

Commissioners' Decision on Plan Change 8: Stadium Zone and Campus Zone under the First Schedule of the Resource Management Act 1991

DATE: January 2009

COMMISSIONERS: Roger Tasker (Chair), John Lumsden and John Matthews

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Appendices

- A: List of Submitters and Further Submitters
- B: District Plan Provisions as Amended by these Decisions

1.0 INTRODUCTION

- [1] We were appointed as Independent Commissioners by the Dunedin City Council to hear and determine Proposed District Plan Change 8: Stadium Zone. This is our decision report. The Council's decision on the Notice of Requirement for the realignment of the Harbour Arterial has been released as a separate decision.

2.0 HEARING

- [2] The hearing on Plan Change 8 commenced on 10 November 2008 and was adjourned on 20 November 2008. Ms Jenny Lapham (Governance Support Officer) was in attendance. We note that no Section 42A Report was prepared in respect of submissions on Plan Change 8.
- [3] Ms Lauren Semple, Counsel for the Dunedin City Council, provided an overall introduction to the various elements of the plan change and the main points raised in submissions. Ms Semple called the following witnesses: Mr Bill Baylis (Trustee of the Carisbrook Stadium Trust), Mr David Hamilton (Consultant Hydrologist), Mr Rod McLeod (Consultant Geotechnical Engineer), Mr Rex Alexander (Consultant Hazardous Substance Specialist), Mr David Gamble (Consultant Traffic Planner), Mr Jeremy Trevathan (Consultant Acoustic Engineer), Mr Darren Burden (Development Director, Carisbrook Stadium Trust), and Mr Paul Freeland (Planner, Dunedin City Council).
- [4] Submitters appearing at the hearing, in order of appearance, were:
- Ms Marilyn Aitcheson
 - Mr Lyndon Wegger
 - Dunedin Ratepayers & Householders Association Inc.
 - University of Otago – Professor Skegg and Mr Barry Mackay spoke on behalf of the University
 - Mr John Brimble, on behalf of Sport Otago
 - Ms Jinty MacTavish
 - Mr Frederick Daniel
 - Otago Polytechnic Students' Association, represented by Mr Ryan Wood
 - Ms Jillian Taylor
 - Ms Jane Bruce
 - Ms Frances Wells
 - Mr Robert Cunninghame
 - Mr Lindsay Moir
 - Mr Robert G Brown
 - Mr Simon Jenkin
 - Mr David P L Green
 - Mr Brian Miller
 - New Zealand Academy of Sport – Ms Kereyn Smith spoke on behalf of the Academy
 - Stop the Stadium – Ms Beverley Butler and Mr Brian Miller, Mr Kevin Mattingly spoke to the submission on behalf of Stop the Stadium
 - Mr Tim Calder
 - Mr Kenneth McKay
 - Ms Shona Cumming
 - Mr Daniel Sadlier and Mr Mark Arbuthnot presented evidence on behalf of Mobil Oil New Zealand Ltd
 - Mr Scott Willis

- Sustainable Dunedin Inc.
- Ms Jennifer Bradshaw
- Ms Jennifer McMahon
- Mr William Witherow
- Mr William Dickie
- Mr Douglas Leggett
- Mr Neville Poole
- Mr Lou Vorgers, who also spoke on behalf of the Otago Harbour Recreational Trust
- Mr Andrew Henderson representing Mr Paul Campbell, Ms Margaret Davidson, Mrs Anne Elliot, Mr Peter Entwisle, Ms Lisa Levitt, Mr Malcolm McQueen and Mrs Rosemary McQueen
- Mr Richard Farry, who also spoke on behalf of Ms Lenore Farry, and Mr Seba Farry
- Mr Tony Penny presented evidence on behalf of Chalmers Properties Limited
- Miss Amanda Kennedy
- Mr Marc Schallenberg
- Ms Elizabeth Dickie
- Ms Beverley Butler
- Ms Rebecca Everdon
- Mr Ian Dalziel

- [5] We particularly note the expert planning evidence of Mr Andrew Henderson. His evidence was the only expert evidence called in respect of this matter, and we thank him for his objective commentary.

Closing Submissions

- [6] Ms Semple, as Counsel for Dunedin City Council, provided closing submissions.

Site Visits

- [7] We made site visits to the area subject to Plan Change 8 on Monday, 10th November 2008, and through the central part of the Campus Zone on Friday 14th November 2008. Much of the area was traversed on foot to enable a thorough inspection of the areas to be made.

3.0 DECISION OVERVIEW

Overall Decision

- [8] Overall, giving consideration to submissions received and evidence and submissions presented at the hearing, it is our decision that, subject to the amendments contained in this decision report, to accept Plan Change 8 as notified. Appendix A contains the amended Plan Change documentation referred to throughout the decision.
- [9] This decision is made on the basis that rezoning the area provides certainty for owners and occupiers of the land, and resolves the outstanding issue of zoning to provide for a regional sport facility. We are satisfied that the objectives, policies, methods and rules will manage the effects of establishing an environment that provides for the development, suitably addressing the environmental effects of the proposal.

Decision Format

- [10] To facilitate the decision on the submissions to Plan Change 8 and to ensure that all the issues raised in submissions are examined, submissions have been grouped in relation to the specific policies, rules or by the common themes they are concerned with. Where submissions have raised points that are relevant to a number of themes,

these submission points have been included in relevant sections of the decision. This decision report considers submissions in the following themes:

- General submissions
 - Availability of Industrial Land
 - Reverse Sensitivity
 - Impacts on Retail Activities
 - Transport, traffic and carparking
 - Urban design and heritage
 - Stewardship
 - Effects on existing facilities
 - Campus zone amendments
 - Contamination
 - Climate change
- Specific submissions
 - University of Otago (**PC-8-11a** and **PC-8-11b**)
 - Liquigas (**PC-8-28**)
 - Chalmers Properties Limited (**PC-8-59**)
 - JM Bruce (**PC-8-83**)
 - Stop the Stadium (**PC-8-84**)
 - Otago Regional Council (**PC-8-94**)

4.0 PLAN CHANGE OVERVIEW

- [11] The purpose of Proposed Plan Change 8 to the Dunedin City District Plan (the Plan) is to rezone land to provide an area for a multi-purpose stadium that will serve the City and the surrounding region. The Plan Change also enables the extension of the Campus Zone, providing additional land for the Dunedin tertiary institutions and enabling them to adjoin the proposed Stadium Zone, thereby providing opportunities for these activities to make use of the proposed stadium facilities.
- [12] The area of land that is subject to Plan Change 8 totals 6.9 hectares in area, and is located 1.5 km to the northwest of the Octagon, immediately to the southeast of Logan Park. The area is generally located between Anzac Avenue (SH88) to the north, Ravensbourne Road, Logan Park and the Logan Point Quarry to the east, the Owheo/Water of Leith to the west, and the Main South Railway line to the south. Should the Harbour Arterial Notice of Requirement (DIS-2008-3) be confirmed, then the area will ultimately be bounded to the south by the proposed Harbour Arterial.
- [13] The area is currently within the Industrial 1 zone, and it is proposed to rezone this to Campus and Stadium zonings (1.4 hectares and 5.5 hectares respectively).
- [14] The proposed Plan Change provisions as notified included amendments to a number of sections of the Plan, including:

Volume 1

- Section 3: Definitions
- Section 12: Campus Zone
- Section 18: Subdivision
- Section 19: Signs
- Section 21: Environmental Issues
- Section 23: Monitoring Requirements

- Map 37
- Stadium Zone Master Plan 27.1
- Stadium Zone Noise Assessment Boundary

5.0 ZONE PROVISIONS

5.1 Existing Plan Provisions

- [15] At the hearing we heard substantial comment in respect of the current zoning of the area. We have largely noted Mr Freeland's evidence in respect of this, as follows:

The Industrial 1 zoning provides for a range of industrial and service activities with limited controls. As the adjacent Logan Park area is zoned Residential 3, the height of buildings within the Industrial 1 Zone at this location is limited only by Rule 10.5.2(i)(a) to those that do not penetrate a plane originating at the centre line of the road at ground level and inclining at an angle of 35° with the horizontal plane. In practice, this has the effect of permitting a building of 7 metres in height at the Union Street East road boundary of the zone (based on a road reserve of 20 metres).

The proximity of the Residential Zone also means that the Landscaping Requirements of Rule 10.5.2(v) must be met. This means that the frontage of the area onto Union Street East and Ravensbourne Road must be screened and landscaped for a minimum width of 2m except for the width of the minimum vehicle access required. Screening is not required if the wall of a building or structure serves the same purpose.

The area is also within the most lenient noise area within the City, with a maximum level of 60Dt/Nt dBA. Notwithstanding this, noise generated within the proposed plan change area must comply with the relevant provisions of adjoining areas, at the noise area boundary. This effectively reduces the noise that can be generated to 50Dt/40Nt dBA, 45SP dBA on those parts of the area adjoining Logan Park, and 55Dt/40Nt dBA in those parts of the area adjoining the existing Campus zone.

5.2 Proposed Plan Change

- [16] Proposed Plan Change 8 introduces the Stadium Zone, which responds to the resource management issues related to the demand for a specific area for a regional stadium. The Stadium Zone consists of three different areas:

- **Stadium Building Area** – this area is intended to provide for a purpose-built regional stadium and associated activities as set out in the proposed rules. The area is between the proposed Campus Zone to the North, and the Stadium Parking Area to the South.
- **Stadium Parking Area** – this area is to the South of the Stadium Building Area and will adjoin the realigned SH 88. The intention is for this area to be used for car parking associated with both the stadium development and other activities occurring in the area.
- **Leith Access Area** – this area is a strip of land adjoining the Water of Leith, which provides pedestrian access along the edge of the waterway for maintenance of the waterway by the Otago Regional Council.

- [17] The objectives of the proposed Stadium Zone seek to ensure that:

- The stadium and associated buildings create a safe, attractive and accessible environment for events;

- The stadium and compatible land uses make a positive contribution to local and regional social, cultural and economic well-being; and
- The effects of activities within the Logan Point area are managed to avoid conflict.

These general objectives are supported by a range of policies, methods, rules, assessment matters and anticipated environmental results.

5.3 Consequential Amendments

[18] Plan Change 8 also includes an extension to the Campus Zone. The objective of this extension is to provide the opportunity for greater interface and interaction between the stadium and combined campus area. Some minor amendments to the Campus Zone have been proposed to provide for this, as follows:

- Adding restaurant activities and campus open space as permitted activities
- Removing the maximum height permitted within the campus extension area
- Deleting the requirement for carparking for Campus Service Activities

[19] Other consequential amendments proposed were:

- Inserting definitions of "Conference and Meeting Activity", "Exhibition and Spectator Event Activity", and "Campus Open Space"
- Amending the definition of "Campus Service Activity"
- Insertion of reference to the Stadium zone within the Subdivision section of the Plan
- Insertion of specific Signage rules
- Insertion of a noise rule specific to the Stadium Zone
- Insertion of monitoring requirements
- Addition of appropriate maps.

6.0 SUBMISSIONS

[20] Proposed Plan Change 8 was notified on 28 June 2008 with a closing date of 25 July 2008. Two hundred and twenty submissions were received by this date:

- 107 submissions support the entire plan change
- 106 submissions oppose the entire plan change
- 2 submissions conditionally support the plan change in part or its entirety
- 3 submissions both support and oppose the plan change
- 2 submissions do not state the outcome that they prefer

The submissions raise a number of different issues as to why the Stadium Plan Change should be approved or declined. The Summary of Submissions was initially notified on 23 August 2008, and subsequently re-notified on 30 August 2008 to include a submission that had been omitted from the initial summary. The further submission period ended on 26 September 2008.

[21] In respect of the further submissions, 167 submissions supported the Proposed Plan Change 8, and 40 submissions opposed the Proposed Plan Change.

- [22] We have read all submissions lodged in respect of this Plan Change. While not all issues have been specifically discussed in this decision, they have been taken into account in the more general sense in the consideration set out below.

6.1 Late submissions

- [23] Four submissions and three further submissions were received outside of the notified time frame for submissions and further submissions on Proposed Plan Change 8. Section 37 and 37A of the Resource Management Act 1991 (hereafter referred to as 'the Act') provides that the Council may waive the time limit after taking into account:

- (i) *The interests of any person who may be directly affected by the extension,*
- (ii) *The interests of the community in achieving adequate assessment of the effects of the proposal, and*
- (iii) *Its duty to avoid unreasonable delay.*

In extending the time period, the Council must not extend it more than twice the maximum specified by the Act (Section 37A(2)(a) of the Act).

- [24] The following submissions and further submissions were received on the following dates:

Submission Reference	Notified Time Frame	Date Received
PC-8-215	25 July 2008	28 July 2008
PC-8-217	25 July 2008	29 July 2008
PC-8-218	25 July 2008	1 August 2008
PC-8-220	25 July 2008	27 August 2008
PC-8-F-200	26 September 2008	26 September 2008
PC-8-F-206	26 September 2008	20 October 2008
PC-8-F-207	26 September 2008	16 October 2008

- [25] Although these submissions and further submissions were received late, they were received in sufficient time to be considered with the remainder of submissions. No further submissions related specifically to these submissions. We note, however, that the submission from the Dunedin Ratepayers and Householders Association (PC-8-220) was received 23 working days after the close of submissions. To accept this submission would have the effect of more than doubling the time period within which submissions were lodged, and as such we consider that this submission cannot be formally received. Despite this, it is noted that the matters raised in that submission have been broadly covered by other submissions in opposition to the proposed Plan Change, and that the submitter has lodged further submissions in respect of the Plan Change.

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- (i) Pursuant to Section 37(1)(b) of the Resource Management Act 1991, the time limit for receiving submissions on Proposed Plan Change 8 is waived and the late submissions **PC-8-215, PC-8-217, PC-8-218**, and late further submission **PC-8-F200, PC-8-F206, PC-8-F207** are accepted as valid submissions.
- (ii) Pursuant to Section 37(1)(b) of the Resource Management Act 1991, the time limit for receiving submissions on Proposed Plan Change 8 is not waived, and the late

submission **PC-8-220** and associated further submissions **PC-8-F117** and **PC-8-F192** are rejected.

Reasons for Decision

- (i) Late submissions **PC-8-215**, **PC-8-217**, **PC-8-218** and further submission **PC-8-F-200** were received with sufficient time to be considered in the officer's report. No interests are unduly affected by accepting the late submissions and further submission and the extension is within the time period provided for under the Resource Management Act 1991.
- (ii) Submission **PC-8-220** was received more than 20 working days after the close of submissions, and therefore cannot be afforded the status of a formal submission under section 37A(2)(a) of the Resource Management Act. Further submissions **PC-8-F117** and **PC-8-F192** relate to this submission, and its rejection necessitates the rejection of these further submissions also.

- [26] It was brought to our attention that many of the further submissions to original submission **PC-8-134** were not served on the original submitter. As these were 'form' further submissions, and at least one further submission was served on the original submitter, we are satisfied and accept that a waiver to this procedural requirement is appropriate under the circumstances.

7.0 ISSUES BEYOND THE SCOPE OF THE RESOURCE MANAGEMENT ACT 1991

- [27] Some considerable concern was expressed at the hearing with respect to the Council's proposed funding arrangement in respect of the development. This evidence was received; however we note that we are unable to make a decision as to the proposed funding, as in our view it falls beyond the ambit of the matters that can be considered under the Resource Management Act, when determining a Plan Change proposal.
- [28] We also note that a number of submitters called for the redevelopment of the existing Carisbrook site. The proposed Plan Change proposes rezoning an area of the City that is located some distance from the existing sportsground, and we further note that there is no requirement in the Resource Management Act for the assessment of alternatives such as the upgrading of the existing ground, rather than rezoning for a new purpose built stadium.
- [29] Submitters also indicated concern at the consultation that was undertaken in respect of Plan Change 8. We note that consultation was undertaken on the proposed Spectator Event and Education Zone, prior to the lodgement of the Plan Change with the Council. Observations made in the Assessment of Environmental Effects indicate that public meetings were generally poorly attended. Formal consultation has now been undertaken on the current Plan Change in accordance with the provisions of the Act. In our view, this consultation satisfies the requirements of the Act, and we therefore consider the submissions that consultation was inadequate to be without merit.
- [30] Finally, the concerns expressed by submitters that information associated with the Plan Change was not readily available, and that they were disadvantaged by the Council's decision not to prepare a Section 42A report, are of relevance. Considering the comments made in submissions and at the hearing, we consider that information necessary for submitters to consider the proposal was made available appropriately. We note that submitters may have the expectation that copying of submissions will be done free of charge, or that all submissions will be scanned and made available on the internet, however we consider that such an approach is unduly onerous for the Council. In respect of preparation of a Section 42A report, we note Ms Semple's comments in her closing submissions that the Act makes it clear that the preparation of such a report is not mandatory. We did not request the preparation of such a

report. As the Council had adopted the Plan Change as its own, and because expert planning evidence would therefore be called on behalf of the Council, we consider that this decision was appropriate. We do not, therefore, agree with those submitters who indicated that they had been disadvantaged by the Council's decision in this regard.

8.0 CONSIDERATION OF SUBMISSIONS

8.1 Availability of Industrially Zoned Land

- [31] A number of submitters gave the loss of Industrial zoned land as a reason for opposing the Plan Change. We note that no evidence has been provided to us that indicates that there is a shortage of Industrial zoned land. However we note that a report from Marketplace New Zealand Limited accompanied the Section 32 analysis and noted that, provided some minor amendments were made, no effects would result from the proposal in this regard. As such, we record that we are satisfied with the evidence that was provided at the hearing in respect of the matter by Mr Freeland. He identified that the proposed Plan Change may ultimately result in the loss of 6.9 hectares of Industrial zoned land over time, an impact that may be offset to a degree by the freeing up of the 3 hectare Industrial 1 zoned site that Carisbrook Stadium currently occupies. He also identified that the now operative Airport Zone provides for industrial activity opportunities. Finally, Mr Freeland commented that the Council has undertaken an industrial land study that has determined that 179 hectares of Industrial-Zoned land in central Dunedin is currently usable.
- [32] Mr Brian Miller (**PC-8-140**) provided us with comment on the impact of the perceived shortfall in the availability of industrial land on high class soils, as industrial activities look to relocate onto the Taieri Plain. We note that, while no protection is afforded to these soils by the Regional Policy Statement for Otago, there is a responsibility for the City Council to consider such matters. We do not consider, however, that the determination of Plan Change 8 is the appropriate place for such consideration to occur. We note that the Council will take into consideration the issue of high class soils at the time that the Rural Zone provisions of the Plan are reviewed.
- [33] We note that the area surrounding the land affected by Plan Change 8 will continue to be utilised for industrial purposes, and that this will not be adversely impacted by the proposed re-zoning. In particular, we note that there are existing industrial uses in the area, including oil servicing activities, and that their operation will not be impacted by the proposed re-zoning.
- [34] In our view, the loss of a comparatively small area of industrial land to provide for the extension of the Campus Zone and a new Stadium Zone is an appropriate response to the current land use demands facing Dunedin City. Over time there may be a need to provide more land and/or locations for industrial activities within the City, but the current availability of industrial land will provide sufficient time for the City to respond to future industrial demands as they arise. There is little point in locking up land unnecessarily for many years.

8.2 Reverse Sensitivity

- [35] At the hearing we heard much from submitters in respect of the potential for reverse sensitivity. In our view, reverse sensitivity within the stadium zone will arise as a result of the exposure of the zone to the following matters:
- Carparking shortfall
 - Quarry activity (including vibration and dust)
 - Hazardous substances
- [36] We have considered the impacts of carparking separately, under Section 8.4 of this Report. In our view, the proposed level of carparking to be provided within the zone

is adequate for its day to day use, and will not create additional pressures on other activities operating within the Industrial 1 Zone.

- [37] We were not presented with any evidence to indicate that environmental effects associated with the quarry activities occurring at Logan Point are likely to adversely impact on the stadium. Conditions of consent attaching to the authority to quarry in this location require that all environmental effects are internalised as far as practicable. We note Ms Semple's comments in respect of this matter:

I referred in the course of my opening submissions to the Air Quality Assessment undertaken by Tonkin and Taylor which considers the implications of various discharges to air in the vicinity of the site.

With respect to this I note that the Blackhead Quarry and the Allied Concrete Concrete Batching Plant both operate under air discharge permits from the Otago Regional Council which provide as conditions of those permits that "no visible dust downwind from the premises to the extent that it has an adverse effect".

I submit that one is entitled to conclude that the quarry and the batching plant are entirely confident of their ability to meet these conditions hence their ongoing operation under the relevant permits. This level of confidence is perhaps demonstrated by the fact that neither the quarry nor the concrete batching plant saw any reason to submit on the plan change despite being specifically consulted with respect to the same.

We agree with Ms Semple in respect of this matter. We also note that no evidence was called that indicates that dust would be any more than is currently experienced in this area. Accordingly, providing that compliance with these conditions is continually achieved, we do not consider it likely that reverse sensitivity impacts will result from the operation of the quarry.

- [38] We note the commentary provided by Mr Burden in respect of the performance of the proposed stadium roofing material (Ethylene Tetra Fluoro Ethylene - ETFE), and the proposed methods for ensuring that it remains clean. While the specific design of the proposed development is not relevant at Plan Change level, we consider it appropriate to note that the issue of cleaning and maintaining the roof appears to have been carefully considered. As such, we are satisfied that the impacts of dust within this area can be appropriately mitigated by the actual design of any facility that establishes on the site.
- [39] We also note the concerns of Liquigas in respect of the proximity of their facility to the Plan Change area. Further consideration is lent to this matter in Section 10.2 below, however we note here that we have carefully considered the effects and the expert evidence provided by Mr Alexander on behalf of the Council.

8.3 Impacts on Retail Activities

- [40] We note the concerns of a number of submitters in respect of the impact of the ancillary stadium activities, and in particular those activities which incorporate a retail component, upon the Activity Areas of the City. No expert evidence was presented in respect of this matter by either the Council or the submitters, however we note the Marketplace New Zealand Limited report, that accompanied the section 32 assessment as notified. We are satisfied with the conclusions drawn in that report, and as such do not consider that the activities provided for within the Stadium Zone will have a detrimental impact on retail activities occurring elsewhere within the City.

8.4 Transport, Traffic and Parking

- [41] Considerable concern was indicated by some submitters (and in particular by David

Peter Luscombe Green (**PC-8-170**), in respect of the number of car parks required for the zone. We note that the traffic impact assessment that was submitted as part of the Plan Change application clearly found that 163 car parks would be adequate for a stadium of the size provided for by the proposed zone, and that no expert evidence was called to refute this. We also note Ms Semple's closing remarks, in which she outlined the approach taken by a variety of different stadia throughout the country. On balance, the requirements included in other plans generally related to day to day use of stadia, rather than catering for parking demand on event day. We consider this to be the most pragmatic approach, and as such we consider the proposed rules in respect of this to be appropriate for the proposed zone. We do note that the rules proposed do not preclude the establishment of additional parking, should that be required, nor the establishment of a car park building.

- [42] We also note the general discussion at the hearing regarding the provision of public transport and the lack of parking areas for buses. From a day to day perspective, we are satisfied that additional space for bus parking is not required within this zone, however we note that both the traffic impact assessment lodged with Plan Change 8, and the evidence given by Mr Gamble, rely on adequate areas being set aside for bus parking on event days. As Mr Freeland indicated in his evidence, we anticipate that traffic management plans will be implemented for such events and we consider that this need not be translated into rules included in the Plan Change.
- [43] On a more general note, however, we note that the Council will need to consider, as part of the roading improvements necessary for this development, the location of an area for buses to pull into, making drop offs and collecting stadium-goers. As the proposed Stadium Zone does not extend to include road reserve, this cannot form a part of the Plan Change provisions, but is a matter for the Council to give additional consideration.
- [44] Accordingly, we are satisfied that the Plan provisions notified provide a suitable response to anticipated traffic, transport and parking demand and impacts, and that no amendments in respect of this matter are required.

8.5 Urban Design and Heritage

- [45] We did not hear expert urban design evidence in the course of the hearing, but note the carefully considered comments of Ms Elizabeth Kerr, who appeared on behalf of Paul Campbell (**PC-8-3**), Meg Davidson (**PC-8-211**), Anne Elliott (**PC-8-55**), Peter Entwisle (**PC-8-154**), Lisa Levitt (**PC-8-37**), Malcolm McQueen (**PC-8-203**) and Rosemary McQueen (**PC-8-F40**). Although not identifying herself as an expert, it was clear that Ms Kerr had particularly useful observations to make in respect of urban design and heritage matters. We also note that the Council did not present expert evidence in respect of this matter.
- [46] In considering submissions in relation to the requirement to provide campus open space area, we became conscious that there appeared to be no rules in Plan Change 8 as notified to require the provision of this space. In our view, this open space is an important factor in mitigating the urban design effects of a development that could legitimately be expected to occur within the zone. Ms Semple also identified this shortfall, and presented us with an amended wording for the plan provisions in her closing. Upon our suggestion, a further amended wording was presented to us, and we are now satisfied that this rule resolves this outstanding issue. We consider that the function of this open space is such that it must be provided in a contiguous form. We also consider that it is appropriate for proposed Rule 12.5.4(i) to be deleted, which has the effect of making any building on this campus open space area a non-complying activity. Subject to those amendments, we are therefore satisfied with the changes proposed.
- [47] We have also noted that provisions proposed within the Campus Zone in respect of height. Although the amendments presented to us at the hearing provided a greater

level of certainty than those provisions that were notified, we have residual concerns with the format of Rule 12.5.2(ii), which relates to maximum height. In our view, this rule would benefit from additional wording, which clarifies that it does not apply to that part of the zone immediately adjoining the Stadium Zone. We provide further consideration of this matter in response to the submissions of the University of Otago, in Section 10 that follows.

- [48] We note that no submissions were received that sought the identification and listing of heritage items in the Plan in respect of this proposed zone, and we further note that the New Zealand Historic Places Trust did not seek the inclusion of any heritage items. Despite Ms Kerr's evidence and even if we were of a mind to do so, we are therefore unable to take these matters into account in making our decisions, and as such her proposal that the Donald Reid building should be listed as a heritage item is therefore rejected.

8.6 Stewardship

- [49] We note Ms Semple's comments in respect of Mr Borick's submissions on behalf of the Dunedin Ratepayers and Householder's Association (***PC-8-F117***, ***PC-8-F118***, ***PC-8-F119***, and ***PC-8-F120***), in relation to the matter of stewardship. No expert evidence in relation to this matter was called at the hearing.
- [50] Ms Semple observed that the ethic of stewardship has been stated by the Environment Court¹ to embody the concept of the wise and careful management of a resource so that it may be passed on to those who follow, or used in a way that benefits those to whom it belongs. We agree with her comments that Plan Change 8 involves a proposal to rezone land from Industrial 1 to Campus and Stadium Zones, and that the only resource which falls for determination in respect of Plan Change 8 is the 7 hectares of land at Awatea Street. We also agree that this resource is quite different from those resources that must be considered in making funding decisions, and that Mr Borick appears to have confused those two, quite separate functions.
- [51] Accordingly, we have found that the proposed Plan Change does not raise any issues in respect of the stewardship of natural and physical resources.

8.7 Effects on existing facilities

- [52] Some submitters were concerned about the impact of the proposed conference and meeting activities occurring within the zone on facilities providing for similar activities elsewhere in the City. No evidence was presented to us to demonstrate that there would be any such impacts. We are satisfied that the proposed zone will not have a significant adverse impact in terms of those activities occurring elsewhere throughout the City.

8.8 Campus Zone Amendments

- [53] Beyond those amendments to the Campus Zone provisions as set out in 6.5 above, we also considered submissions relating to the proposed provision for restaurants in the Campus Zone. We note Ms Semple's closing submissions in respect of this matter and, in particular, her two comments:

First and most importantly the provision of restaurant activities in the extended Campus Zone is considered critical to ensuring an appropriately "active" edge to the plaza. In urban

¹ *Save the Point Incorporated v Wellington City Council* (W082/07)

design terms it is highly desirable to have the plaza area overlooked by busy activities. This amendment to provide for restaurant activities is intended to assist in achieving that desired outcome.

In the course of considering this matter however it became clear that activities such as this currently operate in the balance of the Campus Zone with no clearly defined planning context. Accordingly, it was considered desirable to seek to address this wider issue at the same time as Plan Change 8.

- [54] We agree with these sentiments as our site visit to the Campus area showed that the proposed amendment clearly seeks to resolve issues concerning the existing activities occurring at present. We also agree with the evidence presented that the establishment of activities such as restaurants along the edges of open spaces has the effect of activating the public space – to see this in action one must go no further than Dunedin's Octagon. Accordingly, we are satisfied that the amendment proposed is appropriate.

8.9 Contamination

- [55] Some submissions provided comment on their concerns that portions of the site may be contaminated. The Otago Regional Council (**PC-8-94**) sought the inclusion of specific rules in Plan Change 8 to control this issue. As with many of the matters discussed at the hearing, no expert evidence was presented in respect of the matter, other than that of Mr McLeod, on behalf of the Dunedin City Council. We noted that the documentation that accompanies Plan Change 8 recognises the likelihood of contamination of the stadium site, and that this issue is controlled and managed by the provisions of the Regional Plan: Waste for Otago. We are satisfied, therefore, that any work occurring on a contaminated site would require a resource consent from the Otago Regional Council. We concur with Mr Freeland's comment that the Otago Regional Council would assess any likely impacts of this contamination (with particular reference to the mitigation measures proposed) on stadium users, and determine the application on that basis. Accordingly, we are satisfied that no additional control is necessary in the provisions of Plan Change 8 to resolve this issue.

8.10 Climate Change

- [56] Mr Hamilton presented evidence on behalf of the Council in respect of the effects of sea level rise within the Plan Change area, and we note that his evidence was not challenged by any suitably qualified expert in this field. We consider that the inclusion of rules that specify minimum floor levels is a suitable response to the uncertainty surrounding this matter, and as such we are satisfied that the proposed Plan Change 8 responds suitably to this potential hazard.

9.0 GENERAL DECISIONS

9.1 Support for Plan Change 8

Submitter	Decision sought from Dunedin City Council	Further Submissions
PC-8-1, PC-8-7, PC-8-10, PC-8-12, PC-8-17, PC-8-18, PC-8-19, PC-8-20, PC-8-23, PC-8-24, PC-8-25, PC-8-26, PC-8-33, PC-8-35, PC-8-36, PC-8-39, PC-8-40, PC-8-41, PC-8-43, PC-8-44, PC-8-47, PC-8-48, PC-8-50, PC-8-51, PC-8-61, PC-8-62, PC-8-63, PC-8-64, PC-8-67, PC-8-68, PC-8-71, PC-8-72, PC-8-73, PC-8-75, PC-8-76, PC-8-77, PC-8-	Approval of Plan Change 8 in its entirety	PC-8-F175, PC-8-F188, PC-8-F1, PC-8-F2, PC-8-F3, PC-8-F4, PC-8-F5, PC-8-F6, PC-8-F142, PC-8-F143, PC-8-F144, PC-8-F145, PC-8-F146, PC-8-F156, PC-8-F8, PC-8-F35, PC-8-F36, PC-8-F37, PC-8-F38, PC-8-F84, PC-8-F148, PC-8-F149, PC-8-F154, PC-8-F85, PC-8-F150,

Submitter	Decision sought from Dunedin City Council	Further Submissions
79, PC-8-80, PC-8-81, PC-8-82, PC-8-85, PC-8-88, PC-8-90, PC-8-91, PC-8-92, PC-8-93, PC-8-100, PC-8-101, PC-8-102, PC-8-103, PC-8-104, PC-8-106, PC-8-107, PC-8-108, PC-8-109, PC-8-110, PC-8-111, PC-8-112, PC-8-113, PC-8-114, PC-8-115, PC-8-116, PC-8-117, PC-8-118, PC-8-119, PC-8-120, PC-8-121, PC-8-122, PC-8-123, PC-8-124, PC-8-125, PC-8-126, PC-8-127, PC-8-128, PC-8-129, PC-8-130, PC-8-131, PC-8-132, PC-8-135, PC-8-136, PC-8-149, PC-8-159, PC-8-160, PC-8-161, PC-8-162, PC-8-163, PC-8-164, PC-8-168, PC-8-171, PC-8-172, PC-8-173, PC-8-174, PC-8-175, PC-8-176, PC-8-177, PC-8-181, PC-8-190, PC-8-200, PC-8-206, PC-8-207, PC-8-209, PC-8-210, PC-8-213, PC-8-214, PC-8-217, PC-8-219		PC-8-F151, PC-8-F153, PC-8-F206
PC-8-195	Supports partly	

- [57] Submissions *PC-8-1, PC-8-7, PC-8-10, PC-8-12, PC-8-17, PC-8-18, PC-8-19, PC-8-20, PC-8-23, PC-8-24, PC-8-25, PC-8-26, PC-8-33, PC-8-35, PC-8-36, PC-8-39, PC-8-40, PC-8-41, PC-8-43, PC-8-44, PC-8-47, PC-8-48, PC-8-50, PC-8-51, PC-8-61, PC-8-62, PC-8-63, PC-8-64, PC-8-67, PC-8-68, PC-8-71, PC-8-72, PC-8-73, PC-8-75, PC-8-76, PC-8-77, PC-8-79, PC-8-80, PC-8-81, PC-8-82, PC-8-85, PC-8-88, PC-8-90, PC-8-91, PC-8-92, PC-8-93, PC-8-100, PC-8-101, PC-8-102, PC-8-103, PC-8-104, PC-8-106, PC-8-107, PC-8-108, PC-8-109, PC-8-110, PC-8-111, PC-8-112, PC-8-113, PC-8-114, PC-8-115, PC-8-116, PC-8-117, PC-8-118, PC-8-119, PC-8-120, PC-8-121, PC-8-122, PC-8-123, PC-8-124, PC-8-125, PC-8-126, PC-8-127, PC-8-128, PC-8-129, PC-8-130, PC-8-131, PC-8-132, PC-8-135, PC-8-136, PC-8-149, PC-8-159, PC-8-160, PC-8-161, PC-8-162, PC-8-163, PC-8-164, PC-8-168, PC-8-171, PC-8-172, PC-8-173, PC-8-174, PC-8-175, PC-8-176, PC-8-177, PC-8-181, PC-8-190, PC-8-200, PC-8-206, PC-8-207, PC-8-209, PC-8-210, PC-8-213, PC-8-214, PC-8-217, PC-8-219*, and further submissions *PC-8-F49, PC-8-F170, PC-8-F1, PC-8-F2, PC-8-F3, PC-8-F4, PC-8-F5, PC-8-F6, PC-8-F142, PC-8-F143, PC-8-F144, PC-8-F145, PC-8-F146, PC-8-F156, PC-8-F8, PC-8-F35, PC-8-F36, PC-8-F37, PC-8-F38, PC-8-F84, PC-8-F148, PC-8-F149, PC-8-F154, PC-8-F85, PC-8-F150, PC-8-F151, PC-8-F153, PC-8-F206* support approval of the plan change without conditions.
- [58] The partial support of submission *PC-8-195* should be noted. The specific issues raised in these submissions are covered in the preceding sections of this report.
- [59] Further submissions *PC-8-F175, PC-8-F188* oppose the Plan Change.

Decision PC-8/8.2

It is our decision to:

- (i) **accept** submissions of *PC-8-1, PC-8-7, PC-8-10, PC-8-12, PC-8-17, PC-8-18, PC-8-19, PC-8-20, PC-8-23, PC-8-24, PC-8-25, PC-8-26, PC-8-33, PC-8-35, PC-8-36, PC-8-39, PC-8-40, PC-8-41, PC-8-43, PC-8-44, PC-8-47, PC-8-48, PC-8-50, PC-8-51, PC-8-61, PC-8-62, PC-8-63, PC-8-64, PC-8-67, PC-8-68, PC-8-71, PC-8-72, PC-8-73, PC-8-75, PC-8-76, PC-8-77, PC-8-79, PC-8-80, PC-8-81, PC-8-82, PC-8-85, PC-8-88, PC-8-90, PC-8-91, PC-8-92, PC-8-93, PC-8-100, PC-8-101, PC-8-102, PC-8-103, PC-8-104, PC-8-106, PC-8-107, PC-8-108, PC-8-109, PC-8-110, PC-8-111, PC-8-112, PC-8-113, PC-8-114, PC-8-115, PC-8-116, PC-8-117, PC-8-118, PC-8-119, PC-8-120, PC-8-121, PC-8-122, PC-8-123, PC-8-124, PC-8-125, PC-8-126, PC-8-127, PC-8-128, PC-8-129, PC-8-130, PC-8-131, PC-8-132, PC-8-135, PC-8-136, PC-8-149, PC-8-159, PC-8-160, PC-8-161, PC-8-162, PC-8-163, PC-8-164, PC-8-168,*

	<i>PC-8-171, PC-8-172, PC-8-173, PC-8-174, PC-8-175, PC-8-176, PC-8-177, PC-8-181, PC-8-190, PC-8-200, PC-8-206, PC-8-207, PC-8-209, PC-8-210, PC-8-213, PC-8-214, PC-8-217, PC-8-219.</i>
(ii)	accept further submissions of <i>PC-8-F1, PC-8-F2, PC-8-F3, PC-8-F4, PC-8-F5, PC-8-F6, PC-8-F142, PC-8-F143, PC-8-F144, PC-8-F145, PC-8-F146, PC-8-F156, PC-8-F8, PC-8-F35, PC-8-F36, PC-8-F37, PC-8-F38, PC-8-F84, PC-8-F148, PC-8-F149, PC-8-F154, PC-8-F85, PC-8-F150, PC-8-F151, PC-8-F153, PC-8-F206.</i>
(iii)	accept in part submission <i>PC-8-195</i> by noting support.
(iv)	reject further submissions of <i>PC-8-F175, PC-8-F188.</i>
Reasons for Decision	
(i)	Subject to the amendments recommended throughout this report, creating a Stadium Zone is assessed as being the most appropriate method to recognise and provide for the sustainable management of the resource in accordance with the provisions of the Act, including Part II, and appropriate to meet the objectives identified for providing for a regional stadium

9.2 OPPOSE PLAN CHANGE 8

Submitter	Decision Sought	Further Submission
PC-8-2, PC-8-3, PC-8-4, PC-8-5, PC-8-6, PC-8-8, PC-8-9, PC-8-13, PC-8-14, PC-8-15, PC-8-16, PC-8-21, PC-8-22, PC-8-27, PC-8-29, PC-8-30, PC-8-31, PC-8-32, PC-8-34, PC-8-37, PC-8-38, PC-8-42, PC-8-45, PC-8-46, PC-8-49, PC-8-52, PC-8-53, PC-8-54, PC-8-55, PC-8-56, PC-8-57, PC-8-58, PC-8-60, PC-8-65, PC-8-66, PC-8-69, PC-8-70, PC-8-74, PC-8-86, PC-8-87, PC-8-89, PC-8-95, PC-8-96, PC-8-97, PC-8-98, PC-8-99, PC-8-105, PC-8-133, PC-8-134, PC-8-137, PC-8-138, PC-8-139, PC-8-140, PC-8-142, PC-8-143, PC-8-144, PC-8-145, PC-8-146, PC-8-147, PC-8-148, PC-8-150, PC-8-151, PC-8-152, PC-8-153, PC-8-154, PC-8-155, PC-8-156, PC-8-157, PC-8-158, PC-8-165, PC-8-166, PC-8-167, PC-8-169, PC-8-170, PC-8-178, PC-8-179, PC-8-180, PC-8-182, PC-8-183, PC-8-184, PC-8-185, PC-8-186, PC-8-187, PC-8-188, PC-8-189, PC-8-192, PC-8-193, PC-8-194, PC-8-196, PC-8-197, PC-8-198, PC-8-199, PC-8-201, PC-8-202, PC-8-203, PC-8-204, PC-8-205, PC-8-208, PC-8-211, PC-8-212, PC-8-215, PC-8-216, PC-8-218	Reject Plan Change 8 in its entirety	PC-8-F118, PC-8-F197, PC-8-F7, PC-8-F191, PC-8-F163, PC-8-F119, PC-8-F194, PC-8-F178, PC-8-F198, PC-8-F179, PC-8-F202, PC-8-F205, PC-8-F9, PC-8-F10, PC-8-F11, PC-8-F12, PC-8-F13, PC-8-F14, PC-8-F15, PC-8-F16, PC-8-F17, PC-8-F18, PC-8-F19, PC-8-F20, PC-8-F21, PC-8-F22, PC-8-F23, PC-8-F24, PC-8-F25, PC-8-F26, PC-8-F27, PC-8-F28, PC-8-F29, PC-8-F30, PC-8-F31, PC-8-F32, PC-8-F33, PC-8-F34, PC-8-F39, PC-8-F40, PC-8-F41, PC-8-F42, PC-8-F43, PC-8-F44, PC-8-F45, PC-8-F46, PC-8-F47, PC-8-F48, PC-8-F50, PC-8-F51, PC-8-F52, PC-8-F53, PC-8-F54, PC-8-F55, PC-8-F56, PC-8-F57, PC-8-F58, PC-8-F59, PC-8-F60, PC-8-F61, PC-8-F62, PC-8-F63, PC-8-F64, PC-8-F65, PC-8-F66, PC-8-F67, PC-8-F68, PC-8-F69, PC-8-F70, PC-8-F71, PC-8-F72, PC-8-F73, PC-8-F74, PC-8-F75, PC-8-F76, PC-8-F77, PC-8-F78, PC-8-F79, PC-8-F80, PC-8-F81, PC-8-F82, PC-8-F83, PC-8-F87, PC-8-F88, PC-8-F89, PC-8-F90, PC-8-F91, PC-8-F92, PC-8-F93, PC-8-F94, PC-8-F95, PC-8-F96, PC-8-F97, PC-8-F98, PC-8-F99, PC-8-F100, PC-8-F101, PC-8-F102, PC-8-F103, PC-8-F104, PC-8-F105, PC-8-F106, PC-8-F107, PC-8-F108, PC-8-F109, PC-8-F110, PC-8-F111, PC-8-F112, PC-8-F113, PC-8-F114, PC-8-F115, PC-8-F116, PC-8-F121, PC-8-F122, PC-8-F123, PC-8-F124, PC-8-F125, PC-8-F126, PC-8-F127, PC-8-F128, PC-8-F129, PC-8-F130, PC-8-F131, PC-8-F132, PC-8-F133, PC-8-F134, PC-8-F135, PC-8-F136, PC-8-F137, PC-8-F138, PC-8-F139, PC-8-F140, PC-8-F147, PC-8-F152, PC-8-F155, PC-8-F157, PC-8-F158, PC-8-F159, PC-8-F160, PC-8-F164, PC-8-F165, PC-8-F166, PC-8-F167, PC-8-F168, PC-8-F169, PC-8-F171, PC-8-F183, PC-8-F184, PC-8-F185, PC-8-F200, PC-8-F180, PC-8-F193, PC-8-F181, PC-8-F190, PC-8-F162, PC-8-F182, PC-8-F187, PC-8-F203, PC-8-F204, PC-8-F195, PC-8-F86, PC-8-F120, PC-8-F141, PC-8-F196
PC-8-94	Neutral	PC-8-F177

Submitter	Decision Sought	Further Submission
PC-8-195	Partial opposition	

[60] Submissions in opposition to Proposed Plan Change 8, as notified, are generally seeking that it be rejected in its entirety. The submissions are *PC-8-2, PC-8-3, PC-8-4, PC-8-5, PC-8-6, PC-8-8, PC-8-9, PC-8-13, PC-8-14, PC-8-15, PC-8-16, PC-8-21, PC-8-22, PC-8-27, PC-8-29, PC-8-30, PC-8-31, PC-8-32, PC-8-34, PC-8-37, PC-8-38, PC-8-42, PC-8-45, PC-8-46, PC-8-49, PC-8-52, PC-8-53, PC-8-54, PC-8-55, PC-8-56, PC-8-57, PC-8-58, PC-8-60, PC-8-65, PC-8-66, PC-8-69, PC-8-70, PC-8-74, PC-8-86, PC-8-87, PC-8-89, PC-8-95, PC-8-96, PC-8-97, PC-8-98, PC-8-99, PC-8-105, PC-8-133, PC-8-134, PC-8-137, PC-8-138, PC-8-139, PC-8-140, PC-8-142, PC-8-143, PC-8-144, PC-8-145, PC-8-146, PC-8-147, PC-8-148, PC-8-150, PC-8-151, PC-8-152, PC-8-153, PC-8-154, PC-8-155, PC-8-156, PC-8-157, PC-8-158, PC-8-165, PC-8-166, PC-8-167, PC-8-169, PC-8-170, PC-8-178, PC-8-179, PC-8-180, PC-8-182, PC-8-183, PC-8-184, PC-8-185, PC-8-186, PC-8-187, PC-8-188, PC-8-189, PC-8-192, PC-8-193, PC-8-194, PC-8-196, PC-8-197, PC-8-198, PC-8-199, PC-8-201, PC-8-202, PC-8-203, PC-8-204, PC-8-205, PC-8-208, PC-8-211, PC-8-212, PC-8-215, PC-8-216, PC-8-218*. Those further submissions that seek the withdrawal of the plan change are *PC-8-F118, PC-8-F197, PC-8-F7, PC-8-F191, PC-8-F163, PC-8-F119, PC-8-F194, PC-8-F178, PC-8-F198, PC-8-F179, PC-8-F202, PC-8-F205, PC-8-F180, PC-8-F193, PC-8-F181, PC-8-F190, PC-8-F162, PC-8-F182, PC-8-F187, PC-8-F203, PC-8-F204, PC-8-F195, PC-8-F120, PC-8-F141, PC-8-F196, PC-8-F177*.

[61] Further submissions opposing the rejection of the Plan change are *PC-8-F9, PC-8-F10, PC-8-F11, PC-8-F12, PC-8-F13, PC-8-F14, PC-8-F15, PC-8-F16, PC-8-F17, PC-8-F18, PC-8-F19, PC-8-F20, PC-8-F21, PC-8-F22, PC-8-F23, PC-8-F24, PC-8-F25, PC-8-F26, PC-8-F27, PC-8-F28, PC-8-F29, PC-8-F30, PC-8-F31, PC-8-F32, PC-8-F33, PC-8-F34, PC-8-F39, PC-8-F40, PC-8-F41, PC-8-F42, PC-8-F43, PC-8-F44, PC-8-F45, PC-8-F46, PC-8-F47, PC-8-F48, PC-8-F50, PC-8-F51, PC-8-F52, PC-8-F53, PC-8-F54, PC-8-F55, PC-8-F56, PC-8-F57, PC-8-F58, PC-8-F59, PC-8-F60, PC-8-F61, PC-8-F62, PC-8-F63, PC-8-F64, PC-8-F65, PC-8-F66, PC-8-F67, PC-8-F68, PC-8-F69, PC-8-F70, PC-8-F71, PC-8-F72, PC-8-F73, PC-8-F74, PC-8-F75, PC-8-F76, PC-8-F77, PC-8-F78, PC-8-F79, PC-8-F80, PC-8-F81, PC-8-F82, PC-8-F83, PC-8-F87, PC-8-F88, PC-8-F89, PC-8-F90, PC-8-F91, PC-8-F92, PC-8-F93, PC-8-F94, PC-8-F95, PC-8-F96, PC-8-F97, PC-8-F98, PC-8-F99, PC-8-F100, PC-8-F101, PC-8-F102, PC-8-F103, PC-8-F104, PC-8-F105, PC-8-F106, PC-8-F107, PC-8-F108, PC-8-F109, PC-8-F110, PC-8-F111, PC-8-F112, PC-8-F113, PC-8-F114, PC-8-F115, PC-8-F116, PC-8-F121, PC-8-F122, PC-8-F123, PC-8-F124, PC-8-F125, PC-8-F126, PC-8-F127, PC-8-F128, PC-8-F129, PC-8-F130, PC-8-F131, PC-8-F132, PC-8-F133, PC-8-F134, PC-8-F135, PC-8-F136, PC-8-F137, PC-8-F138, PC-8-F139, PC-8-F140, PC-8-F147, PC-8-F152, PC-8-F155, PC-8-F157, PC-8-F158, PC-8-F159, PC-8-F160, PC-8-F164, PC-8-F165, PC-8-F166, PC-8-F167, PC-8-F168, PC-8-F169, PC-8-F171, PC-8-F183, PC-8-F184, PC-8-F185, PC-8-F200, PC-8-F86*. It is appropriate that these submissions are accepted.

[62] Overall the issues raised by the submitters opposing Proposed Plan Change 8 are not considered sufficient reasons to reject the plan change in its entirety or withdraw it. Subject to the changes recommended in this report, the plan change is considered to be the most appropriate method to achieve the objectives that have been identified to provide for a regional stadium for Dunedin City.

Decision PC-8/8.3

It is our decision to:

- (i) **reject** submissions *PC-8-2, PC-8-3, PC-8-4, PC-8-5, PC-8-6, PC-8-8, PC-8-9, PC-*

8-13, PC-8-14, PC-8-15, PC-8-16, PC-8-21, PC-8-22, PC-8-27, PC-8-29, PC-8-30, PC-8-31, PC-8-32, PC-8-34, PC-8-37, PC-8-38, PC-8-42, PC-8-45, PC-8-46, PC-8-49, PC-8-52, PC-8-53, PC-8-54, PC-8-55, PC-8-56, PC-8-57, PC-8-58, PC-8-60, PC-8-65, PC-8-66, PC-8-69, PC-8-70, PC-8-74, PC-8-86, PC-8-87, PC-8-89, PC-8-95, PC-8-96, PC-8-97, PC-8-98, PC-8-99, PC-8-105, PC-8-133, PC-8-134, PC-8-137, PC-8-138, PC-8-139, PC-8-140, PC-8-142, PC-8-143, PC-8-144, PC-8-145, PC-8-146, PC-8-147, PC-8-148, PC-8-150, PC-8-151, PC-8-152, PC-8-153, PC-8-154, PC-8-155, PC-8-156, PC-8-157, PC-8-158, PC-8-165, PC-8-166, PC-8-167, PC-8-169, PC-8-170, PC-8-178, PC-8-179, PC-8-180, PC-8-182, PC-8-183, PC-8-184, PC-8-185, PC-8-186, PC-8-187, PC-8-188, PC-8-189, PC-8-192, PC-8-193, PC-8-194, PC-8-196, PC-8-197, PC-8-198, PC-8-199, PC-8-201, PC-8-202, PC-8-203, PC-8-204, PC-8-205, PC-8-208, PC-8-211, PC-8-212, PC-8-215, PC-8-216, PC-8-218.

(ii) **Reject** the further submissions of *PC-8-F118, PC-8-F197, PC-8-F7, PC-8-F191, PC-8-F163, PC-8-F119, PC-8-F194, PC-8-F178, PC-8-F198, PC-8-F179, PC-8-F202, PC-8-F205, PC-8-F180, PC-8-F193, PC-8-F181, PC-8-F190, PC-8-F162, PC-8-F182, PC-8-F187, PC-8-F203, PC-8-F204, PC-8-F195, PC-8-F120, PC-8-F141, PC-8-F196, PC-8-F177.*

(iii) **Accept** the further submissions of *PC-8-F9, PC-8-F10, PC-8-F11, PC-8-F12, PC-8-F13, PC-8-F14, PC-8-F15, PC-8-F16, PC-8-F17, PC-8-F18, PC-8-F19, PC-8-F20, PC-8-F21, PC-8-F22, PC-8-F23, PC-8-F24, PC-8-F25, PC-8-F26, PC-8-F27, PC-8-F28, PC-8-F29, PC-8-F30, PC-8-F31, PC-8-F32, PC-8-F33, PC-8-F34, PC-8-F39, PC-8-F40, PC-8-F41, PC-8-F42, PC-8-F43, PC-8-F44, PC-8-F45, PC-8-F46, PC-8-F47, PC-8-F48, PC-8-F50, PC-8-F51, PC-8-F52, PC-8-F53, PC-8-F54, PC-8-F55, PC-8-F56, PC-8-F57, PC-8-F58, PC-8-F59, PC-8-F60, PC-8-F61, PC-8-F62, PC-8-F63, PC-8-F64, PC-8-F65, PC-8-F66, PC-8-F67, PC-8-F68, PC-8-F69, PC-8-F70, PC-8-F71, PC-8-F72, PC-8-F73, PC-8-F74, PC-8-F75, PC-8-F76, PC-8-F77, PC-8-F78, PC-8-F79, PC-8-F80, PC-8-F81, PC-8-F82, PC-8-F83, PC-8-F87, PC-8-F88, PC-8-F89, PC-8-F90, PC-8-F91, PC-8-F92, PC-8-F93, PC-8-F94, PC-8-F95, PC-8-F96, PC-8-F97, PC-8-F98, PC-8-F99, PC-8-F100, PC-8-F101, PC-8-F102, PC-8-F103, PC-8-F104, PC-8-F105, PC-8-F106, PC-8-F107, PC-8-F108, PC-8-F109, PC-8-F110, PC-8-F111, PC-8-F112, PC-8-F113, PC-8-F114, PC-8-F115, PC-8-F116, PC-8-F121, PC-8-F122, PC-8-F123, PC-8-F124, PC-8-F125, PC-8-F126, PC-8-F127, PC-8-F128, PC-8-F129, PC-8-F130, PC-8-F131, PC-8-F132, PC-8-F133, PC-8-F134, PC-8-F135, PC-8-F136, PC-8-F137, PC-8-F138, PC-8-F139, PC-8-F140, PC-8-F147, PC-8-F152, PC-8-F155, PC-8-F157, PC-8-F158, PC-8-F159, PC-8-F160, PC-8-F164, PC-8-F165, PC-8-F166, PC-8-F167, PC-8-F168, PC-8-F169, PC-8-F171, PC-8-F183, PC-8-F184, PC-8-F185, PC-8-F200, PC-8-F86.*

(iv) **Accept in part** submissions *PC-8-94* and *PC-8-195*.

Reasons for Decision

(i) Subject to the amendments recommended throughout this report, creating the Stadium Zone is assessed as being the most appropriate method to recognise and provide for the sustainable management of the resource in accordance with the provisions of the Act, including Part II, and to meet the objectives identified.

10.0 SPECIFIC MATTERS RAISED IN SUBMISSIONS

10.1 University of Otago (*PC-8-11a* and *PC-8-11b*)

[63] We have discussed the majority of matters raised in the two submissions from the University of Otago above, but note the following specific requests require consideration. We also note that Professor David Skegg, Mr Barry Mackay and Ms Blandine Marchelon attended the hearing and spoke to these submissions.

Submitter	Decision Sought	Further Submission
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PC-8-11a & PC-8-11b	Definition of Campus Educational Activity to recognise the research role of the University Definition of Campus Service Activity to enable childcare facilities Amendment of restaurant activities provided for as permitted activities to require a university focus Amendment of height rules for clarity	PC-8-F49, PC-8-F170, PC-8-F172, PC-8-F173, PC-8-F186
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Campus Educational Activity

- [64] We note the University's concerns in respect of the breadth of this definition. We accept that today universities are reliant on a degree of research for funding and reputation, and in our view it is appropriate to amend the term to more fully reflect this change in focus. To this end we are satisfied that the wording for this definition that was presented by Mr Freeland at the hearing is suitable for this purpose.

Campus Service Activity

- [65] While we note the University's suggested amendment to this definition to incorporate childcare activities, we agree with Mr Freeland's comments made in his evidence in respect of this matter. He advised:

Childcare Facilities are currently provided for as Discretionary (Unrestricted) activities within the Campus Zone. They also form part of the definition of "Community Support Activity". The Plan generally provides for Community Support Activities as Discretionary (Unrestricted) activities in residential areas, and as permitted in more mixed-use permissive areas such as Local Activity and Central Activity Zones. Childcare facilities can often create effects such as traffic movements and noise, which in my experience are best handled on a case-by-case basis through the resource consent process. As such, I do not believe that the relief sought is necessary or appropriate.

- [66] We consider that the effects of childcare activities can be varied, and are frequently dependent on the location of the proposed site. Accordingly, we consider it appropriate for childcare activities to be subject to resource consent within the Campus zone, and therefore do not consider the requested amendment appropriate.

Restaurant Activities

- [67] We have commented above on the appropriateness of providing for restaurant activities within the Campus Zone. However, we note that the University sought more specific amendments to these provisions, providing for private tea rooms and cafeterias. In our view, and for the reasons that Mr Freeland set out for us in his evidence, this change is not appropriate. We have indicated above our concern with ensuring that the campus open space area adjoining the Stadium Zone is people-friendly, and suitably activated. The amendment sought does not have this effect, and as such we consider it appropriate that this aspect of the submission is rejected.

Height

- [68] The evidence presented by the University indicates that the current performance standards attaching to activities occurring within the Campus Zone serve to curtail the efficient use of the land resource. The University was particularly concerned with the existing provisions in the Campus Zone as it relates to height along the margins of the zone. We have weighed this view carefully and are inclined to agree with the submitter that the size and shape of this site, coupled with this location, make this provision unduly onerous. Accordingly, we consider it appropriate that the rules are amended in respect of this extension to the Campus Zone.

Decision PC-8/8.4

It is our decision to:

- (i) **accept** submission **PC-8-11a** and further submissions **PC-8-F49** and **PC-8-F170**.
- (ii) **accept in part** submission **PC-8-11b**, by making the following amendments to the Plan Change:
- (a) Amending the definition of Campus Educational Activity as follows:
- Campus Educational and Research Activity** means an activity operated by a Campus Constituent Institution for the purpose of educating or giving instruction, and associated research.
- (b) Amending Rule 12.5.2 (ii), which relates to height, as follows:
- Maximum Height**
- Along Zone Margins on Road Frontages**
- (a) 40m, and no part of any building shall penetrate a plane rising at an angle of 40° from an elevation of 2 m measured at the road frontage boundary, except within that part of the zone ~~bounded by Anzac Avenue, Union Street, and the~~ in the block containing the Stadium Zone.
- (iii) **reject** further submissions **PC-8-F172**, **PC-8-F173** and **PC-8-F186**.

Reasons for Decision

- (i) The amendment sought to the definition of Campus Educational Activity will lend greater clarity to the Plan provisions.
- (ii) The amendment proposed to the definition of Campus Service Activity is not appropriate, and fails to recognise the potential for differing site-specific effects associated with childcare activities.
- (iii) The amendment sought in respect of restaurant activities would have the effect of negating the outcome that is sought by the promotion of campus open space within the Campus extension area.
- (iv) The amendment to the height rule in the Plan will add clarity to the provisions in respect of this matter, whilst ensuring that the land proposed to be re-zoned Campus can be used in an efficient manner.

10.2 Liquigas (PC-8-28)

Submitter	Decision Sought	Further Submission
PC-8-28	Inclusion of rules relating to: <ul style="list-style-type: none"> location and configuration of carparking areas need for management plans to control and manage access by pedestrians and vehicles via local street network particularly with large events potential impact of visitors at the stadium on safe and efficient movement of vehicles including emergency vehicles on surrounding street network recognition of regionally strategic importance of the use and development of the Liquigas depot for storage and distribution of LPG 	PC-8-F174, PC-8-F189

[69] Liquigas did not appear at the hearing, however we received a tabled letter from the submitter, noting some minor concerns with the evidence we heard from Messrs Gamble and Alexander. We record here that we have taken those concerns into account in our decision.

[70] We note that those users undertaking activities within the Stadium Zone have no ability to control parking on surrounding streets, and that car parking is provided

within the zone for the anticipated number of vehicles associated with the day to day running of the facility. Messrs Alexander and Gamble gave us expert evidence in respect of these matters, as did Mr Freeland. Accordingly, we note and agree with Mr Freeland's evidence that the Council would not normally control car parking associated with the Stadium activity or any other permitted activities within the adjoining Industrial 1 zoned area beyond the applicability of performance standards in respect of the useability of the carparking space. As such, we are unable to provide the relief sought in relation to this matter.

[71] In terms of the use of traffic management plans, we have discussed this matter above. In short, we anticipate that traffic management plans will be required and implemented for such events, and consider that this need not be translated into rules included in Plan Change 8. Similarly, in terms of the submission point (3rd bullet point) concerning access for emergency vehicles, we consider that, in practice, suitable plans can be put in place to ensure that emergency vehicles will be able to gain access to the Liquigas depot or nearby areas in an emergency when a large event is taking place at the proposed Stadium Zone.

[72] Finally, in terms of recognising the strategic importance of the Liquigas depot, we agree with Mr Freeland that no more specific recognition of the existing facility is necessary or appropriate within the District Plan. We note that the Liquigas depot is beyond the confines of the proposed zone boundary, and we recognise that the ability to continue operation from this site is of critical importance. Therefore, we do not consider that Liquigas's continued operation will be threatened by the confirmation of Plan Change 8, and as such we do not consider any amendment is necessary.

Decision PC-8/8.5

It is our decision to:

- (i) **reject** submission **PC-8-28** and further submissions **PC-8-F174** and **PC-8-F189**.

Reasons for Decision

- (i) The amendments sought are not necessary to recognise the environmental effects of the activities that could be anticipated as occurring within the zonings.

10.3 Chalmers Properties Limited (PC-8-59)

Submitter	Decision Sought	Further Submission
PC-8-59	<ul style="list-style-type: none"> The actual and potential effects on the environment have not been properly or appropriately addressed. Proposed Plan Change 8 is contrary to the objectives and policies of the District Plan and Plan Change 7: Harbourside Proposed Plan Change 8 does not integrate the land subject to the plan change with Harbourside development. Proposed Plan Change 8 should not conflict with the Harbourside development. It is not sufficiently clear from Proposed Plan Change 8 that the retail and office activities must be limited to core stadium events/activities; The Stadium Master Plan does not provide sufficient detail on how the Stadium will fit in with the wider central business district 	PC-8-F176

[73] While Mr Penny provided evidence on behalf of Chalmers Properties Limited concerning traffic matters, we note that this was confined to the matter of the Notice of Requirement for the Harbour Arterial. We do, however, note Ms Semple's comments to us in her closing, in respect of the outcome of the on-going consultation with this submitter.

[74] We note the expert evidence that was presented at the hearing on behalf of the Council, and the reports from suitably qualified professionals that were submitted at

the commencement of the Plan Change process. We are satisfied with those reports and evidence, and as such are of the view that confirming proposed Plan Change 8 will have no actual or potential environmental effects that are of concern.

[75] In respect of the consistency of this the proposed Stadium Zone with the proposed Harbourside zone, we were guided by Mr Freeland's evidence. We note his comments that the two zones are not contiguous, and are separated by approximately 1 kilometre, and the proposed Harbour Arterial will create, to some extent, a barrier between the two areas. The intervening land is zoned Industrial 1 and Port 2. We also note that there is no requirement in the Act for such "integration" as the submitter seeks, but record here our view that it is important for adjoining land uses to be suitably compatible. It is apparent to us that the proposed Plan Change is not incompatible with the adjoining zonings and, as such, we do not consider any amendment necessary in respect of this submission.

[76] We agree with the submitter, however, that some additional wording would clarify that retail and commercial office activities occurring within the Stadium Zone are limited to those occurring in conjunction with the Stadium, and we also note the submitter's concern that the proposed Master Plan does not provide sufficient detail on how the Stadium Zone will fit in with the wider Central Activity Area. In the event that these activities do not have standards attached to them, there is a potential for a significant impact upon the existing Activity Areas defined in the Plan. As a result, we consider that the amendment of the Plan provisions is necessary to provide some additional constraint around these activities.

Decision PC-8/8.6

It is our decision to:

(i) **accept in part** the submission of **PC-8-59** by making the following amendments to the plan change:

Amending Rule 27.5.1(i)(e), (f) and (g) as follows:

- (e) Licensed Premises and Restaurants in conjunction with the operation of a permitted activity provided for by Rule 27.5.1 (a) and (b).
- (f) Commercial Offices (including ticketing facilities) in conjunction with the operation of a permitted activity provided for by Rule 27.5.1 (a) to (b), provided that...
- (g) Retail Activity in conjunction with the operation of a permitted activity provided for by Rule 27.5.1 (a) or (b), provided that...

(ii) **reject** the further submission of **PC-8-F176**.

Reasons for Decision

(i) The amendments provide additional clarity in terms of the meaning of the Plan provisions.

10.4 JM Bruce (PC-8-83)

[77] The submitter is opposed to the proposed Plan Change, and appeared before us at the hearing. Generally, we have dealt with the points raised in the submission in the discussion above. Notwithstanding this, however, we note the submitter's concerns in respect of noise generation. The proposed rule structure provides specifically for sound checks, but does not provide an upper noise limit for such activities. In our view, this has the potential to result in a significant adverse environmental affect, and as such we consider it appropriate to accept this submission in part to resolve that issue.

Decision PC-8/8.7

It is our decision to:

- (i) **accept in part** the submission of **PC-8-83** by making the following amendments to the plan change:

- (a) Amending Rule 21.5.3(iii)(f) as follows:

Amplified music for the purpose of sound checks which exceeds the noise limits specified by Rule 21.5.3 (ii) but does not exceed the noise limits outlined in Rule 21.5.3(iii)(a), shall be permitted provided that...

Reasons for Decision

- (i) The amendments provide additional clarity in terms of the meaning of the Plan provisions.

10.5 Stop the Stadium (PC-8-84)

Submitter	Decision Sought	Further Submission
PC-8-84	<ul style="list-style-type: none">Amend the introduction to reflect the negative effects of the stadium on the remainder of the cityCampus Joint Ventures should be provided for as a permitted activity in Rule 27.5.1(i)The inclusion of exhibition and spectator event activities and conference and meeting activities as permitted activities in the zoneThere is uncertainty regarding the interdependence of the stadium and commercial offices and retail activities.The difference between the subparagraphs in Rule 27.5.2(v) is not clearIncreased specificity in terms of colour of the building should be included in Rule 27.5.2(v)(a)There is a cross referencing error in Rule 27.5.2(v)(b)It is unclear how the maximum height of the building will be determined in Rule 27.5.2(v)(c)It is unclear whether Rule 27.5.3 would permit the construction of a carpark building in the Stadium Parking AreaIt is unclear whether Rule 27.5.4 applies to the Stadium Parking Area, and may allow more development than is envisagedCampus open space should be permitted throughout the Campus zoneThe definition of campus service activity is loose and open to interpretationRestaurants should not be permitted within the Campus ZoneRule 12.5.2(iii)(b) is inequitable in terms of exempting campus service activities from carparking requirementsResidential and commercial residential activity should not be permitted within the Stadium zoneLeith Access area should not be dealt with by way of Plan rulesRule 19.5.8 could result in visual clutterNoise will be a negative effect within the Noise Control Boundary indicatedMonitoring the building design in accordance with the Urban Design Protocol is unclearEngineering riskSite ownership and management is unclearEffects on the Tertiary Campus Plan	PC-8-F161, PC-8-F199, PC-8-F201, PC-8-F207

[78] Mr Brian Miller, Mr Keith Mattingly and Mrs Beverley Butler presented their submission at the hearing. We note that while the submission clearly indicated a list of specific concerns with the provisions of the Plan Change, the submitter did not call evidence that dealt specifically with these issues. Accordingly, and in the absence of any

further consideration by the submitter, we prefer the evidence presented by Mr Freeland, on behalf of the Council. In response to the points included in the submission, he commented as follows (in italics). Where we have additional comments to make, they are shown in plain font.

- ***Amend the introduction to reflect the negative effects of the stadium on the remainder of the city***

The proposed Plan Change seeks to enable the establishment of the proposed Stadium. The provisions of the Plan Change seek to ensure that the effects of this proposal are acceptable. Given these considerations, and in light of the fact that the introduction provides a narrative to the proposed Plan Change only, and does not hold any statutory weight, I do not consider the requested amendment necessary or appropriate – it does not promote any resource management purpose.

- ***Campus Joint Ventures should be provided for as a permitted activity in Rule 27.5.1(i)***

The submitter makes a valid point in respect of this matter, as an appropriate fall-back position should be adopted for the Stadium Zone in the event that the stadium development itself does not go ahead. To reflect this, industrial activities that comply with the provisions of the Industrial 1 Zone are provided for in the zone as a discretionary unrestricted activity. Campus joint venture activities are defined as “the use of land or buildings for the purpose of undertaking industrial activity by joint venture partnerships where at least one partner is a Campus Constituent Institution with a substantial interest in that venture.” In my opinion, it would be appropriate to provide for campus joint venture activities in a similar manner, as their establishment in this area would be consistent with the buffer area that the Stadium Zone forms between the Campus and Industrial 1 Zones.

We agree with Mr Freeland’s comments, and have amended the Plan Change accordingly.

- ***The inclusion of exhibition and spectator event activities and conference and meeting activities as permitted activities in the zone***

The submitter is concerned that the inclusion of these activities within the Stadium Zone should mean that they are also included or excluded from other zones throughout the City, and that the Plan Change does not include this as a consequential change. Because of the structure of the District Plan, the very inclusion of these activities as permitted activities within the Stadium Zone excludes them from other zones as a non-complying activity, by virtue of the inclusion of the “catch all” rule relating to non-complying activities in all zones. In my opinion, therefore, the relief sought by the submitter is not necessary, as it would create an unnecessary duplication of the rules relating to this.

- ***There is uncertainty regarding the interdependence of the stadium and commercial offices and retail activities.***

The submitters concerns are not entirely clear in respect of this matter. The Plan Change requires a degree of interdependence between any retail and office activities and the stadium itself, and the terms identified by the submitter make that clear. Failure to meet this definition of “dependency” would render such activities non-complying in status, and they would therefore be subject to the most stringent tests contained in the Act. Research undertaken by Marketplace New Zealand Limited has reinforced the importance and acceptability of this required relationship. As such, in my opinion there is no amendment required in respect of this provision.

- ***The difference between the subparagraphs in Rule 27.5.2(v) is not clear***

Rule 27.5.2(v)(a) relates to the colour of all buildings within the Stadium Building Area. The rule would apply to any stadium building ultimately developed, but would equally apply to any other buildings within the area, providing an appropriate setting to the campus buildings within the adjoining zone. In my opinion, this rule assures a comparatively good urban design result.

Rule 27.5.2(v)(b) relates only to the design of buildings for spectator event activities (i.e. the stadium). It recognises that the bulk of the building may mean that it has different effects to any other buildings within the Stadium Building Area, and provides guidance as to the appropriate treatment of the exterior of the building.

In my opinion, no changes are necessary in response to this submission point.

- ***Increased specificity in terms of colour of the building should be included in***

Rule 27.5.2(v)(a)

In my experience, highly prescriptive policy documents that identify perceived suitable colours specifically for development are ineffective, and have the effect of restricting opportunity and preventing innovation in design. The Plan Change as notified provides specific guidance in respect of the suitability of colour and design, however does not take the step of identifying suitable colours. In my opinion, this approach is more suitable than imposing a rigid framework around the design and appearance of the building.

We consider that such requirements are more relevantly suited to a resource consent application, where such requirements can be specified by way of a condition. Based on the evidence we heard over the course of the hearing, however, we do not consider that the colour of the building will likely have any significant impact within this receiving environment, and as such we consider the amendment sought unnecessary and inappropriate within the Plan Change context.

- **There is a cross referencing error in Rule 27.5.2(v)(b)**

The submitter is correct that there is a cross referencing error in this rule. In my opinion it would be appropriate to amend this rule as follows:

- *Colour in accordance with Rule 27.5.2(viii)(a)*

- **It is unclear how the maximum height of the building will be determined in Rule 27.5.2(v)(c)**

The maximum height of the buildings within the Stadium Building Area will be determined in the same manner as all other buildings within the City. The definition of height contained in the District Plan is "the vertical distance measured from any point on the ground level to the point directly above it. Ground level is defined as the ground level existing immediately before the commencement of site works for a project." Maximum height will therefore be measured from existing ground level to any point directly above it. The minimum floor level must fit within that maximum height. In my opinion, no amendments are necessary in respect of this submission point, as the issue is clear when considering the definitions included in the existing District Plan. I also note that this approach is largely consistent with the approach that was taken in the notified Dunedin Harbourside Plan Change.

- **It is unclear whether Rule 27.5.3 would permit the construction of a carpark building in the Stadium Parking Area**

Rule 27.5.3 would not preclude the establishment of carpark building within the Stadium Parking Area. The performance standards included in Rule 27.5.2 would apply to any such building, in combination with the standards articulated in the Transportation Section of the Plan.

- **It is unclear whether Rule 27.5.4 applies to the Stadium Parking Area, and may allow more development than is envisaged**

Rule 27.5.4 applies to the Stadium Zone as a whole. The activities listed in the rule apply throughout the zone, however a resource consent would be required for any of these activities as a discretionary activity where the Council's discretion is not limited. In my opinion, this is an appropriate mechanism to be employed in a Plan Change, which is being sought in the absence of a defined proposal. While the Carisbrook Stadium Trust has consulted on a specific design, I understand that that design is not suitably advanced to enable the consideration of these matters at this time. The Plan Change provides an appropriate response in respect of this.

- **Campus open space should be permitted throughout the Campus zone**

I agree that Campus Open Space could be applied as a permitted activity throughout the Campus Zone. The rule has, however, been included in the Plan Change to reflect the extension of the Campus Zone only, with particular reference to the proposed Stadium Zone. As I have set out above, the decision has been made to not amend the Campus Zone provisions beyond the level required to provide for the activities proposed. In my opinion therefore, the issue identified by the submitter would be more appropriately dealt with by way of the general Campus Zone review, which is presently being considered by the Council's policy planning team.

We agree that provision for campus open space is desirable throughout the Campus Zone, however note that the Council is seeking to undertake a review of the Campus zone in the near future. We would anticipate that matters such as this can be suitably

addressed at that time. The only campus-wide changes that we have made to the Plan at this stage seek to recognise the existing development patterns that exist within that area. Provision of campus open space is not as critical as those other changes that we have determined to be appropriate, and as such we have not made this change at this time. We note, however, our preference for the Council to commence work on the review of the Campus Plan provisions promptly, as this hearing process has identified a number of matters that will require consideration.

- ***The definition of Campus Service Activity is loose and open to interpretation***
The definition of Campus Service Activity is “the use of land or buildings for the purpose of providing administrative or technical support for one or more Campus Constituent Institutions.” It is proposed to add “or for supporting the health and welfare of that community” to the end of the definition. This addition seeks to provide for a range of activities that presently service the Campus area, and which may relocate to the Campus zone extension, such as student health or Unipol. The definition is consistent with other definitions in the plan which do not appear to be loose and open to interpretation, and as such I do not consider that any amendment of the definition is necessary.

- ***Restaurants should not be permitted within the Campus Zone***
I have dealt with this issue above in response to submission PC-8-11b. I note that there are already a number of “restaurant activities” occurring within the wider Campus Zone, and that the intent is that these will also be provided for within the Campus extension.

- ***Rule 12.5.2(iii)(b) is inequitable in terms of exempting campus service activities from carparking requirements***

Mr Gamble has considered the proposed parking in his evidence. I concur with his views in this regard.

We note that while a considerable number of submissions dealt with proposed carparking provisions, this did not provide any commentary in respect of the provisions applicable in the Campus Zone. We note Mr Gamble's expertise in respect of this matter, and adopt his evidence accordingly.

- ***Residential and commercial residential activity should not be permitted within the Stadium zone***

Residential and commercial activity is not permitted within the Stadium Zone, either within the Stadium Zone Plan provisions, or within the proposed changes to the subdivision section of the Plan.

- ***Leith Access Area should not be dealt with by way of Plan rules***

The changes proposed to the Plan in respect of the Water of Leith include the creation of a Leith Access Area, and the deletion of the requirement for an esplanade reserve along the northern bank of the Water of Leith (Rule 18.5.4). It is difficult to see a manner of providing for this public access along the north bank of the Leith without the inclusion of specific provisions in the Plan.

I believe that the creation of the Leith Access Area and associated rules ensures that pedestrian access along this section of the Water of Leith will be maintained, and is superior to the esplanade reserve provisions that can only be utilised upon subdivision of the land which may not take place for some time to come, if at all.

- ***Rule 19.5.8 could result in visual clutter***

It is unclear how the proposed rule will result in visual clutter. The zone is large, and the rules have been drafted in such a manner to deal with the zone as a whole, whereas the signs rules already contained within the Plan are on a site by site basis. In effect, while the number of signs permitted by the rule may be greater than would usually be anticipated, it is important to recognise that these rules relate to the zone as a whole. As such, I am comfortable with the format of the rule, and am confident that visual clutter will not eventuate within this receiving environment.

- ***Noise will be a negative effect within the Noise Control Boundary indicated***
Mr Trevathan has dealt with this issue in some detail in his evidence, and I concur with his views.

- ***Monitoring the building design in accordance with the Urban Design Protocol***

is unclear

The visual bulk of the building could have an adverse impact if suitable controls on its design and appearance are not imposed, and the performance standards included in the Plan Change provide a degree of this control. Working in tandem, and in light of the comments I made in response to submitter PC-8-44, I consider that the monitoring of the design of the buildings within the Stadium Zone in accordance with the Urban Design Protocol and the performance standards proposed will avoid such an adverse effect.

- **Engineering risk**

Issues in respect of this matter have been covered in the evidence of Messrs Hamilton and McLeod. From a planning perspective there remains little comment beyond noting that I am satisfied that the effects of these issues have been adequately considered and mitigated

We agree with Mr Freeland that the expert evidence provided dealt suitably with these issues.

- **Site ownership and management is unclear**

In my opinion, this is not a matter of relevance to the Plan Change. Any party can develop a site in accordance with the applicable zone provisions at the time – who owns or manages the site is not relevant, only the environmental effects of undertaking that activity.

- **Effects on the Tertiary Campus Plan**

The Tertiary Campus Plan was prepared in 1980, and I would tend to now consider it outdated. In September 2008 a Tertiary Precinct Development Plan was prepared, seeking to replace this earlier plan and to guide the development of Dunedin's tertiary precinct. I would tend to describe it as an action plan, as it sets out a mission statement for the plan as a whole as follows:

To contribute to the creation of a quality, sustainable campus environment and a vibrant tertiary precinct, ensuring Dunedin's place as the Education Capital of New Zealand.

The Plan also identifies a number of objectives. The Plan includes reference to the realignment of State highway 88, and notes that the Campus Zone boundaries included in the District plan require review. Given these considerations, it is difficult to understand how the proposed Plan Change could be considered to have an adverse impact upon the Plan.

[79] We also note that the submission indicates a concern that the provision of campus open space within the campus extension area does not appear to be linked to development occurring in accordance with the Plan provisions. We concur that failure to provide such a link could result in this aspect of the development not occurring, and we propose to include plan provisions to ensure that this is effected.

[80] Based on the considerations outlined above, we consider that the submissions from Stop the Stadium Incorporated should be accepted in part.

Decision PC-8/8.8

It is our decision to:

(i) **accept in part** submission **PC-8-84** and further submissions **PC-8-F161, PC-8-F199, PC-8-F201, and PC-8-F207** by making the following amendments to the plan change:

(a) Providing for Campus Joint Ventures as a discretionary activity within the Stadium Zone as Rule 27.5.4(iv)

(b) Correcting the cross referencing error in Rule 27.5.2(v)(b) to refer to Rule 27.5.2(v)(a)

(c) Deleting proposed Rule 12.5.1(v) and including in Rule 12.5.2(v)

Within that part of the zone bounded by Anzac Avenue, Union Street and the Stadium Zone:

	i <u>No less than 3000m² of contiguous Campus Open Space shall be provided</u>
	ii <u>Campus Open Space shall have frontage to Anzac Avenue</u>
	iii <u>Campus Open Space shall be capable of containing a 50 metre diameter circle</u>
(d)	Including in Rule 12.5.4(i) <u>Any permanent building located within the required Campus Open Space area. The Council's discretion is restricted to efficiency and effectiveness of pedestrian access and egress for the activities occurring within any adjoining Zone, and the contribution the space continues to make to the amenity of the area.</u>
(e)	Amending Rule 12.5.5(iv) as follows: <u>Campus Open Space, other than that within that part of the zone bounded by Anzac Avenue, Union Street and the Stadium Zone.</u>
Reasons for Decision	
(i)	The amendments provide additional clarity in terms of the meaning of the Plan provisions.
(ii)	General opposition to Plan Change 8 is noted.

10.6 Otago Regional Council (*PC-8-94*)

Submitter	Decision Sought	Further Submission
PC-8-94	Inclusion of rules as follows: <ul style="list-style-type: none"> • A new rule requiring testing for site contamination, and remediation as required • Provide for access along Leith Access Area by ORC for maintenance as a permitted activity • Clarify terminology regarding Otago Datum 	PC-8-F177

[81] We have dealt with the contaminated site issue above, and determined that amendments in respect of this matter are not necessary. The other two submissions points do, however, require some consideration.

[82] In terms of access along the Water of Leith, while access for such works is provided for by way of a formal easement on the certificate of title for the site, we agree with Mr Freeland that its inclusion as a permitted activity within this area of the Stadium Zone would be a more transparent method of providing for the outcome.

[83] In terms of the final submission point, we agree with the submitter that reference to the datum should be amended to clarify the level specified. Additionally, we consider that the pitch level of any stadium development should not be excluded from this minimum floor level, and as such determine that the rule should be amended in this regard also.

Decision PC-8/8.9

It is our decision to:

- (i) **accept in part** the submission of **PC-8-94** by making the following amendments to the plan change:
- (a) Amending Rule 27.5.1(iii) as follows:
- a. Pedestrian access ~~only~~

b. Construction Activities, limited to those associated with authorised maintenance of the Water of Leith

(b) Amending Rule 27.5.2(v)(c) as follows:

All buildings, ~~excluding the pitch~~, shall have a minimum floor level of 103.7 metres above Otago Metric Datum.

(ii) **reject** the further submission of **PC-8-F177**.

Reasons for Decision

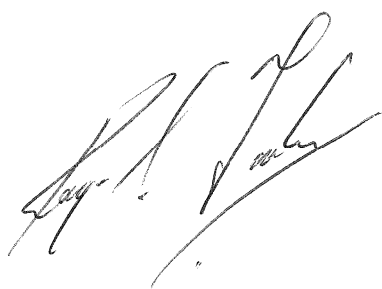
(i) The amendments provide additional clarity in terms of the meaning of the Plan provisions.

11.0 CONCLUSION

[84] In summary, we were satisfied that in broad terms proposed Plan Change 8 provides a suitable response to the issues and environmental effects associated with the proposed stadium development.

[85] Over the course of two weeks, we heard from a variety of submitters both in support and in opposition to the proposal. We also heard detailed expert evidence presented on behalf of the Dunedin City Council, as proponent of the Plan Change, and expert planning evidence from Mr Andrew Henderson, acting on behalf of a number of submitters who oppose the stadium. All of those views, along with those of submitters who elected not to speak at the hearing, were taken into consideration. While a number of submitters raised issues beyond our mandate acting as commissioners sitting under the Resource Management Act 1991, all parties are to be commended for their proactive and helpful approach to presenting their cases.

[86] Given the matters raised above, we therefore confirm proposed Plan Change 8, subject to the amendments made above.



Commissioner Roger Tasker (Chairperson)

Commissioner John Lumsden

Commissioner John Matthews

Dated the 8th day of January 2009