

## 18. Commercial and Mixed Use Zones

### 18.1 Introduction

It is important for the economic and social success of Dunedin that it is a vibrant and exciting city. A vibrant city is lively and full of activity, due to a high level of pedestrian activity in the central city and centres and a wide range of activities occurring in these places. Key qualities that contribute to the success of the central city and centres are that there are attractions to encourage people to go there, that they are accessible (easy to get to and around) and that they are safe and enjoyable places to be.

To achieve a vibrant city it is important that Dunedin has an urban form that is accessible, clusters activities into walkable centres and a built form which supports pedestrian activity.

The key resource management issues that are being experienced or are anticipated in the commercial and mixed use zoned areas of Dunedin are:

- The retention and enhancement of the vitality and viability of the Central Business District and Centres is a key resource management issue for Dunedin City. There is a need to provide for a wide range of commercial, community, industrial and residential activities, at high densities in the CBD and centres in order to realise the social and economic agglomeration benefits that derive from the co-location of different activities.
- A need to provide a sufficient supply for the projected demand for retail and office space while avoiding an oversupply and decentralisation of activities, which could have adverse effects on the economic viability and vitality of the CBD.
- Different types of retail activity have different effects on the economic viability and vitality of the CBD and centres. For instance, having trade related and yard based retail in different parts of the city (including some areas currently zoned as Industrial) does not affect the vibrancy of centres in the same manner as general retail does. As such, a highly specific zoning response is necessary.
- While streetscape amenity values vary within the commercial and mixed use zones, land uses and development can have adverse effects on streetscape amenity values and it is important to maintain and enhance the existing amenity of all commercial areas, albeit to different levels.

There is the potential for conflicts to arise between different activities provided for within the commercial and mixed use zones as well as at the edges of the commercial and mixed use **{CMU cl.16}** zones (for instance between residential and noisier activities) and these need to be well managed.

In response to the issues, the ~~Second Generation Plan (2GP) Plan~~ **{PO cl.16}** ~~proposes to establish~~ a group of commercial and mixed use zone, which is the umbrella term used to refer to all **{CMU cl.16}** thirteen commercial and mixed use zones in the city. These zones provide for a hierarchy of centres, anchored around one Central Business District (CBD), which provides a focus for economic and employment growth, driven by:

- attraction of businesses to these areas based on density of activity in the area and higher visitation;
- opportunities for social interaction, exchange of ideas and business cooperation;
- public investment in public amenities and other infrastructure in the CBD; and
- opportunities for agglomeration benefits from the co-location of activities.

The CBD Zone is supported by six different types of commercial centres within the suburban and rural parts of the city. These zones are collectively known as the Central Business District and centres zones. In order to make sure these areas are attractive places to visit, a wide range of commercial, community and residential activities are provided for in the CBD and centres, with design controls on buildings and structures to ensure a safe and good quality streetscape environment, for people to spend time in, which has a high level of pedestrian amenity.

The centres hierarchy is supported by a group of other commercial and mixed use **{CMU cl.16}** zones which either surround the Central Business District or are more separated from the CBD. There are four zones within the CBD edge mixed use zone group, which are the Warehouse Precinct Zone (WP), Princes, Parry and Harrow Street **{CMU cl.16}** Zone (PPH), Smith Street and York Place Zone (SSYP) and Harbourside Edge Zone (HE). There are also two zones within the other commercial group of zones, which are the Trade Related Zone (TR) and CBD Edge Commercial zones (CEC).

These zones have characteristics (including built form, site size, land use activities and location) which make them distinct from each other and from the CBD and centres. A tailored range of land use activities and performance standards are applied to each zone. As such, the range of activities, the types of controls that are applied to development activities (including new buildings and site development activities) **{CMU cl.16}** and the expected level of amenity vary between the zones.

Where any of the commercial and mixed use zones adjoin residential or recreation zoned areas, performance standards are applied to these commercial zones to ensure the character and amenity of these more sensitive adjoining environments will be protected.

### **18.1.1 Zone descriptions**

#### **18.1.1.1 Central Business District (CBD) Zone**

The Central Business District (CBD) Zone encompasses the central part of the city and extends northwards along George Street to Albany Street. It includes the Octagon and Moray Place, extends south along upper Princes Street to Hope Street, east to include the Dunedin Railway Station and Toitū Otago Settlers Museum and west to the Smith Street and York Place (SSYP) Zone. The CBD is the focus for employment, retail, entertainment, leisure, visitor accommodation and art and culture activities.

Most of the CBD also has a **primary pedestrian street frontage mapped area** or **secondary pedestrian street frontage mapped area** overlay **{CMU cl.16}** applied to it, to ensure the best possible streetscape environment for users, and is covered by a heritage precinct overlay to protect the distinctive character of the area. Performance standards are applied to protect the heritage **{CMU cl.16}** streetscape amenity character **{CMU cl.16}** and heritage **{CMU cl.16}** streetscape character, respectively, of these areas.

#### **18.1.1.2 Centres Zones {CMU cl.16}**

A range of different sized commercial centres are spread throughout the urban area of Dunedin and within outlying towns of the wider district. Principal, suburban and rural centre zones **{CMU cl.16}** provide hubs for social and economic activity for suburban and rural communities. The Principal Centre Zone includes are often **{CMU cl.16}** former pre-amalgamation town centres and is located at Green Island, Mosgiel, Port Chalmers and South Dunedin. The Suburban Centre Zone includes are located at **{CMU cl.16}** Caversham, Gardens, Mornington and Roslyn, and the Rural Centre Zone includes are located at **{CMU cl.16}** Outram, Middlemarch, Waikouaiti and Waitati.

There are also Neighbourhood Centre zones **{CMU cl.16}**, which provide for the day to day needs of individual neighbourhoods, with the Neighbourhood Destination Centre Zone **{CMU cl.16}** also servicing visitor needs, and the Neighbourhood Convenience Centre Zone **{CMU cl.16}** also servicing the needs of passing motorists. The Neighbourhood Centre Zone includes are located at **{CMU cl.16}** Andersons Bay Terminus, Brighton, Brockville, Corstorphine, Forbury, Helensburgh, Hillside, Larnach, Macandrew Bay, Maori Hill, Musselburgh, the southern part of Andersons Bay Road, the area adjoining the University and Wakari. The Neighbourhood Convenience Centre Zone includes are located at **{CMU cl.16}** Kaikorai North, Kaikorai South, North Dunedin and South Mosgiel; and the Neighbourhood Destination Centre Zone includes are located at **{CMU cl.16}** St Clair and Portobello.

**Primary pedestrian street frontage mapped area** and **secondary pedestrian street frontage mapped area** overlays **{CMU cl.16}** are applied within these centres and the Port Chalmers Chalmers Principal **{CMU cl.16}**

Centre Zone **{CMU cl.16}** also contains a heritage precinct protecting part of the centre.

#### **18.1.1.3 Warehouse Precinct Zone (WP)**

The Warehouse Precinct Zone adjoins the southern part of the CBD Zone and is bounded by Queens Gardens, Bond Street, Police Street and Cumberland Street. The zone provides for a mix of inner city living, visitor accommodation, conference, meeting and function, entertainment and exhibition, light industrial, restaurant and bulky goods and trade related and yard-based **{CMU cl.16}** retail activity. General retail and office activity is also provided for, if it occurs in scheduled heritage buildings, in order to encourage their restoration.

The entire zone is within a heritage precinct and has a **secondary pedestrian street frontage mapped area** applied to it.

#### **18.1.1.4 Princes, Parry and Harrow Street Zone (PPH)**

The Princes, Parry and Harrow Street Zone encompasses the lower southern **{CMU cl.16}** part of Princes Street and an area around Parry and Harrow Streets. The PPH Zone provides for a mix of inner-city residential living, training and education, visitor accommodation, industrial, trade and yard based retail activities.

Performance standards applied to this zone reflect the lower expectations for pedestrian amenity.

#### **18.1.1.5 Smith Street and York Place Zone (SSYP)**

The Smith Street and York Place Zone is a small zone adjoining the CBD. The SSYP Zone provides for visitor accommodation, training and education and residential activity in keeping with its existing character. Offices are also provided for where undertaken within scheduled buildings, to encourage their restoration.

Performance standards applied to this zone reflect the residential and commercial character of this zone.

#### **18.1.1.6 Harbourside Edge Zone (HE)**

The Harbourside Edge Zone encompasses an area adjoining Birch Street and Kitchener Street and extends to the waterfront. The zone provides for the continuation of the existing ~~industrial activity~~ industry **{Ind cl.16}**, while allowing for a transition toward a more mixed use environment by also providing for conference, meeting and function, entertainment and exhibition, restaurant, training and education, visitor accommodation, and residential activities and a limited amount of office activity. **{CMU 908.102}** In order to ensure an attractive place to live, work, and visit, new buildings within the HE Zone will be required, through a restricted discretionary resource consent process, to be designed and located to provide a high level of amenity. In addition, a performance standard requires the provision of public pedestrian access to and along the coast.

#### **18.1.1.7 Trade Related Zone (TR)**

The Trade Related Zone is an area around Andersons Bay Road which provides for large format food and beverage retail, trade related, and yard based retail as well as other specific categories of activities which generate high traffic volumes and require larger sites than are available within the CBD and centres. These characteristics mean that such retail types are likely to be incompatible with the amenity expectations of the CBD and centres. Performance standards applied to this zone reflect the more car-focused characteristics and the lower expectations for pedestrian amenity of this environment.

#### **18.1.1.8 CBD Edge Commercial Zones **{CMU 551.13}** (CEC)**

The ~~There are two~~ CBD Edge Commercial ~~Zone~~ zones: **{CMU 652.8 and 551.13}** Maclaggan, is an area around Cumberland and Crawford Streets which provides for specific categories of high traffic generating activities, large format general and food and beverage retail, bulky goods, trade related and yard based retail and visitor accommodation activities which are likely to be incompatible with the pedestrian amenity expectations of the CBD and may require larger sites than those available in the CBD. **{CMU 652.8 and 551.13}**

- an area south of the CBD (CEC – South Zone) around Cumberland Street that provides for large format food and beverage, bulky goods, trade related and yard based retail, as well as industry; and {CMU 652.8 and 551.13}
- an area to the north-east of the CBD (CEC – North Zone) between Hanover Street and Stuart Street. This area provides for all the activities in the CEC - South Zone, as well as additional activities, including hospital and office activity. The additional activities are provided due to its closer proximity to the main retail area and Dunedin Hospital. {CMU 652.8 and 551.13}

## 18.2 Objectives and Policies

### Objective 18.2.1

Dunedin has a well-structured and economically and socially successful range of commercial and mixed use environments based on:

- a. the CBD, which is the focus for employment, retail, entertainment, leisure, visitor accommodation, and arts and culture activities;
- b. vibrant and viable principal centre **{CMU cl.16}**, suburban and rural centre zones **{CMU cl.16}**, which provide hubs for social and economic activity for rural, suburban and principal communities;
- c. Neighbourhood Centre Zone **{CMU cl.16}**, which provides for the day to day needs of local areas, with the Neighbourhood **{CMU cl.16}** Destination Centre Zone **{CMU cl.16}** also servicing visitor needs, and the Neighbourhood **{CMU cl.16}** Convenience Centre Zone **{CMU cl.16}** also servicing the needs of passing motorists;
- d. a range of mixed use zones (WP, PPH, SSYP and HE zones) around the edge of the CBD, which provide for a compatible mix of inner-city living, commercial, and light industrial activities;
- e. an area south of the CBD (CEC – South Zone), which provides for high trip generators, large format general retail and bulky goods retail which are likely to be incompatible with the amenity expectations of the CBD and which may require larger sites than available in the CBD; {CMU 551.13 and 652.8}
- f. an area to the north-east of the CBD (CEC – North Zone), similar to the CEC - South but also containing a mix of activities which support the adjoining CBD and Hospital zones; {CMU 551.13 and 652.8}
- g. an area around Andersons Bay Road (TR Zone), which provides for trade related retail and specific categories of high traffic trip **{CMU cl.16}** generators, which are likely to be incompatible with the amenity expectations of the CBD; and
- h. ~~an area around Maclaggan, Cumberland and Crawford Streets (CEC Zone), which provides for specific categories of high traffic generators, large format general retail and bulky goods retail which are likely to be incompatible with the amenity expectations of the CBD and may require larger sites than available in the CBD; and {CMU 551.13}~~
- i. an area around Birch and Kitchener Streets and the coast (HE Zone) which provides for the continuation of the existing environment characterised by industrial activity, while allowing for a transition toward a vibrant and attractive place to live, work and visit by also providing for conference, meeting and function, entertainment and exhibition, restaurant, visitor accommodation, training and education {CMU 308.292} and residential activities.

Policy 18.2.1.1	Provide for a wide range of commercial, residential and community activities in the CBD and all centres <b>{CMU cl.16}</b> zones in order to encourage economically and socially <b>{CMU 317.25}</b> vibrant and viable centres.
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Policy 18.2.1.2	<del>Enable Limit general retail and office activities in to the CBD and centres zones Zone and principal, suburban, neighbourhood and rural centres and restrict their establishment in other commercial and mixed use zones {CMU 908.102}</del> in order to maintain the vibrancy of existing centres, unless as provided for by Policy 18.2.1.3 or Policy 13.2.1.9. <b>{CMU 908.102}</b>
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### Objective 18.2.1

Policy 18.2.1.3	<p>Avoid retail and office activities <u>in areas outside of the commercial areas</u> where they are <u>not</u> provided for unless: <b>{CMU 308.294}</b></p> <ul style="list-style-type: none"> <li>a. it is an ancillary and secondary component of a retail or office activity that is undertaken in a scheduled heritage building as provided for by Policy 13.2.1.9 on the same or adjacent site; or</li> <li>b. there is a significant and sustained increase in the amount of retail activity across the city and it <u>can be has been</u> <b>{PO cl.16}</b> demonstrated that as a result there is a medium to longer term under-supply of retail land across all the areas where general retail is provided for; or</li> <li>c. in the HE Zone, it is associated with port, industrial or marine related activities operating in the area; or</li> <li>d. in the PPH Zone it is associated with campus activities <u>activity</u> <b>{PO cl.16}</b>; <del>or</del></li> <li>e. <del>e. in the CEC Zone it is associated with campus or hospital activities.</del> <b>{CMU 652.8}</b></li> </ul>
Policy 18.2.1.4	<p>Provide for food and beverage retail:</p> <ul style="list-style-type: none"> <li>a. in the CBD and centres; and</li> <li>b. where 1500m<sup>2</sup> or more in gross floor area, in the CEC and TR zones.</li> </ul>
Policy 18.2.1.5	<p>Provide for bulky goods <u>retail</u> <b>{CMU cl.16}</b> and large format retail in the CEC and WP zones in recognition that often these activities require larger sites than are available in the CBD and centres.</p>
Policy 18.2.1.6	<p>Provide for trade related <u>retail</u> <b>{CMU cl.16}</b> and yard based retail to locate in the TR, PPH and CEC zones in recognition that often these activities require a built form that cannot meet the requirements within the CBD and centres, and their location in these areas is unlikely to detract from the vibrancy and vitality of the CBD and centres.</p>
Policy 18.2.1.7	<p>Limit the scale of retail ancillary to industry to a size that:</p> <ul style="list-style-type: none"> <li>a. is clearly subordinate to and part of the operation of the primary industrial <u>industry</u> <b>{Ind cl.16}</b> activity;</li> <li>b. does not conflict with objectives 2.3.2 and 2.4.3; and</li> <li>c. does not create adverse effects on other industrial <u>industry</u> <b>{Ind cl.16}</b> activities, for example from traffic, parking, or reverse sensitivity effects <b>{PO 1046.5}</b>.</li> </ul>
Policy 18.2.1.8	<p>Limit the scale of activities in neighbourhood and rural centres to ensure activities:</p> <ul style="list-style-type: none"> <li>a. are not a destination retail activity designed to attract customers from across suburbs, which are more appropriately located in the CBD or other central city commercial <u>and mixed use</u> <b>{CMU cl.16}</b> zones; and</li> <li>b. do not dominate the centre and reduce the diversity of different activities that are able to establish there.</li> </ul>
Policy 18.2.1.9	<p>Provide for licensed premises where these are ancillary to activities that are provided for in the zone, including:</p> <ul style="list-style-type: none"> <li>a. bottle shops where food and beverage retail or dairies are provided for; and</li> <li>b. taverns and bars where restaurants are provided for;</li> </ul> <p>except in neighbourhood centres (see Policy <del>18.2.1.10</del> <u>18.2.2.9</u> <b>{CMU cl.16}</b>).</p>
Policy <del>18.2.1.10</del> <b>{CMU cl.16}</b>	<p><del>Only allow ancillary licensed premises in neighborhood centres, where adverse effects on the character and amenity of adjacent residential activities and the surrounding neighbourhood, can be avoided or, if avoidance is not possible, adequately mitigated.</del> <b>{CMU cl.16}</b></p>

### Objective 18.2.1

Policy 18.2.1.11	Provide for hospital activity in the <del>Cumberland Street part of the CEC - North Zone</del> , to allow for the extension <u>relocation</u> of Dunedin Hospital into this zone. <b>{CMU 551.13 and others}</b>
Policy 18.2.1.12	Limit the gross floor area of dairies in the <del>WP, SSYP, HE, and PPH zones</del> <b>{CMU cl.16}</b> to a size that reflects these activities operating as a local convenience store rather than a destination supermarket.
Policy 18.2.1.13	Only allow food and beverage retail in the WP and PPH zones where the activity is of a size, and designed in a manner, to service the local area and not operate as a destination retailer for other parts of the city.
Policy 18.2.1.14	Avoid industrial activities in the SSYP Zone due to its residential character.
Policy 18.2.1.15	Avoid service stations, restaurant - drive through and yard based retail in the CBD, SSYP, HE and WP zones unless: <ul style="list-style-type: none"> <li>a. they are designed and located to meet the built form expectations of the zone, as set out in the development activities performance standards;</li> <li>b. any drive-through components will not be accessed or visible from the <b>primary pedestrian street frontage mapped area</b> (see Policy 18.2.3.11) <b>{CMU 634.35}</b>; and</li> <li>c. there are no, or only insignificant, adverse effects on streetscape and pedestrian amenity from vehicle movements.</li> </ul>
Policy 18.2.1.16	<del>Provide for Enable</del> training and education in the CBD, all centres, <u>CEC North Zone</u> , <b>{CMU 652.8}</b> and WP, PPH, SSYP and HE zones to enable tertiary (including <del>campus institutions</del> <u>the University of Otago and Otago Polytechnic</u> ) <b>{Trans cl.16}</b> and specialist education providers.
Policy 18.2.1.17	Avoid conference, meeting and function or entertainment and exhibition <del>outside the CBD, WP, HE and main centres (principal, suburban or rural centre)</del> <u>in the NEC, NECC, SSYP, PPH and CEC zones</u> <b>{CMU cl.16}</b> unless: <ul style="list-style-type: none"> <li>a. it is ancillary to visitor accommodation; or</li> <li>b. it has specific operational requirements that require it to locate <del>outside the CBD, WP, HE or a main centre</del> <u>in these zones</u> <b>{CMU cl.16}</b>.</li> </ul>
Policy 18.2.1.18	Only allow restaurants outside the CBD, WP, HE and centres where the activity is not of a scale or nature that is more appropriate to locate in the CBD, centres, WP or HE because: <ul style="list-style-type: none"> <li>a. it is unlikely to contribute to the vibrancy and vitality of those zones; and</li> <li>b. it has specific operational requirements that do not fit with those locations.</li> </ul>
Policy 18.2.1.19 <b>{CMU 713.6}</b>	<del>Provide for restaurants ancillary to trade related retail or food and beverage retail where they are designed to only service people engaged in the primary activity and are unlikely to attract significant patronage outside this purpose.</del> <b>{CMU 713.6}</b>

<sup>1</sup> **CMU cl.16:** Removed as it duplicates Policy 18.2.2.9

## Objective 18.2.2

The potential for conflict between activities within the commercial and mixed use zones and in adjoining zones, ~~including between residential activity and noisier activities, and between activities within the commercial and mixed use zones and sensitive land uses in adjoining residential and recreation zones~~ **{CMU 1024.4}** is minimised, as far as practicable, **{PO 906.34 and 308.497}** through adequate separation distances and other mitigation measures which ensure:

- a. the amenity of adjoining residential and recreation zoned sites is maintained; and
- b. the potential for reverse sensitivity effects ~~from more sensitive land uses (for example residential activities) on other permitted activities in the commercial and mixed use zones~~ **{PO 1046.5}** is minimised as far as practicable **{PO 906.34 and 308.497}**.

Policy 18.2.2.1	Require fencing along property boundaries that adjoin residential or school zoned <del>sites</del> <b>properties</b> <b>{CMU cl.16}</b> to be of an adequate height and design to provide screening for the purposes of privacy and security.
Policy 18.2.2.2	Only allow <del>restaurants, and</del> <b>{CMU cl.16}</b> conference, meeting and function, <del>restaurants</del> <b>{CMU cl.16}</b> and entertainment and exhibition ancillary to visitor accommodation in the PPH and SSYP zones where: <ol style="list-style-type: none"> <li>a. the activities are secondary to the visitor accommodation activity; and</li> <li>b. any adverse effects on the amenity of surrounding residential activities, from noise, anti-social behaviour, or other effects <del>can</del> <u>will</u> <b>{PO cl.16}</b> be avoided or, if avoidance is not possible <u>practicable</u> <b>{PO 908.3 and others}</b>, adequately mitigated; and</li> <li>c. the potential for reverse sensitivity <del>on any activities that are provided for, such as industrial activities,</del> <b>{PO 1046.5}</b> <del>can</del> <u>will</u> <b>{PO cl.16}</b> be avoided or, if avoidance is not possible <u>practicable</u> <b>{PO 908.3 and others}</b>, adequately mitigated.</li> </ol>
Policy 18.2.2.3	Require <del>development to maintain the amenity of adjoining residential, school and recreation zoned sites by:</del> <u>buildings to be of a height in relation to boundary, and setback from side and rear boundaries, that maintains a reasonable level of sunlight access for:</u> <b>{CMU cl.16}</b> <ol style="list-style-type: none"> <li>a. <del>requiring buildings to be of a height in relation to boundaries and set back from side boundaries that maintains a reasonable level of sunlight access to current and future residential buildings and their outdoor living spaces in</del> <b>{CMU cl.16}</b> adjoining residential and recreation zoned sites <u>zones;</u> <b>{CMU cl.16}</b> and</li> <li>b. <del>require fencing along property boundaries which adjoin residential or school zoned properties to provide screening for the purposes of privacy and security:</del> <u>sites in the recreation and school zones</u> <b>{CMU cl.16}</b></li> </ol>
Policy 18.2.2.4	Only allow restaurants - drive through and service stations in <u>commercial and mixed use</u> <b>{CMU 634.36}</b> zones that provide for residential activity or on sites adjoining a residential zone, <b>{CMU 634.36}</b> where any <u>significant</u> <b>{CMU 634.36}</b> adverse effects on the amenity of <u>existing</u> <b>{CMU 634.36}</b> residential activities <del>can be</del> <u>are</u> avoided or, if avoidance is not possible, adequately mitigated <u>mitigated as far as practicable</u> . <b>{CMU 634.36}</b>
Policy 18.2.2.5	Avoid crematoriums in all commercial and mixed use zones that provide for residential activity, because of the potential adverse social and cultural effects on activities that are provided for in these zones.



### Objective 18.2.2

Policy 18.2.2.6	Avoid early childhood education and residential <u>activities</u> in the CEC <u>South Zone</u> <b>{CMU 997.68 and 997.69}</b> and TR zones, and visitor accommodation in the TR Zone; <u>unless the because of the overall low amenity of these zones and the potential for</u> <b>{CMU 997.68 and 997.69}</b> reverse sensitivity effects on the operation of activities that are provided for in these zones <u>is insignificant</u> <b>{CMU 997.68 and 997.69}</b> .
Policy 18.2.2.7	Only allow community and leisure - large scale and visitor accommodation in neighbourhood centre <u>zones</u> <b>{CMU cl.16}</b> (other than the Neighbourhood Destination Centre <u>Zone</u> <b>{CMU cl.16}</b> ) where the adverse effects on the amenity of surrounding residential activities <u>can will</u> <b>{PO cl.16}</b> be avoided or, if avoidance is not <u>possible practicable</u> <b>{PO 908.3 and others}</b> , adequately mitigated.
Policy 18.2.2.8	Only allow early childhood education <u>and residential activity</u> in the CBD, centres, CEC - North <u>and CBD edge mixed use zones</u> <b>{CMU 997.69}</b> in locations where their establishment will not constrain (have reverse sensitivity effects on) activities that are provided for in the commercial and mixed use zone
Policy 18.2.2.9	Only allow ancillary licensed premises in the NECC and NEC <u>zones</u> <b>{CMU cl.16}</b> where the adverse effects on the amenity of adjacent residential activities and the surrounding neighbourhood <u>can will</u> <b>{PO cl.16}</b> be avoided or, if avoidance is not <u>possible practicable</u> <b>{PO 908.3 and others}</b> , adequately mitigated.
Policy 18.2.2.10 <b>{CMU 899.10}</b>	<u>Only allow visitor accommodation in the CEC - South Zone where the potential for reverse sensitivity will be avoided or, if avoidance is not practicable, adequately mitigated.</u> <b>{CMU 899.10}</b>
Policy 18.2.2.11 <b>{CMU 1024.4}</b>	<u>Only allow residential activity in the <b>Speights buffer mapped area</b> where the potential for reverse sensitivity will be avoided or, if avoidance is not practicable, adequately mitigated.</u> <b>{CMU 1024.4}</b>

<sup>1</sup> **CMU cl.16:** Aspects of this policy that relate to fencing are deleted as they duplicate 18.2.2.1

### Objective 18.2.3

Land use and development maintains or enhances the amenity of the streetscape, including the visual and environmental amenity for pedestrians along identified **pedestrian street frontage mapped areas**.

Policy 18.2.3.1	Require development to maintain or enhance streetscape amenity in all commercial and mixed use zones, by ensuring: <ul style="list-style-type: none"> <li>a. an attractive street interface is maintained through landscaping where buildings are not built to the street frontage;</li> <li>b. large parking areas which are visible from the street are visually broken up with internal landscaping, which also provides for rainwater absorption;</li> <li>c. service areas and outdoor storage areas associated with industrial or other activities are not visible from ground level of a public place; and</li> <li>d. <del>building height reflects the general heights of the block;</del> and <b>{CMU 417.10}</b></li> <li>e. an architecturally interesting façade through building modulation and use of glazing.</li> </ul>
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### Objective 18.2.3

Land use and development maintains or enhances the amenity of the streetscape, including the visual and environmental amenity for pedestrians along identified **pedestrian street frontage mapped areas**.

Policy 18.2.3.2	<p>Require buildings along a <b>primary pedestrian street frontage mapped area</b> to be located, designed and operated to provide a high level of pedestrian amenity by:</p> <ol style="list-style-type: none"> <li>providing a continual frontage of buildings along the street, apart from pedestrian alleyways;</li> <li>providing a clear and direct visual connection between the street and the building interior;</li> <li>providing a direct physical connection to the building interior through clearly identified pedestrian entrances on the highest order <b>pedestrian street frontage mapped area</b>;</li> <li>providing shelter for pedestrians on footpaths, in the form of a verandah;</li> <li>being of a height that maintains existing sunlight access to footpaths and public open spaces;</li> <li>providing an architecturally interesting façade and human scale design, through building modulation and consistent alignment of windows;</li> <li>being designed to have commercial activities at the ground floor, with an adequate ground floor to ceiling height to accommodate these activities; and</li> <li>providing customer-facing activities on the ground floor.</li> </ol>
Policy 18.2.3.3	<p>Require buildings in a <b>secondary pedestrian street frontage mapped area</b> to provide a good level of pedestrian amenity by:</p> <ol style="list-style-type: none"> <li>providing a regular frontage of buildings along the street, with limited interruptions for vehicle accesses;</li> <li>providing a clear and direct visual connection between the street and the building interior;</li> <li>providing an architecturally interesting façade and human scale design, through building modulation and consistent alignment of windows; and</li> <li>providing shelter for pedestrians at pedestrian entrances.</li> </ol>
Policy 18.2.3.4	<p>Require new buildings and additions and alterations to buildings in the Harbourside Edge Zone to be designed and located to provide a high level of amenity by:</p> <ol style="list-style-type: none"> <li>being built to the street frontage along the entire length of Birch Street, and for no less than 60% of the street frontage on Kitchener Street, <u>except for: {CMU 908.101}</u> <ol style="list-style-type: none"> <li><u>any setbacks required to allow pedestrian entrances; and {CMU 908.101}</u></li> <li><u>the provision of amenity space for customers or residents at the front of buildings: {CMU 908.101}</u></li> </ol> </li> <li>including appropriate building modulation, window alignment, use of glazing, floor height, colour, architectural detail to provide visual interest and a human-scale design;</li> <li>being of a design that is coherent, appropriate to the setting and history of the area, and providing a positive relationship to both the street and the harbour; and</li> <li>having active edges with strong visual and physical connections from the street to the inside of buildings.</li> </ol>

### Objective 18.2.3

Land use and development maintains or enhances the amenity of the streetscape, including the visual and environmental amenity for pedestrians along identified **pedestrian street frontage mapped areas**.

Policy 18.2.3.5	Require development in the Harbourside Edge Zone to be designed and located to provide a high level of amenity by: <ul style="list-style-type: none"> <li>a. requiring public pedestrian access to and along the coast that is attractive, safe, durable, and readily accessible to the public;</li> <li>b. ensuring the design and location of on-site car parking does not compromise streetscape or harbour amenity; and <b>{CMU 908.101}</b></li> <li>c. ensuring building and site development activities <b>{CMU cl.16}</b> incorporate the principles of CPTED; and <b>{CMU 908.101}</b></li> <li>d. <u>maintaining viewshafts from Roberts Street and Kitchener Street to and across the Steamer Basin.</u> <b>{CMU 908.101}</b></li> </ul>
Policy 18.2.3.6	Require fences visible from public places to be designed to maintain or enhance streetscape amenity.
Policy 18.2.3.7	Limit the size and number of ancillary signs to ensure they are able to convey information about the name, location and nature of the business to passing pedestrians and vehicles while not being oversized or too numerous for that purpose.
Policy 18.2.3.8	Require car parking (including stand-alone car parking) in a <b>primary pedestrian street frontage mapped area</b> to be located behind or within buildings with a customer-facing function (for example retail) adjoining the street.
Policy 18.2.3.9	Avoid land use activities (including stand-alone car parking) that require buildings or site design that is incompatible with: <ul style="list-style-type: none"> <li>a. the high level of pedestrian streetscape amenity expected for the location in a primary pedestrian street frontage and secondary pedestrian street frontage; and</li> <li>b. the higher level of urban neighbourhood amenity anticipated in the HE, SSYP and WP zones.</li> </ul>
Policy 18.2.3.10	Require industrial activities to avoid or, if avoidance is not possible <u>practicable</u> <b>{PO 908.3 and others}</b> , adequately mitigate any adverse effects on streetscape amenity, by locating any part of the industrial operation that involves machinery or metal work within a part of a building that does not include any doors or windows that open to a <b>primary pedestrian street frontage mapped area</b> or <b>secondary pedestrian street frontage mapped area</b> .
Policy 18.2.3.11 <b>{CMU 634.35}</b>	Only allow restaurant – drive through and service stations alongside a primary pedestrian street frontage or secondary pedestrian street frontage, where the drive-through component will not be visible or accessed from these pedestrian street frontages: <b>{CMU 634.35}</b>
Policy 18.2.3.12 <b>{CMU 417.10}</b>	Require buildings and structures to be of a height that: <b>{CMU 417.10}</b> <ul style="list-style-type: none"> <li>a. <u>reflects the general heights of the block;</u> and <b>CMU 417.10}</b></li> <li>b. <u>minimises as far as practicable adverse effects on the skyline vista of the city, particularly as viewed from Dunedin's inner hill suburbs across the upper harbour toward the Otago Peninsula, including through the use of quality and contextually appropriate architectural design.</u> <b>{CMU 417.10}</b></li> </ul>

### Objective 18.2.3

Land use and development maintains or enhances the amenity of the streetscape, including the visual and environmental amenity for pedestrians along identified **pedestrian street frontage mapped areas**.

Policy 18.2.3.13 { <b>NU cl.16</b> }	Require network utility structures – small scale to be of a design, location and scale that maintains a high level of pedestrian amenity in <b>pedestrian street frontage mapped areas</b> . { <b>NU cl.16</b> }
Policy 18.2.3.X { <b>CMU 551.13</b> }	Require buildings and additions and alterations, as part of the Dunedin Hospital redevelopment to maintain or enhance streetscape amenity by ensuring: { <b>CMU 551.13</b> } a. the use of verandahs where appropriate; and <b>CMU 551.13</b> b. buildings and structures above 20m minimise as far as practicable adverse effects of shading and wind on pedestrian amenity. { <b>CMU 551.13</b> }

<sup>1</sup> **NU cl.16:** As a clause 16 amendment, the maximum volume of network utility structures - small scale in **pedestrian street frontage mapped areas** is now managed via a new Policy 18.2.3.13. In the notified provisions, this was managed via Policy 5.2.1.5. This does not result in a substantive change to provisions.

**EW cl.16:** As a clause 16 amendment, Objective 18.2.4 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

### 18.3 Activity Status

#### 18.3.1: Rule location

The activity status tables in rules **{CMU cl.16}** 18.3.3 to 18.3.7 specify the activity status of land use activities, development activities, and subdivision activities in the commercial and mixed use zones and relevant overlay zones, except rules for the following city-wide activities, which are contained in Part B of the Plan:

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

#### 18.3.2 Activity status introduction

1. The activity status tables in rules 18.3.3 to 18.3.7 show the activity status of activities in the commercial and mixed use zones and the overlay zones indicated, provided any performance standards shown in the far right column are met.
2. Activities are split into three types: a. land use activities, b. development activities, c. subdivision activities. Within these types, activities are split into categories. The nested tables in Section 1.3 outline the hierarchy of categories, activities and sub-activities.
3. Permitted land use activities do not automatically provide for any related development activities. Therefore, the activity status of any associated development activities should also be checked.
4. Where a new land use activity requires a resource consent, all associated development activities will be considered and assessed as part of the resource consent even if the development otherwise meets the development performance standards listed in the Plan.
5. The nested tables in Section 1.3 are intended to be a complete list of activities. However, in the case of an activity that is not covered by any of the activities in the nested tables, the activity status will be non-complying.

#### *Additional activity status rules in hazard overlay zones*

6. For the purpose of the hazards provisions, activities are categorised as natural hazards **{NH cl.16}** sensitive activities, natural hazards **{NH cl.16}** potentially sensitive activities or natural hazards **{NH cl.16}** least sensitive activities. The activities that are in each hazards sensitivity category are included in the definitions section and in Section 11.1.
7. In ~~hazard 1 or the Hazard 2 (flood)~~ **{NH cl.16}** Overlay Zones, the activity statuses in Rule 18.3.8 apply to the following activities:
  - a. ~~new~~ **{NH 908.3}** natural hazards **{NH cl.16}** sensitive activities;
  - b. natural hazards potentially sensitive activities; and **{NH cl.16}**
  - c. some new buildings, and additions and alterations to buildings, which create more than 60m<sup>2</sup> of new ground floor area. **{NH. cl.16}**



8. Where the activity status in Rule 18.3.8 differs from that in rules 18.3.3 - 18.3.7, the most restrictive activity status always applies.
9. In addition to the rules in Rule 18.3.8, performance standards for development activities within hazard overlay zones are included in rules 18.3.3 - 18.3.7.
10. Activities in a hazard overlay zone must comply with all of the rules in 18.3.3 - 18.3.7.

*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.

<sup>1</sup> **NH cl.16::** The content from Table 18.3.6 has been moved to Table 18.3.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 commercial and mixed use zones. 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 Meaning {PO cl.16}
P	Permitted Activity
C	Controlled Activity
RD	Restricted Discretionary Activity
D	Discretionary Activity
NC	Non-complying Activity
Central Business District and Centres Zones (Centres Hierarchy)	
CBD	Central Business District Zone
PC	Principal Centre Zone
SC	Suburban Centre Zone
RC	Rural Centre Zone
NEC	Neighbourhood Centre Zone
NECC	Neighbourhood Convenience Centre Zone
NEDC	Neighbourhood Destination Centre Zone
CBD Edge Mixed Use Zones	
WP	Warehouse Precinct Zone
PPH	Princes, Parry and Harrow Street Zone
SSYP	Smith Street and York Place Zone
HE	Harbourside Edge Zone
Other Commercial Zones	
TR	Trade Related Zone
CEC {CMU cl.16}	CBD Edge Commercial zones {CMU cl.16}
CEC-N {CMU cl.16}	CBD Edge Commercial North Zone {CMU cl.16}
CEC-S {CMU cl.16}	CBD Edge Commercial South Zone {CMU cl.16}
Pedestrian Street Frontage Mapped Areas	
PPF	<b>Primary Pedestrian Street Frontage Mapped Area</b>
SPF	<b>Secondary Pedestrian Street Frontage Mapped Area</b>
Hazard Overlay Zones	
Haz1	Hazard 1 Overlay Zones
Haz2	Hazard 2 Overlay Zones
Haz3	Hazard 3 Overlay Zones

### 18.3.3 Activity status table - land use activities (Central Business District and Centres)

1.	Performance standards that apply to all land use activities	a. Acoustic insulation (noise sensitive activities) b. Electrical interference c. Light spill d. Location e. Noise f. Maximum gross area floor of centre <b>{CMU cl.16}</b> (NEC, NECC, NEDC and RC only) g. Setback from National Grid ( <u>National Grid</u> sensitive activities only) <b>{NH cl.16}</b>			
Commercial activities		Activity status			Performance standards
		a. CBD	b. PC/SC/RC/NEDC	c. NECC/NEC	
2.	Ancillary licensed premises	Same activity status as underlying activity		D	
3.	Conference, meeting and function	P	P	NC	i. Minimum car parking
4.	Commercial advertising	NC	NC	NC	
5.	Entertainment and exhibition	P	P	NC	i. Minimum car parking
6.	Office	P	P	P	i. Minimum car parking (registered health practitioners)
7.	Retail (except yard based retail)	P	P	P	i. Minimum car parking ii. Minimum vehicle loading
X.	<u>Retail ancillary to industry {CMU cl.16<sup>2</sup>}</u>	P	P	P	i. <u>Maximum gross floor area of retail ancillary to industry {CMU cl.16}</u>
8.	Yard based retail	NC	P	P	i. Minimum car parking ii. Minimum vehicle loading (centres)
9.	Restaurants	P	P	P	
10.	Restaurant - drive through	NC	D	D	
11.	Service stations	NC	Ø <u>RD {CP 634.109}</u>	Ø <u>RD {CP 634.109}</u>	i. Service station standards ii. <u>Minimum car parking {Trans 634.107}</u>
12.	Stand-alone car parking	P	P	P	
13.	Visitor accommodation	P	P	RD	i. Minimum car parking ii. Minimum vehicle loading
Community activities		a. CBD	b. PC/SC/RC/NEDC	c. NECC/NEC	Performance standards

14.	Community and leisure - small scale	P	P	P	i. Minimum car parking
15.	Community and leisure - large scale	P	P	RD	i. Minimum car parking
16.	Conservation	P	P	P	
17.	Early childhood education	RD	RD	RD	i. Minimum car parking
18.	Sport and Recreation	P	P	P	i. Minimum car parking
Residential activities		a. CBD	b. PC/SC/ RC/NEDC	c. NECC/ NEC	Performance standards
19.	All activities in the residential activities category	P	P	P	i. Minimum car parking ii. Location
Industrial activities		a. CBD	b. PC/SC/ RC/NEDC	c. NECC/ NEC	Performance standards
20.	All activities in the industrial activities category	P	P	P	i. Location of industrial activities
Major facility activities		a. CBD	b. PC/SC/ RC/NEDC	c. NECC/ NEC	Performance standards
21.	Emergency services	<del>RD</del> <u>P</u> <b>{CP 945.49}</b>	<del>RD</del> <u>P</u> <b>{CP 945.49}</b>	<del>RD</del> <u>P</u> <b>{CP 945.49}</b>	i. <u>Minimum car parking</u> <b>{CP 945.49}</b>
22.	All other activities in the major facility activities category	NC	NC	NC	
Rural activities		a. CBD	b. PC/SC/ RC/NEDC	c. NECC/ NEC	Performance standards
23.	All activities in the rural activities category	NC	NC	NC	

<sup>1</sup> **CMU cl.16:** This performance standard applies to the activity. A link has been added to the activity status table as a cl.16 amendment.

<sup>2</sup> **CMU cl.16:** This activity has been separated from 'Retail' for plan clarity. No substantive change.

### 18.3.4 Activity status table - land use activities (CBD edge mixed use zones)

1.	Performance standards that apply to all land use activities					a. Acoustic insulation (noise sensitive activities) b. Electrical interference c. Light spill d. Location e. Noise f. Setback from nNational gGrid (National Grid sensitive activities only) <b>{NH cl.16}</b>
Commercial activities		Activity status				Performance standards
		a. WP	b. PPH	c. SSYP	d. HE	
2.	Ancillary licensed premises	Same activity status as underlying activity				
3.	Bulky goods retail	P	NC	NC	NC	i. <u>Minimum car parking</u> <b>{CMU cl.16}</b> ii. Minimum vehicle loading (WP) <b>{CMU cl.16}</b>
4.	Conference, meeting and function	P	NC	NC	P	i. Minimum car parking (HE) <b>{CMU cl.16}</b>
5.	Commercial advertising	NC	NC	NC	NC	
6.	Dairies	P	P	P	P	i. Maximum gross floor area of dairies <b>{CMU cl.16}</b>
7.	Entertainment and exhibition	P	NC	NC	P	i. Minimum car parking (HE) <b>{CMU cl.16}</b>
8.	Food and beverage retail	D	D	NC	NC	
9.	General retail in a scheduled heritage building	P	NC	NC	NC	i. Minimum car parking (WP) <b>{CMU cl.16}</b> ii. Minimum vehicle loading (WP) <b>{CMU cl.16}</b>
10.	General retail not in a scheduled building and less than 1500m² in gross floor area	NC	NC	NC	NC	
11.	General retail not in a scheduled building and 1500m² or more in gross floor area	P	NC	NC	NC	i. Minimum car parking ii. Minimum vehicle loading (WP-only) <b>{CMU cl.16}</b>
12.	Training and education	P	P	P	P	



13.	Office in a scheduled heritage building	P	NC	P	NC P { <b>CMU 908.102</b> }	i. <u>Maximum gross floor area of office activity in HE Zone {<b>CMU 908.102</b>}</u>	
14.	Office not in a scheduled heritage building	NC	NC	NC	NC P { <b>CMU 908.102</b> }	i. <u>Maximum gross floor area of office activity in HE Zone {<b>CMU 908.102</b>}</u>	
15.	Restaurants	P	D	D	P	i. Minimum car parking (HE) { <b>CMU cl.16</b> }	
16.	Restaurant - drive through	NC	D	NC	NC		
17.	Retail ancillary to industry	P	P	NC	P	i. <u>Maximum gross floor area of retail ancillary to industry {<b>CMU cl.16</b>}</u>	
18.	Service stations	NC	Ø RD { <b>CP 634.38</b> }	NC	NC	i. Service station standards ii. <u>Minimum car parking {<b>Trans 634.107</b>}</u>	
19.	Stand-alone car parking	P	P	P	P		
20.	Trade related retail	P	P	NC	NC	i. Minimum car parking (PPH) { <b>CMU cl.16</b> }	ii. Minimum vehicle loading (WP & PPH) { <b>CMU cl.16</b> }
21.	Visitor accommodation	P	P	P	P	i. Minimum car parking ii. <del>Acoustic insulation (new visitor accommodation activities in the WP and PPH zones only)</del> { <b>CMU cl.16</b> }	iii. Minimum vehicle loading (WP & HE) { <b>CMU cl.16</b> }
22.	Conference, meeting and function and entertainment and exhibition ancillary to visitor accommodation	P	RD	RD	P	i. Minimum car parking	
23.	Yard based retail	NC	P	NC	NC	i. Minimum car parking (PPH) { <b>CMU cl.16</b> }	ii. Minimum vehicle loading (PPH) { <b>CMU cl.16</b> }
Community activities		a. WP	b. PPH	c. SSYP	d. HE	Performance standards	
24.	Community and leisure - small scale	P	P	P	P	i. Minimum car parking	

25.	Community and leisure - large scale	P	P	P	P	i. Minimum car parking
26.	Conservation	P	P	P	P	
27	Early childhood education	RD	RD	RD	RD	i. Minimum car parking (SSYP) <b>{CMU cl.16}</b>
28	Sport and recreation	P	P	P	P	i. Minimum car parking
Residential activities		a. WP	b. PPH	c. SSYP	d. HE	Performance standards
29	All activities in the residential activities category	P	P	P	P	i. Minimum car parking ii. Location <b>{CMU cl.16}</b> <sup>1</sup>
Industrial activities		a. WP	b. PPH	c. SSYP	d. HE	Performance standards
30	All activities in the industrial activities category	P	P	NC	P	i. Minimum car parking (PPH & HE) <b>{CMU cl.16}</b> ii. Minimum vehicle loading (PPH & HE) <b>{CMU cl.16}</b>
Major facility activities		a. WP	b. PPH	c. SSYP	d. HE	Performance standards
31	Emergency services	<del>RD P</del> <b>{CP 945.49}</b>	<del>RD P</del> <b>{CP 945.49}</b>	<del>RD P</del> <b>{CP 945.49}</b>	<del>RD P</del> <b>{CP 945.49}</b>	i. <u>Minimum car parking</u> <b>{CP 945.49}</b>
32	All other activities in the major facility activities category	NC	NC	NC	NC	
Rural activities		a. WP	b. PPH	c. SSYP	d. HE	Performance standards
33	All activities in the rural activities category	NC	NC	NC	NC	

<sup>1</sup> **CMU cl 16:** Link to performance standard not necessary

<sup>2</sup> **CMU cl 16:** This performance standard applies to the activity. A link has been added to the activity status table as a cl.16 amendment.

### 18.3.5 Activity status table - land use activities (Trade Related Zone and CBD Edge Commercial Zones)

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 a National Grid (National Grid sensitive activities only) <b>{NH cl.16}</b>
Commercial activities		Activity status			Performance standards
		a. CEC - North { <b>CMU 551.13 and 652.8</b> }	X. CEC - South { <b>CMU 551.13 and 652.8</b> }	b. TR	
2.	Ancillary licensed premises	Same activity status as underlying activity			
3.	Bulky goods retail	P	P	NC	i. Minimum car parking (CEC) <b>{CMU cl.16}</b> ii. Minimum vehicle loading (CEC) <b>{CMU cl.16}</b>
4.	Conference, meeting and function	NC	NC	NC	
5.	Commercial advertising	NC	NC	NC	
6.	Dairies	P	P	P	i. <u>Maximum gross floor area of dairies</u> <b>{CMU cl.16}</b>
7.	Entertainment and exhibition	NC	NC	NC	
8.	Food and beverage retail less than 1500m <sup>2</sup> in gross floor area	NC	NC	NC	
9.	Food and beverage retail 1500m <sup>2</sup> or more in gross floor area	P	P	P	i. Minimum car parking ii. Minimum vehicle loading
10.	Office	<del>NC</del> P { <b>CMU 652.8</b> }	NC	NC	
11.	General retail less than 1500m <sup>2</sup> 750m <sup>2</sup> <b>{CMU 211.6}</b> in gross floor area	NC	NC	NC	

12.	General retail 1500m <sup>2</sup> <u>750m<sup>2</sup> {CMU 211.6}</u> or more in gross floor area	P	P	NC	i. Minimum car parking (CEG) <b>{CMU cl.16}</b> ii. Minimum vehicle loading (CEG) <b>{CMU cl.16}</b>
13.	Restaurants ancillary to trade <u>related retail {CMU 713.6}</u>	D	D	Ø P <b>{CMU 713.6}</b>	i. <u>Maximum gross floor area</u> <u>of restaurants in the Trade</u> <u>Related Zone {CMU 713.6}</u> ii. <u>Location of ancillary</u> <u>restaurants in the Trade</u> <u>Related Zone {CMU 713.6}</u>
Z.	Restaurants ancillary to food and beverage retail 1,500m <sup>2</sup> or more in <u>gross floor area {CMU 713.6}</u>	D	D	Ø P <b>{CMU 713.6}</b>	i. <u>Maximum gross floor area</u> <u>of restaurants in the Trade</u> <u>Related Zone {CMU 713.6}</u> ii. <u>Location of ancillary</u> <u>restaurants in the Trade</u> <u>Related Zone {CMU 713.6}</u>
X.	<u>All other restaurants {CMU 713.6}</u>	D	D	D	
14.	Restaurant - drive through	RD	RD	RD	
15.	Retail ancillary to industry	P	P	P	i. Maximum gross floor area <u>of retail ancillary to industry</u> <b>{CMU cl.16}</b>
16.	Service stations	RD	RD	RD	i. Service station standards ii. <u>Minimum car parking</u> <b>{Trans 634.107}</b>
17.	Stand-alone car parking	P	P	P	
18.	Trade related retail	P	P	P	i. Minimum car parking (TR) <b>{CMU cl.16}</b> ii. Minimum vehicle loading
19.	Visitor accommodation	P	P D <b>{CMU 899.10}</b>	NC	i. Minimum car parking (CEG) <b>{CMU cl.16}</b> ii. Minimum vehicle loading (CEG) <b>{CMU cl.16}</b>
20.	Yard based retail	P	P	P	i. Minimum car parking
Community activities		a. CEC - <u>North {CMU 551.13 and 652.8}</u>	X. CEC - <u>South {CMU 551.13 and 652.8}</u>	b. TR	Performance standards
21.	Early childhood education	NC D <b>{CMU 997.68}</b>	NC	NC	

22.	Community and leisure - small scale	P	P	P	i. Minimum car parking
23.	Community and leisure - large scale	P	P	P	i. Minimum car parking
24.	Conservation	P	P	P	
25.	Sport and recreation	P	P	P	i. Minimum car parking
Residential activities		a. CEC - <u>North {CMU 551.13 and 652.8}</u>	b. CEC - <u>South {CMU 551.13 and 652.8}</u>	b. TR	Performance standards
26.	All activities in the residential activities category	<del>NC</del> <u>D {CMU 997.69}</u>	NC	NC	
Industrial activities		a. CEC - <u>North {CMU 551.13 and 652.8}</u>	b. CEC - <u>South {CMU 551.13 and 652.8}</u>	<del>b. c.</del> TR	Performance standards
27.	All activities in the industrial activities category	P	<u>P</u>	P	i. Minimum car parking ii. Minimum vehicle loading
Major facility activities		a. CEC - <u>North {CMU 551.13 and 652.8}</u>	b. CEC - <u>South {CMU 551.13 and 652.8}</u>	<del>b. c.</del> TR	Performance standards
28.	Emergency services	<del>RD</del> <u>P {CP 945.49}</u>	<del>RD</del> <u>P {CP 945.49}</u>	<del>RD</del> <u>P {CP 945.49}</u>	i. <u>Minimum car parking {CP 945.49}</u>
<u>Y.</u>	<u>Hospital {CMU 551.13}</u>	<del>NC</del> <u>RD {CMU 551.13}</u>	NC	NC	
29.	All other activities in the major facility activities category	NC	NC	NC	
Rural activities		a. CEC - <u>North {CMU 551.13 and 652.8}</u>	b. CEC - <u>South {CMU 551.13 and 652.8}</u>	<del>b. c.</del> TR	Performance standards
30.	All activities in the rural activities category	NC	<u>NC</u>	NC	

<sup>1</sup> **CMU 551.13:** Was part of 'all other activities in the major facilities category' in notified plan

<sup>2</sup> **CMU cl.16:** This performance standard applies to the activity. A link has been added to the activity status table as a cl.16 amendment.



### 18.3.6 Activity status table - development activities

1.	Performance standards that apply to all development activities	<ul style="list-style-type: none"><li>a. Boundary treatments and other landscaping</li><li>b. <u>Natural Hazards Performance Standards Hazard overlay zones development standards {NH cl.16}</u></li><li>c. <u>Setback from coast and water bodies {NatEnv cl.16}</u></li><li>d. <u>Setback from national grid {NU cl.16}</u></li><li>e. Setback from scheduled tree</li><li>f. <u>Standards Harbourside Edge Zone Standards (HE Zone only) {CMU cl.16}</u></li></ul>	
2.	Performance standards that apply to all buildings and structures activities	<ul style="list-style-type: none"><li>a. Fire fighting</li><li>b. Height in relation to boundary</li><li>c. <u>Maximum {CMU cl.16} Height</u></li><li>d. Number, location and design of ancillary signs</li><li>e. <u>Setback from coast and water bodies {NatEnv cl.16}</u></li><li>f. <u>Setback from National Grid {NU cl.16}</u></li></ul>	
3.	Performance standards that apply to all new buildings and additions and alterations to buildings	<ul style="list-style-type: none"><li>a. Minimum glazing and building modulation</li><li>b. Minimum ground floor to ceiling height</li><li>c. Pedestrian entrances</li><li>d. Verandahs</li><li>e. <u>Setback from road boundaries {CMU cl.16<sup>1</sup>}</u></li><li>f. <u>Setback from boundaries of residential or recreation zoned sites {CMU cl.16<sup>2</sup>}</u></li><li>g. <u>Parking, loading and access standards (buildings that contain car parks only) {CMU cl.16<sup>3</sup>}</u></li></ul>	
New buildings and additions and alterations to buildings within the Harbourside Edge Zone		Activity status	Performance standards
4.	New buildings and additions and alternations to buildings <b>not</b> visible from an adjoining public place or the harbour	P	
5.	New buildings and additions and alterations to buildings that are visible from an adjoining public place, or the harbour	RD	

Buildings and structures activities <b>not</b> in a heritage precinct, <b>or</b> in a heritage precinct <b>but not</b> visible from an adjoining public place excluding activities affecting a protected part of a scheduled heritage building or a scheduled heritage structure - see rows 20-25		Activity status	Performance standards
X.	<u>New buildings and additions and alterations to buildings as part of the Dunedin Hospital redevelopment {CMU 551.13}</u>	P RD { <b>CMU 551.13</b> }	
6.	New <u>All other new</u> { <b>CMU 551.13</b> } buildings and additions and alterations to buildings	P	a. <del>Parking, loading and access standards (buildings that contain car parks only)</del> <b>{CMU cl.16<sup>7</sup>}</b>
7.	Fences	P	a. Fence height and design
8.	All other <u>new</u> { <b>PO cl.16</b> } structures	P	
Buildings and structures activities in a heritage precinct that are visible from an adjoining public place		Activity status	Performance standards
9.	New buildings	RD	a. Parking, loading and access standards (buildings that contain car parks only) b. Building colour
10.	Repair and maintenance of a non character-contributing building	P	
11.	Repair and maintenance of a character-contributing building or non-protected part of a scheduled heritage building	P	a. Materials and design b. Building colour
12.	Earthquake strengthening or restoration of a character-contributing building or non-protected parts of a scheduled heritage building	P	a. Materials and design b. Building colour
13.	Demolition or removal for relocation of: a. a character-contributing building b. a non-protected part of a scheduled heritage building; or c. a non character-contributing building that adjoins the road frontage.	RD	
14.	Additions and alterations to a character-contributing building or non-protected part of a scheduled heritage building other than earthquake strengthening or restoration	RD	a. Building colour
AA.	<u>Signs attached to buildings or structures</u> { <b>Her cl. 16<sup>7</sup></b> }	P	

15.	All other <b>{Her cl.16}</b> additions and alterations to a non character-contributing building that involve: <ul style="list-style-type: none"> <li>• an increase in the footprint of 10m<sup>2</sup> or <u>more</u> <b>{Her cl.16}</b>; or</li> <li>• an increase in the height of the building by more than 2m.</li> </ul>	RD <b>C {Her 308.358}</b>	a. <u>Building colour</u> <b>{CMU cl.16}</b>
16.	All other additions and alterations to non character-contributing buildings	P	a. Building colour
17.	Fences	P	a. Fence height and design
18.	All other <u>new</u> <b>{PO cl.16}</b> structures up to 2.5m tall and 2m <sup>2</sup> <u>floor-area footprint</u> <b>{PO cl.16}</b>	P	
19.	<u>New</u> <b>{PO cl.16}</b> structures greater than 2.5m tall and 2m <sup>2</sup> <u>floor-area footprint</u> <b>{PO cl.16}</b>	RD	
Buildings and structures activities that affect a protected part of a scheduled heritage building or scheduled heritage structure		Activity status	Performance standards
20.	Repairs and maintenance	P	a. Materials and design
21.	Restoration <u>of a building or structure that has a Heritage New Zealand Category 1 listing as detailed in Appendix A1.1</u> <b>{Her 547.91}</b>	P <b>C {Her 547.91}</b>	a. Materials and design
<u>Y.</u>	<u>Restoration of all other scheduled heritage buildings and structures</u> <b>{Her 547.91}</b>	P	a. Materials and design
22.	Earthquake strengthening where external features only are protected	C	a. Materials and design
<u>Z.</u>	<u>Signs attached to buildings or structures</u> <b>{Her cl. 16}</b>	P	
23.	All other additions and alterations	RD	
24.	Demolition	NC	
25.	Removal for relocation	RD	
Development activities on a scheduled heritage site, where visible from an adjoining public place <b>or</b> a public place within the heritage site		Activity status	Performance standards
26.	<u>New</u> <b>{Her cl.16}</b> structures no more than 2.5m high or 2m <sup>2</sup> footprint	P	
27.	All other <u>new</u> <b>{PO cl.16}</b> structures	RD	
28.	New buildings	RD	

29.	Parking, loading and access	RD	a. Parking, loading and access standards
Site development activities in all areas (except as covered by rows 26-29 above)		Activity status	Performance standards
30.	Earthworks – <i>small-scale</i> {EW cl.16 <sup>3</sup> }	P	a. Earthworks standards
31.	Earthworks – <i>large-scale</i> {EW cl.16 <sup>3</sup> }	RD	a. Earthworks standards
32.	Parking, loading and access	P	a. Parking, loading and access standards b. <u>Location and screening of car parking</u> {CMU cl 16 <sup>1</sup> }
33.	New <u>or additions to</u> parking areas, <del>or extensions to existing parking areas</del> that result in the <del>creation of</del> {Trans cl.16 <sup>3</sup> } 50 or more new parking spaces.	RD	a. Location and screening of <u>car</u> {CMU cl.16 <sup>1</sup> } parking b. Parking, loading and access standards
34.	Outdoor storage	P	a. Location and screening of outdoor storage
35.	Vegetation clearance	P	
36.	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 <sup>2</sup> }
37.	All other site development activities	P	a. <del>Location and screening of car parking</del> {CMU cl 16 <sup>1</sup> }

<sup>1</sup> **CMU cl.16:** This performance standard applies to the activity. A link has been added to the activity status table as a cl. 16 amendment.

<sup>2</sup> **CMU cl.16:** This performance standard cross-reference has been moved to apply to all new buildings and additions and alterations to buildings as the performance standard also applies to car parking within buildings

<sup>3</sup> **EW cl.16:** As a clause 16 amendment, all earthworks provisions in management and major facility zones have been moved to a new city-wide section (Section 8A). Any amendments to provisions as a result of submissions are shown there.

<sup>4</sup> **CMU cl.16:** The link to the performance standard has been moved to Rule 18.3.6.32

<sup>5</sup> **PO cl.16:** Floor area is replaced by footprint (which is now defined) to improve plan clarity as a minor and inconsequential amendment.

<sup>6</sup> **Her cl.16:** Added for plan clarity.

<sup>7</sup> **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 18.3B.6A - 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.

### 18.3.7 Activity status table - subdivision activities

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

### Note 18.3.7A - 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.



### 18.3.8 Change to activity status in Hazard 1, Hazard 2 and Hazard 3 Overlay Zones {NH cl.16<sup>1</sup>}

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 commercial and mixed-use zones {NH cl.16}	⌀ {NH cl.16}	— {NH cl.16}	— {NH cl.16}
2- {NH cl.16}	Potentially sensitive activities not permitted in commercial and mixed-use zones {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 1m<sup>2</sup> 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 60m<sup>2</sup> of new ground floor area</i> {NH cl.16}	— {NH cl.16}	RD {NH cl.16}	— {NH cl.16}

<sup>1</sup> **NH cl. 16:** The content from Table 18.3.8 has been moved to Table 18.3.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 shown in the new location.

### 18.3.X Activity status in the Hazard 2 (flood) Overlay Zone {NH 637.74 and others}

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 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 36m <sup>2</sup> of new ground floor area	RD

**Note 18.3.8A - ~~Guidance on existing use rights applying to land use activities in hazard overlay zones~~**  
**Other RMA considerations {CMU 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 25m<sup>2</sup> 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 18.3.X. **{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.

## 18.4 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, **{CMU 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 listed by Heritage New Zealand.
3. Applications for resource consent for the following activities will be publicly notified in accordance with section 95A(2) **{PO cl.16}** of the RMA:
  1. ~~demolition of a protected part of a scheduled heritage building or scheduled heritage structure; {Her 308.362}~~
  2. ~~new driveways from vehicle accesses onto a road with {CMU cl.16} a primary pedestrian street frontage mapped area (PPF);~~
  3. ~~contraventions of the Harbourside Edge Zone Standards {CMU cl.16} performance standard '(Rule 18.6.18.3) to 18.6.18.6 'Standards Harbourside Edge' {CMU 908.101}; and~~
  4. It is likely that applications for the following performance standard contraventions will be publicly notified:
    1. acoustic insulation;
    2. light spill;
    3. noise; and
    4. setback from National Grid.
4. With respect to resource consent applications for the following activities, Manawhenua will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided:
  1. all restricted discretionary activities that list 'effect on cultural values of Manawhenua as a matter for discretion; and
  2. discretionary and non-complying activities in a **wāhi tūpuna mapped area** where the activity is identified as a threat in Appendix A4.
5. With respect to sections 95D(b) and 95E(2)(a) of the RMA, Council will not consider retail as a permitted activity in scheduled heritage buildings as part of the permitted baseline in considering the effects of discretionary or non-complying activities in the Warehouse Precinct Zone.
6. ~~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}~~
7. With respect to resource consent applications for the following activities, the Otago Regional Council will be considered an affected person in accordance with section 95B of the RMA where their written approval is not

provided:

1. activities in the Hazard 1 or 1A **{NH 908.37}** (flood) overlay zones; and
  2. activities in **swale mapped areas. {NH cl.16<sup>3</sup>}**
8. All other activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA.

<sup>1</sup> **PO cl.16:** Resource Legislation Amendment Act 2017.

<sup>2</sup> **PO cl.16:** Clause removed as superfluous.

<sup>3</sup> **NH cl.16:** This rule was notified as Rule 11.8.3 in the Natural Hazards Section but has been transferred to this section for clarity. This does not result in a substantive change to the effect of provisions.

## 18.5 Land Use Performance Standards

### 18.5.1 Acoustic Insulation

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

1. within 20m of an industrial zone;
2. within 70m of a railway line;
3. within 40m of a state highway;
4. Central Business District (CBD) Zone;
5. Warehouse Precinct (WP) Zone;
6. Harbourside Edge (HE) Zone; and
7. Princes, Parry and Harrow Street (PPH) Zone; and
8. CEC – North Zone. **{CMU 551.13}**

### 18.5.2 Electrical Interference

Land use activities must comply with Rule 9.3.2.

### 18.5.3 Light Spill

Land use activities must comply with Rule 9.3.5.

### 18.5.4 Location

#### 18.5.4.1 Location of activities within pedestrian street frontage mapped areas

- a. In a **primary pedestrian street frontage mapped area**, activities on the ground floor facing the street frontage, must be retail, restaurants, or entertainment and exhibition, except for entrances, lobbies and accessways that service activities on upper floors.
- b. In a **secondary pedestrian street frontage mapped area**, residential activities must not occupy the ground floor of buildings facing the street frontage.
- c. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

#### 18.5.4.2 Location of industrial activities

- a. Within all commercial and mixed use zones, except trade related and CBD edge commercial zones, any part of an industrial industry **{Ind cl.16}** activity that involves machinery or metal work must be located within a part of a building that does not include any doors or windows that open to a **primary pedestrian street frontage mapped area** or **secondary pedestrian street frontage mapped area**.
- b. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

#### 18.5.4.3 Location of restaurant drive-through and service stations

- a. Restaurant - drive through and service stations must not have vehicle access from a **primary pedestrian street frontage mapped area**.
- b. Activities that contravene this performance standard are a non-complying activity.

#### 18.5.4.4 Location of ancillary restaurants in the Trade Related Zone **{CMU 713.6}**

- a. For restaurants ancillary to food and beverage retail 1,500m<sup>2</sup> or more in gross floor area, or to trade related retail, all customer access must be internal to a building, except for emergency-only access/egress. **{CMU 713.6}**

- b. Activities that contravene this performance standard are discretionary activities. {CMU 713.6}

#### 18.5.4.5 Location of residential activities {CMU 1024.4}

- a. New residential activities or residential buildings must not be located within the **Speights buffer mapped area.** {CMU 1024.4}
- b. Activities that contravene this performance standard are restricted discretionary activities.{PO cl.16}

#### 18.5.4.6 Location (hazard facility mapped area) {PHS 906.1}

Activities must comply with Rule 9.3.8. {PHS 906.1}

### 18.5.5 Maximum Gross Floor Area

#### 18.5.5.1 Maximum gross area of centre {CMU cl.16}

- a. An individual land use activity must not occupy more than 50% of the gross area of a neighbourhood or rural centre.
- b. Activities that contravene this performance standard are restricted discretionary activities.{PO cl.16}

#### 18.5.5.2 Maximum gross floor area of dairies

- a. The maximum gross floor area for dairies is 200m<sup>2</sup> (includes any area occupied for storage) {PO cl.16<sup>1</sup>}.
- b. Activities that contravene this performance standard are restricted discretionary activities.{PO cl.16}

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

#### 18.5.5.3 Maximum gross floor area of retail ancillary to industry

- a. Retail ancillary to industry must not occupy more than 10% of the gross floor area of the industrial industry {Ind cl.16} activity.
- b. Activities that contravene this performance standard are restricted discretionary activities.{PO cl.16}

#### 18.5.5.4 Maximum gross floor area of office activity in the Harbourside Edge Zone {CMU 908.102}

- a. The cumulative gross floor area of office activity in the Harbourside Edge Zone must not exceed 6,000m<sup>2</sup>. {CMU 908.102}
- b. No more than 3,000m<sup>2</sup> of gross floor area of office activity may be located outside the area covered by designation D214, unless the Otago Regional Council designation allowing office activity on this site is uplifted. {CMU 908.102}
- c. Office activity that is ancillary to port, industry or marine-related activity is exempt from this standard. {CMU 908.102}
- d. Office activity that contravenes this performance standard is a non-complying activity. {CMU 908.102}

#### 18.5.5.5 Maximum gross floor area of restaurants in the Trade Related Zone {CMU 713.6}

- a. The maximum gross floor area of restaurants ancillary to food and beverage retail 1,500m<sup>2</sup> or more in gross floor area, or to trade related retail, in the Trade Related Zone is 100m<sup>2</sup> {CMU 713.6}
- b. Activities that contravene this performance standard are discretionary activities. {CMU 713.6}

### 18.5.6 Minimum Car Parking

1. Land use activities must provide on-site parking as follows:

<b>Activity {Trans cl.16}</b>		<b>Minimum parking rate {Trans cl.16}</b>
<b>Commercial activities {Trans cl.16}</b>		
1-	All Retail (1500m <sup>2</sup> or more in gross public floor area) {Trans cl.16}	In CBD and CEC zones: 1 parking space per 25m <sup>2</sup> of gross public floor area {Trans cl.16}
2- {Trans cl.16}	All Retail (500m <sup>2</sup> or more in gross public floor area) {Trans cl.16}	In centres and WP zones: 1 parking space per 25m <sup>2</sup> of gross public floor area {Trans cl.16}
3- {Trans cl.16}	Bulky goods retail {Trans cl.16}	In CEC: 1 parking space per 50m <sup>2</sup> gross public floor area {Trans cl.16}
4- {Trans cl.16}	Conference, meeting and function {Trans cl.16}	In centres zones and HE zone: 1 parking space for every 5 persons the facility can accommodate at any one time {Trans cl.16}
5- {Trans cl.16}	Entertainment and exhibition (capacity for greater than 20 persons at any one time) {Trans cl.16}	In centres zones and HE zone: 1 parking space for every 5 persons the facility can accommodate at any one time {Trans cl.16}
6- {Trans cl.16}	Food and beverage retail (1500m <sup>2</sup> or more in gross public floor area) {Trans cl.16}	In TR zone: 1 parking space per 20m <sup>2</sup> gross public floor area {Trans cl.16}
7- {Trans cl.16}	Registered health practitioners {Trans cl.16}	In centres zones: 2 parking spaces for every registered health practitioner {Trans cl.16}
8- {Trans cl.16}	Restaurants {Trans cl.16}	In HE zone: 1 parking space per 30m <sup>2</sup> of gross public floor area {Trans cl.16}
9- {Trans cl.16}	Trade related retail {Trans cl.16}	In PPH and TR zones: 1 parking space per 75m <sup>2</sup> of gross floor area {Trans cl.16}
10- {Trans cl.16}	Yard based retail {Trans cl.16}	In PPH and TR zones: {Trans cl.16} a. 1 parking space per 100m <sup>2</sup> gross public floor area (inside buildings) {Trans cl.16} b. 1 parking space per 400m <sup>2</sup> of outdoor display area {Trans cl.16}



<b>Activity {Trans cl.16'}</b>		<b>Minimum parking rate {Trans cl.16}</b>
11. <b>{Trans cl.16}</b>	Visitor accommodation <b>{Trans cl.16}</b>	<p>a. In CBD, centres, WP, PPH, SSYP, CEC and HE zones: 1 parking space per 6 visitor accommodation units, where the activity is based on guest rooms (e.g. hotels) <b>{Trans cl.16}</b></p> <p>b. In CBD, centres, WP, PPH, SSYP, CEC and HE zones: 1 parking space per 3 visitor accommodation units, where the activity is based upon units (e.g. motels) <b>{Trans cl.16}</b></p>
<b>Community activities {Trans cl.16}</b>		
12. <b>{Trans cl.16}</b>	Community and leisure <b>{Trans cl.16}</b>	In centres, PPH, SSYP, CEC, TRZ and HE zones: 1 parking space for every 5 persons the facility can accommodate at any one time <b>{Trans cl.16}</b>
13. <b>{Trans cl.16}</b>	Early childhood education – small scale <b>{Trans cl.16}</b>	<p>In CBD, centres and SSYP zones: <b>{Trans cl.16}</b></p> <p>a. 1 parking space per 5 full time equivalent staff members, and; <b>{Trans cl.16}</b></p> <p>b. 1 parking space for parent/guardian use per 6 children the activity is licensed for <b>{Trans cl.16}</b></p>
14. <b>{Trans cl.16}</b>	Sport and recreation (with capacity for greater than 20 persons at any one time) <b>{Trans cl.16}</b>	In centres, PPH, SSYP, CEC, TRZ and HE zones: 1 parking space for every 5 persons the facility can accommodate at one time <b>{Trans cl.16}</b>
<b>Residential activities {Trans cl.16}</b>		
15. <b>{Trans cl.16}</b>	Rest homes <b>{Trans cl.16}</b>	In centres, SSYP, PPH and HE zones: 1 parking space for every 3 beds <b>{Trans cl.16}</b>
16. <b>{Trans cl.16}</b>	Retirement villages <b>{Trans cl.16}</b>	In centres, SSYP, PPH and HE zones: 1 parking space for every residential unit <b>{Trans cl.16}</b>

<b>Activity {Trans cl.16<sup>1</sup>}</b>		<b>Minimum parking rate {Trans cl.16}</b>
47- <b>{Trans cl.16}</b>	Standard residential <b>{Trans cl.16}</b>	<p>In centres, HE, PPH and SSYP zones: <b>{Trans cl.16}</b></p> <p>a. 1–5 habitable rooms on a site: 1 parking space <b>{Trans cl.16}</b></p> <p>b. 6–8 habitable rooms on a site: 1 <del>2</del> <b>{Trans 360.2}</b> parking space <b>{Trans cl.16}</b></p> <p>c. Greater than 8 habitable rooms on a site: 2 parking spaces plus 1 space for every 4 habitable rooms (or part thereof) <b>{Trans cl.16}</b></p> <p>d. Except: <b>{Trans cl.16}</b></p> <p>i. where sites with less than 5 habitable rooms have no existing parking, no additional parking is required for additions that increase the number of habitable rooms to 5 (or fewer), provided no additional residential units are created; and <b>{Trans cl.16}</b></p> <p>ii. where the provision of an on-site parking space for sites with 1-5 habitable rooms would result in the loss of an on-street parking space, no parking space is required: <b>{Trans cl.16}</b></p>
48- <b>{Trans cl.16}</b>	Student hostels <b>{Trans cl.16}</b>	<p>In centres, HE, PPH and SSYP zones: <b>{Trans cl.16}</b></p> <p>a. hostels with 1 – 10 residents: 1 parking space <b>{Trans cl.16}</b></p> <p>b. hostels with 11 – 20 residents: 2 parking spaces <b>{Trans cl.16}</b></p> <p>c. hostels with 21 – 30 residents: 3 parking spaces <b>{Trans cl.16}</b></p> <p>d. hostels with greater than 30 residents: 3 parking spaces plus 1 additional space for every 10 additional residents (or part thereof) <b>{Trans cl.16}</b></p>
<b>Industrial activities {Trans cl.16}</b>		
49- <b>{Trans cl.16}</b>	Industry <b>{Trans cl.16}</b>	<p>a. In HE, CEC and PPH zones: 1 parking space per 100m<sup>2</sup> gross floor area for activities <b>{Trans cl.16}</b></p> <p>b. In TR zone: 1 parking space per 75m<sup>2</sup> gross floor area <b>{Trans cl.16}</b></p>

<sup>1</sup> **Trans cl 16:** Rule reformatted into a new table.

Activity	Zone	Minimum parking rate
Commercial activities		

Activity		Zone	Minimum parking rate
a.	Conference, meeting and function	i. PC/SC/RC/NEDC/HE	1 parking space for every 5 persons the facility can accommodate at any one time
b.	Entertainment and exhibition (capacity for greater than 20 persons at any one time)	i. PC/SC/RC/NEDC/HE	1 parking space for every 5 persons the facility can accommodate at any one time
c.	Registered health practitioners	i. PC/SC/RC/NEDC/NECC/NEC	2 parking spaces for every registered health practitioner
d.	Restaurants	i. HE	1 parking space per 30m <sup>2</sup> of gross public floor area
e.	Bulky goods retail	i. <u>CBD/ {Trans 211.3}</u> CEC – North/CEC - South	1 parking space per 50m <sup>2</sup> of gross public floor area
		ii. Centres/WP (500m <sup>2</sup> or more in gross public floor area)	1 parking space per 25m <sup>2</sup> of gross public floor area
f.	Food and beverage retail	i. CBD/ CEC – North/ CEC – South (1500m <sup>2</sup> or more in gross public floor area)	1 parking space per 25m <sup>2</sup> of gross public floor area
		ii. Centres (500m <sup>2</sup> or more in gross public floor area)	
		iii. TR (1500m <sup>2</sup> or more in gross public floor area)	1 parking space per 20m <sup>2</sup> of gross public floor area
g.	<u>Service Stations {Trans 634.107}</u>	i. Centres/PPH/TR/CEC – North/CEC - South <b>{Trans 634.107}</b>	<u>1 parking space per 40m<sup>2</sup> of gross public floor area {Trans 634.107}</u>
h.	Trade related retail	i. CBD (1500m <sup>2</sup> or more in gross public floor area)	1 parking space per 25m <sup>2</sup> of gross public floor area
		ii. Centres (500m <sup>2</sup> or more in gross public floor area)	
		iii. <u>WP/CEC – North/ CEC – South {Trans 489.8}</u> /PPH/TR	1 parking space per 75m <sup>2</sup> of gross public floor area

Activity		Zone	Minimum parking rate
i.	Yard based retail	i. Centres (500m <sup>2</sup> or more in gross public floor area)	1 parking space per 25m <sup>2</sup> of gross public floor area
		ii. CEC – North/ CEC - South (1500m <sup>2</sup> or more in gross public floor area)	
		iii. PPH/TR	1. 1 parking space per 100m <sup>2</sup> gross public floor area (inside buildings) 2. 1 parking space per 400m <sup>2</sup> of outdoor display area
j.	General Retail	i. CBD (1500m <sup>2</sup> or more in gross public floor area) ii. WP/Centres (500m <sup>2</sup> or more in gross public floor area) iii. CEC – North/ CEC- South ( <del>1500m<sup>2</sup></del> <u>750m<sup>2</sup></u> <b>{CMU 211.6}</b> or more in gross public floor area)	1 parking space per 25m <sup>2</sup> of gross public floor area
m.	Visitor accommodation	i. CBD/Centres/WP/PPH/SSYP and HE zones ii. <del>CEC – South</del> <u>CEC – North</u> <b>{CMU 899.10}</b> (1500m <sup>2</sup> or more in gross public floor area)	1. 1 parking space per 6 visitor accommodation units, where the activity is based on guest rooms (e.g. hotels) 2. 1 parking space per 3 visitor accommodation units, where the activity is based upon units (e.g. motels)
Community Activities			
n.	Community and leisure	i. Centres/PPH/SSYP/CEC/TR and HE	1 parking space for every 5 persons the facility can accommodate at any one time
o.	Early childhood education - small scale	i. CBD/Centres and SSYP	1. 1 parking space per 5 full time equivalent staff members, and 2. 1 parking space for parent/guardian use per 6 children the activity is licensed for
p.	Sport and recreation (with capacity for greater than 20 persons at any one time)	i. Centres/PPH/SSYP/CEC/TR and HE	1 parking space for every 5 persons the facility can accommodate at one time
Residential activities			
q.	Rest homes	i. Centres/SSYP/PPH and HE	1 parking space for every 3 beds
r.	Retirement villages	i. Centres/SSYP/PPH and HE	1 parking space for every residential unit



Activity		Zone	Minimum parking rate
s.	Student hostels	i. Centres/HE/PPH and SSYP	<ol style="list-style-type: none"> <li>hostels with 1 – 10 residents: 1 parking space <b>{Trans cl.16}</b></li> <li>hostels with 11 – 20 residents: 2 parking spaces <b>{Trans cl.16}</b></li> <li>hostels with 21 – 30 residents: 3 parking spaces <b>{Trans cl.16}</b></li> <li>hostels with greater than 30 residents: 3 parking spaces plus 1 additional space for every 10 additional residents (or part thereof) <b>{Trans cl.16}</b></li> </ol> <p><u>1 parking space for every 10 residents (or part thereof) <b>{Trans cl.16}</b></u>  <u>except student hostels within 500m of the Campus Zone which are managed as part of the overall campus parking requirements. <b>{Trans 308.296}</b></u></p>
t.	Standard residential	i. Centres/HE/PPH and SSYP	<ol style="list-style-type: none"> <li>1 - 5 habitable rooms on a site: 1 parking space</li> <li>6 - 8 habitable rooms on a site: 4 parking spaces <b>{Trans 360.2}</b></li> <li>Greater than 8 habitable rooms on a site: 2 parking spaces plus 1 space for every 4 habitable rooms (or part thereof)</li> <li>Except: <ol style="list-style-type: none"> <li>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; <b>and <b>{Trans 927.6}</b></b></li> <li>where the provision of an on-site parking space for sites with 1-5 habitable rooms would result in the loss of an on-street parking space, no parking space is required; <b>and</b></li> <li><u>in centres, no parking space is required where an existing building is converted to residential activity with fewer than five habitable rooms. <b>{Trans 927.6}</b></u></li> </ol> </li> </ol>
Industrial Activities			

Activity		Zone	Minimum parking rate
u.	Industry	i. HE/CEC/PPH	1 parking space per 100m <sup>2</sup> gross floor area
		ii. TR	1 parking space per 75m <sup>2</sup> gross floor area
Major Facility Activities {CP 945.49}			
v.	Emergency Services {CP 945.49}	i. All zones {CP 945.49}	1. For fire stations: 5 parking spaces per fire engine bay. {CP 945.49} 2. For all other activities: 1 parking space per 100m <sup>2</sup> gross floor area. {CP 945.49}

2. 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

3. Car parking must be provided on the same property as the activity except in the Harbourside Edge Zone where parking spaces must be provided within 200m walking distance of the activity, with all parking not on the same property as the activity provided as dedicated off-street parking for the activity through a lease agreement. {Trans 737.20}
4. Required parking spaces may be used for car, cycle or motorcycle parking, except for any required mobility parking spaces.
5. Residential and office activities (excluding registered health practitioners) undertaken entirely within a scheduled heritage building do not need to provide any additional car parking other than what is already on site and may remove any car parking that does not meet the performance standard for location of car parking.
6. Parking spaces may be shared between land use activities (i.e. the same parking spaces may be used to fulfil the minimum parking requirement for more than one land use activity), as long as the hours of operation of the land use activities do not overlap.
7. 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.
8. For activities where the minimum car parking performance standard is based on the gross floor area of a building {CMU cl.16}, the following areas within the building {CMU cl.16} will be excluded from the assessment of gross floor area. , for the purpose of calculating the minimum car parking requirement {CMU cl.16}:
- any parking area and associated manoeuvring space, including parking {CMU cl.16} aisle; and
  - any loading area and associated manoeuvring space {CMU cl.16}.
9. Activities that contravene this performance standard are restricted discretionary activities.{PO cl.16}

#### Note 18.5.6A - Other relevant District Plan provisions

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

#### 18.5.7 Minimum Vehicle Loading

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

Zone		Activities	Minimum vehicle loading rate <b>{Trans cl.16}</b>
a.	CBD and centres zones	i. Retail activity (except yard based retail)	1. On sites which gain direct vehicular access to a <b>{Trans cl.16}</b> strategic road, arterial road and or <b>{Trans cl.16}</b> urban high density corridor or have a gross floor area of 500m <sup>2</sup> or more: 1 loading space; <b>{Trans cl.16}</b> to accommodate an 8m rigid truck (See Rule 6.14 Appendix 6B <b>{Trans cl.16}</b> , Figure 6.14J 6B.10 <b>{Trans cl.16}</b> )
		ii. Visitor accommodation	1. Visitor accommodation based on guest rooms (eg hotels) for 50 or more guest rooms: 1 loading space; <b>{Trans cl.16}</b> to accommodate the turning circle of <b>{Trans cl.16}</b> a coach (See Rule 6.14 Appendix 6B <b>{Trans cl.16}</b> , Figure 6.14J 6B.12 <b>{Trans cl.16}</b> )
b.	Centres zones	i. Yard based retail	1. On sites which gain direct vehicular access to a <b>{Trans cl.16}</b> strategic road, arterial road and or <b>{Trans cl.16}</b> urban high density corridor, or have a gross floor area of 500m <sup>2</sup> or more: 1 loading space; <b>{Trans cl.16}</b> to accommodate an 8m rigid truck (See Rule 6.14 Appendix 6B <b>{Trans cl.16}</b> , Figure 6.14J 6B.10 <b>{Trans cl.16}</b> ).





Zone		Activities	Minimum vehicle loading rate <i>{Trans cl.16}</i>
c.	Warehouse Precinct <i>Zone {CMU cl.16}</i>	i. General retail (in a scheduled heritage building)	1. On sites which gain direct vehicular access to a <i>{Trans cl.16}</i> strategic road, arterial road and or <i>{Trans cl.16}</i> urban high density corridor or have a gross floor area of 500m <sup>2</sup> or more: 1 loading space; <i>{Trans cl.16}</i> to accommodate an 8m rigid truck (See Rule 6.14 Appendix 6B <i>{Trans cl.16}</i> , Figure 6.14J 6B.10 <i>{Trans cl.16}</i> )
		ii. General retail (not in a scheduled heritage building and 1500m <sup>2</sup> or more in gross floor area)	
		iii. Trade related retail	
		iv. Food and beverage retail <i>{CMU cl.16}</i>	
		v. Visitor accommodation	1. Visitor accommodation based on guest rooms (e.g. hotels) for 50 or more guest rooms: 1 loading space; <i>{Trans cl.16}</i> to accommodate the turning circle of <i>{Trans cl.16}</i> a coach (See Rule 6.14 Appendix 6B <i>{Trans cl.16}</i> , Figure 6.14J 6B.12 <i>{Trans cl.16}</i> )
		vi. Bulky goods retail	1. Activities with a gross floor area of less than 1000m <sup>2</sup> : 1 loading space; <i>{Trans cl.16}</i> to accommodate an 8m rigid truck (See Rule 6.14 Appendix 6B <i>{Trans cl.16}</i> , Figure 6.14J 6B.10 <i>{Trans cl.16}</i> ); 2. Activities with a gross floor area of 1000m <sup>2</sup> or more: 1 loading space; <i>{Trans cl.16}</i> to accommodate a B Train Truck (See Rule 6.14 Appendix 6B <i>{Trans cl.16}</i> , Figure 6.14J 6B.11 <i>{Trans cl.16}</i> ).

Zone		Activities	Minimum vehicle loading rate <i>{Trans cl.16}</i>
d.	CBD edge commercial zones <i>{CMU cl.16}</i>	i. General retail (1500m <sup>2</sup> 750m <sup>2</sup> <i>{CMU 211.6}</i> or more in gross floor area)	1. On sites which gain direct vehicular access to a <i>{Trans cl.16}</i> strategic road, arterial road and or <i>{Trans cl.16}</i> urban high density corridor: 1 loading space; <i>{Trans cl.16}</i> to accommodate an 8m rigid truck (See Rule-6.14 Appendix 6B <i>{Trans cl.16}</i> , Figure 6.14J 6B.10 <i>{Trans cl.16}</i> )
		ii. Trade related retail	
		iii. Industry	
		iv. Food and beverage retail (1500m <sup>2</sup> or more in gross floor area).	
		v. Visitor accommodation (CEC - North) <i>{CMU cl.16}</i>	1. Visitor accommodation based on guest rooms (e.g. hotels) for 50 or more guest rooms: 1 loading space; <i>{Trans cl.16}</i> to accommodate the turning circle of <i>{Trans cl.16}</i> a coach (See Rule-6.14 Appendix 6B <i>{Trans cl.16}</i> , Figure 6.14J 6B.12 <i>{Trans cl.16}</i> )
		vi. Bulky goods retail	1. Activities with a gross floor area of less than 1000m <sup>2</sup> : 1 loading space; <i>{Trans cl.16}</i> to accommodate an 8m rigid truck (See Rule-6.14 Appendix 6B <i>{Trans cl.16}</i> , Figure 6.14J 6B.10 <i>{Trans cl.16}</i> ); 2. Activities with a gross floor area of 1000m <sup>2</sup> or more: 1 loading space; <i>{Trans cl.16}</i> to accommodate a B Train Truck (See Rule-6.14 Appendix 6B <i>{Trans cl.16}</i> , Figure 6.14J 6B.11 <i>{Trans cl.16}</i> ).
e.	Princes, Parry and Harrow Street Zone	i. Trade related retail	1. On sites which gain direct vehicular access to a <i>{Trans cl.16}</i> strategic road, arterial road and or <i>{Trans cl.16}</i> urban high density corridor, or have a gross floor area of 500m <sup>2</sup> or more: 1 loading space; <i>{Trans cl.16}</i> to accommodate an 8m rigid truck (See Rule-6.14 Appendix 6B <i>{Trans cl.16}</i> , Figure 6.14J 6B.10 <i>{Trans cl.16}</i> ).
		ii. Yard based retail	
		iii. Industry	
f.	Harbourside Edge Zone	i. Industry	1. 1 loading space; <i>{Trans cl.16}</i> to accommodate an 8m rigid truck (See Rule-6.14 Appendix 6B <i>{Trans cl.16}</i> , Figure 6.14J 6B.10 <i>{Trans cl.16}</i> ).
		ii. Visitor accommodation	1. Visitor accommodation based on guest rooms (e.g. hotels) for 50 or more guest rooms: 1 loading space; <i>{Trans cl.16}</i> to accommodate the turning circle of <i>{Trans cl.16}</i> a coach (See Rule-6.14 Appendix 6B <i>{Trans cl.16}</i> , Figure 6.14J 6B.12 <i>{Trans cl.16}</i> )

Zone		Activities	Minimum vehicle loading rate <i>{Trans cl.16}</i>
g.	Trade Related Zone	i. Trade related retail	<ol style="list-style-type: none"> <li>On sites which gain direct vehicular access to a <i>{Trans cl.16}</i> strategic road, arterial road and or <i>{Trans cl.16}</i> urban high density corridor, with a gross floor area of 500m<sup>2</sup> or more: 1 loading space; <i>{Trans cl.16}</i> to accommodate an 8m rigid truck (See Rule 6.14 Appendix 6B <i>{Trans cl.16}</i>, Figure 6.14J 6B.10 <i>{Trans cl.16}</i>)</li> <li>Activities with a gross floor area of less than 1000m<sup>2</sup>: 1 loading space; <i>{Trans cl.16}</i> to accommodate an 8m rigid truck (See Rule 6.14 Appendix 6B <i>{Trans cl.16}</i>, Figure 6.14J 6B.10 <i>{Trans cl.16}</i>)</li> <li>Activities with a gross floor area of 1000m<sup>2</sup> or more: 1 loading space; <i>{Trans cl.16}</i> to accommodate an B Train Truck (See Rule 6.14 Appendix 6B <i>{Trans cl.16}</i>, Figure 6.14J 6B.11 <i>{Trans cl.16}</i>)</li> </ol>
		ii. Food and beverage retail (1500m <sup>2</sup> or more in gross floor area)	
		iii. Industry	

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

### 18.5.8 Noise

Land use activities must comply with Rule 9.3.6.

### 18.5.9 Service Station Standards

Service stations must comply with Rule 6.7.1.

### 18.5.10 Setback from National Grid

National Grid Sensitive *{NH cl.16}* activities must comply with Rule 5.6.1.1.

## 18.6 Development Performance Standards

### 18.6.1 Boundary Treatments and Other Landscaping

1. A landscaping area with a minimum width of 1.5m must be provided along the full length of any street frontage road **{CMU cl.16}** boundary that does not have a building within 1.5m of that boundary (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 **{CMU 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. Within any parking areas greater than 200m<sup>2</sup> (excluding loading areas), a minimum of 1m<sup>2</sup> of additional landscaped area must be provided for every parking space, with an average of one tree per 10m<sup>2</sup> of landscaping. This standard does not apply to sites used for yard based retail or sites with a street frontage of 12m or less.
5. Fencing must be provided along any boundaries which adjoin a residential or school zoned property (excluding roads). Fencing must:
  - a. be constructed from solid timber paling; and
  - b. have vertical palings which are butted together; and
  - c. only have palings visible from the residential zone; and
  - d. be a minimum of 1.8m high.
6. Activities that contravene this performance standard are restricted discretionary activities. **{PO cl.16}**

#### Note 18.6.1A - Other requirements outside of the District Plan

1. The Dunedin City Council Commercial Use of Footpaths Policy applies to all objects placed on the footpath or suspended over it up to a height of 2.6m. Contact customer services on 03 477 4000 or visit the DCC website [www.dunedin.govt.nz](http://www.dunedin.govt.nz) for more information.

### 18.6.2 Building Colour

New buildings, additions and ~~or~~ alterations to buildings, repairs and maintenance and earthquake strengthening in a commercial heritage precinct **{CMU cl.16}** must comply with Rule 13.3.1.

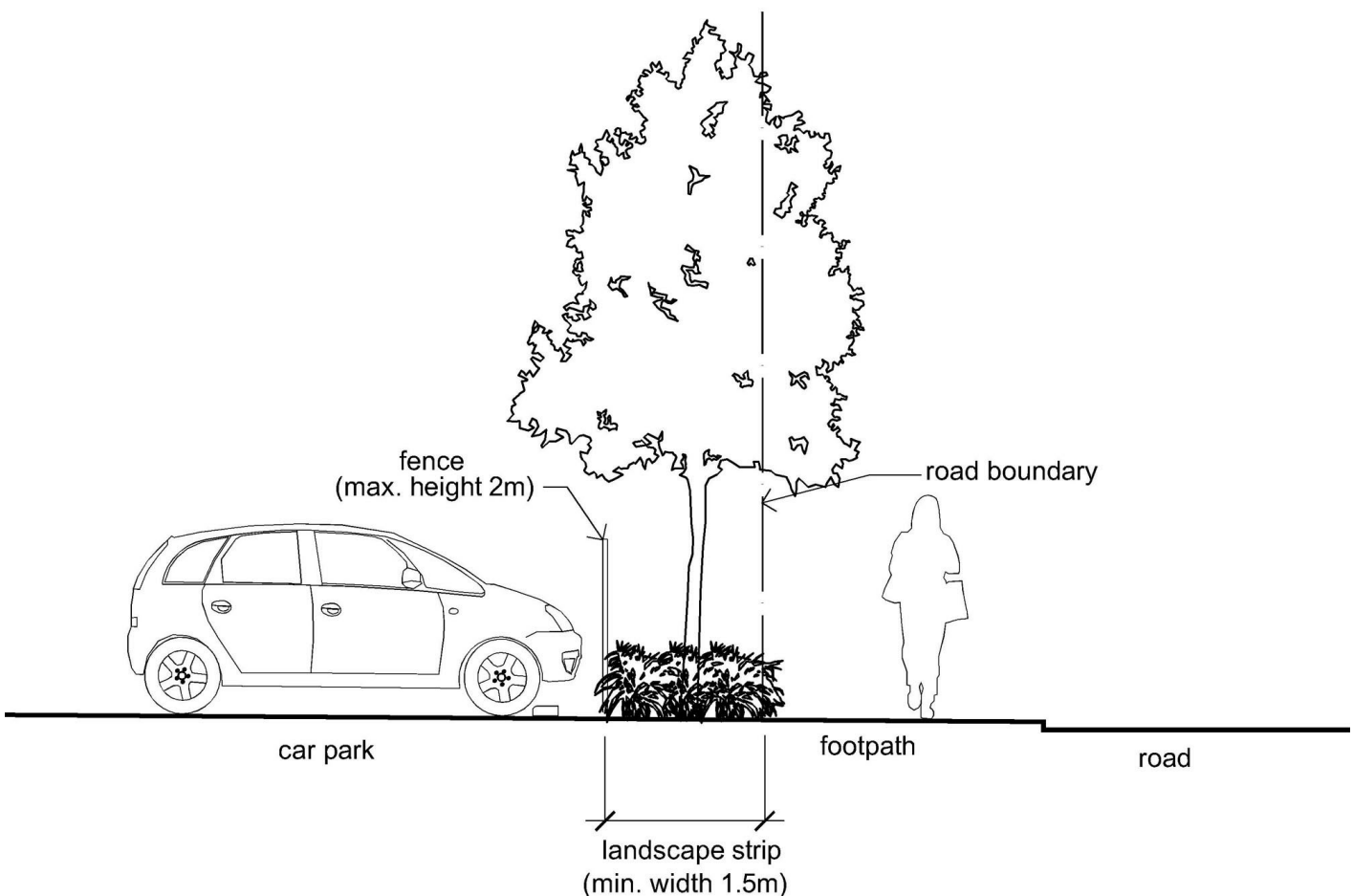
### 18.6.3 Earthworks Standards {Confirmed to be replaced by 8A.5 - EW cl.16<sup>1</sup>}

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

### 18.6.4 Fence Height and Design

1. The maximum height of a fence, free-standing wall, or gate is 2m along any side boundary or within 10m of the front boundary, unless completely screened from public view by buildings or established landscaping. 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, from the external side of the boundary.
2. Where landscaping is required by Rule 18.6.1, fences must be set back from the road an adequate distance to allow the landscaping to be located between the fence and the road (see Figure 18.6GA {**CMU cl.16**}).
3. Activities that contravene this performance standard are restricted discretionary activities.{**PO cl.16**}

Figure 18.6GA {**CMU cl.16**} Street frontage landscaping and fencing



### 18.6.5 Fire Fighting

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

### 18.6.6 Height

#### 18.6.6.1 Height in relation to boundary

- a. New buildings and additions and alterations to buildings on sites which adjoin a residential zone along their side or rear boundary 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); must not protrude through a plane (see Figure 18.6D) raising at an angle of 45 degrees measured from a point: **{CMU cl.16}**<sup>1</sup>
  - i. 3m above ground level at the side or rear boundary with a Inner City Residential or General Residential 2-zone;**{CMU cl. 16}**
  - ii. 2.5m above ground level at the side or rear boundary with all other residential zones or the Recreation Zone;**{CMU cl. 16}**
  - iii. except:**{CMU cl. 16}**
    1. 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, may protrude through the height in relation to boundary plane:**{CMU cl.16}**
    2. gable ends and dormers may protrude through the height in relation to boundary plane by a maximum of 1m (see Figure 18.6E);**{CMU cl.16}**
  - iv. Rooftop structures are exempt from the performance standard for height in relation to boundary:**{CMU cl.16}**
- b. New buildings and additions and alterations to buildings on sites which adjoin the Recreation Zone along their side or rear boundary must comply with the height in relation to boundary performance standard of the Recreation Zone, along the adjoining boundary (see Rule 20.6.4.1); **{CMU cl.16}**<sup>1</sup>
- c. Activities that contravene this performance standard are restricted discretionary activities. **{PO cl.16}**

<sup>1</sup> **CMU cl.16:** There is no substantive change to Rule 18.6.6.1. The changes refer the user to the same rules in the Residential and Recreation sections.

**Figure 18.6D: Height in relation to boundary {Figure has been deleted - CMU cl.16<sup>1</sup>}**

<sup>1</sup> **CMU cl.16:** There is no substantive change to Rule 18.6.6.1. The changes refer the user to the same rules in the Residential and Recreation sections.

Figure 18.6E: Height in relation to boundary **{Figure has been deleted - CMU cl.16}**

<sup>1</sup> **CMU cl.16:** There is no substantive change to Rule 18.6.6.1. The changes refer the user to the same rules in the Residential and Recreation sections.

18.6.6.2 Maximum and minimum {CMU cl.16} height

- a. New buildings and structures, and additions and alterations must comply with the following:

Zone/Centre		1. Minimum height of buildings (above ground level)	2. Minimum number of storeys for buildings (above ground level)	3. Maximum height of buildings and structures (above ground level)	4. Maximum number of storeys for buildings (above ground)
i.	Central Business District Zone (CBD)				
	1. On sites which adjoin George Street	8m	2 storeys	12m	3 storeys
	2. On sites which do not adjoin George Street	8m	2 storeys	16m	4 storeys
ii.	Warehouse Precinct Zone	8m	2 storeys	16m	4 storeys
iii.	Princes, Parry and Harrow Street Zone				
	1. On sites located in the <b>PPH Zone height mapped area</b> (see Figure XX) <b>{CMU cl.16}</b>	6m	1 storey	20m	—
	2. On sites located outside the <b>PPH Zone height mapped area</b>	6m	1 storey	12m	—
X.	<u>CBD Edge Commercial North Zone</u> <b>{CMU 551.15}</b>	6m	1 storey	<del>16m</del> 20m <b>{CMU 551.15}</b>	—
iv.	<u>CBD Edge Commercial South</u> <b>{CMU 551.15}</b> Zone	6m	1 storey	16m	—
v.	Smith Street and York Place Zone	8m	2 storeys	12m	3 storeys
vi.	Trade Related Zone	—	—	16m	—
vii.	Centres	6m	1 storey	12m	3 storeys

viii. Except:

1. Additions to scheduled heritage buildings and character-contributing buildings may exceed the maximum height limit within the Central Business District and centres zones **{CMU cl.16}** and CBD Edge Mixed Use zones, as long as that addition is:
  1. set back a minimum of 6m from the street frontage façade of the building;
  2. set back a minimum of 6m from the façade of the building which adjoins a residential or recreation zoned site; and
  3. a maximum height of 4m above the maximum height of an existing building.



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 or 5m, whichever is the lesser.

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

**Figure X: {CMU cl.16} PPH Zone Height Mapped Area**



**Note 18.6.6.2A - Other relevant District Plan provisions {CMU 308.297}**

1. The performance standard for Height for the Harbourside Edge Zone is included in Rule 18.6.18.1. **{CMU 308.297}**

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

**18.6.7.1 Hazard exclusion areas (swale mapped area)**

Development activities New buildings and structures and additions and alterations **{NH cl.16}** in the Rural Centre Zone located in a **swale mapped area** must comply with Rule 11.3.1.1.

<sup>1</sup> **NH cl.16:** Rule reworded to be consistent with Rule 11.3.1.

**18.6.7.2 Maximum area of vegetation clearance in the hazard overlay zones**

Vegetation clearance in the Hazard 1 (land instability) Overlay Zone or Hazard 2 (land instability) Overlay Zone must comply with Rule 11.3.2.

**18.6.7.3 Minimum floor level {NH 917.27, NH 947.53 and others}**

New buildings (including residential buildings) to be used for sensitive activities in the Hazard 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}~~

#### 18.6.7.4 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.~~

### 18.6.8 Hazardous Substances Quantity Limits and Storage Requirements

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

### 18.6.9 Location and Screening of Car Parking

1. ~~Any parking areas (including stand-alone car parking) on a site {CMU cl.16} Within a heritage precinct (except View Street Heritage Precinct) or on sites that contains adjoin {CMU cl.16} a primary pedestrian street frontage mapped area, new extensions to parking areas {CMU.cl16} must be located {CMU cl.16} behind or within a building. that meets Rule 18.5.4.1. {CMU cl.16}~~
2. ~~In all other locations, any parking areas (including stand-alone car parking) {CMU cl.16} on a site must be either located behind or within a building, or separated from the street frontage by a minimum 1.5m wide landscaping strip that meets Rule 18.6.1. (Boundary treatments and other landscaping) {CMU cl.16}~~
3. ~~Parking areas that contravene this performance standard are a non-complying activity.~~

#### **Note 18.6.9A Other relevant District Plan provisions {CMU cl.16}**

Car parking that is provided within a building is subject to the performance standards for new buildings. Within a primary pedestrian street frontage there are also restrictions on the activities that can occupy the ground floor facing the primary pedestrian street frontage (Rule 18.5.4.1) {CMU cl.16}

### 18.6.10 Location and Screening of Outdoor Storage

1. ~~Outdoor storage of raw materials associated with industrial activities must be located or screened so it is not visible from ground level of a public place or a residential or recreation zoned property.~~
2. ~~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.~~
3. ~~Outdoor storage, including service areas, must not encroach into required parking, loading or landscaping areas.~~
4. ~~Materials stored outside must be stored in a way that prevents them contaminating any off-site area.~~
5. ~~Activities that contravene this performance standard are restricted discretionary activities.{PO cl.16}~~

### 18.6.11 Materials and Design

~~Repairs and maintenance, restoration, and earthquake strengthening that affect the protected part of a scheduled heritage building or structure, or if in a heritage precinct that are visible from an adjoining public place, {CMU cl.16} must comply with Rule 13.3.2.~~

### 18.6.12 Minimum Glazing and Building Modulation

Buildings which face street frontage **{CMU cl.16}**

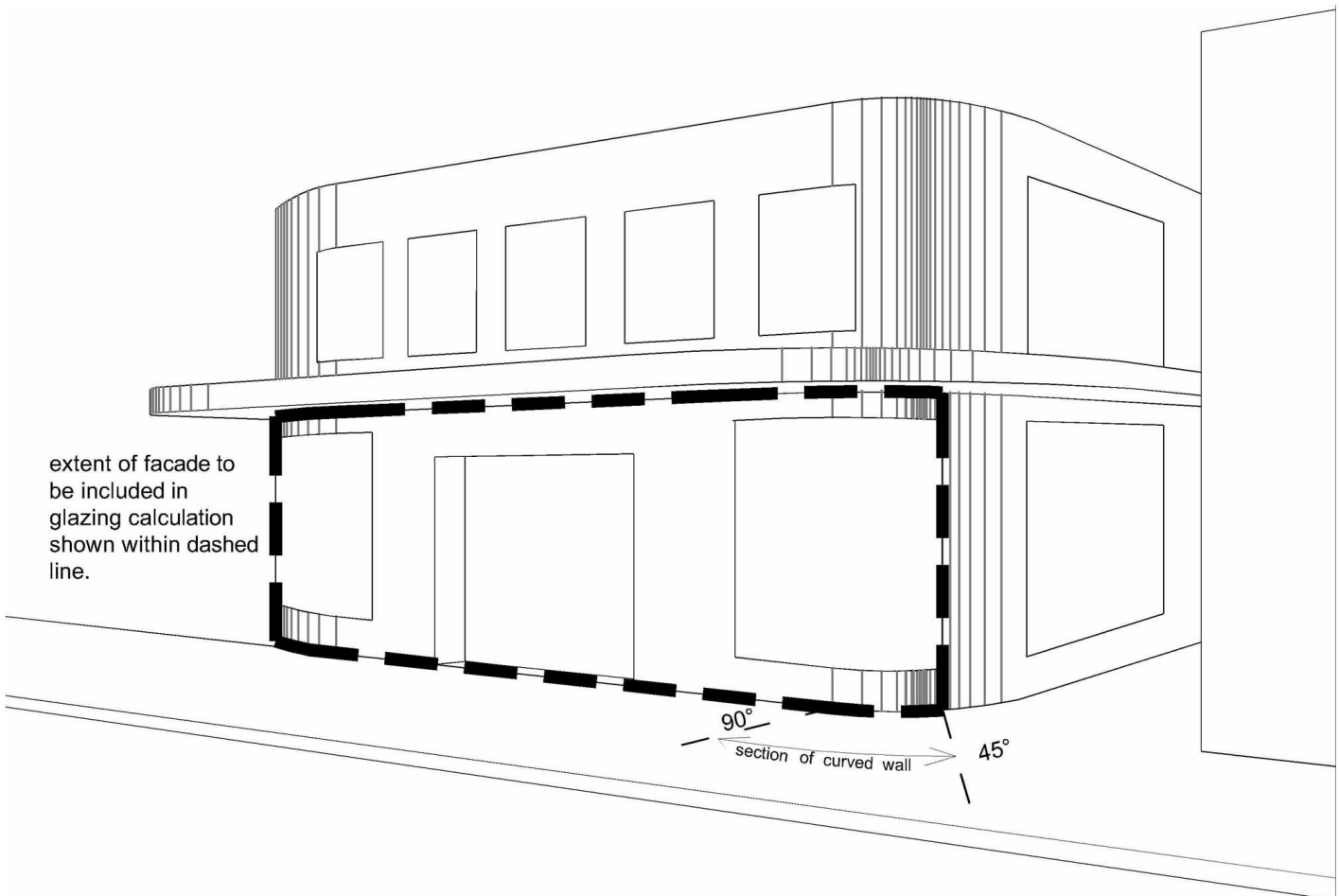
1. The minimum building modulation and minimum glazing requirements for any parts of a new building or additions and alterations to a building which face, and are visible from, the following street frontages, is as follows:

Street frontage		i. Floor level	ii. Maximum distance between building modulation elements	iii. Minimum glazing
a.	<b>Primary pedestrian street frontage mapped area</b>	i. Ground floor	10m	60%
		ii. Upper floors	10m	30%
b.	<b>Secondary pedestrian street frontage mapped area</b>	i. Ground floor	15m	30%
		ii. Upper floors	15m	20%
c.	Other street frontage	i. All floors	20m, or	20%

2. Buildings must meet both the building modulation and minimum glazing standards in **pedestrian street frontage mapped areas**; in all other street frontages, they must only meet one of the standards. **{CMU cl.16<sup>1</sup>}**
3. The required glazing will be calculated as a percentage of the total wall area (from floor to ceiling) that faces the street 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 street frontage (see Figure 18.6F).
4. Ground floor glazing within the **primary pedestrian street frontage mapped area** must be clear (unobstructed from signage, glass frosting or other materials attached to the glazing that prevents glazing being visually permeable) for a minimum of 50% of the glazed area.
5. This standard does not apply to scheduled heritage buildings or within the Trade Related Zone.
6. Activities that contravene this performance standard are restricted discretionary activities. **{PO cl.16}**

<sup>1</sup> **CMU cl.16:** Clause added to assist in interpreting the rule.

Figure 18.6F: Extent of building façade included in minimum glazing calculation



### 18.6.13 Minimum Ground Floor to Ceiling Height

1. New buildings, and additions and alterations adjacent to a **primary pedestrian street frontage mapped area** must have a minimum ground floor to ceiling height of 4m for a minimum depth of 6m from the front of the building along the **primary pedestrian street frontage mapped area**.
2. Activities that contravene this performance standard are restricted discretionary activities. **{PO cl.16}**

### 18.6.14 Number, Location and Design of Ancillary Signs

#### 18.6.14.1 General

- a. Signs visible from a public place must meet all of the following performance standards, except that regulatory signs, directional signs and warning signs that do not exceed 0.25m<sup>2</sup> are exempt from these standards. **{CMU 271.18}**
- b. Signs located on or above the footpath **{CMU cl.16}** must also **{PO cl.16}** comply with:
  - i. Rule 6.7.2 where located on or above the footpath; and
  - ii. Rule 6.7.3 where visible from a road.
- c. ~~Signs must be ancillary signs.~~ **{PO cl.16}**
- d. Signs must not be flashing within pedestrian street frontage mapped areas, heritage precincts and the Harbourside Edge Zone and must not be illuminated or digital within pedestrian street frontages, heritage precincts and the Harbourside Edge Zone. **{CMU 271.16}**

- e. Signs higher than 4m above ground level must only display the business name.
- f. Signs related to restaurants ancillary to food and beverage retail 1,500m<sup>2</sup> or more in gross floor area, or trade related retail, in the Trade Related Zone must not be externally facing (i.e. must not be visible from a public place). **{CMU 713.6}**
- g. Signs that contravene the performance standard for number, location and design of ancillary signs are restricted discretionary activities.**{PO cl.16}**

<sup>1</sup> **PO cl.16:** Amended to reflect requirements of Rule 6.7.2

<sup>2</sup> **PO. cl.16:** Deleted as definition of “Signs” amended to clarify how different signs are managed in the Plan.

#### 18.6.14.2 Signs attached to buildings

- a. The height, above ground level, at the highest point of any sign, attached to a building is:
  - i. 4m within **pedestrian street frontage mapped areas**, heritage precincts and the Harbourside Edge Zone; and
  - ii. 8m in all other locations.
- 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 be made of a solid material and may not be in the form of a flag, banner or other type of fabric sign in the **pedestrian street frontage mapped areas**, heritage precincts and the Harbourside Edge Zone.

#### 18.6.14.3 Signs attached flat against buildings (including verandah fascia)

- a. The maximum area of walls facing the street that signs may occupy (excluding signs in windows) is:
  - i. 50% of the area up to 4m or the bottom of a verandah, whichever is the lesser, in **pedestrian street frontage mapped areas**, heritage precincts and the Harbourside Edge Zone (see Figure 18.6G) **{CMU cl.16}**; and
  - ii. 15% or 8m<sup>2</sup>, whichever is the lesser, in all other locations.
- b. Signs attached to a verandah fascia must not exceed a height of 500mm, or the height of a verandah fascia, whichever is greater.

#### 18.6.14.4 Signs attached at a right angle to the façade of a building (including attached to the underside of a verandah)

- a. Signs must not exceed:
  - i. a maximum of 1 per 5m of street frontage, in **pedestrian street frontage mapped areas**, heritage precinct or in the Harbourside Edge Zone (see Figure 18.6G) **{CMU cl.16}**;
  - ii. a maximum of 1 per 15m of street frontage, for a site with a single premise, or 1 per 7.5m, for a site with multiple premises; and
  - iii. in all locations, a total of 3 signs per building.
- b. Signs must have a maximum of 2 display faces.
- c. Signs must have a maximum area per display face of:
  - i. 1.5m<sup>2</sup> in **pedestrian street frontage mapped areas**, heritage precinct or in the Harbourside Edge Zone; and
  - ii. 2m<sup>2</sup> in all other locations.
- d. Signs must not protrude from a façade more than:



- i. 1m in **pedestrian street frontage mapped areas**, heritage precinct or in the Harbourside Edge Zone; and
- ii. 1.5m in all other locations.

#### 18.6.14.5 Portable freestanding signs on footpaths

- a. Portable freestanding signs on footpaths are only allowed for premises that have no ground floor street frontage (other than entranceways) in:
  - i. **pedestrian street frontage mapped areas**, heritage precinct or in the Harbourside Edge Zone; and
  - ii. CBD and centres zones {CMU cl.16} (outside **pedestrian street frontage mapped areas** and heritage precincts) and the PPH and CEC zones.
- b. Portable freestanding signs on footpaths must not exceed:
  - i. a maximum height of 900mm above ground level; and
  - ii. a maximum width of 600mm.
- c. Portable freestanding signs on footpaths must be spaced at least 5m from any other portable sign.
- d. Portable freestanding signs on footpaths must not exceed 1 sign per site, except where a site has a street frontage of 30m or more, then a maximum of 1 sign per 15m of street frontage is allowed **{CMU cl.16}**.
- e. In the Trade Related Zone, portable signs on footpaths are not allowed.

#### 18.6.14.6 Freestanding signs

- a. The maximum number of freestanding signs is:
  - i. 1 per site in **pedestrian street frontage mapped areas**, heritage precincts or the Harbourside Edge Zone; and
  - ii. 2 per site or 1 per 50m of street frontage, whichever is the lesser, for permanently fixed freestanding signs, and ~~1 per 15m of street frontage for portable freestanding signs~~ **{CMU cl.16}** in all other locations.
- b. The maximum dimensions of freestanding signs are:
  - i. In **pedestrian street frontage mapped areas**, heritage precincts or the Harbourside Edge Zone **{CMU cl.16}**:
    - 1. maximum height of 4m;
    - 2. maximum area of 3m<sup>2</sup> per display face;
    - 3. maximum width of 2m; and
    - 4. maximum depth of 400mm **{PO cl.16}**.
  - ii. In Trade Related Zone (see Figure 18.6.I) **{CMU cl.16}**:
    - 1. maximum height of 8m for permanently fixed freestanding signs;
    - 2. maximum height of 4m for portable freestanding signs;
    - 3. maximum area of 16m<sup>2</sup> per display face for permanently fixed freestanding signs;
    - 4. maximum area of 8m<sup>2</sup> per display face for portable freestanding signs;
    - 5. maximum width of 2m; and
    - 6. maximum depth of 400mm.
  - iii. In all other locations (see Figure 18.6.H) **{CMU cl.16}**:
    - 1. maximum height of 6m for permanently fixed freestanding signs;



2. maximum height of 4m for portable freestanding signs;
3. maximum area of 12m<sup>2</sup> per display face for permanently fixed freestanding signs;
4. maximum area of 8m<sup>2</sup> per display face for portable freestanding signs;
5. maximum width of 2m; and
6. maximum depth of 400mm.

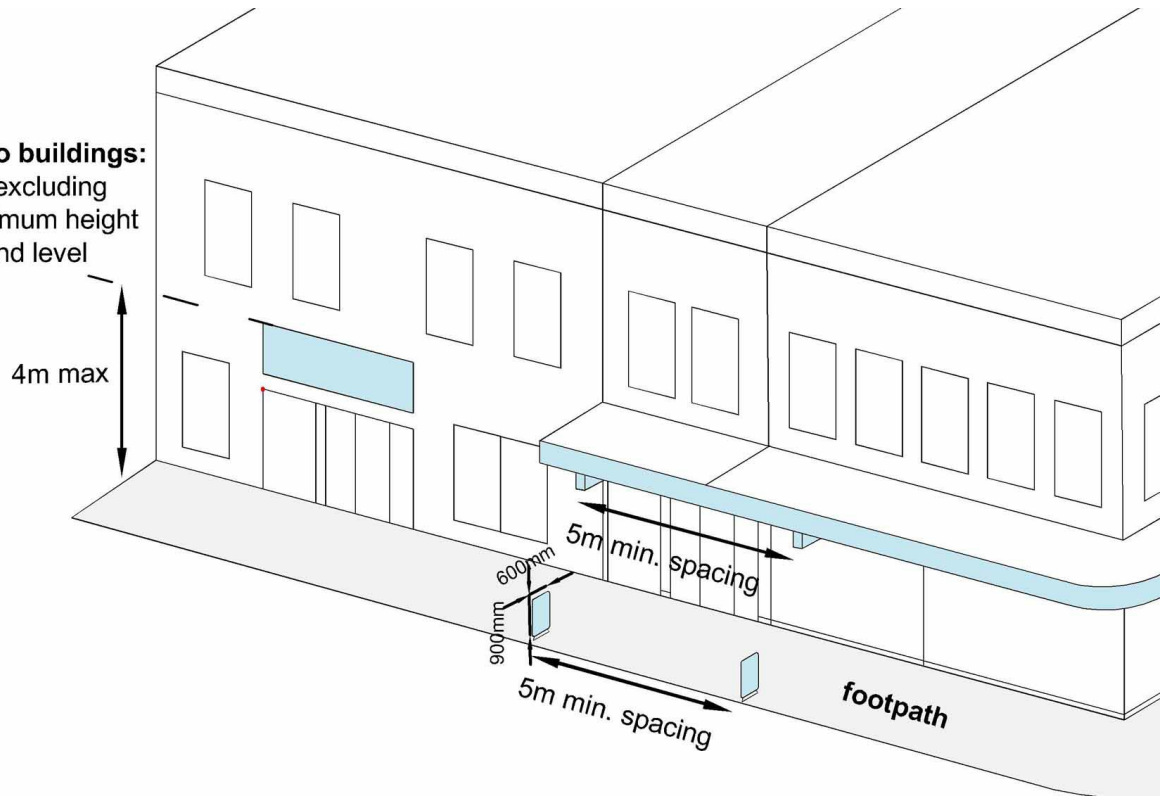
c. Freestanding signs must:

- i. ~~not obstruct parking or manoeuvring areas; and not obstruct parking, loading and access areas; and~~  
**{PO cl.16}**
- ii. be positioned entirely within site boundaries, except:
  1. flag signs within the CBD and centres zones (outside **pedestrian street frontage mapped areas** and heritage precincts) and within PPH, CEC and TR zones may project a maximum of 1.5m over a footpath if the flag sign is located at least 2.5m, at its lowest point, above the footpath; and
  2. portable freestanding signs on footpaths provided for in Rule 18.6.14.5 {CMU cl.16}



Figure 18.6G: Signs in **pedestrian street frontage mapped areas**, heritage precincts and Harbourside Edge Zone

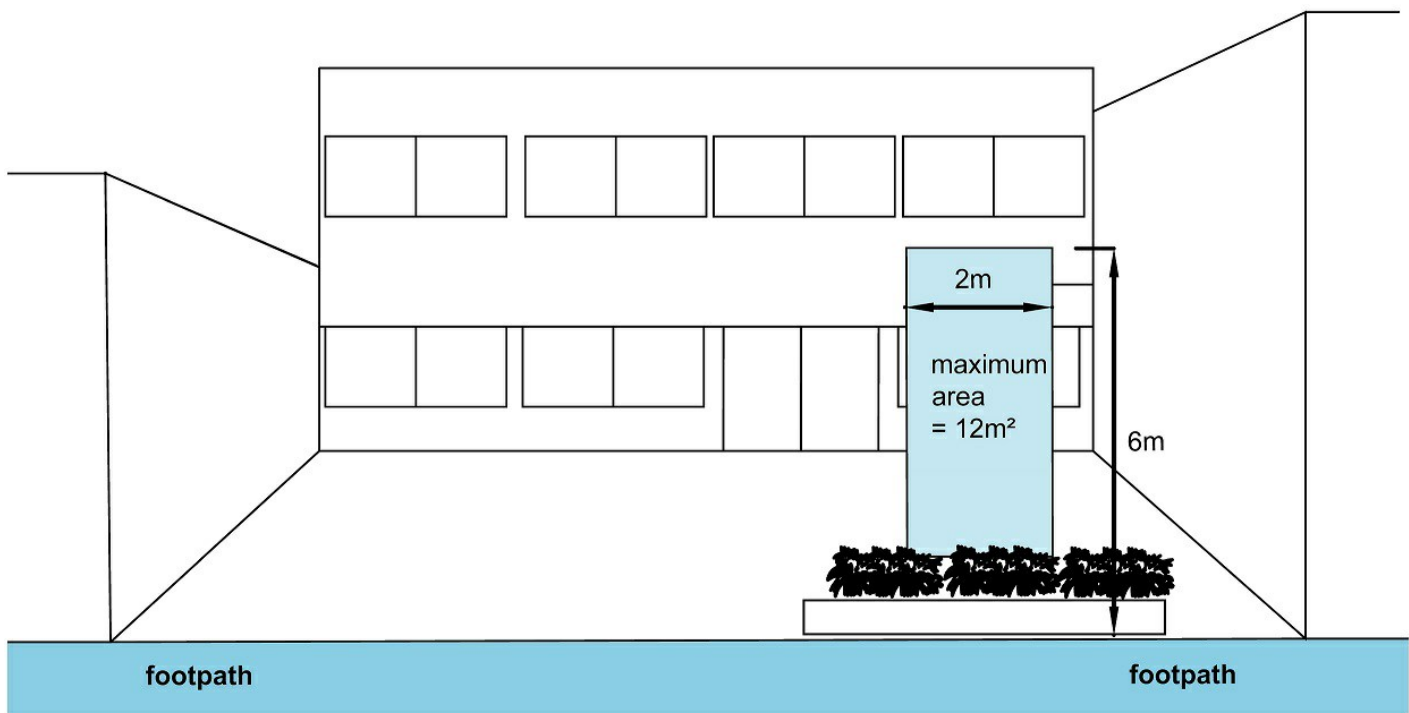
**Signs attached to buildings:**  
50% of wall area(excluding  
glazing) at a maximum height  
of 4m above ground level



**Signs attached to buildings:**  
15% of wall area (excluding glazing) at a maximum height of 8m above ground level

The diagram shows a building facade with a sign attached. The sign is 2m wide and 8m high. The building has a maximum height of 8m above ground level. A footpath is shown in front of the building, with a minimum spacing of 15m between signs. A 4m high signpost is also indicated.

Figure 18.6H: Signs in ~~pedestrian-street frontage mapped areas~~, heritage precincts and Harbourside Edge Zone  
all other locations **{CMU cl.16}**



**Note 18.6B.14A - Other relevant District Plan provisions**

1. Commercial advertising is a non-complying land use activity in all zones, except for the 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.
4. Illuminated signs must comply with the standards in Rule 6.7.3. **{CMU 271.16}**

**Note 18.6G.14B - 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
2. Contact customer services on 477 4000 or go to [www.dunedin.govt.nz](http://www.dunedin.govt.nz) for further information. **{PO cl.16}**

### 18.6.15 Parking, Loading and Access Standards

1. Parking, loading and access must comply with Rule 6.6.
2. New vehicle accesses are not allowed on any **primary pedestrian street frontage mapped area**.
3. Contravention of Vehicle accesses that contravene the {CMU cl.16} performance standard in Rule {CMU cl.16} 18.6.15.2 are a non-complying activity.

### 18.6.16 Pedestrian Entrances

1. For new buildings and additions and alterations to buildings built adjacent to a **primary pedestrian street frontage mapped area** or **secondary pedestrian street frontage mapped area**:
  - a. the principal pedestrian entrance must be located on the **pedestrian street frontage mapped area**; and
  - b. if a building is adjacent to both a **primary pedestrian street frontage mapped area** and a **secondary pedestrian street frontage mapped area**, the principal pedestrian entrance must be located on the primary pedestrian street frontage.
  - c. Activities that contravene this performance standard are restricted discretionary activities. {PO cl.16}

### 18.6.17 Setbacks

#### 18.6.17.1 Setback from road boundaries

- a. New buildings and additions and alterations to buildings must be built within 400mm of any road boundary that is a **primary pedestrian street frontage mapped area** (i.e. they must occupy the full width of the site, parallel to the road boundary) **{CMU cl.16}**, for the entire length of the **primary pedestrian street frontage mapped area**, except:
  - i. a setback of up to 1.5m for a maximum width of 3m may be provided to allow for a recessed pedestrian entrance; and **{CMU cl.16}**
  - ii. a gap adjacent to the side boundary of up to 3m may be provided to allow for a publicly-accessible pedestrian connection from the street, to an existing or proposed public walkway, road, reserve or other public place (see Figure 18.6J); and **{CMU 740.7}**
  - iii. on any part of a site that adjoins a residential or recreation zone and where Rule 18.6.17.2 (setback from boundaries of residential or recreation zone) applies. {CMU 740.7}
- b. New buildings or additions and alterations to buildings must be built within 400mm of any road boundary that is a **secondary pedestrian street frontage mapped area** for 60% of the length of the **secondary pedestrian street frontage mapped area**, except a setback of up to 1.5m for a maximum width of 3m may be provided to allow for a recessed pedestrian entrance.
- c. On a **secondary pedestrian street frontage mapped area**, any part of a building that is not built within 400mm of the street frontage, must be set back a minimum of 1.5m from the street frontage in order to meet Rule 18.6.1.
- d. Activities that contravene this performance standard are restricted discretionary activities. {PO cl.16}

#### 18.6.17.2: Setback from boundaries of residential or recreation zoned sites

- a. Along any boundaries that adjoin a residential or recreation zone, all new buildings or additions and alterations to buildings must have a minimum boundary setback of 3m.
- b. Activities that contravene this performance standard are restricted discretionary activities. {PO cl.16}

#### 18.6.17.3: Setback from scheduled tree

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.

<sup>1</sup> **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.

#### 18.6.17.4: Setback from coast and water bodies

New buildings and structures, additions, alterations and ~~earthworks—large scale~~, **{EW cl.16'}** storage and use of hazardous substances must comply with Rule 10.3.3.

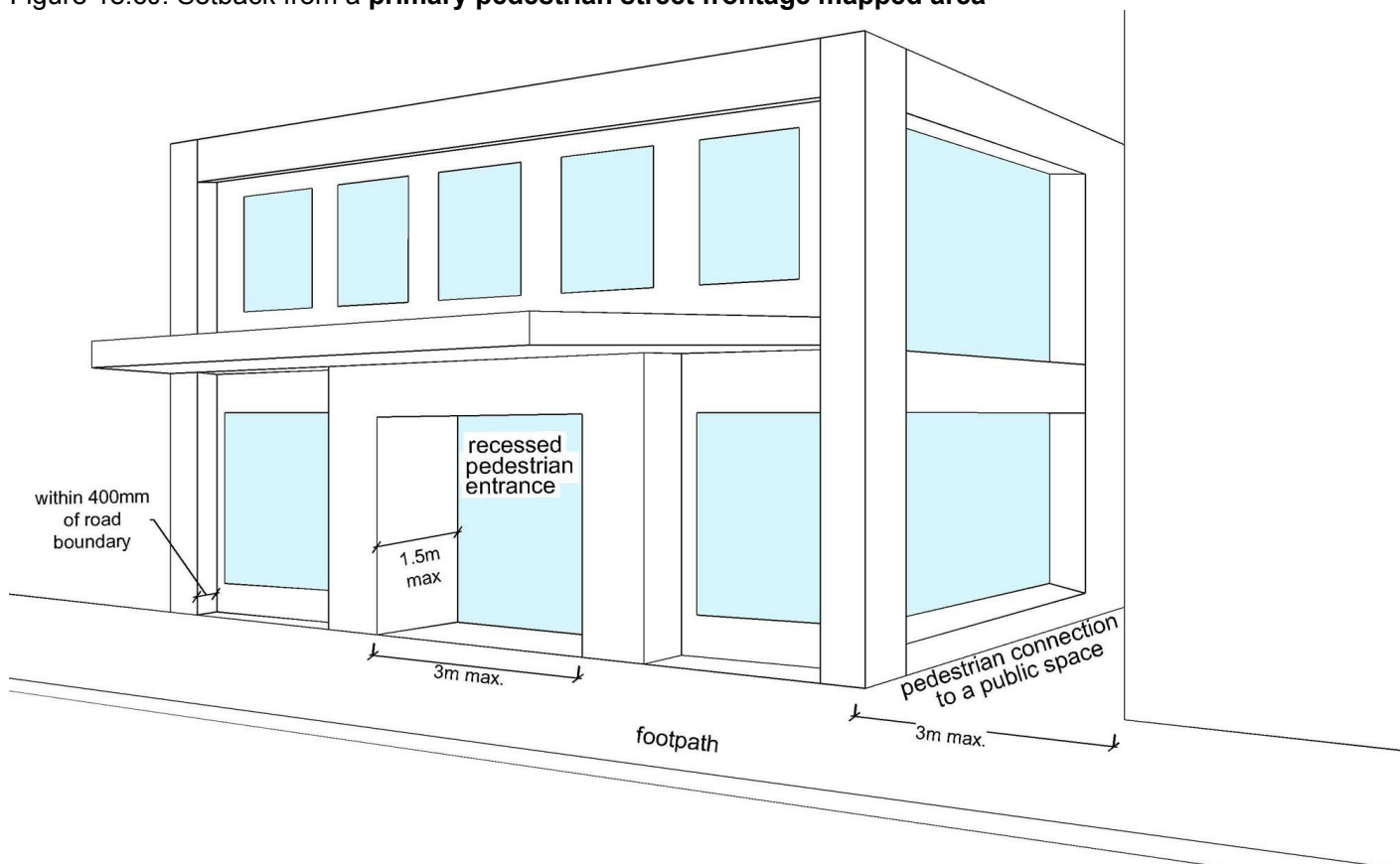
<sup>1</sup> **EW cl.16:** As a clause 16 amendment, reference to earthworks in the setback from coast and water bodies standards in all management and major facility zones have been moved to setback standards in the new city-wide section (Rule 8A.5.10). Any amendments to provisions as a result of submissions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

#### 18.6.17.5 Setback from National Grid

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'}**

<sup>1</sup> **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.

Figure 18.6J: Setback from a **primary pedestrian street frontage mapped area**



#### 18.6.18 Harbourside Edge Zone Standards {Was "Standards Harbourside Edge" - CMU cl.16}

The following standards apply only within the Harbourside Edge Zone. {CMU cl.16}

1. Buildings must be built to within 400mm of the road boundary along Birch and Kitchener streets, except for any setbacks required to allow pedestrian entrances. {CMU 908.101}
2. Buildings must: {CMU cl.16}
  - a. along Birch Street, have a minimum height of 6m and maximum height of 20m {CMU cl.16}
  - b. along Kitchener Street have a minimum height of 6m and a maximum height of 16m {CMU cl.16}

1. New buildings must comply with the following: {CMU cl.16}

Area {CMU cl.16}	Minimum Height {CMU cl.16}	Maximum Height {CMU cl.16}
Harbourside edge height mapped area {CMU cl.16}	6m {CMU cl.16}	20m {CMU cl.16}
Harbourside Edge Zone outside the harbourside edge height mapped area {CMU cl.16}	6m {CMU cl.16}	16m {CMU cl.16}
Harbourside Edge Transition Overlay Zone (when it is released) {CMU cl.16}	6m {CMU cl.16}	16m {CMU cl.16}

2. New Buildings and structures and additions and alterations {CMU 908.100} must be designed to provide free and unfettered public enable public pedestrian {CMU 908.100} access (via pedestrian accessways) through



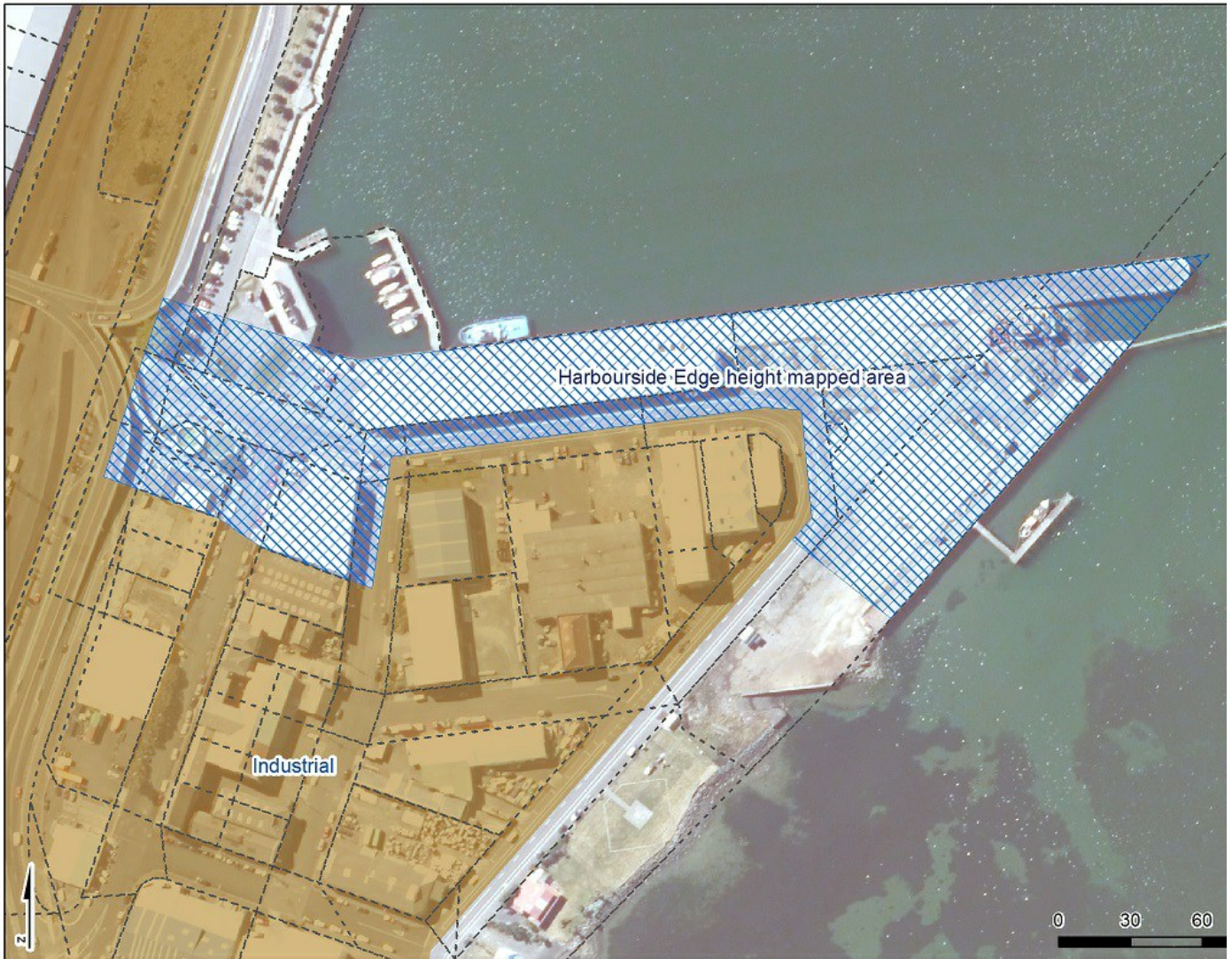
sites **{CMU 908.100}** from Birch and Kitchener streets to the public walkway required in Rule 18.6.18.35, **{CMU 908.100}** at a minimum of three locations, as follows:– The public accessways: **{CMU 908.100}**

- a. one accessway must be located within 5m of the 'Roberts Street public accessway' locations shown on Figure 18.6.18.B; and green in the harbourside edge public walkway and access mapped area: {CMU 908.100}
  - b. two further accessways must be located in the general area of the 'other public accessways' shown on Figure 18.6.18.B; and {CMU 908.100}
  - c. the accessways {CMU 908.100} must be available; {CMU cl.16} for public use at a minimum; {CMU cl.16} between the hours of 8am and 10pm; and
  - d. the accessways {CMU 908.100} may be either {CMU cl.16} external to or internal to (through) buildings. {CMU 908.100}
3. ~~Buildings must be setback from the harbour edge an adequate distance to provide for the public walkway required by Rule 18.6.18.5: {CMU 908.101}~~
4. ~~Before~~ Prior to the occupation of **{CMU cl.16}** any new building on a site is occupied, **{CMU cl.16}** a public walkway of a minimum width of 5m must be constructed either must be provided along the full length of the seaward side of the site in the general location of the harbourside edge public walkway mapped area (see also Figure 18.6.18.B). The public walkway must be either: {CMU cl.16}
- a. along the wharf, if it is upgraded to a safe standard; or
  - b. along the land between the external seaward wall of the building and mean high water springs immediately adjacent to the harbour; or {CMU cl.16}
  - c. partly along the wharf and partly on the land between the external seaward wall of the building and mean high water springs. {CMU cl.16}
5. The public walkway required by Rule 18.6.18.35 **{CMU cl.16}** must:
- a. have a minimum width of 5m; {CMU cl.16}
  - b. be designed and located to enable the continuation of the walkway into any adjacent site where it is required by this plan; {CMU 908.101}
  - c. be for the length shown red in the harbourside edge public walkway and access mapped area; {CMU 908.101}
  - d. be free of all obstructions to pedestrian movement buildings or structures; {CMU 908.101}
  - e. not be used by vehicles, except for using or accessing the slipway, or vehicles being used for maintenance of the wharf, the walkway or any adjacent structure or building; {CMU 908.101}
  - f. be constructed with an asphalt a non-slip finish or of the same materials as with materials complementary in colour to the materials used for {CMU 908.101} the adjoining sections of walkway, if already constructed; and
  - g. be lit to the Lighting Lighting {CMU cl.16} for roads and public spaces Roads and Public Spaces {CMU cl.16} AS/NZS 1158.3.1:2005, P4 Standard.
6. Activities that contravene rules 18.6.18.1, and 18.6.18.2, or 18.6.18.5 are a restricted **{CMU 908.101}** discretionary activity.
7. Activities that contravene Rule 18.6.18.34 to 18.6.18.6 **{CMU 908.101}** are a non-complying activity.

<sup>1</sup> **CMU cl. 16:** As a minor amendment under cl. 16 this rule has been re-ordered and minor wording changes made for clarification purposes

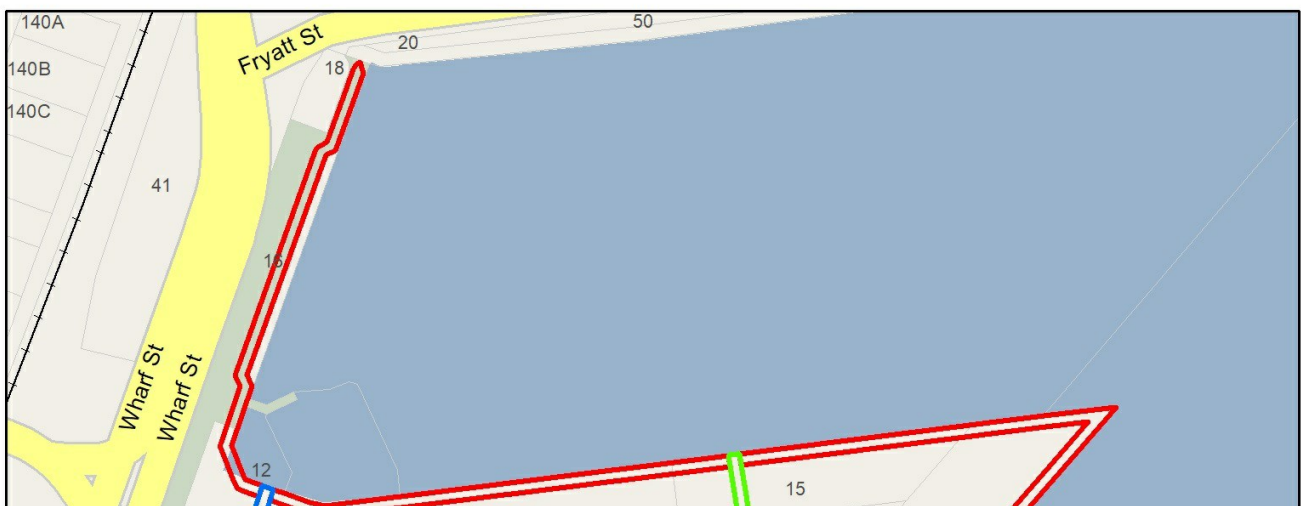


**Figure 18.6.18.A Harbourside Edge Height Mapped Area {CMU cl.16}**



<sup>1</sup> **CMU cl16:** This figure is added under cl.16 to assist in interpreting Rule 18.6.18.1

**Figure 18.6.18.B Harbourside edge public walkway and Access mapped area and location of accessways {CMU 908.100'}**





<sup>1</sup> **CMU cl 16:** Minor amendments have been made to this figure to reflect changes to Rule 18.6.18

### 18.6.19 Verandahs

1. Buildings along a **primary pedestrian street frontage mapped area**, except within the St Clair Neighbourhood Destination Centre, {CMU 826.16} must have a verandah that:
  - a. extends the full length of building frontage along the **primary pedestrian street frontage mapped area {CMU cl.16}** and adjoins its neighbours (except across any existing vehicle access) to provide continuous pedestrian cover of the footpath;
  - b. has a maximum depth of 3m or is no closer than 500mm from the adjacent kerb (whichever is the lesser);
  - c. the bottom of which is between 3m and 4m above the footpath;
  - d. has a fascia that is no higher than 500mm;
  - e. provides under lighting unless the building provides lighting of the footpath under the verandah; and
  - f. on corner sites, continues around the corner for the full length of the **primary pedestrian street frontage mapped area**.
2. Along a **secondary pedestrian street frontage mapped area**, except within the Warehouse Industrial Commercial Heritage Precinct, buildings must have a verandah that covers the full width of the main pedestrian entrance.
3. Scheduled heritage buildings that do not have an existing verandah are exempt from this standard.
4. Activities that contravene this performance standard are restricted discretionary activities. {PO cl.16}



## **18.7 Subdivision Performance Standards**

### **18.7.1 Access**

Subdivision activities must comply with Rule 6.8.1.

### **18.7.2 Esplanade Reserves and Strips**

Subdivision activities must comply with Rule 10.3.1.

### **18.7.3 Fire Fighting**

Subdivision activities must comply with Rule 9.3.3.

### **18.7.4 Service Connections**

Subdivision activities must comply with Rule 9.3.7.

### **18.7.5 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 100m<sup>2</sup> 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, ~~national grid~~ **{NU 806.11}**; 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~~ **{NU 806.11}**:
  - a. not contain **{NU 806.11}** scheduled heritage buildings or structures; or
  - b. not contain **{NU 806.11}** right-of-way easements.
  - c. be located at least 12m from the outer edge of a National Grid support structure or centreline of an overhead National Grid transmission line. **{NU806.11}**
3. For unreticulated areas, resultant sites must provide for a waste disposal area to be located at least 50m from any water body and Mean High Water Springs. **{PHS 1071.56}**
4. Sites created and used solely for the following purposes are exempt from the shape standard:
  - a. Scheduled ASGV ASBV **{NatEnv 958.60}** or QEII covenant;
  - b. reserve;
  - c. access;
  - d. network utility; or
  - e. road.
5. Subdivision activities that do not meet this standard are restricted discretionary activities, except that subdivision activities that do not meet Rule 18.7.5.2.c are non-complying activities. **{NU806.11}**

## **Rule 18.8 Assessment of Controlled Activities**

### **Rule 18.8.1 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 18.8.2:
  - 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 18.9; 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 18.11; 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 18.12; and
    - iii. the assessment guidance in this section will also be considered.

## 18.8.2 Assessment of controlled development activities

Activity	Matters of control	Guidance on the assessment of resource consents
<p>1. <u>Affecting a scheduled heritage building or a scheduled heritage structure: {Her cl.16}</u></p> <ul style="list-style-type: none"> <li>• Earthquake strengthening that affects a protected part of a scheduled heritage building or scheduled heritage structure, where external features only are protected; or</li> <li>• 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}</li> </ul>	<p>a. Effects on heritage values</p>	<p>See Rule 13.4</p>
<p>2. <u>In a heritage precinct, additions and alterations to a non character-contributing building that involve: {Her 308.358}</u></p> <ul style="list-style-type: none"> <li>• <u>an increase in the footprint of 10m<sup>2</sup> or more; or {Her 308.358}</u></li> <li>• <u>an increase in the height of the building by more than 2m. {Her 308.358}</u></li> </ul>	<p>a. Effect on heritage streetscape character {Her 308.358}</p>	<p>See Rule 13.4 {Her 308.358}</p>

## **Rule 18.9 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)**

### **Rule 18.9.1 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 18.9.2 - 18.9.6:
  - a. list the matters Council will restrict its discretion to; and
  - b. provide guidance on how consent applications will be assessed, including:
    - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
    - ii. potential circumstances that may support a consent application;
    - iii. general assessment guidance; and
    - iv. conditions that may be imposed.
3. Rules 18.9.2 - ~~18.9.6~~ apply as follows: ~~18.9.5~~ apply to performance standards in the commercial and mixed use zones; ~~Rule 18.9.6~~ contains additional provisions that apply to performance standards in **pedestrian street frontage mapped areas**, overlay zones, heritage precincts, and affecting a scheduled item. **{CMU cl.16}**
  - a. Rule 18.9.2 applies to all performance standard contraventions;
  - b. Rule 18.9.3 applies to land use performance standard contraventions;
  - c. Rule 18.9.4 applies to development performance standard contraventions;
  - d. Rule 18.9.5 applies to subdivision performance standard contraventions; and
  - e. Rule 18.9.6 applies to restricted discretionary performance standard contraventions in a pedestrian street frontage, overlay zone, mapped area, heritage precinct, or affecting a scheduled item. **{CMU cl.16}**



### 18.9.2 Assessment of all performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. Performance standard contraventions	<p><i>Potential circumstances that may support a consent application include:</i></p> <ol style="list-style-type: none"> <li>The degree of non-compliance with the performance standard is minor.</li> <li>Topography or other site specific factors make the standard irrelevant as the adverse effects that the standard is trying to manage will not occur.</li> <li>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> <li>There are positive effects on heritage values related to better site design outcomes achieved through not meeting the performance standards.</li> </ol> <p><i>General assessment criteria:</i></p> <ol style="list-style-type: none"> <li>Where more than one standard is contravened, the combined effects of the contraventions should be considered.</li> <li>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.</li> </ol>

### 18.9.3 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. Maximum gross floor area of centre <b>{CMU cl.16}</b> (Rule 18.5.5.1)	a. Effects on the vibrancy, and economic and social success of CBD and centres	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> <li>Objective 18.2.1</li> <li>Activities in neighbourhood and rural centres: <ol style="list-style-type: none"> <li>are not a destination retail activities activity <b>{PO cl.16}</b> designed to attract customers from across suburbs, which are more appropriately located in the CBD or other central city commercial and mixed use <b>{CMU cl.16}</b> zones; and</li> <li>do not dominate the centre and reduce the diversity of different activities that are able to establish within the centre (Policy 18.2.1.8).</li> </ol> </li> </ol>

### 18.9.3 Assessment of land use performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
3. Maximum gross floor area of dairies	a. Effects on the vibrancy, and economic and social success of CBD and centres	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 18.2.1</li> <li>ii. Dairies in the WP, SSYP, HE, and PPH zones <b>{CMU cl.16}</b> are of a size that ensures they operate as a convenience store rather than a destination supermarket (Policy 18.2.1.12).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. The dairy serves the local neighbourhood and primarily sells day-to-day convenience food, beverage and house consumables, for example milk and bread.</li> </ul>
4. Maximum gross floor area of retail ancillary to industry	<p>a. Effects on the vibrancy, and economic and social success of CBD and centres</p> <p>b. Effects on ability of other commercial and industrial activities to operate</p>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 18.2.1</li> <li>ii. The <u>scale size</u> <b>{CMU cl.16}</b> of retail ancillary to industry: <ul style="list-style-type: none"> <li>1. is clearly subordinate to and part of the operation of the primary <u>industrial industry</u> <b>{Ind cl.16}</b> activity;</li> <li>2. does not conflict with objectives 2.3.2 and 2.4.3; and</li> <li>3. does not create adverse effects on other industrial activities, for example from traffic, parking, or reverse sensitivity effects <b>{PO 1046.5}</b> (Policy 18.2.1.7).</li> </ul> </li> </ul>
5. Minimum car parking	<p>a. Effects on accessibility</p> <p>b. Effects on the safety and efficiency of the transport network</p>	See Rule 6.9
6. <ul style="list-style-type: none"> <li>• Minimum vehicle loading</li> <li>• Service station standards</li> </ul>	a. Effects on the safety and efficiency of the transport network	See Rule 6.9
7. <u>Location of residential activities</u> <b>{CMU 1024.4}</b>	a. <u>Reverse sensitivity effects</u> <b>{CMU 1024.4}</b>	<p><i>Relevant objectives and policies:</i> <b>{CMU 1024.4}</b></p> <ul style="list-style-type: none"> <li>i. <u>Objective 18.2.2</u> <b>{CMU 1024.4}</b></li> <li>ii. <u>The potential for reverse sensitivity is avoided or, if avoidance is not practicable, adequately mitigated</u> (Policy 18.2.2.11). <b>{CMU 1024.4}</b></li> </ul>

#### 18.9.4 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	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 18.2.3</li> <li>ii. Development maintains or enhances streetscape amenity by ensuring: <ul style="list-style-type: none"> <li>1. an attractive street interface is maintained through landscaping where buildings are not built to the street frontage (Policy 18.2.3.1.a); and</li> <li>2. large parking areas which are visible from the street are visually broken up with internal landscaping, which also provides for rainwater absorption (Policy 18.2.3.1.b).</li> </ul> </li> </ul>
2.	<ul style="list-style-type: none"> <li>• Boundary treatments and other landscaping</li> <li>• Height in relation to boundary</li> <li>• Setback from boundaries of <b>{CMU cl.16}</b> residential and recreation zoned sites</li> </ul>	a. Effects on amenity of sites in adjoining residential or recreation zones	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 18.2.2</li> <li>ii. <del>Development maintains the amenity of adjoining residential, schools and recreation zoned sites by having: Buildings are of a height in relation to boundary and setback from side and rear boundaries that maintains a reasonable level of sunlight access for: {CMU cl.16}</del> <ul style="list-style-type: none"> <li>1. <del>buildings of a height in relation to boundaries and setback from side boundaries that maintains to maintain a reasonable level of sunlight access to adjoining residential and recreation zoned sites current and future residential buildings and their outdoor living spaces in adjoining residential zones {CMU cl.16} ; and</del></li> <li>2. <del>fencing along property boundaries which adjoin residential or school zoned properties to provide screening for the purposes of privacy and security sites in the Recreation and School zones {CMU cl.16} (Policy 18.2.2.3).</del></li> </ul> </li> <li>iii. <del>Fencing along property boundaries which adjoin residential or school zoned sites are of an adequate height and design to provide screening for the purposes of privacy and security (Policy 18.2.2.1). {CMU cl.16}</del></li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iv. Access to sunlight to the outdoor living space(s) and windows of bedrooms and living areas of nearby residential buildings is maintained or any reduction is minor.</li> <li>v. Access to sunlight on surrounding recreation areas is maintained or any reduction is minor.</li> <li>vi. A reasonable level of privacy is maintained for the windows, doors, and decks of any residential and visitor accommodation on surrounding residential zoned sites.</li> </ul>

#### 18.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
3.	Earthworks standards: • Batter gradient <b>{EW cl.16}</b> <sup>1</sup>	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 18.2.4 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 18.2.4.1.b).
4.	Earthworks standards: • Setback from property boundary, buildings, structures and cliffs <b>{EW cl.16}</b> <sup>1</sup>	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 18.2.4 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 18.2.4.1.a).
5.	Earthworks standards: • Setback from national grid • Setback from network utilities <b>{EW cl.16}</b> <sup>1</sup>	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 <b>{EW cl.16}</b> <sup>1</sup>	a. Effects on surrounding sites	<i>Relevant objectives and policies:</i> i. Objective 18.2.4 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 <b>{EW 1071.106}</b> (Policy 18.2.4.2.b).
		b. Effects on biodiversity values 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

#### 18.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
7.	Fence height and design	a. Effects on streetscape amenity	<i>Relevant objectives and policies:</i> i. Objective 18.2.3 ii. Fences visible from public places are designed to maintain or enhance streetscape amenity (Policy 18.2.3.6).
8.	Fire fighting	a. Effects on health and safety	See Rule 9.4
9.	Hazardous substances quantity limits and storage requirements	a. Effects on health and safety	See Rule 9.4
		b. Risk from natural hazards <b>{PO cl.16}</b>	See Rule 11.4 <b>{PO cl.16}</b>
10.	<u>Height (Rule 18.6.6.2) - maximum and minimum {CMU cl.16}</u> height	a. Effects on streetscape amenity	<i>Relevant objectives and policies:</i> i. Objective 2.4.3 ii. Objective 18.2.3 iii. <u>Development Buildings and structures maintains or enhances streetscape amenity by ensuring building height reflects the general heights of the block (Policy 18.2.3.12.da). {CMU 417.10}</u> iv. <u>Buildings and additions and alterations as part of the Dunedin Hospital redevelopment maintain or enhance streetscape amenity by ensuring buildings and structures above 20m minimise as far as practicable adverse effects of shading and wind on pedestrian amenity (Policy 18.2.3.X.b) {CMU 551.13}</u>
		<u>b. Effects on views across Otago harbour {CMU 417.10}</u>	<i>Relevant objectives and policies: {CMU 417.10}</i> i. <u>Objective 2.4.3 {CMU 417.10}</u> ii. <u>Objective 18.2.3 {CMU 417.10}</u> iii. <u>Buildings and structures 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, including through the use of quality and contextually appropriate architectural design (Policy 18.2.3.12.b). {CMU 417.10}</u>
11.	Location and screening of outdoor storage	a. Effects on streetscape amenity	<i>Relevant objectives and policies:</i> i. Objective 18.2.3 ii. Development maintains or enhances streetscape amenity by ensuring service areas and outdoor storage areas associated with industrial or other activities are not visible from ground level of a public place (Policy 18.2.3.1.c).

#### 18.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
12.	Minimum glazing and building modulation	a. Effects on streetscape amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 18.2.3</li> <li>ii. Development maintains or enhances streetscape amenity by ensuring an architecturally interesting façade through building modulation and use of glazing (Policy 18.2.3.1.e).</li> </ul>
13.	Number, location and design of ancillary signs	<p>a. Effects on streetscape amenity</p> <p>b. Effects on the safety and efficiency of the transport network</p>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 18.2.3</li> <li>ii. Ancillary signs convey information about the name, location and nature of the business to passing pedestrians and vehicles while not being oversized or too numerous for that purpose (Policy 18.2.3.7).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. An attractive streetscape is maintained.</li> <li>iv. The visual cohesion of the street is not reduced by the increase in size or number of signs.</li> </ul> <p><i>General assessment guidance: {CMU 713.6}</i></p> <ul style="list-style-type: none"> <li>v. <u>For signs that do not comply with Rule 18.6.14.1.f (the restriction on signs for restaurants ancillary to trade related retail or food and beverage retail), Council will also consider the effects in terms of Policy 18.2.1.18 and Policy 18.2.1.19. {CMU 713.6}</u></li> </ul>
14.	Parking, loading and access standards	<p>a. Effects on accessibility <b>{Trans cl.16<sup>3</sup>}</b></p> <p>b. Effects on the safety and efficiency of the transport network</p> <p>c. <u>Effects on the safety of parking and loading areas {CMU cl.16<sup>4</sup>}</u></p>	See Rule 6.9



#### 18.9.4 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 riparian margins and the coast	See Rule 10.4
	b. Effects on public access	
	c. Risk from natural hazards	See Rule 11.4
16. Setback from scheduled tree	a. Effects on long term health of tree	See Rule 7.6
17. Harbourside Edge Zone Standards (18.6.18.1) - height { <b>CMU 908.101</b> }	<p>a. Effects on views across Otago Harbour {<b>CMU 908.101</b>}</p> <p>b. Effects on amenity and character of zone {<b>CMU 908.101</b>}</p>	<p><b>Relevant objectives and policies: {CMU 908.101}</b></p> <p>i. Objectives 2.4.1, 18.2.3, Policy 2.4.1.4. {<b>CMU 908.101</b>}</p> <p>ii. Buildings and structures: {<b>CMU cl.16</b>}</p> <ol style="list-style-type: none"> <li>reflects the general heights of the block; and {<b>CMU cl.16</b>}</li> <li>minimises, as far as practicable, adverse effects on the skyline vista of the city, particularly as viewed from Dunedin's inner hill suburbs across the upper harbour toward Otago Peninsula, including through the use of quality and contextually appropriate design (Policy 18.2.3.12). {<b>CMU cl.16</b>}</li> </ol> <p>iii. Buildings and additions and alterations to buildings provide a high level of amenity by being of a design that is coherent, appropriate to the setting and history of the area, and providing a positive relationship to both the street and the harbour (Policy 18.2.3.4.c). {<b>CMU 908.101</b>}</p>
18. Harbourside Edge Zone Standards (18.6.18.2) - access { <b>CMU 908.101</b> }	a. Effects on amenity and character of zone { <b>CMU 908.101</b> }	<p><b>Relevant objectives and policies: {CMU 908.101}</b></p> <p>i. Objectives 2.4.1, 18.2.3 {<b>CMU 908.101</b>}</p> <p>ii. Development in the Harbourside Edge Zone is designed and located to provide a high level of amenity by: {<b>CMU 908.101</b>}</p> <ol style="list-style-type: none"> <li>requiring public pedestrian access to and along the coast that is attractive, safe, durable, and readily accessible to the public (Policy 18.2.3.5.a); and {<b>CMU 908.101</b>}</li> <li>maintaining viewshafts from Roberts Street and Kitchener Street to and across the Steamer Basin (Policy 18.2.3.5.d). {<b>CMU 908.101</b>}</li> </ol>



#### 18.9.4 Assessment of development performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
19. Harbourside Edge Zone Standards (18.6.18.5) - walkway design { <b>CMU 908.101</b> }	a. Effects on amenity and character of zone { <b>CMU 908.101</b> }	<p><i>Relevant objectives and policies: {<b>CMU 908.101</b>}</i></p> <p>i. Objectives 2.4.1, 18.2.3 {<b>CMU 908.101</b>}</p> <p>ii. Development in the Harbourside Edge Zone is designed and located to provide a high level of amenity by requiring public pedestrian access to and along the coast that is attractive, safe, durable, and readily accessible to the public (Policy 18.2.3.5.a). {<b>CMU 908.101</b>}</p>

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

<sup>2</sup> **CMU cl.16:** Policy 18.2.3.12 is added as a cl. 16 change as it is a relevant consideration for this activity.

<sup>3</sup> **Trans cl.16:** Under Transportation section assessment rules (Rule 6.9.5.1), 'effects on accessibility' is not a matter of discretion for contraventions of contraventions of parking, loading and access standards. However, this matter of discretion was inadvertently included in notified Section 18 assessment rules. The correction of this error, via the deletion of Rule 18.9.4.14.a, does not result in a substantive change to the effect of provisions.

<sup>4</sup> **CMU cl.16:** Matters of discretion corrected to reflect those in Rue 6.9.

#### 18.9.5 Assessment of subdivision performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. Access	a. Effects on accessibility	See Rule 6.9
2. Esplanade reserves and strips	a. Effects on biodiversity values and natural character 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	See Rule 9.4

### 18.9.5 Assessment of subdivision performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
5. Shape	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>a. Objective 2.4.1</li> <li>b. Subdivisions are designed to ensure any future land use or development of the resultant site is able to meet the performance standards in the zone, or where in a structure plan mapped <b>{ULS cl.16}</b> area, reflects the requirements of the structure plan mapped area performance standards <b>{ULS cl.16}</b>, unless: <ul style="list-style-type: none"> <li>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</li> <li>ii. the resultant site is required for: <ul style="list-style-type: none"> <li>1. a Scheduled ASGV ASBV <b>{NatEnv 958.60}</b>; or</li> <li>2. a QEII covenant; or</li> <li>3. a reserve; or</li> <li>4. an access; or</li> <li>5. a utility; or</li> <li>6. a road (Policy 2.4.1.8).</li> </ul> </li> </ul> </li> </ul> <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> <li>c. Non-compliance with the performance standard for shape will be assessed based on which performance standard(s) the shape of the resultant site does not provide for compliance with. See matters of discretion and assessment rules in relation to performance standard contraventions for: <ul style="list-style-type: none"> <li>i. minimum car parking;</li> <li>ii. boundary setbacks;</li> <li>iii. setback from scheduled tree;</li> <li>iv. earthworks standards (building platform slope); <b>{CMU cl.16}</b></li> <li>v. setbacks from water bodies; and</li> <li>vi. setback from National Grid.</li> </ul> </li> <li>d. For contravention of the building platform slope part of the shape performance standard (Rule 18.7.5.2), see the matters of discretion and assessment rules in relation to earthworks - large scale (Rule 8A.7.2.1). <b>{CMU cl.16}</b></li> </ul> <p><i>Conditions that may be imposed:</i></p> <ul style="list-style-type: none"> <li>e. Restrictions or conditions, including by way of consent notice, on land use or development activities allowed on the site.</li> <li>f. A building platform may be required to be registered against the title by way of consent notice.</li> </ul>	

**18.9.6 Assessment of restricted discretionary performance standard contraventions in a pedestrian street frontage mapped area, overlay zone, mapped area, heritage precinct, or affecting a scheduled item**

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. Affecting a <b>scheduled heritage item building or scheduled heritage structure {Her cl.16}</b> : <ul style="list-style-type: none"> <li>Materials and design</li> </ul>	a. Effects on heritage values	See Rule 13.5
2. In a <b>hazard overlay zone or swale mapped area</b> : <ul style="list-style-type: none"> <li>Hazard overlay zones development standards <b>{NH cl.16}</b></li> <li>Hazard exclusion areas (Rule 11.3.1.1) – <b>Swale mapped area</b> (Rural Centre Zone only)</li> <li>Maximum area of vegetation clearance in the hazard overlay zones (Hazard 1 or 2 (land instability) overlay zones)</li> <li>Relocatable buildings (Hazard 3 (coastal) Overlay Zone) <b>{NH cl.16}</b></li> <li>Hazardous substances quantity limits and storage requirements <b>{PO cl.16}</b></li> </ul>	a. Risk from natural hazards	See Rule 11.4
3. In a <b>heritage precinct</b> : <ul style="list-style-type: none"> <li>Boundary setbacks</li> <li>Building colour</li> <li>Fence height and design</li> <li>Materials and design</li> <li>Height</li> <li>Location and screening of car parking <b>{CMU cl.16}</b></li> <li>Number, location and design of ancillary signs</li> </ul>	a. Effects on heritage streetscape character	See Rule 13.5

**18.9.6 Assessment of restricted discretionary performance standard contraventions in a pedestrian street frontage mapped area, overlay zone, mapped area, heritage precinct, or affecting a scheduled item**

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
<p>4. <del>In</del> <u>Along or adjacent to</u> <b>{CMU cl.16}</b> a pedestrian street frontage mapped area:</p> <ul style="list-style-type: none"> <li>• Location of industrial activities</li> </ul>	<p>a. Effects on streetscape amenity</p>	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> <li>Objective 18.2.3</li> <li>Industrial activities avoid or, if avoidance is not possible <u>practicable</u> <b>{PO 908.3 and others}</b>, adequately mitigate any adverse effects on streetscape amenity by locating any part of the industrial operation that involves machinery or metal work within a part of a building that does not include any doors or windows that open to a <b>primary pedestrian street frontage mapped area</b> or <b>secondary pedestrian street frontage mapped area</b> (Policy 18.2.3.10).</li> </ol>

### 18.9.6 Assessment of restricted discretionary performance standard contraventions in a pedestrian street frontage mapped area, overlay zone, mapped area, heritage precinct, or affecting a scheduled item

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
<p>5. <del>In</del> <u>Along or adjacent to {CMU cl.16}</u> a <b>primary pedestrian street frontage mapped area</b>:</p> <ul style="list-style-type: none"> <li>• Location of activities within <b>pedestrian street frontage mapped areas</b></li> <li>• Height</li> <li>• Minimum glazing and building modulation</li> <li>• Minimum ground floor to ceiling height</li> <li>• Pedestrian entrances</li> <li>• Setback from road boundaries</li> <li>• Verandahs</li> </ul>	<p>a. Effects on streetscape amenity</p>	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> <li>Objective 18.2.3</li> <li>Buildings along a <b>primary pedestrian street frontage mapped area</b> are located, designed and operated to provide a high level of pedestrian amenity by: <ol style="list-style-type: none"> <li>providing a continual frontage of buildings along the street, apart from pedestrian alleyways;</li> <li>providing a clear and direct visual connection between the street and the building interior;</li> <li>providing a direct physical connection to the building interior through clearly identified pedestrian entrances on the highest order pedestrian street frontage;</li> <li>providing shelter for pedestrians on footpaths, in the form of a verandah;</li> <li>being of a height that maintains existing sunlight access to footpaths and public open spaces;</li> <li>providing an architecturally interesting façade and human scale design, through building modulation and consistent alignment of windows;</li> <li>being designed to have commercial activities at the ground floor, with an adequate ground floor to ceiling height to accommodate these activities; and</li> <li>providing customer-facing activities on the ground floor (Policy 18.2.3.2).</li> </ol> </li> </ol> <p><i>Potential circumstances that may support a consent application include:</i></p> <ol style="list-style-type: none"> <li>The length of the total building frontage that will not meet this standard is short and the context of the building means any effects on streetscape amenity will be no more than minor.</li> <li>It is proposed to only lease the space for a limited period of time, and the consent will be time-limited.</li> <li><u>In neighbourhood centres the setback area between the road boundary and the building is used for outdoor seating for a restaurant. {CMU 826.7}</u></li> </ol> <p><i>Conditions that may be imposed include:</i></p> <ol style="list-style-type: none"> <li>Time limit on consent.</li> <li><u>A condition that prevents the setback area from being used for carparking or outdoor storage. {CMU 826.7}</u></li> </ol>

**18.9.6 Assessment of restricted discretionary performance standard contraventions in a pedestrian street frontage mapped area, overlay zone, mapped area, heritage precinct, or affecting a scheduled item**

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
<p>6. <del>In</del> <b>Along or adjacent to {CMU cl.16} a secondary pedestrian street frontage mapped area:</b></p> <ul style="list-style-type: none"> <li>• Location of activities within <b>pedestrian street frontage mapped areas</b></li> <li>• Pedestrian entrances</li> <li>• Minimum glazing and building modulation</li> <li>• Setback from road boundaries</li> <li>• Verandahs</li> </ul>	<p>a. Effects on streetscape amenity</p>	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> <li>Objective 18.2.3</li> <li>Buildings provide a good level of pedestrian amenity by: <ol style="list-style-type: none"> <li>providing a regular frontage of buildings along the street, with limited interruptions for vehicle accesses;</li> <li>providing a clear and direct visual connection between the street and the building interior;</li> <li>providing an architecturally interesting façade and human scale design, through building modulation and consistent alignment of windows; and</li> <li>providing shelter for pedestrians at pedestrian entrances (Policy 18.2.3.3).</li> </ol> </li> </ol> <p><i>Potential circumstances that may support a consent application include:</i></p> <ol style="list-style-type: none"> <li>The design and size of the verandah still allows for the shelter of pedestrians from the weather.</li> <li>The activities proposed at ground floor have a customer-facing function.</li> <li>The length of the total building frontage that will not meet this standard is short and the context of the building means any effects on streetscape amenity will be no more than minor.</li> <li>It is proposed to only lease the space for a limited period of time, and the consent will be time-limited.</li> </ol> <p><i>Conditions that may be imposed include:</i></p> <ol style="list-style-type: none"> <li>Time limit on consent.</li> </ol>

**18.9.6 Assessment of restricted discretionary performance standard contraventions in a pedestrian street frontage mapped area, overlay zone, mapped area, heritage precinct, or affecting a scheduled item**

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
<p>7. On a <b>primary or secondary pedestrian street frontage mapped area</b>: {NU 457.20}</p> <ul style="list-style-type: none"> <li>Location (network utility activities) (Rule 5.5.6.1) {NU 457.20}</li> <li>Maximum volume in <b>pedestrian street frontage mapped areas</b>, heritage precincts and scheduled heritage sites (network utility activities) (Rule 5.5.B) {NU 457.20}</li> </ul>	<p>a. Effects on pedestrian amenity {NU 457.20}</p>	<p><i>Relevant objectives and policies: {NU 457.20}</i></p> <ul style="list-style-type: none"> <li>i. Objectives 18.2.3 and 5.2.1 {NU 457.20}</li> <li>ii. Network utility structures – small scale are of a design, location and scale that maintains a high level of pedestrian amenity in <b>pedestrian street frontage mapped areas</b> (Policy 18.2.3.13). {NU 457.20}</li> </ul>
<p>8. In a <b>wāhi tūpuna mapped area</b>: {MW 1071.16}</p> <ul style="list-style-type: none"> <li>Setback from coast and water bodies {MW 1071.16}</li> <li>Esplanade reserves and strips {MW 1071.16}</li> </ul>	<p>a. Effects on cultural values of Manawhenua {MW 1071.16}</p>	<p>See Rule 14.3 {MW 1071.16}</p>

<sup>1</sup> NH cl.16: Name of individual standards that apply used for clarity, instead of the collective name for Natural Hazards performance standards.

<sup>2</sup> **CMU cl.16**: Location and screening of car parking removed as contravention of this rule is a non-complying activity (Rule 18.12.5.3)



## **Rule 18.10 Assessment of Restricted Discretionary Activities**

### **Rule 18.10.1 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 18.10.2 - 18.10.5:
  - 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 18.10.2 - 18.10.5 apply as follows: 18.10.4 apply to activities in the commercial and mixed use zones; Rule 18.10.5 contains additional provisions that apply to activities in an overlay zone, mapped area, heritage precinct, and affecting a scheduled item. {CMU cl.16}~~
  - a. Rule 18.10.2 applies to restricted discretionary land use activities;
  - b. Rule 18.10.3 applies to assessment of restricted discretionary development activities;
  - c. Rule 18.10.4 applies to restricted discretionary subdivision activities; and
  - d. Rule 18.10.5 applies to restricted discretionary activities in an overlay zone, mapped area, heritage precinct or affecting a scheduled item. {CMU 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 18.9; 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 18.11; 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 18.12; and
    - iii. the assessment guidance in this section will also be considered.

### 18.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
<p>1. All high trip generating activities, including: <u>All high trip generators, which include:</u></p> <p><b>{Trans cl.16}</b></p> <ul style="list-style-type: none"> <li>any activities that generate 250 or more vehicle movements a day <b>{Trans 458.4 and others}</b></li> <li>Restaurants drive-through (CEC, TR) <b>{Trans cl.16}</b></li> <li>Service stations (CEC, TR) <b>{Trans cl.16}</b></li> <li>Emergency services (CEC, TR, CBD, centres, WP, PPH, SSYP, HE) <b>{CP 945.49}</b></li> <li>Early childhood education – large scale (CBD, centres, WP, PPH, SSYP, HE) <b>{Trans cl.16}</b></li> </ul>	<p>a. Effects on the safety and efficiency of the transport network</p> <p>b. Effects on accessibility</p>	See Rule 6.10

### 18.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
X. • <u>Restaurants drive-through (CEC - North, CEC - South, TR) {CMU 634.36}</u> • <u>Service stations (CEC - North, CEC - South, TR, Centres, PPH) {CP 634.109 and CP 634.38}</u>	a. <u>Effects on residential amenity {CMU 634.36}</u>	<u>Relevant objectives and policies: {CMU 634.36}</u> i. <u>Objective 18.2.2 {CMU 634.36}</u> ii. <u>Significant adverse effects on the amenity of existing residential activities are avoided or mitigated as far as practicable (Policy 18.2.2.4). {CMU 634.36}</u>
	b. <u>Effects on the safety and efficiency of the transport network {Trans 458.4 and others}</u>	<u>See Rule 6.10 {Trans 458.4 and others}</u>
2. • <u>Early childhood education (CBD, centres, WP, PPH, SSYP, HE)</u>	a. <u>Effects on ability of commercial activities to operate Reverse sensitivity effects {PO cl.16}</u>	<u>Relevant objectives and policies:</u> i. <u>Objective 18.2.2</u> ii. <u>Early childhood education and residential activities in the CBD, centres and CBD edge mixed use zones {CMU 997.69}</u> are located where they will not constrain (have reverse sensitivity effects on) activities which are provided for in the commercial and mixed use zone (Policy 18.2.2.8).  <u>Potential circumstances that may support a consent application include:</u> iii. <u>Performance standards for development activities are met.</u> iv. <u>Outdoor play areas of early childhood centres are protected from external noise through acoustic fencing or other building design measures that reduce the noise received in play areas.</u>
	b. <u>Effects on the safety and efficiency of the transport network {Trans 458.4 and others}</u>	<u>See Rule 6.10 {Trans 458.4 and others}</u>

### 18.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
3. <ul style="list-style-type: none"> <li>Conference, meeting and function ancillary to visitor accommodation <b>{CMU cl.16}</b> (PPH, SSYP)</li> <li>Entertainment and exhibition ancillary to visitor accommodation (PPH, SSYP)</li> </ul>	a. Effects on the vibrancy and economic and social success of the CBD and centres.	<i>Relevant objectives and policies (priority considerations) {CMU cl.16}:</i> <ol style="list-style-type: none"> <li>Objective 18.2.2</li> <li>The activities are secondary to the visitor accommodation activity (Policy 18.2.2.2.a).</li> </ol>
	b. Effects on residential amenity	<i>Relevant objectives and policies (priority considerations) {CMU cl.16}:</i> <ol style="list-style-type: none"> <li>Objective 18.2.2</li> <li>Any adverse effects on the amenity of surrounding residential activities, from noise, anti-social behaviour, or other effects <del>can</del> <u>will</u> <b>{PO cl.16}</b> be avoided or, if avoidance is not possible <u>practicable</u> <b>{PO 908.3 and others}</b>, adequately mitigated (Policy 18.2.2.2.b).</li> </ol> <p><i>Potential circumstances that may support a consent application</i></p> <ol style="list-style-type: none"> <li>Performance standards for development activities are met.</li> <li>The scale and nature of the activity including the number of people involved in the activity, hours of operation means that effects <del>can</del> <u>will</u> <b>{CMU cl.16}</b> be avoided, or if avoidance is not possible, adequately mitigated.</li> </ol>
	c. Potential for Reverse sensitivity effects <b>{PO 1046.5}</b>	<i>Relevant objectives and policies (priority considerations) {CMU cl.16}:</i> <ol style="list-style-type: none"> <li>Objective 18.2.2</li> <li>The potential for reverse sensitivity <del>on any activities that are provided for, such as industrial activities, {PO 1046.5}</del> <u>can</u> <u>will</u> <b>{PO cl.16}</b> be avoided or, if avoidance is not possible <u>practicable</u> <b>{PO 908.3 and others}</b>, adequately mitigated (Policy 18.2.2.2.c).</li> </ol>
	d. Effects on the safety and efficiency of the transport network	See Rule 6.10

#### 18.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
4. <ul style="list-style-type: none"> <li>Visitor accommodation (NEC and NECC)</li> <li>Community and leisure - large scale (NEC and NECC)</li> </ul>	a. Effects on residential amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 18.2.2</li> <li>ii. Any adverse activities <del>effects</del> <b>{CMU cl.16}</b> on the amenity of surrounding residential activities are avoided or, if avoidance is not possible <del>practicable</del> <b>{PO 908.3 and others}</b>, adequately mitigated (Policy 18.2.2.7).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. Communal outdoor living / gathering areas are located or screened from surrounding properties.</li> <li>iv. Performance standards for development activities are met.</li> </ul>
5. Hospital (CEC - North) <b>{CMU 551.13}</b>	a. Effects on <u>accessibility</u> <b>{CMU 551.13}</b> b. Effects on the <u>safety and efficiency of the transport network</u> <b>{CMU 551.13}</b>	See Rule 6.10 <b>{CMU 551.13}</b>

<sup>1</sup> **PO cl.16:** Wording of matter of discretion changed to standard phrasing.

### 18.10.3 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. New buildings and additions and alterations to buildings in the Harbourside Edge Zone, <u>that are visible from an adjoining public place or the harbour</u> <b>{CMU cl.16}</b>	a. Effects on streetscape amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 18.2.3</li> <li>ii. New buildings and additions and alterations to buildings in the Harbourside Edge Zone are designed and located to provide a high level of amenity by: <ul style="list-style-type: none"> <li>1. being built to the street frontage along the entire length of Birch Street, and for no less than 60% of the street frontage on Kitchener Street, <u>except for: <b>{CMU 908.101}</b></u> <ul style="list-style-type: none"> <li>1. <u>any setbacks required to allow pedestrian entrances; and <b>{CMU 908.101}</b></u></li> <li>2. <u>the provision of amenity space for customers or residents at the front of buildings. <b>{CMU 908.101}</b></u></li> </ul> </li> <li>2. including appropriate building modulation, window alignment, use of glazing, floor height, colour, architectural detail to provide visual interest and a human-scale design;</li> <li>3. being of a design that is coherent, appropriate to the setting and history of the area, and provides a positive relationship to both the street and the harbour; <del>and</del></li> <li>4. having active edges with strong visual and physical connections from the street to the inside of buildings (Policy 18.2.3.4).</li> </ul> </li> <li>iii. <u>Development is designed and located to provide a high level of amenity by: <b>{CMU 908.101}</b></u> <ul style="list-style-type: none"> <li>1. <u>ensuring the design and location of on-site car parking does not compromise streetscape or harbour amenity (Policy 18.2.3.5.b); and <b>{CMU cl.16}</b></u></li> <li>2. <u>ensuring development activities incorporate the principles of CPTED (Policy 18.2.3.5.c) <b>{CMU cl.16}</b></u></li> </ul> </li> </ul> <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> <li>iv. Council may place condition on aspects of building design including: <ul style="list-style-type: none"> <li>1. entry and exit points for pedestrians;</li> <li>2. building materials;</li> <li>3. architectural detail;</li> <li>4. building modulation;</li> <li>5. colour; and</li> <li>6. window type and placement.</li> </ul> </li> </ul>



### 18.10.3 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
<p>X. <u>New buildings and structures, and additions and alterations as part of the Dunedin Hospital redevelopment</u> <b>{CMU 551.13}</b></p>	<p>a. <u>Effects on streetscape and pedestrian amenity</u> <b>{CMU 551.13}</b></p>	<p><i><u>Relevant objectives and policies:</u> {CMU 551.13}</i></p> <p>i. <u>Objective 18.2.3</u> <b>{CMU 551.13}</b></p> <p>ii. <u>Development maintains or enhances streetscape amenity by ensuring:</u> <b>{CMU 551.13}</b></p> <ol style="list-style-type: none"> <li><u>an attractive street interface is maintained through landscaping where buildings are not built to the street frontage:</u> <b>{CMU 551.13}</b></li> <li><u>large parking areas which are visible from the street are visually broken up with internal landscaping, which also provides for rainwater absorption:</u> <b>{CMU 551.13}</b></li> <li><u>service areas and outdoor storage areas associated with industrial or other activities are not visible from ground level of a public place; and</u> <b>{CMU 551.13}</b></li> <li><u>an architecturally interesting façade through building modulation and use of glazing (Policy 18.2.3.1)</u> <b>{CMU 551.13}</b></li> </ol> <p>iii. <u>Buildings and additions and alterations maintain or enhance streetscape amenity by ensuring the use of verandahs where appropriate (Policy 18.2.3.X.a)</u> <b>{CMU 551.13}</b></p>
<p>2. <u>High trip generators:</u> <b>{Trans cl.16<sup>3</sup>}</b></p> <ul style="list-style-type: none"> <li><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> <b>{Trans cl.16}</b></li> </ul>	<p>a. <u>Effects on the safety and efficiency of the transport network</u></p> <p>b. <u>Effects on accessibility</u> <b>{Trans cl.16<sup>4</sup>}</b></p>	<p>See Rule 6.10</p>

### 18.10.3 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
3. Earthworks – large-scale (that exceed the scale thresholds for the commercial and mixed use {CMU cl.16} zones) {EW cl.16} <sup>2</sup>	<p>a. Effects on visual amenity and character</p> <p>b. Effects on the amenity of surrounding properties</p>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 18.2.4</li> <li>ii. Adverse effects on visual amenity and character will be avoided or, if avoidance is not possible, adequately mitigated (Policy 18.2.4.3.a).</li> <li>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 18.2.4.3.b).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iv. There is no, or only minimal, alteration to the natural landform.</li> <li>v. Any cut or fill will be restored or treated to resemble natural landforms.</li> <li>vi. The earthworks will not remove or impact upon existing vegetation or landscaping.</li> </ul> <p><i>Conditions that may be imposed include, but are not limited to:</i></p> <ul style="list-style-type: none"> <li>vii. Measures to minimise visual effects, e.g. requirements for revegetation and/or landscaping.</li> <li>viii. Maximum slopes of cut and fill batters.</li> <li>ix. Measures to divert surface water and rain away from, or prevent from discharging over, batter faces and other areas of bare earth.</li> <li>x. Measures to ensure there are no adverse effects from changes to drainage patterns on surrounding properties.</li> <li>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.</li> </ul>

### 18.10.3 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	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 18.2.4</li> <li>ii. Adverse effects on the stability of land, buildings, and structures will be avoided or, if avoidance is not possible, adequately mitigated (Policy 18.2.4.3.c).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>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 18.13.1).</li> <li>iv. Excavation, fill and retaining structures will be designed, and the work undertaken, in accordance with best practice engineering standards.</li> </ul> <p><i>Conditions that may be imposed include, but are not limited to:</i></p> <ul style="list-style-type: none"> <li>v. Maximum slopes of cut and fill batters.</li> <li>vi. Time limits for retaining wall installation to avoid leaving a cut slope unsupported for an extended period.</li> <li>vii. Temporary shoring requirements to maintain stability before a wall is constructed.</li> <li>viii. Supervision and monitoring requirements for retaining wall construction and standard earthworks construction.</li> </ul>
4. Earthworks – large scale (that exceed scale thresholds within 5m of a water body or MHWS) {EW cl.16} <sup>2</sup>	<p>a. Effects on biodiversity and natural character of riparian margins and the coast</p> <p>b. Effects on public access</p>	See Rule 10.5

<sup>1</sup> **CMU cl. 16:** Policy 18.2.3.5 is added as a cl.16 change as it is a relevant consideration for this activity.

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

<sup>3</sup> **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.

<sup>4</sup> **Trans cl.16:** Under Transportation section rules, 'effects on accessibility' as well as 'effects on safety and efficiency of the transport network' are matters of discretion for high trip generators. However, 'effects on accessibility' was inadvertently omitted from notified Section 18 assessment rules. The correction of this error does not result in a substantive change to the effect of provisions.

#### 18.10.4 Assessment of restricted discretionary subdivision activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
1.	Subdivision activities	a. Effects on the safety and efficiency of the transport network	See Rule 6.10
		b. Risk from natural hazards	See Rule 11.5

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

Activity		Matters of discretion	Guidance on the assessment of resource consents
1.	In a <b>heritage precinct</b> : <ul style="list-style-type: none"> <li>All RD activities due to being in a heritage precinct</li> </ul>	a. Effects on heritage streetscape character	See Rule 13.6
2.	Activities affecting a <b>scheduled heritage item building</b> or <b>scheduled heritage structure {Her cl.16}</b> : <ul style="list-style-type: none"> <li>All RD activities due to affecting a scheduled heritage building, scheduled heritage structure, or scheduled heritage site <b>{Her cl.16}</b></li> <li><u>Additions and alterations that affect a protected part of a scheduled heritage building or scheduled heritage structure {Her cl.16}</u></li> <li><u>Removal for relocation {Her cl.16}</u></li> <li>Earthworks – large scale (that exceed scale thresholds for a SHS) <b>{EW cl.16<sup>2</sup>}</b></li> <li>All subdivision activities <u>on sites containing a scheduled heritage building or scheduled heritage structure {Her cl.16}</u></li> </ul>	a. Effects on heritage values	See Rule 13.6

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

Activity		Matters of discretion	Guidance on the assessment of resource consents
3.	<p>In a <del>hazard overlay zone</del> <b>all hazard overlay zones, swale mapped areas and dune system mapped areas</b> {NH949.25, NH634.69 and NH cl.16}:</p> <ul style="list-style-type: none"> <li>• Earthworks – large scale (that exceed scale thresholds for a hazard (land instability) overlay zone) <b>{EW cl.16<sup>2</sup>}</b></li> <li>• Earthworks – large scale (that exceed scale thresholds for a hazard (flood) overlay zone) <b>{EW cl.16<sup>3</sup>}</b></li> <li>• Earthworks – large scale (that exceed scale thresholds for a <b>swale mapped area</b>) <b>{EW cl.16<sup>3</sup>}</b></li> <li>• Subdivision activities in a hazard 3 (Coastal) Overlay Zone {NH949.25, NH634.69 and NH cl.16}</li> </ul>	a. Risk from natural hazards	See Rule 11.5
4.	<p>In a <b>Hazard 1 (land instability) Overlay Zone</b> (see Rule 18.3.8):</p> <ul style="list-style-type: none"> <li>• New buildings, and additions and alterations to buildings, which create more than 1m<sup>2</sup> of new ground floor area <b>{NH 73.4 and others}</b></li> </ul>	a. Risk from natural hazards <b>{NH 73.4 and others}</b>	See Rule 11.5 <b>{NH 73.4 and others}</b>
5.	<p>In the <b>Hazard 1 or {NH cl.16<sup>3</sup>} 2 (flood) {NH 73.4 and others} Overlay Zone</b> other than the hazard 1 (land instability) Overlay Zone <b>{NH 73.4 and others}</b> (see Rule 18.3.8):</p> <ul style="list-style-type: none"> <li>• New buildings, and additions and alteration to buildings, which create more than 60m<sup>2</sup> of new ground floor area</li> </ul>	a. Risk from natural hazards	See Rule 11.5
6. <b>{NH cl.16<sup>1</sup>}</b>	<p>In a <b>geologically sensitive mapped area (GSA)</b> <b>{NH cl.16}</b></p> <ul style="list-style-type: none"> <li>• Earthworks – large scale (that exceed underlying zone scale thresholds) <b>{NH cl.16}</b></li> </ul>	a. Risk from natural hazards <b>{NH cl.16}</b>	See Rule 11.5 <b>{NH cl.16}</b>

**18.10.5 Assessment of restricted discretionary activities in an overlay zone, mapped area, heritage precinct or affecting a scheduled item**

Activity		Matters of discretion	Guidance on the assessment of resource consents
7.	<p><b>In a wāhi tūpuna mapped area:</b></p> <ul style="list-style-type: none"> <li>Earthworks – large scale (that exceed the scale thresholds for the commercial and mixed use zones) <b>{EW cl.16<sup>2</sup>}</b></li> </ul>	a. Effects on cultural values of manawhenua	See Rule 14.4
8.	<p><b>In the Hazard 2 (flood) Overlay Zone:</b> <b>{NH 634.74}</b></p> <ul style="list-style-type: none"> <li>Natural hazards <b>{NH cl.16}</b> sensitive activities <b>{NH 634.74}</b></li> <li>Natural hazards <b>{NH cl.16}</b> potentially sensitive activities <b>{NH 634.74}</b></li> </ul>	a. Risk from natural hazards <b>{NH 634.74}</b>	See Rule 11.5 <b>{NH 634.74}</b>
9. <b>{NU 806.11}</b>	<p><b>In the National Grid Corridor mapped area:</b> <b>{NU806.11}</b></p> <ul style="list-style-type: none"> <li>All subdivision activities <b>{NU 806.11}</b></li> </ul>	a. Effects on health and safety <b>{NU806.11}</b>	See Rule 5.8 <b>{NU 806.11}</b>
		b. Reverse sensitivity effects <b>{NU806.11}</b>	
		c. Effects on efficient and effective operation of network utilities <b>{NU806.11}</b>	
X.	<p><b>Activities affecting a scheduled heritage site:</b> <b>{Her cl.16<sup>4</sup>}</b></p> <ul style="list-style-type: none"> <li>New buildings and structures on a scheduled heritage site, where visible from an adjoining public place or a publicly accessible place within the site <b>{Her cl.16}</b></li> <li>Parking, loading and access on a scheduled heritage site, where visible from an adjoining public place or a public place within the site <b>{Her cl.16}</b></li> <li>All subdivision activities <b>{Her cl.16}</b></li> </ul>	a. Effects on heritage values <b>{Her cl.16}</b>	See Rule 13.6 <b>{Her cl.16}</b>

<sup>1</sup> **NH cl.16:** As a clause 16 amendment, geologically sensitive areas are not part of this Plan, and are included in the data map for information purposes only.

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

<sup>3</sup> **NH cl.16:** Removed as a clause 16 amendment, as there is no intersect between the Commercial and Mixed Use Zones and the Hazard 1 (flood) Overlay Zone.

<sup>4</sup> **Her cl.16:** Assessment rule separated out from rule 18.10.5.2 for clarity. There is no substantive change to the



provisions.

## **Rule 18.11 Assessment of Discretionary Activities**

### **Rule 18.11.1 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. With respect to section 104(2) of the RMA, Council will not consider retail as a permitted activity in scheduled heritage buildings as part of the permitted baseline in considering the effects of discretionary activities in the Warehouse Precinct Zone.
3. Rules 18.11.2 - 18.11.5 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.
4. ~~Rules 18.11.2 - 18.11.4 apply as follows: to activities in the commercial and mixed use zones; Rule 18.11.5 contains additional provisions that apply to activities in an overlay zone. {CMU cl.16}~~
  - a. Rule 18.11.2 applies to all discretionary land use activities;
  - b. Rule 18.11.3 applies to discretionary land use activities; and
  - c. Rule 18.11.4 applies to discretionary performance standard contraventions. {CMU cl.16}
5. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

### 18.11.2 Assessment of all discretionary activities

Activity	Guidance on the assessment of resource consents
<p>1. All discretionary <u>land use</u> activities <u>listed below</u> <b>{PO cl.16}</b></p>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> <li>a. The activity does not detract from, or preferably contributes to, the strategic directions objectives, including, but not limited to, those related to: <ul style="list-style-type: none"> <li>i. Objective 2.3.2, policies 2.3.2.1 - 2.3.2.4</li> <li>ii. Objective 2.4.3, policies 2.4.3.1 - 2.4.3.4</li> </ul> </li> <li>b. Objective 14.2.1 <b>{CMU cl.16}</b></li> <li>c. Objective 18.2.3</li> <li>d. Avoid land use activities (including stand-alone car parking) that require buildings or site design that is incompatible with: <ul style="list-style-type: none"> <li>i. the <u>high</u> <b>{CMU cl.16}</b> level of pedestrian streetscape amenity expected for the location in a <b>primary pedestrian street frontage mapped area</b> and <b>secondary pedestrian street frontage mapped area</b>; and</li> <li>ii. the higher level of urban neighbourhood amenity anticipated in the HE, SSYP and WP zones (18.2.3.9).</li> </ul> </li> </ul> <p><i>Potential circumstances that may support a consent application:</i></p> <ul style="list-style-type: none"> <li>e. 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 rules <del>18.8- 18.9</del> and <u>18.12.5</u> <b>{CMU cl.16}</b> for performance standard contraventions).</li> <li>f. All relevant land use performance standards are met, including noise and light spill standards.</li> </ul> <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> <li>g. In assessing the significance of effects, consideration will be given to: <ul style="list-style-type: none"> <li>i. both short and long term effects, including effects in combination with other activities; and</li> <li>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.</li> </ul> </li> <li>h. <del>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.</del> <b>{CMU cl.16}</b></li> <li>i. <del>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</del></li> </ul>

### 18.11.2 Assessment of all discretionary activities

Activity	Guidance on the assessment of resource consents
	<p>activity status will also be considered. <b>{CMU cl.16<sup>2</sup>}</b></p> <p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>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 <b>{CMU 899.10}</b> and its affordability to the public. <b>{Trans 881.63}</b></u></p> <p>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 <b>{PHS cl.16}</b></u></p>

<sup>1</sup> **CMU cl.16:** CMU Deleted as replicates Rule 18.11.1.5.

<sup>2</sup> **CMU cl.16:** Deleted as not relevant.

### 18.11.3 Assessment of discretionary land use activities

Activity	Guidance on the assessment of resource consents
1. Ancillary licensed premises (NEC/NECC)	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. Objective 18.2.1</p> <p>b. Adverse effects on the character and amenity of adjacent residential activities and the surrounding neighbourhood are will be <b>{PO cl.16}</b> avoided or, if avoidance is not possible practicable, <b>{PO 908.3 and others}</b> adequately mitigated (Policy 18.2.1.10 <u>18.2.2.9</u>). <b>{CMU cl.16<sup>1</sup>}</b></p> <p><i>Potential circumstances that may support a consent application:</i></p> <p>c. The scale and nature of the activity, including hours of operation, and whether the activity has an on and/or off license, is appropriate for a neighbourhood centre and will reduce the potential for any adverse effects.</p>
2. Restaurants (PPH, SSYP, CEC, TR)	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. Objective 18.2.1</p> <p>b. The activity is not of a scale or nature that is more appropriate to locate in the CBD, centres, WP or HE because:</p> <ol style="list-style-type: none"> <li>it is unlikely to contribute to the vibrancy and vitality of those zones; and</li> <li>it has specific operational requirements that do not fit with those locations (Policy 18.2.1.18).</li> </ol> <p><i>Potential circumstances that may support a consent application include:</i></p> <p>c. The restaurant is a take-away only restaurant that requires easily accessible short term parking.</p>

### 18.11.3 Assessment of discretionary land use activities

Activity	Guidance on the assessment of resource consents
3. Food and beverage retail (WP and PPH)	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> <li>Objective 18.2.1</li> <li>Food and beverage retail in the WP and PPH zones is of a size, and designed in a manner, to serve the local area and not operate as a destination retailer for other parts of the city (Policy 18.2.1.13).</li> </ol>
4. Restaurant - drive through and service stations <b>{CP 634.38 and 634.109}</b> (PPH and Centres)	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> <li>Objective 18.2.2</li> <li>Objective 18.2.3</li> <li><del>Adverse</del> <u>Significant adverse</u> effects on the amenity of <u>existing</u> residential activities <u>are will be avoided or, if avoidance is not possible, adequately mitigated as far as practicable</u> <b>{CMU 634.36}</b> (Policy 18.2.2.4).</li> <li>The drive-through component of restaurant - drive through and service stations <b>{CP 634.38}</b> will not be visible or accessed from a <u>primary</u> <b>{CMU 634.35}</b> <u>pedestrian street frontage mapped area</u> (Policy <del>18.2.3.14</del> <u>18.2.1.15.b</u> <b>{CMU 634.35}</b>).</li> </ol>
5. Development associated with discretionary land use activities	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> <li>Objective 18.2.3</li> <li>Policies 18.2.3.1 - 18.2.3.7</li> </ol>
6. <u>Visitor accommodation (CEC-South)</u> <b>{CMU 899.10}</b>	<p><i>Relevant objectives and policies (priority considerations):</i> <b>{CMU 899.10}</b></p> <ol style="list-style-type: none"> <li><u>Objective 18.2.2</u> <b>{CMU 899.10}</b></li> <li><u>The potential for reverse sensitivity will be avoided or, if avoidance is not practicable, adequately mitigated</u> (Policy 18.2.2.10) <b>{CMU 899.10}</b></li> </ol>
7. <ul style="list-style-type: none"> <li><u>Early childhood education (CEC-North)</u> <b>{CMU 997.68}</b></li> <li><u>Residential activities (CEC - North)</u> <b>{CMU 997.69}</b></li> </ul>	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> <li><u>Objective 18.2.2</u></li> <li><u>Early childhood education and residential activities are located where their establishment will not constrain (have reverse sensitivity effects on) activities that are provided for in the commercial and mixed use zone</u> (Policy 18.2.2.8). <b>{CMU 977.69}</b></li> </ol> <p><i>Potential circumstances that may support a consent application include:</i></p> <ol style="list-style-type: none"> <li><u>Outdoor play areas of early childhood centres are protected from external noise through acoustic fencing or other building design measures that reduce the noise received in play areas.</u> <b>{CMU 977.68 and 977.69}</b></li> </ol>

<sup>1</sup> **CMU cl.16:** Policy reference amended as a result of deletion of Policy 18.2.1.10.

#### 18.11.4 Assessment of discretionary performance standard contraventions

Performance standard		Guidance on the assessment of resource consents
1.	Acoustic insulation	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>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.</p>
2.	<ul style="list-style-type: none"> <li>Noise - where the limit is exceeded by less than 5dB LAeq (15min)</li> <li>Light spill - where the limit is exceeded by 25% or less</li> </ul>	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>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.</p>
3. <b>{CMU 908.101}</b>	<p><del>Standards Harbourside Edge {CMU 908.101}</del></p> <ul style="list-style-type: none"> <li><del>Rule 18.6.18.1 {CMU 908.101}</del></li> <li><del>Rule 18.6.18.2 {CMU 908.101}</del></li> </ul>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p><b>{CMU 908.101}</b></p> <p>a. Objective 18.2.3 <b>{CMU 908.101}</b></p> <p>b. New buildings and additions and alterations to buildings in the Harbourside Edge Zone are designed and located to provide a high level of amenity by: <b>{CMU 908.101}</b></p> <ul style="list-style-type: none"> <li>i. being built to the street frontage along the entire length of Birch Street, and for no less than 60% of the street frontage on Kitchener Street <b>{CMU 908.101}</b></li> <li>ii. including appropriate building modulation, window alignment, use of glazing, floor height, colour, architectural detail to provide visual interest and a human-scale design; <b>{CMU 908.101}</b></li> <li>iii. being of a design that is coherent, appropriate to the setting and history of the area, and provides a positive relationship to both the street and the harbour; and <b>{CMU 908.101}</b></li> <li>iv. having active edges with strong visual and physical connections from the street to the inside of buildings (Policy 18.2.3.4). <b>{CMU 908.101}</b></li> </ul>
4.	<p><u>Location (hazard facility mapped area)</u></p> <p><b>{PHS 906.1}</b></p>	<p>See Rule 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to <u>people's health and safety</u>. <b>{PHS 906.1}</b></p>



#### 18.11.4 Assessment of discretionary performance standard contraventions

Performance standard		Guidance on the assessment of resource consents
5.	<p><u>Restaurants ancillary to trade related retail or food and beverage retail activity 1,500m<sup>2</sup> or more in gross floor area</u></p> <ul style="list-style-type: none"> <li><u>Location of ancillary restaurants</u></li> <li><u>Maximum gross floor area of restaurants {CMU 713.6}</u></li> </ul>	<p><u>Relevant objectives and policies:</u></p> <ol style="list-style-type: none"> <li><u>Objective 18.2.1</u></li> <li><u>Restaurants service people engaged in the primary activity and are unlikely to attract significant patronage outside this purpose (Policy 18.2.1.19).</u></li> <li><u>The activity is not of a scale or nature that is more appropriate to locate in the CBD, centres, WP or HE because:</u> <ol style="list-style-type: none"> <li><u>it is unlikely to contribute to the vibrancy and vitality of those zones; and</u></li> <li><u>it has specific operational requirements that do not fit with those locations (Policy 18.2.1.18). {CMU 713.6}</u></li> </ol> </li> </ol>

#### 18.11.5 Assessment of discretionary activities in an overlay zone {NH634.74}

Activity {NH634.74}		Guidance on the assessment of resource consents {NH634.74}
1.	<p>In the <b>hazard 1 overlay zones</b> (see Rule 18.3.8): <b>{NH cl.16<sup>1</sup>}</b></p> <ul style="list-style-type: none"> <li>Potentially sensitive activities permitted in commercial and mixed use zones <b>{NH cl.16<sup>1</sup>}</b></li> </ul>	<p>See Section 11.6 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards: <b>{NH cl.16<sup>1</sup>}</b></p>
2.	<p>In the <b>hazard 2 overlay zones</b> (see Rule 18.3.8): <b>{NH634.74}</b></p> <ul style="list-style-type: none"> <li>Potentially sensitive activities not permitted in commercial and mixed use zones <b>{NH634.74}</b></li> <li>Sensitive activities <b>{NH634.74}</b></li> </ul>	<p>See Section 11.6 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards: <b>{NH634.74}</b></p>

<sup>1</sup> **NH cl.16:** This content has been deleted because it was included in error.

## **Rule 18.12 Assessment of Non-complying Activities**

### **Rule 18.12.1 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. With respect to section 104(2), Council will not consider retail as a permitted activity in scheduled heritage buildings as part of the permitted baseline in considering the effects of non-complying activities in the Warehouse Precinct Zone.
3. Rules 18.12.2 - 18.12.5 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.
4. Rules 18.12.2 - 18.12.5 apply as follows: {CMU cl.16}
  - a. Rule 18.12.2 applies to all non-complying activities;
  - b. Rule 18.12.3 applies to non-complying land use activities;
  - c. Rule 18.12.4 applies to non-complying development activities; and
  - d. Rule 18.12.5 applies to non-complying performance standard contraventions. {CMU cl.16}
5. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

### 18.12.2 Assessment of all non-complying activities

Activity	Guidance on the assessment of resource consents
<p>1. All non-complying activities, <u>including but not limited to the activities listed below</u> <b>{PO cl.16}</b></p>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> <li>a. The activity does not detract from, or preferably contributes to, the strategic directions objectives, including, but not limited to, those related to: <ul style="list-style-type: none"> <li>i. Objective 2.3.2, policies 2.3.2.1 - 2.3.2.4</li> <li>ii. Objective 2.4.3, policies 2.4.3.1 - 2.4.3.4</li> </ul> </li> <li>b. <del>The relationship between manawhenua and the natural environment is maintained, including the cultural values and traditions associated with:</del> <b>{MW cl.16}</b> <ul style="list-style-type: none"> <li>i. <del>wāhi-tūpuna;</del> and <b>{MW cl.16}</b></li> <li>ii. <del>the customary use of mahika kai (Objective 14.2.1)</del> <b>{MW cl.16}</b></li> </ul> </li> <li>c. The activity supports the purpose of the zone as outlined in Objective 2.3.2 and Objective 18.2.1.</li> <li>d. The proposed activities will achieve objectives 18.2.1, 18.2.2. and 18.2.3 &amp; <del>18.2.4</del> <b>{EW cl.16}</b>.</li> </ul> <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> <li>e. In assessing the significance of effects, consideration will be given to: <ul style="list-style-type: none"> <li>i. both short and long term effects, including effects in combination with other activities.</li> <li>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.</li> </ul> </li> <li>f. 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.</li> </ul> <p><i>Relevant guidance from other sections (priority considerations):</i></p> <ul style="list-style-type: none"> <li>g. <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.</u> <b>{Trans cl.16}</b></li> <li>h. <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</u> <b>{PHS cl.16}</b></li> <li>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</u> <b>{MW cl.16}</b></li> </ul>

<sup>1</sup> **MW cl.16:** For consistency, assessment Rule 18.12.2.1.b has been replaced with 18.12.2.1.i, which uses standard wording used elsewhere in the plan

<sup>2</sup> **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.

<b>18.12.3 Assessment of non-complying land use activities</b>		
Activity		Guidance on 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
2.	Crematoriums	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 18.2.2, Policy 18.2.2.5  <i>Relevant guidance from other sections (priority considerations):</i> b. 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.	Office and retail outside of CBD and centres, where non-complying	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 2.3.2 b. Objective 18.2.1, Policy 18.2.1.3
4.	Industry in SSYP	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 18.2.1, Policy 18.2.1.14
5.	Service stations, restaurant drive-through, yard-based retail in CBD, WP, SSYP and HE zones.	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 18.2.1, Policy 18.2.1.15 b. <u>Objective 18.2.2, Policy 18.2.2.4 {CMU 634.35}</u> c. Objective 18.2.3, Policy 18.2.3.11 <u>9 (along pedestrian frontages) {CMU 634.35}</u>
6.	Conference, meeting and function, entertainment and exhibition <del>outside of CBD and centres (PPH, SSYP, CEC, TR)</del> <b>{CMU cl.16}</b>	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 18.2.1, Policy 18.2.1.17
7.	<ul style="list-style-type: none"> <li>Early childhood education and residential activities (CEC - <del>South</del> and TR) <b>{CMU 977.68 and 977.69}</b></li> <li>Visitor accommodation (TR)</li> </ul>	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 18.2.2, Policy 18.2.2.6
8.	<ul style="list-style-type: none"> <li>Cemeteries</li> <li>Landfills</li> </ul>	<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.
9.	Yard-based retail (CBD, SSYP, HE, <del>WP</del> <b>{CMU cl.16}</b> )	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 18.2.1, Policy 18.2.1.3

### 18.12.3 Assessment of non-complying land use activities

Activity	Guidance on the assessment of resource consents
<p>10. In a <b>hazard facility mapped area</b>:</p> <ul style="list-style-type: none"> <li>Major facility activities (except emergency services)</li> <li>Entertainment and exhibition</li> <li>Registered health practitioners <b>{PHS 906.1}</b></li> </ul>	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>a. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and Policy 9.2.2.15 and the risks to people from an emergency event occurring at a hazard facility. <b>{PHS 906.1}</b></p>

### 18.12.4 Assessment of non-complying development activities

Activity	Guidance on the assessment of resource consents
<p>1. Demolition of a protected part of a scheduled heritage building or scheduled heritage structure.</p>	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>a. See Section 13.8 for guidance on the assessment of resource consents in relation to Objective 13.2.1 and effects on heritage values.</p>
<p>2. <del>{CMU cl.16}</del><sup>1</sup> New driveways from a <b>primary pedestrian street frontage</b> (PPF). See Rule 18.6.15.</p>	<p><del><i>Relevant objectives and policies (priority considerations):</i></del></p> <p>a. Objective 18.2.3</p> <p>b. Policy 18.2.3.2 and 18.2.3.9</p>
<p>3. In the <del>hazard 1 overlay zones</del> (see Rule 18.3.8):</p> <ul style="list-style-type: none"> <li>Potentially sensitive activities not permitted in commercial and mixed use zones</li> <li>Sensitive activities <b>{CMU cl.16}</b><sup>2</sup></li> </ul>	<p><del><i>Relevant guidance from other sections (priority considerations):</i></del></p> <p>a. See Section 11.7 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards. <b>{CMU cl.16}</b></p>

<sup>1</sup> **CMU cl.16**: Rule 18.12.4.2 moved to Rule 18.12.5.10.

<sup>2</sup> **CMU cl.16**: Rule not relevant as no hazard 1 (flood) overlay zones in CMU zones.

### 18.12.5 Assessment of non-complying performance standard contraventions

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 5bD LAeq (15 min) or more</li> <li>Hazardous substances quantity limits and storage requirements (Rule 9.3.4.2)</li> </ul>	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>a. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2, and effects related to public health and safety.</p>
2.	Setback from National Grid	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>a. See Section 5.10 for guidance on the assessment of resource consents in relation to Objective 5.2.1 <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.</p>
3.	Location and screening of car parking	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. Objective 18.2.3</p> <p>b. Policies 18.2.3.8 and 18.2.3.9</p> <p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>c. See Section 13.8 for guidance on the assessment of resource consents in relation to Objective 13.2.3 and effects on heritage streetscape character <b>{CMU cl.16}</b></p>
4.	Standards <b>{CMU cl.16}</b> Harbourside Edge Zone Standards <b>{CMU cl.16}</b> (Rule 18.6.18.34 to Rule 18.6.18.6) - <u>walkway location</u> <b>{CMU 908.101}</b>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. Objective 18.2.3</p> <p>b. Policy 18.2.3.5.a <b>{CMU cl.16}</b></p>
5.	Archaeological sites (earthworks) <b>{EW cl.16}</b> <sup>3</sup>	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.
6.	Location of restaurant drive-through and service stations (Rule 18.5.4.3)	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. Objective 18.2.1</p> <p>b. Policy 18.2.1.15</p>
7.	<p>In <u>Along</u> <b>{CMU cl.16}</b> a primary pedestrian street frontage mapped area:</p> <ul style="list-style-type: none"> <li>Access to loading areas (Rule 6.6.2.5.b)</li> </ul>	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>a. See Rule 6.12 for guidance on the assessment of resource consents in relation to Objective 6.2.4 and effects on the safety and efficient operation of the transport network. <b>{CMU cl.16}</b></p>



### 18.12.5 Assessment of non-complying performance standard contraventions

Performance standard		Guidance on the assessment of resource consents
8.	<u>Maximum gross floor area of office activity in the Harbourside Edge Zone {CMU 908.102}</u>	<u>Relevant objectives and policies (priority considerations): {CMU 908.102}</u> a. <u>Objective 2.3.2 {CMU 908.102}</u> b. <u>Objective 18.2.1, policies 18.2.1.2, 18.2.1.3 {CMU 908.102}</u>
9. {NU 806.11}	<u>Shape (Rule 18.7.5.2.c) - setback of building platforms from National Grid {NU 806.11}</u>	<u>Relevant guidance from other sections (priority considerations):</u> a. <u>See Section 5.10 for guidance on the assessment of resource consents in relation to {NU 806.11} Objective 5.2.2 {NU 918.29} and effects related to the efficient and effective operation of network utilities, and reverse sensitivity. {NU 806.11}</u>
10. {CMU cl.16} <sup>4</sup>	<u>Parking, loading and access standards (Rule 18.6.15.2) - new vehicle accesses on a <b>primary pedestrian street frontage mapped area</b></u>	<u>Relevant objectives and policies (priority considerations):</u> a. <u>Objective 18.2.3</u> b. <u>Policies 18.2.3.2</u>
11.	<u>In a dune system mapped area or swale mapped area: {NH cl.16}</u> • <u>Hazard exclusion areas (except Rural Centre Zone in a <b>swale mapped area</b>) {NH cl.16}</u>	<u>Relevant guidance from other sections (priority considerations): {NH cl.16}</u> a. <u>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 cl.16}</u>

<sup>2</sup> **CMU cl.16:** Reference to Section 13 added as a minor amendment to assist plan usability.

<sup>3</sup> **EW cl.16:** As a clause 16 amendment, all earthworks provisions in management and major facility zones have been moved to a new city-wide section (Section 8A). Any amendments to provisions as a result of submissions are shown there.

<sup>4</sup> **CMU cl.16:** Rule 18.12.5.10 moved from Rule 18.12.4.2.

## **Rule 18.13 Special Information Requirements**

**EW cl.16:** As a clause 16 amendment, Rule 18.13.1 Geotechnical investigation report has been moved to a new city-wide section (Section 8A). Any amendments to provisions as a result of submissions are shown there.