

## 3. Public Amenities

### 3.1 Introduction

Public amenities are structures and facilities established for the convenience, enjoyment, or amenity of the public, such as seating, barbeques, play equipment, and toilets. Public amenities also encompass other features that contribute to our experience or understanding of the environment or events in the area, such as artworks, monuments, memorials, and interpretation panels. They provide for community needs and contribute positively to streetscape amenity and public places, enhancing the use and attractiveness of these areas.

Public amenities have the potential to adversely affect amenity if they are of an inappropriate scale, and in some cases may be slightly controversial by their very nature.

In response to these issues, ~~the rules proposed in the Second Generation Plan (2GP)~~ this Plan **{PO cl.16}** imposes limits on scale or requires consent in order to enable public amenities to occur while managing effects on the amenity of surrounding sites and other users of public places.

## 3.2 Objectives and Policies

Objective 3.2.1	
Public amenities contribute positively to community well-being and streetscape amenity, while:	
a. <del>avoiding or, if avoidance is not practicable, adequately mitigating</del> minimising, as far as practicable, <b>{PA 308.101}</b> any adverse effects on the amenity of surrounding sites; and	
b. meeting the relevant objectives and policies for any overlay zone, scheduled site, or mapped area in which they are located.	
Policy 3.2.1.1	Provide for public amenities throughout the city.
Policy 3.2.1.2	Require public amenities to be designed and located to avoid <del>or, if avoidance is not practicable, adequately mitigate</del> significant <b>{PA/PO 308.101}</b> adverse effects on the amenity of surrounding sites and streetscape amenity.
Policy 3.2.1.3	Only allow public toilets and public display boards where <del>significant</del> adverse effects on surrounding sites will be avoided <del>or, if avoidance is not practicable, adequately mitigated</del> <b>{PA/PO 308.101}</b> .
Policy 3.2.1.4	Only allow public artworks - large scale <del>if where</del> <b>{PA cl.16}</b> : a. it has positive effects <del>for</del> <u>on</u> streetscape amenity; and b. <del>significant</del> adverse effects on surrounding sites will be avoided <del>or, if avoidance is not practicable, adequately mitigated</del> <b>{PA/PO 308.101}</b> .

## Rules

### Rule 3.3 Activity Status

#### 3.3.1 Activity status introduction

1. The activity status table in Rule 3.3.2 shows the activity status of public amenities activities across all zones, provided any performance standards shown in the far right column are met. The activities in the public amenities category are listed in the Nested Table in Section 1.36.
2. Performance standards apply to permitted, and restricted discretionary activities.
3. If a permitted 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}**
4. 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.
5. Any site development activities associated with an activity provided for in the activity status table in Rule 3.3.2 are subject to the provisions of the relevant management zone section. **{PO cl.16}**
6. Any earthworks associated with an activity provided for in the activity status table in Rule 3.3.2 are subject to the provisions in Section 8A. **{PO cl.16}**
7. Any construction associated with an activity provided for in the activity status table in Rule 3.3.2 is subject to the provisions in Section 4. **{PO cl.16}**
8. Any network utilities associated with an activity provided for in the activity status table in Rule 3.3.2 is subject to the provisions in Section 4. **{PO cl.16}**
9. Any modifications to a scheduled heritage building or structure is managed through the rules for additions and alterations in the relevant management or major facility zone. **{PO cl.16}**

<sup>1</sup> **PO cl.16:** moved from Note 3.3A to Rule 3.3.1 and minor amendments to wording to clarify.

#### Legend

Acronym	Activity status Meaning <b>{PO cl.16}</b>
±	Additional provisions apply (assessment criteria for activities in the overlay need to be viewed) <b>{PO 490.1 and others}</b>
P	Permitted Activity
RD	Restricted Discretionary Activity
Res	Residential Zones

### 3.3.2 Activity status table - public amenities activities

1.	Performance standards that apply to all public amenities activities				a. Buildings and structures located on or above the footpath b. Height in relation to boundary c. Light spill d. Setback from scheduled tree e. Noise f. <u>Natural Hazards performance standards</u> <del>Hazard overlay zones development standards</del> <b>{NH cl.16}</b>
Public amenities activities		Activity status <sup>1</sup>			Performance standards
		a. Res	b. All other zones	c. In a heritage precinct or on a scheduled heritage site	
2.	Public artworks - small scale painted on network <del>utility</del> utilities <b>{NH cl.16}</b> structures or bus shelters	P	P	P	
3.	All other public artworks - small scale	RD	P	RD+ (in Residential Heritage Precincts)	
4.	Public artworks - large scale	RD	RD	RD+	
5.	Public display boards	RD	RD	RD+	i. Maximum dimensions
6.	Public toilets	RD	RD	RD+	i. Maximum height
7.	All other activities in the public amenities category	P	P	P	i. Maximum height ii. Setback from <del>n</del> National <del>g</del> Grid iii. Maximum dimensions

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

#### **Note 3.3.A – Other relevant District Plan provisions**

1. ~~Painting of unpainted scheduled heritage buildings and structures, and character-contributing buildings, is defined as additions and alterations to the building, and consent is required. See the additions and alterations rules within each zone. {PO cl.16}~~
2. ~~Rule 11.3.1.1 restricts all buildings and structures in a swale mapped area. {PO cl.16}~~

3. Earthworks are managed through the management and major facilities zone sections: **{PA cl.16<sup>2</sup>}**

<sup>1</sup> **PO cl.16:** moved from Note 3.3A.1 and 3 to Rule 3.3.1 and minor amendments to wording to clarify. Note 3.3A.2 is not required as already indicated in relevant performance standards.

<sup>2</sup> **PA cl.16:** Duplication of Rule 3.3.1.6.

#### **Note 3.3.2B - Other requirements outside of the District Plan**

1. Permission must be obtained for any public amenities on Dunedin City Council (DCC) land including reserves and roads, please contact 03 477 4000 or visit the DCC website [www.dunedin.govt.nz](http://www.dunedin.govt.nz) for more information.
2. Permission must be obtained from the New Zealand NZ **{Trans 881.17}** Transport Agency for the erection of any public amenities within the state highway road reserve.
3. The Heritage New Zealand Pouhere Taonga Act 2014 makes it unlawful for any person to modify or destroy, or cause to be modified or destroyed, the whole or any part of an archaeological site without the prior authority of Heritage New Zealand. An archaeological authority is required under the Heritage New Zealand Pouhere Taonga Act 2014 to modify or destroy an archaeological site. {Her 547.80} If you wish to do any earthworks that may affect an archaeological site, you must first obtain an authority from Heritage New Zealand before you begin **{Her 547.80}**. This is the case regardless of whether the land on which the **{Her 547.80}** 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.
4. The Heritage New Zealand Pouhere Taonga Accidental Discovery Protocol (Appendix A8) manages archaeological sites which that {Her cl.16} may be discovered as a result of earthworks. The protocol applies to any area, not just scheduled archaeological sites.
5. Scheduled archaeological sites are identified on the planning maps. Archaeological sites may also be found outside these areas, but are more likely to be found within the archaeological alert layer. {Her 1071.47}

#### **Note 3.3C - Other requirements outside of the District Plan {PA cl.16<sup>1</sup>}**

1. The Heritage New Zealand Pouhere Taonga Act 2014 makes it unlawful for any person to modify or destroy, or cause to be modified or destroyed, the whole or any part of an archaeological site without the prior authority of Heritage New Zealand. If you wish to do any earthworks that may affect an archaeological site, you must first obtain an authority from Heritage New Zealand before you begin. This is the case regardless of whether the land on which the site is located is designated, or the activity is permitted under the District Plan or Regional Plan or a resource or building consent has been granted: **{PA cl.16}**
2. The Heritage New Zealand Pouhere Taonga Accidental Discovery Protocol (Appendix A8) manages archaeological sites which may be discovered as a result of earthworks. The protocol applies to any area, not just scheduled archaeological sites: **{PA cl.16}**

<sup>1</sup> **PA cl.16:** Content has been moved to Note 3.3.2B.

#### **Note 3.3D - Other relevant District Plan provisions {PA cl.16<sup>1</sup>}**

1. Earthworks are managed through the management and major facilities zone sections: **{PA cl.16}**

<sup>1</sup> **PA cl.16:** Content has been moved to Rule 3.3.1.6 and amended to reflect changes to location of earthworks provisions .

### **Rule 3.4 Notification**

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

## Rule 3.5 Performance Standards

### 3.5.1 Buildings and Structures Located on or Above the Footpath

Public amenities must comply with Rule 6.7.2.

### 3.5.2 Height

#### 3.5.2.1 Height in relation to boundary

- a. Public amenities that meet the definition of a building {PA cl.16<sup>1</sup>} must comply with the performance standard for height in relation to boundary of the zone in which they are located.
- b. Activities that contravene this performance standard are restricted discretionary activities. {PO cl.16}

<sup>1</sup> **PA cl.16:** Amendment to improve clarity.

#### 3.5.2.2 Maximum height

- a. The maximum height of public amenities must not exceed the following above ground level:

Public amenity		Maximum height
i.	Public play equipment	9m
ii.	Freestanding flagpoles	9m
iii.	Public display boards	2m
iv.	Monuments and memorials	5m
v.	All other public amenities	3m

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

### 3.5.3 Light Spill

Public amenities must comply with Rule 9.3.5.

### 3.5.4 Maximum Dimensions

1. For flat public display boards, the maximum area of all display faces is 3m<sup>2</sup>, with no single display face exceeding 1.5m<sup>2</sup> in area.
2. The maximum diameter for bollards is 1m.
3. For place name signs, the maximum area of the display face is 2m<sup>2</sup>.
4. Activities that contravene this performance standard are restricted discretionary activities. {PO cl.16}

### 3.5.5 Setback from National Grid

Public play equipment and freestanding flagpoles must comply with Rule 5.6.1.1.

### 3.5.6 Setback from Scheduled Tree

Public amenities must comply with Rule 7.5.2.

### 3.5.7 Noise

Public amenities must comply with Rule 9.3.6.

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

#### **3.5.8.1 Hazard exclusion areas (swale mapped area)**

Public amenities must comply with Rule 11.3.1.1.

## **Rule 3.6 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)**

### **Rule 3.6.1 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 3.6.2 - 3.6.3:
  - 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.

<b>3.6.2 Assessment of all performance standard contraventions</b>	
Performance standard	Guidance on the assessment of resource consents
1. All performance standard contraventions	<p><i>Potential circumstances that may support a consent application include:</i></p> <ol style="list-style-type: none"> <li>a. The degree of non-compliance with the performance standard is minor.</li> <li>b. The need to meet other performance standards, site specific factors including topography, make meeting the standard impracticable.</li> <li>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.</li> </ol> <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> <li>d. Where more than one standard is contravened, the combined effects of the contraventions should be considered.</li> </ol>



### 3.6.3 Assessment of public amenities performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. <del>Buildings and structures</del> <u>Public amenities</u> <b>{PA cl.16}</b> located on or above the footpath	a. Effects on the safety and efficiency of the transport network b. Effects on health and safety	See Rule 6.9  See Rule 9.4.3.1 <b>{PA cl.16}</b>
2. <ul style="list-style-type: none"> <li>Height in relation to boundary</li> <li>Maximum dimensions</li> <li>Maximum height</li> </ul>	a. Effects on amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 3.2.1</li> <li>ii. Public amenities are designed and located to avoid <del>or if avoidance is not practicable, adequately mitigate significant effects on the amenity of surrounding sites and streetscape amenity</del> <u>adverse effects on the amenity of the surrounding sites and streetscape amenity</u> <b>{PA/PO 308.101}</b> (Policy 3.2.1.2).</li> </ul> <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> <li>iii. <del>The public amenity must be designed or located to not impede pedestrian movement, distract drivers, or obstruct sightlines.</del> <b>{PA cl.16}</b></li> </ul>
3. Setback from scheduled tree	a. Effects on long term health of tree	See Rule 7.6

<sup>1</sup> **PA cl.16:** Assessment rule and guidance moved to Rule 6.9.6.1 as it is the more relevant location for this matter. Minor amendments have been made to wording to follow style guide with no substantive effect.

## **Rule 3.7 Assessment of Restricted Discretionary Activities**

### **Rule 3.7.1 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 3.7.2 - 3.7.3:
  - 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. 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**;
    - ii. the matters of discretion are expanded to include the areas of non-compliance with the performance standard;
    - iii. the performance standard contravention will be assessed as indicated in Section 3.6; 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**;
    - ii. the performance standard contravention will be assessed; 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**;
    - ii. the performance standard contravention will be assessed as indicated in Section 3.8; and
    - iii. the assessment guidance in this section will also be considered.

### 3.7.2 Assessment of all public amenities activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
<p>1. • Public artworks - large scale</p> <p>• Public artworks - small scale <u>in</u> (residential zones only) (except public artworks - small scale <u>printed on network utility structures or bus shelters</u>) <b>{PA cl.16}</b></p>	<p>a. Effects on amenity, and use and enjoyment of public spaces</p>	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> <li>Objective 3.2.1</li> <li>Public artworks has positive effects for streetscape amenity (Policy 3.2.1.4.a).</li> <li><del>Significant</del> <u>Adverse effects of public artworks on surrounding sites will be <u>are avoided or, if avoidance is not practicable, adequately mitigated</u> {PA/PO 308.101}</u> (Policy 3.2.1.4.b).</li> </ol> <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> <li>In assessing the effects on amenity, Council will consider the appropriateness of the location and design, and in particular consider the following matters: <ol style="list-style-type: none"> <li>Artworks should not overly dominate a public space.</li> <li>Artworks must use colours that are appropriate to the location and purpose of the artwork, with consideration of the context of the artwork.</li> <li>The artworks must be made of robust materials and constructed to meet environmental conditions so they will maintain their physical integrity for the life of the artwork.</li> <li>The artwork must be designed and located to not impede pedestrian movement or create concealment places, or significantly obstruct clear sightlines though public spaces.</li> <li>Artworks must be culturally and socially sensitive so as to be inclusive of the wider community, and not present material that would be offensive or inappropriate.</li> <li>Artworks must be located to avoid creating clutter in public spaces.</li> <li>Illuminated artworks must not distract drivers or create nuisance effects for surrounding sites or other activities on the same site by having appropriate direction, movement, and intensity of light.</li> <li>Artworks must not create sound that would be a nuisance to users of a public space, surrounding sites, or other activities on the same site.</li> <li>Kinetic artworks must not distract drivers or be a nuisance to users of a public space, to surrounding sites, or other activities on the same site, as a result of movement or sound.</li> </ol> </li> </ol>
<p>2. Public display boards</p>	<p>a. Effects on amenity</p>	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> <li>Objective 3.2.1</li> <li><del>Significant</del> <u>Adverse effects of public display boards on surrounding sites are avoided or, if avoidance is not practicable, adequately mitigated</u> <b>{PA/PO 308.101}</b> (Policy 3.2.1.3).</li> </ol>

### 3.7.2 Assessment of all public amenities activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
3. Public toilets	a. Effects on amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 3.2.1</li> <li>ii. <del>Significant</del> Adverse effects of public toilets on surrounding sites are avoided <u>or, if avoidance is not practicable, adequately mitigated</u> <b>{PA/PO 308.101}</b> (Policy 3.2.1.3).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. Toilets are set back from side and rear boundaries with residential properties by an adequate distance to avoid effects on surrounding sites.</li> </ul>

<sup>1</sup> **PA cl.16:** Alignment with activity status Rule 3.3.2.3.

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

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. In the <b>ONF, ONL or SNL overlay zones:</b> <ul style="list-style-type: none"> <li>• Public artworks - large scale</li> </ul>	a. Effects on landscape values	See Rule 10.5
2. In the <b>ONCC, HNCC or NCC overlay zones:</b> <ul style="list-style-type: none"> <li>• Public artworks - large scale</li> </ul>	b. Effects on natural character of the coast	See Rule 10.5
3. In a <b>heritage precinct</b> or on a <b>scheduled heritage site:</b> <ul style="list-style-type: none"> <li>• Public artworks - large scale</li> <li>• Public display boards</li> <li>• Public toilets</li> <li>• Public artworks - small scale in a residential heritage precinct (<u>except public artworks - small scale painted on network utility structures or bus shelters</u>) <b>{PA cl.16}</b></li> </ul>	a. Effects on heritage streetscape and <b>{PA cl.16}</b> character	See Rule 13.6
4. In a <b>wāhi tūpuna mapped area: {MW 1071.3}</b> <ul style="list-style-type: none"> <li>• <u>Public artworks - large scale</u></li> <li>• <u>Public display boards</u></li> <li>• <u>Public toilets</u></li> </ul>	a. Effects on cultural values of <u>Manawhenua.</u>	See Rule 14.4

<sup>1</sup> **PA cl.16:** Alignment with activity status Rule 3.3.2.3.

## Rule 3.8 Assessment of Discretionary Activities

### Rule 3.8.1 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 3.8.2 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.

3.8.2 Assessment of discretionary performance standards		
Performance standard		Guidance on the assessment of resource consents
1.	<ul style="list-style-type: none"> <li>• Light spill - where the limit is exceeded by 25% or less</li> <li>• Noise - where the noise limit is exceeded by less than 5dB LAeq (15 min)</li> </ul>	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <ol style="list-style-type: none"> <li>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.</li> </ol>

## Rule 3.9 Assessment of Non-complying Activities

### Rule 3.9.1 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. Rule 3.9.2 provides 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.

3.9.2 Assessment of non-complying performance standards		
Performance standard		Guidance on the assessment of resource consents
1.	<ul style="list-style-type: none"> <li>Light spill - where the limit is exceeded by greater than 25%</li> <li>Noise - where the limit is exceeded by 5dB LAeq (15 min) or more</li> </ul>	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <ol style="list-style-type: none"> <li>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.</li> </ol>
2.	Setback from National Grid	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <ol style="list-style-type: none"> <li>a. See Section 5.10 for guidance on the assessment of resource consents in relation to Objective 5.2.4 <b>5.2.2 {NU 918.29}</b> and effects related to the efficient and effective operation of network utilities and public health and safety.</li> </ol>
3.	<p>In a <del>swale mapped area</del>: hazard exclusion areas</p> <ul style="list-style-type: none"> <li>Hazard exclusion areas (Rule 11.3.1.1) – <b>Swale mapped area {NH cl.16}</b></li> </ul>	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <ol style="list-style-type: none"> <li>a. See Section 11.7 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to risk from natural hazards.</li> </ol>

