

Before an Independent Hearing Commissioner appointed by Dunedin City Council

In the matter of a notice of requirement by Dunedin City Council to designate the
Mosgiel Community and Recreation Area

Evidence of Louise Elizabeth Robertson Taylor

31 January 2019

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**anderson
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Qualifications and experience

- 1 My name is Louise Elizabeth Robertson Taylor. I hold a Bachelor's degree in Geography and a Master's degree in Regional and Resource Planning from the University of Otago (completed in 1996). I am a full member of the New Zealand Planning Institute. I am a Director of the firm Mitchell Daysh Limited, which practices as an environmental consultancy nationally. I hold the Chair endorsement for hearing matters under the Resource Management Act 1991 (**RMA**) and have heard both regional and district resource consent applications.
- 2 I have been practicing as a planner for over twenty years, primarily with a consultancy firm. My experience comprises a mix of projects for Councils, Government Agencies and private interests. I have prepared resource consent applications under most of the district and regional plans in the South Island and many in the North Island and have prepared notices of requirements for designations for numerous clients. I have assisted clients with private plan changes and submissions to regional and district plans throughout the Country. Of particular relevance to this application is my experience in Dunedin, primarily via preparation of numerous resource consent applications and submissions to Dunedin City and Otago Regional Council. A more detailed summary of my recent experience is included in **Appendix A** of my brief of evidence.
- 3 I confirm my obligations in terms of the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014. I confirm that the issues addressed in this brief of evidence are within my area of expertise. I confirm that I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

Scope of evidence

- 4 The Dunedin City Council (**DCC**) has filed a Notice of Requirement (**NOR**) for a designation for the purposes of a Recreation and Community Area within the areas of Peter Johnstone and Memorial Parks, Mosgiel in terms of section 168A of the RMA. The DCC has financial responsibility for the work.
- 5 The DCC owns all of the land subject to the NOR and manages the facilities and activities at the site, or leases grounds and buildings to sports clubs and other community organisations. Large parts of the site are recreation reserve land and as such, are subject to the Reserves Act 1977. Other parts of the designation area, such as the Council Library and Council Service Centre areas are not within

reserve land. Mr West has attached a plan showing the status of the parcels of land to be designated to his evidence.¹

- 6 I have been asked by the DCC to prepare expert planning evidence in relation to the NOR for the proposed designation.
- 7 My evidence focuses on the works and activities to be authorised by the designation and resulting effects, with particular focus on matters raised by submitters and the Council Planning Officer in his report. On other matters, I rely on the NOR documentation.
- 8 In this statement of evidence, I:
 - (a) Describe my role in the project;
 - (b) Provide a summary of consultation undertaken and submissions received;
 - (c) Discuss the purpose and extent of the designation;
 - (d) Outline Council's obligations under the Reserves Act 1977, and associated plans and strategies;
 - (e) Address positive effects of the designation;
 - (f) Assess visual and landscape (open space) effects including effects on the Memorial Garden;
 - (g) Assess other residential amenity effects including noise and lighting;
 - (h) Address transportation matters;
 - (i) Assess servicing and flood risk;
 - (j) Provide an evaluation of alternatives to the Notice of Requirement, insofar as it is necessary to do so;
 - (k) Assess whether the Notice of Requirement is reasonably necessary for achieving the objectives of the DCC;
 - (l) Assess the Notice of Requirement against the relevant planning instruments;
 - (m) Assess the Notice of Requirement against the requirements of Part 2 of the RMA; and

¹ Attachment A of Statement of Evidence Robert West, dated 31.01.19

- (n) Provide a conclusion.
- 9 In preparing this brief of evidence I have read the following documents:
- (a) The DCC Notice of Requirement;
 - (b) The submissions received;
 - (c) The Dunedin City Council s42A Report prepared by consultant Planner Robert Buxton, on behalf of the DCC (as territorial authority) and associated technical memos prepared by DCC's Environmental Health, 3 Waters and Transportation departments (**the Council Officer's Report**);
 - (d) The evidence prepared by the staff and experts on behalf of DCC as requiring authority:
 - (i) Robert West – Dunedin City Council Parks and Recreation Group Manager;
 - (ii) Michael Moore - Landscape Architect;
 - (iii) Allen Ingles – Infrastructure Engineer; and
 - (iv) Andrew Carr – Transportation Engineer.
 - (e) The relevant parts of the Dunedin City Operative and Proposed District Plans, the Otago Regional Policy Statements (operative and proposed), and other non-statutory plans and strategies.

My role in this Project

- 10 As Mr West has described in his evidence², DCC staff and Councillors have been working with the Taieri Community Facilities Trust and wider community to secure funding and identify a suitable site for a new or redeveloped aquatic centre in Mosgiel for some years. From time to time myself and my team have provided advice to the Council about the suitability of various potential sites from a planning perspective.
- 11 I provided advice to the DCC project team regarding planning approaches to provide for the aquatic centre (including the subject proposed designation), led the team which prepared the NOR and engaged the technical specialists to prepare assessments to inform the NOR.

² Paragraphs 14 - 25, Statement of Evidence of Robert West, dated 31.01.19

- 12 I attended various consultation meetings and events, including meeting and/or communicating with Dunedin City Council technical staff (3 Waters, Policy Planning, Transportation), Otago Regional Council staff, New Zealand Transport Agency (NZTA) staff, Aukaha staff, and I attended the public information day held on 15 September 2018 as Council's planning advisor.
- 13 I have visited the site and surrounds on numerous occasions, both as part of this project and with my family for recreation purposes.

Consultation and submissions

- 14 In his evidence Mr West has described the consultation carried out by the project team in relation to the designation.³ That consultation informed the preparation of the NOR, with the majority of issues raised being addressed via defining the designation purpose and formulating conditions aimed at managing potential adverse effects of future activities provided for by the designation.

Public consultation

- 15 The project team has worked closely with DCC regulatory staff (3 Waters, Policy Planning and Transportation), Councillors and Taieri Community Facilities Trust members to develop the requirements for the designation, to understand the potential effects and recommend adequate conditions. Direct stakeholder engagement has also occurred with Aukaha, NZTA, Otago Regional Council, site neighbours and sports field users. Several of the proposed conditions reflect agreements reached between the project team and these stakeholders. I discuss the conditions in more detail in below.
- 16 A consultation session with sports field users (Representatives of Mosgiel Football Club, Taieri Cricket Club, Taieri Athletics and Taieri Rugby Club) occurred on 12 September 2018.
- 17 A consultation session with neighbours and interested parties occurred on 15 September 2018. Approximately ten people attended this session.

Submissions

- 18 The Notice of Requirement was publicly notified on 10 November 2018 and the submissions period ended 7 December 2018. A total of 22 written submissions were received during the submissions period. Of these, 12 were in support, 9 were opposed and 1 did not state support or opposition.

³ Statement of Evidence Robert West dated 31.01.19

- 19 In summary, the stated reasons for the 12 submitters supporting the Notice of Requirement are:
- (a) The desire for a new pool (aquatic facility);
 - (b) The designation provides for future Council/public requirements; and
 - (c) The designation is a crucial step towards a new Aquatic Facility.
- 20 Of those submissions that raised concerns about the Notice of Requirement, those concerns primarily relate to:
- (a) The designation purpose is too broad, the phrase 'community activities' is too broad, and the designation does not define the location of the proposed aquatic centre;
 - (b) Reserves Act obligations to manage reserves for outdoor activities while this designation purpose intends to include some different activities;
 - (c) Risk to green and open spaces, including existing trees, posed by the proposed aquatic centre (Memorial Garden in particular) and perceived loss of control over possible future buildings;
 - (d) Visual impact, including building height and minimum setbacks;
 - (e) Amenity effects on neighbouring residents including noise and lighting;
 - (f) Pedestrian and parking access;
 - (g) Flooding effects; and
 - (h) Designation not an appropriate process/planning method.
- 21 I have considered the matters arising from submissions and those matters identified in the Council Officer's report. Where appropriate I have recommended changes to the proposed conditions to address issues raised. I discuss each of the key issues in turn below.

Purpose and extent of the Designation

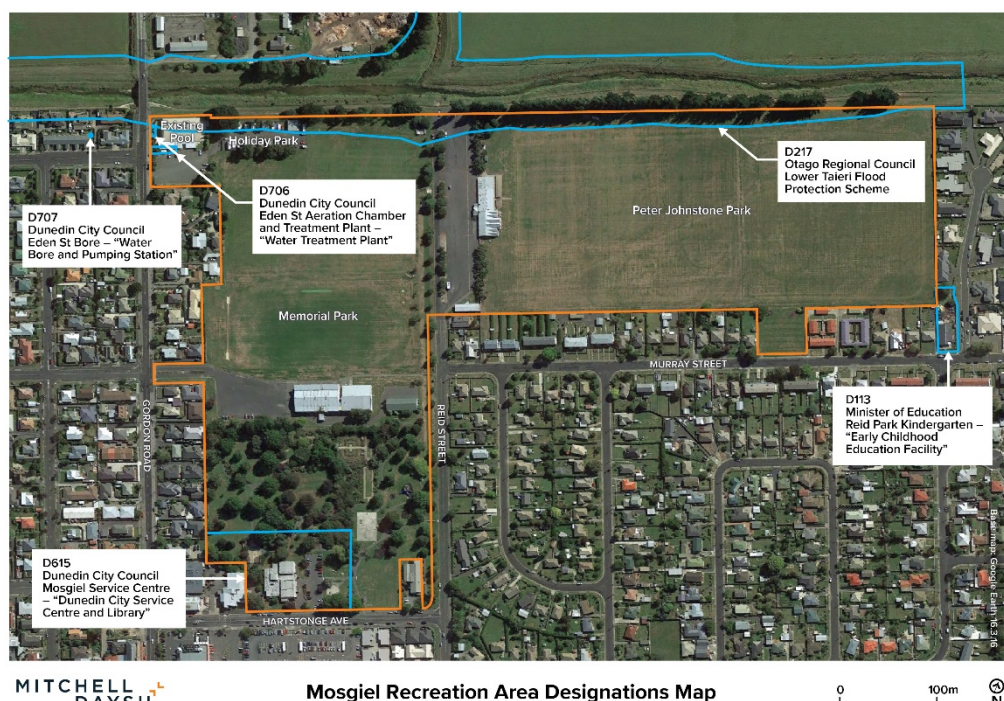
- 22 Mr West has described the purpose and need for the proposed designation.⁴ I understand that the designation is intended to provide for a public community and recreation area and associated facilities at Peter Johnston Park and Memorial

⁴ Statement of Evidence Robert West, dated 31.01.19

Park. More specifically, I understand that the designation is intended to allow continuation and improvement in providing for existing community and recreation activities at the site, including a new community aquatic centre. The designation title is the 'Mosgiel Community and Recreation Area' and is intended to authorise the following activities i.e. the Purpose of the designation is:

- (a) Community and recreational amenities and facilities including but not limited to:
 - (i) An Aquatic Centre;
 - (ii) Mosgiel Service Centre and Library;
 - (iii) Memorial Park and Gardens;
 - (iv) Peter Johnstone Park;
- (b) Sporting, recreational and community activities;
- (c) Food and beverage outlets ancillary to community or recreation facilities;
- (d) Buildings and offices associated with club rooms, community facilities and services;
- (e) Vehicle and pedestrian access to facilities;
- (f) Car, cycle and coach parking areas for facilities;
- (g) Directional signage, public art works and other public amenities such as toilets; and
- (h) Landscaping, infrastructure, construction and earthwork activities associated with the above.

- 23 The extent of the designation, along with the existing designations within or adjacent to the site is shown on the plan below:



24 Several submitters consider that the purpose of the designation is too broad.⁵ I am comfortable with the broad nature of the designation in this situation. I hold this view because:

- (a) Designations can either be quite specific, identifying particular works on a particular site and containing particular conditions, or more general, simply identifying a site or corridor as being used for a certain purpose, such as a state highway, airport or rail corridor (in this case a number of community activities). The RMA anticipates details to be addressed by the outline plan process.
- (b) The designation would establish a suitable planning framework for the site that would allow an appropriate future community activity development (public work) to proceed within suitable parameters.
- (c) The proposed designation purpose and conditions are tailor made for the site; the proposed purpose and the conditions will better manage uses of the site and the effects on the environment than the District Plan Rules which apply to all recreation zones across the City.

25 Several submitters consider that the use of the term "community activities" in the purpose of the proposed designation is not appropriate and should not be included⁶.

⁵ Submitters: 7 by B Sim, 8 by J Sim, 9 by L Ratcliffe, and 13 by R Sim

- 26 The use of the term "community amenities and facilities" (as opposed to "community activities") in the designation purpose reflects the facilities that are already located within the designation site. These facilities are intended to be continued and provided for by the designation. These community activities include:
- (a) Mosgiel Service Centre and Library;
 - (b) Public art works;
 - (c) Gardens;
 - (d) Mosgiel Pool; and
 - (e) Gymnasium (also used as an emergency centre).
- 27 Because the designation is intended to allow continuation of these, as well as ensuring that other similar community activities can be provided for in the future, I consider that the inclusion of the term "community amenities and facilities" in the designation purpose is appropriate and should be retained.
- 28 Several submitters⁷ are concerned that the intended site of the proposed aquatic centre is not specified in the designation area. The primary reason for not identifying the site for the aquatic centre is that the intent of the designation is to provide an appropriate planning framework within the proposed designation envelope for existing and future developments (such as the aquatic centre) rather than stipulate locations for specific activities and structures.
- 29 I understand the site has not been confirmed.
- 30 As part of the assessment work carried out to inform the NOR, the project team assessed likely future developments and identified a series of conditions to control potential effects on neighbours, amenity and open space values from such activities. These conditions have been amended further to respond to submitter concerns and matters raised by the Council Planning Officer.
- 31 Once the location and layout of the aquatic centre is settled, an outline plan would be required to be filed with DCC in terms of section 176A of the RMA. The Outline Plan will show:
- (a) The height, shape, and bulk of the work; and

⁶ Submitters: 7 by B Sim, 8 by J Sim and 13 by R Sim

⁷ Submitters: 5 by P Sim, 7 by B Sim, 8 by J Sim, 22 by S Paul

- (b) The location on the site of the work; and
 - (c) The likely finished contour of the site; and
 - (d) The vehicular access, circulation, and the provision for parking; and
 - (e) The landscaping proposed; and
 - (f) Any other matters to avoid, remedy, or mitigate any adverse effects on the environment.
- 32 It would be up to DCC to demonstrate that the works comply with the designation purpose and conditions.
- 33 Bearing in mind the assessment work that informed the NOR and the outline plan process that is required to be adhered to prior to any works occurring at the site, along with Council's obligation to manage its assets for the benefit of the wider community, I am comfortable with the nature and extent of the designation as proposed. I discuss submitters concerns about potential effects on the Memorial Gardens more specifically in paragraphs 58-60 below.

Reserves Act Obligations

- 34 Much of the site is a Recreation Reserve,⁸ and accordingly DCC has obligations under the Reserves Act 1977 in terms of how it manages this land. Several submitters raised concerns about the implications of the Reserves Act on the ability of Council to establish and use the designation.⁹ Mr Buxton also discusses the implications of the Reserve Act status on the proposed designation in his report.
- 35 In terms of section 168A(d) of the RMA, Council must consider the effects on the environment of allowing the requirement, having particular regard to "*any other matter the territorial authority considers reasonably necessary in order to make a decision on the requirement*". I consider the Reserves Act status of the site, along with any relevant reserve management plans and strategies could be considered "other matters" in the section 168A(3)(d) sense. I have considered the extent to which the proposed designation aligns with these plans.
- 36 The Reserves Act 1977 section 40(1) requires that local authorities (administering bodies) administer, manage and control reserves for their intended purpose. With large parts of the proposed designation comprising Recreation Reserve land

⁸ Refer Attachment A, Statement of Evidence Robert West dated 31.01.19

⁹ Submissions: 5 by P Sim, 13 by R Sim

pursuant to section 17(1) of the Reserves Act 1977, I agree it is important to understand the purpose of recreation reserves under the Reserves Act 1977. This purpose is:

...for the purpose of providing areas for the recreation and sporting activities and the physical welfare and enjoyment of the public, and for the protection of the natural environment and beauty of the countryside, with emphasis on the retention of open spaces and on outdoor recreational activities, including recreational tracks in the countryside....

- 37 I consider the location of the reserves (Peter Johnstone Park and Memorial Park), which are within the suburban area of Mosgiel, close to the local community and having flat topography, are well suited to field sports and a community aquatic complex, amongst other activities. This is reflected in the past and current use which includes rugby, soccer, cricket, athletics and other field sports as well as squash courts and an indoor basketball court, an indoor pool facility and car parking areas associated with those sports and their facilities. This site comprises the principal recreational and sports hub for the Mosgiel community and will continue to do so.

Relevant Management Plans / Strategy

- 38 Peter Johnstone Park and Memorial Park do not have specific Reserve Management Plans in place. The policies relating to the use of these Parks (recreation reserves) is therefore contained in the Dunedin City Council Reserves Management Plan - General Policies document dated 1 March 2005. As stated in this Management Plan (s.4.3, page 82) and reflected in the purpose of a recreation reserve under of the Reserves Act 1977 community and recreation facilities on such reserves are promoted. I discuss the potentially relevant plan and strategy immediately below.

Sports Ground Management Plan 1999

- 39 The Sports Ground Management Plan was developed to assist with achieving the goals of the 1998:8 Dunedin City Council Strategic Plan and was prepared in terms of the Reserves Act 1977. There are six aims and associated objectives of the management plans process (refer section 2.2). In summary these aims and objectives focus on provision of equitable and accessible recreation opportunities for Dunedin residents and visitors (Aim 1), provision for the sustainable management of sport grounds (Aims 2, 3, 4), and ensuring consistency with other Council plans and obligations (including the Reserves Act).

- 40 Peter Johnstone Park and Memorial Park are listed in Appendix I of the Sports Ground Management Plan, confirming their management is covered by this plan, however there are no policies specific to these grounds.¹⁰
- 41 The other sections of this plan address management of the sports grounds including allocation of grounds between different sports and recreation. This is the day to day function of the DCC Parks and Recreation team, who manage the different demands on reserves and sports grounds. The DCC Parks and Recreation team will continue to manage these demands during the development of the aquatic centre.
- 42 I have not identified any provision in this plan that is at odds with the proposal to designate the site for its intended purpose.

Parks and Recreation Strategy 2017 – 2027

- 43 The Parks and Recreation Strategy sets out a vision for parks and recreation as:
- Dunedin's communities are more active, more often, in facilities, parks and open spaces that are connected and valued.
- 44 The Strategy is one of eight key strategies which form Council's strategic framework to achieve the overall vision of:
- Dunedin is one of the world's great small cities.
- 45 It includes a Parks and Open Space Action Plan, and a Sport and Recreation Action Plan which is most relevant to this site. In the research which informed the strategy, walking, cycling, swimming and jogging/running were the most popular activities, while the most popular sports (for adults in Otago) were golf, bowls, motorsports and basketball.
- 46 The strategy focuses on the value of sports and activities facilities (both fields and buildings). The second objective aims that *"open spaces and facilities support Dunedin's communities to thrive"*. The two goals under that objective are:
- Our parks and facilities meet the changing needs of our communities;
- Our parks and facilities are increasingly used.
- 47 There are a series of priorities set out to achieve these goals, which include providing fit for purpose network of facilities; and facilitating partnerships to make the most of Dunedin's recreational assets.

¹⁰ Refer section 9.0 Sports Ground Management Plan 1999

- 48 I consider the work which led to the proposed designation is wholly aligned with and gives effect to this strategy, as it provides for the retention and careful planned development of the site to meet the changing sport and recreation needs of the community. Next steps with the project, including confirming the location of the Aquatic Centre and any further master planning of the wider site, will continue to give effect to the strategy.

Assessment of Environmental Effects

- 49 Section 6 of the NOR provides an assessment of environmental effects anticipated as a result of the proposed designation. Similarly, section 8 of the s42A Report reviews that assessment and provides analysis and comment, taking into account feedback received from Council technical staff in accordance with section 168A(3) of the RMA. Messrs Moore, Carr and Ingles have addressed the relevant effects and issues raised by submitters and the Council Officer's report in their respective evidence. I draw on and largely adopt that evidence in my assessment and use it to guide my analysis of suitable conditions.
- 50 For each key effect, I set out my analysis of the following:
- (a) Submitter issues;
 - (b) Section 42A Council Officer comments;
 - (c) Expert evidence; and
 - (d) My concluding thoughts and comments in relation to the conditions.

Positive effects

- 51 Section 168A(3A) requires that the effects to be considered under subsection (3) of section 168A *"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"*.
- 52 I consider there are likely to be significant positive effects arising from the activity enabled by the requirement, and these have also been identified in submissions.¹¹ Mr West addresses positive effects from the requiring authority's

¹¹ Submissions: 1 by LJ Lumsden/Polson McMilian, 2 by Reid Park Kindergarten, 3 P Tennant, 4 by A Tennant, 6 by D Cormack (Wenita Forest Products Ltd), 11 by A Henry, 14 by Mosgiel Taieri Community Board, 15 by Taieri Community Facilities Trust, 17 by N Trotter (Mosgiel AFC, Athletics Taieri, Taieri Cricket Club), 19 by D Ross, 20 by The Taieri Rugby Football Club, 21 by St John Taieri Committee

perspective in his evidence.¹² I have grouped those I consider to be most relevant from a planning perspective into two topics as follows:

- (a) The ability for the existing recreation and community facilities to continue to operate, and be developed over time in a coordinated, flexible way to reflect changing community needs. The designation conditions would better control effects of any new buildings and carparking than the existing district plan framework as they have been developed for the intended uses and for the subject site. The works enabled by the designation would improve the community and recreation facilities on the site, thus providing a wider community benefit.
- (b) The ability for Council to construct a replacement aquatic centre to better provide for the Taieri and wider community's swimming needs. This is a significant benefit as the designation would enable a facility which includes a lane pool, family pool, toddler pool, hydrotherapy pool and spa pool. This choice of pools means the facility would cater for a much more diverse range of community members than the existing pool, and in greater numbers.

Visual and Amenity / Urban Design

- 53 The Visual and Amenity / Urban Design effects were assessed in a report by Landscape Architect, Mike Moore,¹³ to be of low significance and the NOR concluded that the conditions proposed would appropriately protect landscape and amenity values.
- 54 There are concerns in some submissions¹⁴ that the site could lose open and green space to building development as a result of this designation.
- 55 Mr Moore addresses this matter in his evidence, as does Mr Buxton in his Council Officer's report.¹⁵
- 56 I agree that the designation area has open space values, both in terms of its recreation and community use and as a largely unbuilt, open space.

¹² Paragraphs 13 - 25, Statement of Evidence Robert West dated 31.01.19

¹³ Appendix B, Notice of Requirement dated October 2018

¹⁴ Submissions: 5 by P Sim, 7 by B Sim, 8 by J Sim, 9 by L Ratcliffe, 10 by M Sim, 12 by A Coleman (neutral) and 13 by R Sim

¹⁵ Paragraph 33 Statement of Evidence Mike Moore dated 31.01.19; Section 8.2 Council Officer's Report dated 22.01.19

57 I disagree with the relevant submitters that green space is under threat for the following reasons:

- (a) The site is currently predominantly green and open space, this is not likely to change as a result of the designation as most of the current and proposed activities under the designation purpose are outdoor, sports field and public garden related activities. The site will continue to be managed by the Council's Parks and Reserves department for recreation purposes.
- (b) The NOR proposes a condition relating to tree replacement, should any trees be required to be removed in order to establish community and recreational facilities. At the suggestion of Mr Buxton, I have amended the wording of this condition to provide more certainty about the nature and location of any replacement trees.¹⁶
- (c) Any new development of the site would need to meet requirements for site coverage (maximum of 5.5% coverage) as outlined in the proposed designation conditions attached as **Appendix B**.¹⁷ The existing building site coverage is approximately 3%. As noted in the landscape report by Mr Moore, the existing landscape character (and overall scale) is unlikely to be significantly changed by increasing site coverage to a maximum of 5.5%. Therefore, my opinion is that an allowance for an additional 2.5%, when considered alongside the other proposed conditions to mitigate effects, would not put at risk green and open space values of the site.
- (d) Other controls are intended to be imposed via conditions, including building height, boundary setback, height in relation to boundary controls, maximum building footprint and building design and appearance which together, would limit future building bulk and location to appropriately manage potential effects on neighbouring residential properties.¹⁸ Mr Buxton has recommended several minor amendments to Conditions 1 – 5, which I have largely adopted in the conditions attached.¹⁹ I have amended Condition 2 to reflect that the condition is to refer to building footprint, as opposed to building floor area. Both Mr Buxton and Mr Moore consider that these conditions would adequately control future buildings and structures

¹⁶ Refer Condition 8a, Appendix B

¹⁷ Condition 3

¹⁸ Refers Conditions 1 – 5

¹⁹ Appendix B

to the extent that the open space values of the site would be appropriately managed.²⁰

- (e) I do not share the submitter concerns regarding removal of landscape plantings. The site does not have large amounts of landscape plantings outside of the Memorial Gardens and playground area. Under the proposed designation conditions, any removal of plantings and/or trees required by any future development of the site would require replacement. Mr Buxton has recommended changes to this condition (Condition 8) to ensure care is taken that any tree that requires removal is replaced with a suitable tree and in a suitable location. I agree with this change and have reflected it in the proposed conditions attached.
- (f) The designation site already accommodates sports club buildings, the public library, the Council office, the scout hall and the existing pool building. These buildings facilitate indoor and outdoor sports and community activities. These are important buildings which enable the Mosgiel community to take part in formal and informal sport and recreation. I consider the designation, which seeks to provide predominantly open space areas and limited space for buildings, reflects these uses and will continue to provide for this mix.

Memorial Gardens

- 58 Several submitters raised concerns²¹ regarding the inclusion of the Memorial Gardens within the proposed designation area, and the risk they consider this places on the values of the gardens. The main concern from submitters appears to be that there is nothing to stop the new aquatic centre being sited in the gardens under the designation conditions.
- 59 I have discussed this matter with Mr West and his team, and he confirms there is no intention to site the aquatic centre in Memorial Garden. I note that the Garden, and the trees within it are not protected via either the Proposed or Operative District Plans. The site is zoned recreation in the Proposed District Plan ("Proposed 2GP", "Proposed District Plan"), which permits new buildings and alterations up to 350m².²² None of the trees within the designation area (including Memorial Garden) are scheduled as protected in either the Operative or

²⁰ Refer section 8.2 Council Planning Report dated 22.01.19 and paragraphs 33 - 41 of Statement of the Evidence Mike Moore, dated 31.01.19

²¹ Submissions: 5 by P Sim, 7 by B Sim, 8 by J Sim, 13 by R Sim and 16 by Hands off Memorial Gardens

²² Rule 20.3.4.5 Proposed District Plan, Decisions Version

Proposed District Plan. Currently, Council manages the Garden as it sees fit, and would continue to do so under its wider public good obligations.

- 60 Despite this, Mr West has agreed to make it clear via designation conditions that the new aquatic centre would not be located within the Garden. I have added a new condition (19) to confirm this in the proposed conditions attached as **Appendix B**.

Amenity effects on residential neighbours

- 61 Several submitters identify potential affects from future development of the residential amenity of neighbours.²³
- 62 Immediate residential neighbours to the designation area have the potential to be adversely affected by community and recreation activities near to them. Such effects could include shading and/or visual obstruction by large buildings or structures, noise from grounds, buildings and carparks, and lighting.
- 63 I note that these potential effects could occur now, as of right, under the current Proposed District Plan Recreation zoning and current uses at the site, although potentially to a lesser extent in terms of building bulk. The Recreation zone (proposed 2GP) permits buildings up to 350m² in area (with a wall up to 20m long), up to 2m from residential boundaries, up to 9m in height (assuming the height in relation to boundary standard is met).²⁴ While the designation necessarily provides for larger buildings than those permitted by the 2GP, the assessments which informed the NOR addressed potential effects of larger scale buildings on residential neighbours. Mr Moore recommended specific controls relating to height, yard setback and height in relation to boundary to ensure larger buildings do not dominate neighbours – these conditions are more onerous than the 2GP bulk and location requirements that apply to the site. Mr Moore has also recommended Condition 6, which requires planting and screening within any new carpark.
- 64 Mr Moore and Mr Buxton agree that these proposed conditions are adequate to ensure that residents are not affected by any building location effects to a significant extent. In his evidence Mr Moore concludes that the proposed conditions *"will appropriately protect amenity value, with any adverse effects being of low significance"*.²⁵

²³ Submissions: 7 by B Sim, 8 by J Sim, 22 by S Paul

²⁴ Rules 20.3.4.5 and 20.6.4 Proposed District Plan

²⁵ Paragraph 45, Statement of Evidence Mike Moore dated 31.01.19

- 65 The Proposed 2GP controls noise generation and light spill, and it is intended to replicate those limits as conditions for the designation. Mr Buxton has helpfully amended the proposed conditions relating to noise and lighting to reflect the decisions version of the Proposed 2GP (which were not available at the time the NOR was filed), and I have reflected those changes in the conditions attached at **Appendix B**. Accordingly, I consider that potential effects on neighbours from noise or lighting would be suitably managed by these conditions.²⁶

Carparking and access

- 66 Mr Carr prepared the transportation assessment attached at Appendix C of the NOR. He also prepared evidence to address submissions and the Council Officer's report.²⁷
- 67 Three submitters raised transportation issues²⁸ which identified concerns with congestion at intersections/access points, carparking and access for pedestrians. The Council transportation department issued a memo which is included in the Council Officer's Report which addressed similar matters.
- 68 Mr Carr has addressed these matters in his evidence²⁹. He concludes that even with new development on the site such as a new Aquatic Centre, the safety and efficiency of the transportation networks will not be adversely affected, and levels of service remain high. He considers the conditions as now proposed will assist in ensuring that issues raised by submitters will be addressed via the outline plan process for any new development.
- 69 In discussion with Mr Carr and Mr West I have largely accepted the Council Officer's recommended change to condition 10 which relates to the information in relation to carparking and access to be included in an outline plan. I agree with Mr Buxton that flexibility of carpark numbers should be provided to ensure that no more space is taken up from carparking than is necessary for any particular development (condition 10a).
- 70 I have used the same approach to condition 10d which requires an assessment of carparking areas against rule 6.6 of the Proposed 2GP as part of an outline plan, as opposed to simply requiring compliance with this rule. The rule has been developed for a resource consent process; i.e. a resource consent can be sought should a non-compliance eventuate (sometimes for good reason, depending on

²⁶ Conditions 9 and 12, **Appendix B**

²⁷ Statement of Evidence Andy Carr dated 31.01.19

²⁸ Submission 6 D Cormack (Wenita Forest Products Ltd), Submission 11 A Henry, Submission 22 S Paul

²⁹ Paragraph 26 onwards Statement of Evidence Andy Carr date 31.01.19

the situation). When the rule is applied to a designation, any non-compliance renders the designation useless for the requiring authority for that activity as there is no process to seek approval to breach a designation condition. The parking, loading and access performance standards are precise, and I consider it likely that one or more would be breached for any development. For example, the rule requires all carparking to be hard stand and marked, however Mr Buxton has recommended that there be consideration for non-permeable carparking surfaces for overflow situations. Accordingly, the two conditions are currently in conflict with each other, so a more flexible, project specific approach would result in a better environmental outcome. I consider this can be achieved via the outline plan process as per my suggested wording on condition 10.

- 71 I have left condition 10b and c largely as notified as the content of these conditions were agreed with NZTA prior to filing the NOR and I understand NZTA chose not to submit on the project based on those conditions being imposed on the designation.

Infrastructure

- 72 Mr Ingles prepared the Infrastructure Report attached at Appendix E of the NOR. He also prepared evidence to address submissions and the Council Officer's report³⁰.
- 73 One submission raised a concern about potential flooding from additional built form on the site³¹. Mr Ingles addresses that submission at paragraphs 87 – 90 of his evidence and concludes an outline plan for works should address stormwater design so as not to exacerbate flooding risk. I have added in a clause in condition 13(b) to require this.
- 74 In terms of water supply and waste water, the 3 Waters Department has requested that analysis be undertaken as part of an outline plan to ensure capacity in the Council system. Mr Ingles points out that this would be done internally in this situation as DCC is the requiring authority. I have therefore amended the condition recommended by Mr Buxton to better reflect the need to provide daily flow demand for water supply and wastewater, as opposed to requiring a full analysis under Council's model.

³⁰ Statement of Evidence Allen Ingles dated 31.01.19

³¹ Submission 22 by S Paul

- 75 Mr Ingles concludes that with the proposed conditions, the 3 Waters and infrastructure capacity should not restrict development by the designation³². I adopt this conclusion.

Alternatives

- 76 Under section 168A(3)(b) of the RMA, consideration of alternative sites or methods of undertaking the work is required if the requiring authority does not have an interest in the land sufficient for undertaking the work, or it is likely that the work would have a significant effect on the environment. I note that the use of a designation as an appropriate planning method to provide for the aquatic centre was questioned via a submission.³³
- 77 Based on my evaluation contained in paragraphs 49 to 75, I do not consider that any significant environmental effects are likely to arise as a result of the Notice of Requirement. I note the Council Planning Officer also comes to the same conclusion.³⁴ The DCC also owns the land subject to the designation. The proposal therefore does not require an assessment under section 168(3)(b).
- 78 Notwithstanding this, prior to promulgating the NOR, alternative methods to establishing a designation at the site were considered. These and the subsequent analysis as to their suitability is set out in section 10 of the NOR. The two non-designation options were: applying for a resource consent to develop an aquatic centre, and seeking a plan change/variation to the district plan to enable to development of the aquatic centre.
- 79 I agree with the NOR assessment of alternatives and assessment that the preferred method is designating the site, and I note Mr Buxton also comes to this conclusion in his report.³⁵
- 80 Applying for a resource consent in this instance to authorise the construction of the proposed Taieri Aquatic Centre only would not afford the Council the flexibility to develop the site in a co-ordinated and strategic manner. The main drawback of resource consent is that design has to be more advanced to secure it, it does not provide for future flexibility in terms of the pool, and also other uses of the wider site, and it does not provide for comprehensive planning for the wider site which can be implemented over time (i.e. via a masterplan).

³² Paragraph 96 Statement of Evidence Allen Ingles dated 31 January 2019

³³ Submission 5 by Mr Peter Sim

³⁴ Section 11, Council Officer's Report dated 22.01.19

³⁵ Section 11, Council Officer's Report dated 22.01.19

- 81 Changing the district plan to specifically permit the aquatic centre is not appropriate given the timing of the Proposed 2GP.

Reasonably Necessary

- 82 Under section 168A(3)(c) of the RMA, consideration must be given to whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought. This matter is addressed in section 4 of the NOR.
- 83 DCC's objectives for this designation, as described in the Notice of Requirement, include:
- (a) 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.
 - (b) 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 Mosgiel and the surrounding community.
 - (c) 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.
- 84 I consider that the proposed Mosgiel Community and Recreational Area designation is reasonably necessary for achieving the objectives of the requiring authority for the following reasons:
- (a) It would allow for coordinated future improvements to the site and facilities and therefore allow the DCC to provide for the current and future recreational, sporting, social and cultural needs and the associated wellbeing of the wider Mosgiel community;
 - (b) It would enable flexibility of land development to meet the needs of the community over time;
 - (c) It would provide security of land use for the intended uses in the prescribed area in requiring other parties to seek approval from the requiring authority for activities within the designation area; and
 - (d) It would retain development controls and parameters to ensure that the built form and activities on-site remain within an acceptable range of effect.

85 I note that Mr Buxton comes to the same overall conclusion in his report.³⁶

Planning instruments

86 In accordance with section 168A(3)(a), when considering a NOR, particular regard must be given to the relevant provisions of any national policy statement, regional policy statement (operative and proposed) and plans (operative and proposed).

87 These are assessed in section 8 of the NOR and I have reviewed the key provisions also. I do not consider that there are any national policy statements or regional plans that are relevant to this NOR.

88 I note that the Proposed Otago Regional Policy Statement (**PRPS**) has been made partially operative since the NOR was filed. Accordingly, I consider the PRPS should be given significant weight compared with the Operative RPS. I have set out my assessment of the PRPS below, and rely on the NOR assessment of the Operative RPS.

89 Decisions on submissions have now been issued on the Proposed 2GP, with appeals filed. I understand that there are no appeals to the recreation zoning of the site, and the only appeal relating to the recreation objectives, policies and rules relate to fencing and screening. Accordingly, I consider that full weight should be given to the Proposed 2GP provisions for the site (compared with the Operative District Plan), which is particularly useful in understanding expectations and potential permitted development or changes on the site.

90 I briefly discuss the key provisions below, and rely on the NOR assessment of the Operative District Plan objectives and policies.

Proposed Otago Regional Policy Statement

91 I consider the objectives and policies of the PRPS that are of particular relevance to the designation seek to maintain or enhance public access to areas of value to the community (Objective 4.1 and supporting Policy 4.1.1), ensure that Otago's communities can make the most of the natural and built resources available for use (Objective 4.4) and ensure that any adverse effects of using and enjoying Otago's natural and built environment are minimised (Objective 4.5).

92 The purpose of the proposed designation is to provide for recreational and community facilities and to enable and manage future changes at the site. I consider this would ensure communities have continued access to these

³⁶ Section 6, Council Officer's Report dated 22.01.19

resources whilst managing and minimising any adverse effects on the environment. I consider the designation is consistent with relevant objectives and policies of the PRPS.

Proposed 2GP

- 93 Objective 20.2.1 and supporting Policies 20.2.1.1 and 20.2.1.3 are of particular relevance to the proposal as they aim to enable sport and recreation, leisure activities and a wide range of community activities in this zone.
- 94 Objective 20.2.2 seeks to support the efficient and effective operation of the recreation area, maintain a high standard of on-site amenity for users of the recreation area and maintain or enhance neighbourhood amenity and the amenity of any surrounding residential properties. This objective is supported by Policies 20.2.2.1 – 20.2.2.3, 20.2.2.5, 20.2.2.7 and 20.2.2.10. These policies seek to maintain on-site amenity for recreation area users, neighbourhood amenity and the amenity of surrounding residential properties by controlling such things as open space areas, building height, areas and setbacks, car parking and signs.
- 95 In my view, the proposed designation purpose is wholly consistent with these provisions in that it provides for current and future use of the site for recreation in a planned, flexible manner that will enable the needs of the community to be met overtime.
- 96 The proposed conditions specifically address the potential effects identified in the NOR, and via submitters and the Council Officer's report and I consider that the designation and the proposed conditions is consistent with these objectives and policies.
- 97 Objective 20.2.3 seeks to support earthworks necessary for land development whilst avoiding, remedying or mitigating adverse effects on visual amenity or surrounding properties. This is supported by Policies 20.2.3.1 – 20.2.3.3. The proposed conditions include a requirement to address effects of earthworks in outline plans. I consider the designation with such a condition imposed is consistent with these objective and policies.
- 98 The objectives and policies of the Manawhenua chapter 14 of the Proposed 2GP are also of relevance. The site is within the mapped Wahi Tupuna. Objective 14.2.1 seeks to maintain the relationship between manawhenua and the natural environment. Policy 14.2.1.2 supports this by requiring buildings to be set back from water bodies that are wahi tupuna. The designation requires buildings to be set back from the Silverstream, and Aukaha have confirmed that they do not have an interest in the proposed designation.

Part 2

- 99 Section 168A(3) requires consideration of the effects on the environment subject to Part 2. It is my understanding that the Court of Appeal decision in *R J Davidson Family Trust v Marlborough District Council* means that there is no need to resort to Part 2 unless doing so would add something beneficial to the process. In my opinion that is not the case here because both the Proposed Regional Policy Statement and Proposed 2GP are recent, valid planning documents which give complete coverage over the proposed activities and potential effects. However, should the Commissioner be assisted by such an assessment in this case, I provide that below for completeness.
- 100 Part 2 (sections 5, 6, 7 and 8) of the RMA sets out the purpose and principles of the legislation, which as stated in section 5, is "*to promote the sustainable management of natural and physical resources*". Section 5 goes on to state that sustainable management should enable "*people and communities to provide for their social, economic and cultural wellbeing and for their health and safety whilst (amongst other things) avoiding, remedying or mitigating any adverse effects of activities on the environment*".
- 101 In addition, Part 2 of the RMA requires decision makers to recognise and provide for matters of national importance (section 6); have particular regard to other matters (section 7); and to take into account the principles of the Treaty of Waitangi (section 8).
- 102 There are no obvious issues to indicate that the principles of the Treaty of Waitangi would be compromised by the proposal, particularly acknowledging that Aukaha have advised that the local runanga does not have any interest in the proposal.
- 103 The site is not an outstanding landscape or feature, and has no identified significant indigenous vegetation or significant habitats of indigenous fauna. I have not identified any relevant section 6 matters.
- 104 In terms of section 7 of which the decision maker must have particular regard, I consider the following clauses relevant:
- (a) Section 7(b) - The efficient use and development of natural and physical resources.
 - (b) Section 7(c) - The maintenance and enhancement of amenity values.
 - (c) Section 7(f) - Maintenance and enhancement of the quality of the environment.

- 105 I consider the designation and associated works would result in an efficient use of the designation site and associated facilities, including the sports clubs, fields and library. The development of a new aquatic centre within the designation would be an efficient use of the land and infrastructure in place such as servicing, roading and carparking.
- 106 Based on the evidence of Mr Moore, Mr Buxton's report and my own analysis, I consider the designation will maintain and enhance the amenity values present on the site, and for neighbours and users.
- 107 Overall I consider the designation will maintain and enhance the quality of the Mosgiel and wider Taieri environment.

Conclusion

- 108 I have assessed the proposal in terms of sections 168 and 168A of the RMA with particular focus on the outcomes of consultation carried out, submissions received on the NOR and the Council Officer's report. I am in agreement with the Council Officer's report in that the designation should be confirmed, subject to conditions.
- 109 Taking account of the NOR, the submissions, the expert evidence prepared for DCC and the Council Officer's report (including technical supporting memos), I consider:
- (a) The works and designation do not challenge any relevant provision of the Otago Regional Policy Statement, nor the Operative or Proposed District Plans. In fact, the designation purpose and conditions are well aligned with the recreation zone of the Proposed 2GP, while being tailored specifically for the site and uses provided for.
 - (b) The public work and designation are reasonably necessary for achieving DCC's objectives for which the designation is sought. In particular I note that the designation would provide for the existing use and future upgrade of the community and recreation facilities on the site in a flexible, planned manner, including the development of a new aquatic centre. This would be achieved whilst appropriately managing potential adverse effects of the works.
 - (c) That despite consideration of alternative sites, routes or methods of undertaking the work not being necessary in terms of section 168A(3)(b), designation is a suitable method for enabling planned and potential future works. I also agree with Mr Buxton that the central Mosgiel site is a wholly suitable site for the future aquatic centre, along with other community and

recreation facilities as it would enable well planned, coordinated facilities on the site.

- (d) That the works wholly align with the relevant Parks and Recreation Strategy 2017 – 2027, and there is no impediment to confirming the designation in terms of Council's obligations under the Reserves Act 1977.

110 The designation would allow a more co-ordinated, effective and efficient approach to carrying out the proposed activities within designation parameters whilst appropriately managing any adverse environmental effects.

111 In terms of effects, I conclude that the works would generate significant positive effects for the Taieri and wider community, particularly the development of the new aquatic centre and the requirement for landscaping in new car parking areas.

112 I consider potential adverse effects relating to transportation, residential amenity, servicing and flooding and landscape would be appropriately managed via the conditions proposed. No significant adverse effects have been identified.

A handwritten signature in black ink, appearing to read 'Louise Taylor', with a stylized, flowing script.

Louise Taylor

31 January 2019

APPENDIX A

Summary of Recent Project Experience

- Preparation of Notice of Requirement for Dunedin City Council to designate the Mosgiel Community and Recreation Area.
- Planner advising the Board of Enquiry for New Zealand Transport Agency's Basin Bridge project involving notice of requirement and resource consents, Wellington, including hearing appearance in front of the Board and expert witness conferencing.
- Commissioner for several landuse and subdivision applications on behalf of Dunedin City Council.
- Preparation of numerous submissions to proposed district and regional plans and policy statements, along with plan changes and variations on behalf of clients nationally, including presentation of expert planning evidence at Council hearings and assisting at Environment Court mediations.
- Preparation of proposed private plan change to create a Mercy Hospital Zone, and presentation of planning evidence, on behalf of Mercy Hospital, Dunedin.
- Preparation of various resource consents for works at Mercy Hospital, on behalf of Mercy Hospital, Dunedin.
- Preparation of resource consent application and management of consenting team for Student Village on behalf of Otago Polytechnic Dunedin.
- Preparation of resource consent applications and management of project team to give effect to Otago Polytechnic Fourth Street Campus Master Plan.
- Preparation of Notice of Requirement for the Otago Corrections Facility, Milburn on behalf of the Minister of Corrections.
- Preparation of resource consent application, management of consenting team and presentation of expert planning evidence for marina expansion, Waikawa Bay, Marlborough, on behalf of Port Marlborough NZ Ltd.
- Preparation of Plan Change and s32 report and presentation of planning evidence for extension of Marina Zone and introduction of Mooring Management Areas in Waikawa Bay, Marlborough on behalf of Port Marlborough.
- Preparation of submission and further submission to Marlborough Proposed Environmental Plan on behalf of Port Marlborough New Zealand Ltd. Present expert planning evidence at various plan hearings.
- Commissioner for Invercargill City Council's stormwater discharge permit, on behalf of Environment Southland.
- Various resource consents in Picton, Havelock and Shakespeare Bay for port and marina related activities.
- Preparation of various resource consent applications and consent notice variations for the development of a sustainable life style farm at Ayrburn, Lake Hayes.

- Presentation of expert planning evidence at Council hearing for coastal permits for marine farm expansion in Marlborough.
- Preparation of Plan Change 51 to extend Peninsula Bay low density residential zone in Wanaka, on behalf of Peninsula Bay Joint Venture including Council hearing and Environment Court mediation.
- Preparation of numerous submissions to proposed district and regional plans and policy statements, along with plan changes and variations on behalf of clients nationally, including presentation of expert planning evidence at Council hearings and assisting at Environment Court mediations.
- Peer review role in preparation of Otago Regional Council Pest Management Plan.
- Provision of resource management advice, including the preparation of resource consent applications and the management of specialist experts for various residential, subdivision and commercial activities in Central Otago and the Queenstown Lakes, including Bendemeer, Damper Bay, Lake Hayes and Roys Peninsula.
- Preparation of Plan Change 50, to extend the town centre in Queenstown on behalf of Queenstown Lakes District Council.
- Planner advising the Board of Enquiry for New Zealand Transport Agency's Christchurch Southern Motorway notice of requirement and resource consents, Canterbury, including hearing appearance in front of the Board and expert witness conferencing.
- Sole Hearing Commissioner for water take application for irrigation purposes for Southland Regional Council.
- Presentation of planning evidence to the Board hearing Plan Change 3 to the Waitaki Catchment Water Allocation Regional Plan, on behalf of Waitaki Irrigators Collective Limited and others.
- Presentation of planning evidence for Plan Change 6A to the Otago Regional Water Plan on behalf of Waitaki Irrigators Collective Limited and others.
- Preparation of various resource consent applications on behalf of Otago Regional Council for structures to control flood risk.
- Preparation of resource consent application for a multi-level car parking building at Wellington Airport, a café within the Wellington Airport Retail Park, signage and a new at grade carpark on behalf of Wellington Airport Limited.
- Preparation of resource consent applications and hearing attendance for commercial re-development of heritage buildings in Dunedin.
- Presentation of planning evidence for a child care centre in Dunedin.
- Preparation of various resource consents for retirement villages in Canterbury on behalf of Ryman Healthcare Limited.
- Project managing the process for obtaining Environment Canterbury and Waimakariri District Council resource consents required to develop Pegasus, a new town in Canterbury, including the management of specialist input.

Appendix B

Proposed Conditions for Designation

Base document attached as Appendix G to Notice of Requirement as lodged.

Amendments to conditions recommended in the Council Officer's report are shown as black text, underlined for new wording and ~~strikethrough~~ for deleted wording.

Further amendments to conditions proposed by Louise Taylor (this Appendix B to Statement of Evidence) are shown as **red text**, underlined for new wording and ~~strikethrough~~ for deleted wording.

1. ~~Building h~~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 provideding the servicing equipment does not exceed the maximum height by more than 3m, except that:
- b. New lighting towers and goal posts shall be a maximum height of 30m.

2. Building floor area (per building)

- a. The maximum ~~floor area~~building footprint 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~~ building and structure 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~~ 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. c.~~ For all designation boundaries other than road boundaries, buildings and structures (excluding lighting towers, goal posts and fences) must not protrude ~~from~~ through a plane rising at an angle of 45 degrees measured from ground level at the designation boundary.
- ~~c. d.~~ For all designation boundaries other than road boundaries, lighting towers and goal posts 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].~~

d. There are no boundary setback or height plane controls for fences.

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. Outline plans must identify Sservice and storage areas associated with new or extended existing buildings ~~demonstrating are to be~~ effectively screened ~~by fencing and / or planting from to~~ maintain amenity adjacent roads and properties and from high use public areas within the parks, on adjacent streets, and for neighbours.

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, which is expected to grow to at least 3m high, per 120m² of the total car park area.

7. New Signage

- a. General
 - i. Signs visible from a public place must meet all of the following performance standards, which are relevant, except that regulatory signs~~ed~~, 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 and other 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
i a	7am – 10pm	10 Lux
ii b	10pm – 7am	3 Lux

- ~~b.iii~~ ~~c.~~ This standard does not apply to light spill from the headlights of motor vehicles.
- ~~c.b.~~ Light spill must not be emitted in the angles above the horizontal.
- ~~d.~~ ~~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

Outline Plans shall include:

- a. Demonstration of 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 overflow carparking spaces using permeable surfacing. 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~~ Should a new building greater than 500m² in area be established, demonstration of ~~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,~~ Demonstration of consultation ~~shall be~~ undertaken with the New Zealand Transportation Agency to identify the most effective, efficient and safe access to SH87 for the development of the aquatic centre.
- 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. An assessment of on-site parking areas against Rule 6.6 Parking, Loading and Access, of the Dunedin City Council Second Generation District Plan, including justification of any non-compliances.~~
- ~~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).~~

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.~~

- c. ~~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. Provision of average and peak daily flow demand to allow inclusion in Dunedin City Council's hydraulic water model.~~

Stormwater Services

- b. ~~a-~~ For any increase in impermeable area ~~of more than 2000m², 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, ~~including consideration of drainage patterns and stormwater management to ensure works do not create or exacerbate flooding~~ (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. Average and peak daily flows of wastewater network to allow assessment of effects of the anticipated wastewater discharge impact on the reticulated wastewater network.~~

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 ~~must~~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 ~~must~~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 ~~must~~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~~ must only 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.

19. Aquatic Centre Location

There shall be no aquatic centre or parking area for an aquatic centre located within the Mosgiel Memorial Gardens as identified in Figure 1:

