

In the Environment Court of New Zealand
Christchurch Registry

I Te Koti Taiao o Aotearoa
Ōtautahi Rohe

ENV-2018-CHC-285

Under	the Resource Management Act 1991 (RMA)
In the matter of	an appeal under clause 14(1) of the First Schedule of the RMA in relation to the proposed Second Generation Dunedin City District Plan (2GP)
Between	The Preservation Coalition Trust Appellant
And	Dunedin City Council Respondent

Agreed bundle of documents relating to scope issue on DCC appeal point 71

15 November 2019

Respondent's solicitors:

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**anderson
lloyd.**

Agreed bundle of documents relating to scope issue on DCC appeal point 71

- 1 DCC appeal point 71 relates to the appeal on the minimum subdivision lot size in rule 16.7.4.1d. This sets the minimum site size standard in the Rural Zone - Hill Slopes for subdivision (currently 25ha). There is no issue about the scope of this part of the appeal which the parties consider is in scope and directly appealed.
- 2 The waiver by PCT seeks to also now challenge rule 16.5.2.1d. This rule sets the minimum site size for Residential Activity in the Rural Zone – Hill Slopes. This rule currently provides for 15ha for the first Residential Activity per site, 50ha for the second, and 75 ha for the third. The 2GP adopts different sets of rules for subdivision, and land use for Residential Activity.
- 3 The relevant documents to determine the scope of this part of the appeal are:
 - (a) **Attachment 1** - The original submission from Harbourside and Peninsula Preservation Coalition (the predecessor of The Preservation Coalition Trust). In particular the relief sought was outlined on page 33 in relation to the rural subdivision standard rule 16.7.4.1d.
 - (b) **Attachment 2** - The hearing panel's decision on this part of the submission. In particular pages 31-35 of the decision on the Rural Zones addressing the submission of Harbourside and Peninsula Preservation Coalition on rule 16.7.4.1d. Also pages 59-70 addressing Rule 16.5.2 and the Residential Density performance standard.
 - (c) **Attachment 3** - The Notice of Appeal. In particular pages 4-6.
 - (d) **Attachment 4** - The Appellant's list of key issues dated 16 April 2019. In particular paragraph 11.

Dated this 15th day of November 2019



Michael Garbett
Counsel for Respondent

Craig Werner
Counsel for Appellant

Michael Garbett

From: Craig Werner <craigwerner.ww@gmail.com>
Sent: Tuesday, 19 November 2019 4:36 PM
To: Michael Garbett
Cc: Rob Enright
Subject: Re: Agreed bundle of documents relating to Scope issue on DCC appeal.docx

Thank you for inclusion of the requested report pages 171 and 172, Micheal.

The bundle descriptions as now defined are approved by The Preservation Coalition Trust.

Regards,
Craig Werner
The Preservation Coalition Trust

On Tue, 19 Nov 2019 at 15:43, Michael Garbett <michael.garbett@al.nz> wrote:

Hi Craig,

Attached are both proposed bundles, updated as you requested.

Can you please confirm you are happy with these and I will attach your email for the Court to be aware you approve them.

Regards,

Michael Garbett
Partner

Anderson Lloyd

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THE PROPOSED
**SECOND
GENERATION
DISTRICT PLAN**

Dunedin City Council

24 NOV 2015

SUBMISSION FORM

This is a submission on the Proposed Second Generation Dunedin City District Plan (2GP) for Dunedin pursuant to Clause 6 of Schedule 1 of the Resource Management Act 1991

Once you have completed this form, include any supporting documentation and return to the Dunedin City Council.

MAKE YOUR SUBMISSION:

Online: www.2gp.dunedin.govt.nz

Email: planning@dcc.govt.nz

Post to: Submission on 2GP
Dunedin City Council
PO Box 5045
Moray Place
Dunedin 9058

Deliver to: DCC Customer Services Agency
Ground floor
Civic Centre
50 The Octagon
Dunedin

Please note that all submissions are public information. Your name, contact details and submission will be available to the public and the media. The DCC will only use your information for the purposes of this plan review process.

All submissions must be received before 5pm on Tuesday, 24 November 2015.

SUBMITTER DETAILS *Fields indicated by an asterisks (*) are mandatory.*

Full name of submitter or agent* CRAIG WERNER

Organisation (if submission on behalf of an organisation) HARBOURSIDES AND PENINSULA PRESERVATION COALITION

Address for service for submitter or agent* *Please provide an address where you would like correspondence sent to*

Email address craigww@ihug.co.nz

Postal address* 30 HOWARD ST., MACANOREW BAY, DUNEDIN 9014

Phone number* 476-1333

Mobile number _____

TRADE COMPETITION *Fields indicated by an asterisks (*) are mandatory.*

Please note: If you are a person who could gain an advantage in trade competition through your submission, your right to make a submission may be limited by clause 6(4), Schedule 1 of the Resource Management Act 1991.

Please tick one of the following*

I could ☐ could not ☒ gain an advantage in trade competition through this submission.

If you could gain an advantage in trade competition through this submission, please tick one of the following*

I am ☐ am not ☐ directly affected by an effect of the subject matter of the submission that:

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

HEARINGS *Fields indicated by an asterisks (*) are mandatory.*

Please tick one each of the following*

I would like ☒ would not like ☐ to be heard in support of my submission

If others submitters make a similar submission, I will ☐ will not ☒ consider presenting a joint case with them at a hearing

Specific Provisions of the Submission: See Attached

SUBMISSION DETAILS *Fields indicated by an asterisks (*) are mandatory.*

Please identify the specific provision(s) of the Proposed Second Generation Dunedin City District Plan that your submission relates to*. **SEE ATTACHED**

Provision name and number (where applicable):

For example: Rule 15.5.2 Density

Section name (where applicable):

For example: the residential zones

Map layer name (where applicable):

For example: General Residential 1 Zone

Scheduled item number (where applicable):

For example: Reference #T147 - Scheduled Tree at 123 Smith Street

My submission is*

☐

I support the provision

☐

I oppose the provision

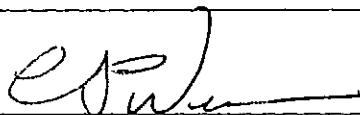
☐

I seek to have the above provision amended

Choose the most appropriate statement. If more than one applies, for example you support the provision in part but wish to have part amended (removed or changed), choose 'have the provision amended' and explain this in the 'decision I seek' field.

The decision I seek is that (please give precise details, such as suggested amended wording)*

Reasons for my views (you may attach supporting documents)*



Signature of submitter (or person authorised to sign on behalf of submitter)
(A signature is not required if you make your submission by electronic means.)

23/11/15

Date

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Introduction -- Submission Structure

This submission on the Dunedin District Plan (2GP) is being made by the Harbourside and Peninsula Preservation Coalition which is a community organisation of conservationists, environmentalists and tourism operators in Dunedin. Our submission is rather long and complex. We apologize for the repetition and tedious nature of the format of this submission, mandated to follow requirements based on the DCC's e-plan concept and the staff's interpretation of the RMA's Form 5 Submission format requirements. The submission proceeds through the 2GP provision numbers with the following prescribed format: Provision # ---amendment (or oppose – support) --- decision sought --- reason for this view. This structure does work fine if an individual is submitting comment on one or two provisions of the Plan. However, in the case of public interest and environment-focused community organisations where broad issues centered on sustainable land use planning practice are the focus, the Plan amendments invariably cascade through numerous objectives/policy/activity status/rules/performance standards/assessment provisions. Therefore, an attempt to read this type of a submission in the numeric order of the provision numbers becomes senseless.

In order to provide a fuller context and the provision issue's conceptual linkage to other 2GP provisions, an extra section in this submission called 'Addendums' has been provided. You'll often find the necessary continuity, connectivity and clarity of arguments located there. In fact, the addendums should probably be read first!

Our recommended amendments to specific identified provisions, 'The Submission' per se, follows in the next section of this document. If only a small part of a provision (rather than a provision in its entirety) is to be amended, the entire provision wording is not repeated. The amended wording is highlighted in *blue italics*. If we are proposing a completely new policy/rule/provision, it will be marked as '**NEW**'. If we recommend it to be deleted, it is marked as **OPPOSE**.

If a provision is not directly specified in this submission, the other provisions in that 2GP section are **SUPPORTED**.

A recommended amendment to a specific provision might, for continuity, also require amendments to an Objective, or a Policy, or Rule/Performance Standard, or Activity Status, or Assessment Guidelines, or an assessment discretion 'matter of control' or even amendments of the section Introduction or Landscape Value Statements. However, a particular recommended amendment in this submission will raise just one single development issue or one single land use planning concept for Hearing Panel consideration. As suggested above, the many types of various Plan provisions are completely interlinked. An amendment made to one of them would often require the amendment to several of the other categories of provisions, or likely even require several new supporting provisions. However, this submission by a lay community group cannot achieve complete and comprehensive modification to all Plan provisions that relate to an issue raised with respect to a single Plan provision amendment. Attempts at modifying interlinked, related provision changes have been made herein but as this task is really for others, the comprehensiveness of our amendments to provisions may be incomplete.

Also, if an amendment is made to a policy number, and that policy is referenced later in the 2GP, as say an assessment guideline, it is our rewritten/amended policy appearing in our earlier numeric order in our submission document that is meant to apply there for that guideline as well.

The next section of this submission has our recommended 2GP provision amendments which embody one of our key points. To truly protect a few of Dunedin's 'Outstanding' attributes, a few activities in a few special zones that don't meet the rules (performance standards) should become non-complying. Also, a few quantifiable rules should be added. These plan provision changes are stricter, almost taking on the form of a 'law'. Planning 'laws' and zoning 'laws' are common around the developed world. These hard, fast laws are applied not just on outstanding features but for all zones and all development. Our Councils in New Zealand, however, have the benefit of the flexible RMA 'Plan Change' procedure which, unlike true laws, does allow a rule to be overturned and circumvented. Therefore, in this submission, in the public interest, we seek a balance in the 2GP between the near total flexibility of the past plan and some new rules for Dunedin's exceptional natural attributes, knowing that changes and improvements are very possible.

Finally, this submission is optimistic regarding the possibility that Dunedin landowners are public-spirited and see that you cannot build a society on the basis of self-interest and entitlement.
See Addendum 3 for additional points regarding rules.

We seek to have the provisions outlined below 'Amended' or 'Opposed'. The addition of these amendments or acceptance of our opposition is the DCC decision we seek. All other provisions in 'A. Plan Overview' not outlined below are 'Supported'.

(All references to Outstanding Natural Landscapes (ONLs) in this submission address the population and tourism-centred ONLs of the Otago Harbour and Peninsula and NOT the 2GP ONL areas of the High Country and Hill Country Rural Zones.)

A. Plan Overview and Strategic Directions

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.*

Reason for this view: The 2GP and the Spatial Plan recognize that residential living is a poor use of rural land. Therefore, while lifestyle consumer 'wants' can be accommodated, employing a tight capacity test will serve to constrain rural residential proliferation.

Note that the wording of this 2GP policy begins"avoiding the creation of any new rural residential subdivisions ...". However, then it says "rezone as 'Rural Residential 2 sites", WHICH IS THE SAME THING AS CREATING ANOTHER NEW RURAL RESIDENTIAL SUBDIVISION! This is much like an attempt in this policy to 'have it both ways.'

Also, this policy is contrary to Objective 2.2.4, which states"Dunedin stays a compact city with resilient townships". Dunedin is many, many decades away from needing the 2GP 'small rural sites' (which violate MSS rules) to alleviate critical overcrowding in a 'population sponge' type of role.

This policy is also contrary to the findings of the report 'Special Zoning Report – Rural Residential Zones, 2.0 Small Rural Sites which lists five strong reasons against the utilization of small rural sites. The one favourable reason cited in the report is 'Landowner expectations'. However, the fulfilment of this 'want' by a single landowner would appear to be completely offset by the expectations of the many established surrounding dwelling owners. These neighbouring residents have sought the existing residential 'identity' and have made plans with confidence in Council's established zoning.

Strict limitation of new Rural Residential areas is also necessary because of the concentrations of potentially adverse activities associated with them. Examples include dogs, cats, invasive plant, air rifles, recreational drones, off road motorcycles, and fires. There is nothing wrong with any of these activities, per se, but it is the concentration of them relative to the vulnerability of local rural habitat. In addition, rural residential activities can be sources of pollutant run-off into water bodies such as Otago Harbour, affecting water quality and marine species.

In summary, the 2GP Policy 2.2.4.3 b. not only does not match the intent of the Spatial Plan, page 105, which calls for the 'careful control' of the expansion of rural residential developments. It also fails to regard the 2GP Rural Introduction section itself, which states that an issue is that the sprawl of non-rural uses including rural residential activities (underline ours) into rural areas can have adverse effects on landscape values, rural character, amenity values, and 'natural environment functions and values.'

See Addendum #4: Provides fuller context for this issue.

Objective 2.3.4 – NEW

Current residents are recognized as stakeholders in Dunedin's Rural and Natural Environments.

The Rural environment Natural Environment are a key aspects of the Dunedin character and has been through our history, even for city dwellers. All Dunedin residents are stakeholders in the rural environment and natural environment and their preservation. This cultural well-being of the current residents in all of Dunedin and the well-being of future generations is, therefore, accorded an equal priority standing with that of Rural and Natural Environment development interests.

Reason for this view: Recognition that an important public good can outweigh the desires of a single individual seeking a new activity, development or subdivision, especially in areas cited to be 'outstanding', 'significant', 'natural', and of 'high character'.

Policy 2.3.4.1: NEW.

In planning and resource consent decision-making the concerns of all current Dunedin residents and property owners are accorded equal standing with development, subdivision and land use activity interests.

Reason for this view: Recognition that an important public good can outweigh the desires of a single individual seeking a new activity, development or subdivision, especially in areas cited to be 'outstanding', 'significant', 'natural', and of 'high character'.

Policy 2.3.4.2: NEW

Among all Dunedin residents and property owners, the neighbours in the specific resource consent locale are granted highest priority standing in matters regarding the development, subdivision and new land use activity by interests seeking to operate in the Rural, Rural Residential and city-wide Natural Environment areas.

Reason for this view: Neighbouring properties are the most greatly affected as it is their home location rather than solely a cultural or recreational use destination.

Policy 2.4.1.7: ADD new bullet point 'c' as follows:

- c. *Require new subdivisions to provide a plan that demonstrates how the new subdivision when developed will contribute to the amenity/liveability of the current residents of the township or urban neighbourhood.*

Reason for this view: This policy addition helps fulfil our new recommended Objective in 16.1 Introduction, paragraph 5.

Policy 2.4.4.3: After the words.....'Appendix A3' in the first sentence, **DELETE** the words'and using rules that'..... **ADD** the words *in conjunction with subjective councillor discretion and also objective and specific quantifiable rules that:*

Reason for this view: This is a recommended statement of Council intent to have the 2GP reflect a balance of the 'methods' that are outlined in the RMA, necessary to achieve the RMA objectives.

Policy 2.4.5.3: After the words....'Appendix A5' in the first sentence, **DELETE** the words 'and using rules that'**ADD** the words *in conjunction with subjective councillor discretion and also objective and specific quantifiable rules that:*

Reason for this view: This is a recommended statement of Council intent to have the 2GP reflect a balance of the 'methods' that are outlined in the RMA, necessary to achieve the RMA objectives.

Policy 2.4.6.2: After the word 'rules' **ADD** the words *in conjunction with subjective councillor discretion and also objective and specific quantifiable rules that:*

Reason for this view: This is a recommended statement of Council intent to have the 2GP reflect a balance of the 'methods' that are outlined in the RMA, necessary to achieve the RMA objectives.

Policy 2.4.6.2.c: After the words ...'associated with' **ADD***landscape, coastal and biodiversity overlay zones and associated with*

Reason for this view: Management of the form and design of development in the overlay zones is outlined in our recommended Performance Standard D.16.6.14.

Objective 2.4.7: NEW *The natural features and rural character of Dunedin are protected for the values in 2.4.4, 2.4.5 and 2.4.6 and also for support of Dunedin's tourism industry.*

Reason for this view: the BERL study of several years ago calculated Dunedin tourism as a \$181 million enterprise.

Objective 2.4.8: *NEW* – ADD as a **new Objective 2.4.7:** *Dunedin is maintained as a memorable city with natural character through land use activity, development, and subdivision resource consent enforcement measures.*

Reason for this view: Unenforced plans and rules are ineffectual at delivering the full intended results on the ground.

Policy 2.4.8.1: NEW

Dunedin has an established responsibility and programs for monitoring resource consent near-term and future results, monitoring when new land uses, developments or subdivisions are first completed, and also later through paper tracking systems that interlink Council databases and property sales to ensure on-going compliance.

Reason for this view: Unenforced plans and rules are ineffectual at delivering the full intended results on the ground.

Objective 2.6.3: Adequate Urban Land Supply: RECOMMENDED AMENDMENTS:

2.6.3. Policy 2.6.3.1: (The entire 2GP Policy 2.6.3.1 text has been retyped here with amended wording and additions in *blue italics*.)

Identify areas for *allowing* future residential development, *including the addition of single large lot and rural residential houses* based on the following criteria: (Only wording in *blue italics* is new.)

- a. prioritising areas that:
 - i. are adjacent to the main urban area or townships that have a (DELETE the word 'shortage') **ADD** *surplus of infrastructure and commercial services capacity.*
 - ii. are able to be serviced by high frequency public transportation *not within the area, but to the main urban area CBD and to other townships.*
 - iii. are close to existing community facilities such as schools that have a surplus of capacity, recreational facilities, health services and libraries or other community centres.
 - iv. are close, *as within 2 km maximum walking/mobility scooter distance* to existing centres, and
 - v. can be serviced by existing infrastructure capacity and/or will require the least long-term overall infrastructure cost; and
 - vi. *can grow to a sustainable size with basic commercial services (supermarket, etc.) in the near term.*
 - vii. *are adjacent to present or planned commercial destination spots and could be targeted for re-zoning to multi-family residential development.*
 - viii. *are, given Dunedin's extremely large land mass resource, potential greenfield new townships that are positioned well for public-private partnerships for roading, infrastructure and commercial services.*
 - ix. *are adjacent to the fewest number of existing residents, avoiding disruption to the home environment context that contributes to defining the residents' identity.*

b. avoiding areas that:

- i. are.... **DELETE** the words 'productive rural land' and **ADD** the words....*rural and productive in producing commodities/natural wild goods or are key in supporting the rural, natural and eco-tourism economic contribution.*
- ii. may create conflict with rural water resource requirements,
- iii. have a potential short or longer term *personal safety or infrastructure durability* risk from natural hazards, including flooding, land instability, inundation from the sea or other coastal hazards, or liquefaction;
- iv. are identified protected landscape or natural coastal character areas; and
- v. may create reverse sensitivity effects for existing industrial or other incompatible activities.
- vi. *have main service roads which cannot be widened and straightened at a reasonable cost to provide for a mix of car, large vehicle, bicycle, pedestrian and future mobility scooter traffic safe travel and over-taking.*
- vii. *constitutes ribbon development strung along roads and streets beyond the township central envelope,*
- viii. *form rural or green space between townships providing the open space amenity of urban congestion relief, and separate township identity.*
- ix. *are near iconic or productive bodies of water,*
- x. *encompass concentrated pockets of wildlife habit or wildlife sanctuary surrounds,*
- xi. *are important destinations for local recreation and site-seeing.*

Reasons for the views:

1. To protect the lifestyle integrity of resident stakeholders in the proposed expansion area.
(See our new Objective 2.3.4)
2. For clarity and alignment with other 2GP statements.
3. To insure good proximity to commercial services.

We seek to have the provisions outlined below ‘Amended’ or ‘Opposed’. The addition of these amendments or acceptance of our opposition is the DCC decision we seek. All other provisions of C. 10 not outlined below are ‘Supported’.

(All references to Outstanding Natural Landscapes (ONLs) in this submission address the population and tourism-centred ONLs of the Otago Harbour and Peninsula and NOT the 2GP ONL areas of the High Country and Hill Country Rural Zones.)

C.10. Natural Environment

10.1 Introduction: ADD the following sentences to the end of paragraph 2: *The rural environment is a key aspect of the Dunedin character and has been through our history, even for city dwellers. All Dunedin residents are stakeholders in the rural environment and its preservation. This cultural well-being of the current residents in all of Dunedin and the well-being of future generations is, therefore, accorded an equal priority standing with that of rural development interests.* To the section’s 12th bullet point at the end, ADD these words: *and significant natural landscapes.....*

Reason for this view: The words ‘significant natural landscapes’ was not included in the Plan’s introduction and is needed to comprehensively support that Plan’s statement that says ‘The natural environment of Dunedin makes an important contribution tothe quality of the city’s landscape.’ The rural environment also ‘contributes significantly’ to the broader environment of our citizens’ lives and their cultural well-being.

Addendum 1: Expand the Protection of Dunedin Landscapes. See Addendum 1 for the fuller context and the issue’s conceptual linkage to other 2GP provisions.

10.2 Objectives and Policies

The following two amendments are recommended to be made throughout all Objectives and Policies in 10.2 as follows:

CHANGE the word ‘minor’ to *‘insignificant’*.

CHANGE the word ‘insignificant’ to *‘very insignificant, meaning bordering on unidentifiable’*

Reason for this view: The replacement of the words ‘no more than minor’ with the word ‘insignificant’ is because terms (such as ‘minor’) used in describing a 2GP Policy statement should not be confused with the specific definition of ‘minor’ in RMA case law, which pertains to Section 104D, a topic that is different from describing a 2GP policy. Replacing the word ‘insignificant’ with the words ‘very insignificant, meaning bordering on unidentifiable’, is because a more definitive description than just ‘insignificant’ is required for better clarity intended to assist in insuring decision-making consistency.

Policy 10.2.1.3: **ADD** at the end sentence, after the words ... 'no more than minor',..... **ADD** the words..... *and not greater than 10% of the total indigenous vegetation area.*

Reason for this view: To ensure reasonable 'maintenance and enhancement' and consistency in consents decision-making on the vegetation clearance 'bottom line'. Flexibility based on topography, etc. in nearly all situations will still dominate.

Objective 10.2.3: **AMEND.** After the words ...'NCC' **ADD** the words '*and the Hill Slope Rural Zone*'

Reason for this view: Hill Slope Rural Zones are the most visually prominent of the seven rural zones because they combine the higher visibility of a slope, compared to flatter areas, with the zones' proximities to sizeable resident populations who have those slopes in view.

Policy 10.2.3.1: **AMEND.** **ADD** a second sentence as follows: *Building and structures too densely developed have the potential to have significant adverse effects on the value of coastal character. Therefore, in ONCC, HNCC and NCC, a greater than 10% contravention of density and minimum site size performance standards outlined in 2GP Section 16 and 17 would be contrary to the Objectives and Policies of the District Plan and, therefore, shall be avoided.*

Reason for this view: Protection of landscapes requires certain rules regarding buildings and structures which, if contravened, create a non-complying activity that is contrary in a defined manner. This will serve to secure the application of upper limits and insure that precautionary principles apply in Dunedin's most important natural places defined by landscape, coastal overlays, etc.

Policy 10.2.3.2: **AMEND.** At the end of the last sentence, after the words '....in Appendix A5.' **ADD** the following sentence: *Building and structures have the potential to have significant adverse effects on the value of coastal character. Therefore, building and structures in the ONCC and HNCC which contravene performance standards for building size and quantity, building and structure screening, landscape building platform, indigenous vegetation removal, or reflectivity would be contrary to the objectives and policies of the District Plan (10.2 and 16.2) and therefore shall be avoided.*

Reason for this view: Upper limit definitions are needed for vague terms such as 'insignificant'. Protection of landscapes requires certain rules regarding buildings and structures which, if contravened, create a non-complying activity that is contrary in a defined manner. This will serve to secure the application of upper limits and insure that precautionary principles apply in Dunedin's most important natural places defined by landscape, coastal overlays, etc.

See Addendum 1 – Expand Protection of Dunedin Landscapes

Policy 10.2.3.4: DELETE the words 'mining', 'landfills', 'large buildings and structures'. DELETE the words 'be no more than minor' and ADD the words ... *'would be insignificant'*.

Reason for this view: It has been recommended that mining and landfills be changed to NC activities. Building and structure size would be controlled by recommended performance standard 16.6.13. Also, it is recommended in 16.6.13 of our submission that a performance standard apply to buildings and structures. Regarding our new word 'insignificant', reference our addition to Sec. 10.2

Policy 10.2.3.8: DELETE.

Reason for this view: Our recommended addition of performance standard 16.6.13 provides limits on the number and the 16.6.15 controls the location of small buildings.

Policy 10.2.3.12: *NEW. In ONCC and HNCC areas only allow plantation forestry, landfills, and mining activities if the effects on the environment are very insignificant, meaning bordering on the unidentifiable.*

Reason for this view: High visual impact activities such as these should not be permitted in areas of outstanding or high natural character.

Objective 10.2.5: ADD these words to the beginning *'For highly visible Rural Zones and'*

Reason for this view: Protection is warranted for rural slopes near urban and township areas.

Policy 10.2.5.6: DELETE the words 'mining', 'landfills', 'large buildings and structures'. After the words ...'of the ONL ...' ADD the words ... *'will be avoided or if avoidance is not possible the adverse effects on the landscape'*

Reason for this view: It has been recommended in 16.3.3 of this submission that the activity status NC be changed for the most disruptive activities – mining and landfills. Upper limit definitions are needed for vague terms such as 'insignificant'.

Policy 10.2.5.7: DELETE the words 'mining', 'landfills', 'large buildings and structures'.

Reason for this view: It has been recommended that mining and landfills be changed to NC activities.

Building and structure size would be controlled by recommended performance standard 16.6.13.

See Addendum 1: Expanded Protection of Dunedin Landscapes

Policy 10.2.5.12 DELETE this entire policy.

Reason for this view: Our recommended addition of performance standard 16.6.13 provides limits on the number and our recommended addition of performance standard 16.6.15 controls the location of small buildings.

Objective 10.2.5.17: NEW

Require new buildings and structures in a landscape and coastal overlay zone, ONFs and Hill Slope Rural Zones to incorporate mitigating measures for building and structure size and quantity, building and structure screening, landscape building platform or indigenous vegetation removal. Buildings and structures have the potential to have significant adverse effects on the value of these areas. Therefore, activity development and subdivisions in these areas which contravene performance standards for building size and quantity, building and structure screening, landscape building platform, indigenous vegetation removal or reflectivity would be contrary to the objectives and policies of the District Plan (10.2 and 16.2) and therefore shall be avoided.

Reason for this view: Protection of landscapes requires certain rules regarding buildings and structures which, if contravened, create a non-complying activity that is contrary in a defined manner. This will serve to secure the application of upper limits and insure that precautionary principles apply in Dunedin's most important natural places defined by landscape, coastal overlays, etc.

Policy 10.2.5.18: NEW. *In ONF, ONL and SNL areas only allow plantation forestry, landfills, and mining activities if the effects on the environment are insignificant.*

Reason for this view: High visual impact activities such as these should not be permitted in areas of outstanding or high natural character.

Policy 10.2.5.19: NEW. *Buildings and structures too densely developed have the potential to have significant adverse effects on landscape values. Therefore, in ONs, ONFs and SNLs, a greater than 10% contravention of density and minimum site size performance standards outlined in 2GP Section 16 and 17 would be contrary to the Objectives and Policies of the District Plan and, therefore, shall be avoided.*

Reason for this view: Protection of landscapes requires certain rules regarding buildings and structures which, if contravened, create a non-complying activity that is contrary in a defined manner. This will serve to secure the application of upper limits and insure that precautionary principles apply in Dunedin's most important natural places defined by landscape, coastal overlays, etc.

Objective 10.2.6 **NEW.** ADD the following as a **new** objective: *It is recognized that regarding new activities in the Natural Environment all current residents are key stakeholders, be they adjacent property owners or part of the greater Dunedin community. They will be accorded an equal priority standing with that of developers and those seeking to introduce new activities in the Rural Zones. This shall apply when Council discretion is directed to assessment determinations of 'no more than minor', 'insignificant', and 'contrary to' District Plan provisions.*

Reason for this view: The rural environment contributes to the broader environment of our citizens' lives. Current residents are key stakeholders in Dunedin's rural environment. The discretionary decision of what is 'no more than minor' or 'insignificant' needs to be primarily from their perspective and not determined by expert witnesses, landscape architecture principles, formulas, or their judgments, for example. Decision makers need to consider what consensus opinion might most likely be formed by neighbours and the broad Dunedin citizenry. (See D.16.1 Introduction) Consent applications must be more broadly announced to the public in a more visible and prominent fashion.

Performance Standard 10.3.5.1 - Minimum Building Separation: Amend the provision by **DELETING** the words 'over any five year period'.

Reason for this view: The number of buildings could possibly accumulate in each five year period. A collection of buildings constructed around a main rural home will contribute to the perceived 'bulk' of development. Such buildings might be an art studio, an office, a greenhouse/potting shed, a bath house, etc. When very expensive homes are eventually built in Dunedin they will likely be a collection of buildings and structures built on slopes with a view and be quite evident. An architectural example of this with some notoriety is the Asian influenced home of U.S. company Oracle chairman Larry Ellison. It consists not of one main house but rather perhaps a dozen separate buildings, gazebos, and pavilions linked by gardens and covered passageways. For quite expensive homes, this architectural concept of a residential 'compound' is not uncommon. Another example to consider is close to home the Queenstown property of Annabel Langbein which she is in the process of turning into a multi-building/structure sort of culinary village.

Rule 10.3.6: Reflectivity: **AMEND.** After the words ...'overlay zone'**ADD** the words ...'*ONFs and Hill Slope Rural Zone*'. After the word'surface finish'**ADD** the words', *roofing materials, and glass (if available at less than a 50% cost premium....)*

Reason for this view: Reflectivity is a source of high visual negative impact beyond just the landscape and coastal overlays. We consider it acceptable that consent applicants pay a reasonable amount more for materials that avoid reflectivity.

Rule 10.3.A - Assessment of Controlled Activities: OPPOSE.

Reason for this view: The recommendation associated with 16.3.4.3.b is a change in activity status from C to RD. Therefore 10.3.A can be deleted as superfluous. See 16.3.4.3.b for the reason for the activity status change recommendation.

Rule 10.4 -- Assessment of Restricted Discretionary Activities (Performance Standard

Contraventions: REMOVE the word 'Rule'.

Reason for this view: The 'assessment' sections are NOT 'rules'. They are simply tables indicating matters subject to control or discretion and 'guidance' on consents. These have none of the attributes of true 'rules', but rather are just suggested points of guidance that may or may not influence subjective decision-making by councillors who are considering these 'guidelines'. Confining use of the word 'rule' to performance standards would keep the 2GP terminology from being misleading.

10.4.1 Introduction

10.4.1.4: NEW. *In Coastal and Landscape Overlay Zones, ONFs and the Hill Slope Rural Zone, Restricted Discretionary activities and development related to building and structures become non-complying NC if they fail to meet performance standards for building and structure size and quantity, building and structure screening or landscape building platforms.*

Reason for this view: Of all the possible land use activities and development, none are more common or have a greater potential to permanently degrade landscapes than inappropriate buildings and structures. Therefore, new rules to directly address this threat are of great importance to Dunedin's character. Contravention of critical rules requires the full non-complying assessment provided under Sec. 104D of the RMA.

10.4.2: -- Assessment of all Performance Standard Contraventions

10.4.2.1. b: ADD after the word 'minor'*where, for numerically defined performance standards, the deviation is less than 10%.*

Reason for this view: For decision-making consistency, it is recommended that for vague terms such as 'minor', numeric values be used where they are acceptably definable. If there happens to be a new type of building or structure that is taller and has the potential to become common, the 'minor' definition of 10% can easily be updated with a plan change.

10.4.2.1: ADD (d) *The site is owned by a person(s) with a legacy that historically the site or land adjacent to the site was first owned by a grandparent or older direct forbearer and family ownership has been continuous.*

Reason for this view: Zoning changes should be avoided unless absolutely necessary. Zoning changes are very disruptive to the lives of property owners, especially in cases of long-standing family linkages and identification with the land. (See our recommended D.16.5.2.1 amendment)

10.4.3: -- Assessment of Performance Standard Contraventions Located in Natural Environment.

10.4.3.8. iii: After the words'key design elements' ...**ADD** the words*that obscure 90% of surfaces from all surrounding areas where the development is visible.*

Reason for this view: Consideration should only be given to design elements which directly eliminate the contravention of the standard.

10.4.3.9. iii: After the words'key design elements' ...**ADD** the words*that obscure 90% of surfaces from all surrounding areas where the development is visible.*

Reason for this view: Consideration should only be given to design elements which directly eliminate the contravention of the standard.

10.4.4: Assessment of Performance Standard Contraventions Located in the Management and Major Facility zones.

10.4.4.1. ii **OPPOSED** to all of point 'ii'.

Reason for this view: Our submission recommendation for Policy 10.2.3.4 included deleting large buildings and large structures from being allowed in an NCC.

10.4.4.1. ADD a new point 'ii' as follows: *ii. General Assessment Guidelines. Allow contravention of this performance standard only if height exceeds the standard by under 10%.*

Reason for this view: 10% is an acceptable compromise to make as there may be the rare case where some building element exceeds that height standard.

10.4.4.2. iii OPPOSED to all of point 'iii'.

Reason for this view: The earlier submission recommendation for Policy 10.2.5.7 included deleting large building and large structures from being allowed in the SNL, which includes those exceeding the maximum height standard.

10.4.4 Assessment of performance standard contraventions located in the management and major facility zones

10.4.4.7: NEW

Activity	Matters of Discretion	Guidance of Assessment of Resource Consents
<i>7. Building/Structure Size and Quantity in OLF, SLF or NCC Overlays</i>	<i>a. Effects on landscape values</i>	<i>Same as existing 2GP guidance matters for 10.4.4.2, except iii – DELETE the word 'minor' and ADD the word 'insignificant'. (Note our earlier recommended definition of 'insignificant' in 10.2.3).</i>

Reason for this view: We have recommended new performance standards 16.6.13 and 16.6.14 so it is necessary to include them in the assessment section and the assessment table.

10.4.4.8: NEW

Activity	Matters of Discretion	Guidance of Assessment of Resource Consents
<i>7. Building and Structure Screening in OLF, SLF or NCC Overlays</i>	<i>a. Effects on landscape values</i>	<i>Same as existing 2GP guidance matters for 10.4.4.2, except iii – DELETE the word 'minor' and ADD the word 'insignificant'. (Note our earlier recommended definition of 'insignificant' in 10.2.3).</i>

Reason for this view: We have recommended new performance standards 16.6.13 and 16.6.14 so it is necessary to include them in the assessment section and the assessment table.

10.4.4.9: NEW

Guidance of Assessment

<i>Activity</i>	<i>Matters of Discretion</i>	<i>of Resource Consents</i>
7. <i>Landscape Building Platform</i>	a. <i>Effects on landscape values</i>	<i>Same as existing 2GP guidance matters for 10.4.4.2, except iii – DELETE the word 'minor' and ADD the word 'insignificant'. (Note our earlier recommended definition of 'insignificant' in 10.2.3).</i>

Reason for this view: We have recommended new performance standards 16.6.13 and 16.6.14 so it is necessary to include them in the assessment section and the assessment table.

Rule 10.5: Assessment of Restricted Discretionary Activities:

DELETE the word 'rule' from throughout section 10.3A.

Reason for this view: The assessment sections are NOT 'rules'. They are simply tables indicating matters subject to control or discretion and 'guidance' on consents. These have none of the attributes of true 'rules', but rather are just suggested points of guidance that may or may not influence subjective decision-making by councillors who are considering these 'guidelines'. Confining use of the word 'rule' to performance standards would keep the 2GP terminology from being misleading.

10.5.2.3. i: AMEND. After the word ...'Objective 10.2.3', **ADD** *Policy 10.2.3.2, Policy 10.2.5.6*

Reason for this view: Continuity with earlier recommended policy amendments requires addition to this assessment table.

10.5.2.3. iv: After the words ...'The assessment will'**DELETE** the word 'consider'. **ADD** the words ... *will give precedence to, and be restricted by,* and **ADD** and new point 'ix': *ix. The utility provider enters into a DCC agreement to downsize the infrastructure within a year of the availability of facilitating new technology.*

Reason for this view: The foundation and reason for creating publicly recognized landscape and coastal overlay management zones is that their landscape and character values are to be 'protected'. Protection cannot be achieved unless what we are trying to preserve and shield from injury is assigned a high priority. Utility towers and masts are in gross contrast to landscape and farming infrastructure.

Addendum 1: Expand the Protection of Dunedin Landscapes. See Addendum 1 for the fuller context and the issue's conceptual linkage to other 2GP provisions.

10.5.2.4: In i, **ADD** the words'and Objective 10.2.6.' In iii, **DELETE** the word 'consider', **ADD** the words*will give precedence to, and be restricted by*

Reason for this view: The foundation and reason for creating publicly recognized landscape and coastal overlay management zones is that their landscape and character values are to be 'protected'. Protection cannot be achieved unless what we are trying to preserve and shield from injury is assigned a top priority.

Addendum 1: Expand the Protection of Dunedin Landscapes. See Addendum 1 for the fuller context and the issue's conceptual linkage to other 2GP provisions.

10.5.2.5 iii: After the words ...'The assessment will'**DELETE** the word 'consider'. **ADD** the words ...*will give precedence to, and be restricted by*

Reason for this view: The foundation and reason for creating publicly recognized landscape and coastal overlay management zones is that their landscape and character values are to be 'protected'. Protection cannot be achieved unless what we are trying to preserve and shield from injury is assigned a top priority.

Addendum 1: Expand the Protection of Dunedin Landscapes. See Addendum 1 for the fuller context and the issue's conceptual linkage to other 2GP provisions.

10.5.2.5. v and vi: **NEW.** v. *For solar panels, innovative solutions to the reflectivity of solar panels.*

NEW. vi. *The utility provided enters into a DCC agreement to downsize the infrastructure within a year of the availability of facilitating new technology.*

Reason for this view: Solar panels are a great advantage but also present a great landscape challengesparkles covering the slopes!

10.5.2.6: In iii, After the words ...'The assessment will'**DELETE** the word 'consider'. **ADD** the words ...*will give precedence to, and be restricted by*

Reason for this view: The foundation and reason for creating publicly recognized landscape and coastal overlay management zones is that their landscape and character values are to be 'protected'. Protection cannot be achieved unless what we are trying to preserve and shield from injury is assigned a top priority.
Addendum 1: Expand the Protection of Dunedin Landscapes. See Addendum 1 for the fuller context and the issue's conceptual linkage to other 2GP provisions.

10.5.2.7 i: ADD the words'and Objective 10.2.6.'

Reason for this view: Impact on surrounding residents.

10.5.2.8: ADD a **NEW** bullet point as follows: *iv. The utility provider enters into a DCC agreement to downsize the infrastructure within a year of the availability of facilitating new technology.*

Reason for this view: Utility towers and masts are in gross contrast to landscapes and farming infrastructure.

10.5.2.11: In iii, after the words ...'The assessment will'**DELETE** the word 'consider'. **ADD** the words ... *will give precedence to, and be restricted by*

Reason for this view: The foundation and reason for creating publicly recognized landscape and coastal overlay management zones is that their landscape and character values are to be 'protected'. Protection cannot be achieved unless what we are trying to preserve and shield from injury is assigned a top priority.
Addendum 1: Expand the Protection of Dunedin Landscapes. See Addendum 1 for the fuller context and the issue's conceptual linkage to other 2GP provisions.

10.5.2.12: In iii, after the words ...'The assessment will'**DELETE** the word 'consider'. **ADD** the words ... *will give precedence to, and be restricted by* **ADD** a new point vii as follows: *vii. The utility provider enters into a DCC agreement to downsize the infrastructure within a year of the availability of facilitating new technology.*

Reason for this view: The foundation and reason for creating publicly recognized landscape and coastal overlay management zones is that their landscape and character values are to be 'protected'. Protection cannot be achieved unless what we are trying to preserve and shield from injury is assigned a high priority. Utility towers and masts are in gross contrast to landscape and farming infrastructure.
Addendum 1: Expand the Protection of Dunedin Landscapes. See Addendum 1 for the fuller context and the issue's conceptual linkage to other 2GP provisions.

10.5.2.13. iv: After the words ...'building platform', **ADD** the words *considered and approved as part of a Resource Consent assessment.*

Reason for this view: Council may wish to require a landscape building platform, but the platform/landscape assessment, per 10.8.1 does not require it to meet with Council approval.

10.5.2.14: OPPOSE.

Reason for this view: Large scale public artworks are not required to fulfil either Council civic functions or land habitation. Also, they are not a natural 'landscape' feature and would present a difficult reflectivity conundrum. Public artworks become an NC activity except in the Rural Zone where they are P.

10.5.2.15. i: **ADD** the words*and Objective 10.2.6.*

Reason for this view: The effects on landscape values in the Natural Environment is of key importance to current residents.

10.5.2.15. iii: After the words ...'The assessment will'**DELETE** the word 'consider'. **ADD** the words ... *will give precedence to, and be restricted by*

Reason for this view: The foundation and reason for creating publicly recognized landscape and coastal overlay management zones is that their landscape and character values are to be 'protected'. Protection cannot be achieved unless what we are trying to preserve and shield from injury is assigned a top priority.
Addendum 1: Expand the Protection of Dunedin Landscapes. See Addendum 1 for the fuller context and the issue's conceptual linkage to other 2GP provisions.

10.5.2.16. i: After the words*'and Objective 10.2.6'.*

10.5.2.16. iii: After the words ...'The assessment will'**DELETE** the word 'consider'. **ADD** the words ... *will give precedence to, and be restricted by*

Reason for this view: The foundation and reason for creating publicly recognized landscape and coastal overlay management zones is that their landscape and character values are to be 'protected'. Protection cannot be achieved unless what we are trying to preserve and shield from injury is assigned a top priority.
Addendum 1: Expand the Protection of Dunedin Landscapes. See Addendum 1 for the fuller context and the issue's conceptual linkage to other 2GP provisions.

10.6.2.4. b.: After the words'alternative location (Policy 10.2.5.7).... **ADD** the words*for hazard and transport activities*'. **ADD** the sentence: *For public amenities, the standard is not to be 'impracticable' but rather 'not physically possible'.*

Reason for this view: The term 'practicable' can allow higher cost considerations to be an element of consideration. However, all such costs are a fair and acceptable price to protect landscape overlays from public amenities as these are of a less necessary nature than hazards and transportation.

10.6.2.5. c: After the words '....in Appendix A3', **ADD** the words..... *'effects with less than 10% visible from other properties, roads or public places.*

Reason for this view: A definition with a numeric measure is required to insure decision-making consistency. In addition, quantifying a measure has the advantage that applicants will be clear about a standard rather than wonder what subjective judgment might be made.

10.6.2.8. b: After the words'alternative location (Policy 10.2.5.7).... **ADD** the words*for hazard and transport activities*'. **ADD** the sentence: *For public amenities, the standard is not to be 'impracticable' but rather 'not physically possible'.*

Reason for this view: The term 'practicable' can allow higher cost considerations to be an element of consideration. However, all such costs are a fair and acceptable price to protect landscape overlays from public amenities as these are of a less necessary nature.

Rule 10.7 Assessment of Non-Complying Activities

10.7.1: Introduction

10.7.1.1: After the first sentence, **ADD** the words*These conditions must include meeting all performance standards outlined for the P, D and RD status categories for land use activity, development, and/or subdivision.*

Reason for this view: In addition to NC activities being evaluated under RMA Sec. 104D, it seems sensible that standards for the activity as described for lesser P, D and RD status activities be met as well.

10.7.2: Assessment of all non-complying activities

10.7.2.4: To the end of the bullet point, **ADD** the words*'and RD activities that have become NC as the result of a performance standard contravention*

Reason for this view: Clarification regarding types of NC activities was required here.

10.7.2.5: To the end of the first activity bullet point, **ADD** the following words: *'and RD activities that have become NC as the result of a performance standard contravention.*

Reason for this view: Clarification regarding types of NC activities was required here.

10.8 Special Information Requirements

10.8.1 Landscape Building Platforms. **OPPOSE.**

Reason for this view: A landscape building platform performance standards has been recommended as 16.6.15. Further protection by performance standards are recommended in 16.6.13 and 16.6.14.

Addendum 1 Expanded Protection for Dunedin Landscapes: See Addendum 1 for the fuller context and the issue's conceptual linkage to other 2GP provisions.

We seek to have the provisions outlined below 'Amended' or 'Opposed'. The addition of these amendments or acceptance of our opposition is the DCC decision we seek. All other provisions of C. 12 not outlined below are 'Supported'.

(All references to Outstanding Natural Landscapes (ONLs) in this submission address the population and tourism-centred ONLs of the Otago Harbour and Peninsula and NOT the 2GP ONL areas of the High Country and Hill Country Rural Zones.)

C. 12 Transitional Provisions

12.1 Introduction: AMEND. After item 3, **ADD** a new item '4' as follows: *Such areas shall not include any land identified in the 2GP as having special non-residential values and characteristics of zones or overlays other than Rural or Rural Residential zones.*

Reason for this view: The values and characteristics of Dunedin's special places should not be sacrificed to merely accommodate population growth when there are other options such as urban initiatives, new townships, etc.

Addendum 3: See Addendum 3 for the full context of this issue.

Rule 12.3.1: Release of General Residential/Transitional Overlay Zone Land. **AMEND**

After 12.3.1.2 e., **ADD** an addition point, '12.3.1.2 f' as follows: *Council shall not release land that is, at the time of this 2GP Plan approval, part of zones or overlays with special values or characteristics other than those of Rural or Rural Residential zoned land.*

Reason for this view: To insure preservation of Dunedin's special places defined as Coastal Overlays, Landscape Overlays, etc.

See: 2GP Maps – Recommended Amendments (an alternative to GR1TZ is discussed)

We seek to have the provisions outlined below ‘Amended’ or ‘Opposed’. The addition of these amendments or acceptance of our opposition is the DCC decision we seek. All other provisions of D.16 not outlined below are ‘Supported’.

(All references to Outstanding Natural Landscapes (ONLs) in this submission address the population and tourism-centred ONLs of the Otago Harbour and Peninsula and NOT the 2GP ONL areas of the High Country and Hill Country Rural Zones.)

D. Management Zones

D. 16. Rural Zones

16.1 Introduction: ADD the following paragraph as a **new** fifth paragraph: *The Rural environment and Natural Environment are key aspects of the Dunedin character and have been through our history, even for urban city dwellers. For social prosperity and cultural well-being, all Dunedin residents are stakeholders in the Rural environment and Natural Environment and their preservation. This cultural well-being of the current residents in all of Dunedin and the well-being of future generations is, therefore, accorded an equal priority standing with that of Rural and Natural Environment development interests.*

Note that this preceding statement follows on from 2GP Objective 2.3.4, Policies 2.3.4.1 and 2.3.4.2

Reason for this view: The current Introduction in the 2GP document mentions the rural environment ‘contributing significantly’ to the economy, but it does not include a statement about the rural environment also ‘contributing significantly’ to the broader environment of our citizens’ lives and their cultural well-being. (See our recommended addition to C.10.1 Introduction)

Addendum 1: Expand the Protection of Dunedin Landscapes. See Addendum 1 for the fuller context and the issue’s conceptual linkage to other 2GP provisions.

16.2 Objectives and Policies

The following two amendments are recommended to be made throughout all Objectives and Policies in 16.2 as follows:

CHANGE the word ‘minor’ to *‘insignificant’*.

CHANGE the word ‘insignificant’ to *‘very insignificant, meaning bordering on unidentifiable’*

Reason for this view: The replacement of the words ‘no more than minor’ with the word ‘insignificant’ is because terms (such as ‘minor’) used in describing a 2GP Policy statement should not be confused with the specific definition of ‘minor’ in RMA case law, which pertains to Section 104D, a topic that is different from describing a 2GP policy. Replacing the word ‘insignificant’ with the words ‘very insignificant, meaning

bordering on unidentifiable', is because a more definitive description than just 'insignificant' is required for better clarity intended to assist in insuring decision-making consistency.

Objective 16.2.1: After the words ...'natural environment' in the first line, **ADD** the words ...*for all current and future Dunedin residents,*

Reason for this view: The rural environment also 'contributes significantly' to the broader environment of our citizens' lives and their cultural well-being. (See our recommended Objective A. 2.3.4)

Addendum 1: Expand the Protection of Dunedin Landscapes. See Addendum 1 for the fuller context and the issue's conceptual linkage to other 2GP provisions.

D. 16. Policy 16.2.1.10: After this policy, **ADD** the following **NEW** policy:

Policy 16.2.1.11: NEW. *Provide for extensive citizen stakeholder consultation and well-publicised public notification on all rural activity, subdivisions and development resource consent applications.*

Reason for this view: The identity of 'all' affected parties is never fully known. Environmental and cultural effects often reach well beyond just the adjacent resident's street address. The addition of this new policy is in recognition of citizens' recreation pursuits, holiday homes, commuting patterns and increasing foot and bicycle mobility trends. (See our recommended 16.1)

Addendum 1: Expand the Protection of Dunedin Landscapes. See Addendum 1 for the fuller context and the issue's conceptual linkage to other 2GP provisions.

D. 16.3.3 Activity Status Table – Land Use Activities

16.3.3.7 Forestry Not in a GR1TZ **ADD** a **NEW** iii as follows: *iii. For land types b,c,d only 10% may be a plantation planting pattern. 90% must be random patterns with 20% of the area within that pattern unplanted.*

Reason for this view: This provision is to assist in maintaining a natural appearance within the rural areas that have landscape protections.

16.3.3.10 Landfills not in a GR1TZ: For the following land types, **CHANGE THE ACTIVITY STATUS** TO: b. *NC*, c. *Pr*, d. *Pr*

Reason for this view: This provision is to assist in maintaining a natural appearance within the rural areas that have landscape protections.

16.3.3.13 Mining Not in a GR1TZ: For the following land types, **CHANGE THE ACTIVITY STATUS TO:**

b. *NC*, c. *Pr*, d. *Pr*

Reason for this view: This provision is to assist in maintaining a natural appearance within the rural areas that have landscape protections.

16.3.3.40-41-42 Major Facility Activities: For the following land activity types, **CHANGE THE ACTIVITY STATUS TO:** b. *Pr*, c. *Pr*, d. *Pr*

Reason for this view: This provision is to assist in maintaining a natural appearance within the rural areas that have landscape protections.

D. 16.3.4 Activity Status Table – Development Activities

16.3.4.3: AMEND. b. to *RD*. In the Performance Standard column, **ADD** an i, ii and iii that will apply to columns b, c, and d as follows: i. *Building/structure size and quantity in overlays b. and c. as per 16.6.13*, ii. *Building and Structure Screening in overlays b. and c. per 16.6.14*, iii. *Landscape Building Platforms in overlays b., c., and d. as per 16.6.15*

Reason for this view: For the C to RD status change, the reason is that the designation of ‘landscape building platforms’ for buildings >60 sq.m is not a sufficient or acceptable reason to assign a C activity status. A controlled activity status must be granted consent and it sidesteps the more complete scrutiny of an RD status. The ‘qualified persons’ doing the platform assessment would surely identify the best platform; however, that does in no way confirm that it would meet various criteria or would be acceptable. A hearing committee could possibly be required to grant consent for an unacceptable building platform recommended by a consent applicant’s hired person. Just because a landscape building platform has been identified should not mean that a building activity should be reduced to a C status and then only be subject to scrutiny based on size, design and appearance control evaluation criteria.

For the i, ii and iii additions, the reason is as follows: What will be protected by the rule above are only the areas considered significant, special, outstanding or highly visible on slopes. These type of standards are readily quantifiable and will serve as a benchmark to set some limit on the development aspirations and pressure of commercial interests. The exact floor area size and structure numbers that have been chosen here aren’t that significant as these have been set at 50% more and up to double the size/number of what might be the largest example. Perhaps they should be larger, but the point of this recommended standard is to communicate what, as an upper limit, might be appropriate development for these areas and to avoid the rural equivalent of a 27 storey hotel.

At present the 2GP only has a rule regarding building and structure height which, alone, completely misses the mark, as it is overall ‘bulk’ that determines a building’s or structure’s impact on rural character and

amenity. In order to account for bulk, a performance standard for building structure size and quantity is recommended. The main purpose of quantifying 'bulk' is to prevent the rural equivalent of a 27 storey foreign-designed hotel.

Addendum 1: Expand Protection for Dunedin Landscapes: See Addendum 1 for the fuller context and the issue's conceptual linkage to other 2GP provisions.

16.3.4.5: AMEND. In the Performance Standard column, **ADD** *i. Building/structure size and quantity in overlays b. and c. as per 16.6.1.3, and ii. Building/Structure Screening in overlays b. and c. per 16.6.14 and iii. Landscape Building Platforms performance standard in overlays b., c., and d as per 16.6.15.*

Reason for this view: What will be protected by the rule above are areas considered significant, special, outstanding or highly visible on slopes. This type of standard is readily quantifiable and will serve as a benchmark to set some limit on the development aspirations and pressure of commercial interests. The exact floor area size and structure numbers aren't that significant and these have been set at 50% more and up to double the size/number of what might be typical. Perhaps they should be larger, but the point of this recommended standard is to communicate what is appropriate development for these areas and to avoid the rural equivalent of a 27 storey hotel.

Addendum 1 Expand Protection of Dunedin Landscape. See Addendum 1 for the fuller context and the issue's conceptual linkage to other 2GP provisions.

16.3.4.7: In the Performance Standard column, **ADD** an i, ii and iii that will apply to columns b, c, and d as follows: *i. Building/Structure size and quantity in overlays b. and c. as per 16.6.13, ii. Building/Structure Screening in overlays b. and c. per 16.6.14, iii. Landscape Building Platform performance standards in overlays b., c., and d as per 16.6.15.*

Reason for this view: What will be protected by the rule above are areas considered significant, special, outstanding or highly visible on slopes. This type of standard is readily quantifiable and will serve as a benchmark to set some limit on the development aspirations and pressure of commercial interests. The exact floor area size and structure numbers aren't that significant and these have been set at 50% more and up to double the size/number of what might be typical. Perhaps they should be larger, but the point of this recommended standard is to communicate what is appropriate development for these areas and to avoid the rural equivalent of a 27 storey hotel.

Addendum 1 Expand Protection of Dunedin Landscapes: See Addendum 1 for the fuller context and the issue's conceptual linkage to other 2GP provisions.

16.3.4.25: NEW. *Outdoor Art located more than 3 metres away from the primary residence and within any dimension exceeding one metre. a. P, b. NC, c. NC, d. NC*

Reason for this view: Landscape protection. Art cannot really be presented with any sort of size or reflectivity limits.

D. 16.4 Notification

16.4.3.1 After the word'density', **ADD** the following words: *Building Structure, Size and Quantity* (see our recommended 16.6.13) *or Building/Structure Screening* (see our recommended 16.6.14) *or Landscape Building Platform performance standard* (see our recommended 16.6.15.)

Reason for this view: Rules and performance standards are set by Council in the public interest. The public has a right to know of all consent applications that fail to meet those Plan standards despite perhaps costing Council more in time and money.

16.4.3.2 After the words '.....greater than 60 sq.m.', **DELETE** the rest and **ADD** ... *all Landscape, Coastal, Natural Feature overlays and ASCVs.*

Reason for this view: Rules and performance standards are set by Council in the public interest. The public has a right to know of all consent applications that fail to meet those Plan standards despite perhaps costing Council more in time and money.

16.4.3.5 **ADD** a #5 as follows: *For all non-complying activities.*

Reason for this view: Rules and performance standards are set by Council in the public interest. The public has a right to know of all consent applications that fail to meet those Plan standards despite perhaps costing Council more in time and money.

16.4.6 After the words '..... affected persons', **ADD** ... *including primary, secondary and tertiary adjacent property owners, all other property owners within 2 km capable of viewing the site and all community groups and organizations involved in conservation, preservation or land use.*

Reason for this view: This added statement is to define the stakeholders and for clarification of the subjective term 'affected'.

Rule 16.5: Land use Performance Standards

16.5.1: Acoustic Insulation: **AMEND.** **ADD** the words ... *The activity status becomes non-complying for failure to meet this performance standard.*

Reason for this view: Failure to meet performance standards that are quantifiable and germane to the very definition of a zone need to obtain the full scrutiny of RMA 104D. However, certain standards have

many subtle and/or descriptive parameters and the status should remain P or RD. For instance, noise has many varied characteristics where discretion is required.

D. 16.5.2 Density: AMEND. ADD the words ... *The activity status becomes non-complying for failure to meet this performance standard.*

Reason for this view: Failure to meet performance standards that are quantifiable and germane to the very definition of a zone need to obtain the full scrutiny of RMA 104D which assesses environmental effects and compliance with Objectives and Policies.

16.5.2.1.f: CHANGE the following maximum density for standard residential activities on the Peninsula Coast from 20 ha. back to the original Plan figure of *15 ha.*

Reason for this view: Land MSS changes are like zoning changes and these are far more disruptive and damaging to the future of current residents than are rules regarding alterations in building and structure design, location, etc. With a few alterations, a building development remains possible on a site. The site may have been intentionally subdivided originally to the 15 ha. size and also may have been owned for a long time to fulfil an owner's plans.

See Addendum 2 which provides context on this provision matter.

16.5.2.1 NEW ADD a new point 'j' as follows: *j. An exception is allowed for small Rural sites (under Rural MSS) as Legacy Holdings provided they are 2 ha. and greater or a 2+ ha. site that has been created by an amalgamation of other sites from an initial legacy holding of just ½ ha. or greater. A Legacy Holding is a site owned by a direct descendant of those that subdivided their property at least two generations ago and the site has been in continual family ownership since that time.*

Reason for this view: Dunedin is a city that has pride in its settlement history. A human bond or linkage with land or place is a strong attachment which deserves recognition. Under old District subdivision rules, small sites may have been created by grandfathers simply looking to prudently provide for the children.

16.5.2.3. b: AMEND. ADD the sentence: *However, exceeding the one family flat per site rule does change the activity status to non-complying.*

Reason for this view: The possibility of more than one family flat on Rural Residential sites would be inappropriate and the family flat concept would be open for abuse; for instance, the potential construction of five family flats for each of the five children.

D.16. Rule 16.6 Development Performance Standards:

16.6.10: AMEND. After the word 'Reflectivity' in the title, **ADD** the words ... *and colour...*

Reason for this view: Continuity with our recommended amendment of Rule 10.3.6.

NEW 16.6.13 Building and Structure Size and Quantity⁴. The following rule applies in all landscape and all coastal overlays, ONFs and the Hill Slope Rural Zones⁵. An exception is allowed for sites created by subdivision before _____, 2016 or purchased before that date.

Buildings & Structures for:	Max. Gross Floor Area	Structure Quantity – Activity Status			
		Under 200 ha.	Max.	Over 200 ha.	Max.
Commercial-Produce Stall	10 sq.m	1-P, 2-D, 3-NC	3	1-P, 2-D, 3-NC	3
Farming, Forestry or Grazing	750 sq.m	1-P, 2-NC	2	2-P, 3-D, 4-NC	4
Other Rural Activities ¹	500 sq.m	1-D	1	1-P, 2-D, 3-NC	3
Standard Residential plus Garage(s)	350 sq.m	3 ₂	3	3 ₂	3 ₂
Community & Leisure Activities	200 sq.m	NC	-	1-D	1
Sport & Recreation or Visitor Accommodation	60 sq.m	1-P, 2-NC	2	2-P, 3-D, 4-PC	4
All Building & Structures Less than 60 sq.m.	NA	1-P, 2-D, 3-NC	3 ₃	2-P, 3-D, 4-NC	4 ₃
		Max. Total	5-P, 7-D	Max. Total	7-P, 10-D

- ¹ Factory farming, rural ancillary tourist-large scale, rural industry, other industrial, crematoriums, other major facilities, rural research-large scale.
- ² Three possible residences is the additional residence development standard for the Rural Zone that has been set in 2GP.
- ³ Other than water tanks and pump shelters.
- ⁴ Includes additions and alterations and outdoor storage.
- ⁵ Development that contravenes the performance standard for building structure size and quantity becomes a non-complying activity.

Reason for this view: Predominance of rural natural features over human-made features (Objective 16.2.3. a) would be especially important in these special overlay areas. The addition of this size and quantity performance standard seems very logical and could be considered a cornerstone of landscape protection. Areas considered significant, special, outstanding or highly visible on slopes will be protected from the bulk of significantly oversized buildings and structures. The recommended floor area size and the structure numbers have been estimated at 50% more, and up to double, the size/number of what might be considered large, not for residences/garaging, but for productive buildings and structures. Perhaps they should be larger, but a point of this recommended standard is to communicate the upper limit in what is appropriate development in the overlays compared to the plain Rural Zone. This should assist in preventing the footprint equivalent of a 27 storey hotel proposed for landscapes that are outstanding, etc. Also, it seems acceptable that a standard residence/garage(s) larger than 350 sq.m. should be accommodated in the Large Residential Lot Zone rather than in an Outstanding Landscape.

Setting a maximum building size and number standard of this type would be inappropriate in the regular Rural Zone as outlined in DCC Section 32 Report – Rural Zones, 4.3.3 Option 3.1. However, this rule seems essential if protective overlays are to meet their established purpose and the reason they've been created. Addendum 1: Expand the Protection of Dunedin Landscapes. See Addendum 1 for the fuller context and the issue's conceptual linkage to other 2GP provisions.

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.*

Reason for this view: The 2GP says all the right things about integrating buildings and structures into the landscape. However, when it comes to offering mechanisms for achieving that goal the Plan falls far short, as only colour, reflectivity and choice of a landscape building platform are cited. Over the years the landscape architects hired by applicants have regularly sworn in consent applications that these three mitigating measures (colour, reflectivity and platform choice) result in the house and structures being integrated into the landscape. We know that scrutiny of what has been consented and built in the last 15+ years, even in Outstanding Landscape Management areas, would not convince anyone. The houses stick out, full stop.

Take a look and you'll see that the houses built in Landscape Management areas look no different from other houses built anywhere in Dunedin. The huge disappointment in these consent outcomes is why we recommend a vegetation screening performance standard for Landscape and Coastal Management Overlays. (It's recognized that coastal plants cannot achieve full screening effect, but lower landscaping is certainly better than nothing.)

There are other alternatives to vegetation screening, but they will be either more costly, difficult to specify, or less attractive to people building their special home. In fact, with a screening performance standard, it might be possible to entirely drop the building colour standard from the 2GP, giving owners more choice. More difficult house and structure landscape integration methods or mitigating measures include:

Integration Methods	Mitigating Measures
Architectural Controls	Increased Minimum Site Size
Exterior Materials Controls	Reduced Residential Density Standards
Turf Roofs	
Earth Berming	
Subterranean Earth-Sheltered Structures	
Size. Small Houses Only	
Severe Limits on the Number of Structures	

Compared to the above, vegetation screening also has the advantage that the plants and trees can be modified or changed over the years, whereas an architectural control, for instance, leaves an owner perhaps stuck with a compromised design not exactly to their liking.

Vegetation screening is a small compromise for people who want the privilege of living in Dunedin's most outstanding places. Preserving these places is widely appreciated as a public good and most will agree that you cannot build a good society on the basis of self-interest and entitlement focuses.

16.6.15: NEW -- Landscape Building Platforms Performance Standard

The following performance standard pertains to:

- Development and Subdivision Activities
 - Landscape and Coastal Character Overlay Zones
 - Hill Slope Rural Zones
 - ONFs, if and where applicable
 - Property sites created by subdivisions after _____, 2016 or purchased after that date.
1. The maximum size of the main building platform is 1,000 sq.m. It may be surrounded or adjacent to a curtilage building platform not to exceed 4,000 sq.m.
 2. Landscape building platforms are to be registered against the certificate of title by way of consent notice.
 3. The identification of landscape building platforms must be supported by a landscape assessment of the effects of development on the natural character values identified in Appendix A5.
 4. The landscape assessment must be conducted by a qualified landscape architect.
 5. The landscape assessment must consider, but not be limited to, the following:
 - a. the visual prominence of the location of the building platforms;
 - b. the visual and amenity effects of buildings constructed to the maximum building envelope provided for by the performance standards on each identified building platform;
 - c. the appropriateness of the location within the context of the wider coastal setting;

- d. the visual effect of driveways or vehicle tracks that will be required to access the building platforms; and
 - e. whether the clustering of building platforms with other building platforms or existing buildings will minimise adverse effects on natural character values.
6. Development that contravenes the Landscape Building Platform performance standard is non-complying.

Reason for this view: The place where buildings are positioned on a site and the grouping or spread of those buildings and structures is critical to 'appropriate development'. (2GP Objective 10.2.3 and 10.2.5) The comparative need for a landscape building platform performance standard is underscored by the fact that 2GP specifies performance standards for parameters such as building/structure height and reflectivity which are arguably sources of even less visual impact than unscreened large facades. The sharp angular geometrics of buildings and structures are completely at odds with the contours of natural environment elements.

Rule 16.7 Subdivision Performance Standards

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

Reason for this view: The Hill Slopes Rural zone is the most visually prominent of the seven rural zones because it combines the higher visibility of a slope compared to flatter areas, with this zone's proximity to sizeable resident populations who have those slopes in view.

16.7.4.1 ADD the following: 4. *A subdivision that does not comply with 16.7.4.1 or 2 or 3 becomes a non-complying activity.*

Reason for this view: A standard for minimum site size is the most basic of land use controls. If that standard is not met, the full scrutiny of RMA 104D is justified to provide comprehensive public examination.

16.8 Assessment of Controlled Activities: (Note that 16.3.4.3.b has been recommended earlier for a change from C to RD status.)

16.8.3.2 Assessment of Controlled Development Activities: DELETE

Reason for this view: Since buildings greater than 60 sq.m. are recommended for change from C to RD, a 2GP section on controlled activities would not be needed. The landscape building platform concept 10.8 has been changed to performance standard 16.6.15.

16.8.3.3 Assessment of Controlled Development Activities: DELETE

Reason for this view: Since buildings greater than 60 sq.m. are recommended for change from C to RD, a 2GP section on controlled activities would not be needed. The landscape building platform concept 10.8 has been changed to performance standard 16.6.15.

Rule 16.9 Assessment of RD Activity Performance Standard Contravention

16.9.2 Assessment of all Performance Standard Contraventions

16.9.2.1 a: AMEND. ADD the sentence*For overlay zones, mapped areas and scheduled items, the degree of non-compliance is less than 10% for performance standards that are quantified.*

Reason for this view: To protect overlay zones, a specific standard rather than the subjective word 'minor' is recommended.

16.9.2.1 b: AMEND. CHANGE the word 'impracticable' to '*physically impossible*'.

Reason for this view: The reason to allow contravention of a performance standard in special areas/overlays must be much more stringent than 'impracticable', which can be interpreted as involving an extra cost to achieve an outcome. Extra costs, while not acceptable in a plain Rural Zone, certainly seems justified in the special overlays.

16.9.2.1 d: AMEND. ADD the preface'*For consideration in the general Rural Zone only, the*'

Reason for this view: To insure the intended preservation of special areas/overlay zones, 2GP rules have been developed with the aim of best 'achieving positive effects' and achieving 'the identified objectives and policies of the Plan'. In the Rural Zone, however, because of the possibility of likely advances in infrastructure for productivity enhancement, a justified deviation from rules may be fitting.

16.9.3.1: DENSITY (Family Flats) (Performance standard contravention of one single flat.) DELETE

It is recommended that Family Flats be added to the non-complying activity assessment table instead.

Reason for this view: Our recommended amendment to 16.5.2.3.b outlines that more than one family flat becomes a non-complying activity. Since it is no longer RD, the Density (family flat) performance standard should no longer appear in this RD assessment table 16.9.3. Instead, it should appear in a non-complying activity assessment table.

16.9.4.10 iv: OPPOSE.

Reason for this view: No backdrop can mitigate the visual effect of building or structure height because the height is gauged by comparison with the size of fixed features such as door heights, windows, parked car, etc. Height cannot be gauged by comparison with amorphous non-discrete landscape backdrops of any type because they lack dimensional references.

16.9.6.4. and 6.: In the Activity column ADD:

- *Building and Structure size and quantity*
- *Building and Structure Screening*
- *Landscape Building Platforms*

In the Guidance column, **ADD***See 10.7.2.4 and 10.7.2.5* (Recommended additions)

Reason for this view: To establish congruence with the recommended addition of those three performance standards, 16.6.13; 16.6.14 and 16.6.15

Rule 16.12 Assessment of Non-Complying Activities**16.12.1 Introduction**

16.12.1.1 AMEND. At the end, **ADD** the words*These conditions must include meeting all performance standards outlined for P, D, and RD status categories in similar land use activity, development, or subdivision.*

Reason for this view: This amendment has been recommended to insure that when Council is imposing conditions, these conditions include meeting all the same performance standards that similar but less critical status P, D and RD activities must meet.

16.12.3.9: NEW. (It has been our recommendation in 16.3.3.10 and 16.3.3.13 that mining and landfills in ONLs and SNLs become non-complying activities.) Therefore, **ADD** the following **NEW**:

<u>Activity</u>	<u>Guidance on the Assessment of Resource Consent</u>
9. In the ONL, ONF and SNL overlay zones: • Landfills • Mining not in a GR1TZ	See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.5 and the effects related to landscape values.

Reason for this view: These activities above which have been recommended to be non-complying must, as shown above, now appear in the assessment section for non-complying activities.

16.12.4.4: NEW.

<u>Activity</u>	<u>Guidance on the Assessment of Resource Consent</u>
4. In the ONL, SNL and NCC overlay zones: • New building or structure • Additions and alterations • Landscape Building Platforms	See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.5 and the effects related to landscape values.

Reason for this view: Inclusion in the assessment table for non-complying development activities is done to provide continuity with our earlier recommendation for these three new performance standards shown above which become non-complying activities with the contravention of these standards.

We seek to have the provisions outlined below ‘Amended’ or ‘Opposed’. The addition of these amendments or acceptance of our opposition is the DCC decision we seek. All other provisions of D.17 not outlined below are ‘Supported’.

(All references to Outstanding Natural Landscapes (ONLs) in this submission address the population and tourism-centred ONLs of the Otago Harbour and Peninsula and NOT the 2GP ONL areas of the High Country and Hill Country Rural Zones.)

D. 17 Rural Residential Zones

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.

Reason for this view: Additional RR zoning is contrary to 2GP Strategic Directions and DCC-sponsored land use assessment reports.

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

17.1.1.2 Rural Residential Zone 2: OPPOSED

Reason for this view: Additional RR zoning is contrary to 2GP Strategic Directions and DCC-sponsored land use assessment reports.

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

17.2 Objectives and Policies

The following two amendments are recommended to be made throughout all Objectives and Policies in 17.2 as follows:

CHANGE the word ‘minor’ to ‘*insignificant*’.

CHANGE the word ‘insignificant’ to ‘*very insignificant, meaning bordering on unidentifiable*’

Reason for this view: The replacement of the words ‘no more than minor’ with the word ‘insignificant’ is because terms (such as ‘minor’) used in describing a 2GP Policy statement should not be confused with the specific definition of ‘minor’ in RMA case law, which pertains to Section 104D, a topic that is different from

describing a 2GP policy. Replacing the word 'insignificant' with the words 'very insignificant, meaning bordering on unidentifiable', is because a more definitive description than just 'insignificant' is required for better clarity intended to assist in insuring decision-making consistency.

Policy 17.2.1.7: NEW. *Only allow expansion or the addition of other Rural Residential areas to occur in locations that have at least a 100m wide buffering area of Rural zoned land on all borders to mitigate reverse sensitivity issues with nearby Residential zoned land or public spaces.*

Reason for this view: To provide adequate recognition of the stakeholder rights of current residents. See our new recommended Objectives and Policies 2.3.4, 2.3.4.1, 2.3, 4.2, 2.3.4.2

Objective 17.2.2: AMEND as follows: **CHANGE** the word 'good' to *high*. **PLACE** a 'period' after the word 'properties'. **DELETE** the remainder of the sentence and **ADD** the following sentence: *Maintain an undiminished level of amenity on surrounding sites with existing residential activity and a very good level of amenity on surrounding unoccupied residential properties and public spaces.*

Reason for this view: To provide adequate recognition of the stakeholder rights of current residents. See our new recommended Objectives and Policies 2.3.4, 2.3.4.1, 2.3, 4.2, 2.3.4.2

Policy 17.2.2.2: AMEND. After the words '....than minor', **ADD** the words: *for other rural residential properties and that for surrounding unoccupied residential zone properties the level of amenity is retained as very high and amenity is undiminished for surrounding residential zone properties which have existing established residential activity.*

Reason for this view: To provide adequate recognition of the stakeholder rights of current residents. See our new recommended Objectives and Policies 2.3.4, 2.3.4.1, 2.3, 4.2, 2.3.4.2

Policy 17.2.2.9: NEW. *In the Rural Residential Zone, require buildings and structures to be limited in size and quantity. Due to the small site size in the Rural Residential Zone, buildings and structures have the potential to have significant adverse effects on the values of these areas. Therefore, activity, development and subdivision in these areas which contravene performance standards for building size and quantity, density, or minimum site size, indigenous vegetation removal, or reflectivity would be contrary to the objectives and policies of the District Plan and therefore shall be avoided.*

Reason for this view: Rural Residential areas have the potential to become as structure dense as any urban area. In addition, unlike the somewhat uniform appearance and visual impact of houses in an urban setting, the typical Rural Residential hobby farm is a scattered collection of buildings and structures that look quite different from one another.

Policy 17.2.2.3: AMEND. After the words ...'....on adjoining' and **ADD** the words: *rural residential, a very high level on surrounding unoccupied residential zone properties and an undiminished level of amenity on residential zone properties which have existing established residential activity.*

Reason for this view: To provide adequate recognition of the stakeholder rights of current residents. See our new recommended Objectives and Policies 2.3.4, 2.3.4.1, 2.3, 4.2, 2.3.4.2

Policy 17.2.2.5: AMEND. After the words 'adequately mitigated' **ADD** the words: *'or the amenity is retained as very high on unoccupied surrounding residential zone properties and amenity is undiminished for surrounding residential zone properties which have existing, established residential activity.*

Reason for this view: To provide adequate recognition of the stakeholder rights of current residents. See our new recommended Objectives and Policies 2.3.4, 2.3.4.1, 2.3, 4.2, 2.3.4.2

Policy 17.2.3.3: AMEND. After the words'adequately mitigated' ... **ADD** the words: *'and avoided or mitigated so that amenity is retained as very high on surrounding unoccupied residential zone properties and amenity is undiminished for surrounding residential zone properties which have existing, established residential activity.*

Reason for this view: To provide adequate recognition of the stakeholder rights of current residents. See our new recommended Objectives and Policies 2.3.4, 2.3.4.1, 2.3, 4.2, 2.3.4.2

See Addendum 1 – Expand Protection of Dunedin Landscapes

Rule 17.3 Activity Status

17.3.4 Activity Status Table – Development Activities

17.3.4.3. OPPOSE.

Reason for this view: The designation of a 'landscape building platform' for buildings >60 sq.m is not a sufficient or acceptable reason to assign a C activity status. A controlled activity status must be granted consent and it sidesteps the more complete scrutiny of an RD status. The 'qualified persons' doing the platform assessment would surely identify the best platform; however, that does in no way confirm that it would meet any standards or would be acceptable. A hearing committee could possibly be required to grant consent for what may be the best but still an unacceptable building platform recommended by a consent applicant's hired person. Just because a landscape building platform has been identified should not mean that a building activity should be reduced to a C status and then only be subject to scrutiny based on size, design and appearance control evaluation criteria.

However, a new landscape building platform performance standard and use of this concept seems meaningful. Note that a new performance standard for landscape building platforms is recommended in 16.6.15.

Rule 17.4 Notification

17.4.3.2 NEW. ADD a new point #2 as follows: *2. All non-complying land use activities, development or subdivision.*

Reason for this view: The public has a right to know of all consent applications that fail to meet Plan standards. (Refer to our new recommended D.16.2.1.11 and A.2.3.4)

NEW 17.4.3.3 ADD a new point #3 as follows: *3. A new residential activity on a site that contravenes the performance standard for density, or building structure size and density or building and structure screening in an SNL (17.6.12).*

Reason for this view: The public has a right to know of all consent applications that fail to meet Plan standards. (Refer to our new recommended D.16.2.1.11 and A.2.3.4)

Rule 17.5 Land Use Performance Standards

17.5.2 Density: ADD the following sentence: *The activity status becomes non-complying for failure to meet this performance standard.*

Reason for this view: Failure to meet performance standards that are quantified and germane to the very definition of a zone need to obtain the full scrutiny of RMA 104D. However, certain standards are numerical and have many descriptive parameters and should remain P or RD. Noise, for instance, has many, many characteristics where description is required.

17.5.2.1. a.i: OPPOSE.

Reason for this view: Best practice land use planning emphasizes avoidance of rural land fragmentation and the priority of zoning areas primarily either urban or rural. This is reflected in DCC's Special Zoning Report – Rural Residential Report Section 2.0, and 2GP Strategic Direction 2.2.4.4.a. In addition, the capacity of existing rural residential land is sufficient per DCC Residential Study 2007, DCC Residential Capacity Study 2009 and DCC Residential Capacity Study 2013.

Addendum 4: See Addendum 4 for the fuller context of this issue.

17.5.2.1. b: AMEND. After the words 'Rural Residential Zone'**ADD** the words 'except for a single family flat.'

Reason for this view: Whereas large rural holdings may need additional resident persons on site to operate a farm enterprise, this is not the case for Rural Residential sites. There is also no valid reason to permit multiple residential activities in Rural Residential areas. 2GP does plan for urban infill, medium density and residential transitional zones so there is no need for Rural Residential areas to absorb population increases.

Addendum 4: See Addendum 4 for the fuller context of this issue.

17.6 Development Performance Standards

NEW 17.6.12 Building and Structure Size and Quantity

<u>Buildings & Structures for:</u>	<u>Size</u>	<u>Structure Quantity – Activity Status</u>	
	<u>Max. Gross Floor Area</u>		<u>Max.</u>
Commercial-Produce Stall	10	1-P, 2-D	2
Farming or Forestry or Grazing	300	1-P, 2-NC	2
Other Rural Activities	300	2-P, 3-D	3
Standard Residential plus Garage(s) ¹	350	1-P	1
Community & Leisure Activities	100	1-D	1
Sport & Recreation or Visitor Accommodation	60	1-P, 2-NC	2
All Building & Structures Less than 60 sq.m.	NA	1-P, 2-D, 3-NC	3 ²
Total: 7-P, 8/11-D, >11-NC			

- 1 Factory farming, rural ancillary tourist-large scale, rural industry, rural research-large scale, mining.
- 2 Other than water tanks and pump shelters.
- 3 Development that contravenes the performance standard for building structure size and quantity is a non-complying activity.

Reason for this view: To limit the possible proliferation of buildings and structures on Rural Residential sites which are very small compared to the Rural MSS. People considering rural activities that require a large number of buildings and structures need to be discouraged from concentrating them on a small rural Residential site and undertake the purchase of a sizeable rural property.

See Addendum 4 for the fuller context of this issue.

Rule 17.8 Assessment of Controlled Activities

17.8.2. 2 and 3: OPPOSE.

Reason for this view: The 'landscape building platform' concept as outlined for 10.8.1, is opposed as the activity status is reduced to C just on the basis of the finding of an applicant's consulting architect. A landscape building platform performance standard has been recommended in 16.6.3.

17.9 Assessment of Restricted Discretionary Activities (Performance Standard

Contraventions): DELETE the word 'Rule' from throughout section 17.9

Reason for this view: The assessment sections are NOT 'rules'. They are simply tables indicating matters subject to control or discretion and 'guidance' on consents. These do not conform to the RMA's definition of a 'rule' and have none of the attributes of true 'rules', but rather are just suggested points of guidance that may or may not influence subjective decision-making by councillors who are considering these 'guidelines'. Confining use of the word 'rule' to performance standards would keep the terminology from being misleading.

17.9.2.1 a: AMEND. After the words ...'is minor' ... **ADD** the following sentence: *For overlay zones, mapped areas and scheduled items the degree of non-compliance is less than 10% for performance standards that are quantified.*

Reason for this view: To protect overlay zones, a specific standard rather than the subjective word 'minor' is recommended.

See Addendum 1 – Expand Protection Dunedin Landscapes

17.9.2.1. b: AMEND. Change the word 'impracticable' to '*physically impossible*'.

Reason for this view: Rural Residential zones don't fit the pattern of the clean urban-rural distinction which is a preference outlined in both the 2GP and the DCC's Spatial Plan. Rural Residential areas also have a potential to create a negative impact on surrounding Residential zone areas. Therefore, the reason to allow contravention of a performance standard must be much more stringent than 'impracticable', which can be interpreted to just avoid cost or satisfy individual applicant desires.

See Addendum 4 for fuller context of this issue.

17.9.2.1. e: OPPOSE.

Reason for this view: Performance standards should only be modified with a Plan Change where the modification applies not to just a single consent applicant but is likely to become closer to a norm in the future that is beneficial to the wide community. Rural Residential living is a lifestyle choice and is not driven by productivity as a priority as it is in the Rural Zone where more flexibility is required.

See Addendum 1 – Expand Protection of Dunedin Landscapes

17.9.3: Assessment of land use performance standard contraventions

17.9.3.1: DENSITY (Family Flats) OPPOSE.

Reason for this view: Assessment against Objective 17.2.3 will not be able to restrain the number of family flats built on a Rural Residential sites. The 2GP 17.9.3.1 assessment matter describes contravening the performance standard that allows only one family flat per site. That means that, with a contravention, there could be more than one family flat per site allowed. The possibility of more than one family flat on Rural Residential sites would be inappropriate and the family flat concept would be open for abuse; for instance, the potential construction of five family flats for each of five children. We think this could become an unintentional outcome of the way the 2GP assessment provision is currently written.

See Addendum 4 for fuller context of this issue.

17.9.4 Assessment of development performance standard contraventions

17.9.4.1. a.-b.-c: Note that for the guidance matters, recommended amendments have been made to Objective 17.2.2 and subsequent policies. If these amendments are accepted, those changes would require comprehensive modifications of 2GP 17.9.4.

17.9.4.10: AMEND. ADD to the performance standard column *Building and Structure Size and Quantity* (see 17.6.12, New)

Reason for this view: To limit the possible proliferation of buildings and structures on Rural Residential sites which are very small compared to the Rural MSS. People considering rural activities that require a large number of buildings and structures need to be discouraged from concentrating them on a small rural Residential site and undertake the purchase of a sizeable rural property.

See Addendum 4 for the fuller context of this issue.

17.9.4.10 ii: AMEND. After the words'of a height' **ADD** the words, *size and quantity*.

Reason for this view: For connectivity to our recommended amendment 17.9.4.10

17.9.4.10 iv: OPPOSE.

Reason for this view: No backdrop can mitigate the visual effect of building or structure height because the height is gauged by comparison with the size of fixed features such as door heights, windows, parked cars, etc. Height cannot be gauged by comparison with amorphous non-discrete landscape backdrops of any type because they lack dimensional references.

17.9.6: Assessment of performance standard contraventions in an overlay zone, mapped area or affecting a scheduled item.

17.9.6.2 and 5: AMEND. In the Activity column **ADD** the words: *Building and structure size and quantity*.

Reason for this view: For connectivity to our recommended Rule 10.4 amendment.

17.11.3: Assessment of discretionary performance standard contraventions

17.11.3.2. b: OPPOSE.

Reason for this view: If meeting the MSS is important then the site should remain undeveloped (not new RR) or the larger parent site should not be subdivided. Neither the 2GP Strategic Direction nor the Spatial Plan seek to encourage additional RR lifestyle living. Unlike the encouragement for urban infill, medium density and Residential Transition zones that are the preferred areas to satisfy population increase and housing demand.

See Addendum 4 for fuller context of this issue.

17.12: Assessment of non-complying activities

17.12.1.1: AMEND. At the end, **ADD** the words*These conditions must include meeting all performance standards outlined for P, D, and RD status categories in similar land use activity, development or subdivision.*

Reason for this view: This amendment has been recommended to insure that when Council is imposing conditions, these conditions include meeting all the same performance standards that similar but less critical status P, D and RD activities must meet.

2GP Maps – Recommended Amendments

1. 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.

Reason for this view: The Otago Harbour surrounds must be classified as Outstanding Natural Landscape because this area has exception values.

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.

2. Significant Natural Landscapes (SNL)

Taieri Slopes SNL -- NEW

Given the position of Mosgiel, the considerable suburban development that has been added to Outram through a Plan change and the fact that Highway 1 might provide excellent transportation infrastructure for future settlements, all the slopes around the Taieri Plains are included in this SNL. The fact that Highway 1 runs through the Plain also means that the SNL will provide a good look to the Dunedin outskirts for regional travellers and international visitors.

It may not be that densely settled populations look up to see something scenically outstanding, but even having mainly green hills in view instead of a ring of houses is an aesthetic pleasure that would likely be the main contributor to the perceived amenity of the population living on the Taieri Plains.

Detailed description:

Land areas above 75m elevation, encompassed by the following boundaries:

- West (SW to NE oriented) Boundary: A straight line extending from the southern DCC border to points 300m NW of the summits of Mangatua, Boulder Hill and Abbotts hill.
- North Boundary: Abbotts Hill to the Highway 1/Morris Road crossing point.
- East Boundary: From the DCC south border to the Highway 1/Morris Road crossing point, the boundary is a line connecting point 300m SE of the summits and ridge tops between the sea and Highway 1.

Reason for this view: The Taieri slopes must be classified as Significant Natural Landscapes because this area exhibits values of high significance.

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.

3. **General Residential 1 Transition Zone**

The Harboursides and Peninsula Preservation Coalition sees the deletion of the priority 1 and priority 2 transition zone areas which surround The Cove settlement on the Harbour as a priority. Although The Cove is not largely an historic harbour settlement, and it is close to the city, the land on each side of it should retain its rural zoning for three reasons.

- a. The form of The Cove settlement highly resembles the size and form of the several other historic harbourside settlements. It sets the tone for the travel experience along the Peninsula typified by rural/green space – village – rural/green space – village – etc.
- b. Expansion into Rural areas around the city, which are adjacent to the present residential zones, is sensible for absorbing small future population increases. However, in the case of this area around The Cove, there is the directional growth constraint of the harbour waters' edge. This inevitably leads to a highly undesirable recognizable development pattern referred to as 'ribbon development' where dense housing or other development stretches out along the road.
- c. The fact that The Cove area is quite close to a residentially dense part of the urban city means that the result of additional residential development here will be typical of an urban sprawl pattern. This is telegraphed to the traveller by the evident change in the newer age of the housing development the further out one goes. And stranded in the middle of this new bit of 2GP sprawl would be the 40+ year old The Cove, once a distinct place with its own identity bordered by rural land.

The negative impact of this proposed 2GP Residential Transition Zone development is amplified by the fact this spot around The Cove is on a slope rising up from the water. Therefore the negative impact is not confined to those passing through, but it extends to those in watercraft on the harbour and to those residents across the harbour who enjoy this outlook as their main view.

Overall, the 2GP Residential Transition Zone concept conveys the appearance of an easy way out on housing growth and really seems not much more than sanctioned sprawl. How do the Transition Zones rank in expansion priority with urban infill, rezoning for multi-storey living and allowances for family/granny flats, etc.? Are there incentives? What is the 'plan'?

Shouldn't the work on creating a greenfield 'new town' begin with the 2GP given that the lead time to accomplish such a best practice solution is so very, very long? The Spatial Plan action item #DP4 on page 65 states: 'identify areas where future greenfield development should go when current capacity and additional capacity through intensification is inadequate.' When Dunedin reaches the point that this inadequacy is apparent, it will be far too late to begin the creation of 'new townships' or the transition of a suburb into a new township and the pressure to 'sprawl' will mount. Roading extension, NZTA involvement, easements, etc. take a very long time, as will the creation of public/private partnerships to spawn and ensure key services, such as a supermarket, etc.

An even larger task will be the cost analysis comparison of 'new town' versus urban expansion, which would include the comparison of all 'new' infrastructure (water, streets, sewers) with extending and further taxing our aging urban infrastructure and those 'reliability' costs. If we don't actually 'plan', the low cost, easy way out will let transition sprawl continue, especially as pressure is applied by development interests which always buy and own land ahead of the growth line. This, unfortunately, seems to be an established pattern of profiteering country-wide and, of course, internationally.

The 2GP District Plan needs to be one that does truly long-term planning for Dunedin's future. For example, we need another 'Mosgiel'. Not just to preserve that township's current liveable size and for the protection of surrounding high class soils, but to take the development pressure off all the other Dunedin fringe areas where the residents, the key stakeholders there, are happy with the residential amenity that they currently have. It's time for Council to get started on new township concepts because long-term planning involves hard work and hard choices.

4. Outstanding Natural Coastal Character

We recommend that the main exposure of the Portobello Peninsula be designated Outstanding Natural Coastal character (ONCC). Operationally, the small portion that is the Aquarium site would likely require a different designation.

Reason for this view: While our opinions by both conservation and tourism representatives matter, our resolve for this ONCC designation is influenced by landscape architecture concepts and expertise in the field. The seabird fauna and coastal landscape scenery viewed both from land and water are appreciated as being exceptional. A narrow peninsula like the Portobello Peninsula, jutting into a harbour, encircled by residents and tourist travellers, seems to offer a unique condition of both coastal and landscape values. There is, perhaps, no other small landform in other harbours of the South Island.

5. Townships and Settlements

We recommend that all the Township and Settlement zoned land on the Otago Peninsula, beginning at the Harrington Point Road and Tidewater Drive intersection and extending toward Tairoa Head, be classified with the Natural Coastal Character overlay.

Reason for this view: This approximately 10 km continuous stretch of township and settlement land along Otago Harbour is incredibly long. By comparison, the uninterrupted township and settlement area that forms Macandrew Bay and Company Bay is just approximately 4 km. long. Even this stretch of township and settlement, however, once had the village-defining rural land break/separation of what, unfortunately, is now the Mission Cove suburban development.

We seek to preserve the historic village-rural-village-rural settlement pattern of the iconic Otago Harbour. This pattern is under greatest threat on the section from Tidewater Drive/Harrington Point Road intersection to Tairoa Head, currently designated in 2GP as a 'Township and Settlement' zone. With that designation, this section would be able to be developed and become a dense suburban-type strip of houses along the Harbour. The 'New Zealand Coastal Policy Statement 2010', Policy 6: Activities in the coastal environment, foresees this threat. Sec. 6.1.c. seeks to *"encourage the consolidation of existing coastal settlements and urban areas where this will contribute to the avoidance or mitigation of sprawling or sporadic patterns of settlement and urban growth;"*.

If this area we describe were encompassed by a Natural Coastal Character overlay, the potential would exist to address this sprawl issue in the future.

This area of possible future harbourside sprawl could have consequences regarding the handling of wastewater and the cleanliness of our harbour. In addition, there are the effects on resident amenity values and the potentially severe visual impact effects on both coastal and landscape values. While 'effects' considerations, of course, relate just to residents, the Township and Settlement area we describe forms the introduction to Otago Harbour by our increasing number of cruise ship passengers headed toward Port Chalmers, and tourists on the harbour scenic and wildlife day cruises that travel right along this stretch of the Otago Harbour.

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.

Addendum #2: Standards/Zoning Changes – Residential ‘Density’ in Rural Zone

The Harbourside and Peninsula Preservation Coalition favours having the Council leave the residential density in certain rural areas at the 15 ha. it currently is. An increase in the residential density standard can be disruptive to the future plans of property owners.

The 2GP proposes changes to standard residential land use density in the Peninsula Coast Rural Zone from 15 ha. to 20 ha. Property owners with 15 ha. in that zone may be prevented from building. Or, if they had wished to sell the 15 ha. they may be unable to do so. Or, if they can sell, the price they’d realize would be vastly lower. They, of course, can’t change the size of their property so they are stuck. What they could adapt to and change, however, would be the size of the planned building, the quantity of structures and the building location on the site. That is why we favour new rules on these land development parameters over the blunt tool of zoning-like effects such as a change of the residential ‘density’.

Council staff have stated that the Density change from 15 ha. to 20 ha. will lessen the impact of development in the Rural Zone and that it will be an ‘offset’ to their other proposal to turn much more rural land into Rural Residential Zones with Density as small as 1 ha. in size.

This 2 GP thinking seems quite erroneous. To believe that a Density change from 15 ha. to 20 ha. would do much to improve the landscape, character and amenity of rural land with a house on it is misguided. A house badly positioned on 20 ha. that is large in size and of a standard house design, offering no mitigating design elements, surrounded by numerous out-buildings and structures will be as obtrusive if built on the smaller 15 ha. allotment. (In addition, where Council has written rules for height, colour and reflectivity, these seem by comparison to be trivial and ineffectual.)

Perhaps Council has failed to fully account for human perception? Although structures might only cover a tenth of the surrounding natural, rural property of the landscape, the human eye is drawn to the intruding structures and our perception changes whether the structures are placed on 20 ha. or 15 ha.

That is why the Harbourside and Peninsula Preservation Coalition participants who are preservationists and would generally favour 15 ha. over 20 ha. density for the Peninsula Coast. This may seem to be an uncharacteristic preservationist stand to reject ‘preserving’ the additional 5 ha. However, the disruption of Density changes to the future of current property owners far outweighs any landscape benefit of increasing the Density from 15 ha. to 20 ha.

In addition, Council justification for the change as outlined in the report ‘Minimum Site Size in Dunedin’s Rural Zones (DCC, April 2014) is exceptionally weak. The reason for the chosen 20 ha. figure is that 20 ha. just happens to be the median size in the Peninsula Coast Zone. The report also sites that “subdivision to 15 ha. for lifestyle purposes has occurred in this zone.” We interpret here that this means that a 5 ha. increase would materially reduce demand by prospective ‘lifestyle’ purchasers. This seems unlikely. Please note too that a 5 ha. MSS increase, while limiting fragmentation, would not be enough of a justification in our view for mandating these zoning-like changes on the property owners.

(Note: The Harboursides and Peninsula Preservation Coalition participants are generally unfamiliar with the attributes of the more outlying rural areas. Therefore, there are no recommendations regarding the residential density of High Country-100 ha., Hill Country-100 ha., Middlemarch Basin-40 ha., and Taieri Plains-25 ha. In these areas because of soil quality considerations or larger-scale farming requirements in drier, more remote locales, these large residential Density requirement in the 2GP are likely justified.)

Addendum #3: 'Rules' and the Plan Change Procedure

Plan rules can readily be altered as the RMA fully provides for a 'Plan Change' procedurea procedure that requires little more work than the processing of a resource consent application. This 'Plan Change' capability provides the ultimate balance and flexibility with respect to rules. Councils will not be accused of being 'anti-development' for simply having a firm planned vision as it will be balanced with Council's proven ability to listen to Plan change applicants. Also, at any time, a Plan Change can be initiated by Council to fit development proposals that are emblematic of coming changes and needs perhaps spawned by technological or climate change, or new types of commerce. Also, district plans are rewritten every ten years or so which is certainly frequent enough to accommodate any sociological/ consumer shifts. The fact that rules tend to create more work for Council staff in certain areas should not override the benefits of a clear vision and clearer standards for Dunedin.

- Rules communicate clearly to the public what are the more important benchmarks of Dunedin Council vision, removing much of the applicant's guessing about what sort of viewpoint at the time might decide a land use decision.
- Rules are the only way to set some sort of 'upper bounds' on important development parameters. They can help prevent extreme and broad land use interpretations, saving Council being mired down in a runaway proposal that might be the rural equivalent of a 27 storey hotel. It seems prudent that a 'precautionary principle' applies to district plans and this can be achieved by assigning some 'upper limits' to the most critical parameters such as building size.
- Rules with clear definitions insure some decision-making consistency on important items. Over the passing years there, of course, will be intervening Council elections and perhaps the appointment of independent Hearings Committee commissioners which is a natural challenge to decision consistency.
- Rules will result in fewer applications made for resource consent and that will result in less cost and work for Council. If a district plan has few rules and nearly complete flexibility, an applicant will think 'why not try for approval'.

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.

Appendix 1

The Harbourside and Pensinsula Preservation Coalition

Organisation background from public forum presented to Dunedin City Council.

DCC Public Forum
November 3, 2014
Craig Werner
476-1333
craigww@ihug.co.nz

DUNEDIN COUNCIL INTRODUCTION TO THE HARBOURSIDES AND PENINSULA PRESERVATION COALITION

The Harboursides and Peninsula Preservation Coalition (HPPC) started around June of last year. It is mainly comprised of those with conservation interests, aligned with folks in the tourism industry....all people who care a great deal about Otago, Dunedin, the Otago Harboursides, and the Peninsula. Participants from both backgrounds are keenly concerned with the same thingpreservation of our natural and rural environments.

This preservation is seen to be essential for valuable flora, fauna, visual amenity and beyond. Proper conservation of the Harboursides and Peninsula will have a long term economic impact. The Harbour and Peninsula are top draws that propel our significant tourism industry.

Here's what the widely read travel guide, Lonely Planet, has to say about our natural attractions and it happens to be the number one best-selling guide about New Zealand.

- The guidebook's page 4, 'Top Experiences' in all of New Zealand, lists 15 destinations. The Otago Peninsula ranked along with Queenstown and Milford Sound
- Page 534 lists "Dunedin and Otago Highlights" and it includes "Discovering laid-back charm along the quiet northern shore of Otago Harbour". Lonely Planet is including the North (Northwest) Harbour, and note that our coalition includes 'Harboursides' in its name. (These northern slopes of the harbour are also a great potential place for Orokonui 'escapees'.)
- The Lonely Planet listing of all the Otago Peninsula attractions on page 547 states that "Despite a host of tours exploring the Peninsula, the area maintains its quiet, rural air." Hence, maintenance of this 'quiet, rural air' is seen as having important significance to Dunedin.

It's also important to recognize too that it's not just tourism's economic impact that can result from preservation. Our rural and natural environments are key elements in attracting future talented workers to our City. People who seek nearby recreation and open space, work-life balance, and a long term commitment to a region. Talented workers who will help fulfil this Council's objective of creating a "great small city".

To summarize, the stakeholders associated with the Peninsula and Harboursides are many and include:

1. The wildlife, of course, and just for its sake alone. Tourism aside, it's the right thing to do and several species are endangered.

2. The full Dunedin citizenry is the largest stakeholder. The harboursides and peninsula are key for recreation, weekend and day trip activities.
3. The entire Dunedin tourism industry.
4. The existing and future talent-based companies that can be boosted by Dunedin becoming a 'magnet city'.

The Coalition's findings to date conclude that the format of the current District Plan is not fully supportive of these stakeholders. The Plan's implementation, in practice, in resource consent decisions for more than a decade have eroded significant area natural values. This represents the steady, incremental demise of a key part of Dunedin's unique character. With the current District Plan this is inevitable. For example, in the "Assessment of Resource Consent Applications" (Landscape section 14.7) the preservation 'bar' is set very low with Council just only needing to 'have regard to' several important, high impact landscape factors.

The Harboursides and Peninsula Preservation Coalition is a group that centres on the leaders of local conservation organisations and the owners of tourism businesses. (It is a Coalition of individuals, so the affiliations referenced below don't connote organization representation, of course.) By name we are:

Norcombe Barker	Larnach Castle
Bradley Curnow	Aramoana Conservation Group
Lala Frazer	STOP
Neil Harraway	Monarch Wildlife Ltd.
Peter Hayden	Author, Visual presenter
John Milburn	Formerly Monarch Cruises
Perry Reid	Natures Wonders
Brian Templeton	Elm Wildlife Tours
Craig Werner	HPPC

As folks are busy and generally not keen on meetings, the Coalition has limited its focus to two areas. How the Harboursides and Peninsula areas have been and are being affected by the resource consent process, and of course, making a submission on the new Second Generation District Plan.

In the past we've met with Planning Department Council staff, and participated in the department's Natural Environment Reference Group. The Coalition's concerns been distilled into ten core issues which have been communicated to Council Planning during last year's consultation period.

Staff member, Michael Bathgate, who is dealing with rural issues, is most familiar with the list of these ten District Plan concerns. However, there are a myriad of reasons and details which we hope will gain your consideration as the 2nd Generation District Plan consultation process proceeds.

References

1. Section 32 Report Residential
2. Section 32 Report Rural Zones
3. Minimum Site Size in Dunedin's Rural Zones (DCC, April 2014)
4. Site and Property Size Distribution in Dunedin's Rural Zones (DCC, 2013)
5. Rural Character Assessment Dunedin City (Forest Environments Limited, February 2010)
6. Dunedin City Residential Capacity Study (DCC, 2013)
7. Dunedin City Residential Capacity Study (DCC, 2013)
8. Dunedin City Rural Residential Study – District Plan Monitoring Series Research Report 2008/1
9. Rural Character Assessments Dunedin City (Forest Environments Limited, February 2010)
10. Dunedin City Residential Capacity Study (DCC, 2009)
11. Recognizing Outstanding Natural Landscapes (RMTP, 2014)
12. Section 32 Report Landscape
13. Dunedin Landscape Management Areas Review (Boffa Miskell Limited, April 2007)
14. Assessment of Landscape Conservation Areas (Mike Moore, August 2013)
15. Outstanding Landscape & Coastal Landscape Boundary Mapping (Mike Moore, July 2013)
16. Dunedin City, Significant Landscape Features Assessment (Mike Moore, June 2013)
17. Outstanding Natural Features Boundary Mapping (Mike Moore, December 2013)
18. Saddle Hill Landscape Conservation Area Assessment (Read, May 2015)
19. Coastal Environment of Otago: Natural Character and Outstanding Natural Features and Landscapes Assessment – Dunedin City Section Report (Moore et al., 2015)
20. Section 32 Report Natural Environment
21. Ecological significance criteria for the second generation of the Dunedin City District Plan (Wildlands, August 2014)
22. Determining Indigenous Vegetation Clearance Thresholds for Dunedin's Rural Zones (DCC, 2015)
23. Coastal Environment of Otago: Natural Character and Outstanding Natural Features and Landscapes Assessment – Dunedin City Section Report (Moore et al., 2015)
24. Section 32 Report Residential Zones

D. 16.5.2 Density: AMEND. ADD the words ... *The activity status becomes non-complying for failure to meet this performance standard.*

DELETE rows a, d, and f.

Reason for this view: Failure to meet performance standards that are quantifiable and germane to the very definition of a zone need to obtain the full scrutiny of RMA 104D which assesses environmental effects and compliance with Objectives and Policies.

Reason for deletion of rows a, d, and f is as a contingency change for consistency with 16.6.13.

with a historical farm when the early settlers first moved to the Otago Peninsula in the 1860s". The submitters stated that "the proposed 40ha size will not constitute an economic unit and does absolutely nothing whatsoever to address many of the DCC criticisms associated with the present 15ha limit".

53. *Bruce Wayne Taylor* (OS664.4) sought to retain the current 15ha for the Peninsula Coast Rural Zone. He considered that the previous subdivision rules worked well and should be reinstated and that 40ha was not suitable for an economic farming venture and land would still be purchased for lifestyle purposes.
54. *The Construction Industry and Developers Association* (OS997.33) sought a minimum site size for subdivision of 6ha across all rural zones, with no specific reason given for this request. This submission was opposed by *Horticulture NZ* (FS2452.57) who sought "adequate lot sizes to ensure that potential for reverse sensitivity is appropriately managed".
55. *Jason Cockerill* (OS184.1) sought to be able to divide 15ha sites down to smaller sites in his vicinity of Big Stone Road, Brighton. The submitter stated that "Land holdings to the north of us have had this option passed by council already. This leaves only three sites lost in no man's land, left between larger coastal farmland or larger forestry blocks well in excess of the current 15ha min". This submission was opposed by *John and Sue Heydon* (FS2210.4) who own one of the three 15ha blocks referred to by Jason Cockerill. *John and Sue Heydon* supported the stated goals behind the DCC's proposals with regard to rural land, and felt that land in their vicinity has been subdivided in a rather unstructured way. *John and Sue Heydon* (FS2210.2) also opposed the submission by *Kim and Diane Rapley* (OS641.3) to reduce minimum site sizes to 15ha, and stated their preference for the 40ha minimum site size for Rural Coastal zone. The submitters were concerned that a reduction in the minimum site size would lead to pressure for further subdivision along the coast and pressure for even smaller blocks.
56. *Dianne Reid* (OS592.25) submitted that there did not appear to be any justification for differentiation between the Coastal Rural Zone (outside of the coastal environment) and the Hill Slopes Rural Zone. This related to her submission pertaining to proposed differences between the residential density standards for these two zones, along with questioning the difference between residential density and subdivision standards in each zone. This submission was opposed by *David and Kerry Hiom* (FS2473.23), with the reasons relating to their opposition to more intensive zoning and a higher intensity of use in the vicinity of Saddle Hill Road.

3.2.4.5 Submissions to increase minimum site sizes for subdivision

57. *Scroggs Hill Farm* (OS1052.4) considered the minimum subdivision size of 40ha for the Coastal Rural Zone an improvement, but considered it should be much larger as 40ha is still uneconomic for farming.
58. *HPPC* (OS447.93) and *STOP* (OS900.126) sought to increase the minimum site size in the Hill Slopes Rural Zone from 25 to 40ha (Rule 16.7.4.1.d), because of the visual prominence of the zone. *STOP's* submission was opposed by *Pigeon Flat Road Group* (FS2416.52), who considered that 40ha is not an efficient use of land.

3.2.4.6 Section 42A Report

59. The Reporting Officer, Michael Bathgate, recommended all submissions be rejected. He referred to the adverse effects of fragmentation and the loss of productive land as well as the focus of the 2GP objectives and policies that protect productive land, maintain productivity and maintain or enhance the character and amenity of the rural environment (Section 42A Report, p. 288).
60. The Reporting Officer explained that the minimum site size for subdivision standard seeks to achieve the strategic objectives and that the methodology for deriving the proposed minimum site sizes for each Rural Zone was set out on pages 16-20 of the Section 32 report *Minimum Site Size in Dunedin's Rural Zones, April 2014*. In setting

the minimum site size for subdivision, existing property sizes were used rather than sites (certificates of title) reflecting that rural landholdings are often comprised of a number of sites held and used together. The average size of a property in a rural use (as opposed to another category of use such as residential or lifestyle) was given greater weight.

61. Mr Bathgate described how in any zone, there will naturally be sites and properties in rural use that are smaller than the average. This may be viewed as a disadvantage of using an average figure. However, many farm entities are comprised of multiple titles and there are also many small properties that are used productively without dwellings. Further, the Reporting Officer did not consider the proposed site sizes in Rule 16.7.4.1 are excessive in terms of the size of landholding required to undertake farming or another productive activity, as confirmed by comments from a number of submitters.
62. He then discussed the approach to setting the subdivision standard and detailed the alternatives that were considered, which included consideration of advantages and disadvantages over the various rural zones of the 2GP. The Reporting Officer concluded that the minimum site sizes for subdivision as notified in the 2GP were the most appropriate way to achieve the objectives of the rural zones in relation to providing for productive rural activities (Objective 16.2.1), maintaining and enhancing rural character and amenity (Objective 16.2.3) and rural productivity (Objective 16.2.4).
63. Further, he stated that Rule 16.7.4 was based on an evidence-based approach that provided a differentiated minimum site size standard that reflects land use, rural property sizes and rural character across different parts of Dunedin's rural environment. None of the alternatives suggested by submitters were considered to have better evidence or rationale to suggest that they would contribute to the achievement of rural objectives more appropriately or effectively.

3.2.4.7 Hearing

64. *AgResearch* tabled a statement at the hearing, supporting the s42A Report recommendation for Rule 16.7.4.4
65. Mr Craig Werner, appearing for *HPPC*, tabled a statement and spoke at the hearing. With regard to the Minimum Site Size performance standard for the Hill Slopes Rural Zone (Rule 16.7.4.1.d) he considered that there were other factors more important in setting minimum site size than the average site size, including rural character and amenity and visual impact and that the argument about Hill Slopes Rural Zone being fragmented was not valid if most fragmented sites are vacant.
66. Mr Allan Cubitt (resource management consultant), called by *Salisbury Park Ltd* and the seven other submitters listed above, pre-circulated resource management evidence. With regard to the Minimum Site Size performance standard for the Taieri Plain Rural Zone (Rule 16.7.4.1.g), he stated that a preferred approach would be not to have a minimum site size for subdivision, rather to have some form of density control and have all residential activity as discretionary.
67. Emma Peters (resource management consultant) was called by *Construction Industry and Developers Association (CIDA)* and the *Gladstone Family Trust* and tabled statements for both. For *CIDA*, Ms Peters sought a 6ha minimum site size for rural zones and wished to see flexibility in minimum site sizes to support farming as per Policy 2.3.1.3.a (the median size land holding associated with and necessary to support farming activity in each Rural Zone). In the submitter's view there is a lot of marginal land in the Hill Slopes Rural Zone in terms of economic sustainability of productive rural activities and that it would be more sustainable to have a minimum site size of 6ha for both subdivision and residential activity.
68. For *Gladstone Family Trust*, Ms Peters focused on the minimum site size standards for the Hill Slopes Rural Zone and outlined the submitter's submission that their property would be more productively used in lifestyle blocks which would allow better land

management. Rennie Logan appeared on behalf of *Gladstone Family Trust*, tabled a statement and spoke at the hearing. The submitter considered that the Gladstone Family Trust property would be more productively used in lifestyle blocks, providing a potential road linkage between Chain Hills and Mosgiel, and should be more appropriately zoned. In the view of the submitter, smaller blocks would allow better land management, while 25ha would be uneconomic and would revert to gorse and the property seemed a logical place for urban and lifestyle infill between Mosgiel and Fairfield. The submitter sought that the minimum site size for subdivision in the Hill Slopes Rural Zone should be 15ha and considered objectives and policies may be better served by 15ha than 25ha minimum site size. The evidence provided by Ms Peters and Mr Logan contended that the Hill Slopes Rural Zone presented the opportunity to relieve pressure for lifestyle living on more productive areas and that smaller lot sizes would lead to better land management and better amenity. No difference was seen between 15 and 25ha with respect to the ability to support farming, cumulative effects on amenity, character and loss of productivity and that amenity and landscape values of the zone were protected by large amounts of land in public ownership. Ms Peter's evidence suggested that fragmentation and lifestyle living would occur within the Hill Slopes Rural Zone, whether the minimum site size stayed as notified or was reduced to 15ha.

69. Mr Craig Horne appeared for *Craig Horne Surveyors Ltd* and spoke at the hearing but did not table a statement. Mr Horne considered the minimum site size standard to be too restrictive and inflexible and requested that there be more flexibility in the site sizes. He did not see any negative impact of having 15ha sites as is the case near Outram.
70. John Heydon for *John Heydon and Sue Heydon* tabled a statement, with Mr Heydon speaking at the hearing in support of 16.7.4 minimum site size performance standard including for the Coastal Rural Zone.
71. *Murray Soal* pre-circulated a statement and spoke at the hearing. He supported retention of the 15ha subdivision rule as he was concerned about effects on productive use of small blocks of land. Mr Soal also expressed concern that many farming activities were captured by the rural industry definition.
72. Mr Bob Morris and Mr Tim Morris on behalf of *Timothy Morris (on behalf of RG and SM Morris Family Trust)* and *Robert George & Sharron Margaret Morris* spoke at the hearing. The submitters strongly objected to Rule 16.7.4.1.g, stating the existing character of Peninsula is 15-20ha sites. In their opinion, only 10 farms on the Peninsula could be subdivided to 40ha. They also suggested that 15ha sites have improved the Peninsula through planting and restoring wetlands, preserving heritage, better security and bringing more people to communities, and that minimum site size should be reduced to 15ha to allow residential activity on existing sites. Mr Tim Morris also considered that there was a significant loss in value from the density performance standard as well as the subdivision rule change and that the density performance standard for the first residential activity per site for the Peninsula Coast Rural Zone (Rule 16.5.2.1.f) should also be reduced from 20ha down to 15ha (see 3.3.12 for discussion of Rule 16.5.2).

3.2.4.8 Revised recommendations

73. The Reporting Officer gave an overview response to the minimum site size for subdivision rule and noted that there were different opinions around the desirability of the operative Plan 15ha standard. It was also pointed out that the minimum site size is intended to reflect the minimum size that a rural site should be to achieve the relevant 2GP objectives rather than a target for resulting sites. While having sympathy for landowners who may be struggling to make a return from their land, the Reporting Officer did not consider the resource management grounds for decreasing minimum site size were compelling. Again, it was reiterated that increased lifestyle development risks exacerbating the already fragmented nature of Dunedin's rural land resource.

74. In response to *HPPC*, the Reporting Officer noted that the Hill Slopes Rural Zone is a highly fragmented zone, with many residential developments on smaller sites (Section 42A Report Table A, p. 256). It was noted that character and amenity were contributing factors in setting the minimum site size, recognising the diverse landforms and land uses in this relatively intensively settled zone.
75. In response to Mr Soal's questioning of a number of rural policies and rules in his statement, the Reporting Officer noted that as they were outside the scope of the original submission, he would not be addressing them. However, with regard to his question about the definition of rural industry, although also not within scope Mr Bathgate proposed a minor clause 16 amendment to the definition to improve clarity, as discussed in section 3.4.6 below.

3.2.4.9 Decision and reasons

76. We accept the submissions that supported Rule 16.7.4: *Burkhard and Marita Eisenlohr* (OS844.2), *Mike Geraghty* (OS873.1), *Radio New Zealand* (OS918.54), *Otago Fish and Game Council* (OS1016.1) (supported by *AgResearch* (FS2398.38, FS2398.39), *Fonterra* (OS807.33) (supported by *Rural Contractors New Zealand* (FS2450.38, FS2450.39), *Purakaunui Environment Group Inc* (OS349.1), and *Christopher Ryalls* (OS1051.5).
77. *Murray Soal* (OS291.3), *Marrafin Trust* (OS581.2) and *Dunedin Rural Development* (OS853.7) submitted that the rural subdivision sizes needed to be revisited. These submitters made no specific requests so no decision can be made, but we can assure them that as discussed above, we heard extensive evidence and submissions about this issue and we have carefully considered it.
78. We reject the submissions seeking increases in the minimum lot sizes for rural subdivisions: *Scroggs Hill Farm* (OS1052.4), *HPPC* (OS447.93), and *STOP* (OS900.126) (opposed by *Pigeon Flat Road Group* (FS2416.52).
79. We reject the submissions seeking decreases in the minimum lot sizes for rural subdivisions: *Kim and Diane Rapley* (OS641.3) (opposed by *John and Sue Heydon* (FS2210.2)), *Ivan Court* (OS55.1), *Ray Kean* (OS791.2), *Pigeon Flat Road Group* (OS717.24), *Lindsay Dempster and others* (OS1081.2), *John Thom* (OS828.1), *Lynnore Templeton* (OS735.6, OS735.7), *David Graham* (OS926.3), *Christopher Kilpatrick* (OS505.5), *Mr & Mrs D Allen* (OS795.3), *Lawrence Taylor* (OS800.1), *Peninsula Holdings Trust* (OS771.2), *Ross Roy* (OS759.2), *Greg and Glenise Hyslop* (OS964.2), *Peter Wilson* (OS954.1), *Meats of New Zealand* (OS804.1), *Tony McFadgen* (OS1086.1), *Colin Weatherall* (OS194.6), *Greg and Denise Powell* (OS80.2), *Graham and Nothburga Prime* (OS399.4, OS399.5), *Craig Horne Surveyors Limited* (OS704.24), *Blueskin Projects Ltd* (OS739.24), *CTW Holdings Limited* (OS742.24), *G & J Sommers Edgar* (OS889.18), *Salisbury Park Ltd* (OS488.6) (opposed by *Horticulture NZ* (FS2452.58)), *Gladstone Family Trust* (OS249.1), *Robert George & Sharron Margaret Morris* (OS355.14), *Timothy George Morris* (OS951.36) and the *Morris Family Trust* (OS1054.36), *Bruce Wayne Taylor* (OS664.4), *The Construction Industry and Developers Association* (OS997.33) (opposed by *Horticulture NZ* (FS2452.57)), *Jason Cockerill* (OS184.1) (opposed by *John and Sue Heydon* (FS2210.4)) and *Dianne Reid* (OS592.25) (opposed by *David and Kerry Hiom* (FS2473.23)).
80. The objectives, policies and rules relating to minimum site sizes for subdivision and the construction of new dwellings are a package designed to promote the purpose and principles of the Act, set out in Part 2 of the Act, having regard to the particular circumstances of each rural zone in Dunedin City. We accept that controlling subdivision and housing will inhibit the ability of some people to develop their land as they wish as explained by submitters seeking reduction in the minimum lot size, but the Council evidence included a detailed analysis showing that large parts of the rural area are already fragmented into lots that are too small to sustain farming on their own. The demand for lifestyle farming and intensive farming requiring only small areas is amply catered for with existing rural residential zoning (as discussed in the

Rural Residential Decision Report). In our assessment, further fragmentation would be in conflict with the Plan's strategic objectives, particularly Objective 2.3.1 related to rural productivity, and several Part 2 of the Act matters relating to landscape, rural amenity, and the efficient use of natural and physical resources.

81. We are satisfied from the Reporting Officer's evidence that the approach that has been taken to identifying minimum site sizes in each rural zone has been thorough. We have visited most of the areas discussed in submissions. We conclude that the minimum site size for subdivision rules are necessary to achieve the relevant objectives and policies in the Plan, which are in turn founded on recognition of Part 2 matters, and therefore reject the submissions opposing or seeking amendment to the subdivision minimum site size rule (Rule 16.7.4.1)

3.2.5 Activity status for subdivision activities not meeting minimum site size performance standard (Rule 16.7.4.3)

3.2.5.1 Background

82. Rule 16.7.4.3 reads:

General subdivision that does not comply with the standard for minimum site size is non-complying, except in the following circumstances where the subdivision is restricted discretionary:

- a. The subdivision involves the subdivision of one site into two sites, where one resultant site is below the minimum site size and contains an existing residential building greater than 100m² that was built before 26 September 2015; and
- b. the second resultant site is:
 - i. at least the minimum site size; and
 - ii. is less than twice the minimum site size, **or** will include a covenant registered against the title, that restricts further subdivision in terms of the total number of sites that can be used for residential activity to a level that is no greater than would have otherwise been allowed had this minimum site size standard been met for both sites.

3.2.5.2 Submissions to specify non-complying activity status

83. *STOP* (OS900.127) and *HPPC* (OS447.94) sought amendment of the Minimum Site Size performance standard for Rural Zones (Rule 16.7.4.1) by adding "4. A subdivision that does not comply with 16.7.4.1 or 2 or 3 becomes a non-complying activity". They considered that a standard for minimum site size is the most basic of land use controls and if that standard is not met, the full scrutiny of RMA 104D is justified to provide comprehensive public examination.

3.2.5.3 Requests for default status of discretionary rather than non-complying where Minimum Site Size not met

84. A number of submitters sought to amend the activity status for general subdivision not complying with the Minimum Site Size performance standard (Rule 16.7.4.3) to discretionary, rather than non-complying.
85. *NZ Institute of Surveyors - Coastal Otago Branch* (OS490.30) submitted that an application could be free of any physical adverse effects but still fail on the basis of setting a precedent.
86. *Federated Farmers NZ* (OS919.63) submitted that although ad hoc and inappropriate or incompatible subdivision is not ideal for Dunedin or farming, the economic viability of farming and the ability to provide for farm succession long term often relies on the ability to subdivide a property as changing circumstances dictate. *Federated Farmers*

223. The recommendation from the Reporting Officer at the hearing to add a further exception to Policy 16.2.1.7 to provide for new dwellings where there would be productive use of the land would in our assessment fundamentally undermine the policy. It appears to have been based on a concern that, following the Supreme Court's stringent interpretation of the word "avoid" in RMA documents, without this exception the policy would make proposals for dwellings on undersized lots effectively a prohibited activity. That is not our understanding. It is well established law that for the purposes of the "gateway tests" for non-complying activities in s104D of the Act, the relevant objectives and policies are to be considered overall and not as a series of hurdles, each of which has to be cleared. In any case, the other gateway test of adverse effects being no more than minor may be available in particular cases. We are also mindful of the difficulties many councils have experienced with economic use types of criteria in policies and rules managing dwellings in rural zones.

3.2.12 Rule 16.5.2 Residential density performance standard

3.2.12.1 Background

224. Rule 16.5.2 is:

"1. The maximum density of standard residential activities is as follows:

Rural Zone		i. Minimum site size - first residential activity per site	ii. Minimum site size - second residential activity per site	iii. Minimum site size - third residential activity per site
a.	Coastal	15 ha	80 ha	120 ha
b.	High Country	100 ha	200 ha	300 ha
c.	Hill Country	100 ha	200 ha	300 ha
d.	Hill Slopes	15 ha	50 ha	75 ha
e.	Middlemarch Basin	40 ha	160 ha	240 ha
f.	Peninsula Coast	20 ha	80 ha	120 ha
g.	Taieri Plains	25 ha	80 ha	120 ha

- h. Except, papakāika may be developed at a density of:
- 6 residential units, or
 - 15 habitable rooms per site, whichever is the lesser.
- i. Multiple standard residential activities (additional primary residential buildings (houses)) are only allowed on a single site where they are located no closer than 80m from other residential buildings on the same site (family flats or sleepouts are considered part of the same residential activity), except:
- multiple residential units developed as part of papakāika may be located closer than 80m to each other."
2. One family flat is allowed per site in association with a standard residential activity that meets this performance standard for density, provided:
- the family flat is either attached to or located in the same residential building as the primary residential unit, or is located within 30m of the primary residential building, as measured as the closest distance between any wall of the primary residential building and any wall of the family flat; and
 - the family flat has a maximum gross floor area of 60m².
3. Standard residential activity that contravenes the performance standard for density is a non-complying activity, except:

- a. papakāika that contravenes the performance standard for density is a discretionary activity; and
- b. family flats that exceed the distance from the primary residential building (Rule 16.5.2.2.a) or maximum gross floor area (Rule 16.5.2.2.b) are a restricted discretionary activity.

3.2.12.2 Submissions in support of Rule 16.5.2

225. There were several submissions in support of the residential density performance standard including (with reasons where given) the following:

- *Maurice Prendergast* (OS451.4);
- *Fonterra Limited* (OS807.29), in particular for the Taieri Plain Rural Zone (supported by *AgResearch Limited* (FS2398.32), and *Rural Contractors New Zealand Incorporated* (FS2450.32) and *Horticulture New Zealand* (FS2452.52), because "rural production land is retained for Rural activities";
- *New Zealand Transport Agency (NZTA)* (OS881.114) because clear guidance about density enables infrastructure provision (supported by *AgResearch Limited* (FS2398.33) and *Rural Contractors New Zealand Incorporated* (FS2450.33);
- *Radio New Zealand Limited* (OS918.51);
- *Raymond and Evelyn Beardsmore* (OS429.4). The submitter also requested that there should be another map layer. The Reporting Officer assumed that this meant that the submitter wanted a visual differentiation between different rural zones on the zoning maps.⁵

3.2.12.3 Submission to clarify Rule 16.5.2 with respect to sleep outs

226. *Sally Dicey* (OS318.1) sought to amend Rule 16.5.2 (density) to clarify that sleep outs associated with existing standard residential activity (where the residential activity has existing use rights) on an undersized rural site are permitted, or otherwise exempt from the density performance standard. The submitter stated that the effects will be minimal as other buildings are permitted in rural zones and the amendment will enable those living on an existing under-sized rural site (with existing use rights) to fully utilise their land.

3.2.12.4 Submissions on 16.5.2.1 -minimum site size

227. Nearly 30 submissions sought a reduction to the minimum site size in Rule 16.5.2.1. Reasons for reduction in minimum site size included the wish to build houses on smaller sections of land, the difficulty of maintaining a large block and keeping noxious weeds at bay, the cost of larger blocks of land, and the side effect of depopulation of rural land. Others pointed out that many existing sites are smaller than those shown in the rule.
228. *Construction Industry and Developers Association* (OS997.30) sought to amend Rule 16.5.2.1 so that the minimum site size for residential activity for all rural zones is as follows: first Residential activity per site - 6 hectares; second Residential activity per site - 12 hectares; third Residential activity per site - 24 hectares. No specific reason was given for this request.
229. *Craig Horne Surveyors Limited* (OS704.17, OS704.18, OS704.19) *Blueskin Projects Ltd* (OS739.17- 19), *CTW Holdings Limited* (OS742.17-19) and *G & J Sommers Edgar* (OS889.16, 27, 28) sought to amend Rule 16.5.2.1(c), (f) and (g) so that the minimum site size for Residential activity in the Hill Coast, Peninsula Coast and Taieri

⁵ Note that as a clause 16 change, different shadings are now used for the different rural zones on the 2GP map.

Plains rural zones is 15ha. *Salisbury Park* (OS488.5) sought the same amendment specifically for the Taieri Plains Rural Zone⁶. The submitters stated that the "...proposed minimum lot sizes will inhibit the productive use of the rural land where more intensive land use is possible. While this will assist in maintaining the productivity of the Rural Zone for most pastoral purposes, it does not recognise that there are more intensive productive land uses (pastoral and non-pastoral)."

230. *Robert George & Sharron Margaret Morris* (OS355.8) and *Timothy George Morris* (OS951.7) and *Timothy Morris (on behalf of RG and SM Morris Family Trust)* (OS1054.37) sought to amend Rule 16.5.2.1 so that the minimum site size for Residential activity is reduced in all areas, including 15, 30 and 45ha (for first, second and third Residential activities) for the Peninsula Coast Rural Zone, with the 15ha minimum reduced further for Residential activity on existing certificates of title. The submitters also sought to remove dispensations for papakaika. These submissions were opposed by *Kāti Huirapa Rūnaka ki Puketeraki and Te Rūnanga o Otakou* (FS2456.90, FS2456.91) as "the provision for papakaika housing allows Manawhenua to live on their ancestral land".
231. *HPPC* (OS447.88) sought to amend Rule 16.5.2.1.f so that the minimum site size for Residential activity in the Peninsula Coast Rural Zone is 15ha. The submitter stated that "Land MSS changes are like zoning changes and these are far more disruptive and damaging to the future of current residents than are rules regarding alterations in building and structure design, location, etc.....The site may have been intentionally subdivided originally to the 15 ha size and also may have been owned for a long time to fulfil an owner's plans." (HPPC submission, p. 29) .
232. *HPPC* (OS447.87) sought to amend Rule 16.5.2 (density) as the submitter considered that failure to meet performance standards should lead to 'full scrutiny' of RMA 104D. The submitter also sought to add a new point (j) to allow development on "legacy holdings" of at least 2ha owned by direct descendants of those that subdivided the site at least two generations previously, with the site being in continual family ownership since.
233. *STOP* (OS900.121, OS900.20) sought to amend Rule 16.5.2 'if larger'. The submitter was unclear about the minimum site size for a residential activity, but did not consider that Hill Slopes needed to go up to 20ha or for Peninsula Coast to 40ha "as long as the rules about siting, height, colour of cladding and roof, and reflectivity (including for solar panels) are stated overtly and managed tightly".
234. *Peninsula Holdings Trust* (OS771.5) also sought to amend Rule 16.5.2.1.f so that the minimum site size for Residential activity is 15ha for the Peninsula Coast Rural Zone (inferred not stated). The submitter explained that many smaller sites had houses on them in the past and that right should not be taken away by a DCC rule change.
235. *Cameron John Macaulay* (OS562.1) sought to amend Rule 16.5.2.1.e.i so that the minimum site size for Residential activity is 15ha in the Middlemarch Basin Rural Zone, as "farm ownership for young people is increasingly difficult". The submitter acquired 28ha as "a starting point for our farm ownership dream. Whilst it could be argued that 28ha is not an economic unit we farm it to be economically self-supporting." The submitter stated that the proposed 40ha minimum leaves them "unable to build our family home" and "unable to use our farm as a stepping stone to larger farm ownership". *Maurice Cook* (OS390.2) submitted younger families would be disadvantaged by the 100ha requirement in the Hyde area.
236. *Lynnore Joan Templeton* (OS735.8, 9) sought a minimum site size of 15ha for the Hill Country as well as the Middlemarch Basin zones because she considered there were not the same pressures in the area from subdivision as others (such as the Taieri) and the 40ha density rule for standard residential activities took away rights and

⁶ The submission of *Salisbury Park* was opposed by *Horticulture New Zealand* (FS2452.53) who noted that the 2GP "provides a policy framework to ensure that rural production land is retained for rural activities"

decreased land value. *Lindsay Carruthers* (OS860.8), *David Frew* (OS872.8), *John Carruthers* (OS879.8) and *Neil Grant* (OS883.8) also sought a 15ha minimum for the Middelmarsh Basin zone, expressing concern about the adverse socio-economic effects of the proposed density. *Barry James Williams* (OS886.3) and *Strath Taieri Community Board* (OS905.1) also sought to reduce the minimum site size for residential activity in the Middelmarsh Basin Rural Zone.

237. *Dianne Reid* (OS592.23) and *Pigeon Flat Road Group* OS717.21 sought to match the Coastal Rural Zone minimum site sizes with the Hill Slopes Rural Zone site sizes, by aligning with the subdivision standards, and by making residential activity on existing under-sized sites a permitted activity. The submitters were concerned that there did not appear to be "any justification for the distinction" between the Coastal and Hill Slopes zones and the Coastal Rural Zone "does not necessarily reflect the coastal environment which is a section 6 matter". The submitters stated that alignment "would strike a better balance between the need to manage the effects of residential activity and the needs of the community for living opportunities in these areas". The submitters also sought that the residential density and subdivision standards should be aligned, stating that "preventing a person from establishing a residential dwelling where subdivision has been granted is not an efficient use of land as it is almost inevitable that a person with land of the scale provided for will need to live on it to manage it effectively".
238. Other submitters seeking to reduce the minimum site size for Residential activity included:
 - *Ivan Court* (OS55.2) sought to retain the operative rule because smaller lifestyle blocks are more easily maintained
 - *Raymond Grant Tisdall* (OS862.1) sought a 15ha density in all zones because 40ha is not affordable for everyone and some already have small parcels of land they may build on in future
 - *Teresa Ann Dynes* (OS347.1) sought to reduce minimum site sizes for second and third residential activities in the Coastal Rural Zone to enable multiple homes in a greater family owned property
 - *Ross Roy* (OS759.1) sought to amend Rule 16.5.2.1.g so that the minimum site size for Residential activity is 15ha for the Taieri Plains Rural Zone. The submitter explained that his land is not 'Taieri Plains' in character, as it is elevated and does not contain fertile soils
 - *Greg and Glenise Hyslop* (OS964.1) sought to amend Rule 16.5.2.1.g.i so that the minimum site size for Residential activity is 15ha for the Taieri Plains Rural Zone, because of concern about viability for selling their properties under an increased minimum site size.
239. In addition to submissions seeking a reduction in minimum site size, a number of submitters sought that residential development be allowed on existing sites:
 - *Ray Kean* (OS791.1) sought to amend Rule 16.5.2 so that residential activity is allowed on all existing sites of 15 ha or more, along with all existing sites of less than 15 ha that have an existing title. The submitter noted that the difference between the 2ha rural residential rule and that of the 25/40/100 ha rural zones is too large and there needs to be a "stepped approach to restricting title areas".
 - *Mike Geraghty* (OS873.2) sought to amend Rule 16.5.2 so that residential activity may be established on sites created prior to notification of the 2GP, but not established on sites created after notification until Rule 16.7.4 becomes operative (inferred not stated). The submitter considered that DCC is correct in recognising the value of land in productive, natural or historical terms, rather than as a market commodity for speculation through subdivision. Land is important for food production, water catchment, 'possible CO2 sinks' and 'values of ecological systems.'

- *Bruce Wayne Taylor* (OS664.1) sought to amend Rule 16.5.2.1.f so that the minimum site size for Residential activity for the Peninsula Coast Rural Zone is 15ha, so that Residential activity may be established on existing sites.
- *Douglas Hall* (OS1068.1) sought to allow undersized sites to be built on as of right, to address the problem of too many 'undersized' sites. This submission was opposed by *Tim Buscall* (FS2097.1) and *Bronwyn Hegarty and James Hegarty* (FS2474.1) who requested that Rule 16.5.2 was retained.
- *JWB Bradley Family Trust* (OS185.1) sought to amend Rule 16.5.2.1.d.i so that in the Hill Slopes Rural Zone a single dwelling may be erected as a permitted activity on any site of any size that existed at the date of notification of the plan. The reason for this request was to enable the submitter to efficiently use their land at 222 Cowan Road. This submission was supported by *Southern Property Investment Trust* (FS2427.1) who stated that "a land owner should be able to put a single dwelling on any separate title in this zone"
- *Alistair Hope* (OS1018.2) sought to amend Rule 16.5.2.1.e.i so that Residential activity on existing sites 15ha and over is permitted for a ten year period in the Middelmarsh Basin Rural Zone, while *Otago Peninsula Community Board* (OS588.8) sought to amend Rule 16.5.2.1.f to allow new Residential activity on 15ha sites in the Peninsula Coast Rural Zone until the year 2020 (inferred not stated).
- *Lawrence Taylor* (OS800.2) sought to amend Rule 16.5.2.1.f so that all existing titles in the Peninsula Coast Rural Zone may be used for residential activity regardless of size.
- *Christopher Ryalls* (OS1051.4) sought to amend Rule 16.5.2.1.g (inferred not stated) and considered that where land has already been divided up, people should be able to do what they want).

240. A number of the submissions seeking a reduction in minimum site size were opposed by *Radio New Zealand*⁷ who had concerns over any reduction in minimum site size that could lead to increased residential density in the vicinity of its transmitter sites.

3.2.12.5 Submissions on Rule 16.5.2.2 (Family Flats)

241. Submissions on the family flats rule were dealt with in the Reconvened Plan Overview Hearing and the decisions are discussed in the Plan Overview Decision Report.

3.2.12.6 Submissions on Rule 16.5.2.3 (Performance standard contravention)

242. *Dianne Reid* (OS592.24) and *Pigeon Flat Road Group* (OS717.22) sought to amend Rule 16.5.2.3 so that contravention of the performance standard for density is a discretionary activity. The submitters consider that a non-complying status is unnecessary, stating that "Requiring a section 104D analysis once again adds little to the process and all relevant matters can be taken into account through a discretionary activity status. This is particularly important if a discrepancy is to remain between residential density and minimum lot sizes in Rule 16.7.4." (Dianne Reid submission, p. 6). The submission of *Dianne Reid* was opposed by *David Hiom and Kerry Hiom* (FS2473.22) in relation to their opposition to the entire submission of *Dianne Reid*. *Allan Douglas McLeary, Sylvia Violet McLeary and Farry & Co Trustees Limited (on behalf of McLeary Family Trust)* (OS832.17) also sought to amend Rule 16.5.2.3 so that contravention of the density standard is a discretionary activity.

⁷ FS2332.30,31,32,33,34,35,36,37,39,40,41,42,43,45,46,50,51,52,79,80

243. *Glenelg Gospel Trust* (OS350.19), *Salisbury Park* (OS488.15), *Craig Horne Surveyors* (OS704.20), *Blueskin Projects Ltd* (OS739.20), *CTW Holdings* (OS742.20) and *G & J Sommers Edgar* (OS889.29) sought to amend Rule 16.5.2.3 to expand the circumstances where contravention of the rural density standard is not a non-complying activity including permitting Residential activity on sites of at least 15ha consented prior to notification of the 2GP; providing for Residential activity as per the submitters' amended Policy 16.2.1.7 as restricted discretionary and providing for Residential activity on sites less than 15ha consented prior to notification of the 2GP as discretionary activities. The submitters considered that the 2GP did not provide for the range of rural living options sought after by the community and the sustainable management purpose of the Act was best served by allowing these areas to be developed further.
244. The submission by *Glenelg Gospel Trust* was opposed by *AgResearch Limited* (FS2398.34) and *Rural Contractors New Zealand Incorporated* (FS2450.34) who were concerned about adverse effects on Rural activities, including loss of high class soils and reverse sensitivity. The submissions by *Craig Horne Surveyors*, *Blueskin Projects*, *CTW Holdings* and *G&J Sommers Edgar* were opposed by *Radio New Zealand Limited* (FS2332.38, FS2332.44, FS2332.48, FS2332.81) who had reverse sensitivity concerns in relation to any increase in residential density near its transmitter site at Saddle Hill. The submissions by *Craig Horne Surveyors*, *Blueskin Projects* and *CTW Holdings* were also opposed by *Kāti Huirapa Rūnaka ki Puketeraki and Te Rūnanga o Otakou* (FS2456.92, FS2456.93, FS2456.94) who considered that the requested amendment did not support the development of papakaika.

3.2.12.7 Section 42A report

3.2.12.7.1 Submissions in support

245. Mr Bathgate noted the submissions in support of Rule 16.5.2 and recommended that *STOP's* submission which indicated support of the retention of a 15ha minimum site size for residential activity in the Hill Slopes Rural Zone be accepted.

3.2.12.7.2 Clarification with respect to sleep outs

246. In response to the submission from *Sally Dicey* seeking clarification about sleep outs associated with existing standard residential activity, the Reporting Officer, Michael Bathgate, explained that a sleep out forms part of a standard residential activity and in most cases the density standard would not be a factor when considering a new sleep out in the rural zones. He noted the separation of land used and development activities in the 2GP intended to avoid such a situation of lawfully established land uses that do not comply with the density standard being caught out when undertaking development activities. He did not recommend accepting the submission due to the request to include reference to the existing use rights in the standard, which he considered would be problematic (s42A Report, p. 252).

3.2.12.7.3 Minimum site sizes

247. The Reporting Officer reiterated that issues associated with the spread of lifestyle blocks included loss of productive land, displacement of rural activities, reverse sensitivity effects, pressure for infrastructure expansion, and adverse effects on rural character and visual amenity (s42A Report, p. 256).
248. He discussed the rationale for the setting of minimum site sizes in the 2GP, referring to the analysis in the Rural Zones s32 Report and reiterated the following points:
- the density standard set is intended to reflect the median size of properties used for rural activities in each zone, and permit residential activity associated with this scale

- although other options for managing Residential activity were considered, having a minimum site size standard on a zone by zone basis was considered the most effective and efficient approach to meet the rural objectives relating to productivity, rural character and amenity
 - the 2GP proposes that only the Coastal and Hill Slopes Rural zones retain the 15ha minimum because of the nature of existing sites, demand for Residential activity and lower productivity
 - The Taieri Plains Rural Zone, although also fragmented, should have a higher minimum (25ha) because of the significant areas of high class soils in the area. The Reporting Officer considered that the threat of land being converted to rural residential use and taken out of productive use was considerable.
249. Therefore, while noting many submissions sought a return to the operative Plan 15ha standard for Residential activity, the Reporting Officer did not consider that the minimum density should revert to 15ha across all zones. The Reporting Officer also recommended rejecting those submissions calling for a blanket reduction in the minimum site sizes for all rural zones below 15ha, such as the 6ha suggested by *Construction Industry and Developers Association* (OS997.30) or the 10ha suggested by *Chris Stewart* (OS414.1).
250. However, with regard to the Peninsula Coast Rural Zone, the Reporting Officer recommended amending Rule 16.5.2.1.f from 20ha to 15ha because, on balance, the Reporting Officer did not consider that allowing existing 15ha sites to establish a Residential activity would detract significantly from the achievement of rural objectives. The Reporting Officer noted that the Peninsula Coast Rural Zone was not considered to be a high productivity area and that most of the zone was in an ONL so any new development would be subject to an assessment of effects on landscape values.
251. In relation to *Dianne Reid* and *Pigeon Flat Road Group's* request to align the density standards in the Coastal and Hill Slopes Rural zones, the Reporting Officer noted that the minimum site sizes for second and third residential activities are aligned with the subdivision standard and designed to equate to the size that a site would have to be if it were to be subdivided into two or three sites in future. The Reporting Officer also did not recommend that the minimum site sizes for Residential activity and subdivision were aligned within each zone because the subdivision rule was designed to reduce land fragmentation while the minimum site size for Residential activity was smaller in some zones, reflecting the large number of smaller sites already there.
252. He did not support the *Morris* submissions (OS951.37, OS1054.37) seeking removal of the provisions for papakaika in Rule 16.5.2 and agreed with the recommendation in the Manawhenua Decision Report.
253. In relation to submissions to reduce the minimum site size for second and third Residential activities, the Reporting Officer noted that these were set on the basis of the minimum site size for subdivision standard (Rule 16.7.4). The rationale for this alignment with the subdivision standard was to prevent the situation where additional Residential activity is established on a site and then at some point in the future there is pressure for subdivision to create sites that do not comply with the minimum site size standard for subdivision. The Reporting Officer considered that it was important to retain this alignment to avoid the risk of non-compliant sites being created, and did not recommend these submissions be accepted.
254. In response to the comments by *Teresa Dynes* (OS347.1) in relation to multiple homes to support family within a family owned greater property, it was noted that, although requiring a larger site size, it is easier to establish a second or third Residential activity than under the operative Plan, being a permitted rather than a controlled activity; the provision for family flats which are new under the 2GP; and the mechanism for subdivision of surplus dwellings on sites that do not have to meet minimum site size.

3.2.12.7.4 *Submissions to allow residential activity on existing sites*

255. In response to submissions seeking that residential activity should be allowed on all existing sites, the Reporting Officer's opinion was that this would be detrimental to Rural activities. He noted that the Rural Residential 2 Zone was "established to address the issue of undersized rural sites in a systematic manner".
256. However, the Reporting Officer recommended accepting *Bruce Wayne Taylor's* submission in part with respect to changing the rule to 15ha in the Peninsula Coast Zone.
257. He recognised that a difficult situation may arise where people may have already bought or created through subdivision, 15ha rural sites under the operative Plan. Data was presented showing that the greatest number of such undeveloped sites were located in the Hill Country, Taieri Plains and Middelmarsh Basin. If the Panel were of a mind that relief was granted to the submissions, the Reporting Officer favoured a grace period of five years from the date of the Plan being made operative for the establishment of Residential activity on sites of at least 15ha. The Reporting Officer suggested that if such a grace period was to be utilised, in fairness it would have to be across all rural zones where density had increased from 15ha.
258. With regard to *HPPC's* submission on legacy holdings, the Reporting Officer noted that family flat and surplus dwelling subdivisions "may be considered to contribute to similar outcomes in providing for farm succession and retaining family connections to rural land". On balance the Reporting Officer did not favour accepting the submission because it would be difficult to implement and would not contribute to achievement of the rural objectives. However, if the Panel was of a mind to grant relief to the submission, the Reporting Officer suggested that the exception to the density standard could be considered as a restricted discretionary or discretionary activity.

3.2.12.7.5 *Submissions on performance standard contraventions*

259. In relation to the submissions seeking contravention of density standard to be a discretionary activity, the Reporting Officer considered options including changing the contravention activity status to discretionary where associated with productive outcomes, where associated with conservation outcomes, or where the site is within 10% of the required site size, as set out on pages 271-274 of the Rural s42A Report.
260. Overall, the Reporting Officer considered that the disadvantages of allowing for discretionary status under each of the three scenarios outweighed the advantages and recommended that the status for contravention remain as non-complying.
261. However, the Reporting Officer considered that any extension of the discretionary activity status for non-compliance was less at odds with rural objectives when applied to the use of existing sites for Residential activity as opposed to the creation of new sites through subdivision. This is because the sites have already been created and would not be contributing to further fragmentation of rural land, although sometimes a change of use of existing sites may be viewed as a different form of fragmentation.
262. He suggested that broadening circumstances for discretionary activity status for Residential activity could be viewed as in line with rural objectives, if it can be shown that sites are and will remain in a productive rural use or associated with a conservation activity. However, the Reporting Officer noted that these positive effects were difficult to specify in a performance standard due to their subjectivity and, therefore, this approach would probably be ultra vires. To this effect, the Reporting Officer noted the recommendation that Policy 16.2.1.7 be expanded to include broader criteria after the word 'unless' that more clearly allows consideration of the potential positive effects of Residential activity on achieving rural productivity objectives, where this can be demonstrated as part of a non-complying consent application. The recommended amendment to Rule 16.7.4.2 to allow for additional circumstances where sites can be created for conservation purposes without having to meet the minimum site size standard for subdivision was also noted.

263. With regard to the submissions of *Glenelg Gospel Trust* and others, the Reporting Officer did not recommend that Residential activities be permitted on sites of at least 15ha 'consented' prior to 2GP notification because allowing Residential activity on 15ha sites was inconsistent with the scale of some rural zones and the size of property required to undertake Rural activities in these zones. However, as noted in response to submissions to amend Rule 16.5.2.1, the Reporting Officer acknowledged that this gave rise to a difficult planning issue where people may have bought 15ha sites under the operative Plan with a view to establishing Residential activity. The Reporting Officer restated that if the Hearing's Panel was of a view to grant relief to this submission, a 'grace period' of five years from when the 2GP is made operative could be used, within which the Residential activity could be established as a permitted activity on these sites.
264. The Reporting Officer did not recommend that the parts of Rule 16.5.2.3 reliant on Policy 16.2.1.7 being amended be changed as requested because the submission to amend the policy was not supported.

3.2.12.8 Hearing

265. *AgResearch* supported the section 42A recommendation.
266. *Bruce Wayne Taylor* spoke at the hearing about the Minimum Site Size performance standard for the Peninsula Coast Rural Zone (Rule 16.5.2.1.f) and explained that he owned a number of vacant 25ha sites which would have their equity wiped if they could not have a house built on them. He considered that all existing titles that have previously had a house on them should be able to be built on as of right. He considered that 40ha was neither a lifestyle block or a farm and the minimum site size rule made the 40ha worth the same as 15ha, wiping out two thirds of the equity, and that Peninsula Coast was poor farming land compared to the Taieri Plain.
267. *Cameron John Macaulay* spoke at the hearing and explained that he owns a 28ha site at Gladbrook and sought an exemption from the 15ha rule. If a grace period were used, would prefer 10 years but could make 5 years work if he had to.
268. Mr Allan Cubitt (resource management consultant), called by *Salisbury Park Ltd* and the seven other submitters listed above, pre-circulated resource management evidence and gave his view on the policy framework as a whole. He considered that the policy framework was too restrictive and too inflexible. He suggested that there needed to be more flexibility to be able to consider issues through the consent process rather than through a more cumbersome Plan change process. In his opinion, land that was already fragmented should be considered for rural living options sought by the community, while protecting the productive parts of the rural environment.
269. Mr Ciaran Keogh (resource management consultant) was called by *Douglas Hall*, and tabled evidence relating to minimum site sizes. The submitter stated that the adverse effects of allowing dwellings on undersized sites was overstated. In his opinion, many sites on the urban periphery are difficult to use and uneconomic, and allowing development through consenting process would allow for better outcomes for productivity, biodiversity etc. In his view, the 2GP seemed reactive rather than proactive in relation to this, and needed a positive vision for rural residential development. In his opinion, the 15ha rule has resulted in perverse outcomes, creating sites that are difficult to use, with adverse effects on landscape, wastage of rural land, spread of lifestyle blocks.
270. Mr Craig Horne appeared for *Craig Horne Surveyors Ltd* and spoke at the hearing but did not table a statement. In his opinion, residential density could be higher without causing any issues and size should be set by need for effluent disposal and setbacks. He also asked that a performance standard contravention (16.5.2.3) should become discretionary rather than non-complying and an averaging approach could be used to providing for density.
271. Mr Craig Werner appeared for the *Harboursides and Peninsula Preservation Coalition* and with regard to the density performance standard, acknowledged some of the

Section 42A Report concerns in relation to proposed family legacy provision, but did not consider all the Reporting Officer's concerns to be convincing. He considered that restricted discretionary status rather than permitted status would be fine.

- 272. *Robert George & Sharron Margaret Morris* spoke at the hearing, and sought to amend Rule 16.5.2.1 so that existing sites can be used. *Timothy George Morris* pre-circulated evidence and spoke at the hearing stating that Rule 16.5.2.1.f should be amended to 15ha, and to allow Residential activity on existing sites. He was concerned about the loss in value from this rule and the subdivision rule change for land owners who undertake planning based on present rules.
- 273. Ms Lala Frazer for *STOP* tabled a statement and spoke at the hearing, endorsing the Reporting Officer's recommendation on 16.5.2.1.f Peninsula Coast (although referring to subdivision rule of 40ha rather than minimum site size for residential activity).
- 274. With regard to the Hill Slopes minimum density, *STOP* considered that along with the 15ha rule for residential activity comes the need for stricter controls on cladding, reflectivity, size and ridgelines.

3.2.12.9 Revised recommendations

- 275. In response to a number of the submitters, the Reporting Officer gave an overview response on subdivision and density standards and the rationale for the 2GP framework for managing activities in the rural environment (Rural Revised Recommendations, p. 32). In this discussion, the Reporting Officer made the point that the minimum site size was intended to reflect the minimum site size a rural site should be to achieve the relevant 2GP objectives, and not an 'ideal' sized rural site, and increasing rural residential or lifestyle development was at odds with the proposed objectives of the 2GP.
- 276. With respect to the residential density standard (Rule 16.5.2.1), the Reporting Officer did not change his recommendation and referred to the evaluation carried out in the s42A Report.
- 277. With respect to contravention of the density performance standard (Rule 16.5.2.3) the Reporting Officer stood by the conclusions of the s42A Report that "an across the board change to discretionary activity status would send the wrong signal in terms of the 2GP objectives; and that relying on a trigger whereby residential activity is associated directly with productive or conservation outcomes is problematic in terms of effectiveness, efficiency and legality." While a zone-based approach was also traversed, on balance the Reporting Officer retained the recommendation set out in the s42A Report and the "strong 2GP messaging" that 'lifestyle' development is anticipated and provided for through rural residential zoning, not through treating existing small lots as house sites.
- 278. In response to *Gladstone Family Trust*, the Reporting Officer noted that while the tabled evidence focussed on the minimum site size for the Hill Slopes Rural Zone, the submitters' statement and discussion were in effect asking for a rezoning of the property. A related submission (OS294.4) was to rezone part of the property to Low Density Residential Zone, which was to be considered in the Urban Land Supply Hearing.
- 279. In response to *Douglas Hall*, the Reporting Officer noted that the original submission seeks permitted activity status for residential use of existing sites, whereas positive effects cited would rely on development being part of a consenting process. The Reporting Officer agreed that a 15ha subdivision rule had resulted in perverse outcomes, hence proposed increases to subdivision minimum site sizes. The Reporting Officer also noted that the smallest proposed minimum site size is 25ha (Hill Slopes Rural Zone only) not 20ha as suggested by the submitter, and that minimum site size subdivision was not within the scope of the submission.
- 280. In response to *STOP's* comments on the minimum site size for the Hill Slopes zone, the Reporting Officer noted that much of the Hill Slopes zone was in landscape zones

where there were additional controls and that such rules would be further considered in the Natural Environment hearing.

281. In response to *Bruce Wayne Taylor*, the Reporting Officer noted the Section 42A Report recommendation to amend residential density standard to 15ha for the Peninsula Coast Rural Zone and referred to the wider revised recommendations discussion on subdivision and residential density standards.
282. In response to *Cameron John Macaulay*, the Reporting Officer had a neutral stance as regard a grace period of five years for establishing residential activity on sites created prior to notification (Section 42A Report, pp. 259-260).

3.2.12.10 Decisions and reasons

283. We reject the submissions requesting a decrease in the minimum site size for residential activity in each of the rural zones for the reasons explained by the Reporting Officer. The evidence was that the 2GP standards are based on a rational methodology, as discussed in the s42A Report, designed primarily to reflect the median property size used for farming in each zone. We do not consider that there was compelling evidence for the proposed reductions provided by any of the submitters. The Panel visited all the areas discussed in submissions, in many cases identifying the submitters' properties. The submitters' presentations focussed mainly on the benefits for some property owners of less stringent standards (which we acknowledge), with little discussion of how this could meet the objectives and policies for the Rural Zones.
284. In alignment with our decision on the subdivision minimum site size performance standard (Rule 16.7.4), we consider that the non-complying activity status signals that residential activity on sites below the minimum site size is not anticipated in the rural zones and should only be considered for true exceptions that will not create any precedent that could lead to cumulative adverse effects. We therefore reject the submissions seeking that contravention of the performance standard is a discretionary activity.
285. We do not accept the submission of *Sally Dicey* (OS318.1) to amend 16.5.2 to clarify a permitted status for sleep outs associated with existing standard residential activity. We agree with the assessment of the Reporting Officer that the separation of land use and development activities achieves what the submitter seeks, and also agree that drafting existing use rights into a performance standard is a problematic approach.
286. Although we accept the Reporting Officer's advice that residential activity should not be allowed on all existing sites in the rural zones, we have considered the question of hardship and fairness for people who have bought existing lots meeting the existing, still operative, 15 hectare standard but have not yet built. Some of these are submitters, as discussed above, and several sought a limited 'grace period' to allow them to build. On balance we accept that there should be a sunset clause provided, as suggested by the Reporting Officer, to allow this, but only in the more remote zones: the Middlemarch Basin, Hill Country and High Country Rural Zones. These are the areas where the minimum lot size has increased the most (because it is now based on actual median areas in each zone currently supporting farming units). In our assessment there will also be less conflict with the objectives and policies in the Plan if existing sites in these areas are built on because in these more remote areas the residents are more likely to be involved in rural and rural township activities and less likely to be commuters to the city. It can be noted that there is effectively a grace period in force already, everywhere, in that the proposed more stringent residential density minimum site standards have been known since the notification of the 2GP on September 15 2015 and the operative Plan standards still apply.
287. To achieve this we have:
 - Amended Rule 16.5.2.1 to add an exception for standard residential activity, in the Middlemarch Basin, Hill Country and High Country rural zones, on a site of

at least 15ha that existed before 26 September 2015, as a permitted activity if the residential activity is established within 5 years of the rule taking effect (date of release of this Decision), as follows:

- h. Except,
 - i. papakāika may be developed at a density of 6 residential units, or 15 habitable rooms per site, whichever is the lesser {RU cl. 16}
 - ii. in the Middlemarch Basin, Hill Country and High Country rural zones, a single residential activity is permitted on any site that existed before 26 September 2015, and that is 15 ha or larger, provided the residential activity is established prior to 7 November 2023 {RU 1018.2}.

3.2.13 Policy 16.2.1.9 and Rule 16.3.5.2 (cross lease, company lease and unit title subdivision)

3.2.13.1 Background

288. Policy 16.2.1.9 states: "Avoid cross lease, company lease and unit title subdivision in the rural zones unless it does not result in an increase in development potential beyond that which might be achieved through a general subdivision." The use of the standard wording "avoid... unless" in this policy links to Rule 16.3.5.2, under which these types of subdivision are non-complying in rural zones.
289. Rule 16.3.5.2 relates to the activity status for cross-lease, company lease and unit title subdivision.

3.2.13.2 Submissions

290. *NZ Institute of Surveyors* (NZIS) (OS490.28) sought to remove Policy 16.2.1.9 because "the three listed styles of subdivision are enshrined in New Zealand's land transfer system and no clear reason has been identified in support of the proposed avoidance". *HPPC* (FS2267.44) opposed this submission because "special legal property definitions should not allow increased development potential".
291. *NZIS* (OS490.29) also sought that Rule 16.3.5 be amended so that the activity status for cross lease, company lease and unit title subdivision changed from non-complying to restricted discretionary status in the rural zones, and certain overlay zones. *NZ Fire Service* (FS2323.4) supported this in part but requested reference to the NZFS Code of Practice.

3.2.13.3 Section 42A Report

292. The Reporting Officer, Ms Jane Macleod, noted after consulting with DCC resource consent planners, that cross lease, company lease and unit title subdivision are rarely used in the rural environment. The s42A Report discusses how the three types of subdivision are generally used in New Zealand. She explained that non-complying activity status was proposed for these types of subdivision because "they could be used as a way of increasing the residential development potential of a site beyond that which might be achieved through a general subdivision".
293. The s42A Report noted that there may be cases where unit title subdivision and cross lease subdivision are used in a way that would not increase the potential of a site beyond that which might be achieved through a general subdivision. Further, if non-complying activity status was replaced with discretionary or restricted discretionary, Policy 16.2.1.9 could still be drafted so that consent is only granted if the residential development potential of a site were not to be increased beyond that which might be achieved through a general subdivision. The Reporting Officer also noted that there

Notice of appeal to Environment Court against decision on proposed policy statement or plan or change or variation -- Amended 12.01.19

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.

Strategic Direction:

The decision we are appealing is:

Objectives 2.2, 2.4, 2.6

The Grounds and reasons for the appeal:

The Strategic Direction objectives do not include policies with elements to ensure that methods to sustain the natural character, landscapes and features, the coastal environment and the Hill Slope rural zone are included in the Plan.

The Plan inadequately addresses Resource Management Act 1991 (RMA), Section 6 (a), 6 (b), and the New Zealand Coastal Policy Statement.

We seek the following relief:

The addition of policies and rules that will ensure that inappropriate, adverse effects that have a negative impact on landscape naturalness and other rural attributes identified in the Plan do not occur.

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 reason for our appeal is that the Plan will fail to sustain the natural character of sensitive zones and overlays identified in the Plan. The Plan does not effectively limit adverse effects, such as from buildings and structures on Dunedin's natural landscapes and features, which we consider to be outstanding or significant, nor this impact on the Hill Slope Rural Zone, which form the city's natural backdrop.

One matter the Rule 10.3 decision excludes is a visual screening performance standard to remedy and mitigate buildings and structures in visually and naturally sensitive landscapes. A screening performance standard is sought.

A second excluded matter is a performance standard for limiting the number and size of buildings and structures in coastal overlays, landscape overlays, the Hill Slope Rural Zone, as a second landscape preservation measure.

“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 or other development is appropriate in the Landscape and Coastal Overlays to the Rural Zones, and the Hill Slope Rural Zone. In considering attributes of, and effects on, the coastal environment and the coastal landscape, the CMA must also be addressed. Therefore, we submit that the Plan 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:

1. 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 to be drafted through a registered 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.)
2. We seek the inclusion of rules for the Plan’s Natural Environment and Rural sections for all activity status types in all landscape and coastal overlays and the Hill Slope Rural Zone such as the following or through other methods to avoid, remedy or mitigate adverse effects on landscape naturalness.
 - a. A land use maximum of one residential activity plus one family flat per site.

- b. The single-family flat must be fully attached (not only a connecting corridor) or located in the same building.
 - c. A development maximum of one building greater than 60 sq.m. per site.
 - d. A development maximum of one building less than 60 sq.m. per site to serve non-residential, non-accommodation purposes.
 - e. A development maximum of five structures of less than 40 sq.m. to serve any and all activities permitted in the site's rural zone.
 - f. All buildings and structures shall be a single, enclosed footprint design. 'Compound' or pavilion structure designs shall be prohibited. Such designs typically feature small modules interlinked by courtyards, corridor passages, gardens, etc. and can potentially double the visual bulk of buildings and structures.)
 - g. Except for a platform specified on a site's title, prior to November 7, 2018, two permitted buildings, if over 10 sq. m., shall be located on a landscape building platform determined by a registered landscape architect. The platforms will then be registered on the site's title. The methods and criteria for location shall be drafted for the Plan through landscape architect and planners' caucus.
3. With the exception of a +10% size differential for the one under 60 sq.m. building, or the 40 sq.m. maximum structures, rule contravention shall be prohibited.
 4. For clarity, these rules for the buildings and structures in the landscape sensitive areas must be in a 'stand-alone' section of the Plan document. It is understood that some repetition will result as, for instance, a Plan section regarding family flats may also reflect the Rule principles above.

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 for 1 residential activity; 50 ha for 2 residential activities; 75 ha for 3 residential activities, 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 and 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

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

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 2014 report "Minimum Site Size in Dunedin Rural Zones" referred to in the DCC's Section 32 Rural 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:

For the Hill Slope Rural Zone, we seek a 40 ha MSS for one residential activity, 80 ha for two residential activities and 120 ha for three residential activities.

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."

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, Notified Plan text 2.2.4.3.b,
- 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, or protected natural landscapes and features within and beyond the coastal environment, in not protecting 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, naturalness, 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 protect 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 minimise sprawl and ‘leap frog’ development, and to retain residents’ social well-being and expectations of incremental, measured zoning that should 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 ‘minimised’, as described in the 2015 Proposed Otago Regional Policy Statement.

We seek the following relief:

1. Recognition that zone expansion must be sequenced and staged with strict adherence to the RPS policy to minimise 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 hard copy of the amended & original appeal
Craig Werner

Date: 19 December 2019
Amended Date: 08 January 2019

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

30 Howard Street, Macandrew Bay
Dunedin, NZ 9014
03 476-1333
craigwerner.ww@gmail.com

Attachment 1

Amended 08.01.19

Original Submissions & Council Decisions

(Note: The submission provision point numbers and decision numbers do not match. Council moved topics from the Rural to the Natural Environment sections and altered the numbering of the Notified Plan for the Plan Decision Version.)

Strategic Directions

Our Original Submission:

Policy 2.4.4.3: After the words.....'Appendix A3' in the first sentence, **DELETE** the words'and using rules that' **ADD** the words *in conjunction with subjective councillor discretion and also objective and specific quantifiable rules that:*

Policy 2.4.5.3: After the words....'Appendix A5' in the first sentence, **DELETE** the words 'and using rules that'**ADD** the words *in conjunction with subjective councillor discretion and also objective and specific quantifiable rules that:*

Policy 2.4.6.2: After the word 'rules' **ADD** the words *in conjunction with subjective councillor discretion and also objective and specific quantifiable rules that:*

Council Decision:

Policy 2.4.4.3	Protect the values in identified Outstanding Natural Feature (<u>ONE</u>), Outstanding Natural Landscape (<u>ONL</u>) and Significant Natural Landscape (<u>SNL</u>) overlay zones by listing these values in Appendix A3 and using rules that: a. prohibit certain activities in ONFs; b. require resource consent for activities in ONFs, ONLs and SNLs, where they may be incompatible with the values of the area; and c. restrict the scale of development in ONFs, ONLs and SNLs and ensure the design of development is appropriate.
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Policy 2.4.5.3	Protect and enhance the natural character values in Outstanding Natural Coastal Character (<u>ONCC</u>), High Natural Coastal Character (<u>HNCC</u>) and Natural Coastal Character (<u>NCC</u>) overlay
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	zones through listing natural character values in Appendix A5 and using rules that: a. prohibit certain activities in ONCCs and HNCCs; b. require resource consent for activities in ONCCs, HNCCs and NCCs, where they may be incompatible with the values of the area; c. restrict the scale of development in ONCCs, HNCCs and NCCs and ensure the design of development is appropriate; and d. promote <u>restoration</u> of natural character.
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Policy 2.4.6.2	Maintain the identified values within different rural environments through mapping rural zones and using rules that: a. limit the density of <u>residential activities</u>; b. manage the bulk and location of <u>buildings</u>; c. manage the form and design of development associated with large scale activities such as <u>intensive farming</u> and <u>mining</u>; and d. manage the pattern, scale and design of <u>subdivision</u>.
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Natural Environment

Our Original Submission:

16.6.14. NEW. Building and Structure Screening Performance Standard:

A building and structure⁶ 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.*

Policy 10.2.3.8 Delete] The submission sought deletion of these policies in favour of a performance Policy 10.2.5.12 Delete] standard for buildings in sensitive landscapes.

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

10.3.5 Number and Location of Permitted Buildings

1. *In Outstanding Natural Landscape (ONL), Significant Natural Landscape (SNL) and Natural Coastal Character (NCC) overlay zones, a maximum of three new buildings less than or equal to 60m² footprint may be erected per site, provided that they are located within 30m of any building greater than 60m² footprint on the same site;*
2. *Except that buildings less than or equal to 60m² footprint that are located at least 200m from any other buildings on the same site are exempt from this rule.*
3. *For the purposes of this rule:*
 - a. *distance will be measured as the distance between the closest points of the two buildings; and*
 - b. *only buildings erected after 7 November 2018 are counted towards the maximum number of buildings.*
4. *Activities that contravene this performance standard are restricted discretionary activities.*

Note 10.3.5A - General advice

1. *Plan users should be aware that, due to the definition of "buildings" in this plan, this rule does not apply to any building with an area of 10m² footprint or less. In addition, it does not apply to "structures", as defined in this plan. Finally, the minimum 200m distance does not apply from any building with an area of 10m² footprint or less.*

D.16 Rural Zone

Our Original Submission:

16.7.4.1.d. Minimum Site Size: CHANGE the minimum on the Hill Slopes Rural Zone from ~~25~~ 15 ha. to 40 ha. Note: Original submission typo. 25 ha should read 15 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.
 - 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.
 - 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.
 - The 42a Report , bottom of page 292, repeats the assertion above without providing any supportive facts and figures.
 - The 42a Report contention that the larger MSS proposal lacs 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	15ha for 1 residence; 50 ha for 2 residences; 75 ha for 3 residences

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> ;
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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 Middelmarsh. 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.

Our Original Submission:

2.6.3.1 Identification of areas for future residential development. (2.6.1.4 Plan Decision Version)

Maps Section Submission General Residential 1 Transition Zone

2.6.3. Policy 2.6.3.1: (The entire 2GP Policy 2.6.3.1 text has been retyped here with amended wording and additions in *blue italics*.)

Identify areas for *allowing* future residential development, *including the addition of single large lot and rural residential houses* based on the following criteria: (Only wording in *blue italics* is new.)

- a. prioritising areas that:
 - i. are adjacent to the main urban area or townships that have a (DELETE the word 'shortage') **ADD surplus of infrastructure and commercial services capacity.**
 - ii. are able to be serviced by high frequency public transportation *not within the area, but to the main urban area CBD and to other townships.*
 - iii. are close to existing community facilities such as schools that have a surplus of capacity, recreational facilities, health services and libraries or other community centres.
 - iv. are close, *as within 2 km maximum walking/mobility scooter distance* to existing centres, and
 - v. can be serviced by existing infrastructure capacity and/or will require the least long-term overall infrastructure cost; and
 - vi. *can grow to a sustainable size with basic commercial services (supermarket, etc.) in the near term.*
 - vii. *are adjacent to present or planned commercial destination spots and could be targeted for re-zoning to multi-family residential development.*
 - viii. *are, given Dunedin's extremely large land mass resource, potential greenfield new townships that are positioned well for public-private partnerships for roading, infrastructure and commercial services.*
 - ix. *are adjacent to the fewest number of existing residents, avoiding disruption to the home environment context that contributes to defining the residents' identity.*
- b. avoiding areas that:
 - i. are.... **DELETE** the words 'productive rural land' and **ADD** the words....*rural and productive in producing commodities/natural wild goods or are key in supporting the rural, natural and eco-tourism economic contribution.*
 - ii. may create conflict with rural water resource requirements,
 - iii. have a potential short or longer term *personal safety or infrastructure durability* risk from natural hazards, including flooding, land instability, inundation from the sea or other coastal hazards, or liquefaction;
 - iv. are identified protected landscape or natural coastal character areas; and

- v. may create reverse sensitivity effects for existing industrial or other incompatible activities.
- vi. *have main service roads which cannot be widened and straightened at a reasonable cost to provide for a mix of car, large vehicle, bicycle, pedestrian and future mobility scooter traffic safe travel and over-taking.*
- vii. *constitutes ribbon development strung along roads and streets beyond the township central envelope,*
- viii. *form rural or green space between townships providing the open space amenity of urban congestion relief, and separate township identity.*
- ix. *are near iconic or productive bodies of water,*
- x. *encompass concentrated pockets of wildlife habit or wildlife sanctuary surrounds,*
- xi. *are important destinations for local recreation and site-seeing.*

General Residential 1 Transition Zone

The Harboursides and Peninsula Preservation Coalition sees the deletion of the priority 1 and priority 2 transition zone areas which surround The Cove settlement on the Harbour as a priority. Although The Cove is not largely an historic harbour settlement, and it is close to the city, the land on each side of it should retain its rural zoning for three reasons.

- a. The form of The Cove settlement highly resembles the size and form of the several other historic harbourside settlements. It sets the tone for the travel experience along the Peninsula typified by rural/green space – village – rural/green space – village – etc.
- b. Expansion into Rural areas around the city, which are adjacent to the present residential zones, is sensible for absorbing small future population increases. However, in the case of this area around The Cove, there is the directional growth constraint of the harbour waters' edge. This inevitably leads to a highly undesirable recognizable development pattern referred to as 'ribbon development' where dense housing or other development stretches out along the road.
- c. The fact that The Cove area is quite close to a residentially dense part of the urban city means that the result of additional residential development here will be typical of an urban sprawl pattern. This is telegraphed to the traveller by the evident change in the newer age of the housing development the further out one goes. And stranded in the middle of this new bit of 2GP sprawl would be the 40+ year old The Cove, once a distinct place with its own identity bordered by rural land.

The negative impact of this proposed 2GP Residential Transition Zone development is amplified by the fact this spot around The Cove is on a slope rising up from the water. Therefore the negative impact is not confined to those passing through, but it extends to those in watercraft on the harbour and to those residents across the harbour who enjoy this outlook as their main view.

Overall, the 2GP Residential Transition Zone concept conveys the appearance of an easy way out on housing growth and really seems not much more than sanctioned sprawl. How do the Transition Zones rank in expansion priority with urban infill, rezoning for multi-storey living and allowances for family/granny flats, etc.? Are there incentives? What is the 'plan'?

Shouldn't the work on creating a greenfield 'new town' begin with the 2GP given that the lead time to accomplish such a best practice solution is so very, very long? The Spatial Plan action item #DP4 on page 65 states: 'identify areas where future greenfield development should go when current capacity and additional capacity through intensification is inadequate.' When Dunedin reaches the point that this inadequacy is apparent, it will be far too late to begin the creation of 'new townships' or the transition of a suburb into a new township and the pressure to 'sprawl' will mount. Roading extension, NZTA involvement, easements, etc. take a very long time, as will the creation of public/private partnerships to spawn and ensure key services, such as a supermarket, etc.

An even larger task will be the cost analysis comparison of 'new town' versus urban expansion, which would include the comparison of all 'new' infrastructure (water, streets, sewers) with extending and further taxing our aging urban infrastructure and those 'reliability' costs. If we don't actually 'plan', the low cost, easy way out will let transition sprawl continue, especially as pressure is applied by development interests which always buy and own land ahead of the growth line. This, unfortunately, seems to be an established pattern of profiteering country-wide and, of course, internationally.

The 2GP District Plan needs to be one that does truly long-term planning for Dunedin's future. For example, we need another 'Mosgiel'. Not just to preserve that township's current liveable size and for the protection of surrounding high class soils, but to take the development pressure off all the other Dunedin fringe areas where the residents, the key stakeholders there, are happy with the residential amenity that they currently have. It's time for Council to get started on new township concepts because long-term planning involves hard work and hard choices.

Council Decision:

Note: *The Council decision was to delete the notified Policy 2.6.3.1, which was a comprehensive list of prioritised and avoided areas for future residential development.*

Policy 2.6.1.4	<i>Apply new rural residential zoning only where:</i> a. <i>there is a demonstrated shortage of rural residential land for lifestyle <u>farming</u> or hobby <u>farming</u>;</i> b. <i>the amount of land zoned rural residential appropriately balances providing some land resource for lifestyle <u>farming</u> or hobby <u>farming</u> with the overall Plan objectives that:</i>
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- i. *Dunedin stays a compact and accessible city with resilient townships based on sustainably managed urban expansion. Urban expansion only occurs if required and in the most appropriate form and locations (Objective 2.2.4);*
- ii. *public infrastructure networks operate efficiently and effectively and have the least possible long term cost burden to the public (Objective 2.7.1); and*
- iii. *the multi-modal land transport network, including connections between land, air and sea transport networks, operates safely and efficiently for all road users (Objective 2.7.2);*
- c. *the proposed zoning meets the criteria contained in Policy 2.6.1.5; and*
- d. *the plan change proposal:*
 - . *considers first rezoning of Rural Residential 2 to Rural Residential 1 land to increase capacity;*
 - i. *considers next rezoning of any remaining clusters of sites below the minimum sitesizes in the rural zones; and*
 - ii. *only after the options in clause i and ii are assessed as inappropriate and/or unfeasible, considers the conversion of other rural sites to rural residential land.*

Policy 2.6.2.1

Identify areas for new residential zoning based on the following criteria:

- a. *rezoning is necessary to meet a shortage of residential capacity (including capacity available through releasing a Residential Transition overlay zone), either:*
 - i. *in the short term (up to 5 years); or*
 - ii. *in the medium term (up to 10 years), in which case a Residential Transition overlay zone is applied to the rezoned area; and*
- b. *rezoning is unlikely to lead to pressure for unfunded public infrastructure upgrades, unless either an agreement between the infrastructure provider and the developer on the method, timing, and funding of any necessary public infrastructure provision is in place, or a Residential Transition overlay zone is applied and a future agreement is considered feasible; and*
- c. *the area is suitable for residential development by having all or a majority of the following characteristics:*
 - . *a topography that is not too steep;*
 - i. *being close to the main urban area or townships that have a shortage of capacity;*

- ii. currently serviced, or likely to be easily serviced, by frequent public transport services;
 - iii. close to centres; and
 - iv. close to other existing community facilities such as schools, public green space and recreational facilities, health services, and libraries or other community centres;
- d. considering the zoning, rules, and potential level of development provided for, the zoning is the most appropriate in terms of the objectives of the Plan, in particular:
- . the character and visual amenity of Dunedin's rural environment is maintained or enhanced (Objective 2.4.6);
- i. land and facilities that are important for economic productivity and social well-being, which include industrial areas, major facilities, key transportation routes, network utilities and productive rural land are:
 - 1. protected from less productive competing uses or incompatible uses, including activities that may give rise to reverse sensitivity; and
 - 2. in the case of facilities, able to operate efficiently and effectively (Objective 2.3.1). Achieving this includes generally avoiding areas that are highly productive land or may create conflict with rural water resource requirements;
 - ii. Dunedin's significant indigenous biodiversity is protected or enhanced, and restored; and other indigenous biodiversity is maintained or enhanced, and restored; with all indigenous biodiversity having improved connections and improved resilience (Objective 2.2.3). Achieving this includes generally avoiding the application of new residential zoning in ASBV and UBMA;
 - iii. Dunedin's outstanding and significant natural landscapes and natural features are protected (Objective 2.4.4). Achieving this includes generally avoiding the application of new residential zoning in ONF, ONL and SNL overlay zones;
 - iv. the natural character of the coastal environment is, preserved or enhanced (Objective 2.4.5). Achieving this includes generally avoiding the application of new residential zoning in ONCC, HNCC and NCC overlay zones;
 - v. subdivision and development activities maintain and enhance access to coastlines, water bodies and other parts of the natural environment, including for the purposes of gathering of food and mahika kai (Objective 10.2.4);
 - vi. the elements of the environment that contribute to residents' and visitors' aesthetic appreciation for and enjoyment of the city are protected or enhanced. These include:
 - 1. important green and other open spaces, including green breaks between coastal settlements;

	2. trees that make a significant contribution to the visual landscape and history of neighbourhoods; 3. built heritage, including nationally recognised built heritage; 4. important visual landscapes and vistas; 5. the amenity and aesthetic coherence of different environments; and 6. the compact and accessible form of Dunedin (<u>Objective 2.4.1</u>); vii. the potential <u>risk</u> from natural hazards, including climate change, is no more than low, in the short to long term (<u>Objective 11.2.1</u>); viii. <u>public infrastructure</u> networks operate efficiently and effectively and have the least possible long term cost burden on the public (<u>Objective 2.7.1</u>); ix. the multi-modal land transport network, including connections between land air and sea transport networks, operates safely and efficiently for all <u>road</u> users (<u>Objective 2.7.2</u>); and x. Dunedin stays a compact and accessible city with resilient townships based on sustainably managed urban expansion. Urban expansion only occurs if required and in the most appropriate form and locations (<u>Objective 2.2.4</u>).
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Policy 2.6.2.3	Identify areas for new medium density zoning based on the following criteria: a. alignment with Policy 2.6.2.1; and b. rezoning is <u>unlikely</u> to lead to pressure for unfunded <u>public infrastructure</u> upgrades, unless either an agreement between the infrastructure provider and the developer on the method, timing, and funding of any necessary <u>public infrastructure</u> provision is in place, or an infrastructure constraint mapped area is applied; and c. considering the zoning, rules, and potential level of development provided for, the zoning is the most appropriate in terms of the objectives of the Plan, in particular: i. there is a range of housing choices in Dunedin that provides for the community's needs and supports social well-being (<u>Objective 2.6.1</u>); ii. Dunedin reduces its reliance on non-renewable energy sources and is well equipped to manage and adapt to changing or disrupted energy supply by having reduced reliance on private motor cars for transportation (<u>Objective 2.2.2</u>), including through one or more of the following: 1. being currently serviced, or likely to be easily serviced, by <u>frequent public transport services</u>; and 2. being close (good walking access) to existing <u>centres</u>, community facilities such as <u>schools</u>, public green spaces recreational facilities, health services, and libraries or other community <u>centres</u>; and
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- iii. *the elements of the environment that contribute to residents' and visitors' aesthetic appreciation for and enjoyment of the city are protected or enhanced. These include:*
 - 1. *important green and other open spaces, including green breaks between coastal settlements;*
 - 2. *trees that make a significant contribution to the visual landscape and history of neighbourhoods;*
 - 3. *built heritage, including nationally recognised built heritage;*
 - 4. *important visual landscapes and vistas;*
 - 5. *the amenity and aesthetic coherence of different environments;*
 - 6. *the compact and accessible form of Dunedin (Objective 2.4.1); and*
- iv. *the potential risk from natural hazards, including climate change, is no more than low, in the short to long term (Objective 11.2.1); and*
- d. *the area is suitable for medium density housing by having all or a majority of the following characteristics:*
 - . *lower quality housing stock more likely to be able to be redeveloped;*
 - i. *locations with a topography that is not too steep;*
 - ii. *locations that will receive reasonable levels of sunlight; and*
 - iii. *market desirability, particularly for one and two person households.*

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 or 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 minimise 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.

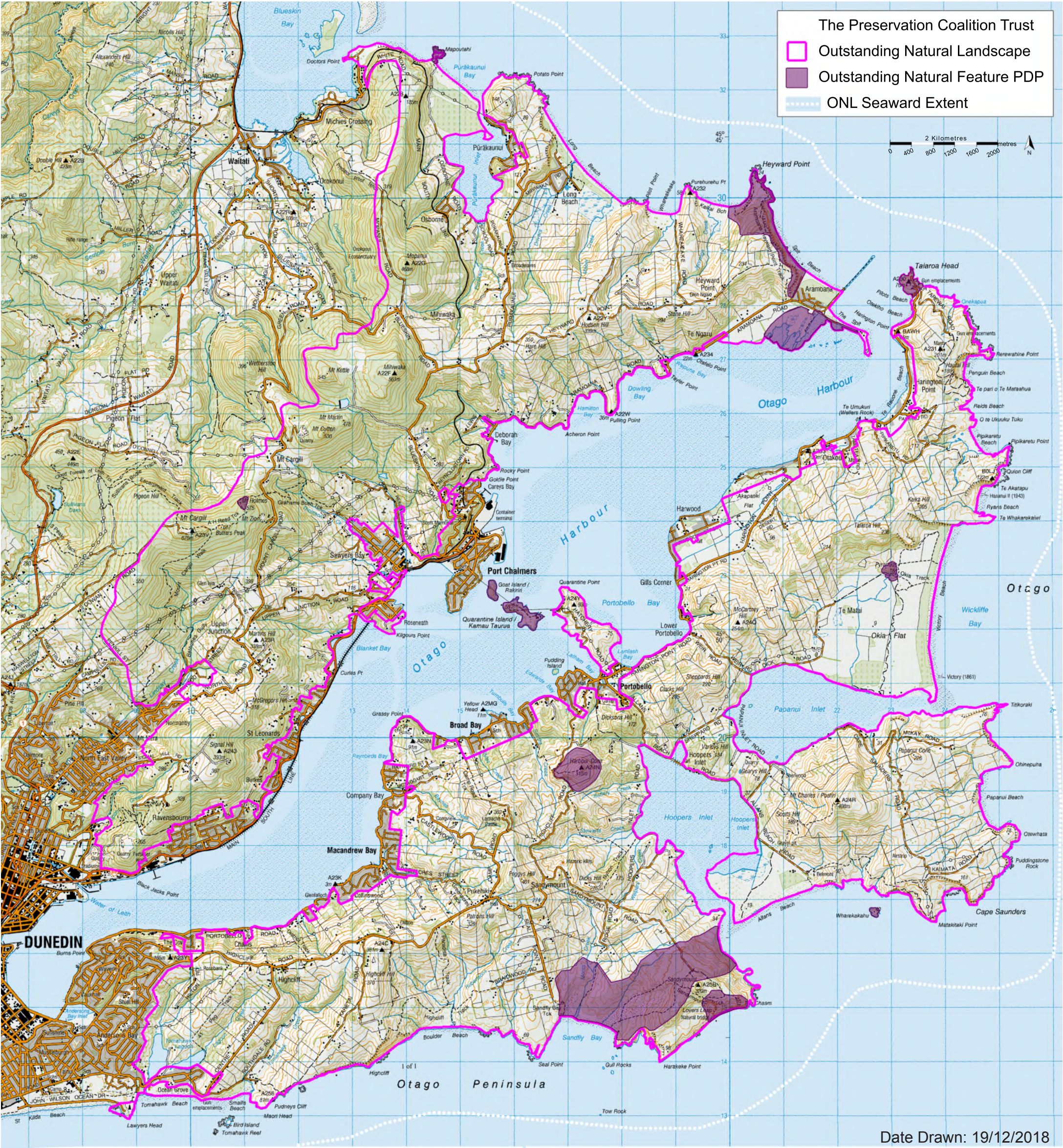
The presence of sensitive wildlife on the Otago Peninsula is also a reason why new Rural Residential zoning should not be permitted as it results in an increase of hundreds of families to the area. Among additional families there is the potential for an increase in the number of cats and dogs, exotic 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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**BEFORE THE ENVIRONMENT COURT
AT CHRISTCHURCH**

ENV 2018 CHC 285

**I MUA I TE KOOTI TAIAO O AOTEAROA
ŌTAUTAHU ROHE**

IN THE MATTER of the Resource Management Act 1991 (RMA)

AND

IN THE MATTER of an appeal under section 120 of the Act

BETWEEN THE PRESERVATION COALITION TRUST

Appellant (ENV 2018 CHC 285)

AND DUNEDIN CITY COUNCIL

Respondent

LIST OF KEY ISSUES FOR THE PRESERVATION COALITION TRUST

16 April 2019

Solicitor:
Andrew Simpson
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Counsel Acting:
Rob Enright
Barrister
Magdalene Chambers
Auckland & Wanaka
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MAY IT PLEASE THE COURT

- 1 By direction dated 18 March 2019, the Court gave leave for an amended appeal to be filed by the Trust by 12 April 2019; this was subsequently amended by Court direction to a statement of key issues (16 April 2019).
- 2 Both the appeal and original submission were prepared by a community trust, absent legal and expert input. Chancery drafting is not required; and a number of submission points are wide-ranging. To assist with scope, the Trust has identified (on a preliminary basis) relevant submission and appeal points.
- 3 Issues fall into four categories:
 - Strategic Directions (Chapter 2, 2GP);
 - Overlays;
 - Zoning;
 - Performance Standards
- 4 At present, Counsel and landscape expert Diane Lucas' involvement is limited to Issues one and two. The Trust has therefore identified issues and relief sought for Issues three and four below. The Trust expects to provide greater clarity on issues being pursued to hearing during or immediately following mediation.

ISSUE ONE: STRATEGIC DIRECTIONS (CHAPTER 2, 2GP)

- 5 Objective 2.4.4 Natural landscapes and natural features

Whether to amend “restrict” to more appropriate wording and insert “location”; or substitute alternative wording that gives effect to the NZCPS and imports an avoidance threshold for activities that result in more than minor or transitory adverse effects for:

- Policy 2.4.4.3(c)
- Policy 2.4.5.3

“**..restrict** the scale of development in ONFs, ONLs and SNLs and ensure the location and design of development is appropriate..”

“**..restrict** the scale of development in ONCC, HNCC and NCCs and ensure the location and design of development is appropriate..”

Scope:

- Submission, p7-8 (cf Objective 2.6.3, Policy 2.6.3.1)
- Submission, Addendum 1, p50ff
- Notice of Appeal at p1 “Relief Note” and p2 “Strategic Direction”

6 Objective 2.6.1 Housing Choices

Whether “generally” should be deleted from:

- Policy 2.6.1.5(c)(iii)
- Policy 2.6.1.5(c)(iv)

“Achieving this includes ~~generally~~ avoiding the application of new rural residential zoning in ONF, ONL and SNL overlay zones.”

“Achieving this includes ~~generally~~ avoiding the application of new rural residential zoning in ONCC, HNCC and NCC overlay zones.”

Scope:

- Submission, p7-8 (Objective 2.6.3, Policy 2.6.3.1)
- Submission, Addendum 1,
- Notice of Appeal at pp5-6

- 7 Vertical and horizontal integration. Changes identified above may require amendments to Objectives 2.4.4 and 2.6.1 to avoid more than minor or transitory adverse effects on outstanding and high natural values in the Otago Peninsula and Harbour Basin; and methods for vertical integration.

Scope:

- Submission, various places, Addendum 1, p50ff
- Notice of Appeal at p1 “Relief Note” and p2 “Strategic Direction”

ISSUE TWO: OVERLAYS

- 8 Whether rural parts of Otago Peninsula and Harbour Basin should be identified and protected as ONF, ONL, SNL, ONCC, HNCC, NCC under the 2GP. The indicative extent is identified on the attached plan.¹ The coastal waters associated with the peninsula and basin should also be identified, in a non-statutory map, as ONF, ONL (recognizing the relationship between land and water, but also that the district plan has no direct jurisdiction over the CMA). This issue relates to whether the Overlay gives effect to the NZCPS.

Scope:

- Submission in relation to ONFLs, pp45-46ff
- Notice of Appeal at Maps Section, Appendix, pp5ff; Attachment 2 to Notice of Appeal

- 9 The 2GP does not identify the coastal environment in the district, outside areas identified as Coastal Character. The Trust contests this approach, but geographically

¹ Produced as an attachment to the Notice of Appeal; subject to refinement through expert caucusing and evidence exchange.

limited to the Otago Peninsula and Harbour Basin. The relevant issue is whether the Otago Peninsula, and Harbour Basin, should be classified as coastal environment, in terms of the criteria in NZCPS Policy 1. The indicative extent will be identified on a plan to be produced.² This issue relates to whether the coastal environment overlay gives effect to the NZCPS.

Scope:

- Submission, Addendum 1, pp50-51,³ including reference to Boffa Miskell Report 2007, landscape and coastal areas
- Notice of Appeal at Maps Section, Appendix, pp5ff (includes reference to CMA); Attachment 2 to Notice of Appeal

10 Vertical and horizontal integration. Changes identified above may require:

- Amend Chapter A5 to include description of area, values and threats for Otago Peninsula and Harbour Basin;
- Rural Residential Zone (Chapter 17) activity status for subdivision and development refers to ONC but not ONL; query whether this is in error.
- reduced scope of Rural Residential zoning for Otago Peninsula and Harbour Basin, to reflect outstanding and high natural values in amended overlays requested by the Trust.

Scope:

- Submission (generally) including Addendum 1, p50ff
- Notice of Appeal at p1 “Relief Note” and p2 “Strategic Direction”

11 Issues 3 and 4, prepared by the Trust, are attached. These adopt, where relevant, Attachments to the original submission and Notice of Appeal.

² Subject to refinement through expert caucusing and evidence exchange.

³ Submission point 10.5.2.3 with linkage to Addendum #1:

- “..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 [*sic*] 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 [*sic*], 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...”

Dated this 16th April 2019

A handwritten signature in black ink, appearing to be 'Rob Enright', written over a light blue horizontal line.

Rob Enright
Counsel for The Preservation Coalition Trust

ISSUE THREE: ZONING (statement of issues prepared by the Trust)

11 The following relief is sought:

- Increase minimum site size density standard for Hill Slope Rural zone: 40ha for one, 80ha for two, and 120ha for three residential activities (dwellings).

Scope:

- Refer Submission and Notice of Appeal
- Appeal pg 5, Rural zone relief.
- Submission pg33, 16.7.4.1.d; with subsequent revision to reflect two and three residences allowed for in a separate unlinked section of the Plan.

12 The following relief is sought:

- RR zone expansion must be minimised (per RPS 4.3.1.d), and properly staged and sequenced. Zone capacity must address Council reports indicating the approximate 50% available capacity in the operational Plan and capacity calculation errors in the s42A report.

Scope:

- Refer Submission and Notice of Appeal
- Appeal pg 6, 2.6.1.4.a the creation of new RR zones if there is a shortage of sites.
- Appeal pg 8, Relief point #1.
- Submission pg 4, 2.2.4.3.b linked to Addendum #4.

13 The following relief is sought:

- Rural Res. 2, all DCC areas;
 - Delete from the zone all areas that either comply with the productive soil health standards as described in Appeal attachment 5, and/or the locations not fully adjacent to a boundary of an urban/township Residential zoned property.
- Rural Res. 2, ONF, ONL, SNL, ONCC, HNCC, NCC as described in Appeal map attachment 2
 - Delete from the zone areas visible from points as described in Appeal pg 9, first and second bullet points.
- Rural Res. 1, expansion of zone above St. Leonards.
 - For zone additions to the operative plan delete all areas as described above for RR2.

- Rural Res. 1, ONF, ONL, SNL, ONCC, HNCC, NCC as described in Appeal map attachment 2.
 - Deletion of Large Lot 1&2. And Low Density Res. Zones.
 - Allow only RTZ zoning for sites which have all boundaries shared with the urban Residential zoned sites of the operative Plan 2006.

Scope:

- Appeal pg 6, “The decision we are appealing is:”
- Appeal pg 8&9 “We seek the following relief:”
- Submission pg 54 “Addendum 4: 2GP’s New Rural Residential Zone Areas:” which is linked with the submissions on Plan points 17.1.1.1 and 17.1.1.2 on Submission pg 37.

ISSUE FOUR: PERFORMANCE STANDARDS (statement of issues prepared by the Trust)

14 The following relief is sought:

- A building and structure ‘screening’ standard for ONF, ONL, SNL, ONCC, HNCC, NCC and the Hill Slope Rural zone, drafted by reg. landscape architect and planner caucus, guided by the proposed standard in our original submission provision point 16.6.14, included in Appeal 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 Appeal Attachment 3.

Scope:

- Appeal pg 3, relief point #1.
- Submission pg 31, 16.6.14.

15 The following relief is sought:

- Building and structure standards in ONF, ONL, SNL, ONCC, HNCC, NCC
 1. We seek the inclusion of rules for the Plan’s Natural Environment and Rural sections for all activity status types in all landscape and coastal overlays and the Hill Slope Rural Zone such as the following or through other methods to avoid, remedy or mitigate adverse effects on landscape naturalness.
 - a. A land use maximum of one residential activity plus one family flat per site.
 - b. The single-family flat must be fully attached (not only a connecting corridor) or located in the same building.
 - c. A development maximum of one building greater than 60 sq.m. per site.

d. A development maximum of one building less than 60 sq.m. per site to serve non-residential, non-accommodation purposes.

e. A development maximum of five structures of less than 40 sq.m. to serve any and all activities permitted in the site's rural zone.

f. All buildings and structures shall be a single, enclosed footprint design. 'Compound' or pavilion structure designs shall be prohibited. Such designs typically feature small modules interlinked by courtyards, corridor passages, gardens, etc. and can potentially double the visual bulk of buildings and structures.)

g. Except for a platform specified on a site's title, prior to November 7, 2018, two permitted buildings, if over 10 sq. m., shall be located on a landscape building platform determined by a registered landscape architect. The platforms will then be registered on the site's title. The methods and criteria for location shall be drafted for the Plan through landscape architect and planners' caucus.

2. With the exception of a +10% size differential for the one under 60 sq.m. building, or the 40 sq.m. maximum structures, rule contravention shall be prohibited.

Scope:

- Appeal pgs 3 and 4, relief points 2, 3 and 4. Note that point 2 seeks new rules "such as the following or through other methods....."
- Submission pg 30, 16.6.13. and linked Addendum 1. Note that although these particular standards differ from those outlined in the appeal, the submission cites on pg 30, "Reason for this view:", line 8 that 16.6.13 is only a "recommended standard". Both DCC planner input and Hearing Panel and DCC witness concern that the proposal was "too prescriptive" lead to the subsequent modification presented in the Appeal.