

In the Environment Court of New Zealand
Christchurch Registry

I Mua I Te Kōti Taiao o Aotearoa
Ōtautahi Rohe

ENV-2018-CHC-270

Under the Resource Management Act 1991

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 **University of Otago**
Appellant

And **Dunedin City Council**
Respondent

Affidavit of Emma Christmas

Affirmed *26 March* 2021

Concerning:
Group 2c
Topic Campus Zone Provisions
Appeal points DCC Reference 185, 187, 198

Respondent's solicitors:

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**anderson
lloyd.**

I, **Emma Christmas** of Dunedin, Policy Planner, hereby solemnly and sincerely affirm:

- 1 I am a senior policy planner at Dunedin City Council.
- 2 I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014. This evidence has been prepared in accordance with it and I agree to comply with it. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.
- 3 I have been employed by Dunedin City Council as a policy planner / senior planner for eight years. During this time I have primarily worked on drafting the 2GP, assessing submissions, preparing and presenting s42A reports and working on the appeals. Prior to this, I was self-employed as a planner for 10 years, working mainly on consent applications. Prior to that I was Team Leader Consents at Environment Canterbury for five years. I am a certified independent hearings commissioner and a full member of the New Zealand Planning Institute.

Introduction

- 4 This affidavit provides the rationale, and an assessment in terms of section 32, of the changes agreed in the following consent memorandum signed on 11 September 2020:
 - (a) Appeal by University of Otago – Campus zone provisions, dated 11 September 2020 (DCC references 185, 187 and 198).
- 5 There are no s274 parties to these appeal points.
- 6 The full details of the appeal by the University of Otago (University) are included in paragraphs 2 – 4 of the consent memorandum. In summary, the appeal sought to:
 - (a) Replace the definitions of campus and campus affiliated office activity with a broader definition of campus activity;
 - (b) Make changes to provide for all retail and restaurants in the Campus Zone; and
 - (c) Make changes to include the Campus Zone as a centre in the 2GP.
- 7 From mediation, the key issues raised by the parties were:
 - (a) The campus activity definition does not capture all the activities taking place at the University, including health and wellbeing support

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services provided by external services and independent research and commercial spin-off activities; and

- (b) The University wishes to provide for a range of retail and other commercial activities so that students do not need to leave the campus area to access these activities.

Agreement reached

8 As outlined in the attached consent memorandum, agreement has been reached between the parties to make amendments that address the issues identified in paragraph 7. This includes:

- (a) Amendments to the campus and training and education activity definitions to:
 - (i) Provide for additional activities ancillary to campus activity (sale of learning materials and student support services), and
 - (ii) Allow campus activity outside the Campus Zone in 'Campus mapped areas';
- (b) Provision for training and education activity as a permitted activity in the Campus Zone;
- (c) Provision for retail ancillary to industrial activity as a permitted activity within the Campus Zone;
- (d) Provision for visitor accommodation as a restricted discretionary activity in the Campus Zone; and
- (e) Provision for a retail hub at the University's Student Union complex by rezoning part of the Campus Zone that adjoins the Albany Street suburban centre to Suburban Centre Zone, and identifying this as a 'Campus mapped area'. This includes related amendments to the Section 18 (commercial and mixed use) rules to:
 - (i) Permit Campus activity within this rezoned area ('Campus mapped area');
 - (ii) Amend the Suburban Centre Zone maximum and minimum height performance standard as it applies in the new mapped area, to retain the permitted maximum height standards that currently apply within the Campus Zone;

- (iii) Amend the Suburban Centre Zone signs performance standard as it applies in the new mapped area, to retain some of the exceptions that currently apply within the Campus Zone; and
- (iv) Add a new subdivision assessment rule for subdivision in the Campus mapped area, that includes relevant assessment criteria from the equivalent Campus Zone subdivision assessment rule.

Assessment of other appeals

- 9 As part of my assessment of the appropriateness of this change, I have considered whether there are other appeals on the provisions affected by these amendments, to understand whether there is overlap between different appeals on the same provisions in the plan.
- 10 Resolution of the University's appeal includes an amendment to Rule 18.6.5.2 (maximum and minimum height performance standard) to add a new exception applying to buildings in the Campus mapped area. A separate part of Rule 18.6.5.2 is also proposed to be amended through the agreement reached between parties to the Nichols Property Group Limited appeal (ENV-2018-CHC-217, DCC Reference number 53) (Nichols appeal). A consent memorandum signed by all parties to resolve the Nichols appeal is filed jointly to resolve this appeal. The amendments to Rule 18.6.5.2 are shown together in a draft order.
- 11 The agreement to resolve the University's appeal includes a new addition to the introduction to the Campus section (34.1). This section is also proposed to be amended through the agreement reached between parties to the Port Otago appeal (ENV-2018-CHC-246, DCC Reference number 371) and a separate part of the University of Otago's appeal (DCC Reference number 203). A consent memorandum signed by all parties to resolve these two appeals is filed jointly and the amendments to 34.1 are shown together in a draft order.
- 12 There are no other appeals on the provisions being amended.

Scope

- 13 The scope for the proposed changes is as follows.
 - (a) The changes to broaden the campus and training and education activity definitions, extend the definition of campus activity to apply in Campus mapped areas, and provide for training and education activity as a permitted activity in the Campus Zone, fall from the

appeal to broaden the definition of campus activity. The proposed campus definition wording referred to in the notice of appeal both listed a wider range of activities to be included within the definition and removed the constraint that campus activity apply only in the Campus Zone;

- (b) Provision for retail ancillary to industrial activity as a permitted activity within the Campus Zone is specifically requested within the appeal;
- (c) Provision for visitor accommodation as a restricted discretionary activity in the Campus Zone is within the broad scope of the appeal to amend Objective 2.3.2 to include the Campus Zone as a centre. Centres zones provide for a broad range of commercial activities, including visitor accommodation as either a permitted or restricted discretionary activity;
- (d) Provision for a retail hub at the University's Student Union complex by rezoning part of the Campus Zone to Suburban Centre Zone is also within the scope of the amendments sought to include the Campus Zone as a centre; and
- (e) The amendments to Section 18 in relation to height, signage and subdivision in the Campus mapped area, and to permit campus activity in the Campus mapped area, reflect the rules that currently apply in this area (as part of the Campus Zone), and so retain those existing provisions.

Planning background

14 The 2GP strategic objectives recognise the importance of, and seek to protect, both the CBD and commercial centres, as a focus for economic activity and social interaction, and the University of Otago and Otago Polytechnic, as facilities that contribute significantly to economic productivity and social wellbeing.

15 Objective 2.3.2 is that:

Dunedin has a hierarchy of vibrant centres anchored around one Central Business District Zone (CBD), which provides a focus for economic and employment growth, driven by:

- a. attraction of businesses to these areas based on the high level of amenity and density of activity in the area;
- b. opportunities for social interaction, exchange of ideas and business cooperation;

- c. public investment in public amenities and other infrastructure in the CBD; and
- d. opportunities for agglomeration benefits from the co-location of activities.

16 Policy 2.3.2.2 is:

Maintain or enhance the density and productivity of economic activity in the CBD and centres through rules that restrict retail and office activities outside these areas unless:

- a. they are unlikely to contribute to, or may detract from, the vibrancy of centres; or
- b. as provided for under Policy 18.2.1.3 or 15.2.1.5.

17 These strategic directions provisions are reflected in Objective 18.2.1 and its related policies in the commercial and mixed use section of the 2GP. In order to achieve the plan's objectives, the policy and rule framework limits commercial activities outside centres, and strongly discourages general retail activity establishing outside this framework, through the use of non-complying activity status.

18 Objective 2.3.1 is that:

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:

- a. protected from less productive competing uses or incompatible uses, including activities that may give rise to reverse sensitivity; and
- b. in the case of facilities, able to operate efficiently and effectively.

19 Policy 2.3.1.6 is to:

Identify facilities that contribute significantly to the economic productivity and social wellbeing of the city, including the University of Otago and Otago Polytechnic campuses, hospitals, schools and Invermay, zone these as major facilities and use rules to:

- a. enable them to continue to operate efficiently and effectively, while minimising as far as practicable any adverse effects on surrounding areas; and

- b. protect them from activities that may lead to reverse sensitivity.
- 20 The University of Otago and Otago Polytechnic are in the Campus Zone. This extends from Dundas Street to Hanover Street and straddles the Albany Street suburban centre.
- 21 Objective 34.2.1 in the Campus section is that:

The Campus Zone enables the University of Otago and the Otago Polytechnic to operate efficiently and effectively as tertiary education and research facilities, while also providing for residential living and a limited range of specified activities that are closely associated to and compatible with these tertiary institutions.
- 22 Commercial activities outside the CBD and centre zones are deliberately restricted in the 2GP. The commercial activities permitted in the Campus Zone include retail and restaurants ancillary to campus activity, and campus-affiliated office activity. These activities allow opportunities for the University and Polytechnic to partner with the commercial sector.
- 23 Commercial activities that are not permitted under the Campus Zone provisions (e.g. offices, cafes/restaurants and retail that are not ancillary to campus activities) require resource consent as discretionary or non-complying activities. These activities are assessed against policies (Policy 34.2.1.5 for discretionary activities; Policy 34.2.1.6 for non-complying activities) that provide a pathway to consent for activities that are not more appropriately located in another zone, and that are compatible with the operation of the campus.

Campus activity and training and education activity

- 24 The 2GP categorises tertiary education activity into two activities: training and education, and campus.
- 25 Campus activity includes training and education, research and various ancillary activities such as student support services, undertaken by the University of Otago or Otago Polytechnic within the Campus Zone.
- 26 Education activity outside the Campus Zone is captured by training and education activity.

Albany Street Suburban Centre Zone

- 27 This zone adjoins the Campus and Otago Museum major facility zones and extends down Albany Street, from George Street to Ethel Benjamin Place.

From observation, the centre primarily caters to customers accessing activities in the Campus Zone. Suburban centres provide for a wide range of commercial activities (Rule 18.3.3), including retail, office and restaurant activities.

- 28 Strategic direction Policy 2.6.2.4 outlines the criteria for rezoning a site to commercial and mixed zone. As a result of an appeal by Woolworths New Zealand Limited (ENV-2018-CHC-255, DCC references 78, 127, 130, 366), amendments to this policy, and the addition of new policies 2.3.2.X, 2.4.3.X and 2.6.2.X, are proposed to provide a better framework for considering commercial and mixed use rezoning decisions. This appeal has been mediated and a consent memorandum signed by all parties on 17 March 2021. That memorandum is jointly filed to resolve the appeal.

Decision Background

- 29 The Hearings Panel considered the submissions from the University on activities provided for within the Campus Zone in sections 3.1.1.1 and 3.1.2.1 of the Major Facilities decision¹. The panel generally rejected the submissions for additional office, retail and restaurant activity (not ancillary to campus activity) within the zone, noting that that primacy for land use within the Campus Zone should be for activities directly related to campus activities. They also considered that the non-complying status of retail and restaurant not ancillary to campus is appropriate, given the potential impact on the centres hierarchy associated with the precedent and cumulative effects of allowing retail and restaurant activity to occur outside the centres.
- 30 The University's submission to include the Campus Zone as a centre was addressed in section 4.4.1 of the commercial and mixed use zones decision². The panel rejected the submission, noting that while the university campus has some characteristics of a commercial centre, it is not a centre in the sense of the Plan's centres hierarchy or normally accepted concept of a centre, and is best managed through the specific Campus Zone provisions in the Plan.

¹ Major Facilities (excluding Port and Mercy Hospital) Decision of the Hearings Panel. Proposed Second Generation Dunedin City District Plan (2GP) 7 November 2018.

https://www.dunedin.govt.nz/data/assets/pdf_file/0003/716385/Major-Facilities-Decision-Report.pdf

² Commercial and Mixed Use Zones Decision of Hearings Panel. Proposed Second Generation Dunedin City District Plan (2GP) 7 November 2018.

https://www.dunedin.govt.nz/data/assets/pdf_file/0005/716378/Commercial-and-Mixed-Use-Zones-Decision-Report.pdf

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Consistency with higher order documents (s.75)

National Policy Statement for Urban Development 2020

- 31 The requirements of the National Policy Statement on Urban Development 2020 (**NPS-UD**) relating to providing sufficient commercial business land capacity over the medium term are reflected in Objective 2.6.2 and Policy 2.6.2.4 of the 2GP.
- 32 As discussed below, the agreed changes will assist in achieving these 2GP provisions. Consequently, I consider that the changes will assist in giving effect to the NPS-UD.

Otago Regional Policy Statement

- 33 The Otago Regional Policy Statement (**ORPS**) Objective 5.3 is that: "*sufficient land is managed and protected for economic production*". Policy 5.3.2 is:

Manage the distribution of commercial activities by:

- a) Enabling a wide variety of commercial, social and cultural activities in central business districts, and town and commercial centres;
 - b) Enabling smaller commercial centres to service local community needs;
 - c) Restricting commercial activities outside of a) and b) when such activities are likely to undermine the vibrancy and viability of those centres;
 - d) Encouraging the adaptive reuse of existing buildings.
- 34 These provisions are operative.
- 35 This policy is implemented through 2GP Objective 2.3.2 and Policy 2.3.2.2, and Objective 18.2.1 and its underlying policies. As discussed below, the amendments are consistent with these provisions and so give effect to the ORPS.

Section 32AA Assessment

Changes to Campus and Training and Education definitions

- 36 The proposed changes to campus and training and education activities better describe the types of activity that are undertaken as part of the core business of the University of Otago and Otago Polytechnic and other

education providers. These include activities to support students' wellbeing and activities ancillary to education that were not intended to be excluded from the definitions of campus and training and education, such as the sale of learning materials. Extending the campus activity to include areas outside the Campus Zone (within the Campus mapped area), allows the University and Polytechnic to operate in areas where have a particular interest, but that are not zoned Campus. The changes to the campus activity definition will better achieve Objective 2.3.1 and 34.2.1 by facilitating the efficient and effective operation of the University and Polytechnic.

Commercial activities in the Campus Zone

- 37 The 2GP objectives that are relevant to the changes proposed are 2.3.1, 2.3.2 and 34.2.1, which aim to ensure that both the University and Polytechnic are able to operate efficiently and effectively, and the centres hierarchy is maintained. To achieve these objectives, there is a need to carefully consider the provision of activities that are allowed in the Campus Zone, to ensure that those that are necessary to support the tertiary institutions and allow them to operate efficiently and effectively are provided for, whilst ensuring that the vibrancy and vitality of the CBD and centres is maintained.
- 38 Providing for training and education within the Campus Zone allows other education providers to run courses, which may complement training provided by the University and Polytechnic. Providing for this activity will better achieve objectives 2.3.1 and 34.2.1, without any significant impact of the vibrancy of the CBD and centres (Objective 2.3.2).
- 39 Likewise, providing for retail ancillary to industry will enable University and Polytechnic collaborations, often research-driven, to market and sell their products on site. The University provided a number of examples of small start-ups based in the Campus Zone that are supported by the University, derive from research at the University, and/or continue to work closely with University departments and staff. Facilitating these collaborations is desirable for the University and Dunedin as a city. The specific nature of the products developed and sold, and the fact that retail ancillary to industry is also provided for in both the industrial zones and almost all commercial and mixed use zones, suggests that change will not affect the vibrancy of the CBD and centres.
- 40 Visitor accommodation already occurs in the zone, with the University's Executive Apartments, which I understand are used for visiting academics, and the halls of residence, which are let out when not required by students,

for example for conferences. This change provides for these and similar activities, allowing visitors to stay close to the campus facilities and making efficient use of the residential resource in the halls of residence. Visitor accommodation outlets also provide internship opportunities for hospitality and tourism students.

- 41 Visitor accommodation is provided for in other zones outside the CBD and centres (eg. the CEC-North Zone, the four CBD Edge and mixed use zones, and the George Street North area in the Inner City Residential Zone). It is not an activity that is strictly confined to the CBD and centres. Considering this, and that visitor accommodation is already occurring on the Campus, I do not consider that providing for visitor accommodation within the Campus Zone is contrary to Objective 2.3.2, and will assist in achieving objectives 2.3.1 and 34.2.1.

Rezoning part of the Campus Zone to Suburban Centre Zone

- 42 The proposed amendments rezone a small part of the Campus Zone that adjoins the existing Suburban Centre Zone, and which contains the university central library, information services building and student union facility, to Suburban Centre Zone.
- 43 There are three key objectives in the strategic directions that are relevant to zoning new centre zoning:
- Objective 2.3.2, which is focused on protecting the centres hierarchy;
 - Objective 2.4.3, which is focused on ensuring high pedestrian amenity values in the CBD and centres; and
 - Objective 2.6.2, which is focused on urban land capacity. Policies under this objective outline the criteria for new zoning, including links to other relevant strategic objectives.
- 44 The policies sitting under these objectives are proposed to be amended in response to the Woolworths appeal. Together, the provisions seek to provide sufficient land for commercial activities in appropriate locations, without adversely affecting the vibrancy of the CBD and existing centres.
- 45 Objective 2.6.2 is subject to a minor amendment through Variation 2 of the 2GP, to ensure consistency with the NPS-UD. The variation was notified on 3 February 2021 and submissions closed on 4 March. At the time of writing, it is not known if any submissions were received on this change. The amended wording is:

Dunedin provides sufficient, feasible, development capacity (as intensification opportunities and zoned urban land) in the most appropriate locations to at least meet the demand over the medium term (up to 10 years), while sustainably managing urban expansion in a way that maintains a compact city with resilient townships as outlined in Objective 2.2.4 and policies 2.2.4.1 to 2.2.4.3.

- 46 As noted above, an agreement has been reached to amend Policy 2.6.2.4 and add a new policy 2.6.2.X. New Policy 2.6.2.X provides a more complete list of relevant considerations for rezoning decisions. This includes reference to objectives 2.3.2 and 2.4.3 noted above. The amended Policy 2.6.2.4 and new Policy 2.6.2.X are:

Policy 2.6.2.4

~~Identify areas for new commercial and mixed use zoning based on the following criteria:~~

- ~~a. rezoning is necessary to meet a medium term (up to 10 year) shortage of capacity to meet demand in the intended customer catchment; and~~
- ~~b. the new area will not detract from, and preferably support, Objective 2.4.3 (Vibrant CBD and centres).~~

Ensure sufficient, plan-enabled business land development capacity is provided by regularly monitoring capacity and demand for the various types of commercial and industrial land necessary to meet the medium-term demand projections for commercial and industrial activities, and initiating or supporting a plan change (rezoning proposal) to add new commercial and mixed use zoning where necessary.

Policy 2.6.2.X

Apply new commercial and mixed use zoning only where the change to the plan is appropriate to achieve the objectives of the plan, particularly because it:

- a. achieves Objective 2.3.2 and is consistent with Policy 2.3.2.X;
- b. achieves Objective 2.4.3 and is consistent with Policy 2.4.3.X;
- c. achieves Objective 2.3.1 and does not conflict with ensuring there is sufficient industrial land to

meet projected demand of the intended catchment and provide choice, and by not increasing the potential for reverse sensitivity effects;

d. achieves Objective 2.7.1;

e. achieves Objective 2.7.2 by maintaining the safety and efficiency of the transport network for all road users and ensuring accessibility by a range of modes, including walking, cycling and public transport; and

f. achieves Objective 2.2.4 by supporting the maintenance of a compact and accessible city.

- 47 Policy 2.6.2.4 requires that rezoning proposals are supported where additional commercial land is required to meet the medium term demand projections.
- 48 A Business Land Capacity Assessment was undertaken by DCC in 2019³, which assessed that there is sufficient capacity for office and retail activities for the medium and long term. However, the economic projections used to estimate demand for business land outlined above were based (in addition to other factors) on population projections from 2017 that have since been superseded. The most recent population projections (2020) are significantly higher, which may translate to a greater demand for business land than estimated in the Business Land Capacity Assessment. The impact would be greater for sectors that are more influenced by population (e.g. retail, health and education), than sectors that are more influenced by external forces (e.g. export-based industry). The Business Land Capacity assessment is planned to be reviewed in 2022.
- 49 The area of land to be rezoned is small (~1.45 ha) and is already developed with University facilities, including the relatively recent University central library, and student union facilities. This complex includes a small number of retail and restaurant facilities. In practice, the additional land available for new commercial activities will be relatively minor, but will allow additional commercial facilities to be provided, primarily for the benefit of students, without the need for resource consent.

³ Business Land Capacity Assessment Dunedin City, March 2019. N. Stocker, Dunedin City Council.

- 50 Policy 2.6.2.X identifies relevant objectives that must be considered in zoning decisions. The appropriateness of the proposed rezoning is discussed in relation to each clause of the policy.

Impacts on the CBD and centres (2.6.2.X.a)

- 51 Policy 2.6.2.X.a refers to Objective 2.3.2. This is:

Dunedin has a hierarchy of vibrant centres anchored around one Central Business District Zone (CBD), which provides a focus for economic and employment growth, driven by:

- a. attraction of businesses to these areas based on the high level of amenity and density of activity in the area;
- b. opportunities for social interaction, exchange of ideas and business cooperation;
- c. public investment in public amenities and other infrastructure in the CBD; and
- d. opportunities for agglomeration benefits from the co-location of activities.

- 52 The Woolworth's appeal adds a new policy (Policy 2.3.2.X) under this objective that addresses rezoning proposals. This is:

- a. Ensure any proposals to create new areas of commercial mixed use zoning do not detract from Objective 2.3.2 through an oversupply of commercial land or changes in agglomeration or co-location benefits in the CBD or existing centres.
- b. For proposals that create new suburban or neighbourhood centres, achieving (a) generally means:
 1. the centre will primarily provide for commercial activities focused on serving the day-to-day needs of residents in the intended catchment, such as dairies, food and beverage retail, pharmacies, restaurants, registered health practitioners, beauty salons and community activities;
 2. the centre, including where focused around a single food and beverage anchor activity, will provide for a diversity of independently run activities of the above types; and

3. the centre not providing for retail types with an intended city-wide customer catchment such as large department stores and 'big box' general, bulky goods or trade related retail.

- 53 Extending the Albany Street Suburban Zone onto the University campus allows for additional commercial activities, particularly retail and restaurants, primarily for the benefit of students and staff. The small area involved, and the types of activities that will likely be developed within the University facilities, mean the risk of redevelopment that might draw business away from the CBD is low. Mr Foy's evidence is that the rezoning will not give rise to more than minor adverse effects on the vibrancy and viability of the CBD or any other centre.
- 54 The alternative considered (and initially requested), of providing for retail and restaurant activity throughout the Campus Zone, would have potentially significantly threatened the vibrancy of the CBD and centres through allowing an unlimited expansion of these activities in a dispersed manner throughout the zone. Some of the land in the wider Campus Zone is privately owned, potentially increasing this risk.
- 55 In my view, the proposed rezoning is consistent with Policy 2.3.2.X, and will achieve Objective 2.3.2.

Pedestrian amenity values (2.6.2.X.b)

- 56 Objective 2.4.3 and the new Policy 2.4.3.X are concerned with ensuring high pedestrian amenity values in the CBD and centres.
- 57 Objective 2.4.3 is:

Dunedin's Central Business District is a strong, vibrant, attractive and enjoyable space that is renowned nationally and internationally for providing the highest level of pedestrian experience that attracts visitors, residents and businesses to Dunedin. It is supported by a hierarchy of attractive urban and rural centres.

- 58 New Policy 2.4.3.X is:

Ensure that all areas proposed to be rezoned as CBD or a centre zone achieve high amenity values both within the zone and on zone boundaries, and provide a safe, attractive and enjoyable space for people through an appropriate rule framework. For new centres, this is preferably outlined in a structure plan, that identifies:

- a. rules that manage the form and location of buildings and car parking to ensure convenient and safe passage for pedestrians and people arriving by public transport and active modes, with particular attention to the principles of Crime Prevention Through Environmental Design (CPTED);
- b. rules that ensure appropriate areas for outdoor seating and passive recreation;
- c. rules that ensure good amenity within open spaces;
- d. rules that manage amenity values on the boundaries with zones where there is an expectation of higher amenity, such as residential and schools zones; and
- e. rules that manage development to ensure a high amenity, active, pedestrian street frontage, for example through appropriate application of pedestrian street frontage mapped areas.

59 Land use and development performance standards that apply within centres zones ensure that high levels of pedestrian amenity are obtained. Key pedestrian routes, where DCC wish to have the highest pedestrian amenity values, are identified as primary or secondary pedestrian frontage mapped areas, and specific performance standards apply. Pedestrian frontage mapped areas do not apply in the Campus Zone and consequently the area is not subject to one at present. The area has been assessed by DCC Urban Design staff, who have determined that the rules and performance standards that apply within the commercial and mixed use zones outside pedestrian frontage mapped areas are appropriate to protect amenity values in this location and there is no need for additional rules. As discussed below, the height and signage rules that apply in the rezoned area reflect those that currently apply under the Campus zoning. In practical terms, there is likely to be little change in the built form compared to what could be developed under the current Campus Zone rules. In my view, Objective 2.4.3 will continue to be achieved.

Reverse sensitivity (2.6.2.4.X.c)

Impact on important land and facilities (2.6.2.X.c)

60 Objective 2.3.1 requires that land, facilities and infrastructure that are important for economic productivity and social well-being, including industrial areas and major facilities, are protected from less productive

competing uses or incompatible uses, including activities that may give rise to reverse sensitivity.

- 61 There will be no impact on industrial zoned land and no reverse sensitivity issues are anticipated to arise from the rezoning.
- 62 The rezoning will reduce the amount of land zoned Campus, a major facility zone important for both economic productivity and social wellbeing. However, since the land is owned by the University, campus activity will likely still occur, and the purpose of the rezoning is to allow for additional commercial activities for the benefit of the students and staff on campus, I do not consider that the change is contrary to this objective.

Efficient and effective operation of public infrastructure (Policy 2.6.2.X.d, e)

- 63 Objective 2.7.1 is:

Public infrastructure networks operate efficiently and effectively and have the least possible long term cost burden on the public.

- 64 Objective 2.7.2 is:

The multi-modal land transport network, including connections between land, air and sea transport networks operates safely and efficiently for all road users.

- 65 In order to assess the proposed amendments against these objectives I consulted with DCC 3 Waters and Transport staff. Based on their advice I conclude that there are no concerns with regards to the matters covered in these objectives, and the objectives will continue to be met.

Compact city (Policy 2.6.2.X.f)

- 66 Objective 2.2.4 is:

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.

- 67 The proposed rezoning will not expand Dunedin's boundaries. It will provide additional flexibility for commercial use of a small part of the University campus. In my view, the rezoning is consistent with this objective.

Changes to Section 18 provisions to maintain existing Campus rules within the Campus mapped area

- 68 Associated with the expansion of the Suburban Centre Zone are amendments to performance standards and assessment rules in Section 18 (Commercial and Mixed Use) to retain the existing Campus Zone height limits and signage rules within the rezoned area. Amendments have been made to the subdivision assessment rule (18.10.5) to ensure that relevant assessment criteria from the Campus Zone are applied for subdivision in the rezoned area. In addition, Campus activity is permitted within this area. These changes have been achieved by applying a new 'Campus mapped area' and amending the suburban centre provisions as they apply in this area.
- 69 These changes retain the existing planning framework in relation to built form, subdivision and campus activity in the area, and ensure that the University can continue to operate efficiently and effectively, thereby ensuring that objectives 2.3.1 and 34.2.1 continue to be achieved.
- 70 In conclusion, the rezoning will ensure the ongoing efficient and effective operation of the tertiary institutions while ensuring all relevant plan objectives are achieved. Overall, it will more appropriately achieve the plan's objectives than the current provisions.

Effect of any appeals on relevant objectives and policies

- 71 For completeness, I have assessed the appeals on the related policies and objectives and strategic directions to ensure no appeals are likely to change the policy framework in a way that would change the above assessment.
- 72 Of the objectives and policies relevant to my s32AA assessment, the following are under appeal:
- (a) As noted earlier, the appeal by Woolworths introduced three new policies (2.3.2.X, 2.4.3.X and 2.6.2.X) and amended Policy 2.6.2.4. These changes are agreed by parties and the signed consent memorandum is jointly filed.

Affirmed at Dunedin
this 26 day of March 2021,
before me:


Emma Christmas


Solicitor of the High Court of New Zealand
Justice of the Peace

Peter Benjamin Williams
Solicitor
Dunedin