

Dunedin City District Plan
PROPOSED DISTRICT PLAN CHANGE 10
Transportation Rules and Definitions

Summary of Decisions Requested

13 February 2010

The first stage of the process for Proposed Plan Change 10 provided an opportunity for anyone to make a submission, subject to clauses 6(2) to 6(4) of the First Schedule of the Resource Management Act 1991 ('the Act'). The period for making submissions closed on 1 February 2010. A summary of decisions requested by persons making submissions is contained in this document.

This is the second stage of the process for Proposed Plan Change 10. Under clause 8 of the First Schedule of the Act, this stage provides an opportunity for the following parties to make a further submission either supporting or opposing a submission or submissions already made:

- any person representing a relevant aspect of the public interest;
- any person who has an interest in the proposed plan change that is greater than that of the general public; and
- the Dunedin City Council itself.

This second stage does not provide another opportunity to make new submissions on the Plan Change itself, as a further submission can only relate to a submission that has already been made.

The decisions requested on Proposed Plan Change 10 have been summarised and arranged alphabetically by submitter. Individual submissions have been provided with reference numbers such as PC-10-2 (or Plan Change 10/Submitter 2). Where a submission relates to a number of different issues, points or decisions requested a further reference has been added, for example PC-10-2/a, PC-10-2/b etc.

Please refer to the original submissions for full details. Copies of the original submissions are available for public inspection at:

- Planning Enquiries, First Floor, Civic Centre, 50 The Octagon, Dunedin
- Public Libraries at Dunedin, Mosgiel, Port Chalmers, Blueskin Bay (Waitati) and Waikouaiti

PUBLIC PARTICIPATION PROCESS

Any person representing a relevant aspect of the public interest, any person who has an interest in the proposed plan change that is greater than that of the general public, and the Dunedin City Council itself, may make a further submission supporting or opposing one or more of the original submissions made on the proposed plan change. Further submissions should be made in writing and sent to the Dunedin City Council using one of the following options:

Post to: City Development Manager, Dunedin City Council, PO Box 5045, Dunedin
Deliver to: Planning Enquiries, First Floor, Civic Centre, 50 The Octagon, Dunedin
Fax to: 474 3451 (if you fax your submission, please post or deliver a copy to one of the above addresses)
E-mail to: planning@dcc.govt.nz
Submit online at: www.dunedin.govt.nz/submission-form-6

The further submission must be in Form 6 of the Resource Management (Forms, Fees and Procedure) Regulations 2003 or similar, and must state whether or not you wish to be heard on your submission. Copies of this form are available from Planning Enquiries and at public libraries, can be downloaded from www.dunedin.govt.nz or will be mailed to you if you phone 477 4000, or email jmacleod@dcc.govt.nz.

The further submission period closes on Monday 1 March 2010.

The process for public participation in the consideration of the proposed plan change under the Act is as follows:

- if a submitter asks to be heard in support of their submission, a hearing must be held;
- the Council will give its decision on the proposed plan change (including its reasons for accepting or rejecting submissions); and
- anyone who has made a submission has the right to appeal the decision on the proposed plan change to the Environment Court.

Please note that if you make a further submission, you must provide a copy of it to the original submitter(s) that you have opposed or supported within five working days of making the submission. For further information please telephone Jane Macleod on 477 4000, or email jmacleod@dcc.govt.nz.

PROPOSED PLAN CHANGE 10: Transportation Rules and Definitions

SUMMARY OF DECISIONS REQUESTED

Submitter Name	No.	Provision	Submission Summary	Decision sought from Dunedin City Council	Wishes to be heard
Don Anderson	PC-10-1/a	All proposed changes to Rule 20.5.5 that result in more restrictive controls, in particular Rules 20.5.5(iv) and 20.5.5(vi)	The submitter opposes all performance standards within Rules 20.5.5, 20.5.6 and 20.5.7 that would impose more restrictive standards for parking, vehicle loading and vehicle access, and in particular Rules 20.5.5(iv), 20.5.5(vi), 20.5.6(ii) and all elements of Rule 20.5.7. The submitter does not support District Plan rules that would further erode property rights as they relate to existing properties. In his view, such rules are not in accordance with Dunedin City Council functions as set out in section 31 of the Resource Management Act 1991 ('the Act'), and are not the most appropriate way to achieve the purpose of the Act (section 32 of the Act).	That the plan change be amended so that the more restrictive performance standards do not apply to existing land uses and buildings.	Yes
	PC-10-1/b	All proposed changes to Rule 20.5.6 that result in more restrictive controls, in particular Rule 20.5.6(ii)			
	PC-10-1/c	All proposed changes to Rule 20.5.7			
City Planning, Dunedin City Council	PC-10-2	Rule 20.5.7(iv)(f)	Rule 20.5.7(iv)(f) requires a minimum distance of 1m between a residential unit and a vehicle access that serves other units, in situations where it is possible that windows or doors on the unit could obstruct the vehicle access. City Planning request that the wording of this rule be altered to require the 1m distance even if windows/doors could not obstruct the access. This request is made to address the following issues: - The potential for hazard due to there being no buffer area for persons stepping out from doorways or behind the walls of the dwelling onto the vehicle access. - The potential for vehicles to collide with the dwelling given the lack of separation. - Reduced efficiency in travelling along a vehicle access due to more care being required to avoid collision with the dwelling. - The aesthetic/amenity aspect of having a blank façade hard up against a vehicle access.	That the wording of Rule 20.5.7(iv)(f) be altered to read: '(f) There shall be a minimum distance of one metre between a residential unit and a vehicle access where: - The residential unit and the vehicle access are within the same computer freehold register, and - The vehicle access serves one or more other residential units.'	Yes

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McDonald's Restaurants (NZ) Ltd	PC-10-3/a	Rule 20.5.7	McDonald's requests that the wording of the 'Note to Plan Users' provided at the start of Rule 20.5.7 be altered, since it appears to have the effect of a rule requiring that NZTA approve the location and design of access onto a State Highway and works within the State Highway road reserve. The following changes to the note are requested: - A statement should be added under the Rule 20.5.7 heading, making clear that the location and design of vehicle accesses shall be in accordance with Rules 20.5.7(i) to (v) inclusive. - The 'Note to Plan Users' should be moved to the end of the section. - The wording of Note 2 should be amended as follows: 'Approval for any work in a road, including the establishment <u>construction</u> of access to properties, must be obtained from the relevant road controlling authority... In addition, under section 51(2) of the Government Roading Powers Act 1989, the written permission of the NZTA must be obtained prior to the commencement of any work on any State Highway. Early consultation with the NZTA should be undertaken is advised for subdivision or development proposals adjacent to, or seeking access to, State Highways.'	i. That the 'Note to Plan Users' provided for Rule 20.5.7 is amended as requested. ii. That any other relief that will give effect to the submission is provided. iii. That any necessary consequential amendments are made.	Yes
	PC-10-3/b	Assessment matter 20.6.1(k)	McDonald's supports this assessment matter, which takes into consideration the possibility of allowing loading to take place in on-site car parking areas where it is demonstrated that this can be managed in a satisfactory manner. The reason for their support is that management of the site in this way may be an efficient use of land in certain circumstances.	That this provision be retained in the plan change.	Yes

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New Zealand Transport Agency	PC-10-4/a	Amendments to definitions	The NZ Transport Agency support these proposed amendments, as the provisions that apply to the State Highway accurately reflect the "Accessway Standards and Guidelines" promoted in the NZTA's Planning Policy Manual (August 2007), and will provide the scope and preconditions for maintaining and enhancing the safety, efficiency and functionality of the State Highway network. In submitting on this plan change, the NZTA is pursuing the following of its objectives and functions in relation to the land transport system and in particular the State Highway network: - To promote an affordable, integrated, safe, responsive and sustainable transport system. - To manage the State Highway system in accordance with the relevant legislation. - To assist, advise and cooperate with the approved organisations (such as regional councils and territorial authorities).	That the proposed Plan Change be accepted in its entirety, subject to considering and where appropriate implementing the decisions requested in this submission, or similar outcomes.	Yes
	PC-10-4/b	Amendments to District Plan Section 18: Subdivision			
	PC-10-4/c	Amendments to District Plan Section 20: Transportation			
Otago Regional Council	PC-10-5/a	Revised definition of 'hard surface'.	The Otago Regional Council (ORC) support the alteration of the definition of hard surface, as they are in favour of the use of permeable surfaces where appropriate in order to reduce stormwater quantity and improve stormwater quality. The ORC support these proposed changes because they facilitate the timely and more cost-effective installation of the bus shelters, information signs and seats required by bus users.	That the plan change be approved.	No
	PC-10-5/b	New definition of 'road sign'.			
	PC-10-5/c	New definition of 'street furniture'.			
	PC-10-5/d	Rule 20.5.1			
	PC-10-5/e	Rule 20.5.2			

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CJ and RM Seque Trust	PC-10-6/a	Assessment matter 20.6.1(j)	The Trust supports the addition of this assessment matter, which allows any net reduction in the availability of parking in the vicinity of a site to be taken into account when considering requirements for the provision of parking, for the following reason: The provision of on-site parking in compliance with current District Plan provisions can result in the loss of a greater number of on-street parking spaces that are being provided on-site, and can also result in vehicle movements being required on and off-site in a manner that is unsafe.	That the Council retain the intent of 20.6.1(j).	Yes
	PC-10-6/b	Appendix 20B, Table A.1 and associated rules	The Trust opposes both the proposed amendments to minimum stall depths for car parks in Table A.1 of Appendix 20B and the adoption of a 99 Percentile Design Motor Vehicle in Appendix 20C, for the following reasons: - The section 32 report contains no reasonable justification for these proposed changes. - No reasonable assessment of the implication of the proposed changes, including their costs, benefits, advantages or disadvantages, has been undertaken.	That the Council retain the existing District Plan provisions in relation to these matters.	
	PC-10-6/c	Appendix 20C, 99 Percentile Design Motor Vehicle and associated rules	- The source of these proposed amendments is AS/NZS 2890.1:2004. However, there is no reasonable justification to adopt the provisions of this standard, because: - No recent analysis has been undertaken of the size and manoeuvrability of vehicles in NZ. - Dimensions in the standard are based on the assumption that vehicle characteristics in Australia and NZ are substantially the same. However, research quoted in the standard indicates that in general vehicles in NZ are smaller than those in Australia. - The standard indicates that right angle parking spaces frequently used by the same people may be of a shorter length than is specified in Table A.1.		

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CJ and RM Seque Trust	PC-10-6/d	Rule 20.5.7(iii), Table 20.4, exemption (b)	Exemption (b) permits the construction of a vehicle crossing closer to an intersection than would normally be allowed, if the boundaries of the site make it impossible to construct a complying vehicle crossing. However, vehicle crossings serving multiple units are excluded from this exemption. The Trust opposes the blanket exclusion of vehicle crossings serving multiple units from the exemption, because: The blanket exclusion does not have sufficient regard to the effect of traffic generated at the vehicle crossing, nor to the relative extent of vehicle movements when applied to the permitted baseline within each zone.	That the Council either delete the last sentence of paragraph (b) of the exemptions to Rule 20.5.7(iii), Table 20.4, thereby including vehicle crossings serving multiple units in the exemption, or modify the provision to provide for a specified level of multi-unit development that is acceptable within each zone.	Yes
Tony Wallis	PC-10-7/a	Rules pertaining to on-site parking space dimensions and manoeuvring area, specifically: Rule 20.5.5(ii)(b), Rule 20.5.5(iii)(b), Rule 20.5.5(vi)(a) and Rule 20.5.5(vi)(c).	The submitter opposes the proposed adoption of the 99 percentile motor vehicle (taken from AS/NZS 2890.1:2004) as the standard dimension by which minimum space for parking and manoeuvring must be calculated. Reasons for the submission include: - The change will increase the amount of space required for parking and manoeuvring, resulting in a need for larger sections. Where section size is constrained the dwelling size will be compromised. - Lack of justification for the change, or consideration of the consequences of the change, in the section 32 report. - The proposed change to Rule 20.5.5(vi)(a) requires that sufficient space is provided to allow vehicles to manoeuvre without the need for a turntable. The submitter opposes this change as a turntable may be the only solution in many cases, given the increase in standard vehicle dimensions. The section 32 report does not adequately justify this change.	i. That all parts of Rule 20.5.5 be deleted from the District Plan. ii. If this does not occur, that there be no change to the vehicle parking and manoeuvring space requirements. iii. There should be no restriction on turntables.	No

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Tony Wallis	PC-10-7/b	Rule 20.5.7(ii)	The submitter opposes the proposed increase in minimum sight distances from vehicle crossings onto State Highways, for the following reasons: • The proposed new minimum distances are unnecessarily long. • The new distances have been taken from the NZTA (formerly Transit NZ) Planning Policy Manual, but it is not compulsory for the Council to adopt these distances. • The proposed change would have severe adverse effects on the value of some residential rural land. • The proposed change could mean that a residence is prevented from having on-site parking and garaging.	That the existing minimum sight distances from vehicle crossings onto State Highways remain unchanged.	No
	PC-10-7/c	Rule 20.5.7(iii)(a) and Appendix 20J	The proposed new method of measuring the distance between a vehicle crossing and an intersection, referred to in Rule 20.5.7(iii)(a) and illustrated in Appendix 20J, has the effect of pushing vehicle crossing distances further from intersections. The submitter opposes the effect of this change.	That the minimum distances between vehicle crossings and intersections be re-chosen so that when combined with the new measurement method, there is no overall change.	
	PC-10-7/d	Rule 20.5.7(iv)(h)	The submitter opposes this proposed new rule, which sets a maximum downward gradient of 1 in 8 for the 5m of a driveway that abuts a road or footpath, for the following reasons: • It is unnecessarily restrictive. • Some property owners will be denied the benefits of off-street parking. • The standard has been adopted from NZS 4404:2004, but there is no obligation for the Council to adopt the recommendations of NZS 4404. An updated version of NZS 4404, which is currently being consulted on, emphasises that local authorities can make their own choices regarding the design of private ways. • The section 32 report does not provide adequate justification for the proposed new rule.	That this new rule not be included in the District Plan.	