

17<sup>th</sup> December 2024

City Planning  
Dunedin City Council  
PO Box 5045  
Dunedin

**SUBMISSION ON PLAN CHANGE 1**

This is a submission on Plan Change 1 to the Partially Operative Dunedin City Second Generation District Plan (2GP). This submission has been prepared by Patersons, on behalf of the Submitter named in the information below.

Submitter details:

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It is advised that the Submitter will not gain an advantage in trade competition through this submission.

Submission (multiple submission table):

PC1 ID:	PHS2
Provision Name:	Rule 9.3.1 Appendix 9A
This submission seeks:	Accept the change with amendments outlined below.
Reasons:	<p>This submission item relates to the issue of acoustic insulation for management of noise from music venues.</p> <p>Plan Change 1, through PHS2, proposes new rules that are aimed at helping the music industry by requiring greater levels of acoustic insulation for new residences developed within the inner city. This is designed to reduce reverse sensitivity issues.</p> <p>The Submitter is the owner of Errick's event venue at 649 Princes Street and 218 Crawford Street, Dunedin. Errick's operates from a renovated historic building (previously New New New brewery) and provides a bespoke venue for music events, weddings, functions, conferences and other social gatherings, with potential to host up to a maximum of 500 guests. The changes proposed in this</p>

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submission will better enable Errick's to meet the needs of the city's music community.

The Section 32 report for PC1 outlines the proposed changes to acoustic insulation. This report notes that the industry representatives would like the plan changes to go further toward reducing reverse sensitivity issues, whilst representation from developers seek less onerous provisions that better enable the establishment of interesting places and better support the sustainable reuse of existing buildings. However, one of the more significant conclusions can be found in paragraph 531, which states: *"...the acoustic insulation requirements only apply to new or expanded residential activity, not to existing lawfully established residential activity due to Section 10 of the RMA providing for existing use rights. This provision cannot be overridden by the Plan and may mean that some conflict between activities needs to be managed by alternative methods outside the Plan."* This is understandable when consideration is given to the number of existing residential units within the CBD area, and the relatively small fraction of these that would be upgraded to meet the requirements of the new acoustic insulation provisions in any given year. In short, it would be reasonable to assume that it will take a very long time for a meaningful proportion of existing residential units within the CBD to be upgraded in accordance with the new provisions. Accordingly, it is a difficult proposition to claim this initiative as being particularly efficient.

The Submitter proposes that that a better solution to this issue of reverse sensitivity within the CBD area can be instead found by enabling the 2GP to be more accommodating of live music events (and particularly louder music events) in areas where residential disturbance is less likely to become an issue. It is proposed that the CBD Edge Commercial South zone (within which Errick's venue is located) is suitably compatible with the objectives of maintaining a compact and accessible city, while at the same time having less potential to disturb residential occupants. This area is bordered by the rail yards, Princes Street, Police Street, and a portion of Andersons Bay Road.

The CBD Edge Commercial South zone is dominated by smaller titles containing older buildings. The zone provisions favour large scale retail, while conference, meeting and function activities, and entertainment and exhibition activities, are non-complying. Interestingly, drive-through restaurants only have a restricted discretionary status, despite the potential for greater traffic generation, noise, light-spill and reverse sensitivity issues than some of the aforementioned activities. As a consequence of the existing title structure of many of the properties in this zone, and the scale of the activities that the 2GP encourages, it appears to be relatively difficult for new development to be implemented in this part of the city. Significantly, however, it is relevant to note that residential activities are classified as non-complying activities.

Given that consented residential and commercial residential activities are particularly uncommon in the CBD Edge Commercial South zone, and that there is an under-utilisation of parcels of land that have access to good infrastructure, including efficient transport links, along with there being expectation in the zone for noise and traffic generating, this area appears well suited to hosting live music events, particularly larger, louder events. The opportunity presented by PC1 to make changes to the 2GP that will better enable music events to be established in the CBD Edge Commercial South zone is considered an appropriate alternative to compelling these types of activities to occur within a gentrified and easily offended central city.

Plan Change 1 intends to make *“Changes to better manage environmental effects from activities where existing provisions have been assessed as insufficient (for example, increasing the acoustic insulation requirements for new dwellings in the inner city to reduce the risk of complaints about live music noise)”*. However, the link between managing the environmental effects of live music, and requiring upgraded acoustic insulation, is relatively tenuous. There is no mechanism for requiring existing residential units to comply with the new standard, as existing use rights apply. It will take a number of decades, if not longer, for any meaningful number of developments to incorporate the new acoustic insulation, to a degree that sensitivity to live music is reduced.

Appendix D.2 of the Section 32 report contains an expert evidence report by Styles Group titled: ‘Managing Compatibility between Music Venues & Noise Sensitive Land Use’. Section 6.1 of this report describes using separation as a method to manage the compatibility between different land use activities. Specifically, section 6.2 reads-

*“A simple means of managing compatibility between land use activities is through separation. Separating music venues from noise sensitive activities by large distances can ensure that no noise conflict can potentially arise between music venues and noise sensitive activities.*

*Full separation can be achieved by precluding noise sensitive activities or music venues from all of the entertainment zones. Partial or adequate separation could be achieved by defining areas within the entertainment zones and applying precinct overlays to the zone or specifying set back distances that can be used to manage the potential proximity of music venues to areas in which apartments are likely to consolidate, or vice versa.*

*Section 7 provides case studies where setback distances are used to maintain compatibility:*

- 1) The San Francisco approach relies on a specified setback distance to control the distance between music venues and apartments, and ensures that music venues are provided with a designated part of the City to operate.*

2) *The Queenstown example relies on an entertainment precinct that prioritises the operation of entertainment activities in a specific part of the city centre.*”

The Submitter is in agreement with the above statement and proposes that further consideration should be given to using the separation method to reduce the reserve sensitivity issues that exist between music venues and residential activities in the CBD area.

This approach seems straight-forward, robust and particularly easy to administer. The CBD Edge Commercial South zone provides the ideal environment, with little scope for residential activity. The zone is already deemed to have sufficient services and infrastructure required to accommodate large floorplan retail and dining, which would similarly support activities such as live music events, exhibitions and conferences. Furthermore, a significant number of accommodation providers are located in relatively close proximity to this zone (at the southern end of the CBD zone); close enough to make access convenient for events, but sufficiently distant to provide a buffer from the noise effects of music events on the accommodation activities. Accordingly, the Plan’s objectives of retaining a compact and accessible city, with alternatives to car transportation, are supported by this proposed adjustment.

To achieve a more permissive approach to utilising the CBD Edge Commercial South zone for music events, the Submitter proposes that PC1 is amended with respect to PHS2 to include the following changes-

Adjust Objective 18.2.1.g

Objective 18.2.1.g reads (with the proposed CP1 changes included)-

*“an area south of the CBD (CEC - South Zone) and an area which adjoins the principal centre zone in South Dunedin (SDLF Zone) and extends along the western side of Andersons Bay Road, which provides for large format general retail and bulky goods retail which are likely to be incompatible with the amenity expectations of the CBD or adjoining principal centre zone and which may require larger sites than available in the CBD or adjoining centre.”*

The Submitter proposes that Objective 18.2.1.g reads (with the proposed CP1 changes included)-

*“an area south of the CBD (CEC - South Zone) and an area which adjoins the principal centre zone in South Dunedin (SDLF Zone) and extends along the western side of Andersons Bay Road, which provides for large format general retail, bulky goods retail and music event venues, which are likely to be incompatible with the amenity expectations of the CBD or adjoining principal centre zone and which may require larger sites than available in the CBD or adjoining centre.”*

	<p><u>Adjust Policy 18.2.1.16</u></p> <p>Policy 18.2.1.16 currently reads-</p> <p><i>“Avoid conference, meeting and function or entertainment and exhibition in the NEC, NECC, SSYP, PPH and CEC zones unless:</i></p> <ol style="list-style-type: none"> <li><i>a. it is ancillary to visitor accommodation; or</i></li> <li><i>b. it has specific operational requirements that require it to locate in these zones.”</i></li> </ol> <p><i>The Submitter proposes that Policy 18.2.1.16 should be adjusted to read-</i></p> <p><i>“Avoid conference, meeting and function or entertainment and exhibition in the NEC, NECC, SSYP, PPH and CEC, <u>other than the CBD Edge Commercial South</u>, zones unless:</i></p> <ol style="list-style-type: none"> <li><i>a. it is ancillary to visitor accommodation; or</i></li> <li><i>b. it has specific operational requirements that require it to locate in these zones.”</i></li> </ol> <p><u>Adjust Rule 18.3.5.4 and Rule 18.3.5.7</u></p> <p>These rules, which are contained in the Land Use Activity Status Table (Trade Related Zone and CBD Edge Commercial Zones), classify conference, meeting and function activities, and entertainment and exhibition activities, respectively, as non-complying activities. It is proposed that these activities are changed from non-complying activities to restricted discretionary activities. Council’s discretion in respect to these activities would appropriately include consideration of noise effects, hours of operation, and visitor management procedures.</p> <p>As an alternative arrangement, music venues could be inserted as a new activity row within Rules 18.3.5, being a restricted discretionary activity, and then a second new row could be added for conference, meeting, function, entertainment and exhibition activities, where these occur ancillary to a music venue activity. These would also be restricted discretionary activities. This would limit the extent to which conference, meeting, function, entertainment and exhibition activities could be established within the CBD Edge Commercial South zone as stand-alone activities, which may be a preferred outcome for Council.</p> <p>The Submitter is open to discussing the structure of the proposed changes to PC1 with Council’s Planning department prior to the PC1 hearing phase if that would be helpful.</p>
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I wish to speak in support of this submission at a hearing. If others make a similar submission, I will consider presenting a joint case at a hearing.

I trust that the above submission is helpful. I look forward to hearing from Dunedin City Council in due course.

Yours faithfully  
**PATERSONS**



**Kurt Bowen**  
Registered Professional Surveyor  
17/12/2024