

# **Variation 1 – Minor Amendments to the Proposed Dunedin City Second Generation District Plan (2GP)**

## **Proposed Amendments and Section 32 Evaluation**

**November 2019**

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# Evaluation of preferred options for provisions

## Clarification around if rules apply to existing development (change 1.1)

### Problem

The nested tables in the 2GP group activities into a hierarchy of categories, sub-categories, activities, and sub-activities for the purposes of presenting rules in a more efficient way in the activity status tables. Section 1.3 explains that “The nested tables should be referred to alongside the relevant activity status table when determining the activity status of an activity.”

Confusion has arisen as to whether the Plan rules apply to existing lawfully established development. In the case of existing lawfully established buildings and structures the 2GP rules were written to indicate that the rules only applied to new buildings and structures (see Table 1 below), however, there was a minor error in terminology used in the buildings definition, which incorrectly uses the term “includes” where it should use the term “consists of” to indicate that it is an exclusive list. This is proposed to be corrected below.

There was also a minor typographical error in the Plan where a definition was included for the subcategory of ‘buildings and structures activities’, which should have reflected the content of the nested table but missed the work ‘new’ in front of buildings and structures. There were also some errors in the drafting of performance standards where the phrasing of activities did not align with the correct terminology used for activities, subcategories or categories of activities. As these are considered minor and inconsequential, they will be corrected under clause 16 of Schedule 1 which states “A local authority may make an amendment, without using the process in this schedule, to its proposed policy statement or plan to alter any information, where such an alteration is of minor effect, or may correct any minor errors”.

The Plan was less clear as to whether the rules applied to other types of existing lawfully established development (that was not a building or a structure). Therefore, to reinforce the intended meaning and interpretation of the Plan rules (that the rules do not apply to existing lawfully established development that is not changing) it is proposed to also include explanatory information in section 1.3 (activities managed by this Plan) and in the introductions to the activity status tables. The proposed change for the Residential Zones activity status introduction 15.3.2 is shown below. The other sections where this change is proposed are: 16.3.2, 17.3.2, 18.3.2, 19.3.2, 20.3.2, 21.3.2, 22.3.2, 23.3.2, 24.3.2, 25.3.2, 26.3.2, 27.3.2, 28.3.2, 29.3.2, 30.3.2, 31.3.2, 32.3.2, 33.3.2, 34.3.2, 35.3.2.

All these changes are considered relatively minor changes of clarification to reinforce the intended interpretation of how rules should apply rather than substantive changes. Not applying rules to existing lawfully established development is considered most appropriate as effects have already been established and investments made and it would be grossly inefficient to ‘move the goal posts’ and force people to consent existing lawfully established development. In the case of where effects are so significant that management is deemed necessary it is most appropriate that this is done via a regional rule that simultaneously extinguishes existing use rights.

**Table 1. Excerpt of nested table for buildings and structures activities**

### 1.3.3 Development activities

#### Development Activities Category

Sub-categories	Activities	Sub-activities
Buildings and structures activities	Additions and alterations	Earthquake strengthening
		Restoration
		Signs attached to buildings and structures
	Demolition	
	New Buildings	
	Removal for relocation	
	Repairs and maintenance	
	New Structures	Fences
		Retaining walls (for the purposes of rules that apply in heritage precincts only)
		Freestanding signs

#### Scope of variation

Amendments necessary to make clear that lawfully established development activities are not managed by the 2GP.

#### Proposed amendment

#### 1.3 Activities managed by this Plan (Nested Tables)

Introduction

...

- construction (a city-wide activity in the temporary activities category).

Development activities that are lawfully present at the time any relevant rules in this Plan have legal effect are not managed by those rules (the rules do not apply to existing lawfully established development activities).

#### Definition of "Buildings"

The development activity which includes a building that is permanently fixed to the land and over 10m<sup>2</sup>. This definition only applies to "buildings" as an activity in the development category. It does not cover any other use of the word "building", which should rely on the broader definition for "building" (singular). For the sake of clarity, this definition ~~includes~~ consists of newly constructed buildings and buildings relocated to, or within, a site.

Buildings are an activity in the buildings and structures sub-category, which is in the development activities category.

#### 15.3.2 Activity Status Introduction

1. The activity status tables in rules 15.3.3 - 15.3.5 show the activity status of activities in the residential zones and the overlay zones indicated, provided any performance standards shown in the far right column are met.  
2. Activities are split into three types: a. land use activities, b. development activities, c. subdivision activities. Within these types, activities are split into categories. The nested tables in Section 1.3 outline the hierarchy of categories, activities and sub-activities.

3. Permitted land use activities do not automatically provide for any related development activities. Therefore, the activity status of any associated development activities should also be checked.
4. Where a new land use activity requires a resource consent, all associated development activities will be considered and assessed as part of the resource consent even if the development otherwise meets the development performance standards listed in the Plan.
5. Development activities that are lawfully present at the time any relevant rules in this Plan have legal effect are not managed by those rules (the rules do not apply to existing lawfully established development activities).
6. The nested tables in Section 1.3 are intended to be a complete list of activities. However, in the case of an activity that is not covered by any of the activities in the nested tables, the activity status will be non-complying.

## Definitions

### Definition of building (change 1.2)

#### Problem

The 2GP defines 'building' as "a structure that includes a roof that is, or could be, fully or partially enclosed with walls" and 'structure' as "any equipment, device, or fabrication." However, there is a question over whether tanks, including water tanks, are a building or a structure. The intention of the Plan was that tanks would be considered to be a structure rather than a building.

#### Scope of variation

Amending definition of building to clarify that tanks are a structure rather than a building.

#### Proposed amendment

#### Building

A structure that includes a roof that is, or could be, fully or partially enclosed with walls. The definition of building includes the parts of buildings defined as building utilities and rooftop structures. For the sake of clarity, water or other storage tanks, other than as captured in the definition of building utilities, are a structure not a building.

### Definition of driveways (change 1.3)

#### Problem

There are two related issues to be resolved here, both of which relate to the clarity of provisions that apply to "driveways" and "vehicle accesses".

The 2GP currently provides definitions for the following types of access:

#### Accessway

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

#### Driveways

*A constructed **accessway** that provides vehicular access to **residential activities** or urban uses. For the sake of clarity, this includes access legs, private ways, and service lanes.*

#### Vehicle Tracks

*A constructed pathway on a site that provides access for vehicles to rural activities within the rural and rural residential zones, and which:*

- *is capable of carrying a crawler or tractor; and*

- *is not used for frequent vehicle movements, or vehicle movements associated with residential activity.*

### **Vehicle Access**

*The portion of a driveway or vehicle track between the formed road and the property boundary.*

### **Vehicle Accesses**

*The portion of a driveway or vehicle track between the formed road and the property boundary.*

### **Vehicle Crossing**

*The portion of a vehicle access where the vehicle access meets the formed road.*

Rules in the Plan that manage or refer to “driveways” include the performance standards for vehicle access design and location (Rule 6.6.3), and various other performance standards, including standards that apply to earthworks near the National Grid (Rule 5.6.1.2), outdoor living space (Rule 15.5.11.3), signs (Rules 19.6.6.3 and 34.6.9.3), and light spill (Rule 24.5.3).

In referring to “driveways”, these rules were intended to mean *all* constructed accessways that provide vehicular access, except for those covered by the definition of “vehicle tracks”. This intended definition of “driveways” is important to the achievement of a range of 2GP objectives, including Objective 6.2.4:

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

- provide for the safe and efficient operation of both the parking or loading area and the transport network; and*
- facilitate the safe and efficient functioning of the transport network and connectivity for all travel modes.*

However, due to an error in Plan drafting, the current definition of driveway only applies to “a constructed accessway that provides vehicular access to residential activities or urban uses. This means that rules that refer to “driveways” do not currently apply to constructed accessways that provide vehicular access to activities that are neither “residential activities or urban uses” nor “rural activities within the rural and rural residential zones”; these activities include, for example, accessways in rural environments that provide vehicular access to uses that are not either “urban” or “rural activities”, e.g. rural industry (an industrial activity), network utilities (city-wide activity), or emergency services (a major facility activity).

Secondly, the Plan incorrectly refers to vehicle access/es in some performance standards and diagrams where it should refer to driveways. Due to the lack of clarity about what part of the access a performance standard relates to, the rule may be implemented inconsistently, making it inefficient and ineffective.

### **Scope of variation**

Correcting the definition of driveway to ensure it is clear what is meant. Clarifying within the plan where a performance standard should refer to driveway.

### **Preferred Option**

1. Amend definition of driveway to clarify that it is for any activity except for a vehicle track. As a consequential change vehicle track is amended to clarify that it is for accessways which are used infrequently within the Rural and Rural Residential Zones.
2. Amend references from ‘vehicle access’ to ‘driveway’ where the performance standard relates to the entire access (from the legal road to within the property).

This is considered a minor change to clarify the definition and terms used to reflect existing provisions rather than a substantive change.

## **Proposed amendment**

1. Amend definition of driveway and vehicle track as follows:

### **Driveways**

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

### **Vehicle Tracks**

A constructed ~~pathway~~ accessway on a site that provides access for vehicles to rural activities within the rural and rural residential zones, and which:

- ~~• is capable of carrying a crawler or tractor; and~~
- is not used for frequent vehicle movements, or vehicle movements associated with residential activity.

2. Amend the “outdoor living space” definition and Rule 15.6.10.2 as follows (please note that references are also proposed to be updated in the Transport diagrams 6B.4, 6B.5 and 6B.13: see change 1.25 in section 2.4.9 of this report):

### **Outdoor Living Space**

An area of open space that can be used for leisure, recreation, or food production to be provided for the use of the occupants of the residential unit/s to which the space is allocated. Outdoor living space excludes any area used for parking and/or ~~vehicle access~~ driveway.

### **Rule 15.6.10 Maximum Building Site Coverage and Impermeable Surfaces**

#### **Rule 15.6.10.2**

Any ~~vehicle access~~ driveway that provides access to another site and access leg for rear sites will be excluded from the calculation of total site area for the purpose of calculating site coverage in column i but included in the calculation of site coverage in column ii (See Figure 15.6.10A).

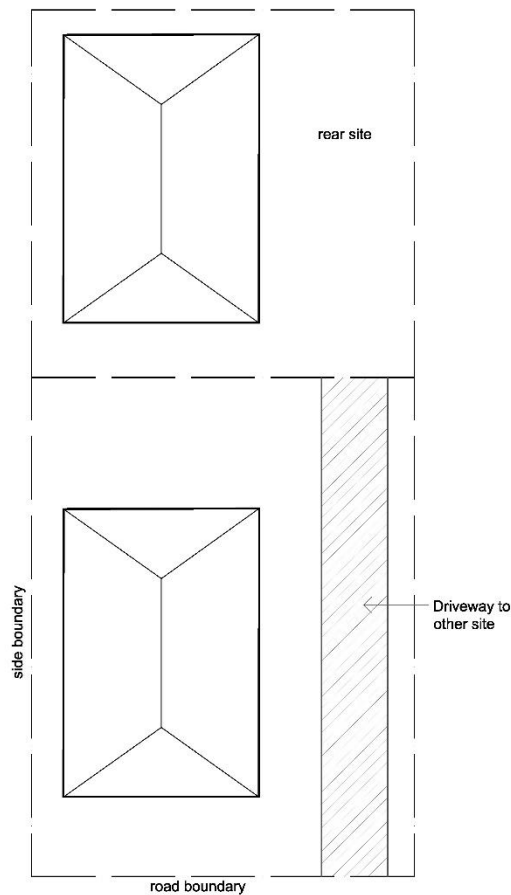


Figure 15.6.10A Site Coverage calculation – label identified as ‘vehicle access’ change to ‘driveway’

### Definition of local road (change 1.4)

#### Problem

The current definition of local road is “A road classified as local road within the Road Classification Hierarchy mapped area shown on the Planning Map.” However, local roads are not shown on the Road Classification Hierarchy mapped area on the Planning Map. Council’s Transportation Group have confirmed that this was an error and it was intended that roads that did not have a different status noted on the map layer were to be treated as local roads.

#### Scope of variation

Correcting the definition of local road to ensure it is clear what is meant.

#### Preferred Option

Amend definition of local road to clarify that it is any road that is not shown on the Road Classification Hierarchy mapped area on the Planning Map.

#### Proposed amendment

#### Local Road



~~A road classified as local road within the~~ All roads that do not have an alternative classification within the Road Classification Hierarchy mapped area shown on the Planning Map.

## Definitions of public amenities, sport and recreation (change 1.5)

### Problem

The definitions for sport and recreation and public amenities refer to examples of what types of activities fall under these two definitions. The examples provided under Sport and Recreation includes 'walking tracks' whereas the definition of public amenities includes 'pedestrian/biking tracks or paths'.

There is a need to clarify the type of walking and cycling facilities which would fall under Sport and Recreation activities to avoid confusion.

### Scope of variation

Clarifying the type of walking and cycling facilities that are included under Sport and Recreation activities.

### Preferred option

Amend the Plan to clarify the types of walking and cycling facilities that fall within sport and recreation and amending the list of examples within the definition of Public Amenities.

Public amenities are generally permitted throughout the Plan subject to performance standards. The types of paths that would fall under Public Amenities would be a path through a reserve or playground that would have minimal effects and is provided for the convenience, enjoyment or amenity of the public. Rather than provide an example within the definition of Public Amenity it is considered appropriate to remove this from the list to avoid confusion.

The list of examples within Sports and Recreation has then been amended to clarify the types of walking and cycling facilities which do need to be managed under these provisions. For example, these are cycling or walking facilities that are distinct from a path as it is primarily for recreation, can usually only be accessed by car and is a destination rather than connecting different parts of a park or open space. 'Outdoor recreational facilities, including walking and cycling facilities' has therefore been added to the list of examples.

This is considered a minor change to clarify the definitions to reflect existing provisions rather than a substantive change.

### Proposed amendment

#### ***Public Amenities***

Any structure or facility established for the convenience, enjoyment, or amenity of the public. For the sake of clarity, this includes signs containing information directly relevant to the purpose of the public amenity.

Examples are:

- ~~pedestrian/biking tracks or paths~~

#### ***Sport and Recreation***

Examples are facilities managed by clubs, Dunedin City Council, schools or private entities including:

- ~~walking tracks.~~
- Outdoor recreational facilities, including walking and cycling facilities.

## Definition of rural contractor and transport depots (change 1.6)

### Problem

'Rural contractor and transport depots' is a land use activity in the industrial activities category which is anticipated in the rural zone because it encompasses activities that provide a service to rural activities. However, while the definition refers to 'rural contractor and transport services', it does not describe what type of services are included. This means that there is potential for some confusion as to which activities fit under this definition. For instance, there may be some rural-focused yard based retail activities that meet some aspects of this definition. Retail activities are a non-complying activity in the rural zones whereas rural contractor and transport depots are permitted or discretionary depending on scale.

### Scope of variation

Amending definition of 'Rural contractor and transport depots' by providing examples and exclusions to clarify types of activities included.

### Preferred option

To clarify which types of activities are included as rural contractor and transport depots, it is proposed to add the examples of fencing, crop harvesting, rural drainage and stock transport, along with adding an exclusion for yard based retail.

### Proposed amendment

#### ***Rural contractor and transport depots***

The use of land and buildings as a depot for rural contractor and transport services. Examples of rural contractor and transport services are:

- fencing
- crop harvesting
- rural drainage; and
- stock transport services.

For the sake of clarity, this includes the storage, maintenance, repair and refuelling of the vehicles, machinery and other materials associated with these activities as well as the administration and dispatch of workers.

This definition excludes any retailing of farm equipment or other heavy machinery, which is defined as yard based retail.

Rural contractor and transport depots are managed at two different scales - small scale and large scale.

Rural contractor and transport depots are a sub-activity of industry.

## Definitions of working from home, visitor accommodation and habitable room, and related changes to Rule 15.5.2 Density as it relates to visitor accommodation (1.7)

### Background

There are two related issues to be resolved here. Issue 1 relates to the clarity of provisions for "working from home", specifically the type of working from home that consists of provision of accommodation for paying guests. Issue 2 relates to the content of provisions that manage the density of visitor accommodation in residential zones. Both the relevant performance standard, and the activity status of visitor accommodation that contravenes the standard, are inappropriate in terms of managing environmental effects in an efficient and effective way.

Because the second issue is substantive and relates to the effect of provisions, and not just their clarity, an analysis of the amendments proposed to address the issue has been undertaken in accordance with s32 of the RMA. This is summarised below.

### **Issue 1: working from home definition**

Regarding the first issue, there is a question over whether the definition of “working from home” includes providing accommodation in residential units that are separate from the principal dwelling, for the accommodation of up to five guests. It is not the intention that working from home provisions are to include this type of activity. This is signalled by the statements in the definition that any working from home activity must be “ancillary to the residential activity on the site”, and that the visitor accommodation included in the definition is “in the form of homestays, bed and breakfast, or similar”. In normal use, “homestays” and “bed and breakfast” would both generally be understood to mean situations where bedrooms (perhaps including sleep outs) that are part of the primary residential dwelling are rented out to guests, and any food is cooked/provided by the host (i.e. no separate kitchen). However, these terms are not defined. This leaves some room for ambiguity as to whether “visitor accommodation in the form of homestays, bed and breakfast, or similar...” could consist of people establishing accommodation on a site that contains their primary place of residence, but in a separate unit with its own kitchen (either within the same building as the main residential activity, or possibly even in a separate building).

It is considered that the rules are fairly clear that “working from home” is only provided for as an ‘ancillary’ activity, and therefore that the density controls on establishing any additional residential units for hosted accommodation would still apply. However, as some people have questioned this, the definition wording would benefit from some additional clarification around this matter.

### **Issue 2: density rules for visitor accommodation in residential zones – section 32 analysis**

The 2GP objectives that are most relevant to the management of density for visitor accommodation in residential zones are Objectives 15.2.3, 15.2.4 and 9.2.1. In relation to visitor accommodation in this environment, Objective 15.2.3 is implemented through Policy 15.2.3.4, Objective 15.2.4 through Policy 15.2.4.7, and Objective 9.2.1 through Policy 9.2.1.1, and, with respect to density, all three policies are implemented through the density performance standard for visitor accommodation in residential zones (Rule 15.5.2.5), and non-complying activity status for visitor accommodation that contravenes this standard (Rule 15.5.2.6).

These objectives and policies are as follows:

#### *Objective 15.2.3*

*Activities in residential zones maintain a good level of amenity on surrounding residential properties and public spaces.*

#### *Policy 15.2.3.4*

*Only allow ... visitor accommodation [and other activities]... where they are designed and located to avoid or, if avoidance is not practicable, adequately mitigate, adverse effects on the amenity of surrounding residential properties.*

#### *Objective 15.2.4*

*Activities maintain or enhance the amenity of the streetscape, and reflect the current or intended future character of the neighbourhood.*

#### *Policy 15.2.4.7*

*Only allow ... visitor accommodation [and other activities]... where they are designed and located to avoid or, if avoidance is not practicable, adequately mitigate, adverse effects on streetscape amenity.*

#### *Objective 9.2.1*

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

*Policy 9.2.1.1*

*Only allow land use or subdivision activities that may result in land use or development activities where:*

- a. in an area with public water supply and/or wastewater infrastructure, it will not exceed the current or planned capacity of that infrastructure or compromise its ability to service any activities permitted within the zone; and*
- b. in an area without public water supply and/or wastewater infrastructure, it will not lead to future pressure for unplanned expansion of that infrastructure.*

Rule 15.5.2.5 requires that “visitor accommodation must have a maximum of one visitor accommodation unit per 80m<sup>2</sup> of site area”; if this standard is not met then, under Rule 15.5.2.6, non-complying activity status applies. These rules are not considered to be the most appropriate means of achieving the relevant 2GP objectives, for three reasons.

Firstly, the rule is highly variable both in its effect and in its relativity to the benchmark density standard for residential activity. The degree to which the rule manages the relevant effects depends on the type of visitor accommodation involved. A visitor accommodation unit is defined as “an individual room or a single or multi-bedroom, self-contained unit with kitchen/lounge facilities, which is offered for rent as part of a visitor accommodation activity” – therefore, a unit of this kind could consist of:

- a hotel bedroom, generally used by one or two people
- a motel unit, which may be used by one or two people, or by a larger group e.g. a family, or
- a room in a backpackers, which could include a single or double room, or a dormitory which may be used by many people.

Given this variation, a single, invariable standard to control the density of “visitor accommodation units” is an inappropriate method for managing effects on the amenity of surrounding residential properties or of the character of the neighbourhood, or effects on the efficiency and affordability of public water supply, wastewater and stormwater infrastructure. It is the number of people accommodated that affects infrastructure capacity, rather than the number of visitor accommodation units. In terms of effects on amenity (e.g. from loss of privacy, or increased noise and traffic), the potential threat from over-dense development comes from over-crowding; again, this is determined by the number of visitors rather than the number of variably-sized visitor accommodation units.

When compared with the density standard that applies to residential activity, in some cases (e.g. hotel-type accommodation proposed in a higher density zone such as Inner City Residential) the “one unit per 80m<sup>2</sup>” standard is considerably more strict, whereas in other cases (e.g. motel-type units with multiple bedrooms proposed in a lower density zone such as General Residential 1 or Township and Settlement) it is considerably more permissive. Therefore, there is a risk that in some cases Rule 15.5.2.5 could lead to the development of overly-dense visitor accommodation in residential zones, with the potential adverse effects on infrastructure and local character and amenity, whereas in other cases the rule may be too restrictive and may hinder development of an appropriate density.

Secondly, the rule is difficult to interpret in situations where visitor accommodation is proposed on the same site as a residential activity. In these situations, it is unclear whether or not the 80m<sup>2</sup> site area required per visitor accommodation unit should be additional to the site area required to meet the density standard as it relates to the residential activity on the site. This lack of clarity leads to a risk that the rule may be implemented inconsistently, making it inefficient and ineffective.

Thirdly, non-complying activity status for visitor accommodation that does not comply with the density standard is considered unnecessarily restrictive. Contraventions of density standards by residential activities are normally non-complying in the Plan. However, in the case of visitor accommodation, because habitable

rooms are likely only to be occupied for a certain proportion of the time – which may vary widely from case to case – the likely magnitude of adverse effects caused by the contravention, including effects on the efficient and effective operation of public infrastructure networks and effects on the character and amenity of local neighbourhoods, is reduced.

To resolve the three issues described above, it is proposed that:

- Rule 15.5.2.5 should be deleted, and that the same density standard that is applied to residential activity in residential zones should also be applied to visitor accommodation in these zones, and
- the activity status of contraventions of this standard should be amended from non-complying to discretionary.

The density standard for residential activities is located in Rule 15.5.2.1 and has two parts – a minimum site area per residential unit, and a maximum development potential (in terms of number of habitable rooms) per site area. The standard varies in the different residential zones. For example, it provides for higher density in the Inner City Residential Zone, and lower density in other zones such as General Residential 1. The former part of this standard, based on residential units, is not relevant to visitor accommodation. However, the latter part, based on habitable rooms, is suitable for application to this activity, provided that the definition of “habitable room” is amended to include bedrooms in visitor accommodation units (as shown below).

It is considered appropriate to apply the residential density standard to visitor accommodation, because this standard is based on relevant expert evidence regarding the maximum density of development that is suitable in the various residential zones, in terms of potential effects on infrastructure capacity and amenity.

In addition, this change to the standard removes the potential for confusion over whether the site area required to meet the density standard for visitor accommodation is additional to that required to meet the density standard for residential activities (in the case of both activities being established on the same site). With the amendment to the rule as shown below, it will be clear that a separate minimum amount of site area is required for every habitable room on the site that is part of either a residential or a visitor accommodation activity.

Finally, it is considered that discretionary, rather than non-complying, activity status for contraventions of the density standard by visitor accommodation would better reflect the variability of the potential adverse effects.

These amendments are therefore considered to be the most appropriate means to achieve the relevant 2GP objectives (15.2.3, 15.2.4 and 9.2.1) and associated policies.

### **Scope of variation**

#### Issue 1

- Clarity of the “working from home” definition as it relates to the provision of accommodation, and clarity of the dividing line between “working from home” and “visitor accommodation”.

#### Issue 2

- Density standard for visitor accommodation in residential zones.
- Activity status of visitor accommodation that contravenes this standard.

### **Preferred option**

#### Issue 1

Amend ‘working from home’ definition to further clarify that this activity is ancillary to the use of land and buildings as a principal place of residence, and that, in relation to accommodation, it includes only ‘hosted’

visitor accommodation that must take place in the same residential unit that is used as the principal place of residence.

Amend 'visitor accommodation' definition to remove the reference to 'six or more guests' and make other minor changes to clarify the language used. Following this change, it will be clearer that the provision of visitor accommodation at one's home in the form of a separate residential unit rented out to guests comes under the 'visitor accommodation' definition, regardless of the number of guests accommodated.

## Issue 2

Amend Rule 15.5.2 to delete the separate density standard for visitor accommodation (15.5.2.5) and to amend 15.5.2.1, 15.5.2.2.a and 15.5.2.4 so that the "maximum development potential per site" (in terms of habitable rooms per site area) that applies to standard residential activities also applies to visitor accommodation.

Amend 'habitable rooms' definition to include rooms in visitor accommodation, and to indicate how habitable rooms are to be calculated in dormitory-style accommodation.

Amend Rule 15.5.2.6 to amend the activity status for visitor accommodation that contravenes the density standard from non-complying to discretionary.

## **Proposed amendments**

1. Amend the definition of 'working from home' as follows:

### ***Working from Home***

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

- ~~• ancillary to the residential activity on the site; and~~
- can only be carried out by a person or persons living on the site as their principal place of residence; and
- cannot employ ~~no~~ any other person on-site, ~~or including by way of~~ operating from the site (relying on equipment or vehicles stored on the site or making regular visits to the site).

Working from home may include retail services but not direct retail sales except for goods produced on-site.

For the sake of clarity, this definition includes:

- hosted visitor accommodation, in the form of homestays, bed and breakfast, or similar, for no more than five guests, provided the accommodation is contained within the same residential unit that is being used as the principal place of residence;
- early childhood education for five or fewer children; and
- animal breeding involving one breeding pair of dogs and/or cats.

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

2. Amend the definition of 'visitor accommodation' as follows:

### **Visitor Accommodation**

The use of land and buildings for temporary accommodation (up to three months stay within any calendar year period per customer) on a commercial fee-paying basis. For the sake of clarity, this definition includes the provision of facilities for resident guests (e.g. playgrounds, spa pools, swimming pools, gyms)

Examples are:

- motels
- hotels

- homestays or bed and breakfasts ~~for six or more guests~~
- serviced apartments; and
- backpackers and hostels.

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

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

Visitor accommodation is an activity in the commercial activities category.

3. Amend Rule 15.5.2 Density as follows, to amend the standard as it applies to visitor accommodation in residential zones:

### **15.5.2 Density**

1. Standard residential activities and visitor accommodation (or any combination of the two on a single site) must not exceed the following density limits:

Zone		i. Minimum site area for a residential unit (excluding family flats)	ii. Maximum development potential per site
a.	General Residential 1 Zone	1 per 500m <sup>2</sup>	1 habitable room per 100m <sup>2</sup>
b.	General Residential 2 Zone not within an <b>infrastructure constraint mapped area</b> or the <b>South Dunedin mapped area</b>	N/A	1 habitable room per 45m <sup>2</sup>
c.	General Residential 2 Zone within an <b>infrastructure constraint mapped area</b>	N/A	1 habitable room per 100m <sup>2</sup>
d.	General Residential 2 Zone within the <b>South Dunedin mapped area</b>	N/A	1 habitable room per 60m <sup>2</sup>
e.	Inner City Residential Zone	N/A	1 habitable room per 45m <sup>2</sup>
f.	Low Density Residential Zone	1 per 750m <sup>2</sup>	1 habitable room per 150m <sup>2</sup>
g.	Large Lot Residential 1 Zone	1 per 2000m <sup>2</sup>	1 habitable room per 400m <sup>2</sup>
h.	Large Lot Residential 2 Zone	1 per 3500m <sup>2</sup>	1 habitable room per 700m <sup>2</sup>
i.	Township and Settlement Zone not within the <b>no DCC reticulated wastewater mapped area</b>	1 per 500m <sup>2</sup>	1 habitable room per 100m <sup>2</sup>
j.	Township and Settlement Zone within the <b>no DCC reticulated wastewater mapped area</b>	1 per 1000m <sup>2</sup>	1 habitable room per 200m <sup>2</sup>

k. Except:

i. In all zones, other than the GR2 and ICR zones:

1. A single residential unit may be erected on a site of any size provided all other performance standards are met.
2. one family flat is allowed per site in association with a standard residential activity provided the maximum development potential per site is not exceeded.

2. For the purposes of this standard:

- a. the calculation of habitable rooms includes rooms in family flats and sleep outs;
- b. the calculation of minimum site area excludes access legs provided for rear sites; and

- c. the calculation of maximum development potential only applies in the Inner City Residential and General Residential 2 Zones, for determining whether a family flat can be developed in other zones, and for visitor accommodation activities, whether alone on a site or in combination with a standard residential activity.

3. More than one residential building (other than a family flat) may only be built on a site if all residential buildings are able to meet all the following performance standards if they were ever subdivided into separate sites:

- a. site coverage;
- b. height in relation to boundary;
- c. setbacks; and
- d. access.

4. Standard residential activity that contravenes the performance standard for density is a non-complying activity, except the following are restricted discretionary activities:

- a. papakāika that contravenes the performance standards for density; {Note - appeal relates to clause (a) only}
- b. standard residential in the General Residential 2 Zone (infrastructure constraint mapped area) that contravenes the performance standards for maximum development potential per site, provided the maximum development potential per site of the activity proposed does not exceed 1 habitable room per 45m<sup>2</sup>; and
- c. contravention of Rule 15.5.2.3 (bulk and location performance standards for multiple residential buildings on the same site).

~~5. Visitor accommodation must have a maximum of one visitor accommodation unit per 80m<sup>2</sup> of site area;~~

5.6. Visitor accommodation that exceeds one visitor accommodation unit per 80m<sup>2</sup> of site area contravenes the performance standard for density is a non-complying discretionary activity.

4. Amend assessment rules as follows, to reflect change to activity status – from non-complying to discretionary – of visitor accommodation that contravenes Rule 15.5.2:

15.13.5 Assessment of non-complying performance standard contraventions		
Performance standard		Guidance on the assessment of resource consents
1.	Density	Relevant objectives and policies (priority considerations): <ul style="list-style-type: none"> <li>a. Strategic Directions - Objectives 2.7.1 (policies 2.7.1.1, 2.7.1.3), 2.4.1 (Policy 2.4.1.5)</li> <li>b. Objective 15.2.4, Policy 15.2.4.2, Policy 15.2.4.3</li> <li>c. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.1 and effects related to the efficiency and affordability of infrastructure.</li> </ul>
2.	<del>Density – visitor accommodation</del>	<del>Relevant objectives and policies (priority considerations):</del> <ul style="list-style-type: none"> <li><del>a. Objective 15.2.3</del></li> <li><del>b. Policy 15.2.3.4</del></li> </ul>

15.12.3 Assessment of discretionary performance standard contraventions		
1.	...	...
2.	...	...
3.	<u>Density (visitor accommodation)</u>	<u>Relevant objectives and policies (priority considerations):</u> <ul style="list-style-type: none"> <li>a. <u>Objectives 15.2.3, 15.2.4</u></li> </ul>



		<p>b. <u>Visitor accommodation is designed to avoid or, if avoidance is not practicable, adequately mitigate adverse effects on the amenity of surrounding residential properties (Policy 15.2.3.4).</u></p> <p>c. <u>Visitor accommodation is designed and located to avoid or, if avoidance is not practicable, adequately mitigate adverse effects on streetscape amenity (Policy 15.2.4.7).</u></p> <p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>d. <u>See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.1 and effects related to the efficiency and affordability of infrastructure.</u></p> <p>e. <u>See Section 6.12 for guidance on the assessment of resource consents in relation to Objectives 6.2.2 and 6.2.3 and effects related to accessibility and the safety and efficiency of the transport network and its affordability to the public.</u></p>
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9.7.4 Assessment of discretionary performance standard contraventions		
Activity		Guidance on the assessment of resource consents
3.	Density (papakāika) in rural zones	...
4.	<u>Density (visitor accommodation) in residential zones</u>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. <u>Objective 9.2.1</u></p> <p>b. <u>Development will not exceed the current or planned capacity of public water supply and/or wastewater infrastructure or compromise its ability to service any activities permitted within the zone (Policy 9.2.1.1.a)</u></p> <p>c. <u>Development will not lead to future pressure for unplanned expansion of public water supply and/or wastewater infrastructure (Policy 9.2.1.1.b).</u></p>

5. Amend definition of 'habitable room' as follows:

**Habitable Room**

*Any room in a residential unit, family flat ~~or~~ sleep out or visitor accommodation unit that is designed to be, or could be, used as a bedroom. The calculation of a habitable room will exclude only one principal living area per residential unit (including family flats). Any additional rooms in a residential unit, family flat or sleep out that could be used as a bedroom but are labelled for another use, such as a second living area, gym or study, will be counted as a habitable room.*

*In the case of dormitory-style accommodation containing multiple beds, such as is used in some backpacker accommodation, every four beds or part thereof will be treated as one habitable room. For the sake of clarity, a standard 'bunk bed' is counted as 2 beds.*

## **Heritage rules: definitions of repairs and maintenance, additions and alterations and restoration and the Materials and design performance standard (Rule 13.3.2) (change 1.8)**

### **Background**

#### ***Definition of Repairs and maintenance***

*Work required to make good decayed or damaged fabric of a building or structure, or to prevent deterioration of the fabric, and in the case of a scheduled heritage site, all normal work required to maintain the garden or landscape features or structures....*

#### ***Definition of Additions and alterations***

*Changes to the external envelope (i.e. size) of a building or structure and signs attached to buildings and structures.*

*For the purposes of rules that apply to protected parts of scheduled heritage buildings, scheduled heritage structures and character-contributing buildings, additions and alterations also include:*

- *changes to the fabric, or characteristics of a building or structure, including the removal or replacement of building components,...*

#### ***Definition of Restoration:***

*To accurately return the fabric of a building or structure to a known earlier form by reassembling and reinstating components using new or original materials. For the sake of clarity, restoration includes the removal of later components or additions, except where they are specifically protected in Appendix A1.1.*

*Restoration is a sub-activity of additions and alterations.*

### **Rule 13.3.2: Materials and design**

1. *For repairs and maintenance and restoration of any part of a character-contributing building, any protected part of a scheduled heritage building or scheduled heritage structure, or any non-protected part of a scheduled heritage building within a heritage precinct, that are visible from an adjoining public place:*
  - a. *the materials used and the design of any replacement building components are the same or closely similar to those being repaired or replaced, or those that were in place originally. Except that:*
    - i. *concrete roofing tiles or metal and stone chip roofing tiles on character-contributing buildings may be replaced with any roofing material; and*
    - ii. *wooden windows (except stained glass and multi-light windows) may be retrofitted with double glazed units into the existing timber joinery.*
  - b. *Unpainted walls must not be painted, and un-rendered walls must not be rendered.*
2. *Where an elevated feature is replaced, the replacement feature must appear exactly the same as the feature being replaced, when viewed from a public place.*
3. *For earthquake strengthening of a protected part of a scheduled heritage building or scheduled heritage structure, shotcrete must not be applied to the exterior.*
4. *Activities that contravene this performance standard are restricted discretionary activities.*

### **Problem**

Two problems have been identified with these definitions and their relationship with the Materials and design performance standard. The first is that the definitions of 'Repairs and maintenance' and 'Additions and alterations' both exclude the other activity, making it unclear which takes precedence when there is potential overlap between the definitions, for example the replacement of doors and windows in the repairs

and maintenance definition, and the replacement of building components in the additions and alterations definition.

Secondly, repairs and maintenance and restoration are both subject to the 'Materials and design' performance standard (Rule 13.3.2) to be a permitted activity. This requires (amongst other things) that the materials and design used in the work are the same or closely similar to those being repaired or replaced. Contravention of the performance standard is a restricted discretionary activity, however activities that contravene the standard should arguably be considered additions and alterations, as they result in changes to the fabric or characteristics of the building.

Both additions and alterations, and repairs and maintenance that contravenes the Materials and design performance standard, are restricted discretionary activities, with discretion restricted to effects on heritage values (for scheduled heritage items) or heritage streetscape character (activities in heritage precincts). However, the relevant policies and assessment guidance differ depending which pathway is taken. It would be preferable that the two activities (additions and alterations, and repairs and maintenance that contravenes the materials and design performance standard) were treated and considered in a similar way.

### **Scope of variation**

The relationship between repairs and maintenance and additions and alterations activity, in particular the assessment guidance provided where consent is needed for each activity.

Consequently, the definition of restoration and the Materials and design performance standard (Rule 13.3.2).

### **Preferred option**

Include the relevant criteria from the Materials and design performance standard into the definition of repairs and maintenance and amend the definition to clarify the difference between repairs and maintenance and additions and alterations. The Materials and design performance standard would no longer apply as a separate rule, so an activity is either repairs or maintenance, or if it does not meet that definition, it is additions and alterations.

As a consequential change, transfer the relevant assessment guidance from the assessment rules for contravention of the Materials and design performance standard (rules 13.5.3.1 and 13.5.4.6) to the assessment rules for additions and alterations activity (rules 13.6.3.3 and 13.6.4.2).

As a related change, for consistency, it is proposed to include the aspects of the Materials and design performance standard that relate to restoration activity in the restoration definition, in the same way as above. Relevant assessment guidance relating to restoration would be moved from the assessment rules for contravention of the Materials and design performance standard to the assessment rules for additions and alterations activity. The Materials and design performance standard will then apply only to earthquake strengthening activity.

### **Proposed amendment**

#### **1. Amend Repairs and Maintenance definition**

Work required to make good decayed or damaged fabric of a building or structure, or to prevent deterioration of the fabric, including replacement of building components such as cladding, doors, windows, gates, roofs and interior fittings, decoration, trim, surfaces, materials and structures.

For and in the case of a scheduled heritage site, this includes all normal work required to maintain the garden or landscape features or structures.

For the purposes of the rules that apply to protected parts of scheduled heritage buildings, scheduled heritage structures, or any part of a character-contributing building or non-protected part of a scheduled heritage building within a heritage precinct that is visible from an adjoining public place, this definition only applies where the materials used and the design of any replacement building components are the same or closely similar to those being repaired or replaced, or those that were in place originally; except that

- concrete, metal or stone chip roofing tiles on character-contributing buildings may be replaced with any material; and
- wooden windows (except stained glass and multi-light windows) may be retrofitted with double glazed units into the existing timber joinery.

For the sake of clarity, being 'the same or closely similar' includes painting or rendering only where the building or structure was previously painted or rendered.

~~For clarity, this includes:~~

- ~~• painting, only where the building or structure was previously painted~~
- ~~• re-cladding~~
- ~~• replacement of doors, windows, gates and roof; and~~
- ~~• in relation to an interior, redecoration and all normal work required to maintain the fittings, decoration, trim, surfaces, materials or structures.~~

~~This definition excludes activities defined as additions and alterations.~~

Repairs and maintenance is an activity in the buildings and structures sub-category, which is in the development activities category.

## **2. Amend definition of Restoration**

To accurately return the fabric of a building or structure to a known earlier form by reassembling and reinstating components using new or original materials. For the sake of clarity, restoration includes the removal of later components or additions, except where they are specifically protected in Appendix A1.1.

For any protected part of a scheduled heritage building or scheduled heritage structure, or any part of a character-contributing building or non-protected part of a scheduled heritage building within a heritage precinct that is visible from an adjoining public place, this definition only applies where the materials used and the design of any replacement building components are the same or closely similar to those that were in place originally.

For the sake of clarity, being 'the same or closely similar' includes painting or rendering only where the building or structure was previously painted or rendered.

Restoration is a sub-activity of additions and alterations.

## **3. Amend definition of Additions and Alterations**

Changes to the external envelope (i.e. size) of a building or structure and signs attached to buildings and structures.

For the purposes of rules that apply to protected parts of scheduled heritage buildings, scheduled heritage structures and character-contributing buildings, additions and alterations also include:

- changes to the fabric, or characteristics of a building or structure, including the removal or replacement of building components that do not meet the definition of repairs and maintenance; , and
- the attachment or construction of additional components, including building utilities, but not including network utility activities; ~~and.~~

- ~~changes to the internal fabric or characteristics of scheduled heritage buildings where the interior features are protected.~~

For the purposes of the reflectivity performance standard that applies in landscape and coastal character overlay zones, this definition also includes any change to the light reflectance value (LRV) of exterior surfaces, including roofs.

This definition excludes:

- activities defined as ~~repairs and maintenance~~ or demolition.

The following activities are managed as sub-activities of additions and alterations:

- earthquake strengthening
- restoration
- signs attached to or incorporated into buildings

Additions and alterations that are related to work required to comply with section 112 (Alterations) or section 115 (Change of use) of the Building Act 2004 are also treated differently in the policies and the assessment rules.

Additions and alterations are an activity in the buildings and structures sub-category, which is the development activities category.

#### 4. Amend Rule 13.3.2 Materials and design

- ~~1. For repairs and maintenance and restoration of any part of any protected part of a scheduled heritage building or scheduled heritage structure, or any part of a character-contributing building, any protected part of a scheduled heritage building or scheduled heritage structure, or any non-protected part of a scheduled heritage building within a heritage precinct, that are visible from an adjoining public place:
 
  - a. ~~the materials used and the design of any replacement building components are the same or closely similar to those being repaired or replaced, or those that were in place originally. Except that:~~
    - i. ~~concrete roofing tiles or metal and stone chip roofing tiles on character-contributing buildings may be replaced with any roofing material; and~~
    - ii. ~~wooden windows (except stained glass and multi-light windows) may be retrofitted with double glazed units into the existing timber joinery.~~
  - b. ~~Unpainted walls must not be painted, and un-rendered walls must not be rendered.~~~~

1. For earthquake strengthening of any protected part of a scheduled heritage building or scheduled heritage structure, or any part of a character-contributing building or non-protected part of a scheduled heritage building within a heritage precinct that is visible from an adjoining public place:

- a. 2. Where an elevated feature is replaced, the replacement feature must appear exactly the same as the feature being replaced, when viewed from a public place; and
- b. Shotcrete must not be applied to the exterior.

~~3. For earthquake strengthening of a protected part of a scheduled heritage building or scheduled heritage structure, shotcrete must not be applied to the exterior.~~

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

Consequential changes to the Materials and Design performance standard (rules 15.6.9, 16.6.4, 17.6.4, 18.6.10, 19.6.5 and 20.6.7 in management zones and rules 22.6.6, 26.6.3, 27.6.6, 29.6.4, 31.6.6, 33.6.3 and 34.6.8 in major facilities zones) to remove reference to repairs and maintenance, and restoration (as shown below).

15.6.9 Materials and Design

~~Repairs and maintenance, restoration and~~ Earthquake strengthening must comply with Rule 13.3.2.

## 6. Activity status table changes

Remove the Materials and design hyperlink from repairs and maintenance and restoration activity from all sections with Heritage rules. Note that the changes for the Residential, commercial and mixed use and Campus sections are shown in association with other changes to those tables in section 2.3.14 of this report.

Industry Development Activity Status table 19.3.4:

Buildings and structures activities that affect a protected part of a scheduled heritage building or scheduled heritage structure		a. Ind	b. IndPort	Performance standards
4.	Repairs and maintenance	P	P	i. <del>Materials and design</del>
5.	Restoration of a building or structure that has a Heritage New Zealand Category 1 listing as detailed in Appendix A1.1	C	C	i. <del>Materials and design</del>
6.	Restoration of all other scheduled heritage buildings and structures	P	P	i. <del>Materials and design</del>
7.	Earthquake strengthening where external features only are protected	C	C	i. Materials and design

Rural Development Activity Status table 16.3.4:

Buildings and structures activities that affect a protected part of a scheduled heritage building or a scheduled heritage structure		a. RU	b. ONL/ SNL/NCC	c. ONF/ ONCC/HNCC	d. ASBV	Performance standards
8.	Repairs and maintenance	P	P	P	P	i. <del>Materials and design</del>
9.	Restoration of a building or structure that has a Heritage New Zealand Category 1 listing (as detailed in Appendix A1.1)	C	C	C	C	i. <del>Materials and design</del>
10.	Restoration of all other scheduled heritage buildings and scheduled heritage structures	P	P	P	P	i. <del>Materials and design</del>
11.	Earthquake strengthening where external features only are protected	C	C	C	C	i. Materials and design

Rural Residential Development Activity Status table 17.3.4:

Buildings and structures activities that affect a protected part of a scheduled heritage building or scheduled heritage structure		a. RR	b. ONF/ HNCC	c. SNL/ NCC	d. ASBV	Performance standards
8.	Repairs and maintenance	P	P	P	P	i. <del>Materials and design</del>
9.	Restoration of a building or structure that has a Heritage New Zealand Category 1 listing as detailed in Appendix A1.1	C	C	C	C	i. <del>Materials and design</del>
10.	Restoration of all other scheduled heritage buildings and structures	P	P	P	P	i. <del>Materials and design</del>
11.	Earthquake strengthening where external features only are protected	C	C	C	C	i. Materials and design

Recreation Development Activity Status table 20.3.4:

Buildings and structures activities that affect a protected part of a scheduled heritage building or scheduled heritage structure		a. Rec	b. NCC	c. ASBV	Performance standards
8.	Repairs and maintenance	P	P	P	i. <del>Materials and design</del>
9.	Restoration of a building or structure that has a Heritage New Zealand Category 1 listing (as detailed in Appendix A1.1)	C	C	C	i. <del>Materials and design</del>
10.	Restoration of all other scheduled heritage buildings and structures	P	P	P	i. <del>Materials and design</del>
11.	Earthquake strengthening where external features only are protected	C	C	C	i. Materials and design

Botanic Garden Development Activity Status table 22.3.4:

Building and structures activities that affect a protected part of a scheduled building or scheduled heritage structure		Activity status	Performance standards
4.	Repairs and maintenance	P	i. <del>Materials and design</del>
5.	Restoration of a building or structure that has a Heritage New Zealand Category 1 listing as detailed in Appendix A1.1	C	i. <del>Materials and design</del>
6.	Restoration of all other scheduled heritage buildings and structures	P	i. <del>Materials and design</del>
7.	Earthquake strengthening where external features only are protected	C	i. Materials and design

Invermay Development Activity Status table 26.3.4:

Building and structures activities that affect a protected part of a scheduled building or scheduled heritage structure		Activity status	Performance standards
4.	Repairs and maintenance	P	i. <del>Materials and design</del>
5.	Restoration of a building or structure that has a Heritage New Zealand Category 1 listing as detailed in Appendix A1.1	C	i. <del>Materials and design</del>
6.	Restoration of all other scheduled heritage buildings and structures	P	i. <del>Materials and design</del>
7.	Earthquake strengthening where external features only are protected	C	i. Materials and design

Mercy Hospital Development Activity Status table 27.3.4:

Building and structures activities that affect a protected part of a scheduled heritage building or scheduled heritage structure		Activity status	Performance standards
5.	Repairs and maintenance	P	i. <del>Materials and design</del>

6.	Restoration of all scheduled heritage buildings and structures	C	i. <del>Materials and design</del>
7.	Earthquake strengthening where external features only are protected	C	i. Materials and design

Otago Museum Development Activity Status table 29.3.4:

Building and structures activities that affect a protected part of a scheduled building or scheduled heritage structure		Activity status	Performance standards
4.	Repairs and maintenance	P	ii. <del>Materials and design</del>
5.	Restoration of a building or structure that has a Heritage New Zealand Category 1 listing as detailed in Appendix A1.1	C	ii. <del>Materials and design</del>
6.	Restoration of all other scheduled heritage buildings and structures	P	ii. <del>Materials and design</del>
7.	Earthquake strengthening where external features only are protected	C	ii. Materials and design

Schools Development Activity Status table 31.3.4:

Building and structures activities that affect a protected part of a scheduled building or scheduled heritage structure		Activity status	Performance standards
5.	Repairs and maintenance	P	iii. <del>Materials and design</del>
6.	Restoration of a building or structure that has a Heritage New Zealand Category 1 listing as detailed in Appendix A1.1	C	iii. <del>Materials and design</del>
7.	Restoration of all other scheduled heritage buildings and structures	P	iii. <del>Materials and design</del>
8.	Earthquake strengthening where external features only are protected	C	iii. Materials and design

Taieri Aerodrome Development Activity Status table 33.3.4:

Building and structures activities that affect a protected part of a scheduled building or scheduled heritage structure		Activity status	Performance standards
3.	Repairs and maintenance	P	iv. <del>Materials and design</del>
4.	Restoration of a building or structure that has a Heritage New Zealand Category 1 listing as detailed in Appendix A1.1	C	iv. <del>Materials and design</del>
5.	Restoration of all other scheduled heritage buildings and structures	P	iv. <del>Materials and design</del>
6.	Earthquake strengthening where external features only are protected	C	iv. Materials and design

7. Amend Rule 13.5.3.1 Restricted discretionary performance standard assessment rule - contravention of Materials and design performance standard - Scheduled heritage items



1.	Materials and design	a. Effects on heritage values	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 13.2.1</li> <li>ii. <del>Repairs and maintenance and restoration that affects a protected part of a scheduled heritage building or scheduled heritage structure preserves and protects the heritage values of the building or structure by using appropriate materials and design (Policy 13.2.1.2).</del></li> <li>iii-ii. Earthquake strengthening that affects a protected part of a scheduled heritage building or scheduled heritage structure uses appropriate materials and design to minimise, as far as practicable, any adverse effects on the heritage values of the building, including by: <ul style="list-style-type: none"> <li>1. protecting, as far as possible, architectural features and details that contribute to the heritage values of the building;</li> <li>2. retaining the original façade material where practicable; and</li> <li>3. minimising, as far as practicable, the visual effect of additions on protected parts of the building; and</li> <li>4. in the case of the replacement of an elevated feature on a façade or roof, the new feature is visually indistinguishable from the feature being replaced (Policy 13.2.1.3).</li> </ul> </li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. <del>For restoration, alternative materials are used only where:</del> <ul style="list-style-type: none"> <li>1. <del>it is not feasible to use the same or equivalent materials due to unavailability, excessive cost or unacceptable performance in terms of Building Act 2004 requirements; and</del></li> <li>2. <del>their effect on the heritage values of the building or structure is minor; and</del></li> <li>3. <del>they are as close to the original material in appearance as possible.</del></li> </ul> </li> <li>iv. <del>For restoration, where an alternative design is proposed there is clear justification for its use, and the design is architecturally compatible with the design of the building or structure.</del></li> <li>v. <del>Rendering of unrendered surfaces is undertaken only where the surface has deteriorated and cannot feasibly be repaired.</del></li> <li>vi. <del>Where unpainted surfaces are painted, either the unpainted surface is not a key architectural, aesthetic or historic feature of the building or structure, or the aesthetic quality of the unpainted surface is low and its appearance will be improved by painting, including through the installation of approved murals or street art, and it is determined that painting will not prove damaging to the underlying fabric and threaten the overall condition of the building or structure.</del></li> </ul>
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8. Amend Rule 13.5.4.6 restricted discretionary performance standard assessment rule - contravention of Materials and design performance standard – Heritage precincts

6.	Materials and design	a. Effects on heritage streetscape character	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 13.2.3</li> <li>ii. Require <del>that repairs and maintenance, restoration and earthquake strengthening of a character-contributing building, where the work is visible from an adjoining public place, are to be undertaken in a way that maintains or enhances the heritage streetscape character of the precinct by using appropriate materials and design (Policy 13.2.3.1).</del></li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. The <del>development</del> <u>earthquake strengthening</u> avoids, or where avoidance is not possible, minimises loss of fabric and features that contribute to the heritage streetscape character.</li> <li>iv. <del>Where alternative materials are used, their effect on the heritage streetscape character is minor. This may include the use of muted colours.</del></li> <li>v. <del>Where an alternative design is proposed, it is architecturally compatible with the design of the building.</del></li> <li>vi. <del>Rendering of un-rendered surfaces is undertaken only where the surface has deteriorated and cannot feasibly be repaired.</del></li> <li>vii. <del>Where unpainted surfaces are painted, either the unpainted surface is not a key architectural feature of the building, or the quality of the unpainted surface is low and its appearance will be improved by painting, including through the installation of approved murals or street art.</del></li> </ul>
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9. Amend assessment guidance rule additions and alterations 13.6.3.3 Scheduled Heritage items

3.	Additions and alterations (other than restoration or earthquake strengthening), where external features only are protected, that affect a protected part of a scheduled heritage building or scheduled heritage structure	a. Effects on heritage values	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 13.2.1</li> <li>ii. Work required to comply with section 112 (Alterations) and section 115 (Change of Use) of the Building Act 2004 meets both of the following criteria: <ul style="list-style-type: none"> <li>1. it is carried out in a manner that minimises, as far as practicable, adverse effects on the heritage values of the building; and</li> <li>2. the benefit in terms of long-term protection and future use of the building, including earthquake strengthening, outweighs any loss of heritage values (Policy 13.2.1.4).</li> </ul> </li> <li>iii. Only allow other additions and alterations that affect a protected part of a scheduled heritage building or structure where: <ul style="list-style-type: none"> <li>1. adverse effects on heritage values are avoided, or if avoidance is not possible, are minimised as far as practicable;</li> <li>2. the visual effect of additions on protected parts of the building, including building utilities, is minimised as far as practicable; and</li> <li>3. the benefit in terms of long term protection and future use of the building outweighs any loss of heritage values (Policy 13.2.1.5).</li> </ul> </li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iv. Removal of more recent additions to a building or structure will result in an overall enhancement of the heritage values of the building or structure.</li> <li>v. The form, scale, proportion and materials used are architecturally compatible with the existing building or structure and do not dominate the protected parts.</li> <li>vi. Architectural features and details are not removed.</li> <li>vii. <u>For restoration, alternative materials are used only where:</u> <ul style="list-style-type: none"> <li>1. <u>it is not feasible to use the same or equivalent materials due to unavailability, excessive cost or unacceptable performance in terms of Building Act 2004 requirements; and</u></li> <li>2. <u>their effect on the heritage values of the building or structure is minor; and</u></li> <li>3. <u>they are as close to the original material in appearance as possible.</u></li> </ul> </li> <li>viii. <u>For restoration, where an alternative design is proposed there is clear justification for its use and the design is architecturally compatible with the design of the building or structure.</u></li> </ul>
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			<p>ix. <u>Rendering of unrendered surfaces is undertaken only where the surface has deteriorated and cannot feasibly be repaired.</u></p> <p>x. <u>Where unpainted surfaces are painted, either the unpainted surface is not a key architectural, aesthetic or historic feature of the building or structure, or the aesthetic quality of the unpainted surface is low and its appearance will be improved by painting, including through the installation of approved murals or street art, and it is determined that painting will not prove damaging to the underlying fabric and threaten the overall condition of the building or structure.</u></p>
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10. Amend assessment guidance rule additions and alterations 13.6.4.2 Heritage precincts

2.	Additions or alterations to a character-contributing building or a non-protected part of a scheduled heritage building in a heritage precinct that are visible from an adjoining public place (other than earthquake strengthening or restoration)	a. Effects on heritage streetscape character	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 13.2.3</li> <li>ii. Heritage streetscape character is maintained or enhanced, including by ensuring building utilities are appropriately located, taking into consideration operational and technical requirements (policies 13.2.3.2.d, 13.2.3.3.d)</li> <li>iii. Only allow additions and alterations to character-contributing buildings where visible from a public place, where their design, materials and location achieve the following: <ul style="list-style-type: none"> <li>1. for work that is required in order to comply with the Building Act 2004 section 112 and section 115, the benefits in terms of long term protection and future use of the building, including earthquake strengthening, outweigh any adverse effects on heritage streetscape character (Policy 13.2.3.5.a); and</li> <li>2. for all other additions and alterations, heritage streetscape character is maintained or enhanced (Policy 13.2.3.5.b).</li> </ul> </li> <li>iv. Only allow buildings and structures where their design, materials and location ensure the heritage streetscape character is maintained or enhanced including by: <ul style="list-style-type: none"> <li>1. incorporating into the design the relevant preferred design features and characteristics listed in Appendix A2 and, where practicable and appropriate, the relevant suggested features and characteristics.</li> <li>2. maintaining existing views of any existing character-contributing building or scheduled heritage building as far as practicable.</li> <li>3. from adjoining public places, ensuring structures whose design unavoidably conflicts with precinct characteristics are as unobtrusive as practicable (Policy 13.2.3.7).</li> </ul> </li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>v. Decorative architectural features and fabric on character-contributing buildings that contribute to the heritage streetscape character are protected as far as practicable.</li> <li>vi. Where the building is character-contributing and is part of an integrated group of buildings, the additions and alterations maintain the coherence of the group and the contribution the group makes to the streetscape character.</li> <li>vii. <u>The development avoids or, where avoidance is not possible, minimises loss of fabric and</u></li> </ul>
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			<p><u>features that contribute to the heritage streetscape character.</u></p> <p>viii. <u>Where alternative materials are used, their effect on the heritage streetscape character is minor. This may include the use of muted colours.</u></p> <p>ix. <u>Where an alternative design is proposed, it is architecturally compatible with the design of the building.</u></p> <p>x. <u>Rendering of un-rendered surfaces is undertaken only where the surface has deteriorated and cannot feasibly be repaired.</u></p> <p>xi. <u>Where unpainted surfaces are painted, either the unpainted surface is not a key architectural feature of the building, or the quality of the unpainted surface is low and its appearance will be improved by painting, including through the installation of approved murals or street art.</u></p> <p><i>General assessment guidance:</i></p> <p>xii. vii. For additions and alterations within a heritage precinct, Council will consider, and may impose conditions on, elements of building design such as height and setbacks even where these meet performance standards for the zone, where these matters are important to meet Objective 13.2.3 and policies 13.2.3.5 and 13.2.3.7.</p>
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