

16. Rural Zones

16.1 Introduction

Dunedin's rural environment is large, at around 314,822 hectares or approximately 96% of the total land area of the city. This rural environment is highly varied, stretching from coastal lowlands north and south of the main urban part of the city, through river plains, valley systems, hill country and rolling uplands, to the inland mountain ranges at the western extent of the city.

The rural environment is dominated by pastoral farming in many areas, which contributes to the sense of openness and low density of development throughout much of Dunedin. Significant areas of indigenous vegetation and habitat for indigenous fauna are found across the city, ranging from estuarine and coastal habitat through to alpine plant communities on the Rock and Pillar and Lammermoor ranges. Plantation forestry is found mainly on the hills to the north of the Taieri Plain or in the southern coastal parts of the city.

The ~~principle principal~~ **{CP cl.16}** functions of the rural environment are firstly to provide for productive rural activities such as pastoral farming, livestock, horticulture, and forestry, ~~and mining~~ **{CP 458.59}** and associated resource-based activities; and secondly, the provision of ecosystem services - soil, water and air resources and the setting for the vast majority of the city's indigenous vegetation and habitat for indigenous species.

The rural environment contributes significantly to Dunedin's economy through rural primary production activities such as farming, ~~and forestry, and mining~~ **{CP 458.59}** and associated processing and service activities that rely on these. ~~Tourism is a key sector in the Dunedin economy.~~ **{RU cl.16}** The rural parts of Dunedin ~~also~~ play an important role in providing for tourism activities ~~(another key sector of the Dunedin economy)~~ **{RU cl.16}**, not least through eco-tourism ~~activities, which relies on maintaining the quality of the natural environment~~ **{RU cl.16}**. ~~The functions of the rural environment are interrelated, with much of Dunedin's rural economic activity reliant on maintaining the quality of the natural environment.~~ **{NatEnv 588.1}** ~~The provision of ecosystem services, and issues relating to the natural environment more generally, are addressed in the Natural Environment section (Section 10).~~ **{RU 958.96}**

The rural environment also contains a number of outstanding and significant natural landscapes and features, along with coastal areas with natural character values. Along with the biodiversity values referred to above, these elements of the rural environment make an important contribution to the social and cultural well-being of the residents of Dunedin, and to the quality of the city's natural environment. **{RU 900.102 and 447.70}**

The key issues facing the rural ~~zone~~ environment **{RU 360.143}** are:

- the fragmentation of rural landholdings from subdivision, which can lead to rural properties too small to be used for productive purposes. Dunedin already has a large number of small rural sites as a result of historic subdivision patterns ~~under earlier district plans and schemes.~~ and further pressure ~~Pressure~~ **{RU 490.25}** for rural residential ~~(lifestyle block) activities~~ subdivision **{RU 490.25}** in rural areas threatens to further fragment rural land; and
- non-productive land uses or those activities that would ordinarily be expected to locate in the urban parts of Dunedin seeking to locate in rural areas.

The following issues stem directly from these two key issues:

- the productive capacity of the rural environment can be diminished through the loss of rural land and soil resources, including the finite high class soils resource that needs to be retained for future generations;
- the spread of non-rural uses including rural residential activities into rural areas can have adverse effects on landscape values, rural character and amenity values; and natural environment functions and values ;
- potential conflicts between activities in the rural environment, which often arises from new activities in rural

areas complaining about established productive rural activities and is known as 'reverse sensitivity';

- demand for the inefficient provision of infrastructure and services, stemming from the fact that sometimes people living on small rural blocks in close proximity to urban areas demand urban public **{PO 881.167}** infrastructure and services, such as reticulated services or sealed roads.

In response to these issues, seven rural zones and their objectives, policies and rules manage Dunedin's rural environment in a manner that recognises its diversity. The District **{PO cl.16}** Plan emphasises the importance of providing for rural activities and for other activities which are reliant on or associated with the rural environment ~~{provided effects are managed}~~ **{RU 490.25}**, while acknowledging that residential uses are clearly secondary and subordinate to these activities. This approach seeks to achieve the strategic outcomes for the rural zones, while ensuring that environmental effects are managed at an acceptable level. **{RU 490.25}**

A limited degree of flexibility has been incorporated into the subdivision rules that apply in the rural zones, via provision for surplus dwelling subdivision. **{RU 807.26}**

The rural zones are supported by overlays relating to landscape, natural character of the coast, ~~and natural hazards;~~ **{RU cl.16}** and scheduled areas of significant indigenous vegetation and habitats of indigenous fauna. Provisions relating to these are located in the Natural Environment section, along with rules relating to other matters that apply more generally throughout the rural zones, such as rules on vegetation clearance and setback from coast and water bodies. **{RU 958.96}**

Appendix A7 provides descriptions and rural character values for each of the seven rural zones. The seven rural zones are: Coastal Rural Zone, High Country Rural Zone, Hill Country Rural Zone, Hill Slopes Rural Zone, Middelmarsh Basin Rural Zone, Peninsula Coast Rural Zone and Taieri Plain Rural Zone. **{RU 360.143}**

16.2 Objectives and Policies

Objective 16.2.1	
Rural zones are reserved for productive rural activities and the protection and enhancement of the natural environment, along with certain activities that support the well-being of rural {CP 1088.60 and others} communities where these activities are most appropriately located in a rural rather than an urban environment. Residential activity in rural zones is limited to that which directly supports farming or which is associated with papakāika.	
Policy 16.2.1.1	Enable farming, grazing and conservation activity {RU cl.16} in the rural zones.
Policy 16.2.1.2	Provide for other {RU cl.16} rural activities, veterinary services, rural industry, rural contractor and transport depots, {RU 911.5} community activities, emergency services, {CP 945.39} cemeteries and crematoriums in the rural zones where the effects can <u>will</u> {PO cl.16} be adequately managed in line with objectives 16.2.2 and 16.2.3, 16.2.4 and their policies, and the objectives and policies of any relevant overlay zones.
Policy 16.2.1.3	Require rural ancillary retail, rural tourism and working from home to be at a scale that: <ol style="list-style-type: none"> is ancillary to and supportive of productive rural activities or conservation activity on the same property; and supports objectives 2.3.2 and 2.4.3 and their policies.
Policy 16.2.1.4	Only allow visitor accommodation in the rural zones where it supports a {PO cl.16} productive rural activity activities {PO cl.16} or a significant conservation activity {RU 366.3} on the same property.
Policy 16.2.1.5	Limit Require {RU 350.11 and others} residential activity, with the exception of papakāika, in the rural zones to be at {RU 350.11 and others} a level (density) that supports farming activity and achieves objectives 2.2.2, 2.3.1, 2.4.6, 16.2.2, 16.2.3 and 16.2.4 and their policies.
Policy 16.2.1.6	Require any family flat to be of a size and location in relation to the primary residential building (house) that: <u>Restrict the tenancy and design of family flats to:</u> {PO 207.1 and 394.63} <ol style="list-style-type: none"> reflects its use for housing a person or persons related to, dependent on, or employed by the household that lives in the primary residential building on the same site; and {PO 207.1 and 394.63} avoid, as far as practicable, the risk they will be used for a separate, non-ancillary, residential activity; and {PO 207.1 and 394.63} adequately discourages avoid, as far as practicable, {PO cl.16} future pressure to subdivide the off {PO cl.16} family flats. {PO cl.16}
Policy 16.2.1.7	Avoid residential activity in the rural zones on a site that does not comply with the density standards for the zone, unless it is the result of a surplus dwelling subdivision.
Policy 16.2.1.8	Avoid supported living facilities, commercial activities, industrial activities, and major facilities facility activities {MF cl.16} , unless otherwise provided for, in the rural zones.
Policy 16.2.1.9	Avoid Only allow {RU 490.29} cross lease, company lease and unit title subdivision in the rural zones unless where {RU 490.29} it does not result in an increase in residential {RU 490.29} development potential beyond that which might be achieved through a general subdivision. {RU 490.29}

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Policy 16.2.1.10	Only allow the subdivision of a surplus dwelling where: a. the subdivision meets policies 16.2.3.8 and 16.2.4.3.a, b and d; b. the dwelling is habitable and in good condition; and c. the subdivision will not result in any additional development potential for residential activity across resultant sites than would otherwise be provided for by the minimum site size standard.
Policy 16.2.1.11 {CP 634.40}	<u>Provide for service stations on a strategic road or arterial road, where it is not practicable, due to a lack of site availability and/or special locational requirements, to locate in the PPH, TR, CEC, industrial or centre zones. {CP 634.40}</u>
Policy 16.2.1.12 {MF 308.283}	<u>Enable the New Zealand Marine Studies Centre in the Portobello Marine Science mapped area {MF 308.283}</u>

Objective 16.2.2

The potential for conflict between activities within the rural zones, and between activities within the rural zones and adjoining residential zones, is minimised through measures that ensure:

- the potential for reverse sensitivity effects from more sensitive land uses (such as residential activities) on other permitted or lawfully established activities **{PO 1046.5}** in the rural zones is minimised;
- the residential character and amenity of adjoining residential zones is maintained; and
- a reasonable level of amenity for residential activities in the rural zones.

Policy 16.2.2.1	<p>Require residential buildings <u>and cemeteries</u> {RU 702.4} to be set back an adequate distance from site boundaries {RU cl.16} to minimise, <u>as far as practicable</u>, {PO 906.34 and 308.497} the potential for reverse sensitivity <u>by being set back an adequate distance from effects from</u> {RU 1090.32 and PO 1046.5}:</p> <ol style="list-style-type: none"> rural activities such as farming (for example, effects from noise, dust or odour) <u>site boundaries</u> {RU 1090.32 and PO 1046.5}; and existing {PO 1046.5} factory farming <u>intensive farming</u> {RU 1090.3}, domestic animal boarding and breeding (that includes <u>including</u> {RU cl.16} dogs), mining, landfills, wind generators – small scale and wind generators – regional scale <u>wind generators – large scale</u>, {NU 308.122} and the Waitati Rifle Range {RU 583.20}.
Policy 16.2.2.2	<p>Require buildings that house animals to be set back from site boundaries an adequate distance to ensure that any adverse effects on sensitive activities on adjoining sites, such as residential activities, are avoided or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, are no more than minor.</p>
Policy 16.2.2.3	<p>Require all new buildings to be located an adequate distance from site boundaries to ensure a good level of amenity for residential activities on adjoining sites.</p>
Policy 16.2.2.4	<p>Require rural ancillary retail, rural tourism - <u>small scale</u>, {RU cl.16} working from home, mineral exploration, and mineral prospecting to operate in a way (including hours of operation <u>or, for mineral exploration, use of blasting</u> {CP 458.1 and others}) that avoids or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, adequately mitigates noise or adverse effects on the amenity of sensitive activities on surrounding properties.</p>
Policy 16.2.2.5	<p>Only allow rural tourism - large scale, rural research - large scale (<u>outside the Invermay Farm mapped area</u>) {RU 924.9}, rural contractor and transport depots - large scale, {RU 911.5} community and leisure - large scale, sport and recreation, veterinary services, visitor accommodation, cemeteries, crematoriums, <u>factory farming</u> <u>intensive farming</u> {RU 1090.3}, domestic animal boarding and breeding (including dogs), rural industry, mining, <u>service stations</u>, {CP 634.40} or landfills where adverse effects on the amenity of residential activities on surrounding properties will be avoided or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, adequately mitigated.</p>
Policy 16.2.2.6 {CP 458.23 and others}	<p>Only allow factory farming, domestic animal boarding and breeding (including dogs), rural industry, mining, landfills or non-rural activities, other than those that are permitted in the rural zones, where the potential for reverse sensitivity effects, that may affect the ability of permitted activities to operate, will be avoided or, if avoidance is not possible, will be no more than minor. {CP 458.23 and others}</p>

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The potential for conflict between activities within the rural zones, and between activities within the rural zones and adjoining residential zones, is minimised through measures that ensure:

- a. the potential for reverse sensitivity effects from more sensitive land uses (such as residential activities) on other permitted or lawfully established activities **{PO 1046.5}** in the rural zones is minimised;
- b. the residential character and amenity of adjoining residential zones is maintained; and
- c. a reasonable level of amenity for residential activities in the rural zones.

Policy 16.2.2.7	Require forestry and tree planting <u>shelterbelts and small woodlots</u> {RU cl.16} to be set back an adequate distance to avoid <u>or minimise, as far as practicable,</u> {PO 308.497} significant effects from shading on residential buildings on surrounding properties.
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Policy 16.2.2.8	Only allow cemeteries where they are designed to avoid, <u>as far as practicable,</u> {PO 308.497} the <u>potential for</u> reverse sensitivity effects on surrounding permitted or lawfully established activities {PO 1046.5} by locating graves a suitable distance from site boundaries and providing adequate screening from surrounding activities.
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Objective 16.2.3

The rural character values and amenity of the rural zones are maintained or enhanced, elements of which include:

- a. a predominance of natural features over human made features;
- b. a high ratio of open space, low levels of artificial light, and a low density of buildings and structures;
- c. buildings that are rural in nature, scale and design, such as barns and sheds;
- d. a low density of residential activity, which is associated with rural activities;
- e. a high proportion of land containing farmed animals, pasture, crops, and forestry;
- f. ~~significant~~ extensive **{RU 958.99}** areas of indigenous vegetation and habitats for indigenous fauna; and
- g. other elements as described in the character descriptions of each rural zone located in Appendix A7.

Policy 16.2.3.1	Require buildings, and structures and network utilities {RU 874.41 and others} to be set back from site {RU cl.16} boundaries and identified ridgelines, {RU 874.41 and others} and of a height that maintains the rural character values and visual amenity of the rural zones.
Policy 16.2.3.2	Require residential activity to be at a density that maintains the rural character values and visual amenity of the rural zones.
Policy 16.2.3.3	Require mineral exploration and mineral prospecting to restore land to at least the same standard as before the activity commenced with respect to landform and productive potential.
Policy 16.2.3.4	Only allow mining and landfills where there is reasonable certainty that land will be restored or rehabilitated {CP 458.24 and others} to an acceptable standard with respect to landform and to enable a return to productive, recreational or conservation use as soon as possible. productive potential. {RU 796.26}
Policy 16.2.3.5	Only allow factory farming <u>intensive farming</u> {RU 1090.3} , rural tourism - large scale, rural industry, rural research - large scale (<u>outside the Invermay Farm mapped area</u>) {RU 924.10} , rural contractor and transport depots - large scale, {RU 911.5} mining and landfills activities {RU cl.16} where there are no significant {CP 458.25 and others} adverse effects from large scale development on rural character and visual amenity <u>will be avoided or minimised as far as practicable</u> {RU 704.11 and others} .
Policy 16.2.3.6	Only allow community and leisure activities {RU cl.16} - large scale, sport and recreation, early childhood education, <u>service stations</u> , {CP 634.40} and visitor accommodation activities {RU cl.16} where the adverse effects of development on rural character and visual amenity are insignificant <u>avoided or, if avoidance is not practicable, no more than minor.</u> {RU 350.18 and others}
Policy 16.2.3.7	Require ancillary signs to be located and designed to maintain rural character and visual amenity, including by being of an appropriate size and number to convey information about the name, location, and nature of the activity on-site to passing pedestrians and vehicles and not being oversized or too numerous for that purpose.
Policy 16.2.3.8	Only allow subdivision activities where the subdivision is designed to ensure any associated future land use and development will maintain or enhance the rural character and visual amenity of the rural zones.
Policy 16.2.3.9	Require activities to be designed and operated to ensure that <u>any</u> {RU 919.55 and 1088.59} adverse effects from light spill on rural character and amenity, and the ability of people to view the night sky, would be insignificant <u>will be no more than minor.</u> {RU 919.55 and 1088.59}

Objective 16.2.3

Policy 16.2.3.10 {NatEnv 447.36}	Require large buildings and structures in the Hill Slopes Rural Zone to avoid adverse visual effects caused by reflectivity or, if avoidance is not practicable, ensure effects are no more than minor. {NatEnv 447.36}
Policy 16.2.3.X {MW 1071.52}	Require papakāika to maintain, as far as practicable, the rural character values and amenity of the rural zones in terms of the design, scale and location of the development. {MW 1071.52}

Objective 16.2.4

The productivity of rural activities in the rural zones is maintained or enhanced.

Policy 16.2.4.1	Require earthworks in a high class soils mapped area to retain soils on the site.
Policy 16.2.4.2	Avoid Only allow {RU 796.27} activities other than farming in a high class soils mapped area unless on highly productive land where {RU 1090.13 and 1090.35} : a. the scale, size and nature of the activity on the high class soils mapped area means that any loss of current or potential future rural productivity would be insignificant; or i. insignificant in any high class soils mapped area; and {RU 1090.13 and 1090.35} ii. no more than minor in other areas of highly productive land {RU 1090.13 and 1090.35} ; unless {RU cl.16} b. for mining, the activity must locate on the part of the site with high class soils highly productive land {RU 1090.13 and 1090.35} due to operational requirements and there are no practicable alternative locations.
Policy 16.2.4.3	Only allow subdivision activities {PO cl.16} where the subdivision is designed to ensure any future land use and development will: a. maintain or enhance the productivity of rural activities; b. maintain high class soils highly productive land {RU 1090.13 and 1090.35} for farming activity, or ensure the effects of any loss change in land use are: {RU 1090.35} is: no more than minor; i. insignificant on any high class soils mapped area; and {RU 1090.13 and 1090.35} ii. no more than minor on other areas of highly productive land; {RU 1090.13 and 1090.35} c. maintain land in a rural rather than rural residential land use; and d. not increase the potential for reverse sensitivity from residential activities in the rural zones {PO 1046.5} .
Policy 16.2.4.4	Avoid Require residential activity in the rural zones to be at a density that may will not , over time and/or cumulatively, reduce rural productivity by displacing rural activities. {RU 592.14 and 717.16}

EW cl.16: As a clause 16 amendment, Objective 16.2.5 and its policies have been moved to new city-wide section (Section 8A). Any amendments to provisions as a result of submissions are shown there.

Rules

Rule 16.3 Activity Status

16.3.1 Rule location

The activity status tables in rules 16.3.3 to 16.3.6 specify the activity status of land use activities, development activities, and subdivision activities in the rural zones and relevant overlay zones, except rules for the following city-wide activities, which are contained in Part B of the Plan:

1. Public Amenities (Section 3)
2. Temporary Activities (Section 4) - note that this section includes provisions that apply to construction **{PO cl.16}**
3. Network Utilities and energy generation **{NU 360.233}** (Section 5)
4. Transportation Activities **{PO cl.16}** (Section 6)
5. Scheduled Trees (Section 7)
6. Natural Hazard Mitigation Activities (Section 8)
7. Earthworks (Section 8A) **{EW cl.16}**

16.3.2 Activity Status Introduction **{RR cl.16}**

1. The activity status tables in rules 16.3.3 - 16.3.5 show the activity status of activities in the rural zones and the overlay zones indicated, provided any performance standards shown in the far right column are met.
2. Activities are split into three types: a. land use activities, b. development activities, c. subdivision activities. Within these types, activities are split into categories. The nested tables in Section 1.3 outline the hierarchy of categories, activities and sub-activities.
3. Permitted land use activities do not automatically provide for any related development activities. Therefore, the activity status of any associated development activities should also be checked.
4. Where a new land use activity requires a resource consent, all associated development activities will be considered and assessed as part of the resource consent even if the development otherwise meets the development performance standards listed in the Plan.
5. The nested tables in Section 1.3 are intended to be a complete list of activities. However, in the case of an activity that is not covered by any of the activities in the nested tables, the activity status will be non-complying.

Additional activity status rules in hazard overlay zones

6. For the purpose of the hazards provisions, activities are categorised as natural hazards **{NH cl.16}** sensitive activities, natural hazards **{NH cl.16}** potentially sensitive activities or natural hazards **{NH cl.16}** least sensitive activities. The activities that are in each hazards sensitivity category are included in the definitions section and in Section 11.1.
7. In the Hazard 1 (Flood) Overlay Zone or the Hazard 2 (Flood) Overlay Zone, the activity statuses rules **{RU cl.16}** in Rule 16.3.6 apply to the following activities:
 - a. new **{NH 908.3}** natural hazards **{NH cl.16}** sensitive activities
 - b. natural hazards **{NH cl.16}** potentially sensitive activities, and
 - c. some new buildings, and additions and alterations to buildings, which create more than 60m² of new ground floor area **{NH. cl.16}**

8. Where the activity status in Rule 16.3.6 differs from that in rules 16.3.3 - 16.3.5, the most restrictive activity status always applies.
9. In addition to the rules in Rule 16.3.6, performance standards for development activities within hazard overlay zones are included in Rule 16.3.4.
10. Activities in a hazard overlay zone must comply with all of the rules in 16.3.3 - 16.3.5.

Performance Standards

11. Performance standards are listed in the far right column of the activity status tables.
12. Performance standards apply to permitted, controlled, and restricted discretionary activities.
13. If a permitted or controlled activity does not meet one or more performance standards, then the activity status of the activity ~~will become restricted discretionary, unless otherwise indicated by the relevant performance standard~~ is indicated in the relevant performance standard rule. **{PO cl.16}**.
14. If a restricted discretionary activity does not meet one or more performance standards, then the activity status remains restricted discretionary (unless otherwise indicated in the performance standard).

¹ **NH cl.16:** The content from Table 16.3.6 has been moved to Table 16.3.X, with the exception that column c has been removed, pursuant to clause 16. This was removed as em-dashes are no longer used and the column was unnecessary. All substantive amendments to provisions are show in the new location.

Legend

Acronym	Activity status Meaning {PO cl.16}
±	<u>Additional provisions apply (assessment criteria for activities in overlay need to be viewed) {PO 490.1 and others}</u>
N/A	No additional provisions apply or not relevant <u>Not Applicable {PO 490.1 and others}</u>
P	Permitted Activity
C	Controlled Activity
RD	Restricted Discretionary Activity
D	Discretionary Activity
NC	Non-complying Activity
Pr	Prohibited Activity
RU	Rural Zones
ONF	Outstanding Natural Feature Overlay Zone
ONL	Outstanding Natural Landscape Overlay Zone
SNL	Significant Natural Landscape Overlay Zone
ONCC	Outstanding Natural Coastal Character Overlay Zone
HNCC	High Natural Coastal Character Overlay Zone
NCC	Natural Coastal Character Overlay Zone
Scheduled ASCV ASBV {NatEnv 958.60}	<u>Areas Scheduled area of Significant Conservation Biodiversity Value {NatEnv 958.60}</u>
<u>Haz1A {NH 908.37}</u>	<u>Hazard 1A (flood) Overlay Zone {NH 908.37}</u>
Haz1	Hazard 1 Overlay Zones
Haz2	Hazard 2 Overlay Zones
Haz3	Hazard 3 Overlay Zones
GR1TZ <u>RTZ</u> {ULS cl.16}	General Residential 1 <u>Residential</u> Transition Overlay Zone {ULS cl.16}

16.3.3 Activity status table - land use activities

1.	Performance standards that apply to all land use activities					a. Acoustic insulation (noise sensitive activities only) b. Electrical interference c. Light spill d. Noise e. Setback from n National g Grid (National Grid sensitive activities only) {NH cl.16}
Rural activities		Activity status ³				Performance standards
		a. RU	b. ONL/ SNL/NCC	c. ONF/ ONCC/HNCC	d. ASGV/ ASBV {NatEnv 958.60}	
2.	Domestic animal boarding and breeding (not including dogs)	P	P	NC	NC	i. Location ii. Minimum car parking {RU cl.16}
3.	Domestic animal boarding and breeding (including dogs)	RD	RD	NC	NC	i. Location ii. Minimum car parking {RU cl.16}
4.	Factory farming Intensive farming {RU 1090.3} not in a GR1TZ RTZ {ULS cl.16}	RD	RD	NC	NC	i. Minimum car parking
5.	Factory farming Intensive farming {RU 1090.3} in a GR1TZ RTZ {ULS cl.16}	D	D N/A {ULS 447.68 and 447.69}	N/A	N/A	
6.	Farming	P	P	P	NC	

7.	Forestry not in a GR1TZ <u>RTZ</u> {ULS cl.16}	P	RD	NC	NC	i. Forestry and tree planting <u>shelterbelts</u> and small <u>woodlots</u> {RU cl.16} setbacks ii. Tree species
8.	Forestry in a GR1TZ <u>RTZ</u> {ULS cl.16}	D	Ø <u>N/A</u> {ULS 447.68 and 447.69}	N/A	N/A	
9.	Grazing	P	P	P	NC	
10.	Landfills not in a GR1TZ <u>RTZ</u> {ULS cl.16}	D	D+ in <u>SNL/NCC</u> NC in <u>ONL</u> {NatEnv 447.75}	NC Pr {NatEnv 447.75}	NC	
11.	Landfills in a GR1TZ <u>RTZ</u> {ULS cl.16}	NC	NC <u>N/A</u> {ULS 447.68 and 447.69}	N/A	N/A	
<u>X.</u> {CP 458.1 and others'}	Mineral prospecting	P	P	NC	NC	i. Hours of operation ii. Site restoration
12. {CP 458.1 and others'}	Mineral exploration that does not involve blasting	P	P	NC	NC	i. Hours of operation ii. Site restoration
<u>Y.</u> {CP 458.1 and others'}	Mineral exploration that involves blasting and mineral prospecting {CP 458.1 and others}	Ø <u>P</u> {CP 458.1 and others}	D+ in <u>SNL/NCC</u> NC in <u>ONL</u> {NatEnv 447.76}	NC	NC	i. Hours of operation ii. Site restoration iii. <u>Blasting</u> {CP 458.1 and others}
13.	Mining not in a GR1TZ <u>RTZ</u> {ULS cl.16}	D	D+ in <u>SNL/NCC</u> NC in <u>ONL</u> {NatEnv 447.76}	NC Pr {NatEnv 447.76}	NC	

14.	Mining in a GR1TZ RTZ{ULS cl.16}	NC	NC N/A {ULS 447.68 and 447.69}	N/A	N/A	
AD.	Scheduled Mining Activity {CP 874.2 and others}	D P {CP874.2 and others}	D+ P {CP 874.2 and others}	NC P {CP 874.2 and others}	N/A	i. <u>Scheduled mining activity {CP 874.2 and others}</u>
15.	Rural ancillary retail	P	P	P	P	i. Hours of operation ii. Location iii. Maximum gross floor area iv. Minimum car parking
16.	Rural tourism - small scale	P	P	P	P	i. Hours of operation ii. Location iii. Minimum car parking
17.	Rural tourism - large scale	D	D	D	D+	
18.	Rural research - small scale	P	P	P	P	i. Minimum car parking
19.	Rural research - large scale outside the Invermay Farm mapped area	D	D	NC	D+	
20.	Rural research - large scale in the Invermay Farm mapped area	P	N/A	N/A	N/A	
Residential activities		a. RU	b. ONL/ SNL/NCC	c. ONF/ ONCC/HNCC	d. ASGV/ ASBV {NatEnv 958.60}	Performance standards
21.	Papakāika ¹	C	C	NC	NC	i. Density ii. Separation distances
22.	Residential activities within the airport noise inner control mapped area	Pr	N/A	N/A	N/A	

23.	Standard residential	P	P	NC	NC	i. Density ii. Separation distances iii. <u>Family flats</u> {PO 876.1, 207.1 and others}
24.	Supported living facilities	NC	NC	NC+	NC+	
25.	Working from home	P	P	P	P	i. Hours of operation ii. Maximum gross floor area
Community activities		a. RU	b. ONL/ SNL/NCC	c. ONF/ ONCC/HNCC	d. ASGV/ ASBV {NatEnv 958.60}	Performance standards
26.	Conservation	P	P	P	P	
27.	Community and leisure - small scale	P	P	P	P	i. Minimum car parking
28.	Community and leisure - large scale	D	D	D	D+	
29.	Early childhood education	D	D	D	NC	
30.	Sport and recreation	D	D	D	D+	
Commercial activities		a. RU	b. ONL/ SNL/NCC	c. ONF/ ONCC/HNCC	d. ASGV/ ASBV {NatEnv 958.60}	Performance standards
31.	Ancillary licensed premises	Same status as underlying activity	Same status as underlying activity	Same status as underlying activity	Same status as underlying activity	
32.	Restaurants or retail activities ancillary to sport and recreation	D	D	D	D+	
33.	Stand-alone car parking	P	P	P	P	
34.	Veterinary services (large animal practice)	RD	RD	NC	NC	

35.	Visitor accommodation <u>outside the airport noise inner control mapped area</u> {RU cl.16}	D	D	NC	NC	
36.	Visitor accommodation within the <u>airport noise inner control mapped area</u>	Pr	N/A	N/A	N/A	
AB. {CP 634.40}	<u>Service stations on a strategic road or arterial road</u> {CP 634.40}	NC D {CP 634.40}	NC	NC	NC	
AF. {CP 634.40}	<u>Service stations other than on a strategic road or arterial road</u> {CP 634.40}	NC	NC	NC	NC {CP 634.40}	
37.	All other activities in the commercial activities category	NC	NC	NC	NC+	
Industrial activities		a. RU	b. ONL/ SNL/NCC	c. ONF/ ONCC/HNCC	d. ASCV/ ASBV {NatEnv 958.60}	Performance standards
Z. {RU 911.5}	<u>Rural contractor and transport depots – small scale</u> {RU 911.5}	D P {RU 911.5}	D P {RU 911.5}	NC	NC	
AA. {RU 911.5}	<u>Rural contractor and transport depots – large scale</u> {RU 911.5}	D	D	NC	NC	
38.	Rural industry	D	D	NC	NC	
39.	All other activities in the industrial activities category	NC	NC	NC	NC+	
Major facility activities		a. RU	b. ONL/ SNL/NCC	c. ONF/ ONCC/HNCC	d. ASCV/ ASBV {NatEnv 958.60}	Performance standards
40.	Cemeteries	RD	RD	NC	NC	i. <u>Separation distances</u> {RU 702.4}
41.	Crematoriums	RD	RD+ {NatEnv 447.77}	NC	NC	i. Minimum car parking
AC.	<u>Emergency services</u> {CP 945.39}	NC P {CP 945.39}	NC	NC	NC	i. <u>Minimum car parking</u> {CP 945.39}

AE. {MF 308.283}	<u>New Zealand Marine Studies Centre in the Portobello Marine Science mapped area {MF 308.283}</u>	P {MF 308.283}	P {MF 308.283}	N/A {MF 308.283}	N/A {MF 308.283}	
42.	All other activities in the major facility activities category	NC	NC+ {NatEnv 447.79}	NC+ {NatEnv 447.79}	NC+	

¹ **CP 458.1:** and others: was previously part of Mineral exploration and mineral prospecting.

² **CP 458.1:** and others: was previously part of Mining.

³ **PO 490.1:** Em-dashes are no longer used, and activity status is shown for all overlays (not just those that have additional provisions applying), except where two areas (zones, overlays, mapped areas etc.) do not intersect, in which case N/A is used. A plus symbol has been added to activity statuses that are the same as in the underlying zone but where additional assessment matters apply. See amended legend.

⁴ **RU cl.16:** Link to performance standard removed as performance standard does not apply to this activity.

Note 16.3B.3A - General advice

1. ¹ Papakāika activity is intended to allow descendants of the original native reserve grantees to live on this land. It is not intended to allow other residential use of rural land at a higher density than provided for in the rural zones. If papakāika is developed and is subsequently no longer required for the use of Manawhenua in accordance with the papakāika definition, resource consent will be required to allow its use as other residential development. In this situation, the provisions of the rural zones that govern residential activity, including density of residential development, will apply. It is strongly recommended that the use of relocatable buildings is considered for papakāika development in order to avoid potential future problems of being unable to obtain consent for ownership or occupation of dwellings by people other than descendants of the original grantees.
2. Where papakāika is on Māori Land, the provisions of the Te Ture Whenua Māori Act 1993 or subsequent legislation apply.
3. New marae can may **{PO cl.16}** only be established with the agreement of Manawhenua.

16.3.4 Activity status table - development activities

1.	Performance standards that apply to all development activities	<p>a. <u>Natural Hazards Performance Standards</u> Hazard overlay zones development standards {NH cl.16}</p> <p>b. Setback from coast and water bodies {NatEnv cl.16}</p> <p>c. Setback from national grid {NU cl.16}</p> <p>d. Setback from scheduled tree</p>
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2.	Performance standards that apply to all buildings and structures activities					a. Boundary setbacks b. Fire fighting c. Maximum height d. Number, location and design of ancillary signs e. Reflectivity (landscape and natural {NatEnv cl.16} coastal character overlays) f. <u>Setback from coast and water bodies</u> {NatEnv cl.16} g. Setback from ridgeline (mapped area) {RU 874.41 and others} h. <u>Setback from National Grid</u> {NU cl.16}
Buildings and structures activities (excluding activities affecting a protected part of a scheduled heritage building or scheduled heritage structure: see rows 8-12)		Activity status:				Performance standards
		a. RU	b. ONL/ SNL/NCC	c. ONF/ ONCC/HNCC	d. ASGV <u>ASBV</u> {NatEnv 958.60}	
3.	New buildings greater than 60m ² <u>footprint</u> {PO cl.16} on a landscape building platform	P	C	NC	P <u>RD</u> {NatEnv 958.107}	

4.	New buildings or structures {NatEnv cl.16} less than or equal to 60m ² footprint {PO cl.16} or additions and alterations that result in a building or structure that is less than or equal to 60m ² footprint {PO cl.16}	P	P	NC	P	i. <u>Number and location of permitted buildings</u> Minimum building separation (landscape and natural coastal character overlays) {NatEnv cl.16}
5.	New buildings or structures {NatEnv cl.16} greater than 60m ² footprint {PO cl.16} or additions and alterations that result in a building or structure that is greater than 60m ² footprint {PO cl.16}	P	RD	NC	RD	
6.	Fences	P	P	P	P	
7.	All other buildings and structures activities	P	RD P {NatEnv 360.137}	RD P {NatEnv 360.137}	RD P {NatEnv 360.137}	
Buildings and structures activities that affect a protected part of a scheduled heritage building or a scheduled heritage structure		a. RU	b. ONL/ SNL/NCC	c. ONF/ ONCC/HNCC	d. ASGV/ ASBV {NatEnv 958.60}	Performance standards
8.	Repairs and maintenance or restoration {Her 547.91}	P	P	P	P	i. Materials and design
X.	Restoration of a building or structure that has a Heritage New Zealand Category 1 listing (as detailed in Appendix A1.1) {Her 547.91}	P C {Her 547.91}	P C {Her 547.91}	P C {Her 547.91}	P C {Her 547.91}	i. Materials and design
Y.	Restoration of all other scheduled heritage buildings and scheduled heritage structures {Her 547.91}	P	P	P	P	i. Materials and design
9.	Earthquake strengthening where external features only are protected	C	C	C	C	i. Materials and design

AA.	Signs attached to buildings or structures {Her cl.16⁷}	P	P	P	P	
10.	All other additions and alterations	RD	RD	RD	RD	
11.	Demolition	NC	NC	NC	NC	
12.	Removal for relocation	RD	RD	RD	RD	
Development activities on a scheduled heritage site, where visible from an adjoining public place or a publicly public {Her cl.16} place within the heritage site		a. RU	b. ONL/ SNL/NCC	c. ONF/ ONCC/HNCC	d. ASCV/ ASBV {NatEnv 958.60}	Performance standards
13.	New {Her cl.16} structures no more than 2.5m high or 2m ² footprint	P	P	P	P	
Z.	All other new structures {Her cl.16}	RD	RD	RD	RD	
14.	New buildings, all other structures, parking, loading and access {Her cl.16}	RD	RD	RD	RD	
ZZ	Parking, loading and access {Her cl.16}	RD	RD	RD	RD	Parking, loading and access standards {Her cl.16⁶}
Site development activities in all areas (except as covered by rows 13-14 above)		a. RU	b. ONL/ SNL/NCC	c. ONF/ ONCC/HNCC	d. ASCV/ ASBV {NatEnv 958.60}	Performance standards
15.	Earthworks – small-scale {EW cl.16²}	P	P	P	P	i. Earthworks standards
16.	Earthworks – large-scale {EW cl.16²}	RD	RD+	RD+	RD+	i. Earthworks standards
17.	Outdoor storage	P	P	P	P	
18.	New or additions to parking areas, or extensions to existing parking areas that result in the creation of {Trans cl.16} 50 or more new parking spaces.	RD	RD	RD	RD	i. Parking, loading and access standards
19.	Parking, loading and access	P	P	P	P	i. Parking, loading and access standards

20.	Indigenous vegetation clearance - small scale {NatEnv cl.16³}	P	P in ONL/SNL RD in NCC {NatEnv cl.16}	P in ONF RD in ONCC/HNCC {NatEnv cl.16}	RD P {NatEnv cl.16}	i. Vegetation clearance standards
20A.	Indigenous vegetation clearance - large scale {NatEnv cl.16³}	RD	RD in ONL/SNL RD+ in NCC	RD+ {NatEnv 958.106} in ONF RD NC {NatEnv 958.106} in ONCC/HNCC	RD NC {NatEnv 949.13}	i. Vegetation clearance standards
21.	All other vegetation clearance	P	P	P	P	i. Vegetation clearance standards
22.	Storage and use of hazardous substances	P	P	P	P	i. Hazardous substances quantity limits and storage requirements ii. <u>Setback from coast and water bodies</u> {NatEnv cl.16³}
23.	<u>Tree planting Shelterbelts and small woodlots</u> {RU cl.16}	P	P	RD	P RD {NatEnv 958.107}	i. Forestry and tree planting shelterbelts and small woodlots {RU cl.16} setbacks ii. Tree species
24.	All other site development activities	P	P	P	P RD {NatEnv 958.107}	

¹ **PO cl.16:** Footprint is included in the rule to improve plan clarity as a minor and inconsequential amendment.

² **EW cl.16:** As a clause 16 amendment, all earthworks provisions in management and major facility zones have been moved to new city-wide section (Section 8A). Any amendments to provisions as a result of submissions are shown there.

³ **NatEnv cl.16:** Indigenous vegetation clearance rules have been reformatted. Indigenous vegetation clearance that was exempt from the notified definition of “indigenous vegetation clearance”, or that was permitted under notified Rule 10.3.2.2 Maximum area of indigenous vegetation clearance, is now provided for as Indigenous Vegetation Clearance – Small Scale. Other indigenous vegetation clearance is now provided for as Indigenous Vegetation Clearance – Large Scale. This does not change the effect of provisions.

⁵ **PO 490.1:** Em-dashes are no longer used, and activity status is shown for all overlays (not just those that have additional provisions applying), except where two areas (zones, overlays, mapped areas etc.) do not intersect, in which case N/A is used. A plus symbol has been added to activity statuses that are the same as in the underlying zone but where additional assessment matters apply. See amended legend.

⁶ **Her cl.16:** This performance standard applies to the activity. A link has been added to the activity status table as a cl.16 amendment to aid plan usability.

⁷ **Her cl.16:** Rule restructured as a result of change to definition of additions and alterations and new definition of signs attached to buildings and structures. No substantive change to provisions.

⁸ **NatEnv cl.16:** This performance standard applies to the activity. A link has been added to the activity status table as a cl.16 amendment to aid plan usability.

Note 16.3G.4A - General advice

- Under the Heritage New Zealand Pouhere Taonga Act 2014 it is an offence to modify or destroy an archaeological site without obtaining an archaeological authority from Heritage New Zealand (HNZ): An archaeological authority is required under the Heritage New Zealand Pouhere Taonga Act 2014 to modify or destroy an archaeological site. If you wish to do any earthworks that may affect an archaeological site, you must first obtain an authority from Heritage New Zealand {Her 547.80}. This is the case regardless of whether the land on which the site is located is **{Her 547.80}** designated, or the activity is permitted under the District Plan or Regional Plan, or a resource or building consent has been granted.
- An archaeological site is defined as any place in New Zealand that was associated with human activity that occurred before 1900 and provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand. This includes the scheduled archaeological sites within the District Plan.
- Pre-1900 buildings are considered archaeological sites. An archaeological authority must be obtained before demolishing a pre-1900 building or structure.
- The **archaeological alert layer mapped area** identifies sites and areas that have a strong likelihood of containing archaeological remains, however remains may be present anywhere within the District. If archaeological remains are discovered during any site works, at any location, the Accidental Discovery Protocol (Appendix A8) should be followed.

16.3.5 Activity status table - subdivision activities

Subdivision Activities		Activity status ¹				Performance standards
		a. RU	b. ONL/ SNL/NCC	c. ONF/ ONCC/HNCC	d. ASGV/ ASBV {NatEnv 958.60}	
1.	General subdivision	RD	RD+	RD+	RD+	i. Access ii. Esplanade reserves and strips iii. Fire fighting iv. Minimum site size v. Shape
2.	Cross lease, company lease and unit title subdivision	NG D {RU 490.29}	NG D {RU 490.29}	NG D {RU 490.29}	NG D {RU 490.29}	

¹ **PO 490.1:** Em-dashes are no longer used, and activity status is shown for all overlays (not just those that have additional provisions applying), except where two areas (zones, overlays, mapped areas etc.) do not intersect, in which case N/A is used. A plus symbol has been added to activity statuses that are the same as in the underlying

zone but where additional assessment matters apply. See amended legend.

Note 16.3.5A - Other RMA considerations {PO 490.4}

1. Under Section 226(1)(e)(ii) of the Resource Management Act 1991, where an existing allotment shown on a survey plan meets all relevant provisions of the district plan and any proposed district plan, the Dunedin City Council must issue a certificate to that effect to enable the Registrar-General of Land to issue a certificate of title for that separate allotment.

16.3.6 Change to activity status in Hazard 1, Hazard 2 and Hazard 3 Overlay Zones {NH cl.16¹}

Activity {NH cl.16}		a. Haz1 {NH cl.16}	b. Haz2 {NH cl.16}	c. Haz3 {NH cl.16}
1- {NH cl.16}	Potentially sensitive activities permitted in rural zone {NH cl.16}	⌀ {NH cl.16}	— {NH cl.16}	— {NH cl.16}
2- {NH cl.16}	Potentially sensitive activities not permitted in rural zone {NH cl.16}	NC {NH cl.16}	⌀ {NH cl.16}	— {NH cl.16}
3- {NH cl.16}	Sensitive activities {NH cl.16}	NC {NH cl.16}	⌀ {NH cl.16}	— {NH cl.16}
4- {NH cl.16}	In a hazard 1 (land instability) Overlay Zone, new buildings, and additions and alterations to buildings, <i>which create more than 1m² of new ground floor area</i> {NH cl.16}	RD {NH cl.16}	— {NH cl.16}	— {NH cl.16}
5- {NH cl.16}	In a hazard 1 or 2 overlay zone, other than the hazard 1 (land instability) Overlay Zone, new buildings, and additions and alterations to buildings, <i>which create more than 36m² of new ground floor area</i> {NH cl.16}	RD {NH cl.16}	RD {NH cl.16}	— {NH cl.16}

¹ **NH cl. 16:** The content from Table 16.3.6 has been moved to Table 16.3.X, with the exception that column c has been removed, pursuant to clause 16. This was removed as em-dashes are no longer used and the column was unnecessary. All substantive amendments to provisions are show in the new location.

16.3.X Activity status in Hazard 1 (flood), Hazard 1A (flood) and Hazard 2 (flood) Overlay Zones {NH 637.74 and others}

		Activity status		
Activity		a. Haz1A (flood) {NH 908.37}	b. Haz1 (flood) {NH 73.4 and others}	c. Haz2 (flood) {NH 73.4 and others}
X.	Natural hazards sensitive activities {NH 634.74}	Pr {NH 908.37}	NC	⌀ RD {NH 634.74'}
Y.	Natural hazards potentially sensitive activities {NH 634.74}	NC {NH 908.37}	⌀ NC {NH 634.74 and 908.37'}	⌀ RD {NH 634.74'}

		Activity status		
Activity		a. Haz1A (flood) {NH 908.37}	b. Haz1 (flood) {NH 73.4 and others}	c. Haz2 (flood) {NH 73.4 and others}
4.	In a hazard 1 (land instability) Overlay Zone, new buildings, and additions and alterations to buildings, which create more than 1m ² of new ground floor area {NH 73.4 and others}		RD {NH 73.4 and others}	— {NH 73.4 and others}
5.	In a hazard 1 or 2 overlay zone, other than the hazard 1 (land instability) Overlay Zone, {NH 73.4 and others} New buildings, and additions and alterations to buildings, which create more than 36m ² of new ground floor area	RD {NH 908.37}	RD	RD

¹ **NH 634.74:** Note that “potentially sensitive activities permitted in rural zone” had no additional rules (shown as an em-dash) under the notified Plan but the distinction between this activity and “potentially sensitive activities not permitted in rural zones” (which was notified as a discretionary activity) was removed and both activities were changed to restricted discretionary in response to this submission.

Note 16.3.6A - Guidance on existing use rights applying to land use activities in hazard overlay zones
Other RMA considerations {Ru cl.16}

1. For the purposes of the natural hazards provisions only, with respect to section 10 of the RMA (existing use rights) {NH 634.81}, Council will generally consider that a land use activity is similar in character, intensity, and scale where:
 - a. for a residential activity, there is less than 25m² increase in ground floor area of any residential building(s), in any consecutive 10 year period; or
 - b. for a residential activity, a new building is to be used solely as a garage or shed; or
 - c. for all other natural hazards {NH cl.16} sensitive activities and natural hazards {NH cl.16} potentially sensitive activities, the ground floor area of any buildings increases by less than 100% in any consecutive 10 year period.

Accordingly, these activities will not usually trigger the provisions for natural hazards sensitive activities and natural hazards potentially sensitive activities in Rule 16.3.6. {NH 634.81} However, Council will consider specific circumstances associated with the development and how this affects the character, intensity and scale of the land use activity.

Rule 16.4 Notification

1. Applications for resource consent for the following activities will be considered without the need to obtain a written approval of affected persons and will not be notified in accordance with section 95A or 95B of the Act RMA, {RU cl.16} unless Council considers special circumstances exist in relation to the application that require public notification:
 1. papakāika (controlled activity) where the associated site development activities are permitted;
 2. earthquake strengthening of a scheduled heritage building or scheduled heritage structure where external features only are protected (controlled activity) and that are not listed by Heritage New Zealand; and
 3. contravention of the materials and design {Her cl.16} performance standard (Rule 13.3.2) 'Materials and design' **{Her cl.16}** where the building or structure is not listed by Heritage New Zealand.
2. With respect to resource consent applications for the following activities, Heritage New Zealand will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided:
 1. activities that affect a protected part of a scheduled heritage building, scheduled heritage structure, or a scheduled heritage site, that is listed with Heritage New Zealand;
 2. ~~activities that contravene~~ contravention of the materials and design {Her cl.16} performance standard (Rule 13.3.2) 'Materials and design' **{Her cl.16}** where the building or structure is listed by Heritage New Zealand; and
 3. ~~activities that contravene~~ contravention of the archaeological sites {Her cl.16} performance standard (Rule 13.3.3) 'Archaeological sites' **{Her cl.16}**.
3. Applications for resource consent for the following activities will be publicly notified in accordance with section 95A(2) of the RMA: **{NatEnv 592.32}**
 1. ~~new residential activity on a site that contravenes the performance standard for density;~~ **{RU 592.20 and 717.19}**
 2. ~~new residential building greater than 60m² in an Outstanding Natural Landscape (ONL);~~ **{NatEnv 592.32}**
 3. ~~general subdivision that contravenes the performance standard for minimum site size;~~ **{RU 592.20 and RU 717.19}**
 4. ~~demolition of a protected part of a scheduled heritage building or scheduled heritage structure;~~ **{Her 308.362}**
4. With respect to resource consent applications for the following activities, Manawhenua will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided:
 1. cemeteries, crematoriums and landfills;
 2. all restricted discretionary activities that list 'effect on cultural values of Manawhenua as a matter for discretion; and
 3. discretionary and non-complying activities in a **wāhi tūpuna mapped area** where the activity is identified as a threat in Appendix A4.
5. With respect to resource consent applications for the following activities, the Department of Conservation will be considered an affected person in accordance with section 95B of the RMA where its written approval is not provided: {RU 958.109}
 1. indigenous vegetation clearance - large scale in a scheduled Area of Significant Biodiversity Value; or
 2. indigenous vegetation clearance - large scale or any discretionary or non-complying activity in a Natural

Coastal Character, High Natural Coastal Character or Outstanding Natural Coastal Character overlay zone. {RU 958.109}

6. With respect to resource consent applications for the following activities within the **radio transmitters mapped area**, Radio New Zealand Limited will be considered an affected person in accordance with section 95B of the RMA, unless their written approval is provided or discretion is restricted and excludes consideration of reverse sensitivity effects: {NU 918.25}
 1. any activities that may be sensitive to electromagnetic interference, noise or visual effects from Radio New Zealand's facilities at 740 Highcliff Road and 35 Karetai Road; and {NU 918.25}
 2. subdivision that could result in activities of this kind. {NU 918.25}
7. With respect to sections 95D(b) and 95E(2)(a) of the RMA, Council will not consider papakāika or family flats as part of the permitted baseline in considering residential density effects in the rural zones.
8. ~~In accordance with section 95B of the RMA, where an application is not publicly notified, Council will give limited notification to all affected persons: {PO cl.16}~~
9. With respect to resource consent applications for the following activities, the Otago Regional Council will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided:
 1. activities in the hazard 1 or hazard 1A {NH 908.37} (flood) overlay zones; and
 2. activities in **swale mapped areas. {NH cl.16²}**
10. All other activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA.

¹ **PO cl.16:** Clause removed as superfluous.

² **NH cl.16:** This rule was notified as Rule 11.8.3 in the Natural Hazards Section but has been transferred to this section for clarify. This does not result in a substantive change to the effect of provisions.

Rule 16.5 Land Use Performance Standards

16.5.1 Acoustic Insulation

Noise sensitive activities in the following areas must comply with Rule 9.3.1:

1. port noise control mapped area;
2. airport noise inner control mapped area;
3. airport noise outer control mapped area;
4. within 40m of the Taieri Aerodrome Zone;
5. within 40m of a state highway;
6. within 20m of an industrial zone; and
7. within 70m of a railway line.

16.5.2 Density

1. The maximum density of standard residential activities activity **{PO cl.16}** is as follows:

Rural Zone		i. Minimum site size - first residential activity per site	ii. Minimum site size - second residential activity per site ¹	iii. Minimum site size - third residential activity per site
a.	Coastal	15ha	80ha	120ha
b.	High Country	100ha	200ha	300ha
c.	Hill Country	100ha	200ha	300ha
d.	Hill Slopes	15ha	50ha	75ha
e.	Middlemarch Basin	40ha	160ha	240ha
f.	Peninsula Coast	20ha	80ha	120ha
g.	Taieri Plain	25ha	80ha	120ha

- 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}:-
 1. ~~6 residential units, or {RU cl.16}~~
 2. ~~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 15ha or larger, provided the residential activity is established prior to 7 November 2023. {RU 1018.2}
- 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:
 - i. multiple residential units developed as part of papakāika may be located closer than 80m to each other.
- j. if a site is crossed by a boundary between two or more rural zones, the maximum density of the

standard residential activity must meet the density required for the rural zone in which the residential activity is to be established; and {RU 908.1}

- i. the total site size must meet the minimum site size for the zone in which the residential activity is to be established; and {RU 908.1}
- ii. for each new residential activity per site, a minimum of 2ha of the site per residential activity must be located within the rural zone in which the residential activity is to be established. {RU 908.1}

2. One family flat is allowed per site in association with a standard residential activity that meets this performance standard for density provided **{PO 447.89}**.
 - a. ~~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 {PO cl.16}~~
 - b. ~~the family flat has a maximum gross floor area of 60m². {PO cl.16}~~
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 {PO cl.16}~~
 - 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. {PO cl.16}~~

¹ **PO cl.16:** As a clause 16 amendment this has been moved to family flats performance standards.

16.5.3 Electrical Interference

Land use activities must comply with Rule 9.3.2.

16.5.3 Hours of Operation

Activity		Hours of operation
1.	Mineral exploration and mineral prospecting	7:00am – 10:00pm
2.	Rural ancillary retail	Customers must not arrive before 7:00am or depart after 7:00pm
3.	Rural tourism - <u>small scale</u> {RU cl.16}	Visitors must not arrive before 7:00am or depart after 7:00pm
4.	Working from home (excluding homestay)	Customers and deliveries must not arrive before 7:00am or depart after 7:00pm

5. Wildlife and night sky viewing activities are exempt from this standard. {RU 690.20}
6. Activities that contravene this performance standard are restricted discretionary activities. {PO cl.16}

16.5.4 Light Spill

1. Light spill measured 1.5m above ground level at the boundary of a site must not exceed 1 Lux between 10:00pm and 7:00am.
2. Lights must be:
 - a. cut-off or fully shielded;
 - b. and directed away from roads and any adjacent property
3. Light spill measured at the boundary of the residential zone or any site used for residential purposes between 7:00am and 10:00pm must not exceed 3 Lux.
 - a. Except this standard does not apply to light spill from the headlights of motor vehicles.
4. Activities that contravene rules 16.5.4.1 and 16.5.4.2 are discretionary activities.
5. Activities that contravene any light spill limit in Rule 16.5.4.3 by 25% or less are discretionary activities.
6. Activities that contravene any light spill limit in Rule 16.5.4.3 by greater than 25% are non-complying activities.

16.5.5 Location

1. Domestic animal boarding and breeding, rural ancillary retail and rural tourism -small scale {RU cl.16} must not be accessed directly from a state highway with a speed limit of 80kmh or over.
2. Activities that contravene this performance standard are restricted discretionary activities.{PO cl.16}

16.5.6 Maximum Gross Floor Area

Activity	Maximum gross floor area
1. Rural ancillary retail	60m ²
2. Working from home	100m ² (applies only to area used within buildings) {PO cl.16}

3. Except the retailing of plants grown on the site is exempt from the performance standard for maximum gross floor area.
4. Activities that contravene this performance standard are restricted discretionary activities.{PO cl.16}

¹ **PO cl.16:** Qualifier deleted as this is included in the new definition of gross floor area.

Note 16.5.7A - Other requirements outside of the District Plan

1. Registration must be obtained from DCC Environmental Health Department for any working from home ~~activities~~ activity {PO cl.16} which involves food products, hairdressing, beauty therapy or tattooing. Please contact the DCC's Environmental Health Department on 03 477 4000 or visit the DCC website www.dunedin.govt.nz for more information.
2. A licence from the DCC's Alcohol Licensing Department may be required for any working from home ~~activities~~ activity {PO cl.16} involving the sale or distribution of alcohol. Please contact the DCC on 03 477 4000 or visit the DCC website www.dunedin.govt.nz for more information.

16.5.7 Minimum Car Parking

The following land use activities must provide on-site car parking at the rates indicated below:

Activity	Minimum car parking
1. Rural ancillary retail	1 parking space for customers of any roadside produce stall
2. Rural tourism - small scale	1 parking space for every 5 persons the facility can accommodate at any one time
3. Rural research -small scale {RU cl.16}	1 parking space is required for each full time equivalent member of staff, when over five staff members are employed on-site.
4. Factory farming Intensive farming {RU 1090.3}	1 parking space per full time equivalent member of staff employed on-site
5. Community and leisure - small scale	1 parking space for every 5 persons the facility can accommodate at any one time
6. Crematoriums	1 parking space per 75m ² of gross floor area.
7. Emergency services {CP 945.39}	a. For fire stations: 5 parking spaces per fire engine bay. {CP 945.39} b. For all other activities: 1 parking space per 100m ² gross floor area. {CP 945.39}

8. Activities other than standard residential **{RU cl.16}** must provide mobility parking spaces as follows:

Total number of parking spaces provided	Minimum number of these that must be mobility parking spaces
a. 1 - 20	1 parking space
b. 21 - 50	2 parking spaces
c. For every additional 50 parking spaces	1 additional parking space

9. Where the minimum parking performance standard results in the requirement for a fractional space, any fraction under one half will be disregarded and any fraction of one half or greater will be counted as one space
10. Parking spaces may be shared between land use activities (i.e. the same parking spaces may be used to fulfil the minimum car parking requirement for more than one land use activity), as long as the hours of operation of the land use activities do not overlap
11. For activities where the minimum car parking performance standard is based on the gross floor area, the following areas will be excluded from the assessment of gross floor area:
- any parking area and associated manoeuvring space, including aisle; and
 - any loading area and associated manoeuvring space. **{RU cl.16}**
12. Activities that contravene this performance standard are restricted discretionary activities. **{PO cl.16}**

¹ **RU cl.16:** Rule 16.5.7.10 has been added to clarify how 'gross floor area' is to be interpreted, for the purposes of the minimum car parking performance standard in this zone. This does not change the effect of provisions.

Note 16.5B.8A - Other relevant District Plan provisions

1. Parking areas must comply with the standards in Section 6.6: Parking, Loading and Access Performance **{RU cl.16}** Standards.

16.5.8 Noise

Land use activities must comply with Rule 9.3.6.

16.5.9 Separation Distances {RU cl.16¹}

¹ **RU cl.16:** This rule has been reformatted to reduce repetition and to re-order the list of existing activities according to the length of the separation distance (except that the two mining-related separation distances are listed consecutively). This does not change the effect of the rule.

1. ~~New residential buildings must be located at least 100m from:~~
 - a. ~~existing, lawfully established factory farming on a separate site;~~
 - b. ~~existing, lawfully established domestic animal boarding and breeding including dogs on a separate site;~~
 - c. ~~existing, lawfully established mining on a separate site;~~
 - d. ~~existing, lawfully established landfill activity on a separate site; and~~
 - e. ~~existing, lawfully established wind generators – community scale and wind generators – regional scale on a separate site.~~
1. New residential buildings and cemeteries **{RU 702.4}** must be located at least:
 - a. 100m from:
 - i. an existing, lawfully established ~~factory farming~~ intensive farming activity **{RU 1090.3}** on a separate site;
 - ii. an existing, lawfully established domestic animal boarding and breeding (including dogs) activity **{RU cl.16}** on a separate site; and
 - iii. the Waitati Rifle Range at 108 Miller Road, Waitati (Minister of Defence designation D158); **{RU 583.21}**
 - b. ~~400m~~ 150m **{RU 796.8}** from existing, lawfully established landfills ~~activity~~ **{PO cl.16}** on a separate site;
 - c. ~~400m~~ 250m **{RU 702.4}** from existing, lawfully established ~~wind generators – community scale and wind generators – regional scale~~ wind generators – large scale **{NU 308.122}** on a separate site;
 - d. 200m from an existing, lawfully established mining activity, that does not involve blasting, on a separate site; and **{CP 458.43 and others}**
 - e. ~~400m~~ 500m **{CP 458.43 and others}** from an existing, lawfully established mining activity, that involves blasting, **{CP 458.43 and others}** on a separate site.
2. For the purposes of this standard, separation distance is measured from either **{RU 702.4}** the closest wall of the new residential building or the closest edge of the cemetery, as relevant, **{RU 702.4}** to the closest edge of any active **{CP 458.43 and others}** operational area or other part of the site being used as part of the activities listed.
3. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

16.5.10 Setback from National Grid

National Grid sensitive **{NH cl.16}** activities must comply with Rule 5.6.1.

16.5.11 Site Restoration

1. Areas disturbed by mineral prospecting and mineral exploration must restore any areas disturbed to a standard not less than that existing prior to the activity commencing **{NatEnv cl.16}** with respect to landform, biodiversity values **{NatEnv 900.143 and others}** and productive potential. Restoration must be completed prior to the end of the lease, licence, or consent, whichever is earliest. Where indigenous vegetation clearance has been conducted as part of the activity, replanting of indigenous vegetation must be conducted on at least the same parts of the site as where indigenous vegetation existed prior to the activity commencing. **{NatEnv 900.143 and others}**
2. Activities that contravene this performance standard are restricted discretionary activities. **{PO cl.16}**

¹ **NatEnv cl.16:** This wording has been deleted because it is not necessary; it is implied by the term 'restore'.

16.5.12 Tree Species

Forestry and tree planting shelterbelts and small woodlots **{RU cl.16}** must comply with Rule 10.3.4.

16.5.13 Family Flats {Confirmed for addition - PO 207.1, 876.1 and others}

16.5.13.1 Family Flats - Tenancy {PO 207.1, 394.63 and others}

- a. Family flats must:
 - i. only be occupied by: {PO cl.16}
 1. a person or persons related to or dependent on the household that lives in the primary residential unit on the same site; or {PO cl.16}
 2. employed {PO cl.16} on-site, in a paid or voluntary capacity, as a domestic, child-care, farm or conservation worker by the household that lives in the primary residential unit on the same site {PO 539.3 and 708.2}
 - ii. not be on a different tenancy agreement to the primary residential unit. {PO 207.1 and 394.63}
- b. Standard residential activity that contravenes this performance standard is a non-complying activity. {PO 207.1 and 394.63}

¹ **PO cl.16:** As a clause 16 amendment this has moved here from the definition of family flats.

16.5.13.2 Family Flats - Design {PO 876.1 and others}

- a. Family flats must:
 - i. not exceed a maximum gross floor area of 60m²; {PO cl.16}
 - ii. be on the same available water and wastewater infrastructure connection, or the same non-reticulated wastewater disposal system as the primary residential unit; {PO cl.16}
 - iii. be on the same household electricity account; {PO 876.1}
 - iv. share the same vehicle access as the primary residential unit; and {PO 876.1}
 - v. be attached to or located in the same residential building as the primary residential unit, or located within 30m of the primary residential building (house), as measured as the closest distance between any wall of the primary residential building and any wall of the family flat. {PO cl.16}

- b. Standard residential activity that contravenes this performance standard is a restricted discretionary activity.
{PO 876.1, 372.1 and 207.2}

¹ **PO cl.16:** As a cl. 16 amendment this has been moved from the density performance standard

² **PO cl.16:** As a clause 16 amendment this has moved here from the definition of family flats.

16.5.14 Blasting {Confirmed for addition - CP 458.1 and others}

1. Mineral exploration that involves blasting must comply with the following: {CP 458.1 and others}
 - a. There are no more than 3 blast events per site per day, and no more than 21 blast events in a calendar year. {CP 458.1 and others}
 - b. Blast events may only occur between 8.00am and 6.00pm Monday to Saturday (excluding public holidays): {CP 458.1 and others}
 - c. The peak amplitude (Vmax) must not exceed 5 mm/second, measured on any foundation or suitable adjacent location of an adjoining residential property; Overpressure (Pmax) must not exceed 120 dBL, measured at the boundary of the receiving property, or the notional boundary of noise sensitive activities in a rural, rural residential or Ashburn Clinic Zone. {CP 458.1 and others}
 - d. Quantum of earth moved must not exceed the earthworks – small scale standards. {CP 458.1 and others}
2. Mineral exploration that contravenes the performance standard for blasting is a discretionary activity {CP 458.1 and others}

16.5.15 Scheduled Mining Activity {Confirmed for addition - CP 874.2 and others}

1. Scheduled mining activity must meet the performance standards listed below. {CP 874.2 and others}
2. Scheduled mining activity that contravenes any of these standards will be considered a new mining activity and will be subject to the rules that apply to mining in Rule 16.3. {CP 874.2 and others}

16.5.15.3 Maximum Annual Extraction {CP 874.2 and others}

- a. Aramoana Quarry must not exceed a maximum annual extraction limit of 50,000m³. {CP 874.2 and others}
- b. Fairfield Sand Pit No. 3 must not exceed a maximum annual extraction limit of 10,000 tonnes. {CP 874.2 and others}

16.5.15.4 Operating Limits {CP 874.2 and others}

- a. Blackhead Quarry: {CP 874.2 and others}
 - i. may only operate: Monday to Saturday 6.00am to 10.00pm; {CP 874.2 and others}
 - ii. must not extract material on Sec 153 Green Island Bush SD or within 100m of Blackhead Road on Secs 154 and 155 Green Island Bush SD. However, these areas may be used for quarry activities not involving extraction such as stock piling overburden; and {CP 874.2 and others}
 - iii. must not undertake mining in the area defined by Conservation Covenant 779741/2. {CP 874.2 and others}
- b. Fairfield Sand Pit No. 3: {CP 874.2 and others}
 - i. may only operate: Monday to Friday 6.00am to 8.00pm and Saturday 7.00am to 5.00pm; {CP 874.2 and others}
 - ii. must not use blasting; and {CP 874.2 and others}
 - iii. must not extract material on Pt Sec 11 -13 Green Island West SD. However, these areas may be used

for quarry activities not involving extraction, such as stockpiling overburden. {CP 874.2 and others}

- c. Aramoana Quarry: {CP 874.2 and others}
 - i. may only operate: Monday to Saturday 7.00am to 7.00pm: {CP 874.2 and others}
 - ii. may only operate for the purpose of maintaining and repairing of the Aramoana Mole and the Long Mac Groyne; and {CP 874.2 and others}
 - iii. may only transport rock on the Aramoana Road/Moana Street route, between the hours of 7.00am to 7.00pm Monday to Saturday. {CP 874.2 and others}
- d. Mt Kettle Quarry: {CP 874.2 and others}
 - i. may only operate: Monday to Saturday 6.00am to 10.00pm: {CP 874.2 and others}
 - ii. must not undertake mining on more than 40 days each calendar year: {CP 874.2 and others}
 - iii. must ensure quarrying does not alter the skyline as viewed from Portobello Road or from State Highway No 1; {CP 874.2 and others}
 - iv. must not quarry closer than 50m to adjoining properties; and {CP 874.2 and others}
 - v. must retain existing native vegetation on areas not quarried. {CP 874.2 and others}

16.5.15.5 Noise {CP 874.2 and others}

Aramoana Quarry, Blackhead Quarry, Mt Kettle Quarry and Fairfield Sand Pit No. 3 must comply with Rule 9.3.6, subject to the following: {CP 874.2 and others}

- a. An adjustment of minus 5 dBA for noise emissions having special audible characteristics. {CP 874.2 and others}
- b. Noise level readings for the purpose of determining compliance with the noise conditions must be provided by the quarry operator for two hours, at times representative of the operation and at which maximum noise levels can be assessed. For continuous operations, readings must take place at 12 monthly intervals; for intermittent operations readings must be provided at the time of every subsequent operation of the site. {CP 874.2 and others}

16.5.15.6 Blasting {CP 874.2 and others}

- a. Aramoana Quarry, Blackhead Quarry and Mt Kettle Quarry must ensure that airblast over-pressure from a blasting event on the site, when assessed at any point within the notional boundary of any residence, does not exceed a peak non-frequency-weighted (linear or flat) level of 115 dB (Peak) at any time. {CP 874.2 and others}

16.5.15.7 Landscaping and Rehabilitation {CP 874.2 and others}

- a. Aramoana Quarry, Blackhead Quarry, Mt Kettle Quarry and Fairfield Sand Pit No. 3 must carry out a programme of landscaping to encourage the revegetation of areas that are no longer being mined. The landscaping programme must ensure that: {CP 874.2 and others}
 - i. all planting is in accordance with a landscape plan prepared by a qualified landscape architect; and {CP 874.2 and others}
 - ii. all vegetation established as part of this programme is maintained in a healthy state at all times. {CP 874.2 and others}
- b. For Aramoana Quarry, Blackhead Quarry and Mt Kettle Quarry, the landscaping must include creating areas of loose scree on any benching for the colonisation of rock plants. {CP 874.2 and others}
- c. For Fairfield Sand Pit No. 3, the site must be rehabilitated to an appearance and character similar to that of

the surrounding environment. {CP 874.2 and others}

- d. Aramoana Quarry must use the overburden and the stockpiling of fines that are retained on the site to recontour the area adjacent to Aramoana Road on sections 46 and 47 Blk V, North Harbour and Blueskin Survey District and must be progressively regrassed. {CP 874.2 and others}
- e. Fairfield Sand Pit No. 3 must undertake a programme of screen planting designed to mitigate adverse visual effects as viewed from the adjacent residential areas, road and other viewing areas. The programme must ensure that: {CP 874.2 and others}
 - i. all planting is in accordance with a landscape plan prepared by a qualified landscape architect; and {CP 874.2 and others}
 - ii. all vegetation established as part of this programme is maintained in a healthy state at all times. {CP 874.2 and others}
- f. Fairfield Sand Pit No. 3 must ensure the edge of the quarried area is designed and certified by a suitably qualified geotechnical engineer to ensure that the edge is stable and will not adversely affect any adjoining property boundary. {CP 874.2 and others}

Rule 16.6 Development Performance Standards

16.6.1 Earthworks Standards {Confirmed to be replaced by 8A.5 - EW cl.16¹}

¹**EW cl.16:** As a clause 16 amendment, all earthworks provisions in management and major facility zones have been moved to new city-wide section (Section 8A). Any amendments to provisions as a result of submissions are shown there.

16.6.2 Fire Fighting

New residential buildings and subdivision activities must comply with Rule 9.3.3.

16.6.3 Natural Hazards Performance Standards {Was "Hazard Overlay Zones Development Standards" - NH cl.16}

16.6.3.1 Hazard exclusion areas

- a. ~~Development activities~~ New buildings and structures and additions and alterations **{NH cl.16¹}** located in a **swale mapped area** must comply with Rule 11.3.1.1.
- b. ~~Development activities~~ New buildings and structures and additions and alterations **{NH cl.16¹}** located in a **dune system mapped area** must comply with Rule 11.3.1.2.

¹ **NH cl.16:** Rule reworded to be consistent with Rule 11.3.1.

16.6.3.2 Maximum area of vegetation clearance in the hazard overlay zones

Vegetation clearance in the Hazard 1 (land instability) Overlay Zone, Hazard 2 (land instability) Overlay Zone, or in a **dune system mapped area**, must comply with Rule 11.3.2.

16.6.3.3 Minimum floor level {NH 917.27, NH 947.53 and others}

~~New buildings (including residential buildings) to be used for sensitive activities in the Hazard 1 (flood), Hazard 2 (flood), Hazard 3 (flood) or Hazard 3 (coastal) overlay zones must comply with Rule 11.3.3. {NH 917.27, NH 947.53 and others}~~

16.6.3.4 Relocatable buildings

~~New buildings (including residential buildings) to be used for sensitive activities~~ containing residential activity on the ground floor in the Hazard 3 (coastal) Overlay Zone must comply with Rule 11.3.4. **{NH 360.239 and NH 961.1}**

16.6.3.5 Outdoor storage {was 'Outdoor storage standard' - NH cl.16}

Outdoor storage in the Hazard 1 and 1A (flood) Overlay Zones must comply with Rule 11.3.5. **{NH 908.37}**

16.6.4 Hazardous Substances Quantity Limits and Storage Requirements

The storage and use of hazardous substances must comply with Rule 9.3.4.

16.6.5 Materials and Design

Repairs and maintenance, restoration, and earthquake strengthening must comply with Rule 13.3.2.

16.6.6 Maximum Height

1. New buildings and structures, and additions and alterations, must not exceed a maximum height above ground level as follows:

Activity		i Rural zones	ii Landscape and Natural {NatEnv cl.16} coastal character overlay zones
a.	Roadside produce stall	3.5m	3.5m
b.	<u>Buildings associated with the New Zealand Marine Studies Centre in the Portobello Marine Science mapped area {MF 308.283}</u>	10m {MF 308.283}	10m {MF 308.283}
2- c.	All other buildings and structures	10m	5m

2. Rooftop structures are exempt from the performance standard for height provided they do not exceed the maximum height limit for all other buildings and structures by more than one third of that limit.
3. Buildings or structures must not protrude through the height restriction for the Taieri Aerodrome approach and take-off fans shown on the **Taieri Aerodrome flight fan mapped area**.
4. Activities that contravene this performance standard are restricted discretionary activities.{PO cl.16}

16.6.7 Number and Location of Permitted Buildings {Was "Minimum Building Separation" - NatEnv cl.16}

1. In ~~any landscape overlay zone or in a~~ Outstanding Natural Landscape (ONL), Significant Natural Landscape (SNL) and Natural Coastal Character Overlay Zone (NCC), overlay zones {NatEnv cl.16} all new buildings (less than or equal to 60m² footprint {PO cl.16'}) must comply with Rule 10.3.5.

¹ **PO cl.16:** Footprint is included in the rule to improve plan clarity as a minor and inconsequential amendment.

16.6.8 Number, Location and Design of Ancillary Signs

16.6.8.1 General

- a. A maximum of one sign attached to a building and one freestanding sign is allowed per site, except:
 - i. only one sign may be located in any part of a site in an ONF, ONL, SNL, ONCC, HNCC or NCC overlay zone.
- b. Signs visible from a public place must meet all of the following performance standards, except that regulatory signs, directional signs and warning signs that do not exceed 0.25m² are exempt from these standards. {CMU 271.18}
- c. Signs that only give address, occupant or place name information (not including any commercial business names) do not count toward maximum sign numbers.
- d. ~~Signs must be ancillary signs.~~ {PO cl.16'}
- e. Signs must comply with Rule 6.7.3 where visible from a road.
- f. Signs must not be illuminated or digital.
- g. Signs that contravene the performance standard for number, location and design of ancillary signs are restricted discretionary activities.{PO cl.16}

¹ **PO. cl.16:** Deleted as definition of “Signs” amended to clarify how different signs are managed in the Plan.

16.6.8.2 Signs attached to buildings

- a. The maximum height above ground level, at the highest point of any sign, attached to a building is 4m, except:
 - i. the maximum height is 2m in an ONF, ONL, SNL, ONCC, HNCC or NCC overlay zone.
- b. Signs must not be attached to roofs.
- c. Signs must not project higher than the lowest point of the roof, except where mounted flat against a parapet or gable end.
- d. The maximum area of signs, per display face, is 2m², except:
 - i. the maximum area of signs, per display face, is 0.6m² in an ONF, ONCC or HNCC overlay zone; and
 - ii. the maximum area of signs, per display face, is 1m² in an ONL, SNL or NCC overlay zone.
- e. In an ONF, ONCC or HNCC overlay zone the sign must only provide information about the values of the overlay zone (refer Appendices A3 and A5).

16.6.8.3 Freestanding signs

- a. Maximum dimensions of freestanding signs are:
 - i. maximum height of 4m, except:
 1. 2m in an ONF, ONL, SNL, ONCC, HNCC or NCC overlay zone;
 - ii. maximum area of 2m² per display face, except:
 1. 0.6m² per display face in an ONF, ONCC or HNCC overlay zone; and
 2. 1m² per display face in an ONL, SNL or NCC overlay zone;
 - iii. maximum of 2 display faces per sign;
 - iv. maximum width of 2m, except:
 1. 1m in an ONF, ONL, SNL, ONCC, HNCC or NCC overlay zone; and
 - v. maximum depth of 400mm.
- b. Freestanding signs must:
 - i. not obstruct parking, loading and access areas; and
 - ii. be positioned entirely within site boundaries.
- c. In an ONF, ONCC or HNCC overlay zone the sign must only provide information about the values of the overlay zone (refer Appendices A3 and A5).

Note 16.6A – Other relevant District Plan provisions {PO cl.16¹}

1. Commercial advertising is a non-complying land use activity in all zones except the Airport Zone: **{PO cl.16}**
2. See Section 3 Public Amenities for the rules related to public noticeboards: **{PO cl.16}**
3. See Section 4 Temporary Activities for the rules related to temporary signs: **{PO cl.16}**

¹ **PO cl.16:** Deleted as definition of "Signs" amended to clarify how different signs are managed in the Plan.

Note 16.6B.8A - Other requirements outside of the District Plan

1. For additional restrictions that may apply to signs, see also:
 - a. New Zealand NZ **{Trans 881.17}** Transport Agency *Traffic Control Devices Manual, Part 3, Advertising Signs and Signs on State Highways Bylaw* **{Trans 881.137}**.
 - b. Dunedin City Council Commercial Use of Footpaths Policy.
 - c. Dunedin City Council Roadway Bylaw.
 - d. Dunedin City Council Traffic and Parking Bylaw.

16.6.9 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

16.6.10 Reflectivity

1. New buildings and structures (except fences), and additions and alterations, in any landscape or natural coastal **{NatEnv cl.16}** character overlay zone must comply with Rule 10.3.6.
2. In the Hill Slopes Rural Zone, new buildings and structures that exceed 300m² must have exterior surfaces that have a light reflectance value (LRV) of 30% or less, except that this rule does not apply to the following exterior surfaces: **{NatEnv 447.36}**
 - a. natural wood finishes: **{NatEnv 447.36}**
 - b. glass: **{NatEnv 447.36}**
 - c. clear plastic: **{NatEnv 447.36}**
 - d. soffits; or **{NatEnv 447.36}**
 - e. flues: **{NatEnv 447.36}**
3. For the purposes of Rule 16.6.10.2, the LRV of exterior surface materials whose reflectivity changes due to weathering (e.g. stone) will be measured based on an 'as weathered' condition. **{NatEnv 447.36}**
4. For the sake of clarity, Rule 16.6.10.2 applies to roofs and does not apply to fences. **{NatEnv 447.36}**
5. Activities that contravene this performance standard are restricted discretionary activities. **{PO cl.16}**

16.6.11 Setbacks

16.6.11.1 Boundary setbacks

- a. New buildings and structures, and additions and alterations, must be set back from boundaries as follows:

Activity		1. Minimum setback from road boundary	2. Minimum setback from side and rear boundaries with sites held in separate ownership
i.	Residential buildings (see Figure 16.6A) {RU cl.16}	20m	40m The greater of either: {RU 464.8} i. 20m; or {RU 464.8} ii. a setback that provides a 40m separation from any residential building on any adjoining site {RU 464.8}
ii.	Non-residential buildings {RR cl.16} housing animals (see Figure 16.6B) {RU cl.16}	20m	i. Buildings with a maximum height of up to 7m above ground level: {RU 312.17} 12m ii. Buildings with a maximum height that is over 7m above ground level: Twice the maximum height of the building {RU 312.17}
iii.	Non-residential buildings not housing animals (see Figure 16.6C) {RU cl.16}	20m	i. Buildings with a maximum height of up to 7m above ground level: {RU 312.17} 6m ii. Buildings with a maximum height that is over 7m above ground level: Twice the maximum height of the building {RU 312.17}
iv.	Roadside produce stall	No requirement	6m
v.	All other structures	No requirement	No requirement.

- vi. Except:

- additions and alterations to an existing building located within the minimum setback from road boundary, provided the addition and alteration does not further increase the contravention of the setback and does not increase the height of the building;
 - additions and alterations to an existing building used for residential activity located within the minimum setback from side and/or rear boundary, provided the addition and alteration does not further increase the contravention of the setback and does not increase the height of the residential building; and
 - buildings associated with the University of Otago Portobello Marine Laboratory and New Zealand Marine Studies Centre, when situated on the land comprising Part section 23 (SO 7232), section 24 (SO 11431) and section 28 (SO 11431), Block VI Portobello Survey District and that Part of section 29 Block VI Survey District marked "A" on SO 22930: New Zealand Marine Studies Centre in the Portobello Marine Science mapped area. **{MF 308.283}**
- vii. Rooftop structures are exempt from any calculation of maximum height in this performance standard. **{RU 312.17}**
- viii. For the purposes of this standard, the separation between residential buildings is measured from the closest wall of each residential building. **{RU 464.8}**

- b. Activities that contravene this performance standard are restricted discretionary activities.{PO cl.16}

Figure 16.6A Setbacks for new residential buildings {RU cl.16}

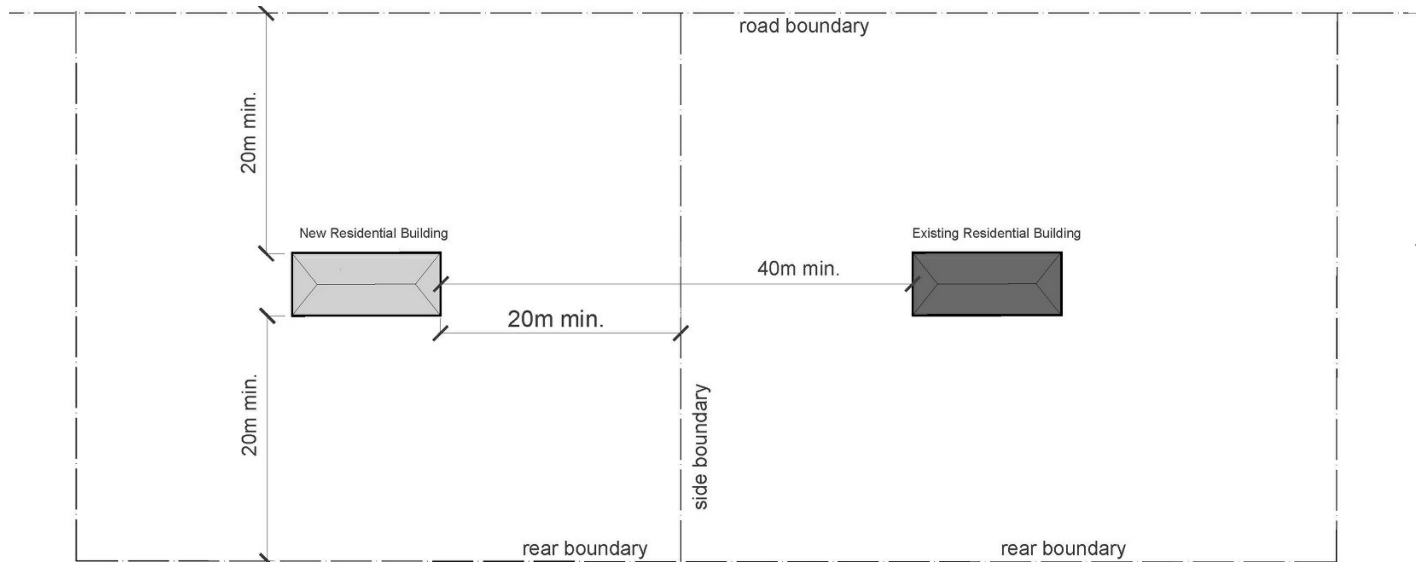


Figure 16.6B Setbacks for non-residential buildings housing animals {RU cl.16}

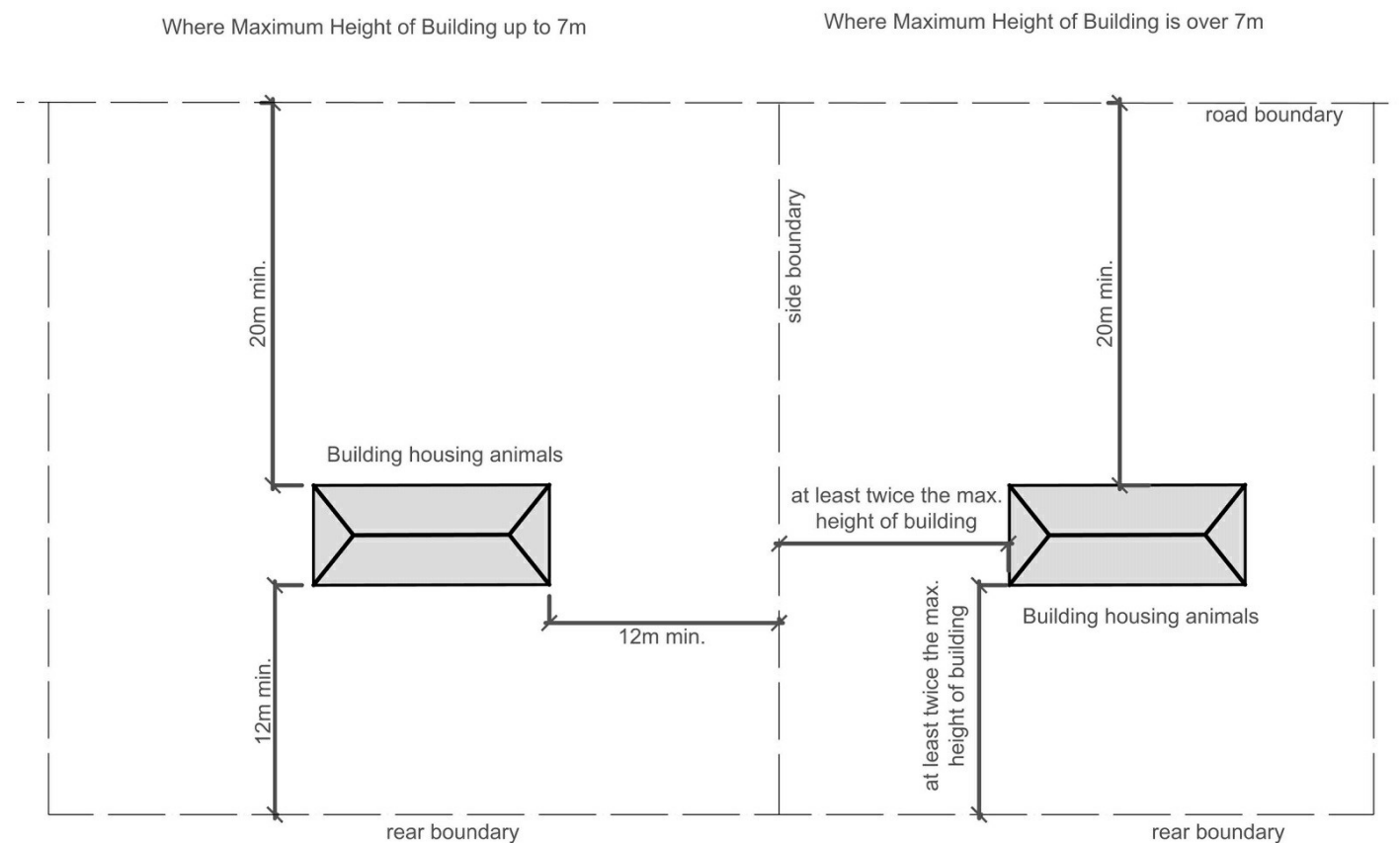
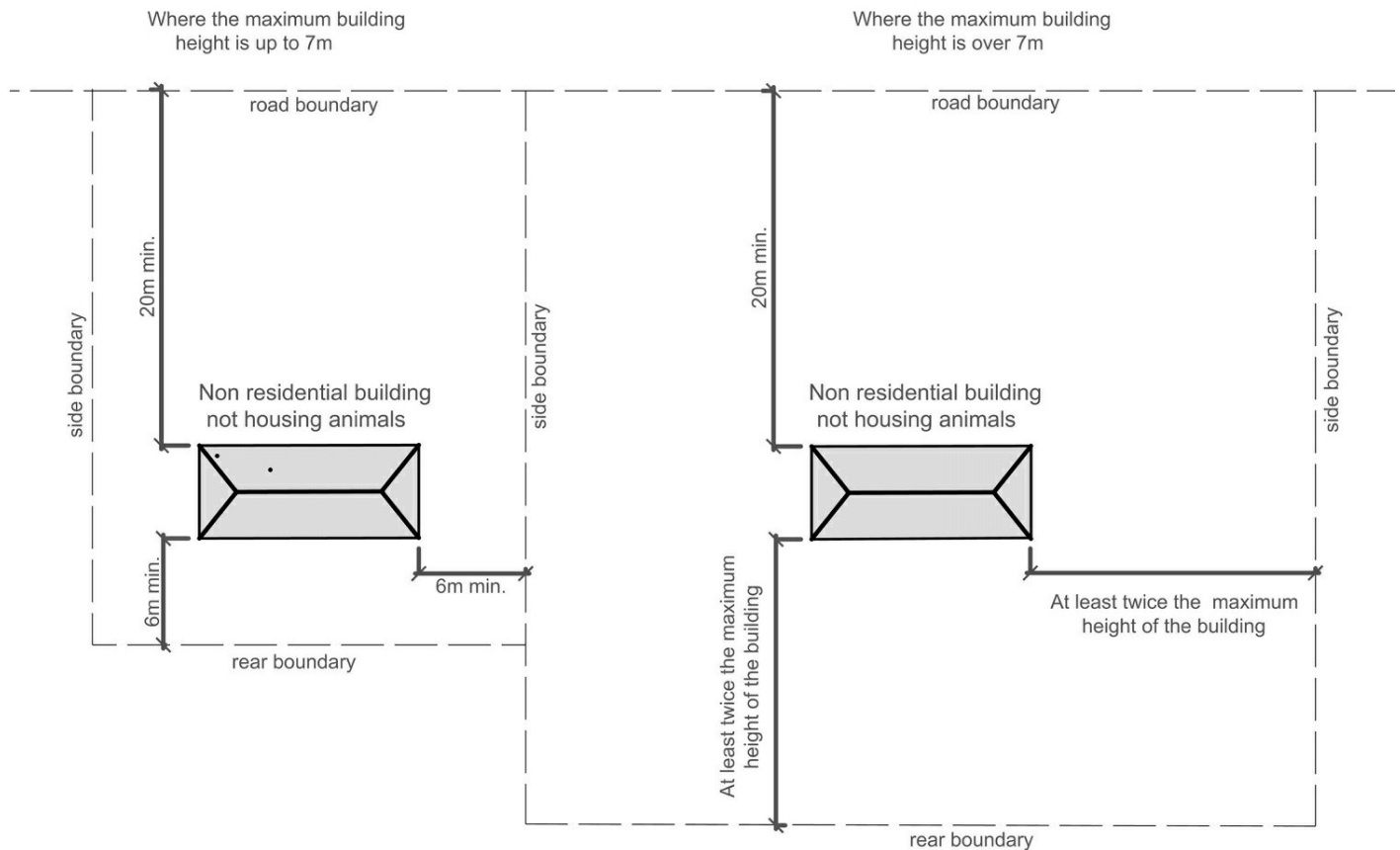


Figure 16.6C Setbacks for non-residential buildings not housing animals {RU cl.16}



16.6.11.2 Forestry and tree planting shelterbelts and small woodlots {RU cl.16} setbacks

- a. Trees associated with forestry activity {RU cl.16}:
 - i. must not be planted within 30m of the boundary of any residential zone or rural residential zone;
 - ii. must not be planted within 40m of a residential building where the building exists at the time of planting;
 - iii. must not shade a motorway or a strategic, arterial or collector road between 10am and 2pm on the shortest day of the year; and
 - iv. must not be planted within 10m of the boundary of the designated rail corridor. {Trans 322.106}
- b. Trees associated with tree planting shelterbelts and small woodlots {RU cl.16}:
 - i. must be set back, or managed, so that they maintain a minimum distance of their own height from any residential building on an adjoining site, where the building exists at the time of planting;
 - ii. must not shade a motorway or a strategic, arterial or collector road between 10am and 2pm on the shortest day of the year; and
 - iii. must not be planted within 10m of the boundary of the designated rail corridor. {Trans 322.106}
- c. Activities that contravene this performance standard are restricted discretionary activities.{PO cl.16}

16.6.11.3 Setback from National Grid

New buildings and structures, and additions and alterations, ~~and earthworks~~ **{EW cl.16¹}** must comply with Rules 5.6.1 and 5.6.1.2. **{EW cl.16¹}**

¹ **EW cl.16:** As a clause 16 amendment, reference to earthworks in the setback from National Grid standards in all management and major facility zones have been moved to setback standards in the new city-wide section (Rule 8A.5.5). Any amendments to provisions as a result of submissions are shown there.

~~16.6.11.4: Setback from ridgeline~~ **{RU 874.41 and others}**

- a. ~~New buildings and structures (except fences), additions and alterations, and network utilities structures (all scales) and network utilities poles and masts – small scale must be at least 20m vertically below any ridgeline mapped area.~~ **{RU 874.41 and others}**
- b. ~~For the purposes of this standard, the vertical distance will be measured from the highest part of the building or structure.~~ **{RU 874.41 and others}**

16.6.11.5 Setback from scheduled tree

New buildings and structures, additions and alterations, ~~earthworks,~~ **{EW cl.16¹}** and any site development activities that involve the installation of impermeable surfacing must comply with Rule 7.5.2.

¹ **EW cl.16:** As a clause 16 amendment, reference to earthworks in the setback from scheduled tree standards in all management and major facility zones have been moved to setback standards in the new city-wide section (Rule 8A.5.11). Any amendments to provisions as a result of submissions are shown there.

16.6.11.6 Setback from coast and water bodies

New buildings and structures, additions and alterations, ~~earthworks – large scale,~~ **{EW cl.16¹}** and storage and use of hazardous substances must comply with Rule 10.3.3.

¹ **EW cl.16:** As a clause 16 amendment, reference to earthworks in the setback from coast and water bodies standards in all management and major facility zones have been moved to setback standards in the new city-wide section (Rule 8A.5.10). Any amendments to provisions as a result of submissions are shown there.

16.6.12 Vegetation Clearance Standards

16.6.12.1 Maximum area of vegetation clearance (~~UCMA~~ UBMA **{NatEnv 958.60}**)

Vegetation clearance in an **urban conservation biodiversity** **{NatEnv 958.60}** mapped area must comply with Rule 10.3.2.1.

~~16.6.12.2 Maximum area of indigenous vegetation clearance~~ **{NatEnv cl.16¹}**

~~Indigenous vegetation clearance must comply with Rule 10.3.2.2.~~ **{NatEnv cl.16}**

16.6.12.2 Indigenous vegetation clearance – small scale thresholds **{NatEnv cl.16}**

Indigenous vegetation clearance – small scale must comply with Rule 10.3.2.A. **{NatEnv cl.16}**

¹ **NatEnv cl.16:** Indigenous vegetation clearance rules have been reformatted. As a result, notified Rule 10.3.2.2 has been replaced by new Rule 10.3.2.A. Therefore, a consequential amendment is needed here to delete the existing Rule 16.6.12.2 and reformat it into new Rule 16.6.12.2, in order to link to the reformatted provisions. This does not change the effect of provisions.

16.6.12.3 Protected areas (vegetation clearance) *{NatEnv cl.16}*

Vegetation clearance and indigenous vegetation clearance must comply with Rule 10.3.2.3.

16.6.12.4 Protected species (indigenous vegetation clearance)

Indigenous vegetation clearance must comply with Rule 10.3.2.4.

16.6.12.5 Maximum area of vegetation clearance in a hazard overlay zone

Vegetation clearance in the hazard 1 (land instability), hazard 2 (land instability) overlay zones, or in a **dune system mapped area**, must comply with Rule 11.3.2.

Rule 16.7 Subdivision Performance Standards

16.7.1 Access

General subdivision must comply with Rule 6.8.1.

16.7.2 Esplanade Reserves and Strips

General subdivision must comply with Rule 10.3.1.

16.7.3 Fire Fighting

General subdivision must comply with Rule 9.3.3.

16.7.4 Minimum Site Size

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

Rural Zone		Minimum site size
a.	Coastal	40ha
b.	High Country	100ha
c.	Hill Country	100ha
d.	Hill Slopes	25ha
e.	Middlemarch Basin	80ha
f.	Peninsula Coast	40ha
g.	Taieri Plain	40ha
h.	<u>For the purposes of this standard, if a site is crossed by a boundary between two or more rural zones, then new resultant sites must comply with the minimum site size required for new resultant sites in each relevant rural zone. {RU 908.1}</u>	

2. Resultant sites created and used solely for the following purposes are exempt from the minimum site size standard:
 - a. Scheduled ASCV ASBV **{NatEnv 958.60}** or QEII covenant;
 - b. conservation covenant with the Department of Conservation or a local government agency: {RU 366.2}
 - c. protected private land agreement under the Reserves Act 1977: {RU 366.2}
 - d. a heritage covenant with Heritage New Zealand Pouhere Taonga: {RU 735.5}
 - e. protection of a scheduled heritage site, building or structure listed in Appendix A1.1 - Schedule of Protected Heritage Items and Sites: {RU 735.5}
 - f. reserve;
 - g. access;
 - h. network utilities; or
 - i. road.
3. General subdivision that contravenes ~~does not comply with~~ **{Trans cl.16}** the standard for minimum site size is non-complying, except for surplus dwelling subdivision which is restricted discretionary **{RU cl.16}** in either of **{RU 704.21}** the following sets of **{RU 704.21}** circumstances where the subdivision is restricted discretionary **{RU cl.16}**:



- a. The first set of circumstances is as follows: {RU 704.21}
 - i. the subdivision involves **{RU cl.16}** 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 gross floor area **{PO cl.16}**¹ that was built before 26 September 2015; and
 - ii. the second resultant site is:
 1. at least the minimum site size; and
 2. is less than twice the minimum site size, ~~or {RU cl.16 and 807.26}~~ will include a covenant registered against the title, a condition is offered (to be secured by consent notice) ~~to that restricts {RU 592.26 and 717.25} further subdivision in terms of the total number of sites that can be used for residential activity, and further residential activity on the second resultant site, {RU cl.16 and 807.26}~~ to a level that is no greater than would have otherwise been allowed had the minimum site size standard been met for both sites.
- b. The second set of circumstances is as follows: {RU 704.21}
 - i. every new site that will be created by the subdivision contains an existing residential building greater than 100m² **{RU 704.21}** gross floor area **{PO cl.16}**¹ that was built before 26 September 2015; and **{RU 704.21}**
 - ii. if any of these new sites is equal to, or greater than, twice the minimum site size, a condition is offered (to be secured by consent notice), if necessary, to restrict: **{RU 704.21}**
 1. further subdivision of that site, in terms of the total number of sites that can be used for residential activity; and **{RU 704.21}**
 2. further residential activity on that site. **{RU 704.21}**

to a level that is no greater than would have otherwise been allowed had the minimum site size standard been met for all sites. **{RU 704.21}**

¹ **PO cl.16:** Gross floor area is included in the rule to improve plan clarity as a minor and inconsequential amendment.

16.7.5 Shape

1. Each resultant site that is intended to be developed must be of a size and shape that is large enough to contain a building platform of at least 8m by 15m that meets the performance standards of this Plan including, but not limited to:
 - a. all setbacks from boundaries, water bodies, scheduled trees and national grid **{NU 806.11}**.
2. Building platforms must have a slope of 12° (1:4.7 or 21%) or less and must not contain **{NU 806.11}**:
 - a. not contain **{NU 806.11}** esplanade reserves or strips;
 - b. not contain **{NU 806.11}** scheduled heritage buildings or structures;
 - c. not contain **{NU 806.11}** right-of-way easements; and
 - d. be located at least 12m from the outer edge of a National Grid support structure or centreline of an overhead National Grid transmission line. **{NU806.11}**
3. For unreticulated areas, resultant sites must provide for a waste disposal area to be located at least 50m from any water body and Mean High Water Springs. **{PHS 1071.56}**
4. Sites created and used solely for the following purposes are exempt from the shape standard:
 - a. Scheduled ASGV **ASBV {NatEnv 958.60}** or QEII covenant;



- b. conservation covenant with the Department of Conservation or a local government agency: {RU 366.2}
 - c. protected private land agreement under the Reserves Act 1977: {RU 366.2}
 - d. a heritage covenant with Heritage New Zealand Pouhere Taonga: {RU 735.5}
 - e. protection of a scheduled heritage site, scheduled heritage building or scheduled heritage structure in Appendix A1.1: {RU 735.5}
 - f. reserve;
 - g. access;
 - h. network utility; or
 - i. road.
5. Subdivision activities that do not meet this standard are restricted discretionary activities, except that subdivision activities that do not meet Rule 16.7.5.2.d are non-complying activities. {PO cl.16}

Rule 16.8 Assessment of Controlled Activities

Rule 16.8.1 Introduction

1. Controlled activities will be assessed in accordance with section 104 and 104A of the RMA. Council must grant the application and may impose conditions with respect to matters over which it has reserved its control.
2. Rules 16.8.2 and 16.8.3:
 - a. list the matters over which Council has reserved its control; and
 - b. provide guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi); and
 - ii. conditions that may be imposed.
3. Where a controlled activity does not meet a performance standard the following occurs:
 - a. if the contravention of the performance standard defaults to **restricted discretionary** ~~(which is the case, unless otherwise indicated in the performance standard)~~ **{PO cl.16}** then:
 - i. the activity, as a whole, will be treated as **restricted discretionary**; and
 - ii. the matters of discretion are expanded to include the areas of non-compliance with the performance standard; and
 - iii. the performance standard contravention will be assessed as indicated in Section 16.9; and
 - iv. the matters of control become matters of discretion and will be assessed as indicated in this section.
 - b. if the contravention of the performance standard defaults to **discretionary** then:
 - i. the activity, as a whole, will be treated as **discretionary**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 16.11; and
 - iii. the assessment guidance in this section will also be considered.
 - c. if the contravention of the performance standard defaults to **non-complying** then:
 - i. the activity, as a whole, will be **non-complying**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 16.12; and
 - iii. the assessment guidance in this section will also be considered.
4. Rules 16.8.2 and 16.8.3 apply as follows:
 - a. Rule 16.8.2 applies to controlled land use activities; and
 - b. Rule 16.8.3 applies to controlled development activities. **{RU cl.16}**

16.8.2 Assessment of controlled land use activities

Activity	Matters of control	Guidance on the assessment of resource consents
1. Papakāika	<p>a. Site development, including: {RU cl.16}</p> <ul style="list-style-type: none"> • Design, scale, location and number of dwellings • Design, scale and location of other buildings, structures and site development activities • Disposal of stormwater and wastewater • Vehicle access and parking 	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> Objectives 16.2.3, 14.2.1, 9.2.2, 6.2.3. Manawhenua are able to live in <u>original</u> {MW 248.10} native reserve areas where any adverse effects <u>can will</u> {PO cl.16} be adequately managed in line with the <u>objectives and</u> {MW cl.16} policies of the rural zones (Policy 14.2.1.6). Papakāika is at a density such that {RU cl.16} Wastewater and stormwater can be disposed of in such a way that adverse effects on the health of people on the site or on surrounding sites <u>can will</u> {PO cl.16} be avoided or, if avoidance is not possible <u>practicable</u>{PHS 308.477}, <u>would will</u> {PO cl.16} be insignificant (Policy 9.2.2.7). There are no significant effects on the safety and efficiency of the transport network <u>Adverse effects on the safety and efficiency of the transport network are avoided or, if avoidance is not practicable, adequately mitigated (6.2.3.9.a).</u> {Trans 881.72 and 1088.24} <u>Any associated changes to the transportation network will be affordable to the public in the long term.</u> {Trans 881.63} (Policy 6.2.3.14 6.2.3.9.b {Trans cl.16}). Rural character and visual amenity of the rural zones are maintained (Policy 16.2.3.2). {MW 1071.52} <u>Papakāika maintains, as far as practicable, the rural character values and amenity of the rural zones in terms of the design, scale and location of the development (Policy 16.2.3.X).</u> {MW 1071.52} <p>Conditions that may be imposed to ensure these outcomes include, but are not limited to: {RR cl.16}</p> <ol style="list-style-type: none"> requirements for wastewater disposal systems and wastewater disposal areas; requirements for stormwater disposal; water supply; driveways and vehicle tracks; and number, design and location of residential units. <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> Council will consider the information required by Rule 16.13.1 provided with any resource consent application (see Special Information Requirements - Rule 16.13.1).

16.8.3 Assessment of controlled development activities

Activity	Matters of control	Guidance on the assessment of resource consents
1. <u>Affecting a scheduled heritage building or a scheduled heritage structure: {Her cl.16}</u> <ul style="list-style-type: none"> • Earthquake strengthening that affects a protected part of a scheduled heritage building or scheduled heritage structure, where external features only are protected. • <u>Restoration of a protected part of a scheduled heritage building or scheduled heritage structure that has a Heritage New Zealand Category 1 listing (as detailed in Appendix A1.1) {Her 547.91}</u> 	a. Effects on heritage values	See Rule 13.4
2. In the NCC Overlay Zone : <ul style="list-style-type: none"> • New buildings greater than 60m² <u>footprint</u> {PO cl.16¹} on a landscape building platform 	a. Size, design and appearance of buildings	See Rule 10.3A
3. In the ONL or SNL overlay zones : <ul style="list-style-type: none"> • New buildings greater than 60m² <u>footprint</u> {PO cl.16¹} on a landscape building platform 	a. Size, design and appearance of buildings	See Rule 10.3A

¹ **PO cl.16:** Footprint is included in the rule to improve plan clarity as a minor and inconsequential amendment.

Rule 16.9 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 16.9.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rules 16.9.2 - 16.9.6:
 - a. list the matters Council will restrict its discretion to; and
 - b. provide guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.
3. Rules 16.9.2 - 16.9.5 16.9.6 apply as follows: to performance standards in the rural zones; Rule 16.9.6 contains additional provisions that apply to performance standards in overlay zones, mapped areas, and on scheduled items. {RU cl.16}
 - a. Rule 16.9.2 applies to all performance standard contraventions;
 - b. Rule 16.9.3 applies to land use performance standard contraventions;
 - c. Rule 16.9.4 applies to development performance standard contraventions;
 - d. Rule 16.9.5 applies to subdivision performance standard contraventions; and
 - e. Rule 16.9.6 applies to performance standard contraventions in an overlay zone, mapped area or affecting a scheduled item. {RU cl.16}

16.9.2 Assessment of all performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
<p>1. All performance standard contraventions</p>	<p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> a. The degree of non-compliance with the performance standard is minor. b. The need to meet other performance standards, or site specific factors including topography, make meeting the standard impracticable. c. The nature of activities on surrounding sites, topography of the site and/or surrounding sites, or other site specific factors make the standard irrelevant as the adverse effects that the standard is trying to manage will not occur. d. Non-compliance with a development performance standard would improve the design of the development in a way that would result in positive effects and better achieve the identified objectives and policies of the Plan. <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> e. Where more than one standard is contravened, the combined effects of the contraventions should be considered.

16.9.3 Assessment of land use performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. Density (family Family flats - design) { PO 876.1 and others }	<p>a. <u>Effects on long term maintenance of rural {RU cl.16} land for productive rural activities</u></p> <p>b. <u>Effects on rural character and visual amenity {PO 397.47 and 491.3}</u></p>	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> Objective 16.2.1, <u>16.2.3 {PO 876.1 and others}</u> The design of family flats avoids, as far as practicable, the risk they will be used for a separate, non-ancillary residential activity and future pressure to subdivide off family flats (Policy 16.2.1.6). The family flat is of a size and location in relation to the primary residential building that: {PO 207.1 and 394.63} <ol style="list-style-type: none"> reflects its use for housing a person or persons related to, dependent on, or employed by the household that lives in the primary residential building on the same site; and {PO 207.1 and 394.63} adequately discourages future pressure for subdivision of the family flat (Policy 16.2.1.6). {PO 207.1 and 394.63} <p><i>Potential circumstances that may support a consent application include:</i></p> <ol style="list-style-type: none"> For contravention of maximum gross floor area, the extra area is required due to occupant needs. For contravention of maximum separation distance, other mechanisms such as covenants are proposed to avoid pressure for subdivision of the family flat. The size of the residential unit will not create future pressure or expectation for it to be subdivided or be consented to operate as a second residential activity on site. For contravention of maximum gross floor area, the family flat is in the same residential building as the primary residential unit. {PO 394.47 and 491.3} For family flats in separate buildings to the primary dwelling the design of the family flat matches the design of the primary residential building. {PO 491.3} For family flats in separate buildings to the primary dwelling, landscaping or other forms of screening will be used to reduce the visibility of the family flat. {PO 394.47 and 491.3} For family flats in separate buildings to the primary dwelling, the family flat will not be easily viewed from outside the site. {PO 394.47 and 491.3} <p><i>General assessment guidance: {RU 360.127}</i></p> <ol style="list-style-type: none"> As well as the effects on the values specified in Objective 16.2.3, Council will consider the effects on the rural character values identified in Appendix A7. {RU 360.127}

16.9.3 Assessment of land use performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
	b. Effects on rural character and visual amenity {PO cl.16}	<p><i>Relevant objectives and policies: {PO cl.16}</i></p> <ul style="list-style-type: none"> i. Objective 16.2.3 {PO cl.16} ii. Residential activity is at a density that maintains the rural character values and visual amenity of the rural zones (Policy 16.2.3.2). {PO cl.16} <p><i>Potential circumstances that may support a consent application include: {PO cl.16}</i></p> <ul style="list-style-type: none"> iii. For contravention of maximum gross floor area, the family flat is in the same residential building as the primary residential unit. {PO cl.16} iv. The design of the family flat matches the design of the primary residential building. {PO cl.16} v. Landscaping or other forms of screening will be used to reduce the visibility of the family flat. {PO cl.16} vi. The family flat will not be easily viewed from outside the site. {PO cl.16}
2. Electrical interference	a. Effects on health and safety	See Rule 9.4
3. Hours of operation	a. Effects on amenity of surrounding properties	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 16.2.2 ii. Rural ancillary retail, rural tourism - <u>small scale</u> {RU cl.16}, working from home, mineral exploration, and mineral prospecting operate in a way (including hours of operations) {RU cl.16} that avoids or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, adequately mitigates noise or adverse effects on the amenity of sensitive activities on surrounding properties (Policy 16.2.2.4).
4. Location	a. Effects on the safety and efficiency of the transport network	See Rule 6.9
5. Maximum gross floor area	a. Effects on <u>the vibrancy and economic and social success of the CBD and centres/retail distribution</u> {RU cl.16}	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objectives 2.3.2, 2.4.3, 16.2.1.3 ii. Policies 2.3.2.2 and 2.4.3.4 iii. Rural ancillary retail, rural tourism {RU cl.16} and working from home are at a scale that is ancillary to and supportive of productive rural activities or conservation on the same property (Policy 16.2.1.3.a).

16.9.3 Assessment of land use performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
6.	Minimum car parking	a. Effects on the safety and efficiency of the transport network	See Rule 6.9
		b. Effects on accessibility {Trans cl.16}	
7.	Separation distances	a. Reverse sensitivity effects	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 16.2.2 ii. Residential buildings and cemeteries {RU 702.4} are set back an adequate distance from {RU cl.16} existing {PO 1046.5} minimise, as far as practicable, {PO 906.34 and 308.497} the potential for reverse sensitivity {PO 1046.5} by being set back an adequate distance from {RU cl.16} factory farming intensive farming {RU 1090.3}, domestic animal boarding and breeding (including dogs), mining, landfills, wind generators - large scale wind generators - small scale and wind generators - regional scale {NU 308.122} and the Waitati Rifle Range {RU 583.20} to minimise the potential for reverse sensitivity effects {PO 1046.5} (Policy 16.2.2.1.b).
8.	Site restoration	a. Effects on biodiversity values {NatEnv 958.60}	See Rule 10.4
		b. Effects on rural character and visual amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 16.2.3 ii. Land will be restored to at least the same standard as before the mineral exploration or mineral prospecting activity commenced with respect to landform and productive potential (Policy 16.2.3.3). <p><i>General assessment guidance: {RU 360.128}</i></p> <ul style="list-style-type: none"> iii. As well as the effects on the values specified in Objective 16.2.3, Council will consider the effects on the rural character values identified in Appendix A7. {RU 360.128}

16.9.3 Assessment of land use performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
9. Tree species	a. Effects on biodiversity <u>values</u> {NatEnv 958.60}	See Rule 10.4
	b. <u>Effects on natural character of the coast</u> {NatEnv 900.144}	
	c. <u>Effects on landscape values</u> {NatEnv 900.144}	

¹ **Trans cl.16:** Under Transportation section assessment rules (Rule 6.9.3.6.a), 'effects on accessibility' is a matter of discretion for contraventions of minimum car parking performance standards. However, this matter of discretion was inadvertently omitted from notified Section 16 assessment rules. The correction of this error, via the addition of Rule 16.9.3.6.b, does not result in a substantive change to the effect of provisions.

16.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
X. {NatEnv 951.18}	All development performance standard contraventions listed below {NatEnv 951.18}	a. Positive effects in terms of supporting farming or conservation activity {NatEnv 951.18}	<i>Relevant objectives and policies: {NatEnv 951.18}</i> i. <u>Objective 16.2.1 {NatEnv 951.18}</u>
1.	Boundary setbacks	a. Effects on amenity of surrounding properties	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 16.2.2 ii. Buildings that house animals are set back from site boundaries an adequate distance to ensure adverse effects on sensitive activities, such as residential activities, on adjoining sites are avoided or, if avoidance is not possible <u>practicable {PO 908.3 and others}</u>, are no more than minor (Policy 16.2.2.2). iii. New buildings are located an adequate distance from site boundaries to ensure a good level of amenity for residential activities on adjoining sites (Policy 16.2.2.3). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iv. Screening or landscaping will be used in the development to ensure a good level of amenity for residential activities on adjoining sites. v. Where a building used to house animals contravenes the boundary setback standard, the type and/or number of animals or the frequency of housing them mean that the potential for adverse effects from noise, odour or dust on sensitive activities on adjoining sites will be avoided or will be no more than minor.
		b. Reverse sensitivity effects	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 16.2.2 ii. Residential buildings are set back an adequate distance from site boundaries to {RU cl.16} minimise as far as <u>practicable {PO 906.34 and 308.497}</u> the potential for reverse sensitivity effects from rural activities {RU 1090.32 and PO 1046.5} by being set back an adequate distance from site boundaries {RU cl.16} (Policy 16.2.2.1.a). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. Screening or landscaping will ensure potential for reverse sensitivity effects {PO 1046.5} is minimised as far as <u>practicable {PO 906.34 and 308.497}</u>.

16.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
		c. Effects on rural character and visual amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 16.2.3 ii. Buildings and structures are set back from site boundaries an adequate distance {RU cl.16} to maintain the rural character values and visual amenity of the rural zones (Policy 16.2.3.1). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. Landscaping or other forms of screening will be used to reduce the visibility of buildings or structures. iv. Colours and materials used in the development will blend in with the character of the surrounding rural environment, with natural finishes and low levels of reflectivity. v. The proposed building or structure will not obstruct any important views from public viewpoints, or cause significant obstruction of views from dwellings on surrounding sites. vi. The proposed building platform is low lying in relation to surrounding sites and roads and the proposed building will not be easily viewed from outside the site. vii. There are already existing buildings on the site in breach of the same setback. viii. There would be positive effects from maintaining open space through the clustering of buildings on the site. <p><u><i>General assessment guidance: {RU 360.129}</i></u></p> <ul style="list-style-type: none"> ix. <u>As well as the effects on the values specified in Objective 16.2.3, Council will consider the effects on the rural character values identified in Appendix A7. {RU 360.129}</u>
2.	<p>Earthworks standards:</p> <ul style="list-style-type: none"> • Batter gradient {EW cl.16²} 	a. Effects on the stability of land, buildings and structures	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 16.2.5 ii. Earthworks and associated retaining structures are designed and located to avoid adverse effects on the stability of land, buildings, and structures by using a batter gradient that will be stable over time (Policy 16.2.5.1.b).

16.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
3.	Earthworks standards: <ul style="list-style-type: none"> Setback from property boundary, buildings, structures and cliffs {EW cl.16²} 	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 16.2.5 ii. Earthworks and associated retaining structures are designed and located to avoid adverse effects on the stability of land, buildings, and structures by being set back an adequate distance from property boundaries, buildings and cliffs (Policy 16.2.5.1.a).
4.	Earthworks standards: <ul style="list-style-type: none"> Setback from national grid {EW cl.16²} Setback from network utilities {EW cl.16²} 	a. Effects on efficient and effective operation of network utilities b. Effects on health and safety	See Rule 5.7
5.	Earthworks standards: <ul style="list-style-type: none"> Sediment control {EW cl.16²} 	a. Effects on surrounding sites b. Effects on biodiversity and natural character values of riparian margins and coast c. Effects on the efficiency and/or affordability of infrastructure	<i>Relevant objectives and policies:</i> i. Objective 16.2.5 ii. Earthworks and any associated retaining structures are designed and located to minimise adverse effects on surrounding sites and the wider area by managing earthworks to avoid sediment run-off, including on to any property, or into any stormwater pipes, drains, channels or soakage systems <u>or the coastal marine area</u> {EW 1071.106} (Policy 16.2.5.2.b). See Rule 10.4 See Rule 9.4

16.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
6.	Earthworks standards: • NZ Environmental Code of Practice for Plantation Forestry {EW cl.16}	a. Degree of compliance with New Zealand Code of Practice for Plantation Forestry	<i>Relevant objectives and policies:</i> i. Objective 16.2.5 ii. Earthworks ancillary to forestry are carried out in accordance with industry best practice guidelines (Policy 16.2.5.4).
7.	Hazardous substances quantity limits and storage requirements	a. Effects on health and safety	See Rule 9.4
		b. Risk from natural hazards {PO cl.16}	See Rule 11.4 {PO cl.16}
8.	Fire fighting	a. Effects on health and safety	See Rule 9.4
9.	Forestry and tree planting shelterbelts and small woodlots {RU cl.16} setbacks	a. Effects on amenity of surrounding properties	<i>Relevant objectives and policies:</i> i. Objective 16.2.2 ii. Forestry and tree planting shelterbelts and small woodlots {RU cl.16} are set back an adequate distance from residential buildings on adjacent surrounding {RU cl.16} properties to avoid or minimise, as far as practicable, {PO 308.497} significant effects from shading (Policy 16.2.2.7). <i>Potential circumstances or mitigation measures {RU cl.16} that may support a consent application include:</i> iii. The area to be planted is to the south of any adjoining residential zone iv. Slope or orientation or other topographical aspects of the sites involved mean that there will be no shading of residential buildings on an adjoining site.
		b. Effects on health and safety	See Rule 9.4
		c. Effects on the safety and efficiency of the transport network	See Rule 6.9

16.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
10.	Maximum height	a. Effects on rural character and visual amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 16.2.3 ii. Buildings <u>and structures</u> are of {RU cl.16} a height that maintains the rural character values and visual amenity of the rural zones (Policy 16.2.3.1). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. As for Rule 16.9.4.1.c.iii-vi iv. The terrain provides an adequate backdrop to the proposed building or structure and mitigates any adverse visual effects from the building or structure. <p><i>General assessment guidance: {RU 360.130}</i></p> <ul style="list-style-type: none"> v. <u>As well as the effects on the values specified in Objective 16.2.3, Council will consider the effects on the rural character values identified in Appendix A7. {RU 360.130}</u>
11.	Number, location and design of ancillary signs	a. Effects on rural character and visual amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 16.2.3 ii. Ancillary signs are located and designed to maintain rural character and visual amenity, including by being of an appropriate size and number to convey information about the name, location and nature of the activity on-site to passing pedestrians and vehicles and not being oversized or too numerous for that purpose (Policy 16.2.3.7). <p><i>General assessment guidance: {RU 360.131}</i></p> <ul style="list-style-type: none"> iii. <u>As well as the effects on the values specified in Objective 16.2.3, Council will consider the effects on the rural character values identified in Appendix A7. {RU 360.131}</u>
		b. Effects on the safety and efficiency of the transport network	See Rule 6.9
12.	Parking, loading and access standards	a. Effects on the safety and efficiency of the transport network	See Rule 6.9

16.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
Y.	Reflectivity (Hill Slopes Rural Zone) {NatEnv 447.36}	a. Effects on rural character and visual amenity {NatEnv 447.36}	<p><u>Relevant objectives and policies: {NatEnv 447.36}</u></p> <p>i. <u>Objective 16.2.3 {NatEnv 447.36}</u></p> <p>ii. <u>Adverse visual effects caused by reflectivity are avoided or, if avoidance is not practicable, no more than minor (Policy 16.2.3.10) {NatEnv 447.36}</u></p> <p><u>General assessment guidance {NatEnv 447.36}</u></p> <p>iii. <u>In assessing adverse visual effects, Council will consider the level of visibility of the building or structure from public places. {NatEnv 447.36}</u></p>
13.	Setback from coast and water bodies	a. Effects on biodiversity values {NatEnv 958.60} and natural character values of riparian margins and the coast	See Rule 10.4
		b. Effects on public access	
		c. Risk from natural hazards	See Rule 11.4
14. {RU 874.41 and others}	Setback from ridgelines {RU 874.41 and others}	a. Effects on rural character and visual amenity {RU 874.41 and others}	<p><u>Relevant objectives and policies: {RU 874.41 and others}</u></p> <p>i. <u>Objective 16.2.3 {RU 874.41 and others}</u></p> <p>ii. <u>Buildings, structures and network utilities are set back from ridgelines an adequate distance to maintain the rural character values and visual amenity of the rural zones (Policy 16.2.3.1). {RU 874.41 and others}</u></p>
15.	Setback from scheduled tree	a. Effects on long term health of tree	See Rule 7.6
16.	Tree species {NatEnv cl.16'}	a. Effects on biodiversity	See Rule 10.4

16.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
17.	Vegetation clearance standards: <ul style="list-style-type: none"> Maximum area of indigenous vegetation clearance {NatEnv cl.16³} Protected species (<u>indigenous vegetation clearance</u>) {NatEnv cl.16} 	a. Effects on biodiversity <u>values</u> {NatEnv 958.60}	See Rule 10.4
18.	Vegetation clearance standards: <ul style="list-style-type: none"> Protected areas (<u>vegetation clearance</u>) {NatEnv cl.16} 	a. Effects on biodiversity <u>values</u> {NatEnv 958.60} and natural character values of riparian margins and the coast	See Rule 10.4

² **EW cl.16:** As a clause 16 amendment, all earthworks provisions in management and major facility zones have been moved to new city-wide section (Section 8A). Any amendments to provisions as a result of submissions are shown there.

³ **NatEnv cl.16:** Indigenous vegetation clearance rules have been reformatted. Indigenous vegetation clearance that would contravene notified Rule 10.3.2.2 Maximum area of indigenous vegetation clearance is now provided for as Indigenous Vegetation Clearance – Large Scale. This does not change the effect of provisions.

⁴ **NatEnv cl.16:** Contravention of the tree species performance standard outside an ASBV or overlay zone is assessed under Rule 16.9.3.9. This rule is a duplicate and is being removed as an amendment under Clause 16 of the RMA.

16.9.5 Assessment of subdivision performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	Access	a. Effects on <u>accessibility</u> {RU cl.16}	See Rule 6.9
2.	Esplanade reserves and strips	a. Effects on biodiversity values and natural character of the coast and riparian margins	See Rule 10.4
		b. Effects on public access	
3.	Fire fighting	a. Effects on health and safety	See Rule 9.4

16.9.5 Assessment of subdivision performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
4. Shape	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> a. Objective 2.4.1 b. Subdivisions are designed to ensure future land use or development is able to meet the performance standards in the zone, or where in a structure plan mapped {ULS cl.16} area, the subdivision reflects the requirements of the structure plan mapped area performance standards {ULS cl.16}, unless: <ul style="list-style-type: none"> i. a resource consent is approved for a development that does not meet the performance standard and the subdivision is intended for and capable of providing for that approved development; or ii. the resultant site is required for: <ul style="list-style-type: none"> 1. Scheduled ASGV; ASBV or {NatEnv 958.60} QEII covenant; or 2. reserve; or 3. access; or 4. network utility; or 5. road (Policy 2.4.1.8). <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> c. Non-compliance with the performance standard for shape will be assessed based on which performance standard(s) the shape of the resultant site does not provide for compliance with. See matters of discretion and assessment rules in relation to performance standard contraventions for: <ul style="list-style-type: none"> i. boundary setbacks; ii. setbacks from water bodies; iii. earthworks standards (building platform slope). {RU cl.16} iv. setback from scheduled tree; and v. setback from nNational gGrid. d. <u>For contravention of the building platform slope part of the shape performance standard (Rule 16.7.5.2), see the matters of discretion and assessment rules in relation to earthworks - large scale (Rule 8A.7.2.1).</u> {RU cl.16} <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> e. The requirements for a consent notice to be registered against the title that restricts development on the site. f. Restrictions or conditions, including by way of consent notice, on land use or development activities allowed on the site. g. A building platform may be required to be registered against the title by way of consent notice. 	

16.9.5 Assessment of subdivision performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
5. Minimum site size (surplus dwelling subdivision Rule 16.7.4.3)	a. Effects on long term maintenance of rural land for productive rural activities	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objectives 16.2.1, 16.2.3, 16.2.4 ii. The subdivision of a surplus dwelling does not result in any additional development potential for residential activity (Policy 16.2.1.10.c). iii. The subdivision is designed to ensure any associated future land use and development maintains or enhances the rural character and visual amenity of the rural zones (16.2.3.8). iv. The subdivision is designed to ensure any future land use and development maintains or enhances the productivity of rural activities, maintains <u>high class soils highly productive land {RU 1090.13}</u> for farming activity, <u>or ensures the effects of any change in land use are insignificant on any high class soil mapped area and no more than minor on other areas of highly productive land {RU 1090.13 and 1090.35}</u>, and does not increase the potential for reverse sensitivity from residential activities <u>{PO 1046.5}</u> (Policy 16.2.4.3.a, b and d). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> v. A legal mechanism such as a covenant <u>consent notice {RU 592.26 and 717.25}</u> on the title of the parent property <u>second resultant site {RU cl.16}</u> will ensure that there will be no increase in the potential for residential activity as a result of the subdivision. vi. The dwelling can be shown to be in a suitable condition for occupation, with recent history of use for residential activity. vii. The resultant site on which the surplus dwelling will be located is large enough to support on-site disposal of effluent. viii. <u>The dwelling is surplus to the requirements of the property. {RU 807.26}</u> <p><i>General assessment guidance: {RU 1090.13}</i></p> <ul style="list-style-type: none"> ix. <u>In determining whether land is 'highly productive land', Council will consider its land use capability (LUC) classification (https://soils.landcareresearch.co.nz/soil-data/nzlri-soils/), the high class soils mapped area (HCS), as well as any other evidence related to productive values. The expectation is that land in the HCS and/or that has a LUC 1-3 classification will be considered 'highly productive land'. Note that information about the LUC classification is provided on the Landcare Research website (https://www.landcareresearch.co.nz) and LUC 1-3 areas are shown on the Data Map (https://apps.dunedin.govt.nz/webmaps/secondgenerationplandata/) {RU 1090.13}</u>

16.9.6 Assessment of restricted discretionary performance standard contraventions in an overlay zone, mapped area or affecting a scheduled item

Activity		Matters of discretion	Guidance on the assessment of resource consents
1.	<p>In a Scheduled ASCV:</p> <ul style="list-style-type: none"> Tree species (Tree planting) {NatEnv 900.144} 	a. Effects on biodiversity	See Rule 10.4
3.	<p>In the ONL, SNL or ONF overlay zones:</p> <ul style="list-style-type: none"> Number, location and design of ancillary signs 	a. Effects on landscape values	See Rule 10.4
4.	<p>In the ONL or SNL overlay zones:</p> <ul style="list-style-type: none"> Maximum height Reflectivity Number and location of permitted buildings Minimum building separation {NatEnv cl.16} 	a. Effects on landscape values	See Rule 10.4
5.	<p>In the HNCC, ONCC or NCC overlay zones:</p> <ul style="list-style-type: none"> Number, location and design of ancillary signs 	a. Effects on natural character of the coast	See Rule 10.4
6.	<p>In the NCC overlay zone:</p> <ul style="list-style-type: none"> Reflectivity Maximum height Number and location of permitted buildings Minimum building separation {NatEnv cl.16} 	a. Effects on natural character of the coast	See Rule 10.4

16.9.6 Assessment of restricted discretionary performance standard contraventions in an overlay zone, mapped area or affecting a scheduled item

Activity	Matters of discretion	Guidance on the assessment of resource consents
<p>7. In a wāhi tūpuna mapped area:</p> <ul style="list-style-type: none"> • Setback from ridgelines {MW 874.41} <u>Maximum height {MW 874.41}</u> • Setback from coast and water bodies • Vegetation clearance standards: Maximum area of vegetation clearance (<u>UBMA</u>), Maximum area of indigenous vegetation clearance, Protected areas (<u>vegetation clearance</u>), Protected species (<u>indigenous vegetation clearance</u>) {NatEnv cl.16} • Esplanade reserves and strips 	<p>a. Effects on cultural values of Manawhenua</p>	<p>See Rule 14.3</p>

16.9.6 Assessment of restricted discretionary performance standard contraventions in an overlay zone, mapped area or affecting a scheduled item

Activity	Matters of discretion	Guidance on the assessment of resource consents
<p>8. In a hazard overlay zone; swale mapped area {NH cl.16²} or dune system mapped area:</p> <ul style="list-style-type: none"> • Hazard overlay zones development standards • <u>Maximum area of vegetation clearance in the hazard overlay zones (Hazard 1 or 2 (land instability) overlay zones and dune system mapped area)</u> • <u>Relocatable buildings (Hazard 3 (coastal) Overlay Zone)</u> • <u>Outdoor Storage (Hazard 1 (flood) Overlay Zone) {NH cl.16}</u> • <u>Hazardous substances quantity limits and storage requirements {PO cl.16}</u> 	<p>a. Risk from natural hazards</p>	<p>See Rule 11.4</p>

16.9.6 Assessment of restricted discretionary performance standard contraventions in an overlay zone, mapped area or affecting a scheduled item

Activity		Matters of discretion	Guidance on the assessment of resource consents
9.	In an urban conservation biodiversity mapped area : {NatEnv 958.60} <ul style="list-style-type: none"> Vegetation clearance standards: Maximum area of vegetation clearance (UBMA) {NatEnv cl.16} 	a. Effects on biodiversity values {NatEnv 958.60}	See Rule 10.4
10.	In the Taieri Aerodrome flight fan mapped area : <ul style="list-style-type: none"> Maximum height (Rule 16.6.6.3) 	a. Effects on <u>health and safety</u> operation of Taieri Aerodrome {PHS cl.16}	See Rule 9.4
11.	In a high class soils mapped area : <ul style="list-style-type: none"> Earthworks standards (removal of high class soils) {EW cl.16} 	a. Maintenance of high class soils resource	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 16.2.4 ii. Earthworks in a high class soils mapped area retain soils on the site (Policy 16.2.4.1). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. The development will involve a productive rural activity. iv. The site design will minimise the effect of the activity on the high class soils contained on the site. v. The soils are being removed to enhance the productivity of another site.
12.	Affecting a scheduled heritage item building or scheduled heritage structure {Her cl.16} : <ul style="list-style-type: none"> Materials and design 	a. Effects on heritage values (work on scheduled heritage buildings/structures) {Ru cl.16}	See Rule 13.5

¹ **EW cl.16:** As a clause 16 amendment, all earthworks provisions in management and major facility zones have been moved to new city-wide section (Section 8A). Any amendments to provisions as a result of submissions are shown there.

² **NH cl.16:** The standards do not include provisions which apply in a **swale mapped area**.

Rule 16.10 Assessment of Restricted Discretionary Activities

Rule 16.10.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rules 16.10.2 - 16.10.5:
 - a. list the matters Council will restrict its discretion to; and
 - b. provide guidance on how a consent application will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.
3. Rules 16.10.2 -16.10.4 16.10.5 apply as follows: to activities in the rural zones; Rule 16.10.5 contains ~~additional provisions that apply to activities in overlay zones, mapped areas, and on scheduled items.~~ **{RU cl.16}**
 - a. Rule 16.10.2 applies to restricted discretionary land use activities;
 - b. Rule 16.10.3 applies to restricted discretionary development activities;
 - c. Rule 16.10.4 applies to restricted discretionary subdivision activities;and
 - d. Rule 16.10.5 applies to restricted discretionary activities in an overlay zone, mapped area or affecting a scheduled item. **{RU cl.16}**
4. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in the Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.
5. Where a restricted discretionary activity does not meet a performance standard the following occurs:
 - a. if the contravention of the performance standard defaults to **restricted discretionary** ~~(which is the case, unless otherwise indicated in the performance standard)~~ **{PO cl.16}** then:
 - i. the activity, as a whole, will be treated as **restricted discretionary**; and
 - ii. the matters of discretion are expanded to include the areas of non-compliance with the performance standard; and
 - iii. the performance standard contravention will be assessed as indicated in Section 16.9; and
 - iv. the matters of discretion in this section will be assessed as indicated.
 - b. if the contravention of the performance standard defaults to **discretionary** then:
 - i. the activity, as a whole, will be treated as **discretionary**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 16.11; and
 - iii. the assessment guidance in this section will also be considered.
 - c. if the contravention of the performance standard defaults to **non-complying** then:
 - i. the activity, as a whole, will be **non-complying**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 16.12; and
 - iii. the assessment guidance in this section will also be considered.

6. With respect to section 104(2) of the RMA, Council will not consider family flats or papakāika as part of the permitted baseline in considering residential density effects in the rural zones.

16.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
5. Development associated with restricted discretionary land use activities <u>All restricted discretionary land use activities in the rural zones that also involve development activities {RU cl. 16}</u>	a. Effects on rural character and visual amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 16.2.3 ii. There are no significant adverse <u>Adverse {CP 458.25 and others}</u> effects from <u>large scale {PO cl.16}</u> development on rural character and visual amenity <u>will be avoided or minimised as far as practicable {RU 704.11 and others}</u> (Policy 16.2.3.5). iii. Adverse effects of development on rural character and amenity are <u>insignificant avoided or, if avoidance is not practicable, no more than minor {RU 350.18 and others}</u> (Policy 16.2.3.6). <p><i>Potential circumstances that may support a consent application include: {RU cl.16}</i></p> <ul style="list-style-type: none"> iv. Landscaping or other forms of screening will be used to reduce the visibility of development from surrounding properties and public viewpoints. v. The development is not situated on visually prominent land. vi. The form, scale and materials used in buildings and structures are compatible with the character values of the rural zones as listed in Appendix A7. vii. Building colours and materials are chosen to blend in with the rural setting and minimise reflectivity. viii. Signage and entranceways are in character with the surrounding environment. <p><i>General assessment guidance: {RU 360.133}</i></p> <ul style="list-style-type: none"> ix. <u>As well as the effects on the values specified in Objective 16.2.3, Council will consider the effects on the rural character values identified in Appendix A7. {RU 360.133}</u>
A. All high trip generators, which include: {Trans cl.16} <ul style="list-style-type: none"> • <u>any activities that generate 250 or more vehicle movements a day {Trans cl.16}</u> 	<p>a. Effects on <u>accessibility {Trans cl.16}</u></p> <p>b. Effects on the <u>safety and efficiency of the transport network {Trans cl.16}</u></p>	See Rule 6.10 {Trans cl.16}

16.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. <ul style="list-style-type: none"> Cemeteries Crematoriums 	a. Effects on amenity of surrounding properties	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 16.2.2 ii. Any adverse effects on the amenity of residential activities on surrounding properties will be avoided or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, adequately mitigated (Policy 16.2.2.5). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. The activity will be set back a sufficient distance from its own property boundaries to avoid, or adequately mitigate, any adverse effects from noise, odour or visual impact on surrounding properties. <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> iv. In assessing the effects on amenity, Council will consider the effects of vehicle movements on the site as well as any significant changes to the number and nature of vehicle movements on the adjoining road.
	b. Reverse sensitivity effects	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 16.2.2 ii. Cemeteries are designed to avoid, as far as practicable {PO 308.497}, the potential for reverse sensitivity effects on surrounding permitted or lawfully established activities {PO 1046.5} by locating graves a suitable distance from site boundaries and providing adequate screening (Policy 16.2.2.8).

16.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
	c. Maintenance of high-class soils resource highly productive land {RU 1090.13}	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 16.2.4 ii. Activities other than farming are avoided in a high-class soils mapped area unless only allowed on highly productive land where {RU 796.27, 1090.13 and 1090.35} the scale, size and nature of the activity means {RU cl.16} the loss of current or potential future rural productivity would be insignificant in any high class soils mapped area and no more than minor in other areas of highly productive land {RU 1090.13 and 1090.35} (Policy 16.2.4.2.a). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. The site design will ensure the effect of the activity on the any {RU 1090.13 and 1090.35} high class soils contained on the site, and any impact on the potential for future use of the high class soils, is insignificant. <p><i>General assessment guidance: {RU 1090.13}</i></p> <ul style="list-style-type: none"> iv. In determining whether land is 'highly productive land', Council will consider its land use capability (LUC) classification (https://soils.landcareresearch.co.nz/soil-data/nzlri-soils/), the high class soils mapped area (HCS), as well as any other evidence related to productive values. The expectation is that land in the HCS and/or that has a LUC 1-3 classification will be considered 'highly productive land'. Note that information about the LUC classification is provided on the Landcare Research website (https://www.landcareresearch.co.nz) and LUC 1-3 areas are shown on the Data Map (https://apps.dunedin.govt.nz/webmaps/secondgenerationplandata/) {RU 1090.13}
	d. Effects on cultural values of Manawhenua	See Rule 14.4
	e. Effects on the safety and efficiency of the transport network	See Rule 6.10

16.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
2. Domestic animal boarding and breeding (including dogs)	a. Effects on amenity of surrounding properties	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 16.2.2 ii. Any adverse effects on the amenity of residential activities on surrounding properties will be avoided or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, adequately mitigated (Policy 16.2.2.5). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. The activity will be set back a sufficient distance from its own property boundaries to avoid, or adequately mitigate, any adverse effects from noise on surrounding properties. iv. The design and acoustic insulation of kennel buildings, dog runs and fencing will mitigate adverse effects from noise on surrounding properties. v. Areas used for parking, drop-off and collection of dogs are separated from kennel buildings and dog runs an adequate distance to avoid or minimise barking triggered by the arrival or departure of customers. <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> vi. In assessing effects on the amenity of residential activities on surrounding properties, Council will consider effects from noise, traffic, odour, <u>and</u> dust contaminants. and effects: {RU cl.16} vii. In assessing the effects on amenity, Council will consider the effects of vehicle movements on the site as well as any significant changes to the number and nature of vehicle movements on the adjoining road. <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> viii. Restrictions on the hours of operation in terms of the arrival and departure times of customers.
	b. Effects on ability of productive rural activities to operate (reverse sensitivity) {CP 458.23 and others}	<p><i>Relevant objectives and policies: {CP 458.23 and others}</i></p> <ul style="list-style-type: none"> i. Objective 16.2.2 {CP 458.23 and others} ii. The potential for reverse sensitivity that may affect the ability of productive rural activities to operate is avoided or, if avoidance is not possible, is no more than minor (Policy 16.2.2.6). {CP 458.23 and others}
	c. Effects on the safety and efficiency of the transport network	See Rule 6.10

16.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
3. <u>Factory farming Intensive farming</u> {RU 1090.3}	a. Effects on amenity of surrounding properties	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 16.2.2 ii. Any adverse effects on the amenity of residential activities on surrounding properties will be avoided or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, adequately mitigated (Policy 16.2.2.5). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. The activity will be set back a sufficient distance from its own property boundaries to avoid or adequately mitigate any adverse effects on surrounding properties. iv. Management plans or other mitigation measures will be employed to avoid or mitigate the effects of odour, dust, vehicle movements and operating noise on surrounding properties. <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> v. In assessing effects on the amenity of residential activities on surrounding properties, Council will consider effects from noise, traffic, odour, <u>and</u> dust contaminants. and effects: {RU cl.16} vi. In assessing the effects on amenity, Council will consider the effects of vehicle movements on the site as well as any significant changes to the number or nature of vehicle movements on the adjoining road. <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> vii. Restrictions on the hours of operation.
	b. Effects on ability of productive rural activities to operate (reverse sensitivity) {CP 458.23 and others}	<p><i>Relevant objectives and policies: {CP 458.23 and others}</i></p> <ul style="list-style-type: none"> i. Objective 16.2.2 {CP 458.23 and others} ii. The potential for reverse sensitivity that may affect the ability of productive rural activities to operate is avoided or, if avoidance is not possible, is no more than minor (Policy 16.2.2.6). {CP 458.23 and others}
	c. Effects on the safety and efficiency of the transport network	See Rule 6.10
	d. Effects on health and safety	See Rule 9.5

16.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
4. Veterinary services (large animal practice)	a. Effects on amenity of surrounding properties	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 16.2.2 ii. Any adverse effects on the amenity of <u>residential activities on {RU cl.16}</u> surrounding properties will be avoided or, if avoidance is not possible <u>practicable {PO 908.3 and others}</u>, adequately mitigated (Policy 16.2.2.5). <p><i>General assessment guidance: {RU cl.16}</i></p> <ul style="list-style-type: none"> iii. In assessing effects on the amenity of residential activities on surrounding properties, Council will consider effects from noise, traffic, odour <u>and</u> dust contaminants. and effects {RU cl.16} iv. In assessing the effects on amenity, Council will consider the effects of vehicle movements on the site as well as any significant changes to the number and nature of vehicle movements on the adjoining road. <p><i>Conditions that may be imposed include: {RU cl.16}</i></p> <ul style="list-style-type: none"> v. Restrictions on the hours of operation in terms of the arrival and departure times of customers.
	b. Effects on the safety and efficiency of the transport network	See Rule 6.10

¹ **Trans cl.16:** Under Transportation section assessment rules (Rule 6.10.2.7a&b), 'effects on accessibility' and 'effects on safety and efficiency of the transport network' are matters of discretion for high trip generators, which include land use activities that generate 250 or more vehicle movements a day. However, the rule necessary to link to Rule 6.10.2.7 was inadvertently omitted from notified Section 16 assessment rules. The correction of this error, via the addition of Rule 16.10.2.A, does not result in a substantive change to the effect of provisions.

16.10.3 Assessment of restricted discretionary development activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
A. {NatEnv 951.19}	All restricted discretionary activities listed below {NatEnv 951.19}	a. Positive effects in terms of supporting farming or conservation activity {NatEnv 951.19}	<u><i>Relevant objectives and policies:</i></u> i. <u>Objective 16.2.1 {NatEnv 951.19}</u>
4.	Earthworks – large scale (that exceed the scale thresholds for the rural zones) {EW cl.16'}	a. Effects on visual amenity and character b. Effects on the amenity of surrounding properties	<u><i>Relevant objectives and policies:</i></u> i. Objective 16.2.5 ii. Adverse effects on visual amenity and character will be avoided or, if avoidance is not possible, adequately mitigated (Policy 16.2.5.3.a). iii. Adverse effects on the amenity of surrounding properties, including from changes to drainage patterns, will be avoided or, if avoidance is not possible, adequately mitigated (Policy 16.2.5.3.b). <u><i>Potential circumstances that may support a consent application include:</i></u> iv. There is no, or only minimal, alteration to the natural landform. v. Any cut or fill will be restored or treated to resemble natural landforms. vi. The earthworks will not remove or effect existing vegetation or landscaping. <u><i>Conditions that may be imposed include, but are not limited to:</i></u> vii. Measures to minimise visual effects, e.g. requirements for revegetation and/or landscaping. viii. Maximum slopes of cut and fill batters. ix. Measures to divert surface water and rain away from, or prevent from discharging over, batter faces and other areas of bare earth. x. Measures to ensure there are no adverse effects from changes to drainage patterns on surrounding properties. xi. Requirement to de-compact soils; to take other remedial action to ensure the natural absorption capacity of the soils is not reduced; or to use other mitigation measures to ensure the overall absorption of rain water on-site is not diminished.

16.10.3 Assessment of restricted discretionary development activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
		<p>c. Effects on the stability of land, buildings, and structures</p>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 16.2.5 ii. Adverse effects on the stability of land, buildings, and structures will be avoided or, if avoidance is not possible, adequately mitigated (Policy 16.2.5.3.c). <p><i>Potential circumstances that may support a consent application:</i></p> <ul style="list-style-type: none"> iii. A geotechnical report confirms the existing ground is suitably stable for the proposed works, and proposed works will not create instability risks for surrounding land, buildings, or structures (see Special Information Requirements – Rule 16.13.2). iv. Excavation, fill and retaining structures will be designed, and the work undertaken, in accordance with best practice engineering standards. <p><i>Conditions that may be imposed include, but are not limited to:</i></p> <ul style="list-style-type: none"> v. Maximum slopes of cut and fill batters. vi. Time limits for retaining wall installation to avoid leaving a cut slope unsupported for an extended period. vii. Temporary shoring requirements to maintain stability before a wall is constructed. viii. Supervision and monitoring requirements for retaining wall construction and standard earthworks construction.
2.	Earthworks – large scale (that exceed scale thresholds within 20m of a water body or MHWS) {EW cl.16’}	<p>a. Effects on biodiversity and natural character of riparian margins and the coast</p> <p>b. Effects on public access</p>	See Rule 10.5

16.10.3 Assessment of restricted discretionary development activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
3.	<u>High trip generators:</u> {Trans cl.16³} <ul style="list-style-type: none"> • New or additions to parking areas, or extensions to existing parking areas that result in the creation of 50 or more new parking spaces {Trans cl.16}	a. Effects on the safety and efficiency of the transport network	See Rule 6.10
		b. Effects on accessibility	
4.	<u>Indigenous vegetation clearance – large scale</u> {NatEnv cl.16²}	<u>a. Effects on biodiversity values</u> {NatEnv cl.16}	See Rule 10.5 {NatEnv cl.16}

¹ **EW cl.16:** As a clause 16 amendment, all earthworks provisions in management and major facility zones have been moved to new city-wide section (Section 8A). Any amendments to provisions as a result of submissions are shown there.

² **NatEnv cl.16:** Indigenous vegetation clearance rules have been reformatted. Indigenous vegetation clearance that would contravene notified Rule 10.3.2.2 Maximum area of indigenous vegetation clearance is now provided for as Indigenous Vegetation Clearance – Large Scale. This does not change the effect of provisions.

³ **Trans cl.16:** A reference to 'high trip generators' has been added here, to clarify that this activity is assessed as a high trip generator under Transportation section rules. This does not result in a substantive change to the effect of provisions.

16.10.4 Assessment of restricted discretionary subdivision activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. General subdivision	a. Effects on long term maintenance of rural land for productive rural activities	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 16.2.4. ii. The design of a subdivision ensures any future land use and development will: <ul style="list-style-type: none"> 1. maintain or enhance the productivity of rural activities; 2. maintain high class soils <u>highly productive land {RU 1090.13 and 1090.35}</u> for farming activity, or ensure any loss is <u>insignificant on any high class soils mapped area and {RU 1090.13 and 1090.35}</u> no more than minor <u>on other areas of highly productive land {RU 1090.13 and 1090.35}</u>; 3. maintain land in a rural rather than rural residential land use; and 4. not increase the potential for reverse sensitivity from residential activities in the rural zones {PO 1046.5} (Policy 16.2.4.3). <p><i>General assessment guidance: {RU 1090.13}</i></p> <ul style="list-style-type: none"> iii. <u>In determining whether land is 'highly productive land', Council will consider its land use capability (LUC) classification, the high class soils mapped area (HCS), as well as any other evidence related to productive values. The expectation is that land in the HCS and/or that has a LUC 1-3 classification will be considered 'highly productive land'. Note that information about the LUC classification is provided on the Landcare Research website (https://www.landcareresearch.co.nz) and LUC 1-3 areas are shown on the Data Map (https://apps.dunedin.govt.nz/webmaps/secondgenerationplandata/) {RU 1090.13}</u>

16.10.4 Assessment of restricted discretionary subdivision activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
	b. Effects on rural character and visual amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 16.2.3. ii. The subdivision is designed to ensure any associated future land use and development will maintain or enhance the rural character and visual amenity of the rural zones (Policy 16.2.3.8). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. Sites are designed to respond to the topography and characteristics of the land and surrounding environment. iv. Building platforms are located to respond to landform and avoid significant visual effects. v. Driveways, vehicle tracks, utilities and services are designed and located to minimise the need for significant earthworks. <p><u><i>General assessment guidance: {RU 360.135}</i></u></p> <ul style="list-style-type: none"> vi. <u>As well as the effects on the values specified in Objective 16.2.3, Council will consider the effects on the rural character values identified in Appendix A7. {RU 360.135}</u>
	c. Effects on biodiversity <u>values</u> {NatEnv 958.60} and natural character values of riparian margins and coast	See Rule 10.5
	d. Effects on areas of indigenous vegetation and the habitat of indigenous fauna {NatEnv 958.60}	
	e. Effects on public access	
	f. Risk from natural hazards	See Rule 11.5
	g. Effects on the safety and efficiency of the transport network	See Rule 6.10
	h. Effects on health and safety	See Rule 9.5

16.10.5 Assessment of restricted discretionary activities in an overlay zone, mapped area or affecting a scheduled item

Activity		Matters of discretion	Guidance on the assessment of resource consents
A. {NatEnv 951.19}	All restricted discretionary activities listed below {NatEnv 951.19}	a. Positive effects in terms of supporting farming or conservation activity {NatEnv 951.19}	<i>Relevant objectives and policies:</i> i. Objective 16.2.1 {NatEnv 951.19}
1.	<p>In the ONF overlay zone:</p> <ul style="list-style-type: none"> All other buildings and structures activities {NatEnv 360.137} Indigenous vegetation clearance - large scale {NatEnv 958.106} Tree planting Shelterbelts and small woodlots {RU cl.16} Earthworks – large scale (that exceed scale thresholds for an ONF) {EW cl.16} General subdivision 	a. Effects on landscape values	See Rule 10.5
2.	<p>In the ONL or SNL overlay zones:</p> <ul style="list-style-type: none"> Crematoriums {NatEnv 447.77} Forestry New buildings or {RU cl.16} structures greater than 60m² footprint, {PO cl.16} or additions and alterations that result in a building or structure that is greater than 60m² footprint {PO cl.16} All other buildings and structures activities {NatEnv 360.137} Earthworks – large scale (that exceed the scale thresholds for an ONL) {EW cl.16} General subdivision 	a. Effects on landscape values	See Rule 10.5

16.10.5 Assessment of restricted discretionary activities in an overlay zone, mapped area or affecting a scheduled item

Activity	Matters of discretion	Guidance on the assessment of resource consents
<p>3.</p> <p>In the ONCC or HNCC overlay zones:</p> <ul style="list-style-type: none"> • All other buildings and structures activities {NatEnv 360.137} • Tree planting <u>Shelterbelts and small woodlots</u> {RU cl.16} • Earthworks – large scale (that exceed scale thresholds for an ONCC or HNCC) {EW cl.16'} • Indigenous vegetation clearance {NatEnv 958.106} • General subdivision 	<p>a. Effects on natural character of the coast</p>	<p>See Rule 10.5</p>
<p>4.</p> <p>In the NCC overlay zone:</p> <ul style="list-style-type: none"> • <u>Crematoriums</u> {NatEnv 447.77} • Forestry • New buildings or structures {RU cl.16} greater than 60m² <u>footprint</u>, {PO cl.16'} or additions and alterations that result in a building or structure that is greater than 60m² <u>footprint</u> {PO cl.16'} • All other buildings and structures activities {NatEnv 360.137} • Earthworks – large scale (that exceed scale thresholds for an NCC) {EW cl.16'} • Indigenous vegetation clearance - <u>large scale</u> {NatEnv cl.16} • General subdivision 	<p>a. Effects on natural character of the coast</p>	<p>See Rule 10.5</p>

16.10.5 Assessment of restricted discretionary activities in an overlay zone, mapped area or affecting a scheduled item

Activity	Matters of discretion	Guidance on the assessment of resource consents
<p>5. In an scheduled ASCV ASBV: {NatEnv 958.60}</p> <ul style="list-style-type: none"> • New buildings or {RU cl.16} structures <u>greater than 60m² footprint, {RU cl.16}</u> or additions and alterations that result in a building or structure that is greater than {RU cl.16} 60m² footprint {PO cl.16} and over {RU cl.16} • All other buildings and structures activities {NatEnv 360.137} • Earthworks – large scale (that exceed scale thresholds for a Scheduled ASCV) {EW cl.16} • Indigenous vegetation clearance {NatEnv 949.13} • General subdivision • <u>Shelterbelts and small woodlots</u> {NatEnv 958.107} • <u>Site development activities (except for outdoor storage, parking, loading and access, vegetation clearance, storage and use of hazardous substances)</u> {NatEnv 958.107} 	<p>a. Effects on biodiversity <u>values</u> {NatEnv 958.60}</p>	<p>See Rule 10.5</p>
<p>6. In a wāhi tūpuna mapped area where activity is identified as a threat:</p> <ul style="list-style-type: none"> • All RD Forestry • All RD buildings and structures • Earthworks – large scale that exceed any threshold {EW cl.16} • All RD {NatEnv cl.16} Indigenous vegetation clearance - large scale {NatEnv cl.16} • Tree planting <u>Shelterbelts and small woodlots</u> {RU cl.16} • General subdivision 	<p>a. Effects on cultural values of Manawhenua</p>	<p>See Rule 14.4</p>

16.10.5 Assessment of restricted discretionary activities in an overlay zone, mapped area or affecting a scheduled item

Activity		Matters of discretion	Guidance on the assessment of resource consents
7.	<p>Activities affecting a scheduled heritage building or scheduled heritage structure:</p> <ul style="list-style-type: none"> Additions and alterations that affect a protected part of a scheduled heritage building or scheduled heritage structure Removal for relocation General <u>All subdivision activities on sites containing a scheduled heritage building or scheduled heritage structure</u> {Her cl.16} 	a. Effects on heritage values	See Rule 13.6
8.	<p>In <u>Activities affecting</u> {Her cl.16} a scheduled heritage site:</p> <ul style="list-style-type: none"> General <u>All subdivision activities</u> {Her cl.16} New buildings, and all other structures, parking, loading and access, where visible from an adjoining public place or a publicly accessible place within the heritage site {Her cl.16} <u>Parking, loading and access on a scheduled heritage site, where visible from an adjoining public place or a public place within the site</u> {Her cl.16} 	a. Effects on heritage values	See Rule 13.6
9.	<p>In a hazard overlay zone <u>all hazard overlay zones, swale mapped areas and dune system mapped areas</u> {NH949.25, NH634.69 and NH cl.16}:</p> <ul style="list-style-type: none"> General subdivision in a hazard 3 (coastal) Overlay Zone {NH949.25, NH634.69 and NH cl.16} Earthworks – large scale (that exceed the scale threshold for a hazard overlay zone or swale or dune system mapped area) {EW cl.16} 	a. Risk from natural hazards	See Rule 11.5
10.	<p>In a Hazard 1 (land instability) Overlay Zone (see Rule 16.3.6):</p> <ul style="list-style-type: none"> New buildings, and additions and alterations to buildings, which create more than 1m² of new ground floor area {NH 73.4 and others} 	a. Risk from natural hazards {NH 73.4 and others}	See Rule 11.5 {NH 73.4 and others}

16.10.5 Assessment of restricted discretionary activities in an overlay zone, mapped area or affecting a scheduled item

Activity		Matters of discretion	Guidance on the assessment of resource consents
10.	<p>In the Hazard 2 (flood) Overlay Zone: {NH 634.74}</p> <ul style="list-style-type: none"> Natural hazards {NH cl.16} sensitive activities {NH 634.74} Natural hazards {NH cl.16} potentially sensitive activities {NH 634.74} 	a. Risk from natural hazards {NH 634.74}	See Rule 11.5 {NH 634.74}
11.	<p>In a hazard 1, 1A {NH 908.37} or 2 (flood) {NH 73.4 and others} overlay zone other than the hazard 1 (land instability) Overlay Zone {NH 73.4 and others} (see Rule 16.3.6):</p> <ul style="list-style-type: none"> New buildings, and additions and alterations to buildings, which create more than 60m² of new ground floor area 	a. Risk from natural hazards	See Rule 11.5
12.	<p>In a ground water protection mapped area (GPA):</p> <ul style="list-style-type: none"> Earthworks – large scale (that exceed scale thresholds for a GPA) {EW cl.16¹} 	a. Effects on health and safety	See Rule 9.5
13.	<p>In a geologically sensitive mapped area (GSA):</p> <ul style="list-style-type: none"> Earthworks – large scale (that exceed underlying zone scale thresholds) {NH cl.16³} 	a. Risk from natural hazards	See Rule 11.5
14. {NU 806.11}	<p>In the National Grid Corridor mapped area: {NU806.11}</p> <ul style="list-style-type: none"> All subdivision activities {NU 806.11} 	<p>a. Effects on health and safety {NU806.11}</p> <p>b. Reverse sensitivity effects {NU806.11}</p> <p>c. Effects on efficient and effective operation of network utilities {NU806.11}</p>	See Rule 5.8 {NU 806.11}
15.	<p>In the radio transmitters mapped area: {NU 918.25}</p> <ul style="list-style-type: none"> General subdivision {NU 918.25} 	a. Reverse sensitivity effects {NU 918.25}	See Rule 5.8 {NU 918.25}

¹ **EW cl.16:** As a clause 16 amendment, all earthworks provisions in management and major facility zones have been moved to new city-wide section (Section 8A). Any amendments to provisions as a result of submissions are shown there.

² **PO cl.16:** Footprint is included in the rule to improve plan clarity as a minor and inconsequential amendment.

³ **NH cl.16:** As a clause 16 amendment, geologically sensitive areas are not part of this Plan, and are included in the data map for information purposes only.

Rule 16.11 Assessment of Discretionary Activities

Rule 16.11.1 Introduction

1. Discretionary activities will be assessed in accordance with section 104 and 104B of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rules 16.11.2 and ~~16.11.3~~ - 16.11.4 **{RU cl.16}** provide guidance on how a consent application for the listed discretionary activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
 - b. potential circumstances that may support a consent application;
 - c. general assessment guidance, including any effects that will be considered as a priority; and
 - d. conditions that may be imposed.
3. Rules 16.11.2 - 16.11.4 apply as follows:
 - a. Rule 16.11.2 applies to discretionary land use activities;
 - b. Rule 16.11.3 applies to discretionary performance standard contraventions; and
 - c. Rule 16.11.4 applies to discretionary subdivision activities. **{RU cl.16}**
4. With respect to section 104(2), Council will not consider family flats or papakāika as part of the permitted baseline in considering residential density effects in the rural zones.
5. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

16.11.2 Assessment of discretionary land use activities

Activity	Priority considerations
<p>1. All discretionary <u>land use</u> activities listed below {PO cl.16}</p>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. Objectives <u>16.2.1</u>, {NatEnv 951.20} 16.2.2, 16.2.3, 16.2.4. b. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in the Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects. {RU cl.16} <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> c. For discretionary land use activities, whether any associated development activities meet relevant performance standards, or are otherwise consistent with relevant objectives and policies for development (see Rules 20.9 Rule 16.9 {RU cl.16} for performance standard contraventions). d. Development is not situated on visually prominent land. e. The form, scale and materials used in buildings and structures are compatible with the character values of the rural zones as listed in Appendix A7. f. Colours and materials used in development are chosen to blend in with the rural setting and minimise reflectivity. g. Landscaping or other forms of screening are used to reduce the visibility of development from surrounding properties and public viewpoints. <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> h. In assessing the significance of effects, consideration is given to: {MW cl.16} <ul style="list-style-type: none"> i. The relationship between manawhenua and the natural environment is maintained, including the cultural values and traditions associated with: {MW cl.16} <ul style="list-style-type: none"> 1. wāhi-tūpuna; and {MW cl.16} 2. the customary use of mahika kai (Objective 14.2.1): {MW cl.16} ii. If located outside a wāhi-tūpuna mapped area, Kai Tahu may advise the Council if it considers that the granting of the consent would affect the integrity of the broader environment within which the wāhi-tūpuna is located, or the linkages between wāhi-tūpuna: {MW 1071.109} i. In assessing activities that are discretionary due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered. {RU cl.16}

16.11.2 Assessment of discretionary land use activities

Activity	Priority considerations
	<p>j. <u>As well as the effects on the values specified in Objective 16.2.3, Council will consider the effects on the rural character values identified in Appendix A7. {RU 360.136}</u></p> <p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>k. <u>For activities taking place within the radio transmitters mapped area, see Section 5.9 for guidance on the assessment of resource consents in relation to management of reverse sensitivity effects on Radio New Zealand's facilities at 740 Highcliff Road and 35 Karetai Road. {NU 918.25}</u></p> <p>l. <u>See Section 6.11 for guidance on the assessment of resource consents in relation to objectives 6.2.2 and 6.2.3 and effects related to accessibility and the safety and efficiency of the transport network and its affordability to the public {Trans 881.63}.</u></p> <p>m. <u>For activities that may have effects on biodiversity values, see Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.1. {NatEnv 900.35}</u></p> <p>n. <u>For activities adjacent to water bodies and the coast, see Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.2. {NatEnv 900.38}</u></p> <p>o. <u>See Section 14.5 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on cultural values of Manawhenua {MW cl.16}</u></p>
<p>2.</p> <ul style="list-style-type: none"> • Rural tourism - large scale • Rural research - large scale (<u>outside the Invermay Farm mapped area</u>) {RU 924.9} 	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. Objectives 2.3.1, 16.2.2, 16.2.3, 16.2.4.</p> <p>b. Commercial activities in the rural zones are restricted to those that need a rural location and <u>or {RU 366.3} support rural activity activities {PO cl.16} (Policy 2.3.1.2.gh). {RU cl.16}</u></p> <p>c. Adverse effects on the amenity of <u>residential activities on {RU cl.16}</u> surrounding properties is avoided or, if avoidance is not possible <u>practicable {PO 908.3 and others}</u>, adequately mitigated (Policy 16.2.2.5).</p> <p>d. There are no significant adverse <u>Adverse {CP 458.25 and others}</u> effects on rural character and visual amenity from large scale development <u>will be avoided or minimised as far as practicable {RU 704.11 and others}</u> (Policy 16.2.3.5).</p> <p>e. Activities other than farming are avoided in a <u>high class soils mapped area unless only allowed on highly productive land where {RU 796.27 and 1090.13} the scale, size and nature of the activity means {RU cl. 16} the loss of current or potential future rural productivity would be insignificant in any high class soils mapped area and no more than minor in other areas of highly productive land {RU 796.27 and 1090.13} (Policy 16.2.4.2.a).</u></p>

16.11.2 Assessment of discretionary land use activities

Activity		Priority considerations
		<p><i>Potential circumstances that may support a consent application include:</i></p> <p>f. The activity is set back a sufficient distance from its own boundaries and existing sensitive activities on surrounding sites to avoid or adequately mitigate effects.</p> <p><i>Conditions that may be imposed include:</i></p> <p>g. Restriction on hours of operation.</p> <p>h. Restriction on maximum number of guests (rural tourism).</p> <p>i. Controls on lighting.</p> <p>j. Parking requirements.</p> <p><i>General assessment guidance:</i></p> <p>k. In assessing effects on amenity, Council will consider the effects of vehicle movements on the site as well as any significant changes to the number or nature of vehicle movements on the adjoining road.</p> <p>l. <u>In determining whether land is 'highly productive land', Council will consider its land use capability (LUC) classification, the high class soils mapped area (HCS), as well as any other evidence related to productive values. The expectation is that land in the HCS and/or that has a LUC 1-3 classification will be considered 'highly productive land'. Note that information about the LUC classification is provided on the Landcare Research website (https://www.landcareresearch.co.nz) and LUC 1-3 areas are shown on the Data Map (https://apps.dunedin.govt.nz/webmaps/secondgenerationplandata/)</u> {RU 1090.13}</p> <p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>m. In an Scheduled ASGV ASBV, {NatEnv 958.60} see Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and effects related to biodiversity <u>values</u>. {Nat Env 958.60}</p>
3.	<ul style="list-style-type: none"> • Rural industry • <u>Rural contractor and transport depots – large scale</u> {RU 911.5} 	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. Objectives <u>2.2.2</u> {NU 308.468} 16.2.2, 16.2.3, 16.2.4, <u>5.2.1</u> {NU 308.468}</p> <p>b. There are no significant adverse <u>Adverse</u> {CP 458.25 and others} effects on rural character and visual amenity from large scale development <u>will be avoided or minimised as far as practicable</u> {RU 704.11 and others} (Policy 16.2.3.5).</p> <p>c. Adverse effects on the amenity of residential activities on surrounding properties, are avoided or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, adequately mitigated (Policy 16.2.2.5).</p> <p>d. The potential for reverse sensitivity that may affect the ability of productive rural activities to operate will be avoided or, if avoidance is not possible, will be no more than minor (Policy 16.2.2.6). {CP 458.23 and others}</p>

16.11.2 Assessment of discretionary land use activities

Activity	Priority considerations
	<p>e. Activities other than farming are avoided in a high class soils mapped area unless only allowed on highly productive land where <u>{RU 796.27 and 1090.13}</u> the scale, size and nature of the activity means <u>{RU cl. 16}</u> the loss of current or potential future rural productivity would be insignificant in any high class soils mapped area and no more than minor in other areas of highly productive land <u>{RU 1090.13 and 1090.35}</u> (Policy 16.2.4.2.a).</p> <p>f. See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.</p> <p>g. <u>For rural industry, the use and development of renewable energy generation is encouraged (Policy 5.2.1.1). {NU 308.468}</u></p> <p><i>Potential circumstances that may support a consent application include:</i></p> <p>h. The activity will be set back a sufficient distance from its own property boundaries to avoid or adequately mitigate any adverse effects from noise, odour, dust, contaminants or visual effects on surrounding properties.</p> <p>i. High noise generating equipment is located within acoustically insulated buildings or fitted with noise reduction devices to ensure noise emissions are maintained at a reasonable level.</p> <p>j. If noise is not able to be adequately controlled at its source, noise reduction is achieved through noise barriers or bunds to ensure noise emissions are maintained at a reasonable level.</p> <p>k. Management plans or other mitigation measures will be employed to limit the effects of dust, vehicle movements and operating noise on surrounding properties.</p> <p><i>Conditions that may be imposed include:</i></p> <p>l. Restriction on hours of operation.</p> <p>m. Controls on on-site lighting.</p> <p>n. A requirement for screening of storage areas.</p> <p>o. A requirement to control dust.</p> <p>p. Provision of car parking areas.</p> <p><i>General assessment guidance:</i></p> <p>q. In assessing effects on amenity, Council will consider the effects of vehicle movements on the site as well as any significant changes to the number or nature of vehicle movements on the adjoining road.</p> <p>r. <u>In determining whether land is 'highly productive land', Council will consider its land use capability (LUC) classification, the high class soils mapped area (HCS), as well as any other evidence related to productive values. The expectation is that land in the HCS and/or that has a LUC 1-3 classification will be considered 'highly productive land'. Note that information about LUC classification is provided on the</u></p>

16.11.2 Assessment of discretionary land use activities

Activity	Priority considerations
	<p><u>Landcare Research website (https://www.landcareresearch.co.nz) and LUC 1-3 areas are shown on the Data Map (https://apps.dunedin.govt.nz/webmaps/secondgenerationplandata/) {RU 1090.13}</u></p>
<p>4.</p> <ul style="list-style-type: none"> • Mining • Landfills 	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> Objectives <u>2.2.2 {NU 308.468}</u>, 16.2.2, 16.2.3, 16.2.4, <u>5.2.1 {NU 308.468}</u>. Policies <u>2.3.1.8.b {CP 1088.17 and others}</u>, <u>2.3.1.Y {RU 796.3}</u> Adverse effects on the amenity of residential activities on surrounding properties are avoided or, if avoidance is not possible <u>practicable {PO 908.3 and others}</u>, adequately mitigated (Policy 16.2.2.5). The potential for reverse sensitivity that may affect the ability of productive rural activities to operate will be avoided or, if avoidance is not possible, will be no more than minor (Policy 16.2.2.6): {CP 458.23 and others} There are no significant adverse {CP 458.25 and others} effects on rural character and visual amenity from large scale development <u>are avoided, or minimised as far as practicable. {RU 704.11 and others}</u> (Policy 16.2.3.5). Land will be restored or rehabilitated {CP 458.24 and others} to an acceptable standard with respect to landform and <u>to enable a return to productive, recreational or conservation use as soon as possible productive potential {RU 796.26}</u> (Policy 16.2.3.4). The mining activity is located on the part of the site with high class soils for <u>highly productive land due to {RU 1090.13 and 1090.35}</u> operational requirements and there are no practicable alternative locations (Policy 16.2.4.2.b) See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety. <p><i>Potential circumstances that may support a consent application include:</i></p> <ol style="list-style-type: none"> The activity will be set back a sufficient distance from its own property boundaries to avoid or adequately mitigate any adverse effects from noise, odour, dust, contaminants or visual effects on surrounding properties. For mining sand from dunes or beaches, there will be no significant impact on the look of the area. Management plans or other mitigation measures will be used to adequately manage any adverse effects from dust, vehicle movements and operating noise on surrounding properties. There will be no adverse effects in terms of land instability. <p><i>General assessment guidance:</i></p>

16.11.2 Assessment of discretionary land use activities

Activity	Priority considerations
	<p>m. In assessing effects on amenity, Council will consider the effects of vehicle movements on the site as well as any significant changes to the number or nature of vehicle movements on the adjoining road.</p> <p>n. <u>In assessing an application for mining, Council will consider the constraints imposed by the location of the mineral resource and any logistical or technical requirements to access the resource.</u> {CP 901.24 and others}</p> <p>o. <u>In assessing effects on rural character values and amenity, Council will consider whether any proposed restoration or rehabilitation measures will ensure that final landforms:</u> {CP 1088.57}</p> <p>i. <u>screen or enhance the view of excavated faces from surrounding public and residential viewpoints through appropriate landscaping, plantings or siting of public amenities; and/or</u> {CP 1088.57}</p> <p>ii. <u>minimise evidence of landfills or mining activity by blending final contours with surrounding landforms to achieve as natural appearance as possible, and by providing for the establishment of vegetation cover appropriate to the local character.</u> {CP 1088.57}</p> <p>p. <u>In determining whether land is 'highly productive land', Council will consider its LUC classification, the high class soils mapped area (HCS), as well as any other evidence related to productive values. The expectation is that land in the HCS and/or that has a LUC 1-3 classification will be considered 'highly productive land'. Note that information about the LUC classification is provided on the Landcare Research website (https://www.landcareresearch.co.nz) and LUC 1-3 areas are shown on the Data Map (https://apps.dunedin.govt.nz/webmaps/secondgenerationplandata/)</u> {RU 1090.13}</p> <p><i>Conditions that may be imposed include:</i></p> <p>q. Controls on overall waste volumes for landfills.</p> <p>r. Restrictions on aggregate processing activity for mining.</p> <p>s. A requirement for buffer areas and bunds.</p> <p>t. For quarries, a quarry management plan addressing noise, dust and other amenity effects.</p> <p>u. A site restoration or rehabilitation {CP 458.24 and others} plan and/or {RU cl.16} bond to provide for site restoration {RU 796.9} or rehabilitation {CP 458.24 and others}.</p> <p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>v. See Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and effects related to biodiversity values. {Nat Env 958.60}</p> <p>w. Where in the ONL, {NatEnv 447.75 and 447.76} SNL or NCC overlay zones, see Section 10.6 for guidance on the assessment of</p>

16.11.2 Assessment of discretionary land use activities

Activity		Priority considerations
		<p>resource consents in relation to Objective 10.2.3 and effects related to the natural character of the coast, and Objective 10.2.5 and effects related to landscape.</p> <p>x. <u>Where For mining {MW 1071.3} in a wāhi tūpuna mapped area, and landfills in any location, {MW 1071.3} see Section 14.5 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on the cultural values of Manawhenua.</u></p> <p>y. <u>For landfills, the use and development of renewable energy generation is encouraged (Policy 5.2.1.1). {NU 308.468}</u></p>
5.	<ul style="list-style-type: none"> • Community and leisure - large scale • Early childhood education • Restaurants or retail activities ancillary to sport and recreation • Sport and recreation • Visitor accommodation 	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. Objectives 2.3.1, 16.2.1, 16.2.2, 16.2.3, 16.2.4.</p> <p>b. Commercial and community activities in the rural zones are restricted to those which require a rural location and/or {RU 366.3} support rural activity activities {PO cl.16} (Policy 2.3.1.2.h).</p> <p>c. Adverse effects of development on rural character and visual amenity are insignificant avoided or, if avoidance is not practicable, no more than minor {RU 350.18 and others} (Policy 16.2.3.6).</p> <p>d. Visitor accommodation supports productive rural activity activities {PO cl.16} or a significant conservation activity {RU 366.3} on the same property (Policy 16.2.1.4).</p> <p>e. Adverse effects on the amenity of residential activities on {RU cl.16} surrounding properties is avoided or, if avoidance is not possible practicable {PO 908.3 and others}, adequately mitigated (Policy 16.2.2.5).</p> <p>f. Activities other than farming are avoided in a high class soils mapped area unless only allowed on highly productive land where {RU 796.27 and 1090.13} the scale, size and nature of the activity means {RU cl. 16} the loss of current or potential future rural productivity would be insignificant in any high class soils mapped area and no more than minor in other areas of highly productive land {RU 1090.13 and 1090.35} (Policy 16.2.4.2.a).</p> <p><i>Potential circumstances that may support a consent application include:</i></p> <p>g. The activity is set back a sufficient distance from its own boundaries and existing sensitive activities.</p> <p>h. <u>The activity supports a conservation activity that is associated with an ASBV, QEII covenant, conservation covenant with the Department of Conservation or a local government agency, or a protected private land agreement under the Reserves Act 1977. {RU366.3}</u></p> <p><i>General assessment guidance:</i></p> <p>i. In assessing the effects on amenity, Council will consider the effects of vehicle movements on the site as well as any significant changes to the number or nature of vehicle movements on the adjoining road.</p>

16.11.2 Assessment of discretionary land use activities

Activity		Priority considerations
		<p>j. In determining whether land is 'highly productive land', Council will consider its land use capability (LUC) classification, the high class soils mapped area (HCS), as well as any other evidence related to productive values. The expectation is that land in the HCS and/or that has a LUC 1-3 classification will be considered 'highly productive land'. Note that information about the LUC classification is provided on the Landcare Research website (https://www.landcareresearch.co.nz) and LUC 1-3 areas are shown on the Data Map (https://apps.dunedin.govt.nz/webmaps/secondgenerationplandata/) {RU 1090.13}</p> <p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>k. In an Scheduled ASCV ASBV {NatEnv 958.60}, see Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and effects related to biodiversity <u>values</u>. {Nat Env 958.60}</p>
6. {NH634.74}	<p>In the hazard 1 overlay zones (see Rule 16.3.6):</p> <ul style="list-style-type: none"> Potentially sensitive activities permitted in rural zones {NH634.74} 	<p>See Section 11.6 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards. {NH634.74}</p>
7. {NH634.74}	<p>In the hazard 2 overlay zones (see Rule 16.3.6):</p> <ul style="list-style-type: none"> Potentially sensitive activities not permitted in rural zones Sensitive activities {NH634.74} 	<p>See Section 11.6 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards. {NH634.74}</p>
8.	<p>In a General Residential 1 Residential Transition Overlay Zone (RTZ) {ULS cl.16}:</p> <ul style="list-style-type: none"> Factory Farming <u>Intensive farming</u> {RU 1090.3} Forestry 	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>a. See Section 12.3 for guidance on the assessment of resource consents in relation to Objective 12.2.1 and effects related to future use of land for residential activity.</p>

16.11.2 Assessment of discretionary land use activities

Activity	Priority considerations
<p>9. {CP 634.40} <u>Service stations on a strategic road or arterial road</u> {CP 634.40}</p>	<p><u>Relevant objectives and policies (priority considerations):</u> {CP 634.40}</p> <p>a. <u>Objectives 16.2.1, 16.2.2, 16.2.3</u> {CP 634.40}</p> <p>b. <u>Provide for service stations on a strategic road or arterial road only where it is not practicable, due to a lack of site availability and/or special locational requirements, to locate in the PPH, TR, CEC, industrial or centres zones (Policy 16.2.1.11)</u> {CP 634.40}</p> <p>c. <u>Service stations are designed and located to avoid, or, if avoidance is not practicable, adequately mitigate adverse effects on the amenity of residential activities on surrounding properties (Policy 16.2.2.5)</u> {CP 634.40}</p> <p>d. <u>Service stations are designed and located to avoid, or, if avoidance is not practicable, ensure adverse effects of development on rural character and visual amenity are no more than minor (Policy 16.2.3.6)</u>. {CP 634.40}</p> <p><u>General assessment guidance:</u> {CP 634.40}</p> <p>e. <u>In assessing the effects on the amenity of surrounding residential properties and the streetscape amenity, Council will consider the:</u> {CP 634.40}</p> <p>i. <u>design and location of buildings, forecourts/yards and signs:</u> {CP 634.40}</p> <p>ii. <u>location of access/egress points:</u> {CP 634.40}</p> <p>iii. <u>effects of vehicle movements on the site; and</u> {CP 634.40}</p> <p>iv. <u>the hours of operation, light spill, noise and location or service station development in relation to site boundaries.</u> {CP 634.40}</p> <p><u>Conditions that may be imposed include:</u> {CP 634.40}</p> <p>f. <u>Requirements for fencing, landscaping and/or setbacks of buildings, forecourts/yards, signs and access/egress points to minimise adverse visual or nuisance effects from noise, lighting and/or vehicle headlights on surrounding properties.</u> {CP 634.40}</p> <p>g. <u>Restrictions on hours of operation</u> {CP 634.40}</p> <p>h. <u>Restrictions on on-site lighting</u> {CP 634.40}</p> <p>i. <u>Requirements for screening of storage areas</u> {CP 634.40}</p> <p>j. <u>Requirement to control dust</u> {CP 634.40}</p> <p>k. <u>Conditions related to building design, scale and bulk including roof lines, height, façade articulation, colour and materials to ensure compatibility with surrounding rural amenity.</u> {CP 634.40}</p> <p>l. <u>Restrictions on signage</u> {CP 634.40}</p> <p><u>Relevant guidance from other sections (priority considerations):</u> {CP 634.40}</p>

16.11.2 Assessment of discretionary land use activities

Activity	Priority considerations
	m. <u>See Rule 6.11.2.2 for guidance on the assessment of the effects on the safety and efficiency of the transportation network, and other transportation effects. {CP 634.40}</u>

¹ **RU cl.16:** Rule 16.11.2.1.b has been removed as a clause 16 amendment because it is a duplication of Rule 16.11.1.5.

² **RU cl.16:** Rule 16.11.2.1.i is unnecessary because there are no activities that are discretionary due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent.

16.11.3 Assessment of discretionary performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. <ul style="list-style-type: none"> Acoustic insulation Noise - where the limit is exceeded by up to <u>less than</u> {PHS cl.16} 5dB LAeq (15min) 	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>a. See Rule 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety</p>
2. Density (Papakāika)	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. Objective 16.2.3</p> <p>b. Any buildings and structures maintain the rural character values and visual amenity of the rural zones (Policy 16.2.3.1).</p> <p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>c. See Section 9.6 for guidance on the assessment of resource consents in relation to objectives 9.2.1 and 9.2.2 and effects related to efficiency and affordability of infrastructure and public health and safety.</p> <p>d. See Section 14.5 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on the cultural values of Manawhenua.</p>

16.11.3 Assessment of discretionary performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
3. Light spill - where rules 16.5.4.1 or 16.5.4.2 are contravened, or where the light spill limit in Rule 16.5.4.3 is exceeded by 25% or less	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> a. Objective 16.2.3. b. Activities are designed and operated to ensure that any {RU 919.55 and 1088.59} adverse effects from light spill on rural character and amenity, and the ability of people to view the night sky, are insignificant <u>no more than minor {RU 919.55 and 1088.59}</u> (Policy 16.2.3.9). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> c. It is proposed to use filtering to prevent blue or ultraviolet light <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> d. Duration, time and frequency of the proposed illumination <p><i>Relevant guidance from other sections (priority considerations):</i></p> <ul style="list-style-type: none"> e. See Rule 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.
4. <u>Blasting (mineral exploration) {CP 458.1 and others}</u>	<p><i>Relevant objectives and policies (priority considerations): {CP 458.1 and others}</i></p> <ul style="list-style-type: none"> a. <u>Objective 16.2.2 {CP 458.1 and others}</u> b. <u>Mineral exploration operates in a way that avoids or, if avoidance is not practicable, adequately mitigates noise or other adverse effects on the amenity of sensitive activities on surrounding properties</u> (Policy 16.2.2.4). {CP 458.1 and others} <p><i>Relevant guidance from other sections (priority considerations): {CP 458.1 and others}</i></p> <ul style="list-style-type: none"> c. <u>See Rule 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.</u> {CP 458.1 and others}

16.11.4 Assessment of discretionary subdivision activities {RU 490.29}

Activity {RU 490.29}	Guidance on the assessment of resource consents {RU 490.29}
1. {RU 490.29} <u>Cross lease, company lease and unit title subdivision {RU 490.29}</u>	<p><i>Relevant objectives and policies (priority considerations): {RU 490.29}</i></p> <ul style="list-style-type: none"> a. <u>Objective 16.2.1 {RU 490.29}</u> b. <u>Cross lease, company lease and unit title subdivision do not result in an increase in residential development potential beyond that which might be achieved through a general subdivision</u> (Policy 16.2.1.9). {RU 490.29}

Rule 16.12 Assessment of Non-complying Activities

Rule 16.12.1 Introduction

1. Non-complying activities will be assessed in accordance with section 104, 104B and 104D of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rules 16.12.2 - 16.12.6 provide guidance on how a consent application for the listed non-complying activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
 - b. general assessment guidance, including any effects that will be considered as a priority.
3. Rules 16.12.2 – 16.12.6 apply as follows:
 - a. Rule 16.12.2 applies to all non-complying activities;
 - b. Rule 16.12.3 applies to non-complying land use activities;
 - c. Rule 16.12.4 applies to non-complying development activities; and
 - d. Rule 16.12.6 applies to non-complying performance standard contraventions. {RU cl.16}
4. With respect to section 104(2) of the RMA, Council will not consider family flats or papakāika as part of the permitted baseline in considering residential density effects in the rural zones.
5. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

16.12.2 Assessment of all non-complying activities

Activities	Guidance on the assessment of resource consents
1. All non-complying <u>land use</u> activities <u>listed below</u> {PO cl.16}	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> a. Objectives 16.2.1, 16.2.2, 16.2.3, 16.2.4 b. The activity does not detract from, or preferably contributes to, the strategic direction objectives, including, but not limited to, those related to: <ol style="list-style-type: none"> i. Objectives 2.2.2, 2.2.3, 2.2.4, and 2.3.1 <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> c. In assessing the significance of effects, consideration will be given to: <ol style="list-style-type: none"> i. short to long term effects, including effects in combination with other activities; and ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent; and iii. Manawhenua values and the relationship between manawhenua and the natural environment is maintained, including cultural values and traditions associated with: {MW cl.16} <ol style="list-style-type: none"> 1. wāhi-tūpuna; and {MW cl.16} 2. the customary use of mahika kai (Objective 14.2.1). {MW cl.16} iv. If located outside a wāhi-tūpuna mapped area, Kai Tahu may

16.12.2 Assessment of all non-complying activities

Activities	Guidance on the assessment of resource consents
	<p>advise the Council if it considers that the granting of the consent would affect the integrity of the broader environment within which the wāhi tūpuna is located, or the linkages between wāhi tūpuna: {MW 1071.109}</p> <p>d. In assessing activities that are non-complying due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered.</p> <p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>e. <u>For activities taking place within the radio transmitters mapped area, see Section 5.10 for guidance on the assessment of resource consents in relation to management of reverse sensitivity effects on Radio New Zealand's facilities at 740 Highcliff Road and 35 Karetai Road. {NU 918.25}</u></p> <p>f. <u>See Section 6.12 for guidance on the assessment of resource consents in relation to objectives 6.2.2 and 6.2.3, and effects related to accessibility and the safety and efficiency of the transport network and its affordability to the public. {Trans cl.16}</u></p> <p>g. <u>See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety {PHS cl.16}</u></p> <p>h. <u>For activities that may have effects on biodiversity values, see Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1. {NatEnv 900.35}</u></p> <p>i. <u>For activities adjacent to water bodies and the coast, see Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.2. {NatEnv 900.38}</u></p> <p>j. <u>See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on cultural values of Manawhenua {MW cl.16}</u></p>

¹ **Trans cl.16:** This amendment adds a cross-reference to relevant assessment rules in the transportation section, for all non-complying activities. This does not change the effect of provisions.

16.12.3 Assessment of non-complying land use activities

Activity		Guidance on the assessment of resource consents
1.	Commercial advertising	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. Objective 2.4.1 b. Policy 2.4.1.6.c. c. Where in a Scheduled ASCV – see Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and the effects related to biodiversity. {RU cl.16}
2.	<ul style="list-style-type: none"> • <u>Supported living facilities</u> {RU cl.16³} • Commercial activities (other than those provided for) • Industrial activities (other than rural industry and rural contractor and transport depots {RU 911.5}) • Major facilities <u>facility</u> {MF cl.16} activities (other than cemeteries, and crematoriums. {RU cl.16} emergency services {CP 945.39} and the New Zealand Marine Studies Centre in the <u>Portobello Marine Science mapped area</u>) {MF 308.283} 	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. Objective 2.3.2 b. Objective 16.2.1 c. <u>Supported living facilities</u>. Commercial {RU cl.16³} activities, industrial activities and major facilities <u>facility activities</u> {MF cl.16} are avoided, unless otherwise provided for, in the rural zones (Policy 16.2.1.8). d. Where in a Scheduled ASCV – see Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and the effects related to biodiversity {RU cl.16}
3.	<ul style="list-style-type: none"> • Landfills • Cemeteries • Crematoriums 	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <ul style="list-style-type: none"> a. See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and the effects related to on cultural values of Manawhenua. {RU cl.16}
X. {NH 908.37}	<p>In the hazard 1A (flood) overlay zone:</p> <ul style="list-style-type: none"> • <u>Natural hazards</u> {NH cl.16} potentially sensitive activities {NH 908.37} 	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <ul style="list-style-type: none"> a. See Section 11.7 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards. {NH 908.37}
4.	<p>In the hazard 1 (flood) {NH 73.4 and others} overlay zones (see Rule 16.3.6):</p> <ul style="list-style-type: none"> • <u>Natural hazards</u> Ppotentially {NH cl.16} sensitive activities not permitted in rural zones. {NH 634.74} • <u>Natural hazards</u> Ssensitive {NH cl.16} activities 	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <ul style="list-style-type: none"> a. See Section 11.7 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards.

16.12.3 Assessment of non-complying land use activities

Activity	Guidance on the assessment of resource consents
<p>5. In a General Residential 4 {ULS cl.16} Transition overlay zone:</p> <ul style="list-style-type: none"> • Mining • Landfills 	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>a. See Section 12.3 for guidance on the assessment of resource consents in relation to Objective 12.2.1 and effects related to future use of land for residential activity.</p>
<p>6. In an an scheduled ASCV ASBV {NatEnv 958.60}:</p> <ul style="list-style-type: none"> • Cemeteries {RU cl.16'} • <u>Commercial activities (except for restaurants or retail activities ancillary to sport and recreation and stand-alone car parking)</u> {RU cl.16'} • Crematorium {RU cl.16'} • Domestic animal boarding and breeding {RU cl.16'} • Early childhood education • Factory farming {RU cl.16} • Farming {RU cl.16'} • Forestry {RU cl.16'} • Grazing {RU cl.16'} • <u>Industrial activities</u> {RU cl.16'} • Landfills {RU cl.16'} • <u>Major facility activities</u> {RU cl.16'} • Mineral exploration and mineral prospecting {RU cl.16'} • Mining {RU cl.16'} • Residential activities (<u>except for working from home</u>) {RU cl.16'} • <u>Rural activities (except for rural ancillary retail, rural tourism and rural research)</u> {RU cl.16} • Rural industry {RU cl.16'} • Veterinary services – large animal practice {RU cl.16'} • Visitor accommodation {RU cl.16'} 	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>a. See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and the effects related to biodiversity <u>values</u>. {Nat Env 958.60}</p>

16.12.3 Assessment of non-complying land use activities

Activity	Guidance on the assessment of resource consents
<p>7. In the ONF, ONCC, or HNCC overlay zones:</p> <ul style="list-style-type: none"> • Cemeteries {NatEnv 447.77} • Crematorium {NatEnv 447.77} • <u>Commercial activities (except for restaurants or retail activities ancillary to sport and recreation and stand-alone car parking)</u> {RU cl.16²} • <u>Major facility activities</u> {NatEnv 447.77} • Domestic animal boarding and breeding {RU cl.16²} • Factory farming {RU cl.16} • Forestry {RU cl.16²} • Landfills {NatEnv 447.75} • <u>Industrial activities</u> {RU cl.16²} • Mineral exploration and mineral prospecting {RU cl.16²} • Mining not in a GR1TZ {NatEnv 447.76} • Residential activities (<u>except working from home</u>) {RU cl.16²} • Rural industry {RU cl.16²} • <u>Rural activities (except for farming, grazing, landfills, mining, scheduled mining activity, rural ancillary retail, rural tourism and rural research - small scale)</u> {RU cl.16²} • Rural research – large scale outside the Invermay Farm mapped area {RU cl.16} • Veterinary services – large animal practice {RU cl.16²} • Visitor accommodation {RU cl.16²} 	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>a. See Section 10.7 for guidance on the assessment of resource consents in relation to objectives 10.2.3 and 10.2.5 and the effects related to natural character of the coast and landscape values.</p>

16.12.3 Assessment of non-complying land use activities

Activity		Guidance on the assessment of resource consents
Y.	<p>In the ONL Overlay Zone: {NatEnv 447.75 and others}</p> <ul style="list-style-type: none"> • <u>Landfills</u> {NatEnv 447.75} • <u>Mineral exploration that involves blasting</u> {NatEnv 447.76} • <u>Mining</u> {NatEnv 447.76} • <u>Major facility activities (other than cemeteries, crematoriums and the New Zealand Marine Studies Centre in the Portobello Marine Science mapped area)</u> {NatEnv 447.79} 	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>a. See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.5 and effects related to <u>landscape values</u>. {NatEnv 447.75 and others}</p>
Z.	<p>In the NCC and SNL overlay zones: {NatEnv 447.79}</p> <ul style="list-style-type: none"> • <u>Major facility activities (other than cemeteries, crematoriums and the New Zealand Marine Studies Centre in the Portobello Marine Science mapped area)</u> {NatEnv 447.79} 	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>a. See Section 10.7 for guidance on the assessment of resource consents in relation to objectives 10.2.3 and 10.2.5 and the effects related to <u>natural character of the coast and landscape values</u>. {NatEnv 447.79}.</p>
8.	<p>In a wāhi tūpuna mapped area:</p> <ul style="list-style-type: none"> • Forestry • Mining 	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>a. See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and the effects related to <u>on</u> cultural values of Manawhenua.</p>

¹ **RU cl.16:** These clause 16 amendments have been made to group activities in their activity categories to align with the listing of activities in Policy 10.2.1.Y.

² **RU cl.16:** These clause 16 amendments have been made to group activities in their activity categories to align with the listing of activities in Policy 10.2.3.2 and Policy 10.2.5.4.

³ **RU cl.16:** As a clause 16 amendment this activity has been added because it was not separately listed in the notified plan.

⁴ **RU cl.16:** As a clause 16 amendment this rule has been deleted as these activities are not non-complying except in overlays. For landfills, see guidance on the assessment of resource consents for landfills in a Residential Transition overlay zone and the ONL overlay zone, and for rural activities in an ASBV; for cemeteries and crematoriums, see guidance on the assessment of resource consents for major facility activities in an ASBV and in the ONF, ONCC, or HNCC overlay zones. Also note that as a clause 16 amendment, reference to the guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on cultural values of Manawhenua has been added to 16.12.2.1 (assessment of all non-complying activities).

16.12.4 Assessment of non-complying development activities

Activity	Guidance on the assessment of resource consents
1. Demolition of a protected part of a scheduled heritage building or scheduled heritage structure.	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>a. See Section 13.8 for guidance on the assessment of resource consents in relation to Objective 13.2.1 and effects on heritage values</p>
<p>2. In the ONF, ONCC, HNCC overlay zones:</p> <ul style="list-style-type: none"> • New building or structure • Additions and alterations • <u>Indigenous vegetation clearance – large scale (ONCC, HNCC overlay zones)</u> {NatEnv 958.106} 	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>a. See Section 10.7 for guidance on the assessment of resource consents in relation to objectives 10.2.3 and 10.2.5 and the effects related to natural character of the coast and landscape values.</p>
<p>3. In a wāhi tūpuna mapped area:</p> <ul style="list-style-type: none"> • New buildings and structures • Earthworks ancillary to forestry {EW cl.16}¹ 	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>a. See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on cultural values of Manawhenua</p>
<p>4. In an ASBV:</p> <ul style="list-style-type: none"> • <u>Indigenous vegetation clearance – large scale</u> {NatEnv 949.13} 	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>a. <u>See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and the effects related to biodiversity values.</u> {NatEnv 949.13}</p>

¹ **EW cl.16:** As a clause 16 amendment, all earthworks provisions in management and major facility zones have been moved to new city-wide section (Section 8A). The guidance on earthworks ancillary to forestry (Rule 16.12.4.3 second bullet point) was included here in error, and therefore has not been consolidated into the Earthworks Section (Section 8A). Any other amendments to provisions as a result of submissions are shown there.

16.12.5 Assessment of non-complying subdivision activities {RU 490.29}

Activity {RU 490.29}		Guidance on the assessment of resource consents {RU 490.29}
1. {RU 490.29}	Cross lease, company lease and unit title subdivision {RU 490.29}	<p><i>Relevant objectives and policies (priority considerations):</i> {RU 490.29}</p> <p>a. Objective 16.2.1 {RU 490.29}</p> <p>b. The rural zones are protected from cross lease, company lease and unit title subdivision unless it does not result in an increase in development potential than would be provided for through a general subdivision (Policy 16.2.1.9). {RU 490.29}</p>

16.12.6 Assessment of non-complying performance standard contravention

Performance standard		Guidance on the assessment of resource consents
1.	Density	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. Objectives 16.2.1, 16.2.3, 16.2.4.</p> <p>b. Policies 16.2.1.7, 16.2.3.2, 16.2.4.4</p> <p>c. Strategic Directions: objectives 2.2.2, 2.3.1, policies 2.2.2.1, 2.3.1.2, 2.4.6.2</p> <p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>d. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.1 and effects related to the efficiency and affordability of infrastructure.</p>
2.	In a dune system mapped area or swale mapped area : <ul style="list-style-type: none"> Hazard overlay zones development standards {NH cl.16} Hazard exclusion areas 	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>a. See Section 11.7 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards</p>
3.	Light spill - where the limit is exceeded by greater than 25%	<p><i>Relevant objectives and policies:</i></p> <p>a. Objective 16.2.3</p> <p>b. Activities are designed and operated to ensure that <u>any</u> {RU 919.55 and 1088.59} adverse effects from light spill on rural character and amenity, and the ability of people to view the night sky, are insignificant <u>no more than minor</u> {RU 919.55 and 1088.59} (Policy 16.2.3.9).</p> <p><i>Potential circumstances that may support a consent application include:</i></p> <p>c. It is proposed to use filtering to prevent blue or ultraviolet light</p> <p><i>General assessment guidance:</i></p> <p>d. Duration, time and frequency of the proposed illumination</p> <p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>e. See Rule 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.</p>

16.12.6 Assessment of non-complying performance standard contravention

Performance standard		Guidance on the assessment of resource consents
4.	<ul style="list-style-type: none"> Noise - where the limit is exceeded by 5bD LAeq (15 min) or more Hazardous substances quantity limits and storage requirements (Rule 9.3.4.2) 	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>a. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety</p>
5.	Setback from National Grid	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>a. See Section 5.10 for guidance on the assessment of resource consents in relation to Objective 5-2-1 5.2.2 {NU 918.29} and effects related to the efficient and effective operation of network utilities and public health and safety.</p>
6.	Minimum site size	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. Objectives 2.2.2, 2.2.4, 2.3.1, 2.4.6</p> <p>b. Objectives 16.2.3, 16.2.4</p> <p>c. Areas important for food production are protected from subdivision activities that may diminish food production capacity (Policy 2.2.2.1).</p> <p>d. Subdivision activities that provide for residential activity at a rural residential or suburban <u>urban</u> {RU cl.16} scale are avoided (Policy 2.2.4.4).</p> <p>e. The productivity of farming and other activities that support the rural economy is maintained or enhanced through restricting subdivision activities that may lead to land fragmentation and create pressure for residential-oriented development (Policy 2.3.1.2).</p> <p>f. The identified character values of the rural zones are maintained (Policy 2.4.6.2).</p> <p>g. Subdivisions are designed to ensure any associated future land use and development maintain or enhance the rural character and visual amenity of the rural zones (Policy 16.2.3.8).</p> <p>h. Subdivisions are designed to ensure any future land use and development will:</p> <ol style="list-style-type: none"> maintain or enhance the productivity of rural activities; maintain high class soils <u>highly productive land</u> {RU 1090.13} for farming activity, or ensure any loss is <u>insignificant on any high class soils mapped area and</u> {RU 1090.13} no more than minor <u>on other areas of highly productive land</u> {RU 1090.13}; maintain land in a rural rather than rural residential use; and not increase the potential for reverse sensitivity from residential activities in the rural zones {PO 1046.5} (Policy 16.2.4.3). <p><i>Potential circumstances that may support a consent application include:</i></p>

16.12.6 Assessment of non-complying performance standard contravention

Performance standard	Guidance on the assessment of resource consents
	<p>i. A legal mechanism is proposed that will ensure that any proposed undersized allotment can not be used for a residential activity, and overall there is no net increase in residential development potential.</p> <p><u>General assessment guidance: {RU 1090.13}</u></p> <p>j. In determining whether land is 'highly productive land', Council will consider its land use capability (LUC) classification, the high class soils mapped area (HCS), as well as any other evidence related to productive values. The expectation is that land in the HCS and/or that has a LUC 1-3 classification will be considered 'highly productive land'. Note that information about the LUC classification is provided on the Landcare Research website (https://www.landcareresearch.co.nz) and LUC 1-3 areas are shown on the Data Map (https://apps.dunedin.govt.nz/webmaps/secondgenerationplandata/) {RU 1090.13}</p> <p><u>Relevant guidance from other sections (priority considerations):</u></p> <p>k. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.1 and effects related to the efficiency and affordability of infrastructure.</p>
7. Archaeological sites (earthworks) {EW cl.16}	See Section 13.8 for guidance on the assessment of resource consents in relation to Objective 13.2.4 and effects related to the inappropriate development and use in Dunedin's archaeological sites.
8. Family Flats - Tenancy {PO 207.1 and 394.63}	<p><u>Relevant objectives and policies (priority considerations): {PO 207.1 and 394.63}</u></p> <p>a. Strategic Directions: objectives 2.3.1, 2.4.6, 2.6.1, policies 2.3.1.2, 2.4.6.2, 2.6.1.2 {PO 207.1 and 394.63}</p> <p>b. Objective 16.2.1 {PO 207.1 and 394.63}</p> <p>c. The tenancy of family flats avoids, as far as practicable, the risk they will be used for a separate, non-ancillary residential activity and future pressure to subdivide off family flats (Policy 16.2.1.6) {PO 207.1 and 394.63}.</p>
9. {NU 806.11} Shape (Rule 16.7.5.2.d) - setback of building platforms from National Grid {NU 806.11}	<p><u>Relevant guidance from other sections (priority considerations):</u></p> <p>a. See Section 5.10 for guidance on the assessment of resource consents in relation to Objective 5.2.2 and effects related to the efficient and effective operation of network utilities, and reverse sensitivity. {NU 806.11}</p>
10. {NatEnv 900.77} In an ASBV: • Tree species {NatEnv 900.77}	<p><u>Relevant guidance from other sections (priority considerations):</u></p> <p>a. See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and the effects related to biodiversity values. {NatEnv 900.77}</p>

16.12.6 Assessment of non-complying performance standard contravention

Performance standard		Guidance on the assessment of resource consents
11. {NatEnv 900.77}	In the ONF and ONL overlay zones: <ul style="list-style-type: none"> • <u>Tree species</u> {NatEnv 900.77} 	<u>Relevant guidance from other sections (priority considerations):</u> <ol style="list-style-type: none"> See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.5 and the effects related to <u>landscape values</u>. {NatEnv 900.77}
12. {NatEnv 900.77}	In the ONCC, HNCC and NCC overlay zones: <ul style="list-style-type: none"> • <u>Tree species</u> {NatEnv 900.77} 	<u>Relevant guidance from other sections (priority considerations):</u> <ol style="list-style-type: none"> See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.3 and the effects related to <u>natural character of the coast</u>. {NatEnv 900.77}

¹ **EW cl.16:** As a clause 16 amendment, all earthworks provisions in management and major facility zones have been moved to new city-wide section (Section 8A). Any amendments to provisions as a result of submissions are shown there.

Rule 16.13 Special Information Requirements

16.13.1 Papakāika - ownership and occupation

For papakāika activity, proof that both the owner and occupier of the land fall into one of the classes listed in the definition of papakāika is required. Proof can be obtained from the Māori Land Court or the Ngāi Tahu Whakapapa Unit.

EW cl.16: As a clause 16 amendment, Rule 16.13.2 Geotechnical investigation report has been moved to new city-wide section (Section 8A). Any amendments to provisions as a result of submissions are shown there.

