

Dunedin City District Plan
PROPOSED PRIVATE PLAN CHANGE 17
Major Facilities (Mercy Hospital) Zone
72 Newington Avenue, Dunedin

Summary of Decisions Requested

5 September 2012

The first stage of the process for Proposed Plan Change 17, a private plan change sought by Mercy Hospital (Dunedin) Ltd, 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 24 August 2012. 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 17. 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.

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

- Planning Enquiries, Customer Service Centre, Ground Floor, Civic Centre, 50 The Octagon, Dunedin
- Public Library at Dunedin (McNab Room)
- www.dunedin.govt.nz/district-plan-changes

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, Moray Place, Dunedin 9058 (clearly mark as submission)
Deliver to: Planning Enquiries, Customer Service Centre, Ground Floor, Civic Centre, 50 The Octagon, Dunedin (clearly mark as submission)
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

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 ldarby@dcc.govt.nz.

The further submission period closes on Wednesday 3rd October 2012.

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. The contact details of original submitters are provided in the table overleaf. For further information please telephone Lianne Darby on 477 4000, or email ldarby@dcc.govt.nz.

List of Submitters

<i>Submission Number</i>	<i>Name</i>	<i>Address1</i>	<i>Address2</i>	<i>Address3</i>	<i>City</i>
PC-17-1	WJ Rutherford, RB Rutherford & Thorndean Trustee Co Ltd	32 Claremont Street			Dunedin 9010
PC-17-2	Mona Florence Carman	PO Box 12053 Maori Hill 9043	2 Grendon Street		Dunedin 9010
PC-17-3	Eileen Therese Ross	29 Drivers Road Maori Hill			Dunedin 9010
PC-17-4	Alistair James Wright	1B Claremont Street	PO Box 703 Dunedin 9054		Dunedin 9010
PC-17-5	Murray Galland	5 Burwood Avenue Maori Hill			Dunedin 9010
PC-17-6	Frederick William Rolfe	89 Newington Avenue			Dunedin 9010
PC-17-7	NZ Historic Places Trust	Queens Building 109 Princes Street	PO Box 5467 Dunedin 9058	C/- Rob Hall	Dunedin
PC-17-8	Louise Croot	520 Highgate Maori Hill			Dunedin 9010
PC-17-9	Ross Alistair Gillanders	45 Grendon Street Maori Hill			Dunedin 9010
PC-17-10	Carolyn Stein	9 Newington Ave			Dunedin 9010
PC-17-11	Peter Alexander Robb	43A Garfield Ave Roslyn			Dunedin 9010

Guide to the Summary of Submissions

Submissions on Plan Change 17 have been summarised and arranged to facilitate further submissions. The submissions have been arranged by topics associated with the plan change to which they relate, so that submissions relating to each topic can be easily found. Individual submissions have been provided with reference numbers such as PC-17-2 (or Plan Change 17/Submitter 2). Where a submission relates to a number of different topics a further reference has been added, for example PC-17-2/a, PC-17-2/b etc. Submitter PC-17-4 submitted two forms which raised the same points and have been addressed as one submission.

How the summary is organised

The summary has been organised as follows:

<u>Topic to which the submission relates</u>	<u>Summary begins on page:</u>
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Consultation for Plan Change proposal	4
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Definition of 'Private Hospital Activity'	4
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PROPOSED PRIVATE PLAN CHANGE 17: Major Facilities (Mercy Hospital) Zone
SUMMARY OF DECISIONS REQUESTED

Submitter Name	No.	Topic	Submission Summary	Decision sought from Dunedin City Council	Wishes to be heard
WJ Rutherford RB Rutherford Thorndean Trustee Co Ltd	PC-17-1/a	Whole of plan change	Supports the proposal	That the Council approve the plan change.	No
Mona Florence Carman	PC-17-2/a	Whole of plan change	Supports the proposal. Mercy Hospital does a wonderful job.	Not specified.	No
Eileen Therese Ross	PC-17-3/a	Whole plan change	Supports the proposal.	Not specified.	No
Alistair James Wright	PC-17-4/a	Whole of Plan Change	Supports the proposal.	That the Council grant the plan change without delay.	No
Frederick William Rolfe	PC-17-6/a	Whole of Plan Change	Opposes the proposal in its current form. Takes issue with the blanket rezoning of all the land owned by the hospital.	Requests that the rezoning of hospital site be constrained to land that is more than 20m from any boundary, and that the hospital obtain the consent of affected parties for any change in land use on boundary land.	No
Louise Croot	PC-17-8/a	Whole of Plan Change	Supports the proposal	Supports a decision to change Volume 1 of the District Plan and maps in Volume 2, so that there is a new section for Major Facilities (Mercy Hospital) zone, and provision of a Structure Plan.	No
NZ Historic Places Trust	PC-17-7/b	Consultation for Plan Change	The applicant consulted with the NZHPT early in process, which was appreciated	Requests that the plan change be adopted.	Possibly
Ross Alistair Gillanders	PC-17-9/c	Sustainability	Disagrees with proposed Objective 28.2.1 which states, ' <i>... the Council has a responsibility to sustain the potential of Mercy Hospital and its resources for future generations.</i> ' Submitter considers that sustainability of health needs lies with the government. Policy 28.3.2 states, ' <i>Allowing Mercy Hospital to expand is a pre-requisite to achieving sustainable management of physical resources.</i> ' Sustainable management of resources is a private matter; not the business of the Council or RMA.	Requests that the Council decline the plan change.	No
Ross Alistair Gillanders	PC-17-9/d	Definition	Plan change proposes to provide for 'private hospital activities' as activities that can occur on-site in accordance with the Structure Plan. Proposed plan change does not spell out the activities of a 'private hospital activity'. Ambulance station, medical	Requests that the Council decline the plan change.	No

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Submitter Name	No.	Topic	Submission Summary	Decision sought from Dunedin City Council	Wishes to be heard
			diagnostic laboratory crematorium? Religious and educational facilities, gift shops and cafes are not core medical/surgical services.		
NZ Historic Places Trust	PC-17-7/e	Structure Plan	Submitter considers that the Structure Plan provides more certainty in terms of the future development of the site than the current zoning. In the NZHPT's view, the Structure Plan will not compromise the setting of Marinoto House.	Requests that the plan change be adopted.	Possibly
Peter Alexander Robb	PC-17-11/e	Structure Plan	Proposal cites 4ha of development, but site plan [Structure Plan] indicates considerably less area. Insufficient information regarding Grendon Street side of site. Submitter considers that the proposal appears to be a further 'piecemeal' series of additions to the existing 1969 building, according to the site plan.	Requests that there be clarification of 4ha of development; place limits on the growth of these institutions in the suburbs of Roslyn and Maori Hill.	Yes
Ross Alistair Gillanders	PC-17-9/f	Performance Standards	Application states that the potential adverse effects of future activities will be monitored by 'performance standards'. Who sets the standards, and how stringent will they be?	Requests that the Council decline the plan change.	No
Frederick William Rolfe	PC-17-6/g	Development of Mercy Hospital to date.	While the neighbourhood welcomes presence of private hospital, its growth over last 20-30 years has tuned it into something of 'a monster in our midst'. It dominates area.	Requests that the rezoning of hospital site be constrained to land that is more than 20m from any boundary, and that the hospital obtain the consent of affected parties for any change in land use on boundary land.	No
Ross Alistair Gillanders	PC-17-9/g	Development of Mercy Hospital to date.	About 1998 Mercy Hospital built an additional floor onto their ward block without neighbourhood consultation. Consent granted by DCC but the High Court ruled that consultation should have been undertaken.	Requests that the Council decline the plan change.	No
Murray Galland	PC-17-5/h	Implications of Plan Change for future development of Mercy Hospital.	Submitter lives close to hospital, opposite one public exit. Submitter asks if successful rezoning of the site means that the hospital can undertake developments that have effects on their view or contribute to parking complications without them being consulted.	Supports subject to satisfactory clarification of issues raised.	No
Frederick William Rolfe	PC-17-6/h	Implications of Plan Change for future development of Mercy Hospital.	Submitter considers that, if consent for plan change is given, the hospital may elect to erect a multi-storey building on or near its boundaries without consultation, when such a proposal would 'unquestionably' arouse opposition if proposed now. Greatly concerned that this application is an attempt by stealth to secure to the hospital the ability to plan its development into the future without consideration of the	Requests that the rezoning of hospital site be constrained to land that is more than 20m from any boundary, and that the hospital obtain the consent of affected parties for any change in land use on boundary land.	No

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Submitter Name	No.	Topic	Submission Summary	Decision sought from Dunedin City Council	Wishes to be heard
			needs and wishes of its neighbours.		
Louise Croot	PC-17-8/h	Implications of Plan Change for future development of Mercy Hospital.	Supports the proposed plan change as it will give certainty and boundaries to the hospital and community primary/secondary care zone in this residential area. Believes this will prevent further encroachment by ad hoc illness and medical facilities in Residential zone.	Supports a decision to change Volume 1 of the District Plan and maps in Volume 2, so that there is a new section for Major Facilities (Mercy Hospital) zone, and provision of a Structure Plan.	No
Ross Alistair Gillanders	PC-17-9/h	Implications of Plan Change for future development of Mercy Hospital.	<p>Submitter considers that once the plan change is granted, Mercy hospital could then do almost anything it chooses as long as the work is consistent with whatever 'private hospital activity' and 'performance standards' mean.</p> <p>Submitter suggests Mercy Hospital could go ahead with projects in new zone with no further chance for affected persons to object.</p> <p>Rule28.5.3 Discretionary activities (Restricted) appears to allow activities that do not comply with the performance standards to proceed as long as Council agrees; this seems to allow the field to be, in effect, wide open.</p>	Requests that the Council decline the plan change.	No
NZ Historic Places Trust	PC-17-7/i	Heritage and Archaeology	<p>The NZHPT is an autonomous Crown entity responsible for the protection of archaeological sites.</p> <p>Marinoto House is located within Mercy Hospital grounds. Marinoto House is a Category 2 historic place (ref.7303) in the Rarangi Taonga: the Register of Historic Places, Historic Areas, Wahi Tapu and Wahi Tapu Areas. Building listed in Schedule 25.1 of the District Plan (ref. B748) and works to building are subject to Townscape rules.</p> <p>Should plan change be adopted, there will be no change to the provisions governing proposed works to Marinoto House or Townscape provisions of the DP. NZHPT's main interest in the proposal is in relation to the potential implications for the setting and surroundings of building.</p> <p>NZHPT supports Objective 28.2.2, Policy 28.3.4, Provision 28.6.10 and 28.7.3. These deliver a balance between the recognition of the hospital activities, enabling their expansion whilst recognising that the expansion has the potential to impact on Marinoto House and its surroundings. Provisions provide Council with the scope to ensure that any application contains adequate information regarding effects on heritage values, and methods for avoiding, remedying and /or mitigating any such effects.</p>	Requests that the plan change be adopted.	No

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Submitter Name	No.	Topic	Submission Summary	Decision sought from Dunedin City Council	Wishes to be heard
Murray Galland	PC-17-5/j	Visual impact and views	Submitter asks if future development areas will have any effect on their current view, and if successful rezoning will mean the hospital can undertake developments which impact on their current view without consultation.	Supports subject to satisfactory clarification of issues raised	No
NZ Historic Places Trust	PC-17-7/j	Visual impact and views	NZHPT does not consider that the plan change will give rise to any additional potential effects on Marinoto House beyond those anticipated under the existing Residential 1 zoning. All proposed additions to the building will be well separated from Marinoto House.	Requests that the plan change be adopted.	Possibly
Ross Alistair Gillanders	PC-17-9/j	Visual impact and views	Submitter's property situated at corner of Baxter and Grendon Streets. The writer of Landscape and Visual Effects Assessment (Appendix L) states that the visual bulk or roofline of building will not change from existing situation ... any effects will be of slight degree at worst. Submitter contends that at least part of the planned building will change what is seen from his property. Photo attached.	Requests that the Council decline the plan change.	No
Murray Galland	PC-17-5/k	Traffic and parking effects	Submitter asks if successful rezoning means that the hospital can undertake developments in future which will contribute to parking complications in the area.	Supports subject to satisfactory clarification of issues raised	No
Frederick William Rolfe	PC-17-6/k	Traffic and parking effects	The hospital dominates the area, not least of all because of the traffic issues that arise from its presence.	Requests that the rezoning of hospital site be constrained to land that is more than 20m from any boundary, and that the hospital obtain the consent of affected parties for any change in land use on boundary land.	No
Louise Croot	PC-17-8/k	Traffic and parking effects	Submitter considers that the plan change will clarify, with clear signage, onsite parking, and prevent burdening the residential streets with staff and client/patient parking.	Supports a decision to change Volume 1 of the District Plan and maps in Volume 2, so that there is a new section for Major Facilities (Mercy Hospital) zone, and provision of a Structure Plan.	No
Carolyn Stein	PC-17-10/k	Traffic and parking effects	Submitter concerned that the peak hour traffic movements on Newington Avenue east of site have been estimated in the Transportation Assessment – Appendix I, and that expected traffic generation increase will be greater than stated. Concerned that increased traffic will occur on Newington Avenue east not only during peak hours but also during day when current use is minimal. Concerned that there will be increased heavy traffic use of	Requests that heavy vehicles to and from the hospital be required to use Highgate described in Appendix I as a moderately busy arterial road and Newington Avenue west of site where the carriageway is wide (10m) and straight. Request that traffic movements on Newington Avenue east be measured accurately during both peak and non-peak	No

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Submitter Name	No.	Topic	Submission Summary	Decision sought from Dunedin City Council	Wishes to be heard
			Newington Avenue east. Road currently has very little heavy vehicle use, a very narrow carriageway, several curves and footpath on one side. Concerned that the heavy vehicle use of Newington Avenue east, particularly during construction periods, has been underestimated.	hours, so that a clearer picture of traffic generation increase can be formed.	
Peter Alexander Robb	PC-17-11/k	Traffic and parking effects	Submitter is concerned about the volumes of traffic in Maori Hill and Roslyn since the new rest home [Rymans] was opened. Submitter believes that this plan change will compound the existing congestion of a once peaceful suburb (submitter can no longer hear the town hall clock).	Requests that there be clarification of 4ha of development; place limits on the growth of these institutions in the suburbs of Roslyn and Maori Hill.	Yes
Louise Croot	PC-17-8/l	Effects on Residential Area	Supports the proposed plan change as it will give certainty and boundaries to the hospital and community primary/secondary care zone in this residential area. Believes this will prevent further encroachment by ad hoc illness and medical facilities in Residential zone.	Supports a decision to change Volume 1 of the District Plan and maps in Volume 2, so that there is a new section for Major Facilities (Mercy Hospital) zone, and provision of a Structure Plan.	No
Ross Alistair Gillanders	PC-17-9/l	Effects on Residential Area	Mercy Hospital is a commercial enterprise in a Residential 1 zone. As such, it should comply with high standards in its operations and with all aspects of the existing District Plan. Plan change states that '... potential adverse environmental effects of future activities [are] to be monitored by Performance Standards.' Submitter asks whether 'potential adverse environmental effects' take account of the effects on people living in an area of increased commercial activity building operations? Who will set the standards, and how stringent will they be? The proposal states that the zone has been designed to provide 'greater certainty to the community' regarding the activity at the hospital site. Submitter notes that the 'greater certainty' is true for the hospital, but patently not so for the surrounding residents. Should the hospital need to develop beyond the special zone, resource consent will be required, as at present, so development can spread, and claims of certainty are 'spurious'. That Mercy Hospital will want to expand is 'almost certain'; aging population, advancing medical science, more opportunity for clinical intervention, and increasingly limited	Requests that the Council decline the plan change.	No

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Submitter Name	No.	Topic	Submission Summary	Decision sought from Dunedin City Council	Wishes to be heard
			access to public health services.		
Ross Alistair Gillanders	PC-17-9/m	Services to Wider Community	<p>The fact that the hospital provides a service for the wider Otago-Southland area is hardly relevant; no more so than a supermarket, garage or bakery, although it is acknowledged that the hospital's services do cover a wider area with a much larger population.</p> <p>Issue 28.2.1 suggests that Mercy Hospital is of 'fundamental' importance to the welfare and quality of life of the Otago and Southland community. Submitter notes that 'fundamental' is a matter of opinion. Likewise, the positive contribution made by the hospital to the health and welfare of the community without compromising residential character values of the residential area is also an opinion.</p> <p>Proposal could be seen in same light as a supermarket wishing to create a special 'Supermarket Zone' within a residential area, in order to expand its services, to meet community demands, and to better serve the wider community. Both the supermarket and hospital are commercial enterprises. Arguable whether Mercy Hospital is serving the wider community or only those who can afford its services.</p>	Requests that the Council decline the plan change.	No
Ross Alistair Gillanders	PC-17-9/n	Cumulative effects	<p>Proposed Policy 28.2.2 explanation: '<i>... policies and rules are designed to allow these activities to continue to operate and develop, whilst ensuring development occurs without impacting upon the surrounding residential environment in a negative way.</i>' Submitter notes that continued, small developments have a cumulative effect, so the overall impact with time will be significant.</p>	Requests that the Council decline the plan change.	No
Ross Alistair Gillanders	PC-17-9/o	Precedent	Creation of a special zone could create a precedent for others to be allowed to do this in other residential zones.	Requests that the Council decline the plan change.	No