential circumstance that may support a consent application to that effect. The amendments to Rule 15.9.4.1 are shown in Appendix 1 and attributed to Res 740.15.

#### 4.23.5 Request for setback exemptions between zones

861. *Mr Antony Cuthbertson* (OS502.2) requested the boundary setbacks rule (Rule 15.6.14.1.a.ix) be amended to require sites along boundaries between zones providing for dwellings at different densities to have the setback of the lower density residential zone applied to both sites (e.g. also on the higher density zone side). He suggested that when people choose to purchase large sections they often do so because of the rural aspect and the desire for privacy where neighbours aren't close to the boundary, and that there should be a buffer between zones when changing the type of, or increasing the density of, the existing zone.
862. The Reporting Officer believed requiring a larger setback at side boundaries for higher-density sites adjacent to lower density sites may severely restrict the development space on that higher-density site, especially if adjacent to a rural residential or rural property where setbacks are much larger than for the residential environment (s42A Report, Section 5.8.9.1, p. 295). She considered the proposed changes in rules applying to some residential zones are not significantly different from the rules applying in the operative District Plan. She did not consider that the reduced setbacks permitted for side boundaries in any new area developed at a higher density will, in most cases, have more than minimal adverse effects on the neighbouring property.

#### 4.23.5.1 Decision and reasons

863. We reject the submission by *Mr Cuthbertson* (OS502.2) to require development in higher density zones to comply with setback rules of adjacent lower density zones. While we do not agree that the effects will always be minimal as suggested by the Reporting Officer and we acknowledge that people will be affected and have changed outlooks, we consider it inefficient and ineffective to amend the Plan as suggested. The amendment suggested would lead to unreasonable restrictions on the higher density zoned site that would be inappropriate in terms of the objectives of the higher density zone. We acknowledge the interface between zone boundaries is a contentious subject particularly where areas are up-zoned, however, this is largely an unavoidable outcome of growth and it is unreasonable for people living on the edge of two zones to expect that their current amenity and the current zone boundaries will never change.

## 4.24 Rule 15.7.4 Minimum site size

### 4.24.1 Request for averaging of site sizes in subdivision

864. The *NZ Institute of Surveyors – Coastal Otago Branch (NZIS)* (OS490.24) requested Rule 15.7.4.2.a be amended so that a Restricted Discretionary activity status also applies to a two-site subdivision, where one resultant site is below but not less than 75% of the minimum site size performance standard, and the average of the site sizes meets the minimum site size performance standard (the 2GP provides for this for a three site subdivision). The NZIS consider that the three site provision as proposed caters for a new development scenario but not for infill development, hence the inclusion of a two-site provision would continue to encourage infill development and the 75% of the minimum provision will ensure the overall character of an area is retained.
865. *Mr Michael Brough* (OS363.1), *Craig Horne Surveyors Limited* (OS704.3), *Blueskin Projects Limited* (OS739.3), *CTW Holdings Limited* (OS742.3) and *G & J Sommers Edgar* (OS889.21) also sought amendment to Rule 15.7.4.2.a so it applied to subdivisions resulting in two or more sites. The submitters considered the rule was too restrictive in only applying to three lot subdivisions.
866. The Reporting Officer noted that submissions by the *NZIS* (OS490.3 and OS490.31) were considered at the Plan Overview Hearing, and similar amendments to those requested above were recommended to Rule 15.7.4.2.a (s42A Report, Section 5.9.2, p. 311). The Reporting Officer agreed with submitters that it is appropriate to provide for averaging of two lot subdivisions as this better facilitates infill housing, as well as a reduction in site size to no less than 75% of the minimum provision where averaging occurs, to ensure site sizes do not get too small.
867. Maaike Duncan and Kurt Bowen appeared at the Hearing for *NZIS*, and Craig Horne appeared at the hearing for *Craig Horne Surveyors Ltd*. The submitters accepted the Reporting Officer's recommendations.

#### 4.24.1.1 Decision and reasons

868. We accept the submissions by *NZIS* (OS490.24), *Mr Michael Brough* (OS363.1), *Craig Horne Surveyors Limited* (OS704.3), *Blueskin Projects Limited* (OS739.3), *CTW Holdings Limited* (OS742.3) and *G & J Sommers Edgar* (OS889.21) and amend Rule 15.7.4.2.a to provide for two or more site subdivisions where one resultant site is below, but not less than, 75% of the minimum site size, and the average of the site sizes meets the minimum site size performance standard. See amendments to Rule 15.7.4.2 in Appendix 1 attributed to Res 490.24 and others.
869. We also add a note to Plan users advising people that resource consent will be required for developments in the ICR or GR2 zones where more than three residential units are proposed. We add this for clarity under clause 16 of the First Schedule to the RMA. See amendment to Rule 15.7.4 in Appendix 1.

### 4.24.2 Request to change activity status of subdivision not meeting performance standards

870. *Ms Dianne Reid* (OS592.15) requested the subdivision performance standard that specifies the activity status for subdivision that does not comply with the standard (Rule 15.7.4.2) be amended so that subdivision that contravenes the standard for minimum site size is a discretionary activity rather than non-complying.
871. She also requested the removal of the rule which makes subdivision that does not result in any resultant site being of a size that could be further subdivided in accordance with the minimum site size performance standards a restricted discretionary activity (Rule 15.7.4.2.2).

872. She considered non-complying activity status adds little to the matters of assessment and it would be simpler if applications could be considered on their merits as discretionary activities. Rule 15.7.4.2.2 is considered unnecessary by *Ms Reid* because she believes it places a fetter on the ability of an applicant to seek consent in the future which is inappropriate and creates a disincentive for people to retain some large sections which in some instances will be desirable. *David Hiom and Kerry Hiom* (FS2473.15) oppose the submission by *Dianne Reid* (OS592.15), no reasons are provided for this opposition.
873. The Reporting Officer did not consider that a discretionary activity status was appropriate (s42A Report, Section 5.9.2, p. 310). She explained that along with the density provisions, Rule 15.7.4 is a critical standard in managing how land is used and protecting amenity for residents. She considered that while one instance of contravening the minimum site size standard in itself may not have significant effects, it is the cumulative result of many contraventions of the standard that is of concern, which may over time lead to an undermining of the function of the zones. The non-complying activity status is consistent throughout the 2GP for contravention of minimum site size or density provisions.
874. She considered the use of a discretionary activity status would create the risk that cumulative contraventions of the standard would undermine the zone function and impact on the amenity of surrounding residents.
875. Ms Baker explained that Rule 15.7.4.2 provides exceptions which allow for consideration of contraventions as a discretionary activity, where all the criteria specified are met. This rule allows for averaging of sites and seeks to prevent any further application to reduce the larger sites where these have previously been used to justify the smaller sites. Removal of Rule 15.7.4.2.2, would remove such protection, increasing the risk of further subdivision of undersized sites.

#### 4.24.2.1 Decisions and reasons

876. We reject the submission by *Ms Dianne Reid* (OS592.15) to amend Rule 15.7.4.2 so that subdivision that does not comply with minimum site size is discretionary for the reasons outlined by the Reporting Officer. We note that in addition to effects on amenity, density and minimum site size are important for infrastructure planning. Non-complying status does not prevent applications being granted for exceptional circumstances.

## 4.25 Rule 15.6.12 Number, Location and Design of Ancillary Signs

877. The *New Zealand Transport Agency (NZTA)* (OS881.110) supported Rule 15.6.12 because signs can impact on road safety, and the provision of a strong framework in respect of this matter provides certainty and clarity to plan users. *Mr Robert Wyber* (OS394.54) also supported Rule 15.6.12.

### 4.25.1 Request to amend signage provisions in George Street North Residential Heritage Precinct

878. The *Ohapi Trust* (OS437.2) requested that the maximum area per display face for signs attached to buildings (ancillary to commercial activities and community activities) and for freestanding signs (ancillary to commercial activities and community activities) be increased from 1.5m<sup>2</sup> to 2m<sup>2</sup>. The submitter also requested that the standard be amended to allow signs to be illuminated. These changes were requested specifically in relation to signs ancillary to visitor accommodation in the George Street North Residential Heritage Precinct. The submitter argued that the proposed signage provisions are too restrictive and not beneficial for visitors who are often arriving in the evening in the dark and may be unfamiliar with the location. The submitter noted that

there are a number of providers on George Street who have been able to establish signs of greater than 1.5m<sup>2</sup> that are illuminated, whether under previous rules or by resource consent.

- 879. The Reporting Officer noted that visitor accommodation in the George Street North Residential Heritage Precinct is a permitted activity in the proposed 2GP. This is also a permitted activity under the operative District Plan (s42A Report, Section 5.8.8.5, p. 284). Requiring resource consent for the illumination of signs is a 2GP-wide approach, however, there are already a number of illuminated signs in this area and under the operative District Plan, illuminated signs are permitted in this area and can have a size of up to 2m<sup>2</sup>.
- 880. She agreed with the reasoning provided by the *Ohapi Trust* and considered that any adverse effects of illuminated signs on the heritage precinct values is mitigated by the fact that Rule 15.6.12.5 (Signs attached to buildings – ancillary to other commercial activities and community activities) limits the number of signs to a maximum of one sign per site and illumination is likely to only occur at night when the heritage buildings are not necessary visible. She recommended amendments.
- 881. Dr Glen Hazelton, DCC Team Leader Urban Design, provided advice that the negative effects of illuminated signs (not digital) for visitor accommodation in the George Street North Residential Heritage Precinct would be able to be managed as long as they remain restricted in size and neither too bright or flashing. He recommended restricting these changes to this precinct.
- 882. The *NZTA* tabled a statement at the hearing acknowledging the importance of providing a balance between providing for business advertising needs and managing the effects of signs on amenity values and the potential impacts on road safety. The *NZTA* noted that the amendments recommended by the Reporting Officer were a continuation of the operative District Plan rules and did not oppose these amendments.

#### 4.25.1.1 Decisions and reasons

- 883. We accept the submission by the *Ohapi Trust* (OS437.2) to amend the performance standards in the George Street North Heritage Precinct to allow the maximum area per display face for signs attached to buildings (ancillary to commercial activities and community activities) and for freestanding signs (ancillary to commercial activities and community activities) to be 2m<sup>2</sup> and illuminated, for the reasons outlined by the submitters and supported by the Reporting Officer. We also acknowledge the support of other submitters for these amendments.
- 884. See Appendix 1, amendments to Rule 15.6.12.1, 15.6.12.5 and 15.6.12.6 attributed to submission point Res 437.2.

#### 4.25.2 General request to amend Rule 15.6.12

- 885. The *Otago Peninsula Community Board* (OS588.30) requested that Rule 15.6.12 be amended to be more conducive to the growth of small-scale business, suggesting the signage rules were problematic for the growth of small-scale business in areas like the Otago Peninsula, which are reliant on tourism and visitors.
- 886. The Reporting Officer was of the view that there were adequate provisions allowing for signage associated with small-scale business undertaken as part of residential activities (such as working from home and holiday houses) and community activities (s42A Report, Section 5.8.8.5, p. 284). Other small-scale businesses are provided for as restricted discretionary activities including visitor accommodation and dairies. She believed the threshold at which signs require consent is appropriate to ensure that any adverse effects on residential amenity or on the transportation network safety can be assessed and appropriately managed. She therefore recommended rejecting the submission by the *Otago Peninsula Community Board* (OS588.30).

#### 4.25.2.1.1 *Decision and reasons*

887. We reject the *Otago Peninsula Community Board's* (OS588.30) submission for the reasons outlined by the Reporting Officer. We acknowledge that the adverse effect of signs on amenity, particularly in places like the Otago Peninsula, means firm controls on what is permitted as of right are needed.

## 4.26 Definition of standard residential

### 4.26.1 Background

888. The 2GP defined Standard residential activity as follows:

*"The use of land and buildings for residential activity at a domestic scale.*

*This definition also includes:*

- holiday houses*
- boarding houses*
- supported living accommodation (10 or fewer residents); and*
- emergency and refuge accommodation.*

*This definition excludes supported living facilities"*

### 4.26.2 Submissions

889. June Yeldon (OS12.4) submitted that although visitor accommodation for fewer than 5 guests is a permitted activity (under the working from home activity) in the residential zones, the provisions do not provide sufficient clarity taking into account the increasing popularity and growth of peer-to-peer short stay visitor accommodation, such as that provided by websites like AirBnB. She requested the inclusion of a statement that peer-to-peer short-stay visitor accommodation is permitted in residential zones, provided only 5 or fewer guests are present at any one time.
890. The DCC (OS360.123) requested that the 'standard residential' definition be amended to remove the reference to 'holiday houses'. It also requested (OS360.126) that 'short-term house rentals' be defined and added to the definition of standard residential and that the Plan clarify how this definition/activity relates to the 'working from home' and 'visitor accommodation' definitions/activities.
891. The DCC (OS360.12) also requested amending the definition to include reference to Papakaikā as a sub-activity of standard residential activity. DCC request this to clarify the relationship between Papakaikā and standard residential activity for the Plan user, and to ensure a consistent approach with other sub-activities/definitions in the 2GP.

### 4.26.3 Recommendations

892. The Reporting Officer recommended accepting the submissions by June Yeldon (OS12.4) and the DCC (OS360.123 and OS360.126). She also suggested a proposed definition for short term house rentals.

#### 4.26.4 Decision and reasons

893. We accept in part the submission by *Ms June Diane Yeldon* (OS12.4) that short term house rentals should be provided for. However, we did not agree with the Reporting Officer or *Ms Yeldon* that limiting this only based on it meeting normal density provisions (or being 5 or fewer occupants) was adequate to distinguish this activity from visitor accommodation, nor did we consider it appropriate for achieving the objectives and policies of the Plan with respect to visitor accommodation and residential character and amenity. We have limited the use of properties for short term rental to no more than 28 nights per calendar year as this aligns with practice elsewhere as we understand it.
894. We accept the submissions of the DCC (OS360.123 and OS360.126) to remove the reference to 'holiday houses'. "Holiday houses", which we understood was meant to mean secondary houses ('baches'), could be interpreted to mean houses provided for holiday accommodation for visitors, despite the indication at the beginning of the definition of standard residential that it is about "residential activity at a domestic scale". The removal of this term will improve Plan clarity.
895. We accept the submission from the DCC (OS360.12) to amend the definition to clarifying the relationship between Papakaikā and standard residential activity as this will improve clarity and consistency, as outlined by the Reporting Officer (s42A Report, Section 5.1.1, p. 32).
896. The amendments are shown in Appendix 1 and attributed to the submitter points discussed above.

### 4.27 Zoning

#### 4.27.1 Aramoana

##### 4.27.1.1 Submissions

897. *Ms Petronella Vreugdenhil* (OS594.1) requested a change of zoning of 723–727, 667–689 and 0.5000 hectares at 600 Aramoana Road from Rural Coastal Zone to Township and Settlement Zone, as she considered that Waipuna Bay has been missed from the amendments to the zoning, and should be included to make it more straightforward to extend, rebuild or add a family flat or additional buildings to the properties in the future. Several further submitters supported her submission as they considered that the properties had similar character and land use as the properties within Te Ngaru that fall within the proposed Township and Settlement Zone, and that there may be a need to install additional water tanks for water supply storage as the climate changes.
898. *Mr Gordon Tocher* (OS716.1) requested a change in zoning of 419, 421, 667–689 and 723–753 Aramoana Road from Rural Coastal Zone to Township and Settlement Zone as he considered the Township and Settlement Zone better reflects the current and historic nature of the sections. *Ms Bronwyn Lowe* (FS2044.5) supported the submission because she believes the Township and Settlement zoning is a more realistic zone given the existing and long established residential land use and the small size of each property. *Mr Brian Wilson* (FS2384.4) supported the submission for 667–761 Aramoana Road but requested that the section between 689–723 Aramoana Road remains as farm land. *Mr Tocher* (FS2417) made further submissions supporting a number of other submitters because of the belief that the submissions are in keeping with the objectives of that zone.
899. *Mr Murray Thomas* (OS836.1) requested a change of zoning of 741, 745, 749, 751 Aramoana Road from Rural Coastal Zone to Township and Settlement Zone. His reason is that it is common sense to change the zoning in line with the rest of Te Ngaru. *Ms Tracey Fleet* (FS2130.3) supported the submission because the dwelling at 741

Aramoana Road has been in existence for a long time and has been passed between generations and would allow the dwelling owner some security over their investment.

900. *Ms Helen Clarke* (OS861.1) sought a change in zoning of 667–761 Aramoana Road, from Rural Coastal to Township and Settlement Zone. She points out that Waipuna Bay and Te Ngaru settlements are only separated by a small area of cliff face. *Ms Bronwyn Lowe* (FS2044.3) supported the submission because she believes the properties have similar character and land use as the properties within Te Ngaru that fall within the proposed Township and Settlement Zone and that this zone would be more realistic given the existing and long established residential land use of the properties and the small size of each property. *Ms Victoria Robertson* (FS2345.1) opposed the submission in part and requested the rezoning of 667–761 Aramoana Road only apply to the area immediately around existing dwellings and parts of titles on flat land. Her reason was that the rezoning may allow for further residential development and building, causing additional pressure and stress to the existing rock formation and may cause further erosion and rock fall, flooding and potential damage to foundations and properties. She also believed it would significantly change the natural bush and landscape.
901. *Mr Alan Tocher* (OS892.1) requested a change of zoning of 667–761 Aramoana Road from Coastal Rural Zone to Township and Settlement Zone as he believed it is more appropriate for the area. Several further submitters supported his submission. *Ms Victoria Robertson* (FS2345.2) opposed the submission in part and requested the rezoning of 667–761 Aramoana Road only apply to the immediate area around existing dwellings and parts of titles on flat land. Her reason was that the rezoning may allow for future further residential development and building, causing additional pressure and stress to the existing rock formation and may cause further erosion and rock fall, flooding and potential damage to foundations and properties. She also believed it would significantly change the natural bush and landscape.
902. *Mr Allan Sutherland* (OS1044.1) requested a change of the zoning of 723, the southern part of 741, 753, and southern part of 761 Aramoana Road from Rural Coastal Zone to Township and Settlement Zone. Several further submitters supported his submission including *Melva Davidson* (FS236.1). However, some submitters, including *Tracy Fleet* (FS2130.1) considered the zoning should only apply for the property at 761 Aramoana Road for the area immediately around the existing dwelling and garage not all the rural land behind existing houses along 753–801 Aramoana Road.
903. *Ms Eileen Kelling* (OS841.1) requested the zoning of 741, 745, 749, and 751 Aramoana Road from Rural Coastal Zone to Township and Settlement Zone as she lives in one of these properties. She requested the same boundaries as those suggested by *Mr Sutherland* (OS1044.1).
904. *Mr Kerry Shephard and Mrs Sally Shephard* (FS2090) opposed the rezoning requests as they believed that the area between Aramoana and Deborah Bay is at present essentially rural, incorporating a mix of farmland and dwellings that have a rural character, and they believed a decision to join up Aramoana with Dunedin should not be made in a piecemeal manner. They also wished to avoid a patchwork of 'township' and 'rural' zoning and any potential damage to the coastline.

#### 4.27.1.1.1 Overall comments by Reporting Officer

905. The Reporting Officer explained that the properties suggested for rezoning in the submissions are not continuous in nature, as they occur in small clusters along Aramoana Road near the area proposed for Township and Settlement Zone at Te Ngaru (761–807 Aramoana Road).
906. She also noted they are outside the water supply zone boundary and will continue to be unserved. In her view, the transport infrastructure is not able to support residential growth in this area, however, properties with existing residential development are already serviced by this infrastructure and will not provide significant opportunities for further development.



#### 4.27.1.1.2 Overall comments by the Hearing Panel

- 907. Although we had the benefit of aerial photographs and Google Street View images at the hearing, the hearing panel made a site visit to look at all of these properties so as to better understand the submissions and evidence.
- 908. The 2GP has to manage a complex existing situation along Aramoana Road, taking account of the aspirations of property owners, the rural and coastal landscape character, the lack of reticulated water and sewerage, and the narrow winding road which has limited sight distances in places.
- 909. We accept that owners of existing houses in the clusters or strips of settlement should be able to develop their residential activity by extending, adding to, and replacing buildings. Where there are small pockets of land within these clusters, we accept that those cannot realistically be farmed and are best considered as a resource for 'infill' housing. Larger areas of undeveloped land along Aramoana Road however do not meet the criteria we have used for determining suitability of land for new residential zoning, as discussed in the Urban Land Supply Decision.

#### 4.27.1.2 419 – 421 Aramoana Road

##### 4.27.1.2.1 Reporting Officer's recommendations

- 910. The Reporting Officer noted 419 Aramoana Road is a large rural site of 90 ha and 421 Aramoana Road is 4047m<sup>2</sup>. These properties are not located near the Township and Settlement Zone and both contain a dwelling.
- 911. She believed the properties at 419 and 421 Aramoana Road were a significant distance from the proposed Township and Settlement Zone and would form an isolated zoning cluster (s42A Report, Section 5.13.3, p. 346). She considered 419 Aramoana Road was a large property that would create significant capacity for residential activity where this does not currently occur. She did not consider these properties suitable for inclusion in the Township and Settlement Zone.

##### 4.27.1.2.2 Hearing

- 912. *Mr Gordon Tocher* supported the Township and Settlement Zone and felt it was appropriate to extend it to all adjacent properties at Te Ngaru. He believed additional houses would not result in transport issues.
- 913. He outlined that the owners of 419 and 421 Aramoana Road who were not attending the hearing, were in favour of rezoning so they could build another house for their children.

##### 4.27.1.2.3 Decision and reasons

- 914. We reject the part of the submission by *Mr Gordon Tocher* (OS716.1) to rezone 419 and 421 Aramoana Road for the reasons outlined by the Reporting Officer.

#### 4.27.1.3 600 Aramoana Road

##### 4.27.1.3.1 Reporting Officer's recommendations

- 915. The Reporting Officer noted 600 Aramoana Road is a 17ha site of which 5,000m<sup>2</sup> was requested to be rezoned to Township and Settlement Zone. The property is not located near the Township and Settlement Zone and there is no dwelling on the property near Aramoana Road.
- 916. She believed the rezoning of this property would create significant capacity for residential activity where this does not currently exist and would place additional

pressure on transport infrastructure where there is currently no capacity (s42A Report, Section 5.13.3, p. 349). She did not consider this property suitable for inclusion in this zone.

#### 4.27.1.3.2 *Hearing*

917. *Mr Gordon Tocher* argued that the part of 600 Aramoana Road where houses exist should be included with the adjacent properties that were recommended by the Reporting Officer for rezoning. He considered this appropriate as they were close to the road and owners wanted flexibility for future management of the farm in their retirement.

#### 4.27.1.3.3 *Decision and reasons*

918. We reject the part of the submission by *Ms Vreugdenhil* (OS594.1) to rezone 600 Aramoana Road for the reasons outlined by the Reporting Officer.

#### 4.27.1.4 667 – 687 Aramoana Road

##### 4.27.1.4.1 *Reporting Officer's recommendations*

919. The Reporting Officer noted 667 and 671 Aramoana Road are in the same ownership and are 1,695m<sup>2</sup> and 2,496m<sup>2</sup> respectively. There is a building, possibly a dwelling, located on each of these sites. 679 Aramoana Road is 647m<sup>2</sup> and contains a building, possibly a dwelling. 681 and 618A Aramoana Road are 810m<sup>2</sup> and 1,639m<sup>2</sup> in size respectively. These properties are in the same ownership and developed as one property containing a dwelling. 685 and 687 Aramoana Road are 2.523m<sup>2</sup> and 2.242m<sup>2</sup> in size respectively and both sites contain a dwelling.
920. She considered properties between 667 and 687 Aramoana Road are already residentially developed and rezoning these to Township and Settlement Zone would reflect the development patterns currently existing (s42A Report, Section 5.13.3, p. 350). Three of the properties are of a size that may allow additional development or subdivision; however, she considered the risk of this to be reasonably low in this area. She noted that submissions in support of rezoning these properties were received from half of the owners in this strip of properties, and an objection was received from the landowner adjoining the strip of properties. She recommended these properties be rezoned Township and Settlement Zone.

##### 4.27.1.4.2 *Decision and reasons*

921. We accept in part the submissions by *Ms Vreugdenhil* (OS594.1), *Mr Gordon Tocher* (OS716.1), *Ms Clarkson* (OS861.1) and *Mr Alan Tocher* (OS892.1) to rezone 667–687 Aramoana Road as Township and Settlement Zone and include them in the “no DCC reticulated wastewater mapped area” overlay. We reject the submissions opposed to this rezoning.

#### 4.27.1.5 689 Aramoana Road

##### 4.27.1.5.1 *Reporting Officer's recommendations*

922. The Reporting Officer noted 689 Aramoana Road is a 1ha site, containing multiple large buildings, at least one of which is a dwelling. The property would provide for an additional eight or nine dwellings or lots if included in the Township and Settlement Zone.
923. She considered the inclusion of these properties in the Township and Settlement Zone would not reflect the current development patterns and would create a significant amount of additional residential capacity which cannot be supported by the transport

infrastructure (s42A Report, Section 5.13.3, p. 350). She did not consider this property suitable for inclusion in this zone.

#### 4.27.1.5.2 *Hearing*

924. *Mr Gordon Tocher* submitted that the part of 689 Aramoana Road where houses exist should be included with the adjacent properties that were recommended by the Reporting Officer for rezoning. He considered this appropriate as they were close to the road and owners wanted flexibility for future management of the farm in their retirement.

#### 4.27.1.5.3 *Decision and reasons*

925. We reject the part of the submission by *Mr Gordon Tocher* (OS716.1) to rezone 689 Aramoana Road for the reasons outlined by the Reporting Officer.

#### 4.27.1.6 *723 and 727 Aramoana Road*

##### 4.27.1.6.1 *Reporting Officer's recommendation*

926. The Reporting Officer noted 723 and 727 Aramoana Road are contained within the same 8,296m<sup>2</sup> site containing two dwellings near the road and extensive vegetated and cliff areas.
927. She considered the whole site would in theory allow for an additional 6 dwellings or lots if included in the Township and Settlement Zone, albeit that the site is heavily vegetated, and topography may not be conducive to development (s42A Report, Section 5.13.3, p. 350). She believed the inclusion of these properties in the Township and Settlement Zone would not reflect the current development pattern and would create a significant amount of additional residential capacity which cannot be supported by the transport infrastructure. However, she considered including only the front part of the site, adjacent to Aramoana Road that contains the dwellings, would be a reasonable compromise as it would allow residential activities occurring on the site to continue with any further development to these dwellings to comply with residential rather than rural rules.

##### 4.27.1.6.2 *Hearing*

928. *Mr Gordon Tocher* explained that he owned 723 Aramoana Road and accepted the Reporting Officer's recommendation to only rezone part of the site around houses.
929. In her revised recommendation, the Reporting Officer recommended that the zoning at 723 and 727 Aramoana Road be modified by rezoning the area around the two dwellings (approximately 1,000m<sup>2</sup> per dwelling). This does not include the surrounding vegetated areas.

##### 4.27.1.6.3 *Decision and reasons*

930. We accept in part the submissions by *Mr Gordon Tocher* (OS716.1) and *Mr Allan Sutherland* (OS1044.1) to rezone the area around and including the two dwellings (approximately 1,000m<sup>2</sup> or just over per dwelling) of 723 and 727 Aramoana Road as Township and Settlement Zone and include them in the "no DCC reticulated wastewater mapped area" overlay.

#### 4.27.1.7 741 – 753 Aramoana Road

##### 4.27.1.7.1 *Reporting Officer's recommendations*

931. The Reporting Officer noted 741, 745, 751 and 749 Aramoana Road are contained on a large rural site 4ha in size. There are four clusters of buildings which are probably dwellings. 753 Aramoana Road is 1,012m<sup>2</sup> and contains a dwelling.
932. She believed that rezoning the full extent of the larger property 741 to 753 Aramoana Road is not appropriate because of the large residential capacity it would create (s42A Report, Section 5.13.3, p. 351). However, she considered the inclusion of the area of the sites immediately adjacent to the road, which contain five dwellings located in this cluster close to the proposed Township and Settlement Zone at Te Ngaru, is appropriate as a continuation of the proposed Township and Settlement Zone.

##### 4.27.1.7.2 *Hearing*

933. *Mr Allan Sutherland* outlined that he sought rezoning of the front part of his property (741, 745, 749, and 751 Aramoana Road) that contained four existing, occupied, dwellings and the rest to remain rural. He considered that extending the Township and Settlement Zone gives people more opportunity to improve houses and to also maintain and service them. He indicated his tenants were keen to purchase and upgrade the houses, and that he would put in a subdivision application to tie in with zone boundaries. He suggested he could retain one house and keep it with the rural block or amalgamate the rural part with the adjoining rural area if desired. He accepted the Reporting Officer's recommendation.
934. *Ms Tracy Fleet* and *Ms Melva Davidson* supported the submission by *Mr Sutherland* to rezone his property due to the existing houses on the site. They accepted the Reporting Officer's recommendation.

##### 4.27.1.7.3 *Decision and reasons*

935. We accept the submission by *Mr Sutherland* (OS1044.1), *Ms Kelling* (OS841.1) and *Mr Thomas* (OS836.1) to rezone 753 and part (adjacent to road containing dwellings) of 741, 745, 749, and 751 Aramoana Road as Township and Settlement Zone and include them in the "no DCC reticulated wastewater mapped area" overlay.

#### 4.27.1.8 761 Aramoana Road (Rural Coastal part)

##### 4.27.1.8.1 *Reporting Officer's recommendations*

936. The Reporting Officer noted 761 Aramoana Road has a small lot containing a dwelling that has been included in the Township and Settlement Zone, and a large lot in the Rural Coastal Zone which is over 7ha, which contains a building close to the road.
937. She believed that rezoning the full extent of 761 Aramoana Road was not appropriate because of the large residential capacity it would create (s42A Report, Section 5.13.3, p. 351). She noted that the part of the property adjacent to the road appears to only contain a garage (as indicated in submissions) and not a dwelling. She considered that as this site has no existing residential activity, rezoning would not reflect the current use of the site.

##### 4.27.1.8.2 *Hearing*

938. *Mr Gordon Tocher* considered it to be an anomaly to omit the part by the road.
939. *Ms Tracy Fleet* and *Ms Melva Davidson* indicated that where the s42A Report refers to a garage, this is in fact a prefab house that had been relocated to the site, but it had not been connected to services or lived in. They considered this part of the property

should not be rezoned as the original submitter proposed. They accepted the Reporting Officer's recommendation on this property.

#### 4.27.1.8.3 *Decision and reasons*

940. We reject the part of the submission by *Mr Alan Tocher* (OS892.1) to rezone the rural part of 761 Aramoana Road for the reasons outlined by the Reporting Officer.

### 4.27.2 **Wakari**

#### 4.27.2.1 Request to rezone 119 and 121 Ashmore Street

941. *RPR Properties Ltd* (OS688.3) requested the zoning for 119 and 121 Ashmore St, Wakari be changed from Rural Hill Slopes Zone to General Residential 1 Zone (GR1), because the land is presently used by the owners for residential purposes and a GR1 Zone would be consistent with the current land use and reflect the proposed GR1 that lies to the east and south of the site.
942. *Mr Akmal Bashir* (FS2125.2), *Ms Alice Wouters* and *Mr Christopher Rietveld* (FS2256.5) and several others opposed the rezoning. Their main reasons included concerns about increased noise, wildlife damage, loss of property value, drainage problems, instability of land, future restrictions on rural neighbours with regard to planting or the keeping of animals, and the loss of sunlight, rural amenity and views.
943. The Reporting Officer noted the properties have split zoning of GR1 (fronting Ashmore Street) and Rural Hill Slopes Zone (on the rear part of site), with 119 Ashmore St being 2,635m<sup>2</sup> and 121 Ashmore Street being 1,582m<sup>2</sup> (s42A Report, Section 5.13.4, p. 357). Dwellings are located on the GR1 part of the properties and adjoin other residential properties in the GR1. The part of the properties in the Rural Hill Slopes Zone adjoins rural, recreation, and residential zoned areas.
944. She indicated that although the existing residential properties adjacent to these sites currently have rural views, there are no guarantees of this being retained in an urban environment. She considered that the rezoning request reflected subdivision which had already occurred, and that while the addition of new dwellings may result in extra noise and vehicle movements, these are elements expected in residential environments. The area is adjacent to GR1 and the Reporting Officer believed it was unlikely to create any more effects than existing dwellings. She noted, in response to submitters' concerns about instability, that there are no hazards identified over this property in the 2GP hazard overlays.
945. Mr Kurt Bowen spoke on behalf of *RPR Properties Ltd*. He provided photos and diagrams showing the relationship between the properties requested to be rezoned and submitters' properties, and photos showing different locations and views from the properties. He indicated that both properties were subdivided from the adjacent rural property in 2013 and titles amalgamated with the adjoining residential properties of owners who purchased them. He believed it is difficult for this area to be used for rural purposes due to extensive bush areas and both these properties have now been landscaped and developed with sheds by the owners. Both sections have legal access from Ashmore St and secondary informal (no legal agreement) practical access over land owned by *RPR Properties Ltd* and through a DCC reserve. Density rules do allow for new houses, if desired, but there are some physical constraints. Mr Bowen was of the opinion that if dwellings were established this would not be inconsistent with the surrounding residential environment. If it remains rural, however, rural activities may take place that would have additional impacts on neighbours more than residential zoning might.
946. *Mr Bashir* owns residential properties adjacent to 119 Ashmore Street. His view was that the land is not being used for residential purposes as the owners are using it for farming activities such as raising chickens, forestry, growing flowers for sale, fruit trees, vegetables, and a berry plot, with a large barn on site. He considered the site is unstable

and provided a GeoSolve report. He was concerned that current and future development of this area would impact his rural views and amenity.

947. *Ms. Wouters and Mr. Rietveld* are separated from the Ashmore Street properties by the remainder of the *RPR Properties Ltd* rural block which has been proposed to be rezoned Large Lot Residential in the 2GP from its existing Rural zoning in the operative Plan. We note that these submitters' primary concern is the proposed development of the rest of this large rural block. These submissions are discussed in the Urban Land Supply Decision Report. Part of their concern is any residential development of these two sites will set precedents for other development on adjoining land. They also expressed concern that the owners of 119 and 121 Ashmore Street had not submitted on this rezoning, rather only the developers of the adjoining land who undertook the subdivision to separate these properties from the rural land.

#### 4.27.2.1.1 *Decision and reasons*

948. We reject the submission by *RPR Properties Ltd* (OS 688.3) to rezone 119 and 121 Ashmore Street as GR1 and retain the rural zoning.
949. Although we had the benefit of aerial photographs and Google Street View images at the hearing, the panel made a site visit to better understand the submissions and evidence.
950. The submission from *RPR Properties Ltd* appears to us to be primarily designed to promote the company's aspirations for their much larger adjoining block. There is no legal impediment to that, but it means we do not have any information from the owners of the two areas in question about whether the present situation is inhibiting the sustainable management of this land. These areas were subdivided and added to the two adjacent residential properties to enable the owners of those properties to have more space. They appear to be making good use of that opportunity. If the present owners some day do not want such large properties, no doubt other people would. These two areas were not designed to be separate properties and the present access is only suitable as part of access to the two houses. Hypothetical legal access across DCC land cannot be taken into account.

### 4.27.3 Mosgiel

#### 4.27.3.1 Request to rezone parts of 51 and 55A Riccarton Road East

951. *Mr Roger Miller* (OS126.1) requested rezoning of parts of 51 and 55A (Lot 2 DP 325236) Riccarton Rd East, Mosgiel, from Large Lot Residential 1 to Low Density Residential Zone because it would be more in keeping with the surrounding residential zone and an efficient use of the existing infrastructure.
952. Based on evidence from Ms Louisa Sinclair and Mr Jared Oliver of DCC Water and Waste Services on the rezoning to Low Density Residential Zone requested in the submission (*Assessing submissions to 2GP which seek rezoning of land to residential – Request for technical assessment* Memorandum, September 2016) the Reporting Officer considered that rezoning the property would place additional, unplanned pressure on the wastewater and stormwater infrastructure capacity in Mosgiel, creating adverse effects on the infrastructure networks and increased flooding risk (s42A Report, Section 5.13.7, p. 374). She noted that in response to submission OS172.3 (see mapping corrections in s42A Report, Section 5.13.11) she had recommended that the Low Density Zone in this area be rezoned to GR1 to correct a mapping error, therefore the Low Density Residential Zone suggested by *Mr Miller* would not reflect the corrected surrounding zone. The Reporting Officer recommended rejecting the submission and retaining the Large Lot Residential 1 Zone.
953. Mr Paul Haddon (surveyor) for *Mr Miller*, requested the same zoning as surrounding properties, which would now be GR1 as the Reporting Officer recommended changing the surrounding zone. He considered the lack of network infrastructure capacity can be overcome through on-site management and when the road is formed it will have a

better connection between residential areas. He considered the lack of capacity available in the stormwater network could be overcome with on-site detention tanks.

954. Ms Shelly Chadwick (counsel) also presented for *Mr Miller*, providing a description of location, size, and ownership of the site. She indicated there would still be an additional 27 extra sections if zoned GR1, with the area *Mr Miller* is looking to sell for road connection to the adjacent structure plan area is taken out of the property total. Ms Chadwick submitted that the DCC has had time to ensure adequate infrastructure is available for infill development and that many other sites in the Large Lot Residential 1 Zone are large and unlikely to be developed so therefore there may be spare capacity in infrastructure.
955. Ms Louisa Sinclair of the DCC Water and Waste Services provided expert evidence regarding the infrastructure in Mosgiel and the implications of the increase in density to GR1 requested for this site by the submitter at the hearing. She stated there were significant issues currently with the waste water treatment plant and stormwater generally in Mosgiel. She was of the opinion that changing the zoning from Large Lot Residential 1, as notified in the 2GP to GR1 could result in four times as many houses, creating significantly more impermeable surfaces and increasing stormwater flows that contribute to networks being overloaded and increases flooding risks. She indicated Water and Waste Services are still determining ways to address the stormwater issues that are occurring and that there is no capacity for new areas of residential development that have not already been factored into modelling and planning for the network.
956. In her revised recommendations, the Reporting Officer highlighted there were both stormwater and wastewater infrastructure issues for this area, as outlined on page 14 of the Water and Waste report on rezoning requests. She considered GR1 zoning may not provide sufficient space for on-site stormwater and wastewater management and noted that GR1 is normally connected to DCC networks.

#### 4.27.3.1.1 *Decision and reasons*

957. We reject the submission by *Mr Miller* (OS126.1) to rezone parts of 51 and 55A (Lot 2 DP 325236) Riccarton Rd East, Mosgiel, from Large Lot Residential 1 to Low Density Residential Zone.
958. Although we had the benefit of aerial photographs and Google Street View images at the hearing, we undertook a site visit so as to better understand the submission and evidence.
959. We accept the evidence presented by *Mr Miller's* representatives at the hearing that Large Lot Residential 1 zoning will not lead to efficient use of flat residential land, but the evidence is clear that the capacity of the wastewater and stormwater systems in this area is not adequate to serve increased density. We understand from the general evidence provided by the Council's engineers about the overall situation in Mosgiel, that there are constraints in the major reticulation and disposal infrastructure; it is not a matter of just increasing the capacity of pipes between land like this and trunk mains.
960. We consider that if infrastructure capacity is available in the future there may be the option for Mr Miller to explore a plan change for this area to seek the GR1 zoning he desires.

### 4.27.4 West Harbour/North Coast

#### 4.27.4.1 Request to rezone 8 and 10 Rimu Street

961. *Ms Rachel Gibb* (OS833.1) requested rezoning 8 and 10 Rimu St, Ravensbourne, from Rural Hill Slopes to GR1. Her key reason was that even when all three lots are combined the property would not be large enough for a viable farm, the land is steep and rough and has never been productive farmland, and all lots were part of an early subdivision of the area. *Mr Callum Fissenden* (FS2030.1) opposed the submission.

962. The Reporting Officer explained that the property at 8 and 10 Rimu Street has an area of 2,808m<sup>2</sup> and consists of three lots, all in the same ownership, with one dwelling on the property. The property is surrounded by Rural Hill Slopes and Rural Residential 1 zoning, and General Residential 1 zoning on the opposite side of the road. The landowner also owns the adjacent rural residential property and large residential properties over the road. One dwelling exists on another adjacent small site (12 Rimu Street, 835m<sup>2</sup>). DCC Water and Waste Services have indicated services are either available at the boundary or within a reasonable distance of the site (30m), however, there may be some limitations on capacity.
963. The Reporting Officer considered that given the size of the sites and the infrastructure in the area, and limited use as rural land, that rezoning to residential would be appropriate. She also recommended rezoning 12 Rimu St to GR1 as it was adjacent to these properties and used for residential purposes (s42A Report, Section 5.13.10, p. 394).

#### 4.27.4.1.1 *Decision and reasons*

964. We reject the submission by *Ms Gibb* (OS833.1) to rezone 8 and 10 Rimu St, Ravensbourne from Rural Hill Slopes to General Residential 1 Zone) and reject the suggestion by the Reporting Officer to also rezone 12 Rimu St.
965. Although we had the benefit of aerial photographs and Google Street View images at the hearing, we undertook a site visit so as to better understand the submission. The submitter and the Reporting Officer did not comment on the fact that this land is within a Significant Natural Landscape (SNL) mapped area. These areas provide important amenity as discussed in detail in our decision on the Natural Environment topic. We had no evidence on the values of this particular SNL, but after considering a number of these in the course of the hearings on requests for rezoning as part of the Urban Land Supply topic, we made a decision to not rezone SNL areas for residential development.

#### 4.27.4.2 Request to rezone 17 Reservoir Road, Warrington (33 Reservoir Road)

966. *Ms Geraldine Tait* (OS101.1) requested Lot 5 DP 3283 and Lot 6 DP 3283 at 17 Reservoir Rd (33 Reservoir Road), Warrington, be changed from Rural Coastal Zone to Township and Settlement Zone and would like the lower three sections to remain Township and Settlement Zone.
967. The Reporting Officer noted 17 Reservoir Rd (33 Reservoir Rd) is zoned Rural Coast Zone in the 2GP and is subject to a Hazard 2 (land instability) overlay. The sites are bounded by Rural Coastal, Rural Residential 2, and Township and Settlement zones. The site sizes are consistent with the adjacent Township and Settlement Zone (s42A Report, Section 5.13.10, p. 396). She outlined the expert evidence provided by *Ms Louisa Sinclair* and *Mr Jared Oliver* of DCC Water and Waste Services on the rezoning to Low Density Residential Zone requested in the submission (*Assessing submissions to 2GP which seek rezoning of land to residential – Request for technical assessment Memorandum, September 2016*) indicated that the sites sit outside the water zone boundary. They indicated that although water services are available in the road adjacent to the sites and capacity is available, wastewater is not to the site boundaries but is within a reasonable distance (20m). Stormwater network is not available but discharge to a local watercourse is possible, however this could result in downstream effects.
968. She recommended the rezoning of these two lots (Lot 5 DP 3283 and Lot 6 DP 3283) as Township and Settlement Zone.
969. *Ms Tait* explained that there were five residential sections which were part of their farm and that these had been subdivided by the previous owner who intended to sell them. She did not intend to sell or develop these sites but considered future owners may want flexibility. She explained that lot 8 was quite wet so unlikely to be developable; suggesting the lots 5, 6, and 7 could be residential zoned (although she only asked for lots 5 and 6 in her submission). She believed the lots could be serviced from the existing



water tank on the property. She noted that she had previously been told that these sites could be serviced by the existing water infrastructure network, but other properties were being subdivided and able to get access, thereby limiting development of existing serviceable sites.

- 970. Ms Louisa Sinclair of the DCC Water and Waste Services provided expert evidence on the availability of services. She stated that fire flows were the primary issue in the area currently, but upgrading of the water network was proposed within the year and there would be capacity in the network.
- 971. In her revised recommendations, the Reporting Officer recommended three lots (being Lot 5, 6 and 7 DP 3283) be included in Township and Settlement Zone.

#### 4.27.4.2.1 *Decision and reasons*

- 972. We accept in part the submission by *Geraldine Tait* (OS101.1) and add Lot 5 DP 3283, 17 Reservoir Road, Warrington (33 Reservoir Road), to the adjoining Township and Settlement Zone. We visited the area and accept this is a logical extension to the zone and will allow a more efficient use of the land. With regard to Lot 6 that was requested to be rezoned Township and Settlement Zone, we considered the zoning of this lot in conjunction with the adjacent lots in the Rural Residential Hearing and have included Lot 6 in the Rural Residential 2 Zone. There is no scope from the submission to include lot 7 in the Township and Settlement Zone, as requested by the submitter at the hearing.

#### 4.27.4.3 Request to rezone 36 Doctors Point Road, Waitati

- 973. *Blueskin Nurseries Limited* (OS309.1) requested a change of zoning to part of 36 Doctors Point Road, Waitati, from Rural Coastal Zone to Township and Settlement Zone. *Ms Catherine Morrison* (FS2135.1) and several other further submitters opposed this submission.
- 974. The Reporting Officer noted that the site was a relatively small isolated area of rural zoning currently used as a nursery with similar aspect and topography to the surrounding Township and Settlement Zone (s42A Report, Section 5.13.10, p. 397). She considered it reasonable to enable the nursery manager to live on-site, and as the rural zoning would not facilitate that, considered it appropriate to rezone part of the site to enable it.
- 975. Mr Mark Brown and Mr Ciaran Keogh appeared on behalf of *Blueskin Nurseries Limited*. They supported the Reporting Officer's recommendation. They expressed concerns about the rural zoning restricting the ability to construct a dwelling on the site and the potential difficulty in getting resource consent for development. They considered there were better ways to achieve a dwelling on the site than rezoning part as residential but saw this as the only option through the 2GP. They believed a dwelling on the site would make the business an economic unit. They would have preferred to retain rural zoning over the property, but with the right to build a dwelling. They stated that although the dwelling could be anywhere on the site, the area proposed in the submission bounds residential land, is the highest part of site and has access available off Harvey St, therefore they considered it most appropriate. They really just wanted a 500–1,000m<sup>2</sup> site to build on.
- 976. *Ms Catherine Morrison* stated that there were residential properties adjoining the nursery site owned by the Brown family or the company and that she heard Mr Brown intended to put more than one dwelling on the site if rezoned to residential.
- 977. In her revised recommendations, the Reporting Officer recommend only rezoning 1,000m<sup>2</sup> of the site as Township and Settlement Zone (no DCC reticulated wastewater) and that this should be located in the Harvey Street corner of the property, adjacent to 39 Harvey Street.

#### 4.27.4.3.1 Decision and reasons

978. We reject the submission by *Blueskin Nurseries Limited* (OS309.1) for a change of zoning to part of 36 Doctors Point Road, Waitati, from Rural Coastal Zone to Township and Settlement Zone, and accept the further submissions.
979. The panel made a site visit to better understand the submission. The submitter's representatives submitted that a dwelling is needed for the nursery business. They saw rezoning as the only practical mechanism to achieve that. Rezoning would however allow subdivision of the rezoned area from the nursery. We are not persuaded that it would be very difficult to obtain resource consent for a custodial dwelling, if evidence was provided to show that a dwelling is needed in the particular circumstances.

#### 4.27.4.4 Request to rezone Lot 14 Mark Street



980. *Mr Trevor and Mrs Dorothy Johnson* (OS28.1) requested that Lot 14 Mark Street, Ravensbourne be rezoned from Rural Residential 1 to General Residential 1 Zone. The reason for their request was to allow them to rebuild and restore the cottage to a habitable state. They believed that the Rural Residential 1 zoning meant that the land had no value and that they would have to pay rates without being able to do anything with it.
981. The Reporting Officer noted that Lot 14 Mark St is 764m<sup>2</sup> and is surrounded by Rural Residential 1 and Rural Hill Slopes zoning, much of which is Department of Conservation land, and it is located close to a Large Lot Residential 1 Zone (s42A Report, Section 5.13.10, p. 394). She indicated that there does not appear to be a dwelling on the site and there are no adjacent dwellings. She noted that as the site is zoned rural in the operative District Plan there has been no change to the (non-complying) activity status for residential activity on the site.
982. She did not consider that residential zoning was appropriate as it would create one isolated General Residential 1 zoned lot and this would not create a logical zoning pattern.
983. *Mr and Mrs Johnson* believed the site was too small to be zoned rural and should be residential. They indicated a house had been on the site since 1800 but had fallen into disrepair. The property had been lived in prior to them purchasing it in 1974, but it had not been lived in since. They indicated it had not been used for farmland in the last 100 years and that surrounding land was not used for farming either. They believe they are unable to build a house or sheds on site because of the zoning and there is no wastewater and water infrastructure to the site. They consider the only sensible solution is to make it residentially zoned.

#### 4.27.4.4.1 *Decision and Reasons*

984. We reject the submission by *Mr and Mrs Johnson* (OS28.1) to rezone Lot 14 Mark Street for the reasons outlined by the Reporting Officer. We note that while there were some other requests for changes to zones for individual lots further to the west of this site there were no overall submissions seeking changes to the zoning of the area. We accept the submitter's comments about it not being used for farming for a very long time, however, their evidence also indicates that it has not been used for residential activity for quite some time and that the previous dwelling has been left to deteriorate. The zone requested is not consistent with the surrounding zones and we consider it to be inappropriate to spot zone this site.

### 4.27.5 Mapping corrections

#### 4.27.5.1 Request to rezone 1019 Brighton Road, Brighton

985. *Ms Carol Fibbes* (OS931.1) requested a change to the zoning of 1019 Brighton Rd, Brighton from Recreation Zone to Township and Settlement Zone. Her reason was that the property is freehold but is not recognised as a residential site, instead being classed as recreation.
986. The Reporting Officer outlined that 1019 Brighton Road is a very small, narrow site (58m<sup>2</sup>) that has been developed for residential purposes along with extensive development into the adjacent Brighton Recreation Reserve. This encroachment into the reserve was carried out prior to the reserve transferring to DCC when the Silverpeaks County Council dissolved in 1989. The reserve was managed by the Department of Conservation prior to DCC management. It appears that at least some applications to build onto the reserve were declined by the Department of Conservation and accordingly building permits were also declined by the County Council. DCC Parks and Recreation Group have had several meetings and correspondence with the landowner, Mrs Fibbs, proposing that the DCC buys her site for incorporation into the reserve with the illegal structures within the reserve being removed. This situation has not yet been resolved. There is no lease or licence in place for the area of reserve which has been encroached on. The reserve was reclassified from Recreation Reserve in 2009 to Local Purpose (Coastal Protection) in recognition of its importance for coastal protection (s42A Report, Section 5.13.11, p. 406).

##### 4.27.5.1.1 *Decision and reasons*

987. We reject the submission by *Ms Fibbes* (OS931.1) to change to the zoning of 1019 Brighton Rd, Brighton from Recreation Zone to Township and Settlement Zone.
988. We have assessed this request without regard to any negotiations the Council may have had about purchase of the property. Equally, we cannot have any regard to the fact that *Ms Fibbes*, or a previous owner, has extended residential activity across the boundary into the Brighton Reserve. *Ms Fibbes'* residential activity on her own property was presumably legally established so is protected by section 10 of the Resource Management Act. That activity may continue, regardless of any new district plan rules such as re-zoning.
989. The question we have to consider is what the appropriate zoning is, given the exceptional circumstances of the site. At 58m<sup>2</sup> the property does not have sufficient space for even a modest residential re-development that meets Township and Settlement Zone boundary setbacks and other rules. To zone it Township and Settlement would imply that it is feasible to use the property for a complying residential re-development. Given that it adjoins the Brighton Reserve and not rural zoned land, we consider the best zoning is Recreation Zone.

#### 4.27.5.2 Request to rezone 81 Elwyn Crescent, Green Island

990. The *Dunedin City Council* (OS360.188) requested a change to the zoning of 81 Elwyn Crescent, Green Island from Rural Coastal Zone to General Residential 1 Zone. *Russell Stuck* (FS2027.1) (owner of the adjacent farmland) supported the submission in part in regard to the rezoning of all parcels at 81 Elwyn Crescent except the parcel adjacent to 71 Elwyn Crescent, which he opposed (FS2027.2) unless continued drainage from adjacent farmland could be provided for and continued. He supported the rezoning in general but believed the bottom one of these sections will either need to be excluded or have a drainage ditch retained through it. *Mr Stuck* indicated he was required to construct a ditch along the side of his property down to Brooklyn St to divert the water, which would not be possible with rezoning because it is at the bottom of a gully.
991. The Reporting Officer noted that 81 Elwyn Crescent, Green Island, is 4,108m<sup>2</sup> in area and is zoned Rural in the operative District Plan and the 2GP. This property has already been developed for residential purposes and contains one dwelling. It contains 6 lots held in one title, therefore, subdivision would be required to separately sell the lots (s42A Report, Section 5.13.11, p. 406). She considered guaranteed retention of the drainage ditch for the benefit of the adjacent owner would be better achieved through an easement over 81 Elwyn Crescent or through some other private agreement. The Reporting Officer considered the zoning of the land, if retained as rural, would not serve to protect the drain as non-residential buildings could be constructed in this area or the landowner could develop this area in some other way. Rezoning only part of the site, as proposed by *Mr Stuck* would result in a split zoning, which the Reporting Officer did not consider was ideal. It also does not guarantee protection of the drain, as drains are not controlled by the 2GP. The Reporting Officer noted that the current Rural zoning was not appropriate for the site, and the requested rezoning corrects this error. The Reporting Officer recommended rezoning the whole property.

##### 4.27.5.2.1 Decision and reasons

992. We accept, in part, the submission by *Dunedin City Council* (OS360.188) and accept the further submission by *Mr Stuck* (FS2027.1 and 2027.2) to rezone most of the property at 81 Elwyn crescent to GR1. As suggested by the Reporting Officer, the issue of drainage could probably be resolved through an easement but as that has not been organised by the owner and the neighbour, we consider the parcel of land adjacent to 71 Elwyn Crescent should remain Rural.

#### 4.27.5.3 Request to rezone 52 Factory Road, Mosgiel

993. The *Dunedin City Council* (OS360.230) sought to change the zoning of part of 52 Factory Road, Mosgiel from GR1 to GR2 in order to correct a mapping error and have the whole property included in one zone. The DCC also requested that the property be included in the Mosgiel Mapped Area (OS360.231) as the mapped area applies to the GR2 Zone in this area.
994. The Reporting Officer indicated 52 Factory Road is 1,052m<sup>2</sup> and contains a large dwelling. Part of the property was subdivided off the adjacent industrial area and amalgamated with a tiny lot that was in the Residential 1 Zone. Part of the property, adjacent to the GR2 has been included in this zone and the remainder adjoins Industrial and GR1 zones and has been included in the GR1.
995. The Reporting Officer was of the opinion that the GR2 zoning was accidentally put over part of this site and believed that given the nature of the site and the surrounding properties, that it would be more appropriate for the whole site to be included in GR1 (s42A Report, Section 5.13.11, p. 408). The Reporting Officer recommended rejecting the submission and instead recommend that the whole site be zoned GR1 to reflect the site size and development on the ground.

#### 4.27.5.3.1 *Decision and reasons*

996. We accept the submission by the *Dunedin City Council* (OS360.230) to make the whole site GR2 and include it in the Mosgiel Mapped Area (OS360.231). We note that there was no scope for Reporting Officer's recommendation to make it GR1 however, so that is not an option, and do not consider it appropriate to retain the split zoning as notified.

#### 4.27.5.4 *Zoning at East Taieri*

997. *Ms Emily McEwan* (OS172.3) sought to have the zoning of the Low Density Residential Zone at East Taieri along both sides of Riccarton Road East, Main South Road and Elizabeth Avenue changed to GR1 because of the belief that Low Density Residential zoning will restrict planned subdivision activities in this area due to the minimum site size increasing from the current size of 500m<sup>2</sup> (under Residential 1 in the operative District Plan) to 750m<sup>2</sup>.
998. *Ms Louise Luitjes* (FS2150.1) opposed the submission on the basis that the East Taieri area is a semi-rural area and is more suitable to a Large Lot Residential (she suggested over 1/2 acre) or rural zone and the desire to keep the rural aspect. She requested zoning that retains the rural/ lifestyle areas and prevents further subdivision of the area.
999. The Reporting Officer indicated this may have been a mapping error as the area is zoned Residential 1 in the operative District Plan and there was no intent to reduce the development potential in this area (s42A Report, Section 5.13.11, p. 408). She acknowledged though that the site sizes in this area are generally larger than 500m<sup>2</sup> as highlighted by the further submitter.
1000. Additionally, in assessing the submission, the Reporting Officer noted that properties at 121–139 Main South Road, located adjacent to this residential zone, have also been developed for residential purposes but have been zoned Rural in the 2GP. These properties are similar in size and development pattern to the adjacent residential area, have water connections, but are not connected to the Council reticulated wastewater network. Water and Waste Services have advised that given the current issues within the wastewater network for Mosgiel, there is no capacity to add additional sites to the network. The Reporting Officer considered that zoning these sites Township and Settlement and including them in the "no DCC reticulated wastewater mapped area" would be appropriate.
1001. The Reporting Officer recommended accepting the submission from *Ms McEwan* and rezoning this area to GR1 to reflect its current zoning. In addition, she recommended rezoning the sites at 121–139 Main South Road, East Taieri, to Township and Settlement Zone and including these in the "no DCC reticulated wastewater mapped area".

#### 4.27.5.4.1 *Decision and reasons*

1002. We accept the submission by *Ms McEwan* (OS172.3) to have the zoning of the Low Density Residential Zone at East Taieri changed to GR1, and therefore reject the further submission by *Ms Luitjes* (FS2150.1). While we acknowledge *Ms Luitjes'* point that this locality has been developed at lower density so far, we see no reason to limit the option of normal residential density over the undeveloped land. This is a particularly attractive living environment and we consider it would be efficient use and development (section 7(b) of the Act) to provide for a few more households to enjoy it. We cannot accept the Reporting Officers additional recommendation to rezone 121–139 Main South Road as we consider the submission does not provide scope for this.

#### 4.27.5.5 *55 (65) Ellesmere Street, Ravensbourne*

1003. *Dunedin City Council* (OS360.110) and *Mr Trevor and Mrs Dorothy Johnson* (OS28.2) requested a change to the zoning of part of 55 (65) Ellesmere Street, Ravensbourne

from Large Lot Residential 1 Zone to General Residential 1 so that the property is wholly within the General Residential 1 Zone rather than split zoned.

1004. The Reporting Officer recommended accepting the requested mapping correction to avoid split zoning of the site (s42A Report, Section 5.13.11, p. 407).

1005. *Mr and Mrs Johnson* accepted the Reporting Officer's recommendation.

#### 4.27.5.5.1 *Decision and Reasons*

1006. We accept the submissions by the *Dunedin City Council* (OS360.110) and *Mr and Mrs Johnson* (OS28.2) to change the rezoning of part of 55 (65) Ellesmere Street, Ravensbourne, from Large Lot Residential 1 Zone to GR1 so that the property is wholly within the GR1, rather than split zoned.

#### 4.27.5.6 15 Thoreau Street

1007. *Bob Mathieson* (OS1040.2) requested the zoning of part of 15 Thoreau Street be changed from Rural Coastal Zone to GR1 so that the full property is in GR1, rather than split zoned. He believed that the location of the zone boundary did not consider the nature of the existing land use, the complications that exist with multi-zoned properties, or the modest size of the rural zoned area (0.45Ha). He considers that the land and attached activities would be able to be managed more efficiently with a residential zone applied for the whole property.

1008. The Reporting Officer was of the view that it is appropriate to amend the split zoning and did not consider that residential development in this area would be out of keeping with the adjacent residential environment (s42A Report, Section 5.13.11, p. 408).

1009. Mr Kurt Bowen (surveyor) spoke at the hearing on behalf of *Mr Mathieson*. He accepted the Reporting Officer's recommendation. He was of the opinion that the land is suitable for residential and *this* would be more appropriate than split zoning with rural. He believed the small site would not be able to comply with rural performance standards. In response to questions, Mr Bowen advised that he considered much of the site is suitable for residential development.

1010. In response to questions about the activities occurring on the adjacent rural land, Mr Bowen provided additional information to us via email. From his research into the adjacent site, he concluded that the property appeared to be predominantly supporting residential activity with some space for hobby farming. He found no evidence of a discrete business being operated from the site. He considered there were unlikely to be issues of reverse sensitivity if the site was fully zoned residential, due to both sides of the common boundary predominantly be residential in nature.

#### 4.27.5.6.1 *Decision and Reasons*

1011. We accept the submission by *Mr Mathieson* (OS1040.2) to change the zoning of the part of 15 Thoreau Street that is Rural Coastal Zone to GR1 so that the full property is in GR1, rather than split zoned. Split zoning is occasionally unavoidable, but it creates difficulties in applying and enforcing standards. We consider residential zoning to be appropriate for the property for the reasons outlined by the Reporting Officer, and because it is close to a school and recreation area.

### 4.27.6 Maps – Infrastructure Constraint Mapped Area

#### 4.27.6.1 Background

1012. The Residential s42A Report explained that the 2GP contains an 'Infrastructure Constraint Mapped Area', which is the method used for areas identified as appropriate for new medium density zoning (General Residential 2 Zone) but which need to be 'held' at a General Residential 1 level of development (based on density and minimum site

size performance standards) until existing wastewater infrastructure constraints can be resolved. The method requires a Council plan change to uplift the mapped area before the higher level of density is permitted. She explained the intent is to remove the overlay through regular plan changes as these constraints are addressed through infrastructure upgrades. Prior to this, however, applications to develop at the General Residential 2 density can be considered through a Restricted Discretionary consent application.

#### 4.27.6.2 Clarification of where infrastructure constraint mapped area applies

1013. *Knox and Salmond Colleges Board* (OS182.6) requested more information be provided on the infrastructure constraints that apply. The submitter understood the need to recognise where infrastructure is constrained but suggested that the 2GP and supporting documents give no information on the degree of constraint that would apply, which makes it difficult to plan accordingly. The submitter questioned the need for additional controls in the 2GP because they believe DCC already has control over infrastructure connections.
1014. The Reporting Officer explained that the provisions require resource consent to be gained when residential development density or site size will be higher than normal residential development (GR1 levels) in areas where the infrastructure network has limitations on capacity (s42A Report, Section 5.12.1, p. 324). This allows for case-by-case analysis to determine if there is capacity for a particular development. She was of the view that it was not appropriate to specify in the 2GP the exact nature or extent of the constraint as it is different for different areas, will depend on the nature of the proposed development, and will change over time as infrastructure networks are upgraded.

#### 4.27.6.2.1 Decision and Reasons

1015. We reject the submission by the *Knox and Salmond Colleges Board* (OS182.6) because as outlined by the Reporting Officer this will be ineffective as Council policy is to provide connections based on zoning.
1016. We note that there were submissions from *Mr Wyber* (OS394.23) that also sought more information in the Plan on the nature and detail of the infrastructure constraints that we address in the Plan Overview decision.

#### 4.27.6.3 Request to remove infrastructure constraint mapped area off areas not zoned GR2

1017. *Forestry Specialists Ltd* (OS149.2) requested removal of the Infrastructure Constraint Mapped Area (ICMA) from 565 Kaikorai Valley Road. Their primary reason was that the bulk of this land is currently used for farming (growing Christmas trees) and is zoned Rural. The land is steep and difficult to develop without extensive earthworks. It is practical to develop the Kaikorai Valley Road frontage to a depth of 50m for industrial use.
1018. *Lainston Properties Limited* (OS239.1) requested removal of the ICMA from 168 Dukes Road North, Mosgiel (Lot 1, DP 437505). Their reason was that the site was subdivided by way of resource consent and the DCC report on the infrastructure at that time clearly establishes that no constraints were affecting this site.
1019. The *Gladstone Family Trust* (OS249.3) seeks to remove the ICMA from 60 Irwin Logan Drive, Mosgiel.
1020. *Dunedin Housing Maintenance Contractors* (OS599.2), *G W Davies Heating Engineers Ltd* (OS1066.2), *Kenneth John Lawson* (OS962.1), *Ohara Investments* (OS1025.2), and *McNeill Drilling* (OS982.2) requested removal of the ICMA from the Donald Street/McNab Street area, Kaikorai Valley. They believed that it is not achieving any resource management purpose and needed to be removed.

1021. The Reporting Officer recommended that the infrastructure constraint area be removed from all of these sites as they were not zoned GR2 and therefore there were no rules triggered by the 'Infrastructure Constraint Mapped Area'.
1022. She furthermore, recommended that in order to improve clarity, that it be removed as a clause 16 change from all other sites that were not zoned GR2 as there were no rules triggered by the 'Infrastructure Constraint Mapped Area' in any zone except GR2 (s42A Report, Section 5.12.1, p. 323).
1023. Mr Kurt Bowen (surveyor) spoke at the hearing for *Owhiro River Limited*. The submitter accepted the Reporting Officer's recommendations and suggested additional reasons for the removal of the overlay beyond those suggested by the Reporting Officer. Mr Bowen indicated the submitter had resource consent for an 80-lot development and that although there were some constraints prior to development; these have been addressed during development and no longer exist. He suggested that even if the Panel kept the ICMA layer in the 2GP, he would like it taken off this site.

#### 4.27.6.3.1 *Decision and Reasons*

1024. We accept the submissions by *Forestry Specialists Ltd* (OS149.2), *Lainston Properties Limited* (OS239.1), *Gladstone Family Trust* (OS249.3), *Dunedin Housing Maintenance Contractors* (OS599.2), *G W Davies Heating Engineers Ltd* (OS1066.2), *Kenneth John Lawson* (OS962.1), *Ohara Investments* (OS1025.2), *McNeill Drilling* (OS982.2) and *Owhiro River Limited* (OS845.3) to remove the infrastructure constraint mapped area from the sites requested.
1025. We note the Reporting Officers recommendation to improve clarity and usability of the Plan by removing the 'Infrastructure Constraint Mapped Area' from zones where no rules are triggered by the mapped area. The DCC has removed the mapped area where it is not necessary and has retained it over the GR2 Zone where infrastructure constraints have been identified and over the Schools Zone where the default zoning is GR2 (Carisbrook School, North East Valley Normal Primary School, Sacred Heart School, and St Bernadette's School), to ensure that if the properties are developed for residential activity in the future, the infrastructure constraints are taken into consideration. The DCC has made this amendment under clause 16 of the 1<sup>st</sup> Schedule of the RMA.
1026. We note that due to ongoing advancements in monitoring and the assessment of catchments and the infrastructure network, additional mapping of areas or new rules may be added to the Plan for constraint areas for stormwater as future plan changes.

#### 4.27.6.4 *Inclusion of area in infrastructure constraint mapped area*

1027. The *Dunedin City Council* (OS360.220) sought amendment to the ICMA to include the part of the old North East Valley quarry zoned General Residential 2 (centred on 309 North Road).
1028. The Reporting Officer noted 309 North Road had been rezoned to GR2 in the 2GP and the North East Valley area had this mapped area (s42A Report, Section 5.12.1, p. 325). Not including 309 North Road in the ICMA was a mapping error.

#### 4.27.6.4.1 *Decision and Reasons*

1029. We accept the submission by the *Dunedin City Council* (OS360.220) to amend the infrastructure constraint mapped area to include the part of the old North East Valley quarry zoned General Residential 2 (centred on 309 North Road) for the Reasons outlined by the Reporting Officer.



## 5.0 Other amendments

1030. This section outlines our decisions on small matters that were not traversed at the hearing and were relatively uncontested. For these matters our decisions were made entirely on the evidence presented in the submission and the s42A Report, with our reasons, unless otherwise indicated, being the same as those summarised by the Reporting Officer.

### 5.1 Definitions of visitor accommodation

1031. Decision – We accept in part the submissions by the *DCC* (OS360.124), *Ms Yeldon* (OS12.4), and *Scenic Circle Hotels Limited* (FS2446.2) to amend the definition of visitor accommodation, as this will clarify which activities fit under the definition and how it relates to other definitions. We agree with the reasons outlined by the Reporting Officer (s42A Report, Section 5.1.1, p.33).
1032. The amendments to the definition of visitor accommodation are shown in Appendix 1 attributed to submitter points Res 12.4 and 360.124.

### 5.2 Definitions of working from home

1033. Decision – We accept, in part, the submissions by *Ms Yeldon* (OS12.3) and the *DCC* (OS360.125) to amend the definition of working from home. This will improve clarity for plan users and consistency with other definitions. We agree with the reasons outlined by the Reporting Officer (s42A Report, Section 5.1.2, p.37). We do not consider it necessary to specify that a homestay must be in the same residential unit as requested by *Ms Yeldon*. The inclusion of short-term house rentals would allow a residential unit to be rented, including a self-contained unit, therefore, it is not necessary to exclude the use of these buildings in the working from home definition.
1034. The amendments are shown in Appendix 1 (see amendments to working from home definition attributed to submitter points Res 12.3 and 360.125).

### 5.3 Definitions of Buildings

1035. Decision – We accept the submission of the *House Movers* (OS1035.1) seeking confirmation that the 2GP does not distinguish between new and relocatable buildings and agree with the relief suggested by the Reporting Officer (s42A Report, Section 5.6.12, p. 146) to amend the definition of buildings to provide increased clarity on this matter.
1036. The amendments are shown in Appendix 1 (see amendments to buildings definition attributed to submitter points Res 1035.1).

### 5.4 Correction to Objective 15.2.4

1037. Decision – We accept the recommendation by the Reporting Officer to amend Objective 15.2.4 to make the wording consistent with the policies that sit below it (s42A Report, Section 5.3.8, p. 73). Instead of just referring to subdivision and development activities, land use activities will also be captured by the correction, as was intended. This correction is minor in nature but rather than rely on cl.16, it has been attributed

to the broad submission by the *Otago Regional Council* (OS908.3) seeking consistent wording through the 2GP.

1038. The amendments are shown in Appendix 1 (see amendments to Objective 15.2.4 attributed to submitter points Res 908.3).

## **5.5 Rule 15.5.4 Blank Page**

1039. Decision – We accept the submission by *New Zealand Transport Agency* (OS881.109) to remove the section titled 'blank page' as this served as a place holder in the drafting of the 2GP, but was subsequently not used, and was not removed prior to notification. We make this correction as a clause 16 amendment.

## **5.6 Correction of Rule 15.6.8 Location and Screening of Car Parking**

1040. Decision – We accept the submission by the *Dunedin City Council* (OS360.109) to correct an error in the performance standards for the location and screening of car parking (Rule 15.6.8.2) to clarify that the performance standard specifying that parking, loading, access areas, and garages and carports must not occupy more than 50% of the area of front yard in the boundary setback applies to all residential areas, including heritage precincts as outlined by the Reporting Officer (s42A Report, Section 5.8.7, p. 264).
1041. The amendments to Rule 15.6.8 are shown in Appendix 1 attributed to Res 360.109. (see amendments to Rule 15.6.8 and consequential amendments to the assessment of restricted discretionary activities in a heritage precinct in Rule 15.9.6.4 attributed to submitter points Res 360.109).

## **5.7 Rule 15.5.8 Maximum Gross Floor Area**

1042. Decision – We accept, in part, the submissions by the *Construction Industry and Developers Association* (OS997.3) and *Ms Megan and Ms Cecilia Jane Mickelsen* (FS2297.2) in regard to the request to amend the activity status of working from home or dairies that contravene performance standards (Rule 15.5.8.3) from non-complying to discretionary and make consequential amendments to Rules 15.11 and 15.12, for the reasons outlined by the Reporting Officer (s42A Report, Section 5.7.4, p. 199). Additionally, we have rejected the *Construction Industry and Developers Association* submission (OS997.2) to include a maximum floor area for early childhood education and registered health practitioners for the reasons given by the reporting Officer.
1043. The amendments are shown in Appendix 1 (see amendments to Rule 15.5.8.3, 15.11.3.2 and 15.12.5.4 attributed to submitter points Res 997.3).

## **5.8 Rule 15.6.14 Boundary setbacks**

1044. Decision – We accept the submission by *New Zealand Fire Service Commission* (OS945.35) to amend Rule 15.6.14.1.a to indicate the setback distances from boundaries specified in the rule are minimum distances rather than an absolute value. We agree with the reasons provided by the Reporting Officer (s42A Report, Section 5.8.9.1, p. 291).
1045. The amendments are shown in Appendix 1 (see amendments to Rule 15.6.14.1 attributed to submitter points Res 945.35).

## 5.9 Assessment rules

1046. Decision – We accept the submission by *Kati Huirapa Runaka ki Puketeraki and Te Runanga o Otakou* (OS1071.61) to amend Rule 15.12.2.1.b.iv to correct the spelling of 'mahuik kai' to 'mahika kai' as discussed in Section 5.10 of the s42A Report. We note this provision has subsequently been deleted through a clause 16 amendment in the Manawhenua decision.

## 5.10 Amendments to mapped areas

1047. Decision – We accept the submissions by the *Dunedin City Council* to correct mapping errors in the 2GP relating to the “no DCC reticulated wastewater mapped area”, ‘Mosgiel Mapped Area’ and ‘South Dunedin Mapped Area’ for the reasons outlined by the Reporting Officer in Section 5.12.2 of the s42A Report. Specifically, we remove the mapped area from Allanton (OS360.171), Waikouaiti (OS360.172), and 333 and 338–346 Portobello Road, the Cove (OS360.232).
1048. We include the following areas in the “no DCC reticulated wastewater mapped area”: 761–807 Aramoana Road, Port Chalmers, (OS360.173), the Township and Settlement Zone area at Momona (OS360.174), all land zoned Township and Settlement zone adjoining/near Reynoldstown Road close to the intersections with Blueskin Road (OS360.189).
1049. We reject the submission by the *Roman Catholic Bishop of the Diocese of Dunedin* (OS199.4) to reconsider the purpose of the South Dunedin Mapped Area for the reasons outlined by the Reporting Officer in Section 5.12.3 of the s42A Report.

## 5.11 Request to rezone areas in Caversham

1050. Decision – We accept the submission by the *Caversham Community Group* (OS1022.1) and the *Dunedin City Council* (OS360.225) to rezone 230 South Road from General Residential 2 to Recreation Zone for the reasons outlined by the Reporting Officer in Section 5.13.5 of the s42A Report.

## 5.12 Request to rezone areas in Green Island

1051. Decision – We accept the submission by the *JCW & JL Moyle* (OS857.2) to rezone 28A, 28B, 28C, 26A, 26B, and 26C Christie Street from Large Lot Residential 2 Zone to Large Lot Residential 1 Zone for the reasons outlined by the Reporting Officer in Section 5.13.6 of the s42A Report.

## 5.13 Request to rezone areas in Mosgiel

1052. Decision – We accept the submission by the *Mill Park Estate Limited* (OS1011.1) to rezone that part of 60 Factory Road, Mosgiel, that was subject to resource consent for residential subdivision (being 7A, B and C High St and 56, 54, 52, 50, 48, 46 Arran St) from Industrial Zone to General Residential 1 Zone for the reasons outlined by the Reporting Officer in Section 5.13.7 of the s42A Report.

## 5.14 Request to rezone areas in Peninsula and adjoining suburbs

1053. Decision – We accept the submission by *Mr David Tordoff* (OS122.5) to change the minimum site size of the Township and Settlement area around Rosehill Road and agree with relief recommended by the Reporting Officer in Section 5.13.9 of the s42A Report. We rezone 414, 415, 416, 420 and 422 Portobello Road as Large Lot Residential 1 Zone and rezone the northern portion of 417 Portobello Road (to equal with the southern boundary of 415 Portobello Road) to Large Lot Residential 1 Zone and the southern portion of the site to Rural Hill Slopes Zone.

## 5.15 Request to rezone areas in West Harbour/North Coast

1054. Decision – We accept in part the submission by *Mr Paul Campion* (OS538.1) and the relief recommended by the Reporting Officer to better align the property and zone boundaries. We rezone part of 68, 66A and 64 Orokonui Rd (excluding long part through adjacent rural coastal zone) to Township and Settlement Zone, and rezone that part of 80 Orokonui Rd that is Township and Settlement to Rural Coastal, for the reasons outlined by the Reporting Officer as outlined in Section 5.13.10 of the s42A Report. We also include the rezoned Township and Settlement areas in the “no DCC reticulated wastewater mapped area” and remove it from the Rural Coastal part.

## 5.16 Mapping corrections – Kuri Bush

1055. Decision – We accept the submissions by the *Dunedin City Council* to change the zoning of 787, 969, 967, 955, 953, 945, 939, 937, 931, 929, 927, and 915 Taieri Mouth Road, Brighton, from Coastal Rural Zone to Township and Settlement Zone (OS360.167) and make consequential changes to remove the Dune System Mapped Area and Natural Coastal Character overlays, and include these areas in the “no DCC reticulated wastewater mapped area” (OS360.168) for the reasons outlined by the Reporting Officer as outlined in Sections 5.13.11 and 5.12.2 of the s42A Report.

## 5.17 Mapping corrections – Sites zoned as Major Facilities – School

1056. Decision – We accept the submissions by the *Dunedin City Council* and the *Roman Catholic Bishop of the Diocese of Dunedin* to change the zone of the following properties from Schools Zone to residential zones, because the schools have been closed, or incorrect lots were included in the zone, as outlined by the Reporting Officer in Section 5.13.11 of the s42A Report:
- 26 and 28 Spottiswoode Street to GR1 (Res 360.229 and 199.9)
  - 20 Canongate, Dunedin Central to ICR (Res 360.103 and 199.7)
  - 4 Brighton Road, Green Island to GR1 (Res 199.5 and 360.10)
  - 87 Macandrew Road, South Dunedin to GR2 (Res 360.11) and include this property in the South Dunedin Mapped Area (Res 360.189)
  - 110 Melbourne Street, South Dunedin to GR2 (Res 199.6)

## 5.18 Mapping corrections – 32 Moana Street

1057. Decision – We accept the submission by the *Dunedin City Council* (OS360.108) to change the zoning of 32 Moana Street, Aramoana, from Recreation Zone to Township and Settlement Zone (“no DCC reticulated wastewater mapped area”) for the reasons outlined by the Reporting Officer in Section 5.13.11 of the s42A Report.

### 5.19 Mapping corrections – 2 Mark Street, Ravensbourne

1058. Decision – We accept the submission by the *Dunedin City Council* (OS360.115) to change the zoning of 2 Mark Street, Ravensbourne, from Rural Residential 1 Zone to Large Lot Residential 1 Zone for the reasons outlined by the Reporting Officer in Section 5.13.11 of the s42A Report.

### 5.20 Mapping corrections – 8 Mark Street, Ravensbourne

1059. Decision – We accept the submission by the *Dunedin City Council* (OS360.111) to change the zoning of Lot 18 BLK II DP 164 at 8 Mark Street, Ravensbourne, from Rural Residential 1 Zone to Large Lot Residential 1 Zone for the reasons outlined by the Reporting Officer in Section 5.13.11 of the s42A Report.

### 5.21 Mapping corrections – 3 Albert Road and 27–35 Bradley Road, Osborne

1060. Decision – We accept the submissions by the *Dunedin City Council* to change the zoning of part of 3 Albert Road and 27–35 Bradley Road, Osborne, from Rural Residential 2 Zone to Township and Settlement Zone (OS360.117) and amend the “no DCC reticulated wastewater mapped area” to include these properties (OS360.119), for the reasons outlined by the Reporting Officer in Section 5.13.11 of the s42A Report.

### 5.22 Mapping corrections – 205 Doctors Point Road, Waitati

1061. Decision – We accept the submission by the *Dunedin City Council* (OS360.226) to change the zoning of 205 Doctors Point Road, Waitati, from Township and Settlement Zone to Large Lot Residential 2 Zone for the reasons outlined by the Reporting Officer in Section 5.13.11 of the s42A Report.

## 6.0 Submissions where no amendments were made

1062. This section outlines our decisions on matters that were not traversed at the hearing and where we have decided not to make any amendment to the Plan. For these matters our decisions were made entirely on the evidence presented in the submission and the s42A Report, with our reasons, unless otherwise indicated, being the same as those summarised by the Reporting Officer.

Provision	Decision
<b>Objectives and Policies</b>	
Objective 15.2.1	We reject the submission of the <i>Otago Peninsula Community Board</i> (OS588.35) which sought to amend objective 15.2.1 and associated policies to make establishing commercial activities on the Peninsula easier. We accept the Reporting Officer’s reasoning in the s42A Report at sections 5.6.1 and 5.6.10.

Objective 15.2.3	We reject the submission of the <i>Roman Catholic Bishop of the Diocese of Dunedin</i> (OS199.3) which sought to amend Objective 15.2.3. We accept the Reporting Officer's reasoning in the s42A Report at section 5.6.10.
Objective 15.2.4	We reject the submission of the <i>Roman Catholic Bishop of the Diocese of Dunedin</i> (OS199.3) which sought to amend Objective 15.2.4. We accept the Reporting Officer's reasoning in the s42A Report at section 5.6.10.
Policy 15.2.1.6	We reject the submission of <i>Russell V Lund and H C Trustees Limited</i> (OS1017.3 and 1017.4) which sought to amend Policy 15.2.1.6. We accept the Reporting Officer's reasoning in the s42A Report at section 5.3.3.
Policy 15.2.3.3	We reject the submission of the <i>Property Council New Zealand</i> (OS317.20) which sought to delete sub-clause b of 15.2.3.3. We accept the Reporting Officer's reasoning in the s42A Report at section 5.3.7.
<b>Activity Status Table</b>	
Rule 15.3.3.2	We reject the submission of the <i>University of Otago</i> (OS308.274) who sought to amend Rule 15.3.3.2 (Supported living facilities). We accept the Reporting Officer's reasoning in the s42A Report at section 5.6.4.
Rule 15.3.3.3	We reject the submissions of <i>Robert Wyber</i> (OS396.40), <i>Carole Devine</i> (OS252.47), and <i>Southern Heritage Trust &amp; City Rise Up</i> (OS293.95) who sought to amend Rule 15.3.3.3 (Standard residential). We accept the Reporting Officer's reasoning in the s42A Report at section 5.6.5 and 5.7.6.
Rule 15.3.3.6	We reject the submissions of the <i>Roman Catholic Bishop of the Diocese of Dunedin</i> (OS199.3) who sought to amend Rule 15.3.3.6 (Community and leisure – large scale). We accept the Reporting Officer's reasoning in the s42A Report at section 15.6.10.
Rule 15.3.3.10	We reject the submissions of <i>Carol Devine</i> (OS252.5), <i>Southern Heritage Trust &amp; City Rise Up</i> (OS293.96), <i>Rosemary &amp; Malcolm McQueen</i> (OS299.61), and <i>John and Clare Pascoe</i> (OS444.64) who sought to amend Rule 15.3.3.10 (Sport and recreation that involves motor vehicles). We accept the Reporting Officer's reasoning in the s42A Report at section 5.6.6
Rule 15.3.3.11	We reject the submission of the <i>Construction Industry and Developers Association</i> (OS997.40) who sought to amend the activity status table, Rule 15.3.3 (All other sport and recreation activities). We accept the Reporting Officer's reasoning in the s42A Report at section 5.6.11.

Rule 15.3.3.14	We reject the submissions of <i>Cranbrook Properties Ltd</i> (OS711.11) and the <i>Construction Industry and Developers Association</i> (OS997.41) who sought to amend Rule 15.3.3.14 (Registered health practitioners). We accept the Reporting Officer's reasoning in the s42A Report at section 5.6.9 and 5.6.11.
Rule 15.3.3.19	We reject the submissions of <i>Carol Devine</i> (OS252.6) <i>Southern Heritage Trust &amp; City Rise Up</i> (OS293.97), <i>Rosemary &amp; Malcolm McQueen</i> (OS299.62), and <i>John and Clare Pascoe</i> (OS444.65) who sought to amend Rule 15.3.3.19 (Visitor accommodation in the George Street North Residential Heritage Precinct). We accept the reasoning of the Reporting Officer in the s42A Report at section 5.6.7.
Rule 15.3.3.20	We reject the submission of <i>Otago Peninsula Community Board</i> (OS588.26) who sought to amend Rule 15.3.3.20 (Visitor accommodation, other than in George Street North Residential Heritage Precinct). We accept the reasoning of the Reporting Officer in the s42A Report at section 5.6.8.
Rule 15.3.3.21	We reject the submission of <i>Otago Peninsula Community Board</i> (OS588.35) who sought to amend Rule 15.3.3.21 (All other activities in commercial activities category). We accept the reasoning of the Reporting Officer in the s42A Report at section 5.6.1.
Rule 15.3.3.23	We reject the submission of the <i>Construction Industry and Developers Association</i> (OS997.42) who sought to amend Rule 15.3.3.23 (Schools). We accept the reasoning of the Reporting Officer in the s42A Report at section 5.6.11.
Rule 15.3.4.3	We reject the submission of <i>Emily McEwan</i> (OS172.1) who sought to delete Rule 15.3.4.3 (New buildings, and additions and alterations to buildings, that result in a building that is less than or equal to 300m <sup>2</sup> ). We accept the reasoning of the Reporting Officer in the s42A Report at section 5.6.12.
Rule 15.3.4.4	We reject the submission of <i>Emily McEwan</i> (OS172.9) who sought to delete Rule 15.3.4.4 (New buildings, and additions and alterations that result in a building that is greater than 300m <sup>2</sup> ). We accept the Reporting Officer's reasoning in the s42A Report at section 5.6.12. We note this rule has been moved through a clause 16 amendment.
<b>Performance standards</b>	
Rule 15.5.2.1.b	We reject the submission of <i>Antony Cuthbertson</i> (OS502.5) who sought to delete Rule 15.5.2.1.b (density in East Taieri structure plan). We accept the reasoning of the Reporting Officer in the s42A Report at section 5.7.1.3.

Rule 15.5.2.A.f.i	We reject the submission of <i>Antony Cuthbertson</i> (OS502.4) who sought to amend Rule 15.5.2.A.f.i (minimum site area for a residential unit in the Low Density Residential Zone). We accept the reasoning of the Reporting Officer in the s42A Report at 5.7.2.4.
Rule 15.5.2	We reject the submission of <i>Nigel Bryce</i> (OS909.1) and <i>Willowridge Developments Limited</i> (OS593.3) who sought to amend Rule 15.5.2 (maximum development potential per site in GR1, Large Lot, and Township and Settlement zones). We accept the reasoning of the Reporting Officer in the s42A Report at section 5.7.1.2.
Rule 15.6.11 Maximum Building Site Coverage and Impermeable Surfaces	We reject the submission of the <i>New Zealand Fire Service Commission</i> (OS945.34) who sought to amend Rule 15.6.11. We accept the reasoning of the Reporting Officer in the s42A Report at section 5.8.8.2.
Rule 15.6.11.A.g	We reject the submissions of <i>Willowridge Developments Limited</i> (OS593.2), <i>Gerald Fitzgerald</i> (OS233.4), (OS233.9), <i>Hilary Newby</i> (OS220.4), <i>Stephanie McConnon</i> (OS415.5), <i>Jeanette Trotman</i> (OS963.5), <i>Clive Trotman</i> (OS970.5), <i>Catherine Fitzgerald</i> (OS983.4), <i>Diana Struthers</i> (OS745.4), and <i>Benedict Stewart</i> (OS678.5) who sought to amend Rule 15.6.11.A.g (maximum building site coverage and impermeable surfaces in the Township and Settlement Zone in a <b>no DCC Reticulated wastewater mapped area</b> ). We accept the reasoning of the Reporting Officer in the s42A Report at section 5.8.8.4.
Rule 15.7.4.1a	We reject the submission of <i>Mr and Mrs Rapley</i> (OS641.6) who sought to amend Rule 15.7.4.1a (minimum site area GR1). We accept the reasoning of the Reporting Officer in the s42A Report at section 5.7.2.1.
Rule 15.7.4.1.b	We reject the submission of <i>Mr Herron</i> (OS301.1) to amend Rule 15.7.4.1.b (minimum site area GR2). We accept the reasoning of the Reporting Officer in the s42A Report at section 5.7.2.2.
Rule 15.7.4.1.d	We reject the submission of <i>Mr Seque</i> (OS449.5) to amend Rule 15.7.4.1.d (minimum site size in the Inner City Residential Zone). We accept the reasoning of the Reporting Officer in the s42A Report at section 5.7.2.3.
Rule 15.7.4.1.e	We reject the submission of <i>Mr Cuthbertson</i> (OS502.9) to amend Rule 15.7.4.1.e (minimum site size in the Low Density Residential Zone). We accept the reasoning of the Reporting Officer in the s42A Report at section 5.7.2.4.
Rule 15.7.4.1h	We reject the submission of <i>Mr and Mrs Rapley</i> (OS641.1) to amend Rule 15.7.4.1h (minimum site size in the Township and Settlement Zone). We accept the reasoning of the Reporting Officer in the s42A Report at section 5.8.8.4.



Appendix 15A – East Taieri Structure Plan and Notations	We reject the submissions of <i>G J Pearson Family Trust</i> (OS209.1), (OS209.2) and <i>Mr Cuthbertson</i> (OS502.10) who sought to amend Appendix 15A – East Taieri Structure Plan and Notations. We accept the reasoning of the Reporting Officer in the s42A Report at section 5.11.1.
Add new performance standards for grazing activity	We reject the submission of <i>Mr and Mrs Laing</i> (OS79.1) who sought the addition of new performance standards for grazing activity. We accept the reasoning of the Reporting Officer in the s42A Report at section 5.7.6.
<b>Zoning</b>	
Residential zoning generally	We reject the submission of <i>Mr Weatherall</i> (OS194.9) who sought a general amendment to residential zoning. We accept the reasoning of the Reporting Officer in the s42A Report at section 5.13.2. We note that changes have been made in response to this submission in the Urban Land Supply Decision which are also discussed in section 3.2.13.3 above.
12 College St	We reject the submission of the <i>Caversham Community Group</i> (OS1022.2) who sought the rezoning of 12 College St. We accept the reasoning of the Reporting Officer in the s42A Report at 5.13.5.
Abbotsford Low Density Residential Zone	We reject the submission of <i>Mr Ernest Munro</i> (OS856.1) who sought the rezoning of the Abbotsford Low Density Residential Zone. We accept the reasoning of the Reporting Officer in the s42A Report at section 5.13.6
Lots 1 and 2, 35 Reid Ave	We reject the submission of the <i>Taieri Rugby Football Club</i> (OS254.1) who sought the rezoning of lots 1 and 2, 35 Reid Ave. We accept the reasoning of the Reporting Officer in the s42A Report at section 5.13.7.
East Taieri Structure Plan area	We reject the submissions of <i>Mr Cuthbertson</i> (OS502.1) and <i>Mr White</i> (OS285.1) who sought the rezoning of the East Taieri Structure Plan area. We accept the reasoning of the Reporting Officer in the s42A Report at section 5.13.7.
13A Foyle Street	We reject the submission of <i>Mr John Roos</i> (OS1073.1) who sought the rezoning of 13A Foyle Street. We accept the reasoning of the Reporting Officer in the s42A Report at section 5.13.10.
20 and 22 Aberdeen Street	We reject the submission of <i>Geoff Scurr Contracting Limited</i> (OS794.6) who sought the rezoning of 20 and 22 Aberdeen Street. We accept the reasoning of the Reporting Officer in the s42A Report at section 5.13.10.

## 7.0 Suggestions for future plan changes

1063. In considering the topic of green space, it was our conclusion that the Plan could be improved by the inclusion of more methods for green space protection. However, we note we had no submissions requesting this; therefore, we include this comment as a suggestion for investigation for a future plan change.
1064. In considering the topic of outdoor living space, it was our conclusion that outdoor living space should not have to be for the exclusive use of a residential unit in multi-unit situations. We consider there should be more provision for shared space accessible from every unit with no dividing fences. This would also be appropriate for standard residential activity and residential units at supported living facilities. However, we note we had no submissions requesting this; therefore, we include this comment as a suggestion for investigation for a future plan change.

## 8.0 Minor and inconsequential amendments

1065. Clause 16(2) of Schedule 1 of the RMA allows a local authority to make an amendment where the alteration "is of minor effect", and to correct any minor errors, without needing to go through the submission and hearing process.
1066. This Decision includes minor amendments and corrections that were identified by the DCC Reporting Officers and/or by us through the deliberations process. These amendments are referenced in this report as being attributed to "cl.16". These amendments generally include:
- correction of typographical, grammatical and punctuation errors
  - removing provisions that are duplicated
  - clarification of provisions (for example adding 'gross floor area' or 'footprint' after building sizes)
  - standardising repeated phrases and provisions, such as matters of discretion, assessment guidance, policy wording and performance standard headings
  - adding missing hyper-linked references to relevant provisions (eg. performance standard headings in the activity status tables)
  - correctly paraphrasing policy wording in assessment rules
  - changes to improve plan usability, such as adding numbering to appendices and reformatting rules
  - moving provisions from one part of the plan to another
  - rephrasing plan content for clarity, with no change to the meaning
  - correcting minor errors, aligning wording of policy references in assessment tables with the policy
  - improving clarity
  - removing rules that were not necessary due to an activity having a discretionary activity status (and therefore not requiring performance standards)

1067. Minor changes such as typographical errors have not been marked up with underline and strikethrough. More significant cl. 16 changes (such as where provisions have been moved) are explained using footnotes in the marked-up version of the Plan.

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

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

## Appendix 2 – Summary of Decisions

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

## Summary of Decisions

<b>Plan Section</b>	<b>Provision Type</b>	<b>Provision number</b>	<b>New Number</b>	<b>Provision Name</b>	<b>Decision</b>	<b>Submission Point Reference</b>	<b>Decision Report Topic number</b>	<b>S42A Report Section Number</b>
1. Plan Overview and Introduction	Definition	1.5		Buildings	Amend definition to clarify it includes newly constructed buildings and buildings relocated to, or within, a site.	Res 1035.1	5.3	5.6.12
1. Plan Overview and Introduction	Definition	1.5		Working from home	Amend definition wording (clarification not substantive)	Res 12.3 and 360.125	5.2	5.1.2
1. Plan Overview and Introduction	Definition	1.5		Visitor accommodation	Amend definition to clarify the definition does not include activities covered by standard residential	Res 12.4 and 360.24	5.1	5.1.1
1. Plan Overview and Introduction	Definition	1.5		Standard residential	Amend definition to remove reference to holiday homes and replace it with reference to short-term house rentals, and amend to to	Res 12.4, 360.123, 360.126, 360.12	4.26	5.1.1

<b>Plan Section</b>	<b>Provision Type</b>	<b>Provision number</b>	<b>New Number</b>	<b>Provision Name</b>	<b>Decision</b>	<b>Submission Point Reference</b>	<b>Decision Report Topic number</b>	<b>S42A Report Section Number</b>
					clarifying the relationship between Papakaikā and standard residential activity			
1. Plan Overview and Introduction	Definition	1.5		Impermeable surfaces	Amend definition to remove exclusion for paths that use paving stones and retaining walls.	Res 172.7	4.6.1	5.1.4
2. Plan Overview and Introduction	Definition	1.5		Short term house rentals	Add new definition of short term house rental that limits short term house rentals to 28 days per calendar year	Res 360.126	5.1	5.1.1
1. Plan Overview and Introduction	Definition	1.5		Early childhood education - large scale	Amend definition to change the cut off between large scale and small scale from 50 to 35 children	Res 394.61	4.7	5.4.4
1. Plan Overview and Introduction	Definition	1.5		Early childhood education - small scale	Amend definition to change the cut off between large scale and small scale from	Res 394.62	4.7	5.4.4

<b>Plan Section</b>	<b>Provision Type</b>	<b>Provision number</b>	<b>New Number</b>	<b>Provision Name</b>	<b>Decision</b>	<b>Submission Point Reference</b>	<b>Decision Report Topic number</b>	<b>S42A Report Section Number</b>
					50 to 35 children			
1. Plan Overview and Introduction	Definition	1.5		Multi-unit development	Add new definition of multi-unit development	Res 743.46	3.2.13.1	5.4.2
1. Plan Overview and Introduction	Definition	1.5		Habitable room	Retain definition		4.8	5.1.3
2. Strategic Directions	Policy	2.2.2.5 (new)			Add new strategic direction policy related to encouraging the development of new housing that is durably-constructed and energy efficient to operate, and located to minimise, as far as practicable, transportation costs and car-dependency, linked to delete similar content that was in 2.6.2 and 2.6.2.1 and 2.	Res 425.2	4.2.1	5.4.1



<b>Plan Section</b>	<b>Provision Type</b>	<b>Provision number</b>	<b>New Number</b>	<b>Provision Name</b>	<b>Decision</b>	<b>Submission Point Reference</b>	<b>Decision Report Topic number</b>	<b>S42A Report Section Number</b>
2. Strategic Directions	Objective	2.2.2			Amend SD objective to add reference to housing that is energy efficient	Res 425.2	4.2.1	5.4.1
2. Strategic Directions	Strategic Direction	2.2.4.1,			Do not amend criteria as requested.		3.2.13.3	5.13.2, 5.4.3
2. Strategic Directions	Strategic Direction	2.2.4.1,, 2.6.3.4 (new)			Amend policy	Res 743.54	3.2.13.3	5.2.2
15. Residential Zones	Strategic Direction	2.2.4.1			Amend "identify" to "identifying" (not substantive change)	Res 881.27	3.2.13.3	5.2.2
2. Strategic Directions	Policy	2.2.5.3			Amend policy wording to add existing method	Res 425.8	4.2.1	5.4.1
2. Strategic Directions	Objective	2.4.1			Do not amend as requested		4.1.1	5.2.4
2. Strategic Directions	Policy	2.6.1.6	2.6.1.7		Amend reference to deleted policy with new policy number, linked to creation of new SD policy 2.2.2.5	Res 425.2	4.2.1	5.4.1
2. Strategic Directions	Policy	2.6.2.1	N/A		Delete policy linked to creation of new SD policy 2.2.2.5	Res 425.2	4.2.1	5.4.1
2. Strategic Directions	Policy	2.6.2.2	N/A		Delete policy linked to creation of new	Res 425.2	4.2.1	5.4.1

<b>Plan Section</b>	<b>Provision Type</b>	<b>Provision number</b>	<b>New Number</b>	<b>Provision Name</b>	<b>Decision</b>	<b>Submission Point Reference</b>	<b>Decision Report Topic number</b>	<b>S42A Report Section Number</b>
					SD policy 2.2.2.5			
2. Strategic Directions	Objective	2.6.2	N/A		Delete objective linked to creation of new SD policy 2.2.2.5	Res 425.2	4.2.1	5.4.1
2. Strategic Directions	Policy	2.6.3.4	2.6.2.3		Amend reference to deleted policy with new policy number, linked to creation of new SD policy 2.2.2.5	Res 425.2	4.2.1	5.4.1
9. Public Health and Safety	Assessment of Restricted Discretionary Performance Standard Contraventions	9.4.3.4	N/A (deleted)		Amend assessment guidance to reflect changes to Density performance standard (remove guidance)	Res 542.2 and 542.3	4.15.4	5.4.1.1
15. Residential Zones	Introduction	15.1			Amend introduction	Res 293.154 and 495.11	4.3.1	5.3.8
15. Residential Zones	Introduction	15.1			Amend introduction zone descriptions	Res 360.121 and 360.122	4.11.2	5.5.3
15. Residential Zones	Introduction	15.1			Amend introduction wording	Res 417.10 and 843.3	4.2.3	4.5.1

<b>Plan Section</b>	<b>Provision Type</b>	<b>Provision number</b>	<b>New Number</b>	<b>Provision Name</b>	<b>Decision</b>	<b>Submission Point Reference</b>	<b>Decision Report Topic number</b>	<b>S42A Report Section Number</b>
15. Residential Zones	Introduction	15.1		Introduction	Amend introduction	Res 743.44	4.11.1	5.5.2
15. Residential Zones	Policy	15.2.1.6			Do not amend as requested		6	5.3.3
15. Residential Zones	Objective	15.2.1			Do not amend as requested		6	5.6.1.and 5.6.10
15. Residential Zones	Policy	15.2.2.1			Amend policy wording by replacing 'and' with 'or'	Res 317.19	4.2.2	5.3.5
15. Residential Zones	Policy	15.2.2.1			Amend policy wording to add reference to 'green space'	Res 417.10 and 843.3	4.2.3	4.5.1
15. Residential Zones	Policy	15.2.2			Do not add new policy as requested		4.10	5.3.4
15. Residential Zones	Policy	15.2.3.3			Do not amend as requested		6	5.3.7
15. Residential Zones	Objective	15.2.3			Do not amend as requested		6	5.6.10
15. Residential Zones	Policy	15.2.4.1			Amend policy wording to add reference to 'green space'	Res 417.10 and 843.3	4.2.3	4.5.1
15. Residential Zones	Policy	15.2.4.1			Do not amend as requested		4.3.1	5.3.8

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15. Residential Zones	Policy	15.2.4.2			Do not amend as requested		4.3.1	5.3.8
15. Residential Zones	Policy	15.2.4.6			Do not amend as requested		4.3.1, 4.3.2	5.3.8
15. Residential Zones	Policy	15.2.4.8 (new)			Add new Policy 15.2.4.8 linked to new activity status for "new buildings, and additions and alternations that result in a multi-unit development in the ICR and GR2 zones", also link this to the existing RD activity of buildings over 300m2 footprint	Res 491.2 and 743.30	3.2.13.1	5.4.2, 5.8.10
15. Residential Zones	Objective	15.2.4			Amend objective wording (minor)	Res 908.3	5.4	5.3.8`
15. Residential Zones	Objective	15.2.4			Do not amend as requested		6	5.6.10
15. Residential Zones	Objective	15.2.4			Do not amend as requested		4.3.1	5.3.8
15. Residential	Activity Status	15.3.3		Activity status	Do not amend as requested		4.7	5.4.4

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Zones								
15. Residential Zones	Activity Status	15.3.3			Do not amend as requested		6	5.6.4, 5.6.5 and 5.7.6, 15.6.10, 5.6.6, 5.6.11, 5.6.9 and 5.6.11, 5.6.7, 5.6.8, 5.6.1, 5.6.11
15. Residential Zones	Activity Status	15.3.4.X,	15.3.4.3	New buildings, and additions and alterations that result in a multi-unit development in the ICR and GR2 zones	Split off from new buildings (which was grouped in "all other buildings and structures activities" in the activity status table), a new activity of "new buildings, and additions and alternations that result in a multi-unit development in the ICR and GR2 zones" and make this	Res 743.46	3.2.13.1	5.4.2

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					activity RD.			
15. Residential Zones	Activity Status	15.3.4			Do not amend as requested		6	5.6.12
15. Residential Zones	Activity Status	15.3			Do not amend as requested		4.13	5.5.3
15. Residential Zones	Notification Rule	15.4		Notification	Do not amend as requested		4.12	5.5.4
15. Residential Zones	Activity Status	15.4			Do not amend as requested		4.14	5.6.12
15. Residential Zones	Notification Rule	15.4		Notification	Do not amend as requested		4.7	5.4.4
15. Residential Zones	Land Use Performance Standard	15.5.2		Density	Amended the density provisions to remove the date existing sites needed to be created by and removing the reference to the 'No DCC	Res 368.1 and Res 542.2 and 542.3	4.15	5.7.1.1

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					reticulated wastewater mapped area', and instead allowing a single residential unit on a site of any size in all residential zones except GR2 and ICR			
15.	Land Use Performance Standard	15.5.2		Density	Do not amend as requested		4.16	5.7.2.6, 5.7.2.8
15. Residential Zones	Land Use Performance Standard	15.5.2		Density	Do not amend as requested		3.2.13.2, 6	5.7.1.1, 5.7.1.2, 5.2.7.3, 5.7.1.3, 5.7.2.4, 5.7.1.2
15. Residential Zones	Land Use Performance Standard	15.5.8		Maximum gross floor area	Amend performance standard to change the activity status of activities that contravene the performance standard from non-complying to discretionary activity status	Res 997.3	5.7	5.7.4

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15. Residential Zones	Land Use Performance Standard	15.5.12		Outdoor living space	Do not amend as requested		4.17	5.7.5
15. Residential Zones	Note to Plan User	15.5.2A		General advice	Add general advice note	Res 452.3 and 394.45	3.3.1	5.7.1.2
15. Residential Zones	Development Performance Standard	15.6.1		Building length	Do not amend as requested		4.18.1	5.8.2
15. Residential Zones	Development Performance Standard	15.6.1		Building length	Do not amend as requested		4.18.2	5.8.2
15. Residential Zones	Development Performance Standard	15.6.3	15.6.2	Fence height and design	Amend the performance standard to allow fencing along 50% of the boundary to be a solid 2m high fence and 50% of the boundary to have fencing that is visually permeable above 1.4m	Res 190.1	4.5	5.8.3
15. Residential Zones	Development Performance Standard	15.6.7.1	15.6.6.1	Height - Height in relation to boundary	Amend performance standard to allow development on steep or narrow sites in the GR1	Res 546.1 and 490.21	4.20	5.8.5



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					and ICR to have a height in relation to boundary angle of 55 degrees			
15. Residential Zones	Development Performance Standard	15.6.7.1	15.6.6.1	Height - Height in relation to boundary	Amend performance standard to allow 2m gable ends and dormers (instead of 1m) to protrude through the height in relation to boundary plane	Res 740.1	4.20	5.8.5
15. Residential Zones	Development Performance Standard	15.6.7.1	15.6.6.1	Height - Height in relation to boundary	Amend performance standard to apply to side and rear boundaries that adjoin a site with a residential zone or Residential Transition Overlay Zone rather than requiring buildings on boundaries adjacent to non	Res 740.18	4.20	5.8.5.1

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					residential zones to comply with the height in relation to boundary rules for the adjacent zone			
15. Residential Zones	Development Performance Standard	15.6.7.1.a.iv.1	15.6.6.1.a.iv.1	Height - Height in relation to boundary	Amend rule to read 16m instead of 13m	Res 740.20	4.20	5.8.5
15. Residential Zones	Development Performance Standard	15.6.7.1	15.6.6.1	Height - Height in relation to boundary	Amend performance standard for the GR2 so the height in relation to boundary plane starts at 3m above ground level and rises at an angle of 55 degrees	Res 740.21	4.20	5.8.5
15. Residential Zones	Development Performance Standard	15.6.7.1	15.6.6.1	Height - Height in relation to boundary	Amend figures to reflect amended rules	Res 740.21 and others, and Res 740.1, Res 546.1	4.20	5.8.6, 5.8.5

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15. Residential Zones	Development Performance Standard	15.6.7.2	15.6.6.2	Height - Maximum height	Amend rule so restrictions apply to a smaller mapped area and amend the rules applying to that area. Re-map the Huriawa height restriction mapped area	Res 137.1 and 681.1	4.21.1	5.8.6.3
15. Residential Zones	Development Performance Standard	15.6.7.2	15.6.6.2	Height - Maximum height	Amend the performance standard for maximum height of family flats to make it consistent with performance standards for height of garages and carports with a maximum height of 3m, measured from ground level to the bottom of the eaves	Res 740.11 and 372.2	4.21.3	5.8.6.1
15. Residential Zones	Development Performance Standard	15.6.7.2.b	15.6.6.2.b	Height - Maximum height	Amend the maximum height for garages and carports in road boundary	Res 740.16	4.4.1	5.8.9.2, 5.8.6.2

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					setback from 3.3m to 3m (from ground level to the bottom of the eaves)			
15. Residential Zones	Development Performance Standard	15.6.7.2	15.6.6.2	Height - Maximum height	Do not amend as requested		3.3.3	5.8.6.4
15. Residential Zones	Development Performance Standard	15.6.7.2	15.6.6.2	Height - Maximum height	Do not amend as requested		4.21.2	5.8.6.4
15. Residential Zones	Development Performance Standard	15.6.8		Location and screening of car parking	Amend performance standard by changing the order of standards and amending wording so the performance standard specifying that parking, loading, access areas, and garages and carports must not occupy more than 50% of the area of front yard in the boundary setback applies to all residential	Res 360.109	5.6	5.8.7

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					areas, including heritage precincts.			
15. Residential Zones	Development Performance Standard	15.6.11	5.6.10	Maximum building site coverage and impermeable surfaces	Do not amend as requested		3.3.4, 4.6.2, 6	5.8.8, 5.8.8.3, 5.8.8.4
. Residential Zones	Development Performance Standard	15.6.12.5	15.6.11.5	Number, location and design of ancillary signs - Signs attached to buildings (ancillary to commercial activities and community activities)	Amend the performance standard in the George Street North Heritage Precinct to allow the maximum area per display face for signs attached to buildings (ancillary to commercial activities and community activities) and for freestanding signs (ancillary	Res 437.2	4.25.1	5.8.8.5

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					to commercial activities and community activities) to be 2m2 and illuminated			
15. Residential Zones	Development Performance Standard	15.6.12.6	15.6.11.6	Number, location and design of ancillary signs - Freestanding signs (ancillary to commercial activities and community activities)	Amend the performance standard in the George Street North Heritage Precinct to allow the maximum area per display face for signs attached to buildings (ancillary to commercial activities and community activities) and for freestanding signs (ancillary to commercial activities and community activities) to be 2m2 and	Res 437.2	4.25.1	5.8.8.5

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					illuminated			
15. Residential Zones	Development Performance Standard	15.6.12	15.6.11	Number, location and design of ancillary signs	Do not amend as requested		4.25.2	5.8.8.5
15. Residential Zones	Development Performance Standard	15.6.14.1	15.6.13.1	Setbacks - Boundary setbacks	Amend performance standard to clarify that rules allowing reduced setbacks to match existing setbacks of adjacent properties also apply to corner sites	Res 23.1	4.23	5.8.9.1

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15. Residential Zones	Development Performance Standard	15.6.14.1	15.6.13.1	Setbacks - boundary setbacks	Amend to add exception for "for new buildings or additions and alterations to buildings in the Inner City Residential Zone being built in accordance with Rule 15.6.7.1.a.iii.1 (alternate height in relation to boundary performance standard) where a 2m minimum setback is required in accordance with that rule."	Res 360.107	3.3.5	5.8.9.1
15. Residential Zones	Development Performance Standard	15.6.14.1	15.6.13.1	Setbacks - boundary setbacks	Amend performance standard to make consistent with similar performance standards (Rule 15.6.7.2.b)	Res 740.16	4.4.1, 4.4.2	5.8.9.2, 5.8.6.2



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15. Residential Zones	Development Performance Standard	15.6.14.1	15.6.13.1	Setbacks - Boundary setbacks	Amend performance standard to clarify that setback values are a minimum rather than an absolute value	Res 945.35	5.8	5.8.9.1
15. Residential Zones	Development Performance Standard	15.6			Do not amend as requested		3.2.13.1	5.7.1.1, 5.8.10
15. Residential Zones	Subdivision Performance Standard	15.7.4.2		Minimum site size	Amend performance standard to provide for two or more site subdivisions where one resultant site is below, but not less than, 75% of the minimum site size, and the average of the site sizes meets the minimum site size performance standard	Res 490.24	4.24	5.9.2

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15. Residential Zones	Subdivision Performance Standard	15.7.4		Minimum site size	Do not amend as requested		3.3.2, 4.16, 6	5.7.2.3, 5.9.2, 5.7.2.6, 5.7.2.8, 5.7.2.1, 5.7.2.2, 5.7.2.4, 5.8.8.4
15. Residential Zones	Assessment of Restricted Discretionary Performance Standard Contraventions	15.9.3.4	15.10.3.4		Amend assessment guidance to reflect changes to Density performance standard (remove guidance)	Res 542.2 and 542.3	4.15.4	5.4.1.1
15. Residential Zones	Assessment of Restricted Discretionary Performance Standard Contraventions	15.9.3.10	15.10.3.10		Amend assessment guidance to reflect change to Policy 15.2.2.1	Res 317.19	4.2.2	5.3.5
15. Residential Zones	Assessment of Restricted Discretionary Performance Standard Contraventions	15.9.3.10	15.10.3.10		Amend to reflect change to Policy 15.2.2.1	Res 417.10 and 843.3	4.2.3	4.5.1

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15. Residential Zones	Assessment of Restricted Discretionary Performance Standard Contraventions	15.9.3.10	15.10.3.10	Outdoor living space	Amend assessment guidance to add new potential circumstances that may support a consent application related to Juliet balconies	Res 740.10	4.17	5.7.5
15. Residential Zones	Assessment of Restricted Discretionary Performance Standard Contraventions	15.9.4.1	15.10.4.1	Boundary setbacks	Amend assessment guidance to add new potential circumstances that may support a consent application related to windows	Res 740.15	4.23	5.8.9.1
15. Residential Zones	Assessment of Restricted Discretionary Performance Standard Contraventions	15.9.4.3	15.10.4.3	Building length	Amend assessment guidance by adding potential circumstance that may support a consent application related to operational needs of	Res 945.32	4.18.1	5.8.2

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					emergency services			
15. Residential Zones	Assessment of Restricted Discretionary Performance Standard Contraventions	15.9.4.14	15.10.4.10		Amend to reflect change to Policy 15.2.4.1	Res 417.10 and 843.3	4.2.3	4.5.1
15. Residential Zones	Assessment of Restricted Discretionary Performance Standard Contraventions	15.9.6.4	15.10.6.4	Location and screening of car parking	Amend assessment rule by adding location and screening of car parking to the list of activities to be assessed in a heritage precinct	Res 360.109	5.6	5.8.7

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15. Residential Zones	Assessment of Restricted Discretionary Activities	15.10.3.1	15.10.3.1		Add new RD assessment rule and guidance linked to new activity status for "new buildings, and additions and alternations that result in a multi-unit development in the ICR and GR2 zones", add this alongside existing guidance (and matters of discretion rule) for buildings greater than 300m2, include reference to new Policy 15.2.4.8, which is linked to both the new and existing activity and as a consequence delete reference to Policy 15.2.4.1.c.	Res 743.46, Res 491.2 and 743.30	3.2.13.1	5.4.2, 5.8.10

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15. Residential Zones	Assessment of Discretionary Activities	15.11.3.2 (new)	15.12.3.2		Amend assessment guidance consequential to changing the activity status of contravention of maximum gross floor area for working from home and diaries (add guidance)	Res 997.3	5.7	5.7.4
15. Residential Zones	Assessment of Non-complying Activities	15.12.5.4	delete		Amend assessment guidance consequential to changing the activity status of contravention of maximum gross floor area for working from home and diaries (remove guidance)	Res 997.3	5.7	5.7.4
20. Recreation Zone	Development Performance Standard	20.6.2	20.6.1	Fence height and design	Amend the performance standard to allow fencing along 50% of the boundary to be a solid 2m high fence and	Res 190.1	4.5	5.8.3

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					50% of the boundary to have fencing that is visually permeable above 1.4m			
22. Dunedin Botanic Gardens	Development Performance Standard	22.6.3	22.6.2 (22.6.2.1 and 22.6.2.2)	Fence height and design	Amend the performance standard to allow fencing along 50% of the boundary to be a solid 2m high fence and 50% of the boundary to have fencing that is visually permeable above 1.4m	Res 190.1	4.5	5.8.3
27. Mercy Hospital	Development Performance Standard	27.6.3	27.6.2	Fence height and design	Amend the performance standard to allow fencing along 50% of the boundary to be a solid 2m high fence and 50% of the boundary to have fencing that is visually permeable above 1.4m	Res 190.1	4.5	5.8.3

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27. Mercy Hospital	Development Performance Standard	27.6.3	27.6.2	Fence height and design	Amend performance standard to remove requirement for fences on the side or rear boundary of residential properties to have to meet the visual permeability requirements (just for road boundaries)	Res 394.80 and 1051.2	4.5	5.8.3
28. Moana Pool	Development Performance Standard	28.6.4	28.6.3	Fence height and design	Amend the performance standard to allow fencing along 50% of the boundary to be a solid 2m high fence and 50% of the boundary to have fencing that is visually permeable above 1.4m	Res 190.1	4.5	5.8.3



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31. Schools	Development Performance Standard	31.6.2	31.6.1	Fence height and design	Amend the performance standard to allow fencing along 50% of the boundary to be a solid 2m high fence and 50% of the boundary to have fencing that is visually permeable above 1.4m	Res 190.1	4.5	5.8.3
31. Schools	Development Performance Standard	31.6.2	31.6.1	Fence height and design	Amend performance standard to remove requirement for fences on the side or rear boundary of residential properties to have to meet the visual permeability requirements (just for road boundaries)	Res 394.80 and 1051.2	4.5	5.8.3

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34. Campus	Development Performance Standard	34.6.3	34.6.2	Fence height and design	Amend the performance standard to allow fencing along 50% of the boundary to be a solid 2m high fence and 50% of the boundary to have fencing that is visually permeable above 1.4m	Res 190.1	4.5	5.8.3
34. Campus	Development Performance Standard	34.6.3	34.6.2	Fence height and design	Amend performance standard to remove requirement for fences on the side or rear boundary of residential properties to have to meet the visual permeability requirements (just for road boundaries)	Res 394.80 and 1051.2	4.5	5.8.3

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35. Wakari Hospital	Development Performance Standard	35.6.3	35.6.2	Fence height and design	Amend the performance standard to allow fencing along 50% of the boundary to be a solid 2m high fence and 50% of the boundary to have fencing that is visually permeable above 1.4m	Res 190.1	4.5	5.8.3
35. Wakari Hospital	Development Performance Standard	35.6.3	35.6.2	Fence height and design	Amend performance standard to remove requirement for fences on the side or rear boundary of residential properties to have to meet the visual permeability requirements (just for road boundaries)	Res 394.80 and 1051.2	4.5	5.8.3
15. Residential Zones	Appendix	15A			Do not amend as requested		6	5.11.1

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15. Residential Zones	Land Use Performance Standard				Do not amend as requested		6	5.7.6
15. Residential Zones	Section				Retain approach to having ICR and GR2 subject to amendments made in response to other submissions		3.2.13.1	5.4.1, 5.4.2, 5.8.10
15. Residential Zones	Section				Retain provisions for infill housing and ICR zone in heritage precincts		3.2.13.1, 3.2.13.2	5.8.10, 5.4.2, 5.7.2.3