



SECOND GENERATION DISTRICT PLAN

Rural Residential Decision of Hearings Panel

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

7 November 2018



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

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

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

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

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

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

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

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

Hearing codes and submission point references

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

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

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

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

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

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

Master summary table of all decisions

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

List of hearing codes

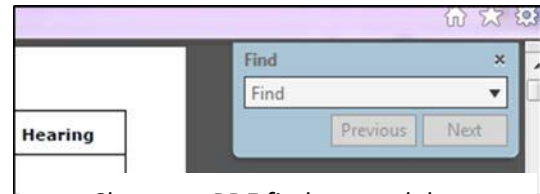
Hearing topic	Code
Commercial Advertising (cross plan hearing topic)	CP
Commercial and Mixed Use Zones	CMU
Community Correction Facilities (cross plan hearing topic)	CP
Defence Facilities and Emergency Services (cross plan hearing topic)	CP
Designations	Des
Earthworks	EW
Heritage	Her
Industrial Zones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

How to search the document for a submitter number or name

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



Chrome – PDF finder search box



Chrome – PDF finder search box

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

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1.0 Introduction

1. This document details the decisions of the Proposed Dunedin City District Plan Hearings Panel/Te Paepae Kaiwawao Motuhake O Te 2GP with regards to the submissions and evidence considered at the Rural Residential Hearing, held on 24 August – 2 September 2016 at the 2GP Hearings Centre.

1.1 Scope of Decision

2. This Decision Report responds to the 198 original and 151 further submission points addressed in the Rural Residential Section 42A Report, except:
 - Submission points in relation to family flats from *Harboursides and Peninsula Preservation Coalition (HPPC)* (OS447.113), *Howard Saunders* (FS2373.33) and *Judy Martin* (OS708.4) are addressed in the Plan Overview Decision;
 - The *KiwiRail Holdings Ltd* submission (OS322.40) on Policy 17.2.2.6 is addressed in the Transport Decision;
 - The *Fonterra Limited* submission (OS807.37) on Policy 17.2.2.1 is addressed in the Public Health & Safety Decision; and
 - As noted in the addendum to the Rural Residential Section 42A Report, the submission of *Chris Kelliher* (OS666.9) was transferred to the Urban Land Supply Hearing and is addressed in the Urban Land Supply Decision.
3. In addition, this Decision Report also addresses the following points:
 - a. The *Howard Saunders* (OS33.2) submission on the definition of Factory Farming, which was outlined in the Rural Section 42A Report; and
 - b. The *Carl Rundgren* (OS1077.1) submission on the zoning of 45 Honeystone Street, which was outlined in the Urban Land Supply (Part 2) Section 42A Report.

1.1.1 Section 42A Report

4. The Rural Residential s42A Report deals primarily with plan provisions included in the Rural Residential section of the 2GP. The Rural Residential zones contain provisions which link to most other parts of the 2GP; of particular relevance are Natural Environment (Section 10) and Rural (Section 16). The decisions on those topics should be read in conjunction with this decision.

1.1.2 Structure of Report

5. This Rural Residential 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 topic¹. Appendix 2 at the end of the report summarises our decision on each provision where there was a request for an amendment. The table in Appendix 2 includes provisions changed as a consequence to other decisions.
6. 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)
7. 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.
8. This Decision includes some minor amendments and corrections that were identified by the DCC Reporting Officers and/or by us through the deliberations process. These amendments are referenced in this report as being attributed to "cl.16". These amendments are summarised in Section 5.0.

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

1.2 Section 32AA Evaluation

9. 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.
10. 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.
11. A section 32AA evaluation has been undertaken for all amendments to the notified Plan. The evaluation is incorporated within the decision reasons in section 3.0 of this decision.

1.3 Statutory Considerations

12. 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.
13. 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 the s42A Report set out that there are no NPS or NES directly relevant to this particular topic. However, we consider the following instruments may have some relevance:
 - The New Zealand Coastal Policy Statement 2010 contains a number of objectives and policies directly relevant to those parts of the rural residential zones that are in the coastal environment. These include objectives and policies in relation to the extent and characteristics of the coastal environment; activities in the coastal environment; indigenous biological diversity; preservation and restoration of natural character; natural features and natural landscapes; and public open space and public access. While these matters are directly addressed in the Natural Environment Decision, we have also considered these where appropriate in this decision.
 - The National Environmental Standards for Plantation Forestry were enacted on 31st of July 2017 and came into force on the 1st May 2018. Due to this timing, the rules arising from this NES have not been fully incorporated into the 2GP, and we have made any decisions in relation to plantation forestry independent of the NES, recognising that the 2GP can be amended at a later date under s44A of the RMA to remove any duplication or conflict with the NES.
 - 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.

14. 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; and
- 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

15. Submitters who appeared at the hearing 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

Submitter (Submitter Number)	Represented by/experts called	Nature of evidence
AgResearch Ltd (OS2398)	Nick Daniel (representative of AgResearch)	Statement of evidence, oral evidence and map provided at hearing.
Aileen Crawford (OS822)	Allan Cubitt (Resource Management Consultant)	Refer to relevant Salisbury Park evidence (OS488).
Alistair Young and Marion Dent (OS1045)	Kurt Bowen (Surveyor)	Oral evidence presented.
Anne-Marie Watson and Andrew McSkimming (OS817)	Andrew McSkimming, Tony Devereux	Statement of evidence and maps tabled at hearing from Andrew McSkimming. Oral evidence presented by Tony Devereux.
Anthony and Julia Pearse (OS393)	Anthony and Julia Pearse	Statement of evidence, previous resource consent report, maps and photographs tabled at hearing. Oral evidence presented.
Barbara and Donald McCabe (OS251)	Conrad Anderson (Resource Management Consultant)	Statement of expert evidence from Conrad Anderson pre-circulated. Photographs and maps tabled at hearing and oral evidence presented by Conrad Anderson.
Ben Ponne (OS733)	Campbell Hodgson from Gallaway Cook Allan (Counsel)	Statement of (legal) evidence tabled at hearing by Campbell Hodgson. Oral evidence presented by Campbell Hodgson.
Blueskin Bay Holdings Limited (BBH) (OS1003)	Emma Peters (representative of BBH) Hugh Forsyth (Landscape Architect)	Statement of evidence from Emma Peters pre-circulated. Expert (landscape) evidence pre- circulated by Hugh Forsyth. Oral evidence provided by both at hearing. Also refer to relevant Graham McIlroy submission.
Blueskin Projects Ltd (OS739)	Allan Cubitt (Resource Management Consultant)	Refer to relevant Salisbury Park evidence (OS488).
Bluestone Farm Dunedin Ltd (OS821)	Allan Cubitt (Resource Management Consultant)	Refer to relevant Salisbury Park evidence (OS488).
Brendan Moore and Chota Moore (FS2108)	John Willems (Surveyor)	Statement of evidence tabled at hearing from John Willems. Oral evidence presented by Brendan Moore.

Submitter (Submitter Number)	Represented by/experts called	Nature of evidence
Chris Kelliher (OS666)	Allan Cubitt (Resource Management Consultant)	Refer to relevant Salisbury Park evidence (OS488).
Chris Walker (OS289)	Chris Walker	Statement of evidence and photographs tabled at hearing. Oral evidence presented.
Christine Keller (FS2138)	Christine Keller	Oral evidence presented.
Construction Industry and Developers Association (CIDA) (OS997)	Emma Peters (Resource Management Consultant)	Oral evidence presented.
Craig Horne and Craig Horne Surveyors Ltd (OS704)	Allan Cubitt (Resource Management Consultant)	Refer to relevant Salisbury Park evidence (OS488).
David and Susan More (OS2139)	David and Susan More	Statement of evidence and photographs tabled at hearing.
David Middleton (OS922)	Emma Peters (Resource Management consultant), Hugh Forsyth (Landscape Architect), Craig Horne (Surveyor)	Statement of evidence from Craig Horne tabled at hearing. Expert (landscape) evidence and maps pre-circulated from Hugh Forsyth. Statement of evidence, maps and photographs pre-circulated by Emma Peters. Oral evidence presented.
Federated Farmers of New Zealand (FFNZ) (OS919)	David Cooper (representative of <i>FFNZ</i>)	Statement of Evidence from David Cooper tabled at hearing, and oral evidence presented.
Fonterra Ltd (OS807)	Dean Chrystal (Resource Management Consultant)	Expert evidence from Dean Chrystal pre-circulated and map tabled, and oral evidence presented by Dean at hearing.
G Honnis (OS904)	Allan Cubitt (Resource Management Consultant)	Statement of Evidence and map tabled at hearing by Allan Cubitt. Oral evidence presented.
Glenelg Gospel Trust (OS742)	Allan Cubitt (Resource Management Consultant)	Oral evidence presented.
Graham McIlroy (OS851)	Graham McIlroy Emma Peters (Resource Management Consultant) Hugh Forsyth (Landscape Architect)	Statement of Evidence provided by Graham McIlroy at hearing. Refer to relevant Blueskin Bay Holdings evidence (OS1003).
Gregory Hall (OS198)	Matt Roach (Surveyor)	Oral statement presented by Mr Roach
Harbourside and Peninsula Preservation Coalition	Craig Werner and Bradley Curnow (representatives of <i>HPPC</i>)	Statement of evidence and map tabled at hearing (corrections on Page 5 of submission).

Submitter (Submitter Number)	Represented by/experts called	Nature of evidence
(HPPC) (OS447, FS2267)		
Helen Jane Skinner and Joseph O'Neill (OS312)	Tony Devereux, Helen Jane Skinner	Tabled statement including images tabled at hearing. Oral evidence presented by Tony Devereux.
Ian Coleman (OS284)	Ian Coleman	Statement of evidence tabled at hearing.
Jac Morshuis (OS392)	Jac Morshuis	Oral evidence presented.
James Fraser (OS93)	James Fraser	Statement of evidence, maps and photographs provided, and oral evidence presented at hearing.
Jane McLeod (OS186)	Jane McLeod	Statement of evidence and maps tabled at hearing. Oral evidence presented.
John Stewart and Lorraine Findlater (OS376)	John Stewart Leon Hallet (Surveyor)	Oral evidence presented by John Findlater and Leon Hallet.
John and Sue Heydon (OS2210)	John and Sue Heydon	Statement of evidence and maps tabled. Oral evidence presented.
John Buchan (OS610)	Allan Cubitt (Resource Management Consultant)	Oral evidence presented by Allan Cubitt.
Kim and Dianne Rapley (OS641)	Kim Rapley	Statement of evidence, maps and newspaper article tabled at hearing. Oral evidence presented by Kim Rapley at hearing.
Liz McLennan (OS680)	Liz McLennan	Map tabled at hearing. Oral evidence presented at hearing.
Mainland Property 2004 Ltd (OS816)	Allan Cubitt (Resource Management Consultant)	Oral evidence presented by Allan Cubitt.
Miro Trust (OS2433)	Kelvin Lloyd and Beatrice Lee	Oral evidence presented Kelvin Lloyd and Beatrice Lee.
New Zealand Transport Agency (NZTA) (OS881)	Andrew Henderson (Resource Management Consultant)	Statement of expert evidence pre- circulated, did not appear at the hearing.
Peter Wilson (OS954)	Peter Wilson	Statement of Evidence and maps tabled at hearing. Oral evidence presented.
PS & MJ Thomson (OS950)	Allan Cubitt (Resource Management Consultant)	Decision on previous resource consent application and maps tabled at hearing. Oral evidence presented by Allan Cubitt.

Submitter (Submitter Number)	Represented by/experts called	Nature of evidence
Radio New Zealand Ltd (RNZ) (OS918)	Grace Bennett of Chapman Tripp (Counsel)	Statement of pre-circulated evidence from Grace Bennett.
Rex MacRae (OS789)	Rex MacRae	Oral evidence presented at hearing.
Robert Hamlin (OS2399)	Robert Hamlin	Glossary entry tabled at hearing. Oral evidence presented at hearing.
Robert Wyber (OS394)	Robert Wyber	Statement of Evidence, maps, advertisements and designs tabled at hearing. Oral evidence presented at hearing.
Salisbury Park Ltd (OS488)	Allan Cubitt (Resource Management Consultant)	Statement of evidence expert pre- circulated and oral evidence provided at hearing.
Save the Otago Peninsula (STOP) Inc Soc (OS900)	Lala Fraser	Statement of Evidence and map tabled at hearing. Oral evidence presented at hearing.
Scroggs Hill Farm (OS1052)	Ross MCleary	Oral evidence presented.
Sun Onn Chin (OS1058)	John Willems (Surveyor)	Statement of evidence and maps tabled by John Willems at hearing. Oral evidence presented.
Stephen Johnston (OS1030)	Stephen Johnston	Oral evidence presented.
Yvonne Cummings (OS1056)	John Willems (Surveyor)	Statement of Evidence tabled by John Willems at hearing. Oral evidence presented.

16. Appearances for the Dunedin City Council were:

- Michael Bathgate, Reporting Officer
- Barry Knox (Landscape Architect)
- Jared Oliver (Water & Waste)
- Louisa Sinclair (Water & Waste)
- Grant Fisher (Transportation)

17. Evidence provided by Mr Bathgate included:

- Section 42 Report
- Opening statement (tabled and verbal)
- Response to Hearing Panel questions (tabled and verbal)

18. Statements of evidence were also provided as follows:

- i. Mr Knox provided evidence and revised evidence on rural residential buildings and structures with respect to bulk and location;
- ii. Both Mr Oliver and Ms Sinclair provided evidence on water, waste water and storm water servicing issues in relation to zoning submissions; and
- iii. Mr Fisher provided evidence on transportation issues in relation to zoning submissions.

19. Planning assistance to the Hearing was provided by:
- Paul Freeland, Senior Planner

3.0 Decisions on Submissions by Topic

3.1 Introduction

20. The decisions on Rural Residential are structured in the following way. Firstly, we provide context, at a broad level, for decisions on submissions on all aspects of rural residential development. We describe the approach taken in the 2GP to providing for and managing rural residential development, through its Strategic Directions objectives and policies and through the application of zoning for rural residential activity. We then discuss evidence we received on the demand for and capacity of rural residential land.
21. We then outline our decisions with respect to submissions on those higher level matters, drawing on evidence in the Section 42A Report, matters raised in submissions, and from evidence heard presented at the hearing.
22. The next parts of the decisions address submissions on residential density and subdivision provisions, (non-strategic) objectives and policies for rural residential activity and development, the rules controlling land use and development activities (activity status), along with performance standards and other provisions affecting activities in the rural residential zones.
23. In the final part of these decisions, we discuss and give decisions with respect to those specific submissions concerning the rezoning of individual parcels of land.

3.2 How and where should the 2GP provide for lifestyle and hobby farming?

3.2.1 General approach

24. The Introduction (17.1) to the Rural Residential Section of the 2GP explains there is a level of demand for properties that provide for rural activities at a small scale, most commonly the keeping of livestock for productive or recreational purposes. These small-scale rural activities are commonly known as lifestyle or hobby farming, with the properties on which they are undertaken known as lifestyle blocks.
25. The Section 42A Report states, in section 2.1, that resource management issues may arise where the incidence and use of lifestyle blocks is not managed in a sustainable way, and outlines rural residential zoning as the preferred method for addressing these issues. Lifestyle blocks can have an adverse effect on the sustainable management of rural land through removal of rural land from productive use; inflationary effects on rural land values; reverse sensitivity effects where people live on small sites in the rural environment; and increased demand for infrastructure such as sealed roads.
26. These issues arise particularly when people seek to live in rural and rural residential areas for reasons of privacy or amenity without undertaking any form of rural activity such as grazing (s42A Report, section 2.1.1, p.4). These issues are not confined to Dunedin, but can occur across many parts of New Zealand (Rural Residential Section 32 Report, p.3).
27. The 2GP responds to this issue by providing for lifestyle or hobby farming activities through dedicated rural residential zones specifically designed to provide for and manage the effects related to these activities. Conversely, it discourages these activities in the rural zones principally through maintaining a relatively high minimum site size for subdivision (and corresponding density rule for residential activity), to ensure the activities in these zones are larger scale rural and farming activities on a commercial basis (Rural Zones s42A Report, section 2.2, pp. 7-13).
28. Within rural residential zones, the minimum site size (and corresponding density) is set to enable residential activity associated with lifestyle or hobby farming, and conservation activities, but to discourage use as large lot residential (e.g. use by people with no interest in hobby farming). In addition, a more limited range of rural activities is enabled than in rural zones, in recognition of the higher level of amenity that is

expected in the rural residential setting. A number of performance standards are also used to maintain amenity, such as residential density, boundary setbacks and maximum height (s42A Report, section 2.1.1, p. 4).

3.2.2 Application of rural residential zoning

29. The Section 42A Report states that the 2GP carried over the existing rural residential zoning in the operative Plan², as well as identifying new areas that were appropriate for this zoning. The Reporting Officer, Mr Bathgate, explained that the strategic approach of the 2GP was to avoid the use of 'greenfield' areas of un-subdivided rural land for rural residential zoning, but to focus any expansion or creation of rural residential zones on existing undersized rural sites that are already subdivided, and partly or fully developed, at a rural residential scale (s42A Report, pp. 6-7).
30. The Section 42A Report and Reporting Officer's presentation to the hearing identified undersized rural sites as a key resource management issue for the city. The Reporting Officer noted that Dunedin has around 2,100 rural zone sites of between 1ha and 15ha, just over half of which do not have a dwelling. He stated that this was an artefact of previous planning schemes and historic subdivisions where subdivision had occurred but sites were not occupied prior to the zoning changing. The implication now was that those sites are 'undersized' and construction of new residential dwellings is a non-complying activity under the operative Plan. He acknowledged that these small sites can be difficult to put to use, yet enabling development on all of these sites would exacerbate issues such as the displacement of rural activities or increased reverse sensitivity effects arising from people living on small rural sites (as described in section 3.2.1, above) (s42A Report, section 2.1.3, p.5).
31. During the development of the 2GP, a review of undersized rural sites was undertaken to determine which were most appropriately retained in rural zoning, and which groupings of sites were more appropriately zoned rural residential. The Rural Residential s32 and s42A Reports and the Special Zoning Report – Rural Residential Zones (found in Appendix Two to the s42A Report), outline the various processes used in this review. These processes included the development of the Spatial Plan for Dunedin (2011) and a rezoning request process.
32. Another process used in the review of undersized rural sites was the small rural site cluster analysis. To be considered appropriate for rural residential zoning under this process, sites needed to align with criteria that included:
 - being in a semi-developed cluster of sites at rural residential scale (at least three sites, of which at least 40% must have a dwelling, with vacant sites being bounded by at least one developed site);
 - not being in rural areas with the capacity for high productivity (which excluded sites in areas almost entirely comprised of high class soils and/or LUC class 1-3 land – for example, the Taieri Plain and Middlemarch Basin Rural Zones);
 - not being in areas with outstanding landscape (which excluded sites in the Peninsula Coast, High Country, Hill Country Rural Zones);
 - avoiding areas with significant natural hazard or topography and access constraints;
 - being in relative proximity to urban areas (which excluded sites in isolated areas including in the High Country and Hill Country Rural Zones);
 - avoiding multiple sites in the same tenure managed as part of larger rural properties; and
 - taking into consideration effects on rural character and amenity, natural character of the coast, and significant natural landscapes.
33. The sites that were identified as most appropriate to be zoned rural residential under these criteria were then further divided into two rural residential zones - the Rural Residential 1 Zone (generally applied to clusters of sites with an average density of greater than 2ha and less than 4ha), and a new Rural Residential 2 zone (generally

² With the exception of two sites that went to Township and Settlement zoning, and the creation of the Ashburn Clinic Major Facility Zone.

applied to clusters where sites are each under 15ha with an average site size of between 4ha and 10ha).

34. In addition, where clusters were identified and confirmed, the boundary of the Rural Residential 2 zoning was sometimes extended to include other small sites that didn't meet the initial criteria, as follows:
 - Inclusion of developed sites not bounded by vacant sites
 - Inclusion of sites under 1 ha, particularly where this filled in 'gaps' to adjacent residential zones
35. The s42A Report explained that Rural Residential 1 Zone provisions were largely a carry-over of the Rural Residential Zone provisions in the operative District Plan. The Rural Residential 1 Zone provides for the creation through subdivision of new sites down to 2ha, although residential activity may be undertaken on existing sites of at least 1ha.
36. The new Rural Residential 2 Zone provides for one residential activity (i.e. a house) for an existing site of at least 1ha, but makes further subdivision of sites a non-complying activity. The rationale for this was that the Rural Residential 2 Zone was established to provide for existing undersized rural sites, but that further capacity for rural residential subdivision exists in the Rural Residential 1 Zone. It was not considered appropriate to expand the capacity for rural residential zoning through enabling subdivision of the Rural Residential 2 zone down to 2ha.

3.2.3 Strategic directions policies relating to rural residential zoning

37. 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.
38. The Section 42A Report states that the relevant strategic objectives are that Dunedin stays a compact and accessible city with resilient townships (Objective 2.2.4) and that Dunedin has a range of housing choices that provide for the community's needs and support social well-being (Objective 2.6.1).
39. Policy 2.2.4.3, as notified, seeks to avoid new rural residential subdivision, instead providing for undersized rural sites to be rezoned as Rural Residential 2, and consideration given to converting sites in Rural Residential 2 Zone to Rural Residential 1 Zone when there is a demonstrated shortage of rural residential capacity. Policy 2.2.4.4 provides for rules that prevent urban-scale living in a Rural Residential Zone. Policy 2.6.1.4 sets out the factors that need to be present when rural residential zoning is used; including that land is already subdivided and partly or fully developed at a rural residential density (Section 42A Report, section 2.1.4, p. 6).
40. Policy 2.2.4.3.b, as notified, states:

"Ensure expansion of urban and rural residential areas occurs in the most appropriate locations and only when required by:....b. avoiding the creation of any new rural residential subdivisions and instead enable the use of existing undersized rural sites for rural residential activity through rezoning as Rural Residential 2 sites, and consider conversion of these areas into Rural Residential 1 zoning when there is a demonstrated shortage of rural residential capacity".
41. Policy 2.2.4.4, as notified, states:

"Avoid subdivision that provides for residential activity of a fundamentally different type than provided for in the various zones, through:

 - a. rules that prevent rural residential or urban-scale residential living in rural zones;
 - b. rules that prevent urban-scale residential living in a rural residential zone;
 - 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. Policy 2.6.1.4, as notified, states: "Use rural 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, and partly or fully developed, at a rural residential density;
 - c. development at a rural residential density will have no more than minor effects on rural productivity, landscape values, and rural character;
 - d. the location enables reasonable levels of accessibility to critical services and facilities (centres);
 - e. development will not lead to pressure for infrastructure upgrades, including road sealing; and
 - f. the zoned area (number of lots) is of an adequate size to support community-building, and economies of scale necessary to encourage smaller scale productive activities, and will not create isolated housing

3.2.4 Capacity and demand

43. The Section 42A Report provided data, in Appendix One, on the level of development and potential capacity of the rural residential zones, and a coarse assessment of demand. Further information on this was provided at the hearing as part of the Reporting Officer's response.
44. We consider this is relevant in the context that several submitters questioned the 2GP's approach to rural residential based upon a perceived lack of sufficient capacity to meet demand for this type of activity and lifestyle choice in Dunedin city.
45. In terms of capacity, the evidence was that the rural residential zones in the 2GP would provide capacity for 545 additional dwellings on vacant sites (Planner's Response, p. 5). When infill capacity on developed sites is considered, the figures suggest there is a theoretical capacity for 781 additional dwellings. Measured a different way, the 2GP provides a 64% increase in land area zoned rural residential, including a 10% increase in Rural Residential 1 land (Planner's Response, p.4). In terms of vacant land zoned rural residential, the Reporting Officer, Mr Michael Bathgate stated that there had been a 57% increase, although most of this new vacant land was in the Rural Residential 2 Zone, which did not provide for subdivision.
46. In terms of expanded development potential, the proposed Rural Residential 2 Zone would provide for a maximum of 95 new dwellings on vacant sites, while the expanded parts of the Rural Residential 1 Zone would provide for up to 23 new dwellings on vacant sites (Planner's Response, pp. 4-6).
47. Mr Bathgate noted that the increase in vacant capacity in the Rural Residential 1 Zone is mainly because of the regularisation of areas already developed to a Rural Residential 1 density, which includes some vacant sites interspersed within developed areas, plus the inclusion of 39 sites of between 1-2ha in size which will be able to be developed under the 2GP. The 'infill' potential for a further 31 sites has been added through expansions to the Rural Residential 1 Zone.
48. In response to a question on limitations for infill development ('theoretical capacity'), Mr Bathgate stated that it has been assumed that vacant rural residential land is unconstrained, in that a 2ha site is large enough to accommodate a building platform and access taking account of any issues caused by slope and other topography factors, and hazards. He considered that one of the biggest constraints to development was landowner willingness to infill on already-developed large sites, along with market demand in some locations (Planner's Response, pp. 6-7).
49. In terms of demand, the Reporting Officer stated that, while demand for rural residential land can be difficult to forecast, trends in building consents in rural residential zones over the last 10 years provide one measure, and show that an average of 20 buildings have been added each year over the last decade on sites of at least 1ha

in the 2GP rural residential areas. At this rate of development, the Reporting Officer concluded a 15 year supply of rural residential land should allow for 300 additional dwellings. At a high growth population projection scenario, the Reporting Officer estimated a 15 year supply of rural residential land should allow for around 340 additional dwellings. He stated this is a coarse analysis, as growth in population does not mean a directly comparable growth in household numbers, and this is a citywide growth projection which does not allow for shifts in demand within different areas of the city (Section 42A Report, section 2.1.4, p.6).

3.2.5 Submissions on the 2GP's approach to, and extent of, rural residential zoning

50. A number of broad, high level submissions were received on the matters discussed above. This included both submissions directly on the Strategic Directions policies themselves, and submissions on the extent and application of rural residential zoning which, if accepted, would also impact on the strategic directions policies. In the interests of efficiency and clarity, we discuss all of them here, together.
51. There was one submission in support of Policy 2.6.1.4 from *Horticulture New Zealand* (OS1090.18).
52. There were four submissions in support of Policy 2.2.4.3.b. *University of Otago* (OS308.492) supported those policies associated with Objective 2.2.4 that support and encourage a compact and accessible urban environment. *New Zealand Transport Agency* (OS881.174) sought retention of Policy 2.2.4.3 as it enables and encouraged the Council to take a longer term view of infrastructure expansion to ensure that it occurs in a sustainable manner (particularly in respect of the provision of roading). *Radio New Zealand* (OS918.66) supported retention of policies associated with Objective 2.2.4 to help mitigate the risk of new sensitive activities establishing near *Radio New Zealand's* facilities. *Federated Farmers* (OS919.173) agreed that the Council should appropriately control expansion of rural residential areas in the most appropriate locations and only when required by growth, and supported the zone based approach to addressing the tensions relating to subdivision and development.
53. *Anthony Parata* (OS248.11) opposed expansion of rural residential zones without regard to the strategic policies of the 2GP (specifically policies 2.6.1.3, 2.6.3.2, 2.7.1.1, 2.7.1.2 and 2.2.2.4), stating that the Council should be expected to follow its own policies.
54. *Colin Weatherall* (OS194.5) sought amendment to rural residential zoning in some areas, stating that they are both impractical and lacking in quality assessment values, although no specific examples were given.
55. *Harboursides and Peninsula Preservation Coalition (HPPC)* (OS447.103) opposed the expanded Rural Residential 1 Zone at St Leonards, Three Mile Hill Road area and Abbotsford, and all areas of Rural Residential 2 zoning. The reason given was that additional rural residential zoning is contrary to the 2GP Strategic Directions and DCC-sponsored land use assessment reports. *Howard Saunders* (FS2373.27) opposed this submission, stating that "Removing all Rural Residential 2 zoning is contrary to 2GP objectives to deal with qualifying undersized rural blocks and will be totally unacceptable to owners of such land".
56. *Save The Otago Peninsula (STOP) Inc Soc* (OS900.130) also opposed the expanded Rural Residential 1 Zone at St Leonards and all areas of Rural Residential 2 zoning, stating that "Peninsula and city residents have consistently stated that they do not want increased building on sites on each side of the Low Roads to Taiaroa Head and to Port Chalmers. We have argued that infilling of existing residential suburbs should be enough to feed the need for further housing on the sides of the Harbour. The DCC's own reports commissioned from expert analysts also reiterate that there is no need for increased housing outside the existing footprints." *Howard Saunders* (FS2373.1) opposed this submission, stating "Rural Residential 2 zoning is required to meet 2GP objectives of dealing with suitable undersized rural blocks of land".

57. *HPPC* (OS447.4 and FS2267.104) and *STOP* (OS900.16) also sought to replace Policy 2.2.4.3.b with a new clause (b) that avoids creation of new rural residential subdivisions unless there is a capacity shortage of fewer than five sites across Dunedin, with use of existing undersized rural sites not enabled but considered as part of a demand-driven new rural residential zone.
58. *HPPC* gave a number of reasons for this request, set out in Addendum 4 to their submission. They expressed concern about the potential adverse effects of rural residential development, and questioned the need and rationale for new rural residential zones, which they considered represented large amounts of new rural residential capacity. *HPPC* believed this would have adverse effects, and cited those raised in the Special Zoning Report – Rural Residential Zones including adverse effects on rural productivity, land fragmentation, rural character and amenity, pressure on infrastructure, and reverse sensitivity issues. They were also concerned about adverse effects on the natural environment. They considered the new rural residential zones were contrary to the 2GP's strategic objectives (in particular Objective 2.2.4, which states "Dunedin stays a compact city with resilient townships..."), the Spatial Plan, and to the research commissioned by the Council during 2GP development, which they considered demonstrated sufficient capacity in existing rural residential zones.
59. *Howard Saunders* (FS2372.3, 41), *Federated Farmers of New Zealand* (FS2449.345, 346) and *Geoff Scurr Contracting Ltd* (FS2391.6) opposed these submissions. *Howard Saunders* stated that existing undersized rural blocks are adequately dealt with by Rural Residential 2 zoning. *Federated Farmers* stated that it is unworkable and unrealistic to manage rural residential subdivision in the way proposed, and will be uncertain and confusing for plan users. *Geoff Scurr Contracting* stated that many of the areas are already rural residential subdivisions in practice, not new ones.
60. *HPPC* (OS447.104) also sought to have a new policy inserted under Objective 17.2.1 as follows: "Only allow expansion or the addition of other Rural Residential areas to occur in locations that have at least a 100 metre wide buffering area of Rural zoned land on all borders to mitigate reverse sensitivity issues with nearby Residential zoned land or public spaces." The reason given for this submission was to provide adequate recognition of the stakeholder rights of current residents. This proposed new policy was opposed by *Howard Saunders* (FS2373.25) who stated that there are better ways to manage reverse sensitivity issues, and that such a buffer zone could prevent many small, undersize rural blocks of land becoming Rural Residential 2 and thereby frustrate the policy objectives of 2GP. The proposed new policy was also opposed by *Geoff Scurr Contracting Limited* (FS2391.103) who considered it an unnecessary policy.
61. *Dianne Reid* (OS592.3) and *Pigeon Flat Road Group* (OS717.4) submitted that Policy 2.2.4.3.b should be replaced with a policy avoiding the creation of new rural residential subdivisions of 10 lots or greater within the rural zone, to provide a clear threshold for what is considered a rural residential subdivision. The *Dianne Reid* submission was opposed by *David and Kerry Hiom* (FS2473.3), with the reasons relating to their opposition to more intensive zoning and a higher intensity of use in the vicinity of Saddle Hill Road.
62. Other submitters either opposed any expansion of rural residential zoning in the 2GP, or asked for a review of the approach to zoning, as follows:
 - *Judith Ansbacher* (OS191.3) opposed more rural residential subdivisions, stating that they lead to urban sprawl which has occurred at Three Mile Hill, Ocean View and Highcliff. *HPPC* (FS2267.98) supported this submission, stating that DCC plans and reports cite that rural residential zones are generally a poor land use.
 - *Christopher Ryalls* (OS1051.6) sought a review of rural residential zones around the Taieri, stating "I am opposed to allowing good Taieri farm land being made into small farms."
63. Several submitters sought an increase in rural residential zoning in the 2GP. These included:

- *Craig Horne Surveyors Limited* (OS704.22), *Blueskin Projects Ltd* (OS739.22), *CTW Holdings Limited* (OS742.22) and *G & J Sommers Edgar* (OS889.25) sought expansion of rural residential zoning, additional land to be zoned rural residential or the 2GP to allow residential activity on under-sized rural sites. They were of the view that there is a large demand by residents and those looking to move to the Dunedin area for rural residential lots. They said the increase in required minimum lot size will decrease the number of 'lifestyle' lots within the rural zone, yet the total amount of rural land effectively 'lost' to rural-residential activity would be unlikely to change.
 - *Peter Wilson* (OS954.2) sought clarification of how rural residential zoning was applied, and that properties identifiable as being rural residential should be zoned rural residential, stating that "I believe it is time the Council provided what the people want rather than what the planners' ideas are... I see first-hand the difficulty people have with incorrectly zoned properties".
64. *HPPC* (FS2267.99-103) opposed these submissions seeking an increase in zoning, stating that DCC documents cite that rural residential zones are generally a poor land use choice.
65. *Radio New Zealand* (FS2332.2332.67-68, 70-75) opposed a number of submissions relating to the expansion of zoning, on the basis of its opposition to any rezoning in the vicinity of its facilities that might result in adverse reverse sensitivity effects.

3.2.6 Section 42A Report

66. In the Section 42A Report, the Reporting Officer, Mr Michael Bathgate, commented that the application of zoning must be assessed, like any other provision, as to whether it is the most appropriate way to achieve the objectives of the 2GP. He identified the relevant strategic objectives related to the rural residential zoning as being that Dunedin stays a compact and accessible city with resilient townships based on sustainably managed urban expansion (Objective 2.2.4) and that Dunedin has a range of housing choices that provide for the community's needs and support social well-being (Objective 2.6.1). He stated that also relevant is Objective 17.2.1, that the rural residential zones enable lifestyle blocks, hobby farms and associated residential activities as the appropriate place in the rural environment for these to occur (s42A Report, Section 5.7.1, p. 105 & p. 107).
67. He observed submissions and further submissions received in relation to the extent and expansion of rural residential zones in the 2GP fall into two broad categories:
1. those seeking the removal of any expansions to existing rural residential zones or the removal of new rural residential zones, or otherwise questioning the process used to zone rural residential areas; and
 2. those seeking to further expand rural residential zones, create new rural residential zones, or allow existing small rural sites to be used for residential activity (s42A Report, Section 5.7.1, p.107).
68. Referring to the process used to develop the Rural Residential section of the 2GP, he explained that the expansion of the Rural Residential 1 Zone both on the fringe of the existing zones, and in three new areas, recognises clusters of existing sites of Rural Residential 1 scale that are already partly developed. The creation of the Rural Residential 2 Zone also gives recognition to existing clusters of partly-developed small rural sites, albeit at slightly larger scale than Rural Residential 1 (s42A Report, Section 5.7.1, p.107).
69. Overall, he considered the 2GP provisions as notified, with a few minor mapping amendments, to be the most appropriate way to achieve the objectives of the 2GP in relation to a compact city, housing choice, and providing for lifestyle blocks and hobby farms in the most appropriate place in the rural environment. He considered the "balanced and pragmatic approach" approach recognises (in a careful and controlled manner using set criteria) certain areas in which properties have been mostly developed

- and used as rural residential properties, rather than allowing for uncontrolled expansion and use of greenfield areas of rural land (s42A Report, Section 5.7.1, pp. 107-108).
70. Mr Bathgate considered that the changes to rural residential zoning in the 2GP have been conducted with regard to resource management issues that may arise due to uncontrolled expansion of lifestyle blocks, through utilising the careful expansion of zoning as a preferred method, and did not recommend that the extent of rural residential zoning notified in the 2GP be reduced (s42A Report, Section 5.7.1, p. 108).
 71. Consistent with the above, the Reporting Officer also did not recommend replacing Policy 2.2.4.3.b as requested by *HPPC* (OS447.4) and *STOP* (OS900.16). His concern was that a threshold for new rural residential subdivisions of fewer than five available sites across Dunedin is "unworkable in practice, given what might reasonably be considered an adequate supply to avoid significant price distortions and the length of time involved in rezoning land through a plan change" (s42A Report, Section 5.1.1, p. 24).
 72. With respect to methodology, Mr Bathgate stated that Policy 2.2.4.3.b needs to be read in conjunction with Policy 2.6.1.4, which sets out the factors that must be present before rural residential zoning is used. He considered the policies "focus on avoiding new rural residential subdivisions altogether and only utilising those areas where land is already fragmented and partly developed, along with meeting other listed criteria for rural residential zoning." He noted that both the Spatial Plan and the 2GP considered zoning an appropriate tool to manage the issue of rural residential development in rural environments, and that Rural Residential 2 does not promote new rural residential subdivision, as subdivision in this zone is non-complying. Where a shortage of rural residential sites can be demonstrated, Rural Residential 2 would be considered for conversion to Rural Residential 1, but this would entail a plan change process (s42A Report, Section 5.1.1, p.24).
 73. With respect to criteria, he stated that the methodology used as the basis for rural residential zoning excluded isolated areas and considered landscape, rural character and amenity values. He did not consider there was evidence that rural residential development automatically leads to denigration of the natural environment (s42A Report, Section 5.1.1, p.24).
 74. The Reporting Officer also did not support the new policy proposed by *HPPC* (OS447.104) to require a 100m buffer of rural land between any expanded or new rural residential zone and nearby residential or public space land. He did not consider that the adverse effects of rural residential zones directly adjacent to residential zones or public spaces would be any greater than having adjacent rural zones, and considered this could lead to an inefficient outcome for this buffer land (Section 42A Report, pp. 24-25).
 75. However, he did recommend amendments to:
 - replace the word 'enable' in Policy 2.2.4.3.b with 'provide for', as 'enable' is too permissive; and
 - better link Policy 2.2.4.3.b with Policy 2.6.1.4, to enhance plan clarity by directing plan users from Policy 2.2.4.3.b to the set of factors required for rural residential zoning (s42A Report, Section 5.1.1, p.24).
 76. The Reporting Officer did not recommend accepting the submissions of *Dianne Reid* (OS592.3) and *Pigeon Flat Road Group* (OS717.4), as he considered there does not need to be a numerical threshold to define a rural residential subdivision, and that the 2GP should be strongly discouraging the spread of or increase in the number of undersized rural sites (Section 42A Report, p. 24).
 77. On the other hand, the Reporting Officer also did not agree with *Craig Horne Surveyors Limited* (OS704.22), *Blueskin Projects Ltd* (OS739.22), *CTW Holdings Limited* (OS742.22) and *G & J Sommers Edgar* (OS889.25) that "there has been no notable addition of land to the rural-residential zones in the 2GP", citing the capacity figures discussed in section 3.2.4 above (s42A Report, Section 5.7.1, p.108).

78. Based on the available capacity in the zones, and projected demand in terms of past uptake of rural residential sites and forecast population growth, he was of the opinion that there is sufficient capacity in the rural residential zones and that there is no necessity for any further expansion of the rural residential zones (s42A Report, Section 5.7.1, p.108).
79. Mr Bathgate noted that Policy 2.2.4.3.b provides for consideration of conversion of Rural Residential 2 Zone areas to Rural Residential 1 Zone through a plan change process where there is a demonstrated shortage of rural residential capacity, and considered that this provides an appropriate 'backstop' mechanism in the case that any shortfall were to arise during the lifespan of the 2GP (s42A Report, Section 5.7.1, p.108).
80. He did however recommend, in response to site-specific rezoning requests discussed in sections 5.7.2 to 5.7.9 of the Section 42A Report, the rezoning of undersized rural sites to rural residential, where the sites:
 - are already developed and used at a rural residential scale, and this is in effect a regularisation through zoning of how the sites are being used; or
 - in some cases, adjacent sites not subject to zoning submissions meet the criteria for rural residential zoning and form clusters of rural residential sites with other sites that are the subject of zoning submissions.

He noted these latter recommendations would constitute acceptance in part of the submission of *Craig Horne Surveyors Limited* (OS704.22), which calls for expansion of rural residential zones or zoning of additional land to rural residential (s42A Report, Section 5.7.1, p.108).

81. Mr Bathgate referred to the Rural Section 42A Report for discussion of whether residential activity should be allowed on under-sized rural sites (s42A Report, Section 5.7.1, p.108).
82. In relation to other specific submission points, Mr Bathgate commented that:
 - the submission of *Anthony Parata* (OS248.11) related also to the expansion of residential zones, and that in his view most of the strategic policies cited by the submitter are more directly relevant to residential zones;
 - the further submission of *Brendon and Chota Moore* is considered in Section 5.7.6 of the s42A Report; and
 - submission points by *Radio New Zealand Limited* (OS918) seeking additional provisions in the 2GP to protect Radio New Zealand transmitters from the reverse sensitivity effects of nearby residential activities are canvassed in the Network Utilities and Energy Generation Section 42A Report.

3.2.7 Evidence presented at the hearing on the 2GP's approach to, and extent of, rural residential zoning

83. At the hearing, Mr Craig Werner and Mr Bradley Curnow from *HPPC* contended that there was an oversupply of rural residential zoning being proposed in the 2GP, and were opposed to both any expansion of the Rural Residential 1 Zone and the creation of the Rural Residential 2 Zone. *HPPC* reiterated their criticism of the Rural Residential 2 Zone, citing the DCC reports referred to in their original submission. *HPPC* considered the expansion of rural residential zones was counter to the findings of these reports and the Spatial Plan, and that it was preferable to leave undersized rural sites as anomalies in the rural zones. *HPPC* believed that proximity to townships should not be considered a positive factor in determining the location of rural residential zones, as maintaining a sharp urban-rural boundary was preferable both in terms of amenity and safety. They said that *HPPC* considers rural residential zoning denigrates rural character and amenity, as the density of built form is substantially greater than that in the surrounding rural zones, and that it would be appropriate to use their "fewer than 5 sites across Dunedin" approach to create a price/demand distortion and control the amount of rural to rural residential conversion. *HPPC* consider that rural residential land should be expensive, rare and located away from urban areas.

84. Ms Lala Frazer appeared for *STOP*. Ms Frazer outlined the land uses in one proposed Rural Residential 2 cluster at Portobello, stating that these could be carried out without rural residential zoning. She said *STOP* remain opposed to Rural Residential 2 zoning, and it sees further subdivision and intensification as a possibility, even with the non-complying activity status associated with this zoning.
85. A number of submitters who were seeking rezoning of specific blocks of rural land to rural residential questioned the adequacy of the capacity figures, particularly in terms of the suitability of certain parts of the rural residential zones at the hearing. Issues raised in relation to land identified as having capacity for development included that:
 - capacity is on hilly areas, sometimes with difficult access or poor aspect, as opposed to those rural residential areas on flat and accessible land;
 - capacity is on land that is subject to hazards, such as land instability and flooding;
 - capacity is on land in areas of low market demand;
 - capacity is in areas or on sites where there is an unwillingness by landowners to develop or sell the land; and
 - site-specific issues such as transport issues, or conflict with existing rural uses would be at odds with rural residential development.
86. A number of submitters, including real estate agents and surveyors, stated that there was high demand for lifestyle blocks in Dunedin. However, this was provided as anecdotal information only, including excerpts from real estate catalogues.
87. Mr Allan Cubitt (resource management consultant called by *Salisbury Park Ltd*) disagreed with the assessments of demand and capacity, stating that the focus on assessment of rural residential zone building consents overlooks lifestyle size blocks that have been created in the current rural zone, and that many vacant sites are actually sold but not yet built on, and that in some cases zoned land will never be released by the owner (Evidence, pp. 8-9).
88. Mr Cubitt did not consider that the demonstration of “need” should be weighted in decisions on rezoning, stating that competition in the market place is generally considered healthy and will assist in bringing land prices down, in line with Government ambitions to provide sufficient land for new housing stock (Evidence, p. 9).
89. Ms Emma Peters (resource management consultant called by *David Middleton*) commented that recent anecdotal evidence and media reports have noted the recent movement of young families shifting to Dunedin for reasons including lower house prices (particularly lifestyle block prices) and shorter commuting distances, with media reports of real estate agents receiving multiple offers on properties for sale. In her view, in order to protect the Taieri (which she considered had “truly rural productive landscapes”), provision for rural residential must be made on the hill slopes around the Taieri, the harbour edge and the north and south coasts, within a 20 minute commute of the City. She considered this in accordance with Objective 2.6.1 *Housing Choices* (Evidence, para 37).
90. A number of submitters who were seeking rezoning of specific blocks of rural land to rural residential also questioned the exclusion of particular areas from consideration for new rural residential zoning, especially the Taieri Plain.
91. In evidence, Mr Allan Cubitt (resource management consultant called by *Salisbury Park Ltd*) disagreed specifically with the exclusion of sites in the Mosgiel/North Taieri areas from consideration for inclusion in the Rural Residential 2 Zone, stating that they are “the most popular and fast growing areas in Dunedin”. He commented that generally areas that contain small sites are not going to be high productivity areas, even if they supposedly contain high class soils. In his view the vast majority of areas zoned rural-residential do not retain the climatic and locational attributes that are available in the Mosgiel and North/East Taieri areas (Evidence, p. 5 & p. 9).
92. In their statements at the hearing:

- *Ms Jane Mcleod* stated that the Taieri Plain could be an equestrian hub but if all the land is “locked up in rural sized blocks” this would stymie such development.
 - *Mr Peter Wilson* stated that his request to rezone land at Wingatui from Rural to Rural Residential 1 would be a sensible and logical extension to the current rural residential zone, and that there is a shortage of Rural Residential 1 land on the Taieri Plain.
 - *Anthony and Julia Pearse* observed that an area of land with a large number of contiguous sites at rural residential density on McMaster Road, Saddle Hill had not been zoned rural residential in the 2GP.
93. A number of submitters who were seeking rezoning of specific blocks of rural land to rural residential suggested that undersized rural sites are not financially viable as a stand-alone farming unit, and/or are not being put to productive rural use, and should therefore be put to rural residential use.
94. In evidence, Mr Allan Cubitt sought that the policy framework be amended such that fragmented rural land is considered for rural living options, which he considered would protect productive parts of the rural environment from lifestyle development pressure (Evidence, pp. 4-5). In his view, how the land is held is an economic condition that affects the resource and the people who own it, and that the land must be sustainably managed in the form it is legally held in. His assessment was that the proposed rule framework does not enable owners of undersized rural sites “to provide for their social, economic, and cultural well-being” and the purpose of the Act is not therefore being met (Evidence, p. 8).
95. In evidence, Mr Conrad Anderson (resource management consultant called by *Barbara and Donald McCabe*) and Ms Emma Peters (resource management consultant called by *David Middleton*) highlighted Environment Court decision *B E Guthrie v Dunedin City Council C174/2001*. Ms Peters also cited this case in her statement on behalf of *Blueskin Bay Holdings Limited*. Mr Anderson stated that it was his understanding that, where the relevant objectives and policies are settled, then the question is which of the available methods (zones/rules) in the 2GP is the most appropriate (for a particular site). Both Mr Anderson and Ms Peters quoted from this Court decision, which states:
- “It was accepted that the issue was which of the available zones most properly accommodated the site. It was accepted by both parties that the Court in considering such a reference commences with a ‘clean sheet of paper’. There is no presumption in favour of any one zoning. In particular, its inclusion in the Rural zone at this stage does not amount to a presumption that Rural zoning should continue unless good cause for an alternative is discovered.”*
96. There was also discussion of reverse sensitivity issues insofar as they relate to rural residential zoning.
97. Mr David Cooper, appearing for *Federated Farmers of New Zealand*, commented that this submitter was generally supportive of the overall approach taken to zoning for rural residential. *Federated Farmers* agreed with the Reporting Officer that reverse sensitivity effects and the potential inflation of rural land values associated with rural residential development do cause issues for farmers. However, there are also important benefits from rural residential development including the provision of a “buffer” between urban and rural areas, and provision of opportunity for lifestyle and hobby farming, primary production support services, and other complementary activities.
98. In evidence, Mr Dean Chrystal (resource management consultant called by *Fonterra Ltd*) stated that, in his experience, rural residential zones have become synonymous with reverse sensitivity effects. In his view, it would be appropriate for such effects to be considered at the zoning stage, and in order for this to occur the objectives and policies need to acknowledge and provide for such consideration. He noted the omission of the consideration of reverse sensitivity within Policy 2.6.1.4, stating that it is possibly an oversight, that he was unsure of scope to revisit those provisions, and suggested amendments to the rural residential provisions within Chapter 17 to overcome this situation.

99. Mr Nick Daniels, appearing for *AgResearch Limited*, also raised concerns about reverse sensitivity effects associated with rural residential development in his statement and presentation.
100. *Radio New Zealand* did not appear at the hearing, but tabled a statement supporting the Reporting Officer's recommendations to retain policy 2.2.4.3.b (with an amendment) and policy 2.2.4.4.b.

3.2.8 Planner's Response

101. At the hearing we asked the Reporting Officer, Mr Bathgate, to further explain:
- the rationale for the areas zoned as rural residential, in light of the directions of the Spatial Plan and DCC residential capacity studies;
 - how land tenure was taken into account in assessing appropriateness for Rural Residential 2 zoning;
 - the development potential of the proposed 2GP rural residential zones;
 - the intended process for rezoning Rural Residential 2 zones to Rural Residential 1, and whether resource consent applications pose a threat to Council's intentions in this regard; and
 - the RMA basis for requiring a nearby RR1 zone to 'fill up' before allowing new RR1 zoned land outside those areas.
102. In his response, Mr Bathgate indicated that the expansion of the operative zone, as part of the new Rural Residential 1 Zone, came mainly through areas identified in the Spatial Plan and 2GP rezoning request processes, which were already largely developed at a rural residential scale.
103. In relation to the Rural Residential 2 Zone, Mr Bathgate broadly outlined the process for responding to the issue of undersized rural sites, detailed in section 3.2.2 above. He recognised the potential conflict between the creation of the Rural Residential 2 Zone and the Spatial Plan and DCC capacity studies, but stated that this had been balanced against the decision to give certainty to some landowners of undersized rural sites. He commented that the Rural Residential 2 Zone recognises existing development at a rural residential scale, rather than rezoning new 'greenfield' areas of rural land for rural residential activity (Planner's Response, pp. 1-2).
104. Mr Bathgate stated that there had been no investigation of any potential contraction of the operative Rural Residential Zone by removing undeveloped areas, due to resourcing and time constraints (Planner's Response, pp. 1-2). It was also acknowledged that some existing rural residential zoned land under the operative District Plan may be unlikely to be fully developed, but that (both vacant and theoretical) capacity may also be understated in situations where adjacent sites are held in the same ownership (Planner's Response, pp. 6-7). Mr Bathgate considered that rationalisation of areas unlikely to be fully developed should be considered for a future plan change.
105. Mr Bathgate reiterated that land tenure is one of the factors considered in the balancing of whether a potential cluster of undersized sites should be zoned Rural Residential 2, with a site's inclusion of a site in a larger rural landholding being considered a negative factor (Planner's Response, p. 3).
106. Mr Bathgate stated that the plan change process for conversion of Rural Residential 2 to Rural Residential 1, as indicated in Policy 2.2.4.3.b, may be either through a DCC or private plan change. He did not consider that this strategic policy should be viewed as a 'gateway' for any and all Rural Residential 2 areas to be considered eligible for conversion to Rural Residential 1. However, he considered that the criteria and attributes that lead favourably to inclusion in Rural Residential 2 zoning, as outlined in Policy 2.6.1.4, may favour these areas for consideration for Rural Residential 1 zoning over 'greenfield' rural areas if and when there is shown to be a shortage of rural residential land. He said the Rural Residential 2 zoned areas had already been assessed as suitable for this zoning and would have fewer impacts on rural amenity and productivity.

107. Mr Bathgate explained that the non-complying activity status for subdivision in the Rural Residential 2 Zones is intended to act as a deterrent to ad hoc subdivision consents in this zone, as further subdivision is not anticipated by this 'one development right per site' zone. However, there may be circumstances where subdivision is sought as a non-complying activity, in which case he considered the strategic directions will act as a guide, including Policy 2.2.4.3.b, which would require applicants to demonstrate that there is a shortage of rural residential capacity.
108. He noted that a relevant policy, Policy 17.2.4.4, states "Avoid further general subdivision of sites in the Rural Residential 2 Zone to maintain these sites for larger lifestyle blocks or hobby farms (small holdings)", which may be interpreted as leading to a prohibited activity, as it is not tempered by an "unless" clause. He noted that while this is not the intention (and it could be tempered by reference to Policy 2.2.4.3.b), there were no submissions directly on this policy so scope to amend it is uncertain.
109. Mr Bathgate noted also that the relevant assessment rule for non-complying general subdivision, Rule 17.12.5.1, contains an incorrect reference in paragraph (a) to "Objective 17.2.2" which should read "Objective 17.2.4", recommending that a clause 16 amendment be made (Planner's Response, pp. 3-4).
110. He considered that the 2GP's approach to rural residential zoning promotes the sustainable management of natural and physical resources, and is consistent with the approach used to expand residential zones or any other form of zoning, typically involving an assessment of land use and capacity in existing zones, before deciding whether new zoning is appropriate. He considered that zoning of rural land for rural residential purposes where there is sufficient capacity in existing rural residential zones has the potential to be in conflict with the 2GP objectives, specifically Objective 2.2.2 Energy resilience and Objective 2.3.1 Protection of land important for economic productivity (Planner's Response, p. 7).
111. Mr Bathgate also made the following general observations:
 - i) Capacity – "I am still of the opinion that there is sufficient capacity in the proposed 2GP rural residential zones, until I see compelling evidence to the contrary. There are areas in the rural residential zones where there may be some limiting factors such as topography, but I do not see these as significant limitations to development."
 - ii) Expansion – "Were the Hearings Panel to decide that further Rural Residential 1 land is needed, I consider that areas adjacent to existing RR1 zones may present more favourably in terms of limiting any effects on character, amenity, productivity and transport infrastructure."
 - iii) Developed sites – "It is worth noting that there are some clusters of undersized rural sites that were not picked up in the RR2 analysis because all sites were already developed."
 - iv) Rural productivity – "it is a common refrain that rural land is not currently productive and, therefore, allowing residential activity is the best way forward in terms of sustainable management of this land. While acknowledging this predicament for current landowners, I consider that sustainable management of natural and physical resources dictates that we should also consider the future potential of land for productive purposes. I particularly hold the opinion that flat, alluvial land with good soils should also be considered in terms of its future productive potential, rather than solely viewing the use to which it is being put now. I consider that this wider view better achieves the 2GP strategic objectives in relation to energy resilience (Objective 2.2.2) and protection of land important for economic productivity (Objective 2.3.1)." (Planner's Response, p. 12).

3.2.9 Urban Land Supply (Part 1) Hearing

112. In reaching decisions on the submissions relating to these provisions, we have also considered the submissions and evidence relating to the Urban Land Supply (Part 1) Hearing, which took a broad overview of the application of zoning in the Strategic Directions section.

113. 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) (ULS (Part 1) Section 42A, p. 22).
114. Ms Christmas made a number of 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.
115. Her recommendations included:
- Improving the wording of Policy 2.6.1.4 to make it 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.
 - Removing the discussion on the application of zoning from Policy 2.2.4.3.b and incorporate it into Policy 2.6.1.4, leaving Policy 2.2.4.3 to only address the use of transitional provisions.

3.2.10 Decision and Reasons

116. Here we describe our decisions on the broad, high level submissions on the overall approach in the 2GP to provision for lifestyle and hobby farming activity.
117. Our decisions on individual zoning requests are dealt with in section 3.8 below.

3.2.10.1 General approach to provision for lifestyle and hobby farming activity

118. We accept that there is a demand for land for lifestyle or hobby farming, and that there is a need for the 2GP to provide for this land use in some way, in line with strategic directions Objective 2.6.1: Housing Choices.
119. However, we also acknowledge that there is inherently a tension in providing rural residential development in terms of the Strategic Directions section of the 2GP. We consider these tensions are clearly articulated in the statement of Mr Cooper for *Federated Farmers of New Zealand*, and in the Special Zoning Report – Rural Residential Zones cited by *HPPC*. On the one hand, if land developed at rural residential density is used productively for rural activity or conservation there can be alignment with some other 2GP Strategic Directions objectives in addition to Objective 2.6.1.
120. On the other hand, if land developed at rural residential density is used primarily for decentralised residential activity, it will generally conflict with other Strategic Directions objectives, particularly those relating to a compact city (Objective 2.2.4) and maintaining rural productivity (Objective 2.3.1). We also accept that rural residential development can have other adverse effects irrespective of the use it is put to, for example on landscape and natural character values, and rural character and amenity, the protection or maintenance and enhancement of which is also the subject of Strategic Directions objectives.
121. Overall, we accept the Reporting Officer's evidence that the use of rural residential zoning alongside rural zoning (which by contrast sets a large minimum site size) is the most appropriate method to provide for lifestyle farming activity in a way which minimises the adverse effects associated with the provision of land for lifestyle and hobby farming opportunities. We consider this approach will enable the activity to be provided for in a manner and in locations that aligns as closely as possible with the Plan's other strategic objectives.

122. We agree with the Reporting Officer's conclusion that focusing expansion of rural residential zoning on existing undersized rural sites that are already subdivided (and partly or fully developed) at a rural residential scale represents efficient use of existing land, in line with s7(b) of the RMA, particularly in light of the evidence about the large number of undersized rural zoned sites of between 1ha and 15ha in Dunedin.
123. We considered two alternative approaches:
- allowing residential activity on under-sized rural zoned sites (in line with the submission of *Mr Wilson* and the evidence of Mr Cubitt); or
 - the use of 'greenfield' areas of un-subdivided rural land for rural residential zoning.
124. Overall, the evidence on both alternative approaches was that they would exacerbate the fragmentation of the rural zones with attendant reverse sensitivity issues and adverse effects on rural productivity.
125. On the first option we agree with the Reporting Officer, that the sustainable management of natural and physical resources dictates that rural land (particularly flat, alluvial land with good soils) should be considered in terms of its future productive potential, rather than solely viewed in terms of the use to which it is being put now. We also consider that this option would be particularly limiting of Council's ability to manage other potential adverse effects (such as those on landscape or natural character values, raised in the submissions of *HPPC* and *STOP*), as undersized rural sites are found throughout Dunedin, including in areas with important values.
126. We therefore consider it appropriate that all sites proposed for rural residential zoning, regardless of size, are subject to assessment against the criteria outlined in Strategic Directions objectives relating to rural residential zoning (subject to amendments discussed below), and we therefore reject the submission of *Peter Wilson* (OS954.2).
127. In line with our general support for the 2GP approach to providing for lifestyle and hobby farming, in principle we generally accept the application of the Rural Residential 1 Zone where this recognises existing areas that have been partly or fully developed for lifestyle blocks, and it is clear this does not compromise other 2GP strategic objectives.
128. We also accept the use of the Rural Residential 2 Zone as an efficient means of providing for hobby and lifestyle farming in accordance with Objective 2.6.1 Housing Choices, whilst:
- addressing the resource management issues raised by undersized sites; and
 - achieving a balance with other strategic directions, including Objective 2.2.2 Energy resilience and Objective 2.3.1 Protection of land important for economic productivity.
129. We therefore:
- Accept in part the submission of *Judith Ansbacher* (OS191.3). We consider that by seeking to utilise existing undersized rural sites for rural residential zoning, further rural residential subdivision will be discouraged. However, we consider the approach should be articulated more clearly than it is in Policy 2.2.4.3.b, and have introduced new Strategic Direction policies 2.6.1.Y and 2.6.1.3 to help clarify the approach.
 - Reject the submissions of *Dianne Reid* (OS592.3) and *Pigeon Flat Road Group* (OS717.4). As explained above, we accept Mr Bathgate's evidence that the large number of existing undersized rural sites in Dunedin has created a resource management issue, and consider that amending the Policy 2.2.4.3.b in the direction sought by these submitters would risk further fragmentation of rural land, exacerbating this problem.
 - Reject the submissions of *HPPC* (OS447.103), *STOP* (OS900.130) and *Christopher Ryalls* (OS1051.6) insofar as they sought to remove specific areas of rural

residential zoning and/or zoning methods from the 2GP. In relation to zoning methods, our reasons for retention of these are outlined above. In relation to removing broad areas of zoning, we acknowledge that some areas zoning identified by the submitters are within SNLs, which could be seen as out of line with the Strategic Directions policies relating to rural residential zoning (amended as set out below). However, particularly given that these areas are mostly or wholly developed, we did not consider there was strong evidence suggesting their removal was warranted. We note that some of the submitters' opposition to areas of Rural Residential 2 zoning stemmed from a concern that this zoning would result in further intensification to Rural Residential 1 density. We consider the amendments made to the policy framework, outlined below, may offer some relief to these submitters, by clarifying (in line with the evidence of Mr Bathgate) the relationship between Rural Residential 2 and Rural Residential 1 land such that the former is not a 'gateway' to the latter.

130. In terms of other suggested amendments to the 2GP approach to provision of land for rural residential activities, we concur with Mr Bathgate's assessment that establishing a threshold for new rural residential subdivisions of fewer than five sites across Dunedin (as promoted by *HPPC* (OS447.4) and *STOP* (OS900.16)) is unworkable, and that requiring a 100m buffer of rural land between any expanded or new rural residential zone and nearby residential or public space land (also sought by *HPPC* (OS447.104)) would risk the inefficient use of land. We accept Mr Bathgate's evidence that the 2GP requires any proposal to create new rural residential capacity to be assessed against the criteria in Policy 2.6.1.4, meaning many of the potential adverse effects of rural residential raised by the submitter have been taken into account in identifying the areas of rural residential zoning in the 2GP, and will be taken into account when assessing future rezoning opportunities.
131. However, we note that *HPPC*'s submission identifies a wide range of issues associated with rural residential zoning, including a number over and above those listed in Policy 2.6.1.4 and 2.2.4.3.b, that we do consider relevant to the consideration of rural residential zoning into the future. We further note that the Reporting Officer's evidence suggests some of these considerations were indeed taken into account during assessments of the suitability of areas for inclusion in the 2GP's rural residential zones.
132. In particular we agree that:
 - Rural residential development may have adverse effects on biodiversity values and other aspects of the natural environment, meaning that objectives 2.4.4, 2.4.5, 2.2.3, 10.2.2 and 10.2.4 are all relevant considerations. We note that evidence presented at the Natural Environment hearing supported this conclusion.
 - Rural residential development may have adverse effects on elements of the environment that contribute to residents' and visitors' aesthetic appreciation for and enjoyment of the city, in particular important green and other open spaces including green breaks between coastal settlements, important visual landscapes and vistas, the amenity and aesthetic coherence of different environments, and the compact and accessible form of Dunedin. Objective 2.4.1 is therefore a relevant consideration.
 - Rural residential development may have adverse reverse sensitivity effects. We accept the evidence of Mr Chrystal for *Fonterra*, the statement of Mr Cooper for *Federated Farmers*, the statement of *Radio New Zealand* and Mr Daniels for *AgResearch Limited* in this respect. With amendments as discussed in the Plan Overview Decision Report, Objective 2.3.1 is the relevant strategic objective for consideration of this issue.
 - It is important that the amount of land zoned rural residential must appropriately balance providing some land resource for lifestyle or hobby farming, with the overall Plan objectives around maintaining a compact city and having effective and efficient infrastructure networks (as expressed in Objectives 2.2.4, 2.7.1 and 2.7.2).
133. We have therefore added links to these objectives from Policy 2.6.1.4 and new Policy 2.6.1.3 (described below) respectively, so that they form part of the assessment associated with any potential future rural residential zones. We consider this constitutes

alternative partial relief for the submissions of *HPPC* (OS447.4, FS2267.104, OS447.104), and *STOP* (OS900.16), as well as partial acceptance of the submissions of *Anthony Parata* (OS248.11), discussed below.

134. In addition, we consider our amendments to the structure of the strategic policies relating to rural residential zoning, described below, constitute acceptance in part of these submissions, as they more clearly articulate the policy framework for assessment of any new rural residential rezoning requests. While not restricting the supply of rural residential land to the extent sought by the submitters, it is our assessment that this policy framework sets an appropriately high bar for any new rural residential rezoning, including:
- by setting out more clearly that the application must demonstrate a shortage of rural residential land for lifestyle farming or hobby farming activities, balancing providing some land resource for this purpose with the overall Plan objectives around maintaining a compact city and having effective and efficient public infrastructure networks as expressed in objectives 2.2.4, 2.7.1 and 2.7.2; and
 - by clarifying the relationship between Rural Residential 2 and Rural Residential 1 land, such that the former is not considered a 'gateway' to the latter.

3.2.10.2 Strategic directions policies relating to rural residential zoning

135. We now turn to the Strategic Directions relating to rural residential zoning and the two types of rural residential zone.
136. We accept in part the submissions of *Horticulture New Zealand* (OS1090.18), *University of Otago* (OS308.492), *New Zealand Transport Agency* (OS881.174), *Radio New Zealand* (OS918.66) and *Federated Farmers* (OS919.173). Our decisions retain both Policy 2.2.4.3 and 2.6.1.4, albeit with amendments as described below. We consider our decisions either retain or strengthen the emphasis on the strategic considerations raised by these submitters, including sustainability of infrastructure provision, reverse sensitivity issues, and compact city considerations.
137. As discussed in the Urban Land Supply Decision Report, we accept in part the submissions of *Bob Wyber* (OS394), *Colin Weatherall* (OS194.9). We agree with 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. We consider the amendments outlined below also constitute acceptance in part of the submission of *Colin Weatherall* (OS194.5) insofar as they clarify the "assessment values" relating to the application of rural residential zoning.
138. We accept Ms Christmas' evidence that the Strategic Directions policies related to the application of rural residential 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.
139. In terms of the ability of policies 2.6.1.4 and 2.2.4.3.b to achieve these two outcomes, in our deliberations on submissions and evidence discussed in this section we identified the following key issues:
- there does not appear to be, anywhere in the strategic policy framework, a clear articulation of the difference between Rural Residential 1 and Rural Residential 2 zoning, which we consider detracts from Plan clarity. We consider this issue is highlighted by a number of submissions that express a degree of confusion about the distinction between Rural Residential 1 and Rural Residential 2 zoning, and their relationship with one another.
 - as identified by Mr Bathgate, there is no link between Policy 2.2.4.3 and the criteria in Policy 2.6.1.4, despite these criteria having been linked in the 2GP's rural

residential rezoning assessment process. In addition, other criteria that are described in the s42A and s32 Reports as having been key considerations during this process are not included in either Policy 2.6.1.4 or Policy 2.2.4.3.

- as outlined in the Urban Land Supply Decision Report, we accept Ms Christmas' recommendation that Policy 2.2.4.3 should focus on transitional provisions, and there are no 'transitional' rural residential provisions per se.
140. Given all of the above, we consider it clearer and more effective to:
- remove all provisions relating to rural residential zoning from Policy 2.2.4.3, so that this policy relates solely to those zones with transition provisions; and
 - split the provisions relating to rural residential zoning across three separate policies (Policy 2.6.1.4, and new policies 2.6.1.X and 2.6.1.3).
141. We consider these changes will explicitly distinguish between the two types of rural residential zone. They will also outline more clearly the policy framework that was used to determine new rural residential zoning as part of the development of the 2GP, and that which is to be used as part of assessments of potential new rural residential zones into the future.
142. In addition, we accept the submission of *Anthony Parata* (OS248.11) insofar as it sought that the zoning of additional rural residential areas should only be undertaken with regard to the Strategic Directions policies. This approach was supported by the evidence of Ms Christmas, and we see it as fundamental to apply these policies to our decisions on rezoning. We have therefore, in lieu of stand-alone criteria, linked to the relevant Strategic Directions or management zone objective wherever possible.
143. New Policy 2.6.1.Y describes the policy framework that was used to identify areas appropriate for new rural residential zoning as part of the development of the 2GP, as described by the Reporting Officer. It also clearly sets out the difference between the Rural Residential 1 and Rural Residential 2 zones. We have included the date of release of 2GP decisions to indicate the retrospective approach of the policy in considering the zoning of existing undersized rural sites. As described above, we consider the introduction of this policy also constitutes partial alternative relief for the submission of *Judith Ansbacher* (OS191.3) and *HPPC* (OS447.4, FS2267.104, OS447.104), and *STOP* (OS900.16).
144. New Policy 2.6.1.Y reads as follows:
- "Apply rural residential zoning to clusters of sites in separate land tenure already developed or mostly developed for rural residential activity before 7 November 2018, and that meet the criteria in Policy 2.6.1.4, as follows: {RR 447.4, 394 and 194.9}
- a. where the cluster comprises sites already subdivided, or which have consent to subdivide, to an average density of greater than 2ha and less than 4ha, and are either already being used for rural residential activity or there is a high degree of likelihood they will be developed for rural residential activity in the short term, Rural Residential 1 zoning is appropriate; and {RR447.4, 394 and 194.9}
- b. where the cluster comprises sites each under 15ha with an average site size of generally between 4ha and 10ha, Rural Residential 2 zoning is appropriate. {RR 447.4, ULS 394 and 194.9}"
145. New Policy 2.6.1.3 sets out the policy framework for the assessment of areas of land being considered for rural residential zoning, where these areas do not meet Policy 2.6.1.Y (e.g. for any "greenfields" rural residential). It also clarifies the relationship between Rural Residential 2 land and Residential 1 land, in line with the evidence of the Mr Bathgate that Rural Residential 2 land should not be considered a 'gateway' to Rural Residential 1. We accept this evidence, and consider the clarification to be an important one, as some Rural Residential 2 zoning is in areas with important values that may well be unable to support development at higher densities without contravening those values.

146. We do not support the inclusion of a time period over which demand should be measured, as recommended by Ms Christmas, as rural residential zoning is not a type of urban zone, and is therefore not subject to the provisions of the National Policy Statement on Urban Development Capacity. We consider it more appropriate that any requests for new rural residential zoning based on a shortage of rural residential zoned land be considered alongside the overall Plan objectives around maintaining a compact city and having effective and efficient infrastructure networks, as expressed in objectives 2.2.4, 2.7.1 and 2.7.2.
147. As outlined above, we consider the introduction of this policy also provides partial alternative relief to the submissions of *Judith Ansbacher* (OS191.3) and *HPPC* (OS447.4, FS2267.104, OS447.104), and *STOP* (OS900.16).
148. New Policy 2.6.1.3 is as follows:
"Apply new rural residential zoning only where: {RR 447.4, 394 and 194.9}
 a. there is a demonstrated shortage of rural residential land for lifestyle farming or hobby farming; {RR 447.4, 394 and 194.9}
 b. the amount of land zoned rural residential appropriately balances providing some land resource for lifestyle farming or hobby farming with the overall Plan objectives that:
 i. Dunedin stays a compact and accessible city with resilient townships based on sustainably managed urban expansion. Urban expansion only occurs if required and in the most appropriate form and locations (Objective 2.2.4); {RR 248.6, 194.9 and 394}
 ii. public infrastructure networks operate efficiently and effectively and have the least possible long term cost burden to ratepayers (Objective 2.7.1); and {RR 248.6, 194.9 and 394}
 iii. the multi-modal land transport network, including connections between land, air and sea transport networks, operates safely and efficiently for all road users (Objective 2.7.2); {RR 248.6, 194.9 and 394}
 c. the proposed zoning meets the criteria contained in Policy 2.6.1.4; and {RR 447.4, 394 and 194.9}
 d. the plan change proposal: {RR 447.4, 394 and 194.9}
 i. considers first rezoning of Rural Residential 2 to Rural Residential 1 land to increase capacity; {RR 447.4, 394 and 194.9}
 ii. considers next rezoning of any remaining clusters of sites below the minimum site sizes in the rural zones; and {RR 447.4, 394 and 194.9}
 iii. only after the options in clause i and ii are assessed as inappropriate and/or unfeasible, considers the conversion of other rural sites to rural residential land. {RR 447.4, 394 and 194.9}"
149. Both Policy 2.6.1.Y and Policy 2.6.1.3 link to Policy 2.6.1.4, which sets out the additional strategic considerations used in both of these assessments. As discussed above, in response to the submissions of *HPPC* (OS447.4, FS2267.104, OS447.104), and *STOP* (OS900.16), we have broadened the criteria to ensure a wider range of relevant considerations, including the full range of considerations as part of the 2GP rural residential zoning assessment process, are taken account of during future assessments of the suitability of areas for inclusion in the rural residential zones.
150. Policy 2.6.1.4, as amended, reads as follows:
"Identify areas for new rural residential zoning in accordance with Policy 2.6.1.3 based on the following criteria: {RR 447.4, 394 and 194.9}
 a. the land is unlikely to be suitable for future residential zoning in line with Policy 2.6.3.1; {RR 447.104}
 b. rezoning is unlikely to lead to pressure for unfunded public infrastructure upgrades including road sealing, unless an agreement between the infrastructure

- provider and the developer on the method, timing, and funding of any necessary public infrastructure provision is in place; and {RR 447.4, 394 and 194.9}
- 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: {RR 447.4, 394 and 194.9}
- i. the character and visual amenity of Dunedin's rural environment is maintained or enhanced (Objective 2.4.6); {RR 447.4, 394 and 194.9}
 - ii. land and facilities that are important for economic productivity and social well-being, which include industrial areas, major facilities, key transportation routes, network utilities and productive rural land are:
 - 1. protected from less productive competing users or incompatible uses, including activities that may give rise to reverse sensitivity; and
 - 2. in the case of facilities, able to operate efficiently and effectively (Objective 2.3.1). Achieving this includes generally avoiding areas that are highly {RR 394.14} productive land or may create conflict with rural water resource requirements; {RR 447.4, 394 and 194.9}
 - iii. Dunedin's outstanding and significant natural landscapes and natural features are protected (Objective 2.4.4). Achieving this includes generally avoiding the application of new rural residential zoning in ONF, ONL and SNL overlay zones; {RR 447.4, 394 and 194.9}
 - iv. the natural character of the coastal environment is preserved or enhanced (Objective 2.4.5). Achieving this includes generally avoiding the application of new rural residential zoning in ONCC, HNCC and NCC overlay zones; {RR 447.4, 394 and 194.9}
 - v. Dunedin's significant indigenous biodiversity is protected or enhanced, and restored; and other indigenous biodiversity is maintained or enhanced, and restored; with all indigenous biodiversity having improved connections and improved resilience (Objective 2.2.3). Achieving this includes generally avoiding the application of new rural residential zoning in ASBV and UBMA; {RR 447.4, 394 and 194.9}
 - vi. the biodiversity values and natural character of the coast and riparian margins are maintained and enhanced (Objective 10.2.2); {RR 447.4, 394 and 194.9}
 - vii. subdivision and development activities maintain and enhance access to coastlines, water bodies and other parts of the natural environment, including for the purposes of gathering of food and mahika kai (Objective 10.2.4); {RR 447.4, 394 and 194.9}
 - viii. 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: {RR 447.4, 394 and 194.9}
 - 1. important green and other open spaces including green breaks between coastal settlements; {RR 447.4, 394 and 194.9}
 - 2. trees that make a significant contribution to the visual landscape and history of neighbourhoods; {RR 447.4, 394 and 194.9}
 - 3. built heritage, including nationally recognised built heritage; {RR 447.4, 394 and 194.9}
 - 4. important visual landscapes and vistas; {RR 447.4, 394 and 194.9}
 - 5. the amenity and aesthetic coherence of different environments; and {RR 447.4, 394 and 194.9}
 - 6. the compact and accessible form of Dunedin (Objective 2.4.1); and {RR 447.4, 394 and 194.9}
 - ix. the potential risk from natural hazards, including climate change, is no more than low, in the short to long term (Objective 11.2.1). {RR 447.4, 394 and 194.9}

3.2.10.3 Capacity and demand

151. Whether or not the Plan provides for a sufficient amount of land for rural residential activity was directly or indirectly the focus of many submissions. We address this here as it is relevant to the consideration of the higher level issues around the 2GP's approach to provision of rural residential zoning.
152. Although we acknowledge that determining the adequacy of capacity in a numerical sense is not without its difficulties (especially in the absence of reliable and quality data on demand for rural residential land), on balance we accept the evidence of the Reporting Officer that there is sufficient rural residential capacity in the zones provided. We generally agree with the assumption that, due to their size, the development capacity of rural residential sites is unlikely to be constrained by topography, access or hazards, noting also that areas with hazard issues that might seriously constrain development were excluded from consideration as part of the 2GP rural residential zoning assessment process. We note that the provision of rural residential zoning in the 2GP represents a significant increase in zoned land over and above what was provided in the operative Plan.
153. Submitters generally seemed concerned about capacity in certain locations (particularly around Mosgiel and on the Taieri) for which they supplied anecdotal information suggesting strong demand. As discussed above, we consider the relative importance of providing for rural residential activity in these locations needs to be balanced with other strategic considerations. Individual rezoning requests are discussed in section 3.8, however we generally agree with the Reporting Officer's assessment that expanding or providing for rural residential zoning in areas of highly productive rural land (areas of high class soils and where soils have been classified as LUC 1-3) would conflict with other strategic objectives, particularly Objective 2.3.1 Protection of land important for economic productivity, and that the inclusion of this criterion in Policy 2.6.1.4 is appropriate.³
154. In relation to Mr Cubitt's evidence on the role of rural residential zoning in meeting the requirements of the National Policy Statement on Urban Development Capacity, we note that that rural residential land is not subject to this, so the question of demand versus capacity is less relevant. We observe that assessing demand for rural residential land is complicated by the fact that a certain level of this is driven by individuals seeking to use the land for residential purposes with no intention of use for lifestyle farming or conservation. We found the Reporting Officer's evidence on this compelling – that providing for this demand in rural residential zones would further exacerbate adverse effects relating to reverse sensitivity, inflation of land prices and loss of productive rural land, which we consider would be counter to strategic objectives, particularly Objective 2.3.1 Protection of land important for economic productivity. We conclude that meeting this demand is rightly not the intention of the rural residential zones, with the Large Lot residential zones being the more appropriate location to meet this demand.
155. Although it does not change our conclusion that there is sufficient rural residential capacity, we highlight here our concern regarding situations, highlighted by submitters, in which undeveloped rural residential zoning has been carried forward from the operative District Plan, but is not reflective of the current land use. We note the evidence suggests there may in some instances be no landowner desire to subdivide land to enable lifestyle blocks, where the land might be more appropriately zoned rural to reflect the productive potential of the land. We note we are constrained in not having scope to further assess or correct this zoning in most cases, but consider it should be progressed as part of a future Plan review, so that capacity can be calculated with more accuracy.
156. We agree with the Reporting Officer's assessment that where capacity is already sufficient, zoning of rural land for rural residential purposes has the potential to be in conflict with the 2GP objectives. Notwithstanding this, given that these objectives (and the need to demonstrate a shortage of capacity) are embedded in the relevant strategic

³ Our decision on the approach to undersized sites in the rural zones is also canvassed thoroughly in the Rural Decision Report.

policies, overall we have focused primarily on the most appropriate zoning for the land in terms of the objectives and policies of the Plan (with amendments as described in this section). Our decisions on individual rezoning requests, set out in Section 3.8 of this Decision Report below, have identified some additional instances of sites (beyond those that were directly submitted on), where we consider rural residential zoning appropriate in terms of these strategic policies. This includes some instances, like those raised in the *Pearse* submission, where some clusters of undersized rural sites that meet the criteria were not picked up in the 2GP rural residential zones analysis. We understand the rationale for not including these areas in the 2GP was that the main intent of Rural Residential 2 zoning is to provide development rights for existing undersized rural sites that are undeveloped). We generally consider it makes sense to also zone as rural residential these fully developed clusters of undersized rural sites of a size and scale that are used for lifestyle farming. However, given that the rezoning does not substantially affect development rights in clusters of undersized rural sites that are already fully developed, we do not consider it necessary or desirable in planning terms to rezone these clusters where doing so would create small isolated patches of rural residential zoning, especially in areas that are in conflict with other strategic rural residential criteria. We do not consider this good resource management practice, nor in overall alignment with the 2GP objectives and policies.

157. We therefore accept in part the submissions of *Craig Horne Surveyors Limited* (OS704.22), *Blueskin Projects Ltd* (OS739.22), *CTW Holdings Limited* (OS742.22) and *G & J Sommers Edgar* (OS889.25) inasmuch as we have in some instances zoned additional land to rural residential.

3.3 Rural Residential Density and Subdivision

3.3.1 Background

158. This part of the Decision responds to submissions on those rules that apply to subdivision activity and the density of residential activity in the rural residential zones. These rules are summarised as follows:
 - Rule 17.3.5 sets the activity status for subdivision activities, including a non-complying activity status for most types of general subdivision in the Rural Residential 2 Zone.
 - Rule 17.5.2 sets the maximum density for standard residential activities, as follows:
 - in the Rural Residential 1 Zone, the minimum site size per residential activity is 2ha, except a single residential activity may establish on a site of at least 1ha that existed at the date the 2GP was notified; and
 - in the Rural Residential 2 Zone, a maximum of one residential activity is permitted per site of at least 1ha.
 - Rule 17.7.5.1 sets the minimum site size for new resultant sites in the Rural Residential 1 Zone of 2ha.
 - Rule 17.7.5.2 contains a set of circumstances that allows consideration of a subdivision application that does not meet the minimum site size as a discretionary activity. As set out in the Section 42A Report, these circumstances allow for flexibility and an averaging approach to minimum site size, where the parent site contains distinguishing topographical, heritage or natural features that make meeting the minimum site size impractical (p. 81).
159. A number of submitters requested that the minimum site size for both residential density and new sites created by subdivision be 1ha in the Rural Residential 2 Zone. The Reporting Officer responded to these two lots of submissions together in the Section 42A Report, and we also address these submissions together, in section 3.3.5 below.

160. There were 11 submissions⁴ expressing support for the rural residential rules as a whole, stating that they strike an appropriate balance. We have taken these submissions into consideration when making decisions on rules in this and other parts of this Decision.
161. We note that there were no submissions on the policies that relate most directly to the density and subdivision performance standards, namely policies 17.2.1.1, 17.2.4.3 and 17.2.4.4.

3.3.2 Submissions on residential density performance standard

162. *Murray Johnston* (OS273.1), *New Zealand Transport Agency (NZTA)* (OS881.122) and *Federated Farmers of New Zealand* (OS919.150) submitted in support of the residential density performance standard (Rule 17.5.2), with *NZTA* stating that clear expectations around density of residential development “better enables the provision of infrastructure to a standard that best services land use change”. *Ernst and Faye Webster* (OS235.3) submitted in support of the density standard for the Rural Residential 2 Zone, saying this is an appropriate density of housing in the lower Highcliff Road area.
163. *HPPC* (OS447.114) sought to remove the allowance for a single residential activity on an existing site between 1ha and 2ha (Rule 17.5.2.1.a.i). The submitter stated that “Best practice land use planning emphasises avoidance of rural land fragmentation and the priority of zoning areas primarily either urban or rural. This is reflected in DCC’s Special Zoning Report - Rural Residential Report Section 2.0, and 2GP Strategic Direction 2.2.4.4.a. In addition, the capacity of existing rural residential land is sufficient.”
164. The Reporting Officer, Mr Michael Bathgate, did not agree that Rule 17.5.2.1.a.i promoted rural land fragmentation; instead stating that it enables the use of sites already in existence and already zoned for rural residential use, as long as performance standards that protect amenity can be adhered to (s42A Report, pp. 66-67). Mr Bathgate pointed out an apparent drafting error in clauses (i) and (ii) of Rule 17.5.2.1.a in permitting a “single residential unit” rather than a “single residential activity” on these sites, which he suggested could be resolved as a minor amendment without any prejudice to any particular party.
165. *HPPC* (OS447.115) also sought to amend the allowance for multiple residential activities on a single site where all performance standards can be met if the site was subdivided (Rule 17.5.2.1.b), to add the words “except for a single family flat”. The submitter stated that “whereas large rural holdings may need additional resident persons on site to operate a farm enterprise, this is not the case for Rural Residential sites. There is also no valid reason to permit multiple residential activities in Rural Residential areas.”
166. The Reporting Officer recommended that this submission be rejected, as he considered that the proposed amendment was already encompassed by Rule 17.5.2.1.d, which only provides for one family flat per site in rural residential zones, regardless of multiple standard residential activities established on a site under Rule 17.5.2.1.b (s42A Report, p. 76). We note Mr Bathgate did not address the second aspect of the submission, i.e. whether multiple residential activities should be permitted if the land could be subdivided in way that enabled that level of density, as he had said that he had misunderstood the submission.
167. *Construction Industry and Developers Association (CIDA)* (OS997.35) sought an amendment so that the density standard for Rural Residential 2 Zone applies to sites of ‘1ha or more’, rather than ‘over 1ha’ (Rule 17.5.2.1.c). *CIDA* (OS997.36) also sought

⁴ *Edwin Arron* (OS38.2), *Hillary Newby* (OS220.2), *Gerald Fitzgerald* (OS233.2), *Stephanie McConnon* (OS415.7), *Benedict Stewart* (OS678.8), *Diane Struthers* (OS745.6), *Philip Borrie* (OS781.1), *Louise Borrie* (OS787.2), *Jeanette Trotman* (OS963.3), *Clive Trotman* (OS970.3), *Catherine Fitzgerald* (983.2).

that any contravention of the density standard is a discretionary activity (Rule 17.5.2.2). No specific reasons were given for these submissions.

168. The Reporting Officer recommended the *CIDA* submission (OS997.35) be accepted as this was the intent of the rule, and the amendment would correct a drafting error, although with a slightly different wording as follows: "...~~over~~ of at least 1ha" (s42A Report, p. 71).
169. The Reporting Officer did not support the other *CIDA* submission (OS997.36) because, in his opinion, the density standard is a critical standard in maintaining the function of the zones for lifestyle farming rather than large lot residential activity and in protecting amenity for residents of rural residential zones (s42A Report, pp. 74-75).
170. At the hearing, Mr Craig Werner and Mr Bradley Curnow appeared for *HPPC* and tabled a statement, reiterating the strongly held view of *HPPC* that there is sufficient capacity in rural residential areas of the city without the need to allow an increase in density in Rural Residential 1 Zoning as provided for in Rule 17.5.2.1.a.i.
171. *HPPC* highlighted that the Reporting Officer had misunderstood their submission in relation to the allowance for multiple residential activities on a single site (Rule 17.5.2.1.b). They said their concern was that the "rule as written would allow for more than one (multiple) additional residences. *HPPC* believes it should be limited to only one additional residence. We believe the *HPPC* amendment is required to prevent the very possible proliferation of family houses on a single section" (*HPPC* Statement of Evidence, p. 5).

3.3.2.1 Decision and Reasons

172. We reject the submission of *HPPC* (OS447.114) and have not amended Rule 17.5.2.1.a.i as requested, which was to remove the ability to establish residential activity on an existing Rural Residential 1 site between 1 and 2 ha. We agree with the Reporting Officer's assessment that this part of the density standard does not promote fragmentation, but enables reasonable use of existing sites that are zoned for rural residential use. We agree with the minor amendment suggested by the Reporting Officer to correct a drafting error to clauses (i) and (ii) of Rule 17.5.2.1.a, and consider that this can be made under clause 16.
173. We have decided to reject the submission of *HPPC* (OS447.115) and retain Rule 17.5.2.1.b as notified. We acknowledge the clarification by *HPPC* at the hearing that they seek to amend the rule to only allow one additional residence on a single site. However, we consider that the component of this rule that requires that all houses on a single site must meet relevant performance standards that would apply if they were ever to be subdivided into single sites should alleviate the submitter's concerns about any proliferation of houses. As well as other parts of the density standard, this means that performance standards for subdivision and setbacks from boundaries (amongst other standards) must also be adhered to. The effect is that the overall level of density, amenity and character of the Rural Residential 1 Zone will not be changed by this part of the density standard.
174. We have decided to accept in part the submission of *Construction Industry and Developers Association* (OS997.35) and amend Rule 17.5.2.1.c (relating to Rural Residential 2 Zone) to replace 'over' with 'of at least'. We agree that this will correct an apparent drafting error with the rule.
175. We have decided to reject the submission of *Construction Industry and Developers Association* (OS997.36). We agree with the reasons given by the Reporting Officer, as stated above, for rejecting this request, and consider that any contravention of the density standard should remain as a non-complying activity. We also note the lack of any rationale or supporting evidence accompanying the requested change to discretionary activity status.

3.3.3 Submissions on subdivision activity status

176. The *Otago Peninsula Community Board* (OS588.11) supported subdivision being a non-complying activity in the Rural Residential 2 Zone (Rule 17.3.5.3). *Darren Homer* (OS307.1) sought to amend the non-complying activity status for subdivision in the Rural Residential 2 Zone to a "discretionary controlled" activity status, with the reason for this submission related to a desire to subdivide a particular property.
177. The Reporting Officer, Mr Michael Bathgate, recommended that subdivision remain a non-complying activity in the Rural Residential 2 Zone (s42A Report, pp. 63-64). He stated that it was not the intention of the Rural Residential 2 Zone to create rural residential areas that can be further subdivided to create sites in the order of 2ha. He considered that there was sufficient rural residential capacity in terms of sites that can be developed already provided for in the notified Plan to meet any short to medium term needs and that any addition of further capacity should be through a plan change to rezone the sites to Rural Residential 1, only where there is a demonstrated shortage of sites.
178. In evidence tabled at the hearing, Mr Cubitt (resource management consultant called by *Salisbury Park Ltd*) (OS488) noted that *Salisbury Park Ltd* requested a minimum site size and density of 1ha in the Rural Residential 2 Zone (as addressed in section 3.3.5 below) and that, while he did not have any strong view on this, he did not consider it appropriate that subdivision in the Rural Residential 2 Zone should be non-complying. He stated that in his view it did not make resource management sense and that "allowing land that is already fragmented to be considered for the rural living options sought after by the community while protecting the productive parts of the rural environment from lifestyle development pressure will promote the sustainable management purpose of the Act..." (pp.9-10).

3.3.3.1 Decision and reasons

179. We reject the submission of *Darren Homer* (OS307.1) insofar as it sought to amend the status of subdivision from non-complying in the Rural Residential 2 Zone. We accept the submission of *Otago Peninsula Community Board* (OS588.11).
180. Our reasons are that, as noted in section 3.2.10 of this Decision Report, we support the 2GP's overall approach to managing rural residential land including capacity and demand, as well as the relevant strategic directions. For the same reasons that we accept the Reporting Officer's evidence that Rural Residential 2 zones should not be seen as providing a 'gateway' to Rural Residential 1 zones, we do not support the outcomes sought by *Darren Homer*. We consider the provisions of the Rural Residential 2 Zone have an important role in this framework, and that it is not the function of the Rural Residential 2 Zone to encourage or facilitate further subdivision to create smaller sites.
181. We accept the Reporting Officer's evidence that there is sufficient rural residential capacity to meet any short to medium term needs, and that any addition of further capacity should be through a plan change that considers rezoning of Rural Residential 2 sites to Rural Residential 1 only where there is a demonstrated shortage of sites, and only where other criteria are met (see discussion in section 3.2.8). To change the activity status to discretionary or reduce the minimum lot size for subdivision in this zone would encourage subdivision in this zone, in areas that may not meet the criteria, and before additional capacity is required. As discussed in section 3.2.10, we consider this would conflict with the achievement of other strategic objectives.
182. However, we note there is an issue with Policy 17.2.4.4 (which manages general subdivision in the Rural Residential 2 Zone). It is at odds with the 2GP drafting protocol, in being an avoid policy with no "unless" qualifier, which implies a prohibited activity status. As stated here, we consider a non-complying activity status to be appropriate for general subdivision in the Rural Residential 2 Zone. We do consider there may be rare circumstances, such as boundary adjustments, where subdivision may be contemplated in the Rural Residential 2 Zone.

183. Accordingly, we have concern that Policy 17.2.4.4 does not provide an appropriate policy test. There is also a drafting issue with the policy in that it incorporates an outcome (and thus reads more like an objective), instead of a policy test. We consider that a policy test akin to that in Policy 17.2.1.6, which provides for other forms of subdivision as long as there is no increase in development potential, would be appropriate for Policy 17.2.4.4. This would allow for a boundary adjustment in the Rural Residential 2 Zone as a non-complying activity, but still meet the objective of maintaining the productive potential of the rural residential zones.
184. We consider that amending Policy 17.2.4.4 in this manner would provide partial relief to the submission of *Darren Homer* (OS307.1) who sought a more enabling activity status for subdivision in the Rural Residential 2 Zone. We note also our decision in the Plan Overview Decision Report to accept the submission of *Federated Farmers of New Zealand* (OS919.1) and review the use of the word "avoid" in the 2GP, in light of implications from case law that it could be taken to have a prohibitive meaning. We consider that amending Policy 17.2.4.4 also grants partial relief to this submission.
185. We have amended Policy 17.2.4.4 as follows: "Avoid further general subdivision of sites in the Rural Residential 2 Zone to maintain these sites for larger lifestyle blocks or hobby farms (small holdings) unless it does not result in an increase in residential development potential." {RR 307.1, PO 919.1}
186. We have also made a consequential change to assessment Rule 17.12.5.1.b.

3.3.4 Submissions on subdivision performance standard

187. The *Construction Industry and Developers Association (CIDA)* (OS997.38) submitted that any subdivision that does not comply with the minimum site size standard for the Rural Residential 1 Zone should be discretionary, except for in the listed circumstances (a)-(c) in Rule 17.7.5.2 (relating to the minimum site sizes of resultant lots), where it should be a restricted discretionary activity. No specific reasons were given for making this request.
188. *HPPC* (OS447.124) sought the removal of the assessment rule (17.11.3.2.b) used in assessing subdivision activity that is discretionary according to the criteria listed in Rule 17.7.5.2. *HPPC* stated that "If meeting the MSS (minimum site size) is important then the site should remain undeveloped (not new RR) or the larger parent site should not be subdivided. Neither the 2GP Strategic Direction nor the Spatial Plan seek to encourage additional RR lifestyle living".
189. *Scroggs Hill Farm Limited* (OS1052.1) sought to amend Rule 17.7.5 to reduce the minimum site size for new resultant sites in the rural residential zones below 2ha, to account for natural land features.
190. In relation to the *CIDA* submission, the Reporting Officer, Michael Bathgate, did not consider that any contravention of minimum site size should be a discretionary activity, stating "the use of a discretionary status would create the real risk that cumulative contraventions of the standard would undermine the zone function, and result in a transition away from lifestyle or hobby farming towards large lot residential activity" (s42A Report, p. 81).
191. Mr Bathgate also did not support the 'averaging' circumstances in Rule 17.7.5.2 being treated as restricted discretionary, stating the rule "was introduced to deal with, in effect, unforeseen and site-specific circumstances that make meeting the minimum site size impractical. The variability in situations where this rule may be applied, and consequent variability in potential effects, make it very difficult to adequately and effectively limit matters of discretion" (s42A Report, p. 81).
192. Mr Bathgate also recommended rejection of the *HPPC* submission, noting that it was in effect a submission against that part of the rule that provides for the averaging approach to subdivision. He did not consider that it is the intent of this part of the rule to encourage additional rural residential sites, and noted the requirement for an average site size of at least 2ha across all sites in a subdivision is just that (i.e. an

average lot size) and cannot be used to create additional sites, but this mechanism does allow for better outcomes in terms of the layout and design of resultant rural residential sites (s42A Report, pp. 81-82).

193. In response to the *Scroggs Hill Farm* submission, the Reporting Officer assumed this referred to the minimum site size for the Rural Residential 1 Zone, due to the reference to 2ha and the fact that the submitter's property contains this zoning. The Reporting Officer considered that the averaging approach in Rule 17.7.5.2 provides sufficient flexibility to vary site sizes and the pattern of subdivision based around natural land features, and that any further reduction in site sizes should either be contemplated as part of a non-complying subdivision consent application or as a plan change seeking another type of zoning (s42A Report, pp. 79-80).
194. At the hearing, Mr Craig Werner and Mr Bradley Curnow appeared on behalf of *HPPC* and tabled a statement. This confirmed that "The HPPC view is that this is an un-needed scheme which will increase RR structure density, above and beyond the 56% increase in RR site development. Proper introductory timing of this 'averaging' scheme should in our view be when a RR site capacity shortfall is encountered in the distant future. Currently there is a large RR over capacity. This schemes only positive outcome seems to relate to maximisation of the number of sites a landowner might sell" (p. 5).
195. At the hearing, Mr Ross McLeary appeared for *Scroggs Hill Farms Limited*. Mr McLeary said that 110ha of his 1,400ha farm property is zoned Rural Residential 1. He said he wants to develop less land at a more intensive scale, to minimise the amount of land taken away from the farm. Instead of the 55 residential sites that could be created on the 110 ha, Mr McLeary said he seeks to develop 35 or 40 sites but on smaller than 2 ha blocks. Whilst this was not strictly a request for rezoning of the land, we heard and considered the points made as they are related to the issues of rural residential zoning and minimum lot sizes, and have made a decision on it below.

3.3.4.1 Decision and reasons

196. We reject the submission of *CIDA* (OS997.38) to change the activity status of subdivision for the Rural Residential 1 Zone. We agree with the reasons given by the Reporting Officer, as recorded above, for rejecting this request. We also note the lack of any rationale or supporting evidence accompanying this request.
197. We reject the submission of *HPPC* (OS447.124). We agree with the reasons outlined above by the Reporting Officer, and in particular draw the submitter's attention to the fact that Rule 17.7.5.2 does not allow for any additional sites to be created in the Rural Residential 1 Zone over and above what is provided for under Rule 17.7.5.1.
198. We reject the submission of *Scroggs Hill Farm Ltd* (OS1052.1), as we do not consider the minimum site size for the Rural Residential 1 Zone at this location should be reduced below 2ha.
199. Our reasons are that while we have sympathy for the outcome sought by the submitter to retain as much of his property as possible in farming, we do not consider that the submission gave enough clarity or scope for us to accept the development outcomes described by Mr McLeary at the hearing. While the submission did refer to reducing rural residential zone sizes below 2ha at 155 and 252 Scrogg Hill Road, the submitter is in effect asking for some form of large lot residential development, and we do not consider that members of the public have had sufficient opportunity to consider and submit on this. Taking into account the principles of natural justice, we consider that this could more appropriately dealt with through a private Plan Change or as part of the next Plan review.

3.3.5 Requests for a 1ha minimum site size in Rural Residential 2

200. Ten submitters⁵ sought to amend Rule 17.5.2.1.c so that the minimum site size to establish a new residential activity in the Rural Residential 2 Zone is 1ha, and to remove

⁵ *Glenelg Gospel Trust* (OS350.3, 4); *Craig Horne* (OS368.5, 6); *Salisbury Park Ltd* (OS488.2, 3); *John Buchan* (OS610.4, 5); *Kimberly John Taylor* (OS660.4, 5); *Chris Kelliher* (OS666.4, 5); *Blue Grass Ltd* (OS693.4, 5);

the restriction of only one residential activity per site. The same submitters also sought an amendment to Rule 17.7.5 so that the minimum site size for subdivision in the Rural Residential 2 Zone is 1ha.

201. *Glenelg Gospel Trust* contended that: "The zone currently appears to serve no real purpose except to acknowledge a few areas (but clearly not all) of existing fragmentation in the current Rural zone".
202. *Craig Horne, John Buchan, Kimberly Taylor, Chris Kelliher, Blue Grass Ltd, Saddle Views Estate Ltd, and Mainland Property 2004 Ltd* stated "Changes have been sought to the rules applying to the Rural Residential 2 zone as the intent of this zone is unclear. It is considered appropriate to provide for a range of Rural Residential living options by enabling the creation of 1 hectare sites for this purpose".
203. *Salisbury Park Ltd* stated: "The proposed District Plan (and its associated s32 Report) is deficient in that it does not sustainably manage existing undersized rural properties, which are a physical resource that must be managed. Furthermore, it does not provide for the range of rural living options that are sought after by the community. It also does not recognise that there are a number of locations within the City where land is already fragmented to well below the minimum lot sizes of either the current or proposed District Plan".
204. *Kipad Construction* stated that 1ha sites were a more suitable site size for development. *David John Shepherd* (FS2151.2, 3) supported these submissions for similar reasons. *Robert Philip Hamlin* (FS2399.1, 2) submitted in opposition to the submission of *Kipad Construction*, opposing any potential development to a level of more than 1ha per site, particularly relating to the Wingatui Road property. Reasons given included destruction of high grade soils and removal of sustainable production; destruction of employment; drainage impact and infrastructure costs; and the precedent effect this would create for further development of rural land in East Mosgiel.
205. In addition to these submissions, *Ernest & Faye Webster* (OS235.2) and *Construction Industry and Developers Association (CIDA)* (OS997.37) also sought a 1ha minimum site size for subdivision in the Rural Residential 2 Zone. *Ernest & Faye Webster* stated "Rather than using the 'site' definition landowners should be able to apply subdivide down to 1 hectare whether they have separate titles or not". *CIDA* did not give specific reasons for their submission.
206. The Reporting Officer, Michael Bathgate, did not support these submissions to change the minimum site size and density to 1 ha, responding that allowing subdivision and residential development on sites of 1ha across this 1,313 ha zone "would result in a major intensification of the zone with consequent effects on matters such as amenity, rural residential character, potential for reverse sensitivity and pressures on infrastructure" (s42A Report, pp. 70-71).
207. In response to the contention that the 2GP does not provide for the "rural living" options sought by the community, Mr Bathgate noted the large lot residential zones provided by the 2GP for people wishing to live on larger residential sites with separation from neighbours, but not wishing to undertake rural activities such as lifestyle farming.
208. Mr Bathgate did not share the opinion of *Salisbury Park* that the 2GP does not sustainably manage existing undersized rural properties. His view was that it would not promote sustainable management to allow development of all small rural sites across Dunedin, and noted some of the issues this may create are listed in section 2.1.3 of the Section 42A Report.
209. At the hearing, *Salisbury Park Ltd* called Allan Cubitt (resource management consultant), whose evidence largely related to their submission to rezone 165 Hazlett Road to rural residential. As stated above in section 3.3.3, Mr Cubitt's evidence opined that subdivision should not be restricted in the Rural Residential 2 Zone as land already fragmented should be considered for rural living options. In response to questions at the hearing, Mr Cubitt considered that parts of the Taieri should have been considered

Saddle Views Estate Ltd (OS813.4, 5); *Mainland Property 2004 Ltd* (OS816.4, 5); *Kipad Construction Ltd* (OS921.1, 2)

for Rural Residential 2 zoning. He stated that the north Taieri has small sites, favourable conditions compared to other rural residential areas, is never going back to rural land, and is a location where people seek to live.

210. *Robert Hamlin* appeared at the hearing and spoke to his further submission in opposition to *Kipad Construction*. *Mr Hamlin* has a background in agriculture and noted that the high class soils on two parts of the Taieri (the Silverstream alluvial fan and Outram) are very rare and extremely productive, even on relatively small sites. *Mr Hamlin* considered the 2GP zoning north of Wingatui should not be changed, and acknowledged the large development pressure for land in this area.

3.3.5.1 Decision and reasons

211. We reject the submissions seeking a reduction of the density and subdivision minimum site size to 1 ha and the removal of the limit of one residential activity per site in the Rural Residential 2 Zone, i.e. *Glenelg Gospel Trust* (OS350.3, 4); *Craig Horne* (OS368.5, 6); *Salisbury Park Ltd* (OS488.2, 3); *John Buchan* (OS610.4, 5); *Kimberly John Taylor* (OS660.4, 5); *Chris Kelliher* (OS666.4, 5); *Blue Grass Ltd* (OS693.4, 5); *Saddle Views Estate Ltd* (OS813.4, 5); *Mainland Property 2004 Ltd* (OS816.4, 5); *Kipad Construction Ltd* (OS921.1, 2).
212. The reasons for our decision are, as we have explained in section 3.2.10, we support the 2GP's overall approach to managing provision and development of opportunities for lifestyle and hobby farming through the provision of Rural Residential 1 zones and Rural Residential 2 zones. For the same reasons that we accept the Reporting Officer's evidence that Rural Residential 2 zones should not be seen as providing a 'gateway' to Rural Residential 1 zones, we do not support the outcomes sought by these submitters. We accept the Reporting Officer's evidence that large lot residential zones provide for people wishing to live on larger residential sites with separation from neighbours, but not wishing to undertake rural activities such as lifestyle farming, and that rural residential zones are not intended to provide for these types of development. We see the prescribed minimum lot sizes and restrictions on residential activity on Rural Residential 2 Zone sites as fundamental to maintaining that distinction.
213. As discussed in section 3.2.10, we agree with the Reporting Officer's evidence that there is sufficient capacity for rural residential activity in the zones provided, and noting this represents a significant increase in zoned land over and above what was provided in the operative District Plan. We were also persuaded by the Reporting Officer's evidence that allowing subdivision and residential development on sites of 1ha across this 1,313 ha zone would result in a major intensification of the zone with consequent effects on matters such as amenity, rural residential character, potential for reverse sensitivity and pressures on infrastructure. We note that the 2GP has introduced Rural Residential 2 zones in a number of locations with important values (including within Significant Natural Landscape overlay zones) in which development at higher density may have unacceptable effects on these values.
214. We agree with the Reporting Officer's assessment that any rezoning of Rural Residential 2 sites to Rural Residential 1 should be through a plan change only where there is a demonstrated shortage of sites, and only where other criteria are met (see discussion in section 3.2.10). To reduce the minimum lot size or lift other restrictions on residential activity in the Rural Residential 2 Zone would encourage subdivision and development in areas that may not meet the criteria, and before additional capacity is required, conflicting with the achievement of other strategic objectives.
215. In that context, we do not agree that the 2GP does not sustainably manage existing undersized rural properties the 2GP. We consider it does provide for a range of rural lifestyle and farming options through the Rural Residential 1 and Rural Residential 2 zones. To achieve the purpose of the Act, the appropriate use of undersized rural sites needs to be balanced against the achievement of other strategic objectives.
216. We have addressed the site specific considerations for particular properties in more detail later in our Decision Report when assessing individual rezoning requests in section 3.8.

3.4 Rural Residential Objectives and Policies

3.4.1 Submissions in support

- 217. *Edwin Arron* (OS38.1) supported the Rural Residential objectives and policies, which the submitter stated would allow fuller utilisation of sub-economic land parcels.
- 218. *Judy Martin* (OS708.1) also supported the objectives and policies but did not give specific reasons for this support.
- 219. *Chris Walker* (OS289.10) sought to retain Objective 17.2.1 and its associated policies, with no specific reason given for this support.

3.4.1.1 Decision and reasons

- 220. We accept in part the submissions of *Edwin Arron* (OS38.1), *Judy Martin* (OS708.1) and *Chris Walker* (OS289.10). We note the support of these submitters for the Rural Residential objectives and policies. We have taken these into account when assessing submissions and evidence elsewhere seeking to amend these objectives and policies. We have retained Rural Residential objectives and policies with amendments and outlined in the following sections.

3.4.2 Requests by HPPC to amend Objective 17.2.2 and various policies

3.4.2.1 Background

- 221. Objective 17.2.2 states that "Activities in rural residential zones maintain a good level of amenity on surrounding rural residential properties, residential zoned properties and public spaces."
- 222. The policies under Objective 17.2.2 seek to manage the location of buildings (17.2.2.2, 17.2.2.3) and to manage restricted discretionary and discretionary activities so that adverse effects are avoided or adequately mitigated (17.2.2.5).
- 223. Policy 17.2.3.3 is a policy concerned with the effect of discretionary activities on rural residential character and visual amenity.

3.4.2.2 Submissions

- 224. *HPPC* (OS447.105) sought to amend Objective 17.2.2 to read: "Activities in rural residential zones maintain a ~~good~~ high level of amenity on surrounding rural residential properties, ~~residential zoned properties and public spaces~~ Maintain an undiminished level of amenity on surrounding sites with existing residential activity and a very good level of amenity on surrounding unoccupied residential properties and public spaces."
- 225. *HPPC* (OS447.106) sought to amend Policy 17.2.2.2 to read: "Require buildings that house animals to be set back from site boundaries an adequate distance so that any adverse effects on adjoining residential activities are avoided or, if avoidance is not possible, are no more than ~~minor~~ insignificant for other rural residential properties and that for surrounding unoccupied residential zone properties the level of amenity is retained as very high and amenity is undiminished for surrounding residential zone properties which have existing established residential activity."
- 226. *HPPC* (OS447.108) sought to amend Policy 17.2.2.3 to read: "Require all new buildings to be located an adequate distance from site boundaries to ensure a good level of amenity for residential activities on adjoining rural residential sites, a very high level on surrounding unoccupied residential zone properties and an undiminished level of amenity on residential zone properties which have existing established residential activity."
- 227. *HPPC* (OS447.109) sought to amend Policy 17.2.2.5 to read: "Only allow rural tourism, rural research, community and leisure - large scale, early childhood education, sport and recreation, veterinary services and visitor accommodation where any adverse

- effects on the amenity of surrounding rural residential properties are avoided or, if avoidance is not possible adequately mitigated or the amenity is retained as very high on unoccupied surrounding residential zone properties and amenity is undiminished for surrounding residential zone properties which have existing, established residential activity."
228. *HPPC* (OS447.110) sought to amend Policy 17.2.3.3 by appending "Only allow rural tourism, rural research - large scale, community and leisure - large scale, early childhood education, sport and recreation, veterinary services and visitor accommodation activities where any adverse effects from development on rural residential character and visual amenity will be avoided or, if avoidance is not possible, adequately mitigated and avoided or mitigated so that amenity is retained as very high on unoccupied surrounding residential zone properties and amenity is undiminished for surrounding residential zone properties which have existing, established residential activity."
229. The reasons for the *HPPC* submissions are "to provide adequate recognition of the stakeholder rights of current residents".
230. Three further submitters opposed these *HPPC* submissions:
- *Howard Saunders* (FS2373.26, 28, 30, 31) stated that the change to Objective 17.2.2 would preclude much Rural Residential Zone activity as it is far too restrictive, and that achieving an 'undiminished' level of amenity would absolutely preclude any building activity on Rural Residential 2 land and thereby defeat the 2GP policy objectives. In relation to the policies, *Mr Saunders* submitted that the existing wording is satisfactory, well understood and fair and equitable for affected parties.
 - *Geoff Scurr Contracting* (FS2391.5, 10, 11, 12, 13) stated that 'undiminished' is too subjective to be a valuable standard.
 - *FFNZ* (FS2449.347, 349, 350, 351, 352) stated that the suggested amendments were overly restrictive and onerous, that it was unworkable to expect 'undiminished' level of amenity to be maintained, and inconsistent with the RMA and the 2GP.
231. The Reporting Officer, Mr Bathgate, in his s42A Report stated that he did not support the amendments proposed by *HPPC*. He acknowledged that maintaining a good level of amenity on surrounding rural residential or residential properties and public spaces is an appropriate outcome in relation to the use of rural residential sites. However, he noted "...Given that farming and other rural activities can have effects that extend beyond boundaries, I consider that requiring rural residential landowners to maintain a 'very good' or 'high' level of amenity beyond their boundaries would create too high a requirement, beyond even that required in residential zones. I also do not consider an 'undiminished' level of amenity to be suitable wording for an objective, firstly because the amenity of an area may already be poor, so the objective would be seeking maintenance of a poor state; secondly, as is raised in the further submissions on OS477.105, a rural residential area may be undeveloped, in which case an 'undiminished' level of amenity may preclude any development of the area" (Section 42A Report, p. 36).
232. With regard to the first part of *HPPC's* submission on Policy 17.2.2.2 to change the word 'minor' to 'insignificant', the Reporting Officer noted that this would in effect equate to the most strict or lowest tolerance of effects in the 2GP drafting protocol. As such, he did not consider it to be appropriate wording for an activity that is permitted in the zones (Section 42A Report, p. 41).
233. Mr Craig Werner and Mr Bradley Curnow appeared on behalf of *HPPC* at the hearing and presented a statement. The submitters pointed out the following corrections (shown in underlining) to the amendments shown in *HPPC's* submission:
- the amendment to Objective 17.2.2 should refer to "surrounding Residential and Rural Residential sites";

- the amendment to Policy 17.2.2.2 should read "for other unoccupied residential and rural residential properties, and the adverse effects are insignificant for surrounding properties which have existing residential activity";
 - *HPPC* now accepts Policy 17.2.2.3 as proposed in the 2GP; and
 - *HPPC* accepts the problem with the use of "undiminished" in Policy 17.2.2.5 and proposes the amendment reads "so that amenity is retained as high on unoccupied surrounding residential and rural residential zone properties and amenity is retained as very high for properties having existing residential activity".
234. They said that *HPPC* considered that the use of a 'good' level of amenity (in Objective 17.2.2) was contrary to the RMA, which "seems to leave no room for a very good or higher level of amenity to be downgraded to just 'good' in order to expand RR development". *HPPC* also considered that the word "undiminished" in their proposed amendment should read "very high" (*HPPC* Tabled Statement, pp. 2-3).
235. They also said that, with regard to Policy 17.2.2.2, the change to "insignificant" for amenity effects on surrounding occupied properties is designed to prevent a new rural residential site "with an excessive number of animals negatively impacting the current neighbours" (*HPPC* Tabled Statement, p. 3).
236. Mr David Cooper appeared for *Federated Farmers*, and presented a statement at the hearing, reiterating opposition to the proposals by *HPPC*. *Federated Farmers* believed these changes would render these policies significantly more onerous to the extent they would be practically unworkable.

3.4.2.3 Decision and reasons

237. We reject the *HPPC* submissions (OS447.105, 106, 108, 109, 110) to amend Objective 17.2.2 and policies 17.2.2.2, 17.2.2.3, 17.2.2.5 and 17.2.3.3.
238. While we consider it appropriate that Plan measures promote a good level of amenity on surrounding properties and public spaces, as discussed in section 3.2.10, we accept that the primary function of rural residential zones is to provide for lifestyle and hobby farming activities. We agree with the Reporting Officer's assessment that farming and other rural activities can have effects on amenity that extend beyond boundaries, and that the policy framework needs to allow for consideration of those effects.
239. In particular, while we acknowledge the modified position of *HPPC* to the original requested changes to the objectives and policies, we agree with the Reporting Officer that the requested changes would place an unrealistic expectation on the degree of residential amenity that can reasonably be achieved in rural residential zones, given the range of activities that are anticipated in those zones. On balance we consider the policy provisions as notified are appropriate without further refinement.

3.4.3 Request to include reverse sensitivity in Objective 17.2.1

3.4.3.1 Background

240. Objective 17.2.1 states that "The rural residential zones enable lifestyle blocks, hobby farms, and associated residential activities as the appropriated place in the rural environment for these to occur, and provide for a limited range of other compatible activities."
241. This objective sets out the primary function of the rural residential zones, being to provide for lifestyle farming activities and associated residential activity.

3.4.3.2 Submissions

242. *Fonterra Ltd* (OS807.35) sought to have Objective 17.2.1 amended to read: "*the rural residential zones enable lifestyle blocks, hobby farms and associated residential activities, where reverse sensitivity effects will be avoided...*". *Fonterra* stated that recognition should be given to the potential for these activities to generate reverse

sensitivity effects. *Jane Mcleod* (FS2169.7) opposed the amendment sought by *Fonterra*, because the amendment is too subjective and has the potential to be used restrictively by large companies over landowners.

243. The Reporting Officer, Mr Michael Bathgate, noted that reverse sensitivity effects are considered in policies under Objective 17.2.2, particularly Policy 17.2.2.1, and that relief to the *Fonterra* submission would be better granted by amending Objective 17.2.2 to clarify this. Mr Bathgate recommended that Objective 17.2.2 be amended to read: "Activities in rural residential zones maintain a good level of amenity on surrounding rural residential properties, residential zoned properties and public spaces, while ensuring that permitted or lawfully established rural activities are protected from reverse sensitivity effects" (Section 42A Report, pp.30 & 37).
244. At the Rural Residential Hearing, Mr Dean Chrystal (resource management consultant) provided evidence for *Fonterra*. Mr Chrystal said he did not consider the recommended amendment to Objective 17.2.2 would address all potential reverse sensitivity issues, and also that Objective 17.2.2 had an unclear structure. Mr Chrystal suggested a revised wording which was focused on reverse sensitivity and generally about which types of activities the objective seeks to protect from reverse sensitivity effects (Chrystal Statement of Evidence, p. 8). He also highlighted a lack of provision for reverse sensitivity in the Strategic Directions Section.
245. We note that the topic of reverse sensitivity was dealt with extensively at the Reconvened Plan Overview and Structure Hearing, where we received revised recommendations from the Plan Overview Reporting Officer, which (as discussed in the Plan Overview Decision Report) we accepted. These recommendations were to amend the definition of 'reverse sensitivity' to ensure it covers all of the scenarios set out in the relevant objectives and policies, and to consequently simplify the wording of objectives and policies so that they do not duplicate the definition with information about what reverse sensitivity is. In other words, instead of any objective or policy specifying which activities are to be protected from reverse sensitivity effects, they should instead rely on the amended definition, which will make this clear.
246. The Plan Overview Reporting Officer recommended, as a consequential change that should be made if the definition was to be amended, deleting all references in policies and objectives to 'permitted' activities or activities 'provided for'. This would prevent duplication between the policies and objectives, and the definition.
247. Furthermore, the Plan Overview Reporting Officer recommended, as far as scope allows, other amendments to policies to simplify and remove wording associated with reverse sensitivity being 'from' or 'to' any activity, as this is already explained at a conceptual level in the definition. The only exception to this is where the policy restricts the consideration of reverse sensitivity to only certain activities being of concern (usually those activities which are being affected) in a way that is not clear from the definition.
248. The Reporting Officer for the Rural Residential topic recommended to the Reconvened Plan Overview and Structure Hearing a revised wording for this amendment as part of this wider examination of the wording of objectives and policies concerning reverse sensitivity. The revised recommendation for Objective 17.2.2 was as follows: "Activities in rural residential zones maintain a good level of amenity on surrounding rural residential properties, residential zoned properties and public spaces, while ensuring rural activities are protected from reverse sensitivity. {RR 807.35}"

3.4.3.3 Decision and reasons

249. We accept the submission of *Fonterra Limited* in so far as we agree that reverse sensitivity should be included in the objectives for the Rural Residential zones (OS807.35).
250. To determine the most appropriate wording we have considered the related objectives in other zones as well as the advice from the reporting officers presented to the Plan Overview Reconvened Hearing.

251. We note that the wording of related objectives in the Rural and CMU zones (16.2.2 and 18.2.2) follow a different format which we consider is preferable. We also accept the recommendation to remove references to reverse sensitivity in the objective and policy wording that are already covered in the definition. We consider this negates the need to mention “rural activities” as suggested by the Rural Residential Reporting Officer. We believe that the addition of the word “minimised” is preferable to the stronger wording suggested by Fonterra of stating that reverse sensitivity will be “avoided”, as under the 2GP drafting protocol the word “avoid” with no qualifier suggests a prohibited activity status, which we consider would set too high a bar. We note that in our Plan Overview Decision Report there is more extensive discussion around the use of terms “avoid” vs “minimise”.
252. We have, therefore, amended Objective 17.2.2 to follow a similar format and read:
- “The potential for conflict between activities within the rural residential zones, and between activities within the rural residential zones and adjoining residential zones, is minimised through measures that ensure: Activities in rural residential zones maintain: {RR 908.3; RR 807.35}
- a. the potential for reverse sensitivity is minimised; and {RR 908.3; RR 807.35}; and
- b. a good level of amenity on surrounding rural residential properties, residential zoned properties and public spaces.”
253. We have attributed this amendment to the following submission points:
- *Fonterra Ltd* (OS807.35) as discussed above; and
 - *ORC* (OS908.3), which sought the consistent use of phrases across the 2GP, particularly in policies.
254. For completeness, other related decisions we have made are to include reverse sensitivity as a criterion in Policy 2.6.1.4, the strategic direction policy which directs where rural residential zoning is appropriate and to amend Policy 17.2.2.1, to simplify the way it addresses reverse sensitivity, as discussed in the next section.

3.4.4 Request to include reverse sensitivity in Policy 17.2.1.5

3.4.4.1 Background

255. Policy 17.2.1.5 states: “Only allow rural tourism, rural research, community and leisure - large scale, early childhood education, sport and recreation, and visitor accommodation where the effects can be adequately managed in line with Objectives 17.2.2, 17.2.3 and 17.2.4 and their policies, and the objectives and policies of any relevant overlay zones”. This policy is used in the assessment of these discretionary activities in the rural residential zones.

3.4.4.2 Submissions

256. *Fonterra Limited* (OS807.36) sought an amendment to Policy 17.2.1.5 to include reference to the avoidance of potential reverse sensitivity effects. The submitter stated that, as the policy seeks to enable potentially sensitive activities, recognition should be given to the potential for these activities to generate reverse sensitivity effects. *Jane Mcleod* (FS2169.8) opposed this submission, as part of her wider concerns in relation to *Fonterra’s* proposal to establish a Mosgiel Noise Control Area which would include the submitter’s property.
257. The Reporting Officer recommended the submission be rejected, noting the activities listed in Policy 17.2.1.5 are already subject, via Objective 17.2.2.2 and Policy 17.2.2.5, to consideration of any adverse effects on the amenity of surrounding rural residential properties (Section 42A Report, pp. 32-33). Assessment of the activities in Policy 17.2.1.5 is subject to Rule 17.11.2.2, which includes consideration of the set back of these activities from their own boundaries.
258. At the hearing, Mr Dean Chrystal (resource management consultant) for *Fonterra* said he was concerned that the approach taken toward reverse sensitivity is insular to the

rural residential zones, and gives little consideration to what might be occurring in adjoining zones. Mr Chrystal also considered that there was little guidance given to re-zoning situations. He said that what is occurring in adjoining zones is just as important with regards to reverse sensitivity as what is occurring in the rural residential zone itself.

3.4.4.3 Decision and Reasons

259. We accept in part the submission of *Fonterra Limited* (OS807.36). While we see no need to amend Policy 17.2.1.5 as requested by the submitter, we have amended Objective 17.2.2 to better address reverse sensitivity concerns as requested by the submitter.

260. As discussed in the Rural Decision Report, we have amended Policy 17.2.2.1 which sits under this objective, as part of our wider consideration of reverse sensitivity objectives and policies across the Plan, as part of the Plan Overview topic. As discussed above in relation to the amendments to Objective 17.2.1, we have removed aspects of the policy wording that duplicate information included in the amended definition of reverse sensitivity. We have also made a clause 16 change to more clearly link to the separation distance performance standard, which is derived from this policy. Policy 17.2.2.1 now reads:

~~"Require residential buildings to be set back an adequate distance from site boundaries to {RR cl.16} minimise, as far as practicable, {PO 906.34 and 308.497} the potential for reverse sensitivity by being set back an adequate distance from effects from {RU 1090.32 and PO 1046.5}:~~

- ~~• rural activities such as farming (for example, from noise, dust or odour) site boundaries; {RU 1090.32 and PO 1046.5} and~~
- ~~• existing {PO 1046.5} forestry, factory farming intensive farming {RU1090.3}, domestic animal boarding and breeding (that includes including {RR cl.16} dogs), mining, and landfills and wind generators – large scale {RR cl.16}."~~
- As a result of this amendment to Policy 17.2.2.1, we have made consequential amendments to assessment rules 17.9.3.7.a.ii and 17.9.4.1.b.ii.

261. We consider that these amendments constitute partial alternative relief for the submission of *Fonterra Limited* (OS807.36)

262. Please note that the full amendments are set out in Appendix 1 below.

3.4.5 Request to amend Policy 17.2.2.8 to consider effects on infrastructure

3.4.5.1 Background

263. Policy 17.2.2.8 states: "Require subdivisions to deliver resultant sites that can achieve a high quality of on-site amenity through being large enough and of a shape that is capable of supporting rural residential development."

264. This policy links to the minimum site size performance standard rule (Rule 17.7.5).

3.4.5.2 Submissions

265. *The New Zealand Transport Agency (NZTA)* (OS881.120) sought to amend policy 17.2.2.8 as follows: "Require subdivisions to deliver resultant sites that can achieve a high quality of on-site amenity through being large enough and of a shape that is capable of supporting rural residential development while ensuring demand for expansion of infrastructure can be achieved in a sustainable manner."

266. The Reporting Officer, Michael Bathgate, did not support this amendment, stating that this amendment would detract from the focus of Policy 17.2.2.8 which is on maintaining on-site amenity in rural residential zones. Mr Bathgate referred us to the relevant strategic directions which set the policy framework for zoning and the sustainable provision of infrastructure, including policies 2.2.4.4.b and 2.6.1.4 in the Strategic

Directions. These policies are referenced as priority considerations in the assessment rules for a breach of the minimum site size subdivision standard, along with other relevant policies in the Rural Residential and Public Health and Safety sections (Section 42A Report, pp. 43-44).

267. At the hearing, a statement (which we did not consider constituted expert planning evidence) was tabled from Andrew Henderson (planning consultant) on behalf of NZTA. That stated "The Transport Agency appreciates that changes are to be made to the Infrastructure definitions, and that the matter of appropriate policy support to avoid unsustainable infrastructure expansion has been considered at the Plan Overview Hearing as indicated in the Section 42A report. That notwithstanding, the Transport Agency continues to hold the view that the policies in the Rural Residential Zone should convey the expectation that the expansion of infrastructure to support rural residential development demands in the zone will be undertaken in a sustainable manner. The Transport Agency suggests that it is appropriate that this be recognised in the policies that underpin development in the zone to highlight the significance of the issue" (Mr Henderson's statement, p. 2).

3.4.5.3 Decision and Reasons

268. We accept in part the submission of NZTA (OS881.120). We agree that potential effects on the sustainable provision of infrastructure are an important consideration for any new rural residential zoning, however agree with the Reporting Officer that the proposed amendment to Policy 17.2.2.8 is misplaced given the focus of the policy on amenity.
269. We agree with the Reporting Officer that the way to achieve the relief sought is not to amend Policy 17.2.2.8, but to instead amend Policy 2.6.1.4 in the strategic directions which addresses the identification of new areas for rural residential zoning. This amendment, set out in section 3.2.10 above, includes as a criterion that "rezoning is unlikely to lead to pressure for unfunded public infrastructure upgrades including road sealing, unless an agreement between the infrastructure provider and the developer on the method, timing, and funding of any necessary infrastructure provision is in place". We consider that this amendment constitutes partial alternative relief for the submission of NZTA (OS881.120).

3.4.6 Request to remove requirement to maintain amenity in public spaces in Objective 17.2.2

270. *Chris Walker* (OS289.11) sought to amend Objective 17.2.2 by removing the requirement for activities in rural residential zones to maintain a good level of amenity on public spaces, with the submitter contending that this requirement is not appropriate.
271. The Reporting Officer responded by stating: "In or adjacent to rural residential zones, public spaces such as road reserves and other reserves can be utilised for recreational activity such as walking, cycling or horse-riding...I consider that extending the requirement to maintain good amenity on surrounding Rural Residential or Residential Zone properties to include public spaces does not place any undue duress on rural residential landowners, and contributes to the wellbeing of people living in or visiting these areas" (Section 42A Report, p. 36).

3.4.6.1 Decision and reasons

272. We reject the submission of *Chris Walker* (OS289.11) to amend Objective 17.2.2 as requested. We agree with the Reporting Officer's assessment that requiring maintenance of good amenity on surrounding public spaces is not an overly onerous requirement, given the likely use of these areas for recreational pursuits by members of the general public.

3.4.7 High class soils policies

3.4.7.1 Background

273. Policy 17.2.4.1 states: "Require earthworks in a high class soils mapped area to retain soils on the site". This policy is linked to the removal of high class soils performance standard for earthworks (Rule 17.6.1.8), which states that earthworks must not remove topsoil or subsoil that is located within the high class soils mapped area from any site.
274. Policy 17.2.4.2 states: "Only allow land use, development, or subdivision activities that may lead to land use and development, in a high class soils mapped area where any adverse effects on high class soils are avoided or, if avoidance is not possible, are no more than minor". This policy provides guidance on the acceptable level of effects on high class soils for discretionary and non-complying activities that seek to establish in the high class soils mapped area.

3.4.7.2 Submissions

275. *Federated Farmers* (OS919.64) sought to remove Policy 17.2.4.1, stating an opposition to councils seeking to provide for greater productivity through planning regulations, and that the productive value of land to landowners already provides an incentive to retain soils on site. *HPPC* (FS2267.87) opposed this submission, stating that "retention of high class soils can enhance a site's productivity, while removal/sale of soils could take place as part of a "non-productive, non-farm activity such as landscaping".
276. *HPPC* (OS447.132) sought to amend Policy 17.2.4.2 so that adverse effects, if avoidance is not possible, are no more than 'insignificant'. The submitters stated that terms such as 'minor' used in a policy should not be confused with the specific definition of 'minor' in RMA case law, which pertains to section 104D of the RMA, which the submitter states is a different topic to a 2GP policy. This submission was opposed by *Howard Saunders* (FS2373.40) who considered the existing wording is well understood, fair and equitable.
277. The Reporting Officer, Mr Michael Bathgate, responded by stating "I do not accept the contention of Federated Farmers that the economic value of the soils resource to landowners will protect them in every instance, as alternate and competing uses may place a higher value on the use of the soils and may or may not involve productive use or the maintenance of the soils resource" (Section 42A Report, p.47).
278. Mr Bathgate also responded to the submission of *HPPC*, stating "I do not agree with the contention of *HPPC* that the word 'minor' should not be used in a policy. The drafting protocol of the 2GP establishes a direct link between the policies, the rules and how effects are assessed. This progression from policies to assessment rules is designed to improve clarity, transparency and the ability to assess effects" (Section 42A Report, p. 48).
279. At the hearing, Mr David Cooper appeared for *Federated Farmers* and presented a statement which indicated *Federated Farmers* was opposed to Policy 17.2.4.1 and associated performance standard Rule 17.6.1.8 'on principle'. *Federated Farmers* believed that the economic incentive to retain high class soils *in situ* will be "sufficient for the majority of the soil resource...a question we have is why the values derived from the soil are site specific. For example, if a landowner is placing a new, reasonably large shed on a property, and digging foundations for that shed, then the removal and transport of the soil for a vegetable garden outside of the high class soils mapped area may be a better use of that soil. In this instance, the soil is not lost, and is being put to a relatively higher value use" (*Federated Farmers* Tabled Statement, para 19).

3.4.7.3 Decision and reasons

280. We reject the submission of *Federated Farmers* (OS919.64) to remove Policy 17.2.4.1. While Mr Cooper made the point that there may be some instances where a small amount of soil could potentially be better utilised off site, on the whole we consider provisions to ensure the retention of high class soils on sites accordingly mapped is a

much more sustainable way to manage this resource, as suggested by the Reporting Officer. We note the requirement is to retain the soils on the site, not that there is no movement of soil at all within a site, so the example given by Mr Cooper at the hearing may well be able to be accommodated within the rule. We further note that in the Rural Decision we have rejected a *Federated Farmers* submission to remove the corresponding Policy 16.2.4.1, agreeing with the Reporting Officer that the policy promotes sustainable management of a physical resource and is in line with the Regional Policy Statement for Otago.

281. We reject the submission of *HPPC* (OS447.132) to amend Policy 17.2.4.2. We agree with the Reporting Officer and further submitter *Mr Saunders* that it is entirely appropriate to use the word “minor” in policies and, in this context, it is in accord with the drafting protocol of the 2GP.

3.5 Activity Status

3.5.1 Forestry

3.5.1.1 Background

282. Forestry is a restricted discretionary activity in the rural residential zones (Rule 17.3.3.4), with discretion restricted to effects on the amenity of surrounding properties, effects on rural residential character and visual amenity, and effects on the safety and efficiency of the transport network.

3.5.1.2 Submission

283. *JWB Bradley Family Trust* (OS185.3) sought that Forestry be made a permitted activity in the Rural Residential 2 Zone. The submitter sought a “provision that enables owners of plantation forestry in...the proposed Rural Residential 2 Zone to be able to harvest plantation forests and replant as a permitted activity”.
284. The Reporting Officer, Mr Michael Bathgate, noted that the restricted discretionary activity status recognises that plantation forestry can have a number of effects that may not be compatible with residential activity in a rural residential environment. He observed that the submission of *JWB Bradley Family Trust* is most concerned with retention of harvesting and replanting rights in relation to existing plantation forestry on their property. He said that, as long as replanting is to the same scale and conducted within 12 months of harvesting, then existing use rights will likely apply to the harvesting and replanting of existing plantation forestry (Section 42A Report, p. 56).

3.5.1.3 Decision and Reasons

285. We reject the submission of *JWB Bradley Family Trust* to make Forestry a permitted activity in the Rural Residential 2 Zone. We note that the primary concern of the submitters (which is the ability to harvest and replant) will be provided for through existing use rights. We consider that, for new forestry activity, restricted discretionary activity status is appropriate as it recognises that plantation forestry can have a number of effects that may not be compatible with a rural residential environment.

3.5.2 Rural Tourism

3.5.2.1 Background

286. Rural Tourism is a discretionary activity in rural residential zones (Rule 17.3.3.7).

3.5.2.2 Submissions

287. *Otago Peninsula Community Board* (OS588.12) sought that Rural Tourism is changed to a permitted activity in rural residential zones, although no specific reasons were provided for this request. *HPPC* (FS2267.91) opposed this submission, stating that the

impact of rural tourism development needs to be evaluated with discretion because of possible impacts on neighbours.

288. The Reporting Officer, Mr Michael Bathgate, stated that rural tourism activity can vary considerably in nature and scale, from activities such as horse trekking or 4WD tours through to penguin viewing operations or large facilities like the Orokonui Ecosanctuary. Effects generated are also likely to vary, but will commonly include noise, traffic and other amenity effects. Mr Bathgate stated that this variability in nature, scale and effects is a reason why a discretionary activity status for rural tourism was considered appropriate for the rural residential zones, which place a higher focus on the level of residential amenity than is the case in rural zones (Section 42A Report, pp. 53-54).

3.5.2.3 Decision and Reasons

289. We reject the submission of *Otago Peninsula Community Board* (OS588.12) to make Rural Tourism a permitted activity in rural residential zones. We agree with the Reporting Officer's reasons, and consider the variability in nature, scale and effects of rural tourism activity warrants discretionary activity status in the rural residential zones.

3.5.3 All Other Activities in the Rural Activities Category

3.5.3.1 Background

290. Rural activities not listed elsewhere in the land use activity status table are non-complying in rural residential zones (Rule 17.3.3.9). These include: Domestic Animal Boarding and Breeding including dogs, Factory Farming (to be renamed Intensive Farming), Landfills, Mineral Exploration, Mineral Prospecting and Mining. As a result of decisions in the Rural Hearing, this also includes the new activity of Rural Contractor and Transport Depots.

3.5.3.2 Submissions

291. *Construction Industry and Developers Association (CIDA)* (OS997.95) as part of a broad submission seeking changes from non-complying to discretionary status for a range of activities across the plan sought that 'All Other Activities in the Rural Activities Category' be made discretionary activities. No specific reasons were given for this request, but *CIDA* gave an overarching reason for all their submission points that "the 2GP does not provide enough flexibility for activities and development in a financially viable way". This submission was supported by *Federated Farmers* (FS2449.366) who stated that the requested activity status would be more appropriate, more workable and more effects-based.
292. The submission was opposed by *HPPC* (FS2267.137), who stated that "the sensitivity of landscapes protected by overlays requires that unknown activities can be fully scrutinized in accordance with non-complying status". *HPPC* appeared to be assuming that the requested change to discretionary activity status would also apply in landscape and natural coastal character overlay zones, although it is unclear from the *CIDA* submission whether this is the case.
293. The Reporting Officer, Mr Michael Bathgate, considered that non-complying activity status is appropriate for those rural activities not otherwise listed in the land use activity status table. He stated that as the primary focus of the rural residential zones is providing for lifestyle or hobby farming and associated residential activity, rural activities such as dog boarding kennels, factory farming, mining and landfills may be fundamentally incompatible with the nature and scale of the other land use activities and the level of amenity expected in the rural residential zones. He felt that while there may be special circumstances where one of these activities may be appropriate, such situations are best assessed under a non-complying activity status (Section 42A Report, p. 58).
294. At the hearing, Ms Emma Peters representing *CIDA* reiterated that *CIDA* sought more flexibility, and the ability for a more detailed consideration of activities on a case-by-

case basis. In particular, she said *CIDA* was concerned about the higher legal threshold associated with a non-complying activity status.

3.5.3.3 Decision and Reasons

295. We reject the submission of *Construction Industry and Developers Association* (OS997.95) to change the activity status of 'All Other Activities in the Rural Activities Category to discretionary. We agree with the Reporting Officer that those rural activities not already listed in the land use activity status table will in all likelihood be incompatible with amenity expectations in rural residential zones. We agree with the Reporting Officer that there may be instances where special circumstance might apply, but in general these should be subject to the highest standard of assessment (including an assessment against the Plan's strategic objectives).

3.5.4 All Other Activities in the Residential Activities Category

3.5.4.1 Background

296. Residential activities not listed elsewhere in the land use activity status table are non-complying in rural residential zones (Rule 17.3.3.12). These are Supported Living Facilities (including rest homes, retirement villages and student hostels).

3.5.4.2 Submissions

297. *Robert Francis Wyber* (OS394.97) sought to amend Rule 17.3.3.12 to provide for retirement villages and co-housing where close to residential zones and close to a sealed main road. This was part of his wider submission for a more flexible approach toward the provision of multi-unit development across all areas of Dunedin.
298. *HPPC* (FS2267.88) supported this submission in part, requesting that the proposed amendment is made with the addition of the words: "and negative impacts on character and amenity are avoided or fully mitigated."
299. *Construction Industry and Developers Association (CIDA)* (OS997.96) sought to amend the activity status for 'All Other Activities in the Residential Activities Category' to discretionary. *Robert Wyber* (FS2059.35) and *Federated Farmers* (FS2449.367) supported the *CIDA* submission, while *HPPC* (FS2267.138) opposed it.
300. The Reporting Officer, Mr Michael Bathgate, did not support submissions to amend this rule. He considered that supported living facilities are an activity not generally anticipated in the rural residential environment. He considered that rest homes, retirement villages and student hostels were in effect medium to high density residential developments. These place high demands on infrastructure, as well as being incompatible with the amenity and character of rural residential zones, therefore a non-complying activity status is most appropriate (Section 42A Report, pp. 59-60).
301. At the hearing, *Mr Wyber* appeared and tabled a statement suggesting that the Reporting Officer had misinterpreted his request which had not asked for supported living facilities, rest homes and student hostels to be provided for. *Mr Wyber* considered there to be an omission in that the 2GP did not recognise and provide contemporary forms of designed, co-ordinated and co-owned housing.
302. *Mr Wyber* requested that Rule 17.3.3.12 be amended to add a new residential activity: "Co-housing, eco and retirement villages and related co-ordinated and intentional neighbourhoods (excluding care and rest homes) on site close to the residential zones, and close to a sealed main road". He further requested that the activity status for these activities be discretionary, that performance standards be added in requiring the developer to supply services and any consequential changes that might be needed.
303. At the hearing, Ms Emma Peters representing *CIDA* reiterated that *CIDA* sought more flexibility, and the ability for a more detailed consideration of activities on a case-by-case basis. *CIDA* was concerned about the higher legal threshold of a non-complying activity status.

3.5.4.3 Decision and reasons

304. We reject *Mr Wyber's* submission (OS394.97) to amend Rule 17.3.3.12 to provide for co-housing, eco-housing and retirement villages as discretionary activities for the reasons outlined by the Reporting Officer. We consider that supported living facilities, as well as the types of residential activity described by *Mr Wyber*, are not generally anticipated in the rural residential environment, and can have much higher densities, effects on character and amenity of the rural residential zones, and requirements for infrastructure. We consider a non-complying activity status is most appropriate, to ensure a high standard of assessment (including against the Plan's strategic objectives) noting that there may be locations or types of activity that could be considered as special circumstances when determining an application for co-housing type activities as non-complying activities.
305. We also reject the *Construction Industry and Developers Association's* submission (OS997.96) to have the activity status of "All Other Activities in the Residential Activities Category" in Rule 17.3.3.12 changed to discretionary for the reasons outlined by the Reporting Officer. As for our decision on *Mr Wyber's* submission, we consider that due to the amenity and character of the rural residential zones, and other potential adverse effects associated with these activities such as infrastructure requirements, transport volumes, any proposals to introduce activities of this nature should be treated as non-complying.

3.5.5 Visitor Accommodation

3.5.5.1 Background

306. Visitor Accommodation is a discretionary activity in the rural residential zones (Rule 17.3.3.21). Visitor Accommodation includes operations like motels, hotels, backpackers, campgrounds or homestays for six or more guests.

3.5.5.2 Submissions

307. *The Otago Peninsula Community Board* (OS588.13) sought to change Visitor Accommodation from a discretionary activity to a permitted activity in rural residential zones, although no specific reasons were provided for this request. *HPPC* (FS2267.92) opposed this submission, stating that the impact of visitor accommodation development needs to be evaluated with discretion because of possible impacts on neighbours and that, compared to rural areas, rural residential sites are small.
308. The Reporting Officer, Mr Michael Bathgate, stated that the rural residential zones permit homestays for up to five guests, which are part of Working From Home activity (Rule 17.3.3.11). He considered that this provides for small-scale accommodation at a level which limits the potential for adverse effects on the amenity of the zones. To change the status of Visitor Accommodation to permitted would provide the potential for conflict between larger scale commercial activities and people seeking a good level of residential amenity in the zones and therefore not be effective in achieving Objective 17.2.2 (Section 42A Report, p. 55).

3.5.5.3 Decision and Reasons

309. We reject the submissions of *Otago Peninsula Community Board* (OS588.13) to make Visitor Accommodation a permitted activity in rural residential zones.
310. The reasons for our decision are that the impact of Visitor Accommodation development needs to be evaluated with discretion because of the range of potential effects this type of activity may have on the zone, including possible impacts on neighbours. We agree with Mr Bathgate's assessment that the provision for homestays with up to five guests as part of the Working From Home activity provides for smaller scale accommodation in these areas.

3.5.6 Buildings greater than 60m² on a landscape building platform

3.5.6.1 Background

311. The activity status in the 2GP as notified for New Buildings *greater than 60m²* on a landscape building platform (i.e. an approved building site registered on the title by way of a consent notice as part of a subdivision consent process) is non-complying in an Outstanding Natural Feature or High Natural Coastal Character overlay zone, and controlled in a Significant Natural Landscape or Natural Coastal Character overlay zone (Rule 17.3.4.3).

3.5.6.2 Submissions

312. *Chris Walker* (OS289.14) sought to have Rule 17.3.4.3 amended so that variation of a building platform is a controlled activity in the rural residential zones, with matters of control to include boundary setbacks, height and preservation of rural residential amenity. The submitter stated that variation of a building platform location is more appropriately dealt with as a controlled activity and this would promote the purpose of sustainable management.
313. *HPPC* (OS447.111) sought to remove Rule 17.3.4.3 (activity status - buildings >60m² on a landscape building platform), stating "A controlled activity status must be granted consent and it sidesteps the more complete scrutiny of an RD status".
314. The Reporting Officer, Mr Michael Bathgate, recommended rejecting *Mr Walker's* submission because applications to vary a consent notice are managed under section 221(3) and 221(3A) of the RMA. Many of the same sections of the RMA used to process a resource consent application pertain to an application to vary a consent notice, but it is not technically considered a resource consent. It was not possible, therefore, to deem this a controlled activity under section 87A (2) of the RMA (Section 42A Report, p. 62).
315. Mr Bathgate also recommended rejecting the submission by *HPPC*. He considered that a controlled activity status is appropriate when landscape building platforms have already been identified and registered on titles, noting that non-complying activity status applies in Outstanding Natural Feature and High Natural Coastal Character overlay zones. He noted there is the discretion within the subdivision process to not approve any proposed building platform or even to decline the entire subdivision application, if effects on landscape or natural character are deemed too great.
316. At the hearing, Mr Werner representing *HPPC* responded in a tabled statement to the Reporting Officer's assertion that there is discretion "to not approve any proposed building platform". Mr Werner stated that "based on past consent process history...it is extremely unlikely that Hearing Committee members could or would disagree with a hired, degreed professional recommending a landscape building platform for a client".
317. *Chris Walker* appeared at the hearing and tabled evidence that sought clarification on the process to vary a building platform. He explained that he wished to shift his building platform and the 2GP did not provide for the modification of existing building platforms. He drew attention to the Queenstown Lakes District Plan where the modification of a building platform is a discretionary activity.
318. The Reporting Officer noted that "...the provisions allowing for landscape building platforms to be identified at the time of subdivision gives a measure of incentive to link consideration of subdivision and land use, in terms of a 'lesser' activity status of controlled versus restricted discretionary when it comes time to erect a dwelling (refer Rule 10.8.1.6)" (Reporting Officer Response to Panel Questions, p. 10).

3.5.6.3 Decision and reasons

319. We reject the submission of *Chris Walker* (OS289.14) to amend Rule 17.3.4.3 to provide for variation to a building platform as a controlled activity. We accept the evidence of the Reporting Officer that it is not possible to have controlled activity status to vary a consent notice on a subdivision requiring a building platform.

320. We reject the submission of *HPPC* (OS447.111) to remove Rule 17.3.4.3. We agree with the Reporting Officer's view that the provisions allowing for landscape building platforms to be identified at the time of subdivision gives a measure of incentive to link consideration of subdivision and land use at that time, ensuring a better planning outcome in our view. This means that there is a 'lesser' activity status (i.e. controlled versus restricted discretionary) when it comes time to erect a dwelling, and we consider that is quite appropriate as the full assessment of the building platform will have already been done at the subdivision stage.

3.6 Performance Standards

3.6.1 Height and Setbacks Performance Standards

3.6.1.1 Background

321. The maximum height performance standard (Rule 17.6.6) sets a maximum height of 10m for all buildings and structures in rural residential zones, apart from roadside produce stalls for which the maximum height is 3.5m. There is a lesser maximum height of 5m for buildings and structures (other than roadside produce stalls) in landscape and coastal character overlay zones.
322. The boundary setbacks performance standard (Rule 17.6.10.1) requires buildings to be set back a minimum distance of 12m from front boundaries; and a minimum distance from side and rear boundaries of 6m (non-residential buildings not housing animals), 15m (non-residential buildings housing animals) or 10m (residential buildings).
323. We note that the operative District Plan has the same standards for boundary setbacks, and the same 10m maximum height for all buildings and structures (but without the lesser maximum height standard for roadside produce stalls or buildings in landscape and coastal character overlay zones).

3.6.1.2 Submissions

324. *Helen Skinner and Joseph O'Neill* submitted on the minimum setback from side boundaries, suggesting that all farm buildings should be 20m from any side boundary with a maximum height of 7m and a total floor area of 120m² – and that any taller or larger farm shed should be at least 30m from any side boundary. The reason given is that the submitters have seen many examples of very large, high sheds built at 6m from a side boundary with a detrimental effect on neighbouring properties.
325. In the Section 42A Report, this submission was split into three submission points and considered as follows:
- (OS312.10) - amend Rule 17.6.10.1 so that the minimum setback for all structures with or without animals is increased to 20m, or 30m where a building or structures contravenes their proposed new rules for maximum height and total floor area;
 - (OS312.11) - amend Rule 17.6.6.1 so that the maximum height for buildings and structures is decreased from 10m to 7m in rural residential zones; and (OS312.11; inferred: non-residential buildings); and
 - (OS312.12) – add a new rule specifying a maximum floor area of 120m² for buildings and structures (inferred: non-residential buildings).
326. The DCC's Senior Landscape Architect, Mr Barry Knox, provided evidence in relation to these submissions. In relation to height, Mr Knox stated that "in my opinion the proposed change in the maximum height of non-residential structures from 10 to 7 metres has merit from the perspective of RR visual and amenity values. In some circumstances the requested lower building height would be less visually obtrusive and provide more appropriate amenity protection, particularly where buildings or structures are close to boundaries" (Knox Evidence, paragraph 23c).

327. Mr Knox also considered that “there is a relationship between setbacks and building heights, where in my opinion an acceptable way to protect neighbour’s amenity is to ensure the setback is not exceeded by the height of boundary buildings. I consider that currently proposed 2GP setback provisions adequately deal with potential adverse amenity effects in RR zones, except in reasonably uncommon circumstances where the setback length is less than the height of the adjacent structure” (Knox Evidence, paragraph 23d).
328. Mr Knox considered that a rule stipulating a maximum floor of 120m² may be unnecessarily restrictive, based on the great number of buildings larger than this that exist in the rural residential zones and which, in Mr Knox’s opinion, do not unduly threaten rural residential values. Mr Knox considered that a better approach may be to control the overall building floor area on a site, suggesting a maximum permitted total floor area of 600m² per site could be considered (Knox Evidence, paragraphs 23e-h).
329. The Reporting Officer, Mr Michael Bathgate, did not support the submitter’s request that all non-residential buildings should be limited in height to 7m. He said it seemed counter-intuitive to be more restrictive of non-residential buildings than residential buildings in a zone which has the primary function of lifestyle farming. He also highlighted that this would be a more restrictive height limit than in the residential zones. He recognised that the evidence of Mr Knox found sufficient cause to recommend consideration that “the maximum building or structure height does not exceed the adjacent boundary setback”. Mr Bathgate preferred this approach if the Hearings Panel decided that Rule 17.6.6 needed amendment (Section 42A Report, pp. 86-87).
330. In relation to boundary setbacks, the Reporting Officer stated “I agree with Mr Knox that the proposed 2GP setback rule adequately deals with the potential for adverse amenity effects. I do not consider that there is any need to increase the setback from a side boundary for all structures to 20m, or 30m in case of a contravention of maximum height...I consider that such a restriction may be difficult to achieve on some rural residential sites and would unduly restrict the way that landowners can use their sites” (Section 42A Report, pp. 90-91).
331. In relation to building size, the Reporting Officer considered that 120m² would be an unwarranted restriction on the size of farm buildings, particularly when the evidence of Mr Knox suggested that more than a third of all buildings in the rural residential zones are of greater size than this (noting that this will also include residential buildings) (Section 42A Report, pp. 95-96).
332. At the hearing, Mr Tony Devereux appeared on behalf of *Helen Skinner and Joseph O’Neill* and tabled a statement where he clarified that the original submission did not refer to dwellings, but rather farm sheds. Mr Devereux also believed that the division of the *Skinner and O’Neill* submission into three separate issues had confused the main issue of concern, which was not that landowners should not be able to have large or tall sheds, but that they should be at least 30m back from the side boundary. At between 20m and 30m from the side boundary, the statement contended that sheds should be no more than 5m tall, a change from the 7m proposed in the submission. Mr Devereux produced some photographs of large and tall buildings near boundaries, which he said supported the need for a change in the height of farm buildings in relation to the boundary.
333. Mr Knox provided his revised comments after hearing submissions and reviewing the submitter’s evidence. Mr Knox supported a maximum height of 7m for non-residential buildings (regardless of position in relation to the boundary) and a maximum permitted building/structure footprint of 600m² per site. He also indicated that a 15m side boundary setback should be carefully considered.
334. In his Response to Panel Questions, the Reporting Officer said he had some difficulty in recommending a lesser height for non-residential buildings than residential buildings in the rural residential zones. Mr Bathgate noted the availability of boundary treatments such as screen planting on a rural residential site, and also drew attention to the rules resulting in the full separation of buildings across two sites when both lots of setbacks are considered. Mr Bathgate did not change his recommendation but considered that

any relief should only come in respect of setbacks for 'large' non-residential buildings from side and rear boundaries. He maintained his position that there was no need to introduce requirements for site coverage or to control the number of buildings on a rural residential site (Response to Panel Questions, pp. 7-9).

335. It is relevant to note here that the DCC's expert landscape architect, Mr Mike Moore, provided evidence to the Natural Environment Hearing on buildings and structures and their effects on amenity values, natural character and landscape. As part of this, he considered potential management approaches for buildings and structures in rural residential zones, rural zones and landscape and coastal character overlay zones. Mr Moore stated there is merit in considering strengthening the amenity protection provisions applicable to the rural residential zones, and recommended controls as follows:
- A maximum gross built site coverage standard of 3%;
 - Reducing the maximum building height standard from 10m to 8m or 9m;
 - Requiring all buildings in those rural residential zones with higher visibility to comply with the reflectivity rule that applies in landscape and coastal character overlay zones; and
 - Amending boundary setback standards so that the:
 - setback from road boundaries is 20m;
 - setback from side/rear boundaries for residential buildings is the greater of twice the height of the building, or half the length of the building parallel to the boundary, or 10m;
 - setback from side/rear boundaries for other buildings is the greater of twice the height of the building, or half the length of the building parallel to the boundary, or 15m if the building is housing animals.
336. Mr Moore also provided recommendations in revised evidence to the Natural Environment Hearing in relation to maximum site coverage – this is discussed in the next section in response to a submission for controls on the size and number of buildings and structures.

3.6.1.3 Decision and reason

337. We accept in part the submission of *Helen Skinner and Joseph O'Neill* (OS312.10) to the extent that some additional control should be imposed on buildings near boundaries, and have accordingly amended the setback from boundaries standard (Rule 17.6.10.1), so that non-residential buildings over 7m at their maximum height must be situated a distance that is at least twice their maximum height from side and rear boundaries. We consider that this will better protect the amenity of neighbouring properties and feel that, as few non-residential buildings of greater height are likely to be required to support lifestyle or hobby farming activity, the rule will not create excessive additional regulation or hardship.
338. We do not consider there is scope from this or any other submission (as discussed in section 3.6.2) to introduce the full extent of recommendations of Mr Moore and Mr Knox for additional controls. We consider that any additional controls need to take into account the primary intention of the zone (for lifestyle and hobby farms) and would be more appropriately considered as part of a future plan change. Specifically, in relation to the setback provisions promoted by Mr Moore, we consider these to be overly complex. We also note that the landscape witnesses did support the setback rule we have settled upon.
339. Overall, we accept the evidence of the Reporting Officer that the 2GP should not have a lesser height for non-residential buildings than residential buildings in the rural residential zones, given the intention of the zone to provide for lifestyle and hobby farming activities. We note the availability of boundary treatments such as screen planting on a rural residential site, and the rules resulting in the full separation of buildings across two sites when both lots of setbacks are considered.

3.6.2 New Performance Standard for Buildings and Structures

3.6.2.1 Submissions

340. *HPPC* (OS447.116) sought to add a new rule specifying the size and number of permitted buildings and structures for different land use activities in the rural residential zones (refer Section 42A Report for detail of the proposed rule, pp. 93-94). *Howard Saunders* (FS2373.34) opposed this submission, stating "Wording adequate as it stands; no need for the amendment and a table provides no greater clarity".
341. *HPPC* (OS447.107, OS447.123) also sought to support this by adding a new policy under Objective 17.2.2 limiting the size and quantity of buildings and structures in the rural residential zones, and by adding assessment rules for contravention of the proposed new standard. *HPPC* stated that "Rural Residential areas have the potential to become as structure dense as any urban area. In addition, unlike the somewhat uniform appearance and visual impact of houses in an urban setting, the typical Rural Residential hobby farm is a scattered collection of buildings and structures that look quite different from one another." These submissions were opposed by *Howard Saunders* (FS2373.29, 37) who stated that they were "essentially anti-building in thrust and contrary to 17.2.1 in its effect". The proposed new policy was also opposed by *Geoff Scurr Contracting* (FS2391.104) who considered that the new policy was unnecessary; and by *Federated Farmers of New Zealand* (FS2449.348) who considered it overly restrictive and onerous.
342. We note that a similar performance standard was proposed by the same submitter for the Hill Slopes Rural Zone and for the landscape and coastal character overlay zones, and we have responded to these in the Rural and Natural Environment Decision Reports.
343. The evidence of DCC's Senior Landscape Architect, Mr Barry Knox, was that there had not been an issue with building size and proliferation across the rural residential zones to date. Mr Knox advised that a maximum building footprint per site rule could be considered as a precautionary approach toward protection of rural residential amenity values, suggesting 600m² per site as a figure that could be employed.
344. The Reporting Officer, Mr Michael Bathgate, did not support the new standards proposed by *HPPC*. He noted that the suggested approach of controlling the number and size of different building types for each site would be far too prescriptive where there is no evidence of any existing resource management issue, and it would be a far more prescriptive approach than that employed to manage built development in any other management zone in the 2GP. He considered it more important to maintain the productive capacity of the rural residential zones through allowing a range of buildings that may be associated with farming activities (Section 42A Report, pp. 94-95).
345. Likewise, Mr Bathgate did not recommend accepting the *HPPC* submission for a new policy, stating "I do not agree with the contention that rural residential areas are, or tend to become, as structure dense as any urban area. The DCC's senior landscape architect, Mr Barry Knox, has assessed the density of development across the operative Rural Residential Zone areas (Knox Evidence, paragraph 24). This confirms that 'site coverage' of buildings in the rural residential zones is low...Over-development of sites with buildings and structures has not been identified through the 2GP development as a significant issue to be addressed, the evidence of Mr Knox does not support that this is a current issue, and any proportion-based rule would create difficulties due to the variability of site sizes in the rural residential zones" (Section 42A Report, pp. 36-37).
346. At the hearing, Mr Craig Werner and Mr Bradley Curnow appeared for *HPPC* and tabled a statement, which noted "Mr Knox's 600sq. cumulative total approach also differs from the 42a, and it elicits our support because of its simplicity. However, structure quantity is not addressed" (*HPPC* tabled statement, p. 5). The submitters suggested that the structure quantity and activity status aspect of their proposed standard could be used in conjunction with a cumulative total built area.

347. Mr Knox provided revised comments after hearing submissions and reviewing the submitter's evidence. Mr Knox maintained his recommendation for a total maximum permitted building and structure footprint of 600m² per site.
348. In the Response to Panel Questions, the Reporting Officer maintained his position that there should be no requirement for site coverage or controlling the number of buildings and structures on a rural residential site (Response to Panel Questions, pp. 8-9).
349. As discussed in the previous section, the DCC's expert landscape architect, Mr Mike Moore, provided evidence to the Natural Environment Hearing on buildings and structures and their effects on amenity values, natural character and landscape. Mr Moore stated that while there is little evidence that there is a significant issue with excessive built coverage in rural residential zones at present, there is merit in considering strengthening the amenity protection provisions applicable to the rural residential zones. Mr Moore recommended a maximum gross built site coverage standard of 3.5%.
350. Mr Moore provided revised evidence to the Natural Environment Hearing in relation to maximum site coverage (Attachment Two of the Revised Recommendations Summary, pp. 63-64). As part of that, Mr Moore had reviewed the Tasman Resource Management Plan approach of having a maximum built coverage expressed both in square metres and as a percentage of site area, which would allow for development on smaller sites (such as 1 ha). Mr Moore recommended a similar approach for the rural residential zones in Dunedin, i.e. that: "The total area of all buildings on the site does not exceed whichever is the greater of 3.5 percent of the site area or 700m²".

3.6.2.2 Decision and reasons

351. We reject the submission of *HPPC* (OS447.116) to add a new performance standard specifying the size and number of permitted buildings and structures for different land use activities in the rural residential zones.
352. We also reject the submission of *HPPC* (OS447.107) to add a new policy to limit the size and quantity of buildings and structures in the rural residential zones.
353. While we have some sympathy for the perspective of the submitter, and agree that given the amenity and character of rural residential zones, and their intended purpose as a zone for lifestyle and hobby farming activities, they should not become dominated by buildings. Conversely, we agree with the Reporting Officer that maintaining the productive capacity of the rural residential zones also involves allowing a range of buildings that may be associated with farming activities. On balance, we accept the evidence of the Reporting Officer that the suggested approach of controlling the number and size of different building types for each site cannot be justified when it would be a more prescriptive approach than that employed to manage built development in any other management zone in the 2GP.
354. We note that Mr Knox and Mr Moore made some recommendations to introduce controls such as floor area limits per site, which appear to be broadly in line with those in the Tasman Resource Management Plan. Based on their evidence, we consider that the introduction of site coverage controls may be appropriate in rural residential zones, and we note the proposed approach won some support from *HPPC* at the hearing. However, by our calculations, the proposed new rule as part of *HPPC*'s submission would provide for up to 1,170m² area of buildings and structures per site, and therefore, the submission did not provide scope to amend the plan to introduce floor area limitations of less than this, as recommended by Mr Knox and Mr Moore.
355. We consider if the need can be established for additional control then a new workable and well considered site coverage rule would need to be developed that can be applied across the city, and it would be most appropriately progressed as part of a future plan review.

3.6.3 Ancillary Signs Performance Standard

3.6.3.1 Background

356. The ancillary signs performance standard (Rule 17.6.7) manages the number, location and design of ancillary signs in the rural residential zones.

3.6.3.2 Submissions

357. *Otago Peninsula Community Board* (OS588.15) sought an amendment to signage provisions in rural residential zones. The submission did not specify any proposed amendments, but appeared to be related to their concerns over providing more flexibility for tourism and accommodation operators on the Otago Peninsula.
358. The Reporting Officer, Mr Michael Bathgate, stated "I consider the process undertaken to develop the 2GP signage provisions was robust and thorough, as set out in the Signs Section 32 Report. The resulting Rule 17.6.7 allows for flexibility in permitted signage in the rural residential zones, while recognising the need to protect the identified values of landscape and natural coastal character overlay zones. In the absence of more specific suggestions by the *Otago Peninsula Community Board* as to how Rule 17.6.7 should be amended, I recommend that the rule is retained without amendment." (Section 42A Report, pp. 88-89)

3.6.3.3 Decision and reasons

359. We reject the submission of the *Otago Peninsula Community Board* (OS588.15) to amend Rule 17.6.7. In the absence of specific amendments or reasons given by the submitter to make any changes, we accept the Reporting Officer's evidence that Rule 17.6.7 appropriately balances flexibility for signage in rural residential zones with protection of identified values in overlay zones.

3.6.4 Separation Distances Performance Standard

3.6.4.1 Background

360. The separation distances performance standard (Rule 17.5.10) requires new residential buildings to be located at least 30m from existing Forestry; and at least 100m from existing Factory Farming or Domestic Animal Boarding and Breeding that involves dogs, Mining, Landfill or Wind Generators – Community and Regional Scale activities. The separation distance is to be measured from the closest wall of the new residential building to the closest edge of any operational area or other part of the site being used for the listed activity.
361. We note that we have changed the name of Factory Farming to Intensive Farming as part of the Rural Decision, but will retain the usage of Factory Farming for the purposes of this decision. We also advise that we have increased the minimum separation distance from Mining as part of the Cross Plan: Mining Activities Decision.

3.6.4.2 Submissions

362. *Howard Saunders* (OS33.1) sought to amend Rule 17.5.10 so that the separation distance from Factory Farming is measured from the primary 'factory' building and not from any ancillary building or surrounding land providing support services to the factory building. The submitter felt the 100m separation was unworkable for his land at 650 Highcliff Road in relation to the nearby pig farm, as it would restrict location of a residential building to a very small area on his land.
363. *Howard Saunders* (OS33.2) also sought to amend the definition of 'factory farming' so that the measurement of separation distances required by Rural Residential Rule 17.5.10 is measured from the primary 'factory' building as opposed to any ancillary building or "adjacent land providing support services...". The submitter was concerned that a 100m separation would restrict the area of his land on which a residence could be built.

364. *Howard Saunders* (FS2373.64) made a further submission on his own submission (OS33.1), supporting the need to modify Rule 17.5.10, but also seeking the removal of the requirement for separation of new residential buildings from existing Factory Farming operations by removing Rule 17.5.10.b and by consequently amending Policy 17.2.2.1.b and assessment Rule 17.9.3.7. We note that this further submission went beyond the scope of what is allowed through a further submission.
365. In the Section 42A Report the Reporting Officer, Mr Michael Bathgate, stated "While it is a requirement for any factory farm operation to internalise the effects of the activity...this can be difficult to achieve and, even with mitigation techniques employed, there can be periodic episodes of effects spreading beyond boundaries. Odour in particular can be a difficult effect to control, owing both to difficulty in measurement and the subjective nature of its effects. Further, noise emissions may meet the noise limits set in the District Plan, but may still be considered adversely by neighbours due to their ongoing and sustained nature or the characteristics of the noise generated. For this reason, it is now considered good resource management practice to require some form of separation of new sensitive activities such as residential activities seeking to establish in proximity to existing factory farms" (Section 42A Report, pp. 85-86).
366. Mr Bathgate noted that the separation distance is measured "from the closest wall of the new residential building to the closest edge of any operational area or part of the site being used for one of the activities listed", and that this does not include any grazed paddocks or planted areas that form a buffer within the Factory Farm property. He also noted that 100m is at the low end of separation distances required from Factory Farming activity in comparison to other Plans. He also noted that contravention of the rule does not preclude a new residential activity being established, but triggers the requirement for resource consent to consider the potential for reverse sensitivity effects and how these might be mitigated.

3.6.4.3 Decision and Reasons

367. We reject the submissions of *Howard Saunders* (OS33.1, 2) to amend Rule 17.5.10 and the definition of Factory Farming. We agree with the Reporting Officer that it is good resource management practice to require minimum separation distances for new sensitive activities from existing rural activities that are prone to generate adverse effects that can be difficult to internalise. We accept the explanation of the Reporting Officer that it would be ineffective to measure the distance from the primary building of any Factory Farming activity, as other operational areas of the activity may also generate effects that extend beyond site boundaries. We acknowledge that it is preferable for activities to internalise their effects, but in the case of lawfully established activities operating under existing use rights this may not always be achieved in practice.

3.6.5 Farming and Grazing Setback: New Performance Standard

3.6.5.1 Submission

368. *Pam Jemmett* (OS237.1) sought a new rule requiring Farming and Grazing activity to be set back at least 3 metres from the boundary of any residential section or dwelling. The submitter has experienced nuisance issues in relation to smell, flies, and animals grazing over the boundary from an adjacent farm. *Federated Farmers* (FS2449.356) opposed the submission, stating that it doesn't account for the fact that farming usually precedes residential activity, and is inconsistent with accepted reverse sensitivity provisions protecting farming activities.
369. The Reporting Officer, Mr Michael Bathgate, stated "The issues the submitter raises in terms of smell and flies are to be expected from time to time where people live in a working rural environment, even at a lifestyle farm scale. While greater set backs are required in rural residential than residential zones to manage these effects, the effects are mainly managed by ensuring houses are not located too close to farming activities on adjacent sites rather than vice versa" (Section 42A Report, pp. 92-93).

3.6.5.2 Decision and Reasons

370. We reject the submission of *Pam Jemmett* (OS237.1) to require Farming and Grazing activities to be set back from the boundary with any residential section or dwelling. The intention of the rural residential zones is to provide for lifestyle farming activity, and we consider that requiring a 3m 'non-grazing' strip from any boundary to an adjacent residential section would potentially remove, on a city-side scale, a lot of land from being used for this purpose, as well as creating difficulty in managing that strip of land.
371. We note there is a minimum setback for residential buildings of 10m from side and rear boundaries in rural residential zones, and that the submitter is in an unusual situation of having a dwelling only 1m from the side boundary. We agree with Mr Bathgate's comment that nuisance issues such as stock grazing over the boundaries, especially in an unusual situation such as the submitter's, are better handled directly between neighbours rather than via 2GP rules.

3.6.6 Hours of Operation Performance Standard

3.6.6.1 Background

372. The hours of operation performance standard (Rule 17.5.4) manages the hours of operations for Rural Ancillary Retail and Working from Home activities.

3.6.6.2 Submission

373. *The Otago Peninsula Community Board* (OS588.14) sought an amendment to Rule 17.5.4 to provide more flexibility to recognise the nature of tourism operations on the Otago Peninsula, such as penguin tours which can extend until well after 10pm. The submitter also sought that Rural Tourism be changed to a permitted activity, as discussed in section 3.5.2 above, and the Reporting Officer assumed that the submitter sought a change to the hours of operation standard to cater for Rural Tourism as a permitted activity.
374. The Reporting Officer, Mr Michael Bathgate, did not consider there was any need to amend the rule, noting that he did not support Rural Tourism changing to a permitted activity. He also stated "Rule 17.5.4 already contains an exemption for homestay activity, meaning that guests may arrive before 7am or after 7pm. I consider that this addresses the submitter's concern in relation to the differing nature of tourism activities on the Otago Peninsula, and the likelihood of irregular arrival or departure times. Accommodation facilities involving more than five guests would fall within the definition of visitor accommodation and, as a discretionary activity, the nature of the operation including visitor arrival and departure times can be assessed at the time of application" (Section 42A Report, p. 83).

3.6.6.3 Decision and Reasons

375. We reject the submission of *Otago Peninsula Community Board* (OS588.14) to amend Rule 17.5.4.
376. Firstly, we note, as discussed in section 3.5.2, that we have decided that Rural Tourism activity should remain a discretionary activity in rural residential zones and therefore will not be subject to Rule 17.5.4. Likewise, as discussed by the Reporting Officer any larger accommodation activity would fit within the definition of Visitor Accommodation and also not be covered by Rule 17.5.4. That means that hours of operation can be considered on a case by case basis as part of any resource consent application for Rural Tourism or Visitor Accommodation.
377. Overall, we accept the evidence of the Reporting Officer that the standard is an effective and efficient approach to managing the activities it applies to.

3.7 Other Provisions

3.7.1 17.1 Introduction

378. *New Zealand Transport Agency* (OS881.119) and *Federated Farmers of New Zealand* (OS919.145) supported the Introduction to the Rural Residential Section. *New Zealand Transport Agency* supported the identification of pressures to extend urban infrastructure and services into rural areas. *Federated Farmers* supported the recognition of the adverse effects rural residential activities may have on primary production.
379. *Otago Peninsula Community Board* (OS588.16) submitted that there is a lack of direction in the Rural Residential section relating to the connectivity between activities, in particular residential activity, biodiversity and the wider landscape.
380. The Reporting Officer, Mr Michael Bathgate, stated in response to the *Otago Peninsula Community Board* submission that "...rural residential zones can be overlaid by landscape or natural coastal character overlay zones, which is evident in the activity status tables and is also discussed in the Introduction to the section. Rural residential zones can also contain areas of indigenous biodiversity and there are indigenous vegetation clearance rules that apply to these zones. There is currently no mention of this in the Introduction to the Rural Residential section. I recommend that the Introduction is amended to highlight the role that rural residential zones can play in contributing to indigenous biodiversity" (Section 42A Report, p. 28).

3.7.1.1 Decision and Reasons

381. We accept the submission of the *Otago Peninsula Community Board* (OS588.16), agreeing that there could be greater clarity about links between rural residential zones and controls set out the Natural Environment section of the 2GP, and have appended the following to the last paragraph of 17.1 Introduction: "Rural residential zones can also contain areas of indigenous vegetation and habitat for indigenous species, and are subject to rules managing the clearance of indigenous vegetation."
382. The reasons for our decision are that, while the Introduction states that some rural residential zones are located in areas of high landscape or coastal character values, there is no discussion of the indigenous biodiversity values that can exist in these rural residential areas. Addition of the new wording into the Introduction will draw to the attention of Plan users that these biodiversity values may exist and that rules pertaining to Indigenous Vegetation Clearance may apply.

3.7.2 Notification Rule

3.7.2.1 Background

383. Rule 17.4 sets out the notification requirements for resource consents in the rural residential zones.

3.7.2.2 Submissions

384. *HPPC* (OS447.112) sought to amend Rule 17.4.3 by adding a notification requirement for all non-complying land use, development or subdivision activities; for residential activity on a site that does not meet the performance standard for density; and for residential activity on a site that fails to meet the submitter's proposed new standard for building structure size and quantity, or building and structure screening in an SNL. The submitter stated that the public has a right to know of all consent applications that fail to meet Plan standards. *Howard Saunders* (FS2373.32) opposed this submission, stating that the amendment is not required.
385. The Reporting Officer, Mr Michael Bathgate, responded that in the 2GP rules requiring public notification are used infrequently and only where it is considered that there is likely to always be a high degree of public interest and a wide range of people that may feel adversely affected by an activity unless those adverse effects can be adequately

mitigated. He noted that not including a particular activity or contravention of a rule in Rule 17.4.3 does not preclude the possibility that an application for these matters may still be publicly notified (Section 42A Report, pp. 51-52).

386. Mr Bathgate did not support a blanket approach to public notification of any non-complying activity, noting that the contravention of a performance standard may be minor or, in the case of a non-complying land use or development activity, there may be particular circumstances where the effects on the environment are considered no more than minor and no precedent is likely to be created.
387. Mr Bathgate did not recommend requiring notification of residential activity that does not meet the density standard, commenting that the resource management issues relating to over-dense development are not of as much concern as in the rural zones. Mr Bathgate also did not recommend mandatory notification in relation to the new standards proposed by *HPPC*. which he did not support in any event.
388. At the hearing, Mr Craig Werner and Mr Bradley Curnow appeared for *HPPC* and tabled a statement, which said "The 'possibility' of notification...recommended by the 42A is not rigorous enough to engender public support for DCC government transparency. We feel that the public would support more government transparency even if it means more work (cost) for staff to process notifications and hold hearings for applications which do not meet Plan standards. We maintain that failure to meet building structure size and quantity standards should prompt public notification because of the visual impact of such non-compliance. The community should be allowed to voice concerns if they think the impact is 'more than minor'" (*HPPC* Statement, pp. 3-4).

3.7.2.3 Decision and reasons

389. We reject the *HPPC* submission (OS447.112) to amend Rule 17.4.3.
390. The reasons for our decision are that we consider it unnecessary and unwarranted to require, by way of a blanket rule, public notification of any non-complying activity in the rural residential zones, nor for non-compliance with the residential density standard. We accept the Reporting Officer's recommendation in that regard, agreeing that mandatory public notification should be applied only in instances in which there is likely to be a high degree of public interest. We do not consider that to be the case in these instances, instead preferring to rely on the provisions of the RMA.

3.7.3 Assessment Rule 17.9.2.1

3.7.3.1 Background

391. Rule 17.9.2.1 is an assessment rule that applies to all performance standard contraventions that require a restricted discretionary consent. Potential circumstances or mitigation measures that may support a consent application include the following clauses:
- a. the degree of non-compliance with the performance standard is minor.
 - b. the need to meet other performance standards, or site specific factors including topography, makes meeting the standard impracticable...
 - e. non-compliance with a development performance standard would improve the design of the development in a way that would result in positive effects and better achieve the identified objectives and policies of the Plan.

3.7.3.2 Submissions

392. *HPPC* (OS447.119) sought to amend Rule 17.9.2.1 by amending para (a) by adding "...For overlay zones, mapped areas and scheduled items the degree of non-compliance is less than 10% for performance standards that are quantified"; by changing the word "impracticable" in para (b) to "physically impossible", and by removing para (e). The reason for requesting a change to (a) was that "to protect overlay zones, a specific standard rather than the subjective word 'minor' is recommended".

393. *HPPC's* reason for changing (b) was that "Rural Residential zones don't fit the pattern of the clean urban-rural distinction which is a preference outlined in both the 2GP and the DCC's Spatial Plan. Rural Residential areas also have a potential to create a negative impact on surrounding Residential Zone areas. Therefore, the reason to allow contravention of a performance standard must be much more stringent than 'impracticable', which can be interpreted to just avoid cost or satisfy individual applicant desires".
394. *HPPC's* reason for removing (e) was that "Performance standards should only be modified with a Plan Change where the modification applies not to just a single consent applicant but is likely to become closer to a norm in the future that is beneficial to the wide community. Rural Residential living is a lifestyle choice and is not driven by productivity as a priority as it is in the Rural Zone where more flexibility is required."
395. *Howard Saunders* (FS2373.35) and *Federated Farmers* (FS2449.357) opposed the submission of *HPPC*. *Howard Saunders* stated that the "change adds a false sense of precision; the measure (10%) is arbitrary and unlikely to be other than contentious and therefore impractical to apply". *Federated Farmers* stated that the requested change is "Arbitrary, unworkable and non-substantiated or justified".
396. The Reporting Officer, Mr Michael Bathgate, did not agree with the *HPPC* submission to change clause (a), stating "I agree with the further submitters that the 10% figure is arbitrary and not substantiated. Each resource consent application has its own particular set of circumstances, potential effects and receiving environment. There will be some circumstances where a 5% contravention of one standard will be unacceptable, other circumstances where a more than 10% contravention of another standard may be considered acceptable. I consider the word 'minor' provides appropriate guidance in assessing whether the degree of non-compliance is acceptable, allowing for the broad range of performance standards and resource consent circumstances" (Section 42A Report, p. 98).
397. Mr Bathgate also did not support the *HPPC* proposal to change the word 'impracticable' in (b) to 'physically impossible', stating "There will be situations where meeting a standard such as a setback is physically possible despite challenging and limiting terrain, but the engineering costs and effort to do so are prohibitive. The word 'impracticable' has a strong meaning, defined in the Oxford Dictionaries as 'impossible in practice to do or carry out'. I consider that the word impracticable fits well with the balancing act required under the RMA to consider the social, economic and cultural well-being of people and communities when managing the use, development and protection of natural and physical resources."
398. Mr Bathgate did not support the *HPPC* proposal to remove clause (e), stating that it seeks to provide guidance on those unusual or exceptional circumstances where non-compliance with a standard may lead to a better overall outcome in terms of effects and attainment of Plan objectives and policies, and that the set of guidance matters are more complete with the retention of paragraph (e).
399. At the hearing, Mr Craig Werner and Mr Bradley Curnow appeared for *HPPC* and tabled a statement which said "We believe a deviation of 10% adequately expresses the concept of a 'minor' deviation from a standard. We agree with the 42a Report that differing receiving environments makes setting an exact percentage allowance impossible. However, we think that this negative point due to a lack of precision is far out-weighted by the need to ensure that for the most sensitive overlay zones only truly minor deviations are allowed" (Statement of Evidence, p. 5).
400. The *HPPC* statement responded to the "impracticable" versus "physically impossible" discussion as follows: "We defer to the use of the Oxford definition of 'impracticable' as it includes the word 'impossible'. However, the 42a statement of costs and effort being 'prohibitive' doesn't align with this Oxford definition that has been recommended in the 42a. We interpret 'impossible' as regardless of cost and effort. If the costs and effort to meet a standard are prohibitive there should be no 'easy way out'. The site should remain undeveloped."

3.7.3.3 Decision and reasons

401. We reject the *HPPC* submission (OS447.119) to amend Rule 17.9.2.1. We agree with the assessment of the Reporting Officer and further submitters that the 10% figure appears to be arbitrary. We do not see the need to impose arbitrary limits on the degree of exceedances of standards in an effort to establish what is meant by 'minor'. We consider that the word 'impracticable' is appropriate in the context of situations where a standard can physically be achieved but where other circumstances render this effectively an impossibility or at least a very onerous outcome. We also accept that (e) provides for a situation where a favourable outcome might be able to be achieved without requiring strict compliance with a standard.

3.7.4 Assessment Rule 17.9.4.10

3.7.4.1 Background

402. A contravention of the maximum height performance standard is assessed in terms of Rule 17.9.4.10. One of the potential circumstances listed that may support a consent application is "iv. the terrain provides an adequate backdrop to the proposed building or structure and mitigates any adverse visual effects from the building or structure".

3.7.4.2 Submissions

403. *HPPC* (OS447.122) sought to delete paragraph (iv) of that rule. The reason for this submission was "No backdrop can mitigate the visual effect of building or structure height because the height is gauged by comparison with the size of fixed features such as door heights, windows, parked cars, etc. Height cannot be gauged by comparison with amorphous non-discrete landscape backdrops of any type because they lack dimensional references". *Howard Saunders* (FS2373.36) opposed the submission of *HPPC*, stating that "Para iv is sensible and in fact required in order to take into account the difficulty in building on sloping land".
404. The Reporting Officer, Michael Bathgate, recommended rejecting the request by *HPPC* and stated "It should be noted that this is used as guidance in assessing a resource consent application to breach the maximum height rule, rather than providing an absolute condition that will either enable or preclude consent being gained. I consider that paragraph (iv) adds a useful component to this assessment of a height contravention when employed in conjunction with the other factors in Rule 17.9.4.10. I do not agree with the contention that natural terrain as a backdrop can never mitigate any adverse effects of building or structure height" (Section 42A Report, p. 100).
405. At the hearing, Mr Craig Werner and Mr Bradley Curnow appeared for *HPPC* and tabled a statement, which stated "It is far too subjective and easy for a client's hired professional to claim that a backdrop (however distant) will overcome all. This argument will likely be broadly used by applicants, as most Dunedin sites have some high terrain backdrop in view" (Table Statement, p. 6).

3.7.4.3 Decision and reason

406. We reject the submission of *HPPC* (OS447.122) to amend Rule 17.9.4.10.
407. We draw the submitter's attention to the statement that clause (iv) is not an absolute condition that will either enable or preclude consent being gained. Rather, it forms a potential circumstance to be considered in guiding any assessment of the effects of an application to breach the maximum height standard. We agree with the Reporting Officer's assessment that it provides helpful guidance for the assessment.
408. We consider decision-makers will assign such weight as might be appropriate to the opinion of an applicant's hired professional when making a recommendation and during deliberations.

3.8 Zoning

3.8.1 Background

409. A large number of submissions were received in relation to rural residential zoning. Submissions in relation to the general application of rural residential zoning were considered above in section 3.2 of this Decision Report. This part of the Decision Report addresses submissions to change the zoning of specific sites to rural residential. We respond to these submissions by grouping these into similar geographical locations, using the same groupings used in the Section 42A Report.

3.8.2 Assessment of Zoning Requests

410. We have considered a number of factors in making our decisions on these zoning submissions, as set out below.

3.8.2.1 Strategic Directions policies relating to rural residential zoning

411. The 2GP strategic outcomes and criteria for rural residential zoning are set out in Policy 2.6.1.4 and new policies 2.6.1.Y and 2.6.1.3.
412. As discussed in section 3.2.10, 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.

Policy 2.6.1.Y

413. Requests for new rural residential zoning have been considered first against Policy 2.6.1.Y, which sets out the methodology used during development of the 2GP to identify areas appropriate for new rural residential zoning (over and above those areas that were 'carried over' from the operative District Plan).
414. Under Policy 2.6.1.Y, Rural Residential 1 zoning is appropriate where an area comprises clusters of sites in separate land tenure already developed or mostly developed for rural residential activity before 7 November 2018, and these sites:
- meet the criteria in Policy 2.6.1.4 (discussed below);
 - are already subdivided, or which have consent to subdivide, to an average density of greater than 2ha and less than 4ha; and
 - are either already being used for rural residential activity, or there is a high degree of likelihood they will be developed for rural residential activity in the short term.
415. Under Policy 2.6.1.Y, Rural Residential 2 zoning is appropriate where an area comprises clusters of sites in separate land tenure already developed or mostly developed for rural residential activity before 7 November 2018, and these sites:
- meet the criteria in Policy 2.6.1.4; and
 - the cluster comprises sites each under 15ha with an average site size of generally between 4ha and 10ha.

Policy 2.6.1.3

416. New Policy 2.6.1.3 sets out the policy framework for the assessment of areas of land being considered for rural residential zoning, where these areas do not meet Policy 2.6.1.Y. Under this policy, for any new land to be zoned for rural residential, it must be demonstrated there is a shortage of land available for lifestyle farming or hobby farming activities (Policy 2.6.1.3.a). Another strategic consideration is how the amount of land zoned rural residential appropriately balances providing some land resource for lifestyle farming or hobby farming with the overall Plan objectives around maintaining a compact

city and having efficient and effective public infrastructure networks, as expressed in objectives 2.2.4, 2.7.1 and 2.7.2 (Policy 2.6.1.3.b).

417. As discussed in section 3.2.10, on balance we accept the evidence of the Reporting Officer that there is sufficient rural residential capacity in the zones provided for the life of the 2GP, noting that we received little in the way of empirical evidence from submitters to establish that there is a shortage. We also agree with the Reporting Officer's assessment that where capacity is already sufficient, zoning of rural land for rural residential purposes has the potential to be in conflict with the 2GP objectives.
418. Policy 2.6.1.3.c requires that the proposed zoning meets the criteria contained in Policy 2.6.1.4 (discussed below).
419. Policy 2.6.1.3.d sets out that where additional capacity is required, the 2GP approach considers first the rezoning of Rural Residential 2 to Rural Residential 1, then considers rezoning of any remaining clusters of sites below the minimum lot site sizes in rural zones. It is only when those options are assessed as inappropriate or unfeasible that consideration will be given to the conversion of other rural land to rural residential.

Policy 2.6.1.4

420. Policy 2.6.1.4, which is linked to from both Policy 2.6.1.Y and Policy 2.6.1.3, contains some further strategic overview criteria:
- whether the land is unlikely to be suitable for future residential development (in order to meet the Council's obligations under the National Policy Statement on Urban Development Capacity, additional land including at the periphery of the urban zones may be required for future urban residential growth);
 - whether rezoning will 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); and
 - whether, 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 and visual amenity of rural environment;
 - Objective 2.3.1 - Land and facilities important for economic productivity and social wellbeing. Achieving this includes protection from competing or incompatible uses, including those that may generate reverse sensitivity; and generally avoiding areas that are highly productive land or may create conflict with rural water resource requirements;
 - 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 2.2.3 - Indigenous biodiversity. Achieving this includes generally avoiding the application of new rural residential zoning in ASBV and UBMA;
 - Objective 10.2.2 - the biodiversity values and natural character of the coast and riparian margins are maintained and enhanced;
 - 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; and
 - Objective 11.2.1 - the potential risk from natural hazards is low.
421. We have endeavoured to assess rezoning requests against the criteria listed in Policy 2.6.1.4, noting that there were in many instances significant gaps in the evidence or a complete absence of evidence on these criteria.

3.8.2.2 Other factors in our assessment

Guthrie case - considerations of most appropriate zoning

422. In evidence, Mr Conrad Anderson (resource management consultant) called by *Barbara and Donald McCabe*, and Ms Emma Peters (resource management consultant) called by *David Middleton* highlighted Environment Court decision *B E Guthrie v Dunedin City Council C174/2001*. Ms Peters also cited this case in her statement on behalf of *Blueskin Bay Holdings Limited*. Mr Conrad Anderson stated that it was his understanding that, where the relevant objectives and policies are settled, then the question is which of the available methods (zones/rules) in the 2GP is the most appropriate (for a particular site). Both Mr Anderson and Ms Peters quoted from the decision, which states:

"It was accepted that the issue was which of the available zones most properly accommodated the site. It was accepted by both parties that the Court in considering such a reference commences with a 'clean sheet of paper'. There is no presumption in favour of any one zoning. In particular, its inclusion in the Rural zone at this stage does not amount to a presumption that Rural zoning should continue unless good cause for an alternative is discovered."

423. As discussed above, we have as a rule assessed rezoning requests against the Strategic Directions policies relating to rural residential zoning (as amended by decisions). As part of that exercise, we have also been mindful of the need under the Resource Management Act to provide for the appropriate use of land, using appropriate methods based on the hierarchy of statutory documents. To that extent we see the 'Guthrie' test being achieved by ensuring that the methods and zoning are appropriate. It is not controversial, nor a stand alone 'test', but affirmation of a principle. Since that decision there have been many other decisions and legislation changes that have been incorporated into how plans are written and drafted and we do not consider that that case sets up matters that we need to consider over and above the tests that are incorporated in the rezoning policies. We consider this approach, i.e. considering requests against the strategic directions policies, will encapsulate the principles of, and be generally in line with, the Guthrie Environment Court decision and other more recent cases.

Capacity of rural residential

424. At the conclusion of the hearing we asked the Reporting Officer, Michael Bathgate, to respond in a generic way to evidence and appearances by submitters seeking site-specific zoning changes. Mr Bathgate reconfirmed his advice that there was sufficient capacity in the 2GP rural residential zones; that any further Rural Residential 1 expansion should be for areas adjacent to existing Rural Residential 1 zoning; and that the future potential of land for productive purposes should be a consideration as well as current use (Planner's Response, p.12). As discussed in section 3.2.10, we broadly accept these conclusions.

Approach to rural productivity and highly productive land

425. In particular, we have generally not been persuaded by arguments, in the absence of other strong reasons, that a particular parcel of land is not able to be farmed in an economically viable manner. It should be clear to any submitter, or reader of this Decision Report, that we consider there are a large number of strategic considerations that are more important when considering the subdivision and conversion of rural land to rural residential use, certainly in terms of city-wide ramifications, than whether a site is able to be, or has been, farmed as a stand-alone economic unit.
426. As discussed in the Rural Decision Report, we accept the 2GP's approach to maintaining rural productivity and rural land in rural uses by taking a long term perspective. We consider this particularly important in the context of the Reporting Officer's evidence about the large number of existing undersized rural sites in Dunedin. We agree with the Reporting Officer's assessment that the sustainable management of natural and physical resources dictates that rural land (particularly - but not limited to - flat, alluvial land with good soils) should be considered in terms of its future productive potential, rather than solely viewed in terms of the use to which it is being put now. As the rural

land resource becomes more and more fragmented, it can no longer be an expectation that all smaller blocks of rural land will be able to be farmed as fully economic units individually, and so we consider this cannot be viewed as the main catalyst for rezoning rural land to rural residential.

Scope for additional zoning

427. As discussed in section 3.2.10, the partial acceptance of the submission by *Craig Horne Surveyors Limited* (OS704.22), which sought the expansion of existing or new rural residential zoning, has been used in several instances where we consider it appropriate to rezone additional sites beyond those sites that have been submitted on. This is typically used to provide scope for zoning of sites adjacent to those submitted on, that also fit the criteria for rural residential zoning. This includes some instances of fully developed clusters of undersized rural sites that meet the criteria, but were not picked up in the 2GP rural residential zones analysis.
428. We acknowledge there are benefits to zoning fully developed clusters of undersized rural sites that meet the criteria, to recognise the development pattern on the ground. However, we do not consider it either necessary or desirable in planning terms to rezone where this would create small isolated patches of rural residential zoning in the rural zone, especially in areas that are in conflict with other strategic rural residential criteria. In our view this would not be good resource management practice, nor in overall alignment with the 2GP objectives and policies.
429. The *Craig Horne Surveyors Limited* submission is further discussed in section 3.2 of this Decision above.
430. With that context, we now provide our decisions and reasons with respect to the individual zoning requests.

3.8.3 Zoning Submissions - Abbotsford/Green Island/Fairfield/Blackhead

3.8.3.1 240 and 270 Blackhead Road, Blackhead, 261 Green Island Bush Road

431. *Patsy Eames* (OS40.2), *Noeline Knox* (OS41.1), and *Donald Knox* (OS365.1) sought to change the zoning of an 18.3ha property in three titles at 240 Blackhead Road from Coastal Rural Zone to rural residential. The submitters noted that there was rural residential zoning adjacent to the property; it is close to the Dunedin CBD; their request is in line with 2GP objectives/policies; and it is important for the family members who jointly own the property to be able to subdivide.
432. *Anne-Marie Watson and Andrew P McSkimming* (OS817.1) sought to change the zoning of a 8.23ha property at 270 Blackhead Road from Coastal Rural Zone to Rural Residential 1 Zone. The submitters noted that their neighbours on both sides of the property have also requested a change in zoning to Rural Residential 1 Zone, and the rear boundary of their property adjoins rural residential land so "it appears sensible that the lots referred to should all be in the same Rural Residential 1 Zone".
433. *Ross Gordon & Patricia Ann Allen* (OS784.2) sought to change the zoning of 21.15 ha of a 25.4ha property at 279 (261) Green Island Bush Road from Coastal Rural Zone to Rural Residential 1 Zone, because the submitter's adjoining land at section 115 is already in that zone and there is residential land on the southern boundary, and the submitter should "not be left between the two rural residential zones". The submitters also sought (OS784.3) to retain the Rural Residential 1 zoning of part of 279 (261) Green Island Bush Road (section 115), an area of approximately 4.2ha.
434. The Reporting Officer, Mr Michael Bathgate, recommended these submissions were rejected and stated there is already sufficient capacity of Rural Residential 1 zoning at Blackhead (Section 42A Report, pp. 113-114). Changing the zoning of 240 and 270 Blackhead Road would create a development potential of up to 13 new sites/dwellings, and for 261 Green Island Bush Road a development potential of 12 new sites/dwellings would be created. Given the DCC Transportation Group had also advised that there was inadequate infrastructure for such an increase as well as safety issues on Blackhead Road, Mr Bathgate did not support this rezoning request.

435. Mr Andrew McSkimming and Mr Tony Devereaux appeared at the hearing and tabled a statement on behalf of *Anne-Marie Watson and Andrew P McSkimming, Ross and Pat Allen, Donald Knox, Patsy Eames and Noeline Knox*. The submitters noted that their land was proposed for rural residential zoning in the notified 1995 Plan, before being changed to rural due to a submission. The submitters highlighted flaws in the way the development capacity was identified in the Section 42A Report, and considered that their sites met the criteria for zoning undersized rural sites as Rural Residential 2. They reiterated their wish for Rural Residential 1 zoning to allow future development (as a preference to Coastal Rural Zone or Rural Residential 2).
436. They considered their land to be of little value for farming, being already broken up into small sites which are partially developed into rural residential-type living. They did not consider there to be any reverse sensitivity conflicts or adverse effects on rural character. They described topographical constraints, hazard overlays and slip-prone areas on the land which they considered constrained development potential significantly. In terms of traffic issues, the submitters considered that there would only be a small number of extra sites accessing Blackhead Road, and noted that five nearby driveways had been allowed to access Blackhead Road in the last five years or so. They also noted that safety improvements would be required were the undeveloped land on Green Island Bush Road ever to be developed, regardless of any development on their own land.
437. In response, the Reporting Officer acknowledged that there were topographical and other constraints to development in some rural residential areas which might reduce the theoretical capacity, but considered that these constraints can be accommodated and 'worked around' on a rural residential scale site. Mr Bathgate also considered that a large undeveloped tract of nearby rural residential land at Green Island Bush road may be more likely to come to market following a change in ownership (Planner's Response, pp. 6-7).

3.8.3.1.1 *Decision and Reasons*

438. We reject the submissions of *Patsy Eames (OS40.2), Noeline Knox (OS41.1), Donald Knox (OS365.1), Ross Gordon & Patricia Ann Allen (OS784.2) and Anne-Marie Watson and Andrew P McSkimming (OS817.1)* to change the zoning of their Blackhead Road and Green Island Bush Road properties to Rural Residential 1 zoning.
439. These applications relate to parcels of land that have one house each on sites ranging from 8 to 25 ha in size. They do not meet criteria for rezoning as Rural Residential 1 (or indeed Rural Residential 2) under Policy 2.6.1.Y, as the cluster includes a number of larger sites. Therefore, we considered the submissions under Policy 2.6.1.3, in keeping with the strategic policy framework outlined in section 3.2.10 of this decision.
440. As discussed in section 3.2.10, we accept the evidence of the Reporting Officer that the 2GP makes ample provision for rural residential zoned land and so these rezoning requests do not meet the first criterion in Policy 2.6.1.3.a. In light of this, we consider rezoning would not be consistent with Policy 2.6.1.3.b regarding maintaining the balance between provision of land for lifestyle farming, with the overall Plan objectives around maintaining a compact city and having efficient and effective public infrastructure networks. Although we consider rural residential capacity best assessed at a whole-of-city level for the reasons discussed in section 3.2.10, we are also conscious in this instance of the substantial amount of undeveloped rural residential land in close proximity.
441. In terms of the criteria in Policy 2.6.1.4 (assessment prompted by Policy 2.6.1.3.c), we acknowledge that there is unlikely to be any significant issue with reverse sensitivity associated with any rezoning of these sites from rural to rural residential, the land has not been identified as highly productive (both relevant considerations under clause 2.6.1.4.c.ii), and there are no landscape or coastal character overlay zones associated with the sites (clauses 2.6.1.4.iii and iv). However, we do consider there may be adverse effects on rural character, amenity and open green space from intensifying development in this location (clauses 2.6.1.4.c.i and viii). The proximity of the large

Blackhead Rural Residential 1 zone to the north and east was noted by both the Reporting Officer and the submitters. We observe the area subject to submissions forms a break between this and the additional Rural Residential 1, Large Lot and Township and Settlement zoning around Waldronville in the south.

- 442. In addition, we accept the evidence of the DCC Transportation Group that the development may trigger public infrastructure upgrades (clause 2.6.1.4.b). So, overall, on the evidence presented, we do not consider the cluster of sites in question are well aligned with the criteria in Policy 2.6.1.4.
- 443. We note that for the same reasons as they do not meet the criteria in Policy 2.6.1.Y (outlined above), there is also poor alignment with the criteria in Policy 2.6.1.3.d. As discussed in section 3.2.10 above, we are not generally persuaded by arguments that these parcels of land are not able to be farmed in an economically viable manner. Noting the evidence that there are a large number of much smaller undersized rural sites in Dunedin, as discussed in section 3.2.10 we consider it to be a more efficient use of resource for those smaller sites of land to be used for rural residential development first, where they align with other relevant criteria.
- 444. Overall our conclusion is the requests for rezoning of these properties at Blackhead do not, on the whole, meet the 2GP's strategic policies for rezoning additional rural residential land, and on balance we consider it is more appropriate the land remains zoned rural at this time.

3.8.3.2 81 Morris Road and 40 Saddlevue Place, Fairfield

- 445. *John and Lorraine Findlater* (OS376.1) sought to change the zoning of 81 Morris Road (12.7ha) and 40 Saddlevue Place (1.8ha), Fairfield, from Hill Slopes Rural Zone to Rural Residential 1 because the land is small, uneconomic and surrounded by Rural Residential 1 Zone, some which are sites less than 2 ha. This was supported by *Leon Robert Hallett* (FS2241.1).
- 446. The Reporting Officer, Mr Michael Bathgate, noted there is sufficient capacity in the nearby Chain Hills Rural Residential 1 area (25% of zone capacity still available on vacant sites) and that a change of zoning to Rural Residential 1 for both properties would create a development potential of 6 additional dwellings (Section 42A Report, pp. 114-115). The DCC Transportation Group advised that the network could accommodate a higher density.
- 447. Mr Bathgate suggested that it may be appropriate to consider Rural Residential 2 zoning instead, also including two other undersized sites at 105 and 141 Morris Road, sized 1.08ha and 1.07ha respectively.
- 448. Mr Bathgate also noted two very small sites with rural zoning at PT Lot 71 Main Road, Fairfield and Lot 61 Morris Road (Addendum to the Rural Residential Section 42A Report, para 16-17). He stated that these sites should be included in the Rural Residential 2 cluster to make the zoning contiguous with surround sites, and believed there would be little impact on the management of these sites from a change to Rural Residential 2.
- 449. At the hearing Mr Leon Hallett spoke for *John and Lorraine Findlater*. Mr Hallett noted the area was an island of uneconomic land, being surplus land from the motorway development, and not suitable for rural zoning. He considered that rural residential was the only sensible zoning for the land.

3.8.3.2.1 Decision and Reasons

- 450. We considered 105 and 141 Morris Road, along with 81 Morris Road and 40 Saddlevue Place, and PT Lot 71 Main Road, Fairfield, and Lot 61 Morris Road, as a cluster of existing dwellings under 2.6.1.Y. Under the policy, we agree that the second limb is met and that Rural Residential 2 is appropriate. Rural Residential 2 zoning provides for very little additional development on the sites (just one additional dwelling), and therefore there are few matters that could be considered contrary to the criteria in 2.6.1.4, particularly given the location of the site. However, rezoning would align with the existing use of

the properties. We also note the evidence is that there is sufficient capacity in the road network to accommodate a very small increase in development potential.

451. Accordingly, we accept in part the submission of *John and Lorraine Findlater (OS376.1)* and have rezoned 81 Morris Road and 40 Saddlevue Place, Fairfield to Rural Residential 2 Zone. Using the scope provided by *Craig Horne Surveyors Limited (OS704.22)*, discussed in section 3.8.2 above, we have also changed the zoning of 105 and 141 Morris Road, PT Lot 71 Main Road, Fairfield, and Lot 61 Morris Road to Rural Residential 2 Zone.

3.8.3.3 56 McMeakin Road, Abbotsford

452. *Bluestone Farm Dunedin Limited (OS821.2)* sought to change the zoning of 56 McMeakin Road (0.3ha), Abbotsford from Hill Slopes Rural Zone to Rural Residential 1 Zone because "the proposed zoning reflects the density of development in the area". *Aileen Fay Crawford (OS822.2)*, the adjoining property owner, also sought the same change.
453. The Reporting Officer, Mr Michael Bathgate, noted that a change of zoning for 56 McMeakin Road does not create extra development potential as the site is only 0.3 ha and is an isolated pocket, within an area of Rural Residential 1 zoning (Section 42A Report, pp. 116-117). Mr Bathgate considered it appropriate that the zoning be amended to remove the split zoning and to correct what appears to be a mapping error.

3.8.3.3.1 Decision and Reasons

454. We accept the submissions of *Bluestone Farm Dunedin Limited (OS821.2)* and *Aileen Fay Crawford (OS822.2)* and have changed the zoning of 56 McMeakin Road to Rural Residential 1 Zone.
455. The reasons are that we acknowledge Mr Bathgate's advice that this appears to have been a mapping error for it not to have been included in the 2GP as notified. We note that it appears that the error may extend beyond 56 McMeakin Road to that also owned by Ms Crawford and therefore agree that the error should be fixed across both properties.

3.8.3.4 141/143 Abbots Hill Road, Abbotsford

456. *Kirsty and Sim Dwyer (OS16.1)* requested that the Rural/Rural Residential zones boundary be moved along 141/143 Abbots Hill Road, Abbotsford, so that their whole property (5.21ha) is in Rural Residential 1 Zone, rather than split zoned. *Dunedin City Council (OS360.142)* also sought that the same land, Lot 1 DP 12862 at 141/143 Abbots Hill Road, is included in the Rural Residential 1 Zone.
457. The Reporting Officer, Mr Michael Bathgate, noted that the change of zoning to include all of the property in the Rural Residential 1 Zone would not create extra development potential as the site which would be added is less than 1ha (0.7 ha; Section 42A Report, p. 112). If amalgamated with either or both of the other sites, the combined area would also not create any additional residential development potential. It is also a general principle of the 2GP to attempt to avoid split zoning where possible.
458. Further, the Reporting Officer noted a very small sliver of rural land at 129 Abbots Hill Road (0.04 ha), adjacent to 141/143 Abbots Hill Road, that he considered should also be zoned Rural Residential 1 in keeping with the land parcels surrounding it (Addendum to the Section 42A Report, paras 13-15).

3.8.3.4.1 Decision and Reasons

459. We accept the submissions of *Kirsty and Sim Dwyer (OS16.1)* and *Dunedin City Council (OS360.142)* to change the zoning of Lot 1 DP 12862 at 141/143 Abbots Hill Road to Rural Residential 1 Zone. We also agree that PT Lot 1 DP 23316 at 129 Abbots Hill Rd be rezoned Rural Residential 1 Zone.
460. We accept the Reporting Officer's evidence that this appears to be a mapping error, but we also note that under Policy 2.6.1.Y.a this is the appropriate zoning of the land. The

land is a small site adjacent to existing Rural Residential 1 zoned land and the rezoning will resolve a split zoning situation while providing for no further development, and given this and the nature of the site, we consider there are few matters that could be considered contrary to the criteria in Policy 2.6.1.4.

461. In the case of PT Lot 1 DP 23316 at 129 Abbots Hill Rd, we consider there is scope to make this amendment under the submission of *Craig Horne Surveyors Limited* (OS704.22), as discussed in section 3.8.2 above.

3.8.3.5 15 Miller St, Abbotsford

462. *Geoffrey Reeves* (OS483.1) sought to change the zoning of the portion of 15 Miller Street, Abbotsford that is within the Hill Slopes Rural Zone (2.08 ha) to Rural Residential 2. The submitter explained that when he purchased the land it was zoned residential and there was a later change initiated by the DCC to rural zoning so that a geotechnical hazard could be controlled. The submitter reasoned that since the 2GP has hazard overlays, the rural zoning is no longer necessary. In addition, the size of the property at 2.16ha and the surrounding land uses being residential or rural residential in nature means the land is "clearly already in a rural residential area in all but zoning".
463. *Raymond Philip Harris and Pamela Maureen Harris* (FS2061.1) at 325 Main South Rd opposed the submission, because they have an issue with the sewer system that runs across their property blocking and causing raw sewage to run across their property and they are concerned that extra properties will exacerbate the situation.
464. The Reporting Officer, Mr Michael Bathgate, noted that a change in zoning for 15 Miller St would allow for a single dwelling to be built and agreed that rural zoning for this property is no longer appropriate given its small size and surrounding land uses (Section 42A Report, pp. 115-116). Mr Bathgate also considered that four other rural zoned properties in the vicinity (6A Thompson St (~1.2ha), 333 (0.0974 ha) and 353 Main South Rd (14.3ha) and 36 Severn St (2.7ha), excluding that part of the property which is currently zoned low density residential) should be included as part of a Rural Residential 2 Zone cluster.
465. With respect to the concern raised by *Raymond Philip Harris and Pamela Maureen Harris*, Mr Bathgate noted that only one extra house would be allowed, on the site of 15 Miller St, as the other properties are already developed. Rural Residential 2 is an un-serviced zone so there is no expectation that any new dwelling would connect to the wastewater system as of right. The DCC Transportation Group advised that the traffic network could accommodate higher density development, but with a preference for access from Miller St due to traffic volumes on Main South Road.

3.8.3.5.1 *Decision and Reasons*

466. We note that all the properties suggested by Mr Bathgate as suitable for zoning Rural Residential 2 are developed and as such, we agree that considering them as a cluster (along with 15 Miller Street) under Policy 2.6.1.Y.b is appropriate. The averaging approach of Policy 2.6.1.Y makes Rural Residential 2 the most appropriate zoning.
467. We found little to suggest lack of alignment with the criteria in Policy 2.6.1.4, considering that all but Mr Reeves' site are already developed. In relation to clause 2.6.1.4.b, the evidence of the DCC Transportation Group did not indicate any public infrastructure issues.
468. We therefore accept the submission of *Geoffrey Reeves* (OS483.1) and have changed the zoning of the portion of 15 Miller Street, Abbotsford that was Hill Slopes Rural Zone to Rural Residential 2 Zone, along with agreeing to the recommendation of the Reporting Officer to change the rural zoning of 6A Thompson Street (~1.22ha), 333 and 353 Main Road (0.97 and 14.26ha respectively), and 36 Severn Street (2.657ha), Abbotsford (excluding the part zoned Low Density Residential) to Rural Residential 2 Zone (approximately 0.56ha) under the scope of the submission of *Craig Horne Surveyors Ltd* (OS704.22), as discussed in section 3.8.2 above.

469. We note the concerns of Raymond Philip Harris and Pamela Maureen Harris, however those are not matters of relevance to rezoning, as Rural Residential 2 is an un-serviced zone so there is no expectation that any new dwelling would connect to the wastewater system. Notwithstanding this, we would hope that any development would look to remedy any existing issues, presumably not of the submitter's making as his property has no development.

3.8.4 Zoning Submissions – West Harbour

3.8.4.1 121 Hall Road, Sawyers Bay

470. *Liz McLennan* (OS680.4) sought to change the zoning of a 6.3ha part of 121 Hall Road, Sawyers Bay (total property size 57.8ha), from Hill Slopes Rural Zone to Rural Residential 1 Zone and change the Rural Residential 1 zoning of part of the property, Lot 6 DP 456117 (8.1ha), to Hill Slopes Rural Zone. The latter parcel of land is south facing, bush clad, not easily accessible and unable to be further developed, despite having a Rural Residential 1 zoning. The submitter sought to transfer this zoning to part of the property at 121 Hall Road, these being two parcels of land which are each less than 4ha.
471. The Reporting Officer, Mr Michael Bathgate, considered that the land swap suggested by the submitter would be appropriate as it does not increase development potential and it provides for a more effective use of rural residential zoning by allowing for intensification on a site that is already partly developed and is more accessible, and would have potentially fewer adverse effects (Section 42A Report, p. 120).
472. *Ms McLennan* appeared at the hearing and tabled a map, which confirmed the parcels at 121 Hall Road sought to be included in Rural Residential 1. *Ms McLennan* said she considered that the land to be added in to the Rural Residential 1 Zone was perfectly suited for lifestyle development and could potentially contain three sites.

3.8.4.1.1 Decision and Reasons

473. We accept the submission of *Liz McLennan* (OS680.4) and have changed the zoning of Lot 6 DP 456117 to Hill Slopes Rural Zone, and the zoning of part Section 1 of Section 84, and part Section 1 of Section 85, Block VII, SO 1275, North Harbour and Blueskin Survey District ('the land along Hall road') to Rural Residential 1 Zone.
474. Given the nature of the submission, the question for the Panel was which of the two sites more closely aligns with rural residential criteria. We accept the evidence of *Ms McLennan* and the Reporting Officer that the land along Hall Road would be better suited to rural residential zoning.
475. In terms of alignment with Policy 2.6.1.4, the land along Hall Road has better access (clause 2.6.1.4.b). While the transfer is creating a new area of Rural Residential 1 zoning in a Significant Natural Landscape (SNL) Overlay Zone, the swap results in a net reduction of Rural Residential 1 land in the SNL of approximately 1ha (clause 2.6.1.4.c.iii). We also note that the land along Hall Road is less visible than Lot 6 DP 456117, including when viewed from across the harbour (clauses 2.6.1.4.c.i and viii). We consider the bush-clad nature of Lot 6 DP 456117 suggests it may have biodiversity values, and that these are less well protected than the values of the Silverstream (which runs through the land along Hall Road), as the latter would be subject to esplanade requirements should the land be developed (clauses 2.6.1.4.v, vi and vii). In addition, we agree the land along Hall Road has a better solar orientation and more suitable topography for rural residential use.

3.8.4.2 483 Blueskin Road, Port Chalmers

476. *Rex Cameron MacRae* (OS789.1) sought to change the zoning of 483 Blueskin Road, Port Chalmers (7.54ha), from Hill Slopes Rural Zone to Rural Residential 2 because the property is "cut off" from other rural land, is too small to farm and "any further development would have low visual impact".

477. The Reporting Officer, Mr Michael Bathgate, did not consider it appropriate to change the zoning to Rural Residential 2 as this does not meet the criteria for this zone in terms of being part of a cluster of small undersized, partly developed rural sites. Further, changing the zoning of the property would lead to spot zoning in an otherwise rural zoned area. In addition, there is also an existing house on the site so changing the zoning to Rural Residential 2 would make no material difference to any development opportunities (Section 42A Report, p. 121).
478. At the hearing, *Mr MacRae* appeared and indicated that he had asked for the wrong zoning in his submission and had meant to request a change to Rural Residential 1 Zone. *Mr MacRae* considered that he had placed himself in a difficult position having sold some land off for a reserve, and he said the property is an isolated block and was difficult to farm with no possibility of amalgamating with surrounding land. *Mr MacRae* sought to subdivide the land into three 2ha blocks and protect native bush through a covenant.

3.8.4.2.1 *Decision and Reasons*

479. We reject the submission of *Rex Cameron MacRae* (OS789.1) to rezone 483 Blueskin Road to Rural Residential 2.
480. We agree with the evidence of the Reporting Officer that the property does not meet criteria for rezoning as Rural Residential 2 under Policy 2.6.1.Y, as the property is not part of a cluster of small sites. We note that in any event the fact there is already a house on the site means that zoning would not improve the development potential of the land.
481. In considering Rural Residential 1 zoning, under Policy 2.6.1.3, we accept the evidence of the Reporting Officer that the 2GP makes ample provision for rural residential zoned land, and so these rezoning requests do not meet Policy 2.6.1.3.a. In light of this, we consider rezoning would not be consistent with Policy 2.6.1.3.b regarding maintaining the balance between provision of land for lifestyle farming, with the overall Plan objectives around maintaining a compact city and having efficient and effective public infrastructure networks compact city and public infrastructure.
482. While we had little evidence on the criteria in Policy 2.6.1.4, noting that the submitter's original submission was for Rural Residential 2 zoning and had been assessed as such, we cannot see there is much alignment between these and the site in question. We note the site is within an SNL overlay zone, and under clause 2.6.1.4.c.iii, SNLs should generally be avoided for new rural residential zoning. This, in addition to the presence of bush on the site (albeit offered up for protection under covenant by the submitter) raises questions of alignment with 2.6.1.4.c.i, v and viii.
483. In relation to Policy 2.6.1.3.d, rezoning this site would create an isolated spot zone of rural residential, which is not consistent with this criterion. As discussed earlier in this Decision Report, we are generally not persuaded by arguments that sites need to be rezoned rural residential just because they might not be able to be farmed in an economically viable manner, particularly given the large number of undersized rural sites in Dunedin.
484. Overall, our conclusion is that 483 Blueskin Road is not a good fit with the criteria outlined in the Strategic Directions policies, either for Rural Residential 1 or Rural Residential 2 zoning.

3.8.4.3 46 District Road, Roseneath

485. *Brian and Margaret Wilkinson* (OS863.1) sought to change the zoning of 46 District Road, Roseneath (4.9ha), from Rural Residential 2 to Rural Residential 1 because it is a larger piece of land than surrounding properties. This was supported by *James Wellington* (FS2143.2) who noted that it would not significantly impact on infrastructure and one new residential dwelling would be "in keeping" with the surrounding properties.
486. The Reporting Officer, Mr Michael Bathgate, noted that in recognition of the size and location of this property, the 2GP proposed a change from rural zoning to Rural

Residential 2 (Section 42A Report, pp. 121-122). The Reporting Officer did not consider it appropriate that the zoning be changed to Rural Residential 1 because it is located in a contiguous area of Rural Residential 2 land, and there is sufficient capacity for rural residential development in the nearby West Harbour Rural Residential 1 Zone.

3.8.4.3.1 *Decision and Reasons*

487. We accept the submission of *Brian and Margaret Wilkinson* (OS863.1) to rezone 46 District Road to Rural Residential 1 Zone.
488. This was a case in which the land had already been considered by staff and rezoned Rural Residential 2. The submission here was to provide for one property as Rural Residential 1, as doing so would reflect the scale of development on surrounding properties. We agree that 46 District Road is an anomaly, in that it is surrounded by properties that are all at Rural Residential 1 scale. As we do not consider the spot-zoning of individual properties reflects good planning practice, and noting that there is scope to consider the rezoning of other properties to Rural Residential 1 under the submission of *Craig Horne Surveyors Limited* (OS704.22), we reviewed the appropriateness of the whole Roseneath rural residential zone for Rural Residential 1 zoning.
489. When assessed against the criteria in Policy 2.6.1.Y, the cluster of properties (including 46 District Road) is consistent with the site size criteria in clause (a).
490. We received no evidence at the hearing on this submission, which made assessment against the criteria in Policy 2.6.1.4 challenging. We note that change would only add development potential for one additional dwelling, on 46 District Road itself. The evidence of the DCC Transportation Group, that the increased development potential would have negligible impact on the transport network, does not suggest any issues under clause 2.6.1.4.b. There are no landscape or coastal character overlay zones in this location. There are no ASCVs in or adjacent to the area, and while our site visit suggested there are areas of vegetation on the site at 46 District Road, we have no evidence on the nature or state of this. We note that there is an area of high class soils mapped on 46 District Road itself (relevant under clause 2.6.1.4.c.ii), but as the site is surrounded by properties at either residential or Rural Residential 1 scale, and isolated from other rural areas by this zoning and topography, protection of rural productivity cannot be considered a strong factor in this case.
491. We observed on our site visit that there are some questions of alignment with the aesthetic values outlined in clause 2.6.1.4.c.viii, particularly the protection and enhancement of green spaces, including gaps between coastal settlements, which we received evidence from *HPPC* on during the Urban Land Supply (Part 1) Hearing. However, given that the rezoning creates the development potential for only one additional dwelling, we did not consider this constituted a compelling reason to retain Rural Residential 2 zoning.
492. We therefore accept the submission that Rural Residential 1 zoning is more consistent with Strategic Policy 2.6.1.Y, and have rezoned all properties in the Roseneath rural residential zone (19 Downes Road, 21 Downes Road, 24A District Road, 46 District Road, 6A Clyde Street, 18 Clyde Street and 20 Clyde Street) to Rural Residential 1.

3.8.4.4 147 St Leonards Drive

493. *David Middleton* (OS992.1) sought to rezone that part of 147 St Leonards Drive that is Hill Slopes Rural Zone to Rural Residential 1 Zone, because the property is already partly zoned rural residential and "will act as a bridge between the rural residential 1 area on North road to the rural Residential area on Dunedin-Port Chalmers road". *Gavin and Karen Middleton* (OS999.1) also sought to remove the Hill Slopes Rural Zone from 147 St Leonards Drive, so that the full property is in Rural Residential 1 Zone rather than split zoned.
494. The site at 147 St Leonards Drive has an area of 35.35ha and is split zoned, the western parcels with an area of approximately 28.5ha zoned Hill Slopes Rural Zone, and the balance approximately 6.9ha zoned Rural Residential 1. Given the significant increase

in development potential and the concerns raised by DCC Transportation Group about the safety and capacity of the roading network, the Reporting Officer, Michael Bathgate, did not consider it appropriate to change the zoning of that part of the property which is currently zoned Hill Slopes Rural Zone (Section 42A Report, pp. 122-123). With regard to 'acting as a bridge', he noted the two areas of Rural Residential 1 land referred to are distinct areas, which lie at different elevations and which have different access points and Mr Bathgate could not see any practical reason for 'joining' them together through zoning.

495. At the hearing, Mr Hugh Forsyth (Landscape Architect) appeared for *Mr David Middleton* and circulated evidence which included images showing various viewpoints of and from 147 St Leonards Drive. Mr Forsyth considered that the land area in question is not highly prominent in the wider landscape, and rural residential development of three to five additional dwellings in recessive colours and with some plantings would not have a significant off-site effect. Mr Forsyth accordingly recommended a number of conditions to be placed on any development on the site. We note that his evidence was also supportive of a separate submission by *Mr Middleton* to amend the Flagstaff-Mt Cargill Significant Natural Landscape (SNL) boundary at 147 St Leonards Drive, which was considered at the Natural Environment Hearing. Our decision from the Natural Environment hearing was to reject the submission seeking to change the SNL boundary.
496. Ms Emma Peters (planning consultant) also presented evidence for *Mr Middleton* at the hearing. Ms Peters questioned the transportation evidence described in the Section 42A Report, and contended that the topography of the site only allowed for up to five additional dwellings in the part of the site sought to be rezoned Rural Residential. Ms Peters believed the roading infrastructure could handle additional traffic movements, even at the full potential of 13 new dwellings in the area sought for rezoning. A statement was also tabled which contained an email from *Craig Horne Surveyors Ltd* to Ms Peters that detailed slope information pertaining to 147 St Leonards Drive, supportive of the rezoning.
497. Ms Peters also questioned the calculated theoretical capacity of nearby rural residential zones, stating that topography, stability, visual effects and landowner willingness to develop should be taken into account. She considered that factors that supported rezoning included the low economic productivity, poor soils, topography, small titles, taking pressure off truly productive land, and the need to provide for 20 years' demand for rural residential living. Ms Peters considered that her evidence, in conjunction with Mr Forsyth's, led to the conclusion that the appropriate zone for the whole of 147 St Leonards Drive is Rural Residential 1, and that the SNL boundary should be lifted higher on the site as proposed by Mr Forsyth.

3.8.4.4.1 *Decision and Reasons*

498. We reject the submissions of *David Middleton* (OS992.1) and *Gavin and Karen Middleton* (OS999.1), and have retained the Hill Slopes Rural zoning for the western parcels of the property at 147 St Leonards Drive.
499. The property does not meet the criteria for rezoning as rural residential under Policy 2.6.1.Y, as the property does not constitute a cluster of small sites of sites. Even if the tests in Policy 2.6.1.Y were applicable, the sizes of the properties are such that they would not meet the criteria for averaging of site sizes for either of the rural residential zones. As such we considered these submissions in terms of Policy 2.6.1.3, in keeping with the policy framework outlined in section 3.2.10.
500. We accept the evidence of the Reporting Officer that the 2GP makes ample provision for rural residential zoned land and so this rezoning request does not meet Policy 2.6.1.3.a. In light of this, we consider rezoning would not be consistent with Policy 2.6.1.3.b regarding maintaining the balance between provision of land for lifestyle farming, with the overall Plan objectives around maintaining a compact city and having efficient and effective public infrastructure networks compact city and public infrastructure.

501. In terms of the criteria in Policy 2.6.1.4 (assessment prompted by Policy 2.6.1.3.c), we note that there are a number of criteria that we consider could not be met. The evidence of the DCC Transportation Group is that public infrastructure upgrades are likely to be required if the area were to be rezoned, which suggests a lack of alignment with clause 2.6.1.4.b. In addition, as discussed in the Natural Environment Decision Report, our decision did not amend the Significant Natural Landscape overlay zone in this location, which means site is within an SNL overlay zone. Under clause 2.6.1.4.c.iii, SNLs should generally be avoided for new rural residential zoning. This raises additional questions of alignment with 2.6.1.4.c.i and vii relating to rural character and amenity values, and other aesthetic values.
502. In relation to Policy 2.6.1.3.d, as a larger rural site the property aligns poorly with this criterion. As discussed in section 3.2.10 above, we are not persuaded by arguments that these parcels of land are not able to be farmed in an economically viable manner. Noting the evidence that there are a large number of much smaller undersized rural sites in Dunedin, as discussed in section 3.2.10 we consider it to be a more efficient use of resource for those smaller sites to be used for rural residential development first, where they align with other relevant criteria.
503. In addition, we accept Mr Bathgate's evidence that the proposed rezoning would not rationalise zone boundaries or provide logical and practical connections between areas of rural residential zoning.
504. Overall, our conclusion is that the western parcels of the property at 147 St Leonards Drive are not a good fit with the criteria outlined in the Strategic Directions policies for rural residential zoning.

3.8.5 Zoning Submissions – Peninsula

3.8.5.1 750 Highcliff Road, Highcliff

505. *Chris Stewart* (OS414.2) sought to change the zoning at 750 Highcliff Road (10.3 ha) from a split zoning of Peninsula Coast and Hill Slopes Rural Zone to Rural Residential zoning. *Radio New Zealand Limited (RNZ)* (FS2332.63) opposed the *Chris Stewart* submission because it "opposes any rezoning in the vicinity of its facilities that might result in adverse reverse sensitivity effects". *Mr Stewart* also made an alternative request that a minimum lot size of 10ha is allowed for residential activity, a submission which we have rejected in our decision on the residential density performance standard in the Rural Decision Report.
506. The Reporting Officer, Mr Michael Bathgate, advised that a change to Rural Residential 1 zoning would create a development potential of five additional dwellings. He did not consider it appropriate to change the zoning to Rural Residential 1 because the site would be in isolation with no other rural residential zone in the vicinity; the surrounding land use is largely rural; and an increase in development may adversely affect rural amenity and landscape values and lead to increased pressure on the transport network (Section 42A Report, pp. 127-128). The DCC Transportation Group advised that they do not support the submission as extra development may compound Highcliff Road safety issues and would be likely to result in new roading infrastructure being needed.
507. At the hearing, *RNZ* circulated a statement which supported the Reporting Officer's recommendation to reject the request by *Chris Stewart* to rezone 750 Highcliff Road to rural residential. It confirmed this property is close to *RNZ's* facilities at 740 Highcliff Road and 35 Karetai Road and *RNZ* is particularly concerned about reverse sensitivity effects.

3.8.5.1.1 Decision and Reasons

508. We reject the submission of *Chris Stewart* (OS414.2) to change the zoning at 750 Highcliff Road to rural residential zoning.
509. We consider the property could be seen to be part of a mostly-developed cluster of small sites in separate land tenure in the area where Karetai Road meets Highcliff Road,

and therefore we have assessed the site under Policy 2.6.1.Y, in keeping with the policy framework outlined in section 3.2.10.

510. Overall, we do not consider the site appropriate for rural residential zoning, as it does not meet a number of the criteria in Policy 2.6.1.4. The evidence of the DCC Transportation Group suggests a lack of alignment with clause 2.6.1.4.b, insofar as it suggests that additional development in this area will exacerbate existing safety issues and may lead to increased pressure for infrastructure upgrades. Clause 2.6.1.4.c.ii states it is achieved by generally avoiding highly productive rural land, and the site has been identified as having high class soils. Also of relevance under clause 2.6.1.4.c.iii is the submission of Radio New Zealand and their concerns raised about reverse sensitivity. In the Network Utilities Decision, we have decided to include a Radio Transmitters mapped area in the 2GP, and associated notification rules which make *Radio New Zealand* an affected person for activities that are sensitive to electromagnetic interference, noise or visual effects from *Radio New Zealand's* facilities at 740 Highcliff Road and 35 Karetai Road. The site at 750 Highcliff Road is entirely within this mapped area as the site is within 750 metres of the radio transmitters.
511. The site is within both an SNL overlay zone and an ONL overlay zone. Under clause 2.6.1.4.c.iii, ONLs and SNLs should generally be avoided for new rural residential zoning. This also raises additional questions of alignment with clauses 2.6.1.4.c.i and viii relating to matters of rural character and amenity, and open space.
512. Given all of the above, we consider the lack of alignment with Policy 2.6.1.4 suggests that the land is fundamentally unsuitable for rural residential zoning.

3.8.5.2 16 Barling St, Macandrew Bay

513. *S O Chin* (OS1058.1) sought to change the zoning of 16 Barling Street (4.55 ha), Macandrew Bay, from Hill Slopes Rural Zone to Rural Residential 1 Zone, because the land had previously been zoned as residential and the submitter wished to use the lower portion of the site for a residence.
514. The rezoning was opposed by:
- *Warwick David Ross* (FS2186.1) because of concerns about land stability, water movement, septic tank and water storage and access by vehicles to the site;
 - *David John Chalmers* (FS2197.1) because it would be inconsistent with the objectives and policies of the 2GP, with respect to rural character and visual amenity;
 - *Colleen R Bond and Bruce Bond* (FS2259.1) because of concerns about land instability, excavation, access and effects on water flow from a spring;
 - *Radio New Zealand Limited (RNZ)* (FS2332.58) because of concerns about reverse sensitivity effects in the vicinity of its facilities; and
 - *Sarah Louise Wood* (FS2424.1) because the development proposed would adversely affect rural character, and because of concerns about land instability, groundwater flow and other infrastructure issues.
515. The Reporting Officer, Mr Michael Bathgate, noted that changing the zoning of 16 Barling Street to Rural Residential 1 would create a development potential of two sites (Section 42A Report, pp. 130-131). The DCC Transport Group advised that the transport network capacity is sufficient in this area and the proposed increase would have an insignificant impact. However, there are no other areas of Rural Residential 1 Zone in the vicinity and Mr Bathgate did not consider it appropriate to create a new Rural Residential 1 Zone in this area for a single site.
516. At the hearing, Mr John Willems (planning consultant) appeared for *Mr Chin* and tabled a statement outlining the history of the site, and the difficulty in establishing residential activity or otherwise using or disposing of the site. The submitter wishes to establish only one dwelling on the property and Mr Willems asked, if it cannot be rezoned Rural Residential 1, whether there is another mechanism within the 2GP which could enable

a single residential unit to be accommodated on this site, subject to appropriate consents.

517. At the hearing, *RNZ* circulated a statement which supported the Reporting Officer's recommendation to reject the request by *S Chin* to rezone 16 Barling Street to rural residential. This property is close to *RNZ's* facilities at 740 Highcliff Road and 35 Karetai Road and *RNZ* is particularly concerned about reverse sensitivity effects.

3.8.5.2.1 *Decision and Reasons*

518. We reject the submission of *S O Chin* (OS1058.1) to change the zoning of 16 Barling Street to Rural Residential 1 Zone. The property does not meet criteria for rezoning as rural residential under Policy 2.6.1.Y, as the property is not part of a mostly-developed cluster of small sites in separate land tenure. As such we considered this submission under Policy 2.6.1.3, in keeping with the policy framework outlined in section 3.2.10.
519. As discussed in section 3.2.10, we accept the evidence of the Reporting Officer that the 2GP makes ample provision for rural residential zoned land and so this rezoning request does not meet Policy 2.6.1.3.a. In light of this, we consider rezoning would also not be consistent with Policy 2.6.1.3.b regarding maintaining the balance between provision of land for lifestyle farming, with the overall Plan objectives around maintaining a compact city and having efficient and effective public infrastructure networks compact city and public infrastructure.
520. In terms of the criteria in Policy 2.6.1.4 (assessment prompted by Policy 2.6.1.3.c), the site meets some criteria but is less well aligned with others. The evidence of the DCC Transportation Group suggests alignment with clause 2.6.1.4.b. However, the site is within an SNL overlay zone, and under clause 2.6.1.4.c.iii, SNLs should generally be avoided for new rural residential zoning. This raises additional questions of alignment with 2.6.1.4.c.i and viii, relating to rural character and amenity values, and open space. Also of relevance is the submission of *Radio New Zealand* and the concerns they raised about reverse sensitivity, which is a consideration under clause 2.6.1.4.c.ii.
521. In terms of Policy 2.6.1.3.d, we accept the Reporting Officer's evidence that rezoning this site would create an isolated spot zone of rural residential and this is not consistent with the strategic directions policies. As discussed in section 3.2.10 above, we are generally not persuaded by arguments that these parcels of land are not able to be farmed in an economically viable manner, given the large number of undersized rural sites in the city.
522. We conclude that the site does not meet the strategic objectives relation to rural residential zoning, and therefore any proposal to build a residential dwelling should be considered in terms of the existing zoning.

3.8.5.3 785 Portobello Road, Portobello

523. *Greg and Denise Powell* (OS80.1) sought to change the zoning of 785 Portobello Road (13 ha), Broad Bay, from Hill Slopes Rural Zone to Rural Residential 1 because the property is small, with poor soils, and is not able to be used as an economic rural unit. The submission also referred to 774 Portobello Rd (8.38ha; run as backpackers) and 779, 784 and 786 Portobello Rd (1.12, 1.38, and 0.9ha respectively), which have single residential dwellings, and explained that "in this area specifically, rural zoning is inconsistent with the ideology behind the proposed new District Plan."
524. The Reporting Officer, Mr Michael Bathgate, did not consider that it would be appropriate for the property at 785 Portobello Road to be rezoned as Rural Residential 1 Zone as it would be in isolation, with no other Rural Residential 1 Zone in the immediate vicinity. In addition, allowing further development may impact on surrounding rural amenity and landscape values (there is a Significant Natural Landscape overlay over the upper parts of the property).
525. However, Mr Bathgate considered it may be appropriate to consider a zoning of Rural Residential 2 for 785 Portobello Rd as well as 774, 784 and 786 Portobello Rd, to recognise the limitations of the land for rural activities and the fact that the land is

already subdivided and partly developed at a rural residential density. This would not create any extra development potential as each of the properties already has a dwelling (Section 42A Report, p. 126).

526. Mr Bathgate also considered that 781 Portobello Road should be included in this Rural Residential 2 cluster to make the zoning contiguous with surrounding sites – there being little impact in terms of the use and management of a Council reserve as to whether the zoning is rural or rural residential, and this pocket park site being considered too small at 0.2ha to assign a recreation zoning (Addendum to Rural Residential Report, para 19).

3.8.5.3.1 *Decision and Reasons*

527. We reject the submission of *Greg and Denise Powell* (OS80.1). We were not convinced that the property at 785 Portobello Road, together with the properties at 781, 784, 786 meet the criteria set out in Policy 2.6.1.Y. as they do not constitute a mostly-developed cluster of sites in separate land tenure at Rural Residential 2 density. We considered that (with the exception of the Council reserve at 781) they represent a fully developed cluster of sites at a mixture of Large Lot Residential and Rural Residential 2 density. As discussed in section 3.2.10, given that it is not a question of development rights, we do not consider it necessary nor good practice to rezone fully developed clusters of undersized rural sites, where doing so would create small isolated patches of rural residential zoning, especially where the area in question has clear conflict with the criteria listed in Policy 2.6.1.4.
528. In terms of alignment with Policy 2.6.1.4, the upper parts of the larger sites are subject to a Significant Natural Landscape overlay zone, which conflicts with clause 2.6.1.4.c.iii. We note there is also a clear lack of alignment with clause 2.6.1.4.c.iii insofar as it relates to the protection and enhancement of green and other open spaces, including green breaks between coastal settlements (which we received evidence on during the Urban Land Supply (Part 2) hearing), and the amenity and aesthetic cohesion of environments. We consider there are also questions of alignment with clause 2.6.1.4.c.i, relating to rural character and amenity.
529. Given the lack of alignment with Policy 2.6.1.Y, we have then assessed the sites against Policy 2.6.1.3, in accordance with the policy framework set out in section 3.2.10.
530. As discussed in section 3.2.10, we accept the evidence of the Reporting Officer that the 2GP makes sufficient provision for rural residential zoned land, and so this rezoning request does not meet the first criterion in Policy 2.6.1.3.a. In light of this, we consider rezoning would not be consistent with Policy 2.6.1.3.b regarding maintaining the balance between provision of land for lifestyle farming, with the overall Plan objectives around maintaining a compact city and having efficient and effective public infrastructure networks.
531. In relation to Policy 2.6.1.3.d, as a cluster of smaller undersized rural sites these properties align better with this criterion than other larger rural sites.
532. Based on this assessment, we consider the properties are not well aligned with the strategic policies for rural residential zoning, in that it would be creating a new area of rural residential zoning within a sensitive landscape.

3.8.5.4 90 and 33 Hereweka St

533. *Dunedin City Council* (OS360.159) sought to adjust the Rural Residential 2 Zone and Peninsula Coast Rural Zone boundary at 90 and 33 Hereweka St (2.85 and 20.2 ha respectively), to follow the boundaries between the Significant Natural Landscape Overlay Zone and Outstanding Natural Landscape Overlay Zone.
534. The Reporting Officer, Mr Michael Bathgate, considered the change sought by the DCC appropriate in order to correct this mapping error and recommended that the submission by the *Dunedin City Council* (OS360.159) be accepted (Section 42A Report, pp. 127-128).

3.8.5.4.1 *Decision and Reasons*

535. We accept the submission of *Dunedin City Council* (OS360.159) and have adjusted the zone boundary between the Rural Residential 2 and Peninsula Coast Rural zones within the sites at 33 and 90 Hereweka Street, Portobello, to match the boundary between the Significant Natural Landscape and Outstanding Natural Landscape overlay zones. We consider that this will correct a mapping error in the 2GP.

3.8.5.5 33 Otakou Golf Course Road, Harwood

536. *Stephen Gregory Johnston* (OS1030.11) sought to change the zoning of the southern part of 33 Otakou Golf Course Road (approximately 94ha) from Peninsula Coast Rural Zone to Rural Residential 1 Zone.
537. The Reporting Officer, Mr Michael Bathgate, noted that this would create a development potential of 29 additional residential dwellings (Section 42A Report, pp. 129-130). Mr Bathgate considered that such a zone change would conflict with Policy 2.2.4.3.b (amended and now Policy 2.6.1.4). In addition, there could be risk to property from coastal hazards, and the DCC Transportation Group raised concerns over the isolation and lack of alternative route in the event of an emergency. Mr Bathgate did not consider it appropriate to change the zoning of the southern block of 33 Otakou Golf Course Road.
538. *Stephen Johnston* spoke at the hearing, saying that the land was owned by a Maori Incorporated entity who sought to form lifestyle blocks for leasing rather than subdivision and sale. He said that a lot of crib owners and golf club traffic already used the Golf Course Road, so he did not consider roading was an issue.

3.8.5.5.1 *Decision and Reasons*

539. We reject the submission of *Stephen Gregory Johnston* (OS1030.11) to rezone the southern part of 33 Otakou Golf Course Road.
540. The suggested rezoning would not be consistent with Policy 2.6.1.Y as the site is not part of a cluster of existing small sites. As such we considered this submission under Policy 2.6.1.3, in keeping with the policy framework outlined in section 3.2.10.
541. As discussed in section 3.2.10, we accept the evidence of the Reporting Officer that the 2GP makes ample provision for rural residential zoned land and so this rezoning request does not meet Policy 2.6.1.3.a. In light of this, we consider rezoning would not be consistent with Policy 2.6.1.3.b regarding maintaining the balance between provision of land for lifestyle farming, with the overall Plan objectives around maintaining a compact city and having efficient and effective public infrastructure networks. This latter point is supported by the evidence of the DCC Transportation Group.
542. In terms of the criteria in Policy 2.6.1.4 (assessment prompted by Policy 2.6.1.3.c) the site meets some criteria but is less well aligned with others. The evidence of the DCC Transportation Group around safety and emergency access suggests there may be some issues for public infrastructure under clause 2.6.1.4.b. We agree with the Reporting Officer that there are issues of alignment with clauses 2.6.1.4.c.i and viii, relating to rural character and amenity values, and open space. We also note parts of the area are in the Hazard 3 (Coastal) overlay zone (which is relevant to clause 2.6.1.4.c.ix).
543. For the same reasons that the site does not meet Policy 2.6.1.Y, there is poor alignment with Policy 2.6.1.3.d.
544. Overall our conclusion is this property is not well matched with the 2GP's strategic policies for rural residential zoning. We note that part of the land can potentially be developed within the provisions for Papakainga Housing provided for under the rural zones density standard (Rule 16.5.2), however we acknowledge this will only meet in part the intended development proposed by the submitter.

3.8.6 Zoning Submissions – City/Halfway Bush

3.8.6.1 60 Mount Grand Road, Burnside

545. *James Fraser* (OS93.4) sought to change the zoning of 60 Mount Grand Road (approximately 53 ha), Burnside, from Hill Slopes Rural Zone to Rural Residential 1, because the land is "uneconomical for farming". This was opposed by *Gregory Thomas Little* (FS2069.2) who was concerned about the instability of the land, which has a Hazard 2 land instability overlay on parts of the property. We note that as a result of the Natural Hazards decision, this site is no longer subject to a Hazard Overlay Zone.
546. The Reporting Officer, Mr Michael Bathgate, stated that a change of zoning from Hill Slopes Rural Zone to Rural Residential 1 Zone would create a new rural residential zone on land that does not meet the criteria in Policy 2.6.1.4.b (Section 42A Report, p.133). Additionally, the significant increase in development potential of 26 sites would place pressure on the transport network, with the DCC Transportation Group raising significant safety concerns and advising that the cost of upgrading the network in the area would most likely be prohibitive.
547. At the hearing *James Fraser* appeared and tabled a statement providing further detail on his property and the problems it faces as an 'economical' unit, including limits from soil, vegetation and topography; and damage and other nuisance issues along with reverse sensitivity complaints from nearby encroaching urban areas. *James Fraser* considered that the realistic number of potential sites would be 8 to 10, rather than 26, because of hazard and other site-specific issues. This would lessen any traffic concerns and he considered Mt Grand Road is designed to carry much more traffic than it currently does. *James Fraser* sought to maintain the land within his family and enable four dwellings to be built for family members, rather than sell the land outside the family.

3.8.6.1.1 Decision and Reasons

548. We reject the submission of *James Fraser* (OS93.4) to change the zoning of 60 Mount Grand Road, Burnside, to Rural Residential 1 Zone.
549. The suggested rezoning would not be consistent with Policy 2.6.1.Y as the large rural site is not part of a cluster of existing small sites. As such we considered this submission under Policy 2.6.1.3, in keeping with the policy framework outlined in section 3.2.10.
550. As discussed in section 3.2.10, we accept the evidence of the Reporting Officer that the 2GP makes sufficient provision for rural residential zoned land and so this rezoning request does not meet Policy 2.6.1.3.a. In light of this, we consider rezoning would not be consistent with Policy 2.6.1.3.b regarding maintaining the balance between provision of land for lifestyle farming, with the overall Plan objectives around maintaining a compact city and having efficient and effective public infrastructure networks. This latter point is supported by the evidence of the DCC Transportation Group. Although we consider rural residential capacity best assessed at a whole-of-city level for the reasons discussed in section 3.2.10, our conclusion is afforded further weight by the significant amount of undeveloped rural residential land in close proximity.
551. In terms of the criteria in Policy 2.6.1.4 (assessment prompted by Policy 2.6.1.3.c), the evidence of the DCC Transportation Group around safety is such that we consider the proposed rezoning poorly aligned with clause 2.6.1.4.b. There are also high class soil mapped on the site (a relevant consideration under 2.6.1.4.c.ii and ix), but this was not key to our decision-making in this instance.
552. For the same reasons that the site does not meet Policy 2.6.1.Y, there is poor alignment with Policy 2.6.1.3.d. While we sympathise with the submitter as regards effects arising from urban development in the vicinity, we do not consider this to be a factor that warrants rezoning of the land, and we do note the policies and criteria for considering a rezoning to rural residential do not include the economic viability of the farm unit. As discussed in section 3.2.10, we are generally not persuaded by arguments that these parcels of land are not able to be farmed in an economically viable manner, noting that there are a large number of much smaller undersized rural sites in Dunedin.

553. Overall, our conclusion is this property is poorly aligned with the 2GP's strategic policies for rural residential zoning. The key reasons for our decision are that the site has potential for significant development in an area that requires substantial infrastructure improvement, when the evidence suggests no additional capacity is required.

3.8.6.2 61 Brinsdon Road

554. *Ian Coleman* (OS284.2) sought to change the zoning of 61 Brinsdon Road (12.8 ha), Dunedin, from Hill Slopes Rural Zone to Rural Residential 1 Zone, because the property is not a viable economic unit and is the only small unit on Brinsdon Road that is not zoned rural residential.
555. The Reporting Officer, Mr Michael Bathgate, recommended that the submission be rejected, due to the existing capacity for rural residential development in nearby rural residential zones, the additional pressure a rezoning may put on the transport network, and the conflict with strategic policies relating to the expansion of rural residential areas (Section 42A Report, p. 134).
556. At the hearing, *Mr Coleman* presented a statement. He highlighted that his site was under the rural minimum site size, already rated as a lifestyle block and not a viable farm unit, with paddocks being leased for horse grazing. He contended that other existing properties zoned rural residential would have a larger impact on transport infrastructure at Brinsdon Road. *Mr Coleman* analysed his site in relation to the strategic policies 2.2.4.3 and 2.6.1.4, and concluded that it was not in conflict with these. He also noted that there had been no further submissions in opposition to his proposed rezoning.

3.8.6.2.1 *Decision and Reasons*

557. We reject the submission of *Ian Coleman* (OS284.2) to change the zoning of 61 Brinsdon Road to Rural Residential 1, or Rural Residential 2 which we note is also within scope.
558. We do not consider the site meets the criteria for rural residential zoning under Policy 2.6.1.Y, as the site is not the right size to be considered for Rural Residential 1 zoning, and there is no cluster of existing small sites at Rural Residential 2 scale. As such we considered this submission under Policy 2.6.1.3, in keeping with the policy framework outlined in section 3.2.10.
559. As discussed in section 3.2.10, we accept the evidence of the Reporting Officer that the 2GP makes sufficient provision for rural residential zoned land and so this rezoning request does not meet Policy 2.6.1.3.a. In light of this, we consider rezoning would not be consistent with Policy 2.6.1.3.b regarding maintaining the balance between provision of land for lifestyle farming, with the overall Plan objectives around maintaining a compact city and having efficient and effective public infrastructure networks. Although we consider rural residential capacity best assessed at a whole-of-city level for the reasons discussed in section 3.2.10, our conclusion is afforded further weight by the significant amount of undeveloped rural residential land in close proximity.
560. In terms of the criteria in Policy 2.6.1.4 (assessment prompted by Policy 2.6.1.3.c), the evidence of the DCC Transportation Group around the potential need for public infrastructure upgrades is such that we consider the proposed rezoning poorly aligned with clause 2.6.1.4.b. We consider Brinsdon Road provides a clear boundary between the area of Rural Residential 1 zoning on one side, and rural zoned land on the other, which raises questions of alignment with clause 2.6.1.4.c.i and viii (relating to rural character and amenity, and open space respectively).
561. For the same reasons that the site does not meet Policy 2.6.1.Y, there is poor alignment with Policy 2.6.1.3.d. As discussed in section 3.2.10, we are generally not persuaded by arguments that these parcels of land are not able to be farmed in an economically viable manner, noting that there are a large number of much smaller undersized rural sites in Dunedin.

562. We accept the evidence of the Reporting Officer that this request does not meet some fundamental policies and criteria for rezoning of rural land to rural residential, and these outweigh considerations of economic viability for farming.

3.8.6.3 26 Spiers Road, Halfway Bush

563. The *Dunedin City Council* (OS360.191) sought to change the zoning of 26 Spiers Road, Halfway Bush, from Hill Slopes Rural Zone to Rural Residential 1 Zone, because this site was identified as appropriate for rezoning in the 2GP rezoning request process, but omitted in error from the Rural Residential 1 Zone when the 2GP was notified. This was opposed by the owners *David More and Susan More* (FS2139.3), because "there is no advantage to either us or the city in changing the zoning to Rural Residential 1, and to do so would be contrary to proper planning principles, and the integrity of the plan". *William Glasson Clark* (FS2400.1) also opposed the submission, because retaining the rural zoning would ensure the "Rural character values" are met.
564. The Reporting Officer considered it appropriate to change the zoning of 26 Spiers Road to correct a mapping error, as this would formalise the existing use of the property, which already has a single dwelling, without creating any extra development potential (Section 42A Report, Section 5.7.5, p. 134).
565. At the hearing *Mr David More* and *Ms Susan More* appeared and tabled a written statement with images, reiterating their opposition to the possibility of any subdivision of their property at 26 Spiers Road. They highlighted difficulties in providing services to their property, access and roading difficulties, and drainage issues on the property.

3.8.6.3.1 Decision and Reasons

566. We accept the submission of *Dunedin City Council* (OS360.191), and have changed the zoning of 26 Spiers Road to Rural Residential 1 Zone.
567. We accept the Reporting Officer's view that this corrects a mapping error in the 2GP, and the evidence was this site is suitable for rural residential zoning. We note that this site, along with the other properties already zoned Rural Residential 1 in this area, meet the criteria under Policy 2.6.1.Y.a.
568. We draw the attention of the further submitters to the fact that this rezoning does not create any additional development potential on the site, as it already contains a residential activity and, with a site area of 2.25ha, cannot be further subdivided or have any additional residential activity established as of right. In this sense, the rezoning will formalise the existing use of the property, and there are no additional servicing requirements.

3.8.6.4 45 Honeystone Street, Helensburgh

569. *Carl Rundgren* (OS1077.1) submitted to change the zoning of 45 Honeystone Street from Hill Slopes Rural Zone to Rural Residential 2, as the property is too small (6.2 ha) for productive rural use. *Carl Rundgren* lodged a further submission (FS2092) amending the proposal, such that part of the property is zoned Rural Residential 2 and the remainder Rural Residential 1.
570. *Tim Mepham* (FS2032.1) supported *Carl Rundgren's* original submission, provided a buffer is created by preserving the native bush and streams between 45 Honeystone Street and the residential properties that border it, and if pine trees and other fast growing exotic species are removed that have been planted close to or on the boundary of 32 Honeystone Street as they are causing shading issues. We note that *Tim Mepham* appears to have (incorrectly) considered that Rural Residential 2 would provide for further subdivision of the land.
571. *Susan Creagh Yule* (FS2089.1) supported the submission, and requested the re-zoning of her property at 32 Honeystone Street (2.4ha) to Rural Residential 2 Zone. She noted that since the property is surrounded by 45 Honeystone Street, it would be appropriate for it to have the same zoning.

572. *Brian Dow* (FS2129.1) supported *Mr Rundgren's* submission but referred to Rural Residential 1 as the zoning he supported. He expanded his submission to submit that the area from the northern boundary of 45 Honeystone St to Ross Creek, parallel with the entire length of Wakari Road, should be rural residential or even residential. He considered that none of the properties in that area have productive soil types.
573. *Mr Rundgren's* submission was opposed by *Ross & Mary Matheson* (FS2159) and *Kurt Chisholm* (FS2187) because they considered the productivity of the land could be increased by alternative more intensive farming activity; high amenity values on the site could be lost through more intensive development; the site does not meet the test for RR2 zoning; rezoning would unnecessarily reduce the rural zone land that surrounds the city; and undermine the intentions of the 2GP.
574. We note that submissions in relation to 32 and 45 Honeystone Street were considered in the Urban Land Supply Section 42A Report and at the Urban Land Supply Hearing, to consider them with other rezoning requests in the vicinity. However, we include our decision in this Rural Residential Decision together with other decisions on submissions seeking rural residential rezoning.
575. The Reporting Officer to the Urban Land Supply Hearing, Ms Emma Christmas, recommended rezoning 32 Honeystone Street and the eastern part of 45 Honeystone as Rural Residential 1, and the remainder as Rural Residential 2 and/or applying a transitional overlay to the western part of 45 Honeystone Street to allow future large lot development, if there was scope. On the basis of the submissions themselves, there was no scope as the more intensive development was not part of an original submission - it appeared that the original submission in seeking Rural Residential 2 zoning had contemplated providing for subdivision down to 1ha.
576. The Reporting Officer also made the following statements:
- Rezoning 45 Honeystone Street to rural residential recognises the current use of the property and is consistent with Policy 2.6.1.4. Policy 2.6.1.4.a requires that RR1 zoning is only applied to areas less than 4ha, with Rural Residential 2 applied to the rest until such time as there is a shortage of capacity.
 - *Mr Rundgren's* evidence at the ULS Part 1 Hearing suggested that the desired zoning is Large Lot Residential for the western part of the site, so it can be subdivided into 5 sites, with Rural Residential 2 for the remainder. Assuming scope can be found to do this, Policy 2.6.1.3 and 2.2.4.1 are relevant. Rezoning the area is only consistent with Policy 2.6.3.1 if wastewater constraints could be resolved. A transitional overlay, or a structure plan requiring on-site disposal, might be appropriate to achieve this.
 - Policy 2.2.4.1.b requires that efficient use is made of land through general residential zoning, except where site constraints indicate that a low density zoning is appropriate. In this case, the only potential constraint is if there is a need for wastewater disposal on-site. However, the submitter is seeking a Large Lot Residential zoning to preserve the amenity of the area.
577. *Mr Rundgren* appeared at the Urban Land Supply Hearing and spoke about the topography, the subdivision history of the site, and how a subdivision could provide for five more house sites while still providing for the amenity planting to be retained.
578. Ms Christmas advised that she considered that there was no scope to provide the higher density development that was envisaged in the submissions from *Mr Rundgren* or *Ms Yule*. As such the supporting further submissions also had no scope to request a decision that would increase the development potential.

3.8.6.4.1 *Decision and reasons*

579. Relying on the only evidence presented, we do not believe there is scope for anything other than rural residential zoning for 45 and 32 Honeystone Street. There is scope to rezone the sites either Rural Residential 2 (for number 45 under *Mr Rundgren's* original

submission, and for number 32 under the submission of *Craig Horne Surveyors Limited*, OS704.22). The submission of *Craig Horne Surveyors Limited*, OS704.22 also provides scope for the properties to be zoned Rural Residential 1.

580. We assessed 45 and 32 Honeystone Street against Policy 2.6.1.Y, as we agree the sites in the area constitute a mostly-developed cluster of small sites. The density of the cluster of sites is consistent with clause 2.6.1.Y.b, consistent with Rural Residential 2 zoning, though we note Rural Residential 2 zoning gives no development rights over and above that which the sites are already developed to.
581. However, in assessing the sites against Policy 2.6.1.4, we noted a poor alignment with a number of criteria. The sites have been identified as having high class soils, and though this is not coupled with flat topography as on the Taieri, the presence of these soils nevertheless reduces their alignment with clause 2.6.1.4.c.ii. The submissions of *Ross & Mary Matheson* (FS2159) and *Kurt Chisholm* (FS2187) also raised issues relating to rural character and amenity and other aesthetic considerations (which are relevant considerations under Policy 2.6.1.4.c.i and viii), and *Mr Rundgren* discussed areas of bush and a stream on the property, which require consideration under clauses 2.6.1.4.c.v, vi and vii (albeit *Mr Rundgren* did offer up protection options for these values). The area is not, however, within a landscape or coastal character overlay (suggesting alignment with clause 2.6.1.4.c.iii and iv), and the evidence of the DCC Transportation Group did not raise issues, suggesting alignment with clause 2.6.1.4.b.
582. As discussed in the Urban Land Supply Decision Report, we were convinced by the discussion relating to a number of sites in the Wakari area that there was potential to consider some of the land in the area suitable for future residential development. While we consider there is no scope to provide for denser and better planned development at this stage as part of our deliberations on submissions, we consider that the Wakari Road area may have attributes that could support future rezoning to General Residential 1 density. This would need to be progressed as a plan change with a proper evaluation of all of the issues, and, if such development proved appropriate, a structure plan to provide for the most efficient development of the land while still protecting the important amenity that the Wakari area affords the greater city. Rural Residential 1 zoning might cause development in a way that is inconsistent with future higher density residential use, and we therefore conclude that Rural Residential 1 zoning would not be well aligned with Policy 2.6.1.4.a. This was a significant factor in our assessment that rural residential zoning is not appropriate in this location.
583. On this basis, we reject the submission of *Carl Rundgren* and have retained the Hill Slopes Rural Zone for 45 Honeystone Street. We have also retained the same rural zoning for 32 Honeystone Street.

3.8.7 Zoning Submissions – Taieri

3.8.7.1 231 Dukes Road North, North Taieri

584. *Jane Mcleod* (OS186.1) sought to change the zoning of 231 Dukes Road North from Taieri Plains Rural Zone to Rural Residential 1 Zone, because "at 5.3469 hectares the property is already subdivided smaller than the Rural zoning allows" and other rural land in the vicinity is proposed to be Rural Residential 1. This was supported by *Salisbury Park Ltd* (FS2344.1).
585. The Reporting Officer, Mr Michael Bathgate, considered that it would not be appropriate to change the zoning as it would not be contiguous with other Rural Residential 1 zoning; would conflict with Policy 2.2.4.3.b to avoid creating new rural residential subdivisions; is adjacent to an industrial zoned site; and has a Hazard 2 (flood) overlay (Section 42A Report, pp. 138-140).
586. *Ms Jane Mcleod* presented a statement at the hearing. *Ms Mcleod* did not agree with the reasons for the Section 42A recommendation, noting that being in a flood overlay zone has not hindered other development in the area; that the site has a very small proportion of high class soils; that the nearby rural residential zone is only 700m away and connected by the Taieri Gorge Railway line; and that there only appears to be one

vacant site in the Wingatui Rural Residential 1 Zone. *Ms Mcleod* considered that not all rural residential land is of equal appeal and utility, and contended that there is a need for more flat rural residential land for equestrian purposes.

3.8.7.1.1 *Decision and Reasons*

- 587. We reject the submission of *Jane Mcleod* (OS186.1) to change the zoning of 231 Dukes Road North to Rural Residential 1 Zone.
- 588. We do not consider the site meets the criteria for Rural Residential 1 zoning under Policy 2.6.1.Y, as it is not part of a cluster of existing small sites at rural residential scale. As such we considered this submission under Policy 2.6.1.3, in keeping with the policy framework outlined in section 3.2.10.
- 589. As discussed in section 3.2.10, we accept the evidence of the Reporting Officer that the 2GP makes sufficient provision for rural residential zoned land and so this rezoning request does not meet Policy 2.6.1.3.a. In light of this, we consider rezoning would also not be consistent with Policy 2.6.1.3.b regarding maintaining the balance between provision of land for lifestyle farming, with the overall Plan objectives around maintaining a compact city and having efficient and effective public infrastructure networks.
- 590. In terms of the criteria in Policy 2.6.1.4 (assessment prompted by Policy 2.6.1.3.c), the evidence of the DCC Transportation Group did not raise any issues relating to public infrastructure under clause 2.6.1.4.b. However, the site is in a Hazard 2 (Flood) overlay zone (a relevant consideration under clause 2.6.1.4.c.ix). In addition it is adjacent to an Industrial Zone (issues associated with noise from the adjacent Fonterra plant are canvassed in the Public Health and Safety Decision Report), and has been identified as having high class soils and soils classified as LUC 1, which puts the site in conflict with clause 2.6.1.4.c.ii. While we agree with the submitter that different sized sites will be attractive to different types of rural use, we note there already are a large number of undersized rural sites in Dunedin, including some with flat topography.
- 591. For the same reasons that the site does not meet Policy 2.6.1.Y, there is poor alignment with Policy 2.6.1.3.d.
- 592. We therefore conclude that 231 Dukes Road North is not appropriate for rural residential zoning.

3.8.7.2 326, 324, 322, 308, 306, 290, 284, 280, 288 and 270 Factory Road, and 95 Puddle Alley

- 593. *Glenelg Gospel Trust* (OS350.7) sought to change the zoning of 326 Factory Rd, Mosgiel, and "adjoining undersized rural sites" from Taieri Plains Rural Zone to Rural Residential 1 to provide for further development. This was opposed by *Harboursides and Peninsula Preservation Coalition* (FS2267.108) because "down-zoning Rural land to Rural Residential is not warranted, as Council reports state that the supply of Rural Residential land is adequate"; and *AgResearch Limited* (FS2398.43) because of concerns about reverse sensitivity.
- 594. *Stephen Gregory Johnston* (OS1030.6) sought to change the zoning of the block of land comprised of 326, 324, 322, 308, 306, 290, 284, 280, 288 and 270 Factory Road, and 95 Puddle Alley, from Taieri Plains Rural Zone to Rural Residential 1 Zone because rural zoning is "not appropriate for the sites", as the sites are 'undersized'. This was opposed by *Kenneth Sinclair Miller* (FS2063.1) because of concerns about stormwater runoff; *Harboursides and Peninsula Preservation Coalition* (FS2267.121) because "down-zoning Rural land to Rural Residential is not warranted as Council reports state that the supply of Rural Residential land is adequate"; and *AgResearch Limited* (FS2398.44) because of concerns about increased potential for reverse sensitivity effects on the nearby Invermay Agricultural Research Centre.

595. The block of land containing 326, 324, 322, 308, 306, 290, 284, 280 and 288 Factory Road and 95 Puddle Alley is zoned Taieri Plains Rural Zone. Most of the properties contain single dwellings and range from between two and eight hectares in area. 326 Factory Road is 5ha, 324 Factory Road is 2.8 ha, 322 Factory Road is 4ha, 308 Factory Road is 4ha, 306 Factory Road is 8ha, 290 Factory Road is 4.45ha, 280 and 284 Factory Road, which has two dwellings, is 3.2ha, 288 Factory Road is 6.46ha, and 95 Puddle Alley is 2.97ha. 270 Factory Road is 4.25ha, zoned as Invermay and Hercus Major Facility Zone, and is the location of an animal breeding facility.
596. The Reporting Officer, Mr Michael Bathgate, did not consider it appropriate to change the zoning of these properties, because of traffic safety issues raised by the DCC Transportation Group and because there is already sufficient capacity in the nearby Chain Hills and Tirohanga Road Rural Residential 1 areas. Additionally, Mr Bathgate noted that any increase in intensification may result in increased flood risk; there are potential reverse sensitivity issues on land adjacent to Invermay; and the 2GP does not encourage further rural residential activity on high class soils or Land Use Capability classes 1-3 (Section 42A Report, pp. 139-140).
597. At the hearing, Mr Nick Daniels appeared for *AgResearch* and tabled a statement reiterating their opposition to the rezoning requests of both *Glenelg Gospel Trust* and *Stephen Gregory Johnston*. The *AgResearch* opposition was primarily related to increased reverse sensitivity effects from the establishment of more neighbouring lifestyle blocks. *AgResearch* is concerned about additional costs, delays and uncertainties with respect to their operations.
598. At the hearing, Mr Allan Cubitt (resource management consultant) appeared for *Glenelg Gospel Trust*. Mr Cubitt noted that the submitter had achieved what they sought through the resource consent process and wasn't really pursuing their rezoning submission as a result.
599. *Stephen Johnston* spoke at the hearing, contending that the land in the area was not rural in nature, but 2-4ha blocks. *Mr Johnston* did not consider reverse sensitivity with Invermay to be a major issue, noting that there had been no complaints resulting from a recent subdivision in the area. *Mr Johnston* thought that a Rural Residential 2 zoning would be appropriate as it would maintain the existing titles without further subdivision.

3.8.7.2.1 *Decision and Reasons*

600. We reject the submissions of *Glenelg Gospel Trust* (OS350.7) and *Stephen Gregory Johnston* (OS1030.6) to change the zoning of the site at 270 Factory Road to Rural Residential 2, as this site is part of the Invermay operations and should therefore retain its Invermay and Hercus zoning.
601. We also reject the submissions of *Glenelg Gospel Trust* (OS350.7) and *Stephen Gregory Johnston* (OS1030.6) and have retained the Taieri Plain Rural zoning of 326, 324, 322, 308, 306, 290, 284, 280, and 288 Factory Road, and 73 and 95 Puddle Alley. We note that submission OS1030.6 included a map that indicated that 73 Puddle Alley Road be included in the rezoning request and this was inadvertently omitted from the s42A Report.
602. We assessed these latter sites against Policy 2.6.1.Y, as we agree they constitute a mostly-developed cluster of small sites in separate land tenure. We disagree with *Mr Stephen Johnston's* estimate of density, however, noting that the cluster does not meet the site size criteria relating to Rural Residential 1 zoning (2.6.1.Y.a), but rather, is consistent with the density criteria in clause 2.6.1.Y.b (which suggests Rural Residential 2 zoning).
603. However, when assessed against Policy 2.6.1.4, there is particularly poor alignment with a key criterion - we consider rezoning of the area inconsistent with clause 2.6.1.4.c.ii, relating to rural productivity. The site is wholly covered by soils classified as LUC 1 and 3, and mostly covered by the high class soils mapped area. We note the area also has flat topography, which enhances the productive values of this location. The submission of *AgResearch Limited* also raised significant concerns about reverse sensitivity, and we accept the evidence of Mr Nick Daniels in relation to the adverse

effects this can have on rural farming and research operations. As discussed in the Rural Decision Report, we accept the 2GP's approach to maintaining rural productivity and rural land in rural uses by taking a long term perspective. We consider this particularly important in the context of the Reporting Officer's evidence about the large number of existing undersized rural sites in Dunedin. We agree with the Reporting Officer's assessment that the sustainable management of natural and physical resources dictates that rural land (particularly flat, alluvial land with good soils) should be considered in terms of its future productive potential, rather than solely viewed in terms of the use to which has been, or is currently being put to.

604. We accept the Reporting Officer's evidence that further intensification may cause increased flood risk (it being in a Hazard 3 (Flood) overlay zone - a relevant consideration under clause 2.6.1.4.c.ix). We consider further intensification of this area of the Taieri Plain may also raise issues relating to rural character and amenity and other aesthetic considerations (which are relevant considerations under Policy 2.6.1.4.c.i and viii), and the evidence of the DCC Transportation Group raised relatively minor public infrastructure issues, relevant under clause 2.6.1.4.b.
605. Based on this assessment, we consider Rural Residential 2 zoning would be in conflict with the strategic policies, most notably that it would be creating a new area of rural residential zoning within an area of highly productive rural land.
606. We note that the proposed change to Rural Residential 1 zoning is to be assessed under Policy 2.6.1.3 (as it does not meet the site size criteria under 2.6.1.Y.a). The alignment issues with Policy 2.6.1.4 listed above also apply to Rural Residential 1 zoning. In addition, we consider rezoning would be in conflict with Policy 2.6.1.3.a (as we accept the evidence of the Reporting Officer that the 2GP makes sufficient provision for rural residential zoned land) and therefore also with Policy 2.6.1.3.b (regarding maintaining the balance between provision of land for lifestyle farming, with the overall Plan objectives around maintaining a compact city and having efficient and effective public infrastructure networks).
607. Overall, we do not consider that rezoning to Rural Residential 1 or 2 would be appropriate in this location given the conflict with strategic objectives, and that the existing rural zoning is more appropriate.

3.8.7.3 2 and 16 Friends Hill Road, Wingatui and 316, 320, 324, 328, 330 and 332 Gladstone Road North, Wingatui

608. *Dunedin City Council* (OS360.192) sought to change the zoning of 2 Friends Hill Road, Wingatui, and 316, 320, 324 and 330 Gladstone Road North, Wingatui, from Hill Slopes Rural Zone to Rural Residential 1 Zone. This was to correct a mapping error as the properties were intended to be included in the Rural Residential 1 Zone in the proposed 2GP, having been recommended for rezoning as part of the 2GP Rezoning Request process prior to notification. The *Dunedin City Council* submission incorrectly included the site at 316 Gladstone Road North, which was already zoned Rural Residential 1. As there were no submissions requesting this land to be zoned to anything other than Rural Residential 1 zoning, then that zoning must be retained.
609. *NB Consulting* (OS769.4) sought to change the zoning of 16 Friends Hill Road and 328 Gladstone Road North, Wingatui, from Hill Slopes Rural Zone to Rural Residential 2 Zone because "the land use in the area is identical to surrounding land but is not included in the rural residential zone".
610. The sites at 2 and 16 Friends Hill Road, and 316, 320, 324, 328, 330 and 332 Gladstone Road North, Wingatui, are a group of undersized Hill Slopes Rural zoned site which range in size from 0.8ha to 7.89ha.
611. The Reporting Officer, Michael Bathgate, recommended that the *DCC* submission be accepted, because the change in zoning is an extension of the existing Rural Residential 1 Zone and was intended to be included in the 2GP as part of the supply of rural residential land, but was excluded in error.

612. With regard to the *NB Consulting* submission, rather than rezoning as Rural Residential 2 in isolation, Mr Bathgate considered it appropriate to apply a Rural Residential 1 zoning to 328 Gladstone Road North as this would be an extension of the existing Rural Residential 1 zoning on adjacent properties (if the DCC submission is accepted) and would create no extra development potential. However, given the size of the 16 Friends Hill Road property, Mr Bathgate did not consider it appropriate to apply a Rural Residential 1 zoning as this would create too much development potential which may adversely affect rural character and amenity. He did not consider the site met the criteria for Rural Residential 2 zoning and noted that it already contained a dwelling so such a zoning would not allow for more development (Section 42A Report, pp. 140-141).
613. Mr Bathgate noted that a specific submission to rezone the site at 332 Gladstone Road North, Wingatui, had not been received, but if the other sites in this area are rezoned this site would be an 'island' of rural zoned land. He considered that 332 Gladstone Road North should also be rezoned Rural Residential 1, based on the scope of the *Craig Horne Surveyors Limited* (OS704.22) submission that there be more land zoned rural residential.
614. The Reporting Officer's recommendation was to change the zoning of 2 Friends Hill Rd and 316, 320, 324, 328, 330 and 332 Gladstone Road North, Wingatui to Rural Residential 1 Zone (Addendum to Rural Residential Report, para 20).

3.8.7.3.1 *Decision and Reasons*

615. We accept in part the submission of the *Dunedin City Council* (OS360.192) and have changed the zoning of 2 Friends Hill Road, and 330 and 332 Gladstone Road North, Wingatui, to Rural Residential 1 Zone. We accept the Reporting Officer's evidence that the zoning of these sites Hill Slopes Rural Zone was a mapping error. We also note these sites meet the criteria for Rural Residential 1 zoning under Policy 2.6.1.Y.a (when considered with adjacent Rural Residential 1 zoning), including the absence of any notable conflict with Policy 2.6.1.4. The exception is a Hazard 3 (Flood) overlay zone over part of the properties, but there was no evidence that the objective of "no more than low" risk could not be met under clause 2.6.1.4.c.ix.
616. We note that 316 Gladstone Road North has retained its Rural Residential 1 zoning as it was erroneously included in the *Dunedin City Council* (OS360.192) submission and no requests to change that zoning were made.
617. We reject those parts of the submission of the *Dunedin City Council* (OS360.192) relating to 320 and 324 Gladstone Road North, and we reject the submission of *NB Consulting* (OS769.4), and have retained the Hill Slopes Rural zoning for 16 Friends Hill Road and 320, 324 and 328 Gladstone Road North, Wingatui.
618. The reasons for our decision are that we do not consider that the sites at 320, 324 and 328 Gladstone Road North and 16 Friends Hill Road meet the criteria for rezoning as Rural Residential 1 under Policy 2.6.1.Y.a, as are too large, all being greater than 4 ha.
619. We considered the application of Rural Residential 2 zoning for these sites, as they do align with the site size criteria under Policy 2.6.1.Y.b, however we are not convinced that creating an isolated small cluster of Rural Residential 2 in this location would best meet the strategic policies for rural residential zoning. As discussed in section 3.2.10, we do not think this reflects best planning practice, and which we consider to be particularly clear in this case, applying Rural Residential 2 zoning would further isolate an adjacent sliver of rural land below Chain Hills Road, which may lead to future pressure for its conversion away from rural zoning.

3.8.7.4 165 Hazlett Road, Dunedin

620. *Salisbury Park Ltd* (OS488.14) sought to change the zoning of 165 Hazlett Road, Dunedin (14.8ha in three titles), from Taieri Plains Rural Zone to Rural Residential 2 Zone because it considered that the property is "ideally suited to rural residential

development, being located in an area that contains a high proportion of rural residential sites of various sizes".

621. The Reporting Officer, Mr Michael Bathgate, considered the request did not meet the criteria for Rural Residential 2 zoning as the property is relatively large at over 14ha; although there are 3 sites, they are part of the same property for the purposes of land tenure and are currently undeveloped, and so in itself the property does not meet the clustering criteria (Section 42A Report, p.142). Mr Bathgate considered there is sufficient capacity for rural residential activity in the nearby Tirohanga Road rural residential zone without adding another rural residential area. He considered it would potentially be in conflict with Policy 2.6.1.4.b, that requires that land is already subdivided and at least partly developed at a rural residential density.
622. At the hearing, Mr Allan Cubitt (resource management consultant) presented evidence for *Salisbury Park Ltd*. Mr Cubitt's evidence considered three approaches for this property – rezoning as either Rural Residential 1 or 2, or amending the rural zones policy framework to allow land that is already fragmented to be considered for the rural living options sought by the community. Mr Cubitt contended that the Mosgiel and North Taieri areas should have been considered in the development of Rural Residential 2 zoning, as there is demand in these areas as opposed to other rural residential areas which may have constraint issues (e.g. lack of demand, landowner unwillingness to develop).
623. Mr Cubitt considered that the three sites at 165 Hazlett Road are already at rural residential density. His evidence assessed the sites against the criteria in Policy 2.6.1.4 and concluded that it meets these criteria and would also achieve the outcomes sought by the objectives and policies of the Rural Residential Section of the 2GP. Mr Cubitt considered that this was an area that had never been used for intensive food production or horticulture, and the Hazlett Road property was not economically productive being too small to be a productive farm. He also considered that flooding was not known to occur in this area.

3.8.7.4.1 *Decision and Reasons*

624. We reject the submission of *Salisbury Park Ltd* (OS488.14) to change the zoning of 165 Hazlett Road to Rural Residential 2. We consider that there is poor alignment with the criteria set out in Policy 2.6.1.Y, as there is such a significant discrepancy between the 165 Hazlett Road itself, and adjacent fully developed undersized rural sites, most of which are under 1ha in size. The properties are in separate titles but collectively comprise a 14ha farm property in the same tenure, undeveloped for rural residential activity. We note (as discussed below), that there is also a lack of alignment with key criteria in Policy 2.6.1.4. We agree with the Reporting Officer in this regard, and also accept his evidence that these are not situations that we consider the 2GP is encouraging more intensive development, especially while there is sufficient capacity in other zoned areas.
625. We have therefore assessed the submission against Policy 2.6.1.3, in accordance with the policy framework set out in section 3.2.10, above.
626. As discussed in section 3.2.10, we accept the evidence of the Reporting Officer that the 2GP makes sufficient provision for rural residential zoned land and so these rezoning requests do not meet the first criterion in Policy 2.6.1.3.a. In light of this, we consider rezoning would not be consistent with Policy 2.6.1.3.b regarding maintaining the balance between provision of land for lifestyle farming, with the overall Plan objectives around maintaining a compact city and having efficient and effective public infrastructure networks.
627. In terms of the criteria in Policy 2.6.1.4 (assessment prompted by Policy 2.6.1.3.c), we note that the criteria referred to by Mr Cubitt in Policy 2.6.1.4 have been amended. We do not consider rezoning of the area consistent with clause 2.6.1.4.c.ii, relating to rural productivity. The property is almost completely covered by soils classified as LUC 1 and 3, and mostly covered by the high class soils mapped area. We note the area also has flat topography, which enhances the productive values of the property. As discussed in

the Rural Decision Report, we accept the 2GP's approach to maintaining rural productivity and rural land in rural uses by taking a long term perspective. We consider this particularly important in the context of the Reporting Officer's evidence about the large number of existing undersized rural sites in Dunedin. We agree with the Reporting Officer's assessment that the sustainable management of natural and physical resources dictates that rural land (particularly flat, alluvial land with good soils) should be considered in terms of its future productive potential, rather than solely viewed in terms of the use to which has been, or is currently being put to, which the evidence of Mr Cubitt has emphasised.

- 628. As noted in the Natural Hazard Decision Report, while the flood hazard that Mr Cubitt and the Reporting Officer referred to (a relevant consideration under clause 2.6.1.4.c.ix) has changed to an alluvial fan hazard, as a result of decisions on this section we note a substantial part of the property now has a swale mapped area over it, where any development is unlikely to be supported. While we agree with Mr Cubitt that this does not preclude development, it also does not suggest these sites are particularly well suited for rural residential zoning.
- 629. While the evidence of the DCC Transportation Group did not raise any issues relating to public infrastructure under clause 2.6.1.4.b, and there are no landscape or natural character overlays associated with the property, we consider there may be questions of alignment with clauses 2.6.1.4.c.i and viii, relating to rural character and amenity and other aesthetic considerations.
- 630. For the same reasons that the site does not meet Policy 2.6.1.Y, there is poor alignment with Policy 2.6.1.3.d.
- 631. We therefore conclude that 165 Hazlett Road is not appropriate for rural residential zoning. We accept the evidence of the Reporting Officer that this property does not meet the strategic directions policies relating to rural residential zoning, including that it would be creating a new area of rural residential zoning within an area of highly productive rural land.

3.8.7.5 155 and 135 Chain Hills Road, Dunedin

- 632. *PS & MJ Thomson* (OS950.3) sought to change the zoning of part of 155 Chain Hills Road, Dunedin, from Hill Slopes Rural Zone to Rural Residential 1 Zone, because the part of the site adjoining Chain Hills Road (Lots 1 and 2) "is more suited to a rural residential zoning" and there has been a recent subdivision application granted for this property. This was supported by *Brendan Moore and Chota Moore* (FS2108.2) who also sought to rezone their property at 135 Chain Hills Road to Rural Residential 1, or alternatively have the existing dwelling at 135 Chain Hills Road zoned as Rural Residential 1 and "one residential dwelling to be approved for the balance of the property".
- 633. The sites at 135 and 155 Chain Hills Road, adjoin each other and have areas of approximately 16ha and 19ha respectively. The Reporting Officer considered that regularising the existing rural residential style development on the 2ha site created as a result of the recent subdivision consent would be consistent with the Rural Residential 1 zoning on either side of Chain Hills Road for most of the east-westerly extent between Mosgiel and Wingatui (Section 42A Report, p.144). It was recommended that the submission by *PS & MJ Thomson* be accepted and the submission from *Brendan Moore and Chota Moore* be accepted in part with the residentially developed portion of the site at 135 Chain Hills Road (approximately 2.3ha) being rezoned from to Rural Residential 1. We note, however, that it is not open to a person, through a further submission, to request additional relief to that which was requested via an original submission, and so we consider there is no scope to grant the relief sought by *Brendan Moore and Chota Moore* through their further submission.
- 634. Mr Allan Cubitt (planning consultant) appeared for *PS & MJ Thomson* at the hearing, and stated that the submitters would not be pursuing their submission as they had got what they wanted through the resource consent.

635. Mr John Willems (planning consultant) appeared for *Brendon and Chota Moore* at the hearing, and tabled a statement which contended that there was a zoning inconsistency along the submitters' side of Chain Hills Road, which would be rectified by zoning a portion of land on the northern side of the road as Rural Residential 1. This would assist with maintaining the property and its plantation trees, through allowing two building platforms linked to each of the plantation areas.

3.8.7.5.1 *Decision and Reasons*

636. We reject the submission of *PS & MJ Thomson* (OS950.3) to change the zoning of part of 155 Chain Hills Road to Rural Residential 1 Zone. We also reject the submission of *Brendan Moore and Chota Moore* (FS2108.2). As noted above we consider there is no scope to grant this relief via a further submission, although we did consider this request under scope of the submission of *Craig Horne Surveyors Limited* (OS704.22).
637. We do not consider the sites meet the criteria for Rural Residential 1 zoning under Policy 2.6.1.Y, as there is no cluster of existing small sites at rural residential scale in this location. While there are a number of small sites at Rural Residential 1 scale on the northern side of Chain Hills Road (most of which have already been recognised with inclusion in the Rural Residential 1 zone), they do not constitute a continuous 'band' of development as contended by Mr Willems. In terms of 135 Chain Hills Road, the residential development on the site is part of a 16ha property, and for 155 Chain Hills Road the site is 19 ha in area, which is above the thresholds for rural residential zoning outlined in Policy 2.6.1.Y.
638. As such we considered both sites under Policy 2.6.1.3, as per the policy framework outlined in section 3.2.10.
639. As discussed in section 3.2.10, we accept the evidence of the Reporting Officer that the 2GP makes sufficient provision for rural residential zoned land and so these rezoning requests do not meet the first criterion in Policy 2.6.1.3.a. In light of this, we consider rezoning would not be consistent with Policy 2.6.1.3.b regarding maintaining the balance between provision of land for lifestyle farming, with the overall Plan objectives around maintaining a compact city and having efficient and effective public infrastructure networks.
640. In terms of the criteria in Policy 2.6.1.4 (assessment prompted by Policy 2.6.1.3.c), the evidence of the DCC Transportation Group did not raise any issues relating to public infrastructure under clause 2.6.1.4.b, and nor are there any overlays in the area to suggest conflict with clauses 2.6.1.4.c.iii, iv, or ix. However, rezoning this land would establish a quite irregular zone boundary in this location, and potentially undermine the integrity of the remaining Hill Slopes Rural Zone, which is already restricted in terms of its size and is vulnerable to further encroachment for rural residential development. We therefore conclude rezoning this land rural residential would be in conflict with clause 2.6.1.4.c.ii, related to rural productivity.
641. For the same reasons that the site does not meet Policy 2.6.1.Y, there is poor alignment with Policy 2.6.1.3.d.
642. We also note that *PS & MJ Thomson* (OS950.3) have already obtained resource consent for subdivision and have developed the land for rural residential purposes, and so the use and development of the land is not contingent on a rural residential zoning. We also understand that the submitter no longer wishes to pursue the rezoning request as recorded above.
643. On balance, while there is an argument that rezoning will reflect the resource consent that was granted, overall, we consider that rural residential zoning would not be consistent with either Policy 2.6.1.Y, or Policy 2.6.1.3, and a better outcome in terms of the integrity of the Hill Slopes Rural Zone will be to retain the zoning and not extend the rural residential boundary into this area.

3.8.7.6 207 & 213 Bush Road, Mosgiel

644. *YJ Cummings* (OS1056.1) sought to change the zoning of 207 & 213 Bush Road, Mosgiel (2.02 and 0.95ha respectively), from Taieri Plains Rural Zone to Rural Residential 2 Zone, and to consider Rural Residential 2 zoning for adjoining sites along both Bush Road and Riccarton Road West because of the rural residential nature of the properties in the area.
645. The sites at 207 and 213 Bush Road, Mosgiel, are two of a number of smaller of sites ranging size from 0.77ha to just over 4ha to the west of the intersection of Bush Road and Riccarton Road West. The Reporting Officer, Michael Bathgate, did not consider it would be appropriate to rezone the property and surrounding properties as Rural Residential 2, because it would not serve the purpose of the zone, which is to recognise vacant undersized rural sites in partly developed clusters (Section 42A Report, p. 145). He also noted that the properties are within a High Class Soil mapped area and subject to a Hazard 3 (flood) Overlay Zone.
646. Mr John Willems (planning consultant) appeared for *YJ Cummings* at the hearing, and tabled a statement which asked for a zoning more practical for the size of the properties along Bush Road. He said the statement erred in asking for Rural Residential 1, at the hearing Mr Willems confirmed that it was Rural Residential 2 that the submitters sought.

3.8.7.6.1 *Decision and Reasons*

647. We reject the submission of *YJ Cummings* (OS1056.1) and have not changed the zoning of 207 and 213 Bush Road, Mosgiel as sought by the submitter.
648. We do not consider that 207 and 213 Bush Road and surrounding sites meet the criteria set out in Policy 2.6.1.Y, as they do not constitute a mostly-developed cluster of sites in separate land tenure at Rural Residential 2 density, but rather a fully developed cluster of sites at a mixture of both Rural Residential 1 and Rural Residential 2 density. As discussed in section 3.2.10, given that it is not a question of development rights, we do not consider it necessary nor good practice to rezone fully developed clusters of undersized rural sites, where doing so would create small isolated patches of rural residential zoning, especially where the area in question has clear conflict with the criteria listed in Policy 2.6.1.4.
649. In terms of the criteria in Policy 2.6.1.4, we do not consider rezoning of the area consistent with clause 2.6.1.4.c.ii, relating to rural productivity. The property is completely covered by soils classified as LUC 1 and 3, and almost completely covered by the high class soils mapped area. We note the area also has flat topography, which enhances productive values. We also consider there is the potential for reverse sensitivity issues arising from any additional residential activity in this farmland area, noting from our site visits and knowledge of the area the presence of the timber processing operation on the opposite side of Bush Road.
650. While the evidence of the DCC Transportation Group did not suggest any issues relevant to clause 2.6.1.4.b, we note the presence of a Hazard 3 (Flood) overlay zone (a relevant consideration under clause 2.6.1.4.c.ix) and in addition, consider further intensification in this location may raise issues relating to rural character and amenity and other aesthetic considerations (which are relevant considerations under Policy 2.6.1.4.c.i and viii).
651. Given the lack of alignment with Policy 2.6.1.Y, we have then assessed the sites against Policy 2.6.1.3, in accordance with the policy framework set out in section 3.2.10.
652. As discussed in section 3.2.10, we accept the evidence of the Reporting Officer that the 2GP makes sufficient provision for rural residential zoned land, and so this rezoning request does not meet the first criterion in Policy 2.6.1.3.a. In light of this, we consider rezoning would not be consistent with Policy 2.6.1.3.b regarding maintaining the balance between provision of land for lifestyle farming, with the overall Plan objectives around maintaining a compact city and having efficient and effective public infrastructure networks.

- 653. In relation to Policy 2.6.1.3.d, as a cluster of smaller undersized rural sites, these properties align better with this criterion than other larger rural sites.
- 654. Based on this assessment, we consider the properties are not well aligned with the strategic policies for rural residential zoning, in that it would be creating a new area of rural residential zoning within a wider area of highly productive rural land.

3.8.8 Zoning Submissions – Leith and North East Valley

3.8.8.1 122 Campbells Road

- 655. *Barbara and Donald McCabe* (OS251.1) sought to change the zoning of 122 Campbells Road (6.3ha) and surrounding rural sites from Hill Slopes Rural Zone to Rural Residential 1 Zone because the area is rural residential in character.
- 656. The Reporting Officer, Mr Michael Bathgate, did not consider it appropriate to change the zoning as this would introduce a new Rural Residential 1 Zone for one site only (Section 42A Report, pp. 151-152). He noted that the property is also subject to a Significant Natural Landscape Overlay and more intensive development may adversely affect the rural and landscape values. However, because the property is in very close proximity to an existing Rural Residential 2 Zone, Mr Bathgate recommended changing the zoning to Rural Residential 2 to formalise the existing use of the site and include the property within the existing cluster. It was recommended that the submission by *Barbara and Donald McCabe* be accepted in part, and that the site at 122 Campbells Road and 76, 88, 93, 96, 104, 112, 119, 120, and 145 Campbells Road, and 500 Pine Hill Road be rezoned to Rural Residential 2 Zone; these properties range in size from 4.3ha to 0.98ha.
- 657. At the hearing, Mr Conrad Anderson (resource management consultant) appeared for *Barbara and Donald McCabe* and circulated evidence. Mr Anderson's evidence stated that the rationale for rejecting Rural Residential 1 Zoning (based on being only one site) does not follow if the other sites recommended in the Section 42A Report for Rural Residential 2 zoning are also included. He noted that the site does not contain high class soils, is south-facing with no bush, and not generally visible. On page 7 of his evidence, Mr Anderson concluded "The 'stepping' from the residential area associated with Pine Hill to the Rural Hill slopes of Mount Cargill would be better achieved with the inclusion of a Rural Residential 1 zone between the General Residential and the Rural Residential 2 zones".
- 658. Mr Bathgate explained that the partial acceptance of the submission by *Craig Horne Surveyors Limited* (OS704.22) that there be more land zoned rural residential was used to provide scope for the recommendation to apply a Rural Residential 2 zoning for those sites adjacent to those submitted on by *Barbara and Donald McCabe* (Addendum to Rural Residential Report, para 11).

3.8.8.1.1 Decision and Reasons

- 659. We accept in part the submission of *Barbara and Donald McCabe* (OS251.1) and have changed the zoning of 122 Campbells Road to Rural Residential 2 Zone. We also have decided that the zoning of 76 (2.37ha), 88 (1.96ha), 93 (3.58ha), 96 (1.98ha), 104 (2.01ha), 112 (1.89ha), 119 (2.21ha), 120 (4.0ha), and 145 (0.98ha) Campbells Road, and 500 Pine Hill Road (4.3ha) should be amended to Rural Residential 2 Zone under the scope of the submission of *Craig Horne Surveyors Limited* (OS704.22).
- 660. We agree with the Reporting Officer that these sites should be assessed as part of a cluster with the adjacent Rural Residential 2 zoning. We consider that, when assessed against Policy 2.6.1.Y, the average density of this cluster of sites better aligns with clause 2.6.1.Y.b than with clause 2.6.1.Y.a.
- 661. In addition, when assessed against the criteria in Policy 2.6.1.4, we note a lack of alignment with some key criteria. For example, the area is within a Significant Natural Landscape overlay zone, and under clause 2.6.1.4.c.iii, SNLs are generally to be

avoided for new rural residential zoning. This raises questions about alignment with clause 2.6.1.4.c.i and viii, relating to rural character and amenity, and other aesthetic considerations. The evidence of the DCC Transportation Group suggests that further intensification in this area may lead to increased pressure for public infrastructure upgrades, which in turn suggests a lack of alignment with clause 2.6.1.4.b. However, these issues notwithstanding, given the number of sites that are already fully developed at rural residential density, and the fact that they are immediately adjacent to an existing Rural Residential 2 zone, we consider it is appropriate that the zoning is amended. We therefore agree with the Reporting Officer that the area should be rezoned to Rural Residential 2.

662. We note that given the lack of alignment with Policy 2.6.1.Y.a, any rezoning to Rural Residential 1 would need to be assessed against Policy 2.6.1.3, in accordance with the policy framework discussed in section 3.2.10. Under this assessment, as well as the issues outlined in relation to Policy 2.6.1.4, above, as discussed in section 3.2.10 we consider there is a lack of evidence for a shortage of rural residential capacity, and therefore poor alignment with Policy 2.6.1.3.a, and b.

3.8.8.2 81-111 Poulters Road, 244 Leith Valley Road, 45 and 55 Patmos Ave, 390 Malvern Street, 15 Patmos Avenue and 234 Malvern Street

663. *Jac Morshuis* (OS392.1) sought to change the zoning of the portion of 81-111 Poulters Road, Leith Valley (3.4ha), shown on the plan accompanying his submission from Rural Residential 2 Zone to Rural Residential 1 Zone, because "it fits the objectives and policies of the proposed Rural Residential Zone". The submitter has long planned to subdivide the property, which became a non-complying activity after the existing Plan became operative. The submission was opposed by *Martin Eden* (FS2093.1) and *Susan Eden* (FS2096.1), who were concerned that the road is unsuitable for more vehicles associated with additional dwellings.
664. The Reporting Officer, Mr Michael Bathgate, did not support this submission as the properties are in an area of contiguous Rural Residential 2 zoning; the DCC Transportation Group did not support greater intensification on this road as it is unsealed; the property is in a Significant Natural Landscape overlay zone and more intensive development may adversely affect the rural and landscape values; and a change in zoning may conflict with strategic policies for rural residential zoning (Section 42A Report, pp.152-153).
665. *Eoin Murray & Sandra Ellen Allison* (OS820.1) sought to change the zoning of 244 Leith Valley Road (7.32ha) from Rural Residential 2 to Rural Residential 1 because they would like to be able to subdivide. The submission was opposed by *Glynny Kiesel* (FS2057.2) who was concerned about increased intensity of use and traffic effects; and conditionally supported by *Martin Eden* (FS2093.2) and *Susan Eden* (FS2096.2), provided it does not come off Poulters Road or interfere with the paper road coming off Poulters Road.
666. The Reporting Officer did not support this submission as the property is in an area of contiguous Rural Residential 2 zoning; the DCC Transportation Group did not support greater intensification on this road as it is unsealed; the property is in a Significant Natural Landscape overlay zone and more intensive development may adversely affect the rural and landscape values; and a change in zoning may conflict with strategic policies for rural residential zoning (Section 42A Report, p. 153).
667. *The Stables Trading Trust* (OS531.1) sought to change the zoning of 45 and 55 Patmos Avenue (6.2 and 6.4ha respectively), and 390 Malvern Street (8.5ha), Woodhaugh, from Rural Residential 2 Zone to Rural Residential 1 Zone because the land is "underused". This was supported by *Three Hills Limited* (FS2029.2).
668. *Stephen Gregory Johnston* (OS1030.1, OS1030.2, OS1030.3) sought to retain most of the zoning of 390 Malvern Street as Rural Residential 2 Zone, change the zoning of 45 and 55 Patmos Avenue and the part of 390 Malvern Street that is east of Cowan Road

to Rural Residential 1 zoning and change the zoning of the block of land comprising 15 Patmos Avenue and 234 Malvern Street to Rural Residential 1 Zone.

669. *Three Hills Limited* (FS2029.1) supported OS1030.3 and sought to rezone the block of land comprising 15 Patmos Avenue and 234 Malvern Street (6.9 and 15.9ha respectively) from Rural Residential 2 Zone to Rural Residential 1 Zone, subject to controls on steep valley faces, building platforms, vegetation retention, density based upon usable grazing area, substantial planting of native trees for screening, and colour and reflectivity of any buildings.
670. The Reporting Officer, Mr Michael Bathgate, considered it would not be appropriate to change the zoning of these properties to Rural Residential 1, given the conflict this would have with Policy 2.2.4.3.b, to avoid the creation of any new rural residential subdivision, and Policy 2.6.1.4.b, that the site is already subdivided to a rural residential density. He considered the Rural Residential 2 zoning appropriate given the semi-rural character and amenity of the area. He noted that 390 Malvern and part of 55 Patmos are subject to a Significant Natural Landscape overlay zone, with parts of the sites also subject to a Hazard 3 (flood) Overlay Zone. The DCC Transportation Group advised that the transport network has sufficient capacity but safety input would be needed for any potential Malvern St driveway access (Section 42A Report, p. 155).
671. At the hearing, Mr Leon Hallett (surveyor) appeared for *Jac Morshuis*. Mr Hallett outlined the history of the property which had had sites created under previous district schemes. Rural Residential 2 zoning would allow for two sites, rather than the five sites that the property has previously been consented for. Mr Hallett contended that the Rural Residential 2 Zone is too black-and-white and does not manage what is on the ground, and that subdivision should be discretionary rather than non-complying.
672. At the hearing, *Stephen Johnston* said that the sites in the area had been created when a 6ha rule was in place for the rural zone, but dwellings had not been established. *Mr Johnston* considered that 390 Malvern Street should be kept in one title, but 45 and 55 Patmos Avenue have another two or three house sites that could be incorporated, with bush protected as part of any subdivision.

3.8.8.2.1 Decision and Reasons

673. We reject the submissions of *Jac Morshuis* (OS392.1), *Eoin Murray & Sandra Ellen Allison* (OS820.1), *The Stables Trading Trust* (OS531.1) and *Stephen Gregory Johnston* (OS1030.2, OS1030.3), and accept the submission of *Stephen Gregory Johnston* (OS1030.1). We have retained the Rural Residential 2 zoning for 81 Poulter's Road and Pt Sec 21 Blk VIII North Harbour & Blueskin SD, 244 Leith Valley Road, 15, 45 and 55 Patmos Ave, and 234 and 390 Malvern Street.
674. We agree with the Reporting Officer that, while this area of Rural Residential 2 zoning comprises properties with a range of different sites sizes, overall when assessed against Policy 2.6.1.Y, the area better aligns with the criteria for Rural Residential 2 zoning than it does with the criteria for Rural Residential 1 zoning. We note the properties subject to the submissions listed above range between 6.2 and 15.8ha, are not already subdivided to a Rural Residential 1 scale (i.e. align much more closely with Rural Residential 2 criteria than with Rural Residential 1 criteria).
675. Noting that there is scope to zone to Rural Residential 1 properties not subject to individual rezoning requests under the submission of *Craig Horne Surveyors Limited* (OS704.22), and given that we do not consider it would be appropriate to spot zone individual properties, we assessed the whole area of Rural Residential 2 zoning under Policy 2.6.1.3.
676. We acknowledge that, in relation to Policy 2.6.1.3.d, as an area of land already zoned Rural Residential 2, the area aligns well with this policy. However, as discussed in section 3.2.10, we accept the evidence of the Reporting Officer that the 2GP makes sufficient provision for rural residential zoned land and so this rezoning request does not meet Policy 2.6.1.3.a. In light of this, and the fact that rezoning of this area of land to Rural Residential 1 would substantially increase the amount of rural residential capacity, we consider rezoning would not be consistent with Policy 2.6.1.3.b (regarding

maintaining the balance between provision of land for lifestyle farming, with the overall Plan objectives around maintaining a compact city and having efficient and effective public infrastructure networks).

677. In terms of the criteria in Policy 2.6.1.4 (assessment prompted by Policy 2.6.1.3.c), we note that the area is within a Significant Natural Landscape overlay zone, and that clause 2.6.1.4.c.iii states that SNLs should generally be avoided. We consider this also raises issues relating to rural character and amenity and other aesthetic considerations (which are relevant considerations under Policy 2.6.1.4.c.i and viii). There are both ASCVs and a UBMA within the area of Rural Residential 2 zoning, and on our site visit we observed large tracts of bush, and the Water of Leith runs through the area. All these matters are considerations under clauses v, vi and vii (we note *Mr Johnston* suggested areas of bush on 45 and 55 Patmos be protected, which is not able to be achieved through the 2GP process without the agreement of the owners). The evidence of the DCC Transportation Group suggests there would be likely to be additional pressure for public infrastructure upgrades if further intensification of this area occurs, which we consider suggests a conflict with clause 2.6.1.4.b.
678. Overall, we consider in the absence of evidence that there is any shortage of rural residential capacity, rezoning of this area would be inconsistent with the strategic directions policies. In addition, the lack of alignment with some key elements of Policy 2.6.1.4 suggests it may not be the most appropriate area for further intensification, were a shortage of rural residential capacity established.

3.8.8.3 233 Leith Valley Road, Leith Valley

679. *Bugs Off Limited* (OS865.1) sought to move the Hill Slopes Rural Zone/Rural Residential 2 Zone boundary along 233 Leith Valley Road, so its full property is in the Rural Residential Zone 2, rather than split zoned.
680. The property at 233 Leith Valley Road, has a total area of 52ha and made up of 5 sites. Three of the sites with areas of 0.38ha, 7.68ha and 5.67ha respectively are zoned Rural Residential 2, and the other 2 sites of 18 and 19ha are zoned Hill Slopes Rural Zone.
681. The Reporting Officer, Mr Michael Bathgate, did not support this submission. He stated that the sites within the property are not split zoned and he did not consider that it would be appropriate to move the Rural Residential 2 Zone boundary to take in all of 233 Leith Valley Road. The property is large, at 52 ha, and apart from the smaller sites which are currently zoned as Rural Residential 2, the rest of the property is not subdivided and at least partly developed at rural residential density (Section 42A Report, p. 154).

3.8.8.3.1 Decision and Reasons

682. We reject the submission of *Bugs Off Limited* (OS865.1) and have not changed the zoning at 233 Leith Valley Road so that the whole landholding is zoned Rural Residential 2 Zone.
683. We agree with the Reporting Officer that the property does not meet the criteria for rural residential zoning. Specifically, the property is too large to meet with the criteria laid out in Policy 2.6.1.Y, and is not currently developed for rural residential use. We also accept Mr Bathgate's advice the sites within the property are not split-zoned.
684. We also assessed the property under Policy 2.6.1.3, in accordance with the policy framework set out in section 3.2.10.
685. As discussed in section 3.2.10, we accept the evidence of the Reporting Officer that the 2GP makes sufficient provision for rural residential zoned land and so this rezoning request does not meet Policy 2.6.1.3.a. In light of this, we consider rezoning would not be consistent with Policy 2.6.1.3.b regarding maintaining the balance between provision of land for lifestyle farming, with the overall Plan objectives around maintaining a compact city and having efficient and effective public infrastructure networks.

686. In terms of the criteria in Policy 2.6.1.4 (assessment prompted by Policy 2.6.1.3.c), we note that the area is within a Significant Natural Landscape overlay zone, and that clause 2.6.1.4.c.iii states that SNLs should generally be avoided. We consider this also raises issues relating to rural character and amenity and other aesthetic considerations (which are relevant considerations under Policy 2.6.1.4.c.i and viii). The property is adjacent to an ASCV, and from our site visit we observe it appears to have some bush areas, which are considerations under clause 2.6.1.4.c.v. Parts of the property are also within a Hazard 2 (Land Instability) overlay zone (relevant under clause 2.6.1.4.c.ix), and the evidence of the DCC Transportation Group suggests there would be likely to be additional pressure for public infrastructure upgrades if further intensification of this area occurs, which we consider suggests a conflict with clause 2.6.1.4.b.
687. For the same reason that this property aligns poorly with Policy 2.6.1.Y, it is also inconsistent with Policy 2.6.1.3.d.
688. Overall, we conclude rezoning of the balance of this property Rural Residential 2 would be inconsistent with the strategic directions policies.

3.8.8.4 231, 233 and 235 Signal Hill Road, Opoho

689. *Charles Wilson* (OS933.1) sought to change the zoning of 231 Signal Hill Road, Opoho, from Hill Slopes Rural Zone to Rural Residential because the land is suitable, located 8 minutes from the Octagon and there is an existing Rural Residential 1 Zone adjacent to the northern boundary. The map accompanying the submission indicated that the request related to 233 and 235 Signal Hill Road, as well as 231 Signal Hill Road.
690. The *Charles Wilson* submission was opposed by 23 further submitters, listed on pages 155-156 of the Section 42A Report. Concerns from the further submitters regarding the potential change in zoning related to land instability; runoff onto adjacent residential properties; issues with waste and stormwater; adverse impacts on property values; noise pollution; adverse effects on landscape values and manawhenua values and on native bird populations from vegetation clearance.
691. The sites at 231, 233 and 235 Signal Hill Road, Dunedin, have areas of 0.4ha, 8.4ha and 56ha respectively. The Reporting Officer, Mr Michael Bathgate, did not consider that any increase in development potential through rezoning would be appropriate for this area. He noted that the strategic policies did not support this as the land was not already subdivided to a rural residential scale; it was not supported by the DCC Transportation Group because of inadequate infrastructure and safety issues with Signal Hill Road; there were waste and stormwater runoff issues raised by further submitters; and the Significant Natural Landscape overlay zone over the site meant any increase in development may have adverse effects on landscape values (Section 42A Report, p. 156).
692. *Christine Keller* (FS2138.1) spoke at the hearing regarding her further submission in opposition to the *Charles Wilson* submission. *Ms Keller* didn't want the land above her developed, noting that it was a really steep slope that was regenerating in manuka with increasing birdlife. *Ms Keller* considered that water run-off down the slope was a real issue, with it seeming to be a naturally saturated area. She considered the stability of the slope to be of concern, and stability and run-off would become of even greater concern issue if the vegetation was cleared.
693. After the hearing, the Panel received correspondence dated 25 November 2017 from Grandview 2011 Limited as the new owners of 231 Signal Hill Road which also noted that an associated entity had purchased 235 Signal Hill Road. The correspondence noted that *Charles Wilson* had authorised Grandview 2011 Limited to take over his position with regard to his submission, and also asked the Panel to consider the three sites separately when making decisions on the submission. Grandview 2011 Limited considered that further submissions against increased density at 235 Signal Hill Road have inappropriately been classified as further submissions relevant to 231 Signal Hill Road.

694. We responded in a minute dated 19 December 2017, noting the transfer of this submission, and clarifying that we would consider the three sites independently when making a decision on this submission.

3.8.8.4.1 *Decision and Reasons*

695. We reject the submission of *Charles Wilson* to change the zoning of 231, 233 and 235 Signal Hill Road to a rural residential zoning, as we do not consider that rezoning any of these sites, assessed individually, meet the strategic criteria for rural residential zoning.
696. We first assessed them against Policy 2.6.1.Y. The site at 235 Signal Hill Road does not meet the criteria under this policy as it is a large rural site of 56 ha. While 233 Signal Hill Road is at a Rural Residential 2 scale at 8.4 ha, we do not consider it meets the criteria for a Rural Residential 2 cluster in terms of Policy 2.6.1.Y, being a single site and being held in the same tenure as adjacent sites, forming part of a larger rural property. While 231 Signal Hill Road is 0.4 ha (and therefore is at large lot residential rather than rural residential scale), it could be considered for rezoning if it were part of a cluster of other undersized rural sites at rural residential scale. However, surrounding sites are either larger, or do not meet the criteria for consideration because they are held in the same tenure as adjacent sites.
697. We therefore assessed these sites for rezoning under Policy 2.6.1.3.
698. As discussed in section 3.2.10, we accept the evidence of the Reporting Officer that the 2GP makes ample provision for rural residential zoned land and so these rezoning requests do not meet the first criterion in Policy 2.6.1.3.a. In light of this, we consider rezoning would not be consistent with Policy 2.6.1.3.b regarding maintaining the balance between provision of land for lifestyle farming, with the overall Plan objectives around maintaining a compact city and having efficient and effective public infrastructure networks compact city and public infrastructure.
699. In terms of the criteria in Policy 2.6.1.4 (assessment prompted by Policy 2.6.1.3.c), the site meets some criteria but is less well aligned with others. The evidence of the DCC Transportation Group suggests intensification in this area may increase pressure for public infrastructure upgrades, which suggests a lack of consistency with clause 2.6.1.4.b. Also related to this point were concerns raised by submitters about run-off from this area. In addition, all of 231 Signal Hill Road and the majority of 233 and 235 Signal Hill Road are within an SNL overlay zone, and under clause 2.6.1.4.c.iii SNLs should generally be avoided for new rural residential zoning (we have also decided, as set out in the Urban Land Supply Decision, to remove the transitional residential zoning from that part of the adjacent land at 68 Montague Street that is situated in the SNL). This raises additional questions of alignment with 2.6.1.4.c.i and viii, relating to rural character and amenity values, and aesthetic considerations. We note the observations of *Ms Keller* and other further submitters that the area comprises regenerating native bush with biodiversity values, which is a relevant consideration under clause 2.6.1.4.c.v.
700. Amongst the other issues raised by further submitters, also of relevance under clause 2.6.1.4.c.ix were concerns relating to land instability. We consider that these issues mainly apply to the larger sites at 233 and 235 Signal Hill Road. We note that there was no evidence presented at the hearing to refute the concerns raised by further submitters, and this has influenced our decisions on these sites.
701. For the same reasons discussed in relation to alignment with Policy 2.6.1.Y, each of these sites aligns poorly with Policy 2.6.1.3.d.
702. Overall, we consider this rezoning request is contrary to key strategic directions policies and there was insufficient evidence to convince us that the relevant criteria for rezoning to Rural Residential zoning are met.

3.8.9 Zoning Submissions – North Coast

3.8.9.1 73 and 58 Reservoir Road, Warrington

703. *Ben Ponne* (OS733.1) sought to change the zoning of CFR OT5C/1090 at 73 Reservoir Road, Warrington, and CFR OT18B/461 at 58 Reservoir Road, Warrington, from Coastal Rural Zone to Rural Residential 2 Zone (or alternately permit residential activity on existing undersized rural sites), because it is a small area of rural land close to Township and Settlement and rural residential zones in Warrington. The submitter explained that consent was sought in 2014 to subdivide land at 58 and 73 Reservoir Road into two new sites, allowing for a dwelling to be built on 73 Reservoir Rd, but that this consent, which was granted, has not been exercised.
704. The properties at 58 and 73 Reservoir Road, Warrington, adjoin each other and adjoin Rural Residential 2 zoned land to the northwest of Warrington. The property at 58 Reservoir Road is made up of a number of sites. The southern site (CFR OT18B/461) that is the subject of the submission has an area of 6.8ha, and 63 Reservoir Road has an area of 9.3ha.
705. The Reporting Officer did not consider that the sites met the criteria for Rural Residential 2 zoning, being large and not adjacent to developed sites in a Rural Residential 2 cluster. Extending Rural Residential 2 zoning to these sites would create a very large area of rural residential land when there is already undeveloped land zoned as Rural Residential 2 adjacent to the Township and Settlement Zone (Section 42A Report, pp. 161-162).
706. At the hearing, Mr Campbell Hodgson appeared for *Ben Ponne* and tabled a legal statement, which indicated that rezoning to Rural Residential 2 would enable these undersized rural sites to be used productively through allowing building on the sites in a more permissive way. Mr Ponne's site is not productive as it is not used for farming and an inability to build on the site exacerbates these difficulties and would cause the land to stagnate. The statement suggested alternative relief, if rezoning is not supported, that the 2GP allows residential development on existing undersized rural lots in the Coastal Rural Zone.

3.8.9.1.1 *Decision and Reasons*

707. We reject the submission of *Ben Ponne* (OS733.1) to change the zoning of CFR OT5C/1090 at 73 Reservoir Road, Warrington, and CFR OT18B/461 at 58 Reservoir Road, Warrington, to Rural Residential 2 Zone.
708. We do not consider these sites meet the criteria for rezoning under Policy 2.6.1.Y, as they are not part of a mostly-developed cluster of undersized rural sites held in separate land tenure. The site at 58 Reservoir Road is part of a larger rural property of around 89ha, which appears to be part of a working farm property. *Mr Ponne's* submission includes part of this site in order to include his site at 73 Reservoir Road in an adjacent Rural Residential 2 zone. We have therefore assessed these sites against Policy 2.6.1.3, in accordance with the policy framework set out in section 3.2.10.
709. As discussed in section 3.2.10, we accept the evidence of the Reporting Officer that the 2GP makes ample provision for rural residential zoned land and so this rezoning request does not meet Policy 2.6.1.3.a. In light of this, we consider rezoning would not be consistent with Policy 2.6.1.3.b regarding maintaining the balance between provision of land for lifestyle farming, with the overall Plan objectives around maintaining a compact city and having efficient and effective public infrastructure networks compact city and public infrastructure.
710. In terms of the criteria in Policy 2.6.1.4 (assessment prompted by Policy 2.6.1.3.c), on the evidence presented, we do not consider there is strong alignment between these and the sites in question. The sites are within a Significant Natural Landscape (SNL) overlay zone, and under clause 2.6.1.4.c.iii, SNLs should generally be avoided for new rural residential zoning. We consider this also raises questions about alignment with clauses 2.6.1.4.c.i and viii, relating to rural character, amenity and open space. In addition, we accept the evidence of the DCC Transportation Group, that the

development may increase pressure for public infrastructure upgrades, which suggests poor alignment with clause 2.6.1.4.b.

- 711. We note that for the same reasons that the sites do not meet the criteria in Policy 2.6.1.Y (outlined above), there is also poor alignment with the criteria in Policy 2.6.1.3.d. As discussed in section 3.2.10 above, we are not generally persuaded by arguments that these parcels of land are not able to be farmed in an economically viable manner, given the large number of small undersized rural sites in Dunedin.
- 712. With regard to the request to allow residential development on existing undersized rural sites in the Coastal Rural Zone, we refer the submitter to the Rural Decision Report. We have not accepted this approach due to the large number of such sites across Dunedin's rural environment, instead relying on a zoning approach where such sites meet the strategic criteria for rural residential zoning.

3.8.9.2 17 (33) Reservoir Rd, Warrington

- 713. *Geraldine Tait* (OS101.2) sought that either Lot 7 DP 3283 or Lot 8 DP 3283 at 17 Reservoir Rd (33 Reservoir Rd; 0.57ha), Warrington, remain rural or the zoning is changed from Coastal Rural Zone to Rural Residential 2 Zone, so that they become the same as the bulk of the property at 33 Reservoir Road. The submitter also requested that her two properties at Lots 5 and 6 DP3283 are rezoned to Township and Settlement, which is addressed in the Residential Decision Report.
- 714. The site at 17 (33) Reservoir Road, Warrington, consists of 6 parcels of land. Lots 3 and 4 DP 3283 are zoned Township and Settlement, and Lots 5-8 DP 3283 are zoned Coastal Rural.
- 715. The Reporting Officer, Mr Michael Bathgate, considered it would not be appropriate to change the two properties to Rural Residential 2 zoning, because they are of too small a size to be rural residential (both Lot 7 and Lot 8 DP 3283 are 0.09ha each). Alternatively, they could potentially be rezoned as Township and Settlement as they would be a continuation of the existing zone on Reservoir Road. However, as the submitter explains "two and a half of the sections are in a landscape zone, one of these sections has power lines overhead and is also in a very wet area so would be unsuitable for residential use". Mr Bathgate recommended that the two sites remain zoned as Coastal Rural Zone (Section 42A Report, p. 159).

3.8.9.2.1 *Decision and Reasons*

- 716. We accept the submission of *Geraldine Tait* (OS101.2) and have changed the zoning of Lot 7 DP 3283 and Lot 8 DP 3283 to Rural Residential 2 Zone. We note that we have also changed the zoning of Lot 6 DP 3283 to Rural Residential 2 as a result of *Ms Tait's* submission OS101.1 seeking Township and Settlement Zone for this parcel, which is discussed in the Residential Decision Report.
- 717. We consider these sites meet the criteria for rezoning under Policy 2.6.1.Y, as they are part of a mostly-developed cluster of undersized rural sites held in separate land tenure.
- 718. This is an unusual situation, and to rezone to Rural Residential 2 is the most appropriate solution to avoid creating a situation where there would be two very small parcels of land which remain zoned Rural. While there are some conflicts with criteria in Policy 2.6.1.4, most notably with clause 2.6.1.4.b (the evidence of the DCC Transportation Group, that the development may increase pressure for public infrastructure upgrades) and clause 2.6.1.4.c.iii (the sites are partially within a Significant Natural Landscape overlay zone) we note this will not increase or create any additional development rights on these very small sites, nor create a new spot zone of Rural Residential 2. We therefore conclude that the rezoning of these sites will not conflict overall with the strategic directions policies.
- 719. As a final comment, we note that the other properties in this cluster have been considered as part of the Residential hearing and we consider that it has been necessary to provide a logical solution to the zoning of these properties collectively.

3.8.9.3 65 Porteous Road, Warrington

720. *Miriam Christie* (OS133.1) sought to change the zoning of 65 Porteous Road, Warrington, from Coastal Rural Zone to Rural Residential 2 Zone to be able to build a house. The site at 65 Porteous Road, Warrington, has an area of 10.8ha.
721. The Reporting Officer, Mr Michael Bathgate, stated that the property is in a rural area, is a large site, does not meet the clustering criteria for Rural Residential 2 zoning, and conflicts with Policy 2.6.1.4.b. Consequently, he recommended the submission be rejected, noting that it would be more appropriate for the submitter to seek consent to build on the land (Section 42A Report, p. 160).

3.8.9.3.1 Decision and Reasons

722. We reject the submission of *Miriam Christie* (OS133.1) to change the zoning of 65 Porteous Road to Rural Residential 2 Zone.
723. We do not consider that the property meets the criteria for rezoning as outlined in Policy 2.6.1.Y, as it is not part of a mostly-developed cluster of small rural sites. We have therefore assessed this property against Policy 2.6.1.3, in accordance with the policy framework outlined in section 3.2.10.
724. As discussed in section 3.2.10, we accept the evidence of the Reporting Officer that the 2GP makes ample provision for rural residential zoned land and so this rezoning request does not meet Policy 2.6.1.3.a. In light of this, we consider rezoning would not be consistent with Policy 2.6.1.3.b regarding maintaining the balance between provision of land for lifestyle farming, with the overall Plan objectives around maintaining a compact city and having efficient and effective public infrastructure networks compact city and public infrastructure.
725. In terms of the criteria in Policy 2.6.1.4 (assessment prompted by Policy 2.6.1.3.c), on the evidence presented, we do not consider there is strong alignment between these and the site in question. The site is almost entirely within a Significant Natural Landscape overlay zone, and under clause 2.6.1.4.c.iii, SNLs should generally be avoided for new rural residential zoning. We consider this also raises questions about alignment with clauses 2.6.1.4.c.i and viii, relating to rural character, amenity and open space. In addition, we accept the evidence of the DCC Transportation Group, that the development may increase pressure for public infrastructure upgrades, which suggests poor alignment with clause 2.6.1.4.b.
726. We note that for the same reasons that the sites do not meet the criteria in Policy 2.6.1.Y (outlined above), there is also poor alignment with the criteria in Policy 2.6.1.3.d.
727. We therefore accept the reasons for rejecting this submission given by the Reporting Officer.

3.8.9.4 Between Double Hill Road and Manse Road, Waitati and 9 and 131 Double Hill Road, 1507, 1531, 1545, 1549 and 1553 Waikouaiti-Waitati Road, and 30, 33 and 47 Kilpatrick Road

728. *Graham McIlroy* (OS851.1) sought to change the zoning of land between Double Hill Road and Manse Road, Waitati, from Coastal Rural Zone to Rural Residential 1 Zone, because there is existing fragmentation of the rural area and there are no high class soils or landscape overlays. This was opposed by *Andrew Peter Smith and Kerry Margaret Smith* (FS2088.3) who were concerned about pressure on water supply and waste water; and *Miro Trust* (FS2433.1) who were concerned about adverse effects on rural amenity, landscape values, road safety and productive use of rural land as well as potential reverse sensitivity issues.
729. *Blueskin Bay Holdings Limited* (OS1003.1) sought to change the zoning of 9 and 131 Double Hill Road, 1507, 1531, 1545, 1549 and 1553 Waikouaiti-Waitati Road, and 30, 33 and 47 Kilpatrick Road from Coastal Rural Zone to Rural Residential 1, or Rural

Residential 2 Zone, or Large Lot Residential 2 Zone or transitional residential or some combination of these zonings. The submitter stated that this would provide additional land for large lot or rural residential activity which is "very popular in the Blueskin Bay area". This was supported by *Steve Hamilton* (FS2006.1), who thought this land could be better managed as smaller holdings in terms of tree planting, birdlife and landscape design and would be better than dividing up Taieri land. The *Blueskin Bay Holdings* submission was opposed by:

- *Andrew Peter Smith and Kerry Margaret Smith* (FS2088.2), who were concerned about pressure on water supply and wastewater and the downstream effects of subdivision on the environment;
- *Jill Albert* (FS2390.1), who was concerned about traffic and landscape protection; and
- *Miro Trust* (FS2433.3), for the same reasons as their opposition to the *Graham McIlroy* submission to change zoning in this area.

730. This area has an approximate size of 105ha and is located to the northwest of Waitati. The Reporting Officer, Mr Michael Bathgate, stated that a change in zoning to Rural Residential 1 would create a development potential of 53 sites for the land between Double Hill Road and Manse Road and 39 for the land submitted on by *Blueskin Bay Holdings Limited*. He considered that it would not be appropriate to rezone the land to Rural Residential 1 because there is already sufficient capacity for rural residential activity in the nearby Waitati Rural Residential 1 Zone; it would conflict with strategic policies for zoning rural residential land; there was the potential to adversely affect rural amenity and coastal character; and the submissions were not supported by the DCC Transportation Group because of safety issues with the intersection of SH1 and pressure for upgrades such as road sealing (Section 42A Report, pp. 162-163).
731. Mr Bathgate later corrected the figures for development potential as they did not allow for existing dwellings and the figures were too high. A figure for development potential was recalculated, which estimated that up to 25 additional dwellings would be provided for by accepting the *Graham McIlroy* submission and up to another 37 additional dwellings by accepting the *Blueskin Bay Holdings* submission. While these were broad estimates only, their revision did not lead Mr Bathgate to revise his opinion that these zoning submissions should be rejected (*Addendum to the Section 42A Report, paragraph 7*).
732. Hugh Forsyth (landscape architect) provided joint written and visual evidence for *Blueskin Bay Holdings Limited* and *Graham McIlroy* and presented at the hearing. Mr Forsyth in his evidence and at the hearing supported the submission to rezone to Rural Residential 1 from a landscape perspective, but subject to development conditions additional to the 2GP performance standards. These additional conditions were based on the site's value in a coastal context and sought to maintain the focus of development on rural lifestyle inhabitants, and included controls on building and structure size, height, colour and reflectivity.
733. At the hearing, Ms Emma Peters (resource management consultant) tabled a statement on behalf of *Blueskin Bay Holdings Limited*, of which she is the director, with her statement encompassing the two tracts of lands subject to both the *Blueskin Bay Holdings* and *Graham McIlroy* submissions. Ms Peters did not agree with the calculation of development potential in the Section 42A Report, and considered that a more realistic calculation was 52 additional dwellings, taking into account the physical characteristics and existing title structure of the land. Ms Peters stated that the small size of the land holdings meant that farming was not economically viable, and the area is already dominated by small-scale rural and residential activities. Ms Peters considered that the opposition to the rezoning on transport grounds was based on erroneous information with respect to the number of additional dwellings on the site, and that the roading infrastructure could handle the extra traffic movements. She did not consider that lack of road sealing or dust would be an issue in an area that was more rural than residential in nature.
734. Ms Peters concluded that "This information...leads to the conclusion that the appropriate zone for the site is Rural Residential 1 because that is the zoning which, in accordance

with the dictum in *Guthrie*, "...has the most liberal provisions while adequately avoiding, remedying or mitigating adverse effects"" (Information of Emma Peters, paragraph 73).

735. *Graham McIlroy* presented a statement at the hearing. *Mr McIlroy* is a civil engineer whose expertise included civil infrastructure. He said that potable water would need to be supplied from roof tanks, and that the predominant soil type can achieve adequate percolation rates to allow septic tank and drainage field sewage treatment. He considered that the accesses to Double Hill Road and Manse Road had good sight lines along SH1. *Mr McIlroy* considered that there should be a mechanism at the time of subdivision to ensure that Double Hill Road has a minimum 6m carriageway width, the steep section from the SH1 intersection is sealed or stabilised, and to include some dust treatment and sight distance improvements along Double Hill Road.
736. Kelvin Lloyd and Beatrice Lee spoke at the hearing on behalf of the *Miro Trust*, in opposition to the rezonings sought by *Graham McIlroy* and *Blueskin Bay Holdings Ltd*. They considered that the area was productive rural land, with all landowners farming livestock and making hay. Activities such as stock movement along roads or across properties would be constrained by higher residential density. Subdivision would make sites too small to carry stock through the winter. They were concerned by the potential for reverse sensitivity effects, and considered it a very rural area, with the coastal scarp forming a strong barrier to the Waitati community below. Mr Lloyd and Ms Lee also raised issues with safety, with Double Hill Road being narrow and unsealed with a number of blind corners and in need of upgrading. They considered the Double Hill/SH1 intersection problematic from both directions, and noted that walking to Waitati along SH1 was dangerous. They noted there were a number of constraints and concerns with regard to extra traffic movements.

3.8.9.4.1 *Decision and Reasons*

737. We accept in part the submissions of *Graham McIlroy* (OS851.1) and *Blueskin Bay Holdings Limited* (OS1003.1). We have changed the zoning of the following sites to Rural Residential 2 Zone:
- 1, 11, 59, 61, 65, 67 and 99 Manse Road;
 - 8, 9, 63, 80, 90 and 92 Double Hill Road;
 - 1531, 1545, 1549, 1551, 1553 and 1625 Waikouaiti-Waitati Road; and
 - Some small parcels of vacant land within Designations D449 and D450 for the future realignment of State Highway 1 at Waitati.
738. We consider that rezoning of the above listed properties aligns with Policy 2.6.1.Y.b (and the incorporation of the *Guthrie* case principles into that policy, as discussed in section 3.2.10). While our assessment is that there is some conflict with the criteria in Policy 2.6.1.4 (as discussed below), we consider that the area of existing development at rural residential scale is sufficiently large that it could not be seen to constitute creation of a small isolated area of rural residential zoning, and it is therefore appropriate to recognise it at the density to which it is developed (which is Rural Residential 2).
739. We assessed the submitters' suggested further intensification and extension of the area (rezoning to Rural Residential 1) were assessed against Policy 2.6.1.3, in accordance with the policy framework discussed in section 3.2.10. Generally, we agree with evidence of the Reporting Officer and the further submitters outlined above.
740. We note that, as an area already developed to Rural Residential 2 density, the sites listed above are better aligned with the criteria in Policy 2.6.1.3.d than other areas of rural zoning, however the rezoning request does include some larger rural zoned sites that align poorly with this criterion. As discussed in section 3.2.10, we accept the evidence of the Reporting Officer that the 2GP makes ample provision for rural residential zoned land and so these rezoning requests do not meet Policy 2.6.1.3.a. In light of this, we consider rezoning would not be consistent with Policy 2.6.1.3.b regarding maintaining the balance between provision of land for lifestyle farming, with the overall Plan objectives around maintaining a compact city and having efficient and

effective public infrastructure networks compact city and public infrastructure. We consider this particularly the case given the large increase in development capacity that the suggested rezoning would create.

741. In terms of the criteria in Policy 2.6.1.4 (assessment prompted by Policy 2.6.1.3.c), on the evidence presented, we do not consider there is strong alignment between these and the area in question. We were not persuaded that the likely need for public infrastructure upgrades (identified in the evidence of the DCC Transport Group and by further submitters) is any less likely with the reduced number of new dwellings discussed by the submitter at the hearing, and therefore consider there is a conflict with clause 2.6.1.4.b. While the area is not in a landscape or coastal character overlay zone, and we acknowledge that the only landscape evidence presented suggested the intensification would be acceptable with additional controls in place, we were convinced by the presentation of *Miro Trust* at the hearing that there are conflicts with clause 2.6.1.4.c.ii, relating to rural productivity and reverse sensitivity. As discussed in section 3.2.10 above, we are generally not persuaded by arguments that these parcels of land are not able to be farmed in an economically viable manner, given the large number of undersized rural sites in the city.
742. Further, evidence we heard in the Natural Environment Hearing raised issues relating to the effects of on-site disposal systems on Blueskin Bay (raising questions of alignment with clause 2.6.1.4.c.vi).
743. Overall, we consider the rezoning of this area to Rural Residential 1 would be in conflict with the strategic direction objectives and policies, including Policy 2.6.1.3, and therefore do not support it.

3.8.9.5 Major Facility - School (Waitati), east of Mt Cargill Road

744. *Dunedin City Council* (OS360.106) sought to change the zoning of land currently zoned 'Major Facility - School (Waitati)' east of Mt Cargill Road to Rural Residential 1 Zone to correct a mapping error.
745. The Reporting Officer recommended this submission be accepted, stating that the 2GP mapping of the Major Facility - School (Waitati) incorrectly included land to the east of Mt Cargill Road, opposite the school, which was an error (Section 42A Report, p. 160).

3.8.9.5.1 *Decision and Reasons*

746. We accept the submission of the *Dunedin City Council* (OS360.106) and have changed the zoning of the land currently zoned 'Major Facility - School (Waitati)' situated to the east of Mt Cargill Road to Rural Residential 1 Zone. We agree with the Reporting Officer that this will correct a mapping error in the 2GP.

3.8.10 Zoning Submissions – South Coast

3.8.10.1 331 and 325 Big Stone Road, Brighton

747. *Jason Cockerill* (OS184.2) sought to change the zoning of 331 Big Stone Road (19.99 ha), Brighton, from Coastal Rural Zone to include the property in the nearby Rural Residential 2 Zone, as he considered his was one of three sites left in “no man’s land” between the Rural Residential 2 Zone and larger farm and forestry blocks. This was opposed by *John Heydon and Sue Heydon* (FS2210.3) who were concerned that the change in zoning would result in several small subdivisions which would negatively affect views; would lead to a considerable increase in houses, traffic and other activities; would be detrimental to the special character of this coastal area; and may lead to a long coastal ribbon of small subdivisions along the Southern Scenic Route.
748. *Kim and Diane Rapley* (OS641.2) sought to change the zoning of 325 Big Stone Road (12.9ha) from Rural Residential 2 to Rural Residential 1, with no specific reason given

for this submission. This was opposed by *John Heydon and Sue Heydon* (FS2210.1), for the same reasons as their opposition to the submission of *Jason Cockerill*.

749. In relation to 331 Big Stone Road, the Reporting Officer, Mr Michael Bathgate, recommended the submission be rejected, because the site was large at approximately 20ha and therefore not suitable for Rural Residential 2 zoning. Further, a zoning change would not make any difference in terms of development potential as Rural Residential 2 zoning only allows for a single residential activity per site (Section 42A Report, p. 164).
750. In relation to 325 Big Stone Road, the Reporting Officer did not consider it appropriate that the property be rezoned as Rural Residential 1 as it is in an area of contiguous Rural Residential 2 zoning; there is capacity in the nearby Rural Residential 1 Zone near Brighton; changing the zoning would be in conflict with Policy 2.2.4.3, to avoid the creation of any new rural residential subdivisions; and part of the site is in a Natural Coastal Character overlay zone. Further, the DCC Transportation Group did not support the rezoning due to concerns about unsealed roads and forestry vehicles (Section 42A Report, p. 165).
751. *Kim Rapley* appeared at the hearing and tabled a statement which set out that the Rural Residential 1 zoning would be a better use of the land, as people wish to live in rural areas without looking after land. *Mr Rapley* considered that having stricter performance standards to manage matters such as visual appearance, native plantings, effluent disposal and access is more important than site size. The land is poor quality for farming and the DCC should be looking at the strategic capacity to provide growth in sensible areas.
752. *John Heydon and Sue Heydon* appeared at the hearing and tabled a statement which supported the Section 42A Report recommendations for 331 and 325 Big Stone Road. The *Heydons* consider that the 2GP is recognising previous (inconsistent) subdivisions, while preventing further haphazard development which would be detrimental to the character of the area, place increased infrastructural demands on the Council, likely lead to increased traffic flow, and cause subdivision creep along the coast.

3.8.10.1.1 Decision and Reasons

753. We reject the submission of *Jason Cockerill* (OS184.2) to change the zoning of 331 Big Stone Road to Rural Residential 2 Zone.
754. We do not consider this site meets the criteria for rural residential zoning under Policy 2.6.1.Y, as it is a large rural zoned site, isolated from any other rural residential zoning or small sites. We therefore assessed the submitter's request under Policy 2.6.1.3, in accordance with the policy framework discussed in section 3.2.10, above.
755. As discussed in section 3.2.10, we accept the evidence of the Reporting Officer that the 2GP makes ample provision for rural residential zoned land and so this rezoning request does not meet Policy 2.6.1.3.a. In light of this, we consider rezoning would not be consistent with Policy 2.6.1.3.b regarding maintaining the balance between provision of land for lifestyle farming, with the overall Plan objectives around maintaining a compact city and having efficient and effective public infrastructure networks compact city and public infrastructure.
756. In terms of the criteria in Policy 2.6.1.4 (assessment prompted by Policy 2.6.1.3.c), we note that the DCC Transport Group identified public infrastructure issues that suggest a conflict with clause 2.6.1.4.b, and while the area is not in a landscape or coastal character overlay zone, further submitters raised questions of effects on rural character and amenity along the Southern Scenic Route (clause 2.6.1.4.c.i and viii), and with no countering evidence was presented at the hearing in relation to these issues, they did have influence on our decision. As discussed in section 3.2.10 above, we are generally not persuaded by arguments that these parcels of land are not able to be farmed in an economically viable manner, given the large number of undersized rural sites in the city.

757. For the same reasons that there is poor alignment with Policy 2.6.1.Y, there is poor alignment with Policy 2.6.1.3.d. We do not consider it good planning practice to create isolated spot zones of rural residential in the rural zone.
758. Overall, we consider the rezoning of this area to Rural Residential 2 would be in conflict with the strategic direction objectives and policies, including Policy 2.6.1.3, and therefore do not support it. In addition, we note that a zoning change would not make any difference in terms of development potential.
759. We reject the submission of *Kim and Diane Rapley* (OS641.2) to change the zoning of 325 Big Stone Road to Rural Residential 1 Zone.
760. We do not consider this site meets the criteria for rural residential zoning under Policy 2.6.1.Y, as it is part of an area of contiguous Rural Residential 2 zoning (comprising a cluster of sites developed at a Rural Residential 2 scale). We therefore assessed the submitter's request under Policy 2.6.1.3, in accordance with the policy framework discussed in section 3.2.10, above.
761. Noting that there is scope to zone to Rural Residential 1 properties not subject to individual rezoning requests under the submission of *Craig Horne Surveyors Limited* (OS704.22), and given that we do not consider it would be appropriate to spot zone individual properties, we assessed the whole area of Rural Residential 2 zoning under Policy 2.6.1.3.
762. While as an area of Rural Residential 2 zoning, the area aligns better with clause 2.6.1.3.d than many other locations, as discussed in section 3.2.10, we accept the evidence of the Reporting Officer that the 2GP makes ample provision for rural residential zoned land. We therefore consider this rezoning request does not meet Policy 2.6.1.3.a, nor Policy 2.6.1.3.b (regarding maintaining the balance between provision of land for lifestyle farming, with the overall Plan objectives around maintaining a compact city and having efficient and effective public infrastructure networks compact city and public infrastructure). We consider this particularly the case given the large increase to rural residential capacity that would result from the rezoning of this area to Rural Residential 1. Although we consider capacity should be assessed at a city-wide level, for the reasons outlined in section 3.2.10, we note and accept the Reporting Officer's evidence that there is already capacity in the nearby Rural Residential 1 Zone near Brighton.
763. In terms of the criteria in Policy 2.6.1.4 (assessment prompted by Policy 2.6.1.3.c), we note that the DCC Transport Group identified public infrastructure issues that suggest a conflict with clause 2.6.1.4.b. There is also a Natural Coastal Character overlay zone over part of the site, and clause 2.6.1.4.c.iv states that NCCs should generally be avoided for new areas of rural residential zoning. This also raises questions of alignment with clauses 2.6.1.4.c.i and viii, relating to rural character and amenity, and other aesthetic considerations (noting these issues were also raised by further submitters at the hearing). While we acknowledge the suggestion by Mr Rapley that stricter performance standards could be imposed on the development of the land for mitigation of visual and landscape effects, we are also conscious that the land has a character overlay, and there are substantial difficulties in attempting to manage future subdivision and development of land by way of controls on development in a district plan. As discussed in section 3.2.10, we accept the Reporting Officer's evidence that it is not the intention of the rural residential zone to provide for residential activity where there is no intention of carrying out lifestyle or hobby farming activities.
764. Overall, we consider the rezoning of either just 325 Big Stone Road or the wider area to Rural Residential 1 would be in conflict with the strategic direction objectives and policies, including Policy 2.6.1.3, and therefore do not support it.

3.8.10.2 152 McMaster Road, Saddle Hill

765. *Anthony John Tomlinson Pearse and Julie Louisa Pearse* (OS393.2) sought to change the zoning of 152 McMaster Road, Saddle Hill (4.7ha), from Coastal Rural Zone to Rural Residential 1 Zone, because, with the land fragmentation that has already occurred in the surrounding area, the productive component of the rural land has already been

compromised. The submitters stated that they are surrounded by one or two hectare sites, and of 16 sites contiguous to their property, 14 already have homes while the remaining two have building consents granted.

766. The Reporting Officer, Mr Michael Bathgate, did not consider it appropriate to zone the site Rural Residential 1 as there are no adjacent areas of rural residential zoning; it would conflict with Policy 2.2.4.3.b, to avoid the creation of new rural residential subdivisions; and there is sufficient capacity for rural residential activity in the nearby Scroggs Hill and Chain Hills Rural Residential 1 zones. He noted that the property has a Hazard 2 (Land Instability) Overlay, and considered that a resource consent would be a more appropriate way of potentially adding another dwelling, rather than rezoning a single site in a rural area. In addition, the DCC Transportation Group advised that they would not support this rezoning due to concerns about unsealed roads (Section 42A Report, p. 166).
767. Mr Bathgate also noted a mistake in the Section 42A Report, and clarified that the area of 152 McMaster Road was 4.7ha rather than 19.9ha (Addendum to Section 42A Report, paragraph 8).
768. *Anthony and Julia Pearse* appeared at the hearing and tabled a statement and maps expanding on the reasons to rezone their property to Rural Residential 1. They noted that there were no landscape values or high class soils compromised; the land is already fragmented; has excellent access to Dunedin City; there would be no loss of rural character or reverse sensitivity issues or effects on rural productivity due to existing fragmentation; and development sites would avoid any hazard overlay which may exist after further hazard mapping being undertaken by the DCC. The submitters noted that the zoning change would result in an extremely small increase in Rural Residential 1 capacity, and considered that the DCC is ignoring the reality of past subdivisions that have occurred in the area under previous jurisdictions.

3.8.10.2.1 *Decision and Reasons*

769. We accept the submission of *Anthony John Tomlinson Pearse and Julie Louisa Pearse* (OS393.2) and have changed the zoning of 152 McMaster Road to Rural Residential 1 Zone.
770. We have also have changed the zoning of the following nearby sites to Rural Residential 1 Zone, under the scope of the submission of *Craig Horne Surveyors Limited* (OS704.22):
- 89, 91, 103, 136, 157, 160, 170, 175, 177, 179, 181, 206, 210, 212, 216 and 220 McMaster Road (ranging in size from 1ha to 3.9ha).
771. We consider this cluster of sites meets the site size criteria for rural residential zoning under Policy 2.6.1.Y.a. It is a mostly developed cluster of sites in separate tenure at a Rural Residential 1 scale, with 12 sites being between 2 and 4 ha, two sites less than 2 ha, and one site at 4.7 ha.
772. In terms of alignment with Policy 2.6.1.4, we note that the DCC Transportation Group raised issues relating to public infrastructure upgrades that raises questions of alignment with Policy 2.6.1.4.b. On the other hand, with the exception of part of one site, the sites are not in a landscape or coastal character overlay zone (relevant considerations under clauses 2.6.1.4.c.iii and iv). Our decision does exclude some adjacent smaller sites that are within the SNL overlay zone, because of lack of alignment with this clause. Given that this area is mostly developed at Rural Residential 1 scale, we do not consider it likely that the rezoning will raise issues under clauses 2.6.1.4.c.i or viii (relating to rural character and amenity, and other aesthetic considerations). We do not consider that this change in zoning will adversely affect rural productivity, noting that the area does not contain high class soils, and due to its mostly-developed nature it is unlikely to lead to an increase in reverse sensitivity effects.

773. We note that we have almost entirely removed the Hazard 2 (Land Instability) Overlay Zone from these sites as a result of updated evidence, as set out in the Natural Hazards Decision (a relevant consideration under clause 2.6.1.4.c.ix).

3.8.10.3 61 Creamery Road, Brighton

774. *G Honnis* (OS904.1) sought to change the zoning of 61 Creamery Road, Brighton (28.7ha), from Coastal Rural Zone to Rural Residential 1 Zone because the site has "limited rural productivity" and the site has "values people seek in lifestyle properties".
775. The Reporting Officer, Mr Michael Bathgate, did not support this change in zoning as it was a large site and would conflict with strategic policies for rural residential zoning. The DCC Transportation Group did not support the zoning change because Creamery Road is narrow, unsealed and the extra traffic generated would require sealing and upgrading of the intersection. Mr Bathgate considered there was sufficient capacity for rural residential development in the adjacent Rural Residential 1 Zone (Section 42A Report, pp. 166-167).
776. At the hearing, Mr Allan Cubitt (resource management consultant) was called by *G Honnis*. Mr Cubitt clarified that there were two sites at 61 Creamery Road, one of 2ha and one of 26ha. Mr Cubitt considered there could be biodiversity benefits from subdivision of the land and ownership by lifestyles, and noted that it wasn't great farmland. With regard to the strategic policies for zoning, he considered it was an undersized rural site as it couldn't meet the 2GP requirement for 40ha for subdivision in the Coastal Rural Zone.

3.8.10.3.1 *Decision and Reasons*

777. We reject the submission of *G Honnis* (OS904.1) and have not changed the zoning at 61 Creamery Road to Rural Residential 1 Zone.
778. We do not consider this property meets the criteria for rural residential zoning under Policy 2.6.1.Y, as the sites do not constitute a mostly developed cluster of sites in separate tenure. We therefore assessed the submitter's request under Policy 2.6.1.3, in accordance with the policy framework discussed in section 3.2.10, above.
779. As discussed in section 3.2.10, we accept the evidence of the Reporting Officer that the 2GP makes ample provision for rural residential zoned land and so this rezoning request does not meet Policy 2.6.1.3.a. In light of this, we consider rezoning would not be consistent with Policy 2.6.1.3.b regarding maintaining the balance between provision of land for lifestyle farming, with the overall Plan objectives around maintaining a compact city and having efficient and effective public infrastructure networks compact city and public infrastructure.
780. In terms of the criteria in Policy 2.6.1.4 (assessment prompted by Policy 2.6.1.3.c), we note that the DCC Transport Group identified public infrastructure issues that suggest a conflict with clause 2.6.1.4.b. Our site visit suggested there may be some issues relating to effects on rural character and amenity, and other aesthetic considerations (relevant under clause 2.6.1.4.c.i and viii). In terms of effects on rural productivity, we note there are some soils on the site that have been classified as LUC 3.
781. For the same reasons that there is poor alignment with Policy 2.6.1.Y, there is poor alignment with Policy 2.6.1.3.d. As discussed in section 3.2.10, we are generally not persuaded by arguments that these parcels of land are not able to be farmed in an economically viable manner, given the large number of undersized rural sites in the city.
782. Overall, we consider the rezoning of this area to Rural Residential 2 would be in conflict with the strategic direction objectives and policies, including Policy 2.6.1.3, and therefore do not support it. We received no evidence that convinced us that criteria for rezoning was met.

4.0 Future plan change reviews and other suggestions

783. In considering this topic, it was our opinion that the Plan may have been improved reviewing possible provisions, as set out below, together with some suggestions we have made as to future work that may be carried out via plan changes or as part of the next plan review:
- A review of any undeveloped rural residential zoned areas carried over from the operative Plan, to assess their suitability for rural residential zoning and the likelihood that they will be developed in future;
 - We recommend the Council continues to monitor the supply and uptake of rural residential zoned land, as well as conducting work to investigate market demand for rural residential land, in order to understand the adequacy of supply and capacity within the rural residential zones; and
 - Investigation of the adequacy of 2GP provisions in managing effects on amenity, and whether additional controls, such as site coverage, may be required for the rural residential zones.

5.0 Minor and inconsequential amendments

784. 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.
785. 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
786. 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.
787. One amendment made under clause 16 that is not described earlier in this Decision Report is the order of policies 17.2.1.1 and 17.2.1.2 has been switched to better reflect the 2GP policy hierarchy. This has been undertaken to improve consistency with the way policy suites are set out in the 2GP and hence clarity for Plan users.

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

Please see 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 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

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
2. Strategic Directions	Policy	2.2.4.3			Amend policy to remove rural residential from policy (linked to creation of new policies)	ULS394	3.2.10	5.1.1
2. Strategic Directions	Policy	2.6.1.3	2.6.1.4		Amend policy to remove content related to large lot residential zoning and amend to include a new policy for rural residential zoning	RR447.4	3.2.10	5.1.1
2. Strategic Directions	Policy	2.6.1.4	2.6.1.5		Amend policy wording	RR447.4	3.2.10	5.1.3
2. Strategic Directions	Policy	2.6.1.Y (new)	2.6.1.3		Add new policy for rural residential zoning	RR447.4	3.2.10	5.1.1
17. Rural Residential Zones	Introduction	17.1			Amend the Introduction		3.7.1	5.1.4
17. Rural Residential Zones	Policy	17.2.2.1			Amend policy wording	RU1090.32	3.4.4	5.1.8
17. Rural Residential Zones	Policy	17.2.2.3			Do not amend Policy 17.2.2.3 as requested		3.4.2	5.1.11

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
17. Rural Residential Zones	Objective	17.2.2			Amend objective wording	RR807.35 RR908.3	3.4.3	5.1.6
17. Rural Residential Zones	Objective	17.2.2			Do not amend Objective 17.2.2 as requested		3.4.6	5.1.9
17. Rural Residential Zones	Policy	17.2.3.3			Do not amend Policy 17.2.3.3 as requested		3.4.2	5.1.15
17. Rural Residential Zones	Policy	17.2.4.1			Do not remove Policy 17.2.4.1		3.4.7	5.1.16
17. Rural Residential Zones	Policy	17.2.4.2			Do not amend Policy 17.2.4.2 as requested		3.4.7	5.1.17
17. Rural Residential Zones	Policy	17.2.4.4			Amend policy wording	RR307.1	3.3.4	5.3.7
17. Rural Residential Zones	Activity Status	17.3.3.4		Forestry	Do not amend activity status of Forestry to permitted in Rural Residential 2 Zone		3.5.1	5.3.3
17. Rural Residential Zones	Activity Status	17.3.3.7		Rural Tourism	Do not amend activity status of Rural Tourism to permitted		3.5.2	5.3.1
17. Rural Residential Zones	Activity Status	17.3.3.9	17.3.3.11	All other rural activities	Do not amend activity status of All Other Rural Activities to discretionary		3.5.3	5.3.4

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
17. Rural Residential Zones	Activity Status	17.3.3.12	17.3.3.14	All other residential activities	Do not amend activity status of All Other Residential Activities to discretionary		3.5.4	5.3.5
17. Rural Residential Zones	Activity Status	17.3.3.21	17.3.3.23	Visitor Accommodation	Do not amend activity status of Visitor Accommodation to permitted		3.5.5	5.3.2
17. Rural Residential Zones	Activity Status	17.3.4.3		Building on landscape building platform	Do not amend activity status of Buildings > 60m2 on landscape building platforms		3.5.6	5.3.6
17. Rural Residential Zones	Activity Status	17.3.5.3		Subdivision	Do not amend activity status of Subdivision as requested		3.3.4	5.3.7
17. Rural Residential Zones	Notification Rule	17.4.3	N/A (Deleted)		Do not amend Rule 17.4.3 as requested		3.7.2	5.2.2
17. Rural Residential Zones	Land Use Performance Standard	17.5.2.1		Density	Amend performance standard to clarify density for Rural Residential 2	RR997.35	3.3.3	5.4.1 5.4.2 5.4.3
17. Rural Residential Zones	Land Use Performance Standard	17.5.4		Hours of Operation	Do not amend Rule 17.5.4 as requested		3.6.6	5.5.1
17. Rural Residential Zones	Land Use Performance Standard	17.5.10		Separation Distances	Do not amend Rule 17.5.10 as requested		3.6.4	5.5.3

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
17. Rural Residential Zones	Development Performance Standard	17.6.7	17.6.6	Ancillary signs	Do not amend Rule 17.6.7 as requested		3.6.3	5.5.5
17. Rural Residential Zones	Development Performance Standard	17.6.10.1	17.6.9.1	Boundary setbacks	Amend performance standard to increase the side and rear boundary setbacks for non-residential buildings housing animals over 7m high from 15m to "The greater of either 15m or twice the maximum height of the building" and for non-residential buildings not housing animals from 6m to "Twice the maximum height of the building"	RR312.10	3.6.1	5.5.65.5.45.5.8
17. Rural Residential Zones	Subdivision Performance Standard	17.7.5		Subdivision	Do not amend Rule 17.7.5 as requested		3.3.5, 3.3.6	5.4.3 5.4.7 5.4.8
17. Rural Residential Zones	Assessment of Restricted Discretionary Performance Standard Contraventions	17.9.2.1			Do not amend Rule 17.9.2.1 as requested		3.7.3	5.6.1

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
17. Rural Residential Zones	Assessment of Restricted Discretionary Performance Standard Contraventions	17.9.3.7			Amend guidance to reflect change in Policy 17.2.2.1	RU1090.32	3.4.4	5.1.8
17. Rural Residential Zones	Assessment of Restricted Discretionary Performance Standard Contraventions	17.9.4.1			Amend guidance to reflect change in Policy 17.2.2.1	RU1090.32	3.4.4	5.1.8
17. Rural Residential Zones	Assessment of Restricted Discretionary Performance Standard Contraventions	17.9.4.10	17.9.4.5		Do not amend Rule 17.9.4.10 as requested		3.7.4	5.6.1
17. Rural Residential Zones	Assessment of Non-complying Activities	17.12.5.1			Amend guidance to reflect change in Policy 17.2.4.4	RR307.1	3.3.4	5.3.7
17. Rural Residential Zones	Development Performance Standard			Size and number of permitted buildings and structures	Do not add new performance standard for size and number of permitted buildings and structures		3.6.2	5.5.8
17. Rural Residential Zones	Land Use Performance Standard			Boundary setbacks	Do not add new boundary setback requirement for Farming and Grazing activities		3.6.5	5.5.8

