



**SECOND  
GENERATION  
DISTRICT PLAN**

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

**Section 42A Report**

**20 May 2020**

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## **Code of Conduct**

I confirm that I have read, and agree to comply with, the Environment Court Code of Conduct for Expert Witnesses (Consolidated Practice Note 2014).

# Table of Contents

1.0	Introduction .....	3
1.1	Purpose of the Officer's Report .....	3
2.0	Background .....	3
2.1	2GP full plan review .....	3
2.2	Summary of Variation 1 .....	4
3.0	Statutory Context .....	5
3.1	Resource Management Act 1991 (RMA) .....	5
3.2	National Policy Statements and National Environment Standards, Regional Policy Statement and Dunedin Spatial Plan .....	5
4.0	Submissions received on Variation 1 .....	6
4.1	Overview of submissions received .....	6
4.2	Withdrawn submission points .....	6
4.3	Variation 1 changes which received no submissions .....	7
4.4	Variation 1 changes which received only submissions in support .....	9
4.5	Variation 1 changes which received submissions seeking amendment .....	10
5.0	Provision by Provision assessment and recommendations .....	12
5.1	Provisions with submissions only in support .....	12
5.2	Provisions with submissions which seek amendment .....	14
5.2.1	Submissions on Definition of driveways (Change 1.3) .....	14
5.2.2	Submissions on Rule 4.5.7 Number, Location and Design of Temporary Signs (Change 1.17) .....	17
5.2.3	Submissions on Building Length (Change 1.32) .....	19
5.2.4	Submissions on 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) .....	22
5.2.5	Submission on Rule 18.6.8 Location and screening of car parking (Change 1.41) .....	26
5.2.6	Submissions on Rule 34.6.6.1.b Height in Relation to Boundary (Change 1.47) .....	28
5.2.7	Submission on Reference to Policy 2.3.2.2 and Policy 2.4.3.4 in assessment rules for retail and office activities (Change 1.59) .....	30
5.2.8	Submission on rules that apply to pedestrian street frontage mapped areas (Change 1.60) .....	36
5.2.9	Submission on Land between Hartstonge Avenue, Reid Avenue and Factory Road (Change 1.64 and 1.65) .....	39

## **1.0 Introduction**

### **1.1 Purpose of the Officer's Report**

1. This report is prepared under the provisions of section 42A of the Resource Management Act 1991 (RMA) to:
  - assist the Hearing Panel in making their decisions on the submissions on Variation 1 to the 2GP; and
  - provide submitters with information about how their submissions have been evaluated and the recommendations being made by officers prior to the hearing.
2. The evaluations and recommendations presented in this report are based on the information available prior to the hearing, including information contained in submissions.
3. In evaluating the submissions, the matters considered include:
  - whether a decision requested falls within the functions of Dunedin City Council (DCC) under section 31 of the RMA
  - the matters to be considered in the preparation of District Plans as outlined in section 74, including:
    - the matters outlined in section 32 of the RMA
    - the provisions of Part 2 of the RMA
    - having regard to the proposed Regional Policy Statement
    - having regard to the Dunedin Spatial Plan
  - the required content of district plans as outlined in section 75, including giving effect to the operative regional policy statement and any national policy statements
  - any restrictions on rules as outlined in section 76.

## **2.0 Background**

### **2.1 2GP full plan review**

4. Dunedin City Council (DCC) notified the Dunedin City Second Generation District Plan (2GP) 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.
5. 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.
6. The appeal period on the full plan review of the 2GP closed in December 2018. There were 83 appeals, although 1 appellant has subsequently withdrawn his appeal, therefore there are now 82 appeals to the 2GP over a wide range of provisions and planning map elements.
7. Variation 1 was generally not intended to change 2GP provisions subject to appeal however there are several instances where that has happened. In those instances, the scope of the relief sought in the appeals and the scope of the change in Variation 1 has been carefully considered. Only where the change in Variation 1 does not affect the capacity to grant the relief requested in the appeal, was the change included in Variation

1. The two changes that have received Variation 1 submissions seeking a change, and that are also subject to 2GP appeals areas are as follows:

- Change 1.41 - Rule 18.6.8 Location and screening of car parking, which is subject to appeal by Woolworths New Zealand Limited (appeal point 366)
- Change 1.47 Rule 34.6.6.1.b Height in Relation to Boundary, which is subject to appeal by University of Otago (appeal point 191).

## **2.2 Summary of Variation 1**

8. 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.
9. 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. The amendments are generally minor in nature, with 50 of 73 amendments considered clarifications, rather than substantive changes, and 23 out of 73 being minor substantive changes.
10. The amendments in Variation 1 are generally of three types:
  - Minor clarifications to the wording of provisions to ensure that provisions function as intended. This includes some 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.
  - More substantive amendments to provisions to improve the workability and usability of the 2GP. These include filling gaps in standards (for example Change 1.21) and making minor changes to provisions to remove unintended consent requirements (for example Change 1.34). These include changes to election signs rules based on feedback received over the last election period (Change 1.17).
  - Mapping amendments to make minor adjustments to zone or mapped area boundaries where boundaries are in the wrong place, for example moving a zone boundary line to follow a property boundary (remove a split zoned property) or aligning a zone boundary to an existing pattern of development in a block/area (or more logical transition point) or to correct where a scheduled heritage building is located on the 2GP Planning Map. Two additional scheduled heritage buildings and an Area of Significant Biodiversity Value are also proposed to be added.
11. Variation 1 was notified for submissions on Wednesday, 20 November 2019, with the submission period closing on Wednesday, 18 December 2019. The summary of decisions requested by submitters was open for further submissions from Wednesday, 29 January to Thursday, 13 February 2020. No further submissions were received.
12. The *Variation 1 Proposed Amendments and Section 32 Evaluation Report*, which was one of the documents notified with Variation 1, summarises the amendments proposed by Variation 1 to the 2GP. It also incorporates the summary of the evaluation required by section 32 of the RMA.
13. Expert transport, urban design, heritage, ecological and soil assessment evidence were also notified with this Variation.
14. The changes proposed by this Variation were also included in the electronic version of the Plan (on the 2GP website). The text of the changes to the Plan was highlighted in yellow on the 2GP website with a '{Variation 1 amendment}' note at the provision heading to clarify what the provision related to. The Variation 1 changes to the 2GP Planning Map were also highlighted with an overlay and a description of the Variation 1 change.

## **3.0 Statutory Context**

### **3.1 Resource Management Act 1991 (RMA)**

15. Under Section 31(1)(a) of the RMA territorial authorities have functions for the review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district.
16. The recommendations in this report are considered to give effect to the DCC's function in giving effect to Part 2 of the RMA, particularly as they seek to make minor amendments to policies and rules (methods) to ensure they function as intended and improve the workability and usability of the 2GP and minor mapping amendments to correct errors and include new scheduled heritage buildings and an Area of Significant Biodiversity Value that are supported by land owners.

### **3.2 National Policy Statements and National Environment Standards, Regional Policy Statement and Dunedin Spatial Plan**

17. No National Policy Statements (NPS) or National Environment Standards (NES) are relevant to the amendments within Variation 1.
18. The Variation 1 changes also do not amend 2GP objectives and only change policies or rules in a minor way. Therefore, the Variation gives effect to the Partially Operative Otago Regional Policy Statement 2019 and has regard to the Dunedin Spatial Plan (2012), in the same way as the decision version of the 2GP does.

## 4.0 Submissions received on Variation 1

### 4.1 Overview of submissions received

19. At the close of the submission period 8 submissions were received on Variation 1, from:
- Dunedin City Council
  - Fonterra Limited
  - Heritage New Zealand
  - KiwiRail
  - The Oil Companies
  - Transpower New Zealand Limited
  - University of Otago
  - Ryman Healthcare Limited
20. No further submissions were lodged in support or opposition to the points raised in these parties' submissions.

### 4.2 Withdrawn submission points

21. After the close of the further submission period, I contacted Fonterra Limited, the Oil Companies and Transpower New Zealand Limited to question the scope of the following submission points:

Submitter name and point number	Summary of decision requested
Fonterra Limited 750635-OS-Change 1.26	Make a new amendment to the Plan to add to Policy 9.2.2.2 and Rule 9.3.1 'the Mosgiel Noise Control Area' as an area where acoustic insulation is required (as requested in submission on the 2GP full review).
The Oil Companies 750659-OS-1.26	Amend Policy 9.2.2.2, as follows (note the changes proposed are highlighted in <b>bold</b> , so they can be differentiated between the Variation 1 amendments proposed to this rule):  Require <del>those parts of buildings used for that</del> noise sensitive activities, <del>where undertaken in buildings,</del> in the following areas <del>to provide have</del> adequate acoustic insulation <b>to and</b> avoid <b>reverse sensitivity effects and</b> , as far as practicable, significant adverse effects from the higher noise environment anticipated in <del>these</del> <u>the following</u> areas: ...
Transpower New Zealand Limited 750602-OS-Change 1.11	Amend Policy 2.3.1.2.b, as follows: Maintain or enhance the productivity of farming and other activities that support the rural economy through: a. ... b. <u>rules that provide for rural industry, regionally significant infrastructure with an operational or functional need for a rural location and other activities that support the rural economy;</u>  Oppose amendment to Policy 2.3.1.2.c

22. The issue of concern was that I considered that these submission points were outside the scope of the Variation, as outlined in the Variation 1 Section 32 Report.

23. These parties subsequently replied and agreed that these submission points were out of scope and therefore the Oil Companies and Transpower New Zealand Limited withdrew submission points 750659-OS-1.26 and 750602-OS-Change 1.11 respectively.
24. Fonterra Limited withdrew their entire submission 750635-OS-Change 1.26, which also sought retention of the amendments to Policy 9.2.2.2, Rule 9.3.1 Acoustic Insulation and Appendix 9A. Acoustic Insulation Requirements.
25. This meant that the Variation 1 amendments to Policy 2.3.1.2, Policy 9.2.2.2, Rule 9.3.1 Acoustic Insulation and Appendix 9A. Acoustic Insulation Requirements were deemed operative as there were now no submissions seeking amendment.
26. In addition, the Dunedin City Council withdrew their submission on Rule 19.6.4.1 Height in relation to boundary, as they considered that the minor change requested could be resolved through amendment of the Plan in accordance with Clause 16 of the First Schedule to the RMA.

### 4.3 Variation 1 changes which received no submissions

27. The following changes, outlined in the Variation 1 Section 32 Report, did not receive a submission, or as outlined in section 4.2 above, the submission was withdrawn:

<b>Variation 1 change number</b>	<b>Variation 1 change name</b>
1.1	Activities managed by this plan
1.4	Definition of local road
1.5	Definitions of public amenities, sport and recreation
1.6	Definition of rural contractor and transport depots
1.7	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
1.9	Policy 2.2.1.3
1.10	Policy 2.2.3.3
1.11	Policy 2.3.1.2
1.12	Policy 2.3.2.3
1.13	Policy 2.3.3.1
1.14	Policy 2.3.3.2
1.15	Policy 2.4.1.5
1.16	Policy 2.4.6.2
1.18	Rule 6.6.1.1.a.4 and Rule 6.6.1.1.b.4 Minimum parking space dimensions and stall depth
1.19	Rule 6.6.3.1 Maximum number of vehicle crossings



<b>Variation 1 change number</b>	<b>Variation 1 change name</b>
1.20	Rule 6.6.3.2 Minimum sight distance from a vehicle access
1.22	Rule 6.6.3.5 Standard of vehicle accesses onto state highways
1.24	Rule 6.8.1 Access
1.25	Appendix 6B
1.27	Rule 9.3.5 Light Spill and assessment rule
1.28 and 1.29	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)
1.33	Rule 15.6.12.6 Freestanding signs (ancillary to commercial activities and community activities)
1.35	Rule 16.11.2.2 – assessment rule for rural tourism – large scale and rural research – large scale
1.40	Rule 18.6.5.2 Maximum and Minimum Height
1.42	Rule 18.6.13.1 Number, Location and design of ancillary signs – General
1.43	Rule 18.6.13.2 Number, Location and design of ancillary signs – Signs attached to buildings
1.44	Rule 19.6.4.1 Height in relation to boundary
1.45	Rule 29.4 Notification Otago Museum Zone
1.46	Rule 29.6.8 Setback from Scheduled Tree
1.53 – 1.57	A1.1 Schedule of Protected Heritage Items and Sites – Scheduled Heritage Buildings - B656 (change 1.53), B097 (change 1.54), B101 (change 1.55), B102 (change 1.56), B103 (change 1.57)
1.58	A1.2 Schedule of Areas of Significant Biodiversity Value
1.61	25 and 27 Harrington Street, Port Chalmers
1.62	30C, 32A, 32B and 32D Emerson St, Concord
1.63	1 Reid Avenue, Mosgiel
1.66	20 Isadore Road and 257 Hillhead Road, Dunedin
1.67	60 Mount Grand Road, Burnside
1.69	59 Manchester Street, Kaikorai Valley

<b>Variation 1 change number</b>	<b>Variation 1 change name</b>
1.70	26 Ings Avenue, St Clair
1.71	17 Carnforth Street and 45 Boundary Road, Green Island
1.72	Lot 88 Kane Street, Green Island and part of 45 Boundary Road, Green Island
1.73	Carnforth Street, Green Island

#### **4.4 Variation 1 changes which received only submissions in support**

28. The following changes, outlined in the Variation 1 Section 32 Report, only received submissions in support:

<b>Variation 1 change number</b>	<b>Variation 1 change name</b>	<b>Submitter name</b>
Change 1.2	Definition of building	The Oil Companies
Change 1.8	Heritage rules: definitions of repairs and maintenance, additions and alterations and restoration and the Materials and design performance standard (Rule 13.3.2)	KiwiRail and Heritage New Zealand
Change 1.21	Rule 6.6.3.4.b.ii.3 Minimum distances of new vehicle crossing from intersections and level crossings	KiwiRail
Change 1.23	Rule 6.7.1.2 Service Station standards and queuing spaces required 'per pump'	The Oil Companies
Change 1.26	Rule 9.3.1 Acoustic Insulation and Appendix 9A Acoustic Insulation Requirements.	KiwiRail
Change 1.30	Rule 13.9.1 Demolition of a scheduled heritage building requirements	Heritage New Zealand
Change 1.31	Rules 15.3.4, 18.3.6, 34.3.4 Development Activity Status Tables	Heritage New Zealand
Change 1.34	Rule 15.6.13.1 Boundary setbacks	KiwiRail
Change 1.36	Rules 17.7.5 Minimum Site Size	Transpower New Zealand Limited
Change 1.39	Rule 18.6.2 Building colour	Heritage New Zealand

<b>Variation 1 change number</b>	<b>Variation 1 change name</b>	<b>Submitter name</b>
Change 1.48	A1.1 Schedule of Protected Heritage Items and Sites	Heritage New Zealand
Change 1.49-1.52	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)	Heritage New Zealand
Change 1.68	397 and 399 Highgate, Dunedin	Ryman Healthcare Limited

#### **4.5 Variation 1 changes which received submissions seeking amendment**

29. The following changes, outlined in the Variation 1 Section 32 Report, received submissions seeking amendment:

<b>Variation 1 change number</b>	<b>Variation 1 change name</b>	<b>Submitter name</b>
Change 1.3	Definition of driveways	Dunedin City Council
Change 1.17	Rule 4.5.7 Number, Location and Design of Temporary Signs	University of Otago
Change 1.32	Rule 15.6.1 Building Length	Dunedin City Council
Change 1.37 and Change 1.38	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)	The Oil Companies
Change 1.41	Rule 18.6.8 Location and screening of car parking	The Oil Companies
Change 1.47	Rule 34.6.6.1.b Height in Relation to Boundary	Dunedin City Council
Change 1.59	Reference to Policy 2.3.2.2 and Policy 2.4.3.4 in assessment rules for retail and office activities	University of Otago

<b>Variation 1 change number</b>	<b>Variation 1 change name</b>	<b>Submitter name</b>
Change 1.60	Rules that apply to <b>pedestrian street frontage mapped areas</b>	Dunedin City Council
Change 1.64 and Change 1.65	Land between Hartstonge Avenue, Reid Avenue and Factory Road	Dunedin City Council

31. In addition, Transpower New Zealand Limited (Change 1.3), Heritage New Zealand (Change 1.17) and University of Otago (Change 1.47) supported the relevant proposed changes as notified.

## 5.0 Provision by Provision assessment and recommendations

### 5.1 Provisions with submissions only in support

Submitter point number	Submitter name	Support/Oppose/Seek Amend	Summary of decision requested
750659-OS-Change 1.2	The Oil Companies	I support the provision	Retain the amendment to the definition of 'building'
750605-OS-Change 1.8	KiwiRail	I support the provision	Retain the amendments to definitions of Repairs and Maintenance, Restoration and Additions and Alterations and the application to heritage buildings and structures.
750618-OS-Change 1.8	Heritage New Zealand	I support the provision	Retain the amendments to: - the definition of Repairs and Maintenance; - the definition of Restoration; - the definition of Additions and Alterations, and - Rule 13.3.2 Materials and design.
		I support the provision	Retain the amendments to the activity tables (Rules 19.3.4, 16.3.4, 17.3.4, 20.3.4, 22.3.4, 26.3.4, 27.3.4, 29.3.4, 31.3.4, 33.3.4).
		I support the provision	Retain the amendments to the assessment criteria (Rules 13.5.3.1, 13.5.4.6, 13.6.3.3, 13.6.4.2).
750605-OS-Change 1.21	KiwiRail	I support the provision	Retain the amendment to Rule 6.6.3.4.b.ii.3 Minimum distances of new vehicle crossing from intersections and level crossings.
750659-OS-Change 1.23	The Oil Companies	I support the provision	Retain the amendments to Rule 6.7.1 Service station standards.
750605-OS-Change 1.26	KiwiRail	I support the provision	Retain the amendments to Rule 9.3.1 Acoustic Insulation and Appendix 9A Acoustic Insulation Requirements.

Submitter point number	Submitter name	Support/Oppose/Seek Amend	Summary of decision requested
750618-OS-Change 1.30	Heritage New Zealand	I support the provision	Retain the amendments to Rule 13.9.1 Special Information Requirements - Demolition of a scheduled heritage building requirements.
750618-OS-Change 1.31	Heritage New Zealand	I support the provision	Retain the amendments to Rules 15.3.4, 18.3.6 and 34.3.4 (Signs attached to buildings and structures, retaining walls over 1m in height – Residential, Commercial and Mixed Use and Campus zones).
750605-OS-Change 1.34	KiwiRail	I support the provision	Retain the amendments to Rule 15.6.13.1 Boundary setbacks, subject to amendments sought in appeal to the 2GP.
750602-OS-Change 1.36	Transpower New Zealand Limited	I support the provision	Retain the amendments to Rule 17.7.5 Minimum Site Size
750618-OS-Change 1.39	Heritage New Zealand	I support the provision	Retain the amendments to Rule 18.6.2 Building colour
750618-OS-Change 1.48	Heritage New Zealand	I support the provision	Retain the amendments to Appendix A1.1: B001 Alva House and B017 Wolf Harris Fountain.
750618-OS-changes 1.49-1.52	Heritage New Zealand	I support the provision	Retain the amendments to Appendix A1.1: B241 Clifton Villa, B504(ii) St Joseph's Hall, B1381 Sew Hoy Building and B1382 Robert Lord Cottage
750642-OS-Change 1.68	Ryman Healthcare Limited	I support the provision	Retain Schools Zone for 397 Highgate
<b>Discussion</b> The submitters' support of changes 1.2, 1.8, 1.21, 1.23, 1.26, 1.30, 1.31, 1.34, 1.39, 1.36, 1.39, 1.48, 1.49-1.52 and 1.68 is noted.			

## 5.2 Provisions with submissions which seek amendment

### 5.2.1 Submissions on Definition of driveways (Change 1.3)

Submitter Point Number	Submitter Name	Support/Oppose/Seek Amend	Summary of Decision Requested	Accept/Reject /Accept in Part	Staff Recommendation
750356-OS-Change 1.3	Dunedin City Council	I seek to have the provision amended	Amend the Family Flats Design performance standards in the residential, rural and rural residential zones (Rules 15.5.14.2, 16.5.14.2 and 17.5.13.2 respectively) by replacing the words 'vehicle access' with the word 'driveway' in sub-clause a.iv of these rules.	Accept	Amend the Family Flats Design performance standards in the residential, rural and rural residential zones (Rules 15.5.14.2, 16.5.14.2 and 17.5.13.2 respectively) by replacing the words 'vehicle access' with the word 'driveway' in sub-clause a.iv of these rules.
750602-OS-Change 1.3	Transpower New Zealand Limited	I support the provision	Retain the amendments to the definition of driveways.	Accept in part	Retain the amendments to the definition of driveways, as shown below.

#### **Discussion**

##### **Background**

There is a lack of clarity of the provisions that apply to “driveways” and “vehicle accesses”.

The definition of driveways as amended by Variation 1 is:

‘A constructed accessway that provides vehicular access, other than as meets the definition of vehicle tracks. For the sake of clarity, this includes access legs, private ways, and service lanes.’

The definition of vehicle access/es is:

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

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).

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.

### **Submissions**

In addition to the rules identified in Change 1.3 of Variation 1, the Dunedin City Council has identified three additional rules where the same error exists. The DCC have requested that in the Family Flats Design performance standards in the residential, rural and rural residential zones (Rules 15.5.14.2, 16.5.14.2 and 17.5.13.2 respectively), reference to 'vehicle access' is replaced with 'driveway'.

### **Recommendation**

I recommend that the submission by the Dunedin City Council to amend rules 15.5.14.2, 16.5.14.2 and 17.5.13.2 be accepted as these performance standards should refer to the entire access (defined as 'driveway' in the 2GP rather than the 'vehicle access').

### **Recommended amendment**

Amend the Family Flats – Design performance standards in the residential, rural and rural residential zones (Rules 15.5.14.2, 16.5.14.2 and 17.5.13.2 respectively), as follows:

#### 15.5.14.2 Family Flats – Design

##### a. Family flats must:

- i. ...;
  - ii. ...;
  - iii. be on the same household electricity account; and
  - iv. share the same ~~vehicle access~~ driveway as the primary residential unit.
- b. Standard residential activity that contravenes this performance standard is a restricted discretionary activity.

#### 16.5.14.2 Family Flats - Design

##### a. Family flats must:

- i. ...;
  - ii. ...;
  - iii. be on the same household electricity account;
  - iv. share the same ~~vehicle access~~ driveway as the primary residential unit; and
  - v. ....
- b. Standard residential activity that contravenes this performance standard is a restricted discretionary activity.

#### Rule 17.5.13.2 Family Flat - Design

##### a. Family flats must:

- i. ...;
- ii. ...;



- iii. be on the same household electricity account;
  - iv. share the same ~~vehicle access~~ driveway as the primary residential unit; and
  - v. ....
- b. Standard Residential activity that contravenes this performance standard is a restricted discretionary activity.

### 5.2.2 Submissions on Rule 4.5.7 Number, Location and Design of Temporary Signs (Change 1.17)

Submitter Point Number	Submitter Name	Support/Oppose/Seek Amend	Summary of Decision Requested	Accept/Reject /Accept in Part	Staff Recommendation
750231-OS-Change 1.17	University of Otago	I support the provision	Retain the amendment to Rule 4.5.7.1.b Number, Location and Design of Temporary Signs - General.	Accept	Retain the amendment to Rule 4.5.7.1.b Number, Location and Design of Temporary Signs - General, as proposed by Change 1.17, without amendment.
		I seek to have the provision amended	Amend Rule 4.5.7.1.b to add the list of areas where illuminated signs are provided for to include the Campus Zone	Reject	Do not amend Rule 4.5.7.1.b to add the list of areas where illuminated signs are provided for to include the Campus Zone
750618-OS-Change 1.17	Heritage New Zealand	I support the provision	Retain the amendments to Rule 4.5.7.1 General and Rule 4.5.7.2 Election Signs.	Accept	Retain the amendments to Rule 4.5.7.1 General and Rule 4.5.7.2 Election Signs.

#### **Discussion**

##### **Background**

Change 1.17 was intended to enable temporary signs to be illuminated in the same zones where illumination of permanent (ancillary signs) is permitted.

Rule 4.5.7.1.b Number, Location and Design of Temporary Signs – General, describes that temporary signs must not be illuminated except in the CBD, centres, PPH and SSYP zones providing that they are not also within a pedestrian street frontage mapped area or heritage precinct. This rule provides for illuminated temporary signs in the CBD Edge Commercial and Trade Related zones, industrial zones and the Dunedin Hospital, Dunedin International Airport, Edgar Centre, Mercy Hospital, Moana Pool and Stadium major facility zones.

##### **Submissions**

The University of Otago seeks that the Campus zone be added to the list of zones where illuminated temporary signs are provided for (Rule 4.5.7.1.b.iv) because *“the nature of the Campus Zone is similar to the others in the major facility zone that have been included. The Campus Zone is near both the Stadium and Hospital major facility zones.”*

Heritage New Zealand supported, and sought the retention of, the more stringent controls on illuminated temporary signs and election signs within heritage precincts.

**Recommendation**

I consider that the University of Otago submission is unnecessary because temporary activities are included under the definition of Campus activities, which are permitted in the Campus Zone (refer definition of Campus below).

**Campus**

*The use of land and buildings by the University of Otago or the Otago Polytechnic, in the Campus Zone, for the provision of teaching, training, learning, and research. For the sake of clarity, this includes:*

- *staff and student facilities, including student and staff support services, student union offices, student and staff clubs and organisations*
- *activities shared with the Dunedin Hospital*
- *administration activities*
- *amenities for staff and students that would otherwise meet the definition of public amenities; and*
- *temporary activities*
- *Campus is an activity in the major facility activities category.*

This means that illuminated temporary signs are a permitted activity under the definition of campus activity, if carried out by the University of Otago or the Otago Polytechnic.

For this reason, I do not support the amendment of Rule 4.5.7.1.b to add the Campus as an area where illuminated temporary signs are provided for.

I note the Heritage New Zealand submission to retain the temporary signs provisions.

**Recommended amendment**

Retain the amendments proposed by Change 1.17, without amendment.

### 5.2.3 Submissions on Building Length (Change 1.32)

Submitter Point Number	Submitter Name	Support/Oppose/Seek Amend	Summary of Decision Requested	Accept/Reject /Accept in Part	Staff Recommendation
750356-OS-Change 1.32	Dunedin City Council	I seek to have the provision amended	<p>Amend Rule 15.6.1.1 Building Length, as follows (note the changes proposed are highlighted in <b>bold</b>, so they can be differentiated between the Variation 1 amendments proposed to this rule):</p> <p>1. New buildings and additions and alterations <b>to buildings</b> 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 <b>include</b> <del>or</del> 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.</p>	Accept	Amend the Rule 15.6.1. Building Length, as shown below.

#### **Discussion**

##### **Background**

The amendments to Rule 15.6.1 Building length proposed by Change 1.32, as notified, are:

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.~~

The reason for these notified amendments is to simplify the language used, and to clarify that the 20m wall length 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 this amendment and support this approach.

### **Submission**

The submission is a minor amendment to provide greater clarity within Rule 15.6.1.1 Building Length, that this rule applies to new buildings and additions and alterations to buildings only, where the wall of the building is more than 20m in length and is visible, in full or in part, from an adjoining public place (for example a road). The definition of 'additions and alterations' is wider than just buildings and refers to 'changes to the external envelope (i.e. size) of a building or structure and signs attached to buildings and structures.' Therefore, the amendment proposed by the DCC to refer to alterations 'to buildings' will clarify that this rule, for example, does not apply to additions and alterations to structures.

### **Recommendation**

The amendments to Rule 15.6.1.1 Building Length are supported. The changes to the remainder of Rule 15.6.1 have not been submitted on and therefore are beyond challenge.

Although in reviewing this rule we have noticed that the wording of clause 2 of proposed Change 1.32 does not make sense. This is because a wall that is shared with a building on an adjoining site, can not be seen, and therefore is not visible from an adjoining public place. Therefore, I recommend that clause 2 of Rule 15.6.1.Building Length be deleted in its entirety because it is unnecessary.

No one submitted on clause 2 of Rule 15.6.1.Building Length, although I consider that the deletion of this clause can be made pursuant to cl.16 of the First Schedule of the RMA, as it is of a minor effect and corrects a minor error.

The amendments to Rule 15.6.1.Building Length, for clarity, have been shown in two different ways in the recommended amendments below. The first shows the amendments made through Change 1.32 as notified, through the DCC submission and by way of cl.16. To differentiate between each type of change the following brackets *{notified}*, *{submission}* or *{cl.16}* will appear after the underlined and strikethrough text which is changing to clarify how the change was made. These changes are titled 'marked up version of Rule 15.6.1.Building Length', in the recommended amendments below.

The second way to show the recommended amendment is to show Rule 15.6.1.Building Length as it is proposed to be amended, without any underlined or strikethrough text. This is titled 'clean version of Rule 15.6.1.Building Length', in the recommended amendments below.

### **Recommended amendment**

Amend Rule 15.6.1. Building Length, as shown below.

#### Marked up version of Rule 15.6.1.Building Length

1. New buildings and additions and alterations to buildings *{submission}* 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~~

~~{notified} include or {submission} 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. {notified}~~

- ~~2. Except that this standard does not apply where the wall is shared with a building on an adjoining site. {cl.16}~~
2. For the purposes of this rule, the length of walls will be measured parallel to the boundary of the site. {notified}
3. For the purposes of this rule a 'continuous length dimension' {notified} 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 length dimension. {notified}
- ~~3. Buildings that are not visible from an adjoining public place are exempt from this standard. {notified}~~
- ~~5. 4. New buildings and additions and alterations that contravene the performance standard building length this standard {notified} are restricted discretionary activities.~~

#### Clean version of Rule 15.6.1. Building Length

1. New buildings and additions and alterations to buildings must not 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. For the purposes of this rule, the length of walls will be measured parallel to the boundary of the site.
3. For the purposes of this rule a 'continuous 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 length.
4. New buildings and additions and alterations that contravene this standard are restricted discretionary activities.

5.2.4 Submissions on 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)

Submitter Point Number	Submitter Name	Support/Oppose/Seek Amend	Summary of Decision Requested	Accept/Reject /Accept in Part	Staff Recommendation
750659-OS-1.37	The Oil Companies	I seek to have the provision amended	Retain the amendments to Rule 18.6.1 Boundary Treatments and Other Landscaping except for the requirement for landscaping to apply to the demolition and removal for relocation of buildings.	Accept	Amend Rule 18.6.1 Boundary Treatments and Other Landscaping, as shown below
750659-OS-1.38	The Oil Companies	I seek to have the provision amended	Retain the amendments to Rule 19.6.1 Boundary Treatments except for the requirement for landscaping to apply to the demolition and removal for relocation of buildings.	Accept	Amend Rule 19.6.1 Boundary Treatments, as shown below

**Discussion**

**Background**

Section 4.5 of the 2GP User Guide (*DCC April 2019 - incorporating changes made through 2GP decisions*) (Attachment A) explains how performance standards are laid out. The Activity Status table indicates which performance standards need to be checked for which activities. For performance standards that apply to a large number of activities these are listed at the top of the activity status table against 'all land use activities' or 'all development activities' or sub-categories under these. For performance standards that only apply to a few activities these are often listed in the row for those individual activities.

The performance standards also give information about which activities the performance standard applies to. For performance standards that are linked to categories of activities this information will often narrow the range of activities in that category/sub-category of activities that the performance standard applies to.

The performance standards Rule 18.6.1 Boundary Treatments and Other Landscaping and Rule 19.6.1 Boundary Treatments is listed against 'all development activities' in Rule 18.3.6 and Rule 19.3.4 Development Activity Status Table of the commercial and mixed use and industrial zones respectively. However, the performance standard itself fails to identify which activities it applies to (which would then need to be interpreted to mean it applies to all development activities as that is what is linked from the activity status table). However, this was unintentional. It was intended that it apply to development activities that created a visible change and not all of the broad range of activities that fall within the category of development activities, for example putting in a new sign (see below).

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
Site development activities	Outdoor storage	Service areas
	Parking, loading and access	Parking areas
	Storage and use of hazardous substances	
	Shelterbelts and small woodlots	
	Vegetation clearance	Indigenous vegetation clearance (note that this activity is managed at two scales; indigenous vegetation clearance – large scale and indigenous vegetation clearance – small scale)

The amendments proposed through Variation 1 were a minor change to remove types of development that did not make sense to have the boundary treatments standard apply to them and/or did not create a significant visible change to the site from needing to comply with the standard.



The proposed amendments to Rule 18.6.1 Boundary Treatments and Other Landscaping (in commercial and mixed use zones), which are the same in Rule 19.6.1 Boundary Treatments (in industrial zones), proposed by changes 1.37 and 1.38, are:

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. ...

In the commercial and mixed use zones the landscaping requirement of 1.5m width applies along the full length of any road boundary that does not have a building within 1.5m of that boundary, while in industrial zones a landscaping requirement of 3m width applies along amenity route mapped areas only.

### **Submission**

The Oil Companies sought to remove the need for demolition and removal for relocation to comply with the boundary treatment standards.

For demolition and removal for relocation development activities the Oil Companies consider that the requirement for landscaping is inappropriate because there is a high likelihood the site will be redeveloped, and any landscaping would therefore be more appropriately designed and implemented in the context of the new development. In addition, they consider that the landscaping requirement may act as a disincentive for the removal of rundown or derelict buildings, where a landowner must invest in landscaping or obtain resource consent, and therefore result in a worse outcome for streetscape amenity.

### **Recommendation**

I agree that where a site is redeveloped the landscaping should be designed and implemented after the new development construction is complete (at the end of the redevelopment) to ensure it is not damaged through the construction period. And in practice if a site were to be redeveloped and the demolition consent and new development consent were lodged at the same time, the expectation is the landscaping would be done after the development was complete.

However, the advice of the DCC urban design expert has been that in higher amenity areas where the standard applies, where demolition or removal for relocation is undertaken, and redevelopment does not occur in a timely manner, that resultant vacant sites should be landscaped to ensure that streetscape amenity is maintained.

I am doubtful that the requirements for a 1.5m width of landscaping in commercial and mixed use zones and a 3m width of landscaping in industrial zones along amenity route mapped areas, or a resource consent, would act as a disincentive for the removal of rundown or derelict buildings. I consider that this landscaping requirement is important for maintaining and improving the streetscape amenity of commercial and mixed use areas. I also note that only relatively small parts of industrial zones have been identified on the 2GP Planning Map as amenity route mapped areas (for example Portsmouth Drive) and these areas are expected to provide a higher level of streetscape amenity (than other parts of the industrial zone), which is important to the City. I also consider that there is a risk of streetscape amenity being compromised if buildings are demolished or removed and vacant sites remain without landscaping.

Overall, I disagree with the submitter and recommend that a landscaping requirement remain for the demolition and removal for relocation of buildings. I recommend the amendments proposed to Rule 18.6.1 Boundary Treatments and Other Landscaping and Rule 19.6.1 Boundary Treatments, as notified by changes 1.37 and 1.38 of Variation 1, be retained without amendment.

**Recommended amendment**

Retain the amendments proposed by Change 1.37 and Change 1.38, without amendment.

### 5.2.5 Submission on Rule 18.6.8 Location and screening of car parking (Change 1.41)

Submitter Point Number	Submitter Name	Support/Oppose/Seek Amend	Summary of Decision Requested	Accept/Reject/Accept in Part	Staff Recommendation
750659-OS-Change 1.41	The Oil Companies	I seek to have the provision amended	Amend Note 18.6.8A.2 Other relevant District Plan provisions, as follows (note the changes proposed are highlighted in <b>bold</b> , so they can be differentiated between the Variation 1 amendments proposed to this rule): 2. <u>Parking areas on sites <b>other than those addressed by Rule 18.6.8.1 above, that do not have a building within 1.5m of the front boundary</b> are subject to Rule 18.6.1 Boundary Treatments and other landscaping.</u>	Accept	Amend Note 18.6.8A Other relevant District Plan provisions, as shown below.

#### Discussion

##### **Background**

The amendments to Rule 18.6.8 Location and screening of car parking, proposed by change 1.41, are:

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 18.6.1 (Boundary treatments and other landscaping)~~
2. ~~3.~~ Parking areas that contravene this performance standard are a non-complying activity.

The amendments to Note 18.6.8A Other relevant District Plan provisions, proposed by change 1.41, is to add a new note, as follows:

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.

The intent of change 1.41 was to avoid the 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. Clause 2 of Rule 18.6.8 requires compliance with Rule 18.6.1. Contravention of Rule 18.6.8 (Location and screening of car parking) is a non-complying activity, whereas contravention of Rule 18.6.1 (Boundary treatments and other landscaping) is a restricted discretionary activity. These are independent performance standards that both apply in certain circumstances. Requiring a 2GP rule to comply with another rule is poor Plan drafting, and the usual 2GP approach is to alert plan users to other relevant rules by a note to plan user. It is also unhelpful to have multiple activity statuses applying to the same contravention of a performance standard. In this instance, the intent was for contravention of Rule 18.6.1 to be a restricted discretionary activity, regardless of the Plan approach to get to this performance standard.

### **Submission**

The Oil Companies submission supported the intention of the amendment but thought that the wording is likely to result in further confusion and requested that Note 18.6.8A.2 be amended to better reflect the requirements of Rule 18.6.1 Boundary Treatments and Other Landscaping, as follows:

2. Parking areas on sites other than those addressed by Rule 18.6.8.1 above, ~~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.

### **Recommendation**

I support the intent of the relief sought by the submitter and agree that amended wording of Note 18.6.8A will assist in avoiding potential confusion as to when Rule 18.6.1 (Boundary treatments and other landscaping) or Rule 18.6.8 (Location and screening of car parking) apply. However, in the commercial and mixed use zones, all development in heritage precincts (except the View Street Heritage Precinct) or on sites that adjoin a primary pedestrian street frontage are subject to both performances standards Rule 18.6.1 – Boundary treatments and other landscaping and Rule 18.6.8 – Location and screening of car parking). I therefore recommend Rule 18.6.8.2 be deleted and that the wording of Note 18.6.8A.2 be amended to make it clear to Plan users that development subject to Rule 18.6.8 (Location and screening of car parking) is also subject to compliance with Rule 18.6.1 (Boundary treatments and other landscaping).

I also note that there is an inconsistency in how additions to parking areas are referred to in the Plan. For example, in Rule 18.6.8 there is reference to 'new extensions to parking areas' this wording is not used anywhere else in the Plan. In comparison, there are numerous rules, for example Rule 18.6.1 Boundary Treatments and Other Landscaping and Rule 19.6.1 Boundary Treatments which refer to 'new or additions to parking areas'. To ensure consistency with the rest of the Plan it is proposed to amend clause 1 of Rule 18.6.8 Location and screening of car parking to refer to 'new or additions to parking areas' instead of 'new extensions to parking areas' and the note below has been amended to be consistent with this. I consider that this amendment can be made pursuant to cl.16 of the First Schedule of the RMA, as it is of a minor effect and corrects a minor error.

### **Recommended amendment**

Amend Note 18.6.8A Other relevant District Plan provisions, as shown below:

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

2. New or additions to parking areas are also subject to Rule 18.6.1 Boundary treatments and other landscaping.

### 5.2.6 Submissions on Rule 34.6.6.1.b Height in Relation to Boundary (Change 1.47)

Submitter Point Number	Submitter Name	Support/Oppose/Seek Amend	Summary of Decision Requested	Accept/Reject /Accept in Part	Staff Recommendation
750356-OS-Change 1.47	Dunedin City Council	I seek to have the provision amended	Amend Rule 34.6.6.1.b Height in relation to boundary as follows (note the changes proposed are highlighted in <b>bold</b> , so they can be differentiated between the other Variation 1 amendments proposed to this rule): 34.6.6.1 Height in relation to boundary a. ... b. <del>At the boundary of the Campus Zone along road frontages, On a site</del> <b>not used for standard residential activity, and</b> <del>where the Campus Zone boundary is within the adjoining road or on the road boundary of the site,</del> <b>all other new buildings and additions and alterations to buildings or structures</b> <del>along road frontages</del> 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 <u>Zone</u> boundary <del>of the Campus Zone</del> , 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. ...	Accept	Amend Rule 34.6.6.1.b Height in relation to boundary, as shown below.
750231 - OS-Change 1.47	University of Otago	I support the provision	Retain amendment to Rule 34.6.6.1.b Height in Relation to Boundary.	Accept in part	Amend Rule 34.6.6.1.b Height in relation to boundary, as shown below.
<b>Discussion</b>					

**Background**

The intent of Change 1.47 to Rule 34.6.6.1.b (Height in relation to boundary) is to clarify that for sites located at the edge of the Campus Zone that the height in relation to boundary measurement applies along road frontages and is taken at the zone boundary.

**Submissions**

The Dunedin City Council submission proposed further changes to clarify that the height in relation to boundary performance standard is intended to apply to new buildings and additions and alterations to buildings only (not structures) and clarify that Rule 34.6.6.1.b applies to a site not used for standard residential activity and to ensure that wording aligns with the *2GP Style Guide* (DCC, 2019 - [https://www.dunedin.govt.nz/\\_\\_data/assets/pdf\\_file/0007/715867/2GP-Style-Guide.pdf](https://www.dunedin.govt.nz/__data/assets/pdf_file/0007/715867/2GP-Style-Guide.pdf)).

The University of Otago submission supports Change 1.47 because they consider the wording of Rule 34.6.6.1.b is confusing, and the new wording will provide certainty.

**Recommendation**

I support the further amendments to this rule proposed by the DCC and consider that these changes will improve alignment with part a. of this rule and the *2GP Style Guide*, which will provide additional clarity and so certainty to Plan users.

**Recommended amendment**

Amend Rule 34.6.6.1.b Height in relation to boundary, as follows:

a. ...

b. ~~At the boundary of the Campus Zone along road frontages,~~ On a site not used for standard residential activity, and where the Campus Zone boundary is within the adjoining road or on the road boundary of the site, all other new buildings and additions and alterations to 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. ...

5.2.7 Submission on Reference to Policy 2.3.2.2 and Policy 2.4.3.4 in assessment rules for retail and office activities (Change 1.59)

Submitter Number	Point	Submitter Name	Support/Oppose /Seek Amend	Summary of Decision Requested	Accept/Reject /Accept in Part	Staff Recommendation
750231-OS-Change 1.59		University of Otago	I seek to have the provision amended	Retain original 2GP text. Do not reference policy 2.3.2.2 and policy 2.4.3.4, together with Objectives 2.3.2 and 2.4.3, in the Major Facility – Campus zone.	Reject	Reference Policy 2.3.2.2 and Policy 2.4.3.4, together with Objectives 2.3.2 and 2.4.3, in the Major Facility – Campus Zone, as shown below
<p><b>Discussion</b></p> <p><b>Background</b></p> <p>The purpose of the Strategic Directions in the 2GP and their role in terms of how they are proposed to be used in the assessment of resource consents was most recently discussed in the following document, which was prepared for a Mediations Introductory Day:  <a href="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</a>.</p> <p>It states:</p> <ol style="list-style-type: none"> <li>5. <i>Therefore, the strategic directions create the framework for understanding the plan and the purpose behind the methods and approaches used in the Plan. In doing so, they fulfil the roles provided by 'methods' and 'explanations' that were included in many first generation plans.</i></li> <li>6. <i>Many strategic direction policies also provide a framework for directing changes and variations to the Plan, for example by setting out the criteria for where different zones or overlays should be applied.</i></li> <li>7. <i>Some also provide directions around where a plan change is a more appropriate process than a resource consent.</i></li> </ol> <p>In the 2GP relevant strategic directions objectives and policies are referenced in the assessment rules. As outlined above, in most cases this is to enable the underlying rationale for plan rules to be able to be seen.</p> <p>The strategic direction objectives and policies, which are proposed to be referenced in the Campus Zone assessment rules by Variation 1 Change 1.59, and which the University of Otago have submitted against are shown below.</p> <p>Objective 2.3.2 states:</p> <p><i>Dunedin has a hierarchy of vibrant centres anchored around one Central Business District Zone (CBD), which provides a focus for economic and employment growth, driven by:</i></p> <ol style="list-style-type: none"> <li>a. <i>attraction of businesses to these areas based on the high level of amenity and density of activity in the area;</i></li> <li>b. <i>opportunities for social interaction, exchange of ideas and business cooperation;</i></li> <li>c. <i>public investment in public amenities and other infrastructure in the CBD; and</i></li> </ol>						

d. *opportunities for agglomeration benefits from the co-location of activities.*

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.*

Objective 2.4.3 states:

*Dunedin's Central Business District is a strong, vibrant, attractive and enjoyable space that is renowned nationally and internationally for providing the highest level of pedestrian experience that attracts visitors, residents and businesses to Dunedin. It is supported by a hierarchy of attractive urban and rural centres.*

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.*

Objective 2.3.2 and Policy 2.3.2.2 and Objective 2.4.3 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 these strategic direction policies in the relevant assessment rules for non-complying and discretionary retail and office activities in other management and major facility zones (including in the Campus Zone) is proposed so that the underlying rationale for these rules can be easily understood/seen. It is therefore not a substantive change as these strategic directions already exist, it is merely making it easier for Plan users to find them (without needing to search the strategic directions).

Change 1.59 of Variation 1 references Objective 2.3.2 and Policy 2.3.2.2 and Objective 2.4.3 and Policy 2.4.3.4 in the Campus Zone assessment rules, as follows:

<b>34.11.2 Assessment of discretionary land use activities</b>		
Activity		Guidance on the assessment of resources consents
1.	<ul style="list-style-type: none"><li>Office (other than campus-affiliated office and registered health practitioners)</li><li>Restaurants not ancillary to campus</li><li>Supported living facilities (other than student hostels).</li></ul>	<i>Relevant objectives and policies (priority considerations):</i> <ul style="list-style-type: none"><li>a. Objective 2.3.1</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></ul>



		<p><del>b.</del> <u>d.</u> Objective 34.2.1</p> <p><del>e.</del> <u>e.</u> Restaurants not ancillary to campus activity, office (other than campus affiliated office and registered health practitioners) and supported living facilities (other than student hostels):</p> <ul style="list-style-type: none"> <li>i. are related to, or are necessary to support campus activity, or have other operational requirements which mean they need to locate in this zone; and</li> <li>ii. support the efficient and effective operation of campus activity; and</li> <li>iii. are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and</li> <li>iv. are designed and operated in line with Objective 34.2.2 and its policies (Policy 34.2.1.5).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <p><del>d-f.</del> ...</p>
<b>34.12.2 Assessment of all non-complying activities</b>		
Activity		Guidance on the assessment of resources consents
1.	All non-complying activities	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p><u>a.</u> Objective 2.4.3 and Policy 2.4.3.4</p> <p><del>a.</del> <u>b.</u> The activity does not detract from, or preferably contributes to, the strategic directions objectives, including, but not limited to, those related to:</p> <ul style="list-style-type: none"> <li>i. Dunedin has a hierarchy of vibrant centres anchored around one Central Business District (CBD), which provides a focus for economic and employment growth, driven by: <ul style="list-style-type: none"> <li>1. attraction of businesses to these areas based on the high level of amenity and density of activity in the area;</li> <li>2. opportunities for social interaction, exchange of ideas and business cooperation;</li> <li>3. public investment in public amenities and other infrastructure in the CBD; and</li> <li>4. opportunities for agglomeration benefits from the co-location of activities (Objective 2.3.2).</li> </ul> </li> </ul> <p><del>b-c.</del> The activity is compatible with the operation of campus activity or is not most appropriately located in another zone (Policy 34.2.1.6).</p>

		<p><i>Potential circumstances that may support a consent application include:</i></p> <p>€ <u>d.</u> ...</p>
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### **Submission**

The University of Otago consider that the proposed changes to these assessment rules would undermine their existing appeals on the 2GP.

For clarity the relevant University of Otago appeals are:

- Appeal point 187, which seeks:
  - (1) *Make changes to provide for all retail and restaurants not just where ancillary to campus activity by:*
    - *Amending Policy 34.2.1.3 by deleting the words "ancillary to Campus"*
    - *Deleting Policy 34.2.1.5 (policy sets out criteria for RD/D activities)*
    - *Amending Rule 34.3.3.16 (land use activity status table - Retail and restaurants ancillary to campus) by deleting the words "ancillary to Campus"*
    - *Deleting Rule 34.5.3.1 (location performance standard for retail and restaurants ancillary to campus)*
  - (2) *Amend Policy 2.4.2.3 to include reference to the Campus Zone in paragraph a (allow office / retail in heritage buildings)*
- Appeal point 198, which seeks:
  - *Include the Campus Zone as a Centre in Objective 2.3.2*
  - *Delete Policy 34.2.1.4.b*
  - *Delete Policy 34.2.1.5.c*
  - *Amend Policy 2.4.2.3 to include reference to the Campus Zone in paragraph (a).*

### **Recommendation**

Although there is a connection between Objective 2.3.2, Policy 2.3.2.2, Objective 2.4.3 and Policy 2.4.3.4 and the University of Otago appeals, I consider that the reference to these objectives and policies in assessment rules in the Campus Zone will not undermine or frustrate the University of Otago achieving the relief sought in their appeals. If these appeals are successful and the references to these objectives and policies in assessment rules in the Campus Zone need to be amended, then this can be done in the future when the appeal is resolved.

I therefore do not support this submission point.

In addition, as a result of resolving other appeals to the 2GP, it has been decided to amend how strategic directions are referenced in assessment rules. The approach is to include revised headings called 'Relevant objectives and policies (priority considerations)' and 'Related strategic directions'. Under the first heading are the objectives and policies which are directly relevant to the reason for resource consent being required (these are usually from the relevant parts of the Plan where resource consent is triggered, for example the policies in specific management or major facility zones). The second are

related (but not priority) strategic directions which do not need to be reassessed as they are fully reflected in the objectives and policies of the topic and zone-specific sections of the Plan.

To ensure consistency with how strategic directions are referenced in other parts of the 2GP, I recommend that this approach is also followed in the Campus Zone as shown below.

### **Recommended amendment**

Amend Rule 34.11.2 Assessment of discretionary land use activities - Office (other than campus-affiliated office and registered health practitioners), in the Campus Zone, as shown below:

<b>34.11.2 Assessment of discretionary land use activities</b>	
Activity	Guidance on the assessment of resource consents
1. <ul style="list-style-type: none"> <li>Office (other than campus-affiliated office and registered health practitioners)</li> <li>Restaurants not ancillary to campus</li> <li>Supported living facilities (other than student hostels).</li> </ul>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> <li>a. Objective 2.3.1</li> <li>b. Objective 34.2.1</li> <li>c. Restaurants not ancillary to campus activity, office (other than campus affiliated office and registered health practitioners) and supported living facilities (other than student hostels):               <ul style="list-style-type: none"> <li>i. are related to, or are necessary to support campus activity, or have other operational requirements which mean they need to locate in this zone; and</li> <li>ii. support the efficient and effective operation of campus activity; and</li> <li>iii. are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and</li> <li>iv. are designed and operated in line with Objective 34.2.2 and its policies (Policy 34.2.1.5).</li> </ul> </li> </ul> <p><i>Related strategic directions:</i></p> <ul style="list-style-type: none"> <li>d. <u>Objective 2.3.2 and Policy 2.3.2.2</u></li> <li>e. <u>Objective 2.4.3 and Policy 2.4.3.4</u></li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <p>d.f. ...</p>

Amend Rule 34.12.2.1 Assessment of all non-complying activities - All non-complying activities in the Campus Zone, as follows:

<b>34.12.2 Assessment of all non-complying activities</b>		
Activity		Guidance on the assessment of resources consents
1.	All non-complying activities	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. The activity does not detract from, or preferably contributes to, the strategic directions objectives, including, but not limited to, those related to:</p> <ol style="list-style-type: none"> <li>Dunedin has a hierarchy of vibrant centres anchored around one Central Business District (CBD), which provides a focus for economic and employment growth, driven by: <ol style="list-style-type: none"> <li>attraction of businesses to these areas based on the high level of amenity and density of activity in the area;</li> <li>opportunities for social interaction, exchange of ideas and business cooperation;</li> <li>public investment in public amenities and other infrastructure in the CBD; and</li> <li>opportunities for agglomeration benefits from the co-location of activities (Objective 2.3.2).</li> </ol> </li> </ol> <p>b. The activity is compatible with the operation of campus activity or is not most appropriately located in another zone (Policy 34.2.1.6).</p> <p><u><i>Related strategic directions:</i></u></p> <p><u>c. Objective 2.4.3 and Policy 2.4.3.4</u></p> <p><i>Potential circumstances that may support a consent application include:</i></p> <p>€ <u>d.</u> ...</p>

5.2.8 Submission on rules that apply to pedestrian street frontage mapped areas (Change 1.60)

Submitter point number	Submitter name	Support/Oppose/Seek Amend	Summary of decision requested	Accept/Reject /Accept in part	Staff recommendation
750356-OS-Change 1.60	Dunedin City Council	I seek to have the provision amended	<p>Amend Rule 18.6.16.1.b and c Setback from road boundaries, as follows (note the changes proposed are highlighted in <b>bold</b>, so they can be differentiated between the Variation 1 amendments proposed to this rule):</p> <p>18.6.16.1 Setback from road boundaries</p> <p>a. ...</p> <p>b. New buildings <del>or</del> <b>and</b> additions and alterations to buildings must be built within 400mm of any road boundary that is a <b>secondary pedestrian street frontage mapped area</b> for 60% of the length of the <b>secondary pedestrian street frontage mapped area</b>, except a setback of up to 1.5m for a maximum width of 3m may be provided to allow for a recessed pedestrian entrance.</p> <p>c. On a secondary <b>pedestrian street frontage mapped area</b>, any part of a building not built within 400mm of the <del>street frontage mapped area</del> <b>road boundary</b>, must be set back a minimum of 1.5m from the street frontage, in order to meet Rule 18.6.1.</p> <p>d. Activities that contravene this performance standard are restricted discretionary activities.</p>	Accept	Amend Rule 18.6.16.1.b and c Setback from road boundaries, as shown below.

## **Discussion**

### **Background**

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 2GP 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.

The intent of Change 1.60 is to provide clarification of the area in which rules that refer to pedestrian street frontage mapped areas apply.

To do this Change 1.60 proposed to amend the following performance standards:

- Rule 5.5.2 Location and associated Note 5.5.2A.1
- Rule 6.6.2.5 Access to loading areas
- Note 6.6.3.1A (which relates to Rule 6.6.3.1 Maximum number of vehicle crossings)
- Rule 18.4 Notification
- Rule 18.5.4.1 Location of activities within pedestrian street frontage mapped areas
- Rule 18.5.4.3 Location of restaurant drive-through and service stations
- Rule 18.6.11 Minimum glazing and building modulation
- Rule 18.6.13 Number, location and design of ancillary signs
- Rule 18.6.14 Parking, loading and access standards
- Clause c of Rule of 8.6.16.1 Setback from road boundaries

The proposed amendment to clause c of Rule of 8.6.16.1 Setback from road boundaries, proposed by Change 1.60 is:

18.6.16.1 Setback from road boundaries

- a. ...
- b. ...
- c. On a **secondary pedestrian street frontage mapped area**, any part of a building 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. ...

**Submission**

The Dunedin City Council seek a change to Rule 18.6.16.1.c (Setback from road boundaries) to refer to 'road boundary' as it is a specific location from which measurements to buildings can be taken and is defined in the 2GP. In addition, the Dunedin City Council seeks a change to Rule 18.6.16.b (Setback from road boundaries) to refer to 'new buildings and additions and alterations to buildings', instead of 'new buildings or additions and alterations to buildings'. This will correct a minor error and uses the same drafting format as other rules that apply to these two activities.

**Recommendation**

I support these changes because they are minor in nature and will improve the clarity of this rule.

**Recommended amendment**

Amend Rule 18.6.16.1.b and c Setback from road boundaries, as follows

18.6.16.1 Setback from road boundaries

- a. ...
- b. New buildings and 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 not built within 400mm of the ~~street frontage mapped area~~ road boundary, 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.

### 5.2.9 Submission on Land between Hartstonge Avenue, Reid Avenue and Factory Road (Change 1.64 and 1.65)

Submitter point number	Submitter name	Support/Oppose / Seek Amend	Summary of decision requested	Accept/Reject /Accept in part	Staff recommendation
750356-OS-Change 1.64 and 1.65	Dunedin City Council	I seek to have the provision amended	Change the zoning of the land between Hartstonge Avenue, Reid Avenue and Factory Road from General Residential 1 to General Residential 2 and include within the <b>Mosgiel Infrastructure Constraint Mapped Area</b> and <b>Mosgiel Mapped Area</b> .	Accept	Change the zoning as requested, as shown below.
<p><b>Discussion</b></p> <p><b>Background</b> The intent of changes 1.64 and 1.65 is to amend the zoning of land between Hartstonge Avenue, Reid Avenue and Factory Road from General Residential 1 to General Residential 2 and apply the Mosgiel Infrastructure Constraint Mapped Area and Mosgiel Mapped Area to this land in order to be consistent with the existing development, avoid an isolated area of GR1 zoning and ensure development does not compromise the current or planned capacity of public wastewater infrastructure.</p> <p><b>Submission</b> The Dunedin City Council submission has identified an error in the Section 32 Report (Figure 9, page 129) and in the 2GP Planning Map. To correct this error the submission seeks that the entirety of the area be rezoned to General Residential 2. This includes 7 Hartstonge Avenue and 187D Gordon Road, Mosgiel, which is currently shown on the 2GP Planning Map as General Residential 1.</p> <p><b>Recommendation</b> This is a minor mapping amendment to correct the error in zoning (currently General Residential 1 instead of General Residential 2) and apply the Mosgiel Infrastructure Constraint Mapped Area and Mosgiel Mapped Area, which I support.</p> <p><b>Recommended amendment</b> Change the zoning of the land between Hartstonge Avenue, Reid Avenue and Factory Road from General Residential 1 to General Residential 2 and include within the <b>Mosgiel Infrastructure Constraint Mapped Area</b> and <b>Mosgiel Mapped Area</b>.</p>					



## Attachment A

### Section 4.5 of the 2GP User Guide

#### 4.5 Performance Standards

Performance standards are rules containing standards that must be met in order for an application to be considered a permitted, controlled or a restricted discretionary activity. The District Plan (2006) uses a similar method called "conditions on permitted activities", but only with permitted activities.

14

Where performance standards apply to all permitted, controlled and restricted discretionary activities of a certain group (e.g. all land use activities), category (all development activities) or sub-category (all buildings and structures activities), these are listed at the top of the activity status table. Other performance standards only apply to specific activities and are listed in the same row as the activity to which they relate.

For example, see the following excerpt from the activity status table for land use activities in the Residential Zones (Rule 15.3.3):

##### 15.3.3 Land Use Activity Status Table

1.	Performance standards that apply to all land use activities		<ul style="list-style-type: none"><li>a. Acoustic insulation (noise sensitive activities only)</li><li>b. Electrical interference</li><li>c. Light spill</li><li>d. Noise</li><li>e. Setback from National Grid (National Grid sensitive activities only)</li><li>f. <b>Structure plan mapped area</b> performance standards (where relevant)</li></ul>
	<u>Residential activities</u>	Activity status	Performance standards
2.	<u>Supported living facilities</u>	RD	<ul style="list-style-type: none"><li>a. Minimum car parking</li><li>b. Outdoor living space</li><li>c. Service areas</li></ul>
3.	<u>Standard residential</u>	P	<ul style="list-style-type: none"><li>a. Density</li><li>b. Minimum car parking</li><li>c. Outdoor living space</li><li>d. Service areas</li><li>e. Family flats</li></ul>

Left-clicking on the performance standard name in the right-hand column of the activity status table will take you to the performance standard rule itself (right-clicking on it will allow you to open the rule in a new tab, so you don't lose your place in the 2GP). For example, clicking on 'service areas' directs you to the Service Areas performance standard rule as shown below:

#### 15.5.12 Service Areas

1. Residential activity with 3 or more residential units on a site must provide service areas with a minimum area of 2.5m<sup>2</sup> per residential unit. Service area requirements are in addition to outdoor living space requirements.
2. Activities that contravene this performance standard are restricted discretionary activities.

If the activity does not meet the standard ('contravenes' the standard) it will require a resource consent. If it already requires a resource consent because it is a controlled or restricted discretionary activity, and it also contravenes one or more standards additional matters of discretion may apply or it may require a resource consent with a stricter activity status (depending on the standards contravened).

The activity status of an activity that contravenes the standard is given at the end of each performance standard.

Where contravention of the standard results in a Restricted Discretionary activity status the matters of discretion for contravening that standard are given in the assessment rules, generally in the first or second sub-section entitled 'Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)'.

Where contravention of the standard results in a Discretionary or Non-complying activity status, guidance on the assessment of that consent is given in the sections entitled 'Assessment of Discretionary Activities' or 'Assessment of Non-complying activities'.