



**SECOND
GENERATION
DISTRICT PLAN**

**Cross Plan: Commercial
Advertising
Decision of Hearings Panel**

**Proposed Second Generation Dunedin City
District Plan (2GP)**

7 November 2018



User guide to the decision reports and the marked-up decisions version of the 2GP

The decisions of the 2GP Hearings Panel are presented in 29 decision reports (one report per hearing topic).

The reports include the Panel's decisions and reasons and incorporate the requirements under s32AA.

At the end of each report a table has been included summarising all the decisions on provisions (Plan text) in that decision report.

Marked-up version of the Notified 2GP (2015)

The decisions include a marked-up version of the notified 2GP, which shows the amendments made to the notified plan in ~~strike-through~~ and underline. Each amendment has a submission point reference(s) or a reference to 'cl.16' if the amendment has been made in accordance with Schedule 1, clause 16(2) of the Resource Management Act. Schedule 1, clause 16(2), allows minor and inconsequential amendments to be made to the Plan.

Amendments to the Schedules below are not marked up as in other sections of the plan as they are drawn from a different source. Any changes to Schedules are detailed in the decision report for the relevant section.

Some very minor clause 16 changes such as typographical errors or missing punctuation have not been marked up with underline or strikethrough. More significant cl. 16 changes (such as where provisions have been moved) are explained using footnotes, and in some cases are also discussed in the decision.

Hearing codes and submission point references

As part of the requirement of the DCC to summarise all original submissions, all submission points were given a submission point reference, these references started with 'OS'. Further submissions were also summarised and given a submission point that started with 'FS'.

The submission points are made up of two numbers the first is the submitter number, which is followed by a full stop, the second part is the submission point number for that submitter.

For example, OS360.01 is submitter 360 and their first submission point.

The 2GP Hearings Panel has used these same submission point references to show which submission points different amendments were attributed to. However, to enable these changes to be linked to different decision reports, the reference code was changed to start with a decision report code, e.g. Her 308.244.

A list of hearing codes can be found on the following page.

It should be noted that in some cases where several submitters sought a similar change, the submission point reference may not include all of these submission points but rather include only one or say, for instance, "PO 908.3 and others".

Master summary table of all decisions

In addition to the summary table at the end of each decision report there is a master summary table that lists all decisions on provisions (Plan text), across all hearing topics, including details of the section(s) of the decision report in which that decision is discussed, and the relevant section(s) of the s42A reports. The s42A report sections will be helpful for appellants needing to identify which other parties have submitted on that provision, as notices of the appeal must be served on every person who made a submission on the provision or matter to which the appeal relates. The master summary table of decisions can be found on the decisions webpage of the 2GP website (2gp.dunedin.govt.nz).

List of hearing codes

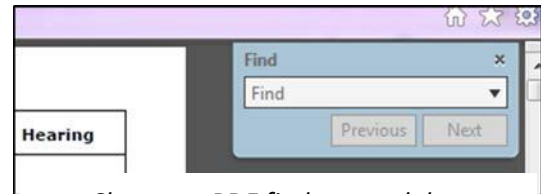
Hearing topic	Code
Commercial Advertising (cross plan hearing topic)	CP
Commercial and Mixed Use Zones	CMU
Community Correction Facilities (cross plan hearing topic)	CP
Defence Facilities and Emergency Services (cross plan hearing topic)	CP
Designations	Des
Earthworks	EW
Heritage	Her
Industrial Zones	Ind
Major Facilities (without Port and Mercy Hospital)	MF
Manawhenua	MW
Mercy Hospital	Mer
Natural Environment	NatEnv
Natural Hazards	NatHaz
Natural Hazard Mitigation	HazMit
Network Utilities	NU
Plan Overview and Structure	PO
Port Zone	Port
Public Amenities	PA
Public Health and Safety (PHS)	PHS
Quarries and Mining Activities (cross plan hearing topic)	CP
Recreation Zone	Rec
Residential Zones	Res
Rural Zones	RU
Rural Residential Zones	RR
Scheduled Trees	ST
Service Stations (cross plan hearing topic)	CP
Temporary Activities	TA
Transportation	Trans
Urban Land Supply	ULS

How to search the document for a submitter number or name

1. If you want to search for particular submitter name, submission point or Plan provision in any of the reports (decision report, marked-up version of the Plan, or s42A report) the easiest way to do this is to use the 'Find' function.
2. When you have the document open, press the keys CTRL and F (Windows) or CMND and F (Mac) to bring up the 'PDF Finder'.



Chrome – PDF finder search box



Chrome – PDF finder search box

3. Once the PDF search box appears (in the top left or right corner of your browser) type in the submission number or submitter name and press enter on your keyboard.
4. The PDF finder will search for all instances of this term. Depending on the size of the document and your internet connection it may take a minute or so.
5. Press on the up or down arrows (Chrome) or 'next' (Internet Explorer) in the search box to view the different instances of the term until you find the one you are looking for.
6. An 'advanced search' function is available under the Edit tab in some PDF viewers, this allows you to search 'whole words' only to look for exact strings of letters or numbers

Table of Contents

1.0	Introduction	3
1.1	Scope of Decision	3
1.1.1	Section 42A Report	3
1.1.2	Structure of Report	3
1.2	Section 32AA Evaluation	3
1.3	Statutory Considerations	4
2.0	Hearing Appearances	5
3.0	Discussion on provisions sought to be amended	6
3.1	Context	6
3.1.1	Overview	6
3.2	Commercial advertising within the Dunedin International Airport Zone	7
3.2.1	Decision and decision reasons	9
3.3	Activity status: commercial advertising in various zones	10
3.3.1	Decision and decision reasons	10
3.4	Policy 2.4.1.6: Commercial advertising on bus shelters	11
3.4.1	Decision and decision reasons	12
	Appendix 1 – Amendments to the Notified 2GP (2015)	13
	Appendix 2 – Summary of Decisions	

1.0 Introduction

1. This document details the decision of The Proposed Dunedin City District Plan Hearings Panel/Te Paepae Kaiwawao Motuhake O Te 2GP with regard to the submissions and evidence on commercial advertising considered at the Cross Plan Hearing, held on 6, 7 and 8 of July 2016 at the 2GP Hearings Centre.

1.1 Scope of Decision

2. Unless otherwise noted, this Decision Report addresses the 16 original and 1 further submissions points addressed in the Cross Plan: Commercial Advertising s42A Report, as well as well as related submissions on signage and advertising in the Dunedin International Airport Zone. These related submissions were heard at the Major Facilities Hearing on 21-23 September 2016 and were:
 - a. *Dunedin International Airport (DIAL)* (OS724.37) who opposed the assessment of 'commercial advertising (except tourism advertising)' (Rule 24.11.3) and sought that it be removed. It considered that practical considerations meant the provisions served no purpose at the airport.
 - b. *Dunedin International Airport (DIAL)* (OS724.5, 724.6, 724.16, 724.18, 724.23, 724.24, 724.25, 724.27), relating to deleting Policy 24.2.2.4 and Policy 24.2.2.6, deleting Rule 24.6.9 Number, Location and Design of Ancillary Signs and Rule 24.5.9 Number and Location of Tourism Signs, amendments to Rule 24.8.3.4 Assessment of land use performance standard contraventions - Number and location of tourism signs and amendment to Rule 24.8.4.11 Assessment of development performance standard contraventions - Number, location and design of ancillary signs
3. The submission points related mainly to the non-complying activity status of commercial advertising signs.

1.1.1 Section 42A Report

4. The Cross Plan: Commercial Advertising s42A Report deals primarily with plan provisions included within the Management and Major Facility Zone sections of the 2GP. The decisions on those topics should be read in conjunction with this decision.

1.1.2 Structure of Report

5. The decision report is structured by topic. The report does not necessarily discuss every individual submitter or submission point; instead it discusses the matters raised in submissions and records our decisions and reasons on the provisions relevant to each topic¹. Appendix 2 at the end of the report summarises our decision on each provision where there was a request for an amendment. The table in Appendix 2 includes provisions changed as a consequence to other decisions.

1.2 Section 32AA Evaluation

6. Section 32 of the Resource Management Act 1991 (RMA) establishes the framework for assessing proposed objectives, policies and rules. Section 32AA of the RMA requires a further evaluation to be released with decisions, outlining the costs and benefits of any amendments made after the Proposed Plan was notified.
7. The evaluation must examine the extent to which each objective is the most appropriate way to achieve the purpose of the RMA and whether, having had regard to their efficiency and effectiveness, the policies and rules proposed are the most appropriate for achieving the objectives. The benefits and costs of the policies and rules, and the risk of acting or not acting must also be considered.
8. For the reasons outlined in this decision, we do not make any changes to the proposed provisions because of this decision. No s32AA evaluation is therefore required.

¹ In accordance with Schedule 1, section 10 of the RMA

1.3 Statutory Considerations

9. The matters that must be considered when deciding on submissions on a district plan review are set out in Part 2 (sections 5-8, purpose and principles) and sections 31, 32 and 72-75 of the RMA. District plans must achieve the purpose of the RMA and must assist the council to carry out its functions under the RMA.
10. The s42A Report provided a broad overview of the statutory considerations relevant to this topic. These include:
 - Section 75(3) of the RMA, which requires us to ensure the 2GP gives effect to any National Policy Statement (NPS) or National Environmental Standard (NES) that affects a natural or physical resource that the Plan manages. We note that there are no NPS or NES directly relevant to this topic
 - Section 74(2)(a) of the RMA, which requires us to have regard to the proposed Otago Regional Policy Statement (pRPS) and section 75(3)(c) of the RMA, which requires us to ensure the 2GP gives effect to the operative Otago Regional Policy Statement (oRPS). We note that the proposed RPS was notified on 23 May 2015, and decisions released on 1 October 2016. At the time of making these decisions on 2GP submissions some of the proposed RPS decisions are still subject to appeal, and therefore it is not operative
 - Section 74(2)(b)(i), which requires us to have specific regard to any other key strategies prepared under the Local Government Act. The s42A Report highlighted the Dunedin Spatial Plan 2012 as needing to be considered as this DCC strategic document sets the strategic directions for Dunedin's growth and development for the next 30 plus years.
11. These statutory requirements have provided the foundation for our consideration of submissions. We note:
 - where submissions have been received seeking an amendment of a provision and that provision has not been amended, we accept the advice in the original s42A Report that the provision as notified complies with the relevant statutory considerations
 - where a submitter has sought an amendment in order to better meet the statutory considerations, we have discussed and responded to these concerns in the decision reasons
 - in some cases, while not specifically raised, we have made amendments to the Plan as the evidence indicated this would more appropriately achieve these statutory considerations, in these cases we have explained this in our decision reasons
 - where we have amended the Plan in response to submissions and no parties have raised concerns about the provisions in terms of any statutory considerations, and we have not discussed statutory considerations in our decision, this should be understood to mean that the amendment does not materially affect the Plan's achievement of these statutory considerations.

2.0 Hearing Appearances

12. Submitters who appeared at the hearing, and the topics under which their evidence is discussed, are shown below in Table 1. All evidence can be found on the 2GP Hearing Schedule webpage under the relevant Hearing Topic <https://2gp.dunedin.govt.nz/2gp/hearings-schedule/index.html>

Table 1: Submitters and relevant topics

Submitter (Submitter Number)	Represented by	Expert evidence, Submissions or evidence tabled at the hearing	Topics under which evidence is discussed
Dunedin International Airport Limited (DIAL) (OS724)	Phil Page (Counsel) Richard Roberts (Chief Executive of <i>DIAL</i>)	Tabled legal submissions Tabled written evidence and oral evidence presented.	3.2 Commercial advertising in the Dunedin International Airport Zone

13. Appearances for the Dunedin City Council were:
- Ms Ann Rodgers, Reporting Officer
14. Evidence provided by Ms Rodgers included:
- Section 42A Reports (for the Cross Plan: Commercial Advertising Hearing and the Major Facilities Hearing) responding to each submission point
 - opening statements (tabled and verbal)
 - revised recommendations (tabled and verbal) responded to DIAL's evidence
15. Planning Assistance to the Hearing Panel was provided by:
- Ms Anna Johnson, City Development Manager

3.0 Discussion on provisions sought to be amended

3.1 Context

3.1.1 Overview

16. The overall approach to the management of commercial advertising is set out in Policy 2.4.1.6 of the 2GP in the strategic directions, which states:

"Across the whole city, avoid visual clutter from signage through rules that: ...c, do not allow new commercial advertising (hoarding) sites."

17. Commercial advertising is managed as a land use activity under the Commercial Activities category in the 2GP. It is a generally a non-complying activity throughout the city, as it is in the operative Plan.

18. Commercial advertising is defined in the proposed Plan at 1.5.1 as:

Commercial advertising: *The use of land, buildings or structures for the advertising of goods and services that are not sold or provided on the site on which the sign is located, or other advertising of products and/or services that does not meet the definition of an ancillary sign. This includes mobile signs displayed on a vehicle or trailer parked with the primary purpose of displaying the sign rather than for transport. This definition does not include commercial advertising located within a building that is not visible from a public space outside the building.*

19. Ancillary advertising (referred to as 'ancillary signs' at 1.5.2) is permitted throughout the city, subject to performance standards (number, location and design of ancillary signs), which restrict the size and location of signs on a zone by zone basis. Ancillary signage is distinguished from commercial advertising, being defined as follows:

Ancillary Signs: *A sign relating to any permitted or lawfully established land use activity taking place on the site on which the sign is located, including any temporary events held on the site, that provides information about any of the following:*

- the name of a business or activity operating on-site;
- the street address;
- information about the nature or operation of the business including: opening hours, contact details, or information on types of goods sold or services provided, including current special promotions or events.

Ancillary signs do not provide for generic product advertising signs of goods sold on site, except for:

- *in the Recreation Zone, those that have a maximum area per display face of 1m²;*
- *in the Residential Zone where ancillary to dairies, those that have a maximum area per display face of 2m²; and*
- *in all other zones, those that have a maximum area per display face of 2m².*

20. In a nutshell, ancillary advertising is distinguishable from commercial advertising on the basis that it essentially advertises onsite goods or services, as opposed to offsite goods or services.

21. In the Dunedin International Airport Zone (the Airport Zone), 'Tourism Advertising', a sub-activity of Commercial Advertising, is a permitted activity (Rule 24.3.3.10) subject to performance standards regarding number and location (Rule 24.5.9). This includes limiting advertising to a maximum signage area of 200m² outside the terminal buildings and requires that signs are not visible from a public place outside the Airport Zone.

22. Tourism advertising is defined (at 1.5.1) as:

Tourism advertising: *A sign that advertises a tourism facility or activity that operates within Otago or Southland and is undertaken by a tourism organisation that is a member*

of a regional tourism organisation (RTO), New Zealand Māori Tourism Council or Tourism Industry Association of New Zealand (TIA).

23. The rationale for restricting new commercial advertising is general negative amenity effects in terms of visual clutter, and their potential adverse effects on the transport network. Having considered all the evidence and submissions on commercial advertising we have found that the 2GP's objectives and policies, and rules, are appropriate.
24. The key issue in contention at the hearing was whether the Airport Zone should be treated as a public place, or as private land where the effects can be internalised and therefore not subject to the same provisions for advertising signage as other land in Dunedin City. For the reasons set out below we reject those submissions.
25. The issues raised by other submitters, not in attendance, concerned the activity status of commercial advertising in various zones and on bus shelters. For the reasons set out below we consider it important that the non-complying activity status is retained to reinforce the objectives and policies regarding commercial advertising in the City.

3.2 Commercial advertising within the Dunedin International Airport Zone

26. *Dunedin International Airport Limited (DIAL)* requested a suite of changes to the 2GP by challenging the proposed Plan's application to the Dunedin International Airport Zone (the Airport Zone). The essential argument is encapsulated at para 1 of *DIAL's* legal submissions tabled at the hearing:

"that the Airport is private property and the control of their assets should be a matter for internal management. There is no valid resource management purpose served by the 2GP exerting internal amenity control at the airport."

27. The main control that *DIAL* was referring to is the management of signage.
28. The specific submissions were to:
 - include an amended performance standard on number, location and design of signs for the Airport Zone as distinct from the Momona Garage (Rule 24.6.9) (OS724.16)
 - change the activity status of all commercial advertising in the Dunedin International Airport Zone (Rule 24.3.3.11) from non-complying to permitted (OS724.17)
 - replace the policy requiring that ancillary signs achieve certain amenity standards for airport users (Policy 24.2.2.4) with a policy limiting such amenity considerations solely to "public spaces outside the Dunedin International Airport Zone" (OS724.5)
 - delete the policy enabling tourism advertising only where it does not significantly impact on amenity (Policy 24.2.2.6) (OS724.6)
 - delete the performance standards regulating the number and location of Tourism Signs outside the terminal building (Rule 24.5.9) (OS724.18)
 - make deletions to the assessment rules for breach of the number and location of tourism signs performance standard (Rule 24.8.3.4), to essentially limit assessment to the signage's impact on rural amenity, rather than amenity within the airport zone (OS724.23, OS724.24 and OS724.25)
 - amend the assessment rule for breaches of the number, location and design of signs performance standard (Rule 24.8.4.11) to limit the assessment required (OS724.27)
 - delete the assessment guidance for the non-complying land use of commercial advertising (Rule 24.11.3) (OS724.37)
29. *Dunedin International Airport Limited (DIAL)* submission points OS724.5, OS724.6, OS724.16, OS724.18, OS724.23, OS724.24, OS724.25, OS724.27 and OS724.37 were considered in the Major Facilities s42A Report and heard at the Major Facilities hearing. While *Dunedin International Airport Limited (DIAL)* submission point OS724.17 was considered in the Commercial Advertising s42A Report and heard at the Commercial Advertising hearing.

30. The submission of *DIAL*, with the package of amendments and deletions to policies and rules is premised on the notion that the Airport Zone is essentially private land and is not part of the public realm. The contention was that the effects of signs on public amenity is therefore only important where the signs can be viewed from outside of the Airport Zone.
31. In the Major Facilities s42A Report, the Reporting Officer considered the airport a 'public place' and that therefore it is appropriate to manage the amenity effects arising from activities in areas that the public has access to. To support her consideration of the airport as a public place, the Reporting Officer referred to the definition in the Summary Offences Act 1981, which defines a public place as:

"a place that, at any material time, is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from that place; and includes any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle carrying or available to carry passengers for reward." (Major Facilities s42A Report, Section 5.7.5, p.59 and Section 5.13.8, p.144)
32. The Reporting Officer in the Commercial Advertising s42A Report supported the need for the provisions in the 2GP relating to commercial advertising in the Airport Zone and noted that as Dunedin International Airport is the city's key gateway, a high amenity environment is important to maintain the overall reputation of Dunedin as an attractive and distinctive city (Commercial Advertising s42A Report, Section 4.1, p.10).
33. The Reporting Officer also described that if commercial advertising (except tourism advertising) remained a non-complying activity, then it was helpful to direct plan users when assessing resource consents to the relevant objective and policy within the 2GP. She recommended that the submission by *Dunedin International Airport* (OS724.37) to remove Rule 24.11.3 be rejected (s42A Report, Section 5.7.23, p. 85). She also recommended that associated submissions by *Dunedin International Airport (DIAL)* (OS724.5, 724.6, 724.16, 724.18, 724.23, 724.24, 724.25, 724.27), relating to deleting policies and tourism and ancillary signage rules and amending assessment rules, also be rejected (Major Facilities s42A Report, sections 5.7.7, 5.7.8, 5.7.12, 5.7.14, 5.7.1.15 and 5.7.1.17 pp. 61 - 77).
34. In response to *DIAL*'s requests, she considered there was insufficient evidence that additional commercial advertising was needed. In evidence tabled at the Commercial Advertising Hearing, *DIAL*'s Chief Executive Richard Roberts described the commercial advertising billboard already at the airport, and he highlighted the importance of non-aeronautical revenue such as advertising to airline partners and shareholders. He said *DIAL*'s advertising revenue was used to market Dunedin as a destination, and thereby increase visitor numbers at the airport. He drew a comparison of the 2GP's relatively restrictive rules around commercial advertising with other main airports in New Zealand.
35. *DIAL*'s legal counsel (Mr Phil Page), submitted the following:
 - The three legal cases referred to in the Section 42A Report, and summarised earlier in this decision, are of limited relevance to the Airport Zone as the airport is not a heritage area; there are no road safety concerns; and tourism advertising billboards are permitted within the zone
 - By way of comparison, commercial advertising in the Christchurch airport zone is permitted, provided it meets relevant performance standards. In Wellington, the focus is on protecting the amenity of neighbouring land uses, not airport users, and there is a more flexible approach, recognising the site specific amenity concerns
 - The Airport Zone at Dunedin also needs to be assessed against its own particular amenity values, and this needs to take account of the fact Dunedin airport is obliged to operate as a commercial enterprise, and it is located in an isolated area
 - Airport Road is private property, and therefore not a 'public place' as defined in the 2GP. Amenity effects within this area should only be seen as impacting on the airport itself, and not the surrounding environment
 - A comparison can be drawn with the Forsyth Barr Stadium, where signage rules do not apply to advertising within the building, where it is not visible from a public place outside the building.

36. At the Major Facilities Hearing, Mr Page submitted that the Summary Offences Act definition of public place is specific to the purposes of that Act, and it is not appropriate to consider this as a relevant matter for a consideration under the RMA.
37. In presenting her revised recommendations, the Reporting Officer at the Commercial Advertising hearing stood by her earlier recommendations made in the s42A Report. However, she suggested that should the Panel accept the submission by *DIAL*, any amendments should at least:
 - not provide for commercial advertising on the garage at the corner of Centre and Miller Road (i.e. the Momona Garage)
 - limit commercial advertising to that which is not visible from outside the Airport Zone
 - not permit commercial advertising signs on Airport Road.

3.2.1 Decision and decision reasons

38. We reject *DIAL*'s submission points OS724.5, OS724.6, OS724.16, OS724.17, OS724.18, OS724.23, OS724.24, OS724.25, OS724.27 and OS724.37, which essentially challenge the proposed Plan's application to the Airport Zone.
39. In response to *DIAL*'s primary assertion, we do not accept there should be no internal amenity controls within the Airport Zone. We acknowledge that the airport is owned by a private company. However, for all intents and purposes it is very much a public place which many thousands of people travel through each year. Dunedin International Airport serves an important public function as one of the city's major gateways.
40. We understand that *DIAL* is a company established under the Airport Authorities Act 1966 and is consequently governed by that Act. From our reading, Section 9 of that Act provides that an airport company, such as *DIAL*, can prescribe conditions for public entry but cannot prevent public entry. Therefore, in our consideration the statutory provisions under which *DIAL* operates means that the Airport Zone is essentially a public place.
41. The airport provides visitors with their first impression of the city, and returning residents with a distinctive visual 'welcome home'. We consider the Airport Zone to be a place where the community expects that high amenity values will be maintained, and it is therefore appropriate that the 2GP has appropriate provisions to manage activities that could impact upon this amenity expectation.
42. We have considered *DIAL*'s submissions comparing the rules for commercial advertising signs at Christchurch and Wellington airports. In the case of Christchurch, we accept that a more lenient regime applies with respect to remote advertising signs, essentially because it is considered that in the industrial zones and Special Purpose (Airport) Zones unrelated advertising would not detract from the visual amenities of those areas. In the case of Wellington, it is noted in the Terminal Area a more flexible regime is in place to recognise the area is relatively buffered and signs will not affect the amenity.
43. We consider that, in contrast to both Christchurch and Wellington, Dunedin Airport is in an area with strong rural character with important landscape vistas in all directions. In addition, *DIAL* has, to its credit, maintained a very attractive airport and surrounds including gardens and landscaping which in our view present a more attractive facility than at other airports. In terms of amenity and visitor experiences, this environment is far more sensitive to the effects of large billboards and other commercial advertising.
44. We have also considered *DIAL*'s analogy of the Airport Zone with the Forsyth Barr Stadium, but we consider there are fundamental differences between the two places. The stadium is a commercial entertainment venue that patrons may choose to visit, whereas the airport is a statutorily regulated transport hub open to members of the public. We have earlier noted that we see Dunedin Airport as a 'gateway' to the City, that is not the case for the stadium.
45. Mr Roberts gave evidence on the importance of advertising revenue to the profitability of *DIAL*, and to keep it competitive with other airports. Whilst we acknowledge there will be additional revenue to be gained from commercial advertising, the data presented showed it is a very small proportion of all revenue earned by *DIAL* (much less than 1%). We are not persuaded that some small additional revenue to be gained from this source warrants the relaxing of the rules which we consider are well-founded for reasons of amenity. Were

we to accept those arguments, similar benefits could be claimed by other activities or community organisations to gain exemptions from the commercial advertising provisions of the 2GP.

46. The Section 42A Report advises that, following consultation, new rules were included in the 2GP to provide for tourism advertising in the Airport Zone. In addition to permitted ancillary signs, we consider, overall, the 2GP does make appropriate provision for signs necessary for the functioning of the airport.
47. As a final point, we note that no specialist landscape or planning evidence was presented by *DIAL* addressing amenity issues and the effects arising from more liberal rules to allow billboards and other commercial advertising in the areas suggested.

3.3 Activity status: commercial advertising in various zones

48. The *Construction Industry and Developers Association* submissions (OS997.16, OS997.25, OS997.47, OS997.49, OS997.55, OS997.63, OS997.72, OS997.102 and OS997.107) requested that several commercial activities (including commercial advertising) be changed from a non-complying to a discretionary activity in the Princes, Parry and Harrow Street Zone, Harbourside Edge Zone, Central Business District Zone, Industry and Industry Port zones, Centres Zones, Warehouse Precinct Zone, Smith Street and York Place Zone, CBD Edge Commercial Zone and the Trade Related Zone.
49. This submitter provided no specific reasons for the change in activity status for commercial signs, however, at other hearings the advocate for CIDA had expressed its generic opposition to what was seen as the over-use of non complying activity status in the 2GP.
50. Submission point (OS997.102), in relation to the status of commercial advertising in the Princes, Parry and Harrow Street Zone, was supported by *Bindon Holdings Ltd* (FS 2471.30).
51. *Chalmers Properties Limited* (OS749.30) also requested that commercial advertising be amended to a restricted discretionary activity status in the industrial and industrial port zones. The submitter considered that industrial areas are appropriate locations for accommodating commercial (third party) advertising. The submitter did not indicate what standards may apply or what matters DCC should restrict its discretion to.
52. The *New Zealand Transport Agency* (NZTA) (OS881.130, OS881.172 & OS881.173) supported the non-complying activity status of commercial advertising signs in relation to the Central Business District Zone, Centres zones, CBD Edge Mixed Use zones, Trade Related Zone and CBD Edge Commercial Zone, on the basis that signs can impact on road safety and the provision of a strong framework in respect of this matter provides certainty and clarity to Plan users.
53. The Reporting Officer summarised the rationale for the non-complying activity status of commercial advertising, as follows:

"The rationale for restricting new hoarding sites is in recognition of the number of sites which have already established and their general negative amenity effects in terms of visual clutter and their potential adverse effects on the transport network." (Commercial Advertising s42A Report, Section 4.1, p.9).

3.3.1 Decision and decision reasons

54. We reject the *Construction Industry and Developers Association* submission points OS997.16, OS997.25, OS997.47, OS997.49, OS997.55, OS997.63, OS997.72, OS997.102 and OS997.107 and also reject *Chalmers Properties Limited* submission point OS749.30, which sought changes to the activity status of commercial advertising in the Princes, Parry and Harrow Street Zone, Harbourside Edge Zone, Central Business District Zone, Industry and Industry Port zones, Centres Zones, Warehouse Precinct Zone, Smith Street and York Place Zone, CBD Edge Commercial Zone and the Trade Related Zone.

55. We agree with the Reporting Officer that the 2GP policy for commercial advertising is well founded, and do not consider that hoardings and billboards in these zones should be provided for as generally acceptable, i.e. as a discretionary activity. We concur with the opinion of the Reporting Officer as expressed in the s42A Report that non-complying activity status is necessary for activities that are anticipated to be generally inappropriate in some zones either due to likely significant adverse effects individually or cumulatively. As addressed in the decisions on the Plan Overview section of the 2GP, the key reason for making an activity non-complying is that it is not generally anticipated in a particular zone. This requires a stringent examination in terms of section 104D and requires the activity to pass one of the 'gateway' tests, i.e. either the adverse effects of allowing the activity will be no more than minor, or the activity is not contrary to the objectives and policies of the Plan. Generally consent would be granted for a non-complying activity where it is considered a 'true exception' and may occur where the activity has distinguishing features such as its special scale, design, nature, or potentially significant positive effects on environmental, social, economic, or cultural well-being for the community, or where there is a special locational requirement (e.g. where it cannot locate where the activity is provided for within the Plan).
56. We consider it important to be able to consider whether the activity has effects that are no more than minor, but particularly for advertising signs it is also important to consider cumulative effects, including potential precedent effects of granting consent. Unless consent is granted only in exceptional circumstances, consent may lead to other applications for signs in similar situations, ultimately leading to a proliferation of advertising signs in these zones.
57. We also accept the evidence of the Reporting Officer that there are already a number of hoardings in the urban area, and therefore opportunities for corporates to lease advertising space. Overall there is adequate provision in the 2GP for appropriate on-site signage.
58. As a consequence of this decision we also accept the *New Zealand Transport Agency* (NZTA) submission points OS881.130, OS881.172 and OS881.173 for retention of the non-complying activity status of commercial advertising.

3.4 Policy 2.4.1.6: Commercial advertising on bus shelters

59. The *Otago Regional Council* (OS908.85) sought to amend Policy 2.4.1.6 to allow commercial advertising on bus shelters and *Otago Regional Council* (OS908.104) sought to allow commercial advertising in bus shelters as a permitted activity. The submission quoted the NZ Transport Agency Draft Guidelines for Public Transport Infrastructure and Facilities, which suggests using bus shelters for commercial advertising as a revenue source. The draft guideline suggests that commercial advertising on bus shelters can enhance the customer experience, reduce the cost of providing facilities or services, improve safety and security by passive surveillance and lighting, and promote public transport as an enabler of economic and physical activity.
60. In the Commercial Advertising Section 42A Report, the Reporting Officer acknowledged the points made by the submitter regarding commercial and user experience benefits. However, she noted that while the commercial advertising on bus shelters would be aimed at pedestrians using buses, unnecessary signage, potentially small lettering sizes, and illumination of signs on and alongside the road corridor has the potential to lead to driver distraction with potential adverse effects on traffic safety. Her view was this could lead to signs not meeting the relevant NZ Transport Agency traffic safety guidelines for signs.
61. The Reporting Officer further noted that, although there are public benefits in defraying bus service costs, and possibly enhanced user experience, these signs are inconsistent with the 2GP's broader policy to prevent proliferation.

3.4.1 Decision and decision reasons

62. We reject the submission from *Otago Regional Council* (OS908.85 and OS908.104) to amend Policy 2.4.1.6 and to allow commercial advertising in bus shelters as a permitted activity, to provide for commercial advertising on bus shelters.
63. We agree with the evidence of the Reporting Officer that the strategic policy concerning commercial advertising is appropriate.
64. We are not particularly persuaded that signs on bus shelters in the urban environment would necessarily be a traffic safety issue, noting that bus shelters are usually located on low speed roads, and particularly in the commercial and industrial areas there are a number of other signs and other activities that collectively catch the attention of motorists without apparent traffic safety hazard. We are also conscious that there are general performance standards in the 2GP for signs to address any particularly distracting signs from a traffic safety point of view.
65. However, we do agree that commercial advertising on bus shelters throughout the City, including in residential areas, is not appropriate for reasons of visual amenity. Therefore, the appropriate classification for this activity is non-complying.

Appendix 1 – Amendments to the Notified 2GP (2015)

Please see www.2gp.dunedin.govt.nz/decisions for the marked-up version of the notified 2GP (2015). This shows changes to the notified 2GP with strike-through and underline formatting and includes related submission point references for the changes.

Appendix 2 – Summary of Decisions

1. A summary of decisions on provisions discussed in this decision report (based on the submissions covered in this report) is below.
2. This summary table includes the following information:
 - Plan Section Number and Name (the section of the 2GP the provision is in)
 - Provision Type (the type of plan provision e.g. definition)
 - Provision number from notified and new number (decisions version)
 - Provision name (for definitions, activity status table rows, and performance standards)
 - Decision report section
 - Section 42A Report section
 - Decision
 - Submission point number reference for amendment

Summary of Decisions

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
1. Plan Overview and Introduction	Definition	1.5		Industry	Amend definition to add "depots for the storage and dispatch of vehicles, equipment, and/or materials, and the administration and dispatch of workers using these in the field"	CP 354.3	3.4	3
1. Plan Overview and Introduction	Definition	1.5		Community Activities	Retain the provision as notified		3.4	3
1. Plan Overview and Introduction	Definition	1.5		Community Corrections Facility (proposed New)	Do not add new definition, retain Plan as notified		3.4	3
18. Commercial Mixed Use Zones	Activity Status	18.3.3.22, 18.3.4.32 and 18.3.5.29	18.3.3.23, 18.3.4.32 and 18.3.5.32	All other activities in the major facility activities category	Retain the provisions as notified		3.4	3
19. Industrial Zones	Activity Status	19.3.3.8	19.3.3.7	All other activities in the major facility activities	Retain the provisions as notified		3.4	3

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
				category				
2. Strategic Directions	Policy	2.4.1.6			Do not amend as requested		3.4	4.1
18. Commercial Mixed Use Zones	Activity Status	18.3.3.4		Commercial Advertising	Do not amend as requested		3.3	4.1
18. Commercial Mixed Use Zones	Activity Status	18.3.4.5		Commercial Advertising	Do not amend as requested		3.3	4.1
18. Commercial Mixed Use Zones	Activity Status	18.3.5.5		Commercial Advertising	Do not amend as requested		3.3	4.1
19. Industrial Zones	Activity Status	19.3.3.15	19.3.3.15	Commercial Advertising	Do not amend as requested		3.3	4.1
24. Dunedin International Airport	Policy	24.2.2.4			Do not amend as requested		3.2	5.7.7 (MF s42A)
24. Dunedin International Airport	Policy	24.2.2.6			Do not amend as requested		3.2	5.7.8 (MF s42A)
24. Dunedin International Airport	Activity Status	24.3.3.11		All other activities in the commercial activities category	Do not amend as requested		3.2	4.1 (CP - Com advert)

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
24. Dunedin International Airport	Policy	24.5.9		Number and Location of Tourism Signs	Do not amend as requested		3.2	5.7.12 (MF s42A)
24. Dunedin International Airport	Development Performance Standard	24.6.9	24.6.6	Number, Location and Design of Ancillary Signs	Do not delete rule as requested		3.2	5.7.14 (MF s42A)
24. Dunedin International Airport	Assessment of Restricted Discretionary Performance Standard Contraventions	24.8.3.4	24.7.3.4	Number and Location of Tourism Signs	Do not amend as requested		3.2	5.7.15 (MF s42A)
24. Dunedin International Airport	Assessment of Restricted Discretionary Performance Standard Contraventions	24.8.4.11	24.7.4.6	Number, location and design of ancillary signs	Do not amend as requested		3.2	5.7.17 (MF s42A)
24. Dunedin International Airport	Assessment of Non-complying Activities	24.11.3	N/A deleted		Do not delete rule as requested		3.2	5.7.23(MF s42A)
1.4. Plan Overview and Introduction	Definition	1.5		Emergency Services	Do not amend as requested		3.1	4.1
1.4. Plan Overview and Introduction	Definition	1.5		Major Facility Activities	Do not amend as requested		3.1	4.1
2. Strategic Directions	Policy	2.3			Do not amend as requested		3.2.1	PHS 5.2.2

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
6. Transportation	Assessment of Restricted Discretionary Activities	6.10.2.6	6.11.2.6	Emergency services (residential zones, Taieri Aerodrome)	Amend assessment guidance to reflect change to activity status of emergency services in residential zones (add reference), CMU zones (remove reference) and Industrial zones (remove reference)	CP 945.30, 945.36, and 945.49	3.2.1	4.2
15. Residential Zones	Policy	15.2.1.2			Amend policy to include major facility activities	CP 945.58	3.2.1	Res 5.3.2
15. Residential Zones	Objective	15.2.1			Amend the objective by replacing 'major facilities' with 'major facility activities'	CP 945.29	3.2.3	4.2
15. Residential Zones	Policy	15.2.3.4			Amend policy to add reference emergency services, linked to change in activity status	CP 945.30	3.2.1	4.2
15. Residential Zones	Policy	15.2.4.7			Amend policy to add reference emergency services, linked to change in activity status	CP 945.30	3.2.1	4.2
15. Residential Zones	Activity Status	15.3.3.Y (New)	15.3.3.25	Emergency Services	Amend activity status from NC to RD and add subject to Minimum Car Parking performance standard	CP 945.30	3.2.1	4.2

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
15. Residential Zones	Land Use Performance Standard	15.5.9		Minimum car parking	Amend performance standard by adding a new minimum car parking standard for emergency services	CP 945.30	3.2.2	4.2
15. Residential Zones	Assessment of Restricted Discretionary Activities	15.10.2.X	15.11.2.3		Amend guidance for assessment of emergency services to add general assessment guidance that Council will consider "the functional requirements and operational needs of the emergency service when considering the above matters."	CP 945.41	3.2.1	4.2
15. Residential Zones	Assessment of Restricted Discretionary Activities	15.10.2.X	15.11.2.3	Emergency services	Add assessment rule and guidance for Emergency Services as an RD activity subject to: a. Effects on the safety and efficiency of the transport network and b. Effects on surrounding sites' residential amenity	CP 945.30	3.2.1	4.2
15. Residential Zones	Assessment of Non-complying Activities	15.12.3.5	15.13.3.4		Amend guidance linked to change to activity status for emergency services	CP 945.30	3.2.1	4.2

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
					(remove reference)			
16. Rural Zones	Policy	16.2.1.2			Amend policy to add reference emergency services, linked to change in activity status	CP 945.39	3.2.1	4.2
16. Rural Zones	Policy	16.2.1.2			Do not amend as requested		3.1	Ru 5.4.2.3
16. Rural Zones	Activity Status	16.3.3.AC	16.3.3.49	Emergency Services	Amend activity status from NC to P (except in overlay zones) and add subject to Minimum Car Parking standard	CP 945.39	3.2.1	4.2
16. Rural Zones	Land Use Performance Standard	16.5.7	16.5.8	Minimum car parking	Amend performance standard by adding a new minimum car parking standard for emergency services	CP 945.39	3.2.2	4.2
16. Rural Zones	Assessment of Non-complying Activities	16.12.3.2		All major facility, rural and industrial activities	Amend assessment guidance to reflect change to activity status of emergency services (remove reference)	CP 945.39	3.2.1	4.2
17. Rural Residential Zones	Policy	17.2.1.4			Amend policy to add reference emergency services, linked to change in activity status	CP 945.40	3.2.1	4.2

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
17. Rural Residential Zones	Activity Status	17.3.3.X	17.3.3.26	Emergency Services	Amend activity status from NC to P (except in overlay zones) and add subject to Minimum Car Parking standard	CP 945.40	3.2.1	4.2
17. Rural Residential Zones	Land Use Performance Standard	17.5.8		Minimum car parking	Amend performance standard by adding a new minimum car parking standard for emergency services	CP 945.40	3.2.2	4.2
17. Rural Residential Zones	Assessment of Non-complying Activities	17.12.3.3		ONF or HNCC overlay zones	Amend assessment guidance to add emergency services to list of activities managed in ONFs and HNCCs as the activity status remains NC in these overlays	CP 945.40	3.2.1	4.2
18. Commercial and Mixed Use Zones	Policy	18.2			Do not amend as requested		3.2.1	PHS 5.2.2
18. Commercial Mixed Use Zones	Activity Status	18.3.3.21	18.3.3.22	Emergency Services	Amend activity status from RD to P and add subject to Minimum Car Parking standard	CP 945.49	3.2.1	4.2
18. Commercial Mixed Use Zones	Activity Status	18.3.4.31		Emergency Services	Amend activity status from RD to P and add subject to Minimum Car Parking standard	CP 945.49	3.2.1	4.2

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
18. Commercial Mixed Use Zones	Activity Status	18.3.5.28	18.3.5.30	Emergency Services	Amend activity status from RD to P and add subject to Minimum Car Parking standard	CP 945.49	3.2.1	4.2
18. Commercial Mixed Use Zones	Land Use Performance Standard	18.5.6		Minimum car parking	Amend performance standard by adding a new minimum car parking standard for emergency services	CP 945.49	3.2.2	4.2
. Industrial Zones	Activity Status	19.3.3.6	19.3.3.5	Emergency Services	Amend activity status from RD to P and add subject to Minimum Car Parking performance standard	CP 945.36	3.2.1	4.2
19. Industrial Zones	Land Use Performance Standard	19.5.6		Minimum car parking	Amend performance standard by adding a new minimum car parking standard for emergency services	CP 945.36	3.2.2	4.2
19. Industrial Zones	Assessment of Restricted Discretionary Activities	19.10.3		Land use activities	Amend assessment guidance to reflect change to activity status of emergency services (remove reference)	CP 945.36	3.2.1	4.2
1. Plan Overview and Introduction	Definition	1.5		Mineral exploration	Amend definition of mineral exploration to align with definition in Crown Minerals Act 1991, and not exclude blasting, to reflect creation of new	CP 458.1 and others	3.15	4.3.5

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
					activity 'mineral exploration that involves blasting'			
1. Plan Overview and Introduction	Definition	1.5		Mining	Amend definition of mining as a consequence of creating new activity 'mineral exploration that involves blasting'	CP 458.1 and others	3.15	4.3.5
1. Plan Overview and Introduction	Definition	1.5		Rural Industry	Amend definition of rural industry to clarify that rural industry may include the processing of minerals and quarry products where not part of a mining activity on the same site.	CP 458.3 and others	3.16	4.3.5
1. Plan Overview and Introduction	Definition	1.5		Mineral prospecting	Amend definition of mineral prospecting to align with definition in Crown Minerals Act 1991. Amend definition of mineral prospecting as a consequence of creating new activity 'mineral exploration that involves	CP 458.34 and others CP 458.1 and others	3.15	4.3.5

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
					blasting'			
1. Plan Overview and Introduction	Definition	1.5		Scheduled mining activity	Add a new definition for scheduled mining activity	CP 874.2 and others	3.1	4.3.1
1. Plan Overview and Introduction	Definition	1.5		Rural activities	Add 'scheduled mining activity' to rural activities definition	CP 874.2 and others	3.1	4.3.1
1. Plan Overview and Introduction	Definition	1.5		Natural Hazard Potentially Sensitive Activities	Add 'scheduled mining activity' to list of activities	CP 874.2 and others	3.1	4.3.1
1. Plan Overview and Introduction	Definition	1.5		Mining	Do not amend as requested		3.14	4.3.5
1. Plan Overview and Introduction	Nested Tables	1.6	1.3	Rural activities category	Add 'scheduled mining activity' to rural activities category nested table	CP 874.2 and others	3.1	4.3.1
2. Strategic Directions	Policy	2.3.1.2			Do not amend as requested		3.4	4.3.2
2. Strategic Directions	Policy	2.3.1.8 (New)			Add a new strategic direction policy related to mining under Objective 2.3.1	CP1088.17 and others	3.4	4.3.2

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
2. Strategic Directions	Policy	2.4.6.2			Add reference to mining in Policy 2.4.6.2	CP 1088.22	3.5	4.3.2
9. Public Health and Safety	Policy	9.2.2.6			Amend policy to add mineral exploration as a consequence of creating new activity 'mineral exploration that involves blasting'	CP 458.1 and others	3.15	4.3.5
9. Public Health and Safety	City Wide Performance Standard	9.3.6.6	9.3.6.7	Noise	Amend Rule 9.3.6.6 to add an exemption for noise generated by blasting in rural zones as part of mineral exploration as a consequence of creating new activity 'mineral exploration that involves blasting'	CP 458.1 and others	3.15	4.3.5
9. Public Health and Safety	Assessment of Discretionary Performance Standard Contraventions	9.6.4.6 (New)	9.7.4.6	Blasting (mineral exploration)	Amend Rule 9.6.4.6 to add blasting to the assessment of discretionary performance standard contraventions as a consequence of creating new activity 'mineral exploration that involves blasting'	CP 458.1 and others	3.15	4.3.5

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
9. Public Health and Safety	Special Information Requirement	9.8.1	9.9.1	Site management and emergency response plans	Amend Rule 9.8.1.3 to clarify that a site response and emergency plan may form part of a quarry management plan	CP 458.40	3.18	4.3.7
11. Natural Hazards	Introduction	11.1.3		Hazard provisions sensitivity classification	Add 'scheduled mining activity' to list of activities	CP 874.2 and others	3.1	4.3.1
15. Residential Zones	Activity Status	15.3.3.AA (New) , 15.3.3.26		Mining	Split off from all other activities in the rural activities category 'mining'.	CP 874.2 and others	3.1	4.3.1
15. Residential Zones	Activity Status	15.3.3.Z (New), 15.3.3.26		Scheduled mining activity	Split off from all other activities in the rural activities category a new activity: 'scheduled mining activity' and change activity status from NC to P and add reference to new performance standard	CP 874.2 and others	3.1	4.3.1
15. Residential Zones	Land Use Performance Standard	15.5.16 (New)		Scheduled mining activity	Add a new performance standard 'scheduled mining activity' linked to change to activity status of 'scheduled mining activity'	CP 874.2 and others	3.1	4.3.1

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
15. Residential Zones	Assessment of NC Activities	15.12.3.5	15.13.3.4		Amend guidance as a consequence of change to activity status of 'scheduled mining activity' (clarify does not apply to scheduled mining activity)	CP 874.2 and others	3.2	4.3.1
16. Rural Zones	Introduction	16.1		Introduction	Add reference to mining in the rural introduction	CP 458.59	3.4	4.3.2
16. Rural Zones	Policy	16.2.1.2			Do not amend as requested		3.6	4.3.3.1
16. Rural Zones	Objective	16.2.1			Amend objective wording	CP 1088.60 and others	3.12	4.3.3.8
16. Rural Zones	Policy	16.2.2.4			Amend policy to add reference to blasting in relation to mineral exploration as a consequence of creating new activity 'mineral exploration that involves blasting'	CP 458.1 and others	3.15	4.3.5
16. Rural Zones	Policy	16.2.2.5			Do not amend as requested		3.7	4.3.3.3
16. Rural Zones	Policy	16.2.2.6	NA deleted		Delete Policy 16.2.2.6	CP 458.23 and others	3.8	4.3.3.4
16. Rural Zones	Policy	16.2.3.4			Amend policy wording	CP 458.24 and others	3.9	4.3.3.5
16. Rural Zones	Policy	16.2.3.5			Amend policy wording	CP 458.25 and others	3.10	4.3.3.6

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
16. Rural Zones	Activity Status	16.3.3.12 (New), 16.3.3.12	16.3.3.13	Mineral exploration that does not involve blasting	Add new row to activity status table for mineral exploration that does not involve blasting as a consequence of creating new activity 'mineral exploration that involves blasting'	CP 458.1 and others	3.15	4.3.5
16. Rural Zones	Activity Status	16.3.3.AD (New), 16.3.3.13	16.3.3.17, 16.3.3.15	Scheduled mining activity	Split off from mining a new activity: 'scheduled mining activity' and change activity status from D to P in the rural zone and overlays and add reference to new performance standard	CP 874.2 and others	3.1	4.3.1
16. Rural Zones	Activity Status	16.3.3.X	16.3.3.12	Mineral prospecting	Add new row to activity status table for mineral prospecting as a consequence of creating new activity 'mineral exploration that involves blasting'	CP 458.1 and others	3.15	4.3.5
16. Rural Zones	Activity Status	16.3.3.Y (New), 16.3.3.12	16.3.3.14, 16.3.3.13	Mineral exploration that involves blasting	Split off from mining a new activity 'mineral exploration that involves blasting', change	CP 458.1 and others	3.15	4.3.5

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
					activity status from D to P and add reference to a new blasting performance standard			
. Rural Zones	Land Use Performance Standard	16.5.9.2	16.5.10.2	Separation distances	Amend to clarify the measurement of separation distances	CP 458.43 and others	3.11	4.3.3.7
16. Rural Zones	Land Use Performance Standard	16.5.9	16.5.10	Separation distances	Amend 16.5.9 so that mining not involving blasting and mining involving blasting is differentiated, with the separation distance from mining not involving blasting being increased to 200m and the separation distance from mining involving blasting being increased to 500m.	CP 458.43 and others	3.11	4.3.3.7
16. Rural Zones	Land Use Performance Standard	16.5.14 (New)	16.5.15	Blasting	Add new blasting standard to Rule 16.5 as a consequence of creating new activity 'mineral exploration that involves blasting'	CP 458.1 and others	3.15	4.3.5
16. Rural Zones	Land Use Performance Standard	16.5.15 (New)	16.5.16	Scheduled mining activity	Add new performance standard 'scheduled mining activity'	CP 874.2 and others	3.1	4.3.1

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
16. Rural Zones	Land Use Performance Standard	16.5		Land use performance standards	Do not amend as requested		3.11	4.3.3.7
16. Rural Zones	Assessment of Restricted Discretionary Activities	16.10.2.2	16.10.2.4		Amend guidance to reflect deletion of policy 16.2.2.6	CP 458.23 and others	3.8	4.3.3.4
16. Rural Zones	Assessment of Restricted Discretionary Activities	16.10.2.3	16.10.2.5		Amend guidance to reflect deletion of policy 16.2.2.6	CP 458.23 and others	3.8	4.3.3.4
16. Rural Zones	Assessment of Restricted Discretionary Activities	16.10.2.5	16.10.2.1		Amend guidance to reflect change in Policy 16.2.3.5	CP 458.25 and others	3.10	4.3.3.6
16. Rural Zones	Assessment of Discretionary Activities	16.11.2.2			Amend guidance to reflect change in Policy 16.2.3.5	CP 458.25 and others	3.10	4.3.3.8
16. Rural Zones	Assessment of Discretionary Activities	16.11.2.3			Amend guidance to reflect deletion of policy 16.2.2.6	CP 458.23 and others	3.8	4.3.3.4
16. Rural Zones	Assessment of Discretionary Activities	16.11.2.3			Amend guidance to reflect change in Policy 16.2.3.5	CP 458.25 and others	3.10	4.3.3.8
16. Rural Zones	Assessment of Discretionary Activities	16.11.2.4		Mining, landfills	Amend guidance by adding guidance about rehabilitation and restoration (CP 1088.57) and locational constraints and logistical or	CP 1088.57 CP 901.24 and others	3.12	4.3.3.8

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
					technical requirements (901.24 and others)			
16. Rural Zones	Assessment of Discretionary Activities	16.11.2.4			Amend guidance to reflect deletion of policy 16.2.2.6	CP 458.23 and others	3.8	4.3.3.4
16. Rural Zones	Assessment of Discretionary Activities	16.11.2.4			Amend guidance to reflect change in Policy 16.2.3.4	CP 458.24 and others	3.9	4.3.3.8
16. Rural Zones	Assessment of Discretionary Activities	16.11.2.4			Amend guidance to reflect change in Policy 16.2.3.5	CP 458.25 and others	3.10	4.3.3.8
16. Rural Zones	Assessment of Discretionary Activities	16.11.2.4			Amend guidance for mining to add reference to new mining policy 2.3.1.8	CP1088.17 and others	3.12	4.3.2
16. Rural Zones	Assessment of Discretionary Performance Standard Contraventions	16.11.3.4 (New)		Blasting (mineral exploration)	Amend Rule 16.11.3 to add blasting to the assessment of discretionary performance standard contraventions as a consequence of creating new activity 'mineral exploration that involves blasting'	CP 458.1 and others	3.15	4.3.5

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
17. Rural Residential Zones	Land Use Performance Standard	17.5.10.2		Separation distances	Amend to clarify the measurement of separation distances	CP 458.43 and others	3.11	4.3.3.7
17. Rural Residential Zones	Land Use Performance Standard	17.5.10		Separation distances	Amend 17.5.10 so that mining not involving blasting and mining involving blasting is differentiated, with the separation distance from mining not involving blasting being increased to 200m and the separation distance from mining involving blasting being increased to 500m.	CP 458.43 and others	3.11	4.3.3.7
19. Industrial Zones	Activity Status	19.3.3		Activity status table - land use activities	Do not amend as requested		3.17	4.3.6
20. Recreation Zone	Policy	20.2.2.9			Amend policy wording	CP 458.24 and others	3.9	4.3.3.5
20. Recreation Zone	Activity Status	20.3.3.X (New), 20.3.3.18	20.3.3.19, 20.3.3.18	Scheduled mining activity	Split off from mining a new activity: 'scheduled mining activity' and change activity status from D to P in the rural zone and NCC and add reference to new performance standard	CP 874.2 and others	3.1	4.3.1

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
20. Recreation Zone	Land Use Performance Standard	20.5.10 (New)	delete	Scheduled mining activity	Add a new performance standard 'scheduled mining activity' linked to change to activity status of 'scheduled mining activity'	CP 874.2 and others	3.1	4.3.1
20. Recreation Zone	Assessment of Discretionary Activities	20.11.2.3			Amend guidance to reflect change in Policy 20.2.2.9	CP 458.24 and others	3.9	4.3.3.5
20. Recreation Zone	Assessment of Discretionary Activities	20.11.2.3			Amend guidance to reflect change in Policy 20.2.2.9	CP 458.24 and others	3.9	4.3.3.5
20. Recreation Zone	Assessment of Discretionary Activities	20.11.2.3			Amend guidance to reflect change in Policy 20.2.2.9	CP 458.24 and others	3.9	4.3.3.5
20. Recreation Zone	Assessment of NC Activities	20.12.3.2			Amend guidance as a consequence of change to activity status of 'scheduled mining activity' (clarify does not apply to scheduled mining activity)	CP 874.2 and others	3.1	4.3.1
16. Rural Zones	Appendix	A1.5 (New)		Schedules	Add a new schedule for the scheduled mining activities	CP 874.2 and others	3.1	4.3.1
A7. Rural Character Values	Appendix	A7.1		High Country Rural Zone	Amend appendix description	CP 1088.61	3.13	4.3.4

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
16. Rural Zones	Activity Status	N/A		New provisions associated with a new zone for MPGOZ (permitted or controlled activity status for mining)	Do not add new provisions associated with proposed MPGOZ or new assessment rule that any land use activity needing consent be assessed with regard to likely future mining.		3.3	4.3.1
1. Plan Overview and Introduction	Definition	1.5		Self-service fuel stations (New)	Add new definition for self-service fuel stations as a consequence of creating new sub-activity 'self-service fuel stations' and change activity status from RD to P	CP 634.32	3.4.3	4.3
. Plan Overview and Introduction	Nested Tables	1.5		Self-service fuel stations (New)	Add new sub-activity of service stations called 'self-service fuel stations' in nested table	CP 634.32	3.4.3	4.3
. Plan Overview and Introduction	Nested Tables	1.5		Service stations	Add reference to self-service fuel stations as a sub-activity of service stations	CP 634.32	3.4.3	4.3
1. Plan Overview and Introduction	Definition	1.5		Service Station	Amend the definition to include "café-style takeaways"	CP 634.5	3.2	4.3

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
6. Transportation	Assessment of Discretionary Activities	6.11.2.2	6.12.2.1	All discretionary activities that are linked to Section 6.11	Amend guidance to reflect change to activity status for service stations on a strategic road or arterial road (add additional guidance)	CP 634.39	3.4.1	4.3
15. Residential Zones	Policy	15.2.1.7 (New)			Add a new policy to reflect change in activity status of service stations 'on a strategic road or arterial road'	CP 634.39	3.4.1	4.3
15. Residential Zones	Policy	15.2.3.4			Amend policy to reflect change in activity status for service stations (add reference to service stations)	CP 634.39	3.4.1	4.3
15. Residential Zones	Policy	15.2.4.7			Amend policy to reflect change in activity status for service stations (add reference to service stations)	CP 634.39	3.4.1	4.3
15. Residential Zones	Activity Status	15.3.3.X, 15.3.3.21 15.3.3.AB		All other activities in the commercial activities category	Amend the activity status of service stations where they are "on a strategic or arterial road" from NC to D. Service stations, other than on a strategic road or arterial road remain	CP 634.39	3.4.1	4.3

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
					as N/C			
15. Residential Zones	Assessment of Discretionary Activities	15.11.2.7 (New)	15.12.2.7		Amend guidance to reflect change to activity status for service stations on a strategic road or arterial road (add New row and additional guidance)	CP 634.39	3.4.1	4.3
16. Rural Zones	Policy	16.2.1.11 (New)			Add a new policy to reflect change in activity status of service stations 'on a strategic road or arterial road'	CP 634.40	3.4.1	4.3
16. Rural Zones	Policy	16.2.2.5			Amend policy to reflect change in activity status for service stations (add reference)	CP 634.40	3.4.1	4.3
16. Rural Zones	Policy	16.2.3.6			Amend policy to reflect change in activity status for service stations (add reference)	CP 634.40	3.4.1	4.3

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
16. Rural Zones	Activity Status	16.3.3.AB (New) 16.3.3.AF (New)	16.3.3.40, 16.3.3.41	Service stations on a strategic road or arterial road	Amend the activity status of service stations where they are "on a strategic or arterial road" from NC to D. Service stations, other than on a strategic road or arterial road remain as N/C	CP 634.40	3.4.1	4.3
16. Rural Zones	Assessment of Discretionary Activities	16.11.2.9 (New)	16.11.2.7	Service stations on a strategic road or arterial road	Amend guidance to reflect change to activity status for service stations on a strategic road or arterial road (add New row and additional guidance)	CP 634.40	3.4.1	4.3
17. Rural Residential Zones	Activity Status	17.3.3.22	17.3.3.24	All other activities in the commercial activities category	Do not amend as requested		3.4.1	4.3
18. Commercial Mixed Use Zones	Activity Status	18.3.3.11.b and c	18.3.3.12.b and c	Service stations	Amend the activity status of service stations from D to RD in the centres zones	CP 634.109	3.4.2	4.3
18. Commercial Mixed Use Zones	Activity Status	18.3.3.11.a	18.3.3.12.a	Service stations	Do not amend as requested		3.4.2	4.3

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
18. Commercial and Mixed Use Zones	Activity Status	18.3.4.18.b		Service stations	Amend the activity status of service stations from D to RD in the PPH zone	CP 634.38	3.4.2	4.3
18. Commercial Mixed Use Zones	Activity Status	18.3.4.18.a		Service stations	Retain activity status of service stations in CBD zone		3.4.2	4.3
18. Commercial Mixed Use Zones	Activity Status	18.3.4.18.c		Service stations	Retain activity status of service stations in SSYP zone		3.4.2	4.3
18. Commercial Mixed Use Zones	Activity Status	18.3.4.18.d		Service stations	Retain activity status of service stations in HE zone		3.4.2	
18. Commercial and Mixed Use Zones	Assessment of Restricted Discretionary Activities	18.10.2.x	18.10.2.2		Amend guidance to reflect change to activity status for service stations in Centres and PPH (add reference), with effects on residential amenity and effects on safety and efficiency of the transportation network as matters of discretion	CP 634.38 and CP 634.109	3.4.2	4.3
18. Commercial and Mixed Use Zones	Assessment of Discretionary Activities	18.11.3.4			Amend guidance to reflect change to activity status for service stations (remove reference)	CP 634.38 and CP 634.109	3.4.2	4.3

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
19. Industrial Zones	Activity Status	19.3.3.12	19.3.3.11	Service stations other than self-service fuel stations	Amend activity name to reflect creation of sub-activity of self-service fuel stations	CP 634.32	3.4.3	4.3
19. Industrial Zones	Activity Status	19.3.3.13	19.3.3.12	Self-service fuel stations	Split off from service stations a new sub-activity 'self-service fuel stations' and change activity status from RD to P and retain same performance standard as these that apply to other service stations	CP 634.32	3.4.3	4.3
19. Industrial Zones	Development Performance Standard	19.6.1		Boundary Treatments	Do not amend as requested		3.5	4.3
19. Industrial Zones	Development Performance Standard	19.6.11.1	19.6.9.1	Boundary Setbacks	Do not amend as requested		3.5	4.3
19. Industrial Zones	Assessment of Discretionary Activities	19.10.3.1	19.10.3.2	Service stations (except Self-service Fuel Stations)	Amend guidance to reflect change to activity status for self-service fuel stations (remove reference)	CP 634.32	3.4.3	4.3