

TO: Hearing Panel

FROM: Robert Buxton, Planning Consultant

DATE: 22 January 2019

SUBJECT: **NOTICE OF REQUIREMENT DIS-2018-1**
Dunedin City Council
Mosgiel Community and Recreational Area

1. INTRODUCTION AND BACKGROUND

This report has been prepared based on information as notified on 10 November 2018. The purpose of the report is to provide a framework for the Hearing Panel's consideration and their subsequent recommendation on Notice of Requirement DIS-2018-1. The Hearing Panel is not bound by any comments made in this report. The Hearing Panel is required to assess the application using the statutory framework of the Resource Management Act 1991 (RMA) before making a recommendation. The Requiring Authority, Dunedin City Council (DCC), will then consider the recommendation and make its decision.

Mitchell Daysh Consultants, on behalf of the DCC, have prepared and lodged a Notice of Requirement ("NOR") for a designation in relation to the Mosgiel Community and Recreational Area, dated October 2018. The NOR provides the description of the site and proposed work. The NOR is also summarised in the public notice which is attached in Appendix 1 of this report.

The main points of the proposal are:

- The area of the designation covers Memorial Park, Peter Johnstone Park, the Mosgiel Pool and part of Reid Avenue between Memorial Park and Peter Johnstone Park.
- The designation would provide for the existing community and recreational facilities and activities as well as new activities and facilities. On this basis the existing designation D615 Mosgiel Service Centre would be removed once the proposed designation is in place.
- The primary driver for the proposed designation is to make provision for a new Mosgiel Aquatic Centre.
- The maximum floor area for each new building would be 3200m². Note this does not necessarily equate to building site coverage, if the building is multi-level. Total new building site coverage would be controlled by a maximum building site coverage of 5.5% (the current building site coverage is 3%). The additional 2.5% equates to an area of 5,533m².
- The maximum height for buildings is 10m, except that for lighting towers the maximum is 30m. Setbacks from boundaries is 4.5m with a height in relation to boundary angle of 45° measured from ground level at the boundary, except for lighting tower which must meet a height in relation to boundary angle of 75° measured from ground level at the boundary.

2. RESOURCE MANAGEMENT ACT 1991 PROVISIONS

The notice of requirement was publicly notified in the *Otago Daily Times* on 10 November 2018. The closing date for submissions was 7 December 2018.

Form 18 of the Resource Management (Forms, Fees and Procedure) Regulations 2003, specifies that a notice of requirement for designation must supply information on the following matters:

- The site to which the requirement applies;
- The nature of the proposed public work;
- The nature of the proposed restrictions that would apply, if any;
- The effects that the public work will have on the environment and the ways in which any adverse effects will be mitigated;
- The extent to which alternative sites, routes and methods have been considered;
- The reasons why the public work and designation are reasonably necessary for achieving the objectives of the requiring authority;
- Resource consents that are needed for the proposed activity, if any;
- Details of any consultation that has been undertaken with parties that are likely to be affected; and
- Additional information required by the District Plan, Regional Plan or any regulations of the Act, if any.

The information supplied by Mitchell Daysh Consultants in application DIS-2018-1 fulfils these requirements.

This report is prepared in accordance with Section 168A. That section states that:

- (2A) When considering a requirement and any submissions received, a territorial authority must not have regard to trade competition or the effects of trade competition.
- (3) When considering a requirement and any submissions received, a territorial authority must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to—
 - (a) any relevant provisions of—
 - (i) a national policy statement;
 - (ii) a New Zealand coastal policy statement;
 - (iii) a regional policy statement or proposed regional policy statement;
 - (iv) a plan or proposed plan; and
 - (b) whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if—
 - (i) the requiring authority does not have an interest in the land sufficient for undertaking the work; or
 - (ii) it is likely that the work will have a significant adverse effect on the environment; and

- (c) whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought; and
 - (d) any other matter the territorial authority considers reasonably necessary in order to make a decision on the requirement.
- (3A) The effects to be considered under subsection (3) may include any positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from the activity enabled by the requirement, as long as those effects result from measures proposed or agreed to by the requiring authority.
- (4) The territorial authority may decide to—
- (a) confirm the requirement:
 - (b) modify the requirement:
 - (c) impose conditions:
 - (d) withdraw the requirement.

In order to avoid duplication and to provide easier comparison and cross referencing, this report will essentially audit the Assessment of Environmental Effects (AEE) and generally follow the same structure of the AEE. Matters raised in submissions will be generally considered as part of the audit of the effects on the environment.

Note that where there is a recommendation or suggestion it will be indented and italicised.

3. SUBMISSIONS

A total of 22 submissions were received and are summarised in the table below. One submission is neutral. Nine submissions oppose the NOR. Twelve submissions are in support of the NOR, with two requesting modifications.

Table 2: Summary of submissions

Submitter	Support or Oppose	Wish to be heard?	Reasons for submission	Decision Sought
L J Lumsden / Polson McMillian Trustee Company	Support	No	<ul style="list-style-type: none"> Not specified. 	Not specified.
Reid Park Kindergarten	Support	No	<ul style="list-style-type: none"> Build pool sooner than later. 	Not specified.
Patricia Maria Tennant	Support	No	<ul style="list-style-type: none"> Not specified. 	Not specified.
Alasdair Edward Tennant	Support	No	<ul style="list-style-type: none"> Not specified. 	Not specified.

Submitter	Support or Oppose	Wish to be heard?	Reasons for submission	Decision Sought
Peter Sim	Oppose	Yes	<ul style="list-style-type: none"> • Inappropriate use of Designation process. • Encroachment of buildings on green space should not unduly limit outdoor recreational use. • Council as a good neighbour should not cause a nuisance to neighbouring properties by the building itself or associated uses including vehicle movements. • Amenity values and physical features should not be compromised by buildings. • Designation should not include the gardens area. • Future uses open-ended, and buildings for "Community purposes" are not outdoor activities and should be located elsewhere. • Designation should have an expiry date once pool project completed. • Pool site should be specified. 	Withdraw Requirement or, as a second preference, modify Requirement.
Wenita Forest Products Limited	Support	No	<ul style="list-style-type: none"> • Generally supportive but concerned about impact on their business - specifically noise, traffic and security. 	Provide more information on managing and mitigating noise, parking traffic and security concerns.
Beverley M Sim	Oppose	No	<ul style="list-style-type: none"> • Identify Memorial Gardens in the Designation area. • Terminology open-ended, "Community purposes – including and not limited to". • Designation should have an expiry date. • Pool site should be specified. • Designation process offers little protection for open spaces and residents. 	Not specified.
John S Sim	Oppose	No	<ul style="list-style-type: none"> • No need to include Memorial Gardens in the Designation area. • Terminology open-ended, "Community purposes – including and not limited to" could allow buildings for non-outdoor use. • Designation should have an expiry date once pool project completed. • Pool site should be specified. • Designation process offers little protection for open spaces and residents, and community purpose buildings should be located elsewhere. 	Does not want to lose more green space in Mosgiel.
Linda Ratcliffe	Oppose	No	<ul style="list-style-type: none"> • Terminology open-ended, "Community and recreational amenities and facilities – including and not limited to", opens way for increase in indoor activities not related to outdoor recreation areas. • Need to protect green space. 	Withdraw proposed Designation.

Submitter	Support or Oppose	Wish to be heard?	Reasons for submission	Decision Sought
Margaret Sim	Oppose	No	<ul style="list-style-type: none"> Terminology leaves gardens exposed to further encroachment of inappropriate buildings that are not part of the Requirements. 	Withdraw Requirement.
Andrew Graeme Henry	Support	No	<ul style="list-style-type: none"> Support in total. 	May require a Traffic Control Plan for Eden St/Gordon Rd/Silverstream bridge area.
Jenco Properties Limited	Neutral	No	<ul style="list-style-type: none"> As owner of the Wenita site (11 Hartstonge Avenue) concerned about impact on their property - specifically noise, shading, loss of privacy and increased security risks. 	Preserve the part of the Mosgiel Gardens between the Mosgiel Service Centre and 11 Hartstonge Avenue as green space.
Russell Sim	Oppose	No	<ul style="list-style-type: none"> Terminology open-ended, including the name and purpose of the Designation allowing for buildings and structures not associated to outdoor recreation reserves. Mosgiel fastest growing area of DCC and important to protect open green public space. Submitter provides a history of the reserve and quotes from the DCC Reserve Management Plan General Policies. Site of pool uncertain. Designation eliminates resource consents and public challenge to decisions. 	Withdraw Requirement.
Mosgiel Taieri Community Board	Support	Not specified.	<ul style="list-style-type: none"> Supports the intention of the designation to provide a range of recreational and community uses. Endorses the consultation process undertaken. 	Not specified.
Taieri Community Facilities Trust	Support	Yes	<ul style="list-style-type: none"> The designation is a crucial step towards developing a centrally located aquatic centre for Mosgiel. 	Supports the application.
Hands Off Memorial Gardens	Oppose	Yes	<ul style="list-style-type: none"> Terminology open-ended, allowing developers to do as they wish. Mosgiel needs large and centralised green spaces to give it identity and be a destination town. Considerable areas of green space have been lost since amalgamation. 	Withdraw proposed Designation.
Nevan Trotter on behalf of the Mosgiel Association Football Club, Athletics Taieri, Taieri Cricket Club	Support	No	<ul style="list-style-type: none"> Understand future development may include an aquatic centre. Wish to maintain the right to meaningful and full consultation. 	Not specified.
Brian Miller	Oppose	Yes	<ul style="list-style-type: none"> Many parts not supported, too many to list. Will cover at the hearing. 	Decline the Designation.

Submitter	Support or Oppose	Wish to be heard?	Reasons for submission	Decision Sought
Denise Ross	Support	No	<ul style="list-style-type: none"> Designation is a step closer to a centrally located community pool which will benefit Mosgiel and Dunedin. 	Not specified.
Taieri Rugby Football Club	Support in Part	Not specified.	<ul style="list-style-type: none"> Supports the new aquatic centre being within the proposed designation except it is totally opposed to it being located in the Peter Johnstone Park grounds or the Reid Avenue car parking area. Open to discussion on multi-purpose use of the Peter Johnstone Park grounds facilities for wider community and other Taieri Sports clubs as demand increases. 	Not specified.
St John Taieri Area Committee	Support	No	<ul style="list-style-type: none"> Supports development of aquatic centre and enhancement of designation area. Concerned about retaining the hardstand area between St John and Senior Citizen Hall at 5 Hartstonge Avenue and Mosgiel Service Centre at 7 Hartstonge Avenue for access to the Service Centre, Memorial Park gardens and Senior Citizens Hall. 	Continue development of the aquatic centre. Retain the hardstand between 5 and 7 Hartstonge Avenue and entrance to Senior Citizens Hall.
Shaun Paul	Oppose	Yes	<ul style="list-style-type: none"> No particular site for the aquatic centre has been designated. His property has existing outlook and amenity values. Therefore cannot identify effects on his property which could arise from: vehicle and pedestrian access; parking; flooding; loss of landscaping; visual impact; height and setback of buildings, fences and planting; noise; and light. 	Withdraw proposed Designation.

Rather than addressing each submission point I have sought to incorporate the concerns raised in the following analysis of the NOR.

4. STATUTORY FRAMEWORK (Section 1.2 of AEE)

4.1 Scope of Designation

Section 168A(1)(a) of the RMA refers to a designation of a territorial authority being for a public work within its district and for which the territorial authority has a financial responsibility. "Public Work" is defined in the RMA to have the same meaning as in the Public Works Act 1981 and includes existing and proposed public reserves. The question that could arise is whether all the listed buildings/structures and activities within the proposed designation are public works which the DCC has financial responsibility for, e.g. clubrooms.

Although the requiring authority has provided an overview of Designations in Section 10.3.1 of the AEE, they may wish to confirm that all activities and facilities intended to be covered by the Designation, both existing and future, are public works that the territorial authority has "financial responsibility for".

4.2 Overlapping Designations

The NOR refers to three existing designations on the site (see Figure 2 of the AEE). The significance of this is that the older designations over-ride more recent designations, and prior to undertaking works the requiring authority for the more recent designation must get the written consent from the requiring authority for the older designation. Two of the existing designations are DCC's own (Eden Street aeration tank and water treatment plant on Gordon Road (D706); and the Mosgiel Service Centre and Library

(D615)) and therefore written approval would be from DCC itself. While this may seem academic, departments within councils do have specific requirements, and for example, anything undertaken through the proposed designation that was within D706 would require consent from DCC's 3-Waters. The NOR states that D615 would be removed from the District Plan once the new designation is in place. The third designation is the Lower Taieri Flood Protection Scheme (D217) and written consent would be required from the Otago Regional Council (ORC) for any activity or facility that would prevent or hinder the flood protection scheme. Given that ORC has control over activities and facilities within its designation, it seems redundant to have proposed Condition 11 that prohibits building within ORC's Designation D217. Having such a condition may reduce the options for siting buildings along the northwest boundary, if the ORC were to agree.

Consider deleting Condition 11.

4.3 Purpose of Designation

The purpose of the designation is:

The 'Mosgiel Community and Recreation Area' which is intended to provide for the following activities:

- Community and recreational amenities and facilities, including but not limited to:
 - An aquatic centre;
 - Mosgiel Service Centre and Library;
 - Memorial Park and Gardens;
 - Peter Johnstone Park;
- Sporting, recreational and community activities;
- Food and beverage outlets ancillary to community or recreation facilities;
- Buildings and offices associated with club rooms, community facilities and services;
- Vehicle and pedestrian access to facilities;
- Car, cycle and coach parking areas for facilities;
- Directional signage, public art works and other public amenities such as toilets; and
- Landscaping, infrastructure, construction and earthwork activities associated with the above.

Many submitters opposing the designation raise concerns that the purpose is too wide. As noted in 4.2 above, a designation can only be for a public work within its district and for which the territorial authority has a financial responsibility. The requiring authority has deliberately proposed a wide purpose to cover the range of activities that occur or may occur on the site. However, whether that activity can occur will need to meet the test of being a public work for which the territorial authority has a financial responsibility.

4.4 Outline Plans

Once a site has been designated, when the requiring authority wishes to undertake works within that designation it must provide an outline plan, unless that requirement is waived. The RMA s176A provisions for outline plans are attached in Appendix 2 of this report. It should be noted that matters to be included in an outline plan includes s176A(3)(f) "any other matters to avoid, remedy, or mitigate any adverse effects on the environment". This ensures that all effects can be addressed through the outline plan process.

I consider that outline plans would be required for most projects unless they were considered insignificant. The advantage of the outline plan process is that the conditions in the designation do not need to address all effects, as they can be considered through the outline plan process.

4.5 Reserves Act

It is not clear from the notice of requirement which parts of the site have been gazetted as reserves under the Reserves Act 1977. In addition, the requirements of the Reserves Act have not been outlined in the AEE. The requirements of the Reserves Act may address concerns that some submitters have raised regarding controls over what can be undertaken on the site, and processes, including public consultation, that may be

required. For example, it is my understanding that a recreation reserve cannot permit community facilities to be erected without changing the reserve classification.

Some of the submitters have made reference to the DCC's Reserves Management Plan General Policies 2005. This document addresses the requirement for Council to prepare a Management Plan for reserves under its management, by providing general policies where there is no specific management plan. I also note that the Sportsgrounds Management Plan 1999 includes Peter Johnstone and Memorial Park, and refers to the Reserves Management Plan General Policies regarding buildings.

The requiring authority should identify the land within the proposed designation that is gazetted reserve and outline the controls and processes that the Reserves Act would require for development to occur within the proposed designation (including assessment of the Reserves Management Plan General Policies and Sportsgrounds Management Plan 1999).

A more recent document relating to reserves is the Parks and Recreation Strategy DCC 2017-2027 which is to be achieved through the Open Space Action Plan and Sport and Recreation Action Plan.

Some analysis of the Parks and Recreation Strategy and Action Plans would also be useful to understand how the proposed designation fits within these frameworks.

I consider that given the designation is addressing District Plan requirements for the development and management of the site, it would be useful for the DCC to consider preparing a specific reserve management plan for the site, and include those areas that may not be gazetted reserve. This would address some of the concerns of the submitters in terms of future intentions.

The requiring authority should consider preparing a specific reserve management plan for the whole designation site.

5. OVERVIEW OF THE PROPOSED DESIGNATION (Section 2 of AEE)

5.1 Site Location (Section 2.2 of AEE)

The legal descriptions of the area to be designated are listed in Table 1 of the AEE, which gives a total area of 221,333m² (or approximately 22 hectares).

The legal descriptions in Table 1 of the NOR and AEE do not appear to be the same as those listed in the Public Notice. Lots 3 and 4 DP 25666 and Lot 1 DP 18515 appear in the public notice but not in Table 1. The requiring authority should clarify this discrepancy.

6. REASON WHY THE DESIGNATION IS NECESSARY – OBJECTIVES OF THE REQUIRING AUTHORITY (Section 4 of AEE)

6.1 Objectives of the requiring authority

The objectives have been outlined in Section 4 of the AEE as follows:

The objectives of the project are:

1. To operate, maintain, upgrade and expand the facilities within the Mosgiel Community and Recreational Area to provide for a range of sporting, cultural and community activities.
2. To provide for, maintain and upgrade the facilities, services and amenities within the Mosgiel Community and Recreational Area in a manner that provides for the current and future needs and social and economic wellbeing of the Mosgiel and surrounding community.
3. To enable an efficient and flexible approach to the maintenance and development of the Mosgiel Community and Recreational Area, while also managing any actual or potential adverse effects of future development on the surrounding community.

I consider that a designation is reasonably necessary for achieving the objectives. A key factor in these objectives is providing flexibility.

Alternatives to a designation are discussed later.

7. PERMITTED BASELINE/EXISTING ENVIRONMENT – DISTRICT PLAN ZONE PROVISIONS (Section 5 of AEE)

7.1 Operative District Plan (ODP) Section 5.1 of AEE

The AEE details most of the zoning and other planning provisions of the ODP. The AEE refers to the site being zoned Residential 1. Recreational activity is permitted, providing that associated structures do not exceed 25m² in floor area.

The AEE does not mention that the Mosgiel Service Centre and southern portion of the Memorial Gardens is zoned Residential 2. Recreational activity is also permitted in this zone. There are minor differences in performance standards relating to yard size and maximum site coverage between the Residential 1 and 2 zones.

The proposed designation is within the Urban Landscape Conservation Area 09 – “Silverstream Banks and Adjoining Parks. Mosgiel” (LCA09), except for the Memorial Park Gardens and Service Centre. Within an LCA any building greater than 20m² or 5m height is a controlled activity. I note the comment from Landscape Architect Mike Moore (Appendix B of the AEE) where he states the landscape values are modest overall and the area of greatest sensitivity is the Memorial Park Gardens. I agree with this statement and note that the proposed 2GP does not specifically identify the area currently mapped as LCA09.

For completeness, the AEE also does not mention the site is within Designation D274, Dunedin Airport Approach and Land Use Control, although the height limit under this designation would be in the order of 190m.

I note for comparison purposes both the Residential 1 and 2 zones include scheduled activities for some private schools. I consider schools (for which public schools are designated in some district plans) provide a reasonable comparison to the activities under the proposed designation in terms of bulk and location, although it must be tempered with the fact that schools generally have little activity occurring outside school hours, whereas facilities in parks are often at their peak use outside school hours, so the amenity effects are different. The maximum height, height plane and site coverage for scheduled schools in the Residential 1 and 2 zones are the same as the general rules for the zone; however side and rear yard requirements tend to be larger at 4.5m.

7.2 Proposed 2nd Generation District Plan (2GP) Section 5.2 of AEE

The decisions on the 2GP were released in November 2018 and these are currently under appeal. The AEE identifies most of the zoning and other planning provisions of the 2GP; however, it should be noted that the decisions version does not map the site as an infrastructure constraint area, and also includes Designation D615 for the Mosgiel Service Centre. As noted by Mike Moore, Landscape Architect, in Appendix B of the AEE, the site is also within a mapped Wāhi Tūpuna, although the AEE notes in Section 9.2 that “Ōtākou have confirmed they have no interest in the designation in terms of mitigation of effects”.

Of note is that the whole proposed designation site is zoned Recreation, including that portion zoned Residential 2 under the ODP. Within the Recreation zone, Community and Leisure activities which includes community halls, scouts and libraries are permitted for up to 50 people and thereafter become restricted discretionary activities. Sport and Recreation is generally permitted. Buildings (new buildings or existing buildings additions) that are less than 350m² and are not longer than 20m in length are permitted activities, and exceedance of either limit is a restricted discretionary activity. Maximum height of buildings is 9m, except that goal posts and sports field lighting can be 22m. The height in relation to boundary control is a 45° angle measured at a point 2.5m above ground level at the zone boundary. Buildings are required to be setback 4.5m from road boundaries and 2m from side and rear boundaries. Car parking areas that result in more than 50 spaces are a restricted discretionary activity. Parking areas adjacent to residential zones are required to have a solid fence or landscaping of 1.4m height to block light from headlights.

The 2GP is at the appeal stage of the proposed plan process, and appeals closed on 19 December 2018. It appears there are no appeals against the zoning of the designation site as Recreation. In terms of Recreation zone rules, there do not appear to be any appeals that would be specific to the designation site, except for an appeal regarding Rule 20.6.1 Fence Height and Design. It appears that most of the Recreation zone rules may be effectively operative. There also do not appear to be any appeals regarding Performance Standard 9.3.5 Light Spill or Performance Standard 9.3.6 Noise that would affect a proposal on the designation site. However, there may be some appeals for which the full extent is not clearly known, and without full scrutiny, I cannot confirm at this stage of the process that the Recreation zone rules and Light Spill and Noise performance standards are effectively operative. More clarity on this may be available closer to the hearing.

7.3 District Plan Provision and Designations

It should be noted that if a proposal did not meet the conditions of a Designation, then the district plan rules would apply. Assuming the 2GP rules for the Recreation zone are effectively operative then a 350m² building 4.5m high and 20m in length could be built as a permitted activity within 2m of a residential boundary, or a 350m² building 9m high and 20m in length could be built as a permitted activity within 6.5m of a residential boundary.

8. ASSESSMENT OF EFFECTS ON THE ENVIRONMENT

8.1 Positive Effects (Section 6.1 of AEE)

The AEE covers the positive effects. The Designation will enable development of buildings greater than 350m² and Community and Leisure activities (as defined by the 2GP) involving greater than 50 people, as well as other community and recreational activities and facilities. These facilities and activities will benefit the general population of Mosgiel.

8.2 Visual and Amenity / Urban Design Effects (Section 6.2 of AEE)

The visual effects and effects on amenity appear to be the primary concerns of many submitters opposing the designation. These concerns are in terms of the effect on passive recreational users and adjacent neighbours (as noted in the Landscape Assessment, Appendix B of the AEE). These effects would arise from the development of buildings/car parking area, lighting and also the loss of open green space and trees.

In terms of effect on adjacent neighbours, the AEE states that although the scale of potential buildings is greater than permitted in Residential or Recreation zones, the setbacks are greater to recognise this. The AEE concludes, "Overall, it is considered that the mitigation conditions proposed will appropriately protect landscape and amenity values, with any adverse effects being of low significance." I note that although adjacent neighbours have had the benefit of open space vistas, these vistas are not protected or guaranteed by the District Plan or RMA. When comparing what may be permitted by the 2GP (as noted in 7.3 above) it seems that the main difference in effect would be the length of building. Under the 2GP, a 20m long building 4.5m high could be built 2m from the boundary, and a 20m long building 9m high could be built 6.5m from the boundary. Under the conditions of the proposed designation a 65m long building 4.5m high could be built 4.5m from a residential boundary or a 65m long building 9m high could be built 9m from a residential boundary. The AEE and landscape architect refer to adverse effects from these to be low. I consider that the adverse effect in terms of bulk could be similar to a school building located beside residential properties (as noted in 7.1 above).

I recognise that the proposed Designation is designed to provide a reasonable degree of flexibility and that in terms of efficient use of the designation land, particularly to provide large areas of sports grounds, it may be most efficient to locate large buildings like an aquatic centre near a boundary. However, I do consider that the length of building could have a more than low significance when located close to a boundary. Although the height in relation to boundary control in proposed Condition 4c (being measured from ground level) is significantly more restricting than that of the 2GP Recreation zone (which is measured from a height of 2.5m on the boundary), I consider that a reduction in length of the portion of building closer than 10m to a boundary should also be considered as follows.

Consider amending Condition 5a to read:

The maximum length of any new or extended existing building shall be 65m, however any building façade greater than 20m in length shall have glazing or other architectural feature to break up the solid appearance of the building. For any portion of a building closer than 10m from the designation boundary other than a road boundary, the maximum length of that portion of the building (as measured parallel to the boundary) shall reduce by 5m for every 1m closer to that boundary.

The loss of trees associated with development of community and recreational facilities has been addressed by proposed Condition 8a, which requires each tree removed to be replaced. There is no qualifier on the replacement, and this could result in trees being replaced by a different species in a completely different part of the park. The loss of trees has been raised by submitters, particularly for trees within the Memorial Gardens Park. I note that the provisions of the Recreation zone does not control tree removal, and therefore trees could be removed under the 2GP. The condition therefore appears to be of little value, particularly as the DCC is responsible for trees in the park. It appears that the main concern of submitters is the loss of trees within the Memorial Gardens, with some submitters requesting that the designation should not apply to this area. Again the 2GP would permit removal of trees and erection of a 350m² building, regardless of the designation. This is where a specific reserve management plan would clarify the intentions for the Memorial Gardens.

The requiring authority may wish to consider identifying areas within the designation where buildings cannot be located. For example, restricting buildings within the Memorial Gardens to those that complement or are related to a garden setting. Note the boundaries of the Memorial Gardens may need to be mapped to clarify the extent of any such rule.

The submission by the Taleri Rugby Football Club requests that the aquatic centre not be located in the Peter Johnstone Park grounds or the Reid Avenue car parking area. While I understand their concern, the purpose of the proposed designation is to provide flexibility in developing the site, which could include re-configuring the layout. Longer term this could require adapting to changing needs and preferences. There may also be synergies, such as shared car parking, or developing a pool next to the sportsgrounds or within reconfigured sportsgrounds. I consider that the location of the aquatic centre or any other major facility should not be restricted from locating on Peter Johnstone Park.

8.3 Traffic and Transport Effects (Section 6.3 of AEE)

The assessment of traffic and transport effects can only be general at this stage given that the location and size of any new development, including an aquatic centre, is not known. It is noted that the Transportation Assessment (TA) by Carriageway Consulting (Appendix C of the AEE) in paragraphs 6.1.1 and 6.1.2 refers to changes that could arise from the designation as being: the relocation of the pool and its conversion to year-round use; and a junior soccer pitch. It is also noted that the report assesses vehicle movement from the new aquatic centre in three locations: the existing site; adjacent to Reid Avenue/Murray Street; and adjacent to the southern access onto Gordon Road. In general it appears that the roading network can accommodate increased traffic flows, although the level of service (i.e. the flow of traffic) on Reid Street may be lowered and the northern access on Gordon Road would need to be improved, presumably as a two way entrance.

Any effects on Gordon Road (a state highway) would require consultation with the NZ Transport Agency, and this is noted in proposed Condition 10c.

Council's Transport team have reviewed the NOR and provided a memo, which is attached as Appendix 3 of this report. Essentially they confirm they generally agree with the statements in the TA and the conditions proposed, although they recommend adding conditions regarding dimensions of the parking space and the formation of any parking area, including surface, drainage and marking. These additional conditions are practical, particularly the requirement to meet the district plan dimensions, as this will include

requirements for mobility parking. There does not need to be an advice note included in the Designation, as this can be included with any response to an outline plan.

The report by Carriageway Consulting recommends a parking requirement of 1 carpark for every 3 people a new building is designed for. The 2GP requires 1 parking space for every 5 persons the facility can accommodate at any one time. Regarding the concern of some submitters about the loss of open green space, I consider that there should be some flexibility in the car parking requirements, given as noted by Carriageway Consulting, that most of the time the car park will have large amounts of vacant space. The proposed 1 carpark for every 3 people appears to be at the conservative end and based on a stand-alone aquatic centre. As the designation is providing for a range of activities the condition should provide some flexibility. There may be a number of synergies with parking requirements of other activities (depending on where the pool or other new facility is located), or the existing parking area could be marked using a better layout to provide additional parking, or the location of the new facility may provide greater on-street parking such as near Murray Street. Therefore some flexibility should be provided in order to reduce the area of car parking within the site. It may also be possible to provide some permeable areas for parking during periods of high use of the facility.

Consider amending Condition 10a to read:

1 carpark to every 3 people a new building will be designed for. A reduced level of carparking may be provided where an Integrated Transport Management Plan (which may include a Travel Management Plan) included with an outline plan identifies that fewer additional parking spaces are required. Consideration should also be given to providing carparking spaces that are only required during periods of high use on permeable areas such as gobi paving to reduce the area of impermeable surfacing.

It is unclear why Condition 10b has been included, and where the 500m² threshold has come from. I consider that access should be a consideration of any outline plan as it is possible activities or facilities are proposed that generate increased traffic flows or cumulative traffic flows without a significant increase in building footprint. Ultimately, as mentioned in the suggested advice note in the Council's Transport team memo, accessways require approval from DCC Transport (and NZTA requirements for Gordon Road).

Clarify why there is a 500m² threshold before access is to be considered.

Consider amending Condition 10b to read:

~~Should a new building greater than 500m² in area be established~~ For any development that increases traffic movement consideration shall be given to whether upgrade or reconfiguration of the vehicle access into the site is necessary to manage increased traffic flows and the outcomes of this consideration be included in the outline plan for the works.

Condition 10c has been written specifically for an aquatic centre that will access Gordon Road. Given that the designation is wider than simply providing for an aquatic centre I consider that the condition needs to be less specific.

Consider amending Condition 10c to read:

Prior to the design of any development that increases traffic movement onto State Highway 87 (SH87) ~~the aquatic centre being finalised~~ and an outline plan lodged with Council, consultation shall be undertaken with the New Zealand Transportation Agency to identify the most effective, efficient and safe access to SH87.

Consider adding the following Conditions:

All on-site parking areas shall be dimensioned in accordance with the performance standards in Rule 6.6 Parking, Loading and Access, of the Dunedin City Second Generation District Plan.

The surface of all parking, associated access and manoeuvring areas shall be formed, hard surfaced and adequately drained for their entirety, and parking spaces permanently marked.

8.4 Noise Effect (Section 6.4 of AEE)

The report by Marshall Day Acoustics addresses the noise effects and essentially recommends the noise provisions of the 2GP be applied, although the report also makes mention of functions, mechanical plant, noise control fencing of car parks and a requirement for a noise management plan for any organisation providing facilities for function hire. These recommendations do not appear to be fully covered by the proposed conditions, and some of the wording appears incomplete. I cannot see why the provisions of the 2GP are not simply referred to or replicated.

Council's Environmental Health team have reviewed the NOR and provided a memo, which is attached as Appendix 4 of this report. They agree that the 2GP noise limits are more appropriate than the Operative District Plan, and conclude that Environmental Health has no concerns in relation to the proposed designation.

Regarding noise proof fences and insulation of buildings and plant, and requirements for noise management plans, I consider these could be addressed through the outline plan. This would provide some flexibility, for example it may be that the adjoining landowner would prefer not to have a solid fence for a variety of reasons, including where the house is located a significant distance from the boundary.

Clarify how the recommendations of the Marshall Day report have been included in conditions, including reference to noise management plans.

Consider amending Condition 12a to read:

Rule 9.3.6 Noise, of the Dunedin City Second Generation District Plan shall apply. ~~Comply with proposed district plan rules (note some activities exempt — night time rules to apply for buildings with mechanical plant and/or to be used for functions).~~

Replace Condition 12b, 12c and 12d with a new 12b as follows:

Outline plans shall address the following:

- i. where any car parking area is within 5m of a residential site, a noise control fence constructed from a durable material of at least 10kg/m² free from cracks, gaps and holes should be considered, in consultation with the adjoining landowner. Where a noise control fence is agreed to be required, the car park should be designed so that any parked car is at least 1m from any fence.*
- ii. Suitable noise insulation for buildings and plant should be utilised to ensure noise generated onto adjacent residential properties achieves the night time noise levels of condition a above.*
- iii. For buildings that may accommodate functions, a Noise Management Plan should be prepared to ensure noise generated onto adjacent residential properties achieves the night time noise levels of condition a above.*

8.5 Effects on Infrastructure and Existing Land Uses (e.g. Flood Risk) (Section 6.5 of AEE)

The report by GHD (Appendix E of the AEE) addresses the effects on water supply, wastewater, stormwater and power infrastructure from servicing the potential development of the site and flooding. It essentially concludes that the services can provide for increased development of the site, although notes that location of an aquatic centre should avoid the service mains that run between Tyne Street and Murray Street, and immediately to the north of the existing football, cricket and gymnasium buildings, as the cost of relocating these mains would be significant. The report also considers that the designation will have less than minor effect on flooding of the Silverstream.

Of note in the report is the suggestion to minimise effects of impermeable areas, including utilising existing parking areas, provision for pumping stormwater directly to

Silverstream and restoring the existing pool site to pervious surfacing. The proposed condition 13 requires a stormwater assessment when the increase in hardstand area (excluding buildings) is 2.1% of the designation area or 4500m². I note that 2.1% of 221,333m² is 4648m², so I consider that if the condition were to be accepted it should simply refer to 4500m². There does not appear to be any discussion in the GHD report about the areas of existing hard stand, or why the 4500m² threshold is to exclude buildings. Given that there could potentially be a 2.5% increase in building coverage, it is also not clear why new buildings are excluded from the condition. I consider that stormwater management should be a consideration for all increases in impermeable area.

Clarify how the threshold for a stormwater assessment has been determined, and why buildings have been excluded from Condition 13.

Council's 3-Waters team have reviewed the NOR and provided a memo, which is attached as Appendix 5 of this report. Essentially their concerns are that for any development the effects on water services, stormwater services, wastewater services and in ground infrastructure needs to be fully considered in consultation with 3-Waters. The memo specifically mentions concerns regarding stormwater services in the Hartstonge and Reid Avenue area. The memo also mentions that the Mosgiel wastewater network is sensitive to a 1 in 10 year rainfall event and any additional demand will have a negative impact. I consider that these matters can be addressed through the outline plan process as ultimately it will be 3-Waters that approves any connection to its services. Also, given that 3-Waters requests that development within 3m of any infrastructure should require the approval of the Development Engineer Condition 4a is considered unnecessary.

Consider deleting Condition 4a and amending Condition 13 to read:

Stormwater 3-Waters Infrastructure

Outline plans shall address the following:

Water Services

- a. A specific water assessment using the calibrated hydraulic water model is required for the new pool facility and associated development to ensure the reticulated water network can provide sufficient water for the development.

Stormwater Services

- b. ~~a.~~ For any increase in impermeable area ~~hard stand (excluding buildings)~~ of more than 2.1% of the designated site or 4,500m², a stormwater management plan ~~assessment~~ is required to determine whether a site-specific stormwater solution is necessary (with potential for direct flow to Silverstream via pump).
- c. ~~b.~~ As part of such an assessment, consideration shall be given to whether stormwater detention via wetlands/greenspace is appropriate.

Wastewater Services

- d. Effects of the anticipated wastewater discharge impact on the reticulated wastewater network, including the expected flow discharges and diurnal flows

Existing Services

- e. For any development within 3m of any 3-Waters infrastructure, written approval from the Development Engineer, 3-Waters shall accompany the outline plan. This approval may include consideration for an easement in gross in favour of DCC over any existing, relocated or new 3 Waters infrastructure.

9. MANAGEMENT OF EFFECTS – Proposed Conditions (Section 7 of AEE)

The following audits the wording of proposed conditions and the reasons provided in Table 4 of the AEE. Unless mentioned, I agree that the reasons are appropriate.

9.1 Outline Plans

The conditions of a designation set the parameters for what can be considered under the designation. If those conditions are exceeded then a resource consent would be required if the activity is not permitted within the underlying zone. If the proposal meets the purpose and conditions of the designation, the outline plan process, under s176A(3)(f), allows for consideration of "any other matters to avoid, remedy, or mitigate any adverse effects on the environment". Conditions may also identify specific matters that need to be considered in an outline plan.

9.2 Condition 1 - Building height

The maximum height for new buildings and extensions, and for lighting towers appears reasonable, particularly given the large land area the designation covers. The 2GP Recreation zone provides a 22m height limit for goals posts and sports field lighting. Although proposed condition 1 would allow for lighting towers to be a maximum height of 30m, I consider that reasonable due to the large area of sportsground, whereas the 2GP provisions are general and could apply to a much smaller site zoned Recreation.

I note that the proposed Condition 1 refers to "building" whereas the 2GP Recreation zone Rule for maximum height (Rule 20.6.4.2) refers to "buildings and structures". The definition of "building" in the 2GP is:

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.

I am not sure whether this omission of "structure" from Condition 1 is deliberate, but I consider structures should be included, particularly as proposed Condition 1 specifically provides for lighting towers. If proposed Condition 1 is to include structures, the requiring authority may wish to amend proposed condition 1 to provide a suitable height for goalposts (if the 10m limit is too low), although alternatively the provisions of the 2GP Recreation zone, that is a 22m maximum height, would apply. If the term "structure" was deliberately not included in Condition 1, then the requiring authority may wish to consider what other structures should be provided for in this rule, including hydro slides.

Proposed condition 1 exempts 'servicing equipment on a roof' from the maximum height limit. Rule 20.6.4.2.b of the 2GP Recreation zone specifies a limit to the exemption of rooftop structures to be no more than a third of the maximum height, and a similar provision should be considered in proposed Condition 1. This may address some concerns raised in the submission by Shaun Paul. I also note that Rule 20.6.4.2.b refers to "rooftop structures" whereas proposed Condition 1 refers only to servicing equipment, and the requiring authority may wish to consider whether "rooftop structure" should be used.

If "structures" is to be added to Condition 1 the requiring authority may wish to consider adding to condition 1 a maximum height for goalposts, hydro slides and other such structures. The requiring authority may also wish to consider if the exclusion should refer to "rooftop structure" rather than "servicing equipment on the roof".

Amend title of Condition 1 to read "~~Building~~ Height".

Amend Condition 1a to read:

New buildings and structures and extensions to existing buildings and structures shall be a maximum height of 10m, excluding for servicing equipment on a roof providing the servicing equipment does not exceed the maximum height by more than 3m.

9.3 Condition 2 - Building floor area (per building)

The maximum building floor area appears reasonable, particularly given the large land area the designation covers. I note the limit of 3200m² is based on floor area, not

building footprint, therefore if there are any additional floors, including mezzanines, then the building footprint of a new building would be less.

9.4 Condition 3 -Combined building site coverage

The maximum combined building site coverage appears reasonable, particularly given the large land area the designation covers.

9.5 Condition 4 -Minimum building setback from boundaries and height in relation to boundaries

The minimum building setback and height in relation to boundaries (HIRB) conditions appear reasonable, and are more stringent than the 2GP Recreation zone rules. Note in 8.5 above it has been recommended that condition 4a be deleted.

The minimum setback for buildings in the designation is 4.5m from side and rear boundaries compared to 2m in the 2GP Recreation zone and the HIRB in the designation is a 45° angle measured from ground level compared to the 45° angle measured from 2.5m above ground level in the 2GP Recreation zone. These more stringent conditions reflect to the larger sized buildings that would be provided for. For smaller buildings, the setback may be unnecessarily restrictive, although in those cases the rules of the 2GP Recreation zone could be applied.

I note that the 2GP Recreation zone HIRB rule provides exemptions for sports field fences, sports field lighting, goal posts and rooftop structures, and these exemptions do not have a limit to them. The exemption for sport field fences, sports field lighting and goal posts is a little confusing as the rule only refers to "buildings". I also note that the 2GP Recreation zone setback rule refers to "buildings and structures" and provides exemptions for fences and ancillary signs (Rule 20.6.10.1.a.iv).

I am not sure whether this omission of "structure" from Condition 4 is deliberate, but I consider structures should be included, particularly as proposed Condition 4 specifically provides for lighting towers. If proposed Condition 4 is to include structures, the requiring authority may wish to amend proposed condition 4 to provide exemptions from the HIRB condition for such things as sports field fences, sports field lighting, goal posts and rooftop structures, and exemptions from the setback condition for fences and ancillary signs.

If "structures" is to be added to Condition 4 the requiring authority may wish to consider adding to Condition 4 exemptions from the HIRB condition for such things as sports field fences, sports field lighting, goal posts and rooftop structures, and exemptions from the setback condition for fences and ancillary signs

Amend title of Condition 4 to read "Minimum ~~building~~ setbacks from boundaries and height in relation to boundaries".

Amend Condition 4b by deleting the word "building".

Amend Condition 4c by replacing "buildings" with "buildings and structures".

The term "boundaries" in condition 4b and "road boundaries" in condition 4c and 4d may be unclear, given that condition 6a refers to "external boundaries". One area where this could be confusing is for road reserve boundaries along Reid Avenue that are internal boundaries within the designation area. "External boundaries" may also be open to interpretation, and "designation boundary" should be used

Amend the term "boundaries" in conditions 4b, 4c and 4d to "designation boundaries".

9.6 Condition 5 -Building design and appearance

Condition 5a – Maximum length of building has been discussed in 8.2 above, and the suggested amendment is duplicated below. The other conditions 5b and 5c appear reasonable.

Consider amending Condition 5a to read:

The maximum length of any new or extended existing building shall be 65m, however any building façade greater than 20m in length shall have glazing or other architectural feature to break up the solid appearance of

the building. For any portion of a building closer than 10m from the designation boundary other than a road boundary, the maximum length of that portion of the building (as measured parallel to the boundary) shall reduce by 5m for every 1m closer to that boundary.

9.7 Condition 6 -Landscape treatment of car parking areas

There is some overlap between these conditions for landscaping car parks and requirement for noise control fences in condition 12 (although condition 12 is recommended to be amended so that a noise control fence is a consideration for an outline plan, see 8.4 above). If a car parking area is closer than 5m to a boundary then under condition 12 a noise control fence is required and this will address light spill. However, the landscaping would soften the look of the noise control fence. As noted above in 9.5 the term "external boundary" should refer to "designation boundary". Also, a grammatical amendment is suggested.

Consider amending Condition 6a to read:

New or extended car parking areas are to be set back a minimum of 1.5m from all designation ~~external~~ boundaries and these areas are to be planted to mitigate adverse effects of the car parks ~~from~~ on adjacent residential properties, including from light spill from vehicles.

9.8 Condition 7 -Signage

The sign conditions generally duplicate the signage performance standard (Rule 20.6.8) of the 2GP Recreation zone. Rule 20.6.8 should be referred to or replicated, although as noted above in 9.5 the reference to "site boundaries" in 2GP rules 20.6.8.4.a.iv and 20.6.8.5.c should refer to "designation boundaries".

Consider amending Condition 7 as follows:

Refer to or replicate 2GP Rule 20.6.8, except reference to "site boundaries" in 20.6.8.4.a.iv and 20.6.8.5.c should refer to "designation boundaries".

9.9 Condition 8 -Tree Protection

As noted in 8.2 above, the tree protection condition 8 appears to be of little value, given the replacement tree could be in an entirely different location and species. I consider it would be more effective to require consideration of replacement trees as part of any outline plan for development that results in the loss of existing trees

Consider amending Condition 8a to read:

Any trees that are removed through the development of community and recreational facilities are to be replaced and their replacement with suitable trees and their location shall be addressed in the outline plan.

9.10 Condition 9 -Lighting

The lighting condition generally duplicates the light spill performance standard (Rule 9.3.5) of the 2GP Recreation zone. Rule 9.3.5 should be referred to or replicated, although as noted above in 9.5 the reference to "site boundaries" in 9.3.5.3 should refer to "designation boundaries", and 9.3.5.4 and 9.3.5.5 are redundant.

Consider amending Condition 9 as follows:

Refer to or replicate 2GP Rule 9.3.5 (except for 9.3.5.4. and 9.3.5.5), and amend reference to "site boundaries" in 9.3.5.3 to "designation boundaries".

9.11 Condition 10 -Car parking and access requirements

This condition has been fully discussed in 8.3 above, and the suggested amendments are duplicated below.

Consider amending Condition 10a to read:

1 carpark to every 3 people a new building will be designed for. A reduced level of carparking may be provided where an integrated Transport Management Plan (which may include a Travel Management Plan) included with an outline plan identifies that fewer additional parking spaces are required. Consideration should also be given to providing carparking spaces that are only required during

periods of high use on grassed areas or gobi paving to reduce the area of impermeable surfacing.

Consider amending Condition 10b to read:

~~Should a new building greater than 500m² in area be established~~ For any development that increases traffic movement consideration shall be given to whether upgrade or reconfiguration of the vehicle access into the site is necessary to manage increased traffic flows and the outcomes of this consideration be included in the outline plan for the works.

Consider amending Condition 10c to read:

~~Prior to the design of any development that increases traffic movement onto State Highway 87 (SH87) the aquatic centre being finalised~~ and an outline plan lodged with Council, consultation shall be undertaken with the New Zealand Transportation Agency to identify the most effective, efficient and safe access to SH87.

Consider adding the following Conditions:

All on-site parking areas shall be dimensioned in accordance with the performance standards in Rule 6.6 Parking, Loading and Access, of the Dunedin City Second Generation District Plan.

The surface of all parking, associated access and manoeuvring areas shall be formed, hard surfaced and adequately drained for their entirety, and parking spaces permanently marked.

9.12 Condition 11 -Otago Regional Council Lower Taieri Flood Protection Scheme Designations

This condition has been discussed in 4.2 above, and the condition is redundant and should be deleted.

Delete Condition 11

9.13 Condition 12 -Noise

This condition has been discussed in 8.4 above, and 2GP Rule 9.3.6 Noise, should either be referred to or replicated. The other aspects raised in the Marshall Day report can be addressed through the outline plan process.

Consider amending Condition 12a to read:

Rule 9.3.6 Noise, of the Dunedin City Second Generation District Plan shall apply.
~~Comply with proposed district plan rules (note some activities exempt – night time rules to apply for buildings with mechanical plant and/or to be used for functions).~~

Replace Condition 12b, 12c and 12d with a new 12b as follows:

Outline plans shall address the following:

- i. where any car parking area is within 5m of a residential site, a noise control fence constructed from a durable material of at least 10kg/m² free from cracks, gaps and holes should be considered, in consultation with the adjoining landowner. Where a noise control fence is agreed to be required, the car park should be designed so that any parked car is at least 1m from any fence.
- ii. Suitable noise insulation for buildings and plant should be utilised to ensure noise generated onto adjacent residential properties achieves the night time noise levels of condition a above.
- iii. For buildings that may accommodate functions, a Noise Management Plan should be prepared to ensure noise generated onto adjacent residential properties achieves the night time noise levels of condition a above.

9.14 Condition 13 -Stormwater

This condition has been discussed in 8.5 above, and will require clarification from the requiring authority. However, as noted in 8.5 above, the concerns of DCC's 3-Waters team should be addressed through the outline plan process.

Consider amending Condition 13 to read:

Stormwater 3-Waters Infrastructure

Outline plans shall address the following:

Water Services

a. A specific water assessment using the calibrated hydraulic water model is required for the new pool facility and associated development to ensure the reticulated water network can provide sufficient water for the development.

Stormwater Services

b. ~~a.~~ For any increase in impermeable area ~~hard stand (excluding buildings)~~ of more than 2.1% of the designated site or 4,500m², a stormwater management plan ~~assessment~~ is required to determine whether a site-specific stormwater solution is necessary (with potential for direct flow to Silverstream via pump).

c. ~~b.~~ As part of such an assessment, consideration shall be given to whether stormwater detention via wetlands/greenspace is appropriate.

Wastewater Services

d. Effects of the anticipated wastewater discharge impact on the reticulated wastewater network, including the expected flow discharges and diurnal flows

Existing Services

e. For any development within 3m of any 3-Waters infrastructure, written approval from the Development Engineer, 3-Waters shall accompany the outline plan. This approval may include consideration for an easement in gross in favour of DCC over any existing, relocated or new 3 Waters infrastructure.

9.15 Condition 14 -Minimum floor levels

The whole designation site is within the Hazards 3 (flood) overlay. I understand that similar rules that were proposed in the 2GP have been removed as they can be addressed at the building consent stage. However, given that designations include an outline plan process, I consider that minimum floor levels should be a consideration at that stage.

Consider replacing Condition 14 to read:

Outline plans shall address the effects of flooding, including setting floor levels in any new buildings, additions to buildings or change of existing buildings.

9.16 Condition 15 -Earthworks

I consider that earthworks, including sediment control, is a matter that should be considered in any outline plan. If the scale is small, then the assessment would be very brief.

Consider replacing Condition 15 to read:

Outline plans shall address the effects of earthworks, including the effects on any adjoining properties or stopbank and also whether a sediment control plan is required.

9.17 Condition 16 -Accidental Discovery

This is a standard condition where any earthworks are proposed, and I consider it should remain, particularly as the site is within a mapped Wāhi Tūpuna.

9.18 Additional conditions

There has been no mention of the potential hours of operation. The 2GP includes Rule 20.5.3, which limits the hours of operation of sport and recreation and ancillary activities in the Recreation zone, and these should be considered. I assume the existing sportsgrounds do not have any control over the hours of operation, although they would be limited by the lack of lighting. I also note that Moana Pool Major Facility Zone within the 2GP does not control hours of operation for the use of the pool. To a large extent the noise limits will control the hours of operation. However, as the designation is proposing a variety of activities over a large area I consider that the hours of operation should be noted as a consideration in any outline plan.

Consider an additional condition to read:

Outline plans shall address whether the hours of operation of activities should be controlled.

As the designation will be providing for reasonably large scale development which could occur over a long period of time, I consider that the effect of construction noise and vibration on neighbouring properties will require management. This should also be a matter for consideration in any outline plan.

Consider an additional condition to read:

Outline plans shall address the effects of construction, including noise, vibration, traffic movement and hours of work.

10. SECTION 168A – STATUTORY FRAMEWORK AND PLANNING/ STRATEGY DOCUMENTS (Section 8 of AEE) RELEVANT OTHER DOCUMENTS (Section 9 of AEE)

The assessment of policy statement, plans and strategies is relatively thorough and I agree with the assessment undertaken. Many of the overarching documents are not particularly focussed on urban recreation or community facilities.

As noted in 4.5 above I consider that the requiring authority should provide an assessment of the DCC's Reserves and Recreation documents.

11. CONSIDERATION OF ALTERNATIVES (Section 10 of AEE)

The assessment of alternative methods covers designation, resource consent and variation to the 2GP. I consider that due to timing issues, with the appeals process occurring on the 2GP, a variation is not appropriate. This effectively leaves either a resource consent or designation. The RMA does not prioritise one method over the other. The designation process means that the funding and development of projects can occur without the expense of detailed design that would be required for a resource consent, and there is no certainty that resource consent would be granted. Also, a resource consent would be required for each project, whereas the designation process can cover a range of future projects. The risk with a designation is that because the final location and design of projects is not known, the conditions on a designation need to be more broad brush, which may create limitations. For example, the proposed 10m setback for a 10m high building that is 65m long results in 650m² that may be less usefully used in order to create a buffer from neighbouring sites. Overall I consider the designation is an appropriate method for achieving development of the site.

In terms of alternative sites, a detailed investigation of other sites was not undertaken for a new pool or community facility. I consider it is unlikely that there would be a site as suitable as the proposed designation site, given its location close to the centre of Mosgiel and current activities on the site, which make it a hub for a range of recreation and community activities in Mosgiel. As Mosgiel grows, I consider that if anything, the centrally located site will become of greater value, and it may make more sense to relocate some of the sports fields to other parts of Mosgiel, as these fields do not need to be all co-located on a single site so close to the centre of the town.

Overall I consider that in terms of s168A(3)(b) of the RMA adequate consideration of alternative sites and methods has been undertaken, particularly as the requiring authority does have an interest in the land and in my view the designation will not have significant adverse effects on the environment.

12. CONSULTATION (Section 11 of AEE)

The AEE outlines the consultation process which appears extensive. There will always be questions as to whether enough, or the correct type, of consultation has been undertaken. I also note that there is no requirement under the RMA to undertake consultation for a designation.

13. PART 2 CONSIDERATIONS (Section 12 of AEE)

The AEE assesses the designation against Part 2 of the RMA. I note that apart from section 6(e) there does not appear to be any matters in section 6 that are required to be recognised and provided for. In terms of s6(e), it appears consultation with iwi has shown that the relationship of Maori and their culture and traditions to this site is not a specific concern. In terms of section 7, I consider the following sections all have some relevance: section 7(aa) the ethic of stewardship; 7(b) the efficient use and development of natural and physical resources; 7(c) the maintenance and enhancement of amenity values; and 7(f) the maintenance and enhancement of the quality of the environment.

Some submitters appear to consider that there is an element of stewardship for the Council to maintain the open green space and Memorial Gardens. I consider there is an element of this for the Memorial Gardens, and as noted in 8.2 I suggest the requiring authority should consider identifying areas where no building should occur, for example, restricting buildings within the Memorial Gardens to those that complement or are related to a garden setting.

In terms of sections 7(b), 7(c) and 7(f) I consider that these sections do not mean that the environment in terms of the designation site must stay the same, and development of the site can achieve those matters listed.

14. RECOMMENDATION

That, pursuant to section 168A of the Resource Management Act 1991, the Consent Authority **confirm** the notice of requirement DIS-20018-1 with the following conditions (the following uses the conditions from Appendix G of the AEE, and uses underline for new wording and ~~strike through~~ for deleted wording):

1. ~~Building~~ Height

- a. New buildings and structures and extensions to existing buildings and structures shall be a maximum height of 10m, excluding ~~for~~ servicing equipment on a roof providing the servicing equipment does not exceed the maximum height by more than 3m.
- b. New lighting towers shall be a maximum height of 30m.

2. Building floor area (per building)

- a. The maximum floor area for any individual building (new or existing extended) shall be 3200m².

3. Combined building site coverage

- a. The maximum building site coverage within the designation area shall be 5.5%.

4. Minimum ~~building~~ setbacks from boundaries and height in relation to boundaries

- ~~a. The minimum building setback from Council drains shall be 1.5m.~~
- a. b. The minimum ~~building~~ setbacks from designation boundaries shall be 4.5m.

[Note that buildings designed to cater for functions, large numbers of people and/or mechanical plant are likely to need additional setbacks to achieve required noise standards – see below].

- ~~b. e.~~ For all designation boundaries other than road boundaries, buildings and structures (excluding lighting towers) must not protrude from a plane rising at an angle of 45 degrees measured from ground level at the boundary.
- ~~c. d.~~ For all designation boundaries other than road boundaries, lighting towers must not protrude through a plane rising at an angle of 75 degrees measured from ground level at the boundary. [note this results in an 8.4m setback for a 30m lighting tower].

5. Building design and appearance

- a. The maximum length of any new or extended existing building shall be 65m, however any building façade greater than 20m in length shall have glazing or other architectural feature to break up the solid appearance of the building. For any portion of a building closer than 10m from the designation boundary other than a road boundary, the maximum length of that portion of the building (as measured parallel to the boundary) shall reduce by 5m for every 1m closer to that boundary.
- b. Painted finishes for new or extended existing buildings shall not exceed Light Reflectance Values (LRV) of 35%.
- c. Service and storage areas associated with new or extended existing buildings are to be effectively screened by fencing and / or planting from adjacent roads and properties and from high use public areas within the parks.

6. Landscape treatment to car parking areas

- a. New or extended car parking areas are to be set back a minimum of 1.5m from all designation external boundaries and these areas are to be planted to mitigate adverse effects of the car parks ~~from on~~ adjacent residential properties, including from light spill from vehicles.
- b. New or extended car parking areas are to have a minimum of 12% of the total area of the car park planted, including at least 1 tree, at least 3m high, per 120m² of the total car park area.

7. Signage

- a. General
 - i. 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 0.25m² are exempt from these standards.
 - ii. Signs must also comply with Rule 6.7.3 of the DCC Second Generation Plan where visible from a road.
 - iii. Signs must not be illuminated or digital.
- ~~b.~~ Performance standards that apply to all ancillary signs, except commercial sponsorship signs.
 - i. Ancillary signs must only display the name, and logo of the relevant land use activity or organisation (e.g. DCC), locational, directional or informative information relevant to the area, or rules of the area or use of the area.
 - ii. Ancillary signs that promote or advertise retail, restaurants, or conference, meeting and function ancillary to sport and recreation must not be visible from a public place outside the recreation area.
- ~~c. b.~~ Signs attached to buildings:

- i. any signs displaying the club/s name on clubrooms must not exceed a maximum total area of 5m² per building face;
- ii. the maximum number of permanent commercial sponsorship signs is one sign for the naming rights sponsor of the sport and recreation activity (club), with a maximum area of 3m², except: for clubs that operate in an enclosed area that is only open to members, apart from during events, there is no maximum number of commercial sponsorship signs, provided those signs are not visible from outside of the enclosed area;
- iii. other signs must not exceed a total maximum area of 1m² per building face;
- iv. signs must remain entirely within the visual profile of the building or structure; and
- v. signs must not project higher than the lowest point of the roof, except as mounted flat against a parapet or gable end.

d. e. Freestanding signs

- i. must not exceed a maximum total area of all display faces of 3m²; and each display face must not exceed 1.5m² in area;
- ii. must not exceed a maximum height above ground level of 4m; and
- iii. must be positioned within the designation site boundaries and located so they do not obstruct any parking, loading or access areas.

e. d. Portable freestanding signs:

- i. Commercial sponsorship signs erected for matches, competitions, or events must not be displayed for more than one day before the competition/event, and must be removed within one day of completion of the competition/event.
- ii. Any other portable signs must not exceed one sign per activity, and 0.9m in height and 0.6m in width.
- iii. Signs must be positioned within designation site boundaries.

8. Tree protection

- a. Any trees that are removed through the development of community and recreational facilities are to be replaced and their replacement with suitable trees and their location shall be addressed in the outline plan.
- b. No new trees shall be planted within 1.5m of Council drains.

9. Lighting

- a1. Light spill measured at any point of the vertical plane that marks the boundary of a residential zone or any site used for residential purposes must not exceed the following limits:

Time		Limit
<u>i. a</u>	7am – 10pm	10 Lux
<u>ii. b</u>	10pm – 7am	3 Lux

iii. e. This standard does not apply to light spill from the headlights of motor vehicles.

- b. Light spill must not be emitted in the angles above the horizontal.
- c. All outdoor lighting, except street lighting, must be shielded from or directed away from adjacent roads and designation boundaries.

10. Car parking and Access Requirements

- a. 1 carpark to every 3 people a new building will be designed for. A reduced level of carparking may be provided where an integrated Transport Management Plan (which may include a Travel Management Plan) included with an outline plan identifies that fewer additional parking spaces are required. Consideration should also be given to providing carparking spaces that are only required during periods of high use on grassed areas or gobi paving to reduce the area of impermeable surfacing.
- b. ~~Should a new building greater than 500m² in area be established~~ For any development that increases traffic movement consideration shall be given to whether upgrade or reconfiguration of the vehicle access into the site is necessary to manage increased traffic flows and the outcomes of this consideration be included in the outline plan for the works.
- c. Prior to the design of any development that increases traffic movement onto State Highway 87 (SH87) ~~the aquatic centre being finalised~~ and an outline plan lodged with Council, consultation shall be undertaken with the New Zealand Transportation Agency to identify the most effective, efficient and safe access to SH87.
- d. All on-site parking areas shall be dimensioned in accordance with the performance standards in Rule 6.6 Parking, Loading and Access, of the Dunedin City Second Generation District Plan.
- e. The surface of all parking, associated access and manoeuvring areas shall be formed, hard surfaced and adequately drained for their entirety, and parking spaces permanently marked.

~~11. Otago Regional Council Lower Taieri Flood Protection Scheme Designation~~

- a. ~~No buildings shall be located within Otago Regional Council's Designation D217 (Lower Taieri Flood Protection Scheme).~~

12. Noise

- a. Rule 9.3.6 Noise, of the Dunedin City Second Generation District Plan shall apply. ~~Comply with proposed district plan rules (note some activities exempt – night time rules to apply for buildings with mechanical plant and/or to be used for functions).~~
- b. Outline plans shall address the following:
 - i. where any car parking area is within 5m of a residential site, a noise control fence constructed from a durable material of at least 10kg/m² free from cracks, gaps and holes should be considered in consultation with the adjoining landowner. Where a noise control fence is agreed to be required, the car park should be designed so that any parked car is at least 1m from any fence.
 - ii. Suitable noise insulation for buildings and plant should be utilised to ensure noise generated onto adjacent residential properties achieves the night time noise levels of condition a above.
 - iii. For buildings that may accommodate functions, a Noise Management Plan should be prepared to ensure noise generated onto adjacent residential properties achieves the night time noise levels of condition a above.

~~Carparks:-~~

~~Noise control fencing shall be provided should any new carpark be established within 5m of the boundary with a residential site, and the carpark shall be designed such that the front of the car shall be at least 1m from a noise control boundary fence.~~

- e. ~~Noise control fence:-~~

Noise control fence to be minimum 1.8m above car park surface. It shall be constructed from a durable material of at least 10kg/m² free from cracks, gaps and holes.

d. ~~Buildings:~~

~~Suitable noise insulation for buildings and plant shall be utilised to ensure noise generated onto adjacent residential properties achieves district plan night time noise levels.~~

~~[This means buildings that will never need to have functions considered, mech plant can 'use' the whole allowance. Where functions may be a frequent or important ad hoc service offered by the building, mech plant should be designed to be District Plan night time minus 10dB to avoid cumulative effects.]~~

13. ~~Stormwater~~3-Water Infrastructure

Outline plans shall address the following:

Water Services

- a. A specific water assessment using the calibrated hydraulic water model is required for the new pool facility and associated development to ensure the reticulated water network can provide sufficient water for the development.

Stormwater Services

- b. ~~a.~~ For any increase in impermeable area ~~hard stand (excluding buildings) of more than 2.1% of the designated site or 4,500m²; a stormwater management plan assessment is required to determine whether a site-specific stormwater solution is necessary (with potential for direct flow to Silverstream via pump).~~
- c. ~~b.~~ As part of such an assessment, consideration shall be given to whether stormwater detention via wetlands/greenspace is appropriate.

Wastewater Services

- d. Effects of the anticipated wastewater discharge impact on the reticulated wastewater network, including the expected flow discharges and diurnal flows

Existing Services

- e. For any development within 3m of any 3-Waters infrastructure, written approval from the Development Engineer, 3-Waters shall accompany the outline plan. This approval may include consideration for an easement in gross in favour of DCC over any existing, relocated or new 3 Waters infrastructure.

14. Minimum floor levels

- a. Outline plans shall address the effects of flooding, including setting floor levels in any new buildings, additions to buildings or change of existing buildings. ~~in~~ Hazard 3 (flood) overlay zone, new buildings to be used for sensitive activities must have a floor level that is equal to or greater than the floor level shown on the Flood Minimum Floor Level Map, or if not shown on that map, at least 500mm above ground level.
- b. ~~Buildings that do not have people regularly present (for example, garages, carports, and sheds) are exempt from the above performance standard for minimum floor levels.~~

15. Earthworks

- a. Outline plans shall address the effects of earthworks, including the effects on any adjoining properties or stopbank and also whether a sediment control plan is required. ~~For earthworks exceeding 1000m³ of excavation or fill, appropriate~~

~~sediment control measures will be submitted to Council for certification prior to earthworks being undertaken on site. These shall be in accordance with appropriate guidelines such as Environment Canterbury Erosion and Sediment Control Toolbox or similar.~~

16. Accidental Discovery

If the consent holder:

- a. discovers koiwi tangata (human skeletal remains), waahi taoka (resources of importance), waahi tapu (places or features of special significance) or other Maori artefact material, the consent holder should, without delay:
 - i. notify the Consent Authority, Tangata whenua and Heritage New Zealand and in the case of skeletal remains, the New Zealand Police.
 - ii. stop work within the immediate vicinity of the discovery to allow a site inspection by Heritage New Zealand and the appropriate runanga and their advisors, who shall determine whether the discovery is likely to be extensive, if a thorough site investigation is required, and whether an Archaeological Authority is required.

Any koiwi tangata discovered should be handled and removed by tribal elders responsible for the tikanga (custom) appropriate to its removal or preservation.

Site work should recommence following consultation with the Consent Authority, Heritage New Zealand, Tangata whenua, and in the case of skeletal remains, the New Zealand Police, provided that any relevant statutory permissions have been obtained.

- b. discovers any feature or archaeological material that predates 1900, or heritage material, or disturbs a previously unidentified archaeological or heritage site, the consent holder should without delay:
 - i. stop work within the immediate vicinity of the discovery or disturbance; and
 - ii. advise the Consent Authority, Heritage New Zealand, and in the case of Maori features or materials, the Tangata whenua, and if required, should make an application for an Archaeological Authority pursuant to the Historic Places Act 1993; and
 - iii. arrange for a suitably qualified archaeologist to undertake a survey of the site.

Site work should recommence following consultation with the Consent Authority.

17. Hours of Operation

- a. Outline plans shall address whether the hours of operation of activities should be controlled.

18. Construction

- a. Outline plans shall address the effects of construction, including noise, vibration, traffic movement and hours of work.

11. REASONS FOR RECOMMENDATION

It is my opinion that the designation for *DIS-2018-1* should be confirmed for the following reasons:

- a. The designation is necessary to provide for development of community and recreational amenities and facilities in Mosgiel.
- b. The environmental effects of the proposed designation will be avoided or mitigated.
- c. The proposed designation is generally consistent with relevant provisions in applicable policy statements and plans.

- d. The proposed designation is consistent with all relevant matters set out in Part 2 of the Act and promotes the sustainable management of natural and physical resources.

Report prepared by:



Robert Buxton

CONSULTANT PLANNER

Report checked by:



Emma Christmas

PLANNER (POLICY)

22 January 2019

Date

22 January 2019

Date