

IN THE MATTER

of the Resource Management
Act 1991 ("the RMA")

AND

IN THE MATTER

of a determination on 'out of
scope' submissions lodged in
relation to proposed Variation
2 to the Proposed Second
Generation Dunedin City Plan
("the 2GP")

DECISION OF INDEPENDENT HEARINGS PANEL

Part A: Introduction

Context

1. An independent hearings panel ('the Panel') was appointed by Dunedin City Council ('the Council') pursuant to section 34A of the RMA to hear submissions and make decisions with respect to proposed Variation 2 (Additional Housing Capacity) to the 2GP.
2. Variation 2 was publicly notified on 3 February 2021, and as at the closing date for submissions a total of 302 submissions had been lodged. In addition, 4 late submissions have since been granted a waiver of time limits and accepted into the Variation 2 process.
3. This decision of the Hearings Panel records our determination with respect to out-of-scope submissions.

The Process

4. Minute 1, issued on 1 April 2021, advised all submitters that the Panel intended to make determinations on a number of submissions that had raised points assessed by Council staff as clearly not being 'on', or within the scope of, Variation 2.
5. Minute 1, attached to this determination as *Attachment 1*, sets out:
 - (a) the reasons why the Council had chosen to limit the scope of Variation 2¹;

¹ Minute 1, para 11

- (b) the ways that the limitation on scope had been clearly outlined in the Section 32 Report and all supporting documents, public notices, and other communications²; and
 - (c) the process that would be followed for determination of out-of-scope submissions, including the objections and appeals process and the further submission process to follow³.
- 6. The Panel met on 7 May 2021 to consider the recommendations made by the Council reporting officer (Ms McEwan), and to consider written responses to that report received by submitters who had been advised their submissions, in whole or in part, had been assessed by staff as out-of-scope. Ms McEwan was in attendance for part of the meeting on 7 May 2021, at the Panel's request, in order to explain the methodology that had been carried out in her evaluation of the scope of those submissions.
- 7. The documents we had considered at that time were as follows:
 - (a) proposed Variation 2 and the section 32 Report;
 - (b) memorandum of counsel for Retirement Villages Association in response to Minute 1;
 - (c) s42A Report dated 16 April 2021 on out-of-scope submissions ('s42A Report');
 - (d) submissions identified in the s42A Report;
 - (e) responses received by submitters on the s42A report; and
 - (f) supplementary s42A Report with revised recommendations, dated 7 May 2021;
- 8. Following that meeting, we also considered:
 - (a) responses received from two submitters after the 7 May meeting, i.e. from Retirement Villages Association and from Ryman Healthcare Limited ('RVA/Ryman response'), where we had agreed that it was appropriate to do so; and
 - (b) a second supplementary s42A report dated 13 May 2021, in response to the matters raised by the two submitters above.

Statutory Considerations

- 9. There is a process in Section 41D of the RMA for striking out all or part of a submission where it is:
 - (a) frivolous or vexatious;

² Minute 1, paras 12 - 15

³ Minute 1, para 17 (a) – (g)

- (b) discloses no reasonable or relevant case;
 - (c) were to be an abuse of the hearing process to allow it to be taken further;
 - (d) is supported only by evidence which is not independent expert evidence; or
 - (e) contains offensive language.
10. We received advice on relevant case law from the reporting officer, which she stated had informed the approach to her assessments and recommendations. In particular, the s42A Report referred to the recent Environment Court decision *Calcutta Farms Limited v Matamata-Piako District Council*⁴; the High Court case *Palmerston North City Council v Motor Machinists Limited*⁵; and the High Court decision in *Clearwater Resort Ltd v Christchurch City Council*⁶.
11. The Panel agrees that the s42A Report has accurately summarised the key points of these cases. We agree that to be regarded as 'on' a variation, and in scope, a submission must:
- (a) address the extent to which the variation changes the plan;
 - (b) not be coming out of 'left field';
 - (c) reasonably be said to fall within the ambit of the variation, with incidental or consequent extensions of zoning changes requiring no additional section 32 analysis; and
 - (d) not carry a risk that people affected by the variation (if modified in response to the submission) would be denied an effective opportunity to participate in the plan change process.

Part B: The Process

Context

12. In this section we first address the submissions and responses challenging the process we have adopted for considering scope and the appropriateness of striking out submissions.

Our Process for Considering Scope

13. Some submitters were concerned that the process outlined in Minute 1 is inappropriate, and in particular submitters should be provided with an

⁴ [2018] NZEnvC 187

⁵ HC, Palmerston North, Kos J, 3 May 2013

⁶ AP34/02, 14 March, Young J

opportunity to be heard directly through this process, as opposed to progressing 'on the papers' ('joint submission'⁷ para. 6(c)).

14. While we understand the desire to present arguments in person, we felt that this was not required for a number of reasons, as follows:
 - (a) Variation 2 is designed to offer fast-tracked relief to the shortage of housing in Dunedin, and therefore an efficient and timely decision-making process is particularly important for this variation;
 - (b) In order to best achieve that, the most efficient process was determined to be for:
 - (i) the Panel to meet and consider the arguments by all parties on the papers, with some questions asked of the reporting officer only where the Panel felt it needed some clarification on the methodology contained in the s42A Report; and
 - (ii) a separate hearing to be held if any party wishes to exercise their right to object to our decision to strike-out, in accordance with sections 357 and 357C of the RMA.
 - (c) This process would enable the timetable for further submission to be notified and the hearing on substantive matters to be retained. In response to a concern raised in the RVA/Ryman response, we understand that the objection process for strike-out decisions does not require the variation to be put on hold pending the decision on objections. Ms McEwan advises that *"the Variation 2 hearings are already likely to be split into topic streams and any submissions that are brought back into Variation 2 can be dealt with through their own stream/s (as they will be on different matters to those already within Variation 2)"*.⁸
 - (d) The written responses provided by submitters were succinct, and well-argued, and most importantly readily understood by the Panel, negating the need for questions on our part.
15. Another concern raised in the RVA/Ryman response was that the submitters had not had access to Council's legal advice regarding the process for striking out of submissions and that this had prejudiced their response. We accept Ms McEwan's advice that the relevant statutory tests and case law identified from the Council's legal advice on the issue of scope were included in her s42A Report, and all submitters had access to that. We do not consider the submitters were prejudiced by not having access to Council's legal advice, which we understand was withheld under legal privilege.

⁷ Letter dated 3 May 2021 and associated appendices, signed by multiple consultants, starting with Kurt Bowen of Paterson Pitts Group, submitted on behalf of clients of those consultants listed in Appendix A to the letter, with a legal response from Derek McLachlan of Gallaway Cook Allan in Appendix B to the letter.

⁸ Supplementary s42A Report with revised recommendations, para 12

16. Overall, we were comfortable that having received the advice from Council staff based on relevant case law around scope and process, and having considered the arguments received by the submitters, it is appropriate to make decisions at this time, in the manner outlined in our Minute 1, on submissions that we consider are clearly out of scope.

Appropriateness of using this process for Striking Out

(a) Further submission process and natural justice

17. We considered the relief recommended in the 'joint submission' that the Panel "*do not exercise their authority to strike out submissions pursuant to section 41D*" (para. 6(a)). Mr McLachlan's argument in Appendix B to the joint submission was that:

Any prejudice to third parties can be alleviated through the further submission process. Given that Variation 2 is still within preliminary stages, the prejudice warned of within Clearwater and Motor Machinists has not yet materialised.

18. Whilst we acknowledge that point, we were more persuaded by the arguments made by the reporting officer that given the number of submissions that appear to be clearly out of scope, if we were not to adopt a strike out procedure then natural justice issues are likely to arise particularly "*where members of the public have chosen not to submit on Variation 2 at all because they understood and accepted that [Variation 2] is limited in scope*"⁹. In our view, if a selected group of persons was allowed to effectively expand the scope of the variation, it would be unfair to all others who 'followed the rules', so to speak. The further submission process provides no remedy to this, as further submissions are limited to either supporting or opposing original submissions.
19. We are also not convinced that the further submissions process would rectify natural justice considerations¹⁰ when people could not reasonably anticipate that submissions might stray significantly from the Council's original proposals. A key consideration for us was that the Section 32 report clearly communicated the limited nature and constrained focus of Variation 2. We consider that by accepting submissions that are clearly out of scope into the process now there is a high risk that many people will be unaware of these submissions. Several of these relate to rezoning of land and changes to Plan provisions which are very wide-ranging and it would be impractical for Council to determine the extent of people potentially affected and therefore requiring individual notification.
20. Overall, we accept the assessment Ms McEwan gave in her revised recommendations (paragraphs 29-31; 37-40) that the acceptance of out of scope submissions would mean that the variation should then be opened up to allow all submissions of a similar nature. The only way to do this, while addressing natural justice issues, would be to withdraw the variation and

⁹ S42A Revised Recommendations, para 31

¹⁰ Also raised by Ms Justice for Rochelle & Tony McFarlane

restart the process without the scope limitation or with different limitations. We do not consider that would be appropriate given the focused purpose of Variation 2 to achieve relatively speedy results to the issues identified in the section 32 report.

(b) Limitations on public participation

21. Ms Justice¹¹ and Ms Amos¹² argued that the proposed process is unusual and limits public participation. However, Ms McEwan's evidence, consistent with our experience, was that it is common practice for plan changes and variations to be focused and limited in scope and it is therefore not a realistic expectation for them to be treated in the same way as a full Plan review, where the public is able to submit basically on any aspect of a Plan, whether or not a management regime has been reviewed or is subject to any proposed change.

(c) Were the scope limitations properly explained?

22. Next, we explored whether the scope limitations of Variation 2 had been clearly conveyed and were able to be clearly understood¹³. Having considered the evidence of Ms McEwan and reviewed the Section 32 report and summary of changes for Variation 2 we considered that it had been made very clear that Variation 2 was not a full plan review and was only concerned with specific (limited) matters.
23. The purpose of the rezoning proposals was in our consideration very clearly stated in the Section 32 Report, an integral part of Variation 2, as¹⁴:

*In the context of needing to identify additional residential capacity, the purpose of the proposal is to **assess the appropriateness of rezoning a number of identified sites.***

The sites that were assessed as part of this proposal include the sites that are proposed for rezoning outlined in Section 20.4, and those that were assessed but are not being proposed for rezoning in Variation 2, which are listed in Appendix 4...

*Variation 2 does not include a full review of zoning in the city, **but instead a limited review of the zoning of some sites.** The scope of the proposals to rezone land includes the need for specific plan provisions (for example overlays or site specific rules) to manage adverse effects of development of the sites being rezoned. (our emphasis has been added)*

24. We accept Ms McEwan's advice that the limited scope of Variation 2 has been made clear from the point at which the variation was initiated, and throughout the notification process. We also note that the inclusion of

¹¹ For James Sunderland and Megan Justice

¹² For Retirement Villages Association of New Zealand

¹³ Raised by Ms Peters for Alec Cassie and Richard Muir

¹⁴ Section 32 Report, para. 657 onwards

statements on scope within several of the submissions lodged on Variation 2 indicates that the scope limitations were able to be understood.

(d) Do the background reports provide scope?

25. We considered the argument by Mr McLachlan in the joint submission¹⁵, and other submissions¹⁶, that the background reports discussed in the section 32 report form part of the Variation 2 process, and thereby expand its scope. We were satisfied with the response from Ms McEwan in her revised recommendations¹⁷ that it was clear the background work was done to inform the broad spectrum of the Future Development Strategy, Variation 2, and other policy work. We do not accept that background reports referenced in a section 32 assessment in themselves can properly be said to define the 'scope' of a section 32, plan change or variation.

(e) Does the NPS-UD widen the purpose of Variation 2?

26. Mr McLachlan argued, in the joint submission, that the purpose statement associated with a particular provision, Change H1 (which we understand sought a clarification/ change to clause a of policy 2.6.2.1 and objective 2.6.2 by adding the words "at least"), expands the scope of the variation as it refers to alignment with the National Policy Statement on Urban Development ('NPS-UD')¹⁸. Having considered the description of this provision ('purpose of proposal') in the section 32 report, we do not consider the two added words have that effect at all.
27. Similarly, we considered Mr McLachlan's (and others'¹⁹) assertion that "*Council's description of the 'purpose' of the plan change is inaccurate. The purpose of the Variation is to give effect to the NPS-UD 2020.*"²⁰ Having read the section 32 report and considered Ms McEwan's evidence²¹ we were satisfied that the variation, while clearly having a major driver to add more housing capacity (and ensure compliance with NPS-UD Policy 2), comprises a series of limited review topics and proposals (each with a 'purpose of proposal') that traverses topics from minor changes of clarification to more significant reviews of various management regimes in the Plan. Not all of those topics and changes are concerned with adding housing capacity or implementing the NPS-UD. We were therefore not convinced that this argument had merit.

(f) Does amending a provision bring any submission on that provision within scope?

¹⁵ Paras. 1 and 19 of Appendix B

¹⁶ Raised by Ms Peters for Alec Cassie and Richard Muir

¹⁷ Section 2.5

¹⁸ Paras. 12; 22-23

¹⁹ Ms Justice for James Sunderland and Megan Justice; and Ms Amos for Retirement Villages Association of New Zealand

²⁰ Joint submission, Appendix B, para. 3

²¹ S42A Report, Section 2.1

28. We also considered responses from Mr Farry²², Mr Bryce²³, and Ms Justice²⁴, which inferred that because changes to identified provisions had already been made as part of Variation 2, that this brought other changes to those same provisions within scope. However, we consider the fundamental issue is that the changes sought in those submissions are for purposes beyond those stated in Variation 2. We do not accept the premise that simply because a provision is proposed to be amended, then any submission on that same provision must automatically be considered as being within scope.

(g) Were the reasons for limiting scope explained and made clear?

29. Mr McLachlan and others argued that it is inappropriate for the Council to limit submissions to the proposals that were included in the variation or alternatives that were assessed in the section 32 report, and that this approach inherently made the section 32 process flawed.
30. We understand and see as pragmatic the rationale that the s42A Report explained as to why Council has chosen to limit scope²⁵. Having considered the requirements of the NPS-UD we accept Ms McEwan's view that the NPS requires a strategic approach to growth planning²⁶, as well as immediate action if a shortage of medium-term capacity is found²⁷. We can find no flaw in the Council's approach to undertake a limited 'early wins' plan variation, ahead of completing a Future Development Strategy (FDS) which is also required by the NPS-UD.
31. It is in our view more appropriate to initiate a variation now, which includes proposals to address the immediate medium capacity, rather than running an open-ended process where there is no limit to any submissions being able to be considered on changes that would create housing capacity.
32. We also understand the Council's desire to avoid overlaps with matters subject to appeal in the 2GP process so as to not frustrate the progress of those appeals, particularly where appellants may be anxious to have mediated agreements considered and progressed by the Court. In our view this was a pragmatic decision taken by Council at the time of developing the scope of the variation, but this was not a reason the Panel took into account in making our determinations on submissions being out of scope.

(i) Was the section 32 evaluation sufficiently robust?

33. We also considered the argument of Mr McLachlan in the joint submission that we should put to one side the statements of purpose included in the Section 32 Report, including the purposes for rezoning proposals, and accept

²² For Richard Farry

²³ For Ōtākou Health Limited

²⁴ For James Sunderland and Megan Justice

²⁵ S42A Report, sections 2.1 and 2.2

²⁶ Revised Recommendations, paras. 11-12

²⁷ Out-of-Scope Submissions Report, para. 7

his alternative view that the purpose was really *"to give effect to the NPS-UD 2020 through identifying appropriate sites to provide additional housing capacity"*²⁸. He also questioned whether the Section 32 report had considered an adequate number of options to achieve that wider purpose. A similar argument was made by others who said the Section 32 report was incomplete and/or did not identify the most appropriate options for providing housing capacity²⁹.

34. Having examined the section 32 report³⁰ and considered Ms McEwan's evidence³¹, we could find no major flaws in the options identification process and section 32 assessment.
35. By way of context, and as a broad principle, we accept the evidence of Ms McEwan that Section 32 of the RMA does not require the Council to explore every option to achieve an objective of a proposal. Section 32 (6) states that 'objective' means "(a) for a proposal that contains or states objectives, those objectives; (b) for all other proposals, the purpose of the proposal". We understand that very few changes in Variation 2 include an amendment to an objective in the Plan. We recognise that the Council went to some lengths to include statements of "the purpose of proposal" for each matter it was reviewing in its section 32 evaluation so that the objective for that proposal was made clear.
36. We also accept that, in any event, an appropriate number and wide range of reasonably practicable options were assessed. The evidence of Ms McEwan was that the options identification exercise used a mix of evidence-led options identification (background research and analysis to identify suitable options to evaluate) and landowner/agent-suggested options (over a lengthy consultation period), and this seems appropriate to us. With respect to rezoning in particular, which appears to be the main matter of concern to the joint submitters and Mr McLachlan, we are also satisfied that a broad range of options were considered.

(j) Public consultation process flawed?

37. We also considered the argument of Mr McLachlan in the joint submission and others³² that the public consultation process used in the Variation's preparation was flawed because it was not clear what the deadline for suggestions was.³³ We note the response given by Ms McEwan indicates that the period over which people on the DCC's 'development sector' contact list were able to suggest sites was more than 12 months³⁴, which is an exceptionally long consultation period for a limited variation of this type.

²⁸ Joint submission, Appendix B, para. 22

²⁹ Letters on behalf of Custom Investments Ltd, Alec Cassie and Richard Muir, Rochelle & Tony McFarlane

³⁰ Section 32 Report, Section 20.3

³¹ Revised Recommendations, Section 2.4

³² Letter on behalf of Rochelle & Tony McFarlane; "inadequate consultation process"

³³ Joint submission, Appendix B, para. 1(b)

³⁴ Revised Recommendations, para.19

Therefore, while there was no deadline given in the letter, we expect that over the course of such a long period there was ample opportunity for those parties to participate (and we note that the parties to the joint statement did participate), and also to be able to contact the DCC to seek clarification as to when any deadline might be imposed.

(k) Are there no other opportunities to provide development capacity?

38. The response from RVA/Ryman considers that Variation 2 is "*the only opportunity to ensure short and medium term demands for retirement living are properly addressed*" (para. 30). However, as noted in the supplementary s42A Report with revised recommendations the Future Development Strategy must show how sufficient development capacity will be provided over the next 30 years, and does not exclude consideration of the short and medium terms³⁵. That report also advises that the National Policy Statement – Urban Development ('NPS-UD') requires ongoing monitoring of housing demand and capacity and we understand Council will be undertaking additional focused plan changes as required to ensure its obligations under the NPS-UD continue to be met.

(l) Is the process inappropriate for other legal reasons

39. The RVA/Ryman response raises some other aspects that we will now address. Firstly, in response to the matter raised in paragraph 44 on the legality and appropriateness of using the strike out process, we are satisfied from Ms McEwan's advice that section 41D(2)(a) of the RMA provides for an authority to make a direction under this section before, at, or after the hearing. In response to comments made in paragraph 47 of the response, we accept Ms McEwan's advice that it is important to distinguish the use of section 279(4) by the Court from that of section 41D(1), and in that regard it is only those submission points determined to be clearly outside scope that have been struck out using this process. We also accept Ms McEwan's advice that the use of section 41D is not contrary to section 18A, as it is intended to uphold the outcomes set out in section 18A and contribute to the provision of additional housing capacity in a timely manner³⁶.

(m) Processing of specific submissions

53-100 Scroggs Hill Road:

40. The joint statement noted that the site 53-100 Scroggs Hill Road was included in Appendix 4 to the section 32 report for Variation 2 even though it had not been assessed. The question was raised as to why other sites, raised through late submissions, were not treated similarly³⁷. DCC staff clarified that this was a unique situation as it was linked to mediation on a 2GP appeal.

³⁵ Supplementary s42A Report with revised recommendations, para 9

³⁶ Supplementary s42A Report with revised recommendations, paras 13 - 15

³⁷ As raised in the joint response, Appendix B, para. 20

188 North Taieri Road:

41. We also sought clarification on why the sites subject to the assessment in rows 59 and 90 of the s42A Report had not been included fully in the section 32 report, despite having been suggested to the Council during the time that suggestions were still being accepted³⁸. Ms McEwan clarified, in answer to our questions, that the site suggestion made in the email had referred to a large rural property in its entirety (188 North Taieri Road). This was not assessed because it was considered inappropriate due to its large size. A later email from the consultant refers to two areas within this property having been suggested, but Council has stated to us it has no record of receiving maps of these areas.

81A Glenelg Street, 34 Bradford Street and 5 Ronay Street:

42. The consultant for the submitters advised Council, by e-mail dated 12 May 2021, of some corrections as to the details of these properties. We were advised by Ms McEwan by e-mail on the same day that the changed information does not affect her assessment or recommendations regarding scope of those properties, as the updated property address is adjacent to the original property and the same factors will therefore apply.

Overall findings on the Process

43. We agree with the joint submission letter and other responses from submitters that caution needs to be exercised when considering striking out of submissions. However, we consider it is appropriate, for all of the reasons outlined above, to use Section 41D in the particular circumstances of proposed Variation 2 and the process we followed was appropriate.
44. We do not consider there was any fundamental flaw in the process used to develop the plan variation, the breadth of options that were explored or the process that was used to identify them (the section 32 evaluation). We therefore reject the argument in the joint submission letter that the DCC *"did not clearly develop a process that ensures that the most appropriate sites within the district are assessed for rezoning"*³⁹.
45. The purpose of the variation was made very clear, and in particular its quite limited scope. We consider to allow submissions which are clearly out of scope into the process at this stage will undermine the purpose of the variation and will also result in a process that is flawed from a natural justice perspective, and which cannot be adequately addressed through the further submission process.
46. Whilst a number of submitters are likely to be disappointed with this outcome, we consider there are other processes available to them. The reporting officer also advised that Council will be undertaking the Future Development Strategy and, in the meantime, it is intending to promote additional focused plan changes as required to ensure its obligations under

³⁸ As raised in the joint submission, Appendix B, para. 21

³⁹ Joint submission, para.2

the NPS-UD continue to be met. We also note there is an objection process outlined earlier in this Decision report.

47. We now go on to consider the principles by which we should make decisions on scope.

Part C: Individual Submissions assessed in the s42A Report

Methodology

48. All submissions received on Variation 2 were assessed for scope in the s42A Report, and in the subsequent Revised Recommendations report. Our evaluation is based on, and refers to, the relevant reports as set out below.
49. We firstly considered the advice provided in the s42A Report by the reporting officer on the legal principles that should be applied, and how those principles might be applied (e.g. what methodology) when evaluating whether submissions are on the variation⁴⁰. We note that the reporting officer has stated that her assessment was based on legal advice received by the DCC and that her assessment had been subject to legal review⁴¹.
50. We generally accepted the principles to be used to assess rezoning requests as outlined in sections 3.1 and 3.2 of Ms McEwan's s42A report. Applying that methodology, the s42A Report includes a series of evaluation tables for each submission, first for rezoning requests and mapping changes, and then for additional changes to the provisions being amended by Variation 2.
51. We reviewed all the feedback that was received proposing an alternative view or approach to assessing scope of submissions. We found nothing in the responses that made us question the principles or approach used by Ms McEwan. We were therefore reassured that the assessment methodology was legally sound and well-reasoned. The evaluation carried out and reflected in the tables is in our view comprehensive and sound.
52. We assessed the tables in the Revised Recommendations report, starting on page 25, as that represents the latest update on withdrawn submission points including the significant change in the extent and scope of Kāinga Ora's submissions. Our findings are set out below.

Recommendations to accept submissions as within scope

53. We accept all of the recommendations by Ms McEwan where she had assessed submissions to be within scope as we accepted the methodology used, and her evaluation of each of those submissions, was thorough and well-reasoned.

⁴⁰ S42A Report, section 3.1 and section 3.2

⁴¹ Revised Recommendations Report, 13 May, para 1

54. Submissions we have therefore accepted as being within scope include requests for rezoning land at the following locations:
- Scroggs Hill, Brighton;
 - Gladstone Road South, Taieri;
 - Main South Road, Fairfield;
 - Wakari Road, Wakari;
 - Burgess Street, Green Island;
 - Wright St/Tyne St, Roslyn;
 - Tomahawk Road, Andersons Bay⁴²;
 - Watts Road;
 - North Road; and
 - Irwin Logan Drive/Jocelyn Way/Pinfold Place;
55. As noted in the s42A report, these requests *"are generally for small areas which are part of a property that has been assessed in-part already, and the necessary extension to the section 32 assessment is likely to be contained and easily managed within the scope of the request"*⁴³.
56. We are also conscious that any additional directly affected persons will be directly notified of these submissions, and provided an opportunity to make a further submission.
57. We now consider those requests for rezoning which have been assessed by the reporting officer as being outside of scope.

Rezoning submissions assessed as being out of scope

58. The evaluation table in the s42A Report applies the relevant principles or tests to submissions, which have been grouped into several categories. Whilst we do not consider the categories themselves are particularly important, as the evaluation criteria set out in section 3.1 of the s42A report are key, we have discussed the submissions generally under those categories for ease of reference.

(a) Non-residential zoning

59. In our view the submissions seeking non-residential zoning (i.e. Rural Residential, and Rural Hill Slopes) are clearly outside the scope of Variation 2 which does not propose to rezone any land to zoning other than Residential. Therefore, we accept the recommendation that these submissions are outside of scope.

⁴² This submission by D Anfield was recommended for strike out in the S42A Report, but was accepted as within scope – see discussion in (c) below

⁴³ S42A Report, Table 1

(b) Rezoning that is not contiguous with areas assessed

60. The submissions in this category have been assessed as being for land in new areas which are not contiguous with the areas included in Variation 2. For the most part the land requested to be rezoned is well separated from areas assessed in Variation 2, and in many cases the land is also of large area meaning the section 32 assessment that was carried out for the variation does not apply. There are also issues regarding the principles of natural justice, as set out in our earlier discussion on that point.
61. We accept Ms McEwan's recommendations that all of the submissions points in this category are clearly outside of the scope of, and are not on, Variation 2.

(c) Extensions to areas assessed in Variation 2

62. For the submissions that were seeking extensions to greenfield rezoning areas and intensification rezoning areas assessed in Variation 2, we reviewed each site on the maps provided and referred to the original submission where required.
63. Whilst some submissions were accepted as being within scope (i.e. Table lines 65 – 67) we accepted Ms McEwan's recommendations with respect to all other submissions, apart from one discussed below. From studying their characteristics on the Planning Maps we considered they do not meet the evaluation tests due to the size of the changes to the area being contemplated (e.g. the sites in the Map labelled 'East Taieri'), the need for section 32 assessments to be extended due to values and constraints present on the additional area (e.g. high class soils, hazard areas) and the significant natural justice concerns as that change in scale of proposal would not have been anticipated by people that may have viewed the original plan variation proposals.
64. Overall, we felt that the assessment by the reporting officer for each submission point was sound and our decisions are to accept the recommendations of the reporting officer for the reasons stated in the report, with one exception that being for the submission of Mr Anfield (S61), which we have accepted as a submission within scope.
65. Mr Anfield's submission was for the boundary of a proposed change to be extended to a closely proximate site in Tomahawk Road, and as clarified in a subsequent e-mail from this submitter it included the sites in between to be added. We were of a view that the sites he had requested for rezoning qualified in terms of being contiguous and represented a minor extension to the area proposed for change and therefore should be considered in scope.

(c) Extensions to 'Rejected' sites

66. The natural justice issue is particularly important for submissions seeking extensions to 'rejected' sites. This is because we understood the Council's public notice process did not notify owners or occupiers of properties located near to these sites, as those sites had been discarded as a result of the

section 32 evaluation, and then not carried forward into Variation 2. We consider that most people, other than those that had suggested the rejected sites to be included, would likely have been unaware that these areas (i.e. extensions to the rejected sites) could be brought into the process.

67. We also understand that the section 32 evaluation is less complete for rejected sites as the evaluation 'stopped' once it failed one of the assessment criteria, and therefore the principle in the fifth column of the evaluation tables is difficult to satisfy for this category of submissions.
68. For those reasons we accept the recommendations in the Revised Recommendations report, noting however that the submissions shown in lines 85 and 86 in Table 1 (concerning properties in Watts Road and North Road) are accepted as these sites were omitted in error and parts of the properties concerned had been assessed in part. It is also noted that the submission in line 92 of the Table has been accepted as within scope as the land is adjacent to RS153 and generally relates to a proposal for that area⁴⁴.

(d) Rezoning where Mapped Areas have been amended; rezoning from transition zones; and changes to mapped areas or overlay zones not being amended in Variation 2

69. This group of submissions is assessed in Rows 93 to 105 of the Revised Recommendations report. We accept the reasons given in the Revised Recommendations Report for all the submissions in these categories, with some additional explanation as set out below.
70. Rows 93-100 are submissions seeking changes to the zoning of sites where Variation 2 has applied a new overlay ('NDMA') linked to changes to provisions governing development of those greenfield sites. However, whilst changes are proposed in relation to overlays, the rezoning of these sites was not anticipated and has not been explored through Variation 2 and therefore these submissions are considered to be clearly out of scope.
71. The submission in Row 101⁴⁵ sought a change to the density on a site through the use of a structure plan. As for those submissions seeking a similar outcome through a change of zoning on a site where this is not being reviewed, this submission is also considered to be clearly out of scope.
72. The submissions in Rows 102 and 103 seek changes to be made to overlays associated with submissions seeking zoning changes that we have assessed as out of scope. For the same reasons as we consider the zoning requests as out of scope we consider the requests to review the overlays on these sites as out of scope.
73. Submissions in Rows 104 and 105 are seeking changes to the Urban Biodiversity Mapped Overlay on sites that were not reviewed or subject to any change in Variation 2. These are also considered to be clearly outside of scope.

⁴⁴ Revised Recommendations Report, Table 1, Line 92

⁴⁵ Gladstone Family Trust (submission 219.001)

Revised Recommendations – alternative processes to rectify scope

74. The Revised Recommendations report (7 May 2021) advised that there had not been significant changes to the original recommendations. However, it also helpfully provided some suggestions for an alternative 'process' in an attempt to provide some submitters an opportunity to rectify scope problems as set out in paragraph 34 of that report. That process would have involved discussions between staff and several submitters to effectively negotiate the withdrawal of parts of sites, or whole sites where several sites had been requested for rezoning.
75. Whilst the Panel considered that to be a worthwhile suggestion, we were conscious that this process would first require additional work on the part of officers to properly assess those areas to ascertain what level of reduction would be required⁴⁶, and would then involve a process that will inevitably require some considerable time. We consider it would not fit well with the process already embarked on for Variation 2.
76. We note also that submitters have, on receipt of the s42A Report, had the opportunity to consider amending the extent of their submissions to address the potential scope issues. The submitters Kainga Ora and Mark Geddes substantially narrowed the scope of their submissions, however others did not.
77. The submissions requesting further changes to the Plan provisions are addressed below.

Requests to change the Plan provisions

78. These submissions are summarised in the table starting on page 43 of the Revised Recommendations report. The evaluation was carried out using the criteria in section 3.2 of the s42A Report, i.e. firstly whether the request relates to the purpose of the proposals assessed in the section 32 report; and secondly whether the request is seeking an alternative solution to an objective highlighted as the purpose of the change and by implication whether any natural justice issues are likely to arise (e.g. whether someone could have reasonably understood the management regime could change through the variation).
79. We sought some clarification from the Reporting Officer on the various provisions that were discussed in submissions and considered the 'purpose of proposal' statements in the summary of changes/ section 32 report.
80. With the exception of the submissions by Retirement Villages Association and Ryman Healthcare (which are assessed separately) our findings are recorded in relation to categories addressed in the Revised Recommendations Report, as follows:

⁴⁶ Revised Recommendations Report, para 34.a.

(a) Changes to Policy provisions

81. We accept the recommendations on submissions⁴⁷ seeking changes to Policy 2.6.2.1 (access to cycleways or shared paths) and Policy 2.6.2.3 (encourage carbon neutral infrastructure upgrades). It is acknowledged that whilst those provisions are proposed to be changed as part of the variation, the specific changes sought to parts of Policy 2.6.2.1 other than (a) are expressly excluded, and the changes sought to Policy 2.6.2.3 are not within the purpose statement for that change. It is noted that other submission points by Dunedin Cycle Trails Trust on other provisions have been treated as being within scope and so will provide similar relief.
82. Spark NZ Trading Limited and Vodafone NZ Limited (224.001) submitted to amend policies 12.2.1.1 – 12.2.3.1 to include consideration of infrastructure to support urban growth as part of the certification process to transition the transition zones. We accept that this submission is out of scope as, whilst Policy 12.1.1.1 is proposed to be changed in the variation, the changes sought in the submission are not within the scope of any of the purpose of proposals in Variation 2 and are seeking changes to policy and management regimes that are not being reviewed as part of the variation.

(b) Wider changes to Residential rules

83. We accept that the parts of submissions⁴⁸ seeking amendments to provisions to allow duplexes and townhouses on vacant sections able to be serviced by infrastructure other than in the General Residential 1 and the Township and Settlements zones (where serviced for wastewater) are outside of the scope of Variation 2. It is noted that parts of the relief sought are considered within scope, i.e. where it relates to the GR1 and T&S zones.
84. We consider that submissions seeking to amend the height rules⁴⁹ (i.e. to increase height limits, and remove height rules for ancillary residential units) are clearly outside of the scope of Variation 2, which is not reviewing height provisions at all.
85. We consider the submission⁵⁰ to amend Rule 15.11.4.1 so that it manages subdivision for effects on heritage precincts and sites goes beyond the purpose of proposals. However, we understand the submitter has another submission point which provides scope to consider this effect in relation to greenfield subdivisions.
86. We accept the recommendations with respect to submissions⁵¹ on papakaika housing being out of scope as Variation 2 has not included any review of, and it does not include any extension of, the provisions relating to papakaika

⁴⁷ Dunedin Cycle Trails Trust (160.006 and 160.007)

⁴⁸ Gladstone Family Trust (219.000) and G and B Applegarth (233.005)

⁴⁹ A Rutherford (71.005) and P Turner (107.004)

⁵⁰ R Farry (58.001)

⁵¹ Otākou Health (268.01 & 268.02)

housing. It is also noted that the papakaika provisions apply in all zones, including those outside of the zones affected by Variation 2.

(c) Wider changes to transportation provisions

87. A number of submissions made by Dunedin Tunnels Trails Trust (submitter 160) requested amendments to the higher level strategic directions policies (i.e. Policy 2.2.2.x, Policy 2.4.1.7, Policy 2.6.2.AA, Policy 2.7.1.2) and also Policy 6.2.3.Y to include references to such matters as connectivity to cycle ways, walk ways, and public transport and to address transport and mode shift.
88. We accept the recommendations in the report that those particular submissions⁵² are outside scope of the variation, as the changes sought are not directly related to those specific provisions and to the purpose of the proposals which are to be created or amended. Those strategic policies are directly related to the environmental performance of housing, maintaining a compact city, when to apply overlays or mapped areas at the time of a plan change, public infrastructure, and when to apply new roads to be vested as part of a subdivision. We do not consider it appropriate, through this process, to make fairly nuanced changes to high level strategic directions which will have the implication of needing to develop methods and rules to implement those changes to policies, and that is all beyond the scope of this particular variation.
89. However, we understand that, from the Revised Recommendation Report, other points made by the submitter are considered to be in scope but provide for similar relief to the appropriate provisions.
90. A number of submissions made by the Bus Users Support Group Otepoti/Te Roopu Tautoko Kaieke Pahi ki Otepoti (submitter 125) requested new rules be added in relation to proximity of new dwellings to bus stops, extensions to bus services, and walking routes to bus stops. We agree with the reporting officer that all of these requests are not within any purpose of proposal statements and are therefore out of scope.
91. Two submitters⁵³ requested changes to rules relating to carparking standards (i.e. amending Rule 15.5.8 to remove references to minimum carparking, and deleting minimum car parking requirements in the residential zones). Those requests are considered to be clearly out of scope of Variation 2 as no changes are proposed to parking rules.

(d) Changes to non-residential zone provisions

92. A number of submissions have requested changes to plan provisions that are clearly not within the scope of Variation 2 as the changes sought are for:
- Listing the Balmacewan Golf Course as a Heritage Item;

⁵² Submission points 160.003, 160.005, 160.008 – 160.010

⁵³ P Turner (s107.002), and G & B Applegarth (s233.006)

- Subdivision provisions in the Rural Hill Slopes zone and Rural Residential 1 zone;
 - Housing development capacity in the Rural Residential 2 zone;
 - Dwelling lot size in the Rural zone;
 - Family flat provisions in zones where these are not subject to review, including the Rural Residential 2 zone; and
 - Residential provisions to be enhanced in the Industrial zone.
93. For all of those submissions the Panel accepts the reporting officer's recommendation that they are clearly out of scope of Variation 2. The specific changes sought are not relevant to any purpose of proposal in the variation.
94. We also note that according to the Revised Recommendations Report a number of the provisions referred to in the submissions above are the subject of appeals to the Environment Court, however that factor has played no part in our deliberations as we consider those provisions are not at all relevant to Variation 2.

(e) Changes not relevant to the Plan

95. The submission points listed in this category relate to matters that are not Plan provisions (e.g. Land Information memoranda, survey of unoccupied habitable dwellings, cleaning a mud tank, and restoring a boundary fence) and are therefore clearly outside the scope of Variation 2 which seeks to amend Plan provisions.

Requests by Retirement Villages Association of NZ ('RVA') and Ryman Healthcare Limited ('Ryman')

96. RVA and Ryman submitted a detailed written response to the reporting officer's recommendations and this has been addressed at a higher level earlier in this Decision report (refer 'Our Process for Considering Scope').
97. We now turn to address the officer's revised recommendations with respect to the submissions made by RVA and Ryman, taking account of the response by those submitters, as set out in her report dated 13 May 2021.

(a) Submissions seeking changes to Policy approach

98. These submitters requested widespread changes throughout the Residential chapter of the 2GP in order to remove the focus on 'maintaining' the character and amenity of the area to better reflect that 'amenity' is a dynamic concept.
99. The submitters also requested adding a new objective and policy in Section 15.2 on well-functioning urban environments⁵⁴ and to recognise that changes in amenity values are not of themselves an adverse effect, to give

⁵⁴ Response letter, paras 48.4 & 48.7

effect to the NPS-UD. They considered this request to be within the purpose of Change B5. They considered the current provisions do not give effect to the NPS-UD, and the requested change provides an option to give effect to it.

100. The officer's original assessment was that these submission points were out of scope as it is not within the scope of any of the purpose of proposals in Variation 2 and is seeking changes to policy and management regimes that are not being reviewed as part of the variation. The submitters disagreed, noting that the submission provides an option to give effect to the NPS-UD, related provisions are being amended, and it fits within the purpose of Change B5.
101. The Revised Recommendations report (13 May 2021) retained its original recommendations, noting also that Change B5 has a purpose of reviewing the appropriateness of managing 'density' (as opposed to built form) for character and amenity reasons, whereas the requested change extends beyond this.
102. We accept the revised recommendation on this submission point, for the reasons given, and re-iterate our earlier finding that Variation 2 is not solely concerned with delivering the NPS-UD, but more importantly the NPS-UD does not override the specific purpose of each proposed change in Variation 2. We note also that elements of these submission points are considered to fall within the purpose of Change B5 and have been included in separate submission points considered as within scope⁵⁵.

(b) Wider changes to Residential Zone provisions

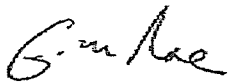
103. The submitters requested a set of changes be made to the provisions for supported living facilities and rest homes (i.e. the introduction of a retirement village specific framework), including an amendment to Section 15.1. In the response letter it was asserted this should have been assessed in the section 32 assessment, and that case law has established this cannot be disregarded, with the proposed provisions considered as a whole.
104. The Revised Recommendations report made no change to the original recommendation noting that the request goes beyond the purpose of proposal statements, and the variation only proposes to amend provisions related to supported living and retirement homes with respect to the assessment of stormwater effects and the 3 waters package.
105. We see no reason to change our earlier determination with respect to the process for the development of the variation, including the section 32 assessment, as being sound and appropriate. We do not accept the assertion that the Council was compelled to widen the focus of Variation 2 to include further specific provisions for this type of residential accommodation, and the request for inclusion of very wide ranging provisions which *"generally align these provisions with other recent district plans, clarify the consenting process, and enable construction, operation and maintenance of retirement*

⁵⁵ Revised Recommendations Report 13 May 2021, page 6, lines 117 & 185

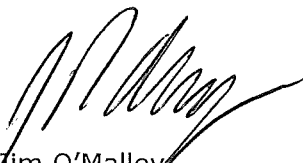
*villages*⁵⁶ at this point in the process would effectively require withdrawal of Variation 2 and re-notification to avoid issues of natural justice as identified earlier in our determinations. We do not accept that is a necessary or appropriate outcome.

Part D: Conclusion

106. For all of the foregoing reasons we consider the submission points set out in the attached Table (*Attachment 2*) are outside the scope of proposed Variation 2, and our determination is that they be struck out in accordance with Section 41D of the RMA.



Gary Rae
Independent Hearings Commissioner, Chair



Jim O'Malley
Independent Hearings Commissioner



Steve Walker
Independent Hearings Commissioner

31 May 2021

⁵⁶ Submission points 201.001 & 189.001

ATTACHMENT 1: Minute 2



THE PROPOSED
**SECOND
GENERATION
DISTRICT PLAN**

Dunedin City Council, 50 The Octagon, Dunedin 9016
PO Box 5045, Moray Place, Dunedin 9058

Website: www.dunedin.govt.nz/2gp

PROPOSED VARIATION 2 (ADDITIONAL HOUSING CAPACITY) TO THE 2GP

MINUTE 2

Directions on Out of Scope Submissions and update on the Hearing Process

From: The Chairperson, Variation 2 (Additional Housing Capacity) Hearing Panel

To: Submitters

Date: 31 May 2021

Introduction

1. This Minute is to advise the parties that the Panel has issued directions with respect to the striking out of submissions, and submission points, that we have considered as being clearly out of scope with respect to Variation 2.
2. It is also to provide an update on the hearing process, ahead of a further detailed Minute to be issued in the near future.

Out of Scope Submissions

3. The Panel's decision report on submissions we have directed as being out of scope can be viewed on the 2GP Variation 2 (Additional Housing Capacity) webpage at <https://www.dunedin.govt.nz/council/district-plan/2nd-generation-district-plan/plan-change-dis-2021-1-variation-2>
4. The Council's Governance Support Officers will be sending out an e-mail or letter to all of the submitters who lodged submissions which are affected by those directions. It will include details of the objection and appeals process for your information.

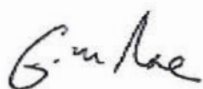
Hearing Process

5. The Council will be publicly notifying a 'Summary of Submissions' on Wednesday 2 June 2021, and calling for further submissions to be made.
6. As per Minute 2, if the result of any objections or appeals is to overturn our strike-out decisions, then additional 'Summary of Submissions' will be notified, and further submissions will be able to be lodged on any of those submissions, which will then be added back into the Variation 2 process.

7. I can advise that the hearing of submissions will be held in two 'blocks', starting with:
 - (a) Changes to the provisions (commencing on 13 September 2021, and with up to two weeks set aside for this); and
 - (b) Mapping changes (commencing on 27 October 2021, with one week set aside).
8. The timetable for exchange of evidence will be staged to reflect the staggered start dates for the two hearing blocks. This will mean there will be at least two section 42A Council reporting officer reports, one for each hearing phase. Expert evidence and legal submissions can also be provided in the same way.
9. The Panel's intention is, in the intervening period, to hold pre-hearing meetings in an attempt to narrow the issues between submitters and reporting officers, in the interests of running an efficient hearing.
10. A further detailed Minute will soon be issued setting out details for the hearings, including pre-hearing meeting and exchange of evidence.

Conclusion

11. If you have any questions regarding this Minute please contact Jenny Lapham or Wendy Collard on 477-4000 or by email districtplansubmissions@dcc.govt.nz.



Gary Rae, **Chairperson**
on behalf of the Variation 2 Hearing Panel

31 May 2021

ATTACHMENT 2:

**Tables of submission points determined as
out of scope**

Table 1: Submission points seeking mapping changes

Row	Submitter	Decision Requested	Decision of the Hearing Panel	Reasons
SUBMISSION POINTS SEEKING NON-RESIDENTIAL REZONING				
1	7.001 Andrew Nailard	Rezone all land zoned Rural Residential 1 to Rural Residential 2.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 59 of the decision report for reasons.
2	68.001 Angela and Gerard Koopman	Rezone 185 Mount Grand Road from Rural Hill Slopes zone to a rural residential zone.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 59 of the decision report for reasons.
3	91.001 Deane Mason	Rezone 40 Halfway Bush Road from Rural Taieri Plain zone to Rural Residential 1 zone.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 59 of the decision report for reasons.
4	215.001 Richard Anderson	Rezone 270 Chain Hills Road from Rural Hill Slopes zone to Rural Residential 1 zone.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 59 of the decision report for reasons.
5	275.001 Maree Scott	Rezone 265 Double Hill Road from Rural Coastal zone to Rural Hill Slopes zone.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 59 of the decision report for reasons.
SUBMISSION POINTS SEEKING RESIDENTIAL REZONING THAT IS NOT CONTIGUOUS WITH AREAS ASSESSED IN VARIATION 2				
6	206.001 Paterson Pitts Group	Add a Residential Transition Overlay Zone to the land between Abbotsford, Halfway Bush and Wingatui (as identified in the submitter's map), or otherwise identify this land as a future urban development area.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 60 and 61 of the decision report for reasons.
7	206.002 Paterson Pitts Group	Add a Residential Transition Overlay Zone to the land between Tomahawk and Highcliff Road (as identified in the submitter's map), or otherwise identify this land as a future urban development area.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 60 and 61 of the decision report for reasons.
8	178.001 Kennedy McHoull	Retain Rural Residential 2 zoning for 6 Park Road, Warrington.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 60 and 61 of the decision report for reasons.
9	19.001 David Macmillan	Rezone 7 Riccarton Road East and adjacent similar properties from Large Lot Residential 1 zone to another residential zone to provide for more housing (inferred not stated).	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 60 and 61 of the decision report for reasons.

Row	Submitter	Decision Requested	Decision of the Hearing Panel	Reasons
10	50.001 Tony McAuliffe	Rezone 8 Camp Street, Broad Bay, from Rural Residential 2 zone to Township and Settlement zone.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 60 and 61 of the decision report for reasons.
11	149.001 Ann Jones	Rezone 8 Camp Street, Broad Bay, from Rural Residential 2 zone to Township and Settlement zone.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 60 and 61 of the decision report for reasons.
13	31.001 Murray Wilson & Paula Parker (Wilpark Trust)	Rezone 26 Camp Street, Broad Bay, from Rural Residential 2 zone to a residential zone (inferred not stated).	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 60 and 61 of the decision report for reasons.
14	253.001 Lloyd Michael Albert McGinty & Sally Ann Dicey	Rezone 26 Centre Road, Tomahawk, and surrounding properties, from Rural Peninsula Coast zone to General Residential 1 zone.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 60 and 61 of the decision report for reasons.
15	250.001 Meghan Mills	Rezone 29 John Street, Ocean View, from Rural Residential 1 zone to a residential zone (inferred not stated).	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 60 and 61 of the decision report for reasons.
16	190.001 Rochelle and Tony McFarlane	Rezone 32 and 34 Manuka Street, Ravensbourne, from Rural Hill Slopes zone to General Residential 1 zone.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 60 and 61 of the decision report for reasons.
17	255.001 Elliot and Dudzai MacKenzie	Rezone 49 Christie Street, Abbotsford, from Rural Residential 1 zone to a residential zone (inferred not stated).	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 60 and 61 of the decision report for reasons.
18	231.001 Barry Douglas & Fiona Lynn Armour	Rezone 70 Green Island Bush Road and surrounding Rural Residential 1 zoned properties to Large Lot Residential 2 zone and require on-site wastewater provisions (subject to appropriate landscape controls).	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 60 and 61 of the decision report for reasons.
19	257.001 Barbara and Donald McCabe	Rezone 122 Campbells Road and surrounding Rural Residential 2 zoned properties from Rural Residential 2 zone to Rural Residential 1 zone or a Large Lot Residential zone, and apply a structure plan mapped area.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 60 and 61 of the decision report for reasons.
20	168.001 Alec Cassie	Rezone 130 Bush Road Mosgiel, and adjacent properties, from Rural Taieri Plain zone to Low Density Residential zone, Large Lot Residential 1 zone, or another alternative.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 60 and 61 of the decision report for reasons.

Row	Submitter	Decision Requested	Decision of the Hearing Panel	Reasons
21	262.001 Peter and Michelle Thomson	Rezone 155 Chain Hills Road, and the surrounding properties as shown in the map provided by the submitter, from Rural Hill Slopes zone, to a new 'Rural Lifestyle Zone' with a minimum site size of 7,000m ² , or to Township and Settlement zone.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 60 and 61 of the decision report for reasons.
22	210.001 Lisa Jolly	Rezone 192 Chain Hills Road, and the surrounding properties as shown in the map provided by the submitter, from Rural Residential 1 zone to a new 'Rural Lifestyle Zone' with a minimum site size of 7,000m ² , or to Township and Settlement zone.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 60 and 61 of the decision report for reasons.
23	213.001 James and Katherine Cotter	Rezone 197 Chain Hills Road, and the surrounding properties as shown in the map provided by the submitter, from Rural Residential 1 zone to a new 'Rural Lifestyle Zone' with a minimum site size of 7,000m ² , or to Township and Settlement zone.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 60 and 61 of the decision report for reasons.
24	81.001 Ari Jakobs	Rezone 231 Signal Hill Road from Rural Hill Slopes zone to a residential zone, possibly a Large Lot Residential zone.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 60 and 61 of the decision report for reasons.
25	136.001 Chia Tzu Hsu	Rezone 231 Signal Hill Road from Rural Hill Slopes zone to a residential zone, possibly a Large Lot Residential zone.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 60 and 61 of the decision report for reasons.
26	135.001 Han Wolsink	Rezone 231 Signal Hill Road from Rural Hill Slopes zone to a residential zone, possibly a Large Lot Residential zone.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 60 and 61 of the decision report for reasons.
27	120.001 Hilary Calvert	Rezone 231 Signal Hill Road from Rural Hill Slopes zone to a residential zone, possibly a Large Lot Residential zone.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 60 and 61 of the decision report for reasons.
28	138.001 Stuart Hardisty	Rezone 231 Signal Hill Road from Rural Hill Slopes zone to a residential zone, possibly a Large Lot Residential zone.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 60 and 61 of the decision report for reasons.
29	161.001 Jane Bokser	Rezone 231 Signal Hill Road from Rural Hill Slopes zone to a residential zone, possibly a Large Lot Residential zone.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 60 and 61 of the decision report for reasons.

Row	Submitter	Decision Requested	Decision of the Hearing Panel	Reasons
30	162.001 Kent Centers	Rezone 231 Signal Hill Road from Rural Hill Slopes zone to a residential zone, possibly a Large Lot Residential zone.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 60 and 61 of the decision report for reasons.
31	211.001 Hamish Mander	Rezone 231 Signal Hill Road from Rural Hill Slopes zone to a residential zone, possibly a Large Lot Residential zone.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 60 and 61 of the decision report for reasons.
32	212.001 Victoria Broad	Rezone 231 Signal Hill Road from Rural Hill Slopes zone to a residential zone, possibly a Large Lot Residential zone.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 60 and 61 of the decision report for reasons.
33	254.001 William Layland	Rezone 231 Signal Hill Road from Rural Hill Slopes zone to a residential zone, possibly a Large Lot Residential zone.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 60 and 61 of the decision report for reasons.
34	258.001 Kennedy Building Limited	Rezone 231 Signal Hill Road from Rural Hill Slopes zone to a residential zone, possibly a Large Lot Residential zone.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 60 and 61 of the decision report for reasons.
35	134.002 Judith Layland	Rezone 231 Signal Hill Road from Rural Hill Slopes zone to a residential zone, possibly a Large Lot Residential zone.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 60 and 61 of the decision report for reasons.
36	280.001 Alistair Broad	Rezone 231 Signal Hill Road from Rural Hill Slopes zone to a residential zone, possibly a Large Lot Residential zone.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 60 and 61 of the decision report for reasons.
37	80.001 Grandview 2011 Limited	Rezone 231 Signal Hill Road from Rural Hill Slopes zone to Large Lot Residential 1 zone (inferred not stated).	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 60 and 61 of the decision report for reasons.
38	287.002 Jakobs Farm Trust	Rezone 231 Signal Hill Road from Rural Hill Slopes zone to Large Lot Residential 1 zone (inferred not stated).	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 60 and 61 of the decision report for reasons.
39	297.001 Harry Harding	Rezone 231 Signal Hill Road from Rural Hill Slopes zone to Large Lot Residential 1 zone (inferred not stated).	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 60 and 61 of the decision report for reasons.
40	109.001 Julie Mander	Rezone 231 Signal Hill Road from Rural Hill Slopes zone to to a residential zone, possibly a Large Lot Residential zone.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 60 and 61 of the decision report for reasons.

Row	Submitter	Decision Requested	Decision of the Hearing Panel	Reasons
41	78.001 Trevor Scott	Rezone 259 Upper Junction Road, Sawyers Bay, from Rural Residential 1 zone to Township and Settlement zone (inferred not stated).	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 60 and 61 of the decision report for reasons.
42	285.002 Christopher and Mark Lawrence	Rezone 327, 329 and 331 Big Stone Road from Rural Coastal zone to General Residential 1 zone, Large Lot Residential 1 zone, or Large Lot Residential 2 zone, or alternatively Rural Residential 1 zone.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 60 and 61 of the decision report for reasons.
43	261.001 Hans Joachim & Renate Scholz	Rezone 327, 329 and 331 Big Stone Road, from Rural Coastal zone to General Residential 1 zone, Large Lot Residential 1 zone or Large Lot Residential 2 zone, or alternatively to Rural Residential 1 zone.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 60 and 61 of the decision report for reasons.
44	303.001 Jason and Bronwyn Cockerill (Seaview Ridges Limited)	Rezone 327, 329, and 331 Big Stone Road from Rural Coastal zone to General Residential 1 zone, Large Lot Residential 1 zone, or Large Lot Residential 2 zone, or alternatively Rural Residential 1 zone.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 60 and 61 of the decision report for reasons.
45	226.001 John Williamson	Rezone 479 Riccarton Road West, Mosgiel, and the surrounding area, from Rural Residential 1 zone to a new 'Rural Lifestyle Zone' with a minimum site size of 7,000m ² , or to Township and Settlement zone.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 60 and 61 of the decision report for reasons.
46	260.001 Lloyd Morshuis (Morclark Developments)	Rezone 500A Kaikorai Valley Road from General Residential 1 zone to General Residential 2 zone.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 60 and 61 of the decision report for reasons.
47	209.001 Sovereign Park (2003) Limited (John Latta)	Rezone 540 Dukes Road North from Rural Taieri Plain zone to a residential zone and apply a new development mapped area to identify it for future residential development.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 60 and 61 of the decision report for reasons.
48	270.001 Doug Hall	Rezone 636 North Road from Rural Hill Slopes zone, Rural Residential 1 zone or Rural Residential 2 zone, to General Residential 1 zone or, alternatively, rezone parts to Rural Residential 1 zone.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 60 and 61 of the decision report for reasons.
49	100.001 Jeffery Pearce	Rezone 729 North Road, Normanby, from Rural Hill Slopes zone to Residential Transition Overlay Zone to transition to a residential zone.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 60 and 61 of the decision report for reasons.

Row	Submitter	Decision Requested	Decision of the Hearing Panel	Reasons
50	117.001 Allan Johnston	Rezone 749 East Taieri-Allanton Road, 6 Peel Street, 12, 24, and 28 Ralston Street, and 4 & 12 Allanton Scroggs Hill Road, Allanton, from Rural Coastal zone to a residential zone.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 60 and 61 of the decision report for reasons.
51	313.001 Simon Roberts	Rezone 808A Brighton Road from Rural Residential 1 zone to a residential zone (inferred not stated).	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 60 and 61 of the decision report for reasons.
52	312.001 Justine Ragg	Rezone 810 Brighton Road from Rural Residential 1 zone to a residential zone (inferred not stated).	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 60 and 61 of the decision report for reasons.
53	71.007 Andrew Rutherford	Rezone areas around rail corridors from General Residential 1 zone to General Residential 2 zone (inferred not stated).	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 60 and 61 of the decision report for reasons.
54	71.002 Andrew Rutherford	Rezone areas of Dunedin where there are no heritage buildings from General Residential 1 zone to General Residential 2 zone.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 60 and 61 of the decision report for reasons.
55	128.003 Mark Geddes	Rezone areas with 4-10 house lots where good servicing exists and building platforms could be more readily developed from General Residential 1 zone to General Residential 2 zone.	The submitter narrowed their submission to bring it within scope.	See para. 76 of the decision report for reasons.
58	251.001 Brendon Murray	Rezone part of 14 and 18 Centre Road, Tomahawk, and surrounding properties with rural zoning but residential land use, from Rural Peninsula Coast zone to General Residential 1 zone or a Large Lot Residential zone, and apply a structure plan mapped area.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 60 and 61 of the decision report for reasons.
59	228.002 Wendy Campbell	Rezone part of 188 North Taieri Road in the vicinity of Abbotts Hill Road and Mount Grand Road (as shown in the submitter's maps) from Rural Hill Slopes zone to a mixture of zones in accordance with the submitter's proposed structure plan, including General Residential 1 zone and Low Density Residential zone.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 60 and 61 of the decision report for reasons.

Row	Submitter	Decision Requested	Decision of the Hearing Panel	Reasons
60	87.001 Jan Tisdall	Rezone part of 31 Huntly Road (Pt Lot 2 DP 5966), Outram, (as shown on the submitter's map) from Rural Taieri Plains zone to Township and Settlement zone.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 60 and 61 of the decision report for reasons.
61	236.001 Ben & Raewyn Waller	Rezone part of 457 Purakaunui Road from Rural Coastal zone to Township and Settlement zone in accordance with the submitter's proposed draft structure plan.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 60 and 61 of the decision report for reasons.
62	179.001 Hamish And Rebecca Miller	Rezone part of 54 Bell Street, Outram and neighbouring sites, from Rural Taieri Plain zone to a residential zone.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 60 and 61 of the decision report for reasons.
63	293.001 Michael David Byck & Nicola Andrea O'Brien	Rezone the Rural Coastal zoned part of 23 John Street, Waldronville, to a residential zone (inferred not stated).	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 60 and 61 of the decision report for reasons.
64	93.001 Gary Cole & Sacha Grey	Rezone the Rural Hill Slopes zoned part of 8A Flower Street, and 46 Flower Street (currently Rural Residential 2 zone), Fairfield, to General Residential 1 zone.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 60 and 61 of the decision report for reasons.
SUBMISSION POINTS SEEKING EXTENSIONS TO GREENFIELD REZONING AREAS				
65	249.001 Ross McLeary & COF Ltd & Scroggs Hill Farm Ltd	Extend Change GF01 (rezoning part of 155 and 252 Scroggs Hill Road, Brighton, from Rural Residential 1 zone to Large Lot Residential 1 zone) to include further areas within these properties (also extends rejected change RS160), including land currently in the Rural Coastal zone, to zones as shown in the submitter's proposed structure plan.	The Hearing Panel agrees with the planner's original assessment that the submission point should be considered in scope and retained as part of Variation 2.	See para. 62 - 64 of the decision report for reasons.
66	30.001 Sonia & Karl Thom	Extend Change GF02 (rezoning of 201, 207 and 211 Gladstone Road South from Rural Taieri Plain zone to General Residential 1 zone) to include rezoning of 195 and 197 Gladstone Road South from Large Lot Residential 1 zone to General Residential 1 zone.	The Hearing Panel agrees with the planner's original assessment that the submission point should be considered in scope and retained as part of Variation 2.	See para. 62 - 64 of the decision report for reasons.

Row	Submitter	Decision Requested	Decision of the Hearing Panel	Reasons
67	99.001 Peter and Jillian Hogan	Extend Change GF02 (rezoning 201, 207 and 211 Gladstone Road South from Rural Taieri Plain zone to General Residential 1 zone), to include rezoning of 195 and 197 Gladstone Road South from Large Lot Residential 1 zone to General Residential 1 zone.	The Hearing Panel agrees with the planner's original assessment that the submission point should be considered in scope and retained as part of Variation 2.	See para. 62 - 64 of the decision report for reasons.
68	240.001 Invermark Investments Ltd	Extend Change GF02 (rezoning 201, 207 and 211 Gladstone Road South, East Taieri, from Rural Taieri Plain zone to General Residential 1 zone) to include part of 225 Gladstone Road South and all of 100 Main South Road in accordance with the submitter's map, and apply a structure plan mapped area.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 62 - 64 of the decision report for reasons.
69	204.001 Ron Balchin	Extend Change GF05 (rezoning from Rural Residential 2 zone to General Residential 1 zone at part of 353 Main South Road, Fairfield) so that a single building platform is provided on the remaining part of 353 Main South Road.	The Hearing Panel agrees with the planner's original assessment that the submission point should be considered in scope and retained as part of Variation 2.	See para. 62 - 64 of the decision report for reasons.
71	132.001 Custom Investments Ltd	Extend Change GF08 (rezoning 19 Main South Road, Concord, from Rural Hill Slopes zone to General Residential 1 and 2 zones) to include the property at 50 Stevenson Road (inferred not stated).	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 62 - 64 of the decision report for reasons.
72	89.001 Paddy Bleach	Extend Change GF08 (rezoning from Rural Hill Slopes zone to General Residential 1 and 2 zone at 19 Main South Road, Concord) to rezone 50 Stevenson Road, from Rural Hill Slopes to General Residential 1 zone.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 62 - 64 of the decision report for reasons.
73	147.001 Tony Purvis	Extend Change GF10 (rezoning of 45 Honeystone Street (in part) and 32 Honeystone Street from Rural Hill Slopes zone to Large Lot Residential 1 zone) to include the Rural Hill Slopes zoned portions of 63, 71 and 85 Wakari Road and 32 Larkins Street.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 62 - 64 of the decision report for reasons.
74	166.001 Malcolm Owens	Extend Change GF10 (rezoning of 45 Honeystone Street (in part) and 32 Honeystone Street from Rural Hill Slopes zone to Large Lot Residential 1 zone) to include the Rural Hill Slopes zoned portions of the properties at 63, 71 and 85 Wakari Road, and 32 Larkins Street.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 62 - 64 of the decision report for reasons.

Row	Submitter	Decision Requested	Decision of the Hearing Panel	Reasons
75	154.001 Gillian Thomas	Extend Change GF11 (rezoning of selected properties on Wakari Road from Rural Residential 2 zone to General Residential 1 zone) to include part of 297 Wakari Road at its southernmost end, as shown in the diagram provided by the submitter.	The Hearing Panel agrees with the planner's original assessment that the submission point should be considered in scope and retained as part of Variation 2.	See para. 62 - 64 of the decision report for reasons.
76	154.002 Gillian Thomas	Amend the extent of the Significant Natural Landscape overlay zone at 297 Wakari Road to reflect the natural boundary provided by the creek and tree line and the requested extension to the General Residential 1 zone.	The Hearing Panel agrees with the planner's original assessment that the submission point should be considered in scope and retained as part of Variation 2.	See para. 62 - 64 of the decision report for reasons.
77	154.003 Gillian Thomas	Amend the extent of the High Class Soils mapped area over 297 Wakari Road to reflect the requested extension to the General Residential 1 zone.	The Hearing Panel agrees with the planner's original assessment that the submission point should be considered in scope and retained as part of Variation 2.	See para. 62 - 64 of the decision report for reasons.
78	154.004 Gillian Thomas	Extend Change GF11 (application of the new development mapped area over the properties proposed for residential rezoning at Wakari Road) to include part of 297 Wakari Road to reflect the requested extension to the General Residential 1 zone.	The Hearing Panel agrees with the planner's original assessment that the submission point should be considered in scope and retained as part of Variation 2.	See para. 62 - 64 of the decision report for reasons.
SUBMISSION POINTS SEEKING EXTENSIONS TO INTENSIFICATION REZONING AREAS				
79	3.001 Alana Jamieson	Extend Change IN02 (rezoning from General Residential 1 zone to General Residential 2 zone at Burgess Street, Green Island) to rezone part of 41 Burgess Street (Lot 4 DP 23545), Green Island, from Rural Coastal zone to General Residential 2 zone.	The Hearing Panel agrees with the planner's original assessment that the submission point should be considered in scope and retained as part of Variation 2.	See para. 62 - 64 of the decision report for reasons.
83	15.001 Mike and Claire Cowan	Extend Change IN08 (rezoning from General Residential 1 zone to General Residential 2 zone at Roslyn north) to include the properties at 16 Wright Street and 37 Tyne Street, Roslyn.	The Hearing Panel agrees with the planner's original assessment that the submission point should be considered in scope and retained as part of Variation 2.	See para. 62 - 64 of the decision report for reasons.
84	61.001 Daniel Anfield	Extend Change IN13 (rezoning from General Residential 1 zone to General Residential 2 zone at Andersons Bay) to the property at 125 Tomahawk Road.	The Hearing Panel considers that the response provided by the submitter clarifies the submission point in a way that enables it to be considered in scope and retained as part of Variation 2.	See para. 62 - 65 of the decision report for reasons.
SUBMISSION POINTS SEEKING EXTENSION OF REJECTED SITES ASSESSED IN VARIATION 2				

Row	Submitter	Decision Requested	Decision of the Hearing Panel	Reasons
85	123.001 Fletcher Glass	Rezone 35 Watts Road from General Residential 1 zone to a higher density residential zone (inferred not stated).	The Hearing Panel agrees with the planner's original assessment that the submission point should be considered in scope and retained as part of Variation 2.	See para. 66 - 68 of the decision report for reasons.
86	123.002 Fletcher Glass	Rezone parts of 309 North Road, shown as areas 'B' and 'C' on the submitter's map, from Rural Hill Slopes zone to a residential zone (inferred not stated).	The Hearing Panel agrees with the planner's original assessment that the submission point should be considered in scope and retained as part of Variation 2.	See para. 66 - 68 of the decision report for reasons.
88	156.001 Richard Muir	Rezone 124, 130, 134, 142, 144, 150, 152, and 154 Bush Road, and 164 Riccarton Road West and consider Low Density Residential zone or other alternatives. This point excludes sites covered by rejected Change RS212, which is addressed in a separate point.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 66 - 68 of the decision report for reasons.
89	191.001 Roger and Janine Southby	Rezone all properties bounded by the Silverstream to the north, Riccarton Road West to the west, Bush Road to the south and the existing residential zoned part of Mosgiel to the east (excludes sites covered by RS212, as this is addressed in a separate point) from Rural Taieri Plain zone to General Residential 1 zone, Low Density Residential zone and/or General Residential 1 zone.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 66 - 68 of the decision report for reasons.
90	228.001 Wendy Campbell	Rezone 45 McMeakin Road and part of 188 North Taieri Road, Abbotsford, as outlined in the submitter's maps, (except for the area covered by rejected Change RS014, which is addressed in a separate point) from Rural Hill Slopes zone to a mixture of zones in accordance with the submitter's proposed structure plan, including General Residential 1 zone, Low Density Residential zone and Recreation zone.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 66 - 68 of the decision report for reasons.
91	238.001 Willowcroft Limited	Rezone part of 60 Huntly Road, Outram, from Rural Taieri Plain zone to Township and Settlement zone and apply a structure plan mapped area but not a new development mapped area.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 66 - 68 of the decision report for reasons.

Row	Submitter	Decision Requested	Decision of the Hearing Panel	Reasons
92	219.005 Gladstone Family Trust	Rezone parts of 100 Irwin Logan Drive from Rural Hill Slopes zone to Recreation zone in accordance with the submitter's proposed structure plan and include 3-20 Jocelyn Way, 38 and 40-43 Irwin Logan Drive, and 25-27 Pinfold Place within the structure plan mapped area.	The Hearing Panel agrees with the planner's original assessment that the submission point should be considered in scope and retained as part of Variation 2.	See para. 66 - 68 of the decision report for reasons.
SUBMISSION POINTS SEEKING REZONING WHERE MAPPED AREAS HAVE BEEN AMENDED IN VARIATION 2				
93	266.003 James Sunderland & Megan Justice	Remove the Residential Transition Overlay Zone from the Balmacewen Golf Course and retain the Rural Hill Slopes zone or rezone to Recreation zone.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 69 and 70 of the decision report for reasons.
94	150.001 Giler and Katherine Wynn-Williams	Rezone the Large Lot Residential 1 zoned part of 15 Dunedin-Waitati Road (and covered by Change NDMA03 and NWRA7) to General Residential 1 zone.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 69 and 70 of the decision report for reasons.
SUBMISSION POINTS SEEKING REZONING WHERE ALREADY IN TRANSITION ZONE (WANT TO BE TRANSITIONED)				
95	296.001 Jason and Margaret Hewlett	Rezone 32 Salisbury road from Rural Residential 2 zone to General Residential 1 zone and remove the Residential Transition Overlay Zone.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 69 and 70 of the decision report for reasons.
96	290.001 Victoria Jane and Pera Paul Manahera Eden	Rezone the Rural Hill Slopes zoned portion of 34 Ettrick Street to General Residential 1 zone and remove the Residential Transition Overlay Zone.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 69 and 70 of the decision report for reasons.
97	76.001 Christopher Connor & Tina Prendergast	Rezone 41 Glenelg Street, 34 Bradford Street and 5 Ronay Street from Rural Residential 2 zone to General Residential 1 Zone and remove the Residential Transition Overlay Zone.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 69 and 70 of the decision report for reasons.
98	79.001 Glenelg Street Trust Board Incorporated	Rezone 41 Glenelg Street, 34 Bradford Street and 5 Ronay Street from Rural Residential 2 zone to General Residential 1 Zone and remove the Residential Transition Overlay Zone.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 69 and 70 of the decision report for reasons.
99	291.001 Margaret Charles & Marguerita Lazar	Rezone 41 Glenelg Street, 34 Bradford Street and 5 Ronay Street from Rural Residential 2 zone to General Residential 1 Zone and remove the Residential Transition Overlay Zone.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 69 and 70 of the decision report for reasons.

Row	Submitter	Decision Requested	Decision of the Hearing Panel	Reasons
100	83.001 Eleanor Linscott	Rezone part of 68 Montague Street, Opoho, as outlined by Change NDMA07, from Rural Hill Slopes zone to a residential zone and remove the Residential Transition Overlay Zone (inferred not stated).	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 69 and 70 of the decision report for reasons.
SUBMISSION POINTS SEEKING CHANGES TO MAPPED AREAS OR OVERLAY ZONES NOT BEING AMENDED IN VARIATION 2				
101	219.001 Gladstone Family Trust	Add a structure plan mapped area to the properties at 90, 98 and 100 Gladstone Road North, Mosgiel, to enable residential activity at a higher density than provided in the underlying Low Density Residential zone.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 69 and 71 of the decision report for reasons.
102	251.002 Brendon Murray	Amend the extent of the Outstanding Natural Landscape overlay zone at 14 and 18 Centre Road, Tomahawk, and surrounding properties with rural zoning but residential land use, to follow the contour of the land and the periphery of the mature vegetation.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 69 and 72 of the decision report for reasons.
103	190.002 Rochelle and Tony McFarlane	Amend the extent of the Significant Natural Landscape overlay zone so it no longer extends over the properties at 32 and 34 Manuka Street, Ravensbourne.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 69 and 72 of the decision report for reasons.
104	288.001 Flat Iron Group	Amend the extent of the Urban Biodiversity Mapped Area at 179 and 183 Mornington Road so that it follows the extent of existing forest cover.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 69 and 73 of the decision report for reasons.
105	259.001 Midas Limited	Amend the extent of the Urban Biodiversity Mapped Area over 179 and 183 Mornington Road so that it follows the extent of the existing forest cover.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 69 and 73 of the decision report for reasons.

Table 1: Submission points seeking provision changes

Row	Submitter	Decision Requested	Decision of the Hearing Panel	Decision Reasons
SUBMISSION POINTS SEEKING WIDER CHANGES TO THE POLICY APPROACH TO RESIDENTIAL CAPACITY & ACTIVITY				
109	160.006 Dunedin Tunnels Trails Trust (Kate Wilson)	Amend Policy 2.6.2.1 to provide for access to nearby existing or planned cycleways or shared paths and connections to centres in a similar way as c iii provides for public transport.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 81 of the decision report for reasons.
111	160.007 Dunedin Tunnels Trails Trust (Kate Wilson)	Amend Policy 2.6.2.3 to actively encourage demand for carbon neutral infrastructure upgrades and prioritise them.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 81 of the decision report for reasons.
117	205.004 Retirement Villages Association of New Zealand	Amend provisions throughout the Residential chapter of the 2GP, including (but not limited to) the following, to remove the focus on 'maintaining' the character and amenity of the area and better reflect that 'amenity' is a dynamic concept that will change over time [this submission point excludes Change B5 to Policy 15.2.4.2 etc. and Change A1 to Policy 15.2.4.3 etc., which have separate points]: Introduction of 15.1 Policy 15.2.1.6 Objective 15.2.3 Policy 15.2.3.4 Objective 15.2.4 and its associated policies Rule 15.11.2.5(b)	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 96 - 102 of the decision report for reasons.
119	205.007 Retirement Villages Association of New Zealand	Add a new objective and policy in Section 15.2 on well-functioning urban environments and to recognise that changes in amenity values are not of themselves an adverse effect (to give effect to the NPS-UD - see submission for proposed drafting at para.s 48.4 and 48.7.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 96 - 102 of the decision report for reasons.
122	224.001 Spark New Zealand Trading Limited & Vodafone New Zealand Limited	Amend policies 12.2.1.1, 12.2.2.1 and 12.2.3.1 so that the certification process to transition the transition zones to live urban zoning must consider the method, timing and funding of all necessary infrastructure to support urban growth, including telecommunications and mobile networks, not just public infrastructure, and the outcome of consultation with relevant network operators.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 82 of the decision report for reasons.

Row	Submitter	Decision Requested	Decision of the Hearing Panel	Decision Reasons
SUBMISSION POINTS SEEKING WIDER CHANGES TO RESIDENTIAL RULES				
<i>Approach to Density of Land Use</i>				
126	219.002 Gladstone Family Trust	Amend provisions "so that townhouse and duplex type housing is permitted on existing vacant sections in any residential zone provided there is infrastructure capacity and performance standards for this type of housing (to be developed) can be met". This submission point relates only to residential zones other than General Residential 1 zone and Township & Settlement zone where serviced for wastewater, as these zones are covered by a separate submission point.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 83 of the decision report for reasons.
127	233.005 Garry & Bronwyn Applegarth	Extend provisions permitting duplexes to apply to the General Residential 2 zone.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 83 of the decision report for reasons.
<i>Approach to Development Rules</i>				
135	71.005 Andrew Rutherford	Amend Rule 15.6.6.2 (maximum height in Residential zones) to increase height limits, especially in gully areas.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 84 of the decision report for reasons.
139	107.004 Penny Turner	Amend Rule 15.6.6.2 Maximum height by removing height rules for ancillary residential units and just apply the building height rules for the zone	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 84 of the decision report for reasons.
<i>Approach to Minimum Site Size for Subdivision</i>				
144	58.001 Richard Farry	Amend Rule 15.11.4.1. by adding a new clause (e) 'Whether the subdivision maintains, enhances, detracts from or detrimentally affects a heritage precinct or scheduled heritage item.'	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 85 of the decision report for reasons.
<i>Other Residential Provisions</i>				
145	268.001 Ōtākou Health Limited	Extend Change C1 (social housing) "to also include 'papakāika' housing on land owned by Te Rūnanga o Ngāi Tahu (and its interests) including land secured through the Right of First Refusal (RFR) process advanced under the Ngāi Tahu Claims Settlement Act in the residential zones."	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 86 of the decision report for reasons.

Row	Submitter	Decision Requested	Decision of the Hearing Panel	Decision Reasons
146	268.002 Ōtākou Health Limited	"Amend the definition of 'Papakāika' to provide for housing that is advanced by Te Rūnanga o Ngāi Tahu (and its interests) and is sited on land that is fully or partly owned by Te Rūnanga o Ngāi Tahu (and its interests)" (see submission for proposed drafting).	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 86 of the decision report for reasons.
148	205.001 Retirement Villages Association of New Zealand	Amend provisions for supported living facilities and rest homes to include provisions more specific to retirement villages. Generally align these provisions with other recent district plans, clarify the consenting process, and enable construction, operation and maintenance of retirement villages.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 96 and 97, and 103 - 105 of the decision report for reasons.
149	205.011 Retirement Villages Association of New Zealand	Amend Section 15.1 to recognise: the important role of retirement villages in providing for the ageing population; that the nature and effects of retirement villages are different to other higher density residential activities; and that retirement villages can require higher density of development than other residential activities Any consequential relief that will further enable and encourage retirement villages within the Residential Zones.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 96 and 97, and 103 – 105 of the decision report for reasons.
SUBMISSION POINTS SEEKING WIDER CHANGES TO TRANSPORTATION PROVISIONS				
150	160.003 Dunedin Tunnels Trails Trust (Kate Wilson)	Amend Policy 2.2.2.x to reference connectivity to existing or planned cycle ways or walk ways to centres and reference good design of ev and ebike charging and bike storage.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 87 - 89 of the decision report for reasons.
151	160.005 Dunedin Tunnels Trails Trust (Kate Wilson)	Amend Policy 2.4.1.7 to require provision of bicycle storage and infrastructure as part of the design of urban expansion.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 87 - 89 of the decision report for reasons.
152	160.008 Dunedin Tunnels Trails Trust (Kate Wilson)	Amend Policy 2.6.2.AA to add connectivity to existing or planned walking and cycling infrastructure.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 87 - 89 of the decision report for reasons.

Row	Submitter	Decision Requested	Decision of the Hearing Panel	Decision Reasons
153	160.009 Dunedin Tunnels Trails Trust (Kate Wilson)	Amend Policy 2.7.1.2 to address transport and mode shift, not just water and waste.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 87 - 89 of the decision report for reasons.
154	160.010 Dunedin Tunnels Trails Trust (Kate Wilson)	Amend Policy 6.2.3.Y to highlight walking and cycling and public transport connectivity internally to subdivisions and to the surrounding area with priority for carbon neutral.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 87 - 89 of the decision report for reasons.
155	125.001 Bus Users Support Group Otepoti/Te Roopu Tautoko Kaieke Pahi ki Otepoti	Add new rules for proximity of new dwellings to bus stops, so that any new dwelling in the General Residential 2 zone must be within 400m walking distance of a bus stop with a regular service or 800m walking distance of a bus stop with a rapid service, and any new dwelling in the General Residential 1 zone or Township & Settlement zone must be within 800m of a bus stop or 1200m of a bus stop with a rapid service; with contravention resulting in application of the housing density rules for a lower density zone.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 90 of the decision report for reasons.
156	125.002 Bus Users Support Group Otepoti/Te Roopu Tautoko Kaieke Pahi ki Otepoti	Add new rules so that a developer can procure an extension of a bus service to ensure a new dwelling can achieve closer proximity to a bus stop by direct negotiation with the public transport authority (the Otago Regional Council).	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 90 of the decision report for reasons.
157	125.004 Bus Users Support Group Otepoti/Te Roopu Tautoko Kaieke Pahi ki Otepoti	Add new rules so that any bus stop involved in the walking distances to bus stop calculations is listed in a schedule appended to the District Plan so removal of the bus stop (and therefore removal of the public transport walking distance accessibility it confers on an area) requires a resource consent.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 90 of the decision report for reasons.
158	125.006 Bus Users Support Group Otepoti/Te Roopu Tautoko Kaieke Pahi ki Otepoti	Add new rules so that any walking route to a bus stop relied on to meet the submitter's proposed new rules for proximity of new dwellings to bus stops is a proper roadside footpath or other path that is paved, safe and accessible to people with disabilities.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 90 of the decision report for reasons.

Row	Submitter	Decision Requested	Decision of the Hearing Panel	Decision Reasons
161	107.002 Penny Turner	Remove references to minimum car parking space (Rule 15.5.8 Minimum Car Parking)	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 91 of the decision report for reasons.
162	233.006 Garry & Bronwyn Applegarth	Retain the deletion of minimum on-site car parking requirements for the residential zones.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 91 of the decision report for reasons.
SUBMISSION POINTS SEEKING CHANGES TO NON-RESIDENTIAL ZONE PROVISIONS				
167	266.001 James Sunderland & Megan Justice	Consider whether Balmacewen Golf Course should be listed as a heritage item.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 92 - 94 of the decision report for reasons.
168	262.002 Peter and Michelle Thomson	Amend the activity status of subdivision that contravenes the minimum site size in the Rural Hill Slopes zone in Rule 16.7.4.1.d so that it is always assessed as a restricted discretionary activity rather than a non-complying activity.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 92 - 94 of the decision report for reasons.
169	226.002 John Williamson	Amend the activity status of subdivision that contravenes the minimum site size in the Rural Residential 1 zone in Rule 17.7.5 so that it is always assessed as a discretionary activity rather than a non-complying activity.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 92 - 94 of the decision report for reasons.
170	210.002 Lisa Jolly	Amend the activity status of subdivision that contravenes the minimum site size in the Rural Residential 1 zone in Rule 17.7.5 so that it is always assessed as a restricted discretionary activity rather than a non-complying or discretionary activity.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 92 - 94 of the decision report for reasons.
171	213.002 James and Katherine Cotter	Amend the activity status of subdivision that contravenes the minimum site size in the Rural Residential 1 zone in Rule 17.7.5 so that it is always assessed as a restricted discretionary activity rather than a non-complying or discretionary activity.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 92 - 94 of the decision report for reasons.
172	248.001 David Leslie Meyer & Christine Raywin Cordell	Amend the Rural Residential 2 zone provisions relating to 337 Green Island Bush Road and surrounding Rural Residential 2 zoned properties to enable additional housing development capacity but not to a residential density.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 92 - 94 of the decision report for reasons.

Row	Submitter	Decision Requested	Decision of the Hearing Panel	Decision Reasons
173	256.001 Tony Steven McFadgen (Ocean Park Trust)	Amend the Rural Residential 2 zone provisions relating to 440 Blackhead Road and surrounding Rural Residential 2 zoned properties to enable additional housing development capacity but not to a General Residential 1 zone density.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 92 - 94 of the decision report for reasons.
174	144.001 Douglas Warhurst	Amend the Rural zone provisions so that a residential unit can be built on an undersized lot.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 92 - 94 of the decision report for reasons.
175	231.003 Barry Douglas & Fiona Lynn Armour	Extend the changes to the family flat provisions in the residential zones to all zones including Rural Residential 2 zone.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 92 - 94 of the decision report for reasons.
176	248.002 David Leslie Meyer & Christine Raywin Cordell	Extend the changes to the family flats provisions in residential zones to all zones, including Rural Residential 2 zone.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 92 - 94 of the decision report for reasons.
177	256.002 Tony Steven McFadgen (Ocean Park Trust)	Extend the changes to the family flats provisions in residential zones to all zones, including Rural Residential 2 zone.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 92 - 94 of the decision report for reasons.
178	257.002 Barbara and Donald McCabe	Extend the changes to the family flats provisions in residential zones to all zones, including Rural Residential 2 zone.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 92 - 94 of the decision report for reasons.
179	233.001 Garry & Bronwyn Applegarth	Amend the Industrial zone provisions to better enable residential activity.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 92 - 94 of the decision report for reasons.
SUBMISSION POINTS THAT ARE NOT RELEVANT TO THE PLAN				
181	56.002 Saddle Hill Community Board	Amend Land Information Memoranda so that any proposed changes to development potential in the immediate and surrounding area are identified.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 95 of the decision report for reasons.

Row	Submitter	Decision Requested	Decision of the Hearing Panel	Decision Reasons
182	110.001 Brian Miller	Amend the Section 32 assessment to include a survey of the number of unoccupied habitable dwellings and take this into account for the need for more dwellings as there may be a case to legislate to make unoccupied dwellings available for occupation, before building more dwellings.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 95 of the decision report for reasons.
183	141.002 Barbara J Kennedy	Clean the mud tank at 88 Cannington Road once a year.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 95 of the decision report for reasons.
184	207.002 Graham William Potter	Properly restore the boundary fence between 175 Musselburgh Rise and Shore Street, which was previously modified by DCC as part of 3 waters upgrades.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 95 of the decision report for reasons.
SUBMISSION POINTS FROM THE REPORT ADDENDUM OF 4 MAY 2021				
SUBMISSION POINTS SEEKING WIDER CHANGES TO THE POLICY APPROACH TO RESIDENTIAL CAPACITY & ACTIVITY				
185	189.004 Ryman Healthcare Limited	Amend provisions throughout the Residential chapter of the 2GP, including (but not limited to) the following, to remove the focus on 'maintaining' the character and amenity of the area and better reflect that 'amenity' is a dynamic concept that will change over time [this submission point excludes Change B5 to Policy 15.2.4.2 etc. and Change A1 to Policy 15.2.4.3 etc., which have separate points]: Introduction of 15.1 Policy 15.2.1.6 Objective 15.2.3 Policy 15.2.3.4 Objective 15.2.4 and its associated policies Rule 15.11.2.5(b)	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 96 - 102 of the decision report for reasons.

Row	Submitter	Decision Requested	Decision of the Hearing Panel	Decision Reasons
186	189.007 Ryman Healthcare Limited	Add a new objective and policy in Section 15.2 on well-functioning urban environments and to recognise that changes in amenity values are not of themselves an adverse effect (to give effect to the NPS-UD - see submission for proposed drafting at para.s 48.4 and 48.7.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 96 - 102 of the decision report for reasons.
SUBMISSION POINTS SEEKING WIDER CHANGES TO RESIDENTIAL RULES				
<i>Other Residential Provisions</i>				
187	189.001 Ryman Healthcare Limited	Amend provisions for supported living facilities and rest homes to include provisions more specific to retirement villages. Generally align these provisions with other recent district plans, clarify the consenting process, and enable construction, operation and maintenance of retirement villages.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 96, 97 and 103 - 105 of the decision report for reasons.
188	189.011 Ryman Healthcare Limited	Amend Section 15.1 to recognise: the important role of retirement villages in providing for the ageing population; that the nature and effects of retirement villages are different to other higher density residential activities; and that retirement villages can require higher density of development than other residential activities Any consequential relief that will further enable and encourage retirement villages within the Residential Zones.	The Hearing Panel directs that the submission point be struck out in accordance with Section 41D(1)(b) of the RMA.	See para. 96 and 97, and 103 - 105 of the decision report for reasons.