

E. Major Facility Zones

Introduction

The major facilities are key facilities throughout the city which contribute to the economic, social and cultural well-being of the community. The facilities identified in the District Plan ~~are among the key facilities which~~ **{MF cl.16}** enable people in Dunedin to access essential services such as education, health care, transport, and recreation. Including these facilities in separate zones, with provisions tailored specifically to them, ensures that their contributions to economic and social prosperity can be maintained and encouraged. Providing for major facilities also ensures greater certainty for the community regarding the activities, and the effects, which can be expected to occur.

Several major facilities (Campus, Dunedin Botanic Garden, Airport, Hospital, Invermay/Hercus, major recreation facilities (Moana Pool and Stadium), Port, Schools, and Taieri Aerodrome) have a unique activity that provides for all the primary activities of the major facility. These activities are included in the Major Facility Activities Category of the Nested Table. However, some major facilities rely on standard activities that are provided for in a range of zones (for example the Otago Museum's primary activities are provided for through enabling training and education, campus-affiliated office, conference, meeting and function, entertainment and exhibition). In addition, some of the facilities in the Major Facility Activities Category do not have a special major facility zone (for example the New Zealand Marine Studies Centre). In addition to the major facilities, the Major Facility Activities Category also contains important community facilities that occur in a range of locations, for example cemeteries and emergency services. **{MF cl.16}**

The focus for ~~each the major facility~~ **{MF cl.16}** zones is on providing for the operation of the major facility. Permitted activities within each zone include:

- activities that support the operation of the major facility, including ancillary activities; and
- related activities that may make use of the facilities' buildings or grounds, and are unlikely to have any effects on neighbouring communities.

Activities that are not part of, or ancillary to, the major facility ~~activity~~, **{MF cl.16}** or are incompatible with the major facility ~~activity~~ **{MF cl.16}** or the surrounding zone, require consent.

Major facilities operate in a different manner to activities in the surrounding zones and will have effects that differ from those that typically occur in the surrounding area. It is therefore appropriate to manage them in a different way to allow them to operate effectively. While some adverse effects are to be expected, the provisions require the operation and development of the facility in a manner that does not result in unacceptable effects on the amenity of neighbours and the local community.

To further encourage efficient operation, most major facilities have been assigned a 'default zone'. The provisions allow land that is surplus to the requirements of the major facility to be used in a manner consistent with the default zone. The default zone is usually the surrounding zone, but may also be a zone that is considered a 'best fit' for the likely future use of the facility buildings. These provisions allow a facility to dispose of surplus land without the need for a resource consent or plan change.

¹ **MF cl.16:** As a clause 16 amendment this paragraph is needed to clarify the relationship between the zone and the activities and explain what the terms include.

² **MF cl.16:** Correction of terminology and improves clarity.

21. Ashburn Clinic

21.1 Introduction

The Ashburn Clinic is located at 496 Taieri Road, Halfway Bush, Dunedin. The hospital occupies an area of approximately eight hectares and is owned and operated by the Ashburn Hall Charitable Trust. Ashburn Clinic provides in-patient and out-patient mental health care.

The Ashburn Clinic was originally established in Dunedin in 1882, then known as Ashburn Hall, and provided an alternative to public asylums of that time. The clinic is a private trust which provides a range of essential mental health services to the region. With this in mind, the Ashburn Clinic Zone has been designed to enable the services which are offered by Ashburn Clinic to be provided for, while providing greater certainty to the community regarding what land use activities can be expected to occur on the Ashburn Clinic site.

The site itself is surrounded by the Rural Residential 1 Zone, which is characterised by relatively low density residential development, and is also in close proximity to the General Residential 1 Zone and the Recreation Zone {MF cl.16}. There is a high level of residential amenity in the area, and the site and wider area has a high level of established vegetation. While the buildings on the Ashburn Clinic site are generally larger than would otherwise be expected in the surrounding residential environments, these are contained within a large site which is extensively bordered by trees and vegetation.

The Ashburn Clinic Zone recognises the existing and foreseeable future use of Ashburn Clinic site and, at the same time, appropriately manages any adverse effects of development on the surrounding Rural Residential 1 Zone. **{MF cl.16}**

21.2 Objectives and Policies

Objective 21.2.1	
Ashburn Clinic is able to operate efficiently and effectively as a hospital and medical training and research facility.	
Policy 21.2.1.1	Enable hospital activity in the Ashburn Clinic Zone.
Policy 21.2.1.2	Enable land that is surplus to the needs of Ashburn Clinic to transition to the Rural Residential 1 Zone, so that future development that is not related to hospital activity ~~can~~ <u>will</u> {PO cl.16} be managed in accordance with the objectives and policies of that zone.
Policy 21.2.1.3	Provide for activities that are ancillary to hospital activity where they are designed and operated in line with Objective 21.2.2 and its policies.
Policy 21.2.1.4	Only allow activities that are not ancillary to hospital activity where all of the following apply: - the activities are related to or support Ashburn Clinic, or have other operational requirements that mean they need to locate in the zone; - they will support the efficient and effective operation of Ashburn Clinic; - they are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and - they are designed and operated in line with Objective 21.2.2 and its policies.
Policy 21.2.1.5	Only allow general subdivision in the Ashburn Clinic Zone where: - it is in accordance with the provisions of the Rural Residential Zone 1; and - the general subdivision ~~it~~ {MF cl.16} does not adversely affect the effective and efficient operation of Ashburn Clinic.

Objective 21.2.2	
Land use activities and development necessary for Ashburn Clinic to meet the reasonably foreseeable health needs of the community are enabled, while ensuring development: - achieves a reasonable standard of on-site amenity for patients, staff and visitors; and - maintains or enhances the residential amenity of surrounding sites.	
Policy 21.2.2.1	Require development to provide a reasonable standard of on-site amenity by retaining open spaces uncluttered by buildings.
Policy 21.2.2.2	Require buildings and structures to be of a height and setback from boundaries that ensures there are no more than minor effects on the sunlight access and privacy of current and potential future residential buildings and their outdoor living spaces.
Policy 21.2.2.3	Require development to maintain or enhance the visual amenity of the surrounding Rural Residential 1 Zone {MF cl.16} by ensuring all the following are met: - buildings and structures are of a height and setback that reduces their visual impact and preserves open space values; and - service areas are not visible from ground level outside the site.
Policy 21.2.2.4	Require landscaping of the boundary of parking areas, where adjacent to the road frontage, to screen or soften these areas and ensure a high standard of visual amenity when viewed from the road.

Objective 21.2.2

Land use activities and development necessary for Ashburn Clinic to meet the reasonably foreseeable health needs of the community are enabled, while ensuring development:

- a. achieves a reasonable standard of on-site amenity for patients, staff and visitors; and
- b. maintains or enhances the residential amenity of surrounding sites.

Policy 21.2.2.5	Require ancillary signs visible from outside the zone 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 that purpose.
Policy 21.2.2.6	Require ancillary commercial activities to be designed, located and operated to primarily serve staff, patients and visitors of Ashburn Clinic.
Policy 21.2.2.7	Require ~~forestry and {MF cl.16}~~ ¹ ~~tree planting shelterbelts and small woodlots {RU cl.16}~~ to be set back an adequate distance to avoid <u>or minimise, as far as practicable, {PO 308.497}</u> significant effects from shading on residential dwellings on surrounding properties.

¹ **MF cl.16:** As a clause 16 amendment, forestry has been removed from this policy as the performance standard derived from this policy does not apply to forestry, which is a discretionary activity in this zone.

EW cl.16: As a clause 16 amendment, all earthworks provisions including Objective 21.2.3 and its policies have been moved to new city-wide activity section (Section 8A). Any amendments to provisions as a result of submissions are shown there.

Rules

Rule 21.3 Activity Status

21.3.1 Rule location

The activity status tables in rules 21.3.3 to 21.3.5 specify the activity status of land use activities, development activities, and subdivision activities in the Ashburn Clinic Zone ~~and relevant overlay zones {MF cl.16}~~, 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 **{PO cl.16}** (Section 8)
7. Earthworks (Section 8A) **{EW cl.16}**

21.3.2 Activity status introduction

1. The activity status tables in rules 21.3.3 - 21.3.5 show the activity status of activities in the Ashburn Clinic Zone and the ~~overlay zones~~ mapped area **{MF cl.16}** indicated, provided any performance standards shown in the far right column are met.
2. Activities are split into three types: a. land use activities, b. development activities, c. subdivision activities. Within these types, activities are split into categories. The nested tables in Section 1.3 outline the hierarchy of categories, activities and sub-activities.
3. Permitted land use activities do not automatically provide for any related development activities. Therefore, the activity status of any associated development activities should also be checked.
4. Where a new land use activity requires a resource consent, all associated development activities will be considered and assessed as part of the resource consent even if the development otherwise meets the development performance standards listed in the Plan.
5. The nested tables in Section 1.3 are intended to be a complete list of activities 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

21.3.3 Activity status table - land use activities

1.	Performance standards that apply to all land use activities		a. Electrical interference b. Light spill c. Noise
Major facility activities		Activity status	Performance standards
2.	Hospital	P	a. Minimum car parking
3.	All other activities in the major facility activities category	NC	
Community activities		Activity status	Performance standards
4.	Community and leisure - small scale	P	
5.	Conservation	P	
6.	All other activities in the community activities category	D	
Commercial activities		Activity status	Performance standards
7.	Commercial activities ancillary to hospital activity	P	a. Location
8.	Registered health practitioners	P	
9.	All other activities in the commercial activities category	NC	
Residential activities		Activity status	Performance standards
10.	Rest homes	P	
11.	All other activities in the residential activities category	D	
Industrial activities		Activity status	Performance standards
12.	All activities in the industrial activities category	NC	
Rural activities		Activity status	Performance standards
13.	Grazing	P	
14.	Farming	D	

15.	Forestry	D	
16.	All other activities in the rural activities category	NC	

21.3.4 Activity status table - development activities

1.	Performance standards that apply to all development activities		a. ~~Setback from coast and water bodies {NatEnv cl.16}~~ b. Setback from scheduled tree
Buildings and structures activities		Activity status	Performance standards
2.	All buildings and structures activities	P	a. Boundary setbacks b. Maximum height c. Number, location and design of ancillary signs d. <u>Setback from coast and water bodies {NatEnv cl.16}</u>
Site development activities		Activity status	Performance standards
~~3.~~	~~Earthworks – small scale {EW cl.16'}~~	P	~~a. Earthworks standards~~
~~4.~~	~~Earthworks – large scale {EW cl.16'}~~	~~RD~~	~~a. Earthworks standards~~
5.	Service areas	P	a. Location and screening of service areas
6.	Parking, loading and access	P	a. Parking, loading and access standards b. Boundary treatments and other landscaping
7.	~~New or additions to parking areas, or extensions to existing parking areas that result in the creation of {Trans cl.16} 50 or more new parking spaces.~~	RD	a. Boundary treatments and other landscaping b. Parking, loading and access standards
8.	Storage and use of hazardous substances	P	a. Hazardous Substances quantity limits and storage requirements b. <u>Setback from coast and water bodies {NatEnv cl.16}</u>
9.	~~Tree planting Shelterbelts and small woodlots {RU cl.16}~~	P	a. <u>Forestry and tree planting shelterbelts and small woodlots {RU cl.16} setbacks</u> b. Tree species
10.	Vegetation clearance	P	a. Protected areas
11.	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.

Note 21.3.4A - 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 the District. If archaeological remains are discovered during any site works, at any location, the Accidental Discovery Protocol (Appendix A8) should be followed.

21.3.5 Activity status table - subdivision activities

Subdivision activities		Activity status	Performance standards
1.	General subdivision	RD	a. Subdivision performance standards
2.	Cross lease, company lease and unit title subdivision	NC	

Note 21.3.5A - 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.

21.3.6 Transition to Rural Residential 1 Zone

On receipt of written notice from both the landowner and operator of Ashburn Clinic (if different) to Dunedin City Council in relation to all or part of the land within the Ashburn Clinic Zone, the provisions of the Ashburn Clinic Zone will no longer apply to that parcel of land and the provisions of the Rural Residential 1 **{MF cl.16}** Zone will apply in full.

Rule 21.4 Notification

1. Activities are subject to the normal tests for notification in accordance with sections 95A - 95G of the RMA.

Rule 21.5 Land Use Performance Standards

21.5.1 Electrical Interference

Land use activities must comply with Rule 9.3.2.

21.5.2 Light Spill

Land use activities must comply with Rule 9.3.5.

21.5.3 Location

1. For ancillary **{MF cl.16}** commercial activities ancillary to hospital activity {MF cl.16}, customer access must only be available from inside hospital buildings.
2. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

21.5.4 Minimum Car Parking

1. Hospital activity must provide a minimum of 80 50 parking spaces, including ~~three~~ two mobility parking spaces **{Trans 32.3}**.
2. Required parking spaces may be used for car, cycle or motorcycle parking, except for any required mobility parking spaces, which must be used for mobility car parking.
3. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

Note 21.5.4A - 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.

21.5.5 Noise

Land use activities must comply with Rule 9.3.6.

Rule 21.6 Development Performance Standards

21.6.1 Boundary Treatments and Other Landscaping

1. Where a parking area is built within 5m of a street frontage, a landscaping area with a minimum 1.5m width must be provided along the full length of the road frontage (except for where vehicle access is provided); ~~with an average of one tree for every 5m of frontage~~ **{MF cl.16}**.
2. Landscaping areas must:
 - a. be planted with a mix of trees and shrubs and/or ground cover plants that achieves a total coverage of the ground area in planting (when mature), except for 10% of the area, which may be used for pedestrian paths;
 - b. have an average of one tree for every 5m of frontage;
 - c. not have more than 10% cover in impermeable surfaces (for pedestrian paths);
 - d. be designed to allow surface water run-off from surrounding areas to enter;
 - e. be protected by a physical barrier that prevents cars from ~~accidentally driving into or~~ **{PO 360.213}** damaging plants;
 - f. for required trees, use trees that are at least 1.5m high at the time of planting and capable of growing to a ~~minimum~~ **{PO 360.213}** height of 5m within 10 years of planting;
 - g. be planted prior to occupation ~~or completion~~ of any relevant building(s) or upon completion of site development activities **{MF cl.16}**; and
 - h. be maintained to a high standard, which means trees and under-planting are healthy and areas are regularly cleared of rubbish and weeds.
3. Any road boundary fences provided must be placed on the property side of any required **{MF cl.16}** road frontage landscaping required by this rule. **{PO 360.213}**
4. Activities that contravene this performance standard are restricted discretionary activities. **{PO cl.16}**

21.6.2 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.

21.6.3 Hazardous Substances Quantity Limits and Storage Requirements

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

21.6.4 Location and Screening of Service Areas

1. Service areas must be located or screened so that they are not visible at ground level from adjacent residential activities, residential zoned properties, or public places.
2. Service areas must not encroach into required parking, loading, or manoeuvring areas.
3. Activities that contravene this performance standard are restricted discretionary activities. **{PO cl.16}**

21.6.5 Maximum Height

1. The maximum height of new buildings and structures, and additions and alterations, must not exceed 12m above ground level.
2. Rooftop structures are exempt from the performance standard for height provided they do not exceed the maximum height limit for all other buildings and structures by more than one third of that limit.
3. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

21.6.6 Number, Location and Design of Ancillary Signs

21.6.6.1 General

- a. Signs must comply with the following standards, except the following signs are exempt from these standards:
 - i. signs that are not visible from outside the Ashburn Clinic 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;~~ **{CMU 271.18}**
 - iii. building names (excluding sponsorship names).
- b. Signs related to ancillary retail and ancillary restaurants ~~activities~~ **{PO cl.16}** must not be visible outside the Ashburn Clinic Zone.
- 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 21.6.6.2 and 21.6.6.3 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}**

21.6.6.2 Freestanding signs

- a. The maximum number of permanently fixed freestanding signs is one per 50m of frontage.
- b. The maximum number of portable freestanding signs is one per 50m of frontage.
- c. The maximum dimensions of freestanding signs are:
 - i. maximum height of 4m;
 - ii. maximum area of 8m²;
 - iii. maximum width of 2m; and
 - iv. maximum depth of 400mm **{PO cl.16}**.
- d. Freestanding signs must:
 - i. ~~not obstruct driveways, parking or loading areas~~ parking, loading and access areas; and **{PO cl.16}**
 - ii. ~~Freestanding signs, must be located within the site and cannot be located on the road reserve~~ be positioned entirely within the site boundaries. **{PO cl.16}**

21.6.6.3 Signs attached to buildings

- a. The height, above ground level, at the highest point of any sign, attached to a building is 4m.
- b. Signs must not be attached to roofs.
- c. Signs must not project higher than the lowest point of the roof, except where mounted against a parapet or gable end.

- d. Signs attached to a building must:
- not exceed one sign per 30m of road frontage;
 - have a maximum area per display face of 2m²;
 - have a maximum of two display faces per sign;
 - where attached to the façade of a building, must not project more than 1m from the façade to which it is attached; and
 - if attached to a verandah fascia, must not exceed a height of 500mm, or the height of a verandah fascia, whichever is greater.

Note 21.6A- Other relevant District Plan provisions {PO cl.16¹}

- Commercial advertising is a non-complying land use activity in all zones except the Airport Zone. {PO cl.16}
- See Section 3 Public Amenities for the rules related to public noticeboards. {PO cl.16}
- 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 21.6.6B - Other requirements outside of the District Plan

- For additional restrictions that may apply to signs, see also:
 - 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}.
 - Dunedin City Council Public Commercial Use of Footpaths Policy.
 - Dunedin City Council Roadway Bylaw.
 - Dunedin City Council Traffic and Parking Bylaw.

21.6.7 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

21.6.8 Protected Areas (vegetation clearance) {Was "Protected Areas" - NatEnv cl.16}

Vegetation clearance must comply with Rule 10.3.B Rule 10.3.2.3 {MF cl.16}.

21.6.9 Setbacks

21.6.9.1 Boundary setbacks

- New buildings and structures, and additions and alterations must have a minimum setback from boundaries of 10m; except: {MF cl.16}
- Except: {MF cl.16}
 - buildings or structures less than 10m² and less than 2m high may be located within the boundary setbacks where the total length of the buildings facing a boundary and within the setback does not exceed 7m in length and there are no windows or openings along the wall facing the boundary; and
 - fences and ancillary signs are exempt from the performance standard.
- Public entrances to buildings must be located at least 10m from a boundary with the any {MF cl.16} rural residential zone.
- Activities that contravene this performance standard are restricted discretionary activities.{PO cl.16}

21.6.9.2 Setback from coast and water bodies

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

21.6.9.3 Setback from scheduled tree

~~New {MF cl.16}~~ Buildings, and structures, additions and alterations, ~~earthworks, {EW cl.16}~~ and any site development activities ~~that involve the installation of impermeable surfacing if they involve ground excavation or the installation of impermeable surfaces on the ground {ST 308.161}~~ 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.

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

~~Forestry and {MF cl.16}~~¹ ~~tree planting Shelterbelts and small woodlots {RU cl.16}~~ must comply with Rule 16.6.11.2 Rule 17.6.9.2 ~~{MF cl.16}~~.

¹ **MF cl.16:** Forestry is a discretionary activity in this zone and should not have been listed in these provisions as they apply to permitted activities.

² **MF cl.16:** Corrects an error as the default zone for Ashburn Clinic is rural residential, therefore this should link to the rural residential rule rather than the rural rule.

21.6.10 Tree Species

~~Tree planting Shelterbelts and small woodlots {RU cl.16}~~ must comply with Rule 10.3.4.

Rule 21.7 Subdivision Performance Standards

General subdivision must comply with the performance standards for the Rural Residential 1 Zone within Rule 17.7.

Rule 21.8 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 21.8.1 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 21.8.2 - 21.8.5:
 - 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 21.8.2 - 21.8.5 apply as follows: {MF cl.16}
 - a. Rule 21.8.2 applies to all performance standard contraventions;
 - b. Rule 21.8.3 applies to land use performance standard contraventions;
 - c. Rule 21.8.4 applies to development performance standard contraventions; and
 - d. Rule 21.8.5 applies to subdivision performance standard contraventions. {MF cl.16}

21.8.2 Assessment of all performance standard contraventions	
Performance standard	Guidance on the assessment of resource consents
1. All performance standard contraventions	<i>Relevant objectives and policies:</i> a. Objective 21.2.1 <i>Potential circumstances that may support a consent application include:</i> b. The degree of non-compliance with the performance standard is minor. c. The need to meet other performance standards or site specific factors makes meeting the standard impracticable. d. Topography or other site specific factors make the standard irrelevant as the adverse effects that the standard is trying to manage will not occur. e. 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. <i>General assessment guidance:</i> 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 and those related to general amenity, greater weight will usually be placed on heritage policies.

21.8.3 Assessment of land use performance standard contraventions

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 (ancillary commercial activities)	a. Effects on rural residential <u>character and visual</u> {PO cl.16} amenity b. Effects on the vibrancy and economic and social success of the Central Business District Zone <u>CBD</u> and centres hierarchy {MF cl.16}	<i>Relevant objectives and policies:</i> i. Objective 21.2.2 ii. Ancillary commercial activities are designed, located and operated to primarily serve staff, patients and visitors of Ashburn Clinic (Policy 21.2.2.6). <i>Potential circumstances that may support a consent application include:</i> iii. The ancillary activity is unlikely to attract external customers and become a stand-alone activity.
3.	Minimum car parking	a. Effects on the safety and efficiency of the transport network b. Effects on accessibility	See Rule 6.9

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

21.8.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	Boundary treatments and other landscaping	a. Effects on rural residential <u>character and visual</u> {PO cl.16} amenity	<i>Relevant objectives and policies:</i> i. Objective 21.2.2 ii. The boundary of parking areas, <u>where adjacent to the road frontage</u> {MF cl.16} is landscaped to screen or soften these areas and ensure a high standard of visual amenity when viewed from the road (Policy 21.2.2.4). <i>Potential circumstances that may support a consent application include:</i> iii. The parking areas are small and/or surrounded by mature vegetation such that the effects on visual amenity are minor. iv. Alternative landscaping or screening is effective in visually softening large areas of hard surfaces, when viewed from the road.

21.8.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
2.	- Boundary setbacks - Maximum height	a. Effects on the amenity of surrounding sites	<i>Relevant objectives and policies:</i> i. Objective 21.2.2 ii. Buildings and structures are of a height and setback from boundaries that ensures there are no more than minor effects on the sunlight access and privacy of current and potential future residential buildings and their outdoor living spaces (Policy 21.2.2.2). <i>Potential circumstances that may support a consent application include:</i> iii. There is consistency with the setbacks of surrounding properties. <i>In assessing the application Council will consider:</i> iv. Existing sunlight access to neighbouring properties v. Cumulative effects from incremental development.
		b. Effects on rural residential <u>character and visual</u> {PO cl.16} amenity	<i>Relevant objectives and policies:</i> i. Objective 21.2.2 ii. Buildings and structures are of a height and setback that reduces their visual effect and preserves open space values (Policy 21.2.2.3.a). <i>Potential circumstances that may support a consent application include:</i> iii. There is consistency with the setbacks of surrounding properties. <i>Conditions that may be imposed include:</i> iv. Landscaping requirements to screen or soften the impacts {MF cl.16} effect of buildings or fences.
3.	Earthworks standards: Batter gradient {EW cl.16}	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 21.2.3 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 21.2.3.1.b). <i>Conditions that may be imposed include, but are not limited to:</i> 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.

21.8.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
4.	Earthworks standards: Setback from property boundary, buildings, structures and cliffs {EW cl.16³}	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 21.2.3 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 21.2.3.1.a).
5.	Earthworks standards: Setback from network utilities {EW cl.16³}	a. Effects on efficient and effective operation of network utilities b. Effects on health and safety	See Rule 5.7
6.	Earthworks standards: Sediment control {EW cl.16³}	a. Effects on surrounding sites b. Effects on biodiversity values and natural character of the coast and riparian margins c. Effects on the efficiency and/or affordability of infrastructure	<i>Relevant objectives and policies:</i> i. Objective 21.2.3 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 {EW 1071.106}</u> (Policy 21.2.3.2.b). See Rule 10.4 See Rule 9.4
7.	Earthworks standards: NZ Environmental Code of Practice for Plantation Forestry {EW cl.16³}	a. Degree of compliance with New Zealand Code of Practice for Plantation Forestry	<i>Relevant objectives and policies:</i> i. Objective 21.2.3 ii. Earthworks ancillary to forestry are carried out in accordance with industry best practice guidelines (Policy 21.2.3.4).

21.8.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
8.	Forestry and tree planting shelterbelts and small woodlots {RU cl.16} setbacks	a. Effects <u>{MF cl.16}</u> on amenity of surrounding properties	<i>Relevant objectives and policies:</i> i. <u>Objective 21.2.2 {MF cl.16}</u> ii. Free planting <u>Shelterbelts and small woodlots {RU cl.16}</u> are set back an adequate distance to avoid <u>or minimise, as far as practicable, {PO 308.497}</u> significant effects from shading on residential dwellings on surrounding properties (Policy 21.2.2.7). <i>Potential circumstances that may support a consent application include:</i> iii. <u>The area to be planted is to the south of any adjoining residential zone or residential buildings on an adjoining site. {MF cl.16}</u> iv. <u>Slope or orientation or other topographical aspects of the sites involved mean that there will be no shading of residential buildings on an adjoining site. {MF cl.16}</u>
		b. Effects on health and safety	See Rule 9.4
		c. Effects on the safety and efficiency of the transport network	See Rule 6.9
9.	Hazardous substances quantity limits and storage requirements	a. Effects on health and safety	See Rule 9.4
		b. Risk from natural hazards <u>{PO cl.16}</u>	See Rule 11.4 <u>{PO cl.16}</u>
10.	Location and screening of service areas	a. Effects on rural residential <u>character and visual</u> <u>{PO cl.16}</u> amenity	<i>Relevant objectives and policies:</i> i. Objective 21.2.2 ii. The visual amenity of the surrounding Rural Residential 1 <u>{MF cl.16}</u> Zone is maintained or enhanced by ensuring service areas are not visible from ground level outside the site (Policy 21.2.2.3.b). <i>Potential circumstances that may support a consent application include:</i> iii. Screening would unduly restrict the usability of the service area. iv. The site layout prevents the service area from being visible from any public place without additional screening being required.

21.8.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
11.	Number, location and design of ancillary signs	a. Effects on rural residential <u>character and visual</u> {PO cl.16} amenity	<i>Relevant objectives and policies:</i> i. Objective 21.2.2 ii. Ancillary signs visible outside the zone are located and designed to maintain or enhance 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 that purpose (Policy 21.2.2.5).
		b. Effects on the safety and efficiency of the transport network	See Rule 6.9
12.	Parking, loading and access standards	a. Effects on the safety and efficiency of the transport network	See Rule 6.9
13.	Protected areas (<u>vegetation clearance</u>) {NatEnv cl.16}	a. Effects on biodiversity <u>values</u> {NatEnv 958.60} and the natural character of riparian margins and the coast	See Rule 10.4
14.	Setback from coast and water bodies	a. Effects on biodiversity values and natural character of the coast and riparian margins <u>and the coast</u> {NatEnv cl.16}	See Rule 10.4
		b. Effects on public access	
		c. Risk from natural hazards	See Rule 11.4
15.	Setback from scheduled tree	a. Effects on long term health of tree	See Rule 7.6
16.	Tree species	a. Effects on biodiversity values	See Rule 10.4

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

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 make more consistent with policy.

⁴ **MF cl.16:** Corrects error in format by adding the potential circumstances that are included in the Rural Residential Zone assessment (which is the default zone for Ashburn Clinic and where the rule for forestry and shelterbelts and small woodlots setbacks links to)

21.8.5 Assessment of subdivision performance standard contraventions

Performance standard		Guidance on the assessment of resource consents
1.	Subdivision performance standards	See Rule 17.9

Rule 21.9 Assessment of Restricted Discretionary Activities

Rule 21.9.1 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 21.9.2 - 21.9.3:
 - 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 21.9.2 - 21.9.3 apply as follows: {MF cl.16}
 - a. Rule 21.9.2 applies to restricted discretionary development activities; and
 - b. Rule 21.9.3 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 21.8; 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 21.10; 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 21.11; and
 - iii. the assessment guidance in this section will also be considered.

21.9.2 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. Earthworks - large scale (that exceed the scale thresholds for the Ashburn Clinic Zone) {EW cl.16'}	a. Effects on visual amenity and character b. Effects on the amenity of surrounding properties	<i>Relevant objectives and policies:</i> i. Objective 21.2.3 ii. Adverse effects on visual amenity and character will be avoided or, if avoidance is not possible, adequately mitigated (Policy 21.2.3.3.a). iii. Adverse effects on the amenity of surrounding properties, including from changes to drainage patterns, will be avoided or, if avoidance is not possible, adequately mitigated (Policy 21.2.3.3.b). <i>Potential circumstances that may support a consent application include:</i> iv. There is no, or only minimal, alteration to the natural landform. v. Any cut or fill will be restored or treated to resemble natural landforms. vi. The earthworks will not remove or effect existing vegetation or landscaping. <i>Conditions that may be imposed include, but are not limited to:</i> vii. Measures to minimise visual effects, e.g. requirements for revegetation and/or landscaping. viii. Maximum slopes of cut and fill batters. ix. Measures to divert surface water and rain away from, or prevent from discharging over, batter faces and other areas of bare earth. x. Measures to ensure there are no adverse effects from changes to drainage patterns on surrounding properties. xi. Requirement to de-compact soils; to take other remedial action to ensure the natural absorption capacity of the soils is not reduced; or to use other mitigation measures to ensure the overall absorption of rain water on-site is not diminished.

21.9.2 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	<i>Relevant objectives and policies:</i> i. Objective 21.2.3 ii. Adverse effects on the stability of land, buildings, and structures will be avoided or, if avoidance is not possible, adequately mitigated (Policy 21.2.3.3.c). <i>Potential circumstances that may support a consent application include:</i> 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 21.12.1). iv. Excavation, fill and retaining structures will be designed, and the work undertaken, in accordance with best practice engineering standards.
2. <u>High trip generators:</u> {Trans cl.16²} • New or additions to parking areas, or extensions to existing parking areas that result in the creation of 50 or more new parking spaces {Trans cl.16}	a. Effects on the safety and efficiency of the transport network b. Effects on accessibility {Trans cl.16}	See Rule 6.10

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

21.9.3 Assessment of restricted discretionary subdivision activities

Subdivision activities		Matters of discretion	Guidance on the assessment of resource consents
1.	General subdivision	a. Effect on the efficient and effective operation of Ashburn Clinic	<i>Relevant objectives and policies:</i> i. Objectives 21.2.1, 2.3.1 ii. General subdivision does not adversely affect the efficient and effective operation of Ashburn Clinic (Policy 21.2.1.5.b). iii. ~~Hospitals are enabled to continue to operate efficiently and effectively, while minimising as far as practical any adverse effects on surrounding areas, and protected from activities that may lead to reverse sensitivity issues (Policy 21.2.1.6).~~ {MF cl.16}
		See Rule 17.10	

¹ **MF cl.16:** Error - no such policy exists.

Rule 21.10 Assessment of Discretionary Activities

Rule 21.10.1 Introduction

1. Discretionary activities will be assessed in accordance with section 104 and 104B of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rules 21.10.2 - 21.10.4 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 21.10.2 - 21.10.4 apply as follows: {MF cl.16}
 - a. Rule 21.10.2 applies to all discretionary activities;
 - b. Rule 21.10.3 applies to discretionary land use activities; and
 - c. Rule 21.10.4 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.

21.10.2 Assessment of all discretionary activities

Activity	Guidance on the assessment of resource consents
1. All discretionary <u>land use activities</u> , including <u>listed below</u> : {PO cl.16} • all activities in the community activities category except community and leisure - small scale and conservation • all activities in the residential activities category except rest homes • farming • forestry • ~~activities listed below {PO cl.16}~~	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 2.3.1 b. Objective 21.2.1 c. The activity does not detract from, or preferably contributes to, the strategic directions objectives. d. ~~Activities that are ancillary to hospital activity are designed and operated in line with Objective 21.2.2 and its policies (Policy 21.2.1.3).~~ {MF cl.16} e. Activities that are not ancillary to hospital activity: i. are related to or support the Ashburn Clinic, or have other operational requirements that mean they need to locate in the zone; ii. support the efficient and effective operation of Ashburn Clinic; iii. are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and iv. are designed and operated in line with Objective 21.2.2 and its policies (Policy 21.2.1.4). <i>Potential circumstances that may support a consent application include:</i> f. The activity is in accordance with relevant objectives, policies and performance standards of the rural residential zone. g. For discretionary land use activities, whether any associated

21.10.2 Assessment of all discretionary activities

Activity	Guidance on the assessment of resource consents
	development activities meet relevant development performance standards, or are otherwise consistent with relevant objectives and policies for development. h. All relevant land use performance standards are met, including noise and light spill standards. <i>General assessment guidance:</i> i. In assessing the significance of effects, consideration will be given to: i. short to long term effects, including effects in combination with other activities; and ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent. iii. ~~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. {MF cl.16}~~ <i>Relevant guidance from other sections (priority considerations):</i> j. <u>See Section 6.11 for guidance on the assessment of resource consents in relation to objectives 6.2.2 and 6.2.3, and effects related to accessibility and the safety and efficiency of the transport network and its affordability to the public. {Trans cl.16}</u> k. <u>See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety. {PHS cl.16}</u> l. <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>

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.

² **MF cl.16:** This policy applies to permitted activities.

³ **MF cl.16:** Rule 21.10.2.1.i.iii unnecessary because there are no activities that are discretionary due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item.

21.10.3 Assessment of discretionary land use activities {Trans cl.16}

Activity {Trans cl.16}	Guidance on the assessment of resource consents {Trans cl.16}
~~1.~~ Community and leisure – large scale {Trans cl.16}	<i>Relevant guidance from other sections (priority considerations): {Trans cl.16}</i> a. 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. {Trans cl.16}

¹ **Trans cl.16:** This rule is no longer necessary, because a cross-reference to Section 6.11 has been added to the “assessment of all discretionary activities” rule. This does not change the effect of provisions.

21.10.4 Assessment of discretionary performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
~~1.~~ - 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	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.

Rule 21.11 Assessment of Non-complying Activities

Rule 21.11.1 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 21.11.2 - 21.11.4 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 21.11.2 - 21.11.4 apply as follows: {MF cl.16}
 - a. Rule 21.11.2 applies to all non-complying activities;
 - b. Rule 21.11.3 applies to non-complying land use activities; and
 - c. Rule 21.11.4 applies to all 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.

21.11.2 Assessment of all non-complying activities

Activity	Guidance of the assessment of resource consents
1. All non-complying land use activities	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 2.3.1 b. Objective 21.2.1 c. Activities that are not ancillary to hospital activity: i. are related to or support Ashburn Clinic, or have other operational requirements that mean they need to locate in the zone; ii. support the efficient and effective operation of Ashburn Clinic; iii. are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and iv. are designed and operated in line with Objective 21.2.2 and its policies (Policy 21.2.1.4). <i>General assessment guidance:</i> d. In assessing the significance of effects consideration will be given to: i. both short and long term effects, including effects in combination with other activities; ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent; and iii. any effects otherwise managed through performance standards and consistent with all relevant objectives and policies for the zone. e. 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. <i>Relevant guidance from other sections (priority considerations):</i> f. <u>See Section 6.12 for guidance on the assessment of resource consents in relation to objectives 6.2.2 and 6.2.3, and effects related to accessibility and the safety and efficiency of the transport network and its affordability to the public. {Trans cl.16¹}</u> g. <u>See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety {PHS cl.16}</u> h. <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>

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.

21.11.3 Assessment of non-complying land use activities

Activity	Guidance of the assessment of resource consents
1. Commercial advertising	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 2.4.1 b. Policy 2.4.1.6.c

21.11.4 Assessment of all non-complying performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. • 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)	<i>Relevant guidance from other sections (priority considerations):</i> 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.

Rule 21.12 Special Information Requirements

EW cl.16: As a clause 16 amendment, Rule 21.12.1 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.

22. Dunedin Botanic Garden

22.1 Introduction

The Dunedin Botanic Garden is located in North Dunedin, on an extensively landscaped site of approximately 30 hectares. The Garden is owned and operated by the Dunedin City Council.

The Garden was New Zealand's first botanic garden, opening in 1863, and has since developed to provide a wide range of recreational opportunities and significant amenity, horticultural and conservation plant collections. The Garden has an information centre, café and aviary, and provides volunteer activities, education programmes and regular entertainment events in the lower garden band rotunda.

The Garden is managed as one of Dunedin's reserves, under a broad reserve management plan administered by the Dunedin City Council. Future development at the Dunedin Botanic Garden is guided by its Strategic Development Plan which was launched in 2006 and sets the framework for managing the garden for a 30-40 year period. The Development Plan includes proposals to relocate buildings, enhance existing projects and develop a suite of new projects. Development within the next 10 years may include a visitor information and education facility in the upper garden, additions to the Lister Garden, a model vegetable/fruit garden, extensions to the water garden and a children's adventure playground. Ongoing development involves renewal and redevelopment of plantings within the garden, and these should not be considered as permanent **{MF cl.16}**. The lower garden contains three scheduled heritage buildings and structures: the Wolf Harris fountain, the Bandstand soundshell and the Winter Garden.

The Garden is surrounded by several zones, which provide for a range of different land use activities. To the east of the Garden is a large Recreation Zone which includes sports grounds and the Northern Cemetery. To the north, south and west are residential zones with varying densities of residential development. At the north-western edge of the Garden is a further recreation sports field, the 'Gardens Ground', and also the North East Valley suburban centre, which includes a mix of commercial and community activities.

The Dunedin Botanic Garden Zone has been designed to enable the activities necessary for the continued functioning of the Garden, while providing certainty to the community regarding what land use activities can be expected to occur on the Dunedin Botanic Garden site. The types and mix of activities appropriate within the zone, and the potential future uses of the site, have been important factors in determining the extent of, and rules for, the Dunedin Botanic Garden Zone. The zone recognises the existing and foreseeable future uses of the Garden site and, at the same time, appropriately manages potential adverse effects while ensuring compatibility with the wide variety of surrounding environments.

22.2 Objectives and Policies

Objective 22.2.1

The Dunedin Botanic Garden is able to operate efficiently and effectively.

Policy 22.2.1.1	Enable Dunedin Botanic Garden activity.
Policy 22.2.1.2	Provide for activities that are ancillary to Dunedin Botanic Garden activity where they are designed and operated in line with Objective 22.2.2 and its policies.
Policy 22.2.1.3	Only allow activities that are not ancillary to Dunedin Botanic Garden activity where: - they are related to or support the Dunedin Botanic Garden, or have other operational requirements that mean they need to locate in the zone; - they will support the efficient and effective operation of the Dunedin Botanic Garden; - they are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and - they are designed and operated in line with Objective 22.2.2 and its policies.
Policy 22.2.1.4	Only allow subdivision <u>activities</u> {PO cl.16} where ~~it does~~ <u>they do</u> {PO cl.16} not adversely affect the efficient and effective operation of Dunedin Botanic Garden.

Objective 22.2.2

Land use activities and development necessary for the continued operation of the Dunedin Botanic Garden are enabled, while ensuring development and land use activities:

- achieve a good standard of on-site amenity for staff and visitors; and
- maintain or enhance the amenity of the surrounding residential areas.

Policy 22.2.2.1	Require buildings and structures to be of a height and setback from boundaries that ensures: - there are no more than minor effects on the sunlight access and privacy of current and potential future residential buildings and their outdoor living spaces; and - any adverse effects on neighbourhood amenity are avoided or, if avoidance is not <u>possible practicable</u> {PO 908.3 and others}, are no more than minor.
Policy 22.2.2.2	Require development to maintain or enhance on-site and neighbourhood amenity by ensuring service areas are not visible from ground level within or outside the site.
Policy 22.2.2.3	Require landscaping of the boundary of parking areas, where adjacent to a road frontage, to screen or soften these areas and ensure a high standard of visual amenity when viewed from the road.
Policy 22.2.2.4	Require fences on road boundaries to be of a height and design that contributes positively to neighbourhood amenity.
Policy 22.2.2.5	Require ancillary signs visible from outside the zone 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 that purpose.
Policy 22.2.2.6	Require ancillary restaurants and retail <u>activities</u> {MF cl.16} to be designed, located and operated to primarily serve visitors to the Dunedin Botanic Garden.

EW cl.16: As a clause 16 amendment, Objective 22.2.3 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 22.3 Activity Status

22.3.1 Rule location

The activity status tables in rules 22.3.3 to 22.3.5 specify the activity status of land use activities, development activities, and subdivision activities in the Dunedin Botanic Garden Zone and relevant overlay zones, except rules for the following city-wide activities, which are contained in Part B of the Plan:

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

22.3.2 Activity status introduction

1. The activity status tables in rules 22.3.3 - 22.3.5 show the activity status of activities in the Dunedin Botanic Garden 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 1.3 outline the hierarchy of categories, activities and sub-activities.
3. Permitted land use activities do not automatically provide for any related development activities. Therefore, the activity status of any associated development activities should also be checked.
4. Where a new land use activity requires a resource consent, all associated development activities will be considered and assessed as part of the resource consent even if the development otherwise meets the development performance standards listed in the Plan.
5. The nested tables in Section 1.3 are intended to be a complete list of activities 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.

Additional activity status rules in hazard overlay zones

6. For the purpose of the hazards provisions, activities are categorised as natural hazards {NH cl.16} sensitive activities, natural hazards {NH cl.16} potentially sensitive activities or natural hazards {NH cl.16} least sensitive activities. The activities that are in each hazards sensitivity category are included in the definitions section and in Section 11.1.
7. In the Hazard 2 (flood) {NH cl.16} Overlay Zone, the activity statuses in Rule 22.3.6 apply to the following activities:
 - i. new {NH 908.3} natural hazards {NH cl.16} sensitive activities;
 - ii. natural hazards {NH cl.16} potentially sensitive activities; and

- iii. some new buildings, and additions and alterations to buildings, which create more than 60m² of new ground floor area {NH. cl.16}
8. Where the activity status in Rule 22.3.6 differs from that in rules 22.3.3 - 22.3.5, the most restrictive activity status always applies.
9. In addition to the rules in Rule 22.3.6, performance standards for development activities within hazard overlay zones are included in rules 22.3.3 - 22.3.5.
10. Activities in a hazard overlay zone must comply with all of the rules in 22.3.3 - 22.3.6.

Performance Standards

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

¹ **NH cl.16:** The content from Table 22.3.6 has been moved to Table 22.3.X, with the exception that column c has been removed, pursuant to clause 16. This was removed as em-dashes are no longer used and the column was unnecessary. All substantive amendments to provisions are show in the new location.

Legend

Acronym	~~Activity status~~ <u>Meaning {PO cl.16}</u>
P	Permitted Activity
C	Controlled Activity
RD	Restricted Discretionary Activity
D	Discretionary Activity
NC	Non-complying Activity
Haz2	Hazard 2 Overlay Zones
Haz3	Hazard 3 Overlay Zones

22.3.3 Activity status table - land use activities

1.	Performance standards that apply to all land use activities		a. Electrical interference b. Light spill c. Noise
Major facility activities		Activity status	Performance standards
2.	Dunedin Botanic Garden	P	a. Minimum car parking
3.	All other activities in the major facility activities category	NC	
Community activities		Activity status	Performance standards
4.	Community and leisure	P	
5.	Conservation	P	
X. {MF 360.105}	<u>Sport and recreation not involving a motor vehicle</u> {MF 360.105}	~~D~~ P {MF 360.105}	
6.	All other activities in the community activities category	D	
Commercial activities		Activity status	Performance standards
7.	Commercial activities that are ancillary to Dunedin Botanic Garden activity {MF cl.16}	P	a. Location
8.	All other activities in the commercial activities category	NC	
Residential activities		Activity status	Performance standards
9.	All activities in the residential activities category	D	
Industrial activities		Activity status	Performance standards
10.	All activities in the industrial activities category	NC	
Rural activities		Activity status	Performance standards
11.	All activities in the rural activities category	NC	

22.3.4 Activity status tables - development activities

1.	Performance standards that apply to all development activities {MF cl.16}		a. Setback from coast and water bodies {NatEnv cl.16}
2.	Performance standards that apply to all buildings and structures activities		a. Boundary setbacks b. Height in relation to boundary c. Maximum height d. Minimum floor level {NH 917.27, 947.53 and others} e. Fire fighting {MF cl.16} f. Number, location and design of ancillary signs g. <u>Setback from coast and water bodies</u> {NatEnv cl.16}
Building and structures activities (excluding activities affecting a protected part of a scheduled heritage building or scheduled heritage structure. See rows 5 - 9)		Activity status	Performance standards
3.	Fences	P	a. Fence height and design
4.	All other buildings and structures activities	P	
Building and structures activities that affect a protected part of a scheduled building or scheduled heritage structure		Activity status	Performance standards
5.	Repairs and maintenance or restoration {Her 547.91}	P	a. Materials and design
X.	<u>Restoration of a building or structure that has a Heritage New Zealand Category 1 listing as detailed in Appendix A1.1</u> {Her 547.91}	P C {Her 547.91}	a. Materials and design
Y.	<u>Restoration of all other scheduled heritage buildings and structures</u> {Her 547.91}	P	a. Materials and design
6.	Earthquake strengthening where external features only are protected	C	a. Materials and design
AA.	<u>Signs attached to buildings or structures</u> {Her cl. 16}	P	
7.	All other additions and alterations	RD	
8.	Demolition	NC	
9.	Removal for relocation	RD	
Site development activities		Activity status	Performance standards
10.	Service areas	P	a. Location and screening of service area

11.	Parking, loading and access	P	a. Boundary treatments and other landscaping b. Parking, loading and access standards
12.	New <u>or additions to</u> parking areas, ~~or extensions to existing parking areas~~ that result in the creation of {Trans cl.16} 50 or more new parking spaces.	RD	a. Boundary treatments and other landscaping b. Parking, loading and access standards
13.	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}
Z.	<u>Vegetation clearance</u> {NatEnv cl.16}	P	a. <u>Maximum area of vegetation clearance (UBMA)</u> {NatEnv cl.16}
14.	Earthworks – <i>small scale</i> {EW cl.16}	P	a. Earthworks standards
15.	Earthworks – <i>large scale</i> {EW cl.16}	RD	a. Earthworks standards
16.	All other site development <u>activities</u> {MF cl.16}	P	

¹ **NatEnv cl.16:** As the Dunedin Botanic Garden Major Facility Zone is partly covered by an Urban Biodiversity Mapped Area, this has been added as a clause 16 amendment to clarify that the vegetation clearance performance standard (Rule 10.3.2.1) applies in the UBMA.

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 **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.

⁴ **NatEnv cl.16:** This performance standard applies to the activity. A link has been added to the activity status table as a cl. 16 amendment to aid plan usability.

⁵ **MF cl.16:** The firefighting performance standard applies to residential activities. Residential activity is non-complying in this zone and so the performance standard is not relevant and has been removed under cl. 16.

Note 22.3B.4A - General advice

- Under the Heritage New Zealand Pouhere Taonga Act 2014 it is an offence to modify or destroy an archaeological site without obtaining an archaeological authority from Heritage New Zealand (HNZ). An archaeological authority is required under the Heritage New Zealand Pouhere Taonga Act 2014 to modify or destroy an archaeological site. If you wish to do any earthworks that may affect an archaeological site, you must first obtain an authority from Heritage New Zealand {Her 547.80}. This is the case regardless of whether the land on which the site is located is **{Her 547.80}** designated, or the activity is permitted under the District Plan or Regional Plan, or a resource or building consent has been granted.
- An archaeological site is defined as any place in New Zealand that was associated with human activity that occurred before 1900 and provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand. This includes the scheduled archaeological sites within the District Plan.
- Pre-1900 buildings are considered archaeological sites. An archaeological authority must be obtained before

demolishing a pre-1900 building or structure.

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 the District. If archaeological remains are discovered during any site works, at any location, the Accidental Discovery Protocol (Appendix A8) should be followed.
5. ~~All buildings and structures activities associated with existing major facilities are advised to undertake an assessment of risk from natural hazards and implement any recommended risk mitigation measures. {MF cl.16}~~

¹ **MF cl.16:** As a clause 16 amendment, this note is not necessary as the sections contain natural hazard performance standards.

22.3.5 Activity status - subdivision activities

Subdivision activities		Activity Status	Performance standards
1.	General subdivision	RD	a. Subdivision performance standards
2.	Cross lease, company lease and unit title subdivision	NC	

Note 22.3.5A - 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.

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

Activity {NH cl.16}		a. Haz2 {NH cl.16}	b. Haz3 {NH cl.16}
1- {NH cl.16}	Potentially sensitive activities not permitted in Dunedin Botanic Garden Zone {NH cl.16}	⊘ {NH cl.16}	— {NH cl.16}
2- {NH cl.16}	Sensitive activities {NH cl.16}	⊘ {NH cl.16}	— {NH cl.16}
3- {NH cl.16}	In the hazard 2 overlay zones new buildings, and additions and alterations to buildings, ~~which create more than 60m² of new ground floor area~~ {NH cl.16}	RD {NH cl.16}	— {NH cl.16}

¹ **NH cl. 16:** The content from Table 22.3.6 has been moved to Table 22.3.X, with the exception that column c has been removed, pursuant to clause 16. This was removed as em-dashes are no longer used and the column was unnecessary. All substantive amendments to provisions are show in the new location.

22.3.X Activity status in the Hazard 2 (flood) Overlay Zone {NH 637.74 and others¹}

Activity	Activity status
X. <u>Natural hazards sensitive activities {NH 634.74}</u>	D RD {NH 634.74}
Y. <u>Natural hazards potentially sensitive activities {NH 634.74}</u>	D RD {NH 634.74}
3. In a hazard 2 overlay zones, new {NH 73.4 and others} New buildings, and additions and alterations to buildings, which create more than 60m ² of new ground floor area	RD

¹ **NH 634.74:** Note that "potentially sensitive activities not permitted in Dunedin Botanic Garden Zone" (which was notified as a discretionary activity) has been replaced by "natural hazards potentially sensitive activities" as there is no longer differentiation between activities permitted in the underlying zone and those that are not. This activity was changed to restricted discretionary in response to this submission.

Note 22.3.6A - Guidance on existing use rights applying to land use activities in hazard overlay zones **Other RMA considerations {MF cl.16}**

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

Accordingly, these activities will not usually trigger the provisions for natural hazards sensitive activities and natural hazards potentially sensitive activities in Rule 22.3.6. {NH 634.81} However, Council will consider specific circumstances associated with the development and how this affects the character, intensity and scale of the land use activity.

Rule 22.4 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 section 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, Heritage New Zealand will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided for the following:
 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. contraventions 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.
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 22.5 Land Use Performance Standards

22.5.1 Electrical Interference

Land use activities must comply with Rule 9.3.2.

22.5.2 Light Spill

Land use activities must comply with Rule 9.3.5.

22.5.3 Location

1. Ancillary retail and restaurants activities **{PO cl.16}** must not be located adjacent to a road frontage.
2. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

22.5.4 Minimum Car Parking

1. Dunedin Botanic Garden activity must provide a minimum of 94 parking spaces, including three mobility parking spaces.
2. Required parking spaces may be used for car, cycle or motorcycle parking, except for any required mobility parking spaces, which must be used for mobility car parking.
3. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

Note 22.5.4A - 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.

22.5.5 Noise

Land use activities must comply with Rule 9.3.6.

Rule 22.6 Development Performance Standards

22.6.1 Boundary Treatments and Other Landscaping

1. Where a parking area is built within 5m of a road frontage, a landscaping area with a minimum 1.5m width must be provided along the full length of the road frontage (except for where vehicle access is provided); with an average of one tree for every 5m of frontage **{MF cl.16}**.
2. Landscaping areas must:
 - a. be planted with a mix of trees and shrubs and/or ground cover plants that achieves a total coverage of the ground area in planting (when mature), except for 10% of the area, which may be used for pedestrian paths;
 - b. have an average of one tree for every 5m of frontage;
 - c. not have more than 10% cover in impermeable surfaces (for pedestrian paths);
 - d. be designed to allow surface water run-off from surrounding areas to enter;
 - e. be protected by a physical barrier that prevents cars from ~~accidentally driving into or~~ **{PO 360.213}** damaging plants;
 - f. for required trees, use trees that are at least 1.5m high at the time of planting and capable of growing to a minimum **{PO 360.213}** height of 5m within 10 years of planting;
 - g. be planted prior to occupation ~~or completion~~ of any relevant building(s) or upon completion of site development activities **{MF cl.16}**; and
 - h. be maintained to a high standard, which means trees and under-planting are healthy and areas are regularly cleared of rubbish and weeds.
3. Any road boundary fences provided must be placed on the property side of any required **{MF cl.16}** road frontage landscaping required by this rule **{PO 360.213}**.
4. Activities that contravene this performance standard are restricted discretionary activities. **{PO cl.16}**

22.6.2 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.

22.6.3 Fence Height and Design

1. Fences must not exceed the following height limits, except as provided for below: **{Res cl.16¹}**

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 cl.16}	Along a side or rear boundary with a residential zone {Res cl.16}	1.4m {Res cl.16}

Location {Res cl.16}		Maximum height {Res cl.16}
e- {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 22.6.12. {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 100mm, 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.

22.6.3.1 Maximum Height {Res cl.16¹}

- a. The maximum height of fences along boundaries (including within the boundary setbacks required by Rule 22.6.12) 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.

22.6.3.2 Visual Permeability {Res cl.16¹}

- a. Fences along road boundaries (or within the boundary setbacks required by Rule 22.6.12), 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. Fences along the road boundary of a state highway are exempt from this requirement. {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.

22.6.4 Fire Fighting {Confirmed for deletion- MF cl.16}

New residential buildings and subdivision activities must comply with Rule 9.3.3. {MF cl.16¹}

¹ **MF cl.16:** The firefighting performance standard applies to residential activities. Residential activity is non-complying in this zone and so the performance standard is not relevant and has been removed under cl.16.

22.6.5 Hazardous Substances Quantity Limits and Storage Requirements

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

22.6.6 Height

22.6.6.1 Height in relation to boundary

Buildings and structures adjoining the a residential zone must not protrude through a plane rising at an angle of 45 degrees measured from a starting point of 2.5m vertically above ground level at the zone boundary (see Figure 15.6F), except: comply with the height in relation to boundary performance standard of that residential zone along the adjoining boundary (see Rule 15.6.7.1): {Res cl.16}¹

- a. a gable end or dormer may project beyond the plane where it is: **{Res cl.16}**¹
 - i. no greater than 1 2m {Res 740.1} in height measured parallel to the nearest adjacent boundary; and/or **{Res cl.16}**¹
 - ii. no greater than 1 2m {Res 740.1} in depth measured horizontally at 90 degrees to the nearest adjacent boundary (See Figure 15.6H) **{Res 740.1}**. **{Res cl.16}**¹

¹ **Res cl.16:** There is no substantive change to the rule, it simply refers back to the rule in the residential zones to avoid repeating rule wording.

22.6.6.2 Maximum height

- a. The maximum height of new buildings and structures, and additions and alterations, must not exceed 12m above ground level.
- b. Rooftop structures are exempt from the performance standard for height provided they do not exceed the maximum height limit by more than 4m.
- c. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

22.6.7 Location and Screening of Service Areas

1. Service areas must be located or screened so that they are not visible at ground level from adjacent residential activities, residential zoned properties, or public places.
2. Service areas must not encroach into required parking, loading or manoeuvring areas.
3. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

22.6.8 Materials and Design

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

22.6.9 Minimum Floor Level {Confirmed for deletion - NH 917.27, 947.53 and others}

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

22.6.10 Number, Location and Design of Ancillary Signs

22.6.10.1 General

- a. Signs must comply with the following standards, except the following signs are exempt from these standards:
 - i. signs that are not visible from outside the Dunedin Botanic Garden 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 commercial sponsorship names).
- b. Signs related to ancillary retail and ancillary restaurants activities **{PO cl.16}** must not be visible outside the Dunedin Botanic Garden Zone.
- 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 22.6.10.2 and 22.6.10.3 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}**

22.6.10.2 Signs attached to buildings

- a. The height above ground level at the highest point of any sign attached to a building is 4m.
- b. Signs must not be attached to roofs.
- c. Signs must not project higher than the lowest point of the roof, except where mounted against a parapet or gable end.
- d. Signs attached to a building must:
 - i. not exceed one sign per 30m of building façade;
 - ii. have a maximum area per display face of 2m²;
 - iii. have a maximum of two display faces per sign;
 - iv. where attached to the façade of a building, must not project more than 1m from the façade to which it is attached; and
 - v. if attached to a verandah fascia, must not exceed a height of 500mm, or the height of a verandah fascia, whichever is greater.

22.6.10.3 Freestanding signs

- a. The maximum number of freestanding signs is one per entrance to the Dunedin Botanic Garden plus one per 100m of road frontage.
- b. The maximum dimensions of freestanding signs are:
 - i. maximum height of 3m;
 - ii. maximum area of 2m²;
 - iii. maximum width of 2m; and
 - iv. maximum depth of 400mm **{PO cl.16}**.
- c. Freestanding signs must:
 - i. not obstruct driveways, parking or loading areas parking, loading and access areas; and **{PO cl.16}**
 - ii. ~~Freestanding signs must be located within the site and cannot be located on the road reserve be~~

positioned entirely within the site boundaries. **{PO cl.16}**

Note 22.6A - Other relevant District Plan provisions **{PO cl.16}¹**

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 22.6.10B - Other requirements outside of the District Plan

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

22.6.11 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

22.6.12 Setbacks

~~26.6.12.1~~ **22.6.12.1 **{PO cl.16}**** Boundary setbacks

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

Building		Setback from road boundary or other zone boundary
i.	Buildings, structures, and additions and alterations not exceeding 9m in height or 250m ² gross floor area	4.5m
ii.	All other buildings, structures and, additions and alterations	10m

- iii. Except fences and ancillary signs are exempt from the performance standard.
- iv. All public entrances to buildings must be located at least 10 metres from a boundary with a residential zone.
- b. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

~~25.6.12.2~~ **22.6.12.2 **{PO cl.16}**** Setback from coast and water bodies

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

22.6.13 Maximum Area of Vegetation Clearance (UBMA) {NatEnv cl.16¹}

Vegetation clearance in an urban biodiversity mapped area (UBMA) must comply with Rule 10.3.2.1. {NatEnv cl.16}

¹ **NatEnv cl.16:** As the Dunedin Botanic Garden Major Facility Zone is partly covered by an Urban Biodiversity Mapped Area, this has been added as a clause 16 amendment to clarify that the vegetation clearance performance standard (Rule 10.3.2.1) applies in the UBMA.

Rule 22.7 Subdivision Performance Standards

General subdivision must comply with Rule 20.7.

Rule 22.8 Assessment of Controlled Activities

Rule 22.8.1 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 22.8.2:
 - 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 22.9; 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 22.11; 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 22.12; and
 - iii. the assessment guidance in this section will also be considered.

22.8.2 Assessment of controlled activities

Activity	Matters of control	Guidance on the assessment of resource consents
1. <u>Affecting a scheduled heritage building or a scheduled heritage structure: {Her cl.16}</u> • Earthquake strengthening that affects a protected part of a scheduled heritage building or scheduled heritage structure, where external features only are protected. • <u>Restoration of a protected part of a scheduled heritage building or scheduled heritage structure that has a Heritage New Zealand Category 1 listing (as detailed in Appendix A1.1) {Her 547.91}</u>	a. Effects on heritage values	See Rule 13.4

Rule 22.9 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 22.9.1 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 22.9.2 - 22.9.5:
 - 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 22.9.2 - 22.9.5 apply as follows: {MF cl.16}
 - a. Rule 22.9.2 applies to all performance standard contraventions;
 - b. Rule 22.9.3 applies to land use performance standard contraventions;
 - c. Rule 22.9.4 applies to development performance standard contraventions; and
 - d. Rule 22.9.5 applies to subdivision performance standard contraventions.
 - e. Rule 22.9.X applies to performance standard contraventions in an overlay zone, mapped area or affecting a scheduled item. {MF cl.16}

22.9.2 Assessment of all performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. All performance standard contraventions	<i>Potential circumstances that may support a consent application include:</i> a. The degree of non-compliance with the performance standard is minor. b. The need to meet other performance standards, or site specific factors including topography, make meeting the standard impracticable. c. The nature of activities on surrounding sites, topography of the site and/or surrounding sites, or other site specific factors make the standard irrelevant as the adverse effects that the standard is trying to manage will not occur. d. Non-compliance with a development performance standard would improve the design of the development in a way that would result in positive effects and better achieve the identified objectives and policies of the Plan. <i>General assessment guidance:</i> 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 and those related to general amenity, greater weight will usually be placed on heritage policies.

22.9.3 Assessment of land use performance standard contraventions

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 hierarchy {MF cl.16}	<i>Relevant objectives and policies:</i> i. Objective 22.2.2 ii. Ancillary restaurants and retail are designed, located and operated to primarily serve visitors to the Dunedin Botanic Garden (Policy 22.2.2.6).
3. Minimum car parking	a. Effects on the safety and efficiency of the transport network b. Effects on accessibility	See Rule 6.9

22.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	- Boundary setbacks - Height in relation to boundary - Maximum height	a. Effects on neighbourhood amenity	<i>Relevant objectives and policies:</i> - Objective 22.2.2 <u>Buildings and structures are of a height and setback from boundaries that ensures: {MF cl.16}</u> - there are no more than minor effects on the sunlight access and privacy of current and potential future residential buildings and their outdoor living spaces (Policy 22.2.2.1.a); and - any adverse effects on neighbourhood amenity are avoided or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, are no more than minor (Policy 22.2.2.1.b).
2.	Boundary treatments and other landscaping	a. Effects on neighbourhood amenity	<i>Relevant objectives and policies:</i> - Objective 22.2.2 - Landscaping of the boundary of parking areas adjacent to a road frontage screens or softens these areas and ensures a high standard of visual amenity when viewed from the road (Policy 22.2.2.3).
3.	Earthworks standards: Batter gradient {EW cl.16'}	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> - Objective 22.2.3 - Earthwork 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 22.2.3.1.b). <i>Conditions that may be imposed include, but are not limited to:</i> - Maximum slopes of cut and fill batters. - Time limits for retaining wall installation to avoid leaving a cut slope unsupported for an extended period. - Temporary shoring requirements to maintain stability before a wall is constructed. - Supervision and monitoring requirements for retaining wall construction and standard earthworks construction.
4.	Earthworks standards: Setback from property boundary, buildings, structures and cliffs {EW cl.16'}	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> - Objective 22.2.3 - 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 22.2.3.1.a).

22.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
5.	Earthworks standards: • Setback from network utilities {EW cl.16'}	a. Effects on efficient and effective operation of network utilities	See Rule 5.7
		b. Effects on health and safety	
6.	Earthworks standards: • Sediment control {EW cl.16'}	a. Effects on surrounding sites	<i>Relevant objectives and policies:</i> i. Objective 22.2.3 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, or the coastal marine area {EW 1071.106} (Policy 22.2.3.2.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 neighbourhood amenity	<i>Relevant objectives and policies:</i> i. Objective 22.2.2 ii. Fences on road boundaries are of a height and design that contributes positively to neighbourhood amenity (Policy 22.2.2.4). <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 streetscape is achieved. v. The fence will be screened by landscaping.
		b. Effects on health and safety	See Rule 9.4

22.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
8.	Hazardous substances quantity limits and storage requirements	a. Effects on health and safety	See Rule 9.4
		b. Risk from natural hazards {PO cl.16}	See Rule 11.4 {PO cl.16}
9.	Location and screening of service areas	a. Effects on on-site amenity	Relevant objectives and policies: i. Objective 22.2.2 ii. Development maintains or enhances on-site amenity {MF cl.16} and neighbourhood amenity by ensuring service areas are not visible from ground level within or outside the site (Policy 22.2.2.2).
		b. Effects on neighbourhood amenity	
10.	Materials and design {PO cl.16}	a. Effects on heritage values (work on scheduled heritage buildings/structures) {PO cl.16}	See Rule 13.5 {PO cl.16}
11.	Minimum floor level (hazard overlays) {NH 917.27, NH 947.53 and others}	a. Risk from natural hazards {NH 917.27, NH 947.53 and others}	See Rule 11.4 {NH 917.27, NH 947.53 and others}
12.	Number, location and design of ancillary signs	a. Effects on neighbourhood amenity	Relevant objectives and policies: i. Objective 22.2.2 ii. Ancillary signs visible from outside the zone are 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 that purpose (Policy 22.2.2.5).
		b. Effects on the safety and efficiency of the transport network	See Rule 6.9

22.9.4 Assessment of development performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
13. Setback from coast and water bodies	a. Effects on biodiversity values and natural character of the coast and riparian margins	See Rule 10.4
	b. Effects on public access	
	c. Risk from natural hazards	See Rule 11.4
14. Parking, loading and access standards	a. Effects on the safety and efficiency of the transport network	See Rule 6.9

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

² **NatEnv cl.16:** As the Dunedin Botanic Garden Major Facility Zone is partly covered by an Urban Biodiversity Mapped Area, this has been added as a clause 16 amendment to clarify that the vegetation clearance performance standard (Rule 10.3.2.1) applies in the UBMA.

22.9.X Assessment of performance standard contraventions in an overlay zone, mapped area or affecting a scheduled item {PO cl.16}

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. In a hazard overlay zone: • <u>Hazardous substances quantity limits and storage requirements {PO cl.16}</u>	a. Risk from natural hazards {PO cl.16}	See Rule 11.4 {PO cl.16}
2. <u>Affecting a scheduled heritage building or scheduled heritage structure {PO cl.16}</u> • Materials and design	a. Effects on heritage values (work on scheduled heritage buildings/structures) {MF cl.16}	See Rule 13.5
3. In an <u>urban biodiversity mapped area:</u> • <u>Maximum area of vegetation clearance (UBMA) {NatEnv cl.16}</u>	a. Effects on biodiversity values {NatEnv cl.16}	See Rule 10.4 {NatEnv cl.16}

22.9.5 Assessment of subdivision performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. Subdivision performance standards	See Rule 20.9

Rule 22.10 Assessment of Restricted Discretionary Activities

Rule 22.10.1 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 22.10.2 and 22.10.3:
 - 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 22.10.2 and 22.10.3 apply as follows: {MF cl.16}
 - a. Rule 22.10.2 applies to restricted discretionary development activities; and
 - b. Rule 22.10.3 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 22.9; 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 22.11; 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 22.12; and
 - iii. the assessment guidance in this section will also be considered.

22.10.2 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. <u>Activities affecting a scheduled heritage building or scheduled heritage structure: {Her cl.16}</u> • All other Additions and alterations that affect a protected part of a scheduled heritage building or scheduled heritage structure • Removal for relocation	a. Effects on heritage values	See Rule 13.6

22.10.2 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
2. Earthworks – large scale (that exceed the scale thresholds for the Dunedin Botanic Garden Zone) {EW cl.16'}	a. Effects on visual amenity and character b. Effects on the amenity of surrounding properties	<i>Relevant objectives and policies:</i> i. Objective 22.2.3 ii. Adverse effects on visual amenity and character will be avoided or, if avoidance is not possible, adequately mitigated (Policy 22.2.3.3.a). iii. Adverse effects on the amenity of surrounding properties, including from changes to drainage patterns, will be avoided or, if avoidance is not possible, adequately mitigated (Policy 22.2.3.3.b). <i>Potential circumstances that may support a consent application include:</i> iv. There is no, or only minimal, alteration to the natural landform. v. Any cut or fill will be restored or treated to resemble natural landforms. vi. The earthworks will not remove or impact upon existing vegetation or landscaping. <i>Conditions that may be imposed include, but are not limited to:</i> vii. Measures to minimise visual effects, e.g. requirements for revegetation and/or landscaping. viii. Maximum slopes of cut and fill batters. ix. Measures to divert surface water and rain away from, or prevent from discharging over, batter faces and other areas of bare earth. x. Measures to ensure there are no adverse effects from changes to drainage patterns on surrounding properties. xi. Requirement to de-compact soils; to take other remedial action to ensure the natural absorption capacity of the soils is not reduced; or to use other mitigation measures to ensure the overall absorption of rain water on-site is not diminished.

22.10.2 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	<i>Relevant objectives and policies:</i> i. Objective 22.2.3 ii. Adverse effects on the stability of land, buildings, and structures will be avoided or, if avoidance is not possible, adequately mitigated (Policy 22.2.3.3.e). <i>Potential circumstances that may support a consent application include:</i> 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 22.13.1). 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 within 5m of a water body or MHWS) {EW cl.16'}	a. Effects on biodiversity values and natural character of riparian margins and the coast b. Effects on public access	See Rule 10.5
4.	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
5.	In the Hazard 2 (flood) {NH 73.4 and others} Overlay Zone (see Rule 22.3.6): • New buildings, and additions and alterations to buildings, which create more than 60m² of new ground floor area	a. Risk from natural hazards	See Rule 11.5

22.10.2 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
6. <u>High trip generators:</u> {Trans cl.16²} • New <u>or additions to parking areas ; or extensions to existing parking areas</u> that result in the creation of 50 or more new parking spaces {Trans cl.16}	a. Effects on the safety and efficiency of the transport network b. Effects on <u>accessibility</u> {Trans cl.16}	See Rule 6.10
7. In the Hazard 2 (flood) Overlay Zone: {NH 634.74} • <u>Natural hazards</u> {NH cl.16} <u>sensitive activities</u> {NH 634.74} • <u>Natural hazards</u> {NH cl.16} <u>potentially sensitive activities</u> {NH 634.74}	a. Risk from natural hazards {NH 634.74}	See Rule 11.5 {NH 634.74}

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



22.10.3 Assessment of restricted discretionary subdivision activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
1.	General subdivision	a. Effects on the efficient and effective operation of Dunedin Botanic Garden	<i>Relevant objective and policies:</i> i. Objective 22.2.1 ii. Subdivision <u>activities</u> does not adversely affect the efficient and effective operation of Dunedin Botanic Garden (Policy 22.2.1.4).
		See Rule 20.10	

Rule 22.11 Assessment of Discretionary Activities

Rule 22.11.1 Introduction

1. Discretionary activities will be assessed in accordance with section 104 and 104B of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rules 22.11.2 - 22.11.4 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 22.11.2 - 22.11.4 apply as follows: {MF cl.16}
 - a. Rule 22.11.2 applies to all discretionary activities; and
 - b. Rule 22.11.4 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.

22.11.2 Assessment of all discretionary activities

Activity	Guidance on the assessment of resource consents
1. All discretionary <u>land use</u> activities including listed below: {PO cl.16} - all residential activities - all activities in the community activities category except community and leisure, <u>sport and recreation not involving a motor vehicle</u> {MF 360.105} and conservation activities {PO cl.16} - all activities listed below {PO cl.16}	<i>Relevant objectives and policies (priority considerations):</i> - Objectives 2.3.1, 2.3.3 - Objective 22.2.1 - The activity does not detract from, or preferably contributes to, the strategic directions objectives. - Activities that are ancillary to Dunedin Botanic Garden activity are designed and operated in line with Objective 22.2.2 and its policies (Policy 22.2.1.2). - Activities that are not ancillary to Dunedin Botanic Garden activity: - are related to or support the Dunedin Botanic Garden, or have other operational requirements that mean they need to locate in the zone; - support the efficient and effective operation of Dunedin Botanic Garden; - are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and - are designed and operated in line with Objective 22.2.2 and its policies (Policy 22.2.1.3). <i>Potential circumstances that may support a consent application include:</i> - For discretionary land use activities, whether any associated development activities meet relevant development performance standards, or are otherwise consistent with relevant objectives and policies for development. - All relevant land use performance standards are met, including noise and light spill standards. <i>General assessment guidance:</i> - In assessing the significance of effects, consideration will be given to: - short to long term effects, including effects in combination with other activities; and - 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. - 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. {MF cl.16²} <i>Relevant guidance from other sections (priority considerations):</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

22.11.2 Assessment of all discretionary activities

Activity	Guidance on the assessment of resource consents
	<u>and its affordability to the public. {Trans cl.16'}</u> k. <u>See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety. {PHS cl.16}</u> l. <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>

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.

² **MF cl.16:** Rule 22.11.2.1.i unnecessary because there are no activities that are discretionary due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item.

22.11.3 Assessment of discretionary development activities {NH634.74}

Activity {NH634.74}	Guidance on the assessment of resource consents {NH634.74}
4. In the hazard 2 overlay zones (see Rule 22.3.6): {NH634.74} - Potentially sensitive activities not permitted in Dunedin Botanic Garden Zone {NH634.74} - Sensitive activities {NH634.74}	See Section 11.6 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards. {NH634.74}

22.11.4 Assessment of discretionary performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. • 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	See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.

Rule 22.12 Assessment of Non-complying Activities

Rule 22.12.1 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 22.12.2 - 22.12.5 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 22.12.2 - 22.12.5 apply as follows: {MF cl.16}
 - a. Rule 22.12.2 applies to non-complying land use activities;
 - b. Rule 22.12.4 applies to non-complying development activities; and
 - c. Rule 22.12.5 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.

22.12.2 Assessment of non-complying land use activities

Activity	Guidance on the assessment of resource consents
1. All non-complying land use activities	Relevant objectives and policies (priority considerations): a. Objectives 2.3.1, 2.3.3 b. Objective 22.2.1 c. Activities that are not ancillary to Dunedin Botanic Garden activity: i. are related to or support Dunedin Botanic Garden, or have other operational requirements that mean they need to locate in the zone; ii. support the efficient and effective operation of Dunedin Botanic Garden; iii. are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and iv. are designed and operated in line with Objective 22.2.2 and its policies (Policy 22.2.1.3). General assessment guidance: d. In assessing the significance of effects consideration will be given to: i. 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 a resource consent. e. 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. Relevant guidance from other sections (priority considerations): f. 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.16¹} g. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety {PHS cl.16} h. 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}
2. Commercial advertising {MF cl.16³}	Relevant objectives and policies (priority considerations): a. Objective 2.4.1 b. Policy 2.4.1.6.c

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.

² **MF cl.16:** As a clause 16 amendment this content has been moved from Rule 22.12.3. This is not a substantive change to provisions.

22.12.3 Assessment of non-complying land use activities

Activity	Guidance on the assessment of resource consents
1. Commercial advertising { MF cl.16 ¹ }	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 2.4.1 b. Policy 2.4.1.6.e

¹ **MF cl.16:** As a clause 16 amendment this content has been moved from Rule 22.12.2. This is not a substantive change to provisions.

22.12.4 Assessment of non-complying development activities

Activity	Guidance on the assessment of resource consents
1. Demolition that affects a protected part of a scheduled building or scheduled heritage structure	<i>Relevant guidance from other sections (priority considerations):</i> 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.

22.12.5 Assessment of non-complying performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. - 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)	<i>Relevant guidance from other sections (priority considerations):</i> 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.

Rule 22.13 Special Information Requirements {Confirmed to be deleted - EW cl.16}

EW cl.16: As a clause 16 amendment, Rule 22.13.1 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.

23. Dunedin Hospital

23.1 Introduction

Dunedin Hospital is the primary medical facility for the Otago and Southland regions, and is situated on Great King Street in Dunedin's central city. The hospital spans two blocks, covering an area of approximately 3 hectares. The hospital is operated by the Southern District Health Board.

The hospital has been at its present site since 1865 and provides 388 beds across a number of wards. It includes a helipad which enables emergency medical services to be provided across the region. The hospital employs over 3,000 staff, providing medical services across all specialties and a broad array of sub-specialties. The hospital also

serves as a teaching hospital, with strong links to both the University of Otago and Otago Polytechnic. Ancillary activities associated within the hospital include cafés, a gift shop and a childcare facility.

Significant re-development of the hospital site is anticipated within the next ten years, allowing facilities to be upgraded. This may involve the construction of new buildings and re-development of existing ones.

The site is surrounded by a number of zones, providing for a wide range of different land use activities. To the north and east is the Campus Zone, which provides for activities essential to the functioning of the University of Otago and Otago Polytechnic. To the west is the General Residential 2 Zone. To the west and the south are commercial and **{MF cl.16}** mixed use zones, which provide for a range of commercial activities.

The Dunedin Hospital and its associated activities have the potential to generate effects, particularly on the amenity of the central city. The zone recognises the existing and foreseeable future uses of the Dunedin Hospital site, provides certainty to the community regarding what land use activities can be expected to occur, while appropriately managing potential adverse effects and ensuring compatibility with the surrounding environments.

23.2 Objectives and Policies

Objective 23.2.1	
Dunedin Hospital is able to operate efficiently as a medical training and research facility.	
Policy 23.2.1.1	Enable hospital and community activities in the Dunedin Hospital Zone.
Policy 23.2.1.2	Provide for activities ancillary to hospital activity where they are designed and operated in line with Objective 23.2.2 and its policies.
Policy 23.2.1.3	Only allow activities that are not ancillary to hospital activity where all the following apply: - the activities are related to or support Dunedin Hospital, or have other operational requirements that mean they need to locate in the zone; - they will support the efficient and effective operation of Dunedin Hospital; - they are not more appropriately located in another zone in line with Objective 23.2.2 and its policies; and - they are designed and operated in line with Objective 23.2.2 and its policies.
Policy 23.2.1.4	Enable land that is surplus to the needs of Dunedin Hospital to transition to the Campus Zone, so that future development that is not related to hospital activity ~~can~~ <u>will</u> {PO cl.16} be managed in accordance with the objectives and policies of that zone.
Policy 23.2.1.5	Only allow subdivision activities where: - they are in accordance with the provisions of the Campus Zone; and - the subdivision does not adversely affect the efficient and effective operation of Dunedin Hospital.

Objective 23.2.2	
Land use activities and development necessary for Dunedin Hospital to meet the reasonably foreseeable health needs of the community is enabled, while ensuring development achieves: - a reasonable standard of on-site amenity for patients, staff and visitors; and - a reasonable level of streetscape amenity.	
Policy 23.2.2.1	Require development to maintain or enhance streetscape amenity by ensuring: - an attractive street interface is maintained through landscaping where buildings are not built to the street frontage; - an architecturally interesting façade through building modulation and use of glazing; and - service areas to be located or screened so they are not visible from ground level of a public place.
Policy 23.2.2.2	Only allow buildings above 20m in height where: ~~they contribute positively to effects on~~ 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 the use of</u> ~~by being of a~~ {MF 308.343 and 308.497} quality and contextually appropriate architectural design; and - they are designed to minimise as far as practicable adverse effects of shading and wind on pedestrian amenity.

Objective 23.2.2

Land use activities and development necessary for Dunedin Hospital to meet the reasonably foreseeable health needs of the community is enabled, while ensuring development achieves:

- a. a reasonable standard of on-site amenity for patients, staff and visitors; and
- b. a reasonable level of streetscape amenity.

Policy 23.2.2.3	Only allow buildings over 48m in height where: a. the height is essential to the operation of hospital activities; and b. the height exceedance is minimal.
Policy 23.2.2.4	Only allow early childhood education - large scale where it will not constrain (have reverse sensitivity effects on) other neighbouring activities.
Policy 23.2.2.5	Require buildings to provide a good level of pedestrian amenity by providing shelter over pedestrian entrances.
Policy 23.2.2.6	Require ancillary signs visible from outside the zone 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 that purpose.

EW cl.16: As a clause 16 amendment, Objective 23.2.3 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 23.3 Activity Status

23.3.1 Rule location

The activity status tables in rules 23.3.3 to 23.3.5 specify the activity status of land use activities, development activities, and subdivision activities in the Dunedin Hospital 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 **{PO cl.16}** (Section 8)
7. Earthworks (Section 8A) **{EW cl.16}**

23.3.2 Activity status introduction

1. The activity status tables in rules 23.3.3 - 23.3.5 show the activity status of activities in the Dunedin Hospital Zone, provided any performance standards shown in the far right column are met.
2. Activities are split into three types: a. land use activities, b. development activities, c. subdivision activities. Within these types, activities are split into categories. The nested tables in Section 1.3 outline the hierarchy of categories, activities and sub-activities.
3. Permitted land use activities do not automatically provide for any related development activities. Therefore, the activity status of any associated development activities should also be checked.
4. Where a new land use activity requires a resource consent, all associated development activities will be considered and assessed as part of the resource consent even if the development otherwise meets the development performance standards listed in the Plan.
5. The nested tables in Section 1.3 are intended to be a complete list of activities 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}
N/A	No additional provisions apply or not relevant {PO cl.16}
P	Permitted Activity
C	Controlled Activity
RD	Restricted Discretionary Activity
D	Discretionary Activity
NC	Non-complying Activity

23.3.3 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 facilities facility {MF cl.16} activities		Activity status	Performance standards
2.	Hospital	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 - small scale	P	a. Minimum car parking
5.	Early childhood education - large scale	RD	
6.	Conservation	P	
7.	All other activities in the community activities category	D	
Commercial activities		Activity status	Performance standards
8.	Commercial activities ancillary to hospital	P	
9.	Registered health practitioners	P	
X. {MF 308.304}	Training and education {MF 308.304}	NC P {MF 308.304}	
Y.	Campus-affiliated office {MF 308.5}	NC P {MF 308.5}	
10.	All other activities in the commercial activities category	NC	
Residential activities		Activity status	Performance standards

11.	All activities in the residential activities category	NC	
Industrial activities		Activity status	Performance standards
12.	All activities in the industrial activities category	NC	
Rural activities		Activity status	Performance standards
13.	All activities in the rural activities category	NC	

23.3.4 Activity status table - development activities

1.	Performance standards that apply to all development activities		a. Setback from scheduled tree
2.	Performance standards that apply to all buildings and structures activities		a. Number, design and location of ancillary signs b. ~~Hazard overlay zones~~ ~~development standards {NH 917.27, 360.239 and 961.1}~~ c. Maximum height
Buildings and structures activities		Activity status	Performance standards
3.	All <u>new</u> {PO cl.16} buildings and additions and alterations to buildings	P	a. Boundary treatments and other landscaping b. Minimum glazing and building modulation c. Verandahs
4.	All other buildings and structures <u>activities</u> {MF cl.16}	P	
Site development activities		Activity status	Performance standards
5.	Service areas	P	a. Location and screening of service areas
6.	Parking, loading and access	P	a. Boundary treatments and other landscaping b. Parking, loading and access standards
7.	~~New or additions to parking areas, or extensions to existing parking areas~~ that result in the creation of {Trans cl.16} 50 or more new parking spaces.	RD	a. Boundary treatments and other landscaping b. Parking, loading and access standards
8.	Storage and use of hazardous substances	P	a. Hazardous substances quantity limits and storage requirements
9.	~~Earthworks – small scale {EW cl.16'}~~	P	~~a. Earthworks standards~~
10.	~~Earthworks – large scale {EW cl.16'}~~	RD	~~a. Earthworks standards~~
11.	All other site development activities	P	a. Boundary treatments and other landscaping

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.

Note 23.3.4A - 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 the District. If archaeological remains are discovered during any site works, at any location, the Accidental Discovery Protocol (Appendix A8) should be followed.

23.3.5 Activity status table - subdivision activities

Subdivision activities		Activity status	Performance standards
1.	Subdivision activities	RD	a. Subdivision performance standards

Note 23.3.5A - 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.

23.3.6 Transition to Campus Zone

On receipt of written notice from both the owner and operator (if different) of Dunedin Hospital to Dunedin City Council in relation to all or part of the land within the Dunedin Hospital Zone, the provisions of the Dunedin Hospital Zone will no longer apply to that parcel of land and the provisions of the Campus Zone will apply in full.

Rule 23.4 Notification

1. Activities are subject to the normal tests for notification in accordance with sections 95A - 95G of the RMA.

Rule 23.5 Land Use Performance Standards

23.5.1 Acoustic Insulation

In-patient areas must comply with Rule 9.3.1.

23.5.2 Electrical Interference

Land use activities must comply with Rule 9.3.2.

23.5.3 Light Spill

Land use activities must comply with Rule 9.3.5.

23.5.4 Minimum Car Parking

1. Hospital activity must provide a minimum of 242 ~~184~~ **{Trans 917.37}** parking spaces, including 6 mobility parking spaces. These must be provided within 250m of the Dunedin Hospital Zone.
2. Early childhood education - small scale: 1 parking space per 5 full time equivalent staff members plus one parking space for parent/guardian use per 6 children the facility is licensed for.
3. Required parking spaces may be used for car, cycle or motorcycle parking, except for any required mobility parking spaces, which must be used for mobility car parking.
4. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

Note 23.5.4A - 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.

23.5.5 Noise

Land use activities must comply with Rule 9.3.6.

Rule 23.6 Development Performance Standards

23.6.1 Boundary Treatments and Other Landscaping

1. Where a building is not built within 5m of a road frontage, a landscaping area with a minimum width of 1.5m must be provided along the full length of the road frontage (except for where vehicle access is provided).
2. Landscaping areas must:
 - a. be planted with a mix of trees and shrubs and/or ground cover plants that achieves a total coverage of the ground area in planting (when mature), except for 10% of the area, which may be used for pedestrian paths;
 - b. have an average of one tree for every 5m of frontage;
 - c. not have more than 10% cover in impermeable surfaces (for pedestrian paths);
 - d. be designed to allow surface water run-off from surrounding areas to enter;
 - e. be protected by a physical barrier that prevents cars from ~~accidentally driving into or~~ **{PO 360.213}** damaging plants;
 - f. for required trees, use trees that are at least 1.5m high at the time of planting and capable of growing to a minimum **{PO 360.213}** height of 5m within 10 years of planting;
 - g. be planted prior to occupation ~~or completion~~ of any relevant building(s) or upon completion of site development activities **{MF cl.16}**; and
 - h. be maintained to a high standard, which means trees and under-planting are healthy and areas are regularly cleared of rubbish and weeds.
3. Any road boundary fences provided must be placed on the property side of any required **{MF cl.16}** road frontage landscaping required by this rule **{PO 360.213}**.
4. Activities that contravene this performance standard are restricted discretionary activities. **{PO cl.16}**

23.6.2 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.

23.6.3 Hazard Overlay Zones Development Standards {Confirmed for deletion - NH 917.27 and others, NH 360.237 and 961.1}

23.6.3.1 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}**

23.6.3.2 Relocatable buildings {NH cl.16¹}

New buildings (including residential buildings) to be used for ~~natural hazards~~ **{NH cl.16}** sensitive activities in a Hazard 3 (coastal) Overlay Zone must comply with Rule 11.3.4: **{NH cl.16¹}**

¹ **NH cl.16:** This has been deleted as residential activity is non-complying in this zone.

23.6.4 Hazardous Substances Quantity Limits and Storage Requirements

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

23.6.5 Location and Screening of Service Areas

1. Service areas must be located or screened so that they are not visible at ground level from adjacent: residential activities, residential zoned properties, or public places.
2. Service areas must not encroach into required parking, loading or manoeuvring areas.
3. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

23.6.6 Maximum Height

1. The maximum height of new buildings and structures, and additions and alterations, must not exceed 20m above ground level.
2. Rooftop structures are exempt from the performance standard for maximum height, provided they do not exceed the maximum height limit by more than 5m.
3. Activities that contravene the performance standard for maximum height but are no greater than 48m in height are a restricted discretionary activity.
4. Activities that contravene the performance standard for maximum height and are over 48m in height are a discretionary activity.

23.6.7 Minimum Glazing and Building Modulation

1. The minimum building modulation and minimum glazing requirements for any parts of buildings which face (are parallel to) and are visible from the road frontage is as follows:
 - a. minimum distance between building modulation elements 20m; or
 - b. minimum glazing of 20%.
2. The required glazing will be calculated as a percentage of the total wall area (from floor to ceiling) that faces the road frontage and that includes clear glass. In the case of curved walls, the wall area will be calculated as the part of the wall which is 45° either side of a point directly facing (parallel to) the road frontage (see Figure 18.6F)
3. Except that the minimum glazing standard in Rule 23.6.7.1 does not apply to scheduled heritage buildings.
4. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

23.6.8 Number, Design and Location of Ancillary Signs

1. Signs must comply with the following standards, except the following signs are exempt from these standards:
 - a. signs that are not visible from outside the Dunedin Hospital Zone;
 - b. ~~'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}**
 - c. building names (excluding sponsorship names).
2. Signs located on or **{MF cl.16}** above the footpath must comply with Rule 6.7.2.
3. Signs must comply with Rule 6.7.3 where visible from a road.
4. Signs related to ancillary retail and ancillary restaurants ~~activities~~ **{PO cl.16}** must not be visible outside the Dunedin Hospital Zone.
5. Signs higher than 4m above ground level must only display the business name or major facility name.
6. ~~Signs other than those specified in rules 23.6.8.7 and 23.6.8.8 are not allowed.~~ **{MF cl.16}**
7. Signs that contravene the performance standard for number, location, and design of ancillary signs are

restricted discretionary activities.{PO cl.16}

23.6.8.7 Signs attached to buildings

- a. The height, above ground level, at the highest point of any sign, attached to a building is 8m.
- b. Signs must not be attached to roofs.
- c. Signs must not project higher than the lowest point of the roof, except where mounted against a parapet or gable end.
- d. Signs attached flat against a building must:
 - i. not cumulatively exceed 15% of the total wall area (excluding windows) that face the road frontage, or 8m², whichever is lesser; and
 - ii. if attached to a verandah fascia, must not exceed a height of 500mm, or the height of a verandah fascia, whichever is greater.
- e. If attached on the underside of a verandah or protruding from a building façade, must:
 - i. where attached to the façade of a building, have a maximum area per display face of 2m²;
 - ii. where attached to the façade of a building, must not project more than 1.5m from the façade to which it is attached;
 - iii. have a maximum of 2 display faces per sign; and
 - iv. not exceed 1 sign per 15m of road frontage.

23.6.8.8 Freestanding signs

- a. The maximum number of permanently fixed freestanding signs is 1 per 50m of road frontage.
- b. The maximum number of portable freestanding signs within the zone is 2.
- c. The maximum dimensions of freestanding signs are:
 - i. maximum height of 6m for permanently fixed freestanding signs;
 - ii. maximum height of 4m for portable freestanding signs;
 - iii. maximum area of 12m² per display face for permanently fixed freestanding signs;
 - iv. maximum area of 8m² per display face for portable freestanding signs;
 - v. maximum width of 2m; and
 - vi. maximum depth of 400mm {PO cl.16}.
- d. Freestanding signs must:
 - i. ~~not obstruct driveways, parking or loading areas~~ parking, loading and access areas; and {PO cl.16}
 - ii. ~~Freestanding signs must be located within the site and cannot be located on the road reserve~~ be positioned entirely within the site boundaries. {PO cl.16}

Note 23.6A– 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 23.6.8B - Other requirements outside of the District Plan

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

23.6.9 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

23.6.10 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.

23.6.11 Verandahs

1. New buildings or additions and alterations to the façade of buildings must have a verandah that covers the full width of the main pedestrian entrance.
2. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

Rule 23.7 Subdivision Performance Standards

Subdivision activities must comply with Rule 34.7.

Rule 23.8 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 23.8.1 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 23.8.2 - 23.8.5:
 - 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 23.8.2 - 23.8.5 apply as follows: {MF cl.16}
 - a. Rule 23.8.2 applies to all performance standard contraventions;
 - b. Rule 23.8.3 applies to land use performance standard contraventions;
 - c. Rule 23.8.4 applies to development performance standard contraventions; and
 - d. Rule 23.8.5 applies to subdivision performance standard contraventions. {MF cl.16}

23.8.2 Assessment of all performance standard contraventions	
Performance standard	Guidance on the assessment of resource consents
1. All performance standard contraventions	<i>Relevant objectives and policies:</i> a. Objective 23.2.1 <i>Potential circumstances that may support a consent application include:</i> b. The degree of non-compliance with the performance standard is minor c. The need to meet other performance standards, or site specific factors, make meeting the standard impracticable. d. Topography or other site specific factors make the standard irrelevant as the adverse effects that the standard is trying to manage will not occur. e. 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. <i>General assessment guidance:</i> f. Where more than one standard is contravened, the combined effects of the contraventions should be considered.

23.8.3 Assessment of land use performance standard contraventions

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.	Minimum car parking	a. Effects on the safety and efficiency of the transport network b. Effects on accessibility	See Rule 6.9

23.8.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	Boundary treatments and other landscaping	a. Effects on streetscape amenity	<i>Relevant objectives and policies:</i> i. Objective 23.2.2 ii. <u>Development maintains or enhances {MF cl.16}</u> streetscape amenity is maintained or enhanced by maintaining by ensuring {MF cl.16} an attractive street interface through landscaping where buildings are not built to the street frontage (Policy 23.2.2.1.a).
2.	Earthworks standards: • Batter gradient {EW cl.16} ¹	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 23.2.3 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 23.2.3.1.b). <i>Conditions that may be imposed include, but are not limited to:</i> 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.

23.8.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
3.	Earthworks standards: • Setback from property boundary, buildings, structure and cliffs {EW cl.16} ¹	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 23.2.3 ii. Earthwork 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 23.2.3.1.a).
4.	Earthworks standards: • Setback from network utilities {EW cl.16} ¹	a. Effects on efficient and effective operation of network utilities b. Effects on health and safety	See Rule 5.7
5.	Earthworks standards: • Sediment control {EW cl.16} ¹	a. Effects on surrounding sites b. Effects on biodiversity values and natural character of the coast and riparian margins c. Effects on the efficiency and/or affordability of infrastructure	<i>Relevant objectives and policies:</i> i. Objective 23.2.3 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 {EW 1071.106}</u> (Policy 23.2.3.2.b). See Rule 10.4 See Rule 9.4

23.8.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
6.	Hazard overlay zones development standards: - Minimum floor level {NH 917.27, 947.53 and others} - Relocatable buildings {NH cl.16³}	a. Risk from natural hazards	See Rule 11.4
7.	Hazardous substances quantity limits and storage requirements	a. Effects on health and safety	See Rule 9.4
		b. Risk from natural hazards {PO cl.16}	See Rule 11.4 {PO cl.16}
8.	Location and screening of service areas	a. Effects on streetscape amenity	<i>Relevant objectives and policies:</i> i. Objective 23.2.2 ii. <u>Development maintains or enhances streetscape {MF cl.16³} amenity is maintained or enhanced by locating or screening by ensuring {MF cl.16³} service areas are located or screened {MF cl.16³} so they are not visible from ground level of a public place (Policy 23.2.2.1.c).</u> <i>Potential circumstances that may support a consent application include:</i> iii. Screening would unduly restrict the usability of the site.
9.	Maximum height (buildings no greater than 48m in height) {MF cl.16}	a. Effects on streetscape amenity	<i>Relevant objectives and policies:</i> i. Objective 23.2.2 ii. <u>Buildings contribute positively to the skyline vista of the city, by being of a quality and contextually appropriate architectural design Buildings greater than 20m in height 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 {MF 308.343 and 308.497} (Policy 23.2.2.2.a).</u>
		b. Effects on pedestrian amenity	<i>Relevant objectives and policies:</i> i. Objective 23.2.2 ii. Buildings are designed to minimise as far as practicable adverse effects of shading and wind on pedestrian amenity (Policy 23.2.2.2.b).

23.8.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
10.	Minimum glazing and building modulation	a. Effects on streetscape amenity	<i>Relevant objectives and policies:</i> i. Objective 23.2.2 ii. Development maintains or enhances streetscape amenity by ensuring an architecturally interesting façade through building modulation and use of glazing (Policy 23.2.2.1.b).
11.	Number, location and design of ancillary signs	a. Effects on streetscape amenity	<i>Relevant objectives and policies:</i> i. Objective 23.2.2 ii. Ancillary signs visible from outside the zone are located and designed to maintain streetscape amenity, by being of an appropriate size and number to convey information about the name, location and nature of the activity on-site to passing pedestrians and vehicles, and not being oversized or too numerous for that purpose (Policy 23.2.2.6). <i>Potential circumstances that may support a consent application include:</i> iii. An attractive streetscape is maintained.
		b. Effects on the safety and efficiency of the transport network	See Rule 6.9
12.	Parking, loading and access standards	a. Effects on the safety and efficiency of the transport network	See Rule 6.9
13.	Setback from scheduled tree	a. Effects on long term health of tree	See Rule 7.6
14.	Verandahs	a. Effects on streetscape amenity	<i>Relevant objectives and policies:</i> i. Objective 23.2.2 ii. Buildings provide a good level of pedestrian amenity by providing shelter over pedestrian entrances (Policy 23.2.2.5). <i>Potential circumstances that may support a consent application include:</i> iii. The design and location of the building, and/or design of the verandah, allows for appropriate shelter of pedestrians from the weather.

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 **MF cl.16:** Amendment made for greater consistency with policy.

³ **NH cl.16:** This has been deleted as residential activity is non-complying in this zone.

23.8.5 Assessment of subdivision performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. Subdivision performance standards	See Rule 34.9

Rule 23.9 Assessment of Restricted Discretionary Activities

Rule 23.9.1 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 23.9.2 - 23.9.4:
 - 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 23.9.2 - 23.9.4 apply as follows: {MF cl.16}
 - a. Rule 23.9.2 applies to restricted discretionary land use activities;
 - b. Rule 23.9.3 applies to restricted discretionary development activities; and
 - c. Rule 23.9.4 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 23.8; 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 23.10; 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 23.11; and
 - iii. the assessment guidance in this section will also be considered.

23.9.2 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} any activities that generate 250 or more vehicle movements a day {Trans cl.16}	a. <u>Effects on accessibility</u> {Trans cl.16} b. <u>Effects on the safety and efficiency of the transport network</u> {Trans cl.16}	<u>See Rule 6.10</u> {Trans cl.16}
1. Early childhood education - large scale	a. Effects on the safety and efficiency of the transport network b. ~~Effects on ability of commercial activities to operate~~ <u>Reverse sensitivity effects</u> {PO 1046.5}	<u>See Rule 6.10</u> <i>Relevant objectives and policies:</i> <u>Reverse sensitivity will be avoided as far as practicable</u> Early childhood education – large scale does not constrain (have reverse sensitivity effects on) neighbouring activities {PO 1046.5} (Policy 23.2.2.4).

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 23 assessment rules. The correction of this error, via the addition of Rule 23.9.2.A, does not result in a substantive change to the effect of provisions.

23.9.3 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. Earthworks – large-scale (that exceed the scale thresholds for the Dunedin Hospital Zone) {EW cl.16'}	a. Effects on visual amenity and character b. Effects on the amenity of surrounding properties	<i>Relevant objectives and policies:</i> i. Objective 23.2.3 ii. Adverse effects on visual amenity and character will be avoided or, if avoidance is not possible, adequately mitigated (Policy 23.2.3.3.a). iii. Adverse effects on the amenity of surrounding properties, including from changes to drainage patterns, will be avoided or, if avoidance is not possible, adequately mitigated (Policy 23.2.3.3.b). <i>Potential circumstances that may support a consent application include:</i> iv. There is no, or only minimal, alteration to the natural landform. v. Any cut or fill will be restored or treated to resemble natural landforms. vi. The earthworks will not remove or impact upon existing vegetation or landscaping. <i>Conditions that may be imposed include, but are not limited to:</i> vii. Measures to minimise visual effects, e.g. requirements for revegetation and/or landscaping. viii. Maximum slopes of cut and fill batters. ix. Measures to divert surface water and rain away from, or prevent from discharging over, batter faces and other areas of bare earth. x. Measures to ensure there are no adverse effects from changes to drainage patterns on surrounding properties. xi. Requirement to de-compact soils; to take other remedial action to ensure the natural absorption capacity of the soils is not reduced; or to use other mitigation measures to ensure the overall absorption of rain water on-site is not diminished.

23.9.3 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	<i>Relevant objectives and policies:</i> i. Objective 23.2.3 ii. Adverse effects on the stability of land, buildings, and structures will be avoided or, if avoidance is not possible, adequately mitigated (Policy 23.2.3.3.c). <i>Potential circumstances that may support a consent application include:</i> 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 23.12.1). iv. Excavation, fill and retaining structures will be designed, and the work undertaken, in accordance with best practice engineering standards
2. <u>High trip generators:</u> {Trans cl.16²} • New or additions to parking areas, or extensions to existing parking areas that result in the creation of 50 or more new parking spaces {Trans cl.16}	a. Effects on the safety and efficiency of the transport network b. Effects on accessibility {Trans cl.16}	See Rule 6.10

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

23.9.4 Assessment of restricted discretionary subdivision activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. Subdivision activities	a. Effects on the efficient and effective operation of Dunedin Hospital	<i>Relevant objectives and policies:</i> i. Objective 2.3.1 ii. Objective 23.2.1 iii. Subdivision activities do not adversely affect the efficient and effective operation of Dunedin Hospital (Policy 23.2.1.5.b).
	See Rule 34.10	

Rule 23.10 Assessment of Discretionary Activities

Rule 23.10.1 Introduction

1. Discretionary activities will be assessed in accordance with section 104 and 104B of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rules 23.10.2 and 23.10.3 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 23.10.2 and 23.10.3 apply as follows: {MF cl.16}
 - a. Rule 23.10.2 applies to all discretionary activities; and
 - b. Rule 23.10.3 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.

23.10.2 Assessment of all discretionary activities

Activity	Guidance on the assessment of resource consents

1. All discretionary <u>land use</u> activities – including listed below: {PO cl.16} - all activities in the community activities category except early childhood education and conservation ~~activities listed below~~ {PO cl.16}	<i>Relevant objectives and policies (priority considerations):</i> - Objective 2.3.1 - Objective 23.2.1 - Activities that are ancillary to hospital activity are designed and operated in line with Objective 23.2.2 and its policies (Policy 23.2.1.2). - Activities that are not ancillary to hospital activity: - are related to or support the Dunedin Hospital, or have other operational requirements that mean they need to locate in the zone; - support the efficient and effective operation of Dunedin Hospital; - are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and - are designed and operated in line with Objective 23.2.2 and its policies (Policy 23.2.1.3). <i>Potential circumstances that may support a consent application include:</i> - For discretionary land use activities, whether any associated development activities meet relevant development performance standards, or are otherwise consistent with relevant objectives and policies for development. - All relevant land use performance standards are met, including noise and light spill standards. <i>General assessment guidance:</i> - In assessing the significance of effects, consideration will be given to: - short to long term effects, including effects in combination with other activities; and - 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. ~~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.~~ {MF cl.16²} <i>Relevant guidance from other sections (priority considerations):</i> <u>See Section 6.11 for guidance on the assessment of resource consents in relation to objectives 6.2.2 and 6.2.3, and effects related to accessibility and the safety and efficiency of the transport network and its affordability to the public.</u> {Trans cl.16¹} <u>See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety</u> {PHS cl.16} <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</u> {MW 1071.3}

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.

² **MF cl.16:** Rule 23.10.2.1.h unnecessary because there are no activities that are discretionary due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item.

23.10.3 Assessment of discretionary performance standard contraventions	
Performance standard	Guidance on the assessment of resource consents
1. - 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	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.
2. Maximum height (buildings over 48m in height)	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 23.2.2 b. Buildings over 48m in height are only allowed where: - the height is essential to the operation of hospital activities; and - the height exceedance is minimal (Policy 23.2.2.3). c. Buildings <u>minimise, as far as practicable, adverse effects on contribute positively to 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</u> ~~by being of a~~ quality and contextually appropriate architectural design {MF 308.343} (Policy 23.2.2.2.a). d. Buildings are designed to minimise as far as practicable adverse effects of shading and wind on pedestrian amenity (Policy 23.2.2.2.b).

Rule 23.11 Assessment of Non-complying Activities

Rule 23.11.1 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 23.11.2 - 23.11.4 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 23.11.2 and 23.11.4 apply as follows: {MF cl.16}
 - a. Rule 23.11.2 applies to non-complying land use activities; and
 - b. Rule 23.11.4 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.

23.11.2 Assessment of all {MF cl.16} non-complying land use activities

Activity	Guidance on the assessment of resource consents

1.	All non-complying <u>land use</u> activities including ~~these~~ <u>but not limited to the activities</u> {PO cl.16} listed below:	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 2.3.1 b. Objective 23.2.1 c. Activities not ancillary to hospital activity: i. are related to or support Dunedin Hospital, or have other operational requirements that mean they need to locate in the zone; ii. support the efficient and effective operation of Dunedin Hospital; iii. are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and iv. are designed and operated in line with Objective 23.2.2 and its policies (Policy 21.2.1.3). <i>General assessment guidance:</i> d. In assessing the significance of effects consideration will be given to: i. both short and long term effects, including effects in combination with other activities; ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent; and iii. any effects otherwise managed through performance standards and consistent with all relevant objectives and policies for the zone. e. 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. <i>Relevant guidance from other sections (priority considerations):</i> f. <u>See Section 6.12 for guidance on the assessment of resource consents in relation to objectives 6.2.2 and 6.2.3, and effects related to accessibility and the safety and efficiency of the transport network and its affordability to the public. {Trans cl.16}</u> g. <u>See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety {PHS cl.16}</u> h. <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>
2. {MF cl.16}	Commercial advertising in all zones {PO cl.16}	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 2.4.1 b. Policy 2.4.1.6.c

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.

² **MF cl.16:** As a clause 16 amendment this line has been moved from Table 23.11.3. This is not a substantive change to provisions.

23.11.3 Assessment of non-complying land use activities {MF cl.16¹}	
Activity {MF cl.16}	Guidance on the assessment of resource consents {MF cl.16}
1. Commercial advertising in all zones {MF cl.16}	<i>Relevant objectives and policies (priority considerations): {MF cl.16}</i> a. Objective 2.4.1 {MF cl.16} b. Policy 2.4.1.6.e {MF cl.16}

¹ **MF cl.16:** As a clause 16 amendment the content of this table has been moved to Table 23.11.2. This is not a substantive change to provisions.

23.11.4 Assessment of non-complying performance standard contraventions	
Performance standard	Guidance on the assessment of resource consents
1. • 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)	<i>Relevant guidance from other sections (priority considerations):</i> 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.

Rule 23.12 Special Information Requirements {Confirmed to be deleted - EW cl.16}

EW cl.16: As a clause 16 amendment, Rule 23.12.1 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.

24. Dunedin International Airport

24.1 Introduction

Dunedin International Airport is situated at Momona. It occupies an area of approximately 300 hectares and is owned and operated by Dunedin International Airport Limited (DIAL). The airport is surrounded by rural zoned land.

Dunedin International Airport is an integral part of the local and regional transport network, providing a link to national and international destinations for passengers, goods and freight. There has been steady growth in passenger numbers and freight volumes, both domestic and international, and a continuation of this growth is expected. The airport is a physical resource that provides for the economic and social well-being of the Dunedin area and beyond.

The operation of the airport is undertaken in accordance with two designations (D273 - Aerodrome and Runway Extension, and D274 - Flight Path Protection), which extend across the majority of the Dunedin International Airport Zone and beyond. The designations focus upon ensuring the safe and efficient operation of the airport activities activity {PO cl.16}, while securing a future runway extension and providing a limited range of associated airport {PO cl.16} activities.

The zone includes the airport and immediately adjacent rural land, together with the site occupied by Momona Garage. Momona village is zoned residential. The Dunedin International Airport Zone recognises the function of the

Dunedin International Airport within the transport network, sustainable management of the resource and the need to manage effects of activities located at the airport. The zone enables an integrated approach to the management of the airport resource.

The intention is that development within the Dunedin International Airport Zone is clearly associated with the operation and functions of the airport. This will ensure land within the zone is retained for its primary operational functions. The provisions allow for the continued use and development of Dunedin International Airport and provide certainty for airport operators and the community, while managing effects on neighbouring land uses.

24.2 Objectives and Policies

Objective 24.2.1	
Dunedin International Airport is able to operate efficiently and effectively.	
Policy 24.2.1.1	Enable airport activity at Dunedin International Airport.
Policy 24.2.1.2	Provide for commercial activities ancillary to airport activity {MF cl.16} , office activity {MF cl.16} , service stations, and visitor accommodation where they are designed and operated in line with Objective 24.2.2 and its policies.
Policy 24.2.1.3	Only allow activities that are not ancillary to airport activity where: - they are related to or support Dunedin International Airport, or have other operational requirements that mean they need to locate in the zone; - they will support the efficient and effective operation of Dunedin International Airport; - they are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and - they are designed and operated in line with Objective 24.2.2 and its policies.
Policy 24.2.1.4 {MF 724.19}	~~Enable land that is surplus to the needs of Dunedin International Airport to transition to the Taieri Plains Rural Zone, so that future development that is not related to airport activity can be managed in accordance with the objectives and policies of that zone. {MF 724.19}~~
Policy 24.2.1.5	Only allow subdivision activities {PO cl.16} where: ~~the subdivision does not adversely affect the efficient and effective operation of Dunedin International Airport. {MF 724.19 and 724.34}~~ ~~it is in accordance with the provisions of the rural zones; and {MF 724.19 and 724.34}~~ ~~the subdivision does not adversely affect the efficient and effective operation of Dunedin International Airport. {MF 724.19 and 724.34}~~

Objective 24.2.2	
Land use activities and development necessary to meet the reasonably foreseeable needs of Dunedin International Airport is enabled, while ensuring it: - achieves a high standard of on-site amenity for airport users; and - minimises adverse effects on rural amenity as far as practicable.	
Policy 24.2.2.1	Require buildings and structures to be of a height and setback that reduces their visual impact on the rural environment.
Policy 24.2.2.2	Require landscaping of new buildings, parking areas and outdoor storage areas, to ensure a high standard of visual amenity is maintained adjacent to public roads and the rural zones.
Policy 24.2.2.3	Require development to maintain on-site and rural amenity by ensuring service areas are not visible from publicly accessible areas within or outside the zone.
Policy 24.2.2.4	Require ancillary signs to be located and designed to maintain visual amenity for airport users, including by being of an appropriate size and number to convey information about the name, location and nature of the activities on-site, and not being too numerous or oversized for that purpose.
Policy 24.2.2.5	Require commercial activities ancillary to airport activity {MF cl.16} to be designed, located and operated to primarily serve staff and visitors to the Dunedin International Airport.

Objective 24.2.2

Policy 24.2.2.6	Enable tourism advertising signage promoting Otago and Southland's tourism industry in order to facilitate the economic and social prosperity of the two regions, while ensuring the size, number and location of tourism advertising signage does not significantly affect the amenity of the airport as an international gateway, and any effects on the rural amenity outside the Dunedin International Airport Zone are minor.

EW cl.16: As a clause 16 amendment, Objective 24.2.3 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 24.3 Activity Status

24.3.1 Rule location

The activity status tables in rules 24.3.3 to 24.3.6 specify the activity status of land use activities, development activities, and subdivision activities in the Dunedin International Airport Zone and relevant overlay zones, except rules for the following city-wide activities, which are contained in Part B of the Plan:

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

24.3.2 Activity status introduction

1. The activity status tables in rules 24.3.3 - 24.3.6 **{Rec cl.16}** show the activity status of activities in the Dunedin International Airport 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 1.3 outline the hierarchy of categories, activities and sub-activities.
3. Permitted land use activities do not automatically provide for any related development activities. Therefore, the activity status of any associated development activities should also be checked.
4. Where a new land use activity requires a resource consent, all associated development activities will be considered and assessed as part of the resource consent even if the development otherwise meets the development performance standards listed in the Plan.
5. The nested tables in Section 1.3 are intended to be a complete list of activities 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.

Additional activity status rules in hazard overlay zones

6. For the purpose of the hazards provisions, activities are categorised as natural hazards **{NH cl.16}** sensitive activities, natural hazards **{NH cl.16}** potentially sensitive activities or natural hazards **{NH cl.16}** least sensitive activities. The activities that are in each hazards sensitivity category are included in the definitions section and in Section 11.1.
7. In the hazard 2 overlay zones, the activity statuses in Rule 24.3.6 apply to the following activities:
 - i. new **{NH 908.3}** natural hazards **{NH cl.16}** sensitive activities and natural hazards **{NH cl.16}** potentially sensitive activities; and
 - ii. some new buildings, and additions and alterations to buildings, which create more than 60m² of new ground floor area. **{NH. cl.16}**

8. Where the activity status in Rule 24.3.6 differs from that in rules 24.3.3 - 24.3.5, the most restrictive activity status always applies.
9. In addition to the rules in Rule 24.3.6, performance standards for development activities within hazard overlay zones are included in rules 24.3.3 - 24.3.5.
10. Activities in a hazard overlay zone must comply with all of the rules in 24.3.3 - 24.3.6.

Performance Standards

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

¹ **NH cl.16:** As a clause 16 amendment, this rule has been amended to more accurately reference the natural hazard provisions in Rule 19.3.6

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
Pr	Prohibited
DIA	Dunedin International Airport Zone
ANIC	Airport Noise Inner Control Mapped Area
Haz2	Hazard 2 Overlay Zones

24.3.3 Activity status table - land use activities

1.	Performance standards that apply to all land use activities	i. Acoustic insulation (noise sensitive activities) ii. Electrical interference iii. Light spill iv. Noise					
Major facility activities		<table> <tr> <th colspan="2">Activity status¹</th><th rowspan="2">Performance standards</th></tr> <tr> <td>a. DIA</td><td>b. ANIC</td></tr> </table>	Activity status ¹		Performance standards	a. DIA	b. ANIC
Activity status ¹		Performance standards					
a. DIA	b. ANIC						

2.	Airport	P	P	i. Minimum car parking
3.	Emergency services	P	P	
4.	All other activities in the major facility activities category	NC	NC	
Commercial activities		a. DIA	b. ANIC	Performance standards
5.	Commercial activities ancillary to airport activity	P	P	i. Location
6.	Conference, meeting and function ancillary to visitor accommodation	P	P	
7.	Office	D	D	
8.	Service stations	RD	RD	i. Service station performance standards {MF cl.16}
9.	Visitor accommodation	P	P	i. Minimum car parking ii. Minimum vehicle loading
10.	Tourism advertising	P	P	i. Number and location of tourism signs
11.	All other activities in the commercial activities category	NC	NC	
Residential activities		a. DIA	b. ANIC	Performance standards
12.	Standard residential	NC	Pr	
13.	Working from home	P	Pr	
14.	Supported living facilities	NC	Pr	
Community activities		a. DIA	b. ANIC	Performance standards
15.	Conservation	P	P	
16.	All other activities in the community activities category	NC	NC	
Rural activities		a. DIA	b. ANIC	Performance standards
17.	Farming	P	P	
18.	Grazing	P	P	
19.	All other activities in the rural activities category	NC	NC	
Industrial activities		a. DIA	b. ANIC	Performance standards
20.	All activities in the industrial activities category	D	D	

¹ **PO 490.1:** Em-dashes are no longer used, and activity status is shown for all overlays (not just those that have additional provisions applying), except where two areas (zones, overlays, mapped areas etc.) do not intersect, in which case N/A is used. See amended legend.

24.3.4 Activity status table - development activities

Building and structures activities		Activity status	Performance standards
1.	All buildings and structures activities	P	a. Boundary setbacks b. Fire fighting {MF cl.16²} c. Maximum height d. Minimum floor level {NH 917.27, 947.53 and others} e. Number, location and design of ancillary signs
Site development activities		Activity status	Performance standards
2.	~~Earthworks – small scale {EW cl.16¹}~~	P	~~a. Earthworks standards~~
3.	~~Earthworks – large scale {EW cl.16¹}~~	RD	~~a. Earthworks standards~~
4.	Outdoor storage	P	a. Boundary treatments and other landscaping
5.	Service areas	P	a. Location and screening of service areas
6.	Parking, loading and access	P	a. Boundary treatments and other landscaping b. Parking, loading and access standards
7.	Storage and use of hazardous substances	P	a. Hazardous substances quantity limits and storage requirements
8.	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 **MF cl.16:** The firefighting performance standard applies to residential activities. Residential activity is non-complying in this zone and so the performance standard is not relevant and has been removed under cl.16.

Note 24.3B.4A - General advice

- Under the Heritage New Zealand Pouhere Taonga Act 2014 it is an offence to modify or destroy an archaeological site without obtaining an archaeological authority from Heritage New Zealand (HNZ). An archaeological authority is required under the Heritage New Zealand Pouhere Taonga Act 2014 to modify or destroy an archaeological site. If you wish to do any earthworks that may affect an archaeological site, you must first obtain an authority from Heritage New Zealand {Her 547.80}. This is the case regardless of whether the land on which the site is located is **{Her 547.80}** designated, or the activity is permitted under the District Plan or Regional Plan, or a resource or building consent has been granted.
- An archaeological site is defined as any place in New Zealand that was associated with human activity that occurred before 1900 and provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand. This includes the scheduled archaeological sites within the District Plan.

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 the District. If archaeological remains are discovered during any site works, at any location, the Accidental Discovery Protocol (Appendix A8) should be followed. **{MF cl.16²}**
5. All buildings and structures activities associated with existing major facilities are advised to undertake an assessment of risk from natural hazards and implement any recommended risk mitigation measures. **{MF cl.16¹}**

¹ **MF cl.16:** As a clause 16 amendment, this note is not necessary as the sections contain natural hazard performance standards.

² **MF cl.16:** Dunedin International Airport Zone not in archaeological alert layer.

24.3.5 Activity status table - subdivision activities

Subdivision activities	Activity status	Performance standards
1. Subdivision activities	RD {MF 724.19 and 724.34}	a. Subdivision performance standards {MF 724.19 and 724.34}

Note 24.3.5A - 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.

24.3.6 Change to activity Activity status in Hazard 2 (flood) {NH cl.16} Overlay Zones

Activity	Haz2 Activity Status {NH cl.16}
1. {NH 634.74} Potentially sensitive activities not permitted in Dunedin International Airport Zone {NH 634.74}	⊘ {NH 634.74}
2. <u>Natural hazards sensitive Sensitive {NH cl.16} activities and natural hazards potentially sensitive activities {NH 634.74}</u>	⊘ RD {NH 634.74}
3. New buildings, and additions and alterations to buildings, which create more than 60m ² of new ground floor area	RD

Note 24.3.6A - Guidance on existing use rights applying to land use activities in hazard overlay zones Other RMA considerations {MF cl.16}

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

Accordingly, these activities will not usually trigger the provisions in row 1 in the above table. **{NH 634.81}** However, Council will consider specific circumstances associated with the development and how this affects the character, intensity and scale of the land use activity.

Note 24.3CA - General advice

1. Dunedin International Airport Limited holds two designations, D273 (airport activities, operation and runway extension) **{MF cl.16}** and D274 (take-off and approach fan), ~~for airport-related activity and structures~~ **{MF cl.16}**.
2. Airways Corporation of New Zealand Limited hold a number of designations for airport-related structures (D388 - D409) **{MF cl.16}**.
3. Details of the designations can be found in Appendix A1.4.

Rule 24.4 Notification

1. With respect to resource consent applications for the following activities, Manawhenua will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided: **{MW 1071.2}**
 1. all restricted discretionary activities that list 'effect on cultural values of Manawhenua' as a matter for discretion. **{MW 1071.2}**
2. All other activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA.

Rule 24.5 Land Use Performance Standards

24.5.1 Acoustic Insulation

Noise sensitive activities in the **airport noise outer control mapped area** and the **airport noise inner control mapped area** must comply with Rule 9.3.1.

24.5.2 Electrical Interference

Land use activities must comply with Rule 9.3.2.

24.5.3 Light Spill

1. On-site lighting (other than runway, navigational and other operational lighting) within the Dunedin International Airport Zone must be positioned, directed and maintained so that light spill outside of the zone does not exceed 16 Lux when measured:
 - a. 10 metres outside the zone boundary;
 - b. in both the horizontal and vertical planes; and
 - c. with the runway, navigation and associated operational lighting turned off.
2. Rule 24.6.3.1 24.5.3.1 **{PHS cl.16}** does not apply where the adjoining zone is the a **{MF cl.16}** residential zone.
3. Light spill measured at any point of the vertical plane that marks **{PHS 165.3}** the boundary of the residential zone or any site used for within a residential purposes or zoned residential zone, or in any other zone the notional boundary of any residential building **{PHS 1088.28}** must not exceed the following limits:

Time	Limit
a. 7.00am - 10.00pm	10 Lux
b. 10.00pm - 7.00am	3 Lux

- c. except, this standard does not apply to headlights of motor vehicles, operating on roads or driveways/vehicle tracks or from street lighting, **{PHS 881.103}** but it does apply to parking/loading areas with over 5 vehicles.
 - d. any outdoor lighting must ensure that direct or indirect illumination does not exceed 3 lux at the windows of residential buildings within residential zones and the notional boundary of residential buildings in any other zone. **{PHS 1088.28}**
 - e. Light spill must not be emitted in the angles above the horizontal **{PHS 165.3}**
 - f. All outdoor lighting, except street lighting, must be shielded from or directed away from adjacent roads and site boundaries **{PHS 881.103}**
4. Activities that contravene the performance standard for light spill are non-complying activities.

24.5.4 Location

1. For office activity and commercial activities ancillary to airport activity (except vehicle rental facilities), customer access must only be available from inside terminal buildings.
2. Activities that contravene this performance standard are restricted discretionary activities. **{PO cl.16}**

24.5.5 Minimum Car Parking

1. Airport activity must provide a minimum of 971 parking spaces, including 20 mobility parking spaces.
2. Visitor accommodation must provide:
 - a. 1 parking space per 3 guest rooms, where the activity is based upon guest rooms (e.g. hotels);
 - b. 1 parking space per visitor accommodation unit, where the activity is based on units (e.g. motels); and
3. Visitor accommodation must provide mobility parking spaces as follows:

Total number of parking spaces provided		Minimum number of these that must be mobility parking spaces
i.	1 - 20	1 parking space
ii.	21 - 50	2 parking spaces
iii.	For every additional 50 parking spaces	1 additional parking space

4. Required parking spaces may be used for car, cycle or motorcycle parking, except for any required mobility parking spaces, which must be used for mobility car parking.
5. Where the minimum car 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.
6. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

Note 24.5.5A - 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.

24.5.6 Minimum Vehicle Loading

1. Visitor accommodation units with greater than 50 individual rooms must provide one loading space; **{Trans cl.16}** to accommodate a coach with minimum dimensions as shown in ~~Rule 6.14~~ Appendix 6B as Figure ~~6.14L~~ 6B.12 **{Trans cl.16}**.
2. Required vehicle loading must be designed and constructed to comply with Rule 6.6.2.

24.5.7 Noise

Land use activities must comply with Rule 9.3.6.

24.5.8 Service Station Standards {Was "Service Station Performance Standards" - MF cl.16}

Service stations must comply with Rule 6.7.1.

24.5.9 Number and Location of Tourism Signs

1. Tourism advertising located outside terminal buildings must not:
 - a. exceed a total maximum signage area of 200m²;
 - b. be visible from a public place outside the Dunedin International Airport Zone;
 - c. exceed 8m in height;
 - d. exceed 400mm **{PO cl.16}** in depth;
 - e. have any display face that exceeds 18m²; or
 - f. obstruct parking, loading or access areas.
2. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

Rule 24.6 Development Performance Standards

24.6.1 Boundary Setbacks

1. New buildings and structures, and additions and alterations, must be set back 20m from any boundary with a rural zone or any road.
2. Except fences, ancillary signs and all buildings and structures in section 73 IV Maungatua Survey District (CT 15D/487) are exempt from the performance standard.
3. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

24.6.2 Boundary Treatments and Other Landscaping

1. For all parking areas, new buildings and outdoor storage areas within 5m of Miller Road, Otokia Road, Centre Road or a rural zone, a landscaping area with a minimum width of 1.5m must be provided along the full length of the road frontage (except for where vehicle access is provided).
2. Landscaping areas must:
 - a. be planted with a mix of trees and shrubs and/or ground cover plants that achieves a total coverage of the ground area in planting (when mature), except for 10% of the area, which may be used for pedestrian paths;
 - b. have an average of one tree for every 5m of frontage;
 - c. not have more than 10% cover in impermeable surfaces (for pedestrian paths);
 - d. be designed to allow surface water run-off from surrounding areas to enter;
 - e. be protected by a physical barrier that prevents cars from accidentally driving into or **{PO 360.213}** damaging plants;
 - f. for required trees, use trees that are at least 1.5m high at the time of planting and capable of growing to a minimum **{PO 360.213}** height of 5m within 10 years of planting;
 - g. be planted prior to occupation ~~or completion~~ of any relevant building(s) or upon completion of site development activities **{MF cl.16}**; and
 - h. be maintained to a high standard, which means trees and under-planting are healthy and areas are regularly cleared of rubbish and weeds.
3. Any road boundary fences provided must be placed on the property side of any required **{MF cl.16}** road frontage landscaping required by this rule **{PO 360.213}**.
4. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**
4. ~~For any parking areas greater than 200m² (excluding loading areas) a minimum of 1m² of additional landscaped area must be provided for every parking space, either within or adjoining the parking area.;~~ **{MF 724.13}**

24.6.3 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.

24.6.4 Fire Fighting {Confirmed to be deleted - MF cl.16}

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

¹ **MF cl.16:** The firefighting performance standard applies to residential activities. Residential activity is non-complying in this zone and so the performance standard is not relevant and has been removed under cl.16.

24.6.5 Hazardous Substances Quantity Limits and Storage Requirements

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

24.6.6 Location and Screening of Service Areas

1. Service areas must be located or screened so that they are not visible at ground level from adjacent: residential activities, residential zoned properties, or publicly accessible places within or outside the zone.
2. Service areas must not encroach into required parking, loading or manoeuvring areas.
3. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

24.6.7 Maximum Height

1. The maximum height of new buildings and structures, and additions and alterations, must not exceed 20m above ground level.
2. Rooftop structures are exempt from the performance standard for height provided they do not exceed the maximum height limit for all other buildings and structures by more than 5m.
3. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

24.6.8 Minimum Floor Level {Confirmed for deletion - NH 917.27, NH 947.53 and others}

~~New buildings (including residential buildings) to be used for sensitive activities in the Hazard 2 (flood) Overlay Zone must comply with Rule 11.3.3. **{NH 917.27, NH 947.53 and others}**~~

24.6.9 Number, Location and Design of Ancillary Signs

24.6.9.1 General

- a. Signs must comply with the following standards, except the following signs are exempt from these standards:
 - i. signs that are not visible from any public place outside the Dunedin International Airport 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 related to commercial activities, except service station activity, must not be visible from a public place outside the Dunedin International Airport Zone.
- e. Signs higher than 4m above ground level must only display the business name or major facility name.
- f. ~~Signs other than those specified in rules 24.6.9.2 and 24.6.9.3 are not allowed.~~ **{MF cl.16}**
- g. Signs that contravene the performance standard for number, location and design of ancillary signs are restricted discretionary activities.**{PO cl.16}**

24.6.9.2 Signs attached to buildings

- a. The height, above ground level, at the highest point of any sign, attached to a building is 8m.
- b. Signs must not be attached to roofs.
- c. Signs must not project higher than the lowest point of the roof, except where mounted against a parapet or gable end.
- d. Signs attached flat against a building must:
 - i. not cumulatively exceed 15% of the total wall area (excluding windows) that face the road frontage, or 8m², whichever is lesser; and
 - ii. if attached to a verandah fascia, must not exceed a height of 500mm, or the height of a verandah fascia, whichever is greater.
- e. If attached on the underside of a verandah or protruding from a building façade, signs must:
 - i. where attached to the façade of a building, not protrude more than 1.5m from the façade;
 - ii. have a maximum area per display face of 2m²;
 - iii. have a maximum of 2 display faces per sign;
 - iv. not exceed 1 sign per 15m of road frontage; and
 - v. not exceed 3 signs per building, for buildings with a single premise.

24.6.9.3 Freestanding signs

- a. The maximum number of freestanding signs is:
 - i. 1 per 50m of road frontage (including private airport roads) for permanently fixed freestanding signs; and
 - ii. 1 per 15m of road frontage (including private airport roads) for portable freestanding signs.
- b. Freestanding signs must not exceed:
 - i. 8m in height for permanently fixed freestanding signs;
 - ii. 4m in height for portable freestanding signs;
 - iii. an area of 16m² per display face for permanently fixed freestanding signs;
 - iv. an area of 8m² per display face for portable freestanding signs;
 - v. a width of 2m; and
 - vi. a depth of 400mm **{PO cl.16}**.
- c. Portable **{PO cl.16}** Freestanding signs must:
 - i. not obstruct ~~driveways, parking or loading areas~~ parking, loading and access areas; and **{PO cl.16}**
 - ii. ~~Freestanding signs must be located within the site and cannot be located on the road reserve be positioned entirely within the site boundaries.~~ **{PO cl.16}**

Note 24.6.9A - Other relevant District Plan provisions

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

¹ **MF cl.16:** Clarifies the aspect of commercial advertising that is permitted.

Note 24.6.9B - Other requirements outside of the District Plan

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

24.6.10 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

Rule 24.7 Subdivision Performance Standards {Confirmed for deletion - MF 724.19 and 724.34}

~~Subdivision activities must comply with performance standards for the Taieri Plains Rural Zone within Rule 17.7. {MF 724.19 and 724.34}~~

Rule 24.8 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 24.8.1 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 24.8.2 - 24.8.5:
 - 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 24.8.2 - 24.8.4 apply as follows: **{MF cl.16}**
 - a. Rule 24.8.2 applies to all performance standard contraventions;
 - b. Rule 24.8.3 applies to land use performance standard contraventions; and
 - c. Rule 24.8.4 applies to development performance standard contraventions. **{MF cl.16}**

24.8.2 Assessment of all performance standard contraventions	
Performance standard	Guidance on the assessment of resource consents
1. All performance standard contraventions	<i>Potential circumstances that may support a consent application include:</i> a. The degree of non-compliance with the performance standard is minor. b. The need to meet other performance standards or topography, or other site specific factors, 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. <i>General assessment guidance:</i> e. Where more than one standard is contravened, the combined effects of the contraventions should be considered.

24.8.3 Assessment of land use performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	Location (commercial activities ancillary to airport activity {MF cl.16})	a. Effects on the vibrancy, and economic and social success of the CBD and centres hierarchy {MF cl.16}	<i>Relevant objectives and policies:</i> i. Objective 24.2.2 ii. Commercial activities ancillary to airport activity ~~is~~ are {MF cl.16} designed, located and operated to primarily service staff and visitors to the Dunedin International Airport (Policy 24.2.2.5).
2.	Minimum car parking	a. Effects on the safety and efficiency of the transport network b. Effects on accessibility	See Rule 6.9
3.	Minimum vehicle loading	a. Effects on the safety and efficiency of the transport network	See Rule 6.9
4.	Number and location of tourism signs	a. Effects on rural amenity and amenity at Dunedin International Airport	<i>Relevant objectives and policies:</i> i. Objective 24.2.1 ii. <u>Tourism advertising signage promoting Otago and Southland's tourism industry is enabled while ensuring {MF cl.16}</u> the size, number and location of tourism advertising signage does not significantly affect the amenity of the airport as an international gateway, and any effects on the rural amenity outside the Dunedin International Airport Zone are minor (Policy 24.2.2.6).
5.	Service station standards	a. Effects on the safety and efficiency of the transport network	See Rule 6.9

¹ **MF cl.16:** Amendment for greater alignment with policy wording.

24.8.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	Boundary setbacks	a. Effects on rural amenity	<i>Relevant objectives and policies:</i> i. Objective 24.2.2 ii. Buildings and structures are of a setback that reduces their visual effects <u>impact {MF cl.16}</u> on the rural environment (Policy 24.2.2.1).

24.8.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
2.	Boundary treatments and other landscaping	a. Effects on on-site amenity b. Effects on rural amenity	<i>Relevant objectives and policies:</i> i. Objective 24.2.2 ii. Landscaping of new buildings, parking areas, and outdoor storage areas ensures a high standard of visual amenity is maintained adjacent to public roads and the rural zones (Policy 24.2.2.2).
3.	Earthworks standards: Batter gradient {EW cl.16} ¹	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 24.2.3 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 24.2.3.1.b). <i>Conditions that may be imposed include, but are not limited to:</i> 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: Setback from property boundary, buildings, structures and cliffs {EW cl.16} ¹	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 24.2.3 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 24.2.3.1.a).
5.	Earthworks standards: Setback from network utilities {EW cl.16} ¹	a. Effects on efficient and effective operation of network utilities b. Effects on health and safety	See Rule 5.7

24.8.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
6.	Earthworks standards: • Sediment control {EW cl.16} ¹	a. Effects on surrounding sites	<i>Relevant objectives and policies:</i> i. Objective 24.2.3 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, or the coastal marine area {EW 1071.106} (Policy 24.2.3.2.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.	Hazardous substances quantity limits and storage requirements	a. Effects on health and safety	See Rule 9.4
		b. Risk from natural hazards {PO cl.16}	See Rule 11.4 {PO cl.16}
8.	Location and screening of service areas	a. Effects on on-site amenity	<i>Relevant objectives and policies:</i> i. Objective 24.2.2
		b. Effects on rural amenity	ii. Development maintains on-site and rural amenity by ensuring service areas are not visible from publicly accessible areas within or outside the zone (Policy 24.2.2.3).
9.	Maximum height	a. Effects on rural amenity	<i>Relevant objectives and policies:</i> i. Objective 24.2.2 ii. Buildings and structures are of a height that reduces their visual effect <u>impact</u> {MF cl.16} on the rural environment (Policy 24.2.2.1).
		b. Effects on cultural values of Manawhenua	See Rule 14.3
10.	Minimum floor level (hazard overlays) {NH 917.27, NH 947.53 and others}	a. Risk from natural hazards {NH 917.27, NH 947.53 and others}	See Rule 11.4 {NH 917.27, NH 947.53 and others}

24.8.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
11.	Number, location and design of ancillary signs	a. Effects on rural amenity	<i>Relevant objectives and policies:</i> i. Objective 24.2.2 ii. Ancillary signs are located and designed to maintain visual amenity for airport users, including by being of an appropriate size and number to convey information about the name, location and nature of the activity on-site, and not being oversized or too numerous for that purpose (Policy 24.2.2.4).
		b. Effects on the safety and efficiency of the transport network	See Rule 6.9
12.	Parking, loading and access standards	a. Effects on the safety and efficiency of the transport network	See Rule 6.9

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 **MF cl.16:** To align more closely with policy wording.

24.8.X Assessment of performance standard contraventions in an overlay zone, mapped area or affecting a scheduled item {PO cl.16}

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	In a hazard overlay zone: • Hazardous substances quantity limits and storage requirements	a. Risk from natural hazards	See Rule 11.4

24.8.5 Assessment of subdivision performance standard contraventions {MF cl.16}

Performance standard {MF cl.16}		Guidance on the assessment of resource consents {MF cl.16}
4.	Subdivision performance standards {MF cl.16}	See Rule 16.9 {MF cl.16}

Rule 24.9 Assessment of Restricted Discretionary Activities

Rule 24.9.1 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 24.9.2 - 24.9.3:
 - 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 24.9.2 - 24.9.3 apply as follows: {MF cl.16}
 - a. Rule 29.9.2 applies to restricted discretionary land use activities; and
 - b. Rule 24.9.3 applies to restricted discretionary development 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 24.8; 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 24.10; 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 24.11; and
 - iii. the assessment guidance in this section will also be considered.

24.9.2 Assessment of restricted discretionary land use activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
A.	<u>All high trip generators:</u> {Trans cl.16} any activities that generate 250 or more vehicle movements a day {Trans cl.16}	a. Effects on <u>accessibility</u> {Trans cl.16}	See Rule 6.10 {Trans cl.16}
		b. Effects on the <u>safety and efficiency of the transport network</u> {Trans cl.16}	
1.	Service stations	a. Effects on the <u>safety and efficiency of the transport network</u>	See Rule 6.10
		b. Effects on <u>accessibility</u> {Trans cl.16}	

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 24 assessment rules. The correction of this error, via the addition of Rule 24.9.2.A, does not result in a substantive change to the effect of provisions.

24.9.3 Assessment of restricted discretionary development activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
1.	Earthworks – large scale (that exceed the scale thresholds for the Dunedin International Airport Zone) {EW cl.16'}	a. Effects on visual amenity and character b. Effects on the amenity of surrounding properties	<i>Relevant objectives and policies:</i> i. Objective 24.2.3 ii. Adverse effects on visual amenity and character will be avoided or, if avoidance is not possible, adequately mitigated (Policy 24.2.3.3.a). iii. Adverse effects on the amenity of surrounding properties, including from changes to drainage patterns, will be avoided or, if avoidance is not possible, adequately mitigated (Policy 24.2.3.3.b). <i>Potential circumstances that may support a consent application include:</i> iv. There is no, or only minimal, alteration to the natural landform. v. Any cut or fill will be restored or treated to resemble natural landforms. vi. The earthworks will not remove or effect existing vegetation or landscaping. <i>Conditions that may be imposed include, but are not limited to:</i> vii. Measures to minimise visual effects, e.g. requirements for revegetation and/or landscaping. viii. Maximum slopes of cut and fill batters. ix. Measures to divert surface water and rain away from, or prevent from discharging over, batter faces and other areas of bare earth. x. Measures to ensure there are no adverse effects from changes to drainage patterns on surrounding properties. xi. Requirement to de-compact soils; to take other remedial action to ensure the natural absorption capacity of the soils is not reduced; or to use other mitigation measures to ensure the overall absorption of rain water on-site is not diminished.

24.9.3 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	<i>Relevant objectives and policies:</i> i. Objective 24.2.3 ii. Adverse effects on the stability of land, buildings, and structures will be avoided or, if avoidance is not possible, adequately mitigated (Policy 24.2.3.3.c). <i>Potential circumstances that may support a consent application include:</i> 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 24.12.1). iv. Excavation, fill and retaining structures will be designed, and the work undertaken, in accordance with best practice engineering standards
2.	Earthworks – large scale (that exceed scale thresholds for a hazard (flood) overlay zone) {EW cl.16} ¹	a. Risk from natural hazards	See Rule 11.5

24.9.3 Assessment of restricted discretionary development activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
3.	In the hazard 2 (flood) {NH 73.4 and others} overlay zones (see Rule 24.3.6): • New buildings, and additions and alterations to buildings, which create more than 60m² of new ground floor area • <u>Natural hazards {NH cl.16} sensitive activities {NH 634.74}</u> • <u>Natural hazards {NH cl.16} potentially sensitive activities {NH 634.74}</u>	a. Risk from natural hazards	See Rule 11.5
4. {MF 724.33}	Parking areas which creates 50 or more new parking spaces {MF 724.33}	a. Effects on safety and efficiency of transport network {MF 724.33}	See Rule 6.10 {MF 724.33}
5.	Service stations {MF cl.16 ² }	a. Effects on the safety and efficiency of the transport network b. Effects on accessibility	See Rule 6.10

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 **MF cl.16:** Incorrect location and duplicate of Rule 24.9.2.1.

24.9.4 Assessment of restricted discretionary subdivision activities {MF 724.19 and 724.34}			
Activity {MF 724.19 and 724.34}		Matters of discretion {MF 724.19 and 724.34}	Guidance on the assessment of resource consents {MF 724.19 and 724.34}
1. {MF 724.19 and 724.34}	All subdivision activities {MF 724.19 and 724.34}	a. Effects on the efficient and effective operation of Dunedin International Airport {MF 724.19 and 724.34}	Relevant objectives and policies: {MF 724.19 and 724.34} i. Objective 24.2.1 {MF 724.19 and 724.34} ii. Subdivision activities do not adversely affect the efficient and effective operation of Dunedin International Airport (Policy 24.2.1.5.b): {MF 724.19 and 724.34}
		See Rule 16.9 {MF 724.19 and 724.34}	

Rule 24.10 Assessment of Discretionary Activities

Rule 24.10.1 Introduction

1. Discretionary activities will be assessed in accordance with section 104 and 104B of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rules 24.10.2 - 24.10.3 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 24.10.2 - 24.10.4 apply as follows: {MF cl.16}
 - a. Rule 24.10.2 applies to all discretionary activities; and
 - b. Rule 24.10.4 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.

24.10.2 Assessment of all discretionary activities

Activity	Guidance on the assessment of resource consents
1. All discretionary activities including {PO cl.16}: • office • all activities in the industrial activities category • activities listed below {PO cl.16}	<i>Relevant objectives and policies (priority considerations):</i> - Objective 2.3.1 - Objective 24.2.1 <u>Commercial activities ancillary to airport, office, service stations, and visitor accommodation are designed and</u> Activities that are ancillary to Dunedin International Airport activity are {MF cl.16} operated in line with Objective ~~22.4.2.2~~ 24.2.2 {MF cl.16} and its policies (Policy 24.2.1.2). - Activities that are not ancillary to Dunedin International Airport activity airport {MF cl.16}: - are related to or support the Dunedin International Airport, or have other operational requirements that mean they need to locate in the zone; - support the efficient and effective operation of Dunedin International Airport; - are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and - are designed and operated in line with Objective 24.2.2 and its policies (Policy 24.2.1.3). <i>Potential circumstances that may support a consent application include:</i> - For discretionary land use activities, whether any associated development activities meet relevant development performance standards, or are otherwise consistent with relevant objectives and policies for development. - All relevant land use performance standards are met, including noise and light spill standards. <i>General assessment guidance:</i> - In assessing the significance of effects, consideration will be given to: - short to long term effects, including effects in combination with other activities; and - 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. ~~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.~~ {MF cl.16} <i>Relevant guidance from other sections (priority considerations):</i> <u>See Section 6.11 for guidance on the assessment of resource consents in relation to objectives 6.2.2 and 6.2.3, and effects related to accessibility and the safety and efficiency of the transport network</u>

24.10.2 Assessment of all discretionary activities

Activity	Guidance on the assessment of resource consents
	<u>and its affordability to the public. {Trans cl.16³}</u> j. <u>See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety {PHS cl.16}</u> 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>
2. <u>Subdivision activities {MF 724.19 and 724.34}</u>	<u>Relevant objectives and policies (priority considerations): {MF 724.19 and 724.34}</u> a. <u>Objective 24.2.1. {MF 724.19 and 724.34}</u> b. <u>Subdivision activities do not adversely affect the efficient and effective operation of Dunedin International Airport (Policy 24.2.1.5) {MF 724.19 and 724.34}</u> <u>Relevant guidance from other sections (priority considerations): {MF cl.16}</u> c. <u>See Section 11.6. {MF 724.19 and 724.34} for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards. {MF cl.16³}</u>

¹ **MF cl.16:** As a clause 16 amendment this correction is made to align wording with the policy.

² **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.

³ **MF cl.16:** Amendment to make consistent with Plan format.

⁴ **MF cl.16:** Rule 24.10.2.1.h unnecessary because there are no activities that are discretionary due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item

24.10.3 Assessment of discretionary land use activities {NH634.74}

Activity {NH634.74}	Guidance on the assessment of resource consents {NH634.74}
4. In the ~~hazard 2~~ overlay zones (see Rule 24.3.6): {NH634.74} - Potentially sensitive activities not permitted in Dunedin International Airport Zone {NH634.74} - Sensitive activities {NH634.74}	See Section 11.6 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards: {NH634.74}

24.10.4 Assessment of discretionary performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. • 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 {MF cl.16¹}	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.

¹ **MF cl.16:** This is included in the non-complying assessment table.

Rule 24.11 Assessment of Non-complying Activities

Rule 24.11.1 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 24.11.2 - 24.11.4 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 24.11.2 - 24.11.4 apply as follows: {MF cl.16}
 - a. Rule 24.11.2 applies to non-complying land use activities; and
 - b. Rule 24.11.4 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.

24.11.2 Assessment of non-complying land use activities

Activity	Guidance on the assessment of resource consents
1. All non-complying land use activities	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 2.3.1, Policy 2.3.1.1 b. Objective 24.2.1, Policy 24.2.1.3 <i>General assessment guidance:</i> c. In assessing the significance of effects consideration will be given to: 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 a resource consent. d. In assessing activities that are non-complying due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered. <i>Relevant guidance from other sections (priority considerations):</i> e. <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> f. <u>See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety {PHS cl.16}</u> g. <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>
2. <u>Commercial advertising (except tourism advertising) {MF cl.16}</u>	<i>Relevant objectives and policies (priority considerations):</i> a. <u>Objective 2.4.1</u> b. <u>Policy 2.4.1.6.c</u>

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.

² **MF cl.16:** As a clause 16 amendment this content has been moved from Rule 24.11.3. This is not a substantive change to provisions.

24.11.3 Assessment of non-complying land use activities

Activity	Guidance on the assessment of resource consents
1. Commercial advertising (except tourism advertising) {MF cl.16}	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 2.4.1 b. Policy 2.4.1.6.e

¹ **MF cl.16:** As a clause 16 amendment this content has been moved to Rule 24.11.2. This is not a substantive change to provisions.

24.11.4 Assessment of non-complying performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. Archaeological sites {MF cl.16}	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 13.8 for guidance on the assessment of resource consents in relation to Objective 13.2.4 and effects related to the inappropriate development and use in Dunedin's archaeological sites.
2. - Light spill – where the limit is exceeded by greater than 25% {MF cl.16} - 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)	<i>Relevant guidance from other sections (priority considerations):</i> 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.

¹ **MF cl.16:** No archaeological sites or archaeological rule in Airport Zone.

Rule 24.12 Special Information Requirements

EW cl.16: As a clause 16 amendment, Rule 24.12.1 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.

25. Edgar Centre

25.1 Introduction

The Edgar Centre is located at 116 Portsmouth Drive, Andersons Bay, and occupies a site of approximately three hectares in area. The site fronts onto the harbour, and is surrounded on the other three sides by industrially zoned land, which provides predominantly for industrial and large scale yard based **{Ind cl.16}** retail activities.

The Edgar Centre is a large indoor venue and includes a number of arenas and meeting spaces that are used for social and competitive sport, functions, meetings, expos and concerts from local, national and international artists. A large car parking area services the Centre.

The key resource management issues are that land use activities on the Edgar Centre site have the potential to generate effects, particularly traffic, which may adversely affect the operation of surrounding industrial land uses or

the safe and efficient operation of the transport network. Portsmouth Drive is classed as an 'industrial amenity route' and is managed to ensure the maintenance of views across the harbour and ensure a higher level of amenity for pedestrians and cyclists using it. The Edgar Centre Zone recognises the existing and foreseeable future uses of the site, providing certainty to the community and appropriately managing any adverse effects on the surrounding industrial zone and transport network.

25.2 Objectives and Policies

Objective 25.2.1

The Edgar Centre is able to operate efficiently and effectively.

Policy 25.2.1.1	Enable major recreation facility activity in the Edgar Centre Zone.
Policy 25.2.1.2	Provide for activities ancillary to a major recreation facility activity {MF cl.16} where they are designed and operated in line with Objective 25.2.2 and its policies.
Policy 25.2.1.3	Only allow activities that are not ancillary to a major recreation facility activity {MF cl.16} where: a. they are related to or support the Edgar Centre, or have other operational requirements that mean they need to locate in the zone; b. they will support the efficient and effective operation of the Edgar Centre; 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 25.2.2 and its policies.
Policy 25.2.1.4	Enable land that is surplus to the needs of the Edgar Centre to transition to the Industrial Zone, so that future development that is not related to major recreation facility activity ~~can~~ will {PO cl. 16} be managed in accordance with the objectives and policies of that zone.
Policy 25.2.1.5	Only allow subdivision activities where: a. they are in accordance with the provisions of the Industrial Zone; and b. the subdivision does not adversely affect the efficient and effective operation of the Edgar Centre.

Objective 25.2.2

Land use activities and development necessary for the Edgar Centre to meet the reasonably foreseeable needs of the community are enabled, while ensuring they:

1. achieve a reasonable standard of on-site amenity for facility users; and
2. maintain or enhance the amenity of surrounding areas as far as practicable.

Policy 25.2.2.1	Require buildings and structures to be of a height that: a. is similar to the existing height of buildings of the surrounding Industrial Zone; and b. avoids <u>or minimises, as far as practicable, {PO 308.497}</u> significant adverse effects on views from Dunedin's inner hill suburbs across the upper harbour toward the Otago Peninsula.
Policy 25.2.2.2	Only allow buildings and structures to exceed the maximum height limit where: a. the height is essential to the operation of the Edgar Centre; and b. all practicable measures have been taken to avoid or minimise the visual effects of the height limit exceedance.

Objective 25.2.2

Land use activities and development necessary for the Edgar Centre to meet the reasonably foreseeable needs of the community are enabled, while ensuring they:

1. achieve a reasonable standard of on-site amenity for facility users; and
2. maintain or enhance the amenity of surrounding areas as far as practicable.

Policy 25.2.2.3	Require development along Portsmouth Drive (amenity route mapped area) to provide a high level of streetscape amenity by: a. providing landscaping of a height and density adequate to maintain or enhance the amenity of the route; and b. setting back buildings an adequate distance to allow this landscaping.
Policy 25.2.2.4	Require ancillary signs visible from outside the zone 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 that purpose.
Policy 25.2.2.5	Require ancillary commercial activities to be designed, located and operated to primarily serve staff and visitors to the Edgar Centre.

EW cl.16: As a clause 16 amendment, Objective 25.2.3 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 25.3 Activity Status

Rule 25.3.1 Rule location

The activity status tables in rules 25.3.3 to 25.3.5 in ~~Rule 25.3.2~~ **{MF cl.16}** specify the activity status of land use activities, development activities, and subdivision activities in the Edgar Centre 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 **{PO cl.16}** (Section 8)
7. Earthworks (Section 8A) **{EW cl.16}**

25.3.2 Activity status introduction

1. The activity status **{MF cl.16}** tables in rules 25.3.3 - 25.3.5 show the activity status of activities in the Edgar Centre Zone provided any performance standards shown in the far right column are met.
2. Activities are split into three types: a. land use activities, b. development activities, c. subdivision activities. Within these types, activities are split into categories. The nested tables in Section 1.3 outline the hierarchy of categories, activities and sub-activities.
3. Permitted land use activities do not automatically provide for any related development activities. Therefore, the activity status of any associated development activities should also be checked.
4. Where a new land use activity requires a resource consent, all associated development activities will be considered and assessed as part of the resource consent even if the development otherwise meets the development performance standards listed in the Plan.
5. The nested tables in Section 1.3 are intended to be a complete list of activities 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

25.3.3 Activity status table - land use activities

1.	Performance standards that apply to all land use activities		a. Electrical interference b. Light spill c. Noise
Major facility activities		Activity status	Performance standards
2.	Major recreation facility	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 ancillary to major recreation facility	D	
5.	Early childhood education not ancillary to major recreation facility	NC	
6.	All other activities in the community activities category	P	
Commercial activities		Activity status	Performance standard
7.	Commercial activities ancillary to major recreation facility	P	a. Location
8.	All other activities in the commercial activities category	NC	
Residential activities		Activity status	Performance standards
9.	All activities in the residential activities category	NC	
Industrial activities		Activity status	Performance standards
10.	All activities in the industrial activities category	D	
Rural activities		Activity status	Performance standards
11.	All activities in the rural activities category	NC	

25.3.4 Activity status table - development activities

1.	Performance standards that apply to all development activities		a. Boundary treatments and other landscaping
Buildings and structures activities		Activity status	Performance standards
2.	All buildings and structures activities	P	a. Maximum height b. Number, location and design of ancillary signs c. Hazard overlay zones development standards {NH 917.27 and others, NH 360.239 and 961.1} d. Boundary setbacks
Site development activities		Activity status	Performance standards
3.	Parking, loading and access	P	a. Parking, loading and access standards
4.	New or additions to parking areas, or extensions to existing parking areas that result in the creation of {Trans cl.16} 50 or more new parking spaces.	RD	a. Parking, loading and access standards
5.	Storage and use of hazardous substances	P	a. Hazardous substances quantity limits and storage requirements
6.	Earthworks – <i>small scale {EW cl.16'}</i>	P	a. Earthworks standards
7.	Earthworks – <i>large scale {EW cl.16'}</i>	RD	a. Earthworks standards
8.	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.

Note 25.3.4A - General advice

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

discovered during any site works, at any location, the Accidental Discovery Protocol (Appendix A8) should be followed.

25.3.5 Activity status table - subdivision activities

Subdivision activities	Activity status	Performance standards
1. Subdivision activities	RD	a. Subdivision performance standards

Note 25.3.5A - Other RMA considerations {PO 490.4}

- 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.

25.3.6 Transition to the Industrial Zone

On receipt of written notice from both the owner and operator (if different) of the Edgar Centre to Dunedin City Council confirming that all or part of the land within the Edgar Centre Zone is surplus to requirements, the provisions of the Edgar Centre Zone will no longer apply to that parcel of land and the provisions of the Industrial Zone will apply in full.

Rule 25.4 Notification

- With respect to resource consent applications for the following activities, Manawhenua will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided: **{MW 1071.2}**
 - all discretionary activities that list 'effect on cultural values of Manawhenua' as a matter for discretion: and **{MW 1071.2}**
 - discretionary and non-complying activities in a **wāhi tūpuna mapped area** where the activity is identified as a threat in Appendix A4. **{MW 1071.2}**
- All other activities are subject to the normal tests for notification in accordance with sections 95A - 95G of the RMA.

Rule 25.5 Land Use Performance Standards

25.5.1 Electrical Interference

Land use activities must comply with Rule 9.3.2.

25.5.2 Light Spill

Land use activities must comply with Rule 9.3.5.

25.5.3 Location

1. For ancillary commercial activities, customer access must only be available from inside the Edgar Centre buildings.
2. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

25.5.4 Minimum Car Parking

1. Major recreation facility activity must provide a minimum of 400 parking spaces, including nine mobility parking spaces. These must be provided either within or on land close to the Edgar Centre Zone.
2. Required parking spaces may be used for car, cycle or motorcycle parking, except for any required mobility parking spaces, which must be used for mobility car parking.
3. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

Note 25.5.4A - 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.

25.5.5 Noise

Land use activities must comply with Rule 9.3.6.

Rule 25.6 Development Performance Standards

25.6.1 Boundary Setbacks

1. New buildings and structures, and additions and alterations to buildings and structures must have a minimum set back from Portsmouth Drive (**amenity route mapped area**) of 10.5m.
2. Except fences and ancillary signs are exempt from this standard.
3. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

25.6.2 Boundary Treatments and Other Landscaping

1. Along the Portsmouth Drive frontage, a landscaping area with a minimum width of 1.5m must be provided along the full length of the road frontage (except for where vehicle access is provided).
2. Landscaping areas must:
 - a. be planted with a mix of trees and shrubs and/or ground cover plants that achieves a total coverage of the ground area in planting (when mature), except for 10% of the area, which may be used for pedestrian paths;
 - b. have an average of one tree for every 5m of frontage;
 - c. not have more than 10% cover in impermeable surfaces (for pedestrian paths);
 - d. be designed to allow surface water run-off from surrounding areas to enter;
 - e. be protected by a physical barrier that prevents cars from ~~accidentally driving into or~~ **{PO 360.213}** damaging plants;
 - f. for required trees, use trees that are at least 1.5m high at the time of planting and capable of growing to a minimum **{PO 360.213}** height of 5m within 10 years of planting;
 - g. be planted prior to occupation ~~or completion~~ of any relevant building(s) or upon completion of site development activities **{MF cl.16}**; and
 - h. be maintained to a high standard, which means trees and under-planting are healthy and areas are regularly cleared of rubbish and weeds.
3. Any road boundary fences provided must be placed on the property side of any required **{MF cl.16}** road frontage landscaping required by this rule.**{PO 360.213}**
4. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

25.6.3 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.

25.6.4 Hazard Overlay Zones Development Standards {Confirmed for deletion - NH 917.27 and others, NH 360.239 and 961.1}

25.6.4.1 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 (coastal) Overlay Zone must comply with Rule 11.3.3: **{NH 917.27, 947.53 and others}**

25.6.4.2 Relocatable buildings {NH cl.16¹}

New buildings (including residential buildings) to be used for natural hazards ~~{NH cl.16}~~ sensitive activities in the Hazard 3 (coastal) Overlay Zone must comply with Rule 11.3.4: **{NH cl.16¹}**

¹ **NH cl.16:** This has been deleted as residential activity is non-complying in this zone.

25.6.5 Hazardous Substances Quantity Limits and Storage Requirements

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

25.6.6 Maximum Height

1. The maximum height of new buildings and structures, and additions and alterations, must not exceed 18m above ground level.
2. Rooftop structures are exempt from the performance standard for maximum height, provided they do not exceed the maximum height limit for all other buildings and structures by more than 5m.
3. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

25.6.7 Number, Location and Design of Ancillary Signs

25.6.7.1 General

- a. Signs must comply with the following standards, except the following signs are exempt from these standards:
 - i. signs that are not visible from outside the Edgar Centre 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 related to activities ancillary to a major recreation facility must not be visible outside the Edgar Centre Zone.
- c. Signs located on or **{MF cl.16}** above the footpath must comply with Rule 6.7.2.
- d. Signs must comply with Rule 6.7.3 where visible from a road.
- e. Signs other than those specified in rules 25.6.7.2 and 25.6.7.3 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}**

25.6.7.2 Signs attached to buildings

- a. The height above ground level of the highest point of any sign must not exceed 8m.
- b. Signs must not be attached to roofs.
- c. Signs must not project higher than the lowest point of the roof, except where mounted against a parapet or gable end.
- d. Signs must not exceed the following number and cumulative maximum area:

Location	Number of signs	Cumulative maximum area
Façade facing Portsmouth Drive	5	75m ²
Façade facing Midland Street	3	56m ²
Façade facing Teviot Street	2	26.5m ²

- e. Signs attached to a verandah fascia, must not exceed a height of 500mm, or the height of a verandah fascia, whichever is greater.
- f. Signs attached on the underside of a verandah or protruding from a building façade must:
 - i. where attached to the façade of a building, have a maximum area per display face of 2m²;
 - ii. where attached to the façade of a building, must not project more than 1.5m from the facade to which it is attached;
 - iii. have a maximum of two display faces per sign; and
 - iv. not exceed one sign per 15m of building façade .

25.6.7.3 Freestanding signs

- a. The maximum number of freestanding signs within the zone is two.
- b. The maximum dimensions of freestanding signs are:
 - i. maximum height of 4m;
 - ii. maximum area of 8m² per display face;
 - iii. maximum width of 2m; and
 - iv. maximum depth of 400mm **{PO cl.16}**.
- c. Freestanding signs must:
 - i. not obstruct ~~driveways, parking or loading areas~~ parking, loading and access areas; and **{PO cl.16}**
 - ii. ~~Freestanding signs must be located within the site and cannot be located on the road reserve be positioned entirely within the site boundaries.~~ **{PO cl.16}**

Note 25.6A - 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 25.6.7B - Other requirements outside of the District Plan

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

25.6.8 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

25.6.X Setback from Coast and Water Bodies {Confirmed for addition - MW 1071.16}

New buildings and structures, additions and alterations must comply with Rule 10.3.3. {MW 1071.16}

Rule 25.7 Subdivision Performance Standards

Subdivision activities must comply with Rule 19.7.

Rule 25.8 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 25.8.1 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 25.8.2 - 25.8.5:
 - 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 25.8.2 - 25.8.5 apply as follows: {MF cl.16}
 - a. Rule 25.8.2 applies to all performance standard contraventions;
 - b. Rule 25.8.3 applies to land use performance standard contraventions;
 - c. Rule 25.8.4 applies to development performance standard contraventions; and
 - d. Rule 25.8.5 applies to subdivision performance standard contraventions. {MF cl.16}

25.8.2 Assessment of all performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. All performance standard contraventions	<i>Potential circumstances that may support a consent application include:</i> a. The degree of non-compliance with the performance standard is minor. b. The need to meet other performance standards or site specific factors 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. <i>General assessment guidance:</i> e. Where more than one standard is contravened, the combined effects of the contraventions should be considered.

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 hierarchy {MF cl.16}	<i>Relevant objectives and policies:</i> i. Objective 25.2.2 ii. Ancillary commercial activities are designed, located and operated to primarily serve staff and visitors to the Edgar Centre (Policy 25.2.2.5).
3.	Minimum car parking	a. Effects on accessibility	See Rule 6.9
		b. Effects on the safety and efficiency of the transport network	

Performance standard	Matters of discretion	Guidance in the assessment of resource consents
1. Boundary setbacks {MF cl.16}	a. Effect on streetscape amenity	<i>Relevant objectives and policies:</i> i. Objective 25.2.2 ii. Buildings along Portsmouth Drive are set back an adequate distance to allow landscaping to provide a high level of streetscape amenity (Policy 25.2.2.3.b) <u>Development along Portsmouth Drive (amenity route mapped area) provides a high level of streetscape amenity by setting back buildings an adequate distance to allow landscaping (Policy 25.2.2.3.b) {MF cl.16}.</u>
2. Boundary treatments and other landscaping	a. Effects on streetscape amenity	<i>Relevant objectives and policies:</i> i. Objective 25.2.2 ii. <u>Development along Portsmouth Drive (amenity route mapped area) provides a high level of streetscape amenity by providing {MF cl.16} landscaping is provided at of {MF cl.16} a height and density adequate {MF cl.16} to maintain or enhance the amenity of Portsmouth Drive (Policy 25.2.2.3.a).</u> <i>Potential circumstances that may support a consent application include:</i> iii. The site is laid out in an alternative manner to achieve better outcomes for streetscape amenity.

25.8.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance in the assessment of resource consents
3.	Earthworks standards: Batter gradient {EW cl.16'}	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 25.2.3 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 25.2.3.1.b). <i>Conditions that may be imposed include, but are not limited to:</i> 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: Setback from property boundary, buildings, structures and cliffs {EW cl.16'}	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 25.2.3 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 25.2.3.1.a).
5.	Earthworks standards: 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

25.8.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance in 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 25.2.3 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, or the coastal marine area {EW 1071.106} (Policy 25.2.3.2.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.	Hazardous substances quantity limits and storage requirements	a. Effects on health and safety	See Rule 9.4
		b. Risk from natural hazards {PO cl.16}	See Rule 11.4 {PO cl.16}
8.	Maximum Height	a. Effects on heightscape of the industrial zones	<i>Relevant objectives and policies:</i> i. Objective 25.2.2 ii. Buildings and structures are a similar height to existing buildings within the <u>surrounding</u> {MF cl.16} Industrial Zone (Policy 25.2.2.1.a). iii. Buildings and structures only exceed the maximum height limit where: 1. the height is essential to the operation of the Edgar Centre; and 2. all practicable measures have been taken to avoid or minimise the visual effects of the height limit exceedance (Policy 25.2.2.2).
		b. Effects on important view shafts	<i>Relevant objectives and policies:</i> i. Objective 25.2.2 ii. Buildings and structures are a height that avoids or minimises, as far as practicable, {PO 308.497} significant adverse effects on views from the central city and {MF cl.16} Dunedin's inner hill suburbs across the upper harbour toward the Otago Peninsula (Policy 25.2.2.1.b).

25.8.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance in the assessment of resource consents
9.	Hazard-overlay zones development standards: - Relocatable buildings {NH cl.16} - Minimum floor level {NH 917.27 and others}	a. Risk from natural hazards	See Rule 11.4
10.	Number, location and design of ancillary signs	a. Effects on streetscape amenity	<i>Relevant objectives and policies:</i> i. Objective 25.2.2 ii. Ancillary signs visible from outside the zone are 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 that purpose (Policy 25.2.2.4).
		b. Effects on the safety and efficiency of the transport network	See Rule 6.9
11.	Parking, loading and access standards	a. Effects on the safety and efficiency of the transport network	See Rule 6.9
X.	<u>Setback from coast and water bodies {MW 1071.16}</u>	a. In a wāhi tupuna mapped area , effects on cultural values of Manawhenua { MW 1071.16 }	See Rule 14.3 { MW 1071.16 }

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

² **MF cl.16:** As a clause 16 amendment this wording has been corrected to align with policy wording.

³ **MF cl.16:** As a clause 16 amendment this wording has been corrected to align with policy wording.

⁴ **NH cl.16:** This has been deleted as residential activity is non-complying in this zone.

25.8.5 Assessment of subdivision performance standard contraventions

Performance standard		Guidance on the assessment of resource consents
1.	Subdivision performance standards	See Rule 19.9

Rule 25.9 Assessment of Restricted Discretionary Activities

Rule 25.9.1 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 25.9.2 - 25.9.3 list:
 - a. 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 25.9.2 - 25.9.3 apply as follows: **{MF cl.16}**
 - a. Rule 25.9.2 applies to restricted discretionary development activities; and
 - b. Rule 25.9.3 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 25.8; 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 25.10; 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 25.11; and
 - iii. the assessment guidance in this section will also be considered.

25.9.2 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. Earthworks – large-scale (that exceed the scale thresholds for the Edgar Centre Zone) {EW cl.16} 1	a. Effects on visual amenity and character b. Effects on the amenity of surrounding properties	<i>Relevant objectives and policies:</i> i. Objective 25.2.3 ii. Adverse effects on visual amenity and character will be avoided or, if avoidance is not possible, adequately mitigated (Policy 25.2.3.3.a). iii. Adverse effects on the amenity of surrounding properties, including from changes to drainage patterns, will be avoided or, if avoidance is not possible, adequately mitigated (Policy 25.2.3.3.b). <i>Potential circumstances that may support a consent application include:</i> iv. There is no, or only minimal, alteration to the natural landform. v. Any cut or fill will be restored or treated to resemble natural landforms. vi. The earthworks will not remove or effect existing vegetation or landscaping. <i>Conditions that may be imposed include, but are not limited to:</i> vii. Measures to minimise visual effects, e.g. requirements for revegetation and/or landscaping. viii. Maximum slopes of cut and fill batters. ix. Measures to divert surface water and rain away from, or prevent from discharging over, batter faces and other areas of bare earth. x. Measures to ensure there are no adverse effects from changes to drainage patterns on surrounding properties. xi. Requirement to de-compact soils; to take other remedial action to ensure the natural absorption capacity of the soils is not reduced; or to use other mitigation measures to ensure the overall absorption of rain water on-site is not diminished.

25.9.2 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
	c. Effects on the stability of land, buildings, and structures	<i>Relevant objectives and policies:</i> i. Objective 25.2.3 ii. Adverse effects on the stability of land, buildings, and structures will be avoided or, if avoidance is not possible, adequately mitigated (Policy 25.2.3.3.c). <i>Potential circumstances that may support a consent application include:</i> 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 25.12.1). iv. Excavation, fill and retaining structures will be designed, and the work undertaken, in accordance with best practice engineering standards
2. <u>High trip generators:</u> {Trans cl.16²} • New or additions to parking areas ; or extensions to existing parking areas that result in the creation of 50 or more new parking spaces {Trans cl.16}	a. Effects on the safety and efficiency of the transport network b. Effects on accessibility {Trans cl.16}	See Rule 6.10

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



25.9.3 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 the Edgar Centre	<i>Relevant objectives and policies:</i> i. Objectives 25.2.1, 6.2.3 ii. Subdivision activities do not adversely affect the efficient and effective operation of the Edgar Centre (Policy 25.2.1.5.b).
		See Rule 19.10	

Rule 25.10 Assessment of Discretionary Activities

Rule 25.10.1 Introduction

1. Discretionary activities will be assessed in accordance with section 104 and 104B of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rule 25.10.2 - 25.10.3 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. Rule 25.10.2 - 25.10.3 apply as follows: {MF cl.16}
 - a. Rule 25.10.2 applies to all discretionary activities; and
 - b. Rule 25.10.3 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.

25.10.2 Assessment of all discretionary activities

Activity	Guidance on the assessment of resource consents
1. All discretionary <u>land use</u> activities including listed below: {PO cl.16} - early childhood education ancillary to major recreation facility - all activities in the industrial activities category - activities listed below {PO cl.16}	Relevant objectives and policies (priority considerations): - Objectives 2.3.1, 2.3.3 - Objective 25.2.1 - Activities that are ancillary to a major recreation facility activity {MF cl.16} are designed and operated in line with Objective 25.2.2 and its policies (Policy 25.2.1.2). - Activities that are not ancillary to a major recreation facility activity {MF cl.16}: - are related to or support the Edgar Centre, or have other operational requirements that mean they need to locate in the zone; - support the efficient and effective operation of Edgar Centre; - are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and - are designed and operated in line with Objective 25.2.2 and its policies (Policy 25.2.1.3). Potential circumstances that may support a consent application include: - For discretionary land use activities, whether any associated development activities meet relevant development performance standards, or are otherwise consistent with relevant objectives and policies for development. - All relevant land use performance standards are met, including noise and light spill standards. General assessment guidance: - In assessing the significance of effects, consideration will be given to: - short to long term effects, including effects in combination with other activities; and - 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. - 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. {MF cl.16} Relevant guidance from other sections (priority considerations): - 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} - See Section 9.6 for guidance on the assessment of resource consents

25.10.2 Assessment of all discretionary activities

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

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.

² **MF cl.16:** Rule 25.10.2.1.h unnecessary because there are no activities that are discretionary due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item

25.10.3 Assessment of discretionary performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. • 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	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.

Rule 25.11 Assessment of Non-complying Activities

Rule 25.11.1 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 25.11.2 and 25.11.3 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 25.11.2 and 25.11.3 apply as follows: {MF cl.16}
 - a. Rule 25.11.2 applies to non-complying activities; and
 - b. Rule 25.11.3 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.

25.11.2 Assessment of non-complying activities

Activity	Guidance on the assessment of resource consents
1. All non-complying activities	Relevant objectives and policies (priority considerations): a. Objective 2.3.3, Policy 2.3.3.2 b. Objective 25.2.1 c. Activities not ancillary to Edgar Centre activity <u>a major recreation facility {MF cl.16}</u>: i. are related to or support Edgar Centre, or have other operation requirements that mean they need to locate in the zone; ii. support the efficient and effective operation of Edgar Centre; iii. are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and iv. are designed and operated in line with Objective 25.2.2 and its policies (Policy 25.2.1.3). General assessment guidance: d. In assessing the significance of effects consideration will be given to: 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 a resource consent. e. 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. Relevant guidance from other sections (priority considerations): f. 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.16¹} g. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety {PHS cl.16} h. 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}
2. Commercial advertising in all zones {PO cl.16}	Relevant objectives and policies (priority considerations): a. Objective 2.4.1 b. Policy 2.4.1.6.c

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.

25.11.3 Assessment of non-complying performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. • 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)	<i>Relevant guidance from other sections (priority considerations):</i> 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.

Rule 25.12 Special Information Requirements {Confirmed to be deleted - EW cl.16}

EW cl.16: As a clause 16 amendment, Rule 25.12.1 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.

26. Invermay and Hercus

26.1 Introduction

Invermay Research Centre (Invermay) is owned by AgResearch Limited and is located near the eastern outskirts of Mosgiel. The main Invermay site is accessed from Puddle Alley and consists of a 23 hectare research hub. There is an adjacent research farm (approximately 495 hectares) and a second research farm (approximately 50 hectares) a short distance to the north of the main Invermay site, straddling Silverstream Valley Road. These farms are zoned rural, but additional research related activities are provided for within these areas.

The Invermay site is tenanted by a range of commercial organisations, which also have a rural research focus. They include an agricultural training provider, veterinary diagnostic services, food origin testing, food safety testing and veterinary services. The site is also used for veterinary nurse training by Otago Polytechnic. The site therefore acts as a hub for organisations with a similar rural focus.

The Hercus Taieri Resource Unit (Hercus), at 270 Factory Road, is a biomedical research and support facility. The site contains a scheduled heritage building 'Taieri House', which provides staff accommodation, and several outbuildings.

The Invermay and Hercus research and education facilities are of sufficient scale and importance to the rural economy to warrant special consideration in the District Plan as a major facility, to provide for their continued use, intensification and expansion. The buildings and types of activities undertaken at Invermay and Hercus are different to farming activities in scale to those {PO cl.16} generally undertaken in the rural zones. There is opportunity to establish other research and education-related organisations and facilities on the site, which in turn will have economic benefits to Dunedin and surrounding areas. Accordingly, the Invermay and Hercus Zone provisions have been designed to facilitate ongoing research and education, and ancillary activities that complement this function.

26.2 Objectives and Policies

Objective 26.2.1

Invermay and Hercus research facilities are able to operate and develop efficiently and effectively.

Policy 26.2.1.1	Enable Invermay/Hercus activity.
Policy 26.2.1.2	Provide for retail and conference, meeting and function <u>activity</u> {PO cl.16} that is ancillary to Invermay/Hercus activity or rural <u>activity</u> activities {PO cl.16} where they are designed and operated in line with Objective 26.2.2 and its policies.
Policy 26.2.1.3	Only allow activities that are not ancillary to Invermay/Hercus activity where: - they are related to or necessary to support the Invermay Research Centre and Hercus Taieri Resource Unit, or have other operational requirements that mean they need to locate in the zone; - they will support the efficient and effective operation of Invermay Research Centre and Hercus Taieri Resource Unit; - they are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and - they are designed and operated in line with Objective 26.2.2 and its policies.
Policy 26.2.1.4	Enable land that is surplus to the needs of the Invermay Research Centre and Hercus Taieri Resource Unit to transition to the default zone listed in Appendix A9, so that future development that is not related to Invermay/Hercus activity ~~can~~ <u>will</u> {PO cl.16} be managed in accordance with the objectives and policies of that zone.
Policy 26.2.1.5	Only allow subdivision activities where: - they are in accordance with the provisions of the default zone listed in Appendix A9; and - the subdivision does not adversely affect the efficient and effective operation of the Invermay Research Centre and Hercus Taieri Resource Unit.

Objective 26.2.2

Land use activities and development necessary for the continued operation of the Invermay Research Centre and Hercus Taieri Resource Unit is enabled, while ensuring development maintains the amenity of adjacent rural areas as far as practicable.

Policy 26.2.2.1	Require buildings that house animals to be set back from site boundaries so that any adverse effects on sensitive activities on adjoining sites, such as residential activities are avoided or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others} , are no more than minor.
Policy 26.2.2.2	Require buildings and structures to be of a height and setback from boundaries to minimise adverse effects on rural amenity.
Policy 26.2.2.3	Require landscaping of parking areas to ensure a high standard of visual amenity is maintained from adjoining public roads.
Policy 26.2.2.4	Require ancillary signs visible from outside the zone to be located and designed to maintain rural amenity, including by being of an appropriate size and number to convey information about the name, location and nature of the activity on-site to passing pedestrians and vehicles, and not being oversized or too numerous for that purpose.

Objective 26.2.2

Land use activities and development necessary for the continued operation of the Invermay Research Centre and Hercus Taieri Resource Unit is enabled, while ensuring development maintains the amenity of adjacent rural areas as far as practicable.

Policy 26.2.2.5	~~Require ancillary commercial activities to be designed, located and operated to primarily serve staff and visitors to the Invermay Research Centre and Hercus Taieri Resource Unit. {MF cl.16}~~

¹ **MF cl.16:** Policy not required as no performance standards to support it.

EW cl.16: As a clause 16 amendment, Objective 26.2.3 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 26.3 Activity Status

Rule 26.3.1 Rule location

The activity status tables in rules 26.3.3 to 26.3.5 specify the activity status of land use activities, development activities, and subdivision activities in the Invermay and Hercus Zone and relevant overlay zones **{MF cl.16}**, 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 **{PO cl.16}** (Section 8)
7. Earthworks (Section 8A) **{EW cl.16}**

Rule 26.3.2 Activity status introduction

1. The activity status **{MF cl.16}** tables in rules 26.3.3 - 26.3.5 show the activity status of activities in the Invermay and Hercus Zone, provided any performance standards shown in the far right column are met.
2. Activities are split into three types: a. land use activities, b. development activities, c. subdivision activities. Within these types, activities are split into categories. The nested tables in Section 1.3 outline the hierarchy of categories, activities and sub-activities.
3. Permitted land use activities do not automatically provide for any related development activities. Therefore, the activity status of any associated development activities should also be checked.
4. Where a new land use activity requires a resource consent, all associated development activities will be considered and assessed as part of the resource consent even if the development otherwise meets the development performance standards listed in the Plan.
5. The nested tables in Section 1.3 are intended to be a complete list of activities 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 <u>Meaning</u> {PO cl.16}
P	Permitted Activity
C	Controlled Activity
RD	Restricted Discretionary Activity
D	Discretionary Activity
NC	Non-complying Activity
Haz3	Hazard 3 Overlay Zones

26.3.3 Activity status table - land use activities

1.	Performance standards that apply to all land use activities		a. Electrical interference b. Light spill c. Noise
Major facility activities		Activity status	Performance standards
2.	Invermay/Hercus activity	P	
3.	All other activities in the major facility activities category	NC	
Community activities		Activity status	Performance standards
4.	Community and leisure	P	
5.	Conservation	P	
6.	All other activities in the community activities category	D	
Commercial activities		Activity status	Performance standards
7.	Retail ancillary to Invermay/Hercus activity	P	
8.	Conference, meeting and function ancillary to Invermay/Hercus activity	P	
9.	Veterinary services	P	
10.	Training and education	P	
11.	All other office activities <u>activity</u> {PO cl.16}	D	
12.	All other activities in the commercial activities category	NC	
Residential activities		Activity status	Performance standards
13.	All activities in the residential activities category	NC	
Industrial activities		Activity status	Performance standards

14.	All activities in the industrial activities category	D	
Rural activities		Activity status	Performance standards
15.	Farming	P	
16.	Grazing	P	
17.	Forestry	P	a. Forestry and tree-planting shelterbelts and small woodlots {RU cl.16} setbacks
18.	Landfills	NC	
19.	All other activities in the rural activities category	D	

26.3.4 Activity status table - development activities

1.	Performance standards that apply to all development activities		a. Setback from coast and water bodies {NatEnv cl.16} b. Setback from scheduled tree
2.	Performance standards that apply to all buildings and structures activities		a. Minimum floor level {NH 917.27, 947.53 and others} b. Boundary setbacks c. Maximum height d. Number, location and design of ancillary signs e. Setback from coast and water bodies {NatEnv cl.16}
Building and structures activities (excluding activities affecting a protected part of a scheduled heritage building or scheduled heritage structure. See rows 4-8)		Activity status	Performance standards
3.	All buildings and structures activities	P	
Building and structures activities that affect a protected part of a scheduled heritage building or scheduled heritage structure		Activity status	Performance standards
4.	Repairs and maintenance or restoration {Her 547.91}	P	a. Materials and design
X.	Restoration of a building or structure that has a Heritage New Zealand Category 1 listing as detailed in Appendix A1.1 {Her 547.91}	P C {Her 547.91}	a. Materials and design
Y.	Restoration of all other scheduled heritage buildings and structures {Her 547.91}	P	a. Materials and design
5.	Earthquake strengthening where external features only are protected	C	a. Materials and design

Z.	<u>Signs attached to buildings or structures {Her cl. 16}</u>	P	
6.	All other additions and alterations	RD	
7.	Demolition	NC	
8.	Removal for relocation	RD	
Site development activities		Activity status	Performance standards
9.	Parking, loading and access	P	a. Boundary treatments and other landscaping b. Parking, loading and access standards
10.	New or additions to parking areas, or extensions to existing parking areas that result in the creation of {Trans cl.16} 50 or more new parking spaces.	RD	a. Boundary treatments and other landscaping b. Parking, loading and access standards
11.	Storage and use of hazardous substances	P	a. Hazardous substances quantity limits and storage requirements b. <u>Setback from coast and water bodies {NatEnv cl.16}</u>
12.	Outdoor storage	P	
13.	Earthworks – ~~small scale {EW cl.16}~~	P	a. ~~Earthworks standards~~
14.	Earthworks – ~~large scale {EW cl.16}~~	RD	a. ~~Earthworks standards~~
15.	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:** 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 26.3.4A - General advice

- Under the Heritage New Zealand Pouhere Taonga Act 2014 it is an offence to modify or destroy an archaeological site without obtaining an archaeological authority from Heritage New Zealand (HNZ). An archaeological authority is required under the Heritage New Zealand Pouhere Taonga Act 2014 to modify or destroy an archaeological site. If you wish to do any earthworks that may affect an archaeological site, you must first obtain an authority from Heritage New Zealand {Her 547.80}. This is the case regardless of whether the land on which the site is located is **{Her 547.80}** designated, or the activity is permitted under the District Plan or Regional Plan, or a resource or building consent has been granted.
- An archaeological site is defined as any place in New Zealand that was associated with human activity that occurred before 1900 and provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand. This includes the scheduled archaeological sites within the District Plan.
- Pre-1900 buildings are considered archaeological sites. An archaeological authority must be obtained before demolishing a pre-1900 building or structure.

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 the District. If archaeological remains are discovered during any site works, at any location, the Accidental Discovery Protocol (Appendix A8) should be followed.
5. ~~All buildings and structures activities associated with existing major facilities are advised to undertake an assessment of risk from natural hazards and implement any recommended risk mitigation measures.~~ **{MF cl.16}**

¹ **MF cl.16:** As a clause 16 amendment, this note is not necessary as the sections contain natural hazard performance standards.

26.3.5 Activity status table - subdivision activities

Subdivision activities	Activity status	Performance standards
1. Subdivision activities	RD	a. Subdivision performance standards

¹See Appendix A9 for a list of default zones

Note 26.3.5A - 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.

26.3.6 Transition to default zone

On receipt of written notice from both the owner and operator (if different) of the Invermay Research Centre to Dunedin City Council confirming that all or part of the land contained within land parcel Lot 4 DP 23060 is no longer required for Invermay Research Centre requirements, the provisions of the Invermay and Hercus Zone will no longer apply to that piece of land and the provisions of the Industrial Zone will apply in full.

On receipt of written notice from both the owner and operator (if different) of the Hercus Taieri Resource Unit, to Dunedin City Council confirming that land parcel Lot 1 DP 6164 is no longer required for Hercus Taieri Resource Unit requirements, the provisions of the Invermay and Hercus Zone will no longer apply to that parcel of land and the provisions of the Taieri Plain Rural Zone will apply in full.

Rule 26.4 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 section 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, Heritage New Zealand will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided for the following:
 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. contraventions 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.
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. With respect to resource consent applications for the following activities, Manawhenua will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided: **{MW 1071.2}**
 1. all restricted discretionary activities that list 'effect on cultural values of Manawhenua' as a matter for discretion; and **{MW 1071.2}**
 2. discretionary and non-complying activities in a wāhi tūpuna mapped area where the activity is identified as a threat in Appendix A4. **{MW 1071.2}**
6. 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 26.5 Land Use Performance Standards

26.5.1 Electrical Interference

Land use activities must comply with Rule 9.3.2.

26.5.2 Light Spill

Land use activities must comply with Rule 9.3.5.

26.5.3 Noise

Land use activities must comply with Rule 9.3.6.

Rule 26.6 Development Performance Standards

26.6.1 Boundary Treatments and Other Landscaping

1. Where a parking area is built within 5m of a road frontage, a landscaping area with a minimum 1.5m width must be provided along the full length of the road frontage (except for where vehicle access is provided), with an average of one tree for every 5m of frontage **{MF cl.16}**.
2. Landscaping areas must:
 - a. be planted with a mix of trees and shrubs and/or ground cover plants that achieves a total coverage of the ground area in planting (when mature), except for 10% of the area, which may be used for pedestrian paths;
 - b. have an average of one tree for every 5m of frontage;
 - c. not have more than 10% cover in impermeable surfaces (for pedestrian paths);
 - d. be designed to allow surface water run-off from surrounding areas to enter;
 - e. be protected by a physical barrier that prevents cars from ~~accidentally driving into or~~ **{PO 360.213}** damaging plants;
 - f. for required trees, use trees that are at least 1.5m high at the time of planting and capable of growing to a minimum **{PO 360.213}** height of 5m within 10 years of planting;
 - g. be planted prior to occupation ~~or completion~~ of any relevant building(s) or upon completion of site development activities **{MF cl.16}**; and
 - h. be maintained to a high standard, which means trees and under-planting are healthy and areas are regularly cleared of rubbish and weeds.
3. Any road boundary fences provided must be placed on the property side of any required **{MF cl.16}** road frontage landscaping required by this rule **{PO 360.213}**.
4. Activities that contravene this performance standard are restricted discretionary activities. **{PO cl.16}**

26.6.2 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.

26.6.3 Hazardous Substances Quantity Limits and Storage Requirements

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

26.6.4 Materials and Design

~~All~~ Repairs **{Her cl.16}** and maintenance, restoration and earthquake strengthening must comply with Rule 13.3.2.

26.6.5 Maximum Height

1. The maximum height of new buildings and structures, and additions and alterations, must not exceed 20m above ground level.
2. Rooftop structures are exempt from the performance standard for height provided they do not exceed the maximum height limit for all other buildings and structures by more 5m.
3. Activities that contravene this performance standard are restricted discretionary activities. **{PO cl.16}**

26.6.6 Minimum Floor Level {Confirmed for deletion - NH 917.27, 947.53 and others}

New buildings (including residential buildings) to be used for sensitive activities in the Hazard 3 (flood) Overlay Zone must comply with Rule 11.3.3: **{NH 917.27, 947.53 and others}**

26.6.7 Number, Location and Design of Ancillary Signs

26.6.7.1 General

- a. Signs must comply with the following standards, except the following signs are exempt from these standards:
 - i. signs that are not visible from outside the Invermay and Hercus 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 must comply with Rule 6.7.3 where visible from a road.
- c. Signs must not be illuminated or digital.
- d. Signs related to ancillary retail and ancillary conference, meeting and function activities activity **{PO cl.16}**, and other commercial activities provided for, must not be visible outside the Invermay and Hercus Zone.
- e. Signs other than those specified in rules 26.6.7.2 and 26.6.7.3 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}**

26.6.7.2 Signs attached to buildings

- a. The height, above ground level, at the highest point of any sign, attached to a building is 4m.
- b. Signs must not be attached to roofs.
- c. Signs must not project higher than the lowest point of the roof, except where mounted against a parapet or gable end.
- d. Signs attached to a building must:
 - i. not exceed one sign per 30m of road frontage;
 - ii. have a maximum area per display face of 2m²;
 - iii. have a maximum of two display faces per sign;
 - iv. where attached to the façade of a building, must not project more than 1m from the façade to which it is attached; and
 - v. if attached to a verandah fascia, must not exceed a height of 500mm, or the height of a verandah fascia, whichever is greater.

26.6.7.3 Freestanding signs

- a. The maximum number of permanently fixed freestanding signs is one per 50m of frontage.
- b. The maximum number of portable freestanding signs is one per 50m of frontage.
- c. The maximum dimensions of freestanding signs are:
 - i. maximum height of 4m;

- ii. maximum area of 8m²;
 - iii. maximum width of 2m; and
 - iv. maximum depth of 400mm **{PO cl.16}**.
- d. Freestanding signs must:
- i. ~~not obstruct driveways, parking or loading areas parking, loading and access areas; and~~ **{PO cl.16}**
 - ii. ~~Freestanding signs must be located within the site and cannot be located on the road reserve be positioned entirely within the site boundaries.~~ **{PO cl.16}**

Note 26.6A – Other relevant District Plan Provision **{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 26.6.7B - Other requirements outside of the District Plan

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

26.6.8 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

26.6.9 Setbacks

26.6.9.1 Boundary setbacks

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

Activity	i. Setback from road zone	ii. Setback from other zone boundaries
i. Residential buildings	20m	40m
ii. Buildings not housing animals	20m	6m
iii. Buildings housing animals	20m	12m

- iv. Except fences and ancillary signs are exempt from the performance standard.
- b. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

26.6.9.2 Setback from scheduled tree

All new buildings and structures, additions and alterations, ~~earthworks~~, **{EW cl.16}** 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 citywide section (Rule 8A.5.11). Any amendments to provisions as a result of submissions are shown there.

26.6.9.3 Setback from coast and water bodies

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

26.6.9.4 Forestry and ~~tree planting shelterbelts and small woodlots~~ **{RU cl.16}** setbacks

Forestry and ~~tree planting shelterbelts and small woodlots~~ **{RU cl.16}** must comply with Rule 16.6.11.2.

Rule 26.7 Subdivision Performance Standards

- For subdivision of land contained within land parcel Lot 4 DP 23060 (Invermay Research Centre) **{MF cl.16}**, subdivision activities must comply with Rule 19.7.
- For subdivision of land contained within land parcel Lot 1 DP 6164 (Hercus Taieri Resource Centre) **{MF cl.16}**, subdivision activities must comply with performance standards for the Taieri Plain Rural Zone within Rule 16.7.

Rule 26.8 Assessment of Controlled Activities

Rule 26.8.1 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 26.8.2:
 - 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 26.9; 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 26.11; 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 26.12; and
 - iii. the assessment guidance in this section will also be considered.

26.8.2 Assessment of all controlled activities

Development activity	Matters of control	Guidance on the assessment of the resource consents
1. <u>Affecting a scheduled heritage building or a scheduled heritage structure: {Her cl.16}</u> • Earthquake strengthening that affects a protected part of a scheduled heritage building or scheduled heritage structure, where external features only are protected. • <u>Restoration of a protected part of a scheduled heritage building or scheduled heritage structure that has a Heritage New Zealand Category 1 listing (as detailed in Appendix A1.1) {Her 547.91}</u>	a. Effects on heritage values	See Rule 13.4

Rule 26.9 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 26.9.1 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 26.9.2 - 26.9.5:
 - 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 26.9.2 - 26.9.5 apply as follows: {MF cl.16}
 - a. Rule 26.9.2 applies to all performance standard contraventions;
 - b. Rule 26.9.3 applies to land use performance standard contraventions;
 - c. Rule 26.9.4 applies to development performance standard contraventions; and
 - d. Rule 26.9.5 applies to subdivision performance standard contraventions. {MF cl.16}

26.9.2 Assessment of all performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. All performance standard contraventions	<i>Potential circumstances that may support a consent application include:</i> a. The degree of non-compliance with the performance standard is minor b. The need to meet other performance standards or topography, or other site specific factors, 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. <i>General assessment guidance:</i> 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.

26.9.3 Assessment of land use performance standard contraventions

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

26.9.4 Assessment of development performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. - Boundary setbacks - Maximum height	a. Effects on rural character	<i>Relevant objectives and policies:</i> i. Objective 26.2.2 ii. Buildings and structures are of a height and setback from boundaries that minimises adverse effects on rural amenity (Policy 26.2.2.2). <i>Potential circumstances that may support a consent application include:</i> iii. Where there are already existing buildings on the site in breach of the same setback, a breach of the boundary setback standard may be considered acceptable where this would promote rural character and the maintenance of open space through the clustering of buildings on the site.
	b. Effects ~~on~~ {PHS cl.16} on surrounding properties	<i>Relevant objectives and policies:</i> i. Objective 26.2.2 ii. Buildings that house animals are set back from site boundaries so that any adverse effects on sensitive activities on adjoining sites, such as residential activities, are avoided or, if avoidance is not possible ~~practicable~~ {PO 908.3 and others}, are no more than minor (Policy 26.2.2.1). <i>Potential circumstances that may support a consent application include:</i> iii. Where a building used to house animals contravenes the boundary setback standard, the type and/or number of animals or the frequency of housing them means that there will be no more adverse effects from noise, odour or dust on sensitive activities on adjoining sites.
2. Boundary treatments and other landscaping	a. Effects ~~on~~ {PHS cl.16} on rural character	<i>Relevant objectives and policies:</i> i. Objective 26.2.2 ii. Landscaping of {MF cl.16²} Parking /loading {MF cl.16²} areas are landscaped to {MF cl.16²} ensure a high standard of visual amenity is maintained from adjoining public roads (Policy 26.2.2.3).

26.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
3.	Earthworks standards: Batter gradient {EW cl.16'}	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 26.2.3 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 26.2.3.1.b). <i>Conditions that may be imposed include, but are not limited to:</i> 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: Setback from property boundary, buildings, structures and cliffs {EW cl.16'}	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 26.2.3 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 26.2.3.1.a).
5.	Earthworks standards: 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

26.9.4 Assessment of development performance standard contraventions

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 26.2.3 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, or the coastal marine area {EW 1071.106} (Policy 26.2.3.2.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.	Earthworks standards: • Removal of high class soils {EW cl.16'}	a. Maintenance of high class soils resource	See Rule 16.9
8.	Earthworks standards: • NZ Environmental Code of Practice for Plantation Forestry {EW cl.16'}	a. Degree of compliance with New Zealand Code of Practice for Plantation Forestry	<i>Relevant objectives and policies:</i> i. Objective 26.2.3 ii. Earthworks ancillary to forestry are carried out in accordance with industry best practice guidelines (Policy 26.2.3.4).
9.	Forestry and tree planting shelterbelts and small woodlots {RU cl.16} setbacks	a. Effects on amenity of surrounding properties	See Rule 16.9
		b. Effects on health and safety	See Rule 9.4
		c. Effects on the safety and efficiency of the transport network	See Rule 6.9

26.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
10.	Hazardous substances quantity limits and storage requirements	a. Effects on health and safety	See Rule 9.4
		~~b. Risk from natural hazards~~ {PO cl.16}	See Rule 11.4 {PO cl.16}
11.	Affecting a <u>scheduled heritage building</u> or <u>scheduled heritage structure</u> {Her cl.16} Materials and design	a. Effects on heritage values	See Rule 13.5
~~12.~~	~~Minimum floor level (hazard overlays)~~ {NH 917.27, 947.53 and others}	~~a. Risk from natural hazards~~	See Rule 11.4
13.	Number, location and design of ancillary signs	a. Effects on rural character	<i>Relevant objectives and policies:</i> - Objective 26.2.2 - Ancillary signs visible from outside the zone are located and designed to maintain rural amenity, including by being of an appropriate size and number to convey information about the name, location and nature of the activity on-site to passing pedestrians and vehicles, and not being oversized or too numerous for that purpose (Policy 26.2.2.4).
		b. Effects on the safety and efficiency of the transport network	See Rule 6.9
14.	Parking, loading and access standards	a. Effects on the safety and efficiency of the transport network	See Rule 6.9

26.9.4 Assessment of development performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
15. Setback from coast and water bodies	a. Effects on biodiversity values and natural character of the coast and {NatEnv cl.16} riparian margins <u>and</u> the coast {NatEnv cl.16}	See Rule 10.4
	b. Effects on public access	
	c. <u>In a wāhi tupuna mapped area.</u> {MW cl.16} effects on cultural values of Manawhenua	See Rule 14.3
	d. Risk from natural hazards	See Rule 11.4
16. Setback from scheduled tree	a. Effect on long term health of tree <u>and any consequential amenity effects from pressure to remove tree</u> {MF cl.16}	See Rule 7.6

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 **MF cl.16:** Amendment to align better with policy wording.

26.9.5 Assessment of subdivision performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. Subdivision performance standards	a. For subdivision of land contained within land parcel Lot 4 DP 23060, see Rule 19.9. b. For subdivision of land contained within land parcel Lot 1 DP 6164, see Rule 16.9.

Rule 26.10 Assessment of Restricted Discretionary Activities

Rule 26.10.1 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 26.10.2 - 26.10.3:
 - 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 26.10.2 - 26.10.3 apply as follows: {MF cl.16}
 - a. Rule 26.10.2 applies to restricted discretionary activities; and
 - b. Rule 26.10.3 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 26.9; 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 26.11; 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 26.12; and
 - iii. the assessment guidance in this section will also be considered.

26.10.2 Assessment of restricted discretionary activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
6. <u>High trip generators</u>: {Trans cl.16} New or additions to parking areas, or extensions to existing parking areas that result in the creation of 50 or more new parking spaces {Trans cl.16}	a. Effects on the safety and efficiency of the transport network b. Effects on accessibility {Trans cl.16}	See Rule 6.10
1. <u>Activities affecting a scheduled heritage building or scheduled heritage structure</u>: {Her cl.16} - All other Additions and alterations and removal for relocation that affects a protected part of a scheduled heritage building or scheduled heritage structure <u>Removal for relocation</u> {Her cl.16}	a. Effects on heritage values	See Rule 13.6

26.10.2 Assessment of restricted discretionary activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
2. Earthworks – large scale (that exceed the scale thresholds for the Invermay and Hercus Zone) {EW cl.16’}	a. Effects on visual amenity and character b. Effects on the amenity of surrounding properties	<i>Relevant objectives and policies:</i> i. ~~Objective 26.2.3~~ ii. Adverse effects on visual amenity and character will be avoided or, if avoidance is not possible, adequately mitigated (Policy 26.2.3.3.a). iii. Adverse effects on the amenity of surrounding properties, including from changes to drainage patterns, will be avoided or, if avoidance is not possible, adequately mitigated (Policy 26.2.3.3.b). <i>Potential circumstances that may support a consent application include:</i> iv. ~~There is no, or only minimal, alteration to the natural landform.~~ v. ~~Any cut or fill will be restored or treated to resemble natural landforms.~~ vi. ~~The earthworks will not remove or effect existing vegetation or landscaping.~~ <i>Conditions that may be imposed include, but are not limited to:</i> vii. ~~Measures to minimise visual effects, e.g. requirements for revegetation and/or landscaping.~~ viii. ~~Maximum slopes of cut and fill batters.~~ ix. ~~Measures to divert surface water and rain away from, or prevent from discharging over, batter faces and other areas of bare earth.~~ x. ~~Measures to ensure there are no adverse effects from changes to drainage patterns on surrounding properties.~~ xi. ~~Requirement to de-compact soils; to take other remedial action to ensure the natural absorption capacity of the soils is not reduced; or to use other mitigation measures to ensure the overall absorption of rain water on-site is not diminished.~~

26.10.2 Assessment of restricted discretionary activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
	c. Effects on the stability of land, buildings, and structures	<i>Relevant objectives and policies:</i> i. Objective 26.2.3 ii. Adverse effects on the stability of land, buildings, and structures will be avoided or, if avoidance is not possible, adequately mitigated (Policy 26.2.3.3.c). <i>Potential circumstances that may support a consent application:</i> 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 26.13.1). 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 within 20m of a water body or MHWS) {EW cl.16'}	a. Effects on biodiversity values and natural character of riparian margins and the coast b. Effects on public access	See Rule 10.5
4. Earthworks – large scale (that exceed a scale threshold for a GPA) {EW cl.16'}	a. Effects on health and safety	See Rule 9.5
5. • Earthworks – large scale (that exceed scale thresholds for a land instability hazard area) • Earthworks – large scale (that exceed scale thresholds in a flood hazard area) {EW cl.16'}	a. Risk from natural hazards	See Rule 11.5

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

² **Trans cl.16:** A reference to 'high trip generators' has been added here, to clarify that this activity is assessed as a high trip generator under Transportation section rules. This does not result in a substantive change to the effect of provisions.

26.10.3 Assessment of restricted discretionary subdivision activities

Activity	Matters of discretion	Guidance on the assessment resource consents
1. All subdivision activities	a. Effects on the efficient and effective operation of Invermay Research Centre and Hercus Taieri Resource Unit	<i>Relevant objectives and policies:</i> i. Objectives 26.2.1, 2.3.1 ii. Subdivision does not adversely affect the efficient and effective operation of the Invermay Research Centre and Hercus Taieri Resource Unit (Policy 26.2.1.5.b).
		For subdivision of land contained within land parcel Lot 4 DP 23060 (<u>Invermay Research Centre</u>) { MF cl.16 }, see Rule 19.10.
		For subdivision of land contained within land parcel Lot 1 DP 6164 (<u>Hercus Taieri Resource Centre</u>) { MF cl.16 }, see Rule 16.10.

Rule 26.11 Assessment of Discretionary Activities

Rule 26.11.1 Introduction

1. Discretionary activities will be assessed in accordance with section 104 and 104B of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rules 26.11.2 - 26.11.3 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 26.11.2 - 26.11.3 apply as follows: {MF cl.16}
 - a. Rule 26.11.2 applies to all discretionary activities; and
 - b. Rule 26.11.3 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.

26.11.2 Assessment of all discretionary land use activities

Activity	Guidance on the assessment of resource consents
1. All discretionary land use activities including listed below: {PO cl.16} - all other activities in the community activities category and rural activities category - all other office activities <u>activity</u> {PO cl.16} - all activities in the industrial activities category - activities listed below {PO cl.16}	Relevant objectives and policies (priority considerations): a. Objective 2.3.1 b. Objective 26.2.1 c. Activities that are not ancillary to Invermay/Hercus activity: i. are related to or necessary to support the Invermay Research Centre and Hercus Taieri Resource Unit, or have other operation requirements that mean they need to locate in the zone; ii. support the efficient and effective operation of Invermay Research Centre and Hercus Taieri Resource Unit; iii. are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and iv. are designed and operated in line with Objective 26.2.2 and its policies (Policy 26.2.1.3). Potential circumstances that may support a consent application include: d. For discretionary land use activities, whether any associated development activities meet relevant development performance standards, or are otherwise consistent with relevant objectives and policies for development (see Rule 26.9 for performance standard contraventions). e. All relevant land use performance standards are met, including noise and light spill standards. General assessment guidance: f. In assessing the significance of effects, consideration will be given to: i. short to long term effects, including effects in combination with other activities; and ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent. g. 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. {MF cl.16²} Relevant guidance from other sections (priority considerations): h. 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.16¹} i. See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety {PHS cl.16}

26.11.2 Assessment of all discretionary land use activities

Activity	Guidance on the assessment of resource consents
	j. <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>

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.

² **MF cl.16:** Rule 26.11.2.1.g unnecessary because there are no activities that are discretionary due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item.

26.11.3 Assessment of discretionary performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. - Noise - where the limit is exceeded by up to <u>less than</u> {MF cl.16} 5dB LAeq (15min) - Light spill - where the limit is exceeded by 25% or less	<i>Relevant guidance from other sections (priority considerations):</i> See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.

Rule 26.12 Assessment of Non-complying Activities

Rule 26.12.1 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 26.12.2 - 26.12.5 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 26.12.2 - 26.12.5 apply as follows: {MF cl.16}
 - a. Rule 26.12.2 applies to all non-complying activities;
 - b. Rule 26.12.3 applies to non-complying land use activities;
 - c. Rule 26.12.4 applies to non-complying development activities;
 - d. Rule 26.12.5 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.

26.12.2 Assessment of all non-complying activities

Activity	Guidance on the assessment of resource consents
1. All non-complying activities	Relevant objectives and policies (priority considerations): a. Objective 2.3.1 b. Objective 26.2.1 c. Activities <u>that are</u> {MF cl.16} not ancillary to Invermay/Hercus activity: i. are related to or necessary to support Invermay Research Centre and Hercus Taieri Resource Unit, or have other operation requirements that mean they need to locate in the zone; ii. support the efficient and effective operation of Invermay Research Centre and Hercus Taieri Resource Unit; iii. are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and iv. they are designed and operated in line with Objective 26.2.2 and its policies (Policy 26.2.1.3). General assessment guidance: d. In assessing the significance of effects consideration will be given to: 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 a resource consent. e. 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. Relevant guidance from other sections (priority considerations): f. <u>See Section 6.12 for guidance on the assessment of resource consents in relation to objectives 6.2.2 and 6.2.3, and effects related to accessibility and the safety and efficiency of the transport network and its affordability to the public. {Trans cl.16}</u> g. <u>See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety {PHS cl.16}</u> h. <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>

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.

26.12.3 Assessment of non-complying land use activities

Activity	Guidance on the assessment of resource consents
1. Commercial advertising in all zones {PO cl.16}	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 2.4.1 b. Policy 2.4.1.6.c

26.12.4 Assessment of non-complying development activities

Activity	Guidance on the assessment of resource consents
1. Demolition of a protected part of a scheduled heritage building or scheduled heritage structures	<i>Relevant guidance from other sections (priority considerations):</i> 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.

26.12.5 Assessment of non-complying performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. - 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)	<i>Relevant guidance from other sections (priority considerations):</i> 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.

Rule 26.13 Special Information Requirements

EW cl.16: As a clause 16 amendment, Rule 26.13.1 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.

27. Mercy Hospital

27.1 Introduction

The Mercy Hospital site is approximately 4ha in area and is located at 72 Newington Avenue, Maori Hill, Dunedin. The hospital was originally established in 1936 and relocated to the current Maori Hill site in 1969. Mercy Hospital provides a unique service to the South Canterbury, Otago and Southland regions, providing a comprehensive range of specialist assessment, diagnostic and treatment services. The Mercy Hospital Zone has been designed to enable the services offered by Mercy Hospital to be provided for, and to provide greater certainty to the community regarding what land use activities can be expected to occur on the Mercy Hospital site.

The site is surrounded by the General Residential 1 Zone, with predominantly residential use interspersed with commercial activities such as private dentists and medical specialists. There is a high level of residential amenity, with extensive established vegetation in the neighbouring area.

Residents are exposed to very low levels of non-residential noise. While the buildings on the Mercy Hospital site are generally large in scale, they are contained within an extensive site with well established stands of trees and open space. The values of the vegetated area on the eastern part of the site is recognised via its inclusion within the **urban conservation biodiversity mapped area (UCMA UBMA) {NatEnv 958.60}**. Marinoto House, which forms

part of Mercy Hospital, is listed in the Heritage New Zealand List and ~~Schedule~~ Appendix A1.1 - Schedule of Protected Heritage Items and Sites **{Her cl.16}** of this Plan.

Mercy Hospital and its associated activities have the potential to generate effects, including traffic, noise, landscape and visual effects, which may impact on surrounding land uses. The Mercy Hospital Development Plan (Appendix 27A) identifies development anticipated over the next 10 years. Other development is provided for, subject to meeting standards relating to height and setback. The type and mix of activities appropriate within the zone, and the ability of the site to absorb change, have been important factors in determining how the Mercy Hospital site will develop over time. The Mercy Hospital Zone recognises the existing and foreseeable future use of the Mercy Hospital site and, at the same time appropriately manages any adverse effects on the surrounding residential zone.

27.2 Objectives and Policies

Objective 27.2.1	
Mercy Hospital is able to operate efficiently and effectively as a hospital.	
Policy 27.2.1.1	Enable hospital activity in the Mercy Hospital Zone.
Policy 27.2.1.2	Provide for activities that are ancillary to hospital activity where they are designed and operated in line with Objective 27.2.2 and its policies.
Policy 27.2.1.3	Only allow activities that are not ancillary to hospital activity where all of the following apply: - the activities are related to or support Mercy Hospital, or have other operational requirements that mean they need to locate in the zone; - they will support the efficient and effective operation of Mercy Hospital; - they are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and - they are designed and operated in line with Objective 27.2.2 and its policies.
Policy 27.2.1.4	Enable land that is surplus to the needs of Mercy Hospital to transition to the General Residential 1 Zone <u>(for land outside the urban biodiversity mapped area) or the Recreation Zone (for land within the urban biodiversity mapped area) {Mer cl.16}</u> , so that future development that is not related to hospital activity ~~can~~ <u>will</u> {PO cl.16} be managed in accordance with the objectives and policies of that zone.
Policy 27.2.1.5	Only allow subdivision activities where: - they are in accordance with the provisions of the General Residential 1 Zone; and - the subdivision does not adversely affect the efficient and effective operation of Mercy Hospital.

¹ **Mer cl.16:** This policy was amended to align with Rule 27.3.6.

Objective 27.2.2	
Land use activities and development necessary for Mercy Hospital to meet the reasonably foreseeable health needs of the community is enabled, while ensuring development: - achieves a good standard of on-site amenity for patients, staff and visitors; and - maintains or enhances the amenity of surrounding residential sites and areas, as far as practicable.	
Policy 27.2.2.1	~~Require Only allow~~ {Mer 928.7} buildings and structures ~~to be that are~~ {Mer 928.7} either: - in accordance with the Mercy Hospital Development Plan; or - of a height, setback from boundaries, ~~purpose~~ {Mer 928.7} and size that ensures: - there are no more than minor effects on the sunlight access and privacy of current and potential future residential buildings and their outdoor living spaces; and - any adverse effects on neighbourhood amenity are avoided or, if avoidance is not possible ~~practicable~~ {PO 908.3 and others}, are no more than minor.
Policy 27.2.2.2	Require development to maintain or enhance neighbourhood amenity by ensuring service areas are not visible from ground level outside the site.

Objective 27.2.2

Policy 27.2.2.3	Require landscaping of the boundary of parking areas where adjacent to a road frontage to screen or soften these areas and ensure a high standard of visual amenity where viewed from the road.
Policy 27.2.2.4	Require fences on road boundaries to be of a height and design that contributes positively to neighbourhood amenity.
Policy 27.2.2.5	Require ancillary signs visible from outside the zone 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 that purpose.~~ {Mer 241.18}
Policy 27.2.2.6	Require ancillary commercial activities to be designed, located and operated to primarily serve staff, patients and visitors to Mercy Hospital.
Policy 27.2.2.7 {Mer 928.2 and 928.10}	<u>Require the maintenance of the Amenity Planting Area as shown on the Mercy Hospital Development Plan, unless any changes to this area will have no more than minor effects on the visual amenity from surrounding residential sites and areas.</u> {Mer 928.2 and 928.10}

EW cl.16: As a clause 16 amendment, Objective 27.2.3 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 27.3 Activity Status

27.3.1 Rule location

The activity status tables in rules 27.3.3 to 27.3.5 specify the activity status of land use activities, development activities and subdivision activities in the Mercy Hospital 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 **{PO cl.16}** (Section 8)
7. Earthworks (Section 8A) **{EW cl.16}**

27.3.2 Activity status introduction

1. The activity status **{MF cl.16}** tables in rules 27.3.3 - 27.3.5 show the activity status of activities in the Mercy Hospital Zone provided any performance standards shown in the far right column are met.
2. Activities are split into three types: a. land use activities, b. development activities, c. subdivision activities. Within these types, activities are split into categories. The nested tables in Section 1.3 outline the hierarchy of categories, activities and sub-activities.
3. Permitted land use activities do not automatically provide for any related development activities. Therefore, the activity status of any associated development activities should also be checked.
4. Where a new land use activity requires a resource consent, all associated development activities will be considered and assessed as part of the resource consent even if the development otherwise meets the development performance standards listed in the Plan.
5. The nested tables in Section 1.3 are intended to be a complete list of activities 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

27.3.3 Activity status table - land use activities

1.	Performance standards that apply to all land use activities		a. Electrical interference b. Light spill c. Noise
Major facility activities		Activity status	Performance standards
2.	Hospital	P	a. Minimum car parking
3.	All other activities in the major facility activities category	NC	
Community activities		Activity status	Performance standards
4.	Community and leisure - small scale	P	
5.	Community and leisure - large scale	D	
6.	Conservation	P	
7.	All other activities in the community activities category	D	
Commercial activities		Activity status	Performance standards
8.	Commercial activities ancillary to hospital activity	P	a. Location
9.	Registered health practitioners	P	
10.	All other activities in the commercial activities category	NC	
Residential activities		Activity status	Performance standards
11.	All activities in the residential activities category	D	
Industrial activities		Activity status	Performance standards
12.	All activities in the industrial activities category	NC	
Rural activities		Activity status	Performance standards
13.	All activities in the rural activities category	NC	

27.3.4 Activity status table - development activities

1.	Performance standards that apply to all development activities		a. ~~Maximum building site coverage and impermeable surfaces {Mer 928}~~ b. Setback from scheduled tree c. <u>Amenity planting area {Mer 928.10 and 928.2}</u>
Building and structures activities (excluding activities affecting a protected part of a scheduled heritage building or scheduled heritage structure. See rows 5-9)		Activity status	Performance standards
3.	Fences	P	a. Fence height and design
2.	All building and structures activities in accordance with the Mercy Hospital Development Plan (Appendix 27A)	P	a. Number, location and design of ancillary signs
4.	All other building and structures activities <u>not in accordance with the Mercy Hospital Development Plan (Appendix 27A) {Mer 928.7}</u>	P	a. ~~Boundary setbacks Small scale buildings and structures {Mer 928.7}~~ b. Height in relation to boundary {Mer 928.7} c. ~~Maximum height {Mer 928.7}~~ d. Number, location and design of ancillary signs e. Footprint of building {Mer 928.7}
Building and structures activities that affect a protected part of a scheduled heritage building or scheduled heritage structure		Activity status	Performance standards
5.	Repairs and maintenance ~~or restoration~~ {Her 547.91}	P	a. Materials and design
Z.	<u>Restoration of all scheduled heritage buildings and structures {Her 547.91}</u>	P C	a. Materials and design
6.	Earthquake strengthening where external features only are protected	C	a. Materials and design
AA.	<u>Signs attached to buildings or structures {Her cl. 16}</u>	P	
7.	All other additions and alterations	RD	
8.	Demolition	NC	
9.	Removal for relocation	RD	
Site development activities		Activity status	Performance standards
10.	~~Earthworks – small scale {EW cl.16}~~	P	a. Earthworks standards
11.	~~Earthworks – large scale {EW cl.16}~~	RD	a. Earthworks standards

12.	Service areas	P	a. Location and screening of service areas
13.	Parking, loading and access	P	a. Parking, loading and access standards b. ~~Boundary treatments and other landscaping~~ <u>Screening of parking areas</u> {Mer 241.46}
14.	~~New or additions to parking areas, or extensions to existing parking areas~~ that result in the creation of {Trans cl.16} 50 or more new parking spaces.	RD	a. ~~Boundary treatments and other landscaping~~ <u>Screening of parking areas</u> {Mer 241.46} b. Parking, loading and access standards
15.	Storage and use of hazardous substances	P	a. Hazardous substances quantity limits and storage requirements
16.	Vegetation clearance	P	a. Maximum area of vegetation clearance (UBMA) {NatEnv cl.16}
17.	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:** 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 27.3.4A - General advice

- Under the Heritage New Zealand Pouhere Taonga Act 2014 it is an offence to modify or destroy an archaeological site without obtaining an archaeological authority from Heritage New Zealand (HNZ). An archaeological authority is required under the Heritage New Zealand Pouhere Taonga Act 2014 to modify or destroy an archaeological site. If you wish to do any earthworks that may affect an archaeological site, you must first obtain an authority from Heritage New Zealand **{Her 547.80}**. This is the case regardless of whether the land on which the site is located is **{Her 547.80}** designated, or the activity is permitted under the District Plan or Regional Plan, or a resource or building consent has been granted.
- An archaeological site is defined as any place in New Zealand that was associated with human activity that occurred before 1900 and provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand. This includes the scheduled archaeological sites within the District Plan.
- Pre-1900 buildings are considered archaeological sites. An archaeological authority must be obtained before demolishing a pre-1900 building or structure.
- The **archaeological alert layer mapped area** identifies sites and areas that have a strong likelihood of containing archaeological remains, however remains may be present anywhere within the District. If archaeological remains are discovered during any site works, at any location, the Accidental Discovery Protocol (Appendix A8) should be followed. **{Mer cl.16}**

¹ **Mer cl.16:** Not within an archaeological alert layer.

27.3.5 Activity status table - subdivision activities

Subdivision activities		Activity status	Performance standards
1.	Subdivision activities	RD	a. Subdivision performance standards

Note 27.3.5A - 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.

27.3.6 Transition to General Residential 1 Zone or Recreation Zone {Mer cl. 16}

On receipt of written notice from both the owner and operator (if different) of Mercy Hospital to Dunedin City Council in relation to all or part of the land within the Mercy Hospital Zone, the provisions of the Mercy Hospital Zone will no longer apply to that parcel of land and the provisions of the General Residential 1 Zone (for land outside the **urban conservation biodiversity mapped area**) {*NatEnv 958.60*} or Recreation Zone (for land within the **urban conservation biodiversity mapped area**) {*NatEnv 958.60*}, will apply in full.

Rule 27.4 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 performance standard 13.3.2 'Materials and design' where the building or structure is not listed by Heritage New Zealand.~~ **{Her cl.16}**
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 241.43}**
5. All other activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA.

Rule 27.5 Land Use Performance Standards

27.5.1 Electrical Interference

Land use activities must comply with Rule 9.3.2.

27.5.2 Light Spill

Land use activities must comply with Rule 9.3.5.

27.5.3 Location

- For ancillary commercial activities, customer access must only be available from within the facility.
- Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

27.5.4 Minimum Car Parking

- Hospital activity must provide 1.9 parking spaces per 100m² of gross floor area. This minimum car parking requirement is cumulative for all hospital activities on the site, except that if a resource consent is held for an exemption to this rule, the gross floor area provided for by this resource consent is excluded from future calculations.
- The following areas ~~within the building~~ **{MF cl.16}** will be excluded from the assessment of gross floor area for the purpose of calculating the minimum car parking requirement:
 - any parking area and associated manoeuvring space, including parking **{MF cl.16}** aisle; and
 - any loading area and associated manoeuvring space.
- Where additional gross floor area is proposed, any additional parking spaces required to comply with this standard must be provided and operational before construction commences on the additional gross floor area, unless resource consent is obtained to exempt or reduce the minimum car parking requirement for the extension or activity.
- Hospital activities 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

- Required parking spaces may be used for car, cycle or motorcycle parking, except for any required mobility parking spaces, which must be used for mobility car parking.
- Where the minimum car 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.
- Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

Note 27.5.4A - Other relevant District Plan provisions

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

27.5.5 Noise

Land use activities must comply with Rule 9.3.6.

Rule 27.6 Development Performance Standards

27.6.1 Screening of parking areas {Was "Boundary Treatments and Other Landscaping" - Mer 241.46}

1. Where any part of {Mer 241.46} a parking area is built within 5m of a road frontage, a landscaping area with a minimum 1.5m width must be provided along the full length of between that part of the parking area and {Mer 241.46} the road frontage (except for where vehicle access is provided), with an average of one tree for every 5m of frontage: {Mer cl.16}
2. Landscaping areas required by 27.6.1.1 {Mer cl. 16} must:
 - a. have an average of one tree for every 5m of frontage;
 - b. not have more than 10% cover in impermeable surfaces (for pedestrian paths);
 - c. be designed to allow surface water run-off from surrounding areas to enter;
 - d. be protected by a physical barrier that prevents cars from accidentally driving into or {PO 360.213} damaging plants;
 - e. be planted prior to occupation or completion of any relevant building(s) or upon completion of site development activities {MF cl.16}; and
 - f. be maintained to a high standard, which means trees and under-planting are healthy and areas are regularly cleared of rubbish and weeds.
3. Activities that contravene this performance standard are restricted discretionary activities. {PO cl.16}

27.6.2 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.

27.6.3 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 all road boundaries {Res cl.16}	1.4m {Res cl.16}
b: {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}
c: {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 27.6.12.1. **{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 100mm, spacing minimum width 5mm) or 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.

27.6.3.1 Maximum Height {Res cl.16¹}

- a. The maximum height of fences along boundaries 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.

27.6.3.2 Visual Permeability {Res cl.16¹}

- a. Fences along road boundaries 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. Fences along the road boundary of a state highway are exempt from this requirement. {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.

27.6.4 Small scale buildings and structures {Was "Footprint of building" Mer 928.7}

1. ~~The footprint of buildings, structures and additions and alterations not in accordance with the Mercy Hospital Development Plan must not exceed 100m². {Mer 928.7}~~
2. ~~Contravention of this performance standard is a discretionary activity. {Mer 928.7}~~
1. Buildings and structures, and additions and alterations, that are not in accordance with the Mercy Hospital Development Plan must: {Mer 928.7}
 - a. not exceed 100m² 40m² footprint; {Mer 928.7}
 - b. not exceed {Mer cl.16¹} 9m 5m {Mer 928.7} in height; {Mer cl.16¹}
 - c. not be used for clinical services; {Mer 928.7}
 - d. be set back from zone boundaries a minimum of 4.5m, except for fences and ancillary signs; {Mer cl.16²} are exempt from the performance standard. {Mer cl.16}
 - e. all have any public entrances to buildings must be located at least 10m from a boundary with the adjoining a residential zone; and {Mer cl.16²}
 - f. not protrude through a plane rising at an angle of 45 degrees measured from a starting point of 2.5m vertically above ground level at the zone boundary (see Figure 15.6F), except: {Mer cl. 16¹}
 - i. a gable end or dormer may project beyond the plane where it is; {Mer cl.16¹}
 1. no greater than 1m in height measured parallel to the nearest adjacent boundary; and/or {Mer cl.16¹}
 2. no greater than 1m in depth measured horizontally at 90 degrees to the nearest adjacent boundary. {Mer cl.16¹}
2. Activities that contravene this performance standard are restricted discretionary activities, except

contravention of rules 27.6.4.1.a and c are restricted discretionary activities.{PO cl.16}

¹ **Mer cl.16:** Content moved from 'Height' standards – Rule 27.6.6

² **Mer cl.16:** Content moved from 'Boundary setbacks' standard - Rule 27.6.12.1

27.6.5 Hazardous Substances Quantity Limits and Storage Requirements

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

27.6.6 Height {Confirmed for deletion - Mer cl.16}¹

¹ **Mer cl.16:** Content moved to new standard 27.6.4 'Small scale buildings and structures', substantive amendments to rule shown in new location.

27.6.6.1 Height in relation to boundary {Mer cl.16}

~~Buildings and structures adjoining the residential zone must not protrude through a plane rising at an angle of 45 degrees measured from a starting point of 2.5m vertically above ground level at the zone boundary (see Figure 15.6F), except:~~ {Mer cl.16}

- a. ~~a gable end or dormer may project beyond the plane where it is:~~ {Mer cl.16}
 - i. ~~no greater than 1m in height measured parallel to the nearest adjacent boundary; and/or~~ {Mer cl.16}
 - ii. ~~no greater than 1m in depth measured horizontally at 90 degrees to the nearest adjacent boundary.~~ {Mer cl.16}

27.6.6.2 Maximum Height {Mer cl.16}

- a. ~~The maximum height of new buildings and structures, and additions and alterations that are not in accordance with the Mercy Hospital Development Plan must not exceed 9m above ground level.~~ {Mer cl.16}
- b. ~~Rooftop structures are exempt from the performance standard for maximum height provided they do not exceed the maximum height by more than one third of that limit.~~ {Mer cl.16}

27.6.7 Location and Screening of Service Areas

1. Service areas must be located or screened so that they are not visible at ground level from adjacent: residential activities, residential zoned properties, or public places.
2. Service areas must not encroach into required parking, loading or manoeuvring areas.
3. Activities that contravene this performance standard are restricted discretionary activities.{PO cl.16}

27.6.8 Materials and Design

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

27.6.9 Maximum Area of Vegetation Clearance (UBMA) {Was "Maximum Area of Vegetation Clearance" - NatEnv cl.16}

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

27.6.9 Maximum Building Site Coverage and Impermeable Surfaces {Confirmed for deletion - Mer 928}

1. ~~The site coverage of buildings must not exceed 40%; and~~ {Mer 928}
2. ~~Impermeable surfaces and buildings must not exceed 70% total site coverage.~~ {Mer 928}

27.6.10 Number, Location and Design of Ancillary Signs

27.6.10.1 General

- a. Signs must comply with the following standards, except the following signs are exempt from these standards:
 - i. signs that are not visible from outside the Mercy Hospital 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 related to ancillary retail and ancillary restaurants activities **{PO cl.16}** must be designed so as to {Mer 241.56} not be visible outside the Mercy Hospital Zone **{Mer cl.16}**.
- c. Signs must comply with Rule 6.7.3 where visible from a road.
- d. ~~Signs other than those specified in rules 27.6.9.2 and 27.6.9.3 are not allowed. {Mer cl.16}~~
- e. Signs that contravene the performance standard for number, location and design of ancillary signs are restricted discretionary activities. {PO cl.16}

27.6.10.2 Freestanding signs

- a. The maximum number of freestanding signs is one per 50m of frontage accessway to a maximum of four signs. {Mer 928.18}
- b. The maximum dimensions of freestanding signs are:
 - i. maximum height of 4m;
 - ii. maximum area of 4m²;
 - iii. maximum width of 2 4m; and **{Mer 241.57}**
 - iv. maximum depth of 400mm. **{Mer 241.57}**
- c. Freestanding signs must:
 - i. ~~not obstruct driveways, parking or loading areas parking, loading and access areas; and {PO cl.16}~~
 - ii. Freestanding signs must be located within the site and cannot be located on the road reserve be positioned entirely within site boundaries. {PO cl.16}

27.6.10.3 Signs attached to buildings

- a. The height above ground level at the highest point of any sign attached to a building is 4m.
- b. Signs must not be attached to roofs.
- c. Signs must not project higher than the lowest point of the roof, except where mounted against a parapet or gable end.
- d. Signs attached to a building must:
 - i. not exceed one sign per 30m of road frontage;
 - ii. have a maximum area per display face of 2m²;
 - iii. have a maximum of two display faces per sign;
 - iv. where attached to the façade of a building, must not project more than 1m from the façade to which it is attached; and
 - v. if attached to a verandah fascia, must not exceed a height of 500mm, or the height of a verandah fascia, whichever is greater.

Note 27.6A- 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 27.6.10B - Other requirements outside of the District Plan

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

27.6.11 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

27.6.12 Setback from scheduled tree {Was "Setbacks" - Mer cl.16}

27.6.12.1 Boundary setbacks {Mer cl.16}¹

- a. New buildings and structures and additions and alterations that are not in accordance with the Mercy Hospital Development Plan must be set back from zone boundaries a minimum of 4.5m. {Mer cl.16}
- b. Except, fences and ancillary signs are exempt from the performance standard. {Mer cl.16}
- c. All public entrances to buildings must be located at least 10m from a boundary with the residential zone. {Mer cl.16}

¹ Mer cl.16: Content moved to new standard 27.6.4 'Small scale buildings and structures'

27.6.12.2 Setback from scheduled tree {Mer cl.16}

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

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

27.6.X Amenity planting area {Confirmed for addition - Mer 928.2 and 928.10}

1. The Amenity Planting Area shown on the Mercy Hospital Development Plan must be maintained to provide visual screening from the neighbouring residential zone, including by replanting, if required, to maintain a similar level of screening (as was present on 26.9.15) and limiting vegetation clearance to: {Mer 928.10 and 928.2}
 - a. the pruning of any tree for the maintenance of its health; {Mer 928.10 and 928.2}
 - b. the clearance of any defined pest species, dead vegetation, vegetation that is in terminal decline or vegetation with extreme failure; {Mer 928.10 and 928.2}
 - c. the clearance of vegetation for the construction, maintenance or alteration of fences, gates, drainage,

utilities or access; and {Mer 928.10 and 928.2}

d. the clearance of vegetation for the safety of persons or property. {Mer 928.10 and 928.2}

2. Activities that contravene Rule 27.6.X are a discretionary activity. {Mer 928.10 and 928.2}

Rule 27.7 Subdivision Performance Standards

1. For the subdivision activities of land outside of the **urban biodiversity mapped area**, subdivision activities {Mer cl.16¹} must comply with performance standards for the General Residential 1 Zone in Rule 15.7.
2. For the subdivision of land within the **urban biodiversity mapped area**, subdivision activities must comply with performance standards for the Recreation Zone in Rule 20.7. {Mer cl.16¹}

¹ **Mer cl.16:** This rule was amended to align with Rule 27.3.6.

Rule 27.8 Assessment of Controlled Activities

Rule 27.8.1 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 27.8.2:
 - 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 27.9; 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 27.11; 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 27.12; and
 - iii. the assessment guidance in this section will also be considered.

27.8.2 Assessment of all controlled activities

Development activity	Matters of control	Guidance on the assessment of the resource consents
1. <u>Affecting a scheduled heritage building or a scheduled heritage structure: {Her cl.16}</u> • Earthquake strengthening that affects a protected part of a scheduled heritage building or scheduled heritage structure, where external features only are protected. • <u>Restoration of a protected part of a scheduled heritage building or scheduled heritage structure that has a Heritage New Zealand Category 1 listing (as detailed in Appendix A1.1) {Her 547.91}</u>	a. Effects on heritage values	See Rule 13.4

Rule 27.9 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 27.9.1 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 27.9.2 - 27.9.5:
 - 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 27.9.2 - 27.9.5 apply as follows: {Mer cl.16}
 - a. Rule 27.9.2 applies to all performance standard contraventions;
 - b. Rule 27.9.3 applies to land use performance standard contraventions;
 - c. Rule 27.9.4 applies to development performance standard contraventions; and
 - d. Rule 27.9.5 applies to subdivision performance standard contraventions. {Mer cl.16}

27.9.2 Assessment of all performance standard contraventions		
Performance standard		Guidance on the assessment of resource consents
1.	All performance standard contraventions	<i>Potential circumstances that may support a consent application include:</i> a. The degree of non-compliance with the performance standard is minor. b. The need to meet other performance standards or site specific factors, 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. <i>General assessment guidance:</i> 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 and those related to general amenity, greater weight will usually be placed on heritage policies.

27.9.3 Assessment of land use performance standard contraventions

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 (ancillary commercial activities)	a. Effects on the vibrancy, and social and economic success of the CBD and centres hierarchy	<i>Relevant objectives and policies:</i> i. Objective 27.2.2 ii. Ancillary commercial activities are designed, located {Mer cl.16} and operated to primarily serve staff, patients and visitors to the <u>Mercy</u> {Mer cl.16} Hospital (Policy 27.2.2.6). <i>Potential circumstances that may support a consent application include:</i> iii. The location of customer access is unlikely to attract external customers and become a stand-alone activity.
		b. Effects on neighbourhood amenity	
3.	Minimum car parking	a. Effects on the safety and efficiency of the transport network	See Rule 6.9
		b. Effects on accessibility	

27.9.4 Assessment of development performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. <u>Small scale buildings and structures: {Mer 928.7 and Mer cl.16²³}</u> - Boundary setbacks (<u>rules 27.6.4.1.d and e</u>) {Mer cl.16} - Height in relation to boundary (<u>Rule 27.6.4.f</u>) {Mer cl.16} - Maximum height (<u>Rule 27.6.4.1.b</u>) {Mer cl.16}	a. Effects on the amenity of surrounding sites	<i>Relevant objectives and policies:</i> - Objective 27.2.2 - Buildings and structures are of a height, setback from boundaries, <u>purpose {Mer 928.7}</u> and size that ensures there are no more than minor effects on the sunlight access and privacy of current and potential future residential buildings and their outdoor living spaces (Policy 27.2.2.1.b.i). <i>Potential circumstances that may support a consent application include:</i> - Residential buildings on neighbouring sites receive adequate natural light and privacy. <i>In assessing the application Council will consider:</i> - Existing sunlight access to neighbouring properties. - Cumulative effects from incremental development.
	b. Effects on neighbourhood amenity	<i>Relevant objectives and policies:</i> - Objective 27.2.2 - Buildings and structures are of a height, and setback from boundaries, <u>purpose {Mer 929.7}</u> and size such {Mer cl.16} that ensures {Mer cl.16} any adverse effects on neighbouring amenity are avoided or, if avoidance is not possible practicable {PO 908.3 and others}, are no more than minor (Policy 27.2.2.1.b.ii).
2. <u>Boundary treatments and other landscaping Screening of parking areas {Mer 241.46}</u>	a. Effects on neighbourhood residential amenity	<i>Relevant objectives and policies:</i> - Objective 27.2.2 - Landscaping of the boundary of parking areas <u>adjacent to a road frontage {Mer cl.16}</u> screens or softens these areas and ensure a high standard of visual amenity where viewed from the road (Policy 27.2.2.3).

27.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
3.	Earthworks standards: Batter gradient {EW cl.16} ¹	a. Effects on the stability of land; buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 27.2.3 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 27.2.3.1.b). <i>Conditions that may be imposed include, but are not limited to:</i> 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: Setback from property boundary; buildings; structures and cliffs {EW cl.16} ¹	a. Effects on the stability of land; buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 27.2.3 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 27.2.3.1.a).
5.	Earthworks standards: Setback from network utilities {EW cl.16} ¹	a. Effects on efficient and effective operation of network utilities b. Effects on health and safety	See Rule 5.7

27.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
6.	Earthworks standards: • Sediment control {EW cl.16} ¹	a. Effects on surrounding sites	<i>Relevant objectives and policies:</i> i. Objective 27.2.3 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, or the coastal marine area {EW 1071.106} (Policy 27.2.3.2.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 health and safety	See Rule 9.4
		b. Effects on neighbourhood amenity	<i>Relevant objectives and policies:</i> i. Objective 27.2.2 ii. Fences on road boundaries {Mer cl.16} are of a height and design that contributes positively to the neighbourhood amenity (Policy 27.2.2.4). <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 achieved. v. The fence will be screened by landscaping.
8.	Hazardous substances quantity limits and storage requirements	a. Effects on health and safety	See Rule 9.4
		b. Risk from natural hazards {PO cl.16}	See Rule 11.4 {PO cl.16}

27.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
9.	Location and screening of service areas	a. Effects on neighbourhood amenity	<i>Relevant objectives and policies:</i> i. Objective 27.2.2 ii. Development maintains or enhances neighbourhood amenity by ensuring service areas are not visible from ground level outside the site (Policy 27.2.2.2). <i>Potential circumstances that may support a consent application include:</i> iii. Screening would unduly restrict the usability of the service area. iv. The site layout prevents the service area from being visible from any public place without additional screening being required.
10.	<u>Affecting a scheduled heritage building or scheduled heritage structure {Her cl.16}</u> • Materials and design	a. Effects on heritage values (work on scheduled heritage buildings or structures) {Her cl.16}	See Rule 13.5
12.	Maximum building site coverage and impermeable surfaces {Mer 928}	a. Effects on the efficiency and/or affordability of infrastructure {Mer 928}	See Rule 9.4 {Mer 928}
13.	Number, location and design of ancillary signs	a. Effects on neighbourhood amenity	<i>Relevant objectives and policies:</i> i. Objective 27.2.2 ii. Ancillary signs <u>visible from outside the zone {Mer cl.16}</u> are located and designed to maintain or enhance {Mer cl.16} 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 that purpose {Mer 241.18} (Policy 27.2.2.5).
		b. Effects on the safety and efficiency of the transport network	See Rule 6.9
14.	Parking, loading and access standards	a. Effects on the safety and efficiency of the transport network	See Rule 6.9

27.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
15.	Setback from scheduled tree	a. Effects on long term health of tree	See Rule 7.6
11.	In an urban biodiversity mapped area: {NatEnv cl.16} Maximum area of vegetation clearance (UCMA UBMA) {NatEnv 958.60}	a. Effects on biodiversity <u>values</u> {NatEnv 958.60}	See Rule 10.4

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 **Mer cl.16:** Content from the height performance standard (Rule 27.6.6) and boundary setback performance standard (27.6.12.1) has moved to the new small scale buildings and structures performance standard.

27.9.5 Assessment of subdivision performance standard contraventions

Performance standard		Guidance on the assessment of resource consents
1.	Subdivision performance standards	See Rule 15.9

Rule 27.10 Assessment of Restricted Discretionary Activities

Rule 27.10.1 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 27.10.2 - 27.10.3:
 - 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 27.10.2 - 27.10.3 apply as follows: {Mer cl.16}
 - a. Rule 27.10.2 applies to restricted discretionary activities; and
 - b. Rule 27.10.3 applies to restricted discretionary subdivision activities. {Mer 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 27.89; 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 27.40~~11~~¹²; 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 27.44~~12~~¹²; and
 - iii. the assessment guidance in this section will also be considered.

27.10.2 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. <u>Activities affecting a scheduled heritage building or scheduled heritage structure: {Her cl.16}</u> • All other Additions and alterations that affects a protected part of a scheduled heritage building or scheduled heritage structure • Removal for relocation	a. Effects on heritage values	See Rule 13.6

27.10.2 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
2. Earthworks – large scale (that exceed the scale thresholds for the Mercy Hospital Zone) {EW cl.16'}	a. Effects on visual amenity and character b. Effects on the amenity of surrounding properties	<i>Relevant objectives and policies:</i> i. Objective 27.2.3 ii. Adverse effects on visual amenity and character will be avoided or, if avoidance is not possible, adequately mitigated (Policy 27.2.3.3.a). iii. Adverse effects on the amenity of surrounding properties, including from changes to drainage patterns, will be avoided or, if avoidance is not possible, adequately mitigated (Policy 27.2.3.3.b). <i>Potential circumstances that may support a consent application include:</i> iv. There is no, or only minimal, alteration to the natural landform. v. Any cut or fill will be restored or treated to resemble natural landforms. vi. The earthworks will not remove or effects existing vegetation or landscaping. <i>Conditions that may be imposed include, but are not limited to:</i> vii. Measures to minimise visual effects, e.g. requirements for revegetation and/or landscaping. viii. Maximum slopes of cut and fill batters. ix. Measures to divert surface water and rain away from, or prevent from discharging over, batter faces and other areas of bare earth. x. Measures to ensure there are no adverse effects from changes to drainage patterns on surrounding properties. xi. Requirement to de-compact soils; to take other remedial action to ensure the natural absorption capacity of the soils is not reduced; or to use other mitigation measures to ensure the overall absorption of rain water on-site is not diminished.

27.10.2 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
	c. Effects on the stability of land, buildings, and structures	<i>Relevant objectives and policies:</i> i. ~~Objective 27.2.3:~~ ii. ~~Adverse effects on the stability of land, buildings, and structures will be avoided or, if avoidance is not possible, adequately mitigated (Policy 27.2.3.3.c):~~ <i>Potential circumstances that may support a consent application include:</i> 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 27.13.1):~~ 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 UCA) {EW cl.16}~~	a. Effects on biodiversity	See Rule 10.5
4. <u>High trip generators: {Trans cl.16}</u> • <u>New or additions to parking areas, or extensions to existing parking areas that result in the creation of 50 or more new parking spaces {Trans cl.16}</u>	a. Effects on the safety and efficiency of the transport network b. Effects on accessibility {Trans cl.16}	See Rule 6.10

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

27.10.3 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 Mercy Hospital	<i>Relevant objectives and policies:</i> i. Objective 2.3.1 ii. Objective 27.2.1 iii. Subdivision activities do not adversely affect the efficient and effective operation of Mercy Hospital (Policy 27.2.1.5.b).
	See Rule 15.10	

Rule 27.11 Assessment of Discretionary Activities

Rule 27.11.1 Introduction

1. Discretionary activities will be assessed in accordance with section 104 and 104B of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rules 27.11.2 - 27.11.4 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 27.11.2 - 27.11.3 apply as follows: {Mer cl.16}
 - a. Rule 27.11.2 applies to discretionary activities; and
 - b. Rule 27.11.3 applies to discretionary performance standard contraventions. {Mer 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.

27.11.2 Assessment of discretionary activities

Activity	Guidance on the assessment of resource consents

27.11.2 Assessment of discretionary activities

Activity	Guidance on the assessment of resource consents
1. All discretionary <u>land use</u> activities including listed below: {PO cl.16} - all activities in the community activities category except conservation and community and leisure - small scale - all activities in the residential activities category - activities listed below {Mer cl.16}	<i>Relevant objectives and policies (priority considerations):</i> - Objective 2.3.1 - Objective 27.2.1 - Activities that are ancillary to hospital activity are designed and operated in line with Objective 27.2.2 and its policies (Policy 27.2.1.2). - Activities that are not ancillary to hospital activity: - are related to or support Mercy Hospital, or have other operational requirements that mean they need to locate in the zone; - support the efficient and effective operation of Mercy Hospital; - are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and - are designed and operated in line with Objective 27.2.2 and its policies (Policy 27.2.1.3). <i>Potential circumstances that may support a consent application include:</i> - For discretionary land use activities, whether any associated development activities meet relevant development performance standards, or are otherwise consistent with relevant objectives and policies for development. - All relevant land use performance standards are met, including noise and light spill standards. <i>General assessment guidance:</i> - In assessing the significance of effects, consideration will be given to: - short to long term effects, including effects in combination with other activities; and - 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. ~~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.~~ {MF cl.16} <i>Relevant guidance from other sections (priority considerations):</i> <u>See Section 6.11 for guidance on the assessment of resource consents in relation to objectives 6.2.2 and 6.2.3, and effects related to accessibility and the safety and efficiency of the transport network and its affordability to the public.</u> {Trans cl.16} <u>See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety</u> {PHS cl.16} <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</u>

27.11.2 Assessment of discretionary activities

Activity	Guidance on the assessment of resource consents
	of Manawhenua {MW 1071.3}

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.

² **MF cl.16:** Rule 27.11.2.1.h unnecessary because there are no activities that are discretionary due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled site.

27.11.3 Assessment of discretionary performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. <u>Footprint of building Small scale buildings and structures</u> • <u>Footprint greater than 40m² (Rule 27.6.4.1.a)</u> • <u>Used for clinical services (Rule 27.6.4.1.c) {Mer 928.7 and Mer cl.16}</u>	<i>Relevant objectives and policies (priority considerations):</i> - Objective 27.2.2 <u>Buildings and structures are of a height, set back from buildings, purpose and size that ensures: {Mer 928.7}</u> - there are no more than minor effects on the sunlight access and privacy of current and potential future residential buildings and their outdoor living spaces (Policy 27.2.2.a); and {Mer cl.16} - any adverse effects on neighbourhood amenity are avoided or, if avoidance is not possible practicable {PO 908.3 and others}, are no more than minor (Policy 27.2.2.1.b {Mer cl.16}). <u>Development provides adequate permeable areas to enable a reasonable level of rain water ground absorption (Policy 9.2.1.2). {Mer 928.7}</u> <i>General assessment guidance: {Mer 928.7}</i> <u>In considering the effects on the amenity of surrounding properties, Council will consider the following effects: {Mer 928.7}</u> - the visual effects of buildings and car parks; {Mer 928.7} - loss of existing vegetation; {Mer 928.7} - any proposed lighting and signage; and {Mer 928.7} - any cumulative effects. {Mer 928.7}
2. <u>Amenity planting area {Mer 928.10 and 928.2}</u>	<i>Relevant objectives and policies (priority considerations): {Mer 928.10 and 928.2}</i> - Objective 27.2.2 {Mer 928.10 and 928.2} <u>Maintain the amenity planting area on the Mercy Hospital Development Plan, unless any changes to the amenity planting area have no more than minor effects on the visual amenity from surrounding residential sites and areas (Policy 27.2.2.7). {Mer 928.10 and 928.2}</u>
X. Noise - where the limit is exceeded by up to less than {PHS cl.16} 5dB LAeq (15min)	<i>Relevant guidance from other sections (priority considerations):</i> See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.

27.11.4 Assessment of discretionary performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. Noise – where the limit is exceeded by up to 5dB LAeq (15min)	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety. {Mer cl.16’}

¹ **Mer cl.16:** The content of this section has moved to Section 27.11.3.

Rule 27.12 Assessment of Non-complying Activities

Rule 27.12.1 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 27.12.2 - 27.12.5 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 27.12.2 - 27.12.5 apply as follows: {Mer cl.16}
 - a. Rule 27.12.2 applies to assessment of non-complying land use activities. {Mer cl.16}
 - b. Rule 27.12.4 applies to assessment of non-complying development activities. {Mer cl.16}
 - c. Rule 27.12.5 applies to assessment of non-complying subdivision activities. {Mer 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.

27.12.2 Assessment of non-complying land use activities

Activity	Guidance on the assessment of resource consents
1. All non-complying land use activities	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 2.3.1 b. Objective 27.2.1 c. Activities <u>that are</u> {Mer cl.16} not ancillary to hospital activity: i. are related to, or support, Mercy Hospital, or have other operational requirements that mean they need to locate in the zone; ii. support the efficient and effective operation of Mercy Hospital; iii. are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and iv. they are designed and operated in line with Objective 27.2.2 and its policies (Policy 27.2.1.3). <i>General assessment guidance:</i> d. In assessing the significance of effects consideration will be given to: 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 a resource consent. e. 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. <i>Relevant guidance from other sections (priority considerations):</i> f. <u>See Section 6.12 for guidance on the assessment of resource consents in relation to objectives 6.2.2 and 6.2.3, and effects related to accessibility and the safety and efficiency of the transport network and its affordability to the public. {Trans cl.16}</u> g. <u>See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety {PHS cl.16}</u> h. <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>
2. <u>Commercial advertising {Mer cl.16²³}</u>	<i>Relevant objectives and policies (priority considerations):</i> a. <u>Objective 2.4.1</u> b. <u>Policy 2.4.1.6.c {Mer cl.16²³}</u>

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.

² **Mer cl.16:** As a clause 16 amendment this content has been moved from Rule 27.12.3. This is not a substantive change to provisions.

27.12.3 Assessment of non-complying land use activities	
Activity	Guidance on the assessment of resource consents
4. Commercial advertising {Mer cl.16¹}	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 2.4.1 b. Policy 2.4.1.6.e {Mer cl.16¹}

¹ **Mer cl.16:** As a clause 16 amendment this content has been moved to Rule 27.12.2. This is not a substantive change to provisions.

27.12.4 Assessment of non-complying development activities	
Activity	Guidance on the assessment of resource consents
1. Demolition of a protected part of a scheduled heritage building or scheduled heritage structures	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 13.8 for guidance on the assessment of resource consents in relation to Objective 13.2.1 and effects related to heritage values.

27.12.5 Assessment of non-complying subdivision activities	
Performance standard	Guidance on the assessment of resource consents
1. • 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)	<i>Relevant guidance from other sections (priority considerations):</i> 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.

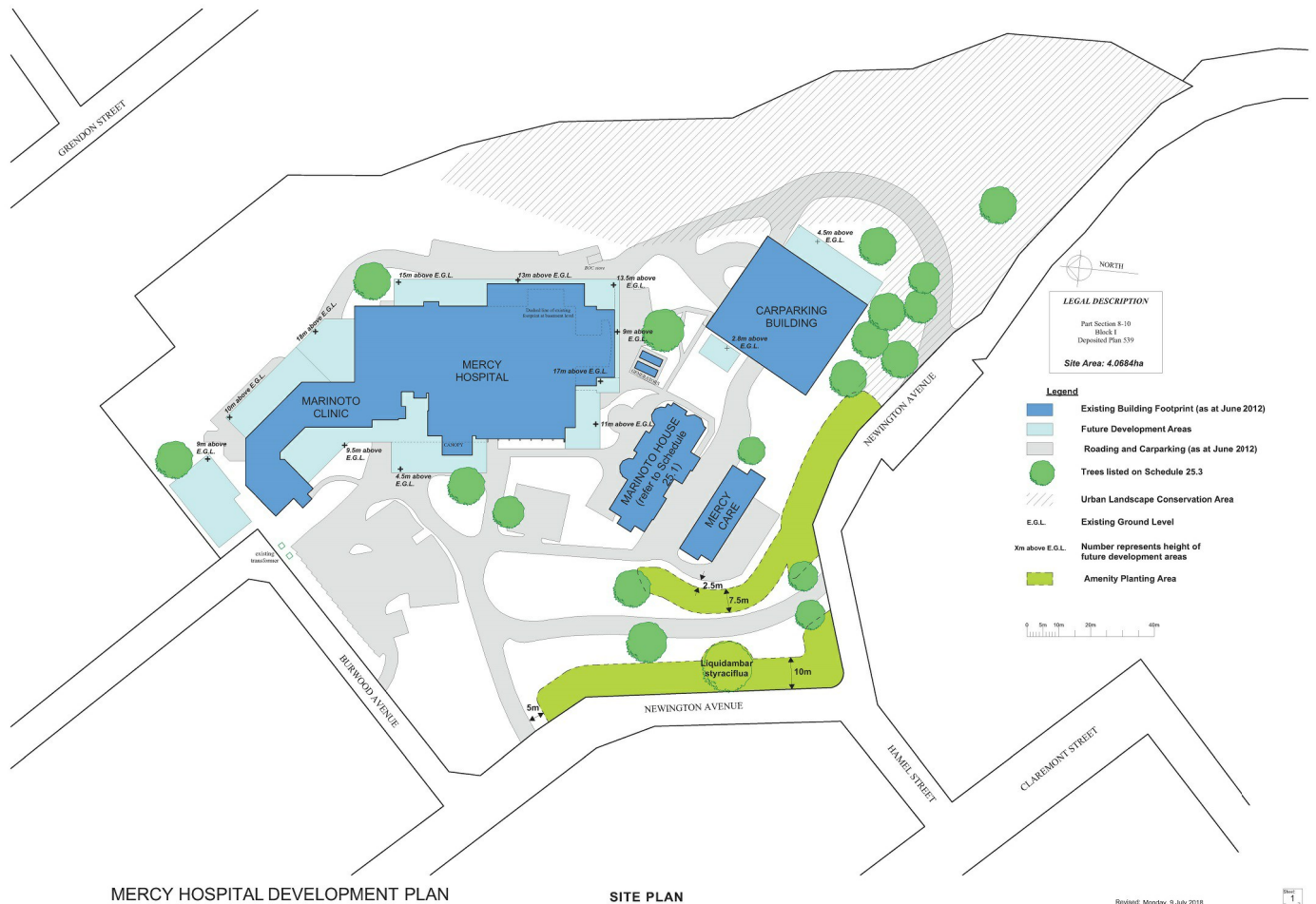
Rule 27.13 Special Information Requirements

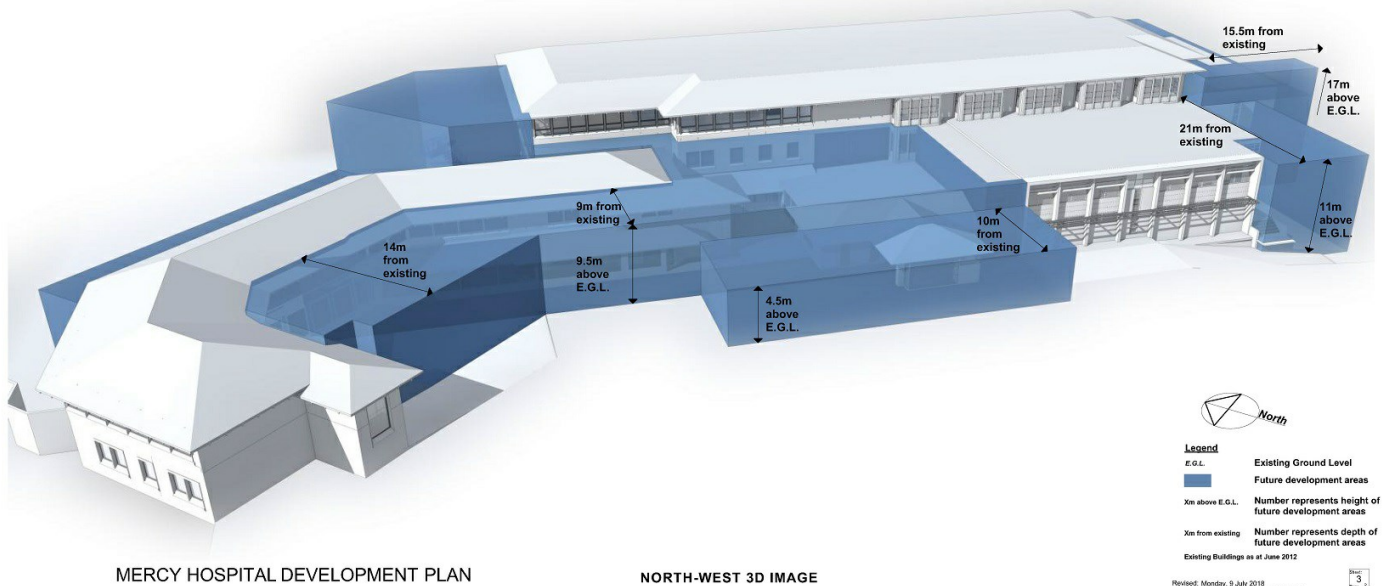
EW cl.16: As a clause 16 amendment, Rule 27.13.1 Geotechnical investigation report has been moved to new city-wide section (Section 8A). Any amendments to provisions as a result of submissions are shown there.

Appendices

Appendix 27A. Mercy Hospital Development Plan

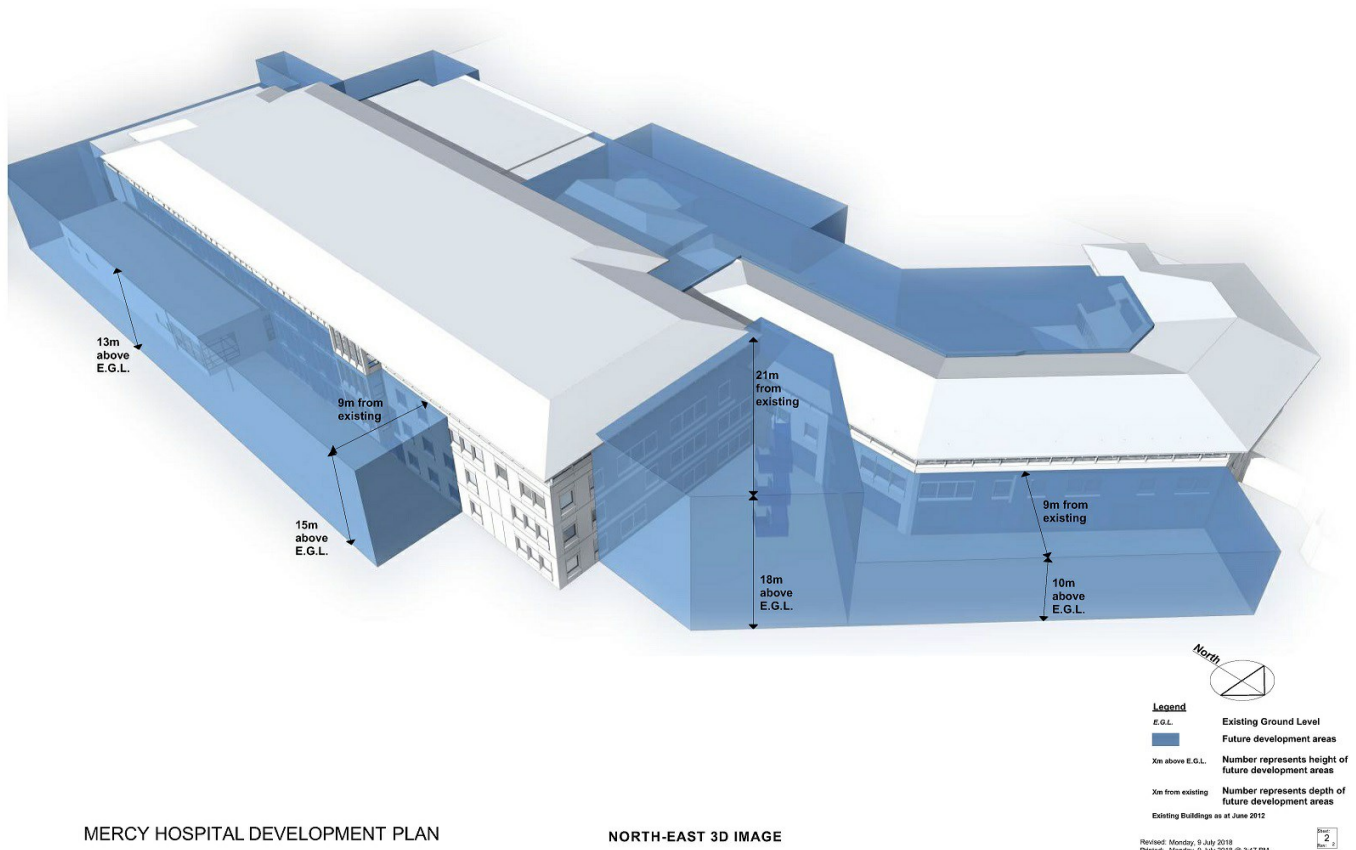
Mer 928.10 and 928.2: This image has been changed from the Notified Plan





MERCY HOSPITAL DEVELOPMENT PLAN

NORTH-WEST 3D IMAGE



MERCY HOSPITAL DEVELOPMENT PLAN

NORTH-EAST 3D IMAGE

28. Moana Pool

28.1 Introduction

Moana Pool sits within the Town Belt, just below Dunedin's hill suburbs, at 60 Littlebourne Road. The pool is owned and operated by the Dunedin City Council and has occupied the site since 1964. It provides a range of recreation facilities, including an Olympic sized pool, a leisure pool, learner's pool, dive/lap pool, water slides, a gymnasium and various function and meeting rooms. There are massage and physiotherapy facilities on-site, as well as an early childhood centre. Expansion of the facility may occur within the next 10 years.

The site is bordered by land zoned recreation and general **{MF cl.16}** residential 2 **{MF cl.16}**. While the facility itself is considerably larger than surrounding properties, it backs onto a steep bush clad area and is an accepted part of the local environment. There is a high level of amenity in the area given its location within the Town Belt, and parts of the site are densely vegetated.

The zone recognises the existing uses of the Moana Pool site and provides certainty to the community regarding what land use activities can be expected to occur on the site, while appropriately managing any adverse effects that may occur, including effects on the Town Belt, residential zones and transport network.

28.2 Objectives and Policies

Objective 28.2.1

Moana Pool is able to operate efficiently and effectively

Policy 28.2.1.1	Enable major recreation facility activity in the Moana Pool Zone.
Policy 28.2.1.2	Provide for activities that are ancillary to major recreation facility activity where they are designed and operated in line with Objective 28.2.2 and its policies.
Policy 28.2.1.3	Only allow activities that are not ancillary to major recreation facility activity where all of the following apply: - the activities are related to or support Moana Pool, or have other operational requirements that mean they need to locate in the zone; - they will support the efficient and effective operation of Moana Pool; - they are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and - they are designed and operated in line with Objective 28.2.2 and its policies.
Policy 28.2.1.4	Enable land that is surplus to the needs of Moana Pool to transition to the Recreation Zone, so that future development ~~can~~ <u>will</u> {PO cl.16} be managed in accordance with the objectives and policies of that zone.
Policy 28.2.1.5	Only allow subdivision <u>activities</u> {PO cl.16} where: - it is <u>they are</u> {PO cl.16} in accordance with the provisions of the Recreation Zone; and - the subdivision does not adversely affect the efficient and effective operation of Moana Pool.

Objective 28.2.2

Land use activities and development necessary for Moana Pool to meet the reasonably foreseeable needs of the community is enabled, while ensuring development:

- achieves a good standard of on-site amenity for staff and visitors; and
- maintains or enhances the residential amenity of surrounding sites as far as practicable.

Policy 28.2.2.1	Require buildings and structures to be of a height and setback from boundaries that ensures there are no more than minor effects on the sunlight access of current and future residential buildings and their outdoor living spaces.
Policy 28.2.2.2	Require development to maintain or enhance neighbourhood amenity by ensuring service areas are not visible from ground level outside the site.
Policy 28.2.2.3	Require landscaping that provides a reasonable level of streetscape amenity along the boundary of parking areas.
Policy 28.2.2.4	Require fences on road boundaries to be of a height and design that contributes positively to neighbourhood amenity.
Policy 28.2.2.5	Require ancillary signs visible from outside the zone 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 that purpose.

Objective 28.2.2

Policy 28.2.2.6	Require ancillary commercial activities to be designed, located and operated to primarily serve staff and visitors of Moana Pool.
Policy 28.2.2.7	Only allow early childhood education - large scale where it is designed and located to avoid or, if avoidance is not possible practicable {PO 908.3 and others} , adequately mitigate, adverse effects on the amenity of surrounding residential properties.

EW cl.16: As a clause 16 amendment, Objective 28.2.3 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 28.3 Activity Status

28.3.1 Rule location

The activity status tables in rules 28.3.3 to 28.3.5 specify the activity status of land use activities, development activities, and subdivision activities in the Moana Pool 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}**

28.3.2 Activity status introduction

1. The activity status **{MF cl.16}** tables in rules 28.3.3 - 28.3.5 show the activity status of activities in the Moana Pool Zone, provided any performance standards shown in the far right column are met.
2. Activities are split into three types: a. land use activities, b. development activities, c. subdivision activities. Within these types, activities are split into categories. The nested tables in Section 1.3 outline the hierarchy of categories, activities and sub-activities.
3. Permitted land use activities do not automatically provide for any related development activities. Therefore, the activity status of any associated development activities should also be checked.
4. Where a new land use activity requires a resource consent, all associated development activities will be considered and assessed as part of the resource consent even if the development otherwise meets the development performance standards listed in the Plan.
5. The nested tables in Section 1.3 are intended to be a complete list of activities 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 <u>Meaning</u> {PO cl.16}
P	Permitted Activity
C	Controlled Activity
RD	Restricted Discretionary Activity
D	Discretionary Activity
NC	Non-complying Activity

28.3.3 Activity status table - land use activities

1.	Performance standards that apply to all land use activities		a. Electrical interference b. Light spill c. Noise
Major facility activities		Activity status	Performance standards
2.	Major recreation facility	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 - small scale	P	
5.	Early childhood education - large scale	RD	
6.	All other activities in the community activities category	P	
Commercial activities		Activity status	Performance standards
7.	Activities ancillary to major recreation facility	P	a. Location
8.	All other activities in the commercial activities category	NC	
Residential activities		Activity status	Performance standards
9.	All activities in the residential activities category	NC	
Industrial activities		Activity status	Performance standards
10.	All activities in the industrial activities category	NC	
Rural activities		Activity status	Performance standards
11.	All activities in the rural activities category	NC	

28.3.4 Activity status table - development activities

1.	Performance standards that apply to all development activities		a. Maximum ~~building~~ {MF cl.16¹} site coverage and impermeable surfaces
Buildings and structures activities		Activity status	Performance standards
2.	Fences	P	a. Fence height and design
3.	All other buildings and structures activities	P	a. Boundary setbacks b. Height in relation to boundary c. Maximum height d. Number, location and design of ancillary signs
Site development activities		Activity status	Performance standards
4.	Service areas	P	a. Location and screening of service areas
5.	Parking, loading and access	P	a. Parking, loading and access standards b. Boundary treatments and other landscaping
6.	New ~~or additions to~~ parking areas, ~~or extensions to existing parking areas~~ that result in the creation of {Trans cl.16} 50 or more new parking spaces.	RD	a. Boundary treatments and other landscaping b. Parking, loading and access standards
7.	Storage and use of hazardous substances	P	a. Hazardous substances quantity limits and storage requirements
8.	Vegetation clearance	P	a. Maximum area of vegetation clearance (~~UBMA~~) {NatEnv cl.16}
9.	Earthworks – ~~small scale~~ {EW cl.16²}	P	a. ~~Earthworks standards~~
10.	Earthworks – ~~large scale~~ {EW cl.16²}	RD	a. ~~Earthworks standards~~
11.	All other site development activities	P	

¹ **MF cl.16:** Amendment to make provision consistent with rest of plan.

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.

Note 28.3.4A - 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 the District. If archaeological remains are discovered during any site works, at any location, the Accidental Discovery Protocol (Appendix A8) should be followed. **{MF cl.16}**

¹ MF cl.16: Not within an archaeological alert zone.

28.3.5 Activity status table - subdivision activities

Subdivision activities	Activity status	Performance standards
1. Subdivision activities	RD	a. Subdivision performance standards

Note 28.3.5A - 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.

28.3.6 Transition to Recreation Zone

On receipt of written notice from both the landowner and operator of Moana Pool (if different) to Dunedin City Council confirming that all or part of the land within the Moana Pool Zone is surplus to requirements, the provisions of the Moana Pool Zone will no longer apply to that parcel of land and the provisions of the Recreation Zone will apply in full.

Rule 28.4 Notification

1. Activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA.

Rule 28.5 Land Use Performance Standards

28.5.1 Electrical Interference

Land use activities must comply with Rule 9.3.2.

28.5.2 Light Spill

Land use activities must comply with Rule 9.3.5.

28.5.3 Location

1. For ancillary commercial activities, customer access must only be available from inside the Moana Pool buildings.
2. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

28.5.4 Minimum Car Parking

1. Major recreation facility activity must provide a minimum of 190 parking spaces, including a minimum of 4 mobility parking spaces.
2. Required parking spaces may be used for car, cycle or motorcycle parking, except for any required mobility parking spaces, which must be used for mobility car parking.
3. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

Note 28.5.4A - 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.

28.5.5 Noise

Land use activities must comply with Rule 9.3.6.

Rule 28.6 Development Performance Standards

28.6.1 Boundary Setbacks

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

Building		Setback from road boundary or site boundary where site directly adjoins another zone
a.	Buildings not exceeding 12m in height or 250m ² GFA	4.5m
b.	Other buildings	10m

- c. Fences and ancillary signs are exempt from the performance standard.
- d. Public entrances to buildings must be located at least 10m from a boundary with the residential zone.

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

28.6.2 Boundary Treatments and Other Landscaping

1. Where a parking area is built within 5m of a road frontage, a landscaping area with a minimum 1.5m width must be provided along the full length of the road frontage (except for where vehicle access is provided).
2. Landscaping areas must:
 - a. be planted with a mix of trees and shrubs and/or ground cover plants that achieves a total coverage of the ground area in planting (when mature), except for 10% of the area, which may be used for pedestrian paths;
 - b. have an average of one tree for every 5m of frontage;
 - c. not have more than 10% cover in impermeable surfaces (for pedestrian paths);
 - d. be designed to allow surface water run-off from surrounding areas to enter;
 - e. be protected by a physical barrier that prevents cars from accidentally driving into or {PO 360.213} damaging plants;
 - f. for required trees, use trees that are at least 1.5m high at the time of planting and capable of growing to a minimum {PO 360.213} height of 5m within 10 years of planting;
 - g. be planted prior to occupation or completion of any relevant building(s) or upon completion of site development activities {MF cl.16}; and
 - h. be maintained to a high standard, which means trees and under-planting are healthy and areas are regularly cleared of rubbish and weeds.
3. Any road boundary fences provided must be placed on the property side of any required {MF cl.16} road frontage landscaping required by this rule {PO 360.213}.
4. Activities that contravene this performance standard are restricted discretionary activities.{PO cl.16}

28.6.3 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.

28.6.4 Fence Height and Design

1. The maximum height of a fence or gate on the road boundary or within the road boundary setback, or adjacent to a public place, is 1.4m. **{Res cl.16¹}**
2. The maximum height of a fence on side and rear boundaries (except where adjacent to the recreation zone, or public place), is 2m. **{Res cl.16}**
3. Fences along boundaries include fences that are not exactly on the boundary but are within the boundary setbacks required by Rule 28.6.1. **{Res cl.16}**
4. 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 100mm, 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}**
5. 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.

28.6.4.1 Maximum Height {Res cl.16¹}

- a. The maximum height of fences along boundaries (including within the boundary setbacks required by Rule 28.6.1) 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.

28.6.4.2 Visual Permeability {Res cl.16¹}

- a. Fences along road boundaries (or within the boundary setbacks required by Rule 28.6.1) 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. Fences along the road boundary of a state highway are exempt from this requirement. **{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.

28.6.5 Hazardous Substances Quantity Limits and Storage Requirements

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

28.6.6 Height

28.6.6.1 Height in Relation to Boundary

In all zones no part of any building may protrude through a plane raising at an angle of 45 degrees measured from the starting point indicated below (see Figure 15.6F) **{Res cl.16}¹**:

Zone boundary {Res cl.16}¹		Starting vertically above ground level at the side and rear boundary {Res cl.16}¹
a- {Res cl.16}¹	Inner City Residential Zone {Res cl.16}¹	3m {Res cl.16}¹
b- {Res cl.16}¹	All other residential zones {Res cl.16}¹	2.5m {Res cl.16}¹

- a. New buildings and additions and alterations to buildings on sites adjoining a residential zone must comply with the Height in Relation to Boundary performance standard of that residential zone, along the adjoining boundary (see Rule 15.6.7.1). **{Res cl.16}¹**

¹ **Res cl.16:** There is no substantive change to the rule, it simply refers back to rule in other section to avoid repeating rule wording.

28.6.6.2 Maximum height

- a. The maximum height of new buildings and structures, and additions and alterations, must not exceed the following heights above ground level:
- Western side Queens Drive/Littlebourne Road: 18m;
 - Eastern side Queens Drive/Littlebourne Road: 12m;
 - Rooftop structures are exempt from the performance standard for maximum height, provided they do not exceed the maximum height limit by more than one third of that limit or 5m, whichever is the lesser.
- b. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

28.6.7 Location and Screening of Service Areas

- Service areas must be located or screened so that they are not visible at ground level from adjacent: residential activities, residential zoned properties, or public places.
- Service areas must not encroach into required parking, loading or manoeuvring areas.
- Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

28.6.8 Maximum Building Site Coverage and Impermeable Surfaces {was 'Maximum Site Coverage and Impermeable Surfaces' - MF cl.16¹}

1. The maximum building **{MF cl.16}** site coverage of buildings (% of site) is 40%; and
2. The maximum total impermeable surface site coverage (buildings and impermeable surfaces % of site) is 70%.
3. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

¹ MF cl.16: Amendment to make provision consistent with rest of plan

28.6.9 Number, Location and Design of Ancillary Signs

28.6.9.1 General

- a. Signs must comply with the following standards, except the following signs are exempt from these standards:
 - i. signs that are not visible from outside the Moana Pool 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 commercial sponsorship names).
- b. Signs related to ancillary retail and ancillary restaurants activities **{PO cl.16}** must not be visible outside the Moana Pool zone.
- c. Signs located on or **{PO cl.16}** above the footpath must comply with Rule 6.7.2.
- d. Signs must comply with Rule 6.7.3 where visible from a road.
- e. ~~Signs other than those specified in rules 28.6.9.2 and 28.6.9.3 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}**

¹ **PO cl.16:** Amended to reflect requirements of Rule 6.7.2

28.6.9.2 Signs attached to buildings

- a. The height, above ground level, at the highest point of any sign, attached to a building is 4m.
- b. Signs must not be attached to roofs.
- c. Signs must not project higher than the lowest point of the roof, except where mounted against a parapet or gable end.
- d. Signs attached to a building must:
 - i. not exceed one sign per 15m of road frontage;
 - ii. have a maximum area per display face of 2m²;
 - iii. have a maximum of two display faces per sign;
 - iv. where attached to the façade of a building, must not project more than 1m from the façade to which it is attached; and
 - v. if attached to a verandah fascia, must not exceed a height of 500mm, or the height of a verandah fascia, whichever is greater.

28.6.9.3 Freestanding signs

- a. The maximum number of freestanding signs is two per 50m of frontage.
- b. The maximum dimensions of freestanding signs are:
 - i. maximum height of 3m;
 - ii. maximum area of 4m²;
 - iii. maximum width of 2m; and
 - iv. maximum depth of 400mm **{PO cl.16}**.
- c. Freestanding signs must:
 - i. not obstruct driveways, ~~parking or loading area~~ parking, loading and access areas; and **{PO cl.16}**
 - ii. ~~Freestanding signs must not be located on road reserve.~~ be positioned entirely within the site boundaries. **{PO cl.16}**
- d. Freestanding signs must not exceed:
 - i. maximum height of 900mm above ground level; and
 - ii. a maximum width of 600mm.

Note 28.6A - 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 28.6.9B - Other requirements outside of the District Plan

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

28.6.10 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

28.6.11 Maximum Area of Vegetation Clearance (UBMA) {Was "Maximum Area of Vegetation Clearance"- NatEnv cl.16}

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

Rule 28.7 Subdivision Performance Standards

Subdivision activities must comply with Rule 20.7.

Rule 28.8 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 28.8.1 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 28.8.2 - 28.8.5:
 - 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 28.8.2 - 28.8.5 apply as follows: {MF cl.16}
 - a. Rule 28.8.2 applies to all performance standard contraventions;
 - b. Rule 28.8.3 applies to land use performance standard contraventions;
 - c. Rule 28.8.4 applies to development performance standard contraventions; and
 - d. Rule 28.8.5 applies to subdivision performance standard contraventions. {MF cl.16}

28.8.2 Assessment of all performance standard contraventions

Performance standard	Guidance on the assessment of the resource consents
1. All performance standard contraventions	<i>Potential circumstances that may support a consent application include:</i> a. The degree of non-compliance with the performance standard is minor b. The need to meet other performance standards, or site specific factors, 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. <i>General assessment guidance:</i> e. Where more than one standard is contravened, the combined effects of the contraventions should be considered.

28.8.3 Assessment of land use performance standard contraventions

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 hierarchy {MF cl.16}	<i>Relevant objectives and policies:</i> i. Objective 28.2.2 ii. Ancillary commercial activities are designed, located and operated to primarily serve staff and visitors of Moana Pool (Policy 28.2.2.6).
3. Minimum car parking	a. Effects on the safety and efficiency of the transport network	See Rule 6.9
	b. Effects on accessibility	See Rule 6.9

28.8.4 Assessment of development performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. - Boundary setbacks - Height in relation to boundary - Maximum height	a. Effects on surrounding sites	<i>Relevant objectives and policies:</i> i. Objective 28.2.2 ii. <u>Building and structures are of a height and set back from boundaries to ensure that {MF cl.16³}</u> there are no more than minor effects on sunlight access of current and future residential buildings and their outdoor living spaces (Policy 28.2.2.1).
2. Boundary treatments and other landscaping	a. Effects on streetscape amenity	<i>Relevant objectives and policies:</i> i. Objective 28.2.2 ii. Landscaping provides a reasonable level of streetscape amenity along the boundary of parking areas (Policy 28.2.2.3).

28.8.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
3.	Earthworks standards: Batter gradient {EW cl.16'}	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> - Objective 28.2.3 - 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 28.2.3.1.b). <i>Conditions that may be imposed include, but are not limited to:</i> - Maximum slopes of cut and fill batters. - Time limits for retaining wall installation to avoid leaving a cut slope unsupported for an extended period. - Temporary shoring requirements to maintain stability before a wall is constructed. - Supervision and monitoring requirements for retaining wall construction and standard earthworks construction.
4.	Earthworks standards: Setback from property boundary, buildings, structures and cliffs {EW cl.16'}	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> - Objective 28.2.3 - 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, structures and cliffs (Policy 28.2.3.1.a).
5.	Earthworks standards: 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

28.8.4 Assessment of development performance standard contraventions

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 28.2.3 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, or the coastal marine area {EW 1071.106} (Policy 28.2.3.2.b).
		b. Effects on biodiversity and natural character of riparian margins and the coast	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 28.2.2 ii. Fences on road boundaries are of a height and design that contribute positively to neighbourhood amenity (Policy 28.2.2.4). <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 streetscape {MF cl.16} is achieved. v. The fence will be screened by landscaping.
		b. Effects on health and safety {MF cl.16'}	See Rule 9.4 {MF cl.16'}
8.	Hazardous substances quantity limits and storage requirements	a. Effects on health and safety	See Rule 9.4
		b. Risk from natural hazards {PO cl.16}	See Rule 11.4 {PO cl.16}

28.8.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
9.	Location and screening of service areas	a. Effects on neighbourhood amenity	<i>Relevant objectives and policies:</i> i. Objective 28.2.2 ii. Neighbourhood amenity is maintained or enhanced by service areas not being <u>Development maintains or enhances neighbourhood amenity by ensuring service areas are not {MF cl.16³}</u> visible from ground level outside the site (Policy 28.2.2.2).
11.	Maximum building {MF cl.16 ⁴ } site coverage and impermeable surfaces	a. Effects on efficiency and/or {MF cl.16} affordability of infrastructure	See Rule 9.4
12.	Number, location and design of ancillary signs	a. Effects on neighbourhood amenity	<i>Relevant objectives and policies:</i> i. Objective 28.2.2 ii. Ancillary signs visible from outside the zone are 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 that purpose (Policy 28.2.2.5).
		b. Effects on the safety and efficiency of the transport network	See Rule 6.9
13.	Parking, loading and access standards	a. Effects on the safety and efficiency of the transport network	See Rule 6.9
10.	In an <u>urban biodiversity mapped area</u> : {NatEnv cl.16} • Maximum area of vegetation clearance (UCMA UBMA) {NatEnv 958.60} standards {NatEnv cl.16}	a. Effects on biodiversity values {NatEnv 958.60}	See Rule 10.4

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 **MF cl.16:** Links to an existing assessment rule in section 9.4, not a substantive change

³ **MF cl.16:** Amendment to align with policy wording.

⁴ **MF cl.16:** Amendment to make provision consistent with rest of plan.

28.8.5 Assessment of subdivision performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. Subdivision performance standards	See Rule 20.9

Rule 28.9 Assessment of Restricted Discretionary Activities

Rule 28.9.1 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 28.9.2 - 28.9.4:
 - 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 28.9.2 - 28.9.4 apply as follows: {MF cl.16}
 - a. Rule 28.9.2 applies to restricted discretionary land use activities;
 - b. Rule 28.9.3 applies to restricted discretionary development activities; and
 - c. Rule 28.9.4 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 28.8; 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 28.10; 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 28.11; and
 - iii. the assessment guidance in this section will also be considered.

28.9.2 Assessment of restricted discretionary land use activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
A.	All high trip generators, which include: {Trans cl.16¹} • any activities that generate 250 or more vehicle movements a day {Trans cl.16}	a. Effects on accessibility {Trans cl.16}	See Rule 6.10 {Trans cl.16}
		b. Effects on the safety and efficiency of the transport network {Trans cl.16}	
1.	Early childhood education - large scale	a. Effects on the safety and efficiency of the transport network	See Rule 6.10
		b. Effects on surrounding sites' residential amenity	<i>Relevant objectives and policies:</i> i. Objective 28.2.2 ii. Early childhood education - large scale is designed and located to avoid or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others} , adequately mitigate, adverse effects on the amenity of surrounding residential properties (Policy 28.2.2.7).

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 28 assessment rules. The correction of this error, via the addition of Rule 28.9.2.A, does not result in a substantive change to the effect of provisions.

28.9.3 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. Earthworks – large-scale (that exceed the scale thresholds for the Moana Pool Zone) {EW cl.16}	a. Effects on visual amenity and character b. Effects on the amenity of surrounding properties	<i>Relevant objectives and policies:</i> i. Objective 28.2.3 ii. Adverse effects on visual amenity and character will be avoided or, if avoidance is not possible, adequately mitigated (Policy 28.2.3.3.a). iii. Adverse effects on the amenity of surrounding properties, including from changes to drainage patterns, will be avoided or, if avoidance is not possible, adequately mitigated (Policy 28.2.3.3.b). <i>Potential circumstances that may support a consent application include:</i> iv. There is no, or only minimal, alteration to the natural landform. v. Any cut or fill will be restored or treated to resemble natural landforms. vi. The earthworks will not remove or effect existing vegetation or landscaping. <i>Conditions that may be imposed include, but are not limited to:</i> vii. Measures to minimise visual effects, e.g. requirements for revegetation and/or landscaping. viii. Maximum slopes of cut and fill batters. ix. Measures to divert surface water and rain away from, or prevent from discharging over, batter faces and other areas of bare earth. x. Measures to ensure there are no adverse effects from changes to drainage patterns on surrounding properties. xi. Requirement to de-compact soils; to take other remedial action to ensure the natural absorption capacity of the soils is not reduced; or to use other mitigation measures to ensure the overall absorption of rain water on-site is not diminished.

28.9.3 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
	c. Effects on the stability of land, buildings, and structures	<i>Relevant objectives and policies:</i> i. Objective 28.2.3 ii. Adverse effects on the stability of land, buildings, and structures will be avoided or, if avoidance is not possible, adequately mitigated (Policy 28.2.3.3.c). <i>Potential circumstances that may support a consent application include:</i> 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 28.12.1). iv. Excavation, fill and retaining structures will be designed, and the work undertaken, in accordance with best practice engineering standards
2. Earthworks – large scale (that exceed scale thresholds for a UCMA) {EW cl.16¹}	a. Effects on biodiversity	See Rule 10.5
3. <u>High trip generators:</u> {Trans cl.16²} • New or additions to parking areas, or extensions to existing parking areas that result in the creation of 50 or more new parking spaces {Trans cl.16}	a. Effects on the safety and efficiency of the transport network b. Effects on accessibility {Trans cl.16}	See Rule 6.10

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



28.9.4 Assessment of restricted subdivision activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
1.	All subdivision activities	a. Effects on efficient and effective operation of Moana Pool	<i>Relevant objectives and policies:</i> i. Objectives 28.2.1, 2.3.1 ii. Subdivision does not adversely affect the efficient and effective operation of Moana Pool (Policy 28.2.1.5.b).
		See Rule 20.10	

Rule 28.10 Assessment of Discretionary Activities

Rule 28.10.1 Introduction

1. Discretionary activities will be assessed in accordance with section 104 and 104B of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rule 28.10.2 provides 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. 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.

28.10.2 Assessment of discretionary performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. • 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	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.

Rule 28.11 Assessment of Non-complying Activities

Rule 28.11.1 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 28.11.2 - 28.11.3 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 28.11.2 - 28.11.4 apply as follows: {MF cl.16}
 - a. Rule 28.11.2 applies to non-complying land use activities; and
 - b. Rule 28.11.4 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.

28.11.2 Assessment of non-complying land use activities

Activity	Guidance on the assessment of resource consents
1. All non-complying land use activities	Relevant objectives and policies (priority considerations): a. Objectives 2.3.1, 2.3.3 b. Objective 28.2.1 c. Activities <u>that are {MF cl.16}</u> not ancillary to a major recreation facility activity {MF cl.16}: i. are related to or support Moana Pool, or have other operation requirements that mean they need to locate in the zone; ii. support the efficient and effective operation of Moana Pool; iii. are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and iv. are designed and operated in line with Objective 28.2.2 and its policies (Policy 28.3.1.3). General assessment guidance: d. In assessing the significance of effects consideration will be given to: 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 a resource consent. e. 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. Relevant guidance from other sections (priority considerations): f. 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} g. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety {PHS cl.16} h. 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}
2. Commercial advertising {MF cl.16}	Relevant objectives and policies (priority considerations): {MF cl.16} a. Objective 2.4.1 {MF cl.16} b. Policy 2.4.1.6.c {MF cl.16}

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.

² **Trans cl.16:** As a clause 16 amendment this content has been moved from Rule 28.11.3. This is not a substantive change to provisions.

28.11.3 Assessment of non-complying land-use activities {MF cl.16'}

Activity {MF cl.16'}	Guidance on the assessment of resource consents {MF cl.16'}
1. Commercial advertising in all zones {MF cl.16'}	Relevant objectives and policies (priority considerations): {MF cl.16'} a. Objective 2.4.1 {MF cl.16'} b. Policy 2.4.1.6.e {MF cl.16'}

¹ **MF cl.16:** As a clause 16 amendment this content has been moved to Rule 28.11.2. This is not a substantive change to provisions.

28.11.4 Assessment of non-complying performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. • 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)	<i>Relevant guidance from other sections (priority considerations):</i> 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.

Rule 28.12 Special Information Requirements {Confirmed for deletion - EW cl.16}

EW cl.16: As a clause 16 amendment, Rule 28.12.1 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.

29. Otago Museum

29.1 Introduction

Otago Museum first opened to the public in 1868 in the Exchange area south of the Octagon, and mainly displayed a collection of rocks and minerals as its foundation objects. The collection began to grow, and a larger, purpose-built site was needed. The site at the existing address – 419 Great King Street – was selected, with the foundation laid in December 1874. In August of 1877 the new building, designed by architect David Ross, was opened. The Otago Museum H D Skinner Annex (situated on the corner of the Museum Reserve) was opened in July 1879 and operated as the Dunedin North Post Office until the 1960s. It is now part of the Museum.

The management of the Museum was handed wholly to the University through the Otago Museum Act 1877 and was to remain vested in the University for almost 80 years, becoming a teaching museum and housing various University departments. Otago Museum is now managed by a Trust Board, established under the Otago Museum Trust Board Act 1996. The appointing bodies are the Dunedin City Council; the combined District Councils of Central Otago, Clutha and Waitaki; the University of Otago; the Association of Friends of the Otago Museum; the Otago Institute; and Manawhenua (the local Māori community).

The Museum comprises seven galleries, containing exhibits on Tākata Whenua, southern land and people, Otago natural and maritime history and cultures of the Pacific and wider world. The Animal Attic features nearly 3,000 historical specimens, and also within the Museum is the Discovery World Tropical Forest Tūhura Tropical Forest {MF cl.16} which contains live butterflies and an the {MF cl.16} interactive Discovery World of science Tūhura Otago Community Trust Science Centre {MF cl.16}.

The site is was {MF cl.16} zoned industrial in the operative plan The Dunedin City District Plan (2006) {PO cl.16}. Therefore, the key issue is was {MF cl.16} that the operative District Plan {MF cl.16} zoning is was {MF cl.16} neither efficient nor effective in terms of providing for the facility, enabling it to be further developed or redeveloped in the future, or in terms of managing its effects.

In response to this issue, the Second Generation Plan (2GP) this Plan proposes to apply applies {MF cl.16} an 'Otago Museum Zone' to the site. The Otago Museum Zone is tailored to provide for the continued efficient and effective operation of the Museum, while ensuring a reasonable level of amenity for surrounding streets and the Otago Museum Reserve. Entertainment and exhibition, conference, meeting and function, training and education and a range of community activities are provided for in the zone, and the Great King Street façade of the Museum and Otago Museum H D Skinner Annex Dunedin North Post Office (former) are listed as as scheduled heritage {MF cl.16} buildings.

The zone recognises the existing and foreseeable future uses of the Museum and provides certainty to the community regarding what land use activities can be expected to occur, while managing potential effects and ensuring compatibility with surrounding environments. The Otago Museum Zone is surrounded by Campus and Neighbourhood Centre Suburban Centre {MF cl.16} zones.

29.2 Objectives and Policies

Objective 29.2.1	
Otago Museum is able to operate efficiently and effectively.	
Policy 29.2.1.1	Enable entertainment and exhibition activities in the Otago Museum Zone.
Policy 29.2.1.2	Provide for conference, meeting and function, training and education and community activities where they are designed and operated in line with Objective 29.2.2 and its policies.
Policy 29.2.1.3	Only allow activities which are not provided for, where the following apply: a. the activities are related to or necessary to support the Otago Museum, or have other operational requirements which mean they need to locate within the zone; b. they will support the efficient and effective operation of Otago Museum; 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 29.2.2 and its policies.
Policy 29.2.1.4	Enable land that is surplus to the needs of the Otago Museum to transition to the Campus Zone, so that future development that is not related to the Otago Museum ~~can~~ <u>will</u> {PO cl.16} be managed in accordance with the objectives and policies of this zone.
Policy 29.2.1.5	Only allow subdivision <u>activities</u> {PO cl.16} where: a. ~~it is~~ <u>they are</u> {PO cl.16} in accordance with the provisions of the Campus Zone; and b. the subdivision does not adversely affect the efficient and effective operation of Otago Museum.

Objective 29.2.2

Land use activities and development necessary for the continued operation of Otago Museum is enabled, while ensuring it achieves a reasonable level of amenity for surrounding streets and the Otago Museum Reserve.

Policy 29.2.2.1	Require buildings and structures to be of a height that: a. maintains adequate sunlight access to the adjoining Otago Museum Reserve; and b. avoids significant adverse wind effects.
Policy 29.2.2.2	Require outdoor storage areas to be located or screened so they are not visible from ground level of a public place.
Policy 29.2.2.3	Require ancillary signs visible from outside the zone to be located and designed to maintain the amenity of surrounding streets and the Otago Museum Reserve, including by being of an appropriate size and number to convey information to passing pedestrians and motorists, and not being too oversized or numerous for that purpose.
Policy 29.2.2.4	Require landscaping that provides a reasonable level of streetscape amenity along the boundary of parking areas.
Policy 29.2.2.5	~~Require conference, meeting and function, training and education and community activities to be designed, located and operated to primarily serve staff and visitors to the Otago Museum.~~ {MF 268.5}
Policy 29.2.2.6	Only allow buildings between 25m - 40m in height where ~~they contribute positively to 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, are minimised as far as practicable through the use of~~ by being of a {MF 308.343 and 308.497} quality and contextually appropriate architectural design.
Policy 29.2.2.7	Only allow buildings over 40m in height where: a. the height is essential to the operation of Otago Museum; and b. the height exceedance is minimal.

EW cl.16: As a clause 16 amendment, Objective 29.2.3 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 29.3 Activity Status

Rule 29.3.1 Rule location

The activity status tables in rules 29.3.3 to 29.3.5 specify the activity status of land use activities, development activities, and subdivision activities in the Otago Museum Zone and relevant overlay zones **{MF cl.16}**, 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}**

29.3.2 Activity status introduction

1. The activity status **{MF cl.16}** tables in rules 29.3.3 - 29.3.5 show the activity status of activities in the Otago Museum Zone, provided any performance standards shown in the far right column are met.
2. Activities are split into three types: a. land use activities, b. development activities, c. subdivision activities. Within these types, activities are split into categories. The nested tables in Section 1.3 outline the hierarchy of categories, activities and sub-activities.
3. Permitted land use activities do not automatically provide for any related development activities. Therefore, the activity status of any associated development activities should also be checked.
4. Where a new land use activity requires a resource consent, all associated development activities will be considered and assessed as part of the resource consent even if the development otherwise meets the development performance standards listed in the Plan.
5. The nested tables in Section 1.3 **{MF cl.16}** 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

29.3.3 Activity status table - land use activities

1.	Performance standards that apply to all land use activities		a. Electrical interference b. Light spill c. Noise d. Minimum car parking
Commercial activities		Activity status	Performance standards
2.	Entertainment and exhibition	P	
3.	Commercial advertising	NC	
4.	Conference, meeting and function	P	
5.	Training and education	P	
X.	<u>Campus-affiliated office</u> {MF 308.5}	~~D~~ P {MF 308.5}	
6.	All other activities in the commercial activities category	D	
Community activities		Activity status	Performance standards
7.	Community and leisure - small scale	P	
8.	Community and leisure - large scale	RD	
9.	Early childhood education - small scale	P	
10.	Early childhood education - large scale	RD	
11.	All other activities in the community activities category	P	
Major facility activities		Activity status	Performance standards
12.	All activities in the major facility activities category	NC	
Residential activities		Activity status	Performance standards
13.	All activities in the residential activities category	NC	
Industrial activities		Activity status	Performance standards

14.	All activities in the industrial activities category	NC	
Rural activities		Activity status	Performance standards
15.	All activities in the rural activities category	NC	

29.3.4 Activity status table - development activities

1.	Performance standards that apply to all development activities		a. Setback from scheduled tree b. Boundary treatments
2.	Performance standards that apply to all buildings and structures activities		a. Number, design and location of ancillary signs b. Maximum height c. ~~Minimum floor level~~ {NH 917.27, 947.53 and others}
Buildings and structures activities (excluding activities affecting a protected part of a scheduled heritage building or scheduled heritage structure. See rows 5-9)		Activity status	Performance standards
3.	~~All buildings and additions and alterations to buildings~~	~~P {MF cl.16²}~~	
4.	~~All other {MF cl.16²}~~ Buildings and structures activities	~~P~~	
Buildings and structures activities that affect a protected part of a scheduled heritage building or scheduled heritage structure		Activity status	Performance standards
5.	~~Repairs and maintenance or restoration {Her 547.91}~~	~~P~~	a. Materials and design
X.	<u>Restoration of a building or structure that has a Heritage New Zealand Category 1 listing as detailed in Appendix A1.1 {Her 547.91}</u>	~~P C {Her 547.91}~~	a. Materials and design
Y.	<u>Restoration of all other scheduled heritage buildings and structures {Her 547.91}</u>	~~P~~	a. Materials and design
6.	Earthquake strengthening where external features only are protected	C	a. Materials and design
Z.	<u>Signs attached to buildings or structures {Her cl. 16³}</u>	~~P~~	
7.	All other additions and alterations	RD	
8.	Demolition	NC	
9.	Removal for relocation	RD	
Site development activities		Activity status	Performance standards
10.	Outdoor storage	P	a. Location and screening of outdoor storage

11.	Parking, loading and access	P	a. Parking, loading and access standards
12.	Storage and use of hazardous substances	P	a. Hazardous substances quantity limits and storage requirements
13.	~~Earthworks – small scale {EW cl.16}~~	P	a. ~~Earthworks standards~~
14.	~~Earthworks – large scale {EW cl.16}~~	RD	a. ~~Earthworks standards~~
15.	All other site development <u>activities</u> {MF cl.16}	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 **MF cl.16:** Removes repetition of activities.

³ **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 29.3.4A - 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 the District. If archaeological remains are discovered during any site works, at any location, the Accidental Discovery Protocol (Appendix A8) should be followed. **{MF cl.16}**

29.3.5 Activity status table - subdivision activities

Subdivision activities		Activity status	Performance standards
1.	Subdivision activities	RD	a. Subdivision performance standards

Note 29.3.5A - 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.

29.3.6 Transition to Campus Zone

On receipt of written notice from the landowner(s) of the Otago Museum Zone confirming that all or part of the land within the zone is surplus to requirements, the provisions of the Otago Museum Zone will no longer apply to that parcel of land and the provisions of the Campus Zone will apply in full.

Rule 29.4 Notification

1. Activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA.

Rule 29.5 Land Use Performance Standards

29.5.1 Electrical Interference

Land use activities must comply with Rule 9.3.2.

29.5.2 Light Spill

Land use activities must comply with Rule 9.3.5.

29.5.3 Minimum Car Parking

1. Otago Museum must provide a minimum of 17 parking spaces, including 1 mobility parking space.
2. Required parking spaces may be used for car, cycle or motorcycle parking, except for any required mobility parking spaces, which must be used for mobility car parking.
3. 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.
4. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

Note 29.5.3A - 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.

29.5.4 Noise

Land use activities must comply with Rule 9.3.6.

Rule 29.6 Development Performance Standards

29.6.1 Boundary Treatments

1. Where a building is not built to the street frontage, a landscaping area with a minimum width of 1.5m, must be provided along the full length of any road frontage (except for where vehicle access is provided).
2. Landscaping areas must:
 - a. be planted with a mix of trees and shrubs and/or ground cover plants that achieves a total coverage of the ground area in planting (when mature), except for 10% of the area, which may be used for pedestrian paths;
 - b. have an average of one tree for every 5m of frontage;
 - c. not have more than 10% cover in impermeable surfaces (for pedestrian paths);
 - d. be designed to allow surface water run-off from surrounding areas to enter;
 - e. be protected by a physical barrier that prevents cars from ~~accidentally driving into or~~ **{PO 360.213}** damaging plants;
 - f. for required trees, use trees that are at least 1.5m high at the time of planting and capable of growing to a minimum **{PO 360.213}** height of 5m within 10 years of planting;
 - g. be planted prior to occupation ~~or completion~~ of any relevant building(s) or upon completion of site development activities **{MF cl.16}**; and
 - h. be maintained to a high standard, which means trees and under-planting are healthy and areas are regularly cleared of rubbish and weeds.
3. Any road boundary fences provided must be placed on the property side of any required road frontage landscaping required by this rule **{PO 360.213}**.
4. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

29.6.2 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.

29.6.3 Hazardous Substances Quantity Limits and Storage Requirements

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

29.6.4 Location and Screening of Outdoor Storage

1. Service areas must be located or screened so that they are not visible at ground level from adjacent residential activities, residential zoned properties, or public places.
2. Outdoor storage, including service areas, must not encroach into required parking, loading or landscaping 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}**

29.6.5 Materials and Design

Repairs and maintenance, restoration and earthquake strengthening ~~that affect the protected part of a scheduled heritage building or structure~~ **{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.

29.6.6 Maximum Height

1. The maximum height for new buildings and structures, and additions and alterations, must not exceed 25m above ground level.
2. Rooftop structures are exempt from the performance standard for maximum height, provided they do not exceed the maximum height limit by more than 5m.
3. Activities that contravene the performance standard for maximum height but are no greater than 40m in height are a restricted discretionary activity.
4. Activities that are over 40m in height are a discretionary activity.

29.6.7 Minimum Floor Level {Confirmed for deletion - 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) Overlay Zone must comply with Rule 11.3.3: ~~{NH 917.27, 947.53 and others}~~

29.6.8 Number, Design and Location of Ancillary Signs

29.6.8.1 General

- a. Signs visible from outside the Otago Museum Zone must comply with the following standards, except that ~~{MF cl.16}~~:
 - i. ~~signs not visible from outside the Otago Museum Zone are exempt from these standards; and {MF cl.16}~~
 - ii. ~~signs within the Otago Museum Zone which are required for the purposes of a 'regulatory' (requiring or prohibiting specified actions), 'warning' (informing of hazards or of other features requiring a safe response) or 'directional' (identifying the location of, or direction to, destinations, routes and building entrances) function, are exempt from these standards: regulatory signs, warning signs, or directional signs {CMU 271.18 and others}~~
- b. Signs located on or ~~{PO cl.16}~~¹ 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 higher than 4m above ground level must only display the business name or major facility name.
- f. ~~Signs other than those specified in rules 29.6.8.2 and 29.6.8.3 are not allowed. {MF cl.16}~~
- g. Signs that contravene the performance standard for number, location and design of ancillary signs are restricted discretionary activities. ~~{PO cl.16}~~

¹ **PO cl.16:** Amended to reflect requirements of Rule 6.7.2

29.6.8.2 Signs attached to buildings

- a. The height, above ground level, at the highest point of any sign, attached to a building is 8m.
- b. Signs must not be attached to roofs.
- c. Signs must not project higher than the lowest point of the roof, except where mounted against a parapet or gable end.
- d. Signs attached flat against a building must:
 - i. not cumulatively exceed 15% of the total wall area (excluding windows) that face the road frontage, or 8m², whichever is lesser; and
 - ii. if attached to a verandah fascia, must not exceed a height of 500mm, or the height of a verandah fascia, whichever is greater.
- e. if attached on the underside of a verandah or protruding from a building façade, must:
 - i. have a maximum area per display face of 2m²;
 - ii. where attached to the façade of a building, must not project more than 1.5m from the façade to which it is attached;
 - iii. have a maximum of two display faces per sign; and
 - iv. not exceed one sign per 15m of street frontage.

29.6.8.3 Freestanding signs

- a. The maximum number of permanently fixed freestanding signs is two per site or 1 per 50m of street frontage, whichever is the lesser.
- b. The maximum number of portable freestanding signs is two per site or one per 50m of street frontage, whichever is the lesser.
- c. The maximum dimensions of freestanding signs are:
 - i. maximum height of 6m for permanently fixed freestanding signs;
 - ii. maximum height of 4m for portable freestanding signs;
 - iii. maximum area of 12m² per display face for permanently fixed freestanding signs;
 - iv. maximum area of 8m² per display face for portable freestanding signs;
 - v. maximum width of 2m; and
 - vi. maximum depth of 400mm **{PO cl.16}**.
- d. Portable freestanding signs must only be located in the Otago Museum Reserve and must not be located on the road reserve.
- e. ~~Permanently fixed and portable~~ **{PO cl.16}** Freestanding signs must:
 - i. ~~not obstruct driveways, parking or loading areas; and not obstruct parking, loading and access areas; and~~ **{PO cl.16}**
 - ii. be positioned entirely within the site boundaries.

Note 29.6A – 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 29.6.8B - Other requirements outside of the District Plan

1. For additional restrictions that may apply to signs, see also: **{PO cl.16}**
 - a. NZ Transport Agency *Traffic Control Devices Manual, Part 3, Advertising Signs and Signs on State Highways Bylaw* {PO cl.16 and Trans 881.137}
 - b. Dunedin City Council Commercial Use of Footpaths Policy.
 - c. Dunedin City Council Roadway Bylaw.
 - d. Dunedin City Council Traffic and Parking Bylaw. {PO cl.16}

29.6.9 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

29.6.10 Setback from Scheduled Tree

~~New buildings and~~ **{MF cl.16}** Structures, additions and or 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.

Rule 29.7 Subdivision Performance Standards

Subdivision activities must comply with Rule 34.7.

Rule 29.8 Assessment of Controlled Activities

Rule 29.8.1 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 29.8.2:
 - 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 29.9; 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 29.11; 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 29.12; and
 - iii. the assessment guidance in this section will also be considered.

29.8.2 Assessment of all controlled activities

Development activity	Matters of control	Guidance on the assessment of the resource consents

29.8.2 Assessment of all controlled activities

Development activity	Matters of control	Guidance on the assessment of the resource consents
1. <u>Affecting a scheduled heritage building or a scheduled heritage structure: {Her cl.16}</u> • Earthquake strengthening that affects a protected part of a scheduled heritage building or scheduled heritage structure, where external features only are protected. • <u>Restoration of a protected part of a scheduled heritage building or scheduled heritage structure that has a Heritage New Zealand Category 1 listing (as detailed in Appendix A1.1) {Her 547.91}</u>	a. Effects on heritage values	See Rule 13.4

Rule 29.9 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 29.9.1 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 29.9.2 - 29.9.5:
 - 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 29.9.2 - 29.9.5 apply as follows: {MF cl.16}
 - a. Rule 29.9.2 applies to all performance standard contraventions;
 - b. Rule 29.9.3 applies to land use performance standard contraventions;
 - c. Rule 29.9.4 applies to development performance standard contraventions; and
 - d. Rule 29.9.5 applies to subdivision performance standard contraventions. {MF cl.16}

29.9.2 Assessment of all performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. All performance standard contraventions	<i>Relevant objectives and policies:</i> a. Objective 29.2.1 <i>Potential circumstances that may support a consent application include:</i> b. The degree of non-compliance with the the {MF cl.16} performance standard is minor. c. The need to meet other performance standards, or topography or other site specific factors, make meeting the standard impracticable. d. Topography or other site specific factors make the standard irrelevant as the adverse effects that the standard is trying to manage will not occur. e. 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. <i>General assessment guidance:</i> 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.

29.9.3 Assessment of land use performance standard contraventions

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. Minimum car parking	a. Effects on the safety and efficiency of the transport network <u>b. Effects on accessibility {Trans cl.16}</u>	See Rule 6.9

¹ **Trans cl.16:** Under Transportation section assessment rules (Rule 6.9.3.6.a), 'effects on accessibility' is a matter of discretion for contraventions of minimum car parking performance standards. However, this matter of discretion was inadvertently omitted from notified Section 29 assessment rules. The correction of this error, via the addition of Rule 29.9.3.2.b, does not result in a substantive change to the effect of provisions.

29.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	Boundary treatments	a. Effects on streetscape amenity	<i>Relevant objectives and policies:</i> i. Objective 29.2.2 ii. Require landscaping that provides a reasonable level of streetscape amenity along the boundary of parking and loading {MF cl.16} areas (Policy 29.2.2.4). <i>Potential circumstances that may support a consent application include:</i> iii. The landscaping will be effective in breaking up (softening) carparking areas when viewed from the street.
2.	Earthworks standards: • Batter gradient {EW cl.16} ¹	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 29.2.3 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 29.2.3.1.b). <i>Conditions that may be imposed include, but are not limited to:</i> 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.
3.	Earthworks standards: • Setback from property boundary, buildings, structures and cliffs {EW cl.16} ¹	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 29.2.3 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 29.2.3.1.a).
4.	Earthworks standards • Setback from network utilities {EW cl.16} ¹	a. Effects on efficient and effective operation of network utilities b. Effects on health and safety	See Rule 5.7

29.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
5.	Earthworks standards: • Sediment control {EW cl.16} ¹	a. Effects on surrounding sites	<i>Relevant objectives and policies:</i> i. Objective 29.2.3 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, or the coastal marine area {EW 1071.106} (Policy 29.2.3.2.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
6.	Hazardous substances quantity limits and storage requirements	a. Effects on health and safety	See Rule 9.4
		b. Risk from natural hazards {PO cl.16}	See Rule 11.4 {PO cl.16}
7.	Location and screening of outdoor storage	a. Effects on streetscape amenity	<i>Relevant objectives and policies:</i> i. Objective 29.2.2 ii. Require outdoor storage areas, to be located or screened so they are not visible from ground level of a public place (Policy 29.2.2.2). <i>Potential circumstances that may support a consent application include:</i> iii. Screening would restrict accessibility by service vehicles or access to the service area for everyday use. iv. The site layout prevents the outdoor storage areas from being visible from any public place without additional screening being required.

29.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
8.	<u>Affecting a scheduled heritage building or scheduled heritage structure</u> { <i>Her cl.16</i> } • Materials and design	a. Effects on heritage values (~~work on~~ scheduled heritage buildings or structures) { <i>MF cl.16</i> }	See Rule 13.5
9.	Maximum height (<u>no greater than 40m in height</u>) { <i>MF cl.16</i> }	a. Effects on pedestrian amenity	<i>Relevant objectives and policies:</i> i. Objective 29.2.2 ii. Buildings and structures are of a height that: 1. maintains adequate sunlight access to the adjoining Otago Museum Reserve; and 2. avoids significant adverse wind effects (Policy 29.2.2.1). iii. ~~Only allow buildings~~ <u>Buildings</u> between 25m - 40m in height 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~~ {<i>MF 308.343 and 308.497</i>} (Policy 29.2.2.6). <i>Potential circumstances that may support a consent application include:</i> iv. Sunlight admission to the footpath, street and Otago Museum Reserve is maintained
10.	Minimum floor level (hazard overlays) { <i>NH 917.27, 947.53 and others</i> }	a. Risk from natural hazards	See Rule 11.4

29.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
11.	Number, design and location of ancillary signs	a. Effects on streetscape amenity	<i>Relevant objectives and policies:</i> i. Objective 29.2.2 ii. Require ancillary signs visible from outside the zone to be located and designed to maintain the amenity of surrounding streets and the Otago Museum Reserve, including by being of an appropriate size and number to convey information to passing pedestrians and motorists, and not being too oversized or numerous for that purpose (Policy 29.2.2.3). <i>Potential circumstances that may support a consent application include:</i> iii. An attractive streetscape is maintained. iv. The high amenity of the Otago Museum Reserve is maintained. v. The visual cohesion of the street is maintained by the increase in size or number of signs.
		b. Effects on the safety and efficiency of the transport network	See Rule 6.9
12.	Parking, loading and access standards	a. Effects on the safety and efficiency of the transport network	See Rule 6.9
13.	Setback from scheduled tree	a. Effects on long term health of tree	See Rule 7.6

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.

29.9.5 Assessment of subdivision performance standard contraventions

Performance standard		Guidance on the assessment of resource consents
1.	Subdivision performance standards	See Rule 34.9

Rule 29.10 Assessment of Restricted Discretionary Activities

Rule 29.10.1 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 29.10.2 - 29.10.5:
 - 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 29.10.2 - 29.10.5 apply as follows: {MF cl.16}
 - a. Rule 29.10.2 applies to all restricted discretionary activities;
 - b. Rule 29.10.3 applies to restricted discretionary land use activities;
 - c. Rule 29.10.4 applies to restricted discretionary development activities; and
 - d. Rule 29.10.5 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 ~~minimize~~ minimise {cl.16} 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 29.9; 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 29.11; 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 29.12; and
 - iii. the assessment guidance in this section will also be considered.

29.10.2 Assessment of all restricted discretionary activities

Activity	Guidance on the assessment of resource consents
1. All restricted discretionary activities	a. the degree of non-compliance with the performance standard is minor

29.10.3 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
A. All high trip generators, which include: {Trans cl.16} any activities that generate 250 or more vehicle movements a day {Trans cl.16}	a. Effects on accessibility {Trans cl.16} b. Effects on the safety and efficiency of the transport network {Trans cl.16}	See Rule 6.10 {Trans cl.16}
1. - Early childhood education - large scale - Community and leisure - large scale	a. Effects on the safety and efficiency of the transport network	See Rule 6.10

¹ **Trans cl.16:** Under Transportation section assessment rules (Rule 6.10.2.7a&b), 'effects on accessibility' and 'effects on safety and efficiency of the transport network' are matters of discretion for high trip generators, which include land use activities that generate 250 or more vehicle movements a day. However, the rule necessary to link to Rule 6.10.2.7 was inadvertently omitted from notified Section 29 assessment rules. The correction of this error, via the addition of Rule 29.10.3.A, does not result in a substantive change to the effect of provisions.

29.10.4 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. Activities affecting a <u>scheduled heritage building</u> or <u>scheduled heritage structure</u>: {Her cl.16} - All other Additions and alterations that affect a <u>protected part of a scheduled heritage building or scheduled heritage structure</u> {MF cl.16} - Removal for relocation of buildings and structures activities that affect a protected part of a scheduled heritage building or scheduled heritage structure {Her cl.16}	a. Effects on heritage values	See Rule 13.6

29.10.4 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
2. Earthworks – large scale (that exceed the scale thresholds for the Otago Museum Zone) {EW cl.16} ¹	a. Effects on visual amenity and character b. Effects on the amenity of surrounding properties	<i>Relevant objectives and policies:</i> i. Objective 29.2.3 ii. Adverse effects on visual amenity and character will be avoided or, if avoidance is not possible, adequately mitigated (Policy 29.2.3.3.a). iii. Adverse effects on the amenity of surrounding properties, including from changes to drainage patterns, will be avoided or, if avoidance is not possible, adequately mitigated (Policy 29.2.3.3.b). <i>Potential circumstances that may support a consent application include:</i> iv. There is no, or only minimal, alteration to the natural landform. v. Any cut or fill will be restored or treated to resemble natural landforms. vi. The earthworks will not remove or effect existing vegetation or landscaping. <i>Conditions that may be imposed include, but are not limited to:</i> vii. Measures to minimise visual effects, e.g. requirements for revegetation and/or landscaping. viii. Maximum slopes of cut and fill batters. ix. Measures to divert surface water and rain away from, or prevent from discharging over, batter faces and other areas of bare earth. x. Measures to ensure there are no adverse effects from changes to drainage patterns on surrounding properties. xi. Requirement to de-compact soils; to take other remedial action to ensure the natural absorption capacity of the soils is not reduced; or to use other mitigation measures to ensure the overall absorption of rain water on-site is not diminished.

29.10.4 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
	c. Effects on the stability of land, buildings, and structures	<i>Relevant objectives and policies:</i> i. Objective 29.2.3 ii. Adverse effects on the stability of land, buildings, and structures will be avoided or, if avoidance is not possible, adequately mitigated (Policy 29.2.3.3.c). <i>Potential circumstances that may support a consent application include:</i> 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 29.13.1). 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 hazard (flood) overlay zone {EW cl.16} ¹	a. Risk from natural hazards	See Rule 11.5
4. Parking, loading and access which creates 50 or more new parking spaces {Trans cl.16}	a. Effects on the safety and efficiency of transport network {Trans cl.16}	See Rule 6.10 {Trans cl.16}

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

² **Trans cl. 16:** Parking, loading and access which creates 50 or more new parking spaces is not an activity managed under this zone and its inclusion in the assessment of restricted discretionary development activities was done so erroneously.

29.10.5 Assessment of restricted discretionary subdivision activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. Subdivision	a. Effects on the efficient and effective operation of Otago Museum See Rule 34.10	<i>Relevant objectives and policies:</i> i. Objectives 29.2.1, 2.3.1 ii. Subdivision does not adversely affect the efficient and effective operation of Otago Museum (Policy 29.2.1.5.b).

Rule 29.11 Assessment of Discretionary Activities

Rule 29.11.1 Introduction

1. Discretionary activities will be assessed in accordance with section 104 and 104B of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rules 29.11.2 and 29.11.3 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 29.11.2 and 29.11.3 apply as follows: {MF cl.16}
 - a. Rule 29.11.2 applies to discretionary activities; and
 - b. Rule 29.11.3 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.

29.11.2 Assessment of discretionary activities

Activity	Guidance on the assessment of resource consents

29.11.2 Assessment of discretionary activities

Activity	Guidance on the assessment of resource consents
1. <u>All discretionary land use activities which include: {MF cl.16}</u> Commercial activities (except conference, meeting and function, entertainment and exhibition, campus-affiliated office, {MF 308.5} commercial advertising {MF cl.16} and training and education)	<i>Relevant objectives and policies (priority considerations):</i> - Objectives 2.3.1, 2.3.3 - Objective 29.2.1 - Activities that are not provided for: - are related to or necessary to support the Otago Museum, or have other operational requirements that mean they need to locate in the zone; - support the efficient and effective operation of Otago Museum; - are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and - are designed and operated in line with Objective 29.2.2 and its policies (Policy 29.2.1.3). <i>Potential circumstances that may support a consent application include:</i> - For discretionary land use activities, whether any associated development activities meet relevant development performance standards, or are otherwise consistent with relevant objectives and policies for development (see Rule 29.9 for <u>assessment of {MF cl.16}</u> performance standard contraventions). - All relevant land use performance standards are met, including noise and light spill standards. <i>General assessment guidance:</i> - In assessing the significance of effects, consideration will be given to: - short to long term effects, including effects in combination with other activities; and - 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. - 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: {MF cl.16²} <i>Relevant guidance from other sections (priority considerations):</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.16¹} - See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety. {PHS cl.16} - See Section 14.5 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on cultural values

29.11.2 Assessment of discretionary activities

Activity	Guidance on the assessment of resource consents
	<u>of Manawhenua. {MW 1071.3}</u>

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.

² **MF cl.16:** Not relevant.

29.11.3 Assessment of discretionary performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. - 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	<i>Relevant guidance from other sections (priority considerations):</i> See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.
2. Maximum height (buildings over 40m in height)	<i>Relevant objectives and policies:</i> - Objective 29.2.2 - Buildings and structures are of a height that: - maintains adequate sunlight access to the adjoining Otago Museum Reserve; and - avoids significant adverse wind effect (Policy 29.2.2.1). - Only allow buildings over 40m in height where: - the height is essential to the operation of Otago Museum; and - the height exceedance is minimal (Policy 29.2.2.7) Potential circumstances that may support a consent application include: - Sunlight admission to the footpath, street and Otago Museum Reserve is maintained

Rule 29.12 Assessment of Non-complying Activities

Rule 29.12.1 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 29.12.2 and 29.12.3 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 29.12.2 and 29.12.3 apply as follows: **{MF cl.16}**
 - a. Rule 29.12.2 applies to non-complying activities; and
 - b. Rule 29.12.3 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.

29.12.2 Assessment of non-complying activities

Activity	Guidance on the assessment of resource consents
1. All non-complying activities including ~~all activities in but not limited to activities listed below~~ {MF cl.16} : • ~~the major facilities activities category~~ • ~~the residential activities category~~ • ~~the industrial activities category~~ • ~~the rural activities category~~ {MF cl.16}	<i>Relevant objectives and policies (priority considerations):</i> a. Objectives 2.3.1, 2.3.3 b. Objective 29.2.1 c. Activities that are not provided for are only allowed where they: i. are related to or necessary to support the Otago Museum; ii. have other operational requirements which mean they need to locate within the zone; iii. will support the efficient and effective operation of Otago Museum; iv. are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and v. are designed and operated in line with Objective 29.2.2 and its policies. (Policy 29.2.1.3). <i>Relevant guidance from other sections (priority considerations):</i> d. 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} e. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety. {PHS cl.16} f. 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}

29.12.2 Assessment of non-complying activities

Activity	Guidance on the assessment of resource consents
2. Commercial advertising in all zones {PO cl.16}	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 2.4.1 b. Policy 2.4.1.6.c
3. Demolition of a protected part of a scheduled heritage building or scheduled heritage structure	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 13.8 for guidance on the assessment of resource consents in relation to Objective 13.2.1 and effects related to heritage values.

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.

29.12.3 Assessment of non-complying performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. • Light spill - where the limit is exceeded by greater than 25% • Noise - where the limit is exceeded by 5dB LAeq (15 min) or more	<i>Relevant guidance from other sections (priority considerations):</i> 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.

Rule 29.13 Special Information Requirements {Confirmed to be deleted - EW cl.16}

EW cl.16: As a clause 16 amendment, Rule 29.13.1 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.

30. Port

30.1 Introduction

Port Chalmers is located on the northern side of Otago Harbour. The locality, known to Māori as Kōpūtai, is where local Ngāi Tahu sold the Otago block to the New Zealand Company in 1844. A European town was founded there when Otago was settled in 1848. The Union Steam Ship Company started in 1875 and in 1882 the first frozen meat shipped from New Zealand to the northern hemisphere left from the port. Port Chalmers ('the Port') became the lower South Island's deep-water container port in 1977. The port is a major exporter of meat, dairy, fish, forestry products and apples, and hosts cruise ships throughout the summer.

The key resource management issues with regard to the Port relate to noise, glare/light spill, and effects on the amenity of nearby residential land uses, as well as a need to provide for the expansion of Port activities. Notably, while the operative Dunedin City District Plan (2006) **{Port cl.16}** applies a specific Port Zone to Port Chalmers the Port, it does not provide for future expansion and changes in the nature of port activities.

In response to these issues, **{PO cl.16}** the Second Generation Plan (2GP) this Plan, **{Port cl.16}** proposes to amend **{PO cl.16}** the "Port Zone" that applies to the site. The zone **{PO cl.16}** applies to the existing operational area of the port and includes land which extends from MacAndrew Road and Peninsula Beach Road to the coast, and sites on Beach Street.

The intent objectives **{PO cl.16}** of the zone is for Port Chalmers are to enable the Port **{PO cl.16}** to operate efficiently and effectively as a key shipping and passenger port for the region, while managing effects on the amenity of surrounding zones so that adverse effects are avoided or mitigated as far as practicable, and people's health and safety is maintained.

Only industry, and port and community and leisure - small scale **{Port 737.28}** activities are provided for in the zone. Both of these Industry and port **{Port 737.28}** activities are broadly defined, and incorporate all activities associated with the normal operation of the port. Potential adverse effects of port activity on surrounding properties are managed through:

- performance standards focused on the management of the effects of noise (including through port funded acoustic insulation of existing residential properties buildings within a noise affected property **{Port 737.25}**) within a mapped area (**port noise control mapped area**);
- managing the establishment of new noise sensitive activities within the **port noise control mapped area**;
- restricting the height of shipping container stacks, with a greater restriction at Back Beach and Boiler Point compared to the rest of the Port Zone;
- applying a light spill performance standard measured at the boundary of residential zoned sites; and
- not allowing requiring the storage of materials outside (including logs, woodchips or fertiliser) to be undertaken in a manner which ensures material will not become windblown or contaminate any off-site areas north of George Street in Port Chalmers (Boiler Point area): **{Port 737.25}**

30.2 Objectives and Policies

Objective 30.2.1	
The p <u>Port</u> at Port Chalmers is able to operate efficiently and effectively as a key shipping and passenger port for the region.	
Policy 30.2.1.1	Enable port activities, including activities that are ancillary to port activities.
Policy 30.2.1.2	Provide for industry in recognition that this activity is compatible with the operation of the p <u>Port</u> and can support its efficient and effective operation.
Policy 30.2.1.3	Avoid the establishment of activities that are not related to the operation of the p <u>Port</u> and may conflict with the ability of the p <u>Port</u> to operate efficiently and effectively.
Policy 30.2.1.4	Only allow subdivision <u>activities</u> {PO cl.16} where necessary for: - the operation of the p<u>Port</u> at Port Chalmers; or - the disposal of surplus land in accordance with Policy policies 2.3.1.4 and {Port cl.16} 2.3.1.6, and the objectives and policies of the Industrial Port Zone.
Objective 30.2.2	
Land use, development and subdivision activities necessary for the p <u>Port</u> at Port Chalmers to operate efficiently and effectively ~~is are~~ enabled while: - adverse effects on the amenity of surrounding zones are avoided or mitigated as far as practicable; and - people's health and safety is maintained.	
Policy 30.2.2.1	Require buildings, structures and outdoor storage, including shipping containers, to be of a height that avoids or mitigates significant adverse effects on visual amenity in Port Chalmers and Carey's Bay, as far as practicable.
Policy 30.2.2.2	Require fertiliser, woodchips <u>and other materials</u> {Port 737.26} to be stored in a <u>location and manner and in an area</u> {Port 737.26} where they ~~will not~~ <u>are unlikely to</u> {Port 737.26} become windblown and will not contaminate any off-site areas.
Policy 30.2.2.3	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 30.2.2.4	Require land use activities to operate, and development to be designed, to ensure that adverse effects from noise on the health of people ~~can will~~ {PO cl.16} be avoided or, ~~if avoidance is not possible, adequately mitigated~~ <u>minimised as far as practicable.</u> {Port 391.2} .

EW cl.16: As a clause 16 amendment, Objective 30.2.3 and its policies have been moved to the new city-wide section (Section 8A) Any amendments to provisions as a result of submissions are shown there.

Rules

Rule 30.3 Activity Status

30.3.1 Rule location

The activity status tables in rules Tables 30.3.3 to 30.3.5 in Rule 30.3.2 specify the activity status of land use activities, development activities, and subdivision activities in the Port Zone and relevant overlay zones **{Port cl.16}**, 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 (Section 6)
5. Scheduled Trees (Section 7)
6. Natural Hazard Mitigation Activities **{PO cl.16}** (Section 8)
7. Earthworks (Section 8A) **{EW cl.16}**

30.3.2 Activity status introduction

1. The activity status **{MF cl.16}** tables in rules 30.3.3-30.3.5 show the activity status of activities in the Port Zone and the overlay zones indicated **{Port cl.16}**, 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 1.36 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 1.36 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

30.3.3 Activity status table - land use activities

1.	Performance standards that apply to all land use activities		a. Electrical interference b. Light spill
Major facility activities		Activity status	Performance standards
2.	Port	P	a. Port Noise Management {Port 391.2}
3.	All other activities in the major facility activities category	NC	
Industrial activities		Activity status	Performance standards
4.	Industry	P	a. Minimum vehicle loading b. Noise (Rule 9.3.6) {Port cl.16}
Commercial activities		Activity status	Performance standards
5.	All activities in the commercial activities category	NC	
Community activities		Activity status	Performance standards
X. {Port 737.28}	Community and leisure - small scale {Port 737.28}	NC P {Port 737.28}	
6.	All other {Port 737.28} activities in the community activities category	NC	
Rural activities		Activity status	Performance standards
7.	All activities in the rural activities category	NC	
Residential activities		Activity status	Performance standards
8.	All activities in the residential activities category	NC	

30.3.4 Activity status table - development activities

Buildings and structures activities		Activity status	Performance standards
1.	All buildings and structures activities	P	a. Maximum height b. Number, location ~~ed~~ and designed of ancillary signs {Port cl.16}
Site development activities		Activity status	Performance standards
2.	Earthworks – <i>small scale</i> {EW cl.16’}	P {EW cl.16’}	a. Earthworks standards {EW cl.16’}
3.	Earthworks – <i>large scale</i> {EW cl.16’}	RD- {EW cl.16’}	a. Earthworks standards {EW cl.16’}
4.	Outdoor storage	P	a. Location of outdoor storage (fertiliser, woodchips and logs) b. Maximum height c. Securing of outdoor storage {Port cl.16}
5.	Parking, loading and access	P	a. Parking, loading and access standards
6.	Storage and use of hazardous substances {PHS 85.1}	P	a. Hazardous substances quantity limits and storage requirements
7.	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.

Note 30.3.4A - General advice

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

30.3.5 Activity status table - subdivision activities

Subdivision activities		Activity status	Performance standards
1.	Subdivision activities	RD	a. Subdivision performance standards

Note 30.3.5A - 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 30.3.6 Transition to the Industrial Port Zone

On receipt of written notice from the Port of Otago to Dunedin City Council confirming that all or part of the land within the pPort zZone is surplus to the requirements of the Port of Otago, the provisions of the Port Zone will no longer apply to that parcel of land and the provisions of the Industrial Port Zone will apply in full.

Rule 30.4 Notification

- Activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA.

Rule 30.5 Land Use Performance Standards

30.5.1 Electrical Interference

Land use activities must comply with Rule 9.3.2.

30.5.2 Light Spill

Land use activities must comply with Rule 9.3.5.

30.5.3 Minimum Vehicle Loading

- Land use activities must provide on-site vehicle loading and manoeuvring as follows: **{Trans cl.16}**

Activity {Trans cl.16}	Minimum vehicle loading {Trans cl.16}
a. Industry {Port cl.16}	Industry activity on all sites must provide one {Trans cl.16} loading space; {Trans cl.16} to accommodate an 8m rigid truck (see Figure 6-14J 6B.10 {Trans cl.16}).

- Required vehicle loading must be designed and constructed to comply with Rule 6.6.2. **{Trans cl.16}**
- Activities that contravene this performance standard are restricted discretionary activities. **{PO cl.16}**

¹ **Trans cl.16:** To align with rule structure in rest of Plan

30.5.4 Port Noise Management {was "Port Noise" - Port 391.2}

- For all port activity, the Port Operator The operator of the port **{Port cl.16}** at Port Chalmers must:
 - develop a noise management and noise mitigation plan for Port Chalmers to provide for noise minimisation, mitigation of the effects of port noise and community liaison;
 - investigate and adopt the best practicable option to minimise port noise emissions, including specific measures to reduce the occurrence of loud, single noise events (including those associated with handling containers and logs); **{Port 516.1}**
 - produce and, at all times, operate in accordance with a port noise management plan, which must include, but is not limited to, the matters set out in Appendix 30A;
 - implement and annually update **{Port 391.2}** a port noise mitigation plan for the purchase or acoustic treatment of noise affected properties, which must include, but is not limited to, the matters set out in Appendix 30B; and
 - establish, maintain and participate in a port noise liaison committee, which must operate in accordance with the requirements set out in Appendix 30C.
- The measurement of port noise must be in accordance with NZS6801:2008 Acoustics – Measurement of Environmental Sound, and assessment must be in accordance with NZS6809:1999 Acoustics – Port Noise Management and Land Use Planning, provided that: **{Port 391.2 and 516.1}**
 - subject to Rule 9.3.6.6 a., the rating level described in clause 7.3 of NZS6809:1999 Acoustics – Port Noise Management and Land Use Planning must be determined for the sole purpose of defining any Leq (15 min) sound level, required for the purposes of Appendices 30A and 30B; and **{Port 391.2}**
 - adjustments for any special audible characteristics to any Leq (15 min) made in accordance with clause

7.3 and A6 of NZS6809:1999 must, except for audible warning devices, not apply to noise from log and container handling activities. **{Port 516.1}**

3. For the purpose of comparison with noise criteria specified in Appendix 30B the following apply: **{Port 391.2}**
 - a. in calculating any L_{dn} (5 day average), one ship visit of up to five days duration, must be deemed to be one occasion; and **{Port 391.2}**
 - b. in assessing any Leq (15 min) sound level between 10pm and 7am the following day, one ship visit of up to five days duration must be deemed to be one occasion. **{Port 391.2}**
4. Port activity that does not comply with contravenes **{PO cl.16}** the performance standard for Port Noise Management **{Port 391.2}** is a non-complying activity.

Note: Industry must comply with Rule 9.3.6. **{Port cl.16}**

30.5.5 Noise {confirmed for addition - Port cl.16¹}

Industry must comply with Rule 9.3.6. {Port cl.16¹}

¹ **Port cl.16:** To clarify that Industry must comply with Rule 9.3.6, instead of relying on rule reference in activity status table and to align with standard drafting protocol, no substantive change to rules.

Rule 30.6 Development Performance Standards {was "Development Activities Performance Standards" - Port cl.16}

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

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

30.6.2 Hazardous Substances Quantity Limits and Storage Requirements {Confirmed for deletion - PHS 85.1}

~~The storage and use of hazardous substances must comply with Rule 9.3.4. {PHS 85.1}~~

30.6.3 Location of Outdoor Storage

1. Woodchips and logs must not be stored in the **port wood exclusion mapped area**.
2. Fertiliser must not be stored outside, or in a building that is not fully enclosed.
3. Materials must be stored in a way that prevents materials contaminating any off-site area. {Port cl. 16¹}

¹ **MF cl.16:** As a clause 16 amendment, this content has been moved from 30.6.7. This is not a substantive change.

Port Wood Exclusion Mapped Area



Image updated - {Port 391.2}

30.6.4 Maximum Height

1. The maximum height of new buildings and structures activities, additions and alterations, and outdoor storage, including the temporary storage of shipping containers, must not exceed 30m above ground level, except:
 - a. in the **Boiler Point and Back Beach height mapped area** the maximum height is 15m;
 - b. quayside and container cranes, and light towers are exempt from the maximum height limit; and

- c. rooftop structures are exempt from the performance standard for height provided they do not exceed the maximum height limit for all other buildings and structures by more than one third of that limit or 5m, whichever is the lesser.

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

Boiler Point and Back Beach Height Mapped Area



30.6.5 Number, Location and Design of Ancillary Signs

30.6.5.1 General

- a. Signs must comply with the following standards, except the following signs are exempt from these standards:
 - i. signs that are not visible from outside the Port 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' **{Port cl.16}** (excluding commercial sponsorship names).
- b. Signs located on or **{PO cl.16}** 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 higher than 4m above ground level must only display the business name or major facility name.
- f. ~~Signs other than those specified in rules 30.6.5.2 and 30.6.5.3 are not allowed.~~ **{Port cl.16}**
- g. Signs that contravene the performance standard for number, location and design of ancillary signs are restricted discretionary activities. **{PO cl.16}**

¹ **PO cl.16:** Amended to reflect requirements of Rule 6.7.2

30.6.5.2 Signs attached to buildings

- a. The height, above ground level, at the highest point of any sign, attached to a building is 8m.
- b. Signs must not be attached to roofs.
- c. Signs must not project higher than the lowest point of the roof, except where mounted against a parapet or gable end.
- d. Signs attached flat against a building must:
 - i. not cumulatively exceed 15% of the total wall area (excluding windows) that face the street frontage, or 8m², whichever is lesser; and
 - ii. if attached to a verandah fascia, must not exceed a height of 500mm, or the height of a verandah fascia, whichever is greater.
- e. If attached on the underside of a verandah or protruding from a building façade, signs must:
 - i. where attached to the façade of a building, not protrude more than 1.5m from the façade;
 - ii. have a maximum area per display face of 2m²;
 - iii. have a maximum of 2 display faces per sign; and
 - iv. not exceed 1 sign per 15m of street frontage and a maximum of 3 signs per building.

30.6.5.3 Freestanding signs

- a. The maximum number of freestanding signs is:
 - i. 2 per site or 1 per 50m of street frontage, whichever is the lesser, for permanently fixed freestanding signs, and
 - ii. 2 per site or 1 per 50m of street frontage, whichever is the lesser, for portable freestanding signs.
- b. The maximum dimensions of freestanding signs are:
 - i. maximum height of 8m for permanently fixed freestanding signs;

- ii. maximum height of 4m for portable freestanding signs;
 - iii. maximum area of 16m² per display face for permanently fixed freestanding signs;
 - iv. maximum area of 8m² per display face for portable freestanding signs;
 - v. maximum width of 2m; and
 - vi. maximum depth of 400mm **{PO cl.16}**.
- c. Freestanding signs must not:
- i. ~~obstruct driveways, parking or loading areas; and not obstruct parking, loading and access areas; and~~ **{PO cl.16}**
 - ii. be positioned entirely within the site boundaries.

Note 30.6A - 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 30.6.5B - Other requirements outside of the District Plan

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

30.6.6 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

30.6.7 Securing of Outdoor Storage {Confirmed for deletion - Ind cl.16}

- 1. ~~Materials must be stored in a way that prevents materials contaminating any off-site area: {Port cl.16¹}~~

¹ **Port cl.16:** As a clause 16 amendment, this content has been moved to 30.6.3. This is not a substantive change.

Rule 30.7 Subdivision Performance Standards

Subdivision activities must comply with Rule 19.7.

Rule 30.8 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 30.8.1 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 30.8.2 - 30.8.5:
 - 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 30.8.2 - 30.8.5 apply as follows: {Port cl.16}
 - a. Rule 30.8.2 applies to all performance standard contraventions;
 - b. Rule 30.8.3 applies to land use performance standard contraventions;
 - c. Rule 30.8.4 applies to development performance standard contraventions; and
 - d. Rule 30.8.5 applies to subdivision performance standard contraventions. {Port cl.16}

30.8.2 Assessment of all performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. All performance standard contraventions	<i>Potential circumstances that may support a consent application include:</i> a. The degree of non-compliance with the performance standard is minor. <i>General assessment guidance:</i> b. Where more than one standard is contravened, the combined effects of the contraventions should be considered.

30.8.3 Assessment of land use performance standard contraventions

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. Minimum vehicle loading	a. Effects on the safety and efficiency of the transport network	See Rule 6.9

30.8.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	Earthworks standards: {EW cl.16'} Batter gradient {EW cl.16'}	a. Effects on the stability of land, buildings and structures {EW cl.16'}	<i>Relevant objectives and policies: {EW cl.16'}</i> - Objective 30.2.3 {EW cl.16'} - Earthworks and associated retaining structures are located and designed to avoid adverse effects on the stability of land, buildings, and structures by using a batter gradient that will be stable over time (Policy 30.2.3.1.b): {EW cl.16'} <i>Conditions that may be imposed include, but are not limited to: {EW cl.16'}</i> - Maximum slopes of cut and fill batters: {EW cl.16'} - Time limits for retaining wall installation to avoid leaving a cut slope unsupported for an extended period: {EW cl.16'} - Temporary shoring requirements to maintain stability before a wall is constructed: {EW cl.16'} - Supervision and monitoring requirements for retaining wall construction and standard earthworks construction: {EW cl.16'}
2.	Earthworks standards: {EW cl.16'} Setback from property boundary, buildings, structures and cliffs {EW cl.16'}	a. Effects on the stability of land, buildings and structures {EW cl.16'}	<i>Relevant objectives and policies: {EW cl.16'}</i> - Objective 30.2.3 {EW cl.16'} - 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 30.2.3.1.a): {EW cl.16'}
3.	Earthworks standards: {EW cl.16'} Setback from network utilities {EW cl.16'}	a. Effects on efficient and effective operation of network utilities {EW cl.16'} b. Effects on health and safety {EW cl.16'}	See Rule 5.7 {EW cl.16'}

30.8.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
4.	Earthworks standards: {EW cl.16'} • Sediment control {EW cl.16'}	a. Effects on surrounding sites {EW cl.16'}	<i>Relevant objectives and policies: {EW cl.16'}</i> i. Objective 30.2.3 {EW cl.16'} 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 (Policy 30.2.3.2.b): {EW cl.16'}
		b. Effects on biodiversity values and natural character of riparian margins and coast {EW cl.16'}	See Rule 10.4 {EW cl.16'}
		c. Effects on the efficiency and/or affordability of infrastructure {EW cl.16'}	See Rule 9.4 {EW cl.16'}
5.	Hazardous substances quantity limits and storage requirements {PHS 85.1}	a. Effects on health and safety {PHS 85.1}	See Rule 9.4 {PHS 85.1}
		b. Risk from natural hazards {PHS 85.1}	See Rule 11.4 {PHS 85.1}
6.	Maximum height	a. Effects on amenity of surrounding residential zone	<i>Relevant objectives and policies:</i> i. Objective 30.2.2 ii. Buildings, structures and outdoor storage, including shipping containers, are of a height that avoids or mitigates significant adverse effects on visual amenity in Port Chalmers and Carey's Bay as far as practicable (Policy 30.2.2.1).
7.	Number, location and design of ancillary signs	a. Effects on amenity of surrounding zones	<i>Relevant objectives and policies:</i> i. Objective 30.2.2 ii. Ancillary signs are 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 will not be oversized or too numerous for what is necessary for that purpose (Policy 30.2.2.3).
		b. Effects on the safety and efficiency of the transport network	See Rule 6.9

30.8.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
8.	- Securing of outdoor storage {Port cl.16} - Location of outdoor storage	a. Effects on amenity of surrounding zones	<i>Relevant objectives and policies:</i> i. Objective 30.2.2 ii. Fertiliser, woodchips and other materials are stored in a <u>location and manner and in an area</u> {Port 737.26} where they ~~will not~~ <u>are unlikely to</u> become windblown and will not contaminate any off-site areas (Policy 30.2.2.2). {Port 737.26}
9.	<u>Parking, loading and access standards</u> {Trans cl.16²}	a. <u>Effects on the safety and efficiency of the transport network</u> {Trans cl.16²}	<u>See Rule 6.9</u> {Trans cl.16²}

¹ **EW cl.16:** Earthworks provisions have been moved to Section 8A. Any amendments to provisions as a result of submissions are shown there.

² **Trans cl.16:** Under Transportation section assessment rules (Rule 6.9.5.1), 'effects on the safety and efficiency of the transport network' is a matter of discretion for contraventions of parking, loading and access standards. However, this matter of discretion was inadvertently omitted from notified Section 30 assessment rules. The correction of this error, via the addition of Rule 30.8.4.9, does not result in a substantive change to the effect of provisions.

30.8.5 Assessment of subdivision performance standard contraventions

Performance standard		Guidance on the assessment of resource consents
1.	Subdivision performance standards	See Rule 19.9

Rule 30.9 Assessment of Restricted Discretionary Activities

Rule 30.9.1 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. Rule 30.9.2 and 30.9.3 **{EW cl.16}**:
 - a. lists the matters Council will restrict its discretion to; and
 - b. provides 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. 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.
4. 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 30.8; 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 30.10; 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 30.11; and
 - iii. the assessment guidance in this section will also be considered.

30.9.2 Assessment of restricted discretionary development activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
1. {EW cl.16'}	Earthworks – large scale (that exceed the scale thresholds for the Port Zone) {EW cl.16'}	a. Effects on visual amenity and character {EW cl.16'}	<i>Relevant objectives and policies: {EW cl.16'}</i> i. Objective 30.2.3 {EW cl.16'} ii. Adverse effects on visual amenity and character will be avoided or, if avoidance is not possible, adequately mitigated (Policy 30.2.3.3.a): {EW cl.16'} 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 30.2.3.3.b): {EW cl.16'} <i>Potential circumstances that may support a consent application include: {EW cl.16'}</i> iv. There is no, or only minimal, alteration to the natural landform: {EW cl.16'} v. Any cut or fill will be restored or treated to resemble natural landforms: {EW cl.16'} vi. The earthworks will not remove or effect existing vegetation or landscaping: {EW cl.16'} <i>Conditions that may be imposed include, but are not limited to: {EW cl.16'}</i> vii. Measures to minimise visual effects, e.g. requirements for revegetation and/or landscaping: {EW cl.16'} viii. Maximum slopes of cut and fill batters: {EW cl.16'} ix. Measures to divert surface water and rain away from, or prevent from discharging over, batter faces and other areas of bare earth: {EW cl.16'} x. Measures to ensure there are no adverse effects from changes to drainage patterns on surrounding properties: {EW cl.16'} xi. Requirement to de-compact soils; to take other remedial action to ensure the natural absorption capacity of the soils is not reduced; or to use other mitigation measures to ensure the overall absorption of rain water on site is not diminished: {EW cl.16'}
		b. Effects on the amenity of surrounding properties {EW cl.16'}	

30.9.2 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 {EW cl.16'}	<i>Relevant objectives and policies: {EW cl.16'}</i> i. Objective 30.2.3 {EW cl.16'} ii. Adverse effects on the stability of land, buildings, and structures will be avoided or, if avoidance is not possible, adequately mitigated (Policy 30.2.3.3.c). {EW cl.16'} <i>Potential circumstances that may support a consent application: {EW cl.16'}</i> 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 30.12.1). {EW cl.16'} iv. Excavation, fill and retaining structures will be designed, and the work undertaken, in accordance with best practice engineering standards {EW cl.16'}
2. {EW cl.16'}	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 {EW cl.16'} b. Effects on public access {EW cl.16'}	See Rule 10.5 {EW cl.16'}

¹ **EW cl.16:** Earthworks provisions have been moved to Section 8A. Any amendments to provisions as a result of submissions are shown there.

30.9.3 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 the pPort at Port Chalmers	<i>Relevant objectives and policies:</i> i. Objective 30.2.1; Strategic Objective 2.3.1 ii. Subdivision The subdivision {Port cl.16} is necessary for - the operation of the pPort at Port Chalmers or; - the disposal of surplus land in accordance with Policy policies 2.3.1.4 and {Port cl.16} 2.3.1.6, in accordance with and {Port cl.16} the objectives and policies of the Industrial Port Zone (Policy 30.2.1.4).
		See Rule 19.10	

Rule 30.10 Assessment of Discretionary Activities

Rule 30.10.1 Introduction

1. Discretionary activities will be assessed in accordance with section 104 and 104B of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rule 30.10.2 provides 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. 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.

30.10.2 Assessment of discretionary performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. • Noise from industry {Port cl.16} - where the limit is exceeded by <u>less than</u> {Port cl.16} 5dB LAeq (15min) (Rule 9.3.6 Noise) {Port cl.16} • Light spill - where the limit is exceeded by 25% or less	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.

Rule 30.11 Assessment of Non-complying Activities

Rule 30.11.1 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 30.11.2 and 30.11.3 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 30.11.2 and 30.11.3 apply as follows: {Port cl.16}
 - a. Rule 30.11.2 applies to non-complying activities; and
 - b. Rule 30.11.3 applies to non-complying performance standard contraventions. {Port 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.

30.11.2 Assessment of non-complying activities

Activity	Guidance on the assessment of resource consents
1. All non-complying activities	<i>Relevant objectives and policies (priority considerations):</i> a. The activity does not detract from, or preferably contributes to, the strategic directions objectives, including, but not limited to, those related to: i. Objective 2.3.1 b. The activity supports the purpose of the zone as outlined in <u>objectives {Port cl.16}</u> 30.2.1 and 30.2.2. c. In assessing the significance of effects, consideration will be given to: 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 a resource consent. <i>Potential circumstances that may support a consent application include:</i> d. the establishment of the activity is related to the operation of the pPort and will not conflict with the ability of the pPort to operate efficiently and effectively. <i>Relevant guidance from other sections (priority considerations):</i> e. 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} f. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety. {PHS cl.16} g. 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 1071.109}
2. • Cemeteries • Crematoriums • Landfills	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on the cultural values of Manawhenua.
3. Commercial advertising in all zones {PO cl.16}	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 2.4.1 b. Policy 2.4.1.6.c

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.

30.11.3 Assessment of non-complying performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. Light spill - where the limit is exceeded by greater than 25%	<i>Relevant guidance from other sections (priority considerations):</i> 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.
2. • Noise ~~from industry~~ {Port cl.16} - where the limit is exceeded by 5dB LAeq (15 min) or more (Rule 9.3.76) {Port cl.16} • ~~Hazardous substances quantity limits and storage requirements (Rule 9.3.4.2)~~ {PHS 85.1}	<i>Relevant guidance from other sections (priority considerations):</i> 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.
3. Port Noise <u>Management</u> {Port 391.2}	<i>Relevant objectives and policies (priority considerations):</i> Objective 30.2.2, Policy 30.2.2.4

Rule 30.12 Special Information Requirements {Confirmed to be deleted - EW cl.16}

30.12.1 Geotechnical investigation report {EW cl.16¹}

1. A geotechnical investigation report may be requested by Council for earthworks of a large scale and/or where the earthworks are proposed: **{EW cl.16¹}**
 - a. on a site with a slope angle between 15° (3.7h:1v slope ratio, or 27% slope grade) and 26° (2h:1v slope ratio, or 50% slope grade); **{EW cl.16¹}**
 - b. on a site identified as hazard-prone in Council's Hazard Information Management System; or **{EW cl.16¹}**
 - c. on any other site that the Council, with good cause, suspects to be hazard-prone. **{EW cl.16¹}**
2. A geotechnical investigation report must be provided for earthworks on all sites with a slope greater than a 26° angle (2h:1v slope ratio, or 50% slope grade). **{EW cl.16¹}**
3. All requested geotechnical investigation reports must be prepared by a suitably qualified expert who is experienced in the practice of geotechnical engineering and registered under the Chartered Professional Engineers Act of New Zealand 2002 and who has professional indemnity insurance. **{EW cl.16¹}**
4. The geotechnical investigation report must address the following factors: **{EW cl.16¹}**
 - a. special design or construction requirements; **{EW cl.16¹}**
 - b. special foundation requirements; **{EW cl.16¹}**
 - c. services; **{EW cl.16¹}**
 - d. access; **{EW cl.16¹}**
 - e. effluent disposal; **{EW cl.16¹}**
 - f. non-engineered fills; and **{EW cl.16¹}**
 - g. a statement of professional opinion as to the suitability of the land for the proposed development. **{EW cl.16¹}**

¹ **EW cl.16:** Earthworks provisions have been moved to Section 8A. Any amendments to provisions as a result of submissions are shown there.

Appendices

The following must be observed in relation to any measurements or assessments of port noise required by these Appendices: **{Port 391.2}**

1. Unless stated otherwise, port noise must be measured in accordance with NZS 6801:2008 Acoustics – Measurement of Environmental Sound and assessed in accordance with NZS 6809:1999 Acoustics – Port Noise Management and Land Use Planning, provided that: **{Port 391.2}**
 - a. subject to Rule 9.3.6.6.a, the rating level described in clause 7.3 of NZS6809:1999 Acoustics - Port Noise Management and Land Use Planning must be determined for the sole purpose of defining any Leq (15 min) sound level, required for the purposes of Appendices 30A and 30B; and **{Port 391.2}**
 - b. adjustments for any special audible characteristics to any Leq (15 min) made in accordance with clause 7.3 and A6 of NZS6809:1999 exclude audible warning devices. **{Port 391.2}**
2. For the purpose of comparison with noise criteria specified in Appendix 30B the following apply: **{Port 391.2}**
 - a. in calculating any Ldn (5 day average), one ship visit of up to five days duration will be deemed to be one occasion; and **{Port 391.2}**
 - b. in assessing any Leq (15 min) sound level between 10pm and 7am the following day, one ship visit of up to five days duration will be deemed to be one occasion. **{Port 391.2}**

Appendix 30A. Port Noise Management Plan

30A.1 Minimum port noise management plan provisions

The Port Noise Management Plan required by Rule 30.5.4 must contain the following:

1. Port Noise Management Plan objectives;
2. detailed procedures for the implementation of Rule 30.5.4, including the Port Noise Mitigation Plan outlined in Appendix 30B and the establishment and maintenance of a Port Noise Liaison Committee outlined in Appendix 30C;
3. a list of Port Noise Liaison Committee functions;
4. procedures for recommendations of the Port Noise Liaison Committee to be considered and determined by the Port Operator;
5. noise modelling, noise monitoring, auditing and reporting procedures;
6. complaint handling procedures;
7. procedures for achieving noise reduction through port operational procedures and staff and contractor training; and
8. procedures for alterations to, and the annual update of, **{Port 391.2}** the Port Noise Management Plan.

~~30.4.BA.2~~ **{Port cl.16}** Minimum monitoring and reporting requirements

1. The Port Operator must maintain, at its expense, sound level monitoring equipment to ensure the continuous measurement of port noise emanating from port related activities, ~~occurs~~ **{Port cl.16}** 24 hours a day and seven days a week.
2. The Port Operator must provide the results of sound level monitoring to the **{Port cl.16}** Council and the Port Noise Liaison Committee in a summary form showing Leq, calculated Ldn sound exposure and all attended Lmax levels not less than four times a year. This monitoring must: ~~Significant port noise emissions must be highlighted and correlated with port activity and wind speed and wind direction data.~~
 1. highlight significant port noise emissions and correlate these with port activity and wind speed and wind

direction data; and

2. include attended Lmax readings taken during night time at sites in residential zones (including within Careys Bay) while container handling is taking place at Port Chalmers. These results must be presented as a continuous graphical record of 15 minute samples of dBA levels recorded and presented on a 1 second by 1 second basis and include annotations indicating the types of port activities observed to be causing the maxima shown on the graphs. {Port 391.2}
3. When sound level monitoring indicates that port noise may be exceeding 65 dBA Ldn (5 day average) or 65dBA Leq (15 min, 10pm - 7am) at noise affected properties that are not shown on the Port Noise Contour Map as eligible for mitigation under Appendix 30B.1, the exceedance must be recorded, investigated and reported to the Port Noise Liaison Committee. The investigation must identify as far as possible those noise affected properties receiving port noise at or above such levels.
4. The Port Operator must produce and include in the Port Noise Management Plan a port noise contour map based on a current busy 5 day operating scenario. The contour map must be updated at least on an annual basis or when a change to port operations is likely to affect the levels of port noise received in surrounding parts of {PHS cl.16} the Township and Settlement, Rural Residential 2, Recreation, Industrial, Port Chalmers {PHS cl.16} Principal Centre and or the Hill Slopes Rural zones. Port noise contours must be modelled at 1dB intervals between 55Ldn and 70Ldn.
5. To ensure the accuracy of the Port Noise Contour Map, the Port Operator must perform field verification of calculated sound exposure levels and assessed Leq (15 min) levels of port noise at the agreed monitoring points identified in the Port Noise Management Plan.
6. Those noise affected properties confirmed as eligible for mitigation under Appendix 30B.1 must be identified on the Port Noise Contour Map.
7. The Port Operator must maintain an acoustic certificate register. A copy of the register and acoustic certificates for noise affected properties must be supplied to the **{Port cl.16}** Council. Copies of the register and acoustic certificates must also be held at the offices of the Port Operator and the Dunedin City Council and made available to members of the public on request.
8. The Port Operator must make available to the Port Noise Liaison Committee or the **{Port cl.16}** Council on request all information the Port Operator has as to noise and meteorological conditions.
9. When a noise complaint is received, the Port Operator will immediately advise the Dunedin City Council (if the complaint is not received through the Dunedin City Council).
10. The Port Operator must maintain a register of noise complaints and report the details of complaints and any action taken to investigate and resolve complaints to the Port Noise Liaison Committee at the earliest opportunity.
11. Copies of the Port Noise Management Plan are to be held at the offices of the Port Operator and the Dunedin City Council and on their respective websites. {Port 391.2} and made available to members of the public on request.

Appendix 30B. Port Noise Mitigation Plan

30B.1 Mitigation for noise affected properties 65dBA and above

The Port Operator must offer to purchase or provide acoustic treatment for noise affected properties which receive, at any point within their boundary, levels of port noise equal to or greater than an assessed 65 dBA Ldn (5 day average) or an assessed 65 dBA Leq (15 min, 10pm –7am) on more than three occasions (more than 24 hours apart) during any rolling 12 month period. ~~The conditions and standards in 9.3.1.2 to 9.3.1.4 apply to the offer to purchase or provide acoustic treatment.~~ **{Port 737.35}**

30B.1.12 {Port 737.35} Owner to decide

The owner of each such noise affected property must have the right to elect whether to accept either purchase or acoustic treatment, and there is no time limit on the owner's acceptance of the offer.

30B.1.2 Purchase

The fair market value of a noise affected property must be determined as if the property was situated in Port Chalmers, excluding the effect of port operation; plus an additional compensatory payment of \$1,000 for each year, up to 30 December 2003, that the owner was in prior occupation of the property. The minimum additional payment is to be \$2,000, up to a maximum of \$15,000, with adjustment for inflation to be in accordance with the method specified in the Port Noise Mitigation Plan.

30B.1.3 Acoustic treatment

Where acoustic treatment is provided, it must be done in accordance with rules 9.3.1.2, 9.3.1.3, and 9.3.1.5. **{Port 737.35}**

Acoustic treatment of noise affected properties must be carried out in accordance with procedures specified in the Port Noise Mitigation Plan up to a limit specified in the Port Noise Mitigation Plan.

Where the assessed costs of acoustic treatment exceed the limit specified in the Port Noise Mitigation Plan, the Port Operator must advise the property owner of the costs of acoustic treatment and offer the property owner the option of making up the difference in the costs of acoustic treatment to enable the Port Operator to obtain an acoustic certificate.

If port noise received by a noise affected property which has received acoustic treatment exceeds the certified level of port noise for that property, then the Port Operator must offer to purchase the affected property notwithstanding the previous election of acoustic treatment.

30B.1.4 Residential use of properties purchased by the Port Operator

Noise affected properties purchased under this provision may not be used for residential purposes unless they receive acoustic treatment.

30B.2 Mitigation for noise affected properties 60dBA and above

The Port Operator must contribute to the costs of acoustic treatment for noise affected properties or may offer to purchase noise affected properties which are shown on the current Port Noise Contour Map as receiving at any point within their boundary port noise levels equal to or greater than 60 dBA Ldn (5 day average). ~~The conditions and standards in 9.3.1.2 to 9.3.1.4 apply to any offer to provide acoustic treatment.~~ **{Port 737.36}**

30B.2.1 Purchase

The Port Operator, on application by the owner of a noise affected property, must consider and decide whether to offer to purchase a noise affected property. The purchase will be on the basis of a "willing buyer/willing seller" and no additional compensatory payments will be necessary.

30B.2.2 Acoustic treatment

Where acoustic treatment is provided it must be done in accordance with rules 9.3.1.2, 9.3.1.3, and 9.3.1.5. {Port 737.36}

The Port Noise Liaison Committee, on a case by case basis, must provide a contribution to the costs of acoustic treatment utilising its annual mitigation budget. Acoustic treatment of noise affected properties must be carried out in accordance with procedures specified in the Port Noise Mitigation Plan, and the liaison committee will determine the level of the contribution up to a limit specified in the Port Noise Mitigation Plan.

30B.3 Mitigation for noise affected properties 55dBA to 60dBA

The Port Noise Liaison Committee will provide technical advice to noise affected properties.

In special circumstances the Port Noise Liaison Committee, utilising its annual mitigation budget, may offer to contribute to the costs of acoustic treatment for noise affected properties which are shown on the current Port Noise Contour Map as receiving, at any point within their boundary, port noise levels equal to or greater than 55 dBA Ldn (5 day average). ~~The conditions and standards rules {Port cl.16} in 30B.3.1 to 30B.3.2 10.2.3.1 to 10.2.3.2 {Port 737.37}~~ apply to the provision of technical advice or an offer to provide acoustic treatment.

30B.3.1 Technical advice

An annual update of noise modelling information is to be made available to property owners.

An annual summary of the activities of the Port Noise Liaison Committee taken from the minutes of the liaison committee meetings is to be provided to property owners.

30B.3.2 Acoustic treatment

Acoustic treatment of noise affected properties must be carried out in accordance with procedures specified in the Port Noise Mitigation Plan.

Where the contribution to the costs of acoustic treatment is to be provided it must be up to a limit specified in the Port Noise Mitigation Plan.

Appendix 30C. Port Noise Liaison Committee

1. The Port Noise Liaison Committee required under Rule 30.5.4 must include an independent chair who is paid for by Port Otago Limited and {Port 391.2} must comprise, but is not be {Port cl.16} limited to, members appointed by the following organisations:
 - a. Port Operator
 - b. Otago Regional Council
 - c. Dunedin City Council
 - d. Carey's Bay Association
 - e. Chalmers Community Board¹
2. General duty to committee: The Port Operator must implement, to the extent reasonably possible, all recommendations of the Port Noise Liaison Committee that can be implemented within budget and without compromising the efficiency, safety and competitiveness of port operations.
3. Role of the Port Noise Liaison Committee: The Port Noise Liaison Committee must consider all noise issues arising from the port operation and carry out the functions identified in the Port Noise Management Plan and mitigation functions identified in Appendix 30B.
4. Port Noise Liaison Committee resourcing: The Port Operator must provide for the implementation and maintenance of the Port Noise Liaison Committee as follows:
 - a. The Port Operator must provide secretarial and logistic support for the Port Noise Liaison Committee.
 - b. The Port Operator must arrange for the Port Noise Liaison Committee to meet on not less than four occasions a year and must identify procedures in the Port Noise Management Plan for calling an emergency meeting of the committee.
 - c. The Port Operator must provide an annual budget for noise mitigation that reasonably provides for the Port Noise Liaison Committee.
 - d. The Port Operator must make copies of the minutes of the Port Noise Liaison Committee available on its website, and must supply copies on request. {Port 391.2}

¹The board will be responsible for appointing resident representatives from areas of Port Chalmers, other than Carey's Bay, affected by port noise.

31. Schools

31.1 Introduction

Dunedin's schools are a crucial educational resource for Dunedin. The Schools Zone encompasses all primary and secondary schools within the city, including state schools, state-integrated schools and private schools. The total number of schools managed under the Schools Zone is 72, located across the city.

School sites have traditionally also been used for community use, such as evening activities in school halls. This dual role is likely to increase in the future, as nationally schools are considered as community hubs and may, particularly in more remote communities, be used for services such as libraries, community health provision, social services and community produce markets. School facilities can also be used for conferences, theatre and concert performances, adult education and as community sports facilities. Early childhood education is often associated with schools and has similar environmental effects. The Schools Zone provides for these multiple uses.

Generally, Dunedin's schools are located within or close to residential environments, but can also be found adjacent to recreation and rural zoned land, and within close proximity to commercial areas. Activities on schools sites have the potential to generate effects which may adversely affect surrounding land uses, particularly residential areas. The provisions of the Schools Zone have been designed to enable education and community activities, and provide certainty regarding what land use activities can be expected to occur on school sites, while appropriately managing any adverse effects on surrounding land use activities and the transport network.

Several schools have scheduled heritage buildings or structures. These are listed in Appendix A1.1.

State schools are also designated within the Plan (see Appendix A1.4). The conditions on the individual designations may differ from the rules contained within the Schools Zone. Where this is the case, the schools can choose to rely on their designations in relation to new development rather than the provisions within this section.

31.2 Objectives and Policies

Objective 31.2.1	
Dunedin's schools are able to operate efficiently and effectively and provide opportunities for local communities to use school facilities.	
Policy 31.2.1.1	Enable schools activity {PO cl.16} , early childhood education - small scale, training and education activity and student hostels on school sites.
Policy 31.2.1.2	Provide for community use of school facilities and activities that are ancillary to schools activity {PO cl.16} where they are designed and operated in line with Objective 31.2.2 and its policies.
Policy 31.2.1.3	Only allow activities that are not ancillary to school activity where all of the following apply: - the activities are related to or support the school, or have other operational requirements that mean they need to locate in the zone; - they will support the efficient and effective operation of the school; - they are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and - they are designed and operated in line with Objective 31.2.2 and its policies.
Policy 31.2.1.4	Enable land that is surplus to the needs of the school to transition to the default zone listed in Appendix A9, so that future development that is not related to schools activity {PO cl.16} can <u>will</u> {PO cl.16} be managed in accordance with the objectives and policies of that zone.
Policy 31.2.1.5	Only allow subdivision <u>activities</u> {PO cl.16} where: - it is <u>they are</u> {PO cl.16} in accordance with the provisions of the default zone listed in Appendix A9; and - the subdivision does not adversely affect the efficient and effective operation of the school.

Objective 31.2.2

Land use activities and development necessary for schools to meet the reasonably foreseeable needs of students and staff is enabled, while ensuring development:

- achieves a good standard of on-site amenity for students and staff;
- maintains or enhances the amenity of the surrounding residential areas, as far as practicable; and
- maintains or enhances the residential amenity of surrounding sites.

Policy 31.2.2.1	Require buildings and structures to be of a height and setback from boundaries that ensures: - there are no more than minor effects on the sunlight access of current and potential future residential buildings and their outdoor living spaces; and - any adverse effects on neighbourhood amenity are avoided or, if avoidance is not possible practicable {PO 908.3 and others}, are no more than minor.
Policy 31.2.2.2	Require development to maintain or enhance on-site and neighbourhood amenity by ensuring service areas are not visible from ground level outside the site.
Policy 31.2.2.3	Require fences adjoining roads or public places to be of a height and design that contributes positively to neighbourhood amenity.
Policy 31.2.2.4	Require ancillary signs visible outside the zone 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 that purpose.
Policy 31.2.2.5 {MF cl.16}	~~Require ancillary commercial activities to be designed, located and operated to primarily serve staff, students and visitors to the school.~~
Policy 31.2.2.6	Only allow early childhood education - large scale and community and leisure - large scale where it is ~~they are~~ {MF cl.16} designed to avoid or, if avoidance is not possible practicable {PO 908.3 and others} , adequately mitigate adverse effects on the amenity of surrounding residential properties.
Policy 31.2.2.7	Require conference, ~~and meeting~~ <u>and function</u> activity {MF cl.16} and use of schools' sports fields to be restricted in hours of operation in order to avoid or, if avoidance is not possible practicable {PO 908.3 and others} , adequately mitigate, noise and other adverse effects on the amenity of surrounding residential properties.

¹ **MF cl.16:** There are no ancillary commercial activities in the School Zone and the definition of schools covers these activities.

EW cl.16: As a clause 16 amendment, Objective 31.2.3 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 31.3 Activity Status

31.3.1 Rule location

The activity status tables in rules 31.3.3 to 31.3.5 in ~~Rule 31.3.2~~ specify the activity status of land use activities, development activities, and subdivision activities in the Schools 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}**

31.3.2 Activity status introduction

1. The activity status **{MF cl.16}** tables in rules 31.3.3-31.3.5 show the activity status of activities in the Schools 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 1.3 outline the hierarchy of categories, activities and sub-activities.
3. Permitted land use activities do not automatically provide for any related development activities. Therefore, the activity status of any associated development activities should also be checked.
4. Where a new land use activity requires a resource consent, all associated development activities will be considered and assessed as part of the resource consent even if the development otherwise meets the development performance standards listed in the Plan.
5. The nested tables in Section 1.3 are intended to be a complete list of activities 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.

Additional activity status rules in hazard overlay zones

6. For the purpose of the hazards provisions, activities are categorised as natural hazards **{NH cl.16}** sensitive activities, natural hazards **{NH cl.16}** potentially sensitive activities or natural hazards **{NH cl.16}** least sensitive activities. The activities that are in each hazards sensitivity category are included in the definitions section and in Section 11.1.
7. In the ~~hazard 1~~ or Hazard 2 (flood) **{NH cl.16}** Overlay Zone, the activity statuses in Rule 31.3.6 apply to the following activities:
 - a. new **{NH 908.3}** natural hazards **{NH cl.16}** sensitive activities;
 - b. natural hazards **{NH cl.16}** potentially sensitive activities, and
 - c. some new buildings, and additions and alterations to buildings, which create more than 60m² of new

ground floor area {NH. cl.16}

8. Where the activity status in Rule 31.3.6 differs from that in rules 31.3.3 - 31.3.5, the most restrictive activity status always applies.
9. In addition to the rules in Rule 31.3.6, performance standards for development activities within hazard overlay zones are included in rules 31.3.3 - 31.3.5.
10. Activities in a hazard overlay zone must comply with all of the rules in 31.3.3 - 31.3.6.

Performance Standards

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

¹ **NH cl.16:** The content from Table 31.3.6 has been moved to Table 31.3.X, with the exception that columns a and c have been removed, pursuant to clause 16. Column a was removed as there is no intersect between the Hazard 1 (flood) Overlay Zone and the Schools Zone. Column c was removed as em-dashes are no longer used and the column was unnecessary. All substantive amendments to provisions are show in the new location.

Legend

Acronym	~~Activity status~~ <u>Meaning {PO cl.16}</u>
P	Permitted Activity
C	Controlled Activity
RD	Restricted Discretionary Activity
D	Discretionary Activity
NC	Non-complying Activity
Haz1	Hazard 1 Overlay Zones
Haz2	Hazard 2 Overlay Zones
Haz3	Hazard 3 Overlay Zones

31.3.3 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 e. Setback from nNational gGrid (National Grid sensitive activities only) {NH cl.16} f. Hours of operation	
Major facility activities		Activity status	Performance standards
2.	Schools	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 - small scale	P	a. Minimum car parking {MF cl.16'}
5.	Early childhood education - large scale	RD	
6.	Community and leisure - small scale	P	
7.	Community and leisure - large scale	RD	
8.	Sport and recreation not involving the use of motorised vehicles	P	
9.	Sport and recreation involving the use of motorised vehicles	D	
10.	Conservation	P	
Commercial activities		Activity status	Performance standards
11.	Training and education	P	
12.	Conference, meeting and function	P	
13.	All other activities in the commercial activities category	NC	
Residential activities		Activity status	Performance standards
14.	Student hostels	P	a. Minimum car parking
15.	All other activities in the residential activities category	NC	
Industrial activities		Activity status	Performance standards
16.	All activities in the industrial activities category	NC	
Rural activities		Activity status	Performance standards
17.	All activities in the rural activities category	NC	

MF cl.16: As a clause 16 amendment there is no minimum car parking performance standard for early childhood education - small scale.

Note 31.3G.3A - General advice

1. The Ministry of Education holds designations for a large number of schools and early childhood education centres within Dunedin. Details of the designations can be found in Appendix A1.4.

31.3.4 Activity status table - development activities

1.	Performance standards that apply to all development activities		a. Maximum <u>building</u> {MF cl.16} site coverage and impermeable surfaces b. <u>Setback from coast and water bodies</u> {NatEnv cl.16} c. <u>Setback from national grid</u> {NU cl.16} d. Setback from scheduled tree
2.	Performance standards that apply to all buildings and structures activities		a. Boundary setbacks b. Height in relation to boundary c. Maximum 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} g. <u>Setback from National Grid</u> {NU cl.16}
Buildings and structures activities (excluding activities affecting a protected part of a scheduled heritage building or scheduled heritage structure. See rows 5-9)		Activity status	Performance standards
3.	Fences	P	a. Fence height and design
4.	All other buildings and structures activities	P	
Buildings and structures activities that affect a protected part of a scheduled heritage building or scheduled heritage structure		Activity status	Performance standards
5.	Repairs and maintenance ~~or restoration~~ {Her 547.91}	P	a. Materials and design

X.	<u>Restoration of a building or structure that has a Heritage New Zealand Category 1 listing as detailed in Appendix A1.1 {Her 547.91}</u>	P C {Her 547.91}	a. Materials and design
Y.	<u>Restoration of all other scheduled heritage buildings and structures {Her 547.91}</u>	P	a. Materials and design
6.	Earthquake strengthening where external features only are protected	C	a. Materials and design
AA.	<u>Signs attached to buildings or structures {Her cl. 16}</u>	P	
7.	All other additions and alterations	RD	
8.	Demolition	NC	
9.	Removal for relocation	RD	
Site development activities		Activity status	Performance standards
10.	<u>Earthworks – small scale {EW cl.16²}</u>	P	a. Earthworks standards
11.	<u>Earthworks – large scale {EW cl.16²}</u>	RD	a. Earthworks standards
12.	Service areas	P	a. Location and screening of service areas
13.	Storage and use of hazardous substances	P	a. Hazardous substances quantity limits and storage requirements b. <u>Setback from coast and water bodies {NatEnv cl.16}</u>
14.	Parking, loading and access	P	a. Parking, loading and access standards
Z.	<u>Vegetation clearance {NatEnv cl.16³}</u>	P	a. <u>Maximum area of vegetation clearance (UBMA) {NatEnv cl.16}</u>
15.	All other site development <u>activities</u> {MF cl.16}	P	

¹ **MF cl.16:** Amendment to make provision consistent with rest of plan.

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

³ **NatEnv cl.16:** As the Schools Major Facility Zone is partly covered by an Urban Biodiversity Mapped Area, this has been added as a clause 16 amendment to clarify that the vegetation clearance performance standard (Rule 10.3.2.1) applies in the UBMA.

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 31.3B.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 the District. If archaeological remains are discovered during any site works, at any location, the Accidental Discovery Protocol (Appendix A8) should be followed.
5. ~~All buildings and structures activities associated with existing major facilities are advised to undertake an assessment of risk from natural hazards and implement any recommended risk mitigation measures. {MF cl.16}~~

¹ **MF cl.16:** As a clause 16 amendment, this note is not necessary as the sections contain natural hazard performance standards.

31.3.5 Activity status table - subdivision activities

Subdivision activities		Activity status	Performance standards
1.	Subdivision activities	RD	a. Subdivision performance standards

Note 31.3.5A - 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.

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

Activity {NH cl.16}		a. Haz1 {NH cl.16}	b. Haz2 {NH cl.16}	c. Haz3 {NH cl.16}
1- {NH cl.16}	Potentially sensitive activities permitted in the Schools Zone {NH cl.16}	⌀ {NH cl.16}	— {NH cl.16}	— {NH cl.16}
2- {NH cl.16}	Potentially sensitive activities not permitted in the Schools Zone {NH cl.16}	NG {NH cl.16}	⌀ {NH cl.16}	— {NH cl.16}
3- {NH cl.16}	Sensitive activities {NH cl.16}	NG {NH cl.16}	⌀ {NH cl.16}	— {NH cl.16}
4- {NH cl.16}	In a hazard 1 (land instability) Overlay Zone, new buildings, and additions and alterations to buildings, <i>which create more than 1m² of new ground floor area</i> {NH cl.16}	RD {NH cl.16}	— {NH cl.16}	— {NH cl.16}
5- {NH cl.16}	In a hazard 1 or 2 overlay zone, other than the hazard 1 (land instability) Overlay Zone, new buildings, and additions and alterations to buildings, <i>which create more than 60m² of new ground floor area</i> {NH cl.16}	— {NH cl.16}	RD {NH cl.16}	— {NH cl.16}

¹ **NH cl. 16:** The content from Table 31.3.6 has been moved to Table 31.3.X, with the exception that columns a and c have been removed, pursuant to clause 16. Column a was removed as there is no intersect between the Hazard 1 (flood) Overlay Zone and the Schools Zone. Column c was removed as em-dashes are no longer used and the column was unnecessary. All substantive amendments to provisions are show in the new location.

31.3.X Activity status in the Hazard 2 (flood) Overlay Zone {NH 637.74 and others¹}

Activity		Activity status
X.	Natural hazards sensitive activities {NH 634.74}	⌀ RD {NH 634.74}
Y.	Natural hazards potentially sensitive activities {NH 634.74}	⌀ RD {NH 634.74}
4.	In a hazard 1 (land instability) Overlay Zone, new buildings, and additions and alterations to buildings, <i>which create more than 1m² of new ground floor area</i> {NH 73.4 and others}	— {NH 73.4}
5.	In a hazard 1 or 2 overlay zone, other than the hazard 1 (land instability) Overlay Zone, new {NH 73.4 and others} New buildings, and additions and alterations to buildings, which create more than 60m ² of new ground floor area	RD

¹ **NH 634.74:** Note that "potentially sensitive activities permitted in Schools Zone" had no additional rules (shown as an em-dash) under the notified Plan but the distinction between this activity and "potentially sensitive activities not permitted in Schools Zone" (which was notified as a discretionary activity) was removed and both activities were

changed to restricted discretionary in response to this submission.

Note 31.3.6A - Guidance on existing use rights applying to land use activities in hazard overlay zones
Other RMA considerations {MF cl.16}

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

Accordingly, these activities will not usually trigger the provisions for natural hazards sensitive activities and natural hazards potentially sensitive activities in Rule 31.3.6. {NH 634.81} However, Council will consider specific circumstances associated with the development and how this affects the character, intensity and scale of the land use activity.

Rule 31.2.7 31.3.7 {MF cl.16} Transition to default zone

On receipt of written notice from both the owner and operator (if different) of the school to Dunedin City Council in relation to all or part of the land within the part of the Schools Zone in which the school is located, the provisions of the Schools Zone will no longer apply to that parcel of land and the provisions of the relevant default zone, as indicated in Appendix 34A A9 {MF cl.16}, will apply in full.

Rule 31.4 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. With respect to resource consent applications for the following activities, Manawhenua will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided: {MW 1071.2}
 1. all restricted discretionary activities that list 'effect on cultural values of Manawhenua' as a matter for discretion; and {MW 1071.2}
 2. discretionary and non-complying activities in a wāhi tūpuna mapped area where the activity is identified as a threat in Appendix A4. {MW 1071.2}
6. 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 31.5 Land Use Performance Standards

31.5.1 Acoustic Insulation

Any noise sensitive activities in the following areas must comply with Rule 9.3.1.

1. within 20m of an industrial zone; and
2. within 70m of a railway line.

31.5.2 Electrical Interference

Land use activities must comply with Rule 9.3.2.

31.5.3 Hours of Operation

1. Conference, meeting and function activity **{MF cl.16}** and use of school sports fields must ~~not take place outside take place within~~ **{MF cl.16}** the following hours:

Days of week		Hours of operation
a.	Sunday - Thursday	7.00am - 10.30pm
b.	Friday - Saturday	7.00am - 12.00am (midnight)

2. Flood lighting and sportsfield lighting on sites adjoining a residential zone boundary must not operate from 10.00pm - 6.00am.
3. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

31.5.4 Light Spill

Land use activities must comply with Rule 9.3.5.

31.5.5 Minimum Car Parking

Activity	Minimum number of parking spaces
1. Schools	a. For the following schools, the minimum number of parking spaces is the number of parking spaces (including any parking spaces reserved for the dropping off and/or picking up of pupils) that were in place on the site on 26th September 2015: i. Arthur Street School ii. Columba College iii. George Street Normal School iv. Kaikorai Primary School v. Kavanagh College vi. Otago Boys High School vii. Otago Girls High School viii. St Hilda's Collegiate ix. St Joseph's Cathedral School b. For the schools identified in 31.5.5.1.a, one parking space must be provided for each new classroom added after 26th September 2015. c. For all other schools there is no minimum parking standard.

Activity	Minimum number of parking spaces
2. Student hostels	a. hostels with 1 - 10 residents: 1 parking space b. hostels with 11 - 20 residents: 2 parking spaces c. hostels with 21 - 30 residents: 3 parking spaces d. hostels with greater than 30 residents: 3 parking spaces plus 1 additional space for every 10 additional residents (or part thereof)

3. Schools and student hostels 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

4. Required parking spaces may be used for car, cycle or motorcycle parking, except for any required mobility parking spaces, which must be used for mobility car parking.
5. 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.
6. 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.
7. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

Note 31.5.5A - 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.

31.5.6 Noise

Land use activities must comply with Rule 9.3.6.

31.5.7 Setback from National Grid

National Grid Sensitive **{NH cl.16}** activities must comply with Rule 5.6.1.1.

Rule 31.6 Development Performance Standards

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

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

31.6.2 Fence Height and Design

1. ~~Fences must not exceed the following height limits, except as provided for below: {Res cl.16¹}~~

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}
e. {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 31.6.11.1. {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 100mm, 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. ~~The maximum height of a fence on side and rear boundaries (except where adjacent to the recreation zone, or public place), is 2m. {Res cl.16}~~
5. ~~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.

31.6.2.1 Maximum Height {Res cl.16¹}

- a. The maximum height of fences along boundaries (including within the boundary setbacks required by Rule 31.6.11.1) 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.

31.6.2.2 Visual Permeability {Res cl.16¹}

- a. Fences along road boundaries (or within the boundary setbacks required by Rule 31.6.11.1) 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. Fences along the road boundary of a state highway are exempt from this requirement. {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.

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

31.6.3.1 Relocatable buildings

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

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

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

31.6.3.3 Maximum area of vegetation clearance in the hazard overlay zones

~~Vegetation clearance in the Hazard 1 (land instability) or Hazard 2 (land instability) Overlay Zone must comply with Rule 11.3.2.~~

31.6.4 Hazardous Substances Quantity Limits and Storage Requirements

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

31.6.5 Height

31.6.5.1 Height in relation to boundary

~~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 adjoining a residential zone must comply with the height in relation to boundary performance standard of that residential zone, along the adjoining boundary (see Rule 15.6.7.1). {Res cl.16}~~

- a. ~~1.3m above ground level at side and rear boundaries, where the neighbouring zone is the Inner City Residential Zone or General Residential 2 Zone; {Res cl.16¹}~~
- b. ~~2.5m above ground level at the side and rear boundaries where the neighbouring zone is any other residential zone; {Res cl.16¹}~~
- c. ~~except: {Res cl.16¹}~~
 - i. ~~where the neighbouring zone is the Inner City Residential Zone, for any new buildings and additions or alterations to buildings within 13m of the 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); {Res cl.16¹}~~
 - ii. ~~on boundaries adjacent to non-residential zones, the height in relation to boundary of the adjacent zone~~

applies; **{Res cl.16}**

- iii. where new buildings or additions and 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; and **{Res cl.16}**
- iv. gable ends and dormers may protrude through the height in relation to boundary plane by a maximum of 1m (see Figure 15.6H). **{Res cl.16}**

d. Rooftop structures are exempt from the performance standard for height in relation to boundary. **{Res cl.16}**

¹ **Res cl.16:** There is no substantive change to the rule, it simply refers back to rule in other section to avoid repeating rule wording.

31.6.5.2 Maximum height

- a. The maximum height for new buildings and structures, and additions and alterations, must not exceed 12m above ground level.
- b. Rooftop structures are exempt from the performance standard for maximum height provided they do not exceed the maximum height limit by more than one third of that limit.
- c. Activities that contravene this performance standard are restricted discretionary activities. **{PO cl.16}**

31.6.6 Location and Screening of Service Areas

- 1. Service areas must be located or screened so that they are not visible at ground level from adjacent: residential activities, residential zoned properties, or public places.
- 2. Service areas must not encroach into required parking, loading or manoeuvring areas.
- 3. Activities that contravene this performance standard are restricted discretionary activities. **{PO cl.16}**

31.6.7 Materials and Design

Repairs and maintenance, and 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.

31.6.8 Maximum Building Site Coverage and Impermeable Surfaces {was 'Maximum Site Coverage and Impermeable Surfaces' - MF cl.16¹}

- 1. The maximum building **{MF cl.16}** site coverage of buildings and impermeable surfaces is:

Default zone of the school, as indicated in Appendix A9		Maximum <u>building</u> {MF cl.16} site coverage by buildings (% of site)	Maximum total impermeable site coverage (buildings and impermeable surfaces % of site)
a.	General Residential 2 Zone or Inner City Residential Zone	60%	80%
b.	All other zones	40%	70%

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

¹ **MF cl.16:** Amendment to make provision consistent with rest of plan

31.6.9 Number, Location and Design of Ancillary Signs

31.6.9.1 General

- a. Signs must comply with the following standards, except the following signs are exempt from these standards:
 - i. signs that are not visible from outside the Schools 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 must comply with Rule 6.7.3 where visible from a road.
- c. Signs must not be illuminated or digital.
- d. ~~Signs other than those specified in rules 31.6.9.2 and 31.6.9.3 are not allowed.~~ **{MF cl.16}**
- e. Signs that contravene the performance standard for number, location and design of ancillary signs are restricted discretionary activities. **{PO cl.16}**

31.6.9.2 Signs attached to buildings

- a. The height above ground level at the highest point of any sign attached to a building is 4m.
- b. Signs must not be attached to roofs.
- c. Signs must not project higher than the lowest point of the roof, except where mounted against a parapet or gable end.
- d. Signs attached to a building must:
 - i. not exceed 1 sign per 30m of road frontage;
 - ii. have a maximum area per display face of 2m²;
 - iii. have a maximum of 2 display faces per sign;
 - iv. where attached to the façade of a building, must not project more than 1m from the façade to which it is attached; and
 - v. if attached to a verandah fascia, must not exceed a height of 500mm, or the height of a verandah fascia, whichever is greater.

31.6.9.3 Freestanding signs

- a. The maximum number of freestanding signs is 2 per 50m of frontage.
- b. The maximum dimensions of freestanding signs are:
 - i. maximum height of 4m;
 - ii. maximum area of 4m²;
 - iii. maximum width of 2m; and
 - iv. maximum depth of 400mm **{PO cl.16}**.
- c. Freestanding signs must:
 - i. not obstruct driveways, parking or loading areas parking, loading and access areas; and **{PO cl.16}**
 - ii. Freestanding signs must be located within the site and cannot be located on the road reserve be positioned entirely within the site boundaries. **{PO cl.16}**

Note 31.6A – 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 31.6.9B - Other requirements outside of the District Plan

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

31.6.10 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

31.6.11 Setbacks

31.6.11.1 Boundary setbacks

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

Building or structure		Setback from road boundary where default zone is General Residential 2 or Inner City Residential	Setback from road boundary where default zone is any other zone	Setback from other boundaries
i.	Buildings	3m	4.5m	4.5m
ii.	Structures greater than 3m tall or 10m ² floor area footprint {PO cl.16 ¹ }	3m	4.5m	4.5m

- iii. Except:
 1. fences and ancillary signs are exempt from the performance standard;
 2. St. Hilda's Collegiate School adjoining Cobden Street and Heriot Row is exempt from the performance standard; and
 3. Kavanagh College adjoining York Place, Tennyson Street, Smith Street, or the north side of Rattray Street, is exempt from the performance standard.

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

¹ PO cl.16: Floor area is replaced by footprint (which is now defined) to improve plan clarity as a minor and inconsequential amendment.

31.6.11.2 Setback from coast and water bodies

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

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

31.6.11.3 Setback from National Grid ~~national-grid~~ **{NH cl.16}**

New buildings and structures, and additions and alterations, ~~and earthworks~~ **{EW cl.16¹}** must comply with Rules 5.6.1.1. ~~and 5.6.1.2~~ **{EW cl.16¹}**

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

31.6.11.4 Setback from scheduled tree

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

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

31.6.12 Maximum Area of Vegetation Clearance (UBMA) {Confirmed for addition - NatEnv cl.16¹}

Vegetation clearance in an urban biodiversity mapped area (UBMA) must comply with Rule 10.3.2.1. {NatEnv cl.16¹}

¹ **NatEnv cl.16:** As the Schools Major Facility Zone is partly covered by an Urban Biodiversity Mapped Area, this has been added as a clause 16 amendment to clarify that the vegetation clearance performance standard (Rule 10.3.2.1) applies in the UBMA.

Rule 31.7 Subdivision Performance Standards

Subdivision activities must comply with the subdivision performance standards of the default zone (the default zones are listed in Appendix A9).

Rule 31.8 Assessment of Controlled Activities

Rule 31.8.1 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 31.8.2:
 - 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 31.9; 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 31.11; 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 31.12; and
 - iii. the assessment guidance in this section will also be considered.

31.8.2 Assessment of all controlled activities

Development activity	Matters of control	Guidance on the assessment of the resource consents
1. <u>Affecting a scheduled heritage building or a scheduled heritage structure: {Her cl.16}</u> • Earthquake strengthening that affects a protected part of a scheduled heritage building or scheduled heritage structure, where external features only are protected. • <u>Restoration of a protected part of a scheduled heritage building or scheduled heritage structure that has a Heritage New Zealand Category 1 listing (as detailed in Appendix A1.1) {Her 547.91}</u>	a. Effects on heritage values	See Rule 13.4

Rule 31.9 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 31.9.1 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 31.9.2 - 31.9.56 **{MW 1071.16}**:
 - 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 31.9.2 - 31.9.6 apply as follows: **{MF cl.16}**
 - a. Rule 31.9.2 applies to all performance standard contraventions;
 - b. Rule 31.9.3 applies to land use performance standard contraventions;
 - c. Rule 31.9.4 applies to development performance standard contraventions;
 - d. Rule 31.9.5 applies to subdivision performance standard contraventions; and
 - e. Rule 31.9.6 applies to performance standard contraventions in a mapped area. {MF cl.16}

31.9.2 Assessment of all performance standard contraventions

Performance standard	Guidance on the assessment of resource consents

31.9.2 Assessment of all performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. All performance standard contraventions	<i>Potential circumstances that may support a consent application include:</i> a. The degree of non-compliance with the the performance standard is minor. b. The need to meet other performance standards, or other site specific factors, 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. The schools are able to operate efficiently and effectively. <i>General assessment guidance:</i> 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 and those related to general amenity, greater weight will usually be placed on heritage policies

31.9.3 Assessment of land use performance standard contraventions

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.	Hours of operation	a. Effects on surrounding sites' residential amenity	<i>Relevant objectives and policies:</i> i. Objective 31.2.2 ii. Conference, and meeting and function activity {MF cl.16} and use of schools' sports fields avoid or, if avoidance is not possible practicable {PO 908.3 and others}, adequately mitigate, noise and other adverse effects on the amenity of surrounding residential properties (Policy 31.2.2.7). <i>Potential circumstances that may support a consent application include:</i> iii. The extension of hours will not result in unreasonable nuisance from vehicle movements or other noise.
3.	Minimum car parking	a. Effects on the safety and efficiency of the transport network b. Effects on accessibility	See Rule 6.9

31.9.4 Assessment of development performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resources consents

31.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resources consents
1.	- Boundary setbacks - Height in relation to boundary - Maximum height	a. Effects on amenity of surrounding sites	<i>Relevant objectives and policies:</i> i. Objective 31.2.2 ii. Buildings and structures are of a height and setback from boundaries that ensures there are no more than minor effects on the sunlight access of current and potential future residential buildings and their outdoor living spaces (Policy 31.2.2.1.a). <i>Potential circumstances that may support a consent application include:</i> iii. Residential buildings on neighbouring sites receive adequate natural light and privacy.
		b. Effects on neighbourhood amenity	<i>Relevant objectives and policies:</i> i. Objective 31.2.2 ii. <u>Buildings and structures are of a height and setback from boundaries that ensures {MF cl.16} adverse effects on neighbourhood amenity are avoided or if avoidance is not possible practicable {PO 908.3 and others}, are mitigated so that they are no more than minor (Policy 31.2.2.1.b).</u> <i>Potential circumstances that may support a consent application include:</i> iii. The boundary setback is consistent with the setbacks of adjoining properties. iv. Landscaping or fences screen or soften the visual effects of buildings.
2.	Earthworks standards: Batter gradient {EW cl.16} ¹	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 31.2.3 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 31.2.3.1.b). <i>Conditions that may be imposed include, but are not limited to:</i> 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.

31.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resources consents
3-	Earthworks standards: Setback from property boundary, buildings, structures and cliffs {EW cl.16}¹	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 31.2.3 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 31.2.3.1.a).
4-	Earthworks standards: - Setback from national grid - Setback from network utilities {EW cl.16}¹	a. Effects on efficient and effective operation of network utilities b. Effects on health and safety	See Rule 5.7
5-	Earthworks standards: Sediment control {EW cl.16}¹	a. Effects on surrounding sites b. Effects on biodiversity and natural character values of riparian margins and coast c. Effects on the efficiency and/or affordability of infrastructure	<i>Relevant objectives and policies:</i> i. Objective 31.2.3 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 {EW 1071.106}</u> (Policy 31.2.3.2.b). See Rule 10.4 See Rule 9.4

31.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resources consents
6.	Fence height and design	a. Effects on neighbourhood amenity	<i>Relevant objectives and policies:</i> i. Objective 31.2.2 ii. Fences <u>adjoining roads or public places</u> {MF cl.16} are of a height and design that contribute positively to neighbourhood amenity (Policy 31.2.2.3). <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. The fence design maintains an attractive interface with the street. v. The fence will be screened by landscaping.
		b. Effects on health and safety	See Rule 9.4
7.	Hazardous substances quantity limits and storage requirements	a. Effects on health and safety	See Rule 9.4
		b. Risk from natural hazards {PO cl.16}	See Rule 11.4 {PO cl.16}
8.	Location and screening of service areas	a. Effects on neighbourhood amenity	<i>Relevant objectives and policies:</i> i. Objective 31.2.2 ii. Development maintains or enhances neighbourhood amenity by ensuring service areas are not visible from ground level outside the site (Policy 31.2.2.2).
9.	<u>Affecting a scheduled heritage building or scheduled heritage structure</u> {Her cl.16} • Materials and design	a. Effects on heritage values	See Rule 13.5
10.	Maximum building site coverage and impermeable surfaces	a. Effects on efficiency and affordability of infrastructure	See Rule 9.4

31.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resources consents
11.	Hazard overlay zones development standards: {MF cl.16³} • Minimum floor level {NH 917.27, NH 947.53 and others} • Relocatable buildings {MF cl.16³} • Maximum area of vegetation clearance in the hazard overlay zones {MF cl.16³}	a. Risk from natural hazards {MF cl.16³}	See Rule 11.4 {MF cl.16³}
12.	Number, location and design of ancillary signs	a. Effects on neighbourhood amenity	<i>Relevant objectives and policies:</i> i. Objective 31.2.2 ii. Ancillary signs <u>visible outside the zone</u> {MF cl.16³} are located and designed to maintain or enhance {MF cl.16³} 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 that purpose (Policy 31.2.2.4).
		b. Effects on the safety and efficiency of the transport network	See Rule 6.9
13.	Setback from coast and water bodies	a. Effects on biodiversity values and natural character of the coast and riparian margins <u>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

31.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resources consents
14.	Setback from scheduled tree	a. Effects on long term health of tree	See Rule 7.6
15.	Parking, loading and access standards	a. Effects on the safety and efficiency of the transport network	See Rule 6.9

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 **MF cl.16:** As a clause 16 amendment, the text has been corrected to align with policy wording. This is not a substantive change.

³ **MF cl.16:** As a clause 16 amendment this content has been moved to Rule 31.9.6. This is not a substantive change to provisions.

31.9.5 Assessment of subdivision performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. Subdivision performance standards	See the subdivision standards of the default zone (the default zones are listed in Appendix A9).

31.9.6 Assessment of restricted discretionary performance standard contraventions in a mapped area {MW 1071.16}

Performance standard {MW 1071.16}	Matters of discretion {MW 1071.16}	Guidance on the assessment of resource consents {MW 1071.16}
1. In a wāhi tūpuna mapped area : {MW 1071.16} Setback from coast and water bodies {MW 1071.16}	a. Effects on cultural values of Manawhenua {MW 1071.16}	See Rule 14.3 {MW 1071.16}
X. In an urban biodiversity mapped area : Maximum area of vegetation clearance (UBMA) {NatEnv cl.16}	a. Effects on biodiversity values {NatEnv cl.16}	See Rule 10.4 {NatEnv cl.16}
Y. {MF cl.16} Hazard overlay zones development standards In a hazard overlay zone {NH cl.16}: - Minimum floor level {NH 917.27, NH 947.53 and others} - Relocatable buildings (Hazard 3 (coastal) Overlay Zone) {NH cl.16} - Maximum area of vegetation clearance in the hazard overlay zones (Hazard 1 or 2 (land instability) overlay zones) {NH cl.16} - Hazardous substances quantity limits and storage requirements {PO cl.16}	a. Risk from natural hazards	See Rule 11.4

¹ **NatEnv cl.16:** As the Schools Major Facility Zone is partly covered by an Urban Biodiversity Mapped Area, this has been added as a clause 16 amendment to clarify that the vegetation clearance performance standard (Rule 10.3.2.1) applies in the UBMA.

² **MF cl.16:** As a clause 16 amendment this content has been moved from Rule 31.9.4. This is not a substantive change to provisions.

Rule 31.10 Assessment of Restricted Discretionary Activities

Rule 31.10.1 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 31.10.2 - 31.10.4:
 - 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 31.10.2 - 31.10.4 apply as follows: {MF cl.16}
 - a. Rule 31.10.2 applies to restricted discretionary land use activities;
 - b. Rule 31.10.3 applies to restricted discretionary development activities; and
 - c. Rule 31.10.4 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 31.9; 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 31.11; 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 31.12; and
 - iii. the assessment guidance in this section will also be considered.

31.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
A. All high trip generators: {Trans cl.16} any activities that generate 250 or more vehicle movements a day {Trans cl.16}	a. Effects on accessibility {Trans cl.16} b. Effects on the safety and efficiency of the transport network {Trans cl.16}	See Rule 6.10 {Trans cl.16}
1. Community and leisure - large scale Early childhood education - large scale	a. Effects on the safety and efficiency of the transport network b. Effects on accessibility c. Effects on surrounding sites' residential amenity	See Rule 6.10 <i>Relevant objectives and policies:</i> i. Objective 31.2.2 ii. Early childhood education - large scale and community and leisure - large scale is designed to avoid or, if avoidance is not possible practicable {PO 908.3 and others}, adequately mitigate, adverse effects on the amenity of surrounding residential properties (Policy 31.2.2.6).

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 31 assessment rules. The correction of this error, via the addition of Rule 31.10.2.A, does not result in a substantive change to the effect of provisions.

31.10.3 Assessment of restricted discretionary development activities

		Matters of discretion	Guidance on the assessment of resource consents
1.	In a Hazard 1 (land instability) Overlay Zone (see Rule 31.3.6): New buildings, and additions and alterations to buildings, which create more than 1m² of new ground floor area {NH 73.4 and others}	a. Risk from natural hazards {NH 73.4 and others}	See Rule 11.5 {NH 73.4 and others}

31.10.3 Assessment of restricted discretionary development activities

		Matters of discretion	Guidance on the assessment of resource consents
2.	In a ~~the~~ Hazard 1 or {NH cl.16³} 2 (flood) {NH 73.4 and others} Overlay Zone other than the hazard 1 (land instability) Overlay Zone {NH 73.4 and others} (see Rule 31.3.6): • New buildings, and additions and alterations to buildings, which create more than 60m² of new ground floor area • <u>Natural hazards {NH cl.16} sensitive activities {NH 634.74}</u> • <u>Natural hazards {NH cl.16} potentially sensitive activities {NH 634.74}</u>	a. Risk from natural hazards	See Rule 11.5

31.10.3 Assessment of restricted discretionary development activities

		Matters of discretion	Guidance on the assessment of resource consents
3.	<u>Activities affecting a scheduled heritage building or scheduled heritage structure: {Her cl.16}</u> • All other Additions and alterations that affect a protected part of a scheduled heritage building or scheduled heritage structure • Removal for relocation of a scheduled heritage building or scheduled heritage structure {Her cl.16}	a. Effects on heritage values	See Rule 13.6

31.10.3 Assessment of restricted discretionary development activities

		Matters of discretion	Guidance on the assessment of resource consents
4.	Earthworks – large scale (that exceed the scale thresholds for the Schools Zone) {EW cl.16'}	a. Effects on visual amenity and character b. Effects on the amenity of surrounding properties	<i>Relevant objectives and policies:</i> i. Objective 31.2.3 ii. Adverse effects on visual amenity and character will be avoided or, if avoidance is not possible, adequately mitigated (Policy 31.2.3.3.a). iii. Adverse effects on the amenity of surrounding properties, including from changes to drainage patterns, will be avoided or, if avoidance is not possible, adequately mitigated (Policy 31.2.3.3.b). <i>Potential circumstances that may support a consent application include:</i> iv. There is no, or only minimal, alteration to the natural landform. v. Any cut or fill will be restored or treated to resemble natural landforms. vi. The earthworks will not remove or effect existing vegetation or landscaping. <i>Conditions that may be imposed include, but are not limited to:</i> vii. Measures to minimise visual effects, e.g. requirements for revegetation and/or landscaping. viii. Maximum slopes of cut and fill batters. ix. Measures to divert surface water and rain away from, or prevent from discharging over, batter faces and other areas of bare earth. x. Measures to ensure there are no adverse effects from changes to drainage patterns on surrounding properties. xi. Requirement to de-compact soils; to take other remedial action to ensure the natural absorption capacity of the soils is not reduced; or to use other mitigation measures to ensure the overall absorption of rain water on site is not diminished.

31.10.3 Assessment of restricted discretionary development activities

		Matters of discretion	Guidance on the assessment of resource consents
		e. Effects on the stability of land, buildings, and structures	<i>Relevant objectives and policies:</i> i. Objective 31.2.3 ii. Adverse effects on the stability of land, buildings, and structures will be avoided or, if avoidance is not possible, adequately mitigated (Policy 31.2.3.3.c). <i>Potential circumstances that may support a consent application include:</i> 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 31.13.1). iv. Excavation, fill and retaining structures will be designed, and the work undertaken, in accordance with best practice engineering standards.
		d. Where in a wāhi tūpuna mapped area , effects on cultural values of ~~m~~ Manawhenua {MW 1071.19}	See Rule 14.4
5.	Earthworks – large scale (that exceed scale thresholds for a SNL) {EW cl.16'}	a. Effects on landscape values	See Rule 16.10
6.	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	See Rule 10.5
		b. Effects on public access	

31.10.3 Assessment of restricted discretionary development activities

		Matters of discretion	Guidance on the assessment of resource consents
7.	- Earthworks – large scale (that exceed scale thresholds for a hazard (land instability) overlay zone) - 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
8. {NH cl.16}	In a geologically sensitive mapped area (GSA): {NH cl.16} Earthworks – large scale (that exceed underlying zone scale thresholds) {NH cl.16}	a. Risk from natural hazards {NH cl.16}	See Rule 11.5 {NH cl.16}

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

² **NH cl.16:** Geologically sensitive areas are not part of this Plan, and are included in the data map for information purposes only. Reference to them in assessment rules is therefore incorrect and has been removed under cl.16. There is no substantive change to the provisions.

³ **NH cl.16:** As a clause 16 amendment, there is no intersect between the Schools Zone and the Hazard 1 (flood) Overlay Zone.

31.10.4 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 the school	<i>Relevant objectives and policies:</i> i. Objectives 31.2.1, 2.3.1 ii. Subdivision does not adversely affect the efficient and effective operation of the school (Policy 31.2.1.5.b).
		See the subdivision <u>activities</u> {PO cl.16} restricted discretionary assessment rule of the default zone (default zones are listed in Appendix A9).	

Rule 31.11 Assessment of Discretionary Activities

Rule 31.11.1 Introduction

1. Discretionary activities will be assessed in accordance with section 104 and 104B of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rules 31.11.2 - 31.11.43 **{NH 634.74}** 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); and
 - 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 31.11.2 - 31.11.4 apply as follows: **{MF cl.16}**
 - a. Rule 31.11.2 applies to all discretionary land use activities; and
 - b. Rule 31.11.4 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.

31.11.2 Assessment of discretionary land use {**MF cl.16**} activities

Activity	Guidance on the assessment of resource consents
1. All discretionary <u>land use</u> activities including listed below: {PO cl.16} • sport and recreation involving the use of motorised vehicles • activities listed below {PO cl.16}	<i>Relevant objectives and policies (priority considerations):</i> - Objectives 2.3.1, 31.2.1 - Activities that are not ancillary to schools activity {MF cl.16}: - are related to or support the school, or have other operation requirements that mean they need to locate in the zone; - support the efficient and effective operation of school; - are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and - are designed and operated in line with Objective 31.2.2 and its policies (Policy 31.2.1.3). <i>Potential circumstances that may support a consent application include:</i> - For discretionary land use activities, whether any associated development activities meet relevant development performance standards, or are otherwise consistent with relevant objectives and policies for development. - All relevant land use performance standards are met, including noise and light spill standards. <i>General assessment guidance:</i> - In assessing the significance of effects, consideration will be given to: - short to long term effects, including effects in combination with other activities; and - 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. - 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: {MF cl.16} <i>Relevant guidance from other sections (priority considerations):</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'} - See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety {PHS cl.16} - 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}

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.

31.11.3 Assessment of discretionary land use activities {NH634.74}	
Activity {NH634.74}	Guidance on the assessment of resource consents {NH634.74}
<del>1. In the hazard 1 overlay zones (see Rule 31.3.6): {NH cl.16'} Potentially sensitive activities permitted in the Schools Zone {NH cl.16'} </del>	~~See Section 11.6 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards: {NH cl.16'}~~
<del>2. In the hazard 2 overlay zones (see Rule 31.3.6): {NH634.74} - Potentially sensitive activities not permitted in the Schools Zone {NH634.74} - Sensitive activities {NH634.74} </del>	~~See Section 11.6 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards: {NH634.74}~~

¹ **NH cl.16:** This content has been deleted because it was included in error.

31.11.4 Assessment of discretionary performance standard contraventions	
Performance standard	Guidance on the assessment of resource consents
<del>1. - 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 </del>	~~<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.~~

Rule 31.12 Assessment of Non-complying Activities

Rule 31.12.1 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 31.12.2 - 31.12.5 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 31.12.2 - 31.12.5 apply as follows: {MF cl.16}
 - a. Rule 31.12.2 applies to all non-complying activities;
 - b. Rule 31.12.3 applies to non-complying land use activities;
 - c. Rule 31.12.4 applies to non-complying development activities; and
 - d. Rule 31.12.5 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.

31.12.2 Assessment of non-complying land use activities

Activity	Guidance on the assessment of resources consents

31.12.2 Assessment of non-complying land use activities

Activity	Guidance on the assessment of resources consents
1. All non-complying activities	<i>Relevant objectives and policies (priority considerations):</i> a. Objectives 2.3.1, 14.2.1, 31.2.1 b. Activities not ancillary to schools activity {PO cl.16}: i. are related to or support the school, or have other operation requirements that mean they need to locate in the zone; ii. support the efficient and effective operation of the school; iii. are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and iv. they are designed and operated in line with Objective 31.2.2 and its policies (Policy 31.2.1.3). <i>General assessment guidance:</i> c. In assessing the significance of effects consideration will be given to: 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 a resource consent. d. In assessing activities that are non-complying due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered. <i>Relevant guidance from other sections (priority considerations):</i> e. <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> f. <u>See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety {PHS cl.16}</u> g. <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>

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.

31.12.3 Assessment of non-complying land use activities

Activity	Guidance on the assessment of resource consents
1. • Cemeteries • Crematoriums • Landfills	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on the cultural values of Manawhenua.
2. Commercial advertising in all zones {PO cl.16}	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 2.4.1 b. Policy 2.4.1.6.c
3. In the hazard 1 overlay zones (see Rule 31.3.6): {NH 73.4 and others} • Potentially sensitive activities not permitted in the Schools Zone {NH 73.4 and others} • Sensitive activities {NH 73.4 and others}	See Section 11.7 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards: {NH 73.4 and others}

31.12.4 Assessment of non-complying development activities

Activity	Guidance on the assessment of resource consents
1. Demolition of a protected part of a scheduled heritage building or scheduled heritage structure	<i>Relevant guidance from other sections (priority considerations):</i> 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.

31.12.5 Assessment of non-complying performance standard contraventions	
Performance standard	Guidance on the assessment of resource consents
1. Archaeological sites (earthworks) {EW cl.16¹}	See Section 13.8 for guidance on the assessment of resource consents in relation to Objective 13.2.4 and effects related to the inappropriate development and use in Dunedin's archaeological sites.
2. • 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)	<i>Relevant guidance from other sections (priority considerations):</i> 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.
3. Setback from National Grid	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 5.10 for guidance on the assessment of resource consents in relation to Objective 5.2.4 5.2.2 {NU 918.29} and effects related to the efficient and effective operation of network utilities and public health and safety.

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

Rule 31.13 Special Information Requirements

EW cl.16: As a clause 16 amendment, Rule 31.13.1 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.

32. Stadium

32.1 Introduction

The Forsyth Barr Stadium is located at Logan Point, immediately south of Logan Park. The area is approximately 5.1ha in size and is located between Anzac Avenue (SH 88), Ravensbourne Road, the Water of the Leith and the main south railway line. The Forsyth Barr Stadium has a capacity for up to 35,000 spectators and provides a venue for international and local sporting events as well as concerts, community events and conferences.

The zone is bordered by the Industrial Zone to the north-east, and **{MF cl.16}** east and south, Princes, Parry and Harrow Street Zone to the west, GBD Edge Zone to the south, **{MF cl.16}** Campus Zone **{MF cl.16}** to the north-west east **{MF cl.16}** and Recreation Zone **{MF cl.16}** to the north. The University of Otago uses the University Plaza building at the western end of the stadium for campus activities activity **{PO cl.16}**. This building, and the plaza area in front of it, are zoned Campus. A large car park services the stadium.

The Forsyth Barr Stadium and its associated activities have the potential for visual, noise and traffic effects that may impact on surrounding land uses. The effects of activities within the area must be carefully managed to ensure that there are no adverse impacts on the rest of the city. Activities permitted within the Stadium Zone are limited to those clearly associated with the operation and function of the stadium, or that make use of the stadium facility itself.

32.2 Objectives and Policies

Objective 32.2.1	
The stadium is able to operate efficiently and effectively.	
Policy 32.2.1.1	Enable major recreation facility activity in the Stadium Zone.
Policy 32.2.1.2	Provide for activities ancillary to major recreation facility activity where they are designed and operated in line with Objective 32.2.2 and its policies.
Policy 32.2.1.3	Only allow activities that are not ancillary to major recreation facility activity where: - they are related to or support the Forsyth Barr Stadium, or have other operational requirements that mean they need to locate in the zone; - they will support the efficient and effective operation of the Forsyth Barr Stadium; - they are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and - they are designed and operated in line with Objective 32.2.2 and its policies.
Policy 32.2.1.4	Enable land that is surplus to the needs of the Forsyth Barr Stadium to transition to the Campus Zone (<u>except in the hazard facility mapped area</u>) or Industrial Zone (in the hazard facility mapped area) {MF 906.58}, so that future development that is not related to major recreation facility activity ~~can~~ <u>will</u> {PO cl.16} be managed in accordance with the objectives and policies of that zone.
Policy 32.2.1.5	Only allow subdivision <u>activities</u> {PO cl.16} where: <u>the subdivision does not adversely affect the efficient and effective operation of the Forsyth Barr Stadium.</u> {MF 906.58} ~~it is in accordance with the provisions of the Campus Zone; and~~ {MF 906.58} ~~the subdivision does not adversely affect the efficient and effective operation of the Forsyth Barr Stadium.~~ {MF 906.58}
Policy 32.2.1.6	Enable car parking areas to be used for stand-alone car parking when not required for major recreation facility activity.

Objective 32.2.2

Land use activities and development are designed and operated to:

- provide a good standard of on-site amenity for visitors;
- maintain or enhance the amenity of surrounding areas, as far as practicable; and
- avoid adverse effects on people's health and safety.

Policy 32.2.2.1	Require development along Ravensbourne Road (amenity route mapped area) to provide a high level of streetscape amenity by: - providing landscaping of a height and density adequate to maintain or enhance the amenity of the route; and - setting back buildings an adequate distance to allow this landscaping.
Policy 32.2.2.2	Only allow buildings greater than 20m in height where: <u>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, are minimised as far as practicable through the use of quality and contextually appropriate architectural design.</u> {MF 308.343 and 308.497} ~~they contribute positively to the skyline vista of the city, by being of a quality and contextually appropriate architectural design.; and~~ {MF 308.343 and 308.497} ~~they avoid significant adverse effects on views from Dunedin's inner hill suburbs across the upper harbour toward the Otago Peninsula.~~ {MF 308.343 and 308.497}
Policy 32.2.2.3	Only allow buildings over 47m in height where: - the height is essential to the operation of the Forsyth Barr Stadium; and - the height exceedance is minimal.
Policy 32.2.2.4	Require ancillary signs visible from outside the zone to be located and designed to be {MF cl.16} 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 that purpose.
Policy 32.2.2.5	Require land use activities to operate, and development to be designed, to ensure that adverse effects from noise on the health of people ~~can~~ <u>will</u> {PO cl.16} be avoided or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others} , are insignificant.
Policy 32.2.2.6	Require ancillary commercial activities to be designed, located and operated to primarily serve staff and visitors to the Forsyth Barr Stadium.
Policy 32.2.2.7	<u>Require the Forsyth Barr Stadium is to have</u> {MF cl.16} predominantly muted colours, to minimise adverse effects on the skyline vista of the city and views across the harbour.

EW cl.16: As a clause 16 amendment, Objective 32.2.3 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 32.3 Activity Status

Rule 32.3.1 Rule location

The activity status tables in rules 32.3.3 to 32.3.5 specify the activity status of land use activities, development activities, and subdivision activities in the Stadium 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}**

Rule 32.3.2 Activity status introduction

1. The activity status **{MF cl.16}** tables in rules 32.3.3 - 32.3.5 show the activity status of activities in the Stadium 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 1.3 outline the hierarchy of categories, activities and sub-activities.
3. Permitted land use activities do not automatically provide for any related development activities. Therefore, the activity status of any associated development activities should also be checked.
4. Where a new land use activity requires a resource consent, all associated development activities will be considered and assessed as part of the resource consent even if the development otherwise meets the development performance standards listed in the Plan.
5. The nested tables in Section 1.3 are intended to be a complete list of activities 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

32.3.3 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.	Major recreation facility	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	NC	
5.	All other activities in the community activities category	P	a. <u>Location (hazard facility mapped area) {PHS 906.1}</u>
Commercial activities		Activity status	Performance standards
6.	Commercial activities ancillary to major recreation facility activity	P	a. Location
7.	Visitor accommodation	D	
8.	Office	D	
9.	Stand-alone car parking	P	
10.	All other activities in the commercial activities category	NC	
Residential activities		Activity status	Performance standards
11.	All activities in the residential activities category	NC	
Industrial activities		Activity status	Performance standards
12.	All activities in the industrial activities category	NC	
Rural activities		Activity status	Performance standards

13.	All activities in the rural activities category	NC	

32.3.4 Activity status table - development activities

1.	Performance standards that apply to all development activities {MF cl.16}		a. Setback from coast and water bodies {NatEnv cl.16}
2.	Performance standards that apply to all buildings and structures activities		a. Building design b. Number, location and design of ancillary signs c. Maximum height d. Hazard overlay zones development standards {NH 917.27, 360.239 and 691.1} e. <u>Setback from coast and water bodies</u> {NatEnv cl.16}
Buildings and structures activities		Activity status	Performance standards
3.	All <u>new</u> {PO cl.16} buildings and additions and alterations to buildings	P	a. Boundary setbacks
4.	All other buildings and structures activities	P	
Site development activities		Activity status	Performance standards
5.	~~Earthworks – small scale~~ {EW cl.16¹}	P	~~a. Earthworks standards~~
6.	~~Earthworks – large scale~~ {EW cl.16¹}	RD	~~a. Earthworks standards~~
7.	Parking, loading and access	P	a. Parking, loading and access standards b. Boundary treatments and other landscaping
8.	~~New or additions to parking areas, or extensions to existing parking areas~~ that result in the creation of {Trans cl.16} 50 or more new parking spaces.	RD	a. Boundary treatments and other landscaping b. Parking, loading and access standards
9.	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}
10.	Vegetation clearance	P	
11.	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.

Note 32.3.4A - 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.

32.3.5 Activity status table - subdivision activities

Subdivision activities	Activity status	Performance standards
1. Subdivision activities	RD	a. Subdivision performance standards

Note 32.3.5A - 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 32.3.6 Transition to Campus Zone or Industrial Zone {MF 906.58}

1. On receipt of written notice from both the landowner and operator of Forsyth Barr Stadium (if different) to Dunedin City Council confirming that all or part of the land within the Stadium Zone is surplus to Forsyth Barr Stadium requirements, the provisions of the Stadium Zone will no longer apply to that parcel of land and the provisions of the following zones **Campus Zone {MF 906.58}** will apply in full:
 - a. to those parts of the Stadium Zone that are outside the **hazard facility mapped area**, the Campus Zone will apply {MF 906.58}
 - b. to those parts of the Stadium Zone that are inside the **hazard facility mapped area**, the Industrial Zone will apply {MF 906.58}

Rule 32.4 Notification

1. With respect to resource consent applications for the following activities, Manawhenua will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided: {MW 1071.2}
 1. all restricted discretionary activities that list 'effect on cultural values of Manawhenua' as a matter for discretion; and {MW 1071.2}
 2. discretionary and non-complying activities in a wāhi tūpuna mapped area where the activity is identified as a threat in Appendix A4. {MW 1071.2}
2. All other activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA.

Rule 32.5 Land Use Performance Standards

32.5.1 Acoustic Insulation

Noise sensitive activities in the Stadium Zone must comply with Rule 9.3.1.

32.5.2 Electrical Interference

Land use activities must comply with Rule 9.3.2.

32.5.3 Light Spill

Land use activities must comply with Rule 9.3.5.

32.5.4 Location

1. For commercial activities ancillary to major recreation facility activity, customer access must only be available from inside the stadium buildings.
2. Activities that contravene this performance standard are restricted discretionary activities.{PO cl.16}

32.5.5 Minimum Car Parking

1. Major recreation facility activity must provide a minimum of 163 parking spaces, including 5 mobility parking spaces.
2. Activities that contravene this performance standard are restricted discretionary activities.{PO cl.16}

Note 32.5.5A - 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.

32.5.6 Noise

Rule 32.5.6.1 Noise

- a. Land use activities must comply with Rule 9.3.6, except stadium noise events (see Rule 32.5.6.2).

Rule 32.5.6.2 Stadium Noise Events

- a. Stadium noise events must not exceed 75 dB LAeq (15 min) or 80 dB LAFmax measured at the **stadium noise mapped area**.

- b. The maximum number of stadium noise events allowed within the following noise ranges is:

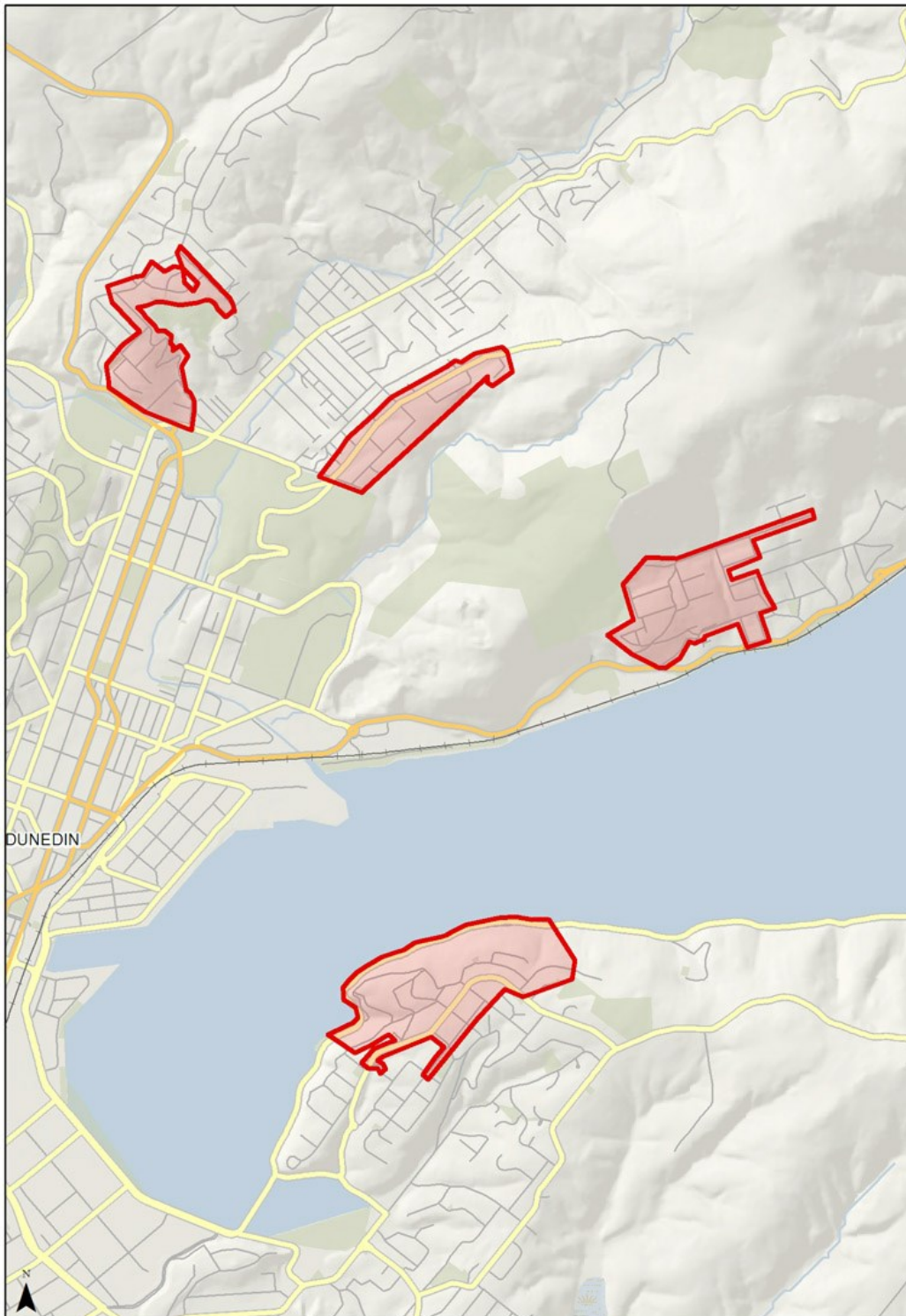
Noise measured at the boundary of the stadium noise mapped area		Maximum number of events per calendar year
i.	Between 65 dB LAeq (15 min) and up to 75 dB LAeq (15 min); or up to 80 dB LAF max	3
ii.	Between 55 dB LAeq (15 min) and up to 65 dB LAeq (15 min); or up to 75 dB LAF max	12 events
iii.	Up to 55 dB LAeq (15 min)	n/a

- c. Stadium noise events must not commence before 10.00am or finish after 12.00am (midnight) for events between 1 November and the end of February, or after 11.00pm for events between 1 March and 31 October. For clarity, the event may exceed four hours, but the period during which any noise is produced that exceeds the noise limits in Rule 9.3.6 must not exceed four hours.
- d. Stadium noise events must comply with the following restrictions:
 - i. There must be no more than two stadium noise events in any one seven-day period, except for two weeks of the year which may have a maximum of four stadium noise events in any one seven-day period; and
 - ii. There must be no more than two stadium noise events that exceed 55 dBA Leq (15 min) within any Sunday to Thursday period inclusive; and
 - iii. Stadium noise events that exceed 55 dBA Leq (15 min) must not be held on consecutive days within any Sunday to Thursday period inclusive; and
 - iv. There must be no more than two stadium noise events that exceed 55 dBA Leq (15 min) on consecutive days.
- e. The Forsyth Barr Stadium must either:
 - i. have a permanent sound system that is commissioned and calibrated to achieve compliance with the above noise standards during stadium noise events, and with the noise standards specified in Rule 9.3.6 at all other times; or
 - ii. for stadium noise events where a non-calibrated sound system is used, monitor and regulate the noise to ensure compliance with the noise standards specified above.
- f. Sound checks involving amplified music which exceed the noise limits specified in Rule 9.3.6 must be between the hours of 9.00am and 7.30pm and a maximum of two hours total duration per day. Sound checks must not exceed the noise limits specified in Rule 32.5.6.2.a.
- g. Stadium noise events expected to exceed 65dB LAeq (15 min) or 75 dB LAFmax must be publicised by:
 - i. an advertisement in both the Otago Daily Times newspaper and Star community newspaper no more than 10 days prior to the event; or
 - ii. a leaflet drop to the **stadium noise leaflet drop mapped area** no more than 10 days prior to the

event.

- h. A noise management plan must be provided to the DCC's Environmental Health Department at least 48 hours prior to all stadium noise events detailing:
 - i. the name and contact details of a noise management contact person who will be present at the stadium noise event; and
 - ii. methods by which noise will be managed to ensure it does not exceed the noise levels in Rule 32.5.6.2.a and b.
- i. Activities that exceed the noise limits in 32.5.6.2.a are a non-complying activity.
- j. Activities that contravene all other parts of this rule are a discretionary activity.

Figure 32.5A: {MF cl.16} Stadium Noise Leaflet Drop Mapped Area



32.5.7 Location (hazard facility mapped area) {Confirmed for addition - PHS 906.1}

Activities must comply with Rule 9.3.8. {PHS 906.1}

Rule 32.6 Development Performance Standards

32.6.1 Boundary Treatments and Other Landscaping

1. Along the Ravensbourne Road frontage (**amenity route mapped area**), where a building is not built to the road frontage, a landscaping area with a minimum width of 1.5m, must be provided along the full length of the road frontage (except for where vehicle access is provided). Landscaping areas must:
 - a. be planted with a mix of trees and shrubs and/or ground cover plants that achieves a total coverage of the ground area in planting (when mature), except for 10% of the area, which may be used for pedestrian paths;
 - b. have an average of one tree for every 5m of frontage;
 - c. not have more than 10% cover in impermeable surfaces (for pedestrian paths);
 - d. be designed to allow surface water run-off from surrounding areas to enter;
 - e. be protected by a physical barrier that prevents cars from ~~accidentally driving into or~~ **{PO 360.213}** damaging plants;
 - f. for required trees, use trees that are at least 1.5m high at the time of planting and capable of growing to a minimum **{PO 360.213}** height of 5m within 10 years of planting;
 - g. be planted prior to occupation ~~or completion~~ of any relevant building(s) or upon completion of site development activities **{MF cl.16}**; and
 - h. be maintained to a high standard, which means trees and under-planting are healthy and areas are regularly cleared of rubbish and weeds.
2. Any road boundary fences provided must be placed on the property side of any required **{MF cl.16}** road frontage landscaping required by this rule **{PO 360.213}**.
3. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

32.6.2 Building Design

1. The Forsyth Barr Stadium must be at least 75% grey tones. Up to 25% of each façade may be any colour, but no one block of colour ~~can~~ may **{PO cl.16}** occupy more than 5% of the façade.
2. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

32.6.3 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.

32.6.4 Hazard Overlay Zones Development Standards {Confirmed for deletion - NH 917.27, 360.239 and 961.1}

32.6.4.3 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}**

32.6.4.4 Relocatable buildings {NH cl.16¹}

New buildings (including residential buildings) to be used for sensitive activities in the Hazard 3 (coastal) Overlay Zone must comply with Rule 11.3.4. **{NH cl.16¹}**

¹ **NH cl.16:** This has been deleted as residential activity is non-complying in this zone.

32.6.5 Hazardous Substances Quantity Limits and Storage Requirements

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

32.6.6 Maximum Height

1. The maximum height for new buildings and structures, and additions and alterations is 20m above ground level.
2. Rooftop structures are exempt from the performance standard for maximum height, provided they do not exceed the maximum height limit by more than 5m.
3. Activities that contravene the performance standard for maximum height but are no greater than 47m in height are a restricted discretionary activity.
4. Activities that contravene the performance standard for maximum height and are over 47m in height are a discretionary activity.

32.6.7 Number, Location and Design of Ancillary Signs

32.6.7.1 General

- a. Signs must comply with the following standards, except the following signs are exempt from these standards:
 - i. signs that are not visible from outside the Stadium 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 **{PO cl.16¹}** 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 related to commercial activities ancillary to a major recreation facility activity **{MF cl.16}** must not be visible from outside the Stadium Zone.
- e. Signs higher than 4m above ground level must only display the major facility name.
- f. ~~Signs other than those specified in rules 32.6.7.2 and 32.6.7.3 are not allowed.~~ **{MF cl.16}**
- g. Signs must be set back a minimum of 100 metres from the State Highway 88/Ravensbourne Road roundabout. **{MF 881.157}**
- h. Signs that contravene the performance standard for number, location and design of ancillary signs are

restricted discretionary activities.{PO cl.16}

¹ **PO cl.16:** Amended to reflect requirements of Rule 6.7.2

32.6.7.2 Signs attached to buildings

- a. Signs must not be attached to roofs.
- b. Signs must not project higher than the lowest point of the roof, except where mounted against a parapet or gable end.
- c. Signs attached flat against a building must:
 - i. not exceed one sign per road frontage; and
 - ii. not exceed a display face area of 160m² per sign.
- d. If attached on the underside of a verandah or protruding from a building façade, signs must:
 - i. where attached to the façade of a building, not protrude more than 1.5m from the façade;
 - ii. have a maximum area per display face of 2m²;
 - iii. have a maximum of 2 display faces; and
 - iv. not exceed 1 sign per 30m of street frontage.

32.6.7.3 Freestanding signs

- a. The maximum number of freestanding signs is:
 - i. 1 per 50m of street frontage.
- b. The maximum area of freestanding signs is 1m², except one sign is allowed with the following maximum dimensions:
 - i. maximum height of 8m; and
 - ii. maximum area of 16m².
- c. Freestanding signs must:
 - i. ~~be positioned entirely within site boundaries and cannot be located on the road reserve; and not obstruct parking, loading and access areas; and~~ {PO cl.16}
 - ii. ~~not obstruct driveways, parking or loading areas; be positioned entirely within the site boundaries.~~ {PO cl.16}

Note 32.6A - 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 32.6.7B - 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 Roding Bylaw.
4. Dunedin City Council Traffic and Parking Bylaw.

32.6.8 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

32.6.9 Setbacks

32.6.9.1 Boundary setbacks

- a. New buildings and structures, and additions and alterations to buildings and structures, must have a minimum set back from Ravensbourne Road (**amenity route mapped area**) of 10.5m.
- b. Fences and ancillary signs are exempt from this standard.
- c. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

32.6.9.2 Setback from coast and water bodies

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

Rule 32.7 Subdivision Performance Standards

Subdivision activities must comply with Rule 34.7 outside the **hazard facility mapped area** and Rule 19.7 within the **hazard facility mapped area** {MF 906.58}.

Rule 32.8 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 32.8.1 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 32.8.2 - 32.8.5:
 - 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 32.8.2 - 32.8.5 apply as follows: {MF cl.16}
 - a. Rule 32.8.2 applies to all performance standard contraventions;
 - b. Rule 32.8.3 applies to land use performance standard contraventions;
 - c. Rule 32.8.4 applies to development performance standard contraventions; and
 - d. Rule 32.8.5 applies to subdivision performance standard contraventions. {MF cl.16}

32.8.2 Assessment of all performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. All performance standard contraventions	<i>Relevant objectives and policies:</i> a. The degree of non-compliance with the performance standard is minor. b. The need to meet other performance standards, or other site specific factors including topography, make meeting the standard impracticable. c. 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. <i>General assessment guidance:</i> d. Where more than one standard is contravened, the combined effects of the contraventions should be considered.

32.8.3 Assessment of land use performance standard contraventions

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 hierarchy {MF cl.16}	<i>Relevant objectives and policies:</i> i. Objective 32.2.1 ii. Ancillary commercial activities are designed, located and operated to primarily serve staff and visitors to the <u>Forsyth Barr</u> {MF cl.16} Stadium (Policy 32.2.2.6).
3. Minimum car parking	a. Effects on accessibility b. Effects on the safety and efficiency of the transport network	See Rule 6.9

32.8.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	Boundary setbacks	a. Effects on neighbourhood amenity	<i>Relevant objectives and policies:</i> i. Objective 32.2.2 ii. Buildings are set back an adequate distance from Ravensbourne Road (amenity route mapped area) <u>Development along Ravensbourne Road (amenity route mapped area) provides a high level of streetscape amenity by setting back buildings an adequate distance {MF cl.16²}</u> to allow landscaping (Policy 32.2.2.1.b).
2.	Boundary treatments and other landscaping	a. Effects on neighbourhood amenity	<i>Relevant objectives and policies:</i> i. Objective 32.2.2 ii. Development along Ravensbourne Road (amenity route mapped area) provides a high level of streetscape amenity by providing landscaping of a height and density adequate to maintain or enhance the amenity of the route (Policy 32.2.2.1.a).
3.	Building design	a. Effect on neighbourhood amenity	<i>Relevant objectives and policies:</i> i. Objective 32.2.2 ii. The Forsyth Barr Stadium is predominantly muted colours, to minimise adverse effects on the skyline vista of the city and views across the harbour (Policy 32.2.2.7).
4.	Earthworks standards: • Batter gradient {EW cl.16} ¹	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 32.2.3 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 32.2.3.1.b). <i>Conditions that may be imposed include, but are not limited to:</i> 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.

32.8.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
5.	Earthworks standards: • Setback from property boundary, buildings, structures and cliffs {EW cl.16} ¹	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 32.2.3 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 32.2.3.1.a).
6.	Earthworks standards: • Setback from network utilities {EW cl.16} ¹	a. Effects on efficient and effective operation of network utilities b. Effects on health and safety	See Rule 5.7
7.	Earthworks standards: • Sediment control {EW cl.16} ¹	a. Effects on surrounding sites b. Effects on biodiversity and natural character values of riparian margins and coast c. Effects on the efficiency and/or affordability of infrastructure	<i>Relevant objectives and policies:</i> i. Objective 32.2.3 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 {EW 1071.106}</u> (Policy 32.2.3.2.b). See Rule 10.4 See Rule 9.4
8.	Hazardous substances quantity limits and storage requirements	a. Effects on health and safety b. Risk from natural hazards {PO cl.16}	See Rule 9.4 See Rule 11.4 {PO cl.16}

32.8.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
9.	Maximum height (buildings no greater than 47m in height) {MFcl.16}	a. Effects {MF cl.16} on streetscape amenity	<i>Relevant objectives and policies:</i> i. Objective 32.2.2 ii. Buildings greater than 20m in height contribute positively to the skyline vista of the city, by being of a quality and contextually appropriate architectural design, and avoid significant adverse effects on views from Dunedin's inner hill suburbs across the upper harbour toward the Otago Peninsula <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 and 308.497} (Policy 32.2.2.2).
10.	Hazard overlay zones development standards: {NH 917.27, 360.239 and 901.1} • Minimum floor level {NH 917.27, 947.53 and others} • Relocatable buildings {NH cl.16³}	a. Risk from natural hazards {NH 917.27, 360.239 and 901.1}	See Rule 11.4 {NH 917.27, 360.239 and 901.1}
11.	Number, location and design of ancillary signs	a. Effects on amenity of surrounding area. b. Effects on the safety and efficiency of the transport network.	<i>Relevant objectives and policies:</i> i. Objective 32.2.2 ii. Ancillary signs visible from outside the zone are 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 that purpose (Policy 32.2.2.4). See Rule 6.9

32.8.4 Assessment of development performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
12. Setback from coast and water bodies	a. Effects on public access	See Rule 10.4
	b. Effects on biodiversity values and natural character of ~~the coast and~~ {MF cl.16} riparian margins and the coast {MF cl.16}	
	c. Risk from natural hazards	See Rule 11.4
	d. In a wāhi tupuna mapped area , effects on cultural values of <u>Manawhenua</u> {MW 1071.16}	See Rule 14.3 {MW 1071.16}
13. Parking, loading and access standards	a. Effects on the safety and efficiency of the transport network	See Rule 6.9

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 **MF cl.16:** Amendment to align with policy wording.

³ **NH cl.16:** This has been deleted as residential activity is non-complying in this zone.

32.8.5 Assessment of subdivision performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. Subdivision performance standards	See Rule 34.9 <u>outside the hazard facility mapped area and Rule 19.9 within the hazard facility mapped area {MF 906.58}.</u>

Rule 32.9 Assessment of Restricted Discretionary Activities

Rule 32.9.1 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 32.9.2 - 32.9.3 list:
 - a. 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 32.9.2 - 32.9.3 apply as follows: {MF cl.16}
 - a. Rule 32.9.2 applies to restricted discretionary development activities; and
 - b. Rule 32.9.3 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 32.8; 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 32.10; 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 32.11; and
 - iii. the assessment guidance in this section will also be considered.

32.9.2 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. Earthworks – large scale (that exceed scale thresholds for the Stadium Zone) {EW cl.16'}	a. Effects on visual amenity and character b. Effects on the amenity of surrounding properties	<i>Relevant objectives and policies:</i> i. Objective 32.2.3 ii. Adverse effects on visual amenity and character will be avoided or, if avoidance is not possible, adequately mitigated (Policy 32.2.3.3.a). iii. Adverse effects on the amenity of surrounding properties, including from changes to drainage patterns, will be avoided or, if avoidance is not possible, adequately mitigated (Policy 32.2.3.3.b). <i>Potential circumstances that may support a consent application include:</i> iv. There is no, or only minimal, alteration to the natural landform. v. Any cut or fill will be restored or treated to resemble natural landforms. vi. The earthworks will not remove or impact upon existing vegetation or landscaping. <i>Conditions that may be imposed include, but are not limited to:</i> vii. Measures to minimise visual effects, e.g. requirements for revegetation and/or landscaping. viii. Measures to divert surface water and rain away from, or prevent from discharging over, batter faces and other areas of bare earth. ix. Measures to ensure there are no adverse effects from changes to drainage patterns on surrounding properties. x. Requirement to de-compact soils; to take other remedial action to ensure the natural absorption capacity of the soils is not reduced; or to use other mitigation measures to ensure the overall absorption of rain water on site is not diminished.

32.9.2 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
	c. Effects on the stability of land, buildings, and structures	<i>Relevant objectives and policies:</i> i. Objective 32.2.3 ii. Adverse effects on the stability of land, buildings, and structures will be avoided or, if avoidance is not possible, adequately mitigated (Policy 32.2.3.3.c). <i>Potential circumstances that may support a consent application include:</i> 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 32.12.1). iv. Excavation, fill and retaining structures will be designed, and the work undertaken, in accordance with best practice engineering standards.
2. 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
3. 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
4. <u>High trip generators:</u> {Trans cl.16'} • New or additions to parking areas, or extensions to existing parking areas that result in the creation of 50 or more new parking spaces {Trans cl.16'}	a. Effects on the safety and efficiency of the transport network b. Effects on accessibility {Trans cl.16'}	See Rule 6.10

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

32.9.3 Assessment of restricted discretionary subdivision activities		
Activity	Matters of discretion	Guidance on the assessment of resource consents
1. Subdivision activities	a. Effects on the efficient and effective operation of the stadium	<i>Relevant objectives and policies:</i> i. Objectives 32.2.1, 2.3.1 ii. Subdivision <u>activities</u> {MF cl.16} do not adversely affect the efficient and effective operation of the stadium (Policy 32.2.1.5).
	See Rule 34.10 <u>outside the hazard facility mapped area</u> and Rule 19.10 <u>inside the hazard facility mapped area</u> {MF 906.58} .	

Rule 32.10 Assessment of Discretionary Activities

Rule 32.10.1 Introduction

1. Discretionary activities will be assessed in accordance with section 104 and 104B of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rules 32.10.2 - 32.10.3 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 32.10.2 - 32.10.3 apply as follows: {MF cl.16}
 - a. Rule 32.10.2 applies to discretionary activities; and
 - b. Rule 32.10.3 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.

32.10.2 Assessment of discretionary activities

Activity	Guidance on the assessment of resource consents

32.10.2 Assessment of discretionary activities

Activity	Guidance on the assessment of resource consents
1. All discretionary activities <u>which include:</u> • <u>Visitor accommodation</u> • <u>Office</u> {MF cl.16}	<i>General assessment guidance:</i> a. In assessing the significance of effects, consideration will be given to: - short to long term effects, including effects in combination with other activities; and - 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. b. Objective 32.2.1 c. ~~Only allow~~ {MF cl.16} Activities that are not ancillary to major recreation facility activity ~~where~~ {MF cl.16}: ~~they~~ {MF cl.16} are related to or support the Forsyth Barr Stadium, or have other operational requirements that mean they need to locate in the zone; ~~they~~ {MF cl.16} will support the efficient and effective operation of the Forsyth Barr Stadium; ~~they~~ {MF cl.16} are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and ~~they~~ {MF cl.16} are designed and operated in line with Objective 32.2.2 and its policies (Policy 32.2.1.3). <i>Relevant guidance from other sections (priority considerations):</i> d. <u>See Section 6.11 for guidance on the assessment of resource consents in relation to objectives 6.2.2 and 6.2.3, and effects related to accessibility and the safety and efficiency of the transport network and its affordability to the public.</u> {Trans cl.16'} e. <u>See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety</u> {PHS cl.16} f. <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</u> {MW 1071.3}
X. In a hazard facility mapped area: • <u>Training and education</u> • <u>Registered health practitioners</u> • <u>Visitor accommodation</u> {PHS 906.1}	<i>Relevant guidance from other sections (priority considerations):</i> a. <u>See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and Policy 9.2.2.15 and the risks to people from an emergency event occurring at a hazard facility.</u> {PHS 906.1}

32.10.2 Assessment of discretionary activities

Activity	Guidance on the assessment of resource consents
2. Visitor accommodation {MF cl.16}	~~Relevant guidance from other sections (priority considerations): {Trans cl.16}~~ a. See Section 6.11 for guidance on the assessment of resource consents in relation to Objective 6.2.2 and 6.2.3 and effects related to accessibility and the safety and efficiency of the transport network {MF cl.16²} ~~Relevant guidance from other sections (priority considerations):~~ a. See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety. {MF cl.16}

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.

32.10.3 Assessment of discretionary performance standard contraventions

Activity	Guidance on the assessment of resource consents
1. • Acoustic insulation • Noise - where the limits in Rule 32.5.7.1 <u>9.3.6</u> {MF cl.16} are 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	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health.
2. <u>Stadium Noise Events</u> - where the limits in Rule 35.5.7.2.b to 35.5.7.2.h are not complied with (except where limits in Rule 32.5.6.2.a are exceeded) {MF cl.16}	<i>Relevant objectives and policies:</i> a. Objectives 32.2.1, <u>32.2.2</u> and {MF cl.16} 9.2.2 b. ~~Major recreation facility is enabled~~ (Policy 32.2.1.1). {MF cl.16} c. Activities are designed and operated to ensure that adverse effects from noise on the health of people can <u>will</u> {PO cl.16} be avoided or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, are insignificant (Policy/policies {MF cl.16} 9.2.2.1 and 32.2.2.5 {MF cl.16}).
3. Maximum height (buildings greater than 47m in height)	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 2.4.1, Policy 2.4.1.4 b. Objective 32.2.2 c. Only allow {MF cl.16} Buildings over 47m in height where {MF cl.16}: i. the height is <u>are</u> {MF cl.16} essential to the operation of the Forsyth Barr Stadium; and ii. the height exceedance is minimal (Policy 32.2.2.3). d. ~~Buildings 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 and 308.497} (Policy 32.2.2.2-a). e. ~~Buildings avoid significant adverse effects on views from Dunedin's inner hill suburbs across the upper harbour toward the Otago Peninsula~~ (Policy 32.2.2.2-b). {MF 308.343 and 308.497}
4. <u>Location (hazard facility mapped area)</u> {PHS 906.1}	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and Policy 9.2.2.15 and the risks to people from an emergency event occurring at a hazard facility. {PHS 906.1}

Rule 32.11 Assessment of Non-complying Activities

Rule 32.11.1 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 ~~32.10.2 – 32.10.4~~ 32.11.2 - 32.11.4 **{MF cl.16}** 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 32.11.2 - 32.11.4 apply as follows: {MF cl.16}
 - a. Rule 32.11.2 applies to non-complying land use activities; and
 - b. Rule 32.11.4 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.

32.11.2 Assessment of non-complying land use activities

Activity	Guidance on the assessment of resource consents

1. All non-complying land use activities	<i>Relevant objectives and policies (priority considerations):</i> a. Objectives 2.3.1, 2.3.3 b. <u>Policy 2.3.3.2 {MF cl.16'}</u> c. Objective 32.2.1 d. Activities that are not ancillary to major recreation facility activity: i. are related to or support the Forsyth Barr Stadium, or have other operational requirements that mean they need to locate in the zone; ii. will support the efficient and effective operation of the Forsyth Barr Stadium; iii. are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and iv. are designed and operated in line with Objective 32.2.2 and its policies (Policy 32.2.1.3). e. ~~Forsyth Barr Stadium is:~~ i. ~~able to continue to operate efficiently and effectively, while minimising as far as practical any adverse effects on surrounding areas; and~~ ii. ~~protected from activities that may lead to reverse sensitivity issues; and~~ iii. ~~allowed the transition of land to a default zone where the land is no longer required for major facility use (Policy 2.3.3.2): {MF cl.16'}~~ <i>General assessment guidance:</i> f. In assessing the significance of effects, consideration will be given to: i. both short and long term effects, including effects in combination with other activities. 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. 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. <i>Relevant guidance from other sections (priority considerations):</i> 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 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>

32.11.2 Assessment of non-complying land use activities

Activity	Guidance on the assessment of resource consents
X. <u>Commercial advertising</u> { MF cl.16³ }	<i>Relevant objectives and policies (priority considerations):</i> { MF cl.16³ } a. <u>Objective 2.4.1</u> { MF cl.16³ } b. <u>Policy 2.4.1.6.c</u> { MF cl.16³ }
Y. <u>In a hazard facility mapped area:</u> { MF cl.16³ } • <u>Early childhood education</u> • <u>Entertainment and exhibition</u> • <u>Residential</u> • <u>Major facility activities (other than a major recreation facility)</u> {PHS 906.1}	<i>Relevant guidance from other sections (priority considerations):</i> { MF cl.16³ } a. <u>See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and Policy 9.2.2.15 and the risks to people from an emergency event occurring at a hazard facility.</u> { PHS 906.1 }

¹ **MF cl.16:** Removed summary of Policy 2.3.3.2 and instead just reference policy

² **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.

³ **MF cl.16:** As a clause 16 amendment this content has been moved from Rule 32.11.3. This is not a substantive change to provisions.

32.11.3 Assessment of non-complying land use activities {**MF cl.16¹**}

Activity { MF cl.16¹ }	Guidance on the assessment of resource consents { MF cl.16¹ }
4. <u>Commercial advertising</u> { MF cl.16¹ }	<i>Relevant objectives and policies (priority considerations):</i> { MF cl.16¹ } a. Objective 2.4.1 b. <u>Policy 2.4.1.6.e</u> { MF cl.16¹ }

¹ **MF cl.16:** As a clause 16 amendment this content has been moved to Rule 32.11.2. This is not a substantive change to provisions.

32.11.4 Assessment of non-complying performance standard contraventions

Performance standard	Guidance on assessment of resource consents
1. • Light spill - where the limit is exceeded by greater than 25% • Noise - where the limit in Rule ~~32.5.6.1~~ 9.3.6 {MF cl.16} is exceeded by 5dB LAeq (15 min) or more • Noise <u>Stadium Noise Events</u> {MF cl.16} - where the limit in Rule 32.5.6.2.a is exceeded • Hazardous substances quantity limits and storage requirements (Rule 9.3.4.2)	<i>Relevant guidance from other sections (priority considerations):</i> 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.

Rule 32.12 Special Information Requirements {Confirmed to be deleted - EW cl.16}

EW cl.16: As a clause 16 amendment, Rule 32.12.1 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.

33. Taieri Aerodrome

33.1 Introduction

The Taieri Aerodrome is situated on Stedman Road, North Taieri. The aerodrome occupies an area of approximately 38 hectares and is owned by the Dunedin City Council and leased and operated by the Otago Aero Club. The aerodrome is a highly valued recreational facility for the aeronautical community and enables recreational flying and flight training for private individuals and commercial pilots. It is the home of the Otago Rescue Helicopter Trust, which provides an emergency search and rescue service across Otago. It also serves as a secondary airport in the event of an emergency at Dunedin International Airport. The site was previously zoned industrial and there is a desire to allow ongoing industrial development on the site where this does not conflict with the operation of the aerodrome.

The aerodrome site is surrounded by several zones. To the north and west are areas of industrial zoned land, and to the south are areas of rural residential and general residential 1 land. To the west and east are areas of rural zoned land which are predominantly used for grazing and livestock. The aerodrome has particular requirements in terms of height of structures under and close to its approach and take-off and landing flight fans. **{MF cl.16}** This issue is reflected in the height rules that relate to land in the vicinity of the flight path.

The activities located at the Taieri Aerodrome site have the potential to generate effects, particularly noise, which may adversely affect surrounding land uses. Noise Sensitive **{PO cl.16}** activities, including housing, within and close to the zone are required to have acoustic insulation.

The zone enables development and land use associated with the operation and functioning of the aerodrome, and ~~industrial activity~~ industry activities **{Ind cl.16}**. Industrial development within the Taieri Aerodrome Zone is managed in the same way as in the neighbouring Industrial Zone. The zone provisions provide certainty for users and the wider community regarding the expected use of the aerodrome site, recognising the function of the aerodrome as a recreational resource for the community, while appropriately managing effects on neighbouring land uses.

There is a scheduled heritage building on the site, the former National Airways Hangar. Rules within the zone manage work undertaken on this building.

33.2 Objectives and Policies

Objective 33.2.1	
Taieri Aerodrome is able to operate efficiently and effectively.	
Policy 33.2.1.1	Enable Taieri Aerodrome and industrial industry activity {Ind cl.16} .
Policy 33.2.1.2	Provide for activities that are ancillary to Taieri Aerodrome or industrial industry activity {Ind cl.16} where they are designed and operated in line with Objective 33.2.2 and its policies.
Policy 33.2.1.3	Only allow activities that are not ancillary to Taieri Aerodrome activity {MF cl.16} where: - they are related to or support Taieri Aerodrome, or have other operational requirements that mean they need to locate in the zone; - they will support the efficient and effective operation of the Taieri Aerodrome; - they are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and - they are designed and operated in line with Objective 33.2.2 and its policies.
Policy 33.2.1.4	Enable land that is surplus to the needs of the Taieri Aerodrome to transition to Industrial Zone, so that future development that is not related to Taieri Aerodrome activity can <u>will</u> {PO cl.16} be managed in accordance with the objectives and policies of that zone.
Policy 33.2.1.5	Only allow subdivision activities {PO cl.16} where: - it is <u>they are</u> {PO cl.16} in accordance with the provisions of the Industrial Zone; and - the subdivision does not adversely affect the efficient and effective operation of Taieri Aerodrome.

Objective 33.2.2	
Land use activities and development necessary for the continued operation of the Taieri Aerodrome is enabled, while ensuring development maintains the amenity of the adjoining residential and rural areas, as far as practicable.	
Policy 33.2.2.1	Require buildings and structures to be: <u>of a height and setback from boundaries to maintain the amenity of surrounding areas.</u> {MF cl.16} ~~of a height and setback from boundaries to maintain the amenity of surrounding areas.~~ {MF cl.16}
Policy 33.2.2.2	Require materials stored outside, that may become airborne due to wind, to be adequately secured to prevent materials escaping and contaminating any off-site area.
Policy 33.2.2.3	Require ancillary signs visible from outside the zone to be located and designed to maintain neighbourhood amenity, including by being of an appropriate size and number to convey information about the name, location and nature of the activity on site to passing pedestrians and vehicles, and not being oversized or too numerous for that purpose.
Policy 33.2.2.4	Require ancillary commercial activities to be designed ~~located~~ {MF cl.16} and operated to primarily serve staff and visitors to the Taieri Aerodrome.

¹ **MF cl.16:** No performance standards for location.

EW cl.16: As a clause 16 amendment, Objective 33.2.3 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 33.3 Activity Status

Rule 33.3.1 Rule location

The activity **{MF cl.16}** status tables in rules 33.3.3 to 33.3.6 specify the activity status of land use activities, development activities, and subdivision activities in the Taieri Aerodrome Zone and relevant overlay zones, except rules for the following city-wide activities, which are contained in Part B of the Plan:

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

33.3.2 Activity status introduction

1. The activity status **{MF cl.16}** tables in rules 33.3.3 - 33.3.5 show the activity status of activities in the Taieri Aerodrome 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, and 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.

Additional activity status rules in hazard overlay zones

6. For the purpose of the hazards provisions, activities are categorised as natural hazards **{NH cl.16}** sensitive activities, natural hazards **{NH cl.16}** potentially sensitive activities or natural hazards **{NH cl.16}** least sensitive activities. The activities that are in each hazards sensitivity category are included in the definitions section and in Section 11.1.
7. In the Hazard (flood) **{NH cl.16}** 2 Overlay Zone, the activity statuses in Rule 33.3.6 apply to the following activities:
 - a. new **{NH 908.3}** natural hazards **{NH cl.16}** sensitive activities;
 - b. natural hazards **{NH cl.16}** potentially sensitive activities; and
 - c. some new buildings, and additions and alterations to buildings, which create more than 60m² of new

ground floor area {NH. cl.16}

8. Where the activity status in Rule 33.3.6 differs from that in rules 33.3.3 - 33.3.5, the most restrictive activity status always applies.
9. In addition to the rules in Rule 33.3.6, performance standards for development activities within hazard overlay zones are included in rules 33.3.3 - 33.3.5.
10. Activities in a hazard overlay zone must comply with all of the rules in 33.3.3 - 33.3.5.

Performance Standards

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

¹ **NH cl.16:** The content from Table 33.3.6 has been moved to Table 33.3.X. All substantive amendments to provisions are show in the new location.

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
Haz2	Hazard 2 Overlay Zones

33.3.3 Activity status table - land use activities

1.	Performance standards that apply to all land use activities		a. Acoustic insulation b. Electrical interference c. Light spill d. Noise
Major facility activities		Activity status	Performance standards
2.	Taieri Aerodrome activity <i>{MF cl.16}</i>	P	
3.	Airport	P	
4.	Emergency services	RD	
5.	All other activities in the major facility activities category	NC	
Commercial activities		Activity status	Performance standards
6.	Retail ancillary to Taieri Aerodrome activity <i>{MF cl.16}</i> or industrial activity <u>industry</u> <i>{Ind cl.16}</i>	P	a. Maximum gross floor area (<i>retail ancillary to industrial activity industry</i> <i>{Ind cl.16}</i>)
7.	Restaurants ancillary to Taieri Aerodrome or <u>industry</u> <i>{Ind cl.16}</i>	P	a. Hours of operation
8.	All other activities in the commercial activities category	NC	
Residential activities		Activity status	Performance standards
9.	All activities in the residential activities category	NC	
Community activities		Activity status	Performance standards
10.	Community and leisure	P	
11.	Conservation	P	
12.	All other activities in the community activities category	D	
Rural activities		Activity status	Performance standards
13.	Grazing	P	
14.	Farming	P	
15.	Landfills	NC	
16.	All other activities in the rural activities category	D	
Industrial Activities		Activity status	Performance standards
17.	All activities in the industrial activities category	P	a. Minimum car parking b. Minimum vehicle loading

33.3.4 Activity status table - development activities

1.	Performance standards that apply to all development activities {MF cl.16}		a. Setback from coast and water bodies {NatEnv cl.16}
2.	Performance standards that apply to all buildings and structures <u>activities</u> {MF cl.16}		a. Boundary setbacks b. Fire-fighting {MF cl.16'} c. Maximum height d. Number, location and design of ancillary signs e. Minimum floor level {NH 917.27, 947.53 and others} f. <u>Setback from coast and water bodies</u> {NatEnv cl.16}
Building and structures activities (excluding activities affecting a protected part of a scheduled heritage building or scheduled heritage structure. See rows 6-10)		Activity status	Performance standards
5.	All buildings and structures activities	P	
Building and structures activities that affect a protected part of a scheduled heritage building or scheduled heritage structure		Activity status	Performance standards
6.	Repairs and maintenance <u>or</u> restoration {Her 547.91}	P	a. Materials and design
X.	<u>Restoration of a building or structure that has a Heritage New Zealand Category 1 listing as detailed in Appendix A1.1</u> {Her 547.91}	P C {Her 547.91}	a. Materials and design
Y.	<u>Restoration of all other scheduled heritage buildings and structures</u> {Her 547.91}	P	a. Materials and design
7.	Earthquake strengthening where external features only are protected	C	a. Materials and design
Z.	<u>Signs attached to buildings or structures</u> {Her cl. 16'}	P	
8.	All other additions and alterations	RD	
9.	Demolition	NC	
10.	Removal for relocation	RD	
Site development activities		Activity status	Performance standards
11.	~~Earthworks – small scale~~ {EW cl.16'}	P	a. ~~Earthworks standards~~
12.	~~Earthworks – large scale~~ {EW cl.16'}	RD	a. ~~Earthworks standards~~
13.	Outdoor storage	P	a. Location and screening of outdoor storage

14.	Parking, loading and access	P	a. Parking, loading and access standards
15.	~~New or additions to parking areas, or extensions to existing parking areas~~ that result in the creation of {Trans cl.16} 50 or more new parking spaces.	RD	a. Parking, loading and access standards
16.	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}
17.	All other site development <u>activities</u> {MF cl.16}	P	

¹ **MF cl.16:** The firefighting performance standard applies to residential activities. Residential activity is non-complying in this zone and so the performance standard is not relevant and has been removed under cl.16.

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 **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 33.3B.4A - General advice

- Under the Heritage New Zealand Pouhere Taonga Act 2014 it is an offence to modify or destroy an archaeological site without obtaining an archaeological authority from Heritage New Zealand (HNZ). An archaeological authority is required under the Heritage New Zealand Pouhere Taonga Act 2014 to modify or destroy an archaeological site. If you wish to do any earthworks that may affect an archaeological site, you must first obtain an authority from Heritage New Zealand {Her 547.80}. This is the case regardless of whether the land on which the site is located is **{Her 547.80}** designated, or the activity is permitted under the District Plan or Regional Plan, or a resource or building consent has been granted.
- An archaeological site is defined as any place in New Zealand that was associated with human activity that occurred before 1900 and provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand. This includes the scheduled archaeological sites within the District Plan.
- Pre-1900 buildings are considered archaeological sites. An archaeological authority must be obtained before demolishing a pre-1900 building or structure.
- ~~The archaeological alert layer mapped area~~ identifies sites and areas that have a strong likelihood of containing archaeological remains, however remains may be present anywhere within Dunedin. If archaeological remains are discovered during any site works, at any location, the Accidental Discovery Protocol (Appendix A8) should be followed. **{MF cl.16}**
- ~~All buildings and structures activities associated with existing major facilities are advised to undertake an assessment of risk from natural hazards and implement any recommended risk mitigation measures.~~ **{MF cl.16}**

¹ **MF cl.16:** Deleted as no archaeological alert layer mapped area over this zone.

² **MF cl.16:** As a clause 16 amendment, this note is not necessary as the sections contain natural hazard performance standards.

33.3.5 Activity status table - subdivision activities

Subdivision activities	Activity status	Performance standards
1. Subdivision activities	RD	a. Subdivision performance standards

Note 33.3.5A - Other RMA considerations {PO 490.4}

- 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.

33.3.6 Change to activity status in Hazard 2 Overlay Zones {NH cl.16¹}

Activity {NH cl.16}	Haz2 {NH cl.16}
1. Potentially sensitive activities not permitted in Taieri Aerodrome Zone {NH cl.16}	D {NH cl.16}
2. Sensitive activities {NH cl.16}	⌀ {NH cl.16}
3. New buildings, and additions and alterations to buildings, which create more than 60m ² of new ground floor area {NH cl.16}	RD {NH cl.16}

¹ **NH cl.16:** The content from Table 33.3.6 has been moved to Table 33.3.X. All substantive amendments to provisions are show in the new location

33.3.X Activity status in the Hazard 2 (flood) Overlay Zone {NH 637.74 and others¹}

Activity	Activity status
X. Natural hazards sensitive activities {NH 634.74}	⌀ RD {NH 634.74}
Y. Natural hazards potentially sensitive activities {NH 634.74}	⌀ RD {NH 634.74}
3. New buildings, and additions and alterations to buildings, which create more than 60m ² of new ground floor area	RD

¹ **NH 634.74:** Note that “potentially sensitive activities not permitted in Taieri Aerodrome Zone” (which was notified as a discretionary activity) was replaced by “natural hazards potentially sensitive activities” as there is no longer differentiation between activities permitted in the underlying zone and those that are not. This activity was changed to restricted discretionary in response to this submission.

**Note 33.3.6A - ~~Guidance on existing use rights applying to land use activities in hazard overlay zones~~
Other RMA considerations {MF cl.16}**

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

Accordingly, these activities will not usually trigger the provisions for natural hazards sensitive activities and natural hazards potentially sensitive activities in Rule 33.3.6. {NH 634.81} However, Council will consider specific circumstances associated with the development and how this affects the character, intensity and scale of the land use activity.

33.3.7 Transition to the Industrial Zone

On receipt of written notice from both the landowner and operator of Taieri Aerodrome (if different) to Dunedin City Council confirming that all or part of the land within the Taieri Aerodrome Zone is surplus to Taieri Aerodrome requirements, the provisions of the Taieri Aerodrome Zone will no longer apply to that parcel of land and the provisions of the Industrial Zone (and the Dukes Road North mapped area) {PO cl.16} will apply in full.

Rule 33.4 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 33.5 Land Use Performance Standards

33.5.1 Acoustic Insulation

Noise sensitive activities in the Taieri Aerodrome Zone must comply with Rule 9.3.1.

33.5.2 Electrical Interference

Land use activities must comply with Rule 9.3.2.

33.5.3 Hours of Operation

1. Restaurants ancillary to Taieri Aerodrome or industrial activity industry **{Ind cl.16}** must not be open before 6.00am or after 6.00pm.
2. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

33.5.4 Light Spill

Land use activities must comply with Rule 9.3.5.

33.5.5 Maximum Gross Floor Area

1. The gross floor area used for retail activity **{MF cl.16}** ancillary to industrial activity industry **{Ind cl.16}** must not exceed 10% of the total floor-space gross floor area **{PO cl.16}** of the premises.
2. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

33.5.6 Minimum Car Parking

1. Industry must provide 1 parking space per 75m² gross floor area.
2. Industry 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

3. Required parking spaces may be used for car, cycle or motorcycle parking, except for any required mobility parking spaces, which must be used for mobility car parking.
4. 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.
5. Where the minimum car 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.
6. For activities where the minimum car parking performance standard is based on gross floor area of a building **{MF cl.16}**, the following areas within the building **{MF cl.16}** will be excluded from the assessment of gross floor area:
 - a. any parking area and associated manoeuvring space, including aisles; and **{MF cl.16}**
 - b. any loading area and associated manoeuvring space
7. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

Note 33.5.6A - 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.

33.5.7 Minimum Vehicle Loading

1. Industry must provide one loading space, to accommodate an 8m rigid truck (Rule 6.14 Appendix 6B **{Trans cl.16}** (Figure 6.14J 6B.10 **{Trans cl.16}**)).
2. Industrial ancillary tourism must provide one loading space, **{Trans cl.16}** to accommodate a coach (Rule 6.14 Appendix 6B **{Trans cl.16}** (Figure 6.14L 6B.12 **{Trans cl.16}**)).
3. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

33.5.8 Noise

Land use activities must comply with Rule 9.3.6.

Rule 33.6 Development Performance Standards

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

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

33.6.2 Fire Fighting {Confirmed for deletion - MF cl.16}

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

¹ **MF cl.16:** The firefighting performance standard applies to residential activities. Residential activity is non-complying in this zone and so the performance standard is not relevant and has been removed under cl.16.

33.6.3 Hazardous Substances Quantity Limits and Storage Requirements

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

33.6.4 Location and Screening of Outdoor Storage

1. Outdoor storage must not encroach into required parking, loading, manoeuvring, or outdoor living areas.
2. Outdoor storage must be managed in a way that does not result in unreasonable visual amenity effects or create nuisance effects.
3. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

33.6.5 Materials and Design

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

33.6.6 Maximum Height

1. The maximum height for new buildings and structures, and additions and alterations, must not exceed 18m above ground level.
2. Rooftop structures are exempt from the performance standard for maximum height provided they do not exceed the maximum height limit by 5m.
3. Buildings or structures must not protrude through the height restriction for the Taieri Aerodrome approach and take-off fans shown on the **Taieri Aerodrome flight fan mapped area**.
4. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

33.6.7 Minimum Floor Level {Confirmed for deletion - NH 917.27, 947.53 and others}

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

33.6.8 Number, Location and Design of Ancillary Signs

33.6.8.1 General

- a. Signs must comply with the following standards, except the following signs are exempt from these standards:
 - i. signs that are not visible from outside the Taieri Aerodrome 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 related to ancillary retail and ancillary restaurants activities **{PO cl.16}** must not be visible outside the Taieri Aerodrome Zone.
- 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 33.6.8.2 and 33.6.8.3 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}

33.6.8.2 Signs attached to buildings

- a. The height, above ground level, at the highest point of any sign, attached to a building is 4m.
- b. Signs must not be attached to roofs.
- c. Signs must not project higher than the lowest point of the roof, except where mounted against a parapet or gable end.
- d. Signs attached to a building must:
 - i. not exceed one sign per 50m of road frontage;
 - ii. have a maximum area per display face of 2m²;
 - iii. have a maximum of two display faces per sign;
 - iv. where attached to the façade of a building, must not project more than 1m from the façade to which it is attached; and
 - v. if attached to a verandah fascia, must not exceed a height of 500mm, or the height of a verandah fascia, whichever is greater.

33.6.8.3 Freestanding signs

- a. The maximum number of permanently fixed freestanding signs is one per 50m of road frontage.
- b. The maximum number of portable freestanding signs is one per 50m of road frontage.
- c. The maximum dimensions of freestanding signs are:
 - i. maximum height of 4m;
 - ii. maximum area of 8m²;
 - iii. maximum width of 2m; and
 - iv. maximum depth of 400mm **{PO cl.16}**.
- d. Freestanding signs must:
 - i. not obstruct driveways, parking or loading areas, parking, loading and access areas; and {PO cl.16}

- ii. Freestanding signs must be located within the site and cannot be located on the road reserve be positioned entirely within site boundaries. **{PO cl.16}**

Note 33.6A – 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 33.6.8B - Other requirements outside of the District Plan

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

33.6.9 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

33.6.10 Setbacks

33.6.10.1: Boundary setbacks

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

Location		Setback distance
i.	From the boundary of a residential zone	5m
ii.	From the boundary fronting onto Dukes Road North	10.5m

- iii. Except fences and ancillary signs are exempt from the performance standard.
- b. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

33.6.10.2: Setback from coast and water bodies

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

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

Rule 33.7 Subdivision Performance Standards

Subdivision activities must comply with Rule 19.7.

Rule 33.8 Assessment of Controlled Activities

Rule 33.8.1 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 33.8.2:
 - 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 33.9; 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 33.11; 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 33.12; and
 - iii. the assessment guidance in this section will also be considered.

33.8.2 Assessment of all controlled activities

Development activity	Matters of control	Guidance on the assessment of the resource consents
1. <u>Affecting a scheduled heritage building or a scheduled heritage structure: {Her cl.16}</u> • Earthquake strengthening that affects a protected part of a scheduled heritage building or scheduled heritage structure, where external features only are protected. • <u>Restoration of a protected part of a scheduled heritage building or scheduled heritage structure that has a Heritage New Zealand Category 1 listing (as detailed in Appendix A1.1) {Her 547.91}</u>	a. Effects on heritage values	See Rule 13.4

Rule 33.9 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 33.9.1 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 323.9.2 - 323.9.5: **{MF cl.16}**
 - 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. Rule 33.9.2 - 33.9.5 apply as follows: **{MF cl.16}**
 - a. Rule 33.9.2 applies to all performance standard contraventions;
 - b. Rule 33.9.3 applies to land use performance standard contraventions;
 - c. Rule 33.9.4 applies to development performance standard contraventions; and
 - d. Rule 33.9.5 applies to subdivision performance standard contraventions. **{MF cl.16}**

33.9.2 Assessment of all performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. All performance standard contraventions	<i>Potential circumstances that may support a consent application include:</i> - The degree of non-compliance with the performance standard is minor. - The need to meet other performance standards, or other site specific factors including topography, make meeting the standard impracticable. - 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. <i>General assessment guidance:</i> - Where more than one standard is contravened, the combined effects of the contraventions should be considered. - In balancing consideration of the objectives and policies related to the maintenance of heritage values and those related to general amenity, greater weight will usually be placed on heritage policies.

33.9.3 Assessment of land use performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. Electrical interference	a. Effects on health and safety	See Rule 6.9 <u>Rule 9.4</u> {MF cl.16}
2. - Hours of operation - Maximum gross floor area	a. Effects on the vibrancy and economic and social success of the CBD and centres hierarchy {MF cl.16}	<i>Relevant objectives and policies:</i> - Objective 33.2.1 - Ancillary commercial activities are designed, located and operated primarily to serve users of Taieri Aerodrome (<u>Policy 33.2.2.4</u>) {MF cl.16}.
3. Minimum car parking	a. Effects on the safety and efficiency of the transport network b. Effects on accessibility	See Rule 6.9
4. Minimum vehicle loading	a. Effects on the safety and efficiency of the transport network	See Rule 6.9

33.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	- Boundary setbacks - Maximum height	a. Effects on the amenity of surrounding areas	<i>Relevant objectives and policies:</i> i. Objective 33.2.2 ii. Buildings and structures are of a height and setback from boundaries that maintains the amenity of surrounding areas (Policy 33.2.2.1-a).
2.	Earthworks standards: Batter gradient {EW cl.16'}	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 33.2.3 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 33.2.3.1.b). <i>Conditions that may be imposed include, but are not limited to:</i> 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.
3.	Earthworks standards: Setback from property boundary, buildings, structures and cliffs {EW cl.16'}	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 33.2.3 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 33.2.3.1.a).
4.	Earthworks standards: 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

33.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
5.	Earthworks standards: • Sediment control {EW cl.16'}	a. Effects on surrounding sites	<i>Relevant objectives and policies:</i> i. Objective 33.2.3 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 (Policy 33.2.3.2.b).
		b. Effects on biodiversity and natural character values of riparian margins and coast	See Rule 10.4
		c. Effects on the efficiency and/or affordability of infrastructure	See Rule 9.4
6.	Firefighting	a. Effects on health and safety	See Rule 9.4 {MF cl.16'}
7.	Hazardous substance quantity limits and storage requirements	a. Effects on health and safety	See Rule 9.4
		b. Risk from natural hazards {PO cl.16}	See Rule 11.4 {PO cl.16}
8.	Location and screening of outdoor storage	a. Effect on the amenity of surrounding areas	<i>Relevant objectives and policies:</i> i. Objective 33.2.2 ii. Materials stored outside that may become airborne due to wind, are adequately secured to prevent materials escaping and contaminating any off-site area (Policy 33.2.2.2).
10.	Maximum height (Rule 33.6.6.3) {MF cl.16'}	a. Effect on operation of Taieri Aerodrome	<i>Relevant objectives and policies:</i> i. Objective 33.2.2 ii. Buildings and structures are of a height that enables the safe operation of the aerodrome (Policy 33.2.2.1.b). {MF cl.16'}
12.	Minimum floor level (hazard overlays) {NH 917.27, NH 947.53 and others}	a. Risk from natural hazards {NH 917.27, NH 947.53 and others}	See Rule 11.4 {NH 917.27, NH 947.53 and others}

33.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
13.	Number, location and design of ancillary signs	a. Effect on the amenity of surrounding areas	<i>Relevant objectives and policies:</i> i. Objective 32.2.2 ii. Ancillary signs visible from outside the zone are located and designed to maintain neighbourhood amenity, including by being of an appropriate size and number to convey information about the name, location and nature of the activity on site to passing pedestrians and vehicles, and not being oversized or too numerous for that purpose (Policy 33.2.2.3).
		b. Effects on the safety and efficiency of the transport network	See Rule 6.9
14.	Parking, loading and access standards	a. Effects on the safety and efficiency of the transport network	See Rule 6.9
9.	~~Materials and design {PO cl.16}~~	~~a. Effects on heritage values {PO cl.16}~~	~~See Rule 13.5 {PO cl.16}~~
15.	Setback from coast and water bodies	a. Effects on biodiversity values and natural character of the coast and riparian margins	See Rule 10.4
		b. Effects on public access	See Rule 10.4
		c. Risk from natural hazards	See Rule 11.4

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 **MF cl.16:** The firefighting performance standard applies to residential activities. Residential activity is non-complying in this zone and so the performance standard is not relevant and has been removed under cl.16.

³ **MF cl.16:** Deleted and moved to new Rule 33.9.6.

33.9.5 Assessment of subdivision performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. Subdivision performance standards	See Rule 19.9

33.9.6 Assessment of restricted discretionary performance standard contraventions in an overlay zone, mapped area or affecting a scheduled item {MF cl.16}

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. In the Taieri Aerodrome flight fan mapped area : • Maximum height (Rule 16.6.6.3) {MF cl.16}	a. <u>Effects on health and safety</u>	See Rule 9.4
2. In a hazard overlay zone • Hazardous substances quantity limits and storage requirements {PO cl.16}	a. Risk from natural hazards {PO cl.16}	See Rule 11.4 {PO cl.16}
3. Affecting a scheduled heritage building or scheduled heritage structure {Her cl.16} • Materials and design	a. Effects on heritage values	See Rule 13.5

¹ **MF cl.16:** Moved from Rule 33.9.4.10 to correct table location and amended to format correctly.

Rule 33.10 Assessment of Restricted Discretionary Activities

Rule 33.10.1 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 33.10.2 - 33.10.4:
 - 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 33.10.2 - 33.10.4 apply as follows: {MF cl.16}
 - a. Rule 33.10.2 applies to restricted discretionary land use activities;
 - b. Rule 33.10.3 applies to restricted discretionary development activities; and
 - c. Rule 33.10.4 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 33.9; 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 33.11; 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 33.12; and
 - iii. the assessment guidance in this section will also be considered.

33.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
A. <u>All high trip generators:</u> {Trans cl.16} • <u>any activities that generate 250 or more vehicle movements a day</u> {Trans cl.16}	a. <u>Effects on accessibility</u> {Trans cl.16}	<u>See Rule 6.10</u> {Trans cl.16}
	b. <u>Effects on the safety and efficiency of the transport network</u> {Trans cl.16}	
1. Emergency services	a. <u>Effects on the safety and efficiency of the transport network</u>	<u>See Rule 6.10</u>
	b. <u>Positive effects for natural hazard resilience</u> {NH 908.35}	
		<u>Relevant objectives and policies:</u> {NH 908.35} i. <u>Policy 2.2.1.11</u> {NH 908.35}

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 33 assessment rules. The correction of this error, via the addition of Rule 33.10.2.A, does not result in a substantive change to the effect of provisions.

33.10.3 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
6. <u>High trip generators:</u> {Trans cl.16} • <u>New or additions to parking areas, or extensions to existing parking areas that result in the creation of 50 or more new parking spaces</u> {Trans cl.16}	a. <u>Effects on the safety and efficiency of the transport network</u>	<u>See Rule 6.10</u>
	b. <u>Effects on accessibility</u> {Trans cl.16}	

33.10.3 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. <u>Activities affecting a scheduled heritage building or scheduled heritage structure</u>: {Her cl.16} - Additions and alterations and removal for relocation {Her cl.16} that affect a protected part of a scheduled heritage building or scheduled heritage structure <u>Removal for relocation</u> {Her cl.16}	a. Effects on heritage values	See Rule 13.6

33.10.3 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
2. Earthworks – large-scale (that exceed scale thresholds for the Taieri Aerodrome Zone) {EW cl.16}	a. Effects on visual amenity and character b. Effects on the amenity of surrounding properties	<i>Relevant objectives and policies:</i> i. Objective 33.2.3 ii. Adverse effects on visual amenity and character will be avoided or, if avoidance is not possible, adequately mitigated (Policy 33.2.3.3.a). iii. Adverse effects on the amenity of surrounding properties, including from changes to drainage patterns, will be avoided or, if avoidance is not possible, adequately mitigated (Policy 33.2.3.3.b). <i>Potential circumstances that may support a consent application include:</i> iv. There is no, or only minimal, alteration to the natural landform. v. Any cut or fill will be restored or treated to resemble natural landforms. vi. The earthworks will not remove or impact upon existing vegetation or landscaping. <i>Conditions that may be imposed include, but are not limited to:</i> vii. Measures to minimise visual effects, e.g. requirements for revegetation and/or landscaping. viii. Maximum slopes of cut and fill batters. ix. Measures to divert surface water and rain away from, or prevent from discharging over, batter faces and other areas of bare earth. x. Measures to ensure there are no adverse effects from changes to drainage patterns on surrounding properties. xi. Requirement to de-compact soils; to take other remedial action to ensure the natural absorption capacity of the soils is not reduced; or to use other mitigation measures to ensure the overall absorption of rain water on-site is not diminished.

33.10.3 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	<i>Relevant objectives and policies:</i> i. Objective 33.2.3 ii. Adverse effects on the stability of land, buildings, and structures will be avoided or, if avoidance is not possible, adequately mitigated (Policy 33.2.3.3.c). <i>Potential circumstances that may support a consent application include:</i> 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 33.13.1). 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 within 5m of a water body or MHWS) {EW cl.16} ¹	a. Effects on biodiversity and natural character of riparian margins and the coast b. Effects on public access	See Rule 10.5
4.	Earthworks – large scale (that exceed scale thresholds for a hazard (flood) overlay zone) {EW cl.16} ¹	a. Risk from natural hazards	See Rule 11.5

33.10.3 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
5. In the Hazard 2 (flood) {NH 73.4 and others} Overlay Zone (see Rule 33.3.6): New buildings, and additions and alterations to buildings, which create more than 60m² of new ground floor area	a. Risk from natural hazards	See Rule 11.5
7. In the Hazard 2 (flood) Overlay Zone: {NH 634.74} - Natural hazards {NH cl.16} sensitive activities {NH 634.74} - Natural hazards {NH cl.16} potentially sensitive activities {NH 634.74}	a. Risk from natural hazards {NH 634.74}	See Rule 11.5 {NH 634.74}

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



33.10.4 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 Taieri Aerodrome	<i>Relevant objectives and policies:</i> i. Objective 33.2.1 ii. Objective 2.3.1 iii. Subdivision does not adversely affect the efficient and effective operation of Taieri Aerodrome (Policy 33.2.1.5.b).
		See Rule 19.10	

Rule 33.11 Assessment of Discretionary Activities

Rule 33.11.1 Introduction

1. Discretionary activities will be assessed in accordance with section 104 and 104B of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rules 33.11.2 - 33.11.43 **{NH 634.74}** 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 33.11.2 - 33.11.4 apply as follows: **{MF cl.16}**
 - a. Rule 33.11.2 applies to all discretionary activities; and
 - b. Rule 33.11.4 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.

33.11.2 Assessment of all discretionary activities

Activity	Guidance on the assessment of resource consents

1. All discretionary <u>land use</u> activities including listed below: {PO cl.16} - all other activities in the community activities category (<u>except community and leisure, and conservation</u>) - all other activities in the rural activities category; and (<u>except grazing, farming and landfills</u>) {MF cl.16} - activities listed below: {PO cl.16}	<i>Relevant objectives and policies (priority considerations):</i> - Objectives 2.3.1, 2.3.3, 33.2.1 - Activities that are ancillary to Taieri Aerodrome activity or industry {MF cl.16} are designed and operated in line with Objective 33.2.2 and its policies (Policy 33.2.1.2). - Activities that are not ancillary to Taieri Aerodrome activity: - are related to or support the Taieri Aerodrome, or have other operational requirements that mean they need to locate in the zone; - support the efficient and effective operation of Taieri Aerodrome; - are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and - are designed and operated in line with Objective 33.2.2 and its policies (Policy 33.2.1.3). <i>Potential circumstances that may support a consent application include:</i> - For discretionary land use activities, whether any associated development activities meet relevant development performance standards, or are otherwise consistent with relevant objectives and policies for development. - All relevant land use performance standards are met, including noise and light spill standards. <i>General assessment guidance:</i> - In assessing the significance of effects, consideration will be given to: - short to long term effects, including effects in combination with other activities; and - 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. - 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: {MF cl.16} <i>Relevant guidance from other sections (priority considerations):</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} - See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety {PHS cl.16} - 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}

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.

² **MF cl.16:** Rule 33.11.2.1.g unnecessary because there are no activities that are discretionary due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item.

33.11.3 Assessment of all discretionary land use activities {NH634.74}

Activity {NH634.74}	Guidance on the assessment of resource consents {NH634.74}
~~1.~~ In the hazard 2 overlay zones (see Rule 33.3.6): {NH634.74} - Potentially sensitive activities not permitted in Taieri Aerodrome Zone {NH634.74} - Sensitive activities {NH634.74}	~~See Section 11.6 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards: {NH634.74}~~

33.11.4 Assessment of discretionary performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
~~1.~~ - 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	~~Relevant guidance from other sections (priority considerations):~~ ~~a. See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.~~

Rule 33.12 Assessment of Non-complying Activities

Rule 33.12.1 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 33.12.2 - 33.12.5 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 33.12.2 - 33.12.5 apply as follows: {MF cl.16}
 - a. Rule 33.12.2 applies to all non-complying activities;
 - b. Rule 33.12.3 applies to non-complying land use activities;
 - c. Rule 33.12.4 applies to non-complying development activities; and
 - d. Rule 33.12.5 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.

33.12.2 Assessment of all non-complying activities

Activity	Guidance on the assessment of resource consents

1. All non-complying land use activities including listed below: {PO cl.16} - all other {MF cl.16} activities in the major facility activities category (except Taieri Aerodrome, Airport, and emergency services) {MF cl.16} - all other {MF cl.16} activities in the commercial activities category (except retail or restaurants ancillary to Taieri Aerodrome or industry) {MF cl.16} - all activities in the residential activities category; and {PO cl.16} - landfills {PO cl.16} - activities listed below: {PO cl.16}	<i>Relevant objectives and policies (priority considerations):</i> - Objectives 2.3.1, 2.3.3 - Objective 33.2.1, Policy 33.2.1.3 <i>General assessment guidance:</i> - In assessing the significance of effects consideration will be given to: - both short and long term effects, including effects in combination with other activities; and - 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. - 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. <i>Relevant guidance from other sections (priority considerations):</i> - 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} - See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety {PHS cl.16} - 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}

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.

33.12.3 Assessment of non-complying land use activities

Activity	Guidance on the assessment of resource consents
1. Commercial advertising in all zones {PO cl.16}	<i>Relevant objectives and policies (priority considerations):</i> - Objective 2.4.1 - Policy 2.4.1.6.c

33.12.4 Assessment of non-complying development activities

Activity	Guidance on the assessment of resource consents
1. Demolition of a protected part of a scheduled heritage building or scheduled heritage structures	<i>Relevant guidance from other sections (priority considerations):</i> See Section 13.8 for guidance on the assessment of resource consents in relation to Objective 13.2.1 and effects related to heritage values.

33.12.5 Assessment of non-complying performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. • 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)	<i>Relevant guidance from other sections (priority considerations):</i> 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.

Rule 33.13 Special Information Requirements {Confirmed to be deleted - MF cl.16}

EW cl.16: As a clause 16 amendment, Rule 33.13.1 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.

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: 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: 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)</u> {MF 308.5 and 308.349} and supported living facilities (other than student hostels) {MF 308.354} where: 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} : a. if <u>they are</u> {PO cl.16} intended and/or capable of being used for standard residential activity, ~~it is~~ <u>and they are</u> {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: 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: 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		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		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: • 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}	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} 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} b. The Otago Polytechnic must provide either: {Trans 308.365} 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} b. The following provisions apply to the calculation of parking spaces under Rule 34.5.5.1.a: {Trans 308.365 and others} 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
	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} 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} 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}
2. Restaurant activities ancillary to campus {Trans 308.366}	1 parking space per 50m ² gross floor area {Trans 308.366}
3. Standard residential	a. 1 - 5 habitable rooms on a site: 1 parking space b. 6 - 8 habitable rooms on a site: 2 parking spaces c. Greater than 8 habitable rooms on a site: 2 parking spaces plus 1 space for every 4 habitable rooms (or part thereof) d. Except: 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; 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}. 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}
4. Working from home	On-site car parking must be provided for all vehicles associated with the activity
5. Student hostels {Trans 308.368}	a. hostels with 1 – 10 residents: 1 parking space {Trans 308.368} b. hostels with 11 – 20 residents: 2 parking spaces {Trans 308.368} c. hostels with 21 – 30 residents: 3 parking spaces {Trans 308.368} 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}

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
1. <u>Affecting a scheduled heritage building or a scheduled heritage structure: {Her cl.16}</u> • Earthquake strengthening that affects a protected part of a scheduled heritage building or scheduled heritage structure, where external features only are protected. • <u>Restoration of a protected part of a scheduled heritage building or scheduled heritage structure that has a Heritage New Zealand Category 1 listing (as detailed in Appendix A1.1) {Her 547.91}</u>	a. Effects on heritage values	See Rule 13.4
2. <u>Student hostels {MF 308.353}</u>	a. Effects on the safety and efficiency of the transport network {MF 308.353}	<u>See Rule 6.8A {MF 308.353}</u>
	b. Effects on accessibility {MF 308.353}	<u>See Rule 6.8A {MF 308.353}</u>
	c. Effects on efficiency and affordability of infrastructure {MF 308.353}	<u>See Rule 9.3A {MF 308.353}</u>
3. <u>In a heritage precinct, additions and alterations to a non character-contributing building that involve: {Her 308.358}</u> • <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>	a. Effect on heritage streetscape character {Her 308.358}	<u>See Rule 13.4 {Her 308.358}</u>

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	<i>Potential circumstances that may support a consent application include:</i> 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. <i>General assessment guidance:</i> 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	<i>Relevant objectives and policies:</i> 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). <i>Potential circumstances that may support a consent application include:</i> 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	a. Effects on the vibrancy and economic and social success of the CBD and centres b. Effects on the <u>character and amenity</u> of the Campus Zone {PO cl.16}	<i>Relevant objectives and policies:</i> 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). <i>Potential circumstances that may support a consent application include:</i> iii. The activity is related to or necessary to support campus <u>activities activity</u> {PO cl.16}, 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	a. Effects on the safety and efficiency of the transport network b. Effects on <u>accessibility</u> {MF cl.16}	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
1. - Boundary setbacks - Maximum height - buildings and structures less than 40m (Rule 34.6.7.2.d) {MF cl.16} - Height in relation to boundary	a. Effects on surrounding sites' {MF cl.16} residential amenity ~~Effects on the character and amenity of sensitive surrounding sites~~ {MF cl.16}	<i>Relevant objectives and policies:</i> 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). <i>Potential circumstances that may support a consent application include:</i> iv. The height, or height in relation to boundary, is consistent with surrounding properties.
2. Boundary treatments and other landscaping	a. Effects on streetscape amenity	<i>Relevant objectives and policies:</i> 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). <i>Potential circumstances that may support a consent application include:</i> 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: Batter gradient {EW cl.16}	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> 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). <i>Conditions that may be imposed include, but are not limited to:</i> 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: Setback from property boundary, buildings, structures and cliffs {EW cl.16}	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> 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: 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 {EW 1071.106}</u> (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.	Hazard overlay zones development standards In a hazard overlay zone {NH cl.16}: • 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	a. Effects on health and safety b. Risk from natural hazards {PO cl.16}	See Rule 9.4 See Rule 11.4 {PO cl.16}
11.	Location and screening of outdoor storage	a. Effects on streetscape amenity b. Effects on the amenity of the campus	<i>Relevant objectives and policies:</i> i. Objective 34.2.2 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).
12.	Materials and design	a. Effect on heritage values (scheduled heritage buildings and scheduled heritage structures) b. Effects on heritage streetscape character (where in a Heritage precinct) {MF cl.16}	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	<i>Relevant objectives and policies:</i> i. Objective 34.2.2. 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).
15.	In a heritage precinct: - 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	<i>Relevant objectives and policies:</i> 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: 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: 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). <i>General assessment guidance:</i> 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: 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 ~~n~~National 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> <i>Conditions that may be imposed:</i> 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	<i>Potential circumstances that may support a consent application include:</i> 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). <i>General assessment guidance:</i> 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} any activities that generate 250 or more vehicle movements a day {Trans cl.16}	a. <u>Effects on accessibility</u> {Trans cl.16} b. <u>Effects on the safety and efficiency of the transport network</u> {Trans cl.16}	See Rule 6.10 {Trans cl.16}
1. - Early childhood education - Community and Leisure - large scale	a. <u>Effects on the safety and efficiency of the transport network</u>	See Rule 6.10
2. <u>Student hostels</u> {MF 308.353}	a. <u>Effects on safety and efficiency of transport network.</u> {MF 308.353} b. <u>Effects on efficiency and/or affordability of infrastructure</u> {MF 308.353}	See Rule 6.10 {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'}	a. Effects on visual amenity and character b. Effects on the amenity of surrounding properties	<i>Relevant objectives and policies:</i> i. Objective 34.2.3 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). 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). <i>Potential circumstances that may support a consent application include:</i> iv. There is no, or only minimal, alteration to the natural landform. v. Any cut or fill will be restored or treated to resemble natural landforms. vi. The earthworks will not remove or effect existing vegetation or landscaping. <i>Conditions that may be imposed include, but are not limited to:</i> vii. Measures to minimise visual effects, e.g. requirements for revegetation and/or landscaping. viii. Maximum slopes of cut and fill batters. ix. Measures to divert surface water and rain away from, or prevent from discharging over, batter faces and other areas of bare earth. x. Measures to ensure there are no adverse effects from changes to drainage patterns on surrounding properties. xi. Requirement to de-compact soils; to take other remedial action to ensure the natural absorption capacity of the soils is not reduced; or to use other mitigation measures to ensure the overall absorption of rain water on the site is not diminished.

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	<i>Relevant objectives and policies:</i> 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). <i>Potential circumstances that may support a consent application:</i> 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
{Her cl.16} • 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
X. <u>Activities affecting a scheduled heritage site: {Her cl.16}</u> • <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>	a. Effects on heritage values {Her cl.16}	See Rule 13.6 {Her cl.16}

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

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 ~~the~~ Campus {MF cl.16}	<i>Relevant objectives and policies:</i> i. Objective 34.2.1 ii. Subdivision ~~activities are~~ is {PO cl.16} only allowed: 1. if ~~they are~~ {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 2. ~~it is if they are~~ {PO cl.16} necessary for the disposal of surplus land in accordance with Policy 2.3.1.6 (Policy 34.2.1.7).
	b. ~~Effects on a scheduled tree~~ {MF cl.16}	See Rule 7.7
	c. Effects on the ~~safety and efficiency of~~ {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 ~~values~~ {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
2. <u>On sites containing a scheduled heritage building or schedule heritage structure or on a scheduled heritage site:</u> • <u>Subdivision activities</u> {Her cl.16}	a. Effects on heritage values (scheduled heritage sites) {Her cl.16}	See Rule 13.6 {Her cl.16}

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
1. • Office (other than campus-affiliated office and registered health practitioners) {MF 308.5 and 308.349} • Restaurants not ancillary to campus • Supported living facilities (other than student hostels) {MF 308.354}	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 2.3.1 b. Objective 34.2.1 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}: 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 ii. they will {MF cl.16} support the efficient and effective operation of campus activities activity {PO cl.16}; and iii. they {MF cl.16} are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and iv. they {MF cl.16} are designed and operated in line with Objective 34.2.2 and its policies (Policy 34.2.1.5). 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). e. All relevant land use performance standards are met, including noise and light spill standards. 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. g. In assessing the significance of effects, consideration will be given to: i. both short and long term effects, including effects in combination with other activities. 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. 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. 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'} j. See Section 9.6 for guidance on the assessment of resource consents

34.11.2 Assessment of discretionary land use activities

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

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}	<i>Relevant objectives and considerations (priority considerations):</i> - 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. - 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	<i>Relevant guidance from other sections (priority considerations):</i> 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}	<i>Relevant objectives and policies (priority considerations):</i> - Objective 34.2.2 - Buildings over 40m in height are only allowed where: - 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	<i>Relevant objectives and policies (priority considerations):</i> a. The activity does not detract from, or preferably contributes to, the strategic directions objectives, including, but not limited to, those related to: 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: 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). <i>Potential circumstances that may support a consent application include:</i> 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. <i>General assessment guidance:</i> f. In assessing the significance of effects consideration will be given to: 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. <i>Relevant guidance from other sections (priority considerations):</i> 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
	<u>in relation to Objective 9.2.2 and effects on health and safety. {PHS cl.16}</u> 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>
2. Commercial advertising in all zones {PO cl.16}	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 2.4.1 b. Policy 2.4.1.6.c
3. Demolition of a protected part of a scheduled heritage building or scheduled heritage structure	<i>Relevant guidance from other sections (priority considerations):</i> 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.

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
1. • 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)	<i>Relevant guidance from other sections (priority considerations):</i> 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.

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.

35. Wakari Hospital

35.1 Introduction

Wakari Hospital is Dunedin's second largest hospital. The hospital is situated on Taieri Road, Wakari, and extends over a large, extensively landscaped site, covering an area of approximately eight hectares. The hospital is operated by the Southern District Health Board (SDHB).

The hospital has been at its present site since 1915, and provides approximately 115 beds across a number of wards. The hospital provides mental health services as well as a range of other community health services. It serves as a teaching hospital with strong links to both the University of Otago and Otago Polytechnic and is the base for SDHB management.

Redevelopment of the hospital site is anticipated over the coming years, allowing facilities to be upgraded and added. This may involve construction of new buildings and the redevelopment of existing ones. The site is surrounded by the General Residential 1 Zone which provides for medium density residential living, and is close to the Wakari neighbourhood centre. There is a high level of residential amenity in the area, particularly to the east and west of the site, with land to the north and south being less developed and having significant established vegetation. While the buildings on the Wakari Hospital site are generally larger than would normally be expected in a residential environment, these are contained within a large site which is extensively bordered by trees and vegetation.

The Wakari Hospital Zone enables the provision of essential health services and future development of the site, while appropriately managing adverse effects on the surrounding General Residential 1 Zone and nearby neighbourhood centre.

35.2 Objectives and Policies

Objective 35.2.1	
Wakari Hospital is able to operate efficiently and effectively as a hospital and medical training and research facility.	
Policy 35.2.1.1	Enable hospital activity in the Wakari Hospital Zone.
Policy 35.2.1.2	Provide for activities that are ancillary to hospital activity where they are designed and operated in line with Objective 35.2.2 and its policies.
Policy 35.2.1.3	Only allow activities that are not ancillary to hospital activity where all of the following apply: - the activities are related to or support Wakari Hospital, or have other operational requirements that mean they need to locate in the zone; - they will support the efficient and effective operation of Wakari Hospital; - they are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and - they are designed and operated in line with Objective 35.2.2 and its policies.
Policy 35.2.1.4	Enable land that is surplus to the needs of Wakari Hospital to transition to the General Residential 1 Zone, so that future development that is not related to hospital activity can <u>will</u> {PO cl.16} be managed in accordance with the objectives and policies of that zone.
Policy 35.2.1.5	Only allow subdivision <u>activities</u> {PO cl.16} where: - it is <u>they are</u> {PO cl.16} in accordance with the provisions of the General Residential 1 Zone; and - the subdivision does not adversely affect the efficient and effective operation of Wakari Hospital.

Objective 35.2.2	
Land use activities and development necessary for Wakari Hospital to meet the reasonably foreseeable health needs of the community is enabled, while ensuring development: - achieves a good standard of on-site amenity for patients, staff and visitors; and - maintains or enhances the amenity of the surrounding residential sites and areas, as far as practicable.	
Policy 35.2.2.1	Require buildings and structures to be of a height and setback from boundaries that ensures: - there are no more than minor effects on the sunlight access and privacy of current and potential future residential buildings and their outdoor living spaces; and - any adverse effects on neighbourhood amenity are avoided or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others}, are no more than minor.
Policy 35.2.2.2	Require development to maintain or enhance neighbourhood amenity by ensuring service areas are not visible from ground level outside the site.
Policy 35.2.2.3	Require landscaping of the boundary of parking areas where adjacent to a road frontage to screen or soften these areas and ensure a high standard of visual amenity when viewed from the road.
Policy 35.2.2.4	Require fences on road boundaries to be of a height and design that contributes positively to neighbourhood amenity.

Objective 35.2.2

Land use activities and development necessary for Wakari Hospital to meet the reasonably foreseeable health needs of the community is enabled, while ensuring development:

- a. achieves a good standard of on-site amenity for patients, staff and visitors; and
- b. maintains or enhances the amenity of the surrounding residential sites and areas, as far as practicable.

Policy 35.2.2.5	Require ancillary signs visible from outside the zone 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 that purpose.
Policy 35.2.2.6	Require ancillary commercial activities to be designed, located and operated to primarily serve staff, patients and visitors of Wakari Hospital.
Policy 35.2.2.7	Only allow early childhood education - large scale where they are it is {PO cl.16} designed to avoid or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others} , adequately mitigate, adverse effects on the amenity of surrounding residential properties.

EW cl.16: As a clause 16 amendment, Objective 35.2.3 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 35.3 Activity Status

Rule 35.3.1 Rule location

The activity status tables in rules 35.3.3 to 35.3.5 specify the activity status of land use activities, development activities and subdivision activities in the Wakari Hospital 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}**

35.3.2 Activity status introduction

1. The activity status tables in rules 35.3.3 - 35.3.5 show the activity status of activities in the Wakari Hospital Zone, 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

35.3.3 Activity status table - land use activities

1.	Performance standards that apply to all land use activities		a. Electrical interference b. Light spill c. Noise d. Setback from a National Grid (National Grid sensitive activities only) {NH cl.16}
Major facility activities		Activity status	Performance standards
2.	Hospital	P	a. Minimum car parking
3.	All other activities in the major facilities facility {MF cl.16} activities category	NC	
Community activities		Activity status	Performance standards
4.	Community and leisure - small scale	P	
5.	Conservation	P	
6.	Early childhood education - small scale	P	
7.	Early childhood education - large scale	RD	
8.	All other activities in the community activities category	D	
Commercial activities		Activity status	Performance standards
9.	Commercial activities ancillary to hospital activity	P	a. Location
10.	Registered health practitioners	P	
11.	All other activities in the commercial activities category	NC	
Residential activities		Activity status	Performance standards
12.	All activities in the residential activities category	D	
Industrial activities		Activity status	Performance standards
13.	All activities in the industrial activities category	NC	

Rural activities		Activity status	Performance standards
14.	All activities in the rural activities category	NC	

35.3.4 Activity status table - development activities

1.	Performance standards that apply to all development activities		a. Maximum <u>building</u> {MF cl.16} site coverage and impermeable surfaces b. <u>Setback from national grid</u> {NU cl.16} c. <u>Setback from scheduled tree</u> {ST cl.16}
2.	Performance standards that apply to all buildings and structures activities		a. Boundary setbacks b. Fire fighting {MF cl.16} c. Height in relation to boundary d. Maximum height e. Number, location and design of ancillary signs f. <u>Setback from National Grid</u> {NU cl.16}
Buildings and structures activities		Activity status	Performance standards
3.	Fences	P	a. Fence height and design
4.	All other buildings and structures activities	P	
Site development activities		Activity status	Performance standards
5.	~~Earthworks – small scale~~ {EW cl.16}	P	a. ~~Earthworks standards~~
6.	~~Earthworks – large scale~~ {EW cl.16}	RD	a. ~~Earthworks standards~~
7.	Parking, loading and access	P	a. Boundary treatments and other landscaping b. Parking, loading and access standards
8.	~~New or additions to parking areas, or extensions to existing parking areas~~ that result in the creation of {Trans cl.16} 50 or more new parking spaces.	RD	a. Boundary treatments and other landscaping b. Parking, loading and access standards
9.	Service areas	P	a. Location and screening of service areas
10.	Storage and use of hazardous substances	P	a. Hazardous substances quantity limits and storage requirements
11.	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 **MF cl.16:** The firefighting performance standard applies to residential activities. Residential activity is non-complying in this zone and so the performance standard is not relevant and has been removed under cl.16.

Note 35.3.4A - 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.

35.3.5 Activity status table - subdivision activities

Subdivision activities	Activity status	Performance standards
1. Subdivision activities	RD	a. Subdivision performance standards

Note 35.3.5A - 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.

35.3.6 Transition to General Residential 1 Zone

On receipt of written notice from both the landowner and operator of Wakari Hospital (if different) to Dunedin City Council in relation to all or part of the land within the Wakari Hospital Zone, the provisions of the Wakari Hospital Zone will no longer apply to that parcel of land and the provisions of the General Residential 1 Zone will apply in full.

Rule 35.4 Notification

1. Activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA.

Rule 35.5 Land Use Performance Standards

35.5.1 Electrical Interference

Land use activities must comply with Rule 9.3.2.

35.5.2 Light Spill

Land use activities must comply with Rule 9.3.5.

35.5.3 Location

1. For ancillary commercial activities, customer access must only be available from inside hospital buildings.
2. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

35.5.4 Minimum Car Parking

1. Hospital activity must provide a minimum of 600 ~~555~~ **{Trans 917.39}** car parking spaces, including at least 13 mobility parking spaces.
2. Required parking spaces may be used for car, cycle or motorcycle parking, except for any required mobility parking spaces, which must be used for mobility car parking.
3. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

Note 35.5.4A - 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.

35.5.5 Noise

Land use activities must comply with Rule 9.3.6.

35.5.6 Setback from National Grid

National Grid sensitive Sensitive **{MF cl.16}** activities must comply with Rule 5.6.1.1.

Rule 35.6 Development Performance Standards

35.6.1 Boundary Treatments and Other Landscaping

1. Where a parking area is built within 5m of a road frontage, a landscaping area with a minimum 1.5m width must be provided along the full length of the road frontage (except for where vehicle access is provided); ~~with an average of one tree for every 5m of frontage {MF cl.16}.~~
2. Landscaping areas must:
 - a. be planted with a mix of trees and shrubs and/or ground cover plants that achieves a total coverage of the ground area in planting (when mature), except for 10% of the area, which may be used for pedestrian paths;
 - b. have an average of one tree for every 5m of frontage;
 - c. not have more than 10% cover in impermeable surfaces (for pedestrian paths);
 - d. be designed to allow surface water run-off from surrounding areas to enter;
 - e. be protected by a physical barrier that prevents cars from ~~accidentally driving into or~~ **{PO 360.213}** damaging plants;
 - f. for required trees, use trees that are at least 1.5m high at the time of planting and capable of growing to a minimum **{PO 360.213}** height of 5m within 10 years of planting;
 - g. be planted prior to occupation ~~or completion~~ of any relevant building(s) or upon completion of site development activities **{MF cl.16}**; and
 - h. be maintained to a high standard, which means trees and under-planting are healthy and areas are regularly cleared of rubbish and weeds.
3. Any road boundary fences provided must be placed on the property side of any required **{MF cl.16}** road frontage landscaping required by this rule **{PO 360.213}**.
4. Activities that contravene this performance standard are restricted discretionary activities. **{PO cl.16}**

35.6.2 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.

35.6.3 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 all other road boundaries {Res cl.16}	1.4m {Res cl.16}
b- {Res cl.16}	Along a side or rear boundary with a residential zone {Res cl.16}	1.4m {Res 394.80 and 1051.2}
c- {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 35.6.10.1. **{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 construction using trellis, lattice, wrought iron, or spaced palings (palings maximum width 100mm, 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}**

35.6.3.1 Maximum Height **{Res cl.16¹}**

- a. The maximum height of fences along boundaries (including within the boundary setbacks required by Rule 35.6.10.1) is 2m. **{Res cl.16}**
- 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.16}**
- c. Fences that contravene this performance standard are restricted discretionary activities. **{PO cl.16}**

¹ **Res cl.16:** As a clause 16 amendment this has been rearranged from the notified version to provide clarity. This does not effect the outcome of the provision. Any changes as a result of submissions are indicated.

35.6.3.2 Visual Permeability **{Res cl.16¹}**

- a. Fences along road boundaries (or within the boundary setbacks required by Rule 35.6.10.1) 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. Fences along the road boundary of a state highway are exempt from this requirement. **{Res cl.16}**
- c. Fences that contravene this performance standard are restricted discretionary activities. **{PO cl.16}**

¹ **Res cl.16:** As a clause 16 amendment this has been rearranged from the notified version to provide clarity. This does not effect the outcome of the provision. Any changes as a result of submissions are indicated.

35.6.4 Hazardous Substances Quantity Limits and Storage Requirements

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

35.6.5 Height

35.6.5.1 Height in relation to boundary

Buildings and structures adjoining the residential zone must not protrude through a plane rising at an angle of 45 degrees measured from a starting point of 2.5 m vertically above ground level at the zone boundary (see Figure 15.6F), ~~except: comply with the Height in Relation to Boundary performance standard of that residential zone, along the adjoining boundary (see Rule 15.6.7.1) {Res cl.16}~~

- a. ~~rooftop structures are exempt from the performance standard for height in relation to boundary; {Res cl.16}~~
- b. ~~a gable end or dormer may project beyond the plane where it is: {Res cl.16}~~
 - i. ~~no greater than 1m in height measured parallel to the nearest adjacent boundary; and/or {Res cl.16}~~
 - ii. ~~no greater than 1m in depth measured horizontally at 90 degrees to the nearest adjacent boundary: {Res cl.16}~~

¹ **Res cl.16:** There is no substantive change to the rule, it simply refers back to rule in other section to avoid repeating rule wording.

35.6.5.2 Maximum height

- a. Maximum height for new buildings and structures, and additions and alterations, must not exceed 22m above ground level.
- b. Rooftop structures are exempt from the performance standard for maximum height provided they do not exceed the maximum height limit by more than 5m.
- c. Buildings and structures must not exceed 10m in height within 20m of a residential zone, Recreation Zone or a school.
- d. Activities that contravene this performance standard are restricted discretionary activities.{PO cl.16}

35.6.6 Location and Screening of Service Areas

1. Service areas must be located or screened so that they are not visible at ground level from adjacent: residential activities, residential zoned properties, or public places.
2. Service areas must not encroach into required parking, loading or manoeuvring areas.
3. Activities that contravene this performance standard are restricted discretionary activities.{PO cl.16}

35.6.7 Maximum Building Site Coverage and Impermeable Surfaces {Was "Maximum Site Coverage and Impermeable Surfaces" - MF cl.16}

1. The maximum building {MF cl.16} site coverage of buildings (% of the site) is 40%; and
2. The maximum total impermeable surface site coverage (buildings and impermeable surfaces % of the site) is 70%.
3. Activities that contravene this performance standard are restricted discretionary activities.{PO cl.16}

35.6.8 Number, Location and Design of Ancillary Signs

35.6.8.1 General

- a. Signs must comply with the following standards, except the following signs are exempt from these standards:
 - i. signs that are not visible from outside the Wakari Hospital 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 related to ancillary retail and ancillary restaurants activities **{PO cl.16}** must not be visible outside the Wakari Hospital Zone.
- 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 35.6.8.2 and 35.6.8.3 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}**

35.6.8.2 Signs attached to buildings

- a. The height above ground level at the highest point of any sign attached to a building is 4m.
- b. Signs must not be attached to roofs.
- c. Signs must not project higher than the lowest point of the roof, except where mounted against a parapet or gable end.
- d. Signs attached to a building must:
 - i. not exceed one sign per building;
 - ii. have a maximum area per display face of 2m²;
 - iii. have a maximum of two display faces per sign;
 - iv. where attached to the façade of a building, must not project more than 1m from the façade to which it is attached; and
 - v. if attached to a verandah fascia, must not exceed a height of 500mm, or the height of a verandah fascia, whichever is greater.

35.6.8.3 Freestanding signs

- a. The maximum number of permanently fixed freestanding signs is one per 50m of road frontage.
- b. The maximum number of portable freestanding signs is one per 50m of road frontage.
- c. The maximum dimensions of freestanding signs are:
 - i. maximum height of 4m;
 - ii. maximum area of 8m²;
 - iii. maximum width of 2m; and
 - iv. maximum depth of 400mm **{PO cl.16}**.
- d. Freestanding signs must:
 - i. not obstruct ~~driveways, parking or loading areas~~ parking, loading and access areas; and **{PO cl.16}**
 - ii. ~~Freestanding signs must be located within the site and cannot be located on the road reserve be positioned entirely within the site boundaries.~~ **{PO cl.16}**

Note 35.6A – 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 35.6.8B - Other requirements outside of the District Plan

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

35.6.9 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

35.6.10 Setbacks

35.6.10.1 Boundary setbacks

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

Building		Setback from road boundary	Setback from other boundary
a.	Buildings, structures and additions and alterations not exceeding 3m in height and 6m in length (measured parallel to the boundary)	4.5m	1m
b.	Buildings, structures and additions and alterations not exceeding 9m in height or 250m ² GFA	4.5m	4.5m
c.	Other buildings and structures	10m	10m

- d. Except fences and ancillary signs are exempt from the performance standard.
- e. All public entrances to buildings must be located at least 10m from a boundary with the General Residential 1 Zone.
- f. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

35.6.10.X Setback from scheduled tree **{ST cl.16}**

New buildings, structures, additions and alterations, and any site development activities that involve the installation of impermeable surfacing must comply with Rule 7.5.2. **{ST Cl.16}**

35.6.10.2 Setback from nNational gGrid

New buildings and structures, and additions and alterations, ~~and earthworks~~ **{EW cl.16'}** must comply with Rules 5.6.1.1. ~~and 5.6.1.2~~ **{EW cl.16'}**

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

35.6.11 Fire Fighting **{Confirmed for deletion - MF cl.16¹}**

~~All new residential and subdivision activities must comply with Rule 9.3.3. **{MF cl.16'}**~~

¹ **MF cl.16:** The firefighting performance standard applies to residential activities. Residential activity is non-complying in this zone and so the performance standard is not relevant and has been removed under cl.16.

Rule 35.7 Subdivision Performance Standards

Subdivision activities must comply with performance standards for the General Residential 1 Zone within Rule 15.7.

Rule 35.8 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 35.8.1 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 35.8.2 - 32.8.5:
 - 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 35.8.2 - 32.8.5 apply as follows: {MF cl.16}
 - a. Rule 35.8.2 applies to all performance standard contraventions;
 - b. Rule 35.8.3 applies to land use performance standard contraventions;
 - c. Rule 35.8.4 applies to development performance standard contraventions; and
 - d. Rule 35.8.5 applies to subdivision performance standard contraventions. {MF cl.16}

35.8.2 Assessment of all performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. All performance standard contraventions	<i>Potential circumstances that may support a consent application include:</i> a. The degree of non-compliance with the performance standard is minor. b. The need to meet other performance standards or site specific factors, 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. <i>General assessment guidance:</i> e. Where more than one standard is contravened, the combined effects of the contraventions should be considered.

35.8.3 Assessment of land use performance standard contraventions

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 hierarchy {MF cl.16}	<i>Relevant objectives and policies:</i> i. Objective 35.2.2 ii. Ancillary commercial activities are designed, located and operated primarily to serve staff, patients and visitors of Wakari Hospital (Policy 35.2.2.6). <i>Potential circumstances that may support a consent application include:</i> iii. The location of customer access is unlikely to result in the attraction of external customers, resulting in the ancillary activity becoming a stand-alone activity.
3. Minimum car parking	a. Effects on the safety and efficiency of the transport network <u>b. Effects on accessibility</u> {Trans cl.16¹}	See Rule 6.9

¹ **Trans cl.16:** Under Transportation section assessment rules (Rule 6.9.3.6.a), 'effects on accessibility' is a matter of discretion for contraventions of minimum car parking performance standards. However, this matter of discretion was inadvertently omitted from notified Section 35 assessment rules. The correction of this error, via the addition of Rule 35.8.3.3.b, does not result in a substantive change to the effect of provisions.

35.8.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	- Boundary setbacks - Height in relation to boundary - Maximum height	a. Effects on the amenity of surrounding sites	<i>Relevant objectives and policies:</i> i. Objective 35.2.2 ii. Buildings and structures are of a height and setback from boundaries that ensures there are no more than minor effects on the sunlight access and privacy of current and potential future residential buildings and their outdoor living spaces (Policy 35.2.2.1.a). <i>In assessing the application Council will consider:</i> iii. Existing sunlight access to neighbouring properties iv. Cumulative effects from incremental development.
		b. Effects on neighbourhood amenity	<i>Relevant objectives and policies:</i> i. Objective 35.2.2 ii. Buildings and structures are of a height and setback from boundaries that ensures adverse effects on neighbourhood amenity are avoided or, if avoidance is not possible practicable {PO 908.3 and others}, are no more than minor (Policy 35.2.2.1.b).
2.	Boundary treatments and other landscaping	a. Effects on streetscape amenity	<i>Relevant objectives and policies:</i> i. Objective 35.2.2 ii. Landscaping screens or softens the boundary of parking areas adjacent to a road frontage {MF cl.16²} and ensures a high standard of visual amenity when viewed from the road (Policy 35.2.2.3). <i>Potential circumstances that may support a consent application include:</i> iii. Alternative landscaping or other screening will be effective in screening or softening car parking areas when viewed from the road.

35.8.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
3.	Earthworks standards: Batter gradient {EW cl.16}¹	a. Effects on the stability of land; buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 35.2.3 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 35.2.3.1.b). <i>Conditions that may be imposed include, but are not limited to:</i> 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: Setback from property boundary; buildings; structures and cliffs {EW cl.16}¹	a. Effects on the stability of land; buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 35.2.3 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, structures and cliffs (Policy 35.2.3.1.a).
5.	Earthworks standards: - Setback from national grid - Setback from network utilities {EW cl.16}¹	a. Effects on efficient and effective operation of network utilities b. Effects on health and safety	See Rule 5.7

35.8.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
6.	Earthworks standards: • Sediment control {EW cl.16} ¹	a. Effects on surrounding sites	<i>Relevant objectives and policies:</i> i. Objective 35.2.3 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, or the coastal marine area {EW 1071.106} (Policy 35.2.3.2.b).
		b. Effects on efficiency and/or affordability of infrastructure	See Rule 9.4
		c. Effects on biodiversity values and natural character of riparian margins and the coast	See Rule 10.4
7.	Fence height and design	a. Effects on health and safety	See Rule 9.4
		b. Effects on neighbourhood amenity	<i>Relevant objectives and policies:</i> i. Objective 35.2.2 ii. Fences on road boundaries are of a height and design that contribute positively to neighbourhood amenity (Policy 35.2.2.4). <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 streetscape is achieved. v. The fence will be screened by landscaping.
8.	Hazardous substances quantity limits and storage requirements	a. Effects on health and safety	See Rule 9.4
		b. Risk from natural hazards {PO cl.16}	See Rule 11.4 {PO cl.16}

35.8.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
9.	Location and screening of service areas	a. Effects on neighbourhood amenity	<i>Relevant objectives and policies:</i> i. Objective 35.2.2 ii. Development maintains or enhances neighbourhood amenity by ensuring service areas are not visible from ground level outside the site (Policy 35.2.2.2). <i>Potential circumstances that may support a consent application include:</i> iii. Screening would unduly restrict the usability of the service area. iv. The site layout prevents the service area from being visible from any public place without additional screening being required.
10.	Maximum building site coverage and impermeable surfaces	a. Effects on the efficiency and ~~or~~ {MF cl.16} affordability of infrastructure	See Rule 9.4
11.	Number, location and design of ancillary signs	a. Effects on neighbourhood amenity	<i>Relevant objectives and policies:</i> i. Objective 35.2.2 ii. Ancillary signs visible from outside the zone are 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 that purpose (Policy 35.2.2.5).
		b. Effects on the safety and efficiency of the transport network	See Rule 6.9
12.	Parking, loading and access standards	a. Effects on the safety and efficiency of the transport network	See Rule 6.9

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 **MF cl.16:** Amendment to align with policy wording.

35.8.5 Assessment of subdivision performance standard contraventions

Performance standard		Guidance on the assessment of resource consents
1.	Subdivision performance standards	See Rule 15.9

Rule 35.9 Assessment of Restricted Discretionary Activities

Rule 35.9.1 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 35.9.2 - 35.9.4:
 - 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 35.9.2 - 35.9.4 apply as follows: {MF cl.16}
 - a. Rule 35.9.2 applies to restricted discretionary land use activities;
 - b. Rule 35.9.3 applies to restricted discretionary development activities; and
 - c. Rule 35.9.4 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 35.8; 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 35.10; 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 35.11; and
 - iii. the assessment guidance in this section will also be considered.

35.9.2 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} any activities that generate 250 or more vehicle movements a day {Trans cl.16}	a. <u>Effects on accessibility</u> {Trans cl.16} b. <u>Effects on the safety and efficiency of the transport network</u> {Trans cl.16}	See Rule 6.10 {Trans cl.16}
1. Early childhood education - large scale	a. Effects on the safety and efficiency of the transport network b. Effects on accessibility c. Effects on surrounding sites' residential amenity	See Rule 6.10 <i>Relevant objectives and policies:</i> i. Objective 35.2.2 ii. Early childhood education - large scale is designed to avoid or, if avoidance is not possible practicable {PO 908.3 and others}, adequately mitigate, adverse effects on the amenity of surrounding residential properties (Policy 35.2.2.7).

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 XX assessment rules. The correction of this error, via the addition of Rule 35.9.2.A, does not result in a substantive change to the effect of provisions.

35.9.3 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. Earthworks – large-scale (that exceed the scale thresholds for the Wakari Hospital zone) {EW cl.16} ¹	a. Effects on visual amenity and character b. Effects on the amenity of surrounding properties	<i>Relevant objectives and policies:</i> i. Objective 35.2.3 ii. Adverse effects on visual amenity and character will be avoided or, if avoidance is not possible, adequately mitigated (Policy 35.2.3.3.a). iii. Adverse effects on the amenity of surrounding properties, including from changes to drainage patterns, will be avoided or, if avoidance is not possible, adequately mitigated (Policy 35.2.3.3.b). <i>Potential circumstances that may support a consent application include:</i> iv. There is no, or only minimal, alteration to the natural landform. v. Any cut or fill will be restored or treated to resemble natural landforms. vi. The earthworks will not remove or impact upon existing vegetation or landscaping. <i>Conditions that may be imposed include, but are not limited to:</i> vii. Measures to minimise visual effects, e.g. requirements for revegetation and/or landscaping. viii. Maximum slopes of cut and fill batters. ix. Measures to divert surface water and rain away from, or prevent from discharging over, batter faces and other areas of bare earth. x. Measures to ensure there are no adverse effects from changes to drainage patterns on surrounding properties. xi. Requirement to de-compact soils; to take other remedial action to ensure the natural absorption capacity of the soils is not reduced; or to use other mitigation measures to ensure the overall absorption of rain water on the site is not diminished.

35.9.3 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	<i>Relevant objectives and policies:</i> i. Objective 35.2.3 ii. Adverse effects on the stability of land, buildings, and structures will be avoided or, if avoidance is not possible, adequately mitigated (Policy 35.2.3.3.c). <i>Potential circumstances that may support a consent application include:</i> 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 35.12.1). iv. Excavation, fill and retaining structures will be designed, and the work undertaken, in accordance with best practice engineering standards.
2. <u>High trip generators:</u> {Trans cl.16} • New or additions to parking areas, or extensions to existing parking areas that result in the creation of 50 or more new parking spaces {Trans cl.16}	a. Effects on the {MF cl.16} safety and efficiency of the transport network b. Effects on accessibility {Trans cl.16}	See Rule 6.10
X. <u>Setback from scheduled tree</u> {ST cl.16}	a. Effects on long term health of scheduled tree {ST cl.16}	See Rule 7.6 {ST cl.16}

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

² **Trans cl.16:** A reference to 'high trip generators' has been added here, to clarify that this activity is assessed as a high trip generator under Transportation section rules. This does not result in a substantive change to the effect of provisions.

35.9.4 Assessment of restricted discretionary subdivision activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
1.	Subdivision activities	a. Effects on efficient and effective operation of Wakari Hospital	<i>Relevant objectives and policies:</i> i. Objective 35.2.1 ii. Objective 2.3.1 iii. Subdivision does not adversely affect the efficient and effective operation of Wakari Hospital (Policy 35.2.1.5.b).
		See Rule 15.10	

Rule 35.10 Assessment of Discretionary Activities

Rule 35.10.1 Introduction

1. Discretionary activities will be assessed in accordance with section 104 and 104B of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rules 35.10.2 - 35.10.3 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 35.10.2 - 35.10.3 apply as follows: {MF cl.16}
 - a. Rule 35.10.2 applies to all discretionary activities; and
 - b. Rule 35.10.3 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.

35.10.2 Assessment of all discretionary activities

Activity	Guidance on the assessment of resource consents

1. All discretionary <u>land use</u> activities including listed below: {PO cl.16} • all other activities in the community activities category • all activities in the residential activities category • ~~activities listed below~~ {PO cl.16}	<i>Relevant objectives and policies (priority considerations):</i> - Objective 2.3.1 - Objective 35.2.1 - Activities that are ancillary to hospital activity are designed and operated in line with Objective 35.2.2 and its policies (Policy 35.2.1.2). - Activities that are not ancillary to hospital activity: - are related to or support the Wakari Hospital, or have other operational requirements that mean they need to locate in the zone; - support the efficient and effective operation of Wakari Hospital; - are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and - are designed and operated in line with Objective 35.2.2 and its policies (Policy 35.2.1.3). <i>Potential circumstances that may support a consent application include:</i> - For discretionary land use activities, whether any associated development activities meet relevant development performance standards, or are otherwise consistent with relevant objectives and policies for development. - All relevant land use performance standards are met, including noise and light spill standards. <i>General assessment guidance</i> - In assessing the significance of effects, consideration will be given to: - short to long term effects, including effects in combination with other activities; and - 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. - 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. <i>Relevant guidance from other sections (priority considerations):</i> <u>See Section 6.11 for guidance on the assessment of resource consents in relation to objectives 6.2.2 and 6.2.3, and effects related to accessibility and the safety and efficiency of the transport network and its affordability to the public. {Trans cl.16}</u> <u>See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety {PHS cl.16}</u> <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>

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.

35.10.3 Assessment of discretionary performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. - Noise - where the limit is exceeded by up to ~~less than~~ {MF cl.16} 5dB LAeq (15min) - Light spill - where the limit is exceeded by 25% or less	<i>Relevant guidance from other sections (priority considerations):</i> See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.

Rule 35.11 Assessment of Non-complying Activities

Rule 35.11.1 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 35.11.2 - 35.11.4 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 35.11.2 - 35.11.4 apply as follows: {MF cl.16}
 - a. Rule 35.11.2 applies to all non-complying activities;
 - b. Rule 35.11.3 applies to non-complying land use activities; and
 - c. Rule 35.11.4 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.

35.11.2 Assessment of non-complying land use activities

Activity	Guidance on the assessment of resource consents

1. All non-complying land use activities including listed below: {PO cl.16} - all other activities in the major facilities activities category (<u>except hospital</u>) {PO cl.16} - all other activities in the commercial activities category (<u>except commercial activities ancillary to hospital activity and registered health practitioners</u>) {PO cl.16} - all activities in the industrial activities category; - all activities in the rural activities category and - activities listed below {PO cl.16}	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 2.3.1 b. Objective 35.2.1 c. Activities not ancillary to hospital activity: i. are related to or support Wakari Hospital, or have other operation requirements that mean they need to locate in the zone; ii. support the efficient and effective operation of Wakari Hospital; iii. are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and iv. they are designed and operated in line with Objective 35.2.2 and its policies (Policy 35.2.1.3). <i>General assessment guidance:</i> d. In assessing the significance of effects consideration will be given to: 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 a resource consent. e. 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. <i>Relevant guidance from other sections (priority considerations):</i> f. <u>See Section 6.12 for guidance on the assessment of resource consents in relation to objectives 6.2.2 and 6.2.3, and effects related to accessibility and the safety and efficiency of the transport network and its affordability to the public. {Trans cl.16}</u> g. <u>See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety {PHS cl.16}</u> h. <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>
2. Commercial advertising {MF cl.16²}	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 2.4.1 {MF cl.16²} b. Policy 2.4.1.6.c {MF cl.16²}

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.

² **MF cl.16:** As a clause 16 amendment this content has been moved from Rule 35.11.3. This is not a substantive change to provisions.

35.11.3 Assessment of non-complying land use activities {MF cl.16¹}

Activity {MF cl.16 ¹ }	Guidance on the assessment of resource consents {MF cl.16 ¹ }
4. Commercial advertising {MF cl.16 ¹ }	~~Relevant objectives and policies (priority considerations): {MF cl.16¹}~~ a. ~~Objective 2.4.1 {MF cl.16¹}~~ b. ~~Policy 2.4.1.6.e {MF cl.16¹}~~

¹ **MF cl.16:** As a clause 16 amendment this content has been moved to Rule 35.11.2. This is not a substantive change to provisions.

35.11.4 Assessment of non-complying performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. • 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)	~~Relevant guidance from other sections (priority considerations):~~ a. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.23 {PHS cl.16} and effects related to public health and safety.
2. Setback from National Grid	~~Relevant guidance from other sections (priority considerations):~~ a. See Section 5.10 for guidance on the assessment of resource consents in relation to Objective 5.2.4 5.2.2 {NU 918.29} and effects related to the efficient and effective operation of network utilities, and public health and safety.

Rule 35.12 Special Information Requirements {Confirmed to be deleted - EW cl.16}

EW cl.16: As a clause 16 amendment, Rule 35.12.1 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.

