

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

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

**November 2019**

## **Executive Summary**

This report summarises amendments proposed by variation to the Proposed Dunedin City District Plan (2018 decisions version). It also incorporates the summary of the evaluation required by section 32 of the RMA 1991 (RMA) (s32 Evaluation Report).

The changes proposed by this variation are generally minor in nature and amend provisions for them to function in the way intended, clarify the meaning of definitions, policies and rules to avoid confusion, correct inconsistencies between provisions, or fix minor issues to improve the efficiency and effectiveness of rules. Staff have identified three areas for improvement (see Section 1.1 Purpose of Variation 1) and assessed the appropriateness of their inclusion in this Variation. Except for minor interpretation issues, if a particular aspect of a provision affected by the identified issue was also affected by any 2GP appeals it was generally deferred to the appeals process to resolve. Very minor issues, such as spelling, grammatical and formatting mistakes will be corrected through clause 16(2) of Schedule 1 of the RMA. Other more complex issues requiring further research and analysis have been left to be resolved through separate variations or plan changes. Because the 2GP is a 'live' document, any new issues discovered after the notification of this variation will be registered for future assessment and resolution, rather than included in this variation process.

Those wishing to make submissions on aspects of this variation should restrict their submission to the scope of the variation as detailed in this report, noting that many changes are not substantive, rather they are changes of clarification and the variation is not proposing to revisit the substantive aspect of the provision. Where changes are substantive, the scope of the variation is limited to the scope of the problem the variation is seeking to address. Again, it is not proposed to revisit aspects of provisions which are not considered part of the problem that the variation is addressing.

Section 2 of this document sets out the evaluation of preferred options for each provision which is being amended and includes a section 32 analysis for more substantive changes (see Section 1.2. for further information).

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## Introduction

### Background

The proposed 2GP was notified on 26 September 2015. This was followed by a formal submissions and further submissions period and public hearings between May 2016 and December 2017. The 2GP Hearings Panel heard from DCC planners, submitters, lawyers and technical experts.

The 2GP full plan review has been a large and complex process that has considered 1,507 submissions across 25 topics with 35 hearings. There were 29 decision reports published. The 2GP Hearings Panel made many changes to the 2GP as a result of decisions on submissions received.

Decisions on the 2GP were notified on 7 November 2018 and the period for lodging an appeal closed on 19 December 2018. At the close of the appeal period 83 appeals to the 2GP were received by the Environment Court.

A variation is a proposed set of amendments to a proposed plan before it is made fully operative. Under Clause 16A of Schedule 1 of the RMA 1991 a local authority may initiate variations to provisions in a proposed plan at any time before the approval of the plan.

Variations that correct minor issues in district plans are common throughout New Zealand because of the size, complexity and the interrelated nature of provisions within district plans. The minor issues which are proposed to be corrected through Variation 1 were identified after 2GP decisions were released. This includes issues identified through feedback from DCC consents planners, as well as by people involved in appeals on the 2GP and other regular plan users.

### Purpose of Variation 1

This report summarises amendments proposed by variation to the Proposed Dunedin City Second Generation District Plan (2GP). It also incorporates the summary of the evaluation required by section 32 of the RMA 1991 (RMA) (s32 Evaluation Report). The amendments are included in the electronic plan in clearly marked content boxes (see 2GP website for an explanation of how to identify changes and the current legal status).

The purpose of Variation 1 is to make minor amendments to correct specific problems identified by plan users. The amendments proposed to resolve these problems generally focus on removing ambiguity and improving the clarity and workability of provisions.

Three areas for improvement have been identified:

- a. Minor improvements and clarifications to the wording of definitions, rules and performance standards and to fix unintentional gaps so that provisions function as intended. Minor improvements to the wording of Strategic Direction policies to more clearly describe methods used in the plan and to better align with the 2GP drafting protocol; and
- b. More substantive amendments to provisions to improve the workability and usability of the 2GP, some of which fill gaps in standards (for example Change 1.21) and in some cases to reduce unintended consent requirements (for example Change 1.34). These include changes to election sign rules based on feedback received over the recent election period; and
- c. Mapping amendments to make minor adjustments to zone or mapped area boundaries where boundaries are in the wrong place, for example the line should be moved to reflect the existing

development on a site or to correct where a scheduled heritage building is located on the 2GP Planning Map.

Variation 1 will also include two new scheduled heritage buildings, as well as a new area of significant biodiversity value.

## Scope of Variation

The variation is subject to the RMA Schedule 1 process for making submissions, further submissions and the ability to appeal decisions. However, the variation is limited in scope and it is not proposed to re-open to submissions and decisions, the aspects of the 2GP that are beyond the scope of variation summaries listed in this report.

Those wishing to make submissions on aspects of this variation should restrict their submission to the scope of the variation as detailed in this report, noting that many changes are not substantive, rather changes of clarification and the variation is not proposing to revisit the substantive aspect of the provision. Where changes are substantive, the scope of the variation is limited to the scope of the problem the variation is seeking to address, again it is not proposed to revisit aspects of provisions which are not considered part of the problem that the variation is addressing.

## Status of Rules

Section 86B of the RMA explains when rules in proposed plans have legal effect. In accordance with this only the following changes have immediate legal effect:

- Heritage Rule 13.3.2 (change 1.8)
- Heritage Rule 13.9 (change 1.30)
- CMU Zone Rule 18.6.2 (links to heritage Rule 13.3.1, change 1.39)
- Otago Museum Zone Rule 29.4 (notification requirements for scheduled heritage buildings, change 1.45)
- A1.1 Schedule of Protected Heritage Items and Sites (addition of two new heritage buildings and amendments to heritage entries or mapping, changes 1.48-1.57, 1.61)
- A1.2 Schedule of Areas of Significant Biodiversity Value (addition of new ASBV, change 1.58)
- High class soils mapped area (removal of small area, change 1.67)

The rest of the changes do not have legal effect until decisions on submissions relating to the rules are made and publicly notified under clause 10(4) of Schedule 1.

Under Clause 16B (1) every variation becomes part of the proposed plan as soon as the variation and proposed plan are both at the same procedural stage. This means that the proposed plan provisions will remain in effect until there have been decisions made on submissions on the variation. At that time, the provisions of the variation merge and become part of the proposed plan. If a variation substitutes for any appealed provisions of the proposed plan, those existing appeals are deemed to be against the substituted provisions included in the variation.

## Section 32 and other statutory requirements

Under Section 32 of the Resource Management Act 1991 (RMA) 'Requirements for preparing and publishing evaluation reports', the Council is required to undertake an evaluation prior to the notification of Variation 1.

Under this section, this evaluation must:

- 1.

- (a) *examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and*
- (b) *examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—*
  - (i) *identifying other reasonably practicable options for achieving the objectives; and*
  - (ii) *assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
  - (iii) *summarising the reasons for deciding on the provisions; and*
- (c) *contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.*

An evaluation must also:

- 2.
  - (a) *identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—*
    - (i) *economic growth that are anticipated to be provided or reduced; and*
    - (ii) *employment that are anticipated to be provided or reduced; and*
  - (b) *if practicable, quantify the benefits and costs referred to in paragraph (a); and*
  - (c) *assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*

Objectives are to be assessed as to whether they are the most appropriate to achieve the purpose of the Act. Provisions are to be assessed against whether they are the most appropriate to achieve the objectives.

No amendments are being made to the wording of 2GP objectives as part of this variation, although reference to some strategic directions are being added to some assessment rules.

Where Variation 1 amendments are minor in nature (a matter of clarification), no separate section 32 analysis has been undertaken; instead there is reliance on the section 32 process followed in the notification through to decisions on the 2GP. For the more substantive amendments (for example amendments which include additions to provisions) a section 32 analysis has been undertaken (refer Section 2 below). As no objectives are being amended as part of this Variation, this analysis has considered the reasons, efficiency and effectiveness, and appropriateness of changes in achieving the overarching objectives. The risk of acting or not acting has not been addressed in the evaluation below because there is sufficient information about the subject matter of the provisions.

Variation 1 is consistent with Part 2 of the RMA. The changes to provisions addressed in this variation achieve the purpose of the RMA because they assist with the management of the natural and physical resources of Dunedin City through addressing minor technical issues and anomalies which will lead to the more efficient and effective implementation of the 2GP.

In accordance with section 32(5) this evaluation report is being made available for public inspection at the time of notification of the proposed variation.

## Consultation

External engagement has been undertaken based on responding to user feedback on perceived issues with the plan. Consultation has been undertaken with Dunedin City Council's Resource Consents Team, and Three Waters and Transport departments for certain proposed changes where relevant. Because the focus of Variation 1 is on minor inconsistencies and technical issues raised, no specific consultation with the wider community was undertaken prior to notification, though some issues may have been highlighted by customers or the public involved in consent processes.



In addition, as required by the First Schedule of the RMA consultation has also been undertaken with the Minister for the Environment and tangata whenua, in the form of advising these parties of the scope of the variation and welcoming feedback and questions.

## 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 word ‘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).

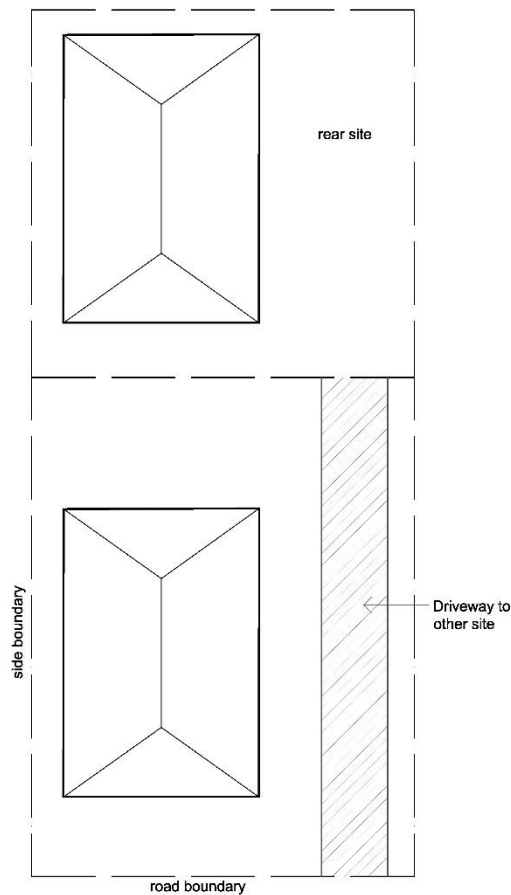


Figure 15.6.10A Site Coverage calculation – label identified as ‘vehicle access’ change to ‘driveway’

### 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.	Density (visitor accommodation)	Relevant objectives and policies (priority considerations): <ul style="list-style-type: none"> <li>a. Objectives 15.2.3, 15.2.4</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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## Strategic Direction wording and alignment with methods/rules

The following section addresses two minor errors that were present in some strategic directions, which are proposed to be addressed.

### (1) Minor inconsistencies in drafting style

The Plan Drafting protocol (Style Guide), while including a summary of the purpose of strategic directions, did not include detailed drafting guidance on the strategic directions provisions. As a result, there is more variation in policy drafting style than in the topic/zone section policies, which followed a strict drafting protocol. While there is a high degree of consistency in drafting, there are some examples of drafting variations that may not be as good at reinforcing the main purpose of the strategic directions which is to describe approaches used in the Plan (rather than being directive policies focused on directing consent applications).

As a result of requests for affidavits from the Environment Court related to appeals on the 2GP (see memorandum of 16 April 2019 and the responding affidavit explaining the purpose of the strategic directions <https://www.dunedin.govt.nz/council/district-plan/2nd-generation-district-plan/appeals-information>), a 'draft' drafting guide for strategic directions was provided to the introduction day for Group 1 mediations: [https://www.dunedin.govt.nz/\\_\\_data/assets/pdf\\_file/0017/730214/Drafting-Protocol-for-Strategic-Directions.pdf](https://www.dunedin.govt.nz/__data/assets/pdf_file/0017/730214/Drafting-Protocol-for-Strategic-Directions.pdf)

As part of preparing the explanatory material on strategic directions, a review of the strategic directions wording was undertaken, and some areas for improvement were identified. Some of these changes have been included in this variation. Others have been excluded because of more significant overlaps with matters subject to appeal or matters that are proposed to be addressed through Variation 2, which will deal with changes to address medium term housing needs for Dunedin.

Minor amendments are proposed to policies 2.2.3.3, 2.3.2.3, 2.3.3.1.e, 2.3.3.2, and 2.4.1.5 to better align with the proposed style guide and purpose of strategic directions.

## **(2) Missing or poorly described methods**

Four strategic directions were found to have inadvertent gaps in that they do not list certain methods that are used in the Plan or do not describe them in such a way to indicate how the wording is paired with the method described.

The proposed amendments to address this issue are:

- Amendment to Policy 2.2.1.3 to include reference to swale mapped areas as areas at risk from terrestrial flooding
- Amendment to Policy 2.3.1.2 to include reference to rules which manage activities other than residential activities in the rural zones
- Amendment to Policy 2.3.3.1.c to include reference to rules for development as well as subdivision and to better describe methods for maintaining or enhancing public access and rewording clause e
- Amendment to 2.4.6.2 to include the full range of methods used in the Plan to achieve Objective 2.4.6

Both types of changes are considered minor changes of clarification rather than substantive changes and the scope of the variation is limited to that clarification.

### **Policy 2.2.1.3 (change 1.9)**

#### **Problem**

Strategic direction 2.2.1.3 describes the methods used in the Plan to identify and manage areas at risk from terrestrial flooding. The 2GP provisions related to swale mapped areas in Section 11 (Natural Hazards) were inadvertently omitted from this description of methods in this policy.

#### **Scope of variation**

Inclusion of swale mapped area provisions in the list of methods within Policy 2.2.1.3 to achieve Objective 2.2.1: Risk from natural hazards.

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

#### **Preferred option**

It is proposed to amend Policy 2.2.1.3 to include reference to swale mapped areas as areas at risk from terrestrial flooding. This is a minor non-substantive amendment as it is including a description of methods already included in the Plan in a descriptive policy.

#### **Proposed amendment**

Policy 2.2.1.3

Identify areas with risk from terrestrial flooding, and include these in hazard overlay zones as follows:

- a. in the Hazard 1A (flood) Overlay Zone, include areas that are part of a flood protection scheme which have a crucial role in the conveyance or storage of floodwater where there may be a high risk to people and property and of transference or exacerbation of risk elsewhere;
- b. in the Hazard 1 (flood) Overlay Zone, include areas that have a crucial role in the conveyance or storage of floodwater where there may be a high risk to people and property and of transference or exacerbation of risk elsewhere, but where prohibited activity status is not seen as appropriate;
- c. in the Hazard 2 (flood) Overlay Zone, include areas in a flood plain where there may be a moderate risk to people and property, and of transference or exacerbation of risk elsewhere;
- d. in the Hazard 3 (flood) Overlay Zone, include areas that are vulnerable to short term surface flooding but where there may be a low risk to people and property; ~~and~~
- e. in the Hazard 3 (alluvial fan) Overlay Zone, include areas that could be subject to flooding, including sediment-laden flows, but where there may be a low risk to people and property and of transference or exacerbation of risk elsewhere; and
- f. in the swale mapped area, include areas that are low tracts of land where water flows or ponds intermittently or that are necessary to ensure the efficient and effective operation of a flood protection or drainage scheme.

### Policy 2.2.3.3 (change 1.10)

#### Problem

Clause f of Policy 2.2.3.3 does not accurately describe the methods in the 2GP in that it says the Plan ‘require’ the assessment of effects on biodiversity values” where the activities are managed as discretionary and non-complying activities. As matters of assessment cannot be prescribed for discretionary or non-complying activities (required) this wording is not appropriate. Instead, a description of “encourages” is more appropriate.

#### Scope of Variation

Amending policy to more accurately describe the methods used in the Plan by replacing the description of ‘rules that require’ with ‘policies and assessment rules that encourage’ in clause f.

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

#### Preferred option

It is proposed to amend the start of clause f to read ‘encourage’ rather than ‘require’ and to refer to ‘policies and assessment rules’. It is also proposed to add “rules that” at the start of other points as a consequential change.

#### Proposed Amendment

##### Policy 2.2.3.3

Maintain or enhance indigenous biodiversity in the rural environment through ~~rules that~~:

- a. rules that-require indigenous vegetation clearance to be set back from the coast, wetlands and water bodies, and that restrict indigenous vegetation clearance in the coastal environment and in wetlands;
- b. rules that protect significant indigenous vegetation and/or significant habitats of indigenous fauna in Areas of Significant Biodiversity Value (ASBVs);
- c. rules that protect threatened species and mature examples of important native trees, and otherwise limit the clearance of indigenous vegetation;
- d. rules that manage the location and scale of development adjacent to the coast and water bodies;
- e. rules that require esplanade reserves or esplanade strips when land is subdivided adjacent to the coast and identified water bodies; and
- f. ~~require~~ policies and assessment rules that encourage the assessment of effects on biodiversity values for discretionary and non-complying land use, development and city-wide activities.

### Policy 2.3.1.2 (change 1.11)

#### Problem

Policy 2.3.1.2 lists methods for maintaining or enhancing the productivity of farming and other activities that support the rural economy. There have been two issues identified with the policy. Firstly, the policy does not refer to managing activities other than subdivision and residential activity (in clause c), meaning the policy does not flow well through to Policy 16.2.4.2 and the assessment rules in the rural zones related to "highly productive land". Secondly, Clause e is not well aligned with Policy 16.2.2.1 in rural zones, which partly implements it. Policy 16.2.2.1, which sets up both the boundary setback and separation distance rules, includes 'cemeteries' as well as 'residential activities'.

#### Scope of variation

Amending clause (c) to include reference to rules for other land uses (other than residential) and amending clause (e) to describe both methods (boundary setback and separation distance rules) that are used to manage reverse sensitivity.

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

#### Preferred option

It is proposed to amend Policy 2.3.1.2 by referencing 'residential and other land use activities' in clause c to clarify that this clause is wider than just subdivision and residential activities and therefore make it more consistent with Policy 16.2.4.2.

It is also proposed to amend clause e of Policy 2.3.1.2 so that it is more consistent with Policy 16.2.2.1.

#### Proposed amendment

##### Policy 2.3.1.2

Maintain or enhance the productivity of farming and other activities that support the rural economy through:

- a. rules that enable productive rural activities;
- b. rules that provide for rural industry and other activities that support the rural economy;
- c. zoning and rules that limit subdivision, ~~and residential activity~~ and other land use activities based on:
  - i. the nature and scale of productive rural activities in different parts of the rural environment;
  - ii. the location of highly productive land; and
  - iii. potential conflict with rural water resource requirements;
- d. rules that restrict residential activity within the rural environment to that which supports productive rural activities or that which is associated with papakāika;
- e. rules that require ~~residential buildings to be set back from boundaries~~ boundary setbacks and separation distances for residential buildings and cemeteries in order to minimise the potential for reverse sensitivity;
- f. rules that restrict subdivision that may lead to land fragmentation and create pressure for residential-oriented development;
- g. rules that prevent the loss of high class soils; and
- h. rules that restrict commercial and community activities in the rural zones to those activities that need a rural location or support rural activities.

### Policy 2.3.2.3 (change 1.12)

#### Problem

Policy 2.3.2.3 (see below) does not follow the strategic direction drafting protocol as it omits in the introduction to the policy only refers to zoning and omits the reference to 'rules'.

#### Scope of Variation

Amending Policy 2.3.2.3 to include reference to 'rules' as a method in the plan used as part of this policy.

This is a clarification rather than a substantive change.

#### Proposed amendment

##### Policy 2.3.2.3

Manage the mixed use areas around the edge of the CBD through zones and rules that provide for a compatible mix of activities that support rather than detract from the vibrancy and vitality of the CBD and centres (Warehouse Precinct Zone, Princes, Parry and Harrow Street Zone, Smith Street and York Place Zone and Harbourside Edge Zone), and that:

- a. for the Warehouse Precinct Zone, support the retention of scheduled heritage buildings and heritage precinct values; and
- b. for the Harbourside Edge Zone, allow for a transition toward a mixed use environment, with enhanced public connection to and along the coast, focused on residential, visitor accommodation, restaurant, and entertainment and exhibition and limited office activities alongside any existing port-related and industrial activities.

### Policy 2.3.3.1 (change 1.13)

#### Problem

Policy 2.3.3.1 sets up provisions enabling or providing for community and leisure activity, sport and recreation, and essential community facilities. There are two issues with this policy. Firstly, the wording of clause e, which provides for cemeteries and crematoriums "while minimising, as far as practicable, any adverse cultural or amenity effects" is not consistent with the rest of the policy nor with the general 2GP drafting protocol for strategic directions policies that outline methods. The "minimising as far as practicable" policy test should not be included since the focus of this policy is on management approaches and methods used in the Plan. The policy tests for assessing these activities in terms of amenity are provided in the relevant zone sections.

Secondly, clause c currently refers to rules requiring that subdivision be designed to maintain public access to the coast and waterways, which sets up the subdivision esplanade reserves and strips performance standard (Rule 10.3.1). However, Natural Environment objective 10.2.4 requires that development activities as well as subdivision maintain and enhance public access, which is implemented by Rule 10.3.3 Setback from Coast and Water Bodies. It is appropriate that reference to development activities as well as subdivision be made to better describe the management approach to maintaining or enhancing public access to the coast and waterways.

#### Scope of variation

Amending policy language in clause c and e to follow the drafting protocol for strategic directions policies that outline the methods used in the Plan

#### Proposed amendment

##### Policy 2.3.3.1



Support community and leisure activity, sport and recreation, and essential community facilities in Dunedin through:

- a. rules that provide for community and leisure activity across all zones, subject to relevant performance standards;
- b. rules that enable restaurant and retail activities within sport and recreation facilities where they are designed and operated to be ancillary to that activity and will not conflict with Objective 2.3.2;
- c. rules that require subdivision and development to maintain or enhance public access to the coast and waterways and policies and assessment rules for subdivision that encourage connection and expansion of the recreational track networks where appropriate;
- d. applying a recreation zone to important recreational and open space areas, to enable the community activities that occur there and protect important reserve values;
- e. ~~providing for cemeteries and crematoriums in appropriate locations while minimising, as far as practicable, any adverse cultural or amenity effects on surrounding sensitive activities~~ rules that provide for cemeteries and crematoriums in appropriate zones, subject to relevant performance standards; and
- f. rules that enable temporary activities, subject to relevant performance standards.

### Policy 2.3.3.2 (change 1.14)

#### Problem

The current wording of clause a of Policy 2.3.3.2, which reads “enable them to continue to operate efficiently and effectively, while minimising as far as practicable any adverse effects” does not follow the strategic directions drafting protocol and does not fit with the purpose of strategic directions policies to describe the management approaches and methods used in the Plan to achieve the objectives. Policy tests including ‘minimising as far as practicable’ are included in major facility zone section policies.

#### Scope of variation

Amending policy language in clause a to follow the drafting protocol for strategic directions policies that outline the methods used in the Plan.

#### Proposed amendment

##### Policy 2.3.3.2

Identify important recreational and community facilities that are of a scale or type that is significantly different to activities provided for in the surrounding management zones, including the Forsyth Barr Stadium, Edgar Centre, Moana Pool, Dunedin Botanic Garden, Otago Museum and Taieri Aerodrome, and zone these as major facilities and use rules to:

- a. enable them to continue to operate efficiently and effectively, while managing ~~minimising as far as practicable~~ any adverse effects on surrounding areas; and
- b. protect them from activities that may lead to reverse sensitivity.

### Policy 2.4.1.5 (change 1.15)

#### Problem

The decision version of Policy 2.4.1.5 reads as follows:

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

- a. maintain or create attractive streetscapes; and*
- b. protect the amenity of residential activities and public open space.”*

This policy is not consistent with the 2GP drafting protocol for strategic directions, which is discussed at the start of section 2.2. It differs from the standard wording style in that it discusses the methods used first and then the outcomes to be achieved. This could be problematic in that it might be misconstrued as a substantive policy to be used for the assessment of resource consents.

#### Preferred option

Reorder the words used in the policy to be consistent with the 2GP strategic directions drafting protocol. This involves substituting the word ‘create’ with ‘enhance’ which is used more commonly in policy language, and is used in Objective 15.2.4, which flows from this policy, and removing the use of the word ‘protect’ but rather only use the word ‘maintain’, which again is the wording used in Objective 15.2.3 and 15.2.4.

This is not considered to be a substantive change but rather a minor change or clarification.

#### Proposed amendment

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

- ~~a. maintain or create attractive streetscapes; and~~
- ~~b. protect the amenity of residential activities and public open space.~~

Maintain or enhance the attractiveness of streetscapes, public open spaces and residential amenity by using rules that manage building bulk and location, site development and overall development density.

### Policy 2.4.6.2 (change 1.16)

#### Problem

Objective 2.4.6 is “The character and visual amenity of Dunedin's rural environment is maintained or enhanced”.

Policy 2.4.6.2 describes methods used in the Plan to achieve this objective, including the mapping of different rural zones (the criteria that were used for these are discussed in Policy 2.4.1.6) and rules used to manage effects on rural character and amenity. This is implemented through Policy 16.2.3.5, which is concerned with large scale activities, and 16.2.3.6, which is concerned with a range of other discretionary activities, including visitor accommodation, service stations and community and leisure – large scale.

Clause c of Policy 2.4.6.2 refers to ‘rules ... that manage the form and design of development associated with large scale activities such as intensive farming and mining’. However, Policy 2.4.6.2 is missing a description of other discretionary activities that link to Policy 16.2.3.6.

#### Scope of Variation

Amending the wording of Policy 2.4.6.2 to more accurately cover the full range of methods used in the Plan to achieve Objective 2.4.6. (see introduction to section 2.2 of this report).

This is considered a clarification rather than a substantive change, as it is only amending the description of existing methods in the Plan.

### **Proposed amendment**

#### **Policy 2.4.6.2**

Maintain the identified values within different rural environments through mapping rural zones and using ~~rules that:~~

- a. rules that limit the density of residential activities;
- b. rules that manage the bulk and location of buildings;
- c. policies and assessment rules that require or encourage the consideration of effects on rural character and visual amenity associated with land use and development activities; and ~~manage the form and design of development associated with large scale activities such as intensive farming and mining;~~
- d. rules that manage the pattern, scale and design of subdivision.

## Rule changes

### Rule 4.5.7 Number, Location and Design of Temporary Signs (change 1.17)

#### Background

Rule 4.5.7.1 General and Rule 4.5.7.2 Election signs state:

#### **Rule 4.5.7.1 General**

- a. *Temporary signs visible from a public place must meet all of the following performance standards;*
- b. *Temporary signs must not be illuminated (internally or externally), digital, or projected; and*
- c. *Signs must also comply with:*
  - i. *Rule 6.7.2 where located on or above public footpaths; and*
  - ii. *Rule 6.7.3, where visible from the road.*
- d. *Signs that contravene the performance standard for number, location and design of temporary signs are restricted discretionary activities.*

#### **Rule 4.5.7.2 Election signs**

*Signs must be erected no more than two months prior to election or polling day and must be removed by midnight prior to election or polling day.*

- a. *Signs on a site must not exceed a maximum number of:*
  - i. *one per candidate or group of candidates for local elections and referenda; and*
  - ii. *one per registered political party, independent or non-party affiliated candidate, for general elections.*
- b. *Signs must not exceed:*
  - i. *a maximum height of 2m above ground level; and*
  - ii. *a maximum area of 3m<sup>2</sup>.*
- c. *For the purpose of Rule 4.5.7.2 'local elections' refers to elections for City or Regional Council, District Health Board or a community board; and 'general elections' refers to elections for the New Zealand Government.*

#### Problem

In the recent local body elections, it proved difficult to administer the election signs rules and some candidates pointed out that they were overly onerous, particularly in relation to the rules that apply to permanent (ancillary) signs in some zones. Several issues were identified.

Firstly, the 2m maximum height of election signs overly restricts the location of election signs, particularly in commercial and mixed use and industrial zones, making it difficult for them to be located where they are readily visible (particularly where they are proposed to be attached to a building). The 2m maximum height is also inconsistent with the maximum height of permanent (ancillary) signs, which are provided for up to a maximum height of 8m in these zones.

Secondly, ancillary signs must not be attached to roofs, and if attached to a parapet or gable end must not exceed the height of the parapet or gable end. However, these restrictions are missing from the temporary signs rules.

Thirdly, Rule 4.5.7.1.b General states that “*Temporary signs must not be illuminated (internally or externally), digital, or projected*”. This restriction does not consider that in parts of the city illuminated signs are appropriate and provided for, for example in the industrial zones and in commercial and mixed use zones

outside pedestrian street frontage mapped areas (in CBD and centres), heritage precincts and the Harbourside Edge Zone.

Fourthly, Rule 6.7.3 Signs Visible from Roads, requires the minimum letter height of signs designed to be read by passing motorists to be 120mm where the speed limit is less than 70km per hour, or 160mm where the speed limit is greater than 70km per hour. These restrictions have been established for traffic safety reasons. Under the Local Electoral Act 2001 (section 113 Advertisements for candidates), election signs are required to be authorised in writing by the candidate, the candidate's agent or the organisation or body that has endorsed the sign. It is considered that the 'authorised by' wording on election signs is not intended to be read by passing motorists, and therefore does not need to be at the font prescribed by Rule 6.7.3. This needs to be clarified in Rule 4.5.7.

Finally, the definition of temporary signs does not include reference to "*mobile signs displayed on a vehicle or trailer parked with the primary purpose of displaying the sign rather than for transport*", while the definition of commercial advertising does do this. This is an error as mobile signs are a type of temporary sign.

The amendments proposed in relation to the font size for the authorisation on election signs and the reference to mobile signs in the definition of temporary sign, are clarifications only. The amendments in relation to maximum height, attaching signs to roofs, and illumination are substantive and are assessed in accordance with s32 below.

### **S32 Analysis of options**

The relevant objective for temporary activities is Objective 4.2.1.

Objective 4.2.1 states:

*Temporary activities are enabled while:*

- a. minimising, as far as practicable, any adverse effects on the amenity and character of the zone; and*
- b. ensuring any adverse effects on people's health and safety are minimised as far as practicable.*

Policy 4.2.1.2 states:

*Require temporary signs to be located and designed to minimise, as far as practicable, adverse effects on:*

- a. streetscape amenity; and*
- b. the safety and efficiency of the transport network.*

The proposed amendments will make the rules for temporary signs consistent with those already considered appropriate for permanent ancillary signs within the individual zones. Their effects will therefore be no greater than those already provided for within the plan.

These amendments are efficient and effective because they provide more flexibility for the location and design of temporary signs, including election signs, thus minimising consent requirements. They will minimise adverse effects on the amenity and character of the zone (including streetscape amenity) and on people's health and safety through minimising effects on the safety and efficiency of the transport network and are the most appropriate way of achieving Objective 4.2.1.

### **Scope of variation**

Rule 4.5.7.1 General, to allow for illuminated temporary signs and signs attached to building consistent with how they are provided for under the ancillary signs provisions. This include rules that temporary signs cannot be attached to roofs or the highest point of a façade or parapet or protrude too far from the façade of the building.

The rules relating to election signs (Rule 4.5.7.2 Election signs)

Rule 6.7.3 Signs Visible from Roads, to exempt 'authorised by' wording on election signs.

### Proposed amendment

#### Temporary Signs

A sign that is displayed for a period of time and is then removed.

For the sake of clarity, this includes mobile signs displayed on a vehicle or trailer parked with the primary purpose of displaying the sign rather than for transport

The following activities are managed as sub-activities of temporary signs:

- construction signs
- election signs
- event promotion signs
- real estate signs; and
- temporary public notices.

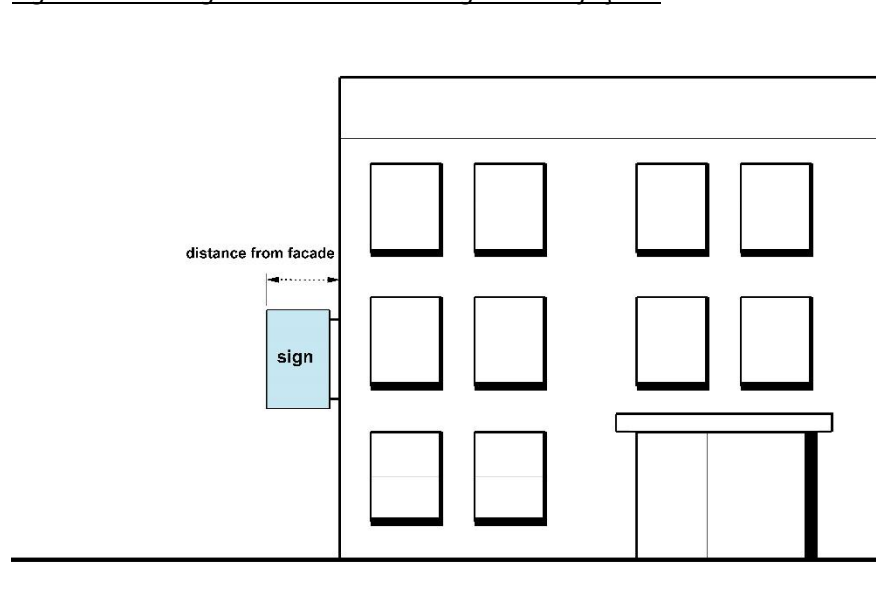
Temporary signs are an activity in the temporary activities category.

#### 4.5.7.1 General

- a. Temporary signs visible from a public place must meet all of the following performance standards.
- b. Temporary signs must not be illuminated (internally or externally), digital, or projected, except in:
  - i. CBD, centres, PPH and SSYP zones outside pedestrian street frontage mapped areas and heritage precincts;
  - ii. CBD Edge Commercial and Trade Related zones;
  - iii. industrial zones; and
  - iv. the Dunedin Hospital, Dunedin International Airport, Edgar Centre, Mercy Hospital, Moana Pool and Stadium major facility zones.
- c. Temporary signs attached to buildings must:
  - i. not be attached to a roof;
  - ii. not exceed the height of the lowest point of a roof, except where mounted against a parapet or gable end, where they must not exceed the height of the parapet or gable end;
  - iii. if attached at an angle to the façade (including on a deck or verandah), must not protrude from the façade more than 1m, except for the following zones where signs must not protrude from the façade more than 1.5m (see Figure 4.5.7.1):
    1. CBD, centres, PPH and SSYP zones outside pedestrian street frontage mapped areas and heritage precincts
    2. CBD Edge Commercial and Trade Related zones;
    3. industrial zones, Dunedin International Airport, Port, Stadium and Campus major facility zones, .
- d. ~~e.~~ Temporary Signs must also comply with:
  - i. Rule 6.7.2 where located on or above public footpaths; and
  - ii. Rule 6.7.3, where visible from the road.

- e. ~~d.~~ Signs that contravene the performance standard for number, location and design of temporary signs are restricted discretionary activities.

*Figure 4.5.7.1 Signs attached at an angle to the façade*



#### 4.5.7.2 Election signs

- a. Signs must not be erected ~~no~~ more than two months prior to election or polling day and must be removed by midnight prior to election or polling day.
- b. Signs on a site must not exceed a maximum number of:
  - i. one per candidate or group of candidates for local elections and referenda; and
  - ii. one per registered political party, independent or non-party affiliated candidate, for general elections.
- c. Signs must not exceed ~~a maximum area per display face of 3m<sup>2</sup> (see Figure 4.5.7.2) and a combined maximum area of 6m<sup>2</sup> for all display faces.~~
  - i. ~~a maximum height of 2m above ground level; and~~
  - ii. ~~a maximum area of 3m<sup>2</sup>.~~
- d. Signs where attached to a fence, retaining wall, trailer or vehicle in all zones must not exceed 2m height above ground level.
- e. Freestanding signs (see Figure 4.5.7.2) must not exceed 4m maximum height above ground level, except:

<b><u>Freestanding signs</u></b>		
<b><u>Maximum Height Above Ground Level</u></b>		<b><u>Location</u></b>
<u>i.</u>	<u>2 metres</u>	1. <u>Residential zones</u>
		2. <u>Rural and rural residential zones within an ONF, ONL, SNL, ONCC, HNCC or NCC overlay zone</u>
<u>ii</u>	<u>3 metres</u>	1. <u>Moana Pool Zone</u>
<u>iii</u>	<u>6 metres</u>	1. <u>CBD, centres, PPH and SSYP zones outside pedestrian street frontage mapped areas and heritage precincts</u>

		2. <u>Dunedin Hospital Zone</u>
		3. <u>Otago Museum Zone</u>
iv.	8 metres	1. <u>Trade Related Zone</u>
		2. <u>Industrial zones</u>
		3. <u>Dunedin International Airport Zone</u>
		4. <u>Port Zone</u>
		5. <u>Stadium Zone</u>

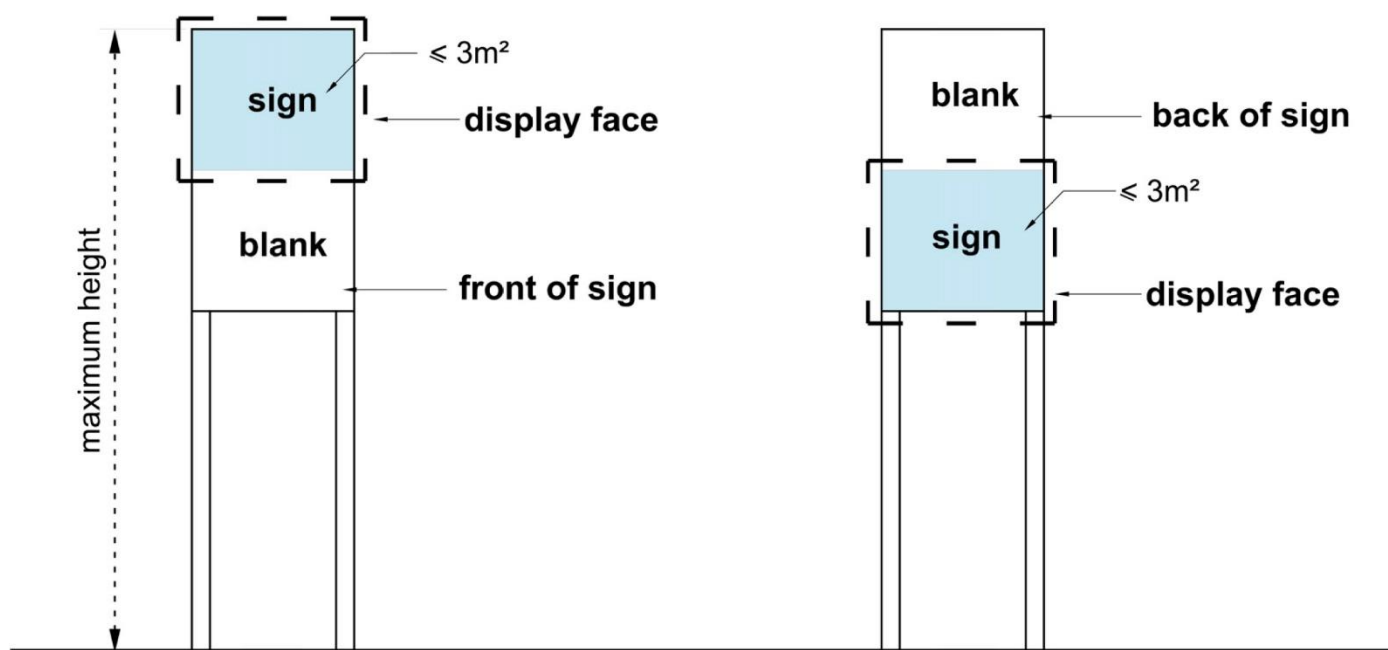
- f. Signs attached to buildings must not exceed 4m maximum height above ground level, except:

<b><u>Signs attached to buildings</u></b>		
<u>Maximum Height Above Ground Level</u>		<u>Location</u>
i.	2 metres	1. <u>Rural and rural residential zones within an ONF, ONL, SNL, ONCC, HNCC or NCC overlay zone</u>
ii.	6 metres	1. <u>Signs ancillary to a dairy in residential zones</u>
iii.	8 metres	1. <u>CBD, centres, PPH and SSYP zones outside pedestrian street frontage mapped areas and heritage precincts</u>
		2. <u>CBD Edge Commercial Zone</u>
		3. <u>Trade Related Zone</u>
		4. <u>Industrial zones</u>
		5. <u>Dunedin Hospital Zone</u>
		6. <u>Dunedin International Airport Zone</u>
		7. <u>Edgar Centre Zone</u>
		8. <u>Otago Museum Zone</u>
		9. <u>Port Zone</u>

- g. For the purpose of Rule 4.5.7.2 'local elections' refers to elections for a City or Regional Council, District Health Board or community board; and 'general elections' refers to elections for the New Zealand Government.

Figure 4.5.7.2 Election signs





### 6.7.3 Signs Visible from Roads

1. The minimum letter height of signs (except for lettering which authorises an election sign) designed to be read by passing motorists must be:
  - a. 120mm where the speed limit is less than 70km per hour; and
  - b. 160mm where the speed limit is greater than 70km per hour.
- 2.....

#### **Note 4.5.7A - Other requirements outside of the District Plan**

4. Under clause 13.3.2 of the Traffic and Parking Bylaw 2010, written approval from DCC is required to park a vehicle or trailer displaying advertising or sales material on any road or part of a road, or any piece of land owned or controlled by the Council

### **Rule 6.6.1.1.a.4 and Rule 6.6.1.1.b.4 Minimum parking space dimensions and stall depth (change 1.18)**

#### **Problem**

Rule 6.6.1.1 (Minimum parking space dimensions) contains two tables that provides the minimum dimensions required for car parking spaces for 85<sup>th</sup> and 99<sup>th</sup> percentile vehicles. There is an error in this table for the required stall depth length (column 4) whereby 5 metres has been repeated for most of the parking angle scenarios. The corresponding diagrams in Appendices 6B.2 and 6B.3 contain the correct figures for stall depths for each different parking angle scenario. There is a high risk of confusion about what the

required stall depth length should be in these circumstances given that the figures within the table and corresponding diagrams do not match.

This is considered a minor change of clarification rather than a substantive change.

### Scope of variation

Stall depth dimensions for 85<sup>th</sup> & 99<sup>th</sup> percentile design motor vehicles.

### Preferred option

Amend the tables in Rule 6.6.1.1.a and b column 4 to add the correct stall depth figures as stated within the diagrams 6B.2 and 6B.3. These diagrams have been created based on the New Zealand Standards for Parking Facilities (AS/NZS 2890.1:2004). Council's Transport Group has confirmed that the proposed stall depth figures are in line with these standards and that the required length of the stall depths are correct for each parking angle scenario (see Transport Evidence: [www.dunedin.govt.nz/2GP-variation-1-minor-amendments](http://www.dunedin.govt.nz/2GP-variation-1-minor-amendments))

### Proposed amendment

#### 6.6.1.1 Minimum parking space dimensions

- a. Parking spaces provided for residential activities must have the following minimum dimensions, to allow for 85th percentile design motor vehicles (See Appendix 6B, figures 6B.1, 6B.2 and 6B.8):

1. Parking angle		2. Stall width	3. Aisle width	4. Stall depth
i.	90°	2.5m	5.8m	5m
ii.	60°	2.5m	4.9m	<del>5m</del> <u>5.3m</u>
iii.	45°	2.5m	3.9m	<del>5m</del> <u>4.9m</u>
iv.	30°	2.5m	3.1m	<del>5m</del> <u>4.2m</u>
v.	0° (parallel) - on one side	2.3m	3.3m (one-way aisle width)  6.3m (two-way aisle width)	6m
vi.	0° (parallel) - on both sides	2.3m	6.6m	6m

- b. Parking spaces provided for all other activities must have the following minimum dimensions, to allow for 99th percentile design motor vehicles (See Appendix 6B, figures 6B.1, 6B.3 and 6B.6):

1. Parking angle		2. Stall width	3. Aisle width	4. Stall depth
i.	90°	2.5m	6.2m	<del>5m</del> <u>5.2m</u>
ii.	60°	2.5m	5.1m	<del>5m</del> <u>5.5m</u>
iii.	45°	2.5m	4.2m	<del>5m</del> <u>5.1m</u>
iv.	30°	2.5m	3.45m	<del>5m</del> <u>4.3m</u>

1. Parking angle		2. Stall width	3. Aisle width	4. Stall depth
v.	0° (parallel) - on one side	2.3m	3.3m (one-way aisle width)  6.3m (two-way aisle width)	6m
vi.	0° (parallel) - on both sides	2.3m	6.6m	6m

### Rule 6.6.3.1 Maximum number of vehicle crossings (change 1.19)

#### Problem

The vehicle access design standards contain a table providing the maximum number of vehicle crossings permitted on a site, which is dependent on the type of road the site adjoins and the frontage length of the site. Through an error, the maximum number of vehicle crossings permitted on a road frontage of a strategic road that is more than 200 metres in length was missed from the table in Rule 6.6.3.1.a *Maximum number of vehicle crossings*. In addition, the road frontage lengths listed in the first column overlap.

#### Scope of variation

The number of vehicle crossings allowed for a site located on a strategic road with a frontage length of more than 200 metres.

#### S32 analysis of options

The relevant 2GP objective is 6.2.4:

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

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

In relation to vehicle crossings, this is implemented through Policy 6.2.4.4 and Rule 6.6.3.1. Policy 6.2.4.4 states:

*Require vehicle accesses to be limited in number and width, in order to avoid or, if avoidance is not practicable, adequately mitigate adverse effects on:*

- a. pedestrian and cyclist safety and ease of movement, and*
- b. the safety and efficiency of the multi-modal transport network.*

Rule 6.6.3.1 provides the standards for the maximum number of vehicle crossings permitted on a site, which is dependent on the type of road the site adjoins and the frontage length of the site. For any development that exceeds the number of vehicle crossings permitted, a resource consent is required. However, for sites located on a strategic road with a frontage length of more than 200 metres there is currently no required maximum. This causes confusion around what the appropriate number of vehicle crossings permitted on the site is.

Based on expert transportation advice it is proposed to amend Rule 6.6.3.1.a.v.4 to add a '2' in the cell and to amend the road frontage lengths so they do not overlap. Council's Transport Group confirms that Strategic Roads are high capacity roads that form part of the national and/or regional network.

The option proposed by Council's Transport Group more appropriately achieves the objective than the existing rule as it is consistent with Policy 6.2.4.4 and provides a maximum number of vehicle crossings permitted onto Strategic Roads which needs to be restricted to maintain the safe and efficient function of these roads.

Based on the expert advice of Council's Transport Group ((see Transport Evidence: [www.dunedin.govt.nz/2GP-variation-1-minor-amendments](http://www.dunedin.govt.nz/2GP-variation-1-minor-amendments))), it is proposed to amend the maximum number of vehicle crossings for sites on strategic roads with a frontage of more than 200 metres to allow a maximum of 2 vehicle crossings per site. Overall, the proposed provision is both efficient and effective because it ensures the safe and efficient operation of the transport network.

## Proposed amendment

### 6.6.3.1 Maximum number of vehicle crossings

a. The maximum number of vehicle crossings permitted on each road frontage of any site is:

Frontage length		1. Local road and Industrial road	2. Collector road	3. Arterial road (less than 100kmh) and Urban High Density Corridor	4. Strategic road
i	0m -18m	1	1	1	1
ii	≥18m – 60m	2	1	1	1
iii	≥60m – 100m	3	2	1	1
iv	≥100m – 200m	3	3	2	1
v	≥200m or greater	3	3	2	<u>2</u>

b.....

### Rule 6.6.3.2 Minimum sight distance from a vehicle access (change 1.20)

#### Problem

The 2GP contains standards that require new vehicle accesses to be located both a safe distance from an intersection and a to have sufficient sight distance from a vehicle access when entering or exiting a site. Vehicle access is defined in the plan as '*A vehicle access is the portion of a driveway or vehicle track between the formed road and the property boundary.*' Rule 6.6.3.2 sets standards for minimum sight distance from a vehicle access and Rule 6.6.3.4 sets standards for minimum distances of new vehicle crossings from intersections and level crossings.

However, for some sites where, due to the location of the site on a corner or near to an intersection, the minimum sight distance required for a new vehicle access may not be able to be met. If the minimum distance from an intersection requirement cannot be met in Rule 6.6.3.4, the 2GP provides an exemption for one vehicle crossing to be constructed in the most compliant position but does not provide an exemption from the sight distance requirement to be in the most compliant position. Therefore, resource consent is still required.

#### Scope of variation

The minimum sight distance from a vehicle access performance standard (Rule 6.6.3.2) to provide an exemption for one vehicle access per site for sites that cannot meet the minimum sight distance required.

### Preferred option

It is proposed that a rule be added (Rule 6.6.3.2.c) which allows for an exemption for sites whereby the minimum sight distance rule is not applicable provided that the setback from the intersection can comply or be in the best position possible to most nearly comply. The wording of the rule has been based on a similar provision already in the 2GP (Rule 6.6.3.4). Council's Transport Group support this option (see Transport Evidence: [www.dunedin.govt.nz/2GP-variation-1-minor-amendments](http://www.dunedin.govt.nz/2GP-variation-1-minor-amendments)).

### Proposed amendment

#### *Rule 6.6.3.2.c*

Except, where a site is unable to conform with the minimum site distances in rules 6.6.3.2.a and 6.6.3.2.b, one vehicle crossing per site is allowed in the position which most nearly complies with rules 6.6.3.4.a or 6.6.3.4.b (minimum distances of new vehicle crossing from intersections).

N.B. Consequential changes to existing rules 6.6.3.2.c, d and e.

### **Rule 6.6.3.4.b.ii.3 Minimum distances of new vehicle crossing from intersections and level crossings (change 1.21)**

#### **Problem**

There is a blank cell in the table in Rule 6.6.3.4.b.ii 'Minimum distances of new vehicle crossing from intersections and level crossings'. This rule applies to collector and local roads, where the speed limit is 70-90 km/h and that intersect with local roads.

There is a high risk of confusion about what the minimum distance of a new vehicle crossing from intersections should be in these circumstances.

#### **S32 analysis of options**

The relevant 2GP objective is 6.2.4:

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

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

*Policy 6.2.4.5 Require vehicle accesses to be limited in number and width, in order to avoid or, if avoidance is not practicable, adequately mitigate adverse effects on:*

- a. pedestrian and cyclist safety and ease of movement, and*
- b. the safety and efficiency of the multi-modal transport network.*

This is implemented through Rule 6.6.3.4 which provides the minimum distances required for a new vehicle crossing from an intersection and any new crossing which does not meet these standards requires a resource consent. However, for sites located near to an intersection with a collector and local road, there is no standard. This causes confusion around what the appropriate distance of a new vehicle crossing from this type of intersection would be.

Based on advice from Council's Transport Group (see Transport Evidence: [www.dunedin.govt.nz/2GP-variation-1-minor-amendments](http://www.dunedin.govt.nz/2GP-variation-1-minor-amendments)), it is proposed to amend the table in Rule 6.6.3.4.b.ii.3 to add "45m" in the cell so that there is a minimum distance of a new vehicle crossing from intersections with a collector and local road of 45 metres. Council's Transport Group confirm that the value should be 45 metres as separations less than this would increase risk for rear end collisions when considering the vehicle speed.

Based on the expert advice of Council's Transport Group it is considered that the proposed amendment to the rule more appropriately achieves the objectives than the existing rule and is consistent with Policy 6.2.4.5. Overall, the proposed provision is both efficient and effective because it ensures the safe and efficient operation of the transport network.

#### Scope of variation

The minimum distance of a new vehicle crossing for a collector or local road intersecting a local road where the speed limit is 70-90 km/h.

#### Proposed amendment

Rule 6.6.3.4.b. The minimum distance of a new vehicle crossing from intersections on roads where the speed limit is 70 - 90 km/h is as follows:

Frontage road		Intersecting road type		
		1. Motorway, strategic road, arterial road, urban high density corridor, commercial centre street and industrial road	2. Collector	3. Local
i.	Motorway, strategic road, arterial road, urban high density corridor, commercial centre street and industrial road	100m	100m	100m
ii.	Collector and local	45m	45m	<u>45m</u>

#### Rule 6.6.3.5 Standard of vehicle accesses onto state highways (change 1.22)

##### Problem

The wording of the vehicle accesses onto State Highways performance standard (Rule 6.6.3.5) is accidentally drafted in a way that has a gap in the volume per day thresholds that differentiate the relevant standard (e.g. it has over 10,000 and under 10,000 per day, leaving a gap for the volume per day of 10,000).

##### Scope of Variation

The appropriate vehicle access design and sealing standards for vehicle accesses onto state highways in the rural and rural residential zones with a volume per day of 10,000.

##### Preferred option

The table should be amended to state that the volumes per day in column two of the table is 10,000 or more. The change would align with New Zealand Transport Agency's Appendix 5B table of the Planning Policy Manual. Council's Transport Group supports this change (see Transport Evidence: [www.dunedin.govt.nz/2GP-variation-1-minor-amendments](http://www.dunedin.govt.nz/2GP-variation-1-minor-amendments)). NZTA have been consulted and agree with this amendment.

#### Proposed amendment

#### 6.6.3.5 Standard of vehicle accesses onto state highways

1. Volume of traffic using vehicle access (ecm per day)		2. Volume of traffic using state highway (volume per day)	Vehicle access design and sealing	
			3. less than or equal to 1 movement per day of a vehicle weighing over 3.5 tonnes	4. more than 1 movement per day of a vehicle weighing over 3.5 tonnes
i.	1 - 30	less than 10,000	(See Appendix 6B, Figure 6B.14)	(See Appendix 6B, Figure 6B.15)
ii.		<del>more than 10,000</del> <u>or more</u>	(See Appendix 6B, Figure 6B.15)	(See Appendix 6B, Figure 6B.15)
iii.	31 - 100	less than 10,000	(See Appendix 6B, Figure 6B.15)	(See Appendix 6B, Figure 6B.16)
iv.		<del>more than 10,000</del> <u>or more</u>	(See Appendix 6B, Figure 6B.16)	(See Appendix 6B, Figure 6B.16)

#### Rule 6.7.1.2 Service Station standards and queuing spaces required 'per pump' (Change 1.23)

##### Problem

The Transportation section contains standards that apply specifically to service stations. One of these standards requires service stations to provide three queuing spaces per petrol pump. A queuing space is an area on-site provided for vehicles to queue to wait for access to petrol pumps without affecting the wider transport network.

However, as worded the rule seems to require three queuing spaces per individual pump, rather than per set of pumps grouped on an 'island' as is common for most stations. This would mean in theory if a station had 12 pumps (2 islands of 6 pumps each – 3 each side of island) it would require 36 queuing spaces, which does not make practical sense. It is considered that this is an error in drafting and not what was intended.

##### S32 analysis of options

The relevant 2GP objective is 6.2.3:

*Transportation infrastructure is designed and located to ensure the safety and efficiency of the transport network for all travel modes while:*

- a. minimising, as far as practicable, any adverse effects on the amenity and character of the zone; and*
- b. meeting the relevant objectives and policies for any overlay zone, scheduled site, or mapped area in which it is located.*

Policy 6.2.3.13 *Require service stations to be designed to avoid or, if avoidance is not practicable, adequately mitigate adverse effects on the safety and efficiency of the transport network and its affordability to the public.*

This is implemented through Rule 6.7.1 which provides standards specific to service stations.

To clarify what is meant 'per pump' it is proposed to amend the rule to refer to 'dispensing facility' and to include a definition for that of "a single petrol pump or a group of petrol pumps that are grouped on a single 'island'".

A reduced queuing space standard has also been introduced for sites that can provide manoeuvring space onsite to allow cars to pass an occupied pump and use another on the same dispensing facility.

To clarify that queuing spaces must be on-site and must not obstruct other on-site requirements such as manoeuvring areas, minor amendments to the performance standard are also proposed.

It is considered appropriate to introduce a reduced queuing space standard for sites that can provide manoeuvring space onsite to allow cars to pass an occupied pump and use another on the same dispensing facility. Council's Transport Group have reviewed this option and support this change (see Transport Evidence: [www.dunedin.govt.nz/2GP-variation-1-minor-amendments](http://www.dunedin.govt.nz/2GP-variation-1-minor-amendments)). Overall it is considered that the proposed provision is both efficient and effective because it ensures the safe and efficient operation of the transport network and is the most appropriate means of achieving 2GP Objective 6.2.3.

### Scope of variation

To replace the word 'pump' in the standard with 'dispensing facility' and to provide a new definition of dispensing facility to explain it can mean per pump 'island' rather than for each individual pump provided on-site. The number of queuing spaces required (three) is not changing from the current 2GP provisions. However, a standard of 2 queuing spaces has been included for sites that provide enough manoeuvring space to enable a vehicle to access a pump that is unoccupied without having to wait behind another vehicle using a pump from the same dispensing facility.

### Proposed amendment

#### 1.4.1 Definitions

D

#### **Dispensing facility**

A single petrol pump or a group of petrol pumps that are grouped on a single 'island'.

#### *Rule 6.7.1 Service Station Standards*

1. Each dispensing facility ~~Pumps~~ must be located at least:
  - a. 6m from the road boundary; and
  - b. 12m from the midpoint of any vehicle crossing.
2. Service stations must provide:
  - a. 3 on-site queuing spaces per pump and/or car wash dispensing facility where there is insufficient manoeuvring space to enable a vehicle to access a pump that is unoccupied without having to wait behind another vehicle using a pump from the same dispensing facility;
  - b. 2 on-site queuing spaces per dispensing facility where there is sufficient manoeuvring space to enable a vehicle to access a pump that is unoccupied without having to wait behind another vehicle using a pump from the same dispensing facility;



- c. 3 queuing spaces per car wash; and
- d. ~~Queuing spaces must not obstruct any footpath, cycleway, manoeuvring areas or vehicle egress access.~~

~~4.3~~ Activities that contravene this performance standard are restricted discretionary activities.

Note consequential change to number of points 3 and 4.

## Rule 6.8.1 Access (change 1.24)

### Problem

The Access subdivision performance standard (Rule 6.8.1) within the Transportation section requires that:

“Every resultant site must have legal and physical (a vehicle access) access to a formed road, except if:

- d. the resultant site is being created for reserve or as a result of a road closure; or
- e. minimum car parking is not required by the relevant Plan provisions, in which case only legal access to a formed road is required.”

The use of ‘a vehicle access’ in the bracket explanation of what is meant by physical access has caused confusion as the definition of ‘vehicle access’ is “The portion of a driveway or vehicle track between the formed road and the property boundary.”

Instead, the rule should have referred to “driveway”, which is defined as “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.”

The reason that driveway is the correct term is the exception in 6.8.1.b exists because if there is no car parking required then there is no need for a driveway to access the required carparks. Instead legal access can instead ensure there is space for a footpath to access the site. This would be further clarified by using the term “accessway”, which is used in the Plan to cover multiple types of access and is defined as: “Any driveway, walkway or other means of access (sealed or unsealed) to and/or from any part of a road.”

A second problem with the Access subdivision performance standard (Rule 8.6.1) is that the exemption to all resultant sites created for reserves or as a result of road stopping is inappropriate. The Plan does not want to enable the creation of landlocked sites, and while many sites created for reserve or as a result of a road stopping will be adjacent to a road, not all sites will be. Only applying the exemption to esplanade reserves, and sites created for reserves or as a result of a road stopping which adjoin a site in common ownership with an existing legal accessway, will be more effective than the current exemption.

### Scope of variation

Meaning of ‘physical access’, and which resultant sites should be exempt from the Access subdivision performance standard (Rule 6.8.1) requirements.

### Proposed amendment

#### 6.8.1 Access

1. Every resultant site must have a legal and physical access (a vehicle access) accessway to a formed road, and where there is minimum car parking required by the Plan, this must be in the form of a driveway except if the resultant site is:
  - a. ~~the resultant site is being created for an esplanade reserve or as a result of a road closure or;~~

- b. a reserve, other than an esplanade reserve, which adjoins a site in the same ownership that has a legal accessway~~minimum car parking is not required by the relevant Plan provisions, in which case only legal access to a formed road is required;~~ or
- c. the result of a road stopping process which adjoins a site in the same ownership that has a legal accessway.

**Note 6.8.1A – Other relevant District Plan provisions**

- 1. Rule 6.6.3 includes the standards for driveways.

**Note 6.8.1A B- Other requirements outside of the District Plan**

- 1. For subdivisions that access a state highway, approval from the NZ Transport Agency is required.

**Appendix 6B (change 1.25)**

**Problem**

Appendix 6B contains all the transport diagrams referred to within the transportation performance standards. Some of the terms used to label the diagrams in these appendices were inconsistent with the words used in the corresponding performance standards in the plan and/or the correct plan terminology. There are also minor errors in the diagrams which need correcting such as incorrect dimensions for the length of an 8m rigid truck and coach. These are considered minor changes of clarification rather than substantive changes.

**Scope of Variation**

The images used and dimensions contained within the diagrams are not changing as these are based on the corresponding standards. The changes are only to terms used within the diagrams to label the different features, headings and minor errors that need to be corrected such as obvious typographical errors in the diagram for example the length of a coach being 1.260 metres instead of 12.60 metres.

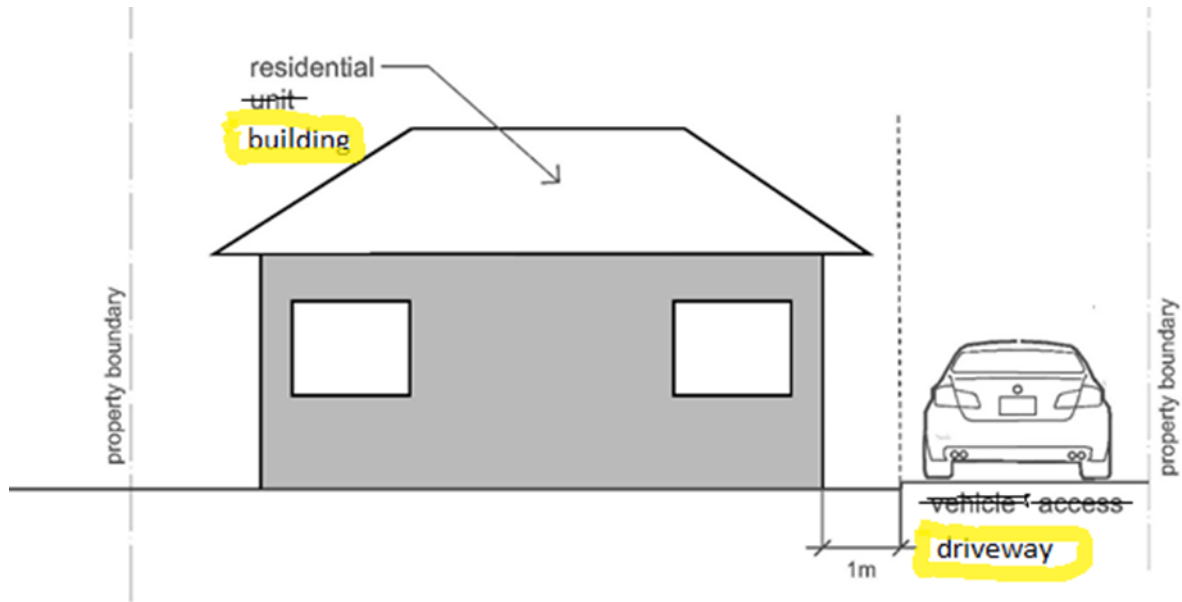
**Preferred option**

It is proposed to amend Figure 6B.4, 6B.5, 6B.10, 6B.12, 6B.13, 6B.17 to ensure they are in line with the terminology used in the corresponding rule and to correct minor errors. The amendments proposed to these figures and the amended final versions are shown below.

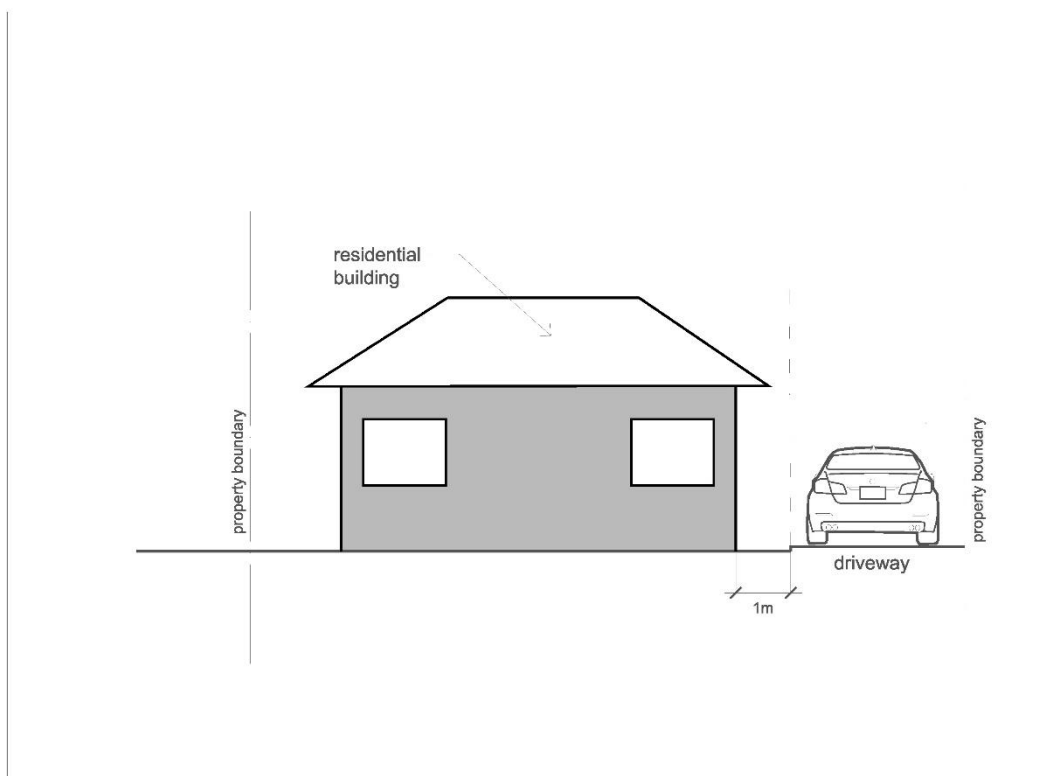
## Proposed amendment

1. Figure 6B.4 Minimum separation distance between residential ~~unit~~ building and ~~vehicle access~~ driveway

Proposed amendment to Figure 6B.4

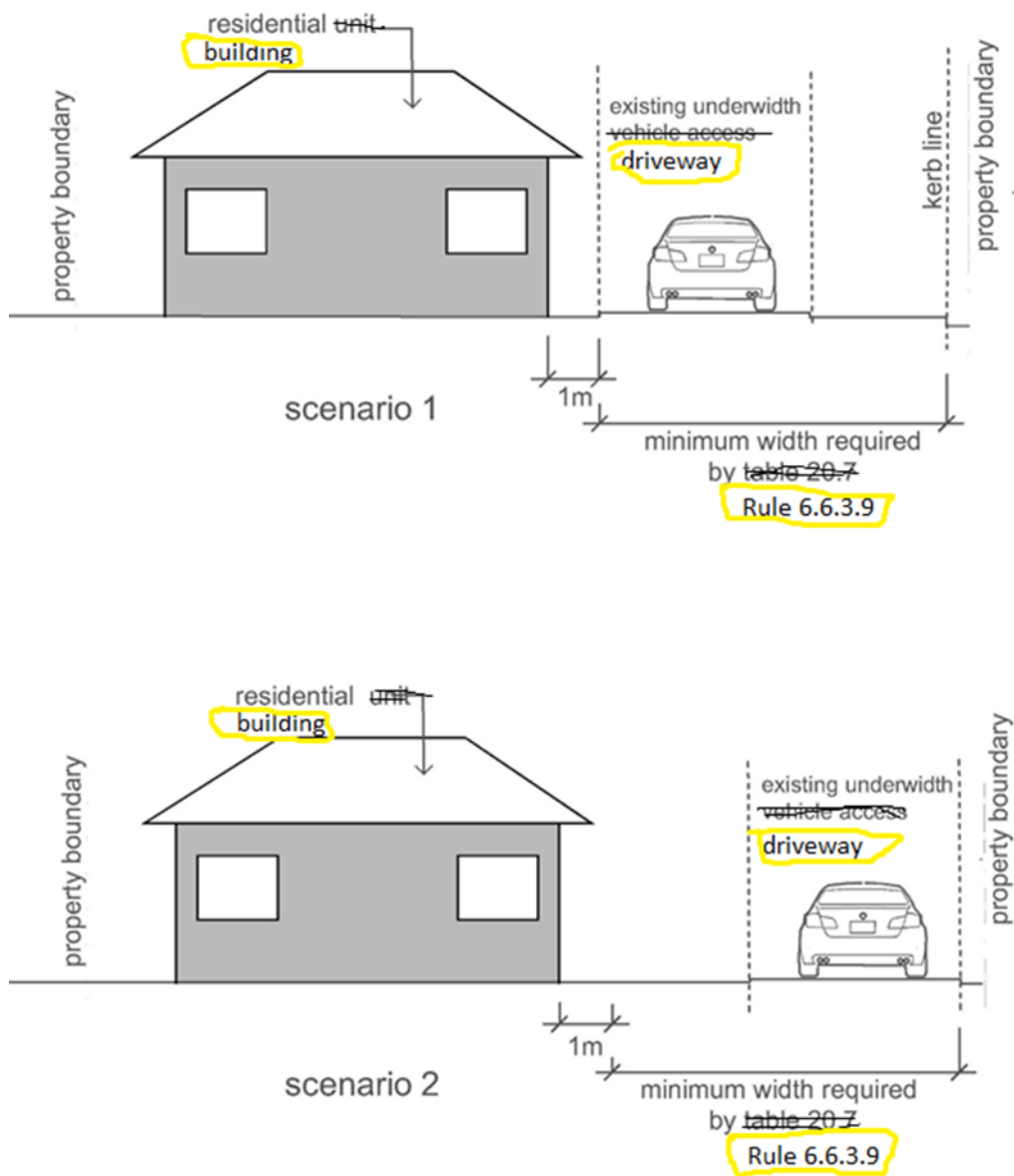


Proposed new Figure 6B.4

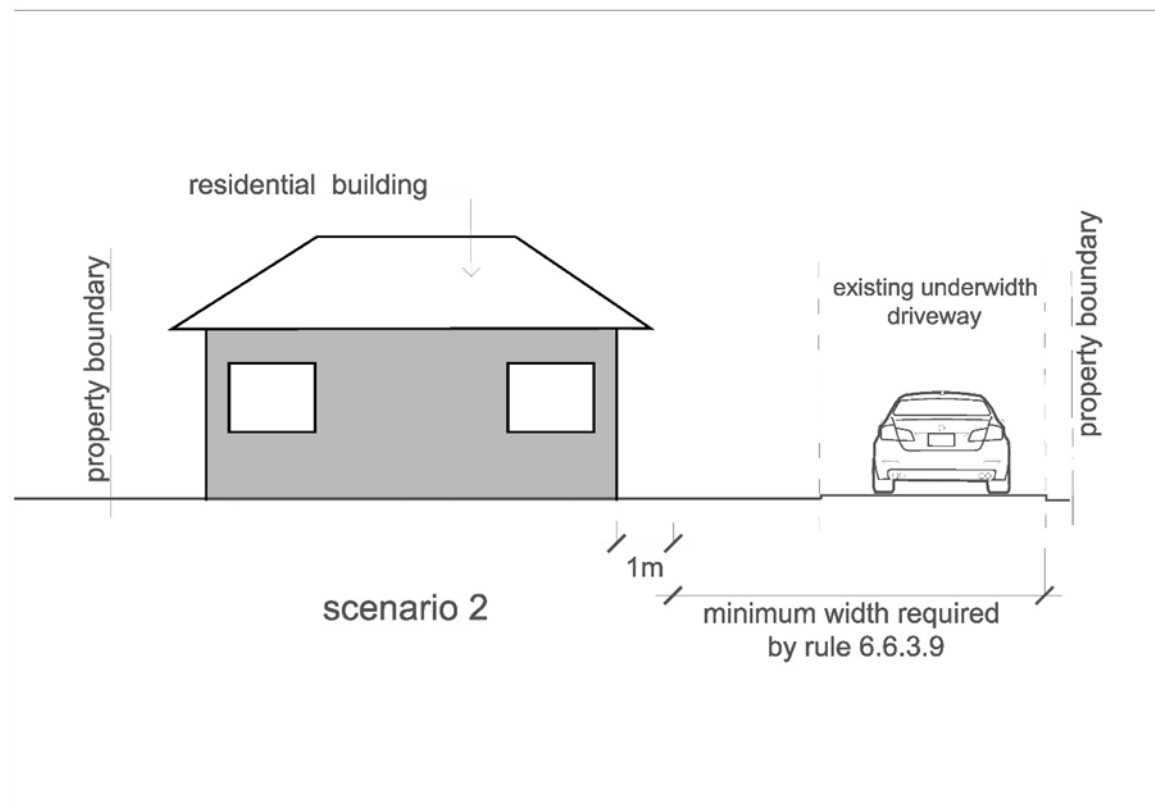
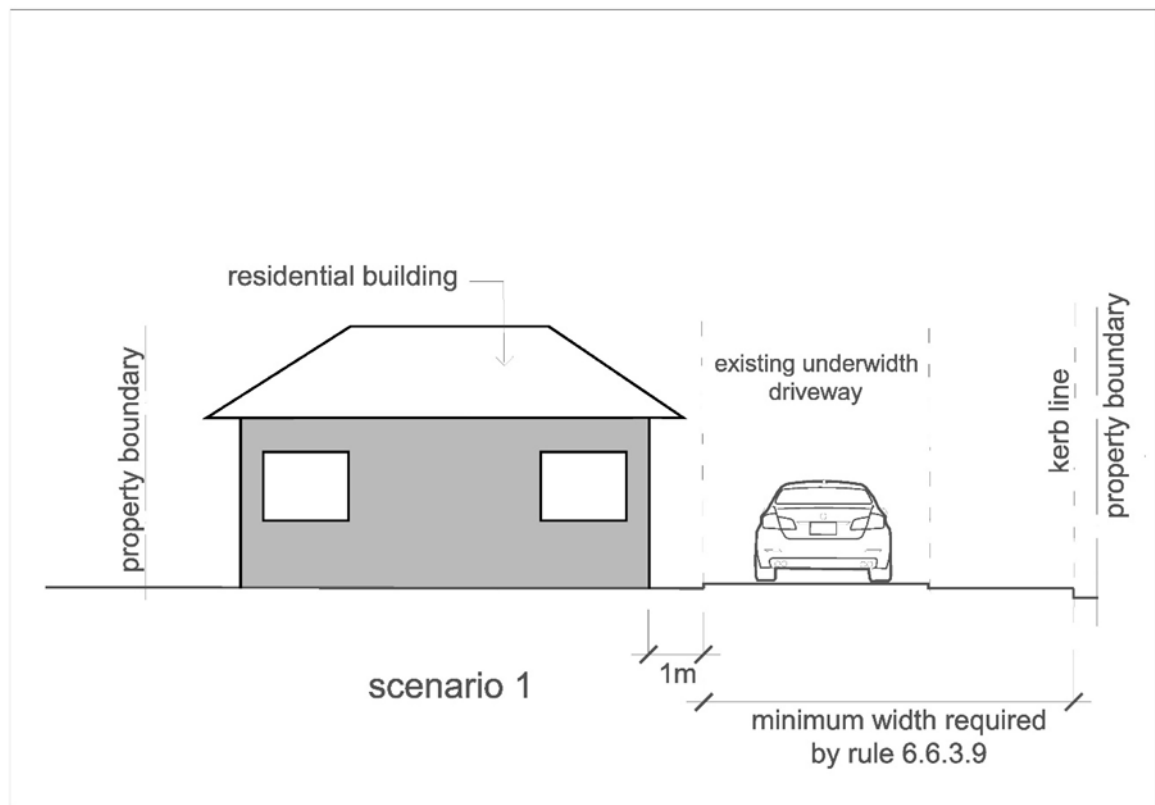


2. Figure 6B.5 Minimum separation distance between new residential unit building and existing under-width vehicle access driveway: possible scenarios

Proposed amendment to Figure 6B.5



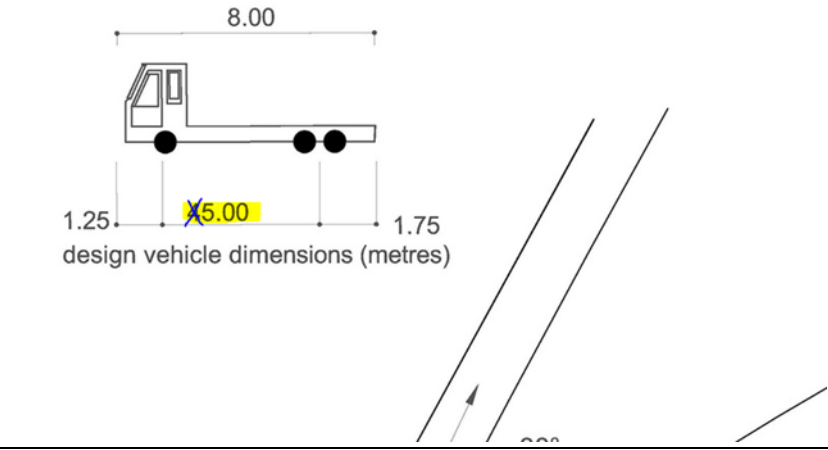
Proposed new Figure 6B.5



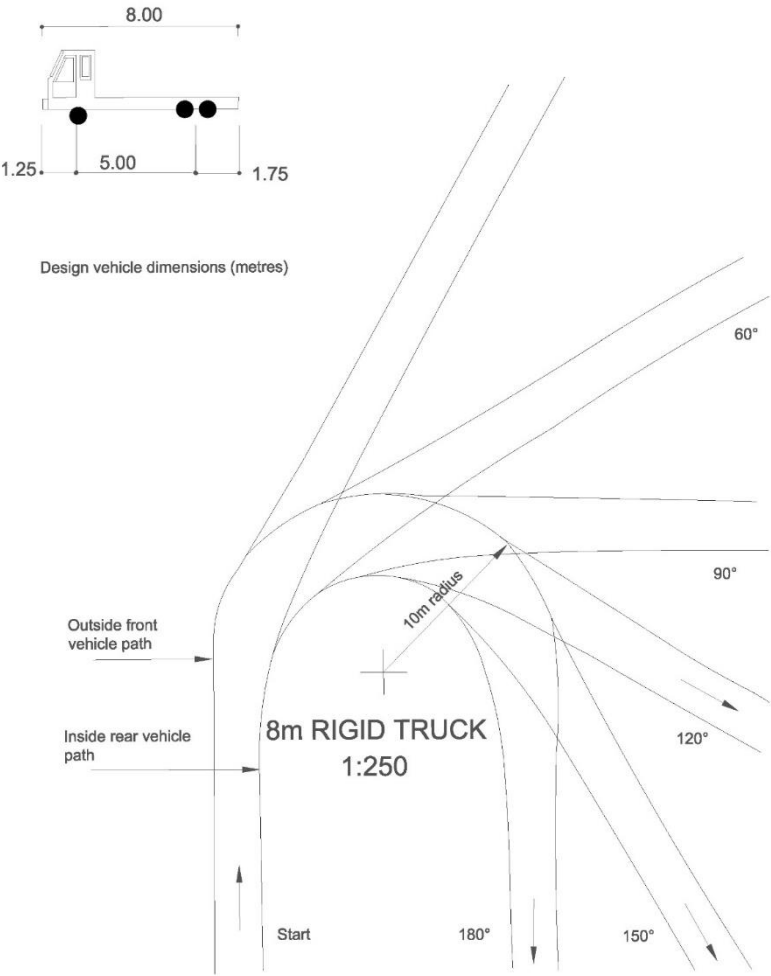
3. Figure 6B.10 8m rigid truck turning circle

Proposed amendment to Figure 6B.10

Figure 6B.10 8m rigid truck turning circle



Proposed new Figure 6B.10

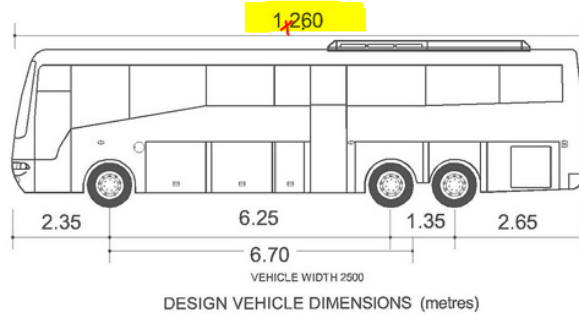


4. Figure 6B.12 Coach Turning Circle

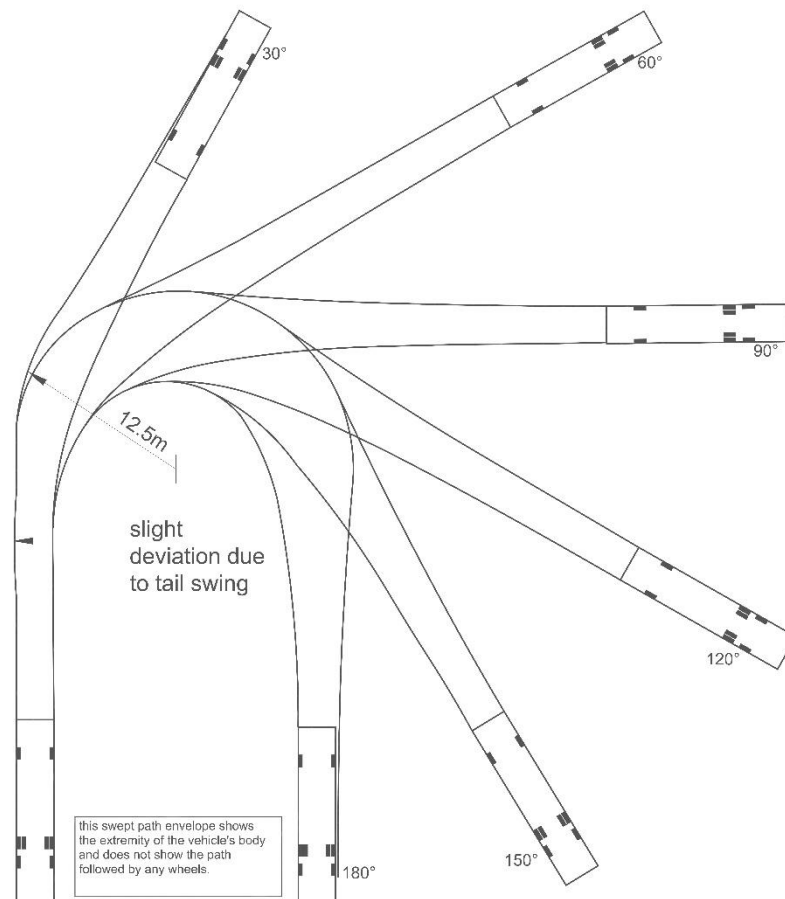
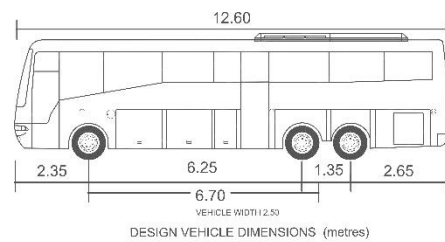
Proposed Amendment to Figure 6B.12

B. City-wide Activities › 6. Transportation › Appendices › Appendix 6B. Transportation Figures ›

Figure 6B.12 Coach turning circle



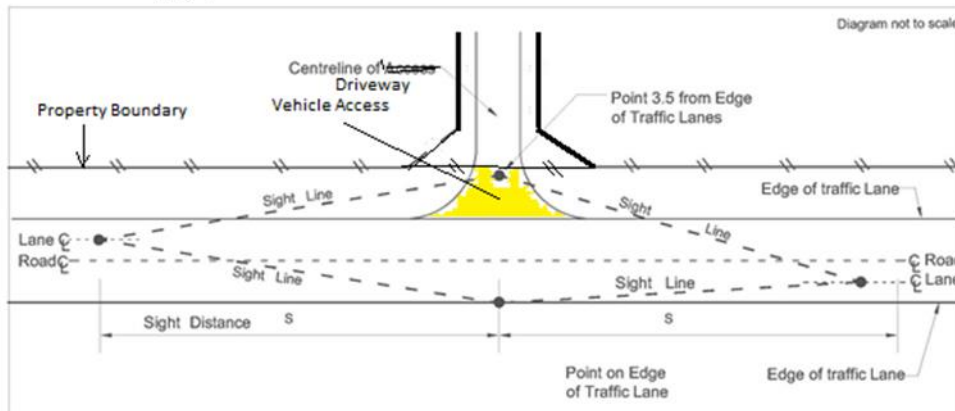
Proposed new Figure 6B.12



5. Figure 6B.13 Method for determining minimum sight distance from a new vehicle access

Proposed amendment to Figure 6B.13

## Method for Determining Sight Distance at Property Accesses

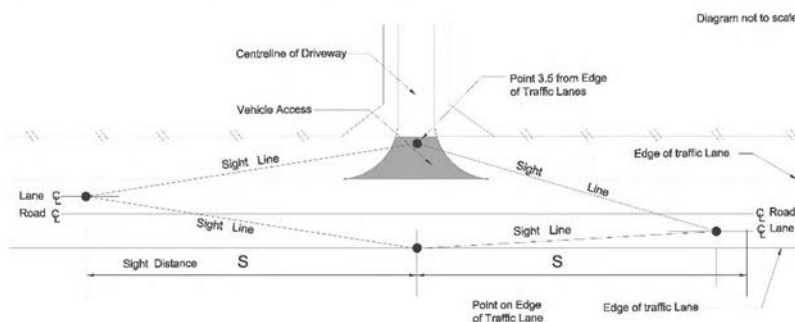


Notes:

1. Sight distances shall be measured to and from a height of 1.15m above the existing road surface and the proposed road surface level of the side road or vehicle access.
2. There are to be no obstructions to visibility inside the area bounded by sight lines.

Proposed new Figure 6B.13 Method for determining minimum sight distance

## Method for Determining Sight Distance from a New Vehicle Access



Notes:

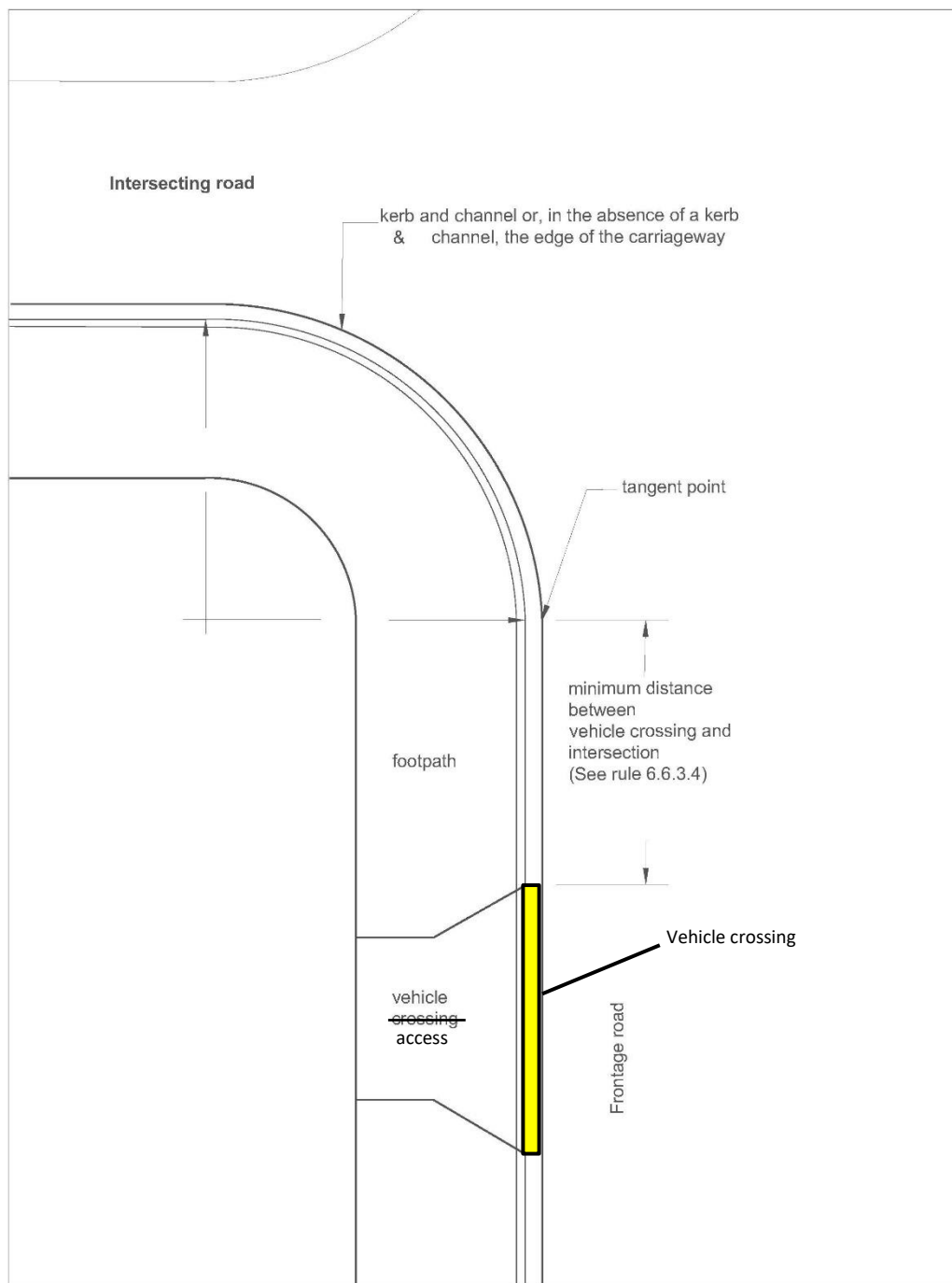
1. Sight distances shall be measured to and from a height of 1.15m above the existing road surface and the proposed road surface level of the side road or vehicle access.
2. There are to be no obstructions to visibility inside the area bounded by the sight lines.

addition

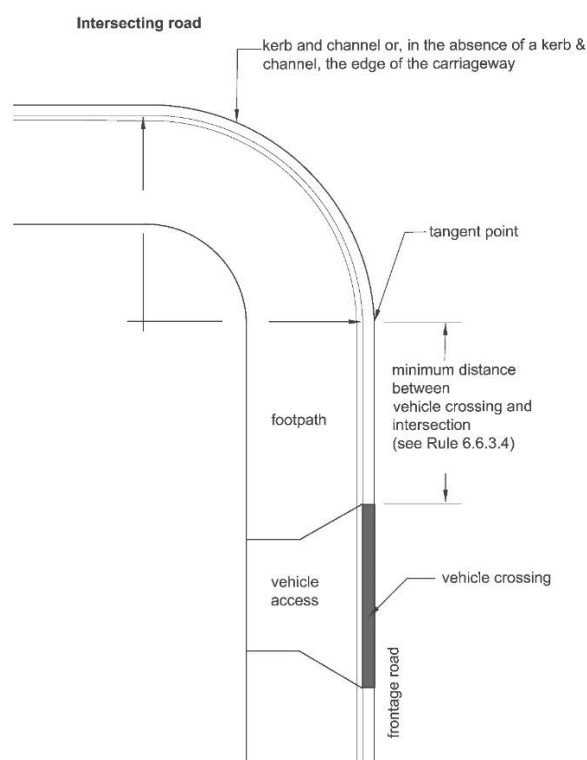


6. Figure 6B.17 Method to determine minimum sight distance between vehicle crossing and intersection

Proposed amendment to Figure 6B.17



### Proposed new Figure 6B.17



### **Rule 9.3.1 Acoustic Insulation and Appendix 9A. Acoustic Insulation Requirements (change 1.26)**

#### **Background**

The Plan identifies “noise sensitive activities” and applies a performance standard (Rule 9.3.1) to these land use activities, which requires that buildings, or parts of buildings, used for noise sensitive activities have a minimum specified level of acoustic insulation in identified higher noise environments (e.g. the CBD Zone, within 40m of a state highway, etc.). The “noise sensitive activities” category includes residential activities, hospitals, campus activities, schools, early childhood education, registered health practitioners, visitor accommodation and certain community and leisure activities such as libraries and marae.

Clause 4 of Rule 9.3.1 indicates that Appendix 9A Acoustic Insulation Requirements sets out the minimum construction requirements necessary to achieve the level of insulation required by the rule.

The issues with Rule 9.3.1 and Appendix 9A are as follows:

- the wording of the rule is unclear, including in relation to the type of activity that is subject to the rule,
- inaccurate terms are used in the appendix in relation to the parts of buildings that require acoustic insulation, and
- the appendix refers to an acceptable solution in the New Zealand Building Code that does not exist.

### Scope of variation

Amendments to Rule 9.3.1 and Policy 9.2.2.2 to align with the standard applying to noise sensitive (land use) activities, as specified in activity status tables in the zone sections.

Amendments to Rule 9.3.1 and Appendix 9A to:

- use appropriate and consistent terminology with respect to buildings/parts of buildings/rooms that the standard should apply to
- remove reference to a Building Code acceptable solution that does not exist, and
- make minor changes to the structure and wording of provisions to improve clarity.

Consequential amendments to Policy 9.2.2.2 to reflect these amendments as required.

Consequential amendment to Appendix 30B. Port Noise Mitigation Plan – Rule 30B.1.3 and Rule 30B.2.2 Acoustic Treatment, because of the renumbering of Rule 9.3.1 Acoustic Insulation, to reference the correct parts of this rule.

### S32 analysis of options

The relevant 2GP objective is Objective 9.2.2:

*Land use, development and subdivision activities maintain or enhance people's health and safety.*

In relation to acoustic insulation, this is implemented through Policy 9.2.2.2 and Rule 9.3.1.

#### *Policy 9.2.2.2*

*Require those parts of buildings used for noise sensitive activities in the following areas to provide adequate acoustic insulation to avoid, as far as practicable, significant adverse effects from the higher noise environment anticipated in these areas:*

- a. Central Business District (CBD) Zone;*
- b. Warehouse Precinct (WP) Zone;*
- c. Princes, Parry and Harrow Street (PPH) Zone;*
- d. Harbourside Edge (HE) Zone;*
- e. port noise control mapped area;*
- f. airport noise inner control mapped area;*
- g. airport noise outer control mapped area;*
- h. within 20m of an industrial zone;*
- i. within 40m of a state highway;*
- j. within 40m of the Taieri Aerodrome Zone;*
- k. within 70m of a railway line;*
- l. in-patient areas in the Dunedin Hospital Zone; or*
- m. the Stadium Zone.*

The first issue to be resolved is that, although Rule 9.3.1 applies to land use activities, it is worded as though it applies to development activities (i.e. buildings). This goes against the normal approach used in the drafting of performance standards. In addition, the rule is not consistent in its language – it includes references to “any building or parts of buildings” and also to “rooms”. Therefore, there is a risk that the drafting of the rule (and of associated Policy 9.2.2.2) may cause confusion and inefficiency in the interpretation of provisions.

Secondly, inaccurate language is used in Appendix 9A. The appendix focuses on construction requirements that relate to the provision of insulation to “habitable rooms” (which is a term used to manage density in residential zones, that does not reflect the requirements in Rule 9.3.1).

The Plan defines “habitable room” as meaning:

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

Therefore, the focus on “habitable rooms” does not reflect the fact that the acoustic insulation requirements apply to a range of activities that are considered “noise sensitive”, not just residential activities. In addition, even for residential activities, the acoustic insulation requirement applies not only to “habitable rooms” but also to other types of room such as living areas, kitchens, studies etc. Consequently, as currently written, Appendix 9A is inconsistent with Rule 9.3.1, and does not appropriately implement Policy 9.2.2.2 or achieve Objective 9.2.2. The current wording of the appendix creates confusion and the potential for ineffective and inefficient implementation of the rule.

The final issue with Appendix 9A is that clause 1.a of the appendix currently indicates that compliance with Rule 9.3.1 can be achieved by abiding by “a construction specification approved as an acceptable solution in the New Zealand Building Code for the provision of Airborne Sound Insulation that is specifically designed to protect against noise from the external environment and that will achieve compliance with the acoustic insulation performance standard”. This clause was drafted at a time when a possible change to the Building Code was being discussed that proposed an acceptable solution to deal with external noise. However, this change was never enacted, and as a result the acceptable solution referred to in the appendix does not exist. This has the potential to cause confusion and result in inefficiency in establishing whether activities comply with Rule 9.3.1.

The preferred option to resolve the issues set out above is as follows:

- amend Rule 9.3.1 and Appendix 9A so that they more clearly apply to ‘noise sensitive activities’ (i.e. land use activities) rather than buildings or parts of buildings (i.e. development activities), to reflect the fact that the standard is specified in activity status tables in the zone sections as applying to noise sensitive (land use) activities;
- amend Rule 9.3.1 and Appendix 9A to use appropriate and consistent terminology with respect to buildings/parts of buildings/rooms that the standard should apply to; and
- amend Appendix 9A to remove reference to a Building Code acceptable solution that does not exist.

In addition, other minor changes are proposed to improve the clarity of Rule 9.3.1, and a consequential change to Policy 9.2.2.2 is proposed to reflect changes to Rule 9.3.1.

Overall, it is considered that these amendments are the most appropriate means of achieving 2GP Objective 9.2.2 and will improve the efficiency and effectiveness of provisions.

## **Proposed amendment**

1. Amend Rule 9.3.1 Acoustic Insulation as follows:

### **9.3.1 Acoustic Insulation**

1. In the locations specified below in clause 4, all rooms to be used for noise sensitive activities (other than those listed in clause 3 below) must have acoustic insulation that achieves a minimum design standard of  $DnT, w + Ctr > 30$ .
2. In the port noise control mapped area, all rooms to be used for noise sensitive activities (other than those listed in clause 3 below) must have a minimum indoor design standard of 40 dBA Ldn.
3. The following rooms are not required to have acoustic insulation: bathrooms, laundries, toilets, pantries, walk-in wardrobes, corridors, hallways, lobbies, clothes-drying rooms, or other spaces of a specialised nature occupied neither frequently nor for extended periods.

4. ~~Any building or parts of buildings to be used for noise sensitive activities in any of the following locations, must have acoustic insulation that achieves a minimum design standard of  $DnT, w + Ctr > 30$~~  Rule 9.3.1.1 applies in the following locations:
  - a. Central Business District (CBD) Zone;
  - b. Warehouse Precinct (WP) zone;
  - c. Princes, Parry and Harrow Street (PPH) Zone;
  - d. Harbourside Edge (HE) Zone;
  - e. CEC - North Zone;
  - f. airport noise inner control mapped area;
  - g. airport noise outer control mapped area;
  - h. within 20m of an industrial zone;
  - i. within 40m of a state highway;
  - j. within 40m of the Taieri Aerodrome Zone;
  - k. within 70m of a railway line;
  - l. in-patient areas in the Dunedin Hospital Zone; or
  - m. the Stadium Zone.
5. ~~Any building or parts of buildings to be used for noise sensitive activities within the port noise control mapped area must have acoustic insulation that achieves a minimum indoor design standard of 40 dBA Ldn.~~
5. 6. ~~Rooms other than those exempted in clause 5 below to which this acoustic insulation standard applies~~ must be supplied with a positive supplementary source of ventilation that achieves a minimum of 7.5 litres per second per person, to enable adequate ventilation when windows are closed.
6. 7. The schedule in Appendix 9A describes the minimum requirements necessary to achieve an external noise insulation level of  $DnT, w + Ctr > 30$ .
5. ~~Rules 9.3.1.1 to 9.3.1.4 do not apply to the following parts of buildings; any bathroom, laundry, toilet, pantry, walk-in wardrobe, corridor, hallway, lobby, clothes-drying room, or other space of a specialised nature occupied neither frequently nor for extended periods.~~
7. 6. Any activity that contravenes ~~the performance standard for acoustic insulation~~ this standard is a discretionary activity.

2. Amend Policy 9.2.2.2 as follows:

#### **Policy 9.2.2.2**

Require ~~those parts of buildings used for~~ that noise sensitive activities, ~~where undertaken in buildings, in the following areas to provide~~ have adequate acoustic insulation to avoid, as far as practicable, significant adverse effects from the higher noise environment anticipated in ~~these~~ the following areas:

- a. Central Business District (CBD) Zone;
- b. Warehouse Precinct (WP) Zone;
- c. Princes, Parry and Harrow Street (PPH) Zone;
- d. Harbourside Edge (HE) Zone;
- e. port noise control mapped area;
- f. airport noise inner control mapped area;
- g. airport noise outer control mapped area;
- h. within 20m of an industrial zone;
- i. within 40m of a state highway;
- j. within 40m of the Taieri Aerodrome Zone;
- k. within 70m of a railway line;
- l. in-patient areas in the Dunedin Hospital Zone; or
- m. the Stadium Zone.

3. Amend Appendix 9A as follows:

## Appendix 9A. Acoustic Insulation Requirements

1. Compliance with the acoustic insulation performance standard can be achieved by ensuring that ~~habitable rooms~~ rooms in which acoustic insulation is required by Rule 9.3.1 are designed and constructed in accordance with either:
  - ~~a. a construction specification approved as an acceptable solution in the New Zealand Building Code for the provision of Airborne Sound Insulation that is specifically designed to protect against noise from the external environment and that will achieve compliance with the acoustic insulation performance standard; or~~
  - ~~b. a.~~ an acoustic design certificate signed by a suitably qualified acoustic engineer stating that the design as proposed will achieve compliance with the acoustic insulation performance standard; or
  - ~~c. b.~~ in all areas other than the port noise control mapped area, the schedule of typical building construction in Table 9A.1A.
2. Table 9A.1A refers to common specifications for timber size. Nominal specifications may, in some cases, be slightly less than the common specifications stated in the schedule for timber size.
3. In determining the insulating performance of roof/ceiling arrangements, roof spaces are assumed to have no more than the casual ventilation typical of the jointing capping and guttering detail used in normal construction.

**Table 9A.1A Schedule of typical building construction to achieve acoustic insulation where required by Rule 9.3.1.1**

Building element		Minimum construction requirement	
a.	External walls of <del>habitable room</del> room	i. Stud Walls: Exterior cladding	20mm timber or 9mm compressed fibre cement sheet over timber frame (100mm x 50mm).
		ii. Cavity Infill	Fibrous acoustic blanket (batts or similar of a minimum mass of 9kg/m <sup>3</sup> ) required in cavity for all exterior walls. Minimum 90mm wall cavity.
		iii. Interior lining	One layer of 12mm gypsum plasterboard. Where exterior walls have continuous cladding with a mass of greater than 25kg/m <sup>2</sup> (e.g. brick veneer or minimum 25mm stucco plaster), internal wall linings need to be no thicker than 10mm gypsum plasterboard.
		iv. Combined superficial density	Minimum not less than 25kg/m <sup>2</sup> being the combined mass of external and internal linings excluding structural elements (e.g. window frames or wall studs) with no less than 10kg/m <sup>2</sup> on each side of structural elements.
		v. Mass Walls	190mm concrete block, strapped and lined internally with 10mm gypsum plasterboard, or 150mm concrete wall.
b.	Glazed areas of <del>habitable rooms</del> rooms	i. Glazed areas up to 10% of floor area	6mm glazing single float.
		ii. Glazed areas between 10% and 35% of floor area	6mm laminated glazing.
		iii. Glazed areas greater than 35% of floor area	Require a specialist acoustic report to show conformance with the insulation rule.
		iv. Frames to be aluminium window frames with compression seals.	

Building element		Minimum construction requirement	
c.	Skillion roof	i. Cladding	0.5mm profiled steel or 6mm corrugated fibre cement, or membrane over 15mm thick ply, or concrete or clay tiles.
		ii. Sarking	17mm plywood (no gaps).
		iii. Frame	Minimum 100mm gap with fibrous acoustic blanket (batts or similar of a mass of 9kg/m <sup>3</sup> ).
d.	Ceiling	Two layers of 10mm gypsum plasterboard (no through-ceiling lighting penetrations unless correctly acoustically rated). Fibrous acoustic blanket (batts or similar of a minimum mass of 9kg/m <sup>3</sup> ).	
e.	Combined superficial density	Combined mass of cladding and lining of not less than 25kg/m <sup>2</sup> with no less than 10kg/m <sup>2</sup> on each side of structural elements.	
f.	Pitched Roof (all roofs other than skillion roofs)	i. Cladding	0.5mm profiled steel or tiles, or membrane over 15mm thick ply.
		ii. Frame	Timber truss with 100mm fibrous acoustic blanket (batts or similar of a minimum mass of 9kg/m <sup>3</sup> ) required for all ceilings.
		iii. Ceiling	12mm gypsum plasterboard.
		iv. Combined superficial density	Combined mass with cladding and lining of not less than 25kg/m <sup>2</sup> .
g.	Floor areas open to outside	i. Cladding	Under-floor areas of non-concrete slab type floors exposed to external sound will require a cladding layer lining the underside of floor joists of not less than 12mm ply.
		ii. Combined superficial density	Floors to attain a combined mass not less than 25kg/m <sup>2</sup> for the floor layer and any external cladding (excluding floor joists or bearers).
h.	External door to habitable rooms	Solid core door (minimum 25kg/m <sup>2</sup> ) with compression seals (where the door is exposed to exterior noise).	

4. Amend Appendix 30B. Port Noise Mitigation Plan - Rule 30B.1.3 and Rule 30.B.2.2 Acoustic Treatment and

Where acoustic treatment is provided, it must be done in accordance with rules 9.3.1.2, 9.3.1.3, and 9.3.1.6. ~~9.3.1.5.~~

### Rule 9.3.5 Light Spill and assessment rule (change 1.27)

#### Problem

Under Rule 9.3.5 Light Spill, contravention of 9.3.5.1 is a discretionary or non-complying activity depending on Lux levels. However, there is no reference to contravention of rules 9.3.5.2 or 9.3.5.3, which should be a discretionary activity to correct this error.

There is a medium risk that if these amendments are not included in the 2GP there would be confusion for plan users about what the activity status is of contravening rules 9.3.5.2 or 9.3.5.3.

#### Scope of variation

Amending rule to include activity status for contravention of rules 9.3.5.2 and 9.3.5.3 and adding an assessment matter for this contravention.

#### Preferred option

It is proposed to:

- a. amend Rule 9.3.5 Light Spill to add a new clause 4 (and renumber) so that contravention of Rule 9.3.5.2 and Rule 9.3.5.3 is a discretionary activity; and
- b. amend Rule 9.7.4.5 Assessment of discretionary performance standard contraventions – light spill to reference rules 9.3.5.2 and 9.3.5.3. This rule has been renumbered as Rule 9.7.4.6 because of an earlier change in the s32 (Change 1.7) to the assessment of Density (Visitor accommodation) in residential zones.

## Proposed amendment

### 9.3.5 Light Spill

1. Light spill measured at any point of the vertical plane that marks the boundary of any site within a residential zone, or in any other zone the notional boundary of any residential building must not exceed the following limits:

Time	Limit
a. 7.00am - 10.00pm	10 Lux
b. 10.00pm - 7.00am	3 Lux

c. This standard does not apply to light spill from the headlights of motor vehicles or from street lighting.

2. Light spill must not be emitted in the angles above the horizontal.
3. All outdoor lighting, except street lighting, must be shielded from or directed away from adjacent roads and site boundaries.
4. Activities that contravene Rule 9.3.5.2 or Rule 9.3.5.3 or the any light spill limit in Rule 9.3.5.1 by 25% or less are discretionary activities.
5. Activities that contravene any light spill limit in Rule 9.3.5.1 by greater than 25% are non-complying activities.

### 9.7.4 Assessment of discretionary performance standard contraventions

Activity	Guidance on the assessment of resource consents
<del>5.</del> 6. Light spill - where the light spill limit is exceeded by 25% or less ( <u>rules 9.3.5.1 and 16.5.5.3</u> ), or where rules <u>9.3.5.2, 9.3.5.3, 16.5.5.1 or 16.5.5.2</u> are contravened	<i>Relevant objectives and policies (priority considerations):</i> <ol style="list-style-type: none"> <li>a. Objective 9.2.2</li> <li>b. Activities are designed and operated to avoid adverse effects from light spill on the health of people or, where avoidance is not practicable, ensure any adverse effects would be insignificant (Policy 9.2.2.4).</li> </ol>



9.7.4 Assessment of discretionary performance standard contraventions	
Activity	Guidance on the assessment of resource consents
	<p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>c. The exceedance will be infrequent and/or short term.</li> <li>d. Sufficient ambient levels of light exist that the exceedance will be insignificant in the circumstances.</li> </ul>

### Rule 9.3.7 Service Connections (9.3.7.1: change 1.28 and 9.3.7.2/Note 9.3.7A: change 1.29)

#### Background

Rule 9.3.7 Service Connections is a performance standard that applies to subdivision activities in all zones. The rule specifies the services that must be connected to sites created by subdivision. The requirement varies in different parts of the city – for example water and wastewater connections are not required in rural or rural residential zones. The services involved include telecommunication and power, and connections to public water supply, wastewater, and stormwater networks.

There are two issues with this rule. Firstly, the rule imposes an unnecessary requirement for power supply and telecommunications connections to be laid 600mm into sites. Secondly, the rule is not worded clearly. It could be interpreted as requiring connections to services in areas where these services are not provided, which is not the intention of the rule and is contrary to the relevant objective and policy.

#### Scope of variation

Requirements for service connections at time of subdivision (full content of Rule 9.3.7).

#### S32 analysis of options

The relevant 2GP objective, in relation to connections to public water supply, wastewater, and stormwater networks, is as follows:

##### *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.*

In relation to service connections, Objective 9.2.1 is implemented through Policy 9.2.1.3 and Rule 9.3.7.

##### *Policy 9.2.1.3*

*Require subdivision activities to provide any available public water supply and wastewater infrastructure services to all resultant sites that can be developed, unless on-site or multi-site services are proposed that will have positive effects on the overall public water supply and/or wastewater infrastructure services, or any adverse effects on them are insignificant.*

#### 9.3.7 Service Connections

1. *Subdivision activities must provide to all sites the following infrastructure where available: telecommunication (including Ultra Fast Broadband) power supply, and connections to public water supply, wastewater, and stormwater networks. These services must be laid at least 600mm into all resultant sites, except those created and used solely for the following purposes:*
  - a. *Scheduled ASBV or QEII covenant;*
  - b. *reserves;*
  - c. *access;*
  - d. *network utilities; or*
  - e. *roads.*
2. *For the purpose of this rule 'where available' means:*
  - a. *for water supply networks, all areas except the rural, and rural residential zones; and*
  - b. *for wastewater networks, all areas except the no DCC reticulated wastewater mapped area and rural, and rural residential zones.*
3. *Activities that contravene this performance standard are restricted discretionary activities.*

Objective 5.2.1 is also relevant to the requirement for connections to telecommunication and power supply.

#### *Objective 5.2.1*

*Network utility activities, including renewable energy generation activities, are able to establish, operate and upgrade efficiently and effectively, while minimising, as far as practicable, any adverse effects on the amenity and character of the zone; and, where located in an overlay zone, scheduled site, or mapped area, meeting the relevant objectives and policies for those areas.*

As shown above, Rule 9.3.7 states that required services must be laid “at least 600mm” into all sites created by subdivision (with certain exceptions set out in Rule 9.3.7.1.a-e). This requirement was originally included in the Plan to ensure that connections to services provided by the Council were laid all the way into new sites, i.e. there was no gap between the end of the service connection and the site boundary. This would avoid any later disagreement as to whether the subdivider, the Council or the owner of the new site was responsible for completing the connection to the site.

However, it is unnecessary to require telecommunication or power connections to be laid this distance into sites because these services are provided by private infrastructure suppliers dealing with paying customers; therefore, the issue of disagreement over responsibility for completing connections is unlikely to arise. In addition, Aurora Energy Limited has indicated to the Council that, if its assets are required to be located within private property, this would mean that Aurora’s pillar boxes would always require an easement. This introduces a significant cost both for the land owner in terms of providing the easement (additional survey and legal costs) and for Aurora Energy having to maintain assets on private property. Chorus New Zealand Limited has indicated that it holds a similar position to Aurora in relation to the 600mm requirement. As a result, it appears that the 600mm requirement is inconsistent with Objective 5.2.1, because it would create inefficiency for the operation of certain network utility activities.

Furthermore, the rule could be interpreted as requiring connections to services in areas where these services are not provided, which was not the intention of the rule and is inconsistent with Objective 9.2.1 and Policy 9.2.1.3. In relation to water supply networks, the rule wording implies that these are available in all zones other than the rural and rural residential zones. However, this is not the case; for example, several areas in the Township and Settlement Zone are not serviced by reticulated water. Similarly, in relation to wastewater networks, the rule implies that these networks are available for new sites to connect to in all areas other than rural and rural residential zones and the ‘no DCC reticulated wastewater mapped area’, when this may not in fact be the case, depending for example on capacity issues in some areas. Further, the rule does not clarify the meaning of “where available” in relation to stormwater, telecommunication or power supply services, which may lead to inefficiency and inconsistency in the interpretation of the rule. Therefore, the rule needs to be amended to clarify that connection to any service is only required in areas where there is access to that service.

There are also several other minor changes to the wording of the rule that have the potential to improve clarity and make interpretation of the rule more straightforward.

Overall, it is considered that amendments to the rule to remove the 600mm requirement for telecommunication and power supply; to clarify that service connections are only required in areas where there is access to those services; and to clarify the rule via other minor amendments, are the most appropriate means of achieving 2GP Objectives 9.2.1 and 5.2.1.

#### **Preferred option**

Amend rule so that the requirement for services to be laid 600mm into sites applies only to connections to public water supply, wastewater and stormwater networks.

Amend rule to clarify that service connections are only required (for any service) in areas where the service provider provides access to that service and add a note to plan users to give information on areas where access to DCC services is provided.

Clarify the wording of the rule via other minor amendments, including by separating out the exemptions for sites created and used solely for Scheduled ASBVs etc. to further clarify that no service connections are required for these types of site.

#### **Proposed amendment**

##### **9.3.7 Service Connections**

1. Subdivision activities must provide to all resultant sites with the following infrastructure, where available:
  - a. telecommunication (including Ultra-Fast Broadband) and power supply, to the site boundary; and
  - b. connections to public water supply, wastewater, and stormwater networks. ~~These services,~~ which must be laid at least 600mm into ~~all resultant sites~~ each site.
2. ~~, except those~~ Except that this rule does not apply to resultant sites created and used solely for the following purposes:
  - a. Scheduled ASBV or QEII covenant;
  - b. reserves;
  - c. access;
  - d. network utilities; or
  - e. roads.
3. For the purpose of this rule 'where available' means where the service provider allows service connection to an infrastructure network in the vicinity of the site:
  - a. ~~for water supply networks, all areas except the rural, and rural residential zones; and~~
  - b. ~~for wastewater networks, all areas except the no DCC reticulated wastewater mapped area and rural, and rural residential zones.~~
4. Activities that contravene this performance standard are restricted discretionary activities.

#### **Note 9.3.7A - General advice**

1. The DCC Water Bylaw shows areas where the DCC provides access to a reticulated water supply, including Urban Water Supply and Rural Water Supply Areas. The Bylaw also gives details of any constraints to this access.
2. The DCC does not provide access to a reticulated wastewater supply in all areas of the city; areas without access include the 'no DCC reticulated wastewater mapped area' shown on the 2GP Planning Map.
3. For further information on areas where the DCC provides access to public water supply, wastewater, and stormwater networks, please contact the DCC on 03 477 4000.

### **Rule 13.9.1 Demolition of a scheduled heritage building requirements (change 1.30)**

#### **Problem**

Rule 13.9.1 Special information requirements includes a requirement to provide a heritage impact assessment where partial demolition of a building is proposed. This requirement does not currently apply to full demolition of a building; however, there are other information requirements, such as a consideration of alternatives. In addition, as currently worded the heritage impact assessment applies to the effect the demolition will have on the heritage values of the building only. Typically, a heritage impact assessment would also consider the building's context and the impact on the wider heritage values of an area.

#### **S32 Analysis of options**

The relevant objective is Objective 13.2.1: *Scheduled heritage buildings and structures are protected.*

A full assessment of the effects of demolition of a scheduled heritage building requires a heritage impact assessment. While this would arguably be provided as part of a consent application, making this requirement explicit will assist the consents process by ensuring that all the relevant information is available. It will therefore enable more efficient process and is a more appropriate way of achieving Objective 13.2.1.

#### **Scope of variation**

Information requirements under Rule 13.9 Special Information Requirements

#### **Preferred option**

Amend clause 1 of Rule 13.9.1 to require a Heritage Impact Assessment for all demolition, and word such that it is not limited to the effects on the building's heritage values.

#### **Proposed amendment**

#### **Rule 13.9 Special Information Requirements**

##### **13.9.1 Demolition of a scheduled heritage building requirements**

1. For resource consent applications proposing demolition of a scheduled heritage building, the following is required:
  - a. A Heritage Impact Assessment addressing the effect the demolition will have on heritage values, including a full discussion of the alternatives considered, including quantified reasons why the alternatives are not reasonable.
  - b. Where demolition is proposed due to seismic risk, a detailed seismic assessment, fully quantified costs and an economic analysis of seismic upgrade (including a staged upgrade) to the minimum requirements by a Chartered Professional Engineer qualified engineer with demonstrated experience of assessment and seismic upgrade of buildings with the same or similar construction form and materials. The information should include the methods of strengthening considered.
  - c. In addition, w~~Where partial demolition is proposed,:~~
    - i. ~~Evidence of the structural feasibility of retaining the part of the building proposed for retention.~~
    - ii. ~~A Heritage Impact Assessment addressing the effect the partial demolition will have on the heritage values of the building.~~

2. All information provided in support of any resource consent application, including engineering assessments, consideration of alternatives and design statements may be peer reviewed by Council prior to making a decision.

### **Rules 15.3.4, 18.3.6, 34.3.4 Development Activity Status Tables (change 1.31)**

#### **Problem**

The activity status tables for zones which include heritage precinct rules (residential, commercial and mixed use and Campus) are overly complex and re-organisation would improve plan usability. Re-organisation of these tables has also revealed two errors.

The first is that retaining walls greater than 1m were intended to be a restricted discretionary activity in heritage precincts, to ensure that their design and appearance does not adversely affect the heritage streetscape character. There is a rule permitting retaining walls less than 1m in the residential zones' activity status table (Rule 15.3.5.16) but the rule requiring a restricted discretionary consent for those above 1m is missing. The rules are also missing from the Campus and Commercial and Mixed Use section activity status tables. The Heritage s32 Report at the time of plan notification stated in relation to heritage precincts:

*Retaining walls over 1m high require consent, as these can significantly reduce streetscape character in the same way that fences can. This has been an issue for example where the front parts of sloping sites have been levelled for car parking areas, resulting in a large retaining wall and a hard surfaced parking area on the street frontage. Their potential to dominate the streetscape means that the design and choice of materials is very important and their effects need to be assessed<sup>1</sup>.*

The risk of not correcting the error regarding retaining walls is a potential loss of heritage streetscape character. There is no risk in terms of re-organising the activity status tables, but this will make their use more efficient.

The second error is that due to the layout of the Commercial and Mixed Use development activity status table (Rule 18.3.6), the activity status of signs attached to buildings and structures is unclear. Rule 18.3.6.16 indicates these are a permitted activity, which is consistent with other sections. However, as they are also a sub-activity of additions and alterations, Rule 18.3.6.15 indicates that they are restricted discretionary.

#### **Scope of variation**

The layout of the heritage activity status tables for development activities in the residential, commercial and mixed use and Campus zones sections, and clarifications to improve the readability and clarity of the rules. Clarification of the retaining walls rules in those zones, and clarification of the signs attached to buildings and structures rule in the CMU zones.

#### **Preferred option**

Re-organise the development activity status tables in the residential zones (Rule 15.3.4), commercial and mixed use zones (Rule 18.3.6) and Campus Zone (Rule 34.3.4) sections so that:

- they are simpler. This includes removing several permitted activity rules and including these in a catch-all rule: 'All buildings and structures activities not covered in rows xx below – P';
- it is clear that retaining walls greater than 1m in height are restricted discretionary activities in these zones;
- it is clear that signs attached to buildings or structures are a permitted activity in the CMU zones.

No other changes to activity status are proposed.

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<sup>1</sup> Proposed Second Generation Dunedin City District Plan Heritage Section 32 Report, p22

### Proposed amendment

The amendments to Rule 15.3.4 - Residential zones Development Activity Status Table, Rule 18.3.6 - Commercial and mixed-use zones Development Activity Status Table and Rule 34.3.4 - Campus Zone Development Activity Status Table, are shown below.

### Rule 34.3.4 Campus Zone Development Activity Status Table

1.	Performance standards that apply to all development activities		<ul style="list-style-type: none"> <li>a. Boundary treatments and other landscaping</li> <li>b. Setback from scheduled tree</li> <li>c. Maximum building site coverage and impermeable surfaces</li> </ul>
2.	Performance standards that apply to all buildings and structures activities		<ul style="list-style-type: none"> <li>a. Boundary setbacks</li> <li>b. Fire fighting</li> <li>c. Height</li> <li>d. <del>Number, location and design of ancillary signs</del></li> <li>e. Natural hazards performance standards</li> <li>f. Setback from coast and water bodies</li> </ul>
<b><u>All buildings and structures activities not covered in rows below</u></b>		<b><u>Activity status</u></b>	<b><u>Performance standards</u></b>
3.	<u>Signs attached to buildings and structures</u>	<u>P</u>	<ul style="list-style-type: none"> <li>a. <u>Number, location and design of ancillary Signs</u></li> </ul>
4.	<u>All other buildings and structures activities not covered in rows 5 to 20 below</u>	<u>P</u>	<ul style="list-style-type: none"> <li>a. <u>Fence height and design</u></li> <li>b. <u>Number, location and design of ancillary Signs</u></li> </ul>
<del>Buildings and structures activities not in a heritage precinct or in a heritage precinct but not visible from an adjoining public place (excluding activities affecting protected parts of a scheduled heritage building or a scheduled heritage structure. See rows 19 – 26)</del>		<del>Activity status</del>	<del>Performance standards</del>
3.	<del>New buildings and additions and alterations to buildings</del>	<del>P</del>	

4.	Fences	P	a. Fence height and design
5.	All other new structures	P	
<b>Buildings and structures activities in a heritage precinct that are visible from an adjoining public place</b>		<b>Activity status</b>	<b>Performance standards</b>
6. <u>5</u>	New buildings	RD	
7.	Fences	P	a. Fence height and design
8.	Retaining walls less than 1m high	P	
9.	Repairs and maintenance of a non character-contributing building	P	
10.	Repairs and maintenance of a character-contributing building or non-protected part of a scheduled heritage building	P	a. Materials and design
11. <u>6</u>	Earthquake strengthening or restoration of a character-contributing building or non-protected part of a scheduled heritage building	P	a. Materials and design
12. <u>7</u>	Demolition or removal for relocation of a character-contributing building or non-protected part of a scheduled heritage building	RD	
13.	Signs attached to buildings or structures	P	
14. <u>8</u>	All other additions and alterations to a character-contributing building or non-protected part of a scheduled heritage building (other than signs attached to buildings or structures)	RD	
15. <u>9</u>	Additions and alterations to a non character-contributing building that involve: <ul style="list-style-type: none"> <li>• an increase in the footprint of the building by of 10m<sup>2</sup> or more</li> <li>• an increase in the height of the building by more than 2m; or</li> <li>• the replacement of a pitched roof with a mono-pitch roof.</li> </ul>	C	
16.	All other additions and alterations to non character-contributing buildings	P	
10.	New retaining walls greater than 1m high	RD	

<del>17.</del> <u>11</u>	All other new structures <del>up to</del> <u>that are greater than 2.5m tall and or have a footprint of 2m<sup>2</sup> or more footprint</u>	<del>P</del> RD	a. <u>Number, location and design of ancillary signs</u>
<del>18.</del>	All new structures not covered by rules <del>34.3.4.6</del> <u>to 34.3.4.17 above.</u>	RD	
<b>Buildings and structures activities that affect protected parts of scheduled heritage buildings or scheduled heritage structures</b>		<b>Activity status</b>	<b>Performance standards</b>
<del>19.</del> <u>12</u>	Repairs and maintenance	P	<del>a. Materials and design</del>
<del>20.</del> <u>13</u>	Restoration of a building or structure that has a Heritage New Zealand Category 1 listing as detailed in Appendix A1.1	C	<del>a. Materials and design</del>
<del>21.</del> <u>14</u>	Restoration of all other scheduled heritage buildings and structures	P	<del>a. Materials and design</del>
<del>22.</del> <u>15</u>	Earthquake strengthening where external features only are protected	C	a. Materials and design
<del>23.</del>	<del>Signs attached to buildings or structures</del>	<del>P</del>	
<del>24.</del> <u>16</u>	All other additions and alterations <u>(other than signs attached to buildings or structures)</u>	RD	
<del>25.</del> <u>17</u>	Demolition	NC	
<del>26.</del> <u>18</u>	Removal for relocation	RD	
<b>Development activities on a scheduled heritage site, where visible from an adjoining public place or a public place within the heritage site</b>		<b>Activity status</b>	<b>Performance standards</b>
<del>27.</del> <u>19</u>	New structures <del>no more</del> <u>that are greater than 2.5m high or have a footprint of 2m<sup>2</sup> or more footprint</u>	<del>P</del> RD	a. <u>Number, location and design of ancillary signs</u>
<del>28.</del>	All other new structures	RD	
<del>29.</del> <u>20</u>	New buildings	RD	
<del>30.</del> <u>21</u>	Parking, loading and access	RD	<u>a.</u> Parking, loading and access standards
<b>Site development activities <u>in all areas (except as covered by rows <del>27-30</del> 19 to 21 above)</u></b>		<b>Activity status</b>	<b>Performance standards</b>



31. <u>23</u>	Outdoor storage	P	a. Location and screening of outdoor storage
32. <u>24</u>	Parking, loading and access	P	a. Parking, loading and access standards
33. <u>25</u>	Storage and use of hazardous substances	P	a. Hazardous substances quantity limits and storage requirements b. Setback from coast and water bodies
34. <u>26</u>	All other site development activities	P	
All buildings and structures activities not covered in rows above		Activity status	Performance standards
35.	All buildings and structures activities not covered in rows 3 to 34 above	P	a. Materials and design

#### Rule 15.3.4 Residential zones Development Activity Status Table

1.	Performance standards that apply to all development activities	<ul style="list-style-type: none"> <li>a. Natural Hazards Performance Standards</li> <li>b. Maximum building site coverage and impermeable surfaces</li> <li>c. Setback from scheduled tree</li> <li>d. Structure plan mapped area performance standards (where relevant)</li> </ul>
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2.	Performance standards that apply to all buildings and structures activities		a. Boundary setbacks b. Building length c. Fire fighting d. Height in relation to boundary e. Maximum height f. <del>Number, location and design of ancillary signs</del> g. Setback from coast and water bodies h. Setback from National Grid
<b>All buildings and structures activities not covered in rows below</b>		<b>Activity status</b>	<b>Performance standards</b>
3.	<u>Signs attached to buildings and structures</u>	P	a. <u>Number, location and design of ancillary signs</u>
4.	<u>All other buildings and structures activities not covered in rows 4 to 21 below</u>	P	a. <u>Fence height and design</u> b. <u>Number, location and design of ancillary signs</u>
<b>In all locations, including areas covered by rows 3–36 below</b>		<b>Activity status</b>	<b>Performance standards</b>
<del>3.</del> 5.	New buildings and additions and alterations that result in: <ul style="list-style-type: none"> <li>• a building that is greater than 300m<sup>2</sup> footprint or</li> <li>• a multi-unit development in the ICR and GR2 zones</li> </ul>	RD	
4.	Fences	P	a. <del>Fence height and design</del>
<b>In locations not covered by rows 7–36 below.</b>		<b>Activity status</b>	<b>Performance standards</b>
5.	<del>New buildings, and additions and alterations to buildings, that result in a building that is less than or equal to 300m<sup>2</sup></del>	P	
6.	<del>All other buildings and structures activities</del>	P	a. <del>Materials and design</del>

Buildings and structures activities in a residential heritage precinct that are visible from an adjoining public place		Activity status	Performance standards
7. 6	New buildings	RD	
8.	Repair and maintenance of a non character-contributing building	P	
9.	Repair and maintenance of a character-contributing building or non-protected part of a scheduled heritage building	P	a. — Materials and design
10. 7	Earthquake strengthening or restoration of a character-contributing building or non-protected parts of a scheduled heritage building	P	a. Materials and design
11. 8	Demolition or removal for relocation of a character-contributing building or non-protected part of a scheduled heritage building	RD	
12.	Signs attached to buildings or structures	P	
13. 9	All other additions and alterations to a character-contributing building or non-protected part of a scheduled heritage building (other than earthquake strengthening or restoration signs attached to buildings and structures)	RD	
14. 10	Additions and alterations to a non character-contributing building that involve: <ul style="list-style-type: none"> <li>• an increase in the footprint of the building by 10m<sup>2</sup> or more</li> <li>• an increase in the height of the building by more than 2m; or</li> <li>• the replacement of a pitched roof with a mono pitch roof</li> </ul>	C	
15.	All other additions and alterations to non character-contributing buildings	P	

<del>16.</del> <u>11</u>	New retaining walls <del>less than 1m high</del> <u>greater than 1m high</u>	<del>P</del> <u>RD</u>	
<del>17.</del> <u>12</u>	All other new structures <del>up to that are greater than 2.5m tall and or have a footprint of 2m<sup>2</sup> or more footprint</del>	<del>P</del> <u>RD</u>	a. <u>Number, location and design of ancillary signs</u>
<del>18.</del>	<del>All new structures not covered by rows 16 and 17 above.</del>	<del>RD</del>	
<b>Buildings and structures activities that affect a protected part of a scheduled heritage building or scheduled heritage structure</b>		<b>Activity status</b>	<b>Performance standards</b>
<del>19.</del> <u>13</u>	Repairs and maintenance	<del>P</del>	<del>a. Materials and design</del>
<del>20.</del> <u>14</u>	Restoration of a building or structure that has a Heritage New Zealand Category 1 listing (as detailed in Appendix A1.1)	<del>C</del>	<del>a. Materials and design</del>
<del>21.</del> <u>15</u>	Restoration of all other scheduled heritage buildings and structures	<del>P</del>	<del>a. Materials and design</del>
<del>22.</del> <u>16</u>	Earthquake strengthening where external features only are protected	<del>C</del>	a. Materials and design
<del>23.</del>	<del>Signs attached to buildings or structures</del>	<del>P</del>	
<del>24.</del> <u>17</u>	All other additions and alterations <u>(other than signs attached to buildings or structures)</u>	<del>RD</del>	
<del>25.</del> <u>18</u>	Demolition	<del>NC</del>	
<del>26.</del> <u>19</u>	Removal for relocation	<del>RD</del>	
<b>Development activities on a scheduled heritage site, where visible from an adjoining public place or a public place within the heritage site</b>		<b>Activity status</b>	<b>Performance standards</b>
<del>27.</del> <u>20</u>	New structures <del>no more that are greater than 2.5m high or have a footprint of 2m<sup>2</sup> or more footprint</del>	<del>P</del> <u>RD</u>	a. <u>Number, location and design of ancillary signs</u>
<del>28.</del>	<del>All other new structures</del>	<del>RD</del>	
<del>29.</del> <u>21</u>	New buildings	<del>RD</del>	
<del>30.</del> <u>22</u>	Parking, loading and access	<del>RD</del>	a. Parking, loading and access standards

Site development activities in all areas (except as covered by rows <del>27–30</del> <u>22</u> above)		Activity status	Performance standards
<del>31.</del> <u>23</u>	Parking, loading and access	P	a. Parking, loading and access standards b. Location and screening of car parking
<del>32.</del> <u>24</u>	New or additions to parking areas that result in 50 or more new parking spaces.	RD	a. Parking, loading and access standards b. Location and screening of car parking
<del>33.</del> <u>25</u>	Storage and use of hazardous substances	P	a. Hazardous substances quantity limits and storage requirements b. Setback from coast and water bodies
<del>34.</del> <u>26</u>	Outdoor storage	P	a. Location and screening of outdoor storage
<del>35.</del> <u>27</u>	Vegetation clearance	P	a. Vegetation clearance standards
<del>36.</del> <u>28</u>	All other site development activities	P	

### Rule 18.3.6 Commercial and mixed use zones Development Activity Status Table

1.	Performance standards that apply to all development activities		<ul style="list-style-type: none"> <li>a. Boundary treatments and other landscaping</li> <li>b. Natural Hazards Performance Standards</li> <li>c. Setback from scheduled tree</li> <li>d. Harbourside Edge Zone Standards (HE Zone only)</li> </ul>
2.	Performance standards that apply to all buildings and structures activities		<ul style="list-style-type: none"> <li>a. Fire fighting</li> <li>b. Height in relation to boundary</li> <li>c. Height</li> <li>d. <del>Number, location and design of ancillary signs</del></li> <li>e. Setback from coast and water bodies</li> <li>f. Setback from National Grid</li> <li>g. Building colour</li> </ul>
3.	Performance standards that apply to all new buildings and additions and alterations to buildings		<ul style="list-style-type: none"> <li>a. Minimum glazing and building modulation</li> <li>b. Minimum ground floor to ceiling height</li> <li>c. Pedestrian entrances</li> <li>d. Verandahs</li> <li>e. Setback from road boundaries</li> <li>f. Setback from boundaries of residential or recreation zoned sites</li> <li>g. Parking, loading and access standards (buildings that contain car parks only)</li> </ul>
<b><u>All buildings and structures activities not covered in rows below</u></b>		<b><u>Activity status</u></b>	<b><u>Performance standards</u></b>
4.	<u>Signs attached to buildings and structures</u>	<u>P</u>	<ul style="list-style-type: none"> <li>a. <u>Number, location and design of ancillary signs</u></li> </ul>

5.	All other buildings and structures activities not covered in rows 6 to 22 below	P	a. <u>Fence height and design</u> b. <u>Number, location and design of ancillary signs</u>
<b>New buildings and additions and alterations to buildings within the Harbourside Edge Zone</b>		<b>Activity status</b>	<b>Performance standards</b>
4.	New buildings and additions and alterations to buildings not visible from an adjoining public place or the harbour	P	
5. 6.	New buildings and additions and alterations to buildings within the Harbourside Edge Zone that are visible from an adjoining public place, or the harbour (other than signs attached to buildings or structures)	RD	
<del>Buildings and structures activities not in a heritage precinct, or in a heritage precinct but not visible from an adjoining public place excluding activities affecting a protected part of a scheduled heritage building or a scheduled heritage structure. See rows 22 – 29.</del>		<del>Activity status</del>	<del>Performance standards</del>
6. 7	New buildings and additions and alterations to buildings as part of the Dunedin Hospital redevelopment (other than signs attached to buildings or structures)	RD	
7.	All other new buildings and additions and alterations to buildings {Note – relates to appeal by BP Oil for new hazard facility mapped area in the PPH Zone only}	P	
8.	Fences	P	a. Fence height and design
9.	All other new structures	P	
<b>Buildings and structures activities in a heritage precinct that are visible from an adjoining public place</b>		<b>Activity status</b>	<b>Performance standards</b>

10. 8	New buildings	RD	a. Parking, loading and access standards (buildings that contain car parks only)
11.	<del>Repair and maintenance of a non character-contributing building</del>	<del>P</del>	
12.	<del>Repair and maintenance of a character-contributing building or non-protected part of a scheduled heritage building</del>	<del>P</del>	<del>a. Materials and design</del>
13.	<del>Earthquake strengthening or restoration of a character-contributing building or non-protected parts of a scheduled heritage building</del>	<del>P</del>	<del>a. Materials and design</del>
14. 9	Demolition or removal for relocation of: <ul style="list-style-type: none"> <li>a. a character-contributing building;</li> <li>b. a non-protected part of a scheduled heritage building; or</li> <li>c. a non character-contributing building that adjoins the road frontage.</li> </ul>	RD	
15. 10	Additions and alterations to a character-contributing building or non-protected part of a scheduled heritage building (other than <del>earthquake strengthening, or restoration signs attached to buildings or structures</del> )	RD	
16.	<del>Signs attached to buildings or structures</del>	<del>P</del>	
17. 11	All other Additions and alterations to a non character-contributing building that involve: <ul style="list-style-type: none"> <li>• an increase in the footprint of <u>the building by 10m<sup>2</sup> or more</u>; or</li> <li>• an increase in the height of the building by more than 2m.</li> </ul>	C	
18.	<del>All other additions and alterations to non character-contributing buildings</del>	<del>P</del>	



19.	Fences	P	a. Fence height and design
20.	All other new structures up to 2.5m tall and 2m <sup>2</sup> footprint	P	
12.	New retaining walls more than 1m high	RD	
21. 13	All other <del>N</del> new structures that are greater than 2.5m tall <u>or have a footprint of and 2m<sup>2</sup> footprint or more</u>	RD	a. <u>Number, location and design of ancillary signs</u>
<b>Buildings and structures activities that affect a protected part of a scheduled heritage building or scheduled heritage structure</b>		<b>Activity status</b>	<b>Performance standards</b>
22. 14	Repairs and maintenance	P	a. <del>Materials and design</del>
23. 15	Restoration of a building or structure that has a Heritage New Zealand Category 1 listing as detailed in Appendix A1.1	C	a. <del>Materials and design</del>
24. 16	Restoration of all other scheduled heritage buildings and structures	P	a. <del>Materials and design</del>
25. 17	Earthquake strengthening where external features only are protected	C	a. Materials and design
26.	<del>Signs attached to buildings or structures</del>	P	
27. 18	All other additions and alterations ( <u>other than signs attached to buildings or structures</u> )	RD	
28. 19	Demolition	NC	
29. 20	Removal for relocation	RD	
<b>Development activities on a scheduled heritage site, where visible from an adjoining public place or a public place within the heritage site</b>		<b>Activity status</b>	<b>Performance standards</b>
30. 21	New structures <del>no more</del> that are greater than 2.5m high or <u>have a footprint of 2m<sup>2</sup> or more footprint</u>	P RD	a. <u>Number, location and design of ancillary signs</u>
31.	<del>All other new structures</del>	RD	
32. 22	New buildings	RD	
33. 23	Parking, loading and access	RD	a. Parking, loading and access standards

Site development activities in all areas (except as covered by rows <del>30–33</del> 23 above)		Activity status	Performance standards
<del>34.</del> 24	Parking, loading and access	P	a. Parking, loading and access standards b. Location and screening of car parking
<del>35.</del> 25	New or additions to parking areas that result in 50 or more new parking spaces.	RD	a. Location and screening of car parking b. Parking, loading and access standards
<del>36.</del> 26	Outdoor storage	P	a. Location and screening of outdoor storage
<del>37.</del>	<del>Vegetation clearance</del>	<del>P</del>	
<del>39.</del> 27	Storage and use of hazardous substances	P	a. Hazardous substances quantity limits and storage requirements b. Setback from coast and water bodies
40. 28	All other site development activities	P	
<del>All buildings and structures activities not covered in rows above</del>		<del>Activity status</del>	<del>Performance standards</del>
<del>41.</del>	<del>All buildings and structures activities not covered in rows 4 to 40 above</del>	<del>P</del>	<del>a. Materials and design</del>

### Rule 15.6.1 Building Length (change 1.32)

#### Problem

The wording of the rule is complex and unclear, which makes the rule difficult to interpret. It is not sufficiently clear that the clause “Buildings that are not visible from an adjoining public place are exempt from this standard” is intended to refer to the visibility of the part of the building that does not comply with the building length limit, rather than the visibility of the whole building. The rule needs to be amended to clarify that it is the visibility of the >20m wall that is the key to whether or not the rule applies, rather than the visibility of other parts of the building.

#### Scope of variation

Clarification of rule wording, and of the associated figure, and in particular clarification that the rule does not apply if the >20m wall is not visible from an adjoining public place (even if other parts of the building are visible from an adjoining public place).

Associated amendment to definition of “visible”, for the purpose of clarifying the interpretation of Rule 15.6.1.

### Preferred option

Amend Rule 15.6.1 to simplify and clarify the language used, and to clarify that the 20m limit does not apply if the wall in question (rather than the entire building) is not visible from an adjoining public place. The DCC's urban design team has reviewed and confirmed this amendment.

Amend Figure 15.6.1A to better explain how the rule is to be applied.

Clarify the intended meaning of "visible" in this rule by amending the definition of "visible", which currently applies to the use of this term in heritage provisions, so that it also applies to Rule 15.6.1.

### Proposed amendment

1. Amend Rule 15.6.1 as follows:

#### 15.6.1 Building Length

1. *New buildings and additions and alterations must not ~~result in a building with a continuous dimension (building length) that is greater than 20m measured parallel to boundaries, except along any boundary length where the building shares the wall with the adjacent building~~ include or result in any wall with a continuous length that is greater than 20m, if the wall is visible, in full or in part, from an adjoining public place.*
2. *Except that this standard does not apply where the wall is shared with a building on an adjoining site.*
3. *For the purposes of this rule, the length of walls will be measured parallel to the boundary of the site.*
- 2 4. *For the purposes of this rule, a 'continuous ~~dimension~~ length' will be measured as follows for walls that modulate: where modulation involves a step-back of 1 metre or more in depth it will be counted as a new wall, but where modulation is less than 1 metre in depth it will be considered a continuous dimension length.*
3. *~~Buildings that are not visible from an adjoining public place are exempt from this standard.~~*
- 4 5. *New buildings, and additions and alterations, that contravene ~~the performance standard building length~~ this standard are restricted discretionary activities.*

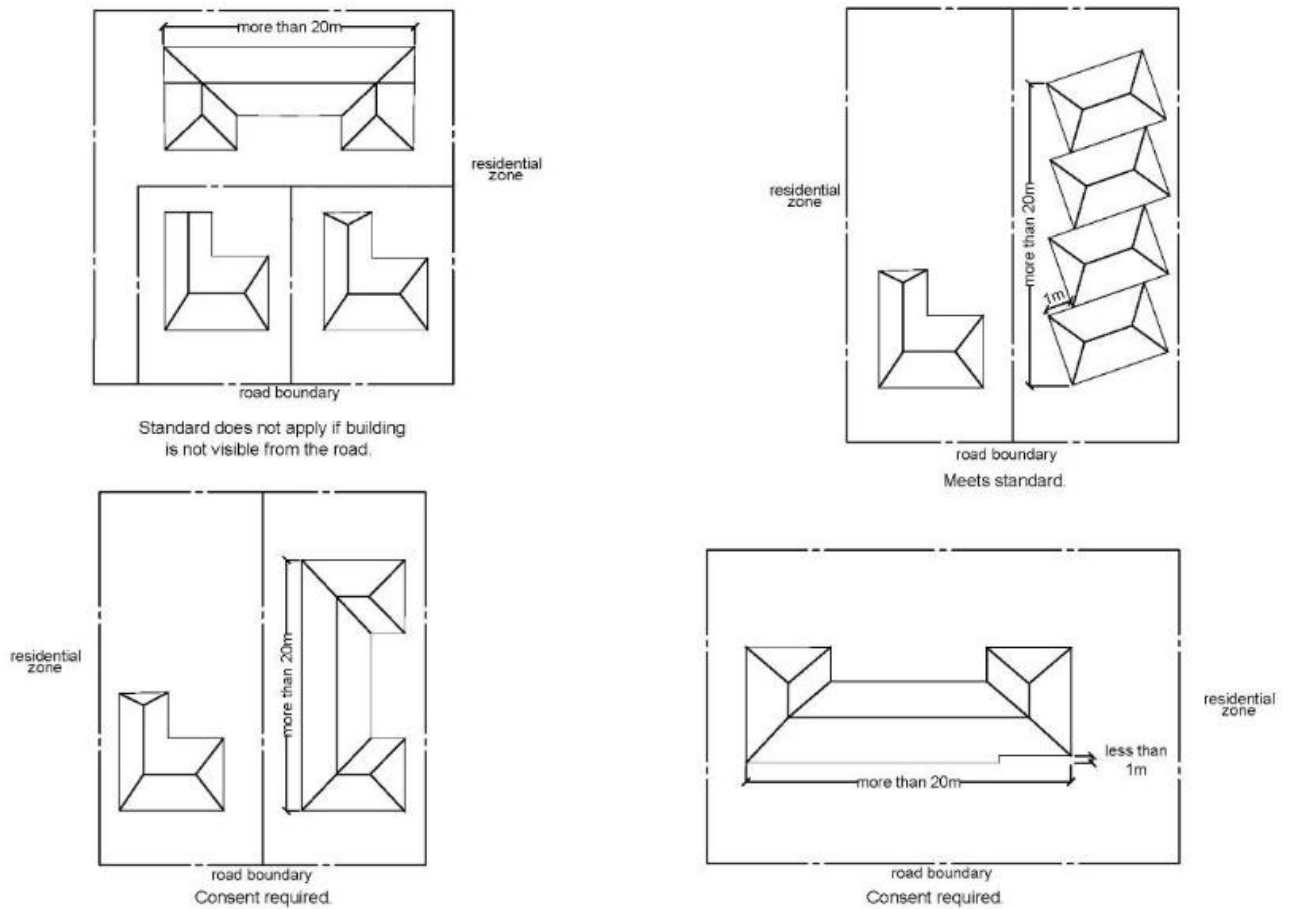
2. Amend definition of "visible" as follows:

#### Visible

For the purposes of the heritage provisions and Rule 15.6.1 Building Length, 'visible' in the context of 'visible from an adjoining public place', or 'visible from a public place within the heritage site', means visible in the medium to long term (20 to 50 years). Not visible, therefore, should be interpreted as meaning obscured by permanent buildings, as opposed to being obscured by vegetation, or any other buildings or structures, where there is not reasonable confidence that they will remain in place for the medium to long term.

3. Amend captions to Figure 15.6.1A Building Length as follows:

Figure 15.6.1A: Building Length



Top left: Standard does not apply if building as the wall that is over 20m is not visible from the road.

Bottom left: Consent required if the wall is visible from the road.

Top right: Meets standard due to modulation.

Bottom right: Consent required if the wall is visible from the road.

#### 15.6.12.6 Freestanding signs (ancillary to commercial activities and community activities) (change 1.33)

##### Problem

Rule 15.6.12.6.c sets out the maximum dimensions of freestanding signs located in the residential zones that are ancillary to commercial and community activities. The limits are:

- maximum height = 2m
- maximum width = 0.6m
- maximum depth = 0.4m, and
- maximum area =  $1.5\text{m}^2$ , except that signs for certain purposes in certain areas (as specified in the rule) may be  $2\text{m}^2$ .

However, the maximum height and width limits do not add up to either of the possible maximum area limits; a height of 2m and width of 0.6m means that a sign may only be 1.2m<sup>2</sup> in area, not 1.5 or 2. This means that the rule is difficult to use, and may be interpreted inconsistently, depending on whether greater weight is given to the area limit or the height and width limits.

Note that the numbering of Rule 15.6.12.6 also needs to be corrected, to 15.6.11.6; this will be undertaken as a minor amendment under Clause 16.

In addition, Rule 15.6.12.6 does not state that the maximum height of freestanding signs is above ground level. This is an error because there is reference to above ground level in the other rules within Rule 15.6.11 Number, Location and Design of Ancillary Signs.

### **Scope of variation**

Limit on size of freestanding signs located in the residential zones that are ancillary to commercial and community activities.

### **Preferred option**

To resolve this anomaly, it is proposed that the maximum width limit be deleted from the rule. Following this change, it will be possible to have a sign of the maximum permitted area and the maximum permitted height (i.e. a 2m by 0.75m sign in most cases), or to have a wider sign that is less high, subject to the maximum area control. For clarity, it is also proposed that a diagram should also be added to illustrate the rule.

It is also proposed to reference above ground level after the maximum height of 2m for freestanding signs.

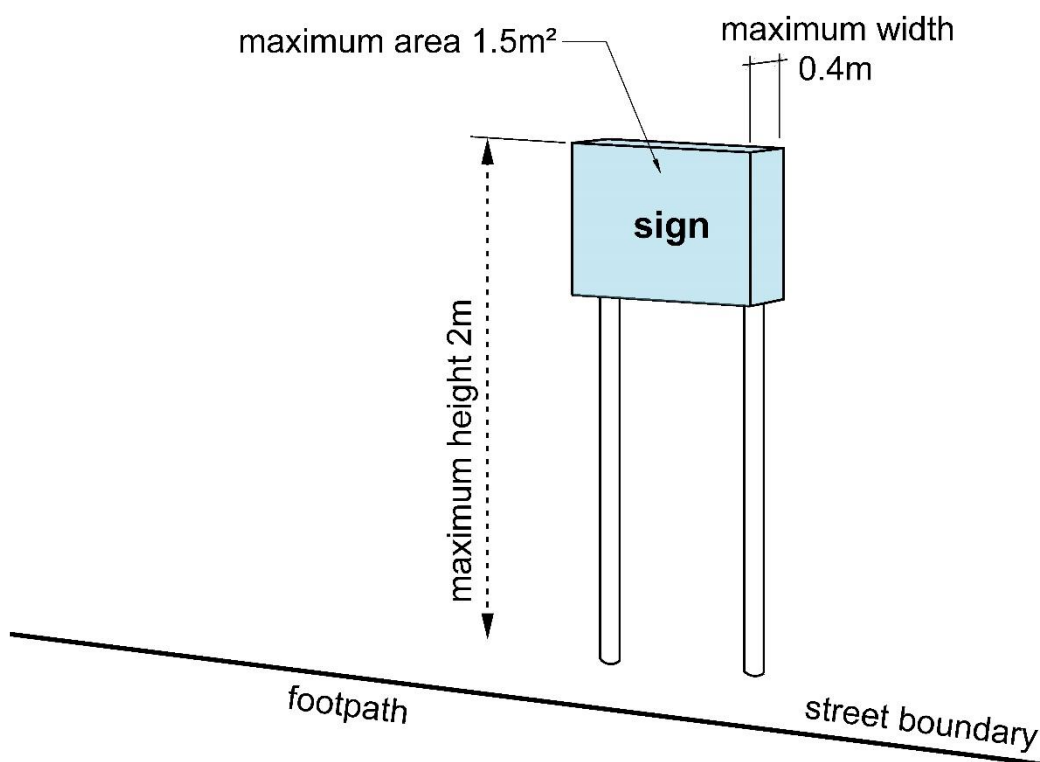
The purpose of the rule is to manage the potential amenity effects of signs, in accordance with Objective 15.2.4 and Policy 15.2.4.5; limits on the height, area and depth of the sign are enough to manage this effect.

### **Proposed amendment**

#### **15.6.112.6 Freestanding signs (ancillary to commercial activities and community activities)**

- a. Maximum of 1 permanently fixed freestanding sign or 1 portable freestanding sign per site.
- b. Freestanding signs must be positioned entirely within site boundaries.
- c. The maximum dimensions of freestanding signs are:
  - i. maximum height of 2m above ground level;
  - ii. maximum area of 1.5m<sup>2</sup> per display face, except signs ancillary to visitor accommodation may have a maximum area of 2m<sup>2</sup> per display face in the George Street North Residential Heritage Precinct and North Ground Residential Heritage Precinct; and
  - ~~iii. maximum width of 0.6m; and~~
  - iii iv. maximum depth of 0.4m.

Figure 15.6.11.6A Freestanding signs (ancillary to commercial activities and community activities)



#### Rule 15.6.13.1 Boundary setbacks (change 1.34)

##### Problem

The boundary setback rule that applies in residential zones is unnecessarily restrictive, as it applies the setback to several types of small-scale buildings and structures or parts of buildings that are unlikely to cause more than minor adverse effects on residential amenity.

##### 1. Exceptions for gutters, eaves, downpipes and signs

The operative Plan residential zone rules allowed parts of buildings such as eaves, gutters and downpipes to extend into the yard setback (Rule 8.6.1. Yards, clause (iii) of the operative Plan). In drafting the 2GP, these exemptions were omitted in error.

A similar exemption is also required to allow signs attached to buildings or structures to protrude into the setback. This exemption is not included in either the operative Plan or the 2GP.

##### 2. Small buildings and structures within yard setbacks

A similar situation occurs with small buildings and structures in the yard setback. The operative Plan included exemptions from the yard rule for accessory buildings provided they are no more than 6m in length and comply with the height plane envelope (Rule 8.6.1. Yards, clause (ii) of the operative Plan).

The 2GP definition of “buildings” is “a building that is permanently fixed to the land and over 10m<sup>2</sup>”. This means that buildings less than 10m<sup>2</sup> are considered “structures” for the sake of the Plan rules.

The 2GP exempts decks up to 0.5m above ground level, structures less than 2m<sup>2</sup> in footprint and 2m in height, and fences, and is therefore significantly less enabling in relation to small buildings and structures in setbacks than the operative Plan rule.

### **S32 Analysis of options**

The relevant objective is Objective 15.2.3:

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

In relation to development within boundary setbacks, this objective is implemented by Policy 15.2.3.1:

*Require buildings and structures to be of a height and setback from boundaries that ensures there are no more than minor effects on the sunlight access of current and future residential buildings and their outdoor living spaces.*

Exemptions from setback rules for gutters, eaves, downpipes, ancillary signs and small structures achieve an appropriate balance between providing for flexibility of development and maintaining amenity for surrounding properties and public spaces. Allowing for small-scale development of this kind within setbacks is unlikely to result in more than minor effects on the sunlight access of current and future residential buildings and their outdoor living spaces. Therefore, it is considered effective and efficient to carry exemptions of this type through to the 2GP and, in the case of ancillary signs, to add a new exemption that did not exist in the operative Plan.

However, due to changes in the height in relation to boundary rules between the operative Plan and the 2GP, carrying over the rule as worded in the operative Plan, for eaves, would allow additional shading of neighbouring properties if buildings are built to the maximum height, which would be inconsistent with Objective 15.2.3 and Policy 15.2.3.1.

The exemption for eaves, gutters and downpipes in the operative Plan (Rule 8.6.1.iii) reads as follows:

- (iii) Eaves, gutters or downpipes of any building may project over a required yard provided they project by no more than 25% of the width of the required yard, but in no case greater than 600 mm.*

Taking into account the difference between height in relation to boundary rules in the operative Plan and 2GP, it is considered that exemptions for eaves, gutters and downpipes that are no higher than 3m above ground level (and that project by no more than either 25% of the width of the required yard) will allow for a similar level of shading to that allowed under the operative Plan. Therefore, this is the most appropriate way of achieving Objective 15.2.3.

In the operative Plan, structures that meet the definition of ‘accessory buildings’ were permitted under Rule 8.6.1 Yards, clause (ii), which reads as follows:

- (ii) An accessory building, in association with residential activity, may be erected on any side or rear yard provided it complies with the height plane envelope for that site and does not exceed a maximum length of 6 m.*

Again, it is considered that some changes to this exemption, in the 2GP rule, are necessary in order to implement Policy 15.2.3.1 and achieve Objective 15.2.3. The maximum length of 6m provided for in the operative rule was intended to allow for garages and carports to be established within setbacks. However, in the 2GP, there is an existing, separate exemption from the setback rule for garages and carports (Rule 15.6.13.1.viii.4). Other small structures that landowners may seek to establish within setbacks are likely to include sheds and glass houses. It is considered that a maximum footprint of 10m<sup>2</sup> and a maximum height of 2m for these structures will achieve an appropriate balance between enabling residential use of land and managing potential amenity effects. In addition, the 10m<sup>2</sup> figure is used in the Plan already as part of the

dividing line between “structures” and “buildings” (with more enabling provisions generally applying to structures than to buildings). Therefore, it would be consistent to use the figure in this situation as well.

Note that, under the Building Code, specific design and construction requirements apply to walls that are built within 1m of a site boundary. Therefore, following the change discussed above, resource consent requirements will be removed for some structures within setbacks which are subject to the Building Code. It is proposed that an advice note be added to the setback rule in the Plan, to alert Plan users to the relevant part of the Code.

Overall, it is considered that the amendments to setback rules set out below will improve the Plan’s efficiency by reducing consent requirements for small-scale development within setbacks that is unlikely to cause more than minor adverse effects on residential amenity. Therefore, they are the most appropriate way of achieving Objective 15.2.3.

### **Scope of variation**

Exemptions to Rule 15.6.13.1 Boundary setbacks.

### **Preferred option**

Amend the boundary setback performance standard in the Residential zones (Rule 15.6.13.1) to allow buildings and structures up to 10m<sup>2</sup> in footprint and 2m in height, ancillary signs, eaves, gutters, and downpipes to be established within, or to extend into, the setback.

### **Proposed amendment**

Amend Rule 15.6.13.1 Boundary setbacks and add new Note 15.6.13.1A as follows:

#### **15.6.13.1 Boundary setbacks**

- a. New buildings and structures, and additions and alterations, must have a minimum setback from boundaries, as follows:

...

viii. Except:

- 1. ...
- 2. ...
- 3. the setback from any road boundary may be reduced to 0.5m for garages (stand-alone and attached) and carports no greater than 4.5m in width (as measured parallel to the road boundary) that have their entry facing the road and that meet Rule 15.6.6.2.a.ii (maximum height);
- 4. the setback from the side and rear boundary may be reduced to 1m for garages (stand-alone and attached) and carports that are no greater than 6m in length (as measured parallel to the boundary) and that meet Rule 15.6.6.2.a.ii (maximum height)
- 5. decks less than 0.5m above ground level, signs attached to buildings and structures, a building or structures less than 2 10m<sup>2</sup> in footprint and 2m in height, and fences are exempt from this standard;
- 6. eaves, gutters and downpipes less than 3m above ground level may project over a required setback provided that they project by no more than 25% of the width of the required setback;
- 7. ...

- b. Activities that contravene this performance standard are restricted discretionary activities.



#### Note 15.6.13.1A – Other requirements outside the District Plan

1. Buildings less than 10m<sup>2</sup> in floor area and closer than 1m to a site boundary must comply with clauses C1 – C6 of the New Zealand Building Code. Please contact Dunedin City Council, Building Services Unit, on 477 4000 for further information.

#### **Rule 16.11.2.2 – assessment rule for rural tourism – large scale and rural research – large scale (change 1.35)**

##### **Problem**

Rule 16.11.2.2 is the assessment rule for rural tourism – large scale and rural research – large scale. Both activities are in the rural activities category. However, the assessment rule refers to Policy 2.3.1.2.h, which concerns commercial activities, as well as Objective 2.3.1 (land and facilities important for economic productivity and social well-being. In the 2GP, ‘commercial activities’ has a specific meaning of a category of land use activities consisting of activities such as office, retail and visitor accommodation. Therefore, referring to Policy 2.3.1.2.h within this assessment rule could cause potential confusion around the assessment of rural tourism-large scale and rural research – large scale (and whether they are commercial or rural activities).

This is considered a minor change or clarification to correct an error rather than a substantive change.

##### **Scope of variation**

Amending assessment rule to refer only to policies that are relevant to the assessment of the activity.

##### **Preferred option**

It is proposed to amend Rule 16.11.2.1 Assessment of discretionary land use activities - rural tourism-large scale and rural research – large scale, so that it no longer refers to Policy 2.3.1.2.h as well as Objective 2.3.1.

##### **Proposed amendment**

16.11.2 Assessment of discretionary land use activities		
Activity		Priority considerations
1	...	...
2	Rural tourism - large scale  Rural research - large scale (outside the Invermay Farm mapped area)	<i>Relevant objectives and policies (priority considerations):</i>  Objectives <del>2.3.1</del> , 16.2.2, 16.2.3, 16.2.4. <del>Commercial activities in the rural zones are restricted to those that need a rural location or support rural activities (Policy 2.3.1.2.h).</del>  .....

#### **Rules 17.7.5 Minimum Site Size (change 1.36)**

##### **Problem**

The Plan includes exemptions to the minimum site size for special purposes (providing for roading or access, utilities and for reserves) because these are often smaller than the minimum site size required by the

standard. Such sites may also be of an unusual shape, and do not typically need to be able to contain a building platform.

However, these exemptions were inadvertently missed from Rule 17.7.5 (the subdivision minimum site size performance standard for the rural residential zones).

This change is considered a correction to a minor error of omission/ alignment of provisions rather than a substantive change that needs to be re-assessed in terms of Section 32.

### Scope of Variation

Amending Rule 17.7.5 to add the 'standard' exemptions to the minimum site size for special purposes (providing for roading or access, utilities and for reserves).

### Proposed amendment

#### 17.7.5 Minimum Site Size

1. The minimum site size for new resultant sites in the Rural Residential 1 Zone is 2ha.
2. Resultant sites created and used solely for the following purposes are exempt from the minimum site size standard:
  - a. reserve;
  - b. access;
  - c. network utilities; or
  - d. road.
- ~~2.~~ 3. Subdivision activities that contravene this standard are non-complying, except in the following circumstances where the subdivision is discretionary:
  - a. all resultant sites are at least 75% of the minimum site size; and
  - b. a minimum of 50% of the resultant sites are not less than the minimum site size; and
  - c. the average area of the resultant sites is not less than the minimum site size.

### Rules 18.3.6 and 19.3.4 Development Activity Status Tables, 18.6.1 Boundary Treatments and Other Landscaping (change 1.37) and 19.6.1 Boundary Treatments (change 1.38)

#### Problem

Unlike most other performance standards, the boundary treatment rules in the commercial mixed-use zones (Rule 18.6.1) and industrial zones (Rule 19.6.1) do not specify the activities they apply to. As they are listed in the development activity status tables 18.3.6 and 19.3.4 against 'all development activities', they must be applied to all. Advice from Peter Christos, DCC Urban Designer is that it is not appropriate or necessary that these rules apply to all development activities (see Urban Design Assessment: [www.dunedin.govt.nz/2GP-variation-1-minor-amendments](http://www.dunedin.govt.nz/2GP-variation-1-minor-amendments))

#### S32 analysis of options

The relevant 2GP objective is 18.2.3: *“Land use and development maintains or enhances the amenity of the streetscape, including the visual and environmental amenity for pedestrians along identified pedestrian street frontage mapped areas”*

Mr Christos has considered the various activities to which the performance standards would appropriately apply. He considers that they should apply to: new buildings, additions and alterations that increase the gross floor area of a building, demolition, removal for relocation and new or additions to parking areas.

Applying the performance standard to other development activities (for example, earthquake strengthening, restoration, signs attached to buildings and structures, repairs and maintenance, new structures, vegetation clearance etc) is not justified, as the providing boundary treatments is not necessary to mitigate the effects of those activities. It will result in additional costs to those undertaking those activities and is not an efficient way of achieving Objective 18.2.3.

### Scope of variation

The development activities to which Rules 18.6.1 and 19.6.1 apply.

### Preferred option

Amend Rule 18.6.1 (Boundary Treatments and Other Landscaping) and 19.6.1 (Boundary Treatments) so that these performance standards apply only to new buildings, additions and alterations that increase the gross floor area of a building, demolition, removal for relocation and new or additions to parking areas. The rules will no longer apply to earthquake strengthening, restoration, signs attached to buildings and structures, repairs and maintenance, new structures and all other site development activities.

In addition, to streamline the Industrial zones development activity status table (Rule 19.3.4) it is proposed that Rule 19.6.1 Boundary treatments is listed only against “all development activities” and other occurrences in the table are deleted. The rule will only apply to the activities specified above.

### Proposed amendment

#### ***Commercial and mixed use zones***

#### **Rule 18.6.1 Boundary Treatments and Other Landscaping**

1. New buildings, additions and alterations that increase the gross floor area of a building, demolition, removal for relocation and new or additions to parking areas must provide, if not already present, a  
A landscaping area with a minimum width of 1.5m ~~must be provided~~ along the full length of any road boundary that does not have a building within 1.5m of that boundary (except for where vehicle access is provided).
2. Landscaping areas must: ...

#### ***Industrial zones***

#### **Rule 19.3.4 Development Activity Status Table, clause 16 & 17**

Site development activities in all areas (except as covered by rows 12 - 15 above)		a. Ind	b. IndPort	Performance standards
16.	Parking, loading and access	P	P	Parking, loading and access standards

				<del>Boundary treatments</del>
17.	New or additions to parking areas that result in 50 or more new parking spaces.	RD	RD	Parking, loading and access standards <del>Boundary treatments</del>
18.	Outdoor storage	P	P	Maximum height Location of outdoor storage

#### Rule 19.6.1 Boundary Treatments

1. New buildings, additions and alterations that increase the gross floor area of a building, demolition, removal for relocation and new or additions to parking areas must provide a A landscaping area with a minimum width of 3m ~~must be provided~~ along the full length of any road frontage that is identified as an **amenity route mapped area** (except for where existing or permitted vehicle access is provided).
2. Landscaping areas must: ...

#### **Rule 18.6.2 Building colour (change 1.39)**

##### **Problem**

Rule 13.3.1, in the heritage section of the Plan, reads:

1. *The following activities in commercial heritage precincts must meet the performance standard in Rule 13.3.1.2 below:*
  - a. *repairs and maintenance of buildings and structures;*
  - b. *additions and alterations to buildings and structures; and*
  - c. *new buildings and structures.*
2. *Paint on a roof or wall that is visible from an adjoining public place must be a colour from, or indistinguishable from a colour from, the following colour palettes:*
  - a. *Resene Heritage Colour Palette (2006);*
  - b. *Resene Whites and Neutrals (2001); or*
  - c. *British Standard BS 5252:1976 A01 to C40.*
3. *Public artworks and the painting of decorative trims, windows, and doors are exempt from this performance standard.*
4. *Activities that contravene this performance standard are restricted discretionary activities.*

Rule 18.6.2, in the commercial land mixed use section, reads:

*New buildings, additions and alterations to buildings, repairs and maintenance and earthquake strengthening in a commercial heritage precinct must comply with Rule 13.3.1.*

Rule 18.6.2 Building Colour is a 'sign post' performance standard that sends activities that are subject to Rule 13.3.1 to that rule. However, the activities listed in Rule 18.6.2 do not accurately reflect those in Rule 13.3.1.

Specifically, 'structures' should also have been included in Rule 18.6.2. In addition, Rule 18.6.2 refers to 'earthquake strengthening', which is unnecessary because this activity is part of 'additions and alterations' activity.

This amendment is considered a minor clarification to align a 'sign post' performance standard with the rule content in the city wide provision that it refers to.

### **Scope of Variation**

Clarification regarding which activities the rule applies to.

### **Proposed Amendment**

"New buildings and structures, additions and alterations ~~to buildings, and repairs and maintenance and earthquake strengthening~~ in a commercial heritage precinct must comply with Rule 13.3.1."

## **Rule 18.6.5.2 Maximum and Minimum Height (change 1.40)**

### **Background**

A minimum height rule has been applied to all commercial and mixed-use zones (except Trade Related Zone), to discourage low rise development, which is less flexible in accommodating changes of land use and can lead to inefficient development. It can also create a discordant streetscape where the majority of buildings are taller (e.g. the CBD Zone).

### **Scope of variation**

The minimum height requirement for buildings and structures in centres zones.

### **S32 analysis of options**

The relevant 2GP objective is Objective 18.2.3:

*Land use and development maintains or enhances the amenity of the streetscape, including the visual and environmental amenity for pedestrians along identified pedestrian street frontage mapped areas.*

In relation to building height, this is implemented through Policy 18.2.3.11 and the associated rules governing maximum and minimum height.

#### **Policy 18.2.3.11**

*Require buildings and structures to be of a height that:*

- a. reflects the general heights of the block; and*
- b. minimises as far as practicable adverse effects on the skyline vista of the city, particularly as viewed from Dunedin's inner hill suburbs across the upper harbour toward the Otago Peninsula, including through the use of quality and contextually appropriate architectural design.*

A minimum height of 6m is required for buildings and structures, and additions and alterations, in centres zones (Rule 18.6.5.2 Maximum and minimum height). Centres zones include the Principal Centre (PC) Zone; Suburban Centre (SC) Zone; Rural Centre (RC) Zone; Neighbourhood Centre (NEC) Zone; Neighbourhood Convenience Centre (NECC) Zone; Neighbourhood Destination Centre (NEDC) Zone. Buildings that are less than 6m in height require a resource consent as a restricted discretionary activity.

This minimum height limit may not be appropriate for some centres as it exceeds the height of many existing buildings. The rule also captures all buildings and structures on the site, and therefore applies to buildings at the rear of the site that are less visible from the street, and those that it may be difficult or inappropriate to make 6m tall (e.g. garages and buildings used for storage).

Mr Peter Christos, DCC Urban Designer, has assessed the height of buildings in different centres and considered various options for managing height. He recommends that there be no minimum height restriction within centres zones (see Urban Design Assessment: [www.dunedin.govt.nz/2GP-variation-1-minor-amendments](http://www.dunedin.govt.nz/2GP-variation-1-minor-amendments)). His reasons include:

- the proposed minimum height of 6m exceeds the height of many existing buildings within centres. Building heights in Principal, Suburban, and Neighbourhood centres range between 4-8m and in Rural centres between 3-6m in height
- in some instances, the proposed minimum height could make it difficult for new buildings to conform to an existing consistent built height

The option suggested by Mr Christos more appropriately achieves the objective that the existing rule and other options assessed as it:

- is consistent with Policy 18.2.3.11
- is more likely to maintain the amenity of the streetscape than requiring buildings to be taller than those surrounding them
- allows flexibility of design
- will reduce consenting costs through permitting buildings that are smaller than the current permitted minimum (but consistent with existing building heights)

Based on the expert advice of Mr Christos, it is proposed to amend the height rule in the centre zones (Rule 18.6.5.2.a.vii) to delete the minimum height requirement of 6m and 1 storey.

### Proposed amendment

#### 18.6.5.2 Maximum and minimum height

a. New buildings and structures, and additions and alterations must comply with the following:

Zone/Centre		1. Minimum height of buildings (above ground level)	2. Minimum number of storeys for buildings (above ground level)	3. Maximum height of buildings and structures (above ground level)	4. Maximum number of storeys for buildings (above ground)
i	.....	.....	....	...	
vii	Centres	<del>6m</del>	<del>1 storey</del>	12m	3 storeys

### Rule 18.6.8 Location and screening of car parking (change 1.41)

#### Problem

Clause 2 of Rule 18.6.8 (Location and screening of car parking) requires compliance with Rule 18.6.1 (Boundary treatments and other landscaping) in locations outside heritage precincts and primary pedestrian street frontage mapped areas.

The activity status for contravening Rule 18.6.8 (Location and screening of car parking) is non-complying, while the activity status for contravention of Rule 18.6.1 (Boundary treatments and other landscaping) is restricted discretionary.

As a result, there is potential for confusion about whether the activity status for contravention of clause 2 of Rule 18.6.8 (Location and screening of car parking) is a restricted discretionary or a non-complying activity.

#### Scope of variation

Clarify that Rule 18.6.8 and Rule 18.6.11 are separate rules to remove the confusion over the activity status where 18.6.8 is contravened.

#### **Preferred option**

Amend Rule 18.6.8 (Location and screening of car parking) to remove clause 2 and replace it with a note to plan users stating that parking areas in locations outside heritage precincts and primary pedestrian street frontage mapped areas that are not located behind or within a building must also comply with Rule 18.6.1 (Boundary treatments and other landscaping).

#### **Proposed amendment**

##### **18.6.8 Location and Screening of Car Parking**

1. Within a heritage precinct (except View Street Heritage Precinct) or on sites that adjoin a **primary pedestrian street frontage mapped area**, new extensions to parking areas must be located behind or within a building.
- ~~2. In all other locations, any parking areas on a site must be either located behind or within a building, or separated from the street frontage by a minimum 1.5m wide landscaping strip that meets Rule 18.6.1. (Boundary treatments and other landscaping)~~
- ~~2.~~ 3. Parking areas that contravene this performance standard are a non-complying activity.

##### **Note 18.6.8A Other relevant District Plan provisions**

1. Car parking that is provided within a building is subject to the performance standards for new buildings. Within a primary pedestrian street frontage there are also restrictions on the activities that can occupy the ground floor facing the primary pedestrian street frontage (Rule 18.5.4.1)
2. Parking areas on sites that do not have a building within 1.5m of the front boundary are subject to Rule 18.6.1 Boundary Treatments and other landscaping.

#### **Rule 18.6.13.1 Number, Location and design of ancillary signs – General (change 1.42)**

##### **Problem**

The relationship between which rules apply to which types of signs or activities is unclear. The layout was creating some confusion.

##### **Preferred option**

It is proposed to rearrange and renumber the provisions in Rule 18.6.13.1 to improve clarity and include reference to Rules 18.6.13.2-18.6.13.6 to show the relationship between rules. By rearranging the layout of general provisions and cross referencing with the other provisions, clarity is improved. Note that further changes to the wording of 18.6.13.1.a are proposed under Change 1.60. These are discussed in Section 2.4.34.

##### **Proposed amendment**

##### **18.6.13 Number, Location and Design of Ancillary Signs**

###### **18.6.13.1 General**

- a. Signs visible from a public place must meet all of the following performance standards ~~except that regulatory signs, directional signs and warning signs that do not exceed 0.25m<sup>2</sup> are exempt from these standards:~~

~~b. Signs must also comply with:~~

- ~~i. Rule 6.7.2 where located on or above the footpath;~~
  - ~~ii. Rule 6.7.3 where visible from a road;~~
  - ~~iii. e. Signs must not be flashing within pedestrian street frontage mapped areas, heritage precincts; and the Harbourside Edge Zone and must not be illuminated or digital within heritage precincts;~~
  - ~~iv. d. Signs higher than 4m above ground level must only display the business name; and~~
  - ~~v. Rules 18.6.13.2-18.6.13.6 (where relevant);~~
- ~~b. Signs related to restaurants ancillary to food and beverage retail 1,500m<sup>2</sup> or more in gross floor area, or trade related retail, in the Trade Related Zone must not be externally facing (i.e. must not be visible from a public place).~~
- ~~c. Except that regulatory signs, directional signs and warning signs that do not exceed 0.25m<sup>2</sup> are exempt from these standards.~~
- ~~d. Signs that contravene the performance standard for number, location and design of ancillary signs are restricted discretionary activities.~~

### **Rule 18.6.13.2 Number, Location and design of ancillary signs – Signs attached to buildings (change 1.43)**

#### **Problem**

Clause c of Rule 18.6.13.2 states:

*“Signs must not project higher than the lowest point of the roof, except where mounted against a parapet or gable end.”*

The intention of rule is to ensure that signs do not project above buildings unless a resource consent is obtained. However, as worded, the rule could be read to mean it is acceptable to extend beyond the height of the parapet or gable, which was not the intention.

Consequently, the rule is difficult to interpret and administer and creates a risk that it is understood to mean a sign extending beyond the height of the roof is a permitted activity.

#### **Scope of variation**

Clarify the meaning of Rule 18.6.13.2 in relation to the permitted height for signs on a parapet or gable.

#### **Preferred option**

Amend Rule 18.6.13.2.c to more clearly explain that signs mounted against a parapet or gable end must not project above the parapet or gable end.

#### **Proposed amendment**

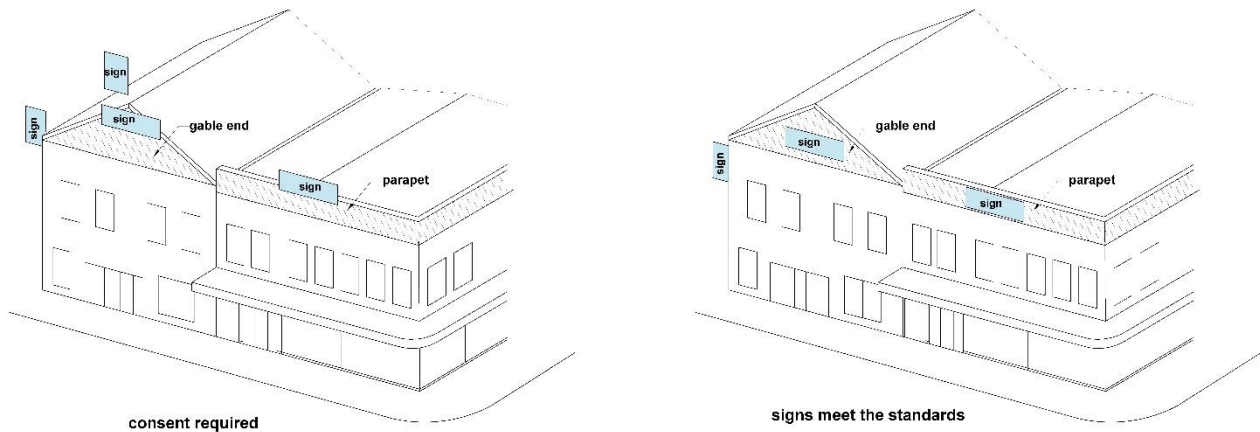
##### **18.6.13.2 Signs attached to buildings**

- a. The height, above ground level, at the highest point of any sign, attached to a building is:
  - i. 4m within **pedestrian street frontage mapped areas**, heritage precincts and the Harbourside Edge Zone (see Figure 18.6.13.6A); and
  - ii. 8m in all other locations.
- b. Signs must not be attached to roofs.



- c. Signs must not project higher than the lowest point of the roof, ~~except or~~, where mounted against a parapet or gable end, the parapet or gable end they are mounted against.
- d. Signs must be made of a solid material and may not be in the form of a flag, banner or other type of fabric sign in the **pedestrian street frontage mapped areas**, heritage precincts and the Harbourside Edge Zone.

Figure 18.6.13.2 Signs attached to buildings



#### Rule 19.6.4.1 Height in relation to boundary (change 1.44)

##### Problem

In the height in relation to boundary rule (Rule 19.6.4.1) in the industrial zones, there is no reference to which boundaries the rule applies to, which means that it could be interpreted to applying to front boundaries, which is not what was intended as height in relation to boundary rules for buildings are generally not used for front boundaries as their purpose is to manage shading effects on amenity.

##### Scope of variation

Clarification of which boundaries the rule applies to.

##### Preferred option

It is proposed to amend the height in relation to boundary rule (Rule 19.6.4.1) in the industrial zones to clarify that the rule applies to sites adjoining a residential or recreation zone 'along their side or rear boundary'.

##### Proposed amendment

###### "19.6.4.1 Height in relation to boundary

- a. New buildings and additions and alterations to buildings on sites that adjoining a residential zone along their side or rear boundary must comply with the height in relation to boundary performance standard of that residential zone along the adjoining boundary (see Rule 15.6.6.1);
- b. New buildings and additions and alterations to buildings on sites that adjoining the Recreation Zone along their side or rear boundary must comply with the height in relation to boundary performance standard of the Recreation Zone along the adjoining boundary (see Rule 20.6.4.1);"

#### Rule 29.4 Notification Otago Museum Zone (change 1.45)

##### Problem

Scheduled heritage items are included within many zones of the 2GP. In those zones there is a standard suite of notification rules that specify circumstances where activities affecting scheduled heritage buildings will be considered without public notification, and situations where Heritage New Zealand will be considered an affected person.

The Otago Museum Zone (Section 29 of 2GP) contains scheduled heritage buildings. As the result of a drafting error the notification for consent applications where heritage values may be impacted were not included in this section of the Plan (Rule 29.4). This error creates inconsistency in the Plan and does not reflect the s32 analysis done to determine the content of these provisions.

##### S32 Analysis of options

The relevant objective is Objective 13.2.1: *Scheduled heritage buildings and structures are protected.*

Policies sitting under this objective focus both on protecting buildings from inappropriate alterations and facilitating work such as repairs and maintenance and alterations that enable re-use, in order to enable the ongoing use (and therefore retention) of these buildings. The standard notification rules both guarantee the input of Heritage New Zealand in any consent process that affects scheduled heritage items that are listed with them, and also allows a streamlined consent process for work such as earthquake strengthening.

Adding the missing standard notification clauses is the most appropriate way to achieve Objective 13.2.1.

### Scope of variation

Amending notification rules in the Otago Museum Zone section to reflect the correct rule framework, which exists in all the other zone sections that contain scheduled heritage buildings.

### Preferred option

Include the standard suite of notification rules in Rule 29.4 Notification of the Otago Museum Zone, for consent applications where heritage values may be impacted.

### Proposed amendment

#### “Rule 29.4 Notification

1. Applications for resource consent for the following activities will be considered without the need to obtain a written approval of affected persons and will not be notified in accordance with section 95A or 95B of the RMA, unless Council considers special circumstances exist in relation to the application that require public notification:
  1. earthquake strengthening of a scheduled heritage building or scheduled heritage structure where external features only are protected (controlled activity) and that are not listed by Heritage New Zealand; and
  2. contravention of the materials and design performance standard (Rule 13.3.2) where the building or structure is not listed by Heritage New Zealand.
2. With respect to resource consent applications for the following activities, Heritage New Zealand will be considered an affected person in accordance with section 95B of the RMA where its written approval is not provided:
  1. activities that affect a protected part of a scheduled heritage building, scheduled heritage structure, or a scheduled heritage site, that is listed with Heritage New Zealand; and
  2. contravention of the materials and design performance standard (Rule 13.3.2) where the building or structure is listed by Heritage New Zealand.
3. ~~1~~ All other Activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA.”

### Rule 29.6.8 Setback from Scheduled Tree (change 1.46)

#### Problem

Rule 7.5.2 in the Scheduled Tree section requires that buildings, structures, additions and alternations, and site development activities be setback a certain distance from scheduled trees.

All of the management and major facility zones have ‘sign post’ standards in them to direct activities managed under this rule to this rule.

An error exists in the wording of one of these ‘sign post’ rules - Rule 29.6.8 Setback from Scheduled Tree, which does not reflect the activities managed in Rule 7.5.2 and specifically omits buildings.

#### Scope of Variation

Aligning the wording of Rule 29.6.8 to accurately reflect the content of Rule 7.5.2.

This is considered a minor change of clarification to align a 'sign post' standard with the rule content in a city wide provision.

### **Proposed Amendment**

#### **29.6.8 Setback from Scheduled Tree**

New buildings and structures, additions and alterations, and any site development activities that involve the installation of impermeable surfacing must comply with Rule 7.5.2.

### **Rule 34.6.6.1.b Height in Relation to Boundary (change 1.47)**

#### **Problem**

The Major Facilities – Campus Zone manages the height of development in relation to the boundary of the Campus Zone through the Height development performance standard (Rule 34.6.6.1.b). This performance standard requires that for sites that are located at the edge of the Campus zone, the height in relation to building measurement is taken from the zone boundary, which is the middle of the road. However, the wording of the rule is not clear and therefore there is a high risk of confusion about how to interpret the rule. Amending the performance standard wording will provide clarity.

#### **Scope of variation**

The height in relation to boundary measurement for sites located at the edge of the Campus Zone boundary.

#### **Preferred option**

To amend the wording of Rules 34.6.6.1.b by clarifying that for sites located at the edge of the Campus Zone, the height in relation to boundary measurement applies along road frontages and is taken at the Zone boundary.

#### **Proposed amendment**

##### ***34.6.6.1 Height in relation to boundary***

- a. On a site used for a standard residential activity, ....
- b. ~~At the boundary of the Campus Zone along road frontages,~~ On a site where the Campus Zone boundary is within the adjoining road or on the road boundary of the site, all other buildings or structures along road frontages must not protrude through a plane rising at an angle of 30 degrees from a starting point 12m vertically above ground level measured at the Zone boundary ~~of the Campus Zone~~, except:
  - i. gable ends or dormers may protrude through the height in relation to boundary angle by a maximum of 1m (see Figure 15.6.6.1F); and
  - ii. rooftop structures are exempt from the performance standard for height in relation to boundary.
- c. ...

### **A1.1 Schedule of Protected Heritage Items and Sites (change 1.48)**

#### **Problem**

Appendix A1.1 Schedule of Protected Heritage Items and Sites lists scheduled heritage buildings and structures. These are identified by a unique 'site number' and linked to a specific address. If a scheduled heritage building or structure is relocated the schedule will list the previous address until it can be corrected.

In the interim, it is unclear whether the building or structure retains its scheduled heritage status in the new location. Consequently, once a scheduled building or structure is relocated, there is a risk that it could be demolished or altered without the appropriate resource consent process, due to a lack of clarity about its heritage status.

It was intended that a scheduled building or structure would retain its heritage status following relocation, and an amendment is required to clarify that this is the case.

### Scope of variation

Clarifying that scheduled heritage buildings and structures that are relocated retain their scheduled status.

### Preferred option

Amend the column headings of the tables for scheduled heritage buildings and scheduled heritage structures in Appendix A1.1 to indicate that the address does not form part of the heritage listing; it is provided for information only. If a building or structure is relocated, the address information will be updated as soon practicable.

### Proposed amendment

Amend tables for scheduled heritage buildings and scheduled heritage structures in Appendix A1.1 to add footnotes as shown.

#### Scheduled Heritage Buildings

Site Number	Item/Building Name	Address <sup>1</sup>	HNZ Category	HNZ List Number	Protection Required
B001	Alva House (Boarding House)	9 Alva Street Dunedin	2	4720	Entire external building envelope

<sup>1</sup> The address is not part of the listing details but is provided for information only. In the event that a scheduled heritage building is relocated within Dunedin City, this information will be updated as soon as practicable.

#### Scheduled Heritage Structures

Site Number	Item/Building Name	Address <sup>1</sup>	HNZ Category	HNZ List Number	Protection Required
B017	Wolf Harris Fountain	901 Great King Street Nth Dunedin	2	2156	Entire structure

<sup>1</sup> The address is not part of the listing details but is provided for information only. In the event that a scheduled heritage structure is relocated within Dunedin City, this information will be updated as soon as practicable.

**A1.1 Schedule of Protected Heritage Items and Sites – Scheduled Heritage Buildings - B241 (change 1.49), B504(ii) (change 1.50), 29 Stafford St (change 1.51), 3 Titan St (change 1.52), B656 (change 1.53), and B097 (change 1.54), B101 (change 1.55), B102 (change 1.56), B103 (change 1.57)**

### Problem

#### Change 1.49

The house at 17 Graham St (formerly Clifton Villa) is listed in Appendix A1.1 and identified as a Category 2 heritage building (B241). The DCC was notified on 4 July 2019 by Heritage New Zealand that, as a result of a review application, the list entry for Clifton Villa had been changed to Category 1 (see Heritage NZ letter,

[www.dunedin.govt.nz/2GP-variation-1-minor-amendments](http://www.dunedin.govt.nz/2GP-variation-1-minor-amendments)). The incorrect listing category may lead to incorrect plan rules being applied should certain activities be proposed.

#### Change 1.50

The description of the heritage protection for B504(ii) St Joseph's Hall at 255 Rattray Street is incorrect. St Joseph's cathedral and St Joseph's Hall had a combined listing in the operative Plan schedule, with a protection required of "entire external building envelope and interior". The two buildings were given individual listings in the notified 2GP, with the protection required copied to both.

However, this was in error as the interior of the hall does not meet the criteria for protection. Dr Andrea Farminer, Heritage Advisor, has assessed the protection required for the hall (see Heritage Assessment, [www.dunedin.govt.nz/2GP-variation-1-minor-amendments](http://www.dunedin.govt.nz/2GP-variation-1-minor-amendments)). She notes that the exterior of the hall is worthy of protection; however, the interior has been considerably modified and little of the original interior survives. Consequently, it does not warrant protection. She recommends that the listing is amended to "entire external building envelope". The owners of the building are aware of the proposed change and support it.

#### Changes 1.51 and 1.52

Buildings at 29 Stafford Street and 3 Titan St have had recent heritage assessments, which show that they are worthy of protection as scheduled heritage buildings. 29 Stafford Street is currently a character-contributing building. Heritage assessment reports for both buildings may be viewed at [www.dunedin.govt.nz/2GP-variation-1-minor-amendments](http://www.dunedin.govt.nz/2GP-variation-1-minor-amendments).

29 Stafford Street is the Sew Hoy building. The building was assessed by Sean Brosnahan and Dr Farminer. It was found to have national historic / social significance, regional spiritual / cultural significance and local design significance. The recommended protection to be included in Appendix A1.1 is: "Entire external building envelope and bulk appearance".

3 Titan Street is the site of the Robert Lord Writer's Cottage. It was assessed by Heritage New Zealand in 2019 and found to have national historic/social and spiritual/cultural significance, and local design significance. The recommended protection to be included in Appendix A1.1 is: "Entire external building envelope and bulk appearance".

#### Change 1.53

The Heritage Schedule address for Item B656 is listed in Appendix A1.1 as 5 Ajax Road, Port Chalmers. This is incorrect and should be 7 Ajax Road, Port Chalmers.

#### Changes 1.54, 1.55, 1.56 and 1.57

The buildings at 92 Filleul Street, 94 Filleul Street, 95 Filleul Street and 11 Elder Street are listed in Appendix A1.1 as B101, B102, B103 and B097 respectively. The listings, which were carried over from the operative Plan each have incomplete information under 'protection required' in Appendix A1.1. The protection required fields for 92 and 94 Filleul Street read 'including bluestone wall' which are clearly incomplete. The protection required fields for 95 Filleul Street and 11 Elder Street are blank. Dr Farminer has considered a previous heritage assessment of these buildings. Her recommendations for the appropriate 'protection required' may be viewed at [www.dunedin.govt.nz/2GP-variation-1-minor-amendments](http://www.dunedin.govt.nz/2GP-variation-1-minor-amendments)

Records held by DCC from a review of the Heritage Schedule in 2002 indicate that the contributing values attached to **92 Filleul Street** are:

- In general, positive scale; bulk and location; relationship to neighbours; and visual interest;
- Specifically, skyline features; designed ornamentation; vertical emphasis of the façade and symmetrical fenestration.
- The villa is supported with a retaining wall constructed of roughly coursed bluestone blocks, surmounted by a decorative wrought iron fence typical of the late Victorian era.

Dr Farminer recommends that the protection required is amended to read: “Façade and bulk form to Filleul Street including bluestone wall”.

The 2002 records for **94 Filleul Street** state:

- In general, positive scale; bulk and location; relationship to neighbours; and visual interest;
- Specifically, bluestone wall contributes to the character of the street.
- The villa is supported with a retaining wall constructed of roughly coursed bluestone blocks, surmounted by a decorative wrought iron fence typical of the late Victorian era.

Dr Farminer recommends that the protection required is amended to read: “Façade and bulk form to Filleul Street and London Street including bluestone wall”.

The 2002 records for **95 Filleul Street** state:

- Typical late 19<sup>th</sup> C construction with rusticated weatherboards, iron roof, window bay and double-hung sash windows (note the north elevation is brick);
- Precinct contribution from its scale, bulk and location on Filleul Street, and of visual interest.
- The exterior appears to have been little altered from its original construction and there is particularly attractive lead-light glazing to the lights around the entry door within a recessed porch.

Dr Farminer recommends that in line with other similar, substantial two-bay villas in the central city area, the appropriate ‘protection required’ is: “Entire external building envelope”.

The 2002 records for **11 Elder Street** state:

- Early cottage style with rusticated weatherboards and corrugated iron roof;
- Architectural interest provided by timber quoins at the front corners, decorative barge boards and double-hung sash windows.

Dr Farminer recommends that in line with other comparable early cottages with exterior fabric and architectural interest, the appropriate ‘protection required’ is: “Entire external building envelope”.

### **S32 Analysis of options for Changes 1.51 and 1.52**

The items in changes 1.51 and 1.52 are new additions to Appendix A1.1, and so are a substantive change.

The relevant objective is Strategic Direction Objective 2.4.2:

*Dunedin's heritage is central to its identity and is protected and celebrated as a core value of the city, through the heritage conservation and retention of important heritage items, and the maintenance and active use of built heritage.*

Policy 2.4.2.1 provides for the identification and inclusion in Appendix A1.1 of items with significant heritage values.

The buildings above have been identified through heritage assessments as having heritage values worthy of protection. Protection of these buildings under the District Plan has been previously discussed with the owners, who are understood to be supportive. Including the buildings in Appendix A1.1 is the most appropriate way to achieve Objective 2.4.1, as the Plan provisions will ensure that their heritage values are protected.

### Scope of variation

The Appendix A1.1 heritage listing details for:

- 17 Graham Street
- St Joseph's Hall, 255 Rattray Street
- 29 Stafford Street
- 3 Titan St
- 5 Ajax Road (7 Ajax Road)
- 92 Filleul Street
- 94 Filleul Street
- 95 Filleul Street
- 11 Elder Street

### Preferred option

#### Change 1.49

Amend Appendix A1.1 to update the status of Clifton Villa from Category 2 to Category 1 and amend the 2GP map accordingly.

#### Change 1.50

Amend the protection required field in Appendix A1.1 for B504(ii) St Joseph's Hall to "Entire external building envelope".

#### Changes 1.51 and 1.52

Add the buildings at 29 Stafford Street (change 1.51) and 3 Titan St (change 1.52) to Appendix A1.1 and the planning maps as scheduled heritage buildings. As a consequential change, 29 Stafford Street will be removed from the list of character contributing buildings in Appendix A1.1.

#### Change 1.53

Amend Appendix A1.1. Schedule of Protected Heritage Items and Sites, Item B656 to correct the address to 7 Ajax Road, Port Chalmers.

#### Changes 1.54, 1.55, 1.56 and 1.57

Amend the protection required field in Appendix A1.1 for B097 (11 Elder Street), B101 (92 Filleul Street), B102 (94 Filleul Street) and B103 (95 Filleul Street).

### Proposed amendments

Amend Appendix A1.1 as shown below, with consequential changes to the 2GP maps where necessary:

#### *Appendix A1.1 Schedule of Protected Heritage Items and Sites— Scheduled Heritage Buildings*

Site Number	Item/Building Name	Address	HNZ Category	HNZ List Number	Protection Required
B241	Clifton Villa	17 Graham Street Dunedin	<u>2.1</u>	4804	Entire external <b>building</b> envelope



Site Number	Item/Building Name	Address	HNZ Category	HNZ List Number	Protection Required
B504 (ii) 4789	St Joseph's Hall	255 Rattray Street Dunedin	2	4789	Entire external building envelope and interior, bluestone wall and iron fence to Rattray and Smith Street, iron gates and front steps

Site Number	Item/Building Name	Address	HNZ Category	HNZ List Number	Protection Required
B1381	<u>Sew Hoy Building</u>	<u>29 Stafford Street</u>			<u>Entire external building envelope and bulk appearance</u>
B1382	<u>Robert Lord Cottage</u>	<u>3 Titan St</u>	<u>1</u>	<u>9274</u>	<u>Entire external building envelope and bulk appearance</u>

Site Number	Item/Building Name	Address	HNZ Category	HNZ List Number	Protection Required
656	Residential building	<u>5 7</u> Ajax Road Port Chalmers			Entire external building envelope

Site Number	Item/Building Name	Address	HNZ Category	HNZ List Number	Protection Required
B097	Residential building	11 Elder Street			<u>Entire external building envelope</u>
B101	Residential building	92 Filleul Street			<u>Façade and bulk form to Filleul Street including bluestone wall</u>
B102	Residential building	94 Filleul Street			<u>Façade and bulk form to Filleul Street and London Street including bluestone wall</u>
B103	Residential building	95 Filleul Street			<u>Entire external building envelope</u>

*Appendix A1.1 Schedule of Protected Heritage Items and Sites – Character-contributing Buildings*

Site Number	Building name	Address	HNZ List Number	Heritage Precinct
CC737	<u>Sew Hoy Building</u>	<u>29 Stafford Street</u>	-	<u>Stafford Street Industrial Commercial</u>

Amend the planning map at 29 Stafford Street by removing the Character Contributing Building icon, and adding a Scheduled Heritage Building icon.



**Figure 1** Amending the Planning Map at 29 Stafford Street by removing the Character Contributing Building icon (current on left, Proposed on right)

Amend the planning map at 3 Titan Street by adding a Scheduled Heritage Building icon.



**Figure 2** Amend the planning map, 3 Titan Street (current on left, proposed on right)

## A1.2 Schedule of Areas of Significant Biodiversity Value (change 1.58)

### Problem

The Schedule of Areas of Significant Biodiversity Value (ASBV) lists areas of significant indigenous vegetation and significant habitats of indigenous fauna. These areas, which are shown on the 2GP map, include rules for the management of land use and development activities to ensure their biodiversity values are protected.

Approximately 9ha of indigenous vegetation at 1588 Highcliff Road was assessed as being an area of significant biodiversity value and was proposed for inclusion in the ASBV Schedule, with agreement from the landowner (see Ecological Assessment: [www.dunedin.govt.nz/2GP-variation-1-minor-amendments](http://www.dunedin.govt.nz/2GP-variation-1-minor-amendments)). Due to an oversight during the development of the 2GP, the area was not included in the ASBV schedule.

### Section 32 Analysis of options

The strategic direction objective and policy that sets up the Schedule of Areas of Significant Biodiversity Value (ASBV) method are Objective 2.2.3 and Policies 2.2.3.1 and 2.2.3.2. Specifically, 2.2.3.2 sets out the criteria used to identify ASBVs.

The proposed ASBV has been identified through an ecological assessment as having significant indigenous biodiversity values (see attached assessment) that meet the criteria in Policy 2.2.3.2. Including the new ASBV in Appendix A1.2 is therefore in line with the 2GP strategic policies and methods that are used to achieve Objective 2.2.3.



### Scope of variation

Amend A1.2 Schedule of Areas of Significant Biodiversity Value by adding 1588 Highcliff Road as a new entry and amending the 2GP map accordingly.

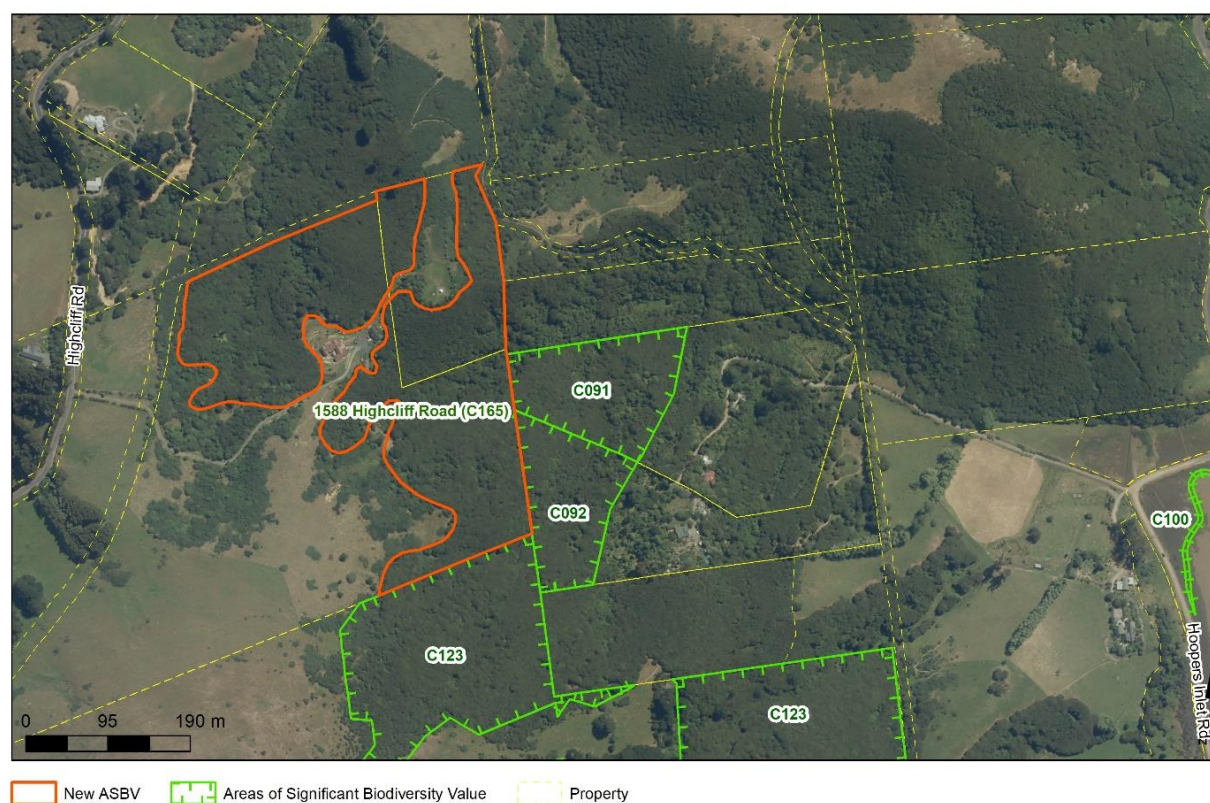
### Proposed amendment

#### Appendices - A1. Schedules - A1.2 Schedule of Areas of Significant Biodiversity Value

Site Number	Name (Location)	Area (ha)	Description and values	Other protection status
C165	Harbour Cone – North	9.1	Dry kanuka forest with a broadleaved understorey. Supports locally important tree species such as ngaio, pokaka, kowhai and Hall's totara and indigenous forest birds.	N/A

### 2GP Planning maps

Add a new Areas of Significant Biodiversity Value (C165) in the location below:



**Figure 3** New ASBV at 1588 Highcliff Road

## Reference to Policy 2.3.2.2 and Policy 2.4.3.4 in assessment rules for retail and office activities (change 1.59)

### Problem

Policy 2.4.3.4 states:

*Maintain or enhance the vibrancy and density of activity in the CBD and centres through rules that restrict the distribution of retail and office activity.*

Policy 2.3.2.2 states:

*Maintain or enhance the density and productivity of economic activity in the CBD and centres through rules that restrict retail and office activities outside these areas unless:*

- a. they are unlikely to contribute to, or may detract from, the vibrancy of centres; or*
- b. as provided for under Policy 18.2.1.3 or 15.2.1.5.*

Policy 2.3.2.2 and Policy 2.4.3.4 are referenced in the discretionary and non-complying assessment rule for all activities in the commercial and mixed-use zones (Rule 18.11.2.1 and Rule 18.12.2.1) but are not referenced in the equivalent assessment rules for retail and office activity in other management zones and major facility zones.

Referencing Policy 2.4.3.4 and Policy 2.3.2.2 in the relevant assessment rules for non-complying and discretionary retail and office activities in other management and major facility zones is necessary to ensure the effects on the vibrancy and density of activity in the CBD and centres are properly assessed.

### Scope of variation

The 'relevant objectives and policies' referred to in the assessment guidance for Rule 15.13.3.3.

### Preferred option

Add a reference to Policy 2.3.2.2 and Policy 2.4.3.4 (together with Objectives 2.3.2 and 2.4.3 if not already referenced) in the discretionary and non-complying assessment rules for retail and office activity in all management zones (except commercial and mixed use zones) and major facility zones, as shown below.

In addition, a reference to Policy 2.3.1.2 is missing from assessment rule 16.11.2.1. This error is corrected below.

## Proposed amendment

### ***Residential zones - Rule 15.13.3.3 Assessment of non-complying land use activities - All non-complying commercial activities***

3. All non-complying commercial activities	<p>Relevant objectives and policies (priority considerations):</p> <ul style="list-style-type: none"> <li>a. Objective 15.2.1</li> <li>b. Strategic Directions - Objectives 2.4.3, <u>Policy 2.4.3.4</u>, <u>Objective 2.3.2</u>, <u>Policy 2.3.2.2</u></li> <li>c. Commercial activities, other than those expressly provided for, are avoided from locating in residential zones, unless: .....</li> </ul>
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### ***Rural zones – Rule 16.11.2 Assessment of discretionary land use activities - Restaurants or retail activities ancillary to sport and recreation***

<p>5.</p> <ul style="list-style-type: none"> <li>• Community and leisure - large scale</li> <li>• Early childhood education</li> <li>• Restaurants or retail activities ancillary to sport and recreation</li> <li>• Sport and recreation</li> <li>• Visitor accommodation</li> </ul>	<p>Relevant objectives and policies (priority considerations):</p> <ul style="list-style-type: none"> <li>a. <u>Objectives 2.3.1 and Policy 2.3.1.2</u></li> <li>b. <u>Objective 2.3.2 and Policy 2.3.2.2</u></li> <li>c. <u>Objective 2.4.3 and Policy 2.4.3.4</u></li> <li>d. <u>Objectives 16.2.1, 16.2.2, 16.2.3, 16.2.4.</u></li> <li>e. Commercial and community activities in the rural zones are restricted to those which require a rural location and/or support rural activities (Policy 2.3.1.2.h).</li> </ul> <p>.....</p>
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**Rural zones – Rule 16.12.3.2 Assessment of non-complying land use activities - Commercial activities (other than those provided for)**

16.12.3 Assessment of non-complying land use activities	
Activity	Guidance on the assessment of resource consents
2. <ul style="list-style-type: none"> <li>Supported living facilities</li> <li>Commercial activities (other than those provided for)</li> <li>Industrial activities (other than rural industry and rural contractor and transport depots)</li> <li>Major facility activities (other than cemeteries, crematoriums, emergency services and the New Zealand Marine Studies Centre in the Portobello Marine Science mapped area)</li> </ul>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> <li>a. Objective 2.3.2 <u>and Policy 2.3.2.2</u></li> <li>b. <u>Objective 2.4.3 and Policy 2.4.3.4</u></li> <li>c. Objective 16.2.1</li> <li>d. Supported living facilities, commercial activities, industrial activities and major facility activities are avoided, unless otherwise provided for, in the rural zones (Policy 16.2.1.8).</li> </ul> <p>.....</p>

**Rural residential zones – Rule 17.12.2.1 Assessment of all non-complying activities - All non-complying activities, including but not limited to the activities listed below**

17.12.2 Assessment of all non-complying activities	
Activity	Guidance on the assessment of resource consents
1. All non-complying activities, including but not limited to the activities listed below	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> <li>a. Objectives 17.2.1, 17.2.2, 17.2.3, 17.2.4</li> <li>b. The activity is consistent with the strategic directions. including but not limited to:               <ul style="list-style-type: none"> <li>i. Objective 2.2.4</li> <li>ii. Objective 2.7.1</li> <li>iii. <u>Objectives 2.3.2 and Policy 2.3.2.2</u></li> <li>iv. <u>Objective 2.4.3 and Policy 2.4.3.4</u></li> </ul> </li> </ul>

**Industrial zones – Rule 19.12.2.1 Assessment of non-complying land use activities - All non-complying land use activities, including but not limited to the activities listed below**

19.12.2 Assessment of non-complying land use activities	
Activity	Assessment Matters
1. All non-complying land use activities, including but not limited to the activities listed below	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> <li>a. The activity does not detract from, or preferably contributes to, the strategic directions objectives, including, but not limited to, those related to: <ul style="list-style-type: none"> <li>i. land and facilities that are important for economic productivity and social wellbeing, which include industrial areas, major facilities, key transportation routes, network utilities, and highly productive land, are protected from less productive competing uses or incompatible uses, including activities that may give rise to reverse sensitivity effects, and in the case of facilities, able to operate efficiently and effectively (Objective 2.3.1).</li> </ul> </li> <li>b. <u>Objective 2.3.2 and Policy 2.3.2.2</u></li> <li>c. <u>Objective 2.4.3 and Policy 2.4.3.4</u></li> <li>d. The activity supports the purpose of the zone as outlined in (objectives 2.3.1 and 19.2.1)</li> </ul> <p>.....</p>

**Recreation Zone – Rule 20.12.3.2 Assessment of non-complying land use activities - Commercial activities (except commercial advertising, campgrounds)**

20.12.3 Assessment of non-complying land use activities	
Activity	Guidance on the assessment of resource consents
2. <ul style="list-style-type: none"> <li>• Commercial activities (except commercial advertising, campgrounds)</li> <li>• Industrial activities</li> <li>• Major facility activities (except cemeteries)</li> <li>• Rural activities (except grazing, forestry, mining, and scheduled mining activity)</li> </ul>	<p>Relevant objectives and policies (priority considerations):</p> <ul style="list-style-type: none"> <li>a. <u>Objective 2.3.2 and Policy 2.3.2.2</u></li> <li>b. <u>Objective 2.4.3 and Policy 2.4.3.4</u></li> <li>c. Objective 20.2.1</li> <li>d. Policy 20.2.1.4</li> </ul>



### **Major facilities zones**

Make similar amendments (as above) to discretionary and non-complying assessment rules for retail and office activities (where necessary), in the major facilities zones. The table below shows the locations where amendments are necessary.

<b>Major facility zone</b>	<b>Assessment rule number</b>	<b>Assessment rule name</b>
Ashburn Clinic	21.11.2.1	Assessment of all non-complying activities - All non-complying land-use activities
Dunedin Botanic Garden	22.12.2.1	Assessment of all non-complying activities - All non-complying land-use activities
Dunedin Hospital	23.11.2.1	Assessment of all non-complying activities - All non-complying land-use activities
Dunedin International Airport	24.9.2.1	Assessment of all discretionary activities - Office
	24.10.2.1	Assessment of non-complying land use activities - All non-complying land-use activities
Edgar Centre	25.11.2.1	Assessment of non-complying land use activities - All non-complying land-use activities
Invermay and Hercus	26.11.2.1	Assessment of all discretionary land use activities - All other office activity
	26.12.2.1	Assessment of all non-complying activities - All non-complying activities
Mercy Hospital	27.12.2.1	Assessment of non-complying land use activities - All non-complying land-use activities
Moana Pool	28.11.2.1	Assessment of non-complying land use activities - All non-complying land-use activities
Otago Museum	29.11.2.1	Assessment of discretionary activities - All discretionary land use activities
Port	30.11.2.1	Assessment of non-complying activities - All non-complying land-use activities
Schools	31.12.2.1	Assessment of non-complying activities - All non-complying land-use activities
Stadium	32.10.2.1	Assessment of discretionary activities - All discretionary activities, which includes office
	32.11.2.1	Assessment of non-complying land use activities - All non-complying land-use activities
Taieri Aerodrome	33.12.2.1	Assessment of all non-complying activities - All non-complying land-use activities
Campus	34.11.2.1	Assessment of discretionary land use activities - Office (other than campus-affiliated office and registered health practitioners)
	34.12.2.1	Assessment of all non-complying activities - All non-complying activities
Wakari Hospital	35.11.2.1	Assessment of non-complying land use activities - All non-complying land-use activities, which includes all activities in the commercial activities category (except commercial activities ancillary to hospital activity and registered health practitioners)

## Rules that apply to pedestrian street frontage mapped areas (change 1.60)

### Problem

Primary and secondary pedestrian street frontage mapped areas are used in the Plan to identify streets in the CBD and centres zones that have high or very high levels of pedestrian movement, and where development is being managed via policies and rules to maintain or create a high level of pedestrian amenity based on that use.

Several performance standards in the Plan that apply in pedestrian street frontage mapped areas have been designed to support pedestrian accessibility and amenity values in these areas. These include standards relating to the location and size of network utilities (Rules 5.5.2 and 5.5.4), vehicle access to loading areas (Rule 6.6.2.5), the location of land use activities (Rule 18.5.4), and the design and location of buildings, structures and site development activities (Rules 18.6.8, 18.6.11-16 and 18.6.18).

The pedestrian street frontage mapped areas are indicated by a line on the 2GP map, rather than an 'area' or polygon. This is like the road hierarchy mapped area used in the Plan. In the case of pedestrian street frontage mapped areas, the line shown on the planning map runs along the road boundary of sites on certain streets, with sites on one side and road reserve on the other. However, some of the rules referred to above are difficult to interpret because it is not clear which parts of the sites and areas of road reserve that adjoin the pedestrian street frontage mapped area are subject to the rule.

The rules that are not worded clearly with respect to these mapped areas could be interpreted as applying:

- within the exact area covered by the line that represents the mapped area only,
- within the area of the road reserve bounded by the line, or
- within the area of any site bounded by the line.

This uncertainty creates a risk that the affected rules will be interpreted inconsistently.

### Scope of variation

Clarification of the area in which rules that refer to pedestrian street frontage mapped areas apply.

### Preferred option

Amend rules (and accompanying notes to plan users, where relevant) that refer to pedestrian street frontage mapped areas, but that do not make clear the exact location of the activities they apply to, to clarify this matter.

However, no amendment is proposed to Rule 5.5.4 Notification or Rule 5.5.4 Maximum Volume in Pedestrian Street Frontage mapped areas, Heritage Precincts and Scheduled Heritage Sites, both in the Network Utilities section of the Plan, even though both rules currently refer to pedestrian street frontage mapped areas in an unclear way. This is because these rules are affected by an appeal lodged by Aurora Energy Limited on the decisions version of the 2GP – therefore, inclusion of an amendment to these rules in Variation 1 may result in an unnecessarily complicated process. In addition, it may be possible to amend the wording of these rules, to clarify their effect in relation to pedestrian street frontage mapped areas, in response to Aurora Energy Limited's appeal.

### Proposed amendments

1. Amend Rule 5.5.2 Location and associated Note 5.5.2A.1 as follows:

#### **5.5.2 Location**

1. Network utility structures - small scale must co-locate against<sup>1</sup> a building or be attached to a network utility pole or mast if:

- a. ~~on~~ within an area of road reserve that adjoins a primary pedestrian street frontage mapped area;
- b. within a heritage precinct and visible from an adjoining public place; or
- c. over 0.5m<sup>2</sup> in area or 500mm in height, located in a Natural Coastal Character Overlay Zone (NCC), visible from an adjoining public place, and located on the seaward side of a coastal road.

**Note 5.5.2A – Other requirement outside of the District Plan**

1. Under the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 (NESTF), activities provided for under the NESTF are exempt from Rule 5.5.2.1 in relation to primary pedestrian street frontage mapped areas.

- 2. Amend Rule 6.6.2.5 Access to loading areas as follows:

**6.6.2.5 Access to loading areas**

- a. Required vehicle loading spaces must be designed to allow vehicles using the spaces to enter and exit the site without the need to move a vehicle occupying any other parking or vehicle loading space on the site.
- b. New vehicle loading areas must not be accessed ~~from~~ across a primary pedestrian street frontage mapped area.
- c. ...

- 3. Amend Note 6.6.3.1A (which relates to Rule 6.6.3.1 Maximum number of vehicle crossings) as follows:

**Note 6.6.3.1A - Other relevant District Plan provisions**

New vehicle crossings are not allowed ~~on a~~ across primary pedestrian street frontage mapped areas (see Rule 18.6.15.b).

- 4. Amend Rule 18.4 Notification as follows:

**18.4 Notification**

...

3. Applications for resource consent for the following activities will be publicly notified in accordance with section 95A of the RMA:

- 1. new vehicle accesses ~~onto a road with~~ that cross a primary pedestrian street frontage mapped area (PPF); ...

- 5. Amend Rule 18.5.4.1 Location of activities within pedestrian street frontage mapped areas as follows:

**18.5.4.1 Location of activities within pedestrian street frontage mapped areas**

- a. In sites that adjoin a primary pedestrian street frontage mapped area, activities on the ground floor facing the street frontage, must be retail, restaurants, or entertainment and exhibition, except for entrances, lobbies and accessways that service activities on upper floors.
- b. In sites that adjoin a secondary pedestrian street frontage mapped area, residential activities must not occupy the ground floor of buildings facing the street frontage.
- c. Activities that contravene this performance standard are restricted discretionary activities.

- 6. Amend Rule 18.5.4.3 Location of restaurant drive-through and service stations as follows:

**18.5.4.3 Location of restaurant drive-through and service stations**

- a. Restaurant - drive through and service stations must not have vehicle access ~~from~~ across a primary pedestrian street frontage mapped area.

- b. Activities that contravene this performance standard are a non-complying activity.

7. Amend Rule 18.6.11 Minimum Glazing and Building Modulation as follows:

#### 18.6.11 Minimum Glazing and Building Modulation

1. The minimum building modulation and minimum glazing requirements for any parts of a new building or additions and alterations to a building which face, and are visible from, the following street frontages, is as follows:

Street frontage		i. Floor level		ii. Maximum distance between building modulation elements	iii. Minimum glazing
a.	Primary pedestrian street frontage mapped area	i.	Ground floor	10m	60%
		ii.	Upper floors	10m	30%
b.	Secondary pedestrian street frontage mapped area	i.	Ground floor	15m	30%
		ii.	Upper floors	15m	20%
c.	Other street frontage	i.	All floors	20m, or	20%

...

4. Ground floor glazing ~~within the primary pedestrian street frontage mapped area~~ that is required by this rule must be clear (unobstructed from signage, glass frosting or other materials attached to the glazing that prevents glazing being visually permeable) for a minimum of 50% of the glazed area.

8. Amend Rule 18.6.13 Number, Location and Design of Ancillary Signs as follows. Note that the numbering of the signs rule is proposed to be amended, as discussed under Change 1.42. The new numbering is shown below:

#### Rule 18.6.13 Number, Location and Design of Ancillary Signs

##### 18.6.13.1.a General

...

- iii. Signs must not be flashing within ~~pedestrian street frontage mapped areas~~, heritage precincts ~~and or~~ the Harbourside Edge Zone ~~or where visible from road reserves adjoining pedestrian street frontage mapped areas~~ and must not be illuminated or digital within heritage precincts.

...

##### 18.6.13.2 Signs attached to buildings

- a. The height, above ground level, at the highest point of any sign, attached to a building is:
- 4m within ~~pedestrian street frontage mapped areas~~, heritage precincts ~~and or~~ the Harbourside Edge Zone ~~or where visible from road reserves adjoining pedestrian street frontage mapped areas~~ (see Figure 18.6.13.6A); and
  - 8m in all other locations.
- b. ...
- c. ...
- d. Signs must be made of a solid material and may not be in the form of a flag, banner or other type of fabric sign in ~~the pedestrian street frontage mapped areas~~, heritage precincts ~~and or~~ the Harbourside Edge Zone ~~or where visible from road reserves adjoining pedestrian street frontage mapped areas~~.

##### 18.6.13.3 Signs attached flat against buildings (including verandah fascia)

- a. The maximum area of walls facing the street that signs may occupy (excluding signs in windows) is:
  - i. 50% of the area up to 4m or the bottom of a verandah, whichever is the lesser, in pedestrian street frontage mapped areas, heritage precincts and or the Harbourside Edge Zone or where visible from road reserves adjoining pedestrian street frontage mapped areas (see Figure 18.6.13.6A); and...

#### **18.6.13.4 Signs attached at a right angle to the façade of a building (including attached to the underside of a verandah)**

- a. Signs must not exceed:
  - i. a maximum of 1 per 5m of street frontage, in pedestrian street frontage mapped areas, heritage precincts or in the Harbourside Edge Zone or where visible from road reserves adjoining pedestrian street frontage mapped areas (see Figure 18.6.13.6A);
  - ii. ...
  - iii. ...
- b. ...
- c. Signs must have a maximum area per display face of:
  - i. 1.5m<sup>2</sup> in pedestrian street frontage mapped areas, heritage precincts or in the Harbourside Edge Zone or where visible from road reserves adjoining pedestrian street frontage mapped areas; and
  - ii. 2m<sup>2</sup> in all other locations.
- d. Signs must not protrude from a façade more than:
  - i. 1m in pedestrian street frontage mapped areas, heritage precincts or in the Harbourside Edge Zone or where visible from road reserves adjoining pedestrian street frontage mapped areas; and
  - ii. 1.5m in all other locations.

#### **18.6.13.5 Portable freestanding signs on footpaths**

- a. In heritage precincts, the CBD Zone, centres zones, Harbourside Edge Zone, Princes, Parry and Harrow Street Zone, CBD Edge Commercial Zones, or where visible from road reserves adjoining pedestrian street frontage mapped areas, Portable portable freestanding signs on footpaths are only allowed for premises that have no ground floor street frontage (other than entranceways) in:
  - i. ~~pedestrian street frontage mapped areas, heritage precinct or in the Harbourside Edge Zone; and~~
  - ii. CBD and centres zones (outside pedestrian street frontage mapped areas and heritage precincts) and the PPH and CEC zones.

...

#### **18.6.13.6 Freestanding signs**

- a. The maximum number of freestanding signs is:
  - i. 1 per site in pedestrian street frontage mapped areas, heritage precincts or the Harbourside Edge Zone or where visible from road reserves adjoining pedestrian street frontage mapped areas; and
  - ii. 2 per site or 1 per 50m of street frontage, whichever is the lesser, for permanently fixed freestanding signs in all other locations.
- b. The maximum dimensions of freestanding signs are:
  - i. In pedestrian street frontage mapped areas, heritage precincts or the Harbourside Edge Zone or where visible from road reserves adjoining pedestrian street frontage mapped areas:
    - 1. maximum height of 4m;
    - 2. ...
- ...
- c. Freestanding signs must:
  - i. not obstruct parking, loading and access areas; and

- ii. be positioned entirely within site boundaries, except:
  1. flag signs within the CBD and centres zones (outside heritage precincts, and areas of the road reserve that adjoin pedestrian street frontage mapped areas ~~and heritage precincts~~) and within PPH, CEC and TR zones may project a maximum of 1.5m over a footpath if the flag sign is located at least 2.5m, at its lowest point, above the footpath; and
  2. ...

9. Amend Rule 18.6.14 Parking, Loading and Access Standards as follows:

**18.6.14 Parking, Loading and Access Standards**

1. Parking, loading and access must comply with Rule 6.6.
2. New vehicle accesses are not allowed ~~on~~ across any primary pedestrian street frontage mapped area.
3. Vehicle accesses that contravene the performance standard in Rule 18.6.14.2 are a non-complying activity.

10. Amend clause c of Rule 18.6.16.1 Setback from road boundaries as follows:

**18.6.16.1 Setback from road boundaries**

- a. New buildings and additions and alterations to buildings must be built within 400mm of any road boundary that is a primary pedestrian street frontage mapped area (i.e. they must occupy the full width of the site, parallel to the road boundary), for the entire length of the primary pedestrian street frontage mapped area, except:
  - i. a setback of up to 1.5m for a maximum width of 3m may be provided to allow for a recessed pedestrian entrance;
  - ii. a gap adjacent to the side boundary of up to 3m may be provided to allow for a publicly-accessible pedestrian connection from the street, to an existing or proposed public walkway, road, reserve or other public place (see Figure 18.6.16.1A); and
  - iii. on any part of a site that adjoins a residential or recreation zone and where Rule 18.6.16.2 (setback from boundaries of residential or recreation zone) applies.
- b. New buildings or additions and alterations to buildings must be built within 400mm of any road boundary that is a secondary pedestrian street frontage mapped area for 60% of the length of the secondary pedestrian street frontage mapped area, except a setback of up to 1.5m for a maximum width of 3m may be provided to allow for a recessed pedestrian entrance.
- c. On a secondary pedestrian street frontage mapped area, any part of a building that is not built within 400mm of the street frontage mapped area, must be set back a minimum of 1.5m from the street frontage in order to meet Rule 18.6.1.
- d. Activities that contravene this performance standard are restricted discretionary activities.

## Mapping and zoning amendments

### 25 and 27 Harrington Street, Port Chalmers (change 1.61)

#### Problem

Appendix A1.1 Scheduled Heritage Building B695 is listed at 25 Harrington Street, Port Chalmers but the symbology for B695 has been incorrectly located on 27 Harrington Street on the 2GP Planning Map. As there is a risk that the landowner of 25 Harrington Street could undertake work without realising the building is scheduled or that the landowner of 27 Harrington Street could apply for consent that may not be required, it is proposed to amend the map so that the correct address is annotated on the map.

#### Scope of variation

Mapping of the scheduled heritage building on 25 (and 27) Harrington Street, Port Chalmers.

### Proposed amendment

Relocate the icon for B695 from 27 Harrington Street to 25 Harrington Street. This amendment is shown below.



**Figure 4:** Amending location of symbol for B695 from 27 Harrington Street, Port Chalmers to 25 Harrington Street, Port Chalmers (Left: current map; Right: proposed map).

## 30C, 32A, 32B and 32D Emerson St, Concord (change 1.62)

### Problem

The properties at 30C, 32A, 32B and 32D Emerson Street, Concord are zoned as Coastal Rural in the 2GP Planning Map. This is an anomaly as they are small sites with existing residential activity, and the adjacent properties are zoned General Residential 1.

### S32 Analysis of options

The relevant objective when considering zoning new residential land is Objective 2.6.2:

*Dunedin provides sufficient, feasible, development capacity (as intensification opportunities and zoned urban land) in the most appropriate locations to meet the demand over the medium term (up to 10 years), while sustainably managing urban expansion in a way that maintains a compact city with resilient townships as outlined in Objective 2.2.4 and policies 2.2.4.1 to 2.2.4.3.*

Policy 2.6.2.1 outlines the criteria to be considered when rezoning land. These include:

- a need for additional land
- the rezoning is unlikely to lead to pressure for unfunded infrastructure



- the area is suitable for development and close to services
- the zoning is appropriate in terms of other Plan objectives.

30C, 32A, 32B and 32D Emerson Street consists of two sites, both of which are developed with housing and serviced. Rezoning these to residential reflects the existing development, although there is the potential for each site to be subdivided into two, creating two additional sites.

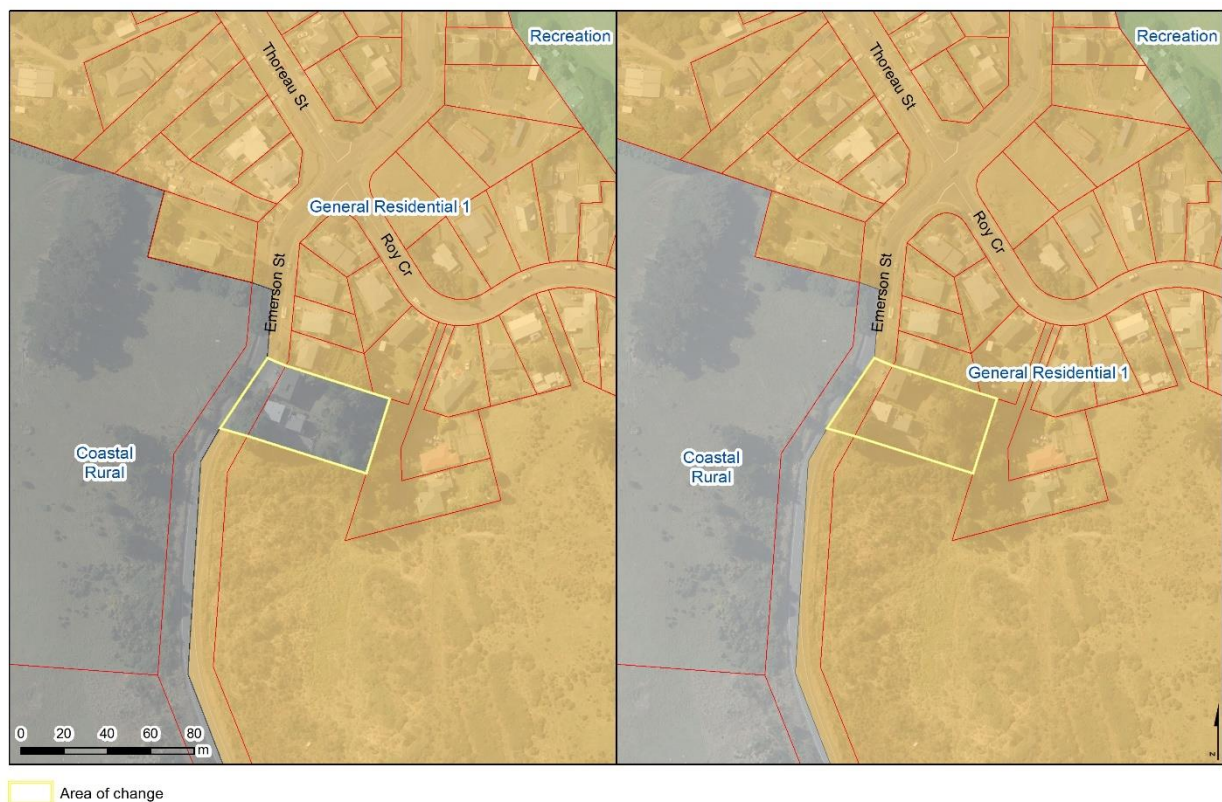
There is currently a need for additional residential capacity. The area is suitable for residential development, being part of Concord, and there is no conflict with other Plan objectives. The rezoning represents a minor increased demand for servicing; however, DCC 3 waters has confirmed it has no concerns with this zone change. It is the most appropriate way to achieve the Plan's objectives.

### Scope of variation

Zoning of 30C, 32A, 32B and 32D Emerson Street, Concord

### Proposed amendment

Rezone 30C, 32A, 32B and 32D Emerson Street, Concord to General Residential 1. This amendment is shown below.



**Figure 5:** Rezoning 30C, 32A, 32B and 32D Emerson Street, Concord from Coastal Rural Zone to General Residential 1 Zone (Left: current map; Right: proposed map).

## 1 Reid Avenue, Mosgiel (change 1.63)

### Problem

The property at 1 Reid Avenue, Mosgiel has a split zoning, with the bulk of the property being in the General Residential 2 Zone and part of the property being in the General Residential 1 Zone. Split zonings over



properties can create problems as to which rules apply, and on a residential site such as this it is appropriate for the whole site to have a consistent zoning.

The General Residential 2 part of the site has a Mosgiel Mapped Area and Infrastructure Constraint Mapped Area applied to it. The Mosgiel Mapped Area enables development to be built closer to the boundaries of the site than in the General Residential 2 Zone in other parts of Dunedin. The Infrastructure Constraint Mapped Area is applied in areas with wastewater infrastructure constraints, to ensure that subdivision and development is undertaken at a density which does not compromise the current or planned capacity of public wastewater infrastructure.

### **S32 Analysis of options**

The relevant objective when considering zoning new residential land is Objective 2.6.2:

*Dunedin provides sufficient, feasible, development capacity (as intensification opportunities and zoned urban land) in the most appropriate locations to meet the demand over the medium term (up to 10 years), while sustainably managing urban expansion in a way that maintains a compact city with resilient townships as outlined in Objective 2.2.4 and policies 2.2.4.1 to 2.2.4.3.*

Policy 2.6.2.3 outlines the criteria to be considered when rezoning land to a medium density zoning. These include:

- the area is suitable for residential development under Policy 2.6.2.1
- the rezoning is unlikely to lead to pressure for unfunded infrastructure
- the zoning is appropriate in terms of other Plan objectives, including the need for a range of housing choices and being close to centres and serviced by public transport
- the area is suitable for medium density development considering market desirability for smaller households, sunlight access and likelihood of redevelopment

Objective 2.2.4 is:

*Dunedin stays a compact and accessible city with resilient townships based on sustainably managed urban expansion. Urban expansion only occurs if required and in the most appropriate form and locations.*

Policy 2.2.4.1 prioritises the efficient use of existing urban land for urban expansion by identifying land that could be more efficiently used for medium density housing, in accordance with Policy 2.6.2.3.

Rezoning the GR1 part of the site to GR2 will allow a small increase in development potential (the site area is approximately 200m<sup>2</sup>, therefore two additional habitable rooms). The land is particularly suitable for medium density zoning, being very close to the Mosgiel town centre, and development is appropriate in terms of the Plan's objectives.

The rezoning may result in a small increased demand on infrastructure. DCC 3 waters has advised that it has no concerns in terms of the increase in development potential but note that the property is in an area subject to severe stormwater flooding, being close to the Reid Avenue swale and pump station.

While there is a risk of flooding for new development, this can be managed through the design process. The remainder of the site (and adjoining sites) are subject to the same risks. Considering all relevant information, GR2 zoning is the most appropriate way to achieve the Plan's objectives.

### **Scope of variation:**

Zoning of 1 Reid Avenue, Mosgiel.

### Proposed amendment

Rezone the part of 1 Reid Avenue that is General Residential 1 to General Residential 2, so that the whole site has the same zoning. As a consequential change, expand the Mosgiel Mapped Area and Infrastructure Constraint Mapped Area to cover the whole site.

These amendments are shown below.



**Figure 6:** Rezoning part of 1 Reid Avenue from General Residential 1 Zone to General Residential 2 Zone (Left: current map; Right: proposed map).



**Figure 7:** Amending the Infrastructure Constraint Mapped Area to apply to the whole of 1 Reid Avenue, Mosgiel in line with rezoning amendment (Left: current map; Right: proposed map).





**Figure 8:** Amending the Mosgiel Mapped Area to apply to the whole of 1 Reid Avenue, Mosgiel in line with rezoning amendment (Left: current map; Right: proposed map).

### Land between Hartstonge Avenue, Reid Avenue and Factory Road (changes 1.64 and 1.65)

#### Problem

The land between Hartstonge Avenue, Reid Avenue and Factory Road (being 14A-14D, 16A-16D, 20, 24, 26 Hartstonge Ave, 4, 6A-6B, 8-8B, 10-10B Reid Ave, and part of 7 Hartstonge Avenue (being Lot 6 DP25666 as described on OT17D/59, Lot 3 DP25666 as described in OT17D/57 and Pt Lot 1 DP18515 as described in OT15D/826) is zoned General Residential 1 in the 2GP Planning Map. This zoning does not align with the nature of the development on most of the area and was included in the General Residential 1 Zone in error. Most of the land has already been developed at medium density levels with small lots sizes and multi-unit developments. The remainder (part of 7 Hartstonge Avenue) on the corner of Factory Road and Reid Avenue) is a parcel of undeveloped land owned by DCC.

The land has a commercial zoning under the Operative District Plan. When the commercial zone boundary in the 2GP was aligned more accurately with the commercial area, the remainder of the area was zoned General Residential 1 to be consistent with the residential development on the eastern side of Reid Avenue, even though the form of the existing development is not consistent with the General Residential 1 Zone. It is proposed to rezone the developed area to General Residential 2 to be consistent with the existing development and rezone the remaining section (the part of 7 Hartstonge Avenue on the corner of Factory Road and Reid Avenue) to avoid an isolated area of GR1 zoning.

#### S32 Analysis of options

The relevant objective when considering zoning new residential land is Objective 2.6.2:

*Dunedin provides sufficient, feasible, development capacity (as intensification opportunities and zoned urban land) in the most appropriate locations to meet the demand over the medium term (up to 10 years), while sustainably managing urban expansion in a way that maintains a compact city with resilient townships as outlined in Objective 2.2.4 and policies 2.2.4.1 to 2.2.4.3.*

Policy 2.6.2.3 outlines the criteria to be considered when rezoning land to a medium density zoning. These include:

- the area is suitable for residential development under Policy 2.6.2.1
- the rezoning is unlikely to lead to pressure for unfunded infrastructure
- the zoning is appropriate in terms of other Plan objectives, including the need for a range of housing choices and being close to centres and serviced by public transport
- the area is suitable for medium density development considering market desirability for smaller households, sunlight access and likelihood of redevelopment

Objective 2.2.4 is:

*Dunedin stays a compact and accessible city with resilient townships based on sustainably managed urban expansion. Urban expansion only occurs if required and in the most appropriate form and locations.*

Policy 2.2.4.1 prioritises the efficient use of existing urban land for urban expansion by identifying land that could be more efficiently used for medium density housing, in accordance with Policy 2.6.2.3.

Most of the land is fully developed and rezoning will not result in any increase in capacity in this area. The part of 7 Hartstonge Avenue on the corner of Factory Road and Reid Avenue is not developed. This is approximately 550m<sup>2</sup> in area, and so has a development potential of one house under the GR1 zoning, and 5 habitable rooms under the GR2 zoning, assuming an infrastructure constraint mapped area is applied. The rezoning may therefore result in a small increased demand on infrastructure. By way of background, an infrastructure constraint mapped area is applied in areas with wastewater infrastructure constraints, to ensure that subdivision and development is undertaken at a density which does not compromise the current or planned capacity of public wastewater infrastructure. All GR2 zoned areas in Mosgiel are subject to an infrastructure constraint mapped area.

The area is particularly suitable for medium development, being adjacent to Mosgiel town centre and another GR2 area, and rezoning is appropriate in terms of the Plan's objectives.

DCC 3 waters has advised that it has no concerns in terms of the increase in development potential of the undeveloped part of 7 Hartstonge Avenue but note that the property is in an area subject to severe stormwater flooding, being close to the Reid Avenue swale and pump station.

While there is a risk of flooding for any new development, this can be managed through the design process. The remainder of the site (and adjoining sites) are subject to the same risks. Considering all relevant information, including the efficient use of land and the provision of GR2 zoned land close to the town centre, GR2 zoning is the most appropriate way to achieve the Plan's objectives.

#### **Scope of variation**

The zoning of the land between Hartstonge Avenue, Reid Avenue and Factory Road, Mosgiel (being 14A-14D, 16A-16D, 20, 24, 26 Hartstonge Ave, 4, 6A-6B, 8-8B, 10-10B Reid Ave, and part of 7 Hartstonge Avenue (being Lot 6 DP25666 as described on OT17D/59, Lot 3 DP25666 as described in OT17D/57 and Pt Lot 1 DP18515 as described in OT15D/826).

#### **Proposed amendment**

Rezone the land between Hartstonge Avenue, Reid Avenue and Factory Road, Mosgiel (being 14A-14D, 16A-16D, 20, 24, 26 Hartstonge Ave, 4, 6A-6B, 8-8B, 10-10B Reid Ave, and part of 7 Hartstonge Avenue (being Lot

6 DP25666 as described on OT17D/59, Lot 3 DP25666 as described in OT17D/57 and Pt Lot 1 DP18515 as described in OT15D/826) from General Residential 1 to General Residential 2.

As a consequential change, apply a Mosgiel Mapped Area and infrastructure constraint mapped area to cover these sites. The Mosgiel Mapped Area applies to almost all GR2 zoned land in Mosgiel and enables development to be built closer to the boundaries of the site than in the GR2 Zone in some other parts of Dunedin.

These amendments are shown below.



**Figure 9:** Rezoning the sites on the corner of Hartstonge Avenue, Reid Avenue and Factory Road, Mosgiel, from General Residential 1 Zone to General Residential 2 Zone, with associated changes to the Mosgiel mapped area and infrastructure constraint mapped area (Left: current map; Right: proposed map).

## 20 Isadore Road and 257 Hillhead Road, Dunedin (change 1.66)

### Problem

The mapping of the Residential Transition Overlay Zone (RTZ) over 20 Isadore Road, Dunedin (St Clair Golf Club), is incorrect, as there is a narrow strip in the centre of the site that is not subject to the RTZ overlay. This will hinder the effective use of the site for residential purposes once the RTZ is released.

In addition, 257 Hillhead Road, which is a block of DCC land adjacent to the Golf Club, is not subject to the RTZ overlay. The site was originally acquired under the Public Works Act 1981 (PWA) for the purpose of constructing a water storage reservoir; however, it is no longer needed for this purpose. It is currently being assessed to determine whether it is surplus to DCC's requirements. If it is surplus, it will be offered back to the Golf Course for purchase in accordance with PWA requirements.



### **S32 Analysis of options**

Applying a RTZ to the site will enable future use for residential development. The relevant objective when considering zoning new residential land is Objective 2.6.2:

*Dunedin provides sufficient, feasible, development capacity (as intensification opportunities and zoned urban land) in the most appropriate locations to meet the demand over the medium term (up to 10 years), while sustainably managing urban expansion in a way that maintains a compact city with resilient townships as outlined in Objective 2.2.4 and policies 2.2.4.1 to 2.2.4.3.*

Policy 2.6.2.1 outlines the criteria to be considered when rezoning land. These include:

- a need for additional land
- the rezoning is unlikely to lead to pressure for unfunded infrastructure
- the area is suitable for development and close to services
- the zoning is appropriate in terms of other Plan objectives.

Objective 2.2.4 is:

*Dunedin stays a compact and accessible city with resilient townships based on sustainably managed urban expansion. Urban expansion only occurs if required and in the most appropriate form and locations.*

Policy 2.2.4.3 is to ensure that urban expansion occurs only when required and that transition overlay zones are used to identify future residential areas, with appropriate release rules.

Under the current zoning, if the Golf Club is developed for housing in the future, 257 Hillhead Road will become an isolated rural parcel. Applying a RTZ to this site would enable future residential development in a co-ordinated way with the adjoining site, if the land is no longer needed for DCC purposes. If the site is retained by DCC, the overlay will not hinder any likely future use. Under Rule 12.3.1, the land can only be released for residential development following receipt of an application requesting release and demonstrating compliance with various criteria. If no application is made, the site remains subject to the Rural zone rules. The RTZ overlay would impose additional restrictions on use of the land for intensive farming, forestry, mining and landfills; however, these are not activities that are likely to be undertaken by DCC on this site.

Considering the policy framework, there is a need for additional residential land in Dunedin. The site is adjacent to a large area identified as RTZ and very close to existing GR1 land and the Corstophine Neighbourhood Centre. The area is suitable for residential development in terms of the Plan's objectives. Future residential development will create additional demand for services; however, Rule 12.3.1 only allows residential development to take place once infrastructure constraints have been resolved. There will therefore be no impact on existing infrastructure capacity. Given the large area of RTZ land adjacent to the site, there is unlikely to be any significant additional demand for unfunded infrastructure improvements. DCC 3 Waters has confirmed it had no concerns with the proposed overlay.

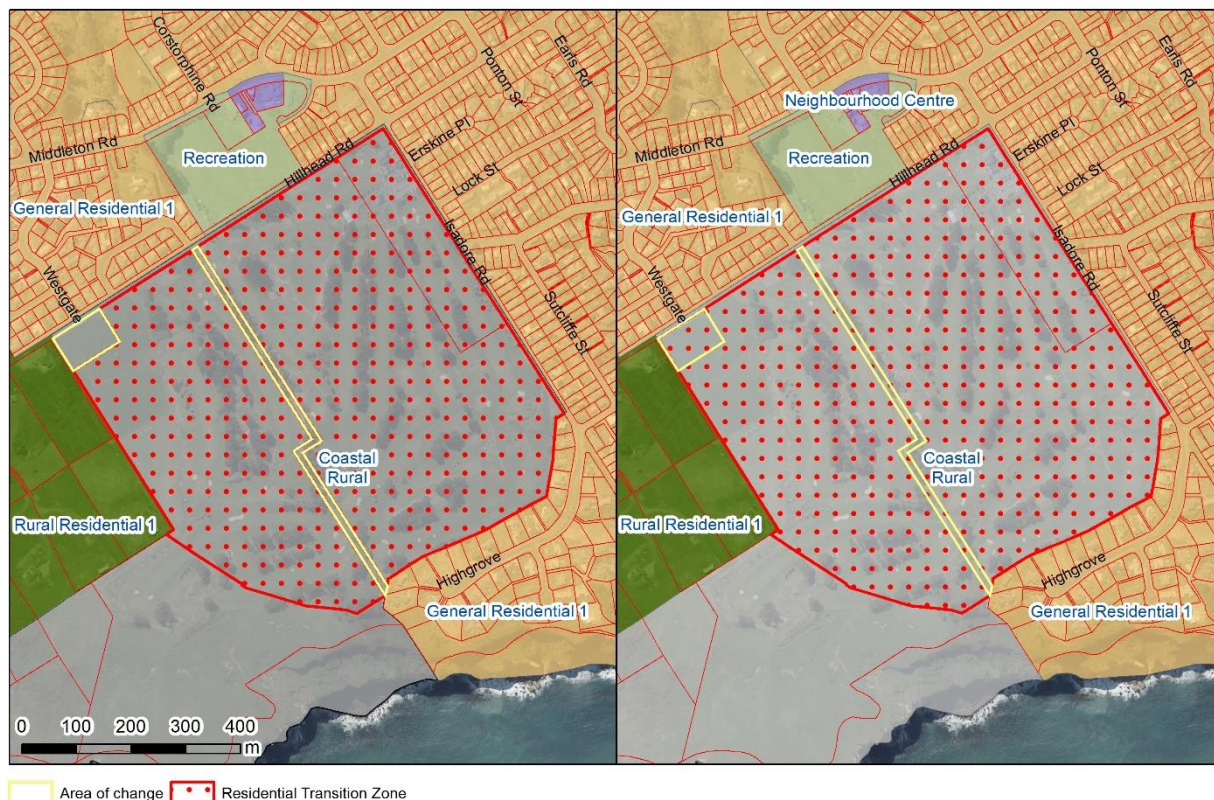
Applying an RTZ would provide for a more efficient and effective use of this site if it is surplus to DCC's requirements. If it is not surplus, applying an RTZ will not hinder DCC's use of the site. Applying the RTZ is the most efficient way of meeting the Plan's objectives.

### **Scope of variation**

Application of the RTZ overlay to 20 Isadore Road and 257 Hillhead Road, Dunedin

### **Proposed amendment**

Amend the mapping of the RTZ overlay to fully cover St Clair Golf Course at 20 Isadore Road and 257 Hillhead Road, as shown below.



**Figure 10:** Amending the Residential Transition Overlay Zone to correct an error at 20 Isadore Road, Dunedin and to include 257 Hillhead Road, Dunedin (Left: current map; Right: proposed map).

## 60 Mount Grand Road, Burnside (change 1.67)

### Problem

The high class soils mapped area on the 2GP map links to an earthworks rule which prevents the removal of topsoil or subsoil from sites within the high class soils mapped area. 60 Mount Grand Road is shown as having two small separate areas of high class soils mapped area. This property was subject to a submission on the proposed 2GP requesting the removal of the high class soils as notified over the site because the land owner did not consider the soil to be high class. The decision removed part of the high class soils mapped area because it did not align with slope criteria for high class soils as indicated in Policy 2.3.1.10 of the 2GP. However, in the absence of other appropriate evidence to refute the high class soils status, the remainder of the high class soils mapped area was retained.

During the hearings process, the Hearings Panel had sent a minute, inviting submitters in opposition to the high class soils mapped area to provide technical evidence from a qualified soil scientist if the submitter's land was found not to contain high class soils. While no responses to the Panel minute were received prior to decisions on the proposed plan being released, the owner of the 60 Mount Grand Road subsequently sought advice from a qualified soil scientist. The investigation found that 4 of 6 profiles dug in the two remaining mapped areas were not high class soils (see Soil Assessment: [www.dunedin.govt.nz/2GP-variation-1-minor-amendments](http://www.dunedin.govt.nz/2GP-variation-1-minor-amendments)).

### S32 Analysis of options

The strategic direction objective and policy that sets up the high class soils mapped area rule is Objective 2.3.1 and Policies 2.3.1.2 and 2.3.1.10. Specifically, 2.3.1.10 sets out the criteria used to identify high class soils. Given the new information provided as well as the small size of the remaining areas of high class soils that were left after adjustments for slope, it is considered that it is inefficient and inappropriate to retain the high class soils mapped area on this property.

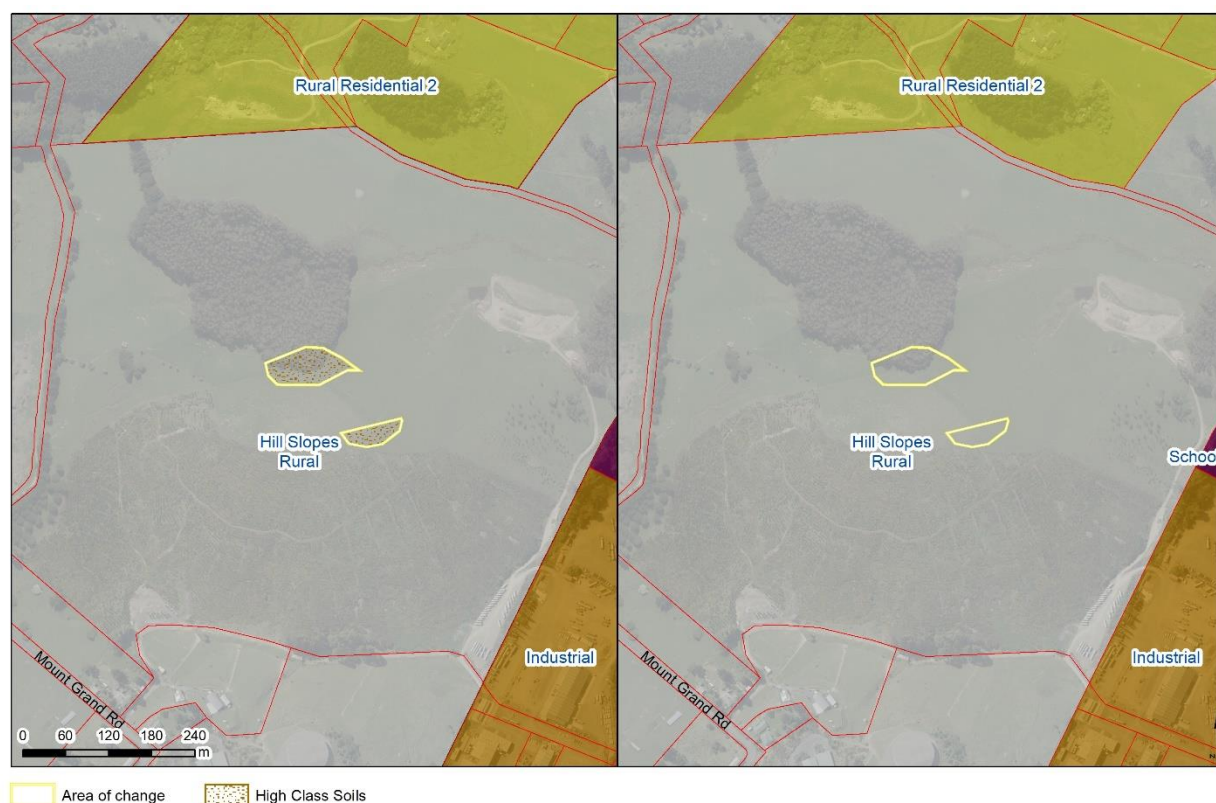


### Scope of variation

Amending high class soils mapped area to reflect new information provided in relation to 60 Mount Grand Road.

### Preferred option

Amend the 2GP Map to remove the high class soils mapped area from the property at 60 Mount Grand Road in its entirety as shown below.



**Figure 11:** Removing the High Class Soils Mapped Area from 60 Mount Grand Road, Burnside (Left: current map; Right: proposed map).

### 397 and 399 Highgate, Dunedin (change 1.68)

#### Problem

Part of Columba College at 397 and 399 Highgate, Dunedin has inadvertently not been included within the Schools Zone and is instead included in the General Residential 1 Zone. This was a mapping error and the school Board of Governors have confirmed that they wish to have the zoning amended to include all the school land.

#### S32 Analysis of options

The relevant 2GP objective is Objective 2.3.1 (Land and facilities important for economic productivity and social well-being):

*Land and facilities that are important for economic productivity and social well-being, which include industrial areas, major facilities, key transportation routes, network utilities; and productive rural land are:*

1. *protected from less productive competing uses or incompatible uses, including activities that may give rise to reverse sensitivity; and*
2. *in the case of facilities, able to operate efficiently and effectively.*

This is implemented through Policy 2.3.1.6:

*Identify facilities that contribute significantly to the economic productivity and social wellbeing of the city, including the University of Otago and Otago Polytechnic campuses, hospitals, schools and Invermay, zone these as major facilities and use rules to:*

- enable them to continue to operate efficiently and effectively, while minimising as far as practicable any adverse effects on surrounding areas; and*
- protect them from activities that may lead to reverse sensitivity.*

As the parts of 397 and 399 Highgate in question are already used as part of Columba College, rezoning these sites will:

- ensure that the school can use and develop its full campus in the most efficient way possible for its needs; and
- better achieve the above objective and policy.

### Scope of variation

Amend the zoning of part of 397 Highgate (3 sites on the corner of Highgate and Oban Street) and part of 399 Highgate, Dunedin.

### Proposed amendment

Amend the boundary of the Schools Zone at 397 Highgate to include 3 sites on the corner of Highgate and Oban Street, Dunedin and a small portion of driveway at 399 Highgate, adjacent to 421, Highgate.



**Figure 12** Rezoning part of 397 and 399 Highgate, Dunedin from General Residential 1 Zone to Schools Zone (Left: current map; Right: proposed map).

## 59 Manchester Street, Kaikorai Valley (change 1.69)

### Problem

The property at 59 Manchester Street, Kaikorai Valley has a split zoning. There is a thin strip of Hill Slopes Rural zoned land that should have been included in the General Residential 1 Zone with the remainder of the site. Split zoning does not allow for efficient use of the entire site for residential development.

### S32 Analysis of options

The relevant objective when considering zoning new residential land is Objective 2.6.2:

*Dunedin provides sufficient, feasible, development capacity (as intensification opportunities and zoned urban land) in the most appropriate locations to meet the demand over the medium term (up to 10 years), while sustainably managing urban expansion in a way that maintains a compact city with resilient townships as outlined in Objective 2.2.4 and policies 2.2.4.1 to 2.2.4.3.*

Policy 2.6.2.1 outlines the criteria to be considered when rezoning land. These include:

- a need for additional land
- the rezoning is unlikely to lead to pressure for unfunded infrastructure
- the area is suitable for development and close to services
- the zoning is appropriate in terms of other Plan objectives.

Rezoning the Rural Hill Slopes part of the site to General Residential 1 will allow a small increase in development potential. Considering the policy criteria, there is a need for additional residential land. The rezoning may result in a small increased demand on infrastructure; however, DCC 3 Waters has confirmed that there are no concerns about the proposed zone change. The area is suitable for development and is appropriate in terms of the Plan's objectives.

The small potential increase in demand for infrastructure is outweighed by the benefit of having the site in one zone type.

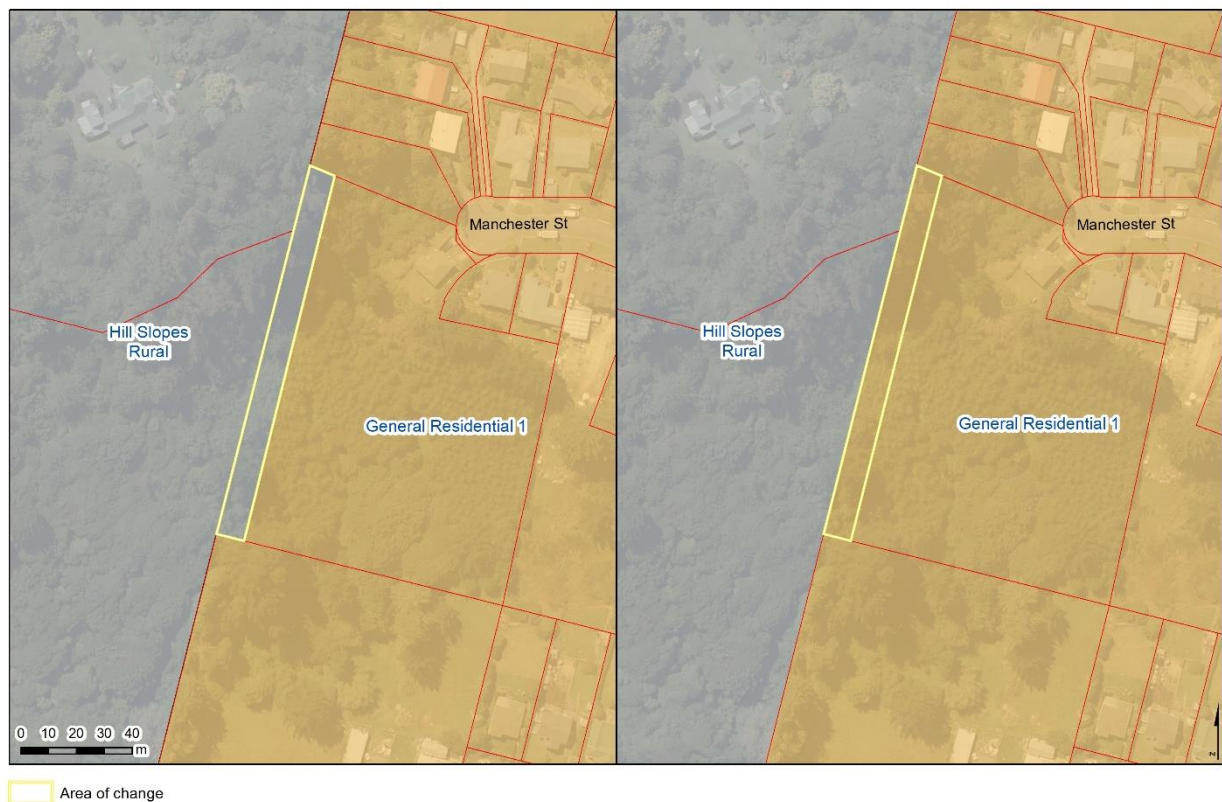
### Scope of variation

Amend the zoning of part of 59 Manchester Street, Kaikorai Valley.

### Proposed amendment

Rezone the Hill Slopes Rural Zone part of 59 Manchester Street to make the whole property General Residential 1 Zone.





**Figure 13:** Rezoning part of 59 Manchester Street, Kaikorai Valley from Hill Slopes Rural Zone to General Residential 1 Zone.

## 26 Ings Avenue, St Clair (1.70)

### Problem

The property at 26 Ings Avenue, St Clair has a split zoning, with the bulk of the property being in the General Residential 2 Zone and part of the property being in the General Residential 1 Zone. Split zonings over properties can create problems as to which rules apply, and on a residential site such as this it is appropriate for the whole site to have a consistent zoning.

The General Residential 2 part of the site has a South Dunedin Mapped Area applied to it. This enables development to be built closer to the boundaries of the site than in the General Residential 2 Zone in other parts of Dunedin.

### S32 Analysis of options

The relevant objective when considering zoning new residential land is Objective 2.6.2:

*Dunedin provides sufficient, feasible, development capacity (as intensification opportunities and zoned urban land) in the most appropriate locations to meet the demand over the medium term (up to 10 years), while sustainably managing urban expansion in a way that maintains a compact city with resilient townships as outlined in Objective 2.2.4 and policies 2.2.4.1 to 2.2.4.3.*

Policy 2.6.2.3 outlines the criteria to be considered when rezoning land to a medium density zoning. These include:

- the area is suitable for residential development under Policy 2.6.2.1
- the rezoning is unlikely to lead to pressure for unfunded infrastructure

- the zoning is appropriate in terms of other Plan objectives, including the need for a range of housing choices and being close to centres and serviced by public transport
- the area is suitable for medium density development considering market desirability for smaller households, sunlight access and likelihood of redevelopment

Objective 2.2.4 is:

*Dunedin stays a compact and accessible city with resilient townships based on sustainably managed urban expansion. Urban expansion only occurs if required and in the most appropriate form and locations.*

Policy 2.2.4.1 prioritises the efficient use of existing urban land for urban expansion by identifying land that could be more efficiently used for medium density housing, in accordance with Policy 2.6.2.3.

The site has been identified as suitable for medium density development, having been partly zoned GR2. Rezoning the GR1 part of the site to GR2 will allow a small increase in development potential (the additional area is approximately 150m<sup>2</sup>, allowing three habitable rooms). DCC 3 waters has advised that it has no concerns in terms of the increase in development potential but note that the property is in an area subject to flooding. Minimum floor levels will apply to new residential development through the building consent process.

As the rezoning meets the Plan's criteria and will result the benefit of having the site in one zone, rezoning is the most appropriate way to achieve the Plan's objectives.

#### **Scope of variation**

The zoning of 26 Ings Avenue.

#### **Preferred option**

Rezone that part of 26 Ings Avenue that is adjacent to the south-eastern wall of the house be rezoned from General Residential 1 Zone to General Residential 2 Zone. It is not proposed to rezone the driveway.

As a consequential change, expand the South Dunedin Mapped Area to cover the full site.

#### **Proposed amendment**

The amendments are shown below.



**Figure 14:** Rezoning part of 26 Ings Avenue, St Clair from General Residential 1 Zone to General Residential 2 Zone (Left: current map; Right: proposed map).





**Figure 15:** Amending the South Dunedin Mapped Area to apply to the whole of 26 Ings Avenue, St Clair in line with rezoning amendment (Left: current map; Right: proposed map)

## 17 Carnforth Street and 45 Boundary Road, Green Island (change 1.71)

### Problem

These adjoining sites are used for industrial purposes; 17 Carnforth Street, Green Island is zoned Industrial and 45 Boundary Road, Green Island is zoned Rural Hill Slopes Zone. They are currently being amalgamated. Split zoning does not allow for efficient (ongoing) industrial use.

### S32 Analysis of options

The relevant 2GP objective is Objective 2.3.1 (Land and facilities important for economic productivity and social well-being):

*Land and facilities that are important for economic productivity and social well-being, which include industrial areas, major facilities, key transportation routes, network utilities; and productive rural land are:*

1. *protected from less productive competing uses or incompatible uses, including activities that may give rise to reverse sensitivity; and*
2. *in the case of facilities, able to operate efficiently and effectively.*

This is implemented through Policy 2.3.1.4:

*Identify land strategically important for industrial activities, including near the Harbour and key transport routes, and use industrial zoning and rules to protect industrial activities from incompatible or competing land uses in these areas, in particular retail (other than yard-based retail) and residential activities.*

As the part of 45 Boundary Road in question is already used for industrial purposes rezoning this site will:

- ensure that the site can be used in the most efficient way possible; and
- better achieve the above objective and policy.

Regarding high class soils, Policy 2.3.1.10 outlines the criteria for identifying high class soils and including them in the high class soils mapped area. However, the part of 45 Boundary Road that is subject to the high class soils mapped area is already partially developed and that part which is not is too small to be put to efficient rural use.

DCC 3 waters has no concerns about the proposed rezoning.

The benefits of including part of 45 Boundary Road in the Industrial Zone and removing the high class soils mapped area outweigh the costs of inefficient use and development of this site.

### Scope of variation

Amend the zoning of part of 45 Boundary Road, Green Island. Remove the High Class Soils Mapped Area from part of 45 Boundary Road, Green Island

### Proposed amendment

Rezoning the part of 45 Boundary Road that is being amalgamated with 17 Carnforth Street from Hill Slopes Rural Zone to Industrial Zone and remove the High Class Soils Mapped Area from that part of 45 Boundary Road.



**Figure 16:** Rezoning part of 45 Boundary Road, Green Island from Hill Slopes Rural Zone to Industrial Zone and removing the High Class Soils Mapped Area from that part of 45 Boundary Road (Left: current map; Right: proposed map).



## Lot 88 Kane Street, Green Island and part of 45 Boundary Road, Green Island (change 1.72)

### Problem

Lot 88 Kane Street, Green Island and part of 45 Boundary Road, Green Island are isolated areas of Hill Slopes Rural Zone. They are surrounded by Industrial zoned land, or Industrial Transition Overlay Zone. The sites are too small to be used effectively for rural uses. The current zoning does not allow for more efficient use for industrial purposes, in association with adjoining land.

### S32 Analysis of options

The relevant 2GP objective is Objective 2.3.1 (Land and facilities important for economic productivity and social well-being):

*Land and facilities that are important for economic productivity and social well-being, which include industrial areas, major facilities, key transportation routes, network utilities; and productive rural land are:*

- 1. protected from less productive competing uses or incompatible uses, including activities that may give rise to reverse sensitivity; and*
- 2. in the case of facilities, able to operate efficiently and effectively.*

This is implemented through Policy 2.3.1.4:

*Identify land strategically important for industrial activities, including near the Harbour and key transport routes, and use industrial zoning and rules to protect industrial activities from incompatible or competing land uses in these areas, in particular retail (other than yard-based retail) and residential activities.*

In this instance Industrial Transition Overlay Zone is proposed due to water and waste network and roading constraints. The relevant objective is Objective 12.2.3:

*Land within the Industrial Transition Overlay Zone is able to be released and developed in a coordinated way as industrial zoned land when there is a need for additional land to accommodate growth.*

This policy is implemented through Policy 12.2.3.1 which details the process for land to transition from rural zoned land to industrial zoned land where an agreement between the DCC and the developer is in place regarding infrastructure provision. DCC 3 waters has no concerns about the proposed overlay.

The sites in question are currently zoned Rural Hill Slopes and surrounded by Industrial and Industrial Transition Overlay zoned land. The sites are too small to be put to efficient rural use. Applying an Industrial Transition Overlay Zone will ensure that the sites can be used in the most efficient way possible and better achieve the above objectives and policies, whilst acknowledging the infrastructure constraints.

### Scope of variation

Amend the zoning of Lot 88 Kane Street and part of 45 Boundary Road, Green Island.

### Proposed amendment

Rezone Lot 88 Kane Street and Part of 45 Boundary Road, Green Island as Industrial Transition Overlay Zone.

Industrial Transition Overlay Zone is proposed rather than Industrial Zone due to water and waste network and roading constraints. The Industrial Transition Overlay Zone will allow DCC to address these issues and if necessary, require development which intensifies the industrial usage of the site to potentially pay for, or partially pay for, the upgrade of services.



**Figure 17:** Rezoning Lot 88 Kane Street, Green Island and part of 45 Boundary Road, Green Island from Hill Slopes Rural Zone to Industrial Transition Overlay Zone (Left: current map; Right: proposed map).

### Carnforth Street, Green Island (change 1.73)

#### Problem

Carnforth Street (Main South Road to Neill Street intersection) in Green Island has been classified as Motorway in the Road Classification Hierarchy Mapped Area as shown on the 2GP map. However, Carnforth Street traverses below the Dunedin Southern Motorway and is not part of the motorway. The 2016 Transport Classification Report prepared for the 2GP indicated that Carnforth Street was to maintain the equivalent classification it had in the Operative District Plan Road Hierarchy. Accordingly, this section of Carnforth Street was mapped in Attachment 5 to that report as a Collector. There is a minor mapping error and is considered a clarification rather than a substantive change.

#### Scope of variation

Road classification hierarchy for that part of Carnforth Street that links Neill Street to Main South Road.

#### Preferred option

It is proposed to amend the classification of Carnforth Street (Main South Road to Neill Street intersection) from 'Motorway' to 'Collector Road'. Council's Transport Group agrees with the proposed change to this section of Carnforth Street from Motorway to Collector Road (see Transport Evidence: [www.dunedin.govt.nz/2GP-variation-1-minor-amendments](http://www.dunedin.govt.nz/2GP-variation-1-minor-amendments)).



**Figure 18:** Amending the road hierarchy of Carnforth Street, Green Island from Motorway to Collector Road in the Road Classification Hierarchy Mapped Area (Left: current map; Right: proposed map).

## Supporting documents

The following documents have been referenced in this report as supporting documents and may be viewed online at [www.dunedin.govt.nz/2GP-variation-1-minor-amendments](http://www.dunedin.govt.nz/2GP-variation-1-minor-amendments):

- DCC Transport Group Expert Advice (changes 1.18, 1.19, 1.20, 1.21, 1.22, 1.23, 1.25, 1.73)
- Urban Design Assessment Rules 18.6.1 and 19.6.1 (changes 1.37 and 1.38)
- Urban Design Assessment Rule 18.6.5.2 (change 1.40)
- Heritage NZ Letter 17 Graham Street (change 1.49)
- Heritage Assessment for St Joseph's Hall 255 Rattray Street (change 1.50)
- Heritage Assessment for Sew Hoy Building 29 Stafford Street (change 1.51)
- Heritage Assessment for Robert Lord Cottage 3 Titan Street (change 1.52)
- Heritage Assessments for 92 and 94 Filleul Street (changes 1.54 and 1.55)
- Heritage Assessments for 11 Elder Street and 95 Filleul Street (changes 1.56 and 1.57)
- Ecological Assessment for ASBV 1588 Highcliff Road (change 1.58)
- Soil Assessment for 60 Mount Grand Road (change 1.67)