

34. Campus

34.1 Introduction

Tertiary education contributes to the social and cultural well-being of the community and creates significant economic activity in the city. It also gives rise to a range of effects that require management. The tertiary education providers within the Campus Zone are the University of Otago and Otago Polytechnic.

The University of Otago, founded in 1869 and opened in 1871, is New Zealand's oldest university. Otago Polytechnic traces its ancestry back to the Dunedin Technical School, which was established in 1889 and has been operating as the Otago Polytechnic since 1966.

The Campus Zone covers a relatively large area of the inner city, located between Dunedin's central city, Forsyth Barr Stadium, the North Dunedin residential area and the Dunedin Botanic Garden, and includes the campuses of the University of Otago and Otago Polytechnic. Included within the Campus Zone are a range of land use activities collectively known as campus activities which provide for the that include {MF cl.16} teaching, training, learning and research, and any ancillary activities associated with the functioning of the University of Otago and Otago Polytechnic.

The key resource management issues that need to be managed through the proposed Campus Zone provisions relate to the economic importance of the tertiary education sector, maintaining and enhancing campus amenity, and addressing traffic and parking. These are further elaborated on as follows:

- Due to its economic importance, the Campus Zone needs to ensure that the University of Otago and Otago Polytechnic can continue to operate efficiently and effectively.
- Development needs to be designed to maintain the accessibility and amenity of the zone as maintaining the quality of the campus environment is vital to attracting staff and students. Also, as the campus borders residential zones on several sides it has the potential to affect the amenity of these areas, particularly in relation to building heights, which could cause shading or overshadowing of private residences.
- Activities associated with the campus institutions University of Otago and Otago Polytechnic {Trans cl.16} generate significant traffic and parking demand from staff, students, and visitors to the campus. These activities place and places huge {MF 881.159} pressure on on-street parking resources, thereby competing with the needs of residents and road users, {MF 881.159} and other activities in these areas.

Land use activities provided for in the Campus Zone include lecture theatres, laboratories, libraries, joint venture facilities, administrative services, and staff and student facilities, including student and staff employment, health and well-being support services, student union offices, student and staff clubs and organisations. Outside the Campus Zone, activities carried out by the University of Otago and Otago Polytechnic fall under other defined activities definitions, for example training and education activity.

Sport and recreation, entertainment and exhibition, conference, meeting and function, standard residential and campus-affiliated office activities {MF 308.5} are also provided for, as well as a limited range of retail activity and restaurants activities {PO cl.16} where they are ancillary to campus activities. Performance standards apply within the Campus Zone which appropriately manage adverse effects within the zone and on the surrounding environment.

34.2 Objectives and Policies

Objective 34.2.1	
The Campus Zone enables the University of Otago and the Otago Polytechnic to operate efficiently and effectively as tertiary education and research facilities, while also providing for residential living and a limited range of specified activities that are closely associated to and compatible with these tertiary institutions.	
Policy 34.2.1.1	Enable campus activity within the Campus Zone.
Policy 34.2.1.2	Provide for: <ul style="list-style-type: none"> a. standard residential activity at an inner city residential density, dairies, entertainment and exhibition and conference meeting and function, activities; and b. student hostels, early childhood education, community and leisure, and sport and recreation activities; and c. industry activity; where the effects of these activities can <u>will</u> {PO cl.16} be adequately managed in line with Objective 34.2.2 and its policies.
Policy 34.2.1.3	Provide for retail and restaurant ancillary to campus activity where they are designed and operated in line with Objective 34.2.2 and its policies.
Policy 34.2.1.4	Limit the size of working from home and dairies in the Campus Zone to a size that: <ul style="list-style-type: none"> a. is compatible with the character and amenity of the Campus Zone; and b. does not detract from the vibrancy and functioning of the centres hierarchy.
Policy 34.2.1.5	Only allow restaurants and office {MF 308.5 and 308.349} not ancillary to campus activity, <u>office (other than campus-affiliated office and registered health practitioners) {MF 308.5 and 308.349} and supported living facilities (other than student hostels) {MF 308.354}</u> where: <ul style="list-style-type: none"> a. they are related to, or are necessary to support campus activity, or have other operational requirements which mean they need to locate in this zone; and b. they will support the efficient and effective operation of campus activities <u>activity</u> {PO cl.16}; and c. they are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and d. they are designed and operated in line with Objective 34.2.2 and its policies.
Policy 34.2.1.6	Avoid activities that are not compatible with the operation of campus activity or are most appropriately located in another zone.
Policy 34.2.1.7	Only allow subdivision <u>activities</u> {PO cl.16} : <ul style="list-style-type: none"> a. if <u>they are</u> {PO cl.16} intended and/or capable of being used for standard residential activity, it is and they are {MF cl.16} in accordance with the objectives, policies and rules of the residential zones; or b. it is <u>if they are</u> {PO cl.16} necessary for the disposal of surplus land in accordance with Policy 2.3.1.6.

Objective 34.2.2

Land use, development and subdivision activities maintain or enhance:

- a. the distinctive character and overall amenity of the university and polytechnic campus environments and surrounding streets; and
- b. the amenity of residential properties and the {MF cl.16} Recreation Zone located adjacent to the Campus Zone, as far as practicable; and
- c. on-site amenity of residential activities located in the Campus Zone.

Policy 34.2.2.1	Require buildings and structures to be of a height, height in relation to boundary, and setback that: <ol style="list-style-type: none"> a. maintains adequate sunlight access to adjoining sites used for residential activity, or adjoining residential and recreation zoned sites; and b. avoids <u>or minimises, as far as practicable, {PO 308.497}</u> significant adverse wind effects.
Policy 34.2.2.2	Require outdoor storage to be located and stored in a way that does not result in unreasonable visual amenity effects or create nuisance effects.
Policy 34.2.2.3	Require standard residential activities <u>activity</u> {PO cl.16} , including any associated development activities, to meet the relevant policies and objectives and performance standards of the Inner City Residential Zone.
Policy 34.2.2.4	Where on sites not used for standard residential activity, buildings are not built to the street frontage, require landscaping along the street frontage to provide a reasonable level of visual and environmental amenity. Require development activities to maintain a reasonable level of visual and environmental amenity adjacent to public roads. {MF cl.16}
Policy 34.2.2.5	Require fences to be of a height and design that contributes positively to streetscape amenity and the amenity of the Campus Zone.
Policy 34.2.2.6	Require ancillary signs to be located and designed to maintain streetscape 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 what is necessary for that purpose.
Policy 34.2.2.7	Only allow buildings greater than 40m in height where: <ol style="list-style-type: none"> a. the height is essential to the operation of campus activities <u>activity</u> {PO cl.16}; and b. the height exceedance is minimal.
Policy 34.2.2.8	Only allow buildings greater than 25m in height where adverse effects on <u>they contribute positively to {MF 308.343}</u> the skyline vista of the city, <u>particularly as viewed from Dunedin's inner hill suburbs across the harbour towards the Otago Peninsula, are minimised as far as practicable through use of</u> by being of a {MF 308.343} quality and contextually appropriate architectural design.

¹ **MF cl.16:** Removed aspect of the policy that incompletely repeated the performance standard.

EW cl.16: As a clause 16 amendment, Objective 34.2.3 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 34.3 Activity Status

34.3.1 Rule location

The activity status tables in rules 34.3.3 to 34.3.5 specify the activity status of land use activities, development activities, and subdivision activities in the Campus Zone, 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}**

34.3.2 Activity status introduction

1. The activity status **{MF cl.16}** tables in rules 34.3.3 - 34.3.5 show the activity status of activities in the Campus Zone 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 1.6 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 1.6 are intended to be a complete list of activities and categories of activities. For any activity that is not covered by any of the defined activities in the nested tables, the activity status will be non-complying if the activity status of "all" or "all other" activities in the most closely related category is non-complying, otherwise it will be discretionary.

Performance Standards

6. Performance standards are listed in the far right column of the activity status tables.
7. Performance standards apply to permitted, controlled, and restricted discretionary activities.
8. 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}**.
9. 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.

Legend

Acronym	Activity-status Meaning {PO cl.16}
P	Permitted Activity
C	Controlled Activity
RD	Restricted Discretionary Activity
D	Discretionary Activity
NC	Non-complying Activity

34.3.3 Activity status table - land use activities

1.	Performance standards that apply to all land use activities		a. Acoustic insulation (noise sensitive activities) b. Electrical interference c. Light spill d. Noise
Major facility activities		Activity status	Performance standards
2.	Campus	P	a. Minimum car parking
3.	All other activities in the major facility activities category	NC	
Community activities		Activity status	Performance standards
4.	Early childhood education	RD	a. Minimum car parking
5.	Sport and recreation	P	a. Minimum car parking
6.	Conservation	P	
7.	Community and leisure - small scale	P	a. Minimum car parking
8.	Community and leisure - large scale	RD	a. Minimum car parking
Commercial activities		Activity status	Performance standards
9.	Ancillary licensed premises	Same activity status as underlying activity	
10.	Entertainment and exhibition	P	a. Minimum car parking
11.	Conference, meeting and function	P	a. Minimum car parking
12.	Dairies	P	a. Maximum gross floor area
<u>Y.</u>	<u>Campus-affiliated office {MF 308.5}</u>	<u>DP {MF 308.5}</u>	
<u>Z.</u>	<u>Registered health practitioners {MF 308.349}</u>	<u>DP {MF 308.349}</u>	Minimum car parking {MF 308.349}

13.	All other office activity {MF 308.5}	D	
14.	Retail and restaurants activities {PO cl.16} ancillary to campus	P	a. Location b. Minimum car parking {Trans 308.366}
15.	Restaurants not ancillary to campus	D	
16.	Retail not ancillary to campus	NC	
17.	Stand-alone car parking	P	
18.	Commercial advertising	NC	
19.	All other activities in the commercial activities category	NC	
Residential activities		Activity status	Performance standards
20.	Standard residential	P	a. Performance standards of the Inner City Residential Zone apply (see Rule 15.3.3) {Trans 308.367} b. Minimum car parking
21.	Student hostels	RD C {MF 308.353}	a. Minimum car parking {Trans 308.368}
22.	Working from home	P	a. Maximum gross floor area b. Minimum car parking
23.	Other supported living facilities	NC D {MF 308.354}	
Industrial Activities		Activity status	Performance standards
24.	Industry	P	a. Location b. Minimum car parking
Rural activities		Activity status	Performance standards
25.	All activities in the rural activities category	NC	

34.3.4 Activity status table - development activities

1.	Performance standards that apply to all development activities		<ul style="list-style-type: none"> a. Boundary treatments and other landscaping b. Setback from scheduled tree c. Setback from coast and water bodies {NatEnv cl.16} d. Maximum building site coverage and impermeable surfaces
2.	Performance standards that apply to all buildings and structures activities		<ul style="list-style-type: none"> a. Boundary setbacks b. Fire fighting c. Height d. Number, location and design of ancillary signs e. <u>Natural hazards performance standards</u> Hazard-overlay zones development standards {NH cl.16} f. <u>Setback from coast and water bodies</u> {NatEnv cl.16}
Buildings and structures activities not in a heritage precinct or in a heritage precinct but not visible from an adjoining public place (excluding activities affecting protected parts of a scheduled heritage building or a scheduled heritage structure - See rows 18-23)		Activity status	Performance standards
3.	New buildings and additions and alterations to buildings	P	
4.	Fences	P	a. Fence height and design
5.	All other <u>new</u> {PO cl.16} structures	P	
Buildings and structures activities in a heritage precinct that are visible from an adjoining public place		Activity status	Performance standards
6.	New buildings	RD	
7.	Fences	P	a. Fence height and design
8.	Retaining walls < <u>less than</u> {MF cl.16} 1m high	P	
9.	Repairs and maintenance of a non character-contributing building	P	
10.	Repairs and maintenance of a character-contributing building or non-protected part of a scheduled heritage building	P	a. Materials and design

11.	Earthquake strengthening or restoration of a character-contributing building or non-protected part of a scheduled heritage building	P	a. Materials and design
12.	Demolition or removal for relocation of a character-contributing building or non-protected part of a scheduled heritage building	RD	
<u>Y.</u>	<u>Signs attached to buildings or structures {Her cl.16³}</u>	P	
13.	All other additions and alterations to a character-contributing building or non-protected part of a scheduled heritage building	RD	
14.	Additions and alterations to a non character-contributing building that involve: <ul style="list-style-type: none"> • an increase in the footprint of 10m² or more {Her cl.16³} • an increase in the height of the building by more than 2m; or • the replacement of a pitched roof with a flat roof mono-pitch roof {Her cl.16}. 	RD C {Her 308.358}	
15.	All other additions and alterations to non character-contributing buildings	P	
16.	All other new {PO cl.16} structures up to 2.5m tall and 2m ² footprint	P	
17.	All other structures greater than 2.5m tall and 2m² footprint All new {PO cl.16} structures not covered by rules 34.3.4.6 to 34.3.4.16 above. {MF cl.16 ³ }	RD	
Buildings and structures activities that affect protected parts of scheduled heritage buildings or scheduled heritage structures		Activity status	Performance standards
18.	Repairs and maintenance	P	a. Materials and design
19.	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}	a. Materials and design
<u>X.</u>	<u>Restoration of all other scheduled heritage buildings and structures {Her 547.91}</u>	P	a. Materials and design
20.	Earthquake strengthening where external features only are protected	C	a. Materials and design
<u>Z.</u>	<u>Signs attached to buildings or structures {Her cl.16⁴}</u>	P	
21.	All other additions and alterations	RD	
22.	Demolition	NC	

23.	Removal for relocation	RD	
Development activities on a scheduled heritage site, where visible from an adjoining public place or a public place within the heritage site		Activity status	Performance standards
24.	New {Her cl.16} structures no more than 2.5m high or 2m ² footprint	P	
25.	All other new {PO cl.16} structures	RD	
26.	New buildings	RD	
27.	Parking, loading and access	RD	Parking, loading and access standards
Site development activities all areas (except as covered by rows 24 - 27 above)		Activity status	Performance standards
28.	Outdoor storage	P	a. Location and screening of outdoor storage
29.	Parking, loading and access	P	a. Parking, loading and access standards
30.	Storage and use of hazardous substances	P	a. Hazardous substances quantity limits and storage requirements b. <u>Setback from coast and water bodies</u> {NatEnv cl.16}
31.	Earthworks – small scale {EW cl.16'}	P	a. Earthworks standards
32.	Earthworks – large scale {EW cl.16'}	RD	a. Earthworks standards
33.	All other site development activities	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). Any amendments to provisions as a result of submissions are shown there.

² **Her cl.16:** Added for plan clarity.

³ **MF cl.16:** Minor wording change to clarify relationship of rules

⁴ **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.

Note 34.3.4A - General advice

1. 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.
2. 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.
3. Pre-1900 buildings are considered archaeological sites. An archaeological authority must be obtained before demolishing a pre-1900 building or structure.
4. 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 Dunedin. If archaeological remains are discovered during any site works, at any location, the Accidental Discovery Protocol (Appendix A8) should be followed.

34.3.5 Activity status table - subdivision activities

Subdivision activities		Activity status	Performance standards
1.	Subdivision activities	RD	a. Access b. Esplanade reserves and strips c. Fire fighting d. Service connections e. Shape

Note 34.3.5A - 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.

Rule 34.4 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, **{MF cl.16}** unless Council considers special circumstances exist in relation to the application that require public notification:
 1. 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
 2. 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; and
 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.
3. ~~Applications for resource consent for the following activities will be publicly notified in accordance with section 95A(2) of the RMA:~~ **{Her 308.362}**
 1. ~~demolition of a protected part of a scheduled heritage building or scheduled heritage structure:~~ **{Her 308.362}**
4. ~~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}**
5. 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.

Rule 34.5 Land Use Performance Standards

34.5.1 Acoustic Insulation

Any All **{MF cl.16}** noise sensitive activities within 20m of an industrial zone must comply with Rule 9.3.1.

34.5.2 Light Spill

Land use activities must comply with Rule 9.3.5.

34.5.3 Location

1. For retail and restaurants ancillary to campus all customer access:
 - a. must be internal to a building; or
 - b. if located with direct external access, this external access must not be orientated to a street frontage, except for emergency-only access/egress.
2. For all industrial activities that involve machinery or metal work the activity:
 - a. must be located within a part of a building that does not include any doors or windows that open onto a street frontage.
3. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

34.5.4 Maximum Gross Floor Area

1. The maximum gross floor area for working from home and dairies is 50m². For working from home this includes any internal or external area occupied for storage of materials or goods.
2. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

Note 34.5.4A - Other requirements outside of the District Plan

1. Consent from DCC Environmental Health Department may be required for any working from home activities activity **{PO cl.16}** that involves dealing with food products.
2. Consent from DCC Liquor Licensing Department may be required for working from home activities activity **{PO cl.16}** that involves the sale or distribution of alcohol.
3. For more information please contact the DCC on 03 477 4000 or visit the DCC's website at www.dunedin.govt.nz

34.5.5 Minimum Car Parking

Land use activities must provide minimum car parking as follows:

Activity	Minimum car parking rate
1. Campus activity {MF cl.16}	<p>a. The University of Otago, Otago Polytechnic and all other tertiary education providers {Trans 308.365} must provide a minimum of {Trans 308.365} 1 parking space for every 3 FTE full time equivalent {Trans cl.16} staff and 1 parking space for every additional {Trans 308.365} 50 FTE full time equivalent {Trans cl.16} students, if these parking spaces are managed as a licence to hunt or as short term parking, that is monitored to be available for no more than 4 hours; or {Trans 308.365} either: {Trans 308.365}</p> <ul style="list-style-type: none"> i. 1 parking space for every 3 FTE staff and 1 parking space for every additional 50 FTE students, if these parking spaces are managed as a licence to hunt or as short term parking, that is monitored to be available for no more than 4 hours; or {Trans 308.365} ii. a minimum of 2200 total parking spaces; and {Trans 308.365} iii. for the purposes of this standard, a conversion between the minimum number of parking spaces in Rule 34.5.5.1.a.i, to the minimum in Rule 34.5.5.1.ii is provided for by counting each new short term or licence to hunt parking space as 1.25 parking spaces until the minimum in Rule 34.5.5.1.a.ii is reached: {Trans 308.365} <p>b. The Otago Polytechnic must provide either: {Trans 308.365}</p> <ul style="list-style-type: none"> i. 1 parking space for every 3 FTE staff and 1 parking space for every additional 50 FTE students, if these parking spaces are managed as a licence to hunt or as short term parking, that is monitored to be available for no more than 4 hours; or {Trans 308.365} ii. A minimum of 250 parking spaces; and {Trans 308.365} iii. for the purposes of this standard, a conversion between the minimum number of parking spaces in Rule 34.5.5.1.a.i, to the minimum in Rule 34.5.5.1.ii is provided for by counting each new short term or licence to hunt parking space as 1.25 parking spaces until the minimum in Rule 34.5.5.1.a.ii is reached: {Trans 308.365} <p>b. The following provisions apply to the calculation of parking spaces under Rule 34.5.5.1.a: {Trans 308.365 and others}</p> <ul style="list-style-type: none"> i. parking spaces which are managed as licence to hunt or casual (i.e. available on a first come first served basis) will count as 1.25 parking spaces; {Trans 308.365} ii. provision of new dedicated covered bicycle parking, where supporting shower and changing facilities are available, will count as 1 parking space per 3 bike spaces, up to a maximum reduction of 5% of the total parking spaces required: {Trans 268.12} iii. parking spaces for campus activity must be provided within 500m of the Campus Zone; and {Trans cl.16}

Activity	Minimum car parking rate
	<p>iv. all parking not provided directly by the campus institutions <u>University of Otago or Otago Polytechnic</u> {Trans 308.365} must be provided as dedicated off-street parking for campus activities <u>activity</u> {PO cl.16} through a lease agreement; <u>and</u> {Trans cl.16}</p> <p>v. <u>where parking spaces are located outside the Campus Zone and are included in this calculation, parking spaces already allocated or required for activities within the property must not be included in the calculation.</u> {Trans 308.365}</p> <p>c. <u>Parking spaces for campus activity must be provided within 500m of the Campus Zone, and all parking not provided directly by the campus institutions must be provided as dedicated off-street parking for campus activities through a lease agreement.</u> {MF cl.16}</p>
2. Restaurant activities ancillary to campus {Trans 308.366}	1 parking space per 50m ² gross floor area {Trans 308.366}
3. Standard residential	<p>a. 1 - 5 habitable rooms on a site: 1 parking space</p> <p>b. 6 - 8 habitable rooms on a site: 2 parking spaces</p> <p>c. Greater than 8 habitable rooms on a site: 2 parking spaces plus 1 space for every 4 habitable rooms (or part thereof)</p> <p>d. Except:</p> <p>i. where sites with less than 5 habitable rooms have no existing parking, no additional parking is required for additions that increase the number of habitable rooms to 5 (or fewer), provided no additional residential units are created;</p> <p>ii. where the provision of <u>an the on-site parking space for sites with 1-5 habitable rooms required by this standard would result in require an equivalent or greater the loss of an on-street parking spaces (for example, for sites with 1-5 habitable rooms meeting the standard would result in the loss of an on-street parking space), no on-site parking space is required provided the on-street parking is retained</u> {Trans 308.367}.</p> <p>iii. <u>where a residential building that existed as at 26 September 2015 (date of notification of the Plan) is divided into more residential units, no additional parking is required provided that no additional habitable rooms are created</u> {Trans 927.3}</p>
4. Working from home	On-site car parking must be provided for all vehicles associated with the activity
5. Student hostels {Trans 308.368}	<p>a. hostels with 1 – 10 residents: 1 parking space {Trans 308.368}</p> <p>b. hostels with 11 – 20 residents: 2 parking spaces {Trans 308.368}</p> <p>c. hostels with 21 – 30 residents: 3 parking spaces {Trans 308.368}</p> <p>d. hostels with greater than 30 residents: 3 parking spaces plus 1 additional space for every 10 additional residents (or part thereof) {Trans 308.368}</p>

Activity		Minimum car parking rate
6.	Early childhood education - small-scale {MF cl.16}	1 parking space per 5 full time equivalent staff members plus 1 parking space for parent/guardian use per 6 children the activity is licensed for, to be used for drops off and pick ups
7.	Community and leisure	1 parking space for every 5 persons the facility can accommodate at any one time
8.	Sport and recreation (with a capacity for 20 or more persons at any one time)	1 parking space for every 5 persons the facility can accommodate at any one time
9.	Entertainment and exhibition (with a capacity for 20 or more persons at any one time)	1 parking space for every 5 persons the facility can accommodate at any one time
10.	Industrial activities {MF cl.16}	1 parking space per 100m ² gross floor area.
11.	Conference, meeting and function	1 parking space for every 5 persons the facility can accommodate at any one time.
X.	<u>Registered Health Practitioners</u> {MF 308.349}	<u>2 parking spaces for every registered health practitioner</u> {MF 308.349}

12. For the purpose of this standard, parking spaces will be calculated as follows:
- 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.
 - 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.

13. Activities other than standard residential 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

14. 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 aisles; and
 - any loading area and associated manoeuvring space. **{MF cl.16}**

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

¹ **MF cl.16:** Rule 34.5.5.14 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 34.5.5A - Other relevant District Plan provisions

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

34.5.6 Noise

Land use activities must comply with Rule 9.3.6.

34.5.7 Electrical Interference

Land use activities must comply with Rule 9.3.2.

Rule 34.6 Development Performance Standards

34.6.1 Boundary Treatments and Other Landscaping

1. For any site or part of a site being developed for anything other than standard residential or campus ~~{MF 308.373}~~ activity, landscaping must be provided as follows:
 - a. where a building is not built to the street frontage, a landscaping area with a minimum 1.5m width must be provided along the full length of any road frontage (except for where vehicle access is provided), with an average of one tree for every 5m of frontage;
 - b. within any car parking area greater than 200m² (excluding loading areas), a minimum of 1m² of landscaped area must be provided for every car parking space, with an average of one tree per 10m² of landscaping
2. Landscaping
 - a. must be fully and densely planted with trees, shrubs and ground cover plants, with total coverage of the ground area in planting (when mature) required except for 10% of the area, which may be used for pedestrian paths;
 - b. must not have more than 10% cover in permeable surfaces (to allow for pedestrian paths);
 - c. must have a physical barrier (border or curb) that prevents cars from ~~accidentally driving into or~~ ~~{PO 360.213}~~ damaging plants; and
 - d. as required, must ~~{MF cl.16}~~ use trees that are at least 1.5m height at the time of planting and capable of growing to a minimum ~~{PO 360.213}~~ height of 5m within 10 years of planting.
3. Planting associated with new buildings or site development must be completed prior to occupation ~~or completion of the relevant building(s) or upon completion of site development activities~~ ~~{MF cl.16}~~ .
4. The landscaping areas must be maintained to a high standard, including keeping areas free of rubbish and weeds, and ensuring trees and under-planting are healthy.
5. Any road boundary fences provided must be placed on the property side of road frontage landscaping required by this rule ~~{PO 360.213}~~.
6. Activities that contravene this performance standard are restricted discretionary activities. ~~{PO cl.16}~~

34.6.2 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.

34.6.3 Fence Height and Design

1. Fences must not exceed the following height limits, except as provided for below: **{Res cl.16}**

Location {Res cl.16}		Maximum height {Res cl.16}
a. {Res cl.16}	Along the road boundary with a state highway {Res cl.16}	2m {Res cl.16}
b. {Res cl.16}	Along all other road boundaries {Res cl.16}	1.4m {Res cl.16}
c. {Res 394.80 and 1051.2}	Along a side or rear boundary with a residential zone {Res 394.80 and 1051.2}	1.4m {Res 394.80 and 1051.2}
d. {Res cl.16}	Along all other side and rear boundaries {Res cl.16}	2m {Res cl.16}

2. Fences along boundaries include fences that are not exactly on the boundary but are within the boundary setbacks required by Rule 20.6.12.1. **{Res cl.16}**
3. Where the maximum height of a fence is 1.4m, the height of a fence may be increased to a maximum height of 2m provided that a minimum of 40% of the entire structure is visually permeable (see-through), or the portion above 1.4m height is visually permeable. Visually permeable refers to construction using trellis, lattice, wrought iron, or spaced palings (palings maximum width 150mm, spacing minimum width 25mm) or other materials that provide gaps that can be seen through (see Figure 15.6D and Figure 15.6E). **{Res cl.16}**
4. For the purposes of calculating maximum height, where a fence or wall is erected atop a retaining wall, the height will be calculated as the combined height measured from ground level to the top of the fence or wall. **{Res cl.16}**

¹ **Res cl.16:** As a clause 16 amendment this performance standard has been restructured from the notified version to provide clarity. This is not a substantive change.

34.6.3.1 Maximum Height {Res cl.16¹}

- a. The maximum height of fences along boundaries (including within the boundary setbacks required by Rule 34.6.12) is 2m. {Res cl.16¹}
- b. For the purposes of calculating maximum height, where a fence is erected atop a retaining wall, the height will be calculated as the combined height measured from ground level to the top of the fence. {Res cl.16¹}
- c. Fences that contravene this performance standard are restricted discretionary activities. {PO cl.16}

¹ **Res cl.16:** As a clause 16 amendment this performance standard has been restructured from the notified version to provide clarity. This is not a substantive change.

34.6.3.2 Visual Permeability {Res cl.16¹}

- a. Fences along road boundaries (or within the boundary setbacks required by Rule 34.6.12), or along a side or rear boundary with a residential zone, must be constructed to a length and/or height that maintains visual permeability for 50% of the length of the boundary measured at a height of 1.4m above ground level (see Figure 15.6.D). {Res 190.1 and others}
- b. The following fences are exempt from this requirement: {Res cl.16¹}
 - i. fences along the road boundary of a state highway; and {Res cl.16¹}
 - ii. fences required to meet Rule 34.6.8 (Location and Screening of Outdoor Storage). {MF 308.375}
- c. Fences that contravene this performance standard are restricted discretionary activities. {PO cl.16}

¹ **Res cl.16:** As a clause 16 amendment this performance standard has been restructured from the notified version to provide clarity. This is not a substantive change.

34.6.4 Fire Fighting

New residential buildings and subdivision activities **{MF cl.16}** must comply with Rule 9.3.3.

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

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

New buildings (including residential buildings) to be used for natural hazards {NH cl.16} sensitive activities in the Hazard 3 (flood) or Hazard 3 (coastal) Overlay Zones must comply with Rule 11.3.3. **{NH 917.27, 947.53 and others}**

34.6.5.2 Relocatable buildings

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

34.6.6 Hazardous Substances Quantity Limits and Storage Requirements

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

34.6.7 Height

34.6.7.1 Height in relation to boundary

- a. On a site used for a standard residential activity, new buildings and additions and or alterations to buildings must not protrude through a plane (**see** Figure 15.6F) raising at an angle of 45 degrees measured from a point 3m above ground level at side and rear boundaries, except:
 - i. for any new buildings and additions or alterations to buildings within 13m of a road boundary, the height in relation to boundary will be measured from 6.5m above ground level at side boundaries, provided that all buildings on the remainder of the site are set back from the side boundaries by at least 2m (**see** Figure 15.6G);
 - ii. where a new residential building (not a sleep out) is being built on a site where another residential building already exists, the height plane angle will be measured at a line midway between the two residential buildings;
 - iii. on boundaries adjacent to ~~another zone~~ the Inner City Residential Zone or Recreation Zone **{MF cl.16¹}**, the height in relation to boundary rule of the adjacent zone applies;
 - iv. on boundaries with the commercial and mixed use, industrial, Dunedin Hospital, Otago Museum and Stadium zones, where this rule does not apply; and **{MF cl.16¹}**
 - v. where new buildings or additions or alterations are built to a common wall, any part of a building where the height and angle of the roofline are the same as the adjoining building is exempt from this standard.
- b. At the boundary of the Campus Zone along road frontages, all other buildings or structures must not protrude through a plane rising at an angle of 30 degrees from a starting point 12m vertically above ground level measured at the boundary of the Campus Zone, except:
 - i. gable ends or dormers may protrude through the height in relation to boundary angle by a maximum of 1m (**see** Figure 15.6H); and
 - ii. rooftop structures are exempt from the performance standard for height in relation to boundary.
- c. Activities that contravene this performance standard are restricted discretionary activities. **{PO cl.16}**

¹ **MF cl.16:** Rule amended for clarity, as the notified rule referred to other zones but did not explain what that means when the adjacent zone has no height in relation to boundary standard.

34.6.7.2 Maximum height

- a. The maximum height for new buildings and structures, and additions and alterations, must not exceed 12m above ground level:
 - i. at the boundary of the Campus Zone along road frontages;
 - ii. if they are a residential building (excluding student hostels); and
 - iii. anywhere within the **Leith Street height mapped area**.
- b. The maximum height of all other new buildings and structures, and additions and alterations, must not exceed 25m above ground level.
- c. Rooftop structures are exempt from the performance standard for maximum height, provided they do not exceed the maximum height limit by more than 5m.
- d. Activities that contravene the performance standard for maximum height but are no greater than 40m in height are a restricted discretionary activity.
- e. Activities that are over 40m in height are a discretionary activity.

Leith Street Height Mapped Area



34.6.8 Location and Screening of Outdoor Storage

1. Shared service areas provided for 3 or more residential units must be located or screened so they are not visible at ground level from residential activities within the site, residential activities on adjacent site, or public place.
2. Outdoor storage, including service areas, must not encroach into required parking, loading, manoeuvring, or outdoor living areas.
3. Materials stored outside must be stored in a way that prevents them contaminating any off-site area.
4. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

34.6.9 Materials and Design

Repairs and maintenance, restoration and earthquake strengthening in a heritage precinct that are visible from an adjoining public place **{Her cl.16}** must comply with Rule 13.3.2.

¹ **Her cl.16:** wording of rule amended as a minor change to be consistent across the plan and reflect Rule 13.3.2.

34.6.10 Number, Location and Design of Ancillary Signs

34.6.10.1 General

- a. Signs must comply with the following standards, except the following signs are exempt from these standards:
 - i. signs that are ancillary to campus activity that are not visible from outside of the Campus Zone;
 - ii. ~~'regulatory signs' (requiring or prohibiting specified actions), 'warning signs' (informing of hazards or of other features requiring a safe response), or 'directional signs' (identifying the location of, or direction to destinations, routes, building entrances and vehicle accesses) signs;~~ and **{CMU 271.18 and others}**
 - iii. building names (excluding sponsorship names).
- b. Signs located on or above the footpath must comply with Rule 6.7.2.
- c. Signs must comply with Rule 6.7.3 where visible from a road.
- d. Signs must not be illuminated or digital.
- e. ~~Signs other than those specified in rules 34.6.10.2 and 34.6.10.3 are not allowed.~~ **{MF cl.16}**
- f. Signs that contravene the performance standard for number, location and design of ancillary signs are restricted discretionary activities.**{PO cl.16}**

34.6.10.2 Signs attached to buildings

- a. The height, above ground level, at the highest point of any sign, is 4m.
- b. Maximum of one sign attached to a building per site for a non-campus activity.
- c. Maximum of one sign per public entrance of a building used for campus activities activity **{PO cl.16}**.
- d. Signs must not be attached to roofs.
- e. Signs must not project higher than the lowest point of the roof, except where mounted flat against a parapet or gable end.
- f. Signs attached flat to a verandah fascia, must not exceed a height of 500mm, or the height of a verandah fascia, whichever is greater.
- g. Signs attached flat to a building must have a maximum area of 3m² per display face.
- h. Where attached on the underside of a verandah or attached protruding from a façade of a building, signs must:
 - i. where attached to the façade of a building, not protrude from a building façade by more than 1.5m;

- ii. not exceed an area of 2m² per display face; and
- iii. not exceed 2 display faces per sign.

34.6.10.3 Freestanding signs

- a. Maximum of one freestanding sign per building.
- b. The maximum dimensions of freestanding signs are:
 - i. maximum height of 4m;
 - ii. maximum area of 3m² per display face;
 - iii. maximum of 2 display faces per sign;
 - iv. maximum width of 2m; and
 - v. maximum depth of 400mm.
- c. Freestanding signs must not obstruct driveways, parking or loading areas.
- d. Freestanding signs must be located within the site and cannot be located on the road reserve, except:
 - i. portable freestanding signs, must only be located on a footpath outside a non-campus activities activity **{PO cl.16}** where a premise is located on the upper floor and does not have ground floor street frontage; and
 - ii. must not exceed one portable sign per premise, except;
 - 1. where a site has street frontage of 30m or more, a maximum of 1 sign per 15m of street frontage.
- e. The maximum dimensions of portable freestanding signs are:
 - i. maximum height of 900mm; and
 - ii. maximum width of 600mm.
- f. Portable freestanding signs on footpaths must be a minimum of 5m apart from any other portable sign.

Note 34.6A – 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 34.6.10B - Other requirements outside of the District Plan

For additional restrictions that may apply to signs, see also:

- 1. 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}*.
- 2. Dunedin City Council Commercial Use of Footpaths Policy
- 3. Dunedin City Council Roading Bylaw
- 4. Dunedin City Council Traffic and Parking Bylaw

34.6.11 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

34.6.12 Setbacks

34.6.12.1 Boundary setbacks

- a. Buildings and structures used for, or intended to be used for, standard residential activity must have a minimum setback from boundaries as follows:

Location of boundary		Distance
i.	Setback from road boundary	3m
ii.	Setback from side and rear boundaries	1m
iii.	Setback from boundary with right of way	1m

- b. All other buildings and structures must have a minimum setback of 3m from the boundary of a site used for a residential activity or the boundary of a residential zone.
- c. Except fences and ancillary signs are exempt from the performance standard.
- d. Activities that contravene this performance standard are restricted discretionary activities. **{PO cl.16}**

34.6.12.2 Setback from scheduled tree

New buildings and structures, additions and alterations, ~~earthworks~~, **{EW cl.16}**¹, 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.

34.6.12.3 Setback from coast and water bodies

New buildings and structures, additions and alterations, ~~earthworks – large scale~~, **{EW cl.16}**¹ 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.

34.6.13 Maximum Building Site Coverage and Impermeable Surfaces

~~Development activities must comply with Rule 15.6.11. On sites used for standard residential activity, development must comply with the maximum building site coverage and impermeable surfaces performance standard for the Inner City Residential Zone in Rule 15.6.11~~ **{MF 308.385}**

Rule 34.7 Subdivision Performance Standards

34.7.1 Access

Subdivision activities must comply with Rule 6.8.1.

34.7.2 Esplanade Reserves and Strips

Subdivision activities must comply with Rule 10.3.1.

34.7.3 Fire Fighting

Subdivision activities must comply with Rule 9.3.3.

34.7.4 Service Connections

Subdivision activities must comply with Rule 9.3.7.

34.7.5 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 100m² that meets the performance standards of this Plan including, but not limited to:
 - a. minimum car parking;
 - b. setbacks from boundaries, water bodies, scheduled trees, ~~n~~National gGrid; and
 - c. esplanade reserves or strips.
2. Building platforms must have a slope of 12° (1:4.7 or 21%) or less and must not contain:
 - a. scheduled heritage buildings or structures; or
 - b. right-of-way easements.
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. reserve;
 - c. access;
 - d. network utility; or
 - e. road.
5. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

Rule 34.8 Assessment of Controlled Activities

Rule 34.8.1 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. Rule 34.8.2:
 - a. lists the matters over which Council has reserved its control; and
 - b. provides 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 34.9; 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 34.11; 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 34.12; and
 - iii. the assessment guidance in this section will also be considered.

34.8.2 Assessment of controlled development activities

Activity	Matters of control	Guidance on the assessment of resource consents
<p>1. <u>Affecting a scheduled heritage building or a scheduled heritage structure: {Her cl.16}</u></p> <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> 	<p>a. Effects on heritage values</p>	<p>See Rule 13.4</p>
<p>2. <u>Student hostels {MF 308.353}</u></p>	<p>a. Effects on the safety and efficiency of the transport network {MF 308.353}</p>	<p><u>See Rule 6.8A {MF 308.353}</u></p>
	<p>b. Effects on accessibility {MF 308.353}</p>	<p><u>See Rule 6.8A {MF 308.353}</u></p>
	<p>c. Effects on efficiency and affordability of infrastructure {MF 308.353}</p>	<p><u>See Rule 9.3A {MF 308.353}</u></p>
<p>3. <u>In a heritage precinct, additions and alterations to a non character-contributing building that involve: {Her 308.358}</u></p> <ul style="list-style-type: none"> • <u>an increase in the footprint of 10m² or more {Her 308.358}</u> • <u>an increase in the height of the building by more than 2m; or {Her 308.358}</u> • <u>the replacement of a pitched roof with a mono-pitch roof. {Her 308.358}</u> 	<p>a. Effect on heritage streetscape character {Her 308.358}</p>	<p><u>See Rule 13.4 {Her 308.358}</u></p>

Rule 34.9 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 34.9.1 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 34.9.2 - 34.9.5:
 - 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 34.9.2 - 34.9.5 apply as follows: {MF cl.16}
 - a. Rule 34.9.2 applies to all performance standard contraventions;
 - b. Rule 34.9.3 applies to land use performance standard contraventions;
 - c. Rule 34.9.4 applies to development performance standard contraventions; and
 - d. Rule 34.9.5 applies to subdivision performance standard contraventions. {MF cl.16}

34.9.2 Assessment of all performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. All performance standard contraventions	<p><i>Potential circumstances that may support a consent application include:</i></p> <ol 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, site specific factors including topography, make meeting the standard impracticable. c. Topography 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> <ol style="list-style-type: none"> e. Where more than one standard is contravened, the combined effects of the contraventions should be considered. f. In balancing consideration of the objectives and policies related to the maintenance of heritage values or heritage precinct streetscape character and those related to general amenity, greater weight will usually be placed on heritage policies.

34.9.3 Assessment of land use performance standard contraventions {MF cl.16}

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	Electrical interference	a. Effects on health and safety	See Rule 9.4
2.	Location	a. Effects on the vibrancy and economic and social success of the CBD and centres	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 34.2.1 ii. Retail and restaurant activity ancillary to campus activity are designed and operated in line with Objective 34.2.2 and its policies (Policy 34.2.1.3). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. The ancillary activity is designed and managed so as to be unlikely to attract the general public. iv. There will be no external advertising on the street or facing the street, for the ancillary activity.
3.	Maximum gross floor area	<p>a. Effects on the vibrancy and economic and social success of the CBD and centres</p> <p>b. Effects on the <u>character and amenity</u> of the Campus Zone {PO cl.16¹}</p>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 34.2.1 ii. Working from home and dairies are a size that is compatible with the character and amenity of the Campus Zone; and does not detract from the vibrancy and functioning of the centres hierarchy (Policy 34.2.1.4). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. The activity is related to or necessary to support campus <u>activities activity</u> {PO cl.16¹}, or has other locational requirements which mean they need to locate in this zone. iv. The activity will not have adverse effects on the amenity of surrounding residential properties or zones.
4.	Minimum car parking	<p>a. Effects on the safety and efficiency of the transport network</p> <p>b. Effects on <u>accessibility</u> {MF cl.16¹}</p>	See Rule 6.9

¹ PO cl.16: Wording of matter of discretion changed to standard phrasing.

34.9.4 Assessment of development performance standard contraventions {**MF cl.16**}

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
<p>1.</p> <ul style="list-style-type: none"> Boundary setbacks Maximum height - buildings and structures less than 40m (Rule 34.6.7.2.d) {MF cl.16} Height in relation to boundary 	<p>a. Effects on surrounding sites' {MF cl.16} residential amenity Effects on the character and amenity of sensitive surrounding sites {MF cl.16}</p>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 34.2.2 ii. Buildings and structures are of a height, height in relation to boundary, and setback that maintains adequate sunlight access to adjoining sites used for residential activity, or adjoining residential and recreation zoned sites; and avoids <u>or minimises, as far as practicable, {PO 308.497}</u> significant adverse wind effects (Policy 34.2.2.1). iii. Buildings greater than 25m in height contribute positively to the skyline vista of the city, by being of a quality and contextually appropriate architectural design. <u>minimise, as far as practicable, adverse effects on the skyline vista of the city, particularly as viewed from Dunedin's inner hill suburbs across the harbour towards the Otago Peninsula, through the use of quality and contextually appropriate architectural design</u> {MF 308.343} (Policy 34.2.2.8). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iv. The height, or height in relation to boundary, is consistent with surrounding properties.
<p>2.</p> <p>Boundary treatments and other landscaping</p>	<p>a. Effects on streetscape amenity</p>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 34.2.2 ii. Landscaping will provide <u>Development activities maintain</u> {MF cl.16} a reasonable level of visual and environmental amenity <u>adjacent to public roads.</u> {MF cl.16} (Policy 34.2.2.4). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. An alternative design will lead to better outcomes for streetscape amenity.

34.9.4 Assessment of development performance standard **contraventions** {MF cl.16}

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
3.	Earthworks standards: <ul style="list-style-type: none"> Batter gradient {EW cl.16} 	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 34.2.3 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 34.2.3.1.b). <p><i>Conditions that may be imposed include, but are not limited to:</i></p> <ul style="list-style-type: none"> iii. Maximum slopes of cut and fill batters. iv. Time limits for retaining wall installation to avoid leaving a cut slope unsupported for an extended period. v. Temporary shoring requirements to maintain stability before a wall is constructed. vi. Supervision and monitoring requirements for retaining wall construction and standard earthworks construction.
4.	Earthworks standards: <ul style="list-style-type: none"> Setback from property boundary, buildings, structures and cliffs {EW cl.16} 	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 34.2.3 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 34.2.3.1.a).
5.	Earthworks standards: <ul style="list-style-type: none"> Setback from network utilities {EW cl.16} 	a. Effects on efficient and effective operation of network utilities b. Effects on health and safety	See Rule 5.7

34.9.4 Assessment of development performance standard **contraventions** {MF cl.16}

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
6.	Earthworks standards: • Sediment control {EW cl.16}	a. Effects on surrounding sites	<i>Relevant objectives and policies:</i> i. Objective 34.2.3 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 34.2.3.2.b).
		b. Effects on biodiversity values and natural character of the coast and riparian margins	See Rule 10.4
		c. Effects on the efficiency and/or affordability of infrastructure	See Rule 9.4
7.	Fence height and design	a. Effects on streetscape amenity	<i>Relevant objectives and policies:</i> i. Objective 34.2.2
		b. Effects on the amenity of the campus	ii. Fences will be <u>are</u> {MF cl.16} of a height and design that contributes positively to streetscape amenity and the amenity of the Campus Zone (Policy 34.2.2.5). <i>Potential circumstances that may support a consent application include:</i> iii. The increased height or reduced visual permeability is necessary to meet protection requirements, to provide security, minimise noise effects from a busy road or activity, or for public well-being. iv. An attractive interface with the street is maintained. v. The fence will be screened by landscaping.
		c. Effects on health and safety	See Rule 9.4
8.	Fire fighting	a. Effects on health and safety	See Rule 9.4

34.9.4 Assessment of development performance standard **contraventions** {MF cl.16}

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
9.	<p>Hazard overlay zones development standards In a hazard overlay zone {NH cl.16}:</p> <ul style="list-style-type: none"> • Minimum floor level {NH 917.27, 947.53 and others} • Relocatable buildings (Hazard 3 (coastal) Overlay Zone) {NH cl.16} 	a. Risk from natural hazards	See Rule 11.4
10.	Hazardous substances quantity limits and storage requirements	<p>a. Effects on health and safety</p> <p>b. Risk from natural hazards {PO cl.16}</p>	<p>See Rule 9.4</p> <p>See Rule 11.4 {PO cl.16}</p>
11.	Location and screening of outdoor storage	<p>a. Effects on streetscape amenity</p> <p>b. Effects on the amenity of the campus</p>	<p><i>Relevant objectives and policies:</i></p> <p>i. Objective 34.2.2</p> <p>ii. Outdoor storage is located and stored in a way that does not result in unreasonable visual amenity effects or create nuisance effects(Policy 34.2.2.2).</p>
12.	Materials and design	<p>a. Effect on heritage values (scheduled heritage buildings and scheduled heritage structures)</p> <p>b. Effects on heritage streetscape character (where in a Heritage precinct) {MF cl.16}</p>	See Rule 13.5

34.9.4 Assessment of development performance standard **contraventions** {MF cl.16}

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
13.	Maximum building site coverage and impermeable surfaces	a. Effects on neighbourhood residential character and amenity	See Rule 15.9
		b. Effects on on-site amenity for residents	
		c. <u>Effects on efficiency and affordability of infrastructure</u> {MF cl.16 ³ }	
14.	Number, location and design of ancillary signs	a. Effects on the safety and efficiency of the transport network	See Rule 6.9
		b. Effects on streetscape amenity	<p><i>Relevant objectives and policies:</i></p> <p>i. Objective 34.2.2.</p> <p>ii. Require a Ancillary signs to be are {MF cl.16} located and designed to maintain streetscape amenity including by being of an appropriate size and number to convey information about the name, location and nature of the activity on the site to passing pedestrians and vehicles and not being oversized or too numerous for what is necessary for that purpose(Policy 34.2.2.6).</p>
15.	<p>In a heritage precinct:</p> <ul style="list-style-type: none"> Fence height and design Materials and design Height (Maximum height) (<u>except Rule 34.6.7.2.e</u>) {MF cl.16} Height in relation to boundary 	a. Effects on heritage streetscape character	See Rule 13.5
16.	Parking, loading and access standards	a. Effects on the safety and efficiency of the transport network	See Rule 6.9

34.9.4 Assessment of development performance standard **contraventions** {MF cl.16}

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
17. Setback from scheduled tree	a. Effects on <u>long term health of tree</u> a scheduled tree {MF cl.16}	See Rule 7.6
18. Setback from coast and water bodies	a. Effects on biodiversity <u>values</u> {NatEnv 958.60} and natural character of <u>riparian margins and the coast</u> {MF cl.16}	See Rule 10.4
	b. Effects on public access	See Rule 10.4
	c. Risk from natural hazards	See Rule 11.4

¹ **MF cl.16:** Amended to align with new policy wording.

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 **MF cl.16:** To align with assessment rules in residential zones

34.9.5 Assessment of subdivision performance standard **contraventions**

Performance standard	Matters of discretion	Guide on the assessment of resource consents
1. Access	a. Effects on accessibility	See Rule 6.9
2. Esplanade reserves and strips	a. Effects on biodiversity <u>values</u> {NatEnv 958.60} and natural character values of riparian margins and the coast.	See Rule 10.4
	b. Effects on public access	
3. Fire fighting	a. Effects on health and safety	See Rule 9.4
4. Service connections	a. Effects on efficiency and affordability of infrastructure	

34.9.5 Assessment of subdivision performance standard contraventions

Performance standard	Matters of discretion	Guide on the assessment of resource consents
5. Shape	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> a. Objective 2.4.1 b. Subdivision is designed to ensure any future land use or development of the resultant site is able to meet the performance standards in the zone, 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 ASCV ASBV {NatEnv 958.60}; QEII covenant; or 2. reserve; or 3. access; or 4. 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. minimum car parking; ii. boundary setbacks; iii. setback from scheduled tree; iv. earthworks standards (building platform slope); {MF cl.16} v. setbacks from water bodies; and vi. setback from nNational gGrid. d. <u>For contravention of the building platform slope part of the shape performance standard (Rule 34.7.5.2), see the matters of discretion and assessment rules in relation to earthworks - large scale (Rule 8A.7.2.1). {MF cl.16}</u> <p><i>Conditions that may be imposed:</i></p> <ul style="list-style-type: none"> e. Restrictions or conditions, including by way of consent notice, on land use or development activities allowed on the site. f. A building platform may be required to be registered against the title by way of consent notice. 	

Rule 34.10 Assessment of Restricted Discretionary Activities

Rule 34.10.1 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 34.10.2 - 34.10.5:
 - 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 34.10.2 - 34.10.5 apply as follows: {MF cl.16}
 - a. Rule 34.10.2 applies to all restricted discretionary activities;
 - b. Rule 34.10.3 applies to restricted discretionary land use activities;
 - c. Rule 34.10.4 applies to restricted discretionary development activities; and
 - d. Rule 34.10.5 applies to restricted discretionary subdivision activities. {MF 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 34.9; 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 34.11; 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 34.12; and
 - iii. the assessment guidance in this section will also be considered.

34.10.2 Assessment of all restricted discretionary activities

Activity	Guidance on the assessment of resource consents
1. All restricted discretionary activities	<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, site specific factors including topography, make meeting the standard impracticable. c. Topography 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. e. For restricted discretionary land use activities, whether any associated buildings or structures meet relevant development performance standards, or otherwise achieve the relevant policies for development (see Rule 34.9 for performance standard contraventions). <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> f. Where more than one standard is contravened, the combined effects of the contraventions should be considered. g. In balancing consideration of the objectives and policies related to the maintenance of heritage values or heritage precinct streetscape character and those related to general amenity, greater weight will usually be placed on heritage policies.

34.10.3 Assessment of restricted discretionary land use activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
A.	<u>All high trip generators, which include:</u> {Trans cl.16¹} <ul style="list-style-type: none"> any activities that generate 250 or more vehicle movements a day {Trans cl.16} 	a. <u>Effects on accessibility</u> {Trans cl.16}	See Rule 6.10 {Trans cl.16}
		b. <u>Effects on the safety and efficiency of the transport network</u> {Trans cl.16}	
1.	<ul style="list-style-type: none"> Early childhood education Community and Leisure - large scale 	a. Effects on the safety and efficiency of the transport network	See Rule 6.10
2.	Student hostels {MF 308.353}	a. Effects on safety and efficiency of transport network. {MF 308.353}	See Rule 6.10 {MF 308.353}
		b. Effects on efficiency and/or affordability of infrastructure {MF 308.353}	See Rule 9.5 {MF 308.353}

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 34 assessment rules. The correction of this error, via the addition of Rule 34.10.3.A, does not result in a substantive change to the effect of provisions.

34.10.4 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. In a heritage precinct : • All RD <u>restricted discretionary</u> {MF cl.16} activities due to being in a heritage precinct	a. Effects on heritage streetscape character	See Rule 13.6
2. Earthworks – large-scale (that exceed the scale thresholds for the Campus Zone) {EW cl.16'}	<p>a. Effects on visual amenity and character</p> <p>b. Effects on the amenity of surrounding properties</p>	<p><i>Relevant objectives and policies:</i></p> <p>i. Objective 34.2.3</p> <p>ii. Adverse effects on visual amenity and character will be avoided or, if avoidance is not possible, adequately mitigated (Policy 34.2.3.3.a).</p> <p>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 34.2.3.3.b).</p> <p><i>Potential circumstances that may support a consent application include:</i></p> <p>iv. There is no, or only minimal, alteration to the natural landform.</p> <p>v. Any cut or fill will be restored or treated to resemble natural landforms.</p> <p>vi. The earthworks will not remove or effect existing vegetation or landscaping.</p> <p><i>Conditions that may be imposed include, but are not limited to:</i></p> <p>vii. Measures to minimise visual effects, e.g. requirements for revegetation and/or landscaping.</p> <p>viii. Maximum slopes of cut and fill batters.</p> <p>ix. Measures to divert surface water and rain away from, or prevent from discharging over, batter faces and other areas of bare earth.</p> <p>x. Measures to ensure there are no adverse effects from changes to drainage patterns on surrounding properties.</p> <p>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 the site is not diminished.</p>

34.10.4 Assessment of restricted discretionary development activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
		e. 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 34.2.3 ii. Adverse effects on the stability of land, buildings, and structures will be avoided or, if avoidance is not possible, adequately mitigated (Policy 34.2.3.3.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 34.13.1). iv. Excavation, fill and retaining structures will be designed, and the work undertaken, in accordance with best practice engineering standards
3.	Earthworks – large scale (that exceed scale thresholds for a SHS) {EW cl.16'}	a. Effects on heritage values	See Rule 13.6
4.	Earthworks – large scale (that exceed scale thresholds within 5m of a water body or MHWS) {EW cl.16'}	a. Effects on biodiversity and natural character of riparian margins and the coast b. Effects on public access	See Rule 10.5
5.	Earthworks – large scale (that exceed scale thresholds for a hazard (flood) overlay zone) {EW cl.16'}	a. Risk from natural hazards	See Rule 11.5
6.	Activities affecting a scheduled heritage item building or scheduled heritage structure :	a. Effects {MF cl.16} on heritage values	See Rule 13.6

34.10.4 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
<p>{Her cl.16}</p> <ul style="list-style-type: none"> • All RD activities due to affecting a scheduled heritage building, scheduled heritage structure, or scheduled heritage site • Earthworks –large scale (that exceed scale thresholds for a SHS) {EW cl.16’} • <u>Additions and alterations that affect a protected part of a scheduled heritage building or scheduled heritage structure</u> {Her cl.16} • <u>Removal for relocation</u> {Her cl.16} • subdivision activities {Her cl.16} 		

34.10.4 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
<p>X. <u>Activities affecting a scheduled heritage site: {Her cl.16}</u></p> <ul style="list-style-type: none"> • <u>New buildings and structures on a scheduled heritage site, where visible from an adjoining public place or a publicly accessible place within the site {Her cl.16}</u> • <u>Parking, loading and access on a scheduled heritage site, where visible from an adjoining public place or a publicly accessible place within the site {Her cl.16}</u> 	<p>a. <u>Effects on heritage values {Her cl.16}</u></p>	<p><u>See Rule 13.6 {Her cl.16}</u></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). Any amendments to provisions as a result of submissions are shown there.

34.10.5 Assessment of restricted discretionary subdivision activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. All subdivision activities	a. Effects on the efficient and effective operation of <u>the Campus</u> {MF cl.16}	<p><i>Relevant objectives and policies:</i></p> <p>i. Objective 34.2.1</p> <p>ii. Subdivision <u>activities</u> <u>are</u> <u>is</u> {PO cl.16} only allowed:</p> <p>1. if <u>they are</u> {PO cl.16} intended and/or capable of being used for standard residential activity, it <u>is</u> <u>and they are</u> {MF cl.16} in accordance with the objectives, policies and rules of the residential zones; or</p> <p>2. <u>it is</u> <u>if they are</u> {PO cl.16} necessary for the disposal of surplus land in accordance with Policy 2.3.1.6 (Policy 34.2.1.7).</p>
	b. Effects on a scheduled tree {MF cl.16}	See Rule 7.7
	c. Effects on the <u>safety and efficiency of</u> {PO cl.16} the transport network	See Rule 6.10
	d. Effects on the efficiency and affordability of infrastructure	See Rule 9.5
	e. Effects on heritage values (scheduled heritage sites) {Her cl.16}	See Rule 13.6 {Her cl.16}
	f. Risk from natural hazards	See Rule 11.5
	g. Effects on public access	See Rule 10.5
	h. Effects on biodiversity <u>values</u> {NatEnv 958.60} and natural character of riparian margins and the coast	

34.10.5 Assessment of restricted discretionary subdivision activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
<p>2. On sites containing a scheduled heritage building or schedule heritage structure or on a scheduled heritage site:</p> <ul style="list-style-type: none"> • Subdivision activities <i>{Her cl.16}</i> 	<p>a. Effects on heritage values (scheduled heritage sites) <i>{Her cl.16}</i></p>	<p>See Rule 13.6 <i>{Her cl.16}</i></p>

¹ **MF cl.16**: Rule removed as there is no relevant assessment of the effects on subdivision on scheduled trees in Rule 7.7.

² **PO cl.16**: Wording of matter of discretion changed to standard phrasing.

Rule 34.11 Assessment of Discretionary Activities

Rule 34.11.1 Assessment of Discretionary Activities - 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 34.11.2 - 34.11.4 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 34.11.2 - 34.11.4 apply as follows: {MF cl.16}
 - a. Rule 34.11.2 applies to discretionary land use activities; and
 - b. Rule 34.11.4 applies to discretionary performance standard contraventions. {MF 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 this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

34.11.2 Assessment of discretionary land use activities

Activity	Guidance on the assessment of resources consents
<p>1. • Office (other than campus-affiliated office and registered health practitioners) {MF 308.5 and 308.349}</p> <p>• Restaurants not ancillary to campus</p> <p>• Supported living facilities (other than student hostels) {MF 308.354}</p>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. Objective 2.3.1</p> <p>b. Objective 34.2.1</p> <p>c. Restaurants and office {MF 308.5 and 308.349} not ancillary to campus activity, office (other than campus affiliated office and registered health practitioners) {MF 308.5 and 308.349} and supported living facilities (other than student hostels) {MF 308.354} are only allowed where {MF cl.16}:</p> <p>i. they {MF cl.16} are related to, or are necessary to support campus activity, or have other operational requirements which mean they need to locate in this zone; and</p> <p>ii. they will {MF cl.16} support the efficient and effective operation of campus activities activity {PO cl.16}; and</p> <p>iii. they {MF cl.16} are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and</p> <p>iv. they {MF cl.16} are designed and operated in line with Objective 34.2.2 and its policies (Policy 34.2.1.5).</p> <p>d. For discretionary land use activities, whether any associated buildings or structures meet relevant development performance standards, or otherwise achieve the relevant policies for development (see Rule 34.9 numbers for performance standard contraventions).</p> <p>e. All relevant land use performance standards are met, including noise and light spill standards.</p> <p>f. The location of the activity in the Campus Zone is unlikely to create a precedent effect for similar activities to locate in the Campus Zone which would be more appropriately located in another zone.</p> <p>g. In assessing the significance of effects, consideration will be given to:</p> <p>i. both short and long term effects, including effects in combination with other activities.</p> <p>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.</p> <p>h. 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.</p> <p>i. 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 cl.16'}</p> <p>j. See Section 9.6 for guidance on the assessment of resource consents</p>

34.11.2 Assessment of discretionary land use activities

Activity	Guidance on the assessment of resources consents
	<p><u>in relation to Objective 9.2.2 and effects on health and safety. {PHS cl.16}</u></p> <p>k. <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 1071.3}</u></p>

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

34.11.3 Assessment of discretionary development activities {MF cl.16¹}

Activity {MF cl.16}	Guidance on the assessment of resource consents {MF cl.16}
1. Development associated with discretionary activities {MF cl.16}	<p><i>Relevant objectives and considerations (priority considerations):</i></p> <ol style="list-style-type: none"> Objective 34.2.2 The buildings and site design are consistent with the relevant performance standards (Policies 34.2.2.1 – 34.2.2.8). {MF cl.16}

¹ MF cl.16: Duplicates content in 34.11.2.1.d, therefore not required.

34.11.4 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) Light spill - where the limit is exceeded by 25% or less 	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <ol style="list-style-type: none"> See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and the effects related to public health and safety.
2. Maximum height - buildings over 40m in height (Rule 34.6.7.2.e) {MF cl.16}	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> Objective 34.2.2 Buildings over 40m in height are only allowed where: <ol style="list-style-type: none"> the height is essential to operation of campus activities <u>activity</u> {PO cl.16}; and the height exceedance is minimal (Policy 34.2.2.7). Buildings greater than 25m in height: <u>are only allowed where they contribute positively to the skyline vista of the city, by being of a quality and contextually appropriate architectural design. minimise, as far as practicable, adverse effects on the skyline vista of the city, particularly as viewed from Dunedin's inner hill suburbs across the harbour towards the Otago Peninsula, through the use of quality and contextually appropriate architectural design</u> {MF 308.343} (Policy 34.2.2.8).

Rule 34.12 Assessment of Non-complying Activities

Rule 34.12.1 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 34.12.2 **{MF cl.16}** and 34.12.3 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 34.12.2 34.12.3 apply as follows: **{MF cl.16}**
 - a. Rule 34.12.2 applies to all non-complying activities; and
 - b. Rule 34.12.3 applies to non-complying performance standard contraventions. **{MF 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 this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

34.12.2 Assessment of all non-complying activities

Activity	Guidance on the assessment of resource consents
1. All non-complying activities	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. The activity does not detract from, or preferably contributes to, the strategic directions objectives, including, but not limited to, those related to: <ul style="list-style-type: none"> i. Dunedin has a hierarchy of vibrant centres anchored around one Central Business District (CBD), which provides a focus for economic and employment growth, driven by: <ul style="list-style-type: none"> 1. attraction of businesses to these areas based on the high level of amenity and density of activity in the area; 2. opportunities for social interaction, exchange of ideas and business cooperation; 3. public investment in public amenities and other infrastructure in the CBD; and 4. opportunities for agglomeration benefits from the co-location of activities (Objective 2.3.2). b. The activity is compatible with the operation of campus activity and or {MF cl.16} is not most appropriately located in another zone (Policy 34.2.1.6). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> c. There are significant positive effects on the efficient and effective operation of a tertiary institution from the activity. d. There is no potential for cumulative effects to arise from precedence. e. The location of the activity in the Campus Zone will not have adverse effects on the vibrancy and viability of commercial and mixed use zones. <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> f. In assessing the significance of effects consideration will be given to: <ul style="list-style-type: none"> i. both short and 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 resource consent. g. 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><i>Relevant guidance from other sections (priority considerations):</i></p> <ul style="list-style-type: none"> h. <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> i. <u>See Section 9.7 for guidance on the assessment of resource consents</u>

34.12.2 Assessment of all non-complying activities

Activity	Guidance on the assessment of resource consents
	<p><u>in relation to Objective 9.2.2 and effects on health and safety. {PHS cl.16}</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 1071.3}</u></p>
2. Commercial advertising in all zones {PO cl.16}	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. Objective 2.4.1</p> <p>b. Policy 2.4.1.6.c</p>
3. 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>

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.

34.12.3 Assessment of non-complying performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
<p>1.</p> <ul style="list-style-type: none"> • Light spill - where the limit is exceeded by greater than 25% • Noise - where the limit is exceeded by 5dB 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>

Rule 34.13 Special Information Requirements {Confirmed to be deleted - EW cl.16}

EW cl.16: As a clause 16 amendment, Rule 34.13.1 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.

