

Notice of appeal to Environment Court against decision on proposed policy statement or plan or change or variation.

Clause 14(1) of Schedule 1, Resource Management Act 1991

To: The Registrar
Environment Court
Christchurch

I, Craig Werner, trustee, treasurer and acting for and as The Preservation Coalition Trust, #2672271, (Successor organization to The Harboursides and Peninsula Preservation Coalition, HPPC) appeal against a decision of The Dunedin City Council on the following plan:
District Plan (Decision Version) released on November 7, 2018.

We made a submission on that Plan.

We are not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.

We received notice of the decision on November 7, 2018.

The decision was made by The Dunedin City Council.

The decisions that we are appealing are included in the following sections of the Dunedin District Plan, Decision Version released on November 7, 2018:

- Strategic Direction
- Natural Environment
- Rural Zone
- Rural Residential
- Map Section Plan Provisions

Interpretation

"Plan" means:	Decision Version of the Dunedin District Plan released 07.11.18
"operative plan" means:	The operative Dunedin District Plan 2006.
RR1 means:	The Rural Residential 1 Zone
RR2 means:	The Rural Residential 2 Zone
DCC means:	Dunedin City Council
SNL means:	Significant Natural Landscape
ONF means:	Outstanding Natural Feature
ONL means:	Outstanding Natural Landscape
MSS means:	Minimum Site Size
NZCPS means:	New Zealand Coastal Policy Statement
CMA means:	Coastal Marine Area
CE means:	Coastal Environment

Relief Note:

In addition to the specific appeal relief points sought herein, we also seek any additional changes which are required to the text or the maps of the Plan to give effect to the relief sought in this appeal.

Natural Environment:

The decision we are appealing is:

Rule 10.3 Performance Standards for development within the Natural Environment.

(Note that for this appeal point and others that follow which are based on a new, additional proposed Plan provision point, the decision provision number can only be the number that represents the heading number of that relevant Plan section.)

The Grounds and reasons for the appeal:

The matter the Rule 10.3 decision excludes is a performance standard to contribute to avoiding, remedying and mitigating buildings and structures in visually and naturally sensitive landscapes, a screening provision is sought. We are appealing for its inclusion.

“Resource Management Act 1991 (RMA)” Section 6 (a) and (b)
New Zealand Coastal Policy Statement (NZCPS) Objective 2, Policies 1, 13, 14 and 15

The performance standard rules, such as of Plan Section 10.3 and 16.6 are insufficient to ensure any built development is appropriate in the Landscape and Coastal Overlays to the Rural Zones, including the Hill Slope Zone, and the Rural Residential Zones. In considering attributes of, and effects on, the coastal environment and the coastal landscape, the CMA must be addressed. Therefore, we submit that the provisions do not adequately address RMA Section 6 (a) and 6 (b), nor NZCPS Objective 2, Policies 1, 13, 14 and 15.

“Plan Decision Version”

“Objective 10.2.3 Areas of outstanding natural coastal character (ONCC), high natural coastal character (HNCC), and natural coastal character (NCC) are protected from inappropriate use and development and their values, as identified in Appendix A5, are maintained or enhanced.”

“Objective 10.2.5 Outstanding Natural Features (ONFs), Outstanding Natural Landscapes (ONLs) and Significant Natural Landscapes (SNLs) are protected from inappropriate development and their values, as identified in Appendix A3, are maintained or enhanced.”

Plan Section A.7 Rural Character Values for 7.5 Hill Slopes, 7.6 Coastal, and 7.7 Peninsula Coast Rural Zone includes the value of “predominance of natural” or “visual dominance of natural elements” over human-made elements such as buildings.

We seek the following relief:

We seek improved provisions including adoption of a new performance standard for building and structure screening in the SNLs, ONLs, SNFs and the Hill Slope Rural Zone. This standard is proposed be drafted through landscape architect and planners' caucus. The performance standard will be guided by our original submission provision point 16.6.14, included in Attachment 3 as an example of the rule format and scope.

(In line with the 2GP Hearings Panel (the 'Panel') assigning this submission issue to the Natural Environment section, it is re-numbered as Rule 10.3.7, Building and Structure Screening in Attachment 3.)

Rural Zone:

The decision we are appealing is:

Rule 16.7.4.1.d The Hill Slope Rural Zone minimum site size density standard. 15 ha Development. 25 ha Subdivision.

Grounds and reasons for the appeal:

The area delineated as Hill Slope Zone contributes to the important natural landscape setting of urban Dunedin and the grand Otago Harbour landscape. The attributes of the rural coastal landscape to which the zone contributes, particularly the naturalness, ruralness, spaciousness, experienced in the peri-urban context as generally having a non-built rural amenity character with cultured naturalness, is vulnerable to adverse effects from further residential density.

"RMA Section 6 (b), Section 7 (c)"

This section of the Act provides for protection from inappropriate subdivisions, use and development. Our appeal point in the following "Maps Section" calling for ONL expansion encompasses the area of this Hill Slope Zone, recognized as a scenic backdrop to the city. The MSS proposed in the Plan constitutes 'inappropriate' development in an ONL that functions as a scenic landscape city backdrop. The Plan Decision also fails to maintain this amenity factor served by the Hill Slope Rural Zone.

"RMA Section 32"

Requirement for consideration of alternatives is not fulfilled.

Page 20 of the DCC Section 32 report considers the Hill Slope Zone MSS (minimum site size) with criteria for 'character and amenity' including "Landscape value as a rural backdrop to urban areas." The proposed MSS was set at 15 ha. However, the 15 ha size has been the MSS in the regular Rural zones of Dunedin for the past 30+ years. These regular Rural zones of today, some quite remote, serve no function as an urban backdrop, of course. Therefore, MSS alternative analysis would have been required to have as an MSS starting point an area considerably in excess of 15 ha, with a complete assessment of pros and cons.

We seek the following relief:

We seek a 40 ha MSS for the Hill Slope Rural Zone.

Maps Section, Appendix 3:

The decision we are appealing:

The location, distribution and size of the Landscape Overlays, and the extent of the mapped Coastal environment.

Grounds and reasons for the appeal:

RMA s.6 and s.7 and NZCPS Policies 13 and 15 have been inadequately addressed.

The Landscape and Coastal Overlays do not adequately identify and assess the natural features, natural landscapes or natural character, do not address the CMA nor adequately clarify which areas are or are not within the coastal environment.

We seek the following relief:

1. Reclassifying the Plan's landscape overlay zones per Map, Attachment 2, expanding the ONL and reducing the SNL around the Otago Harbour environs, delineating the coastal environment and including the CMA, and revising the associated values (Appendix A). Revising the coastal overlays, including their values, and addressing the CMA.
 2. Delete the word 'generally', so Plan Policy 2.6.1.5.c.iii at the end reads ".....avoiding the application of new rural residential zoning in ONF, ONL and SNL overlay zones."
 3. Delete the word 'generally', so Plan Policy 2.6.1.5.c.iv at the end reads ".....avoiding the application of new rural residential zoning in ONCC, HNCC and NCC overlay zones."
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Maps Section, continued:

The decision we are appealing is:

The Plan's Mapped Zones and related Plan provision points

We appeal:

- the Plan's mapping decisions on the degree of expansion to the operative plan's rural residential zone (RR1) and the location and size of the new RR2 zones,
- the Plan text relating to those mapping decisions which are RR zone descriptions in provision points 17.1.1.1 and 17.1.1.2 and,
- provision point 2.6.1.4.a regarding the creation of new RR zones if there is a shortage of sites
- Mapping decisions for Large Lot Residential 1 and 2 and Low-Density Residential Zones
- Mapping decisions for the Residential Transition Overlay Zone

Grounds and reasons for the appeal:

Resource Management Act (RMA) Section 6 (a) and 6 (b)

The Plan fails to preserve the natural character of the coastal environment margins protecting them from inappropriate subdivision, use and development.

The RMA, in the sections cited, requires that:

"Section 5

2.a Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generation."

The Plan's mapping of the RR1 and RR2 zones results in a land use decision that fails to adequately sustain the productive potential of the land natural resource to meet the reasonably foreseeable food production needs of future generations.

"Section 7

b. The efficient use and development of natural and physical resources."

The Plan's mapping of the RR1 and RR2 zones results in a land use decision that fails to have regard for the efficient use and development of the natural resource in terms of either housing requirements or rural production.

"c. The maintenance and enhancement of amenity values."

The Plan's mapping of the RR1 and RR2 zones results in a land use decision that fails in the maintenance of the natural character and amenity values of the broad, outstanding Otago Harbour area landscape.

“f. Maintenance and enhancement of the quality of the environment.”

The Plan’s mapping of the RR1 and RR2 zones results in a land use decision that fails in the maintenance of the environment especially in regard to native fauna. It also fails to recognize that the landscape, spaciousness and amenity, as elements taken together, are important for the quality of the environment.

“RMA Section 32” The requirement for consideration of alternatives is not fulfilled.

A valid S32 analysis would need to have cited the oversupply in existing Rural Residential zone areas as indicated in Council-sponsored reports, estimated the present capacity in the zone, and then assessed the pros and cons of the status quo alternatives. Therefore, the DCC is in violation of RMA Section 32.

NZCPS Policies 13 and 15

The Plan fails to preserve the natural character of the Coastal Environment and fails to protect natural features and natural landscapes from inappropriate subdivision, use and development.

“The Regional Policy Statement for Otago 1998” requires districts to comply with the following:

Objective 5.4.1 To promote the sustainable management of Otago’s land resources in order:

- a. to maintain and enhance the primary productive capacity and life supporting capacity of land resources,*
- b. to meet the present and reasonably foreseeable needs of Otago’s people and communities.”*

The Plan’s mapping of the RR1 and RR2 zones results in a land use decision that fails to maintain productive capacity and meet Otago’s foreseeable need.

“2015 Proposed Regional Policy Statement for Otago”

“Policy 4.3.1 Manage activities in rural areas to support the region’s economy and conservation by:

- d. Minimizing the subdivision of productive rural land into small sites that may result in rural residential activities.”*

Some small sites targeted by DCC for new Rural Residential zoning had already been created by the DCC’s Subdivision (capital ‘S’) process. However, the proposed expansion of this new RR1 and RR2 zoning into Rural zoned areas is the dividing (sub-dividing, if you will) of a Rural zoned area from the main Rural zone expanse. The Plan’s mapping of the RR1 and RR2 zones results in a land use decision that creates far more than the minimum number of new RR2 zoned areas and more than the minimum expansion of RR1 zone areas needed to meet only the requisite demand of the Plan period’s 15-year duration.

“DCC Spatial Plan 2012”

“Policy ESR 2 (b) Prevent development which might threaten areas of high biodiversity or ecological value.”

The Plan’s mapping of the RR1 and RR2 zones results in a land use decision that fails to treat as relevant the threat to local fauna that development causes. The precautionary principle would dictate that RR

capacity would only meet requisite demand with any expansions to occur in small incremental amounts in areas more remote to sensitive species.

Policy MEM1 (c) Manage the location and design of development in the rural environment to protect the character and landscape value of the rural environment.

The Plan's mapping of the RR1 and RR2 zones results in a land use decision that fails to preserve the character and landscape of the Otago Harbour area.

"Plan Decision Version"

"Policy 2.6.1.4 Apply new rural residential zoning only where:

a. there is a demonstrated shortage of rural residential land for lifestyle farming or hobby farming."

The Plan's mapping of the RR1 and RR2 zones results in a land use decision that does not apply new rural residential zoning only where there is a demonstrated shortage.

An additional reason for this appeal is to maintain Dunedin as a compact city, to minimize sprawl and 'leap frog' development, and to retain residents' social well-being and expectations of incremental, measured zoning to be staged and sequenced. The zoning should be limited now to sites adjacent to urban/townships, with zoning expanded only when there is evidence of demand exceeding supply. Rural Residential zoning is to be 'minimized'.

We seek the following relief:

1. Recognition that zone expansion must be sequenced and staged with strict adherence to the RPS policy to minimize the division/conversion of rural land to small sites that may result in rural residential activities.
2. **Rural Residential 2** For sites within all of the Plan's RR2 Zones, the deletion from the new RR2 zoned areas those sites with:
 - site soil quality not meeting the 'productive' benchmark (see Attachment 5), or having,
 - no boundary fully adjacent to a boundary of an urban/township Residential zoned property.

In addition to the above two bullet points, for sites on the Otago Peninsula, or on the land generally west of the Otago Harbour (as described in Map Attachment 2), the following additional relief is sought: Deletion of sites having,

- any portion visible from Highcliff, Castlewood, Camp Rd. or dwellings accessed from these roads, or any portion visible from either the Harbour Cone ONF, or the summit of Mt. Charles, regardless of the presence of natural or built visibility obstructions, or having,
- any portion visible, from North Rd., Norwood St., Cleghorn St., Corsall St., Clifton St., Upper Junction Rd., Mt. Cargill Rd., Blueskin Rd., Purakanui Rd., Heyward Point Rd., or dwellings accessed from these roads, or any portion visible from either Signal Hill, or the Mihiwaka summit, regardless of the presence of natural or built visibility obstructions.

3. **Rural Residential 1** For RR1 expansion adjacent to St. Leonards, which were additions to the operative plan's Rural Residential Zones, delete all sites per the four bullet point criteria above.
4. For sites on the Otago Peninsula, in or on the land generally west of the Otago Harbour (as described in Map Attachment 2), the following additional relief is sought:

Large Lot Residential 1 & 2 and Low Density Residential Deletion of these three Residential zones.

Residential Transition Overlay Zones (RTZ) Reduce the size of RTZ zones to include only vacant sites in the RTZ which have all of their boundaries completely shared with surrounding sites which are zoned Urban Residential in the operative plan. In other words, only cases where a site can achieve complete infill within residential zoning that totally surrounds the site.

5. The creation of a DCC long-term financially incentivised scheme to encourage the amalgamation of under 15 ha sites in the Rural Zone with larger adjacent Rural properties. A key feature of such a scheme would be the Council's provision of legal assistance to neighbouring undersized sites to amalgamate with each other prior to sale and further amalgamation with larger rural site owners.

I attach the following documents to this notice:

Attachment 1. A list of our original submission points and submissions to the Hearings Panel, with each followed by the relevant Plan decision.

Attachment 2. Map with the re-positioning of the landscape overlay zones, with recognition of the CMA

Attachment 3. Example Building and structure screening performance standard 10.3.7

Attachment 4. Notice of establishment of the successor organization to HPPC

Attachment 5. Soil Health

Attachment 6. Persons served a copy of this notice.

Application Fee Waiver

Appeal Fee On-Line Payment Confirmation

Signed: Signature on posted hard copy of this appeal Date: 19 December 2019
Craig Werner

Craig Werner (Trustee, acting for and as The Preservation Coalition Trust)

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Appeal to The Environment Court Against The Dunedin City Council Second Generation District Plan by The Preservation Coalition Trust

Attachment 1 Original Submissions & Council Decisions

(Note: The submission provision point numbers and decision numbers do not match. Council altered the numbering of the Notified Plan for the Plan Decision Version.)

C.10 Natural Environment

Our Original Submission: (Requested the addition of a new objective as follows)

16.6.14. NEW. Building and Structure Screening Performance Standard:

A building and structure screening report by a qualified landscape architect must be included in resource consent application for development in landscape and coastal overlays, in the Hill Slope Rural zone, and on Outstanding Natural features. This applies to property sites created by subdivision after _____, 2016, or purchased after that date.

The purpose of screening by vegetation is to make buildings and structures relatively difficult to see and to retain the dominance of the natural character of the specific portion of the site on which building and structures will be erected.

- 1. The building façades and structures requiring screening and the public viewpoints shall be identified.*
- 2. A minimum of 80% of the façade or structure shall be screened to achieve natural dominance.*
- 3. Preference will be given to planting of species native to Otago.*
- 4. Exempt from the screening standard are any façades of any buildings or structures, caravans, or any outdoor storage which remains in place for less than 30 days and each of these is exempt only if they are less than 1.5m wide in an ONL, ONF, ONCC, HNCC or less than 2.5m in width in SNLs and NCCs.*
- 5. Exempt from the screening standard is any structure under 0.25m in height in an ONL, ONF, ONCC, HNCC or under .05m in height in SNLs and NCCs.*
- 6. For this performance standard, caravans, outdoor storage and outdoor parking of more than five vehicles (excluding those of visitors to private residences or tradespeople) constitutes a 'structure' and shall be confined to one area and screened.*

Oral submission tabled document excerpt related to the 42A Report.

2GP PANEL HEARING – DUNEDIN CITY COUNCIL

Natural Environment and Rural (Landscape) Topics

Harbourside & Peninsula Preservation Coalition

Oral Submission – Part 2 15.06.17

42A Report Counterpoints

Note that the following numbers refer to the 42A Report.

Page 499-500 New Rule 16.6.1.14 Building/Structure Screening This new performance standard proposed by HPPC seeks to preserve our highly valued landscapes, while avoiding the obvious remedies of 80 ha. MSS proposed elsewhere, or a regime of unwieldy architectural controls. It is a compromise solution to the landscape amenity problem that results from the too few and too weak mitigation tools that have obviously in the past found favour with development applicants and their hired consultants. To our knowledge there has never been an unbiased assessment of the negative impacts on landscapes and it seems to us that both staff and some panel members will admit that past 'Plans' and consents have resulted in a poor outcome for Dunedin. All we at HPPC can do is hope that you consider building trends, have a good, honest look and consider our counterpoints to Mr. Moore's statements on 42A, page 500-501.

- To our knowledge, extensive screening planting has never been included in the past as a consent condition. This is because the consent process is applicant 'centric' and little heed has been given to the silent majority, Dunedin's current residents.
- It should be obvious that lifestyle rural living trends will continue and true working farm building clusters will be few or none. Even if they were all working farm setups, the MSSs, which are well under 80 ha., would lead to 'man-made' clutter being present, over 'natural' elements. This would become most obvious when the entire ONL overlay is fully developed to its limit.
- Screening exemptions for certain towers, and other unique structures, were not foreseen by our lay group, but can easily be incorporated into a new performance standard.
- Vegetation screening is, in our opinion, many times less artificial than any structures in the natural landscape sense. It also comports exactly with plan policies and acts which cite 'natural' or 'manmade' elements.
- Screening of building facades that is 'very difficult' (involves some cost), seems to be a minor reasonable lifestyle landowner contribution to public amenity. Much like exemptions for the towers mentioned above, thoughtful planning and consideration of factors such as sun access, will lead to well-crafted rules and standards.
- Mr. Moore's final concern is that screening might be imposed where it is not required. We would remind the Panel that the rule would apply only in overlays, well under 5% of the Dunedin area. Also, while this is largely a matter of aesthetics and value judgments, is it not reasonable to accept advances in public values? Is there not a recognizable trend in Dunedinites more clearly seeing landscape outcomes in Auckland and wishing to preserve our unique urban-rural contrast?

Council Decision:

Rule 10.3 Performance Standards

D.16 Rural Zone

Our Original Submission:

16.7.4.1.d. Minimize Site Size: CHANGE the minimum on the Hill Slopes Rural Zone from 25 ha. to *40 ha*.

Oral submission tabled document.

(23.02.17 Excerpt related to 42A report)

A. RURAL TOPIC - PANEL HEARING

- 447.93 Amend Rule 167.4.1.d so that the minimum size for new resultant sites in the Hill Slopes Rural Zone is 40 ha.
 - o The 42a Report insists that the MSS should reflect the average property size. This would only seem to be a valid factor if the planning intent was to insure that development occurring on most sites would be the standard 'average' case. Clearly other factors are more important.
 - o The 42a Report statement that "This is already a relatively fragmented zone, so difficult to argue for a large size on character and amenity basis" would only hold true if the majority of these fragmented sites were already developed/built upon rather than vacant.
 - o The 42a Report , bottom of page 292, repeats the assertion above without providing any supportive facts and figures.
 - o The 42a Report contention that the larger MSS proposal lacks a 'rationale' ignores that would be our proposal's resultant enhancement of rural character and amenity and the reduction of 'environmental' harm caused by negative visual impact.

Excerpt from same tabled oral submission document as above:

Better Landscape Protection – Benefits and Challenges

- To ensure that flora, fauna, and harbour health are not lost. On the plus side, perhaps even a home for Orokanui Sanctuary 'escapees'.
- Tourism that is underpinned by the enterprises focused on scenic beauty, wildlife and landscapes.
- Create a city 'where talent wants to live.' Great small city.

- Rural preservation assists in containing infrastructure costs.
- Secure a respite and an element of escapism for Dunedin citizens/homeowners as urban densification proceeds. (Embrace eco-psychology principles.)
- Recognition of the significant Dunedin asset that the Otago Harbour landscapes can become if preservation is planned. Then we can be well-differentiated from more intensely developed places like Auckland and Wellington harbours and slopes.
- The Otago Harbour landscape is at a tipping point in several places. The operative plan and the 2GP tone, along with 'transition zone' thinking, results in growth everywhere seeming normalsuburban Waverly crawling up the harbour, Mission Cove destroying settlement boundaries, structures on ridgelines and in the middle of extensively viewed scenic expanses of bush. Our sense of the trend is that as an area of harbour terrain approaches 5-10% coverage by structures, fence lines, road cuts, etc., it is impossible to have a personal 'story' connected to the natural landscape element, reflecting the permanence of our land. Instead, our likely thoughts regarding the developing tableau is that the harbour surrounds are just another piece of Dunedin land on its way to transition and suburbanization.
- The HPPC submission's emphasis is on landscape and coastal *overlay zones* rather than the *general Rural Zone* with few proposals for the productive general rural areas. However, we've recognized that just a few dozen more houses in those special landscapes can depreciate Dunedin's best natural aspects forever.

Council Decision:

16.7.4 Minimum Site Size

1. The minimum site size for new resultant sites is:

Rural Zone		Minimum <u>site</u> size
.	Hill Slopes	25ha

Maps Section Submissions

Our Original Submission:

2GP Maps – Recommended Amendments

Outstanding Natural Landscapes (ONL)

Otago Harbour ONLs

The iconic and historical harbour surrounds and slopes will need to be described as two recommended ONLsthe Otago Peninsula ONL (distinct from the Peninsula Coast ONL) and the Western Harbour ONL. What divides them, of course, is Dunedin Central City itself at the head of the harbour. Creation of these ONL overlay maps which supersede the 2GP SNL designation is the decision we wish the Council to make.

Otago Peninsula ONL – NEW

This area can be most generally described as extending from the end point of Ivanhoe Road (this is west of The Cove) to Tairoa Head and bounded inland by the Peninsula ridge high points. (This ridge happens to separate this subject ONL from the established 2GP Peninsula Coast ONL.)

Detailed Description:

- West Boundary: A line extending from Lawyers Head north through the present end point of Connell Street in Waverly, to the harbour edge.
- Other Boundaries: The inland boundary line of any Plan designated Coastal landscape management area. The water's edge, in the case of any Rural Zone land adjacent to the sea or harbour, and, if not designated ONCC, the entire Portobello peninsula. The upslope boundary line of all Residential Zone areas. (It is proposed that RR1 and RR2 are deleted and ONL.)
- It is recommended that an area extending from the Harbour, centred on McTaggart Street, be returned as a natural break between Macandrew Bay and Company Bay. A portion should be rezoned Rural and the area now includes a water treatment plant, a park reserve and a stream. Protection of this McTaggart area will serve to ameliorate the loss of the Mission Cove rural land to suburban development. It had once formed a beautiful natural break between village settlements.
- Zones excluded from our Overlay recommendations: Commercial, Industrial, Residential, Major Facility, Recreation and the three National Coastal Character Zones.

Western Harbour ONL Area – NEW

The area extends along the west harbour summits from the Signal Hill Memorial to Heyward Point.

Detailed description:

- SW to NE Boundary: A line connecting the Eastern edge of Ravensbourne to points 300m NW of the summits of Signal Hill, Mt. Cargill, Mt. Holmes, Mt. Kettle, Mopanui, and Potato Point.
- Other Boundaries: The inland boundary line of any Plan designated Coastal landscape management area. The water's edge in the case of any Rural Zone land adjacent to the sea or harbour. The upslope boundary line of all Residential Zone areas. It is proposed that RR1 and RR2 are deleted and become ONL, excluding the following zones:
- Zones Excluded from the overlay: Commercial, Industrial, Residential, Major Facility, Recreation and the three National Coastal Character Zones.
- Also excluded is the lower elevation basin that extends generally along North Road toward Sawyers Bay. This land, while not technically a 'basin' is not at all visible from the Peninsula high elevation points.

See Addendum 1: This will provide the context for the view we recommend and will give the full background of the reasons for this recommendation.

(Note: Addendum 1 is an integral component of the original submission. In addition to addressing the expansion of ONLs, it also highlights the failure of the DCC's foundation report on landscape by Boffa-Miskel, 2007, to adequately address the Harbour Coastal environment.)

Oral Submission Tabled Document.

(15.06.17 Excerpt Related to 42A Report)

Page 646-650 New Otago Peninsula ONL Zone

- We note that the 'Amended Pigeon Bay criteria' is a proper landscape assessment tool; however, applying this tool to distinguish between Significant and Outstanding landscapes remains, of course, a highly subjective matter.
- No doubt staff and Mr. Moore have, in the past, been significantly influenced by the Council's foundation Boffa Miskel landscape study that HPPC speaks to at length in our submission. That submission discussion points out, and is proof of the subjectivity of this matter, that the foundation Boffa Miskel report completely ignores the holistic character of the Otago Harbour and, instead, in perceived fashion, assesses the various individual bits of the Dunedin landscape.

- HPPC will be relying on court testimony of less commercially-oriented, letter-qualified landscape architecture experts, which may likely include those whose university doctoral work focused on the Otago Harbour.
- Mr. Moore cites: “Overall, I believe that the area is too modified and variable in quality to qualify as an ONL.”
 - Subjectively, we would say that this adds to the HPPC’s great concerns that many prized areas of Dunedin in 2017 are at the landscape impact tipping point.
 - Further, regarding ‘variation in quality’, this factor has been directly addressed by Judge Jon Jackson in his work cited in our submission appendix, where what has been termed the ‘wash over effect’ negates exclusion of a broader area from outstanding status simply because a few small, interesting bits of land are not of as dramatic a form as the bulk of the landscape.
 - The ongoing landscape ‘modification’ that is the direct result of the operative District Plan and would proceed under the 2GP is the REASON ACTION IS NEEDED. Although one might argue that Akaroa Harbour may someday be partially urbanized, the Otago Harbour circumstance is unique in our Nation. Auckland and Wellington Harbour surrounds are completely modified and no other New Zealand city possesses the deep reaching, conical geomorphology aspects of our own Otago Harbour.
- As Mr. Moore points out, and court cases support, RMA landscape evaluation is judged on inherent qualities and many outstanding areas of New Zealand will never be seen except by trampers and never have the enhanced access and visibility afforded by tourism. However, we feel that advancement in that sort of ‘nation-think’ should be anticipated as our judiciary expands its knowledge of and appreciation for somewhat modified and travelled sites recognized by UNESCO, for instance, and appreciated more broadly around the world.
- With regard our proposed Taieri Slopes SNL, Mr. Moore notes that”the hill country involved is not particularly memorable”. Here again, we would argue for an appreciation of the degree of visibility in the context of our current residents. For many living in Mosgiel suburbia, for instance, we would argue that looking up to those slopes from their gardens and from apartment windows in the future, will measurably enhance their quality of life.

Submission Addendums

The RMA outlines submission format requirements centre on making recommendations on each specific provision in a prescribed form. This long and tedious procedure fills the bulk of this submission document, but it fails to communicate the principles which drive our recommended amendments to the

Plan. As the principles can get ‘lost in the detail’, they have been outlined in narrative as submission addendums.

Addendum 1: Expand the Protection of Dunedin Landscapes

Protection of both the Otago Harbour and the Taieri landscapes should be expanded in large part because of the proximity of the larger centres of Dunedin population. Also, the importance of the Harbour landscape to tourism cannot be overstated as it has become an economically important Dunedin asset and will grow to be even more precious in the future.

Expansion of the 2GP Overlays is also recommended to assure the sustainability of amenity”those natural or physical qualities and characteristics of an area that contribute to peoples’ appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.” (RMA Part 1, Sec 2). This underscores the importance of human contact and perception. The importance of perception cannot be overstated as it will apply to the satisfaction of the majority of Dunedin people who will be living in our residential areas in the future. A key component of Dunedin’s approach to addressing future housing demand is by increasing the density in our residential areas. This may translate into smaller gardens and more views blocked by medium density, multi-story dwellings. We feel that a significant enhancement to Dunedin’s future quality of life will more and more depend on those living in denser enclaves being able to ‘lift their eyes to the hills’ where landscape values have been preserved on a larger scale than what we enjoy today. As Dunedin grows, landscape protection will become more necessary.

When any sort of land protection measures are overlooked or delayed, the continuous building and development in the natural environment precludes any chance of ever getting that precious land back in the future. Once developed, the land is that way forever.

The Otago Harbour area ONLs that we recommend generally encompass the Otago Harboursides area description in the DCC’s Boffa Miskel 2007 report. The landscape values identified in this report are ranked in or near the top category. High—Aesthetics and Amenity. High—Cultural and Historic association. Medium—Natural Factors and Legibility. However, we’ve been advised that several components in this last category are under-rated. It was also indicated that this last category should also be rated High, as the following overlooked factors should have been included:

- The Harbour ‘Watershed’ as a natural factor
- The extremely high legibility of not only prominent, individual volcanic landforms (which are mentioned) but more importantly of the entire remnant caldera of the extinct Dunedin volcano.
- The unifying present of the Harbour ‘commons’ which provide shared experiences of marine and bird life, weather patterns, water sport and boat traffic observation.

- The distinct traversable nature of nearly the entire Harbour foreshore which served the indigenous Maori, the Dunedin early settlers and today it represents, too, the exceptional tourism route of significant numbers of international visitors.
- These four values above are holistic and that is what the Boffa Miskell report has completely overlooked. Instead, it focuses just on separate, discrete features such as forest remnants, a salt marsh, and Quarantine and Goat Islands.

The protected landscape and coastal areas do remain living-working-farming areas. However, to properly protect them we feel that some strict performance standards on buildings and structures are necessary to preserve their significant and outstanding character. Outlining just the prosaic, common-sense standards such as setbacks, the 2GP follows on much the same as the current Plan. 2GP offers up only height and reflectivity standards and even these extremely limited and weak requirements can be easily side-stepped during resource consent assessment of 'minor' and 'contrary'.

The Harbourides and Peninsula Preservation Coalition makes no apologies for additional rules in a few special places. The Otago Harbour area proposed ONLs mount to less than 3% of Dunedin land area. Rules, of course, result in marginally higher construction costs and the presence of strict rules may reduce commercial demand for land in our significant and outstanding areas. Often these areas encompass native flora and wildlife or are proximate to natural areas. Lessened growth of population and activity in these areas is seen as an overall benefit to flora and fauna which appeals to our community group's conservation interest. With regard to tourism, protecting Peninsula and Otago Harbour landscapes is seen as especially crucial to that segment of Dunedin's future prosperity. Lonely Planet, the best-selling guide to New Zealand, lists 15 top experiences and that list includes the Otago Peninsula. Among highlights they include "discovering the laid-back charm along the quiet northern shore of Otago Harbour", and "Despite a host of tours exploring the Peninsula, the area maintains its quiet, rural air."

Would Auckland, Wellington and Christchurch love to have the equivalent of the Otago Harbour and Peninsula close to their CBD? Absolutely. Why risk depreciating one of Dunedin's best assets to house a few dozen extra families? What is the upside to that?

It's understandable that living only 15-25 minutes away from a city like Dunedin and yet being able to enjoy the scenery and the 'quiet, rural air' of the Harbour and Peninsula surroundings is highly valued. Therefore, it certainly seems fitting and acceptable to expect potential residents in Outstanding Natural Landscapes to properly restrain building size, the number of structures, make careful selection of building locations on a site and screen some parts of some buildings to help preserve the landscape.

Council Decision:

The 2GP Planning Map is provided as an electronic map, which is made up of the following four types of information: has four types of spatial mapping 'layers':

- **Zones** – This is the base or underlying zoning of your land, such as a rural or residential zone. All land is zoned.
- **Overlay zones** – These are additional management zones that include rules related to a particular topic, e.g. hazard or landscape overlay zones.

(Note: The overlay zones for Outstanding Natural Landscape and Significant Natural Landscapes, and the mapping of the 'Coastal Environment', shown on the Plan 'Planning Map' represent the Council decision that was made.)

Maps Section, Continued

Our Original Submission:

Objective 2.2.4: Compact and Accessible City

Policy 2.2.4.3.b: DELETE it all and ADD a new 'b' as follows: *b. Avoiding the creation of any new rural residential subdivisions where there is a capacity shortage of fewer than five sites available in Dunedin City. Use of existing undersized rural sites will not be enabled but they may become part of a demand-driven new rural residential zone area.*

Addendum 4: 2GP's New Rural Residential Zone Areas. See Addendum 4 below, page 12, for the fuller context and the issue's conceptual linkage to other 2GP provisions.

(Note: Addendum 4 is an integral component of the original submission.)

Council Decision:

Policy 2.6.1.4	Apply new rural residential zoning only where: a. there is a demonstrated shortage of rural residential land for lifestyle <u>farming</u> or hobby <u>farming</u> ;
-------------------	--

Our Original Submission:

17.1.1 Zone Descriptions

17.1.1.1 **DELETE** the following plan names intended for new RR2 or expanded RR1 zone areas: St. Leonards (a new patch of RR structures in the middle of rural landscape is a particularly negative impact); Three Mile Hill Road area; Abbotsford.

Addendum 4: 2GP's New Rural Residential Zone Areas. See Addendum 4 below, page 12, for the fuller context and the issue's conceptual linkage to other 2GP provisions.

(Note: Addendum 4 is an integral component of the original submission.)

17.1.1.2 Rural Residential Zone 2: OPPOSED

Addendum 4: 2GP's New Rural Residential Zone Areas. See Addendum 4 below, page 12, for the fuller context and the issue's conceptual linkage to other 2GP provisions.

(Note: Addendum 4 is an integral component of the original submission.)

Council Decision:

17.1.1 Zone Descriptions

17.1.1.1 Rural Residential 1 Zone

The Rural Residential 1 Zone occurs in a variety of locations, often in proximity to urban areas, that cater for demand for rural residential activity in different parts of Dunedin. The Rural Residential 1 Zone is elevated in some locations and provides a highly visible rural context for nearby residential and urban areas. This applies, in

particular, to the Rural Residential 1 Zone at Waitati, Sawyers Bay, Blanket Bay, St Leonards, Chain Hills, Saddle Hill, Blackhead and Scroggs Hill.

In other locations the Rural Residential 1 Zone is less elevated but still provides a rural or semi-rural context to adjacent residential areas, including at Waikouaiti, Abbotsford, Waldronville, Ocean View and Brighton.

The Rural Residential 1 Zone sometimes occurs on river plains, such as at Wingatui, Tirohanga Rd and Middlemarch. In these cases, the zone has a character that reflects the productive land on which it occurs, with an open pastoral setting. At Wingatui the Rural Residential 1 Zone has a settled and mature character, with mature trees and shelter plantings, and a diverse range of rural uses including hobby farming, horse grazing and horticultural uses.

17.1.1.2 Rural Residential 2 Zone

The Rural Residential 2 Zone typically occurs in coastal locations, or on hill slopes in proximity to urban areas. The Rural Residential 2 Zone recognises existing semi-developed clusters of small rural sites where there is already some rural residential activity, and provides for one residential activity per existing site.

Addendum #4: 2GP's New Rural Residential Zone Areas

The 2GP policy establishing new rural residential zones in what was once rural land is in direct conflict to several key facts, openly stated and acknowledged by 2GP documents and Council supporting research found under the 2GP website 'Supporting Material' section. These are:

1. "Special Zoning Report – Rural Residential Zones".

2.0 Small Rural Sites

Six points are made in this report referenced by the 2GP that indicate the key issues to be considered when evaluating development on small rural sites. Five of the six points highlight negative reasons for allowing development on small rural sites, including:

- a. Rural Productivity – lifestyle block 'spread' displacing traditional farming activities.*
- b. Land fragmentation*
- c. Rural character and amenity – change or loss of rural environment*
- d. Reverse sensitivity – increase in nuisance complaints from residents surrounding rural practices (noise, dust, odour, etc.)*
- e. Pressure of infrastructure.*

The only positive point offered above regards landowner expectations and their ability to undertake rural activities on smaller sites. However, even this point is offset or even negated when one considers that *current* land owners have a long-term residential 'identity' and an expectation of elected officials and Council staff upholding zoning rules that were relied on when property was purchased. (See recommended Objective 2.3.4, and Policies 2.3.4.1 and 2.3.4.2)

2. **"DCC Residential Study 2007, DCC Residential Capacity Study 2009, and DCC Residential Capacity Study 2013."**

The 2009 and 2013 DCC sponsored reports reviewed the earlier 2007 study and ALL THREE studies conclude that *"there is still around 50% capacity in the rural residential zones."* The 2007 study went on to say: *"....it would seem unlikely that any changes are needed to the rural residential sections of the District Plan."*

3. **2GP's Strategic Direction: 2.2.4.4.a**

The Strategic Direction section 2.2.4.4.a of the proposed 2GP clearly states: *"Avoid subdivision that provides for residential activity of a fundamentally different type than provided for in the various zones through: a. rules that prevent rural residential or urban-scale residential living in rural zones."*

The 2GP introduction to Rural Residential (RR) Zones, D.17.1, does not describe why more Rural Residential Zones have been added to Dunedin. And, there is no reason given for a potential increase in the density of Rural Residential 1 land under Rule 17.5 Land Use Performance Standards, 17.5.2 Density which allows a single residential unit to be erected on an existing site that is between 1 and 2 ha. This significantly increases the density of the RR1 Zone. There is no rationale provided for ignoring the Council's own capacity studies, which clearly indicate there is sufficient capacity in existing Rural Residential zones and no additional RR zones are needed.

The previous Dunedin City Council of the mid-1990's drew up the boundaries of the Rural Zone that would make geographic sense and best serve Dunedin. Many existing title allotments that were well under the minimum site size (MSS) for the Rural Zone fell into that new zone. That was unfortunate for the people wanting to build or sell that land for development, but it was the right thing for Dunedin's future generations. There is little current population pressure here now and we should only make small, gradual changes to the zoning decisions of the previous Council. Many families from Portobello to Abbotsford have made house location and life decisions based on this earlier established zoning. MSS changes driven

by revised zoning should only be considered in situations with no alternatives and those of extreme importance. A 'legacy exception' should be made, in fairness, to the farmer descendants who own allotments sized between 2 ha. and the current minimum 15 ha. where the allotment has continuously been in the family and where the property was subdivided at least two generations ago. Under the old District rules at that time, 'grandfathers' might have been prudently looking to provide for the children.

Why is it necessary to allow all small sites to be developed under the umbrella of these new RR zones when the 2GP and Spatial Plan both strongly emphasize the need to minimize residential development in the Rural Zone? Our view is that unless there is a compelling rationale, there should be no change to or expansion of Dunedin's Rural Residential zoning. Several new Rural Residential zone areas are proposed in the 2GP in order to overlap those under the Minimum Site Size Rural lots. Why? So that they might be developed? And why? And what might that development mean in terms of an increase in new structure numbers?

The potential number of new structures that will result from 2GP's addition of several new Rural Residential Zones will be driven by two effects:

1. The populating of all the allotments that are sized between 1 or 2 ha. and the old 15 ha. limit. (This, however, only represents the 'thin edge of the wedge'.)
2. Further subdivision. Now, although the 2GP makes further subdivision in the RR zones a non-complying activity, many subdivisions can readily take place through the resource consent process.

The RR subdivision consent applications that will be approved by Council will very likely be an extremely high percentage indeed. One only need look at the history of consents issued for NC subdivision and land use of properties below the Rural 15 ha. MSS. Per DCC ... "Around 19 new dwellings per annum are consented on rural sites less than 15 ha." (Ref. 2) In the Council consideration of these applications, the RMA Sec. 104D hurdles of 'not more than minor effects on the environment' and 'not contrary to Objectives and Policies' are easily cleared. It will be even easier for under MSS Rural Residential applications to be approved than for those regularly done in the very open, 15 ha. rural environment. That is because, as the Rural Residential areas usually border urban general residential zones, the argument will simply be that the area's character is closer to urban in character or 1 ha. in character than it is to rural. So the conclusion will be that a half or quarter ha. section will be easily absorbed into the receiving environment. It's not that we're saying these approved under MSS consents could happen. They are likely to happen on the ground, based on the history of Dunedin resource consent approvals.

Council is proposing the addition of both new RR1 and RR2 zones but consider the impact of just the newly proposed RR2 zone areas which would cover 1,313 ha. with 264 sites. (Ref. 28) Of these, 170 new sites/dwellings are to be added per the 2GP just in the completely newly created Rural Residential 2 Zone areas.

The four new RR2 zone areas on the Peninsula totaling an estimated 300 ha. of the 1,313 ha. total and can be used as an example. At an under-MSS consent approval rate similar to that of the 19 per year for under-MSS rural consent approvals, the results on the ground in 15+ years could look quite different

from the 2GP 'planned' outcome. If these newly consented allotments average the 1 ha. in size (a conservative estimate as many consent applications could be for much smaller sites.), the extra rural residential properties potentially created would number around 300.

Now, 300 more allotments near the harbour stretching out to Portobello may not sound like an enormous number but consider the total number of structures potentially added along this stretch of the Harbour. These may likely not just be houses, but would be rural residential hobby farm-type developments and, in addition to a house, there could be 9 other potential structures on them, such as garages, a workshop, glass house, chicken coop, barn, stable, small animal enclosure, water tanks, equipment sheds, and a firewood storage shed. Ten possible structures on each 1 ha. site. This, in effect, would be the equivalent of an urban/suburban ¼ acre type structure density in an area originally intended to be rural, because ten ¼ acre sections comprise about 1 ha. The end result of this structure density is like adding 3,000 (300 x 10) suburban homes to that strip of the Peninsula. This demonstrates why additional Rural Residential zones created in a Plan, and that the planned density only represents the 'thin edge of the wedge' with respect to future structure density in this area.

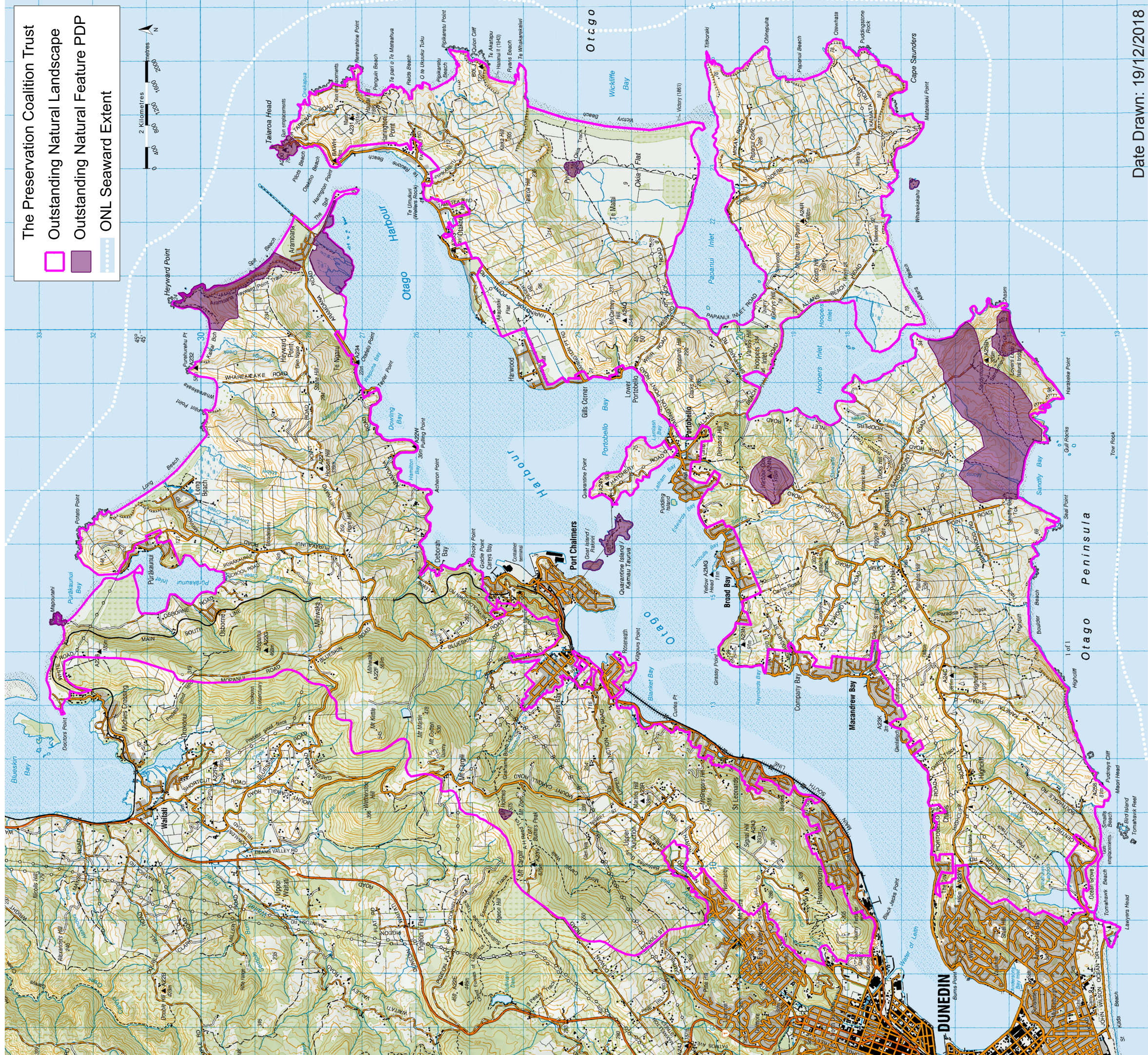
The presence of sensitive wildlife on the Otago Peninsula is also a reason why new Rural Residential zoning should not be permitted as it results in an increase of hundreds of families to the area. Among additional families there is the potential for an increase in the number of cats and dogs, exotic garden species as well as human-caused threats to wildlife.

Rural Residential Zone additions anywhere in Dunedin should be curtailed because:

- There is already a surplus of sites zoned Rural Residential in Dunedin.
- The Rural Residential concept is contrary to the preservation of rural productivity, outlined in the 2GP and Spatial Plan.
- Dunedin's growth rate suggests we don't have to stretch to find more places to build housing. Plus, many residents' futures and life decisions have been based on confidence in the existing Council zoning as it applies to their home.
- Rural Residential or additional Residential Zones are especially detrimental on hazardous slopes. The Peninsula could be particularly vulnerable because the Peninsula is infrastructure-challengedroad slumping, potential water and sewer breaks in slip areas, and sea level rise eventually inundating roads bordering the harbour.
- Rural Residential Zone 'hobby' farming can create pollution runoff of agricultural chemicals and animal waste off of slopes. This will be particularly detrimental to the Otago Harbour watershed as the filtering distances of watercourses entering the Harbour are especially short.
- The proposed new rural residential zones are in direct conflict with the DCC's own supporting research and documents. (See 2GP website, 'Supporting Materials' section: Special Zoning Report - 2.0 Small Rural Sites; 5.3 Summary of Background and Projects of the Rural Residential Zones Section 32 Report 2007; and 2009 and 2013 Residential Capacity Studies.)

- The 2GP's Strategic Direction: 2.2.4.4.a states: '*Avoid subdivision that provides for residential activity of a fundamentally different type than provided for in the various zones through, a. rules that prevent rural residential or urban-scale residential living in rural zones.*'
- Reverse sensitivity regarding farm effects will be considerable as the Rural Residential sites are very often adjacent to urban-type density townships and settlements. This is unaddressed in the Section 32 report and the chart indicating that Rural Residential expansion does not affect many people seems incorrect if all the factors listed in this Addendum 4 are taken into account.

Attachment 2



Dunedin 2GP - ONL sought by The Preservation Coalition Trust

Attachment 3

10.3.7 Building and Structure Screening Performance Standard Example

A building and structure screening report by a qualified landscape architect shall be submitted to DCC for development in landscape and coastal overlays, in the Hill Slope Rural zone and on Outstanding Natural features. That plan's work must be completed within 18 months of the roof of the building or structure being installed.

The purpose of screening by vegetation is to make buildings and structures more difficult to discern and to retain the dominance of the natural elements over built elements.

1. The building facades and structures requiring screening shall be identified with regard to the public and private viewpoints.
2. A minimum of 60% of the façade or structure up to roof peaks shall be screened to achieve natural dominance.
3. Preference will be given to planting of species native to Otago. Trees selected to screen to the full height of a building or structure shall be planting specimens not less than 50% of the mature height required.
4. Exempt from the screening standard are any facades of any buildings or structures, caravans, or any outdoor storage which remains in place for less than 30 days and each of these is exempt only if they are less than 1.5m wide in an ONL, ONF, ONCC, HNCC or less than 2.5m in width in SNLs and NCCs.
5. Exempt from the screening standard is any structure under 0.25m in height in an ONL, ONF, ONCC, HNCC or under .05m in height in SNLs and NCCs.
6. For this performance standard, caravans, outdoor storage and outdoor parking of more than five vehicles (excluding those of visitors to private residences or tradespeople) constitute a 'structure' and shall be confined to one area and screened.
7. There may be no more than a 1m elevation difference between the planting bed's lowest surface spot and the elevation at the base of the structures to be screened. (On very steep sites additional excavation and ground levelling beyond the building or structure may be necessary.)

Attachment 4

August 1, 2018

*To: The Dunedin City Council 2GP Hearing Panel Chairman
The Dunedin City Council 2GP Hearing Panel Members
All Dunedin City Council Councillors
Sue Bidrose, Dunedin City Council
Anna Johnson, Dunedin City Council*

*From: Craig Werner, Treasurer
The Preservation Coalition Trust*

NOTICE

Establishment of Successor Organisation and Name Change

Please be advised that the Harbourside and Peninsula Preservation Coalition (HPPC), a public interest group that has made a submission on the DCC Second Generation District Plan, has been succeeded by The Preservation Coalition Trust, a registered charitable trust.

The Preservation Coalition Trust was incorporated on May 30, 2017 registered as Trust #2672271, and is the substitute and successor to HPPC.. Evidence is the Deed of Charitable Trust, dated May 29, 2017 , paragraph 7.1 outlining that five original trustees from the precursor public interest group, HPPC have been appointed.

The officers of the Trust are currently Craig Werner, Treasurer, and Mark Johnson, Secretary.

The business mailing address for the Trust is: 30 Howard Street, Macandrew Bay, Dunedin, NZ 9014.

Craig Werner
Treasurer
The Preservation Coalition Trust

Attachment 5

Soil Health

Soil health, as determined by the assessment criteria of 5 of the 7 test indicator target ranges being met. This is outlined in The Ministry for the Environment report “Our Land 2018”. For the soil to be considered ‘productive’, this assessment criteria would need to be met, deemed adequate, for the lowest quality requirement of the four land use categories (MFE “*Our Land 2018*”).

Also see “Environmental Indicators, Soil Health and Land use”, archived 19 April 2018, part of the “New Zealand’s Environmental Reporting Series.”

Attachment 6

Copies of This Appeal Served to the Following Persons:

Appellant: Craig Werner, The Preservation Coalition Trust

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Jackie.stjohn@oceanagold.com

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Save The Otago Peninsula (STOP)
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