30. Port

30.1 Introduction

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

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

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

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

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

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

#### Objective 30.2.1

The Port at Port Chalmers is able to operate efficiently and effectively as a key shipping and passenger port for the region.

| Policy 30.2.1.1 | Enable port activities, including activities that are ancillary to port activities. |
| Policy 30.2.1.2 | Provide for industry in recognition that this activity is compatible with the operation of the Port and can support its efficient and effective operation. |
| Policy 30.2.1.3 | Avoid the establishment of activities that are not related to the operation of the Port and may conflict with the ability of the Port to operate efficiently and effectively. |
| Policy 30.2.1.4 | Only allow subdivision activities *(PO cl.16)* where necessary for:  
  a. the operation of the Port at Port Chalmers; or  
  b. the disposal of surplus land in accordance with *Policy policies 2.3.1.4* and *(Port cl.16)* 2.3.1.6, and the objectives and policies of the Industrial Port Zone. |

#### Objective 30.2.2

Land use, development and subdivision activities necessary for the Port at Port Chalmers to operate efficiently and effectively are enabled while:

- adverse effects on the amenity of surrounding zones are avoided or mitigated as far as practicable; and  
- people's health and safety is maintained.

| Policy 30.2.2.1 | Require buildings, structures and outdoor storage, including shipping containers, to be of a height that avoids or mitigates significant adverse effects on visual amenity in Port Chalmers and Carey's Bay, as far as practicable. |
| Policy 30.2.2.2 | Require fertiliser, woodchips and other materials *(Port 737.26)* to be stored in a location and manner and in an area *(Port 737.26)* where they will not are unlikely to *(Port 737.26)* become windblown and will not contaminate any off-site areas. |
| Policy 30.2.2.3 | Require ancillary signs to be located and designed to maintain streetscape amenity including by being of an appropriate size and number to convey information about the name, location and nature of the activity on-site to passing pedestrians and vehicles and not being oversized or too numerous for what is necessary for that purpose. |
| Policy 30.2.2.4 | Require land use activities to operate, and development to be designed, to ensure that adverse effects from noise on the health of people can will *(PO cl.16)* be avoided or, if avoidance is not possible, adequately mitigated minimised as far as practicable. *(Port 391.2)* |

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

Rule 30.3 Activity Status

30.3.1 Rule location
The activity status tables in rules 30.3.3 to 30.3.5 in Rule 30.3.2 specify the activity status of land use activities, development activities, and subdivision activities in the Port Zone and relevant overlay zones \{Port cl.16\}, except rules for the following city-wide activities, which are contained in Part B of the Plan:

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

30.3.2 Activity status introduction

1. The activity status \{MF cl.16\} tables in rules 30.3.3-30.3.5 show the activity status of activities in the Port Zone and the overlay zones indicated \{Port cl.16\}, provided any performance standards shown in the far right column are met.
2. Activities are split into three types: a. land use activities, b. development activities, c. subdivision activities. Within these types, activities are split into categories. The nested tables in Section 1.36 outline the hierarchy of categories, activities and sub-activities.
3. Permitted land use activities do not automatically provide for any related development activities. Therefore, the activity status of any associated development activities should also be checked.
4. Where a new land use activity requires a resource consent, all associated development activities will be considered and assessed as part of the resource consent even if the development otherwise meets the development performance standards listed in the Plan.
5. The nested tables in Section 1.36 are intended to be a complete list of activities and categories of activities. For any activity that is not covered by any of the defined activities in the nested tables, the activity status will be non-complying if the activity status of "all" or "all other" activities in the most closely related category is non-complying, otherwise it will be discretionary.

Performance Standards

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

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Activity status Meaning {PO cl.16}</th>
</tr>
</thead>
<tbody>
<tr>
<td>P</td>
<td>Permitted Activity</td>
</tr>
<tr>
<td>C</td>
<td>Controlled Activity</td>
</tr>
<tr>
<td>RD</td>
<td>Restricted Discretionary Activity</td>
</tr>
<tr>
<td>D</td>
<td>Discretionary Activity</td>
</tr>
<tr>
<td>NC</td>
<td>Non-complying Activity</td>
</tr>
</tbody>
</table>

### 30.3.3 Activity status table - land use activities

1. Performance standards that apply to all land use activities | a. Electrical interference  
| b. Light spill |

<table>
<thead>
<tr>
<th>Major facility activities</th>
<th>Activity status</th>
<th>Performance standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Port</td>
<td>P</td>
<td>a. Port Noise Management {Port 391.2}</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Industrial activities</th>
<th>Activity status</th>
<th>Performance standards</th>
</tr>
</thead>
</table>
| 4. Industry           | P               | a. Minimum vehicle loading  
| b. Noise (Rule 9.3.6) {Port cl.16} |

<table>
<thead>
<tr>
<th>Commercial activities</th>
<th>Activity status</th>
<th>Performance standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>5. All activities in the commercial activities category</td>
<td>NC</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Community activities</th>
<th>Activity status</th>
<th>Performance standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>X. Community and leisure - small scale {Port 737.28}</td>
<td>NC P {Port 737.28}</td>
<td></td>
</tr>
<tr>
<td>6. All other {Port 737.28} activities in the community activities category</td>
<td>NC</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Rural activities</th>
<th>Activity status</th>
<th>Performance standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>7. All activities in the rural activities category</td>
<td>NC</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Residential activities</th>
<th>Activity status</th>
<th>Performance standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>8. All activities in the residential activities category</td>
<td>NC</td>
<td></td>
</tr>
</tbody>
</table>
30.3.4 Activity status table - development activities

<table>
<thead>
<tr>
<th>Buildings and structures activities</th>
<th>Activity status</th>
<th>Performance standards</th>
</tr>
</thead>
</table>
| 1. All buildings and structures activities | P               | a. Maximum height  
b. Number, located and designed of ancillary signs {Port cl.16} |
| Site development activities         |                 |                       |
| 2. Earthworks - small scale {EW cl.16¹} | P {EW cl.16¹}   | a. Earthworks standards {EW cl.16'} |
| 3. Earthworks - large scale {EW cl.16¹} | RD {EW cl.16¹} | a. Earthworks standards {EW cl.16¹} |
| 4. Outdoor storage                  | P               | a. Location of outdoor storage (fertiliser, woodchips and logs)  
b. Maximum height  
c. Securing of outdoor storage {Port cl.16} |
| 5. Parking, loading and access      | P               | a. Parking, loading and access standards |
| 6. Storage and use of hazardous substances {PHS 85.1} | P | a. Hazardous substances quantity limits and storage requirements |
| 7. All other site development activities | P | |

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

Note 30.3.4A - General advice

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.
### 30.3.5 Activity status table - subdivision activities

<table>
<thead>
<tr>
<th>Subdivision activities</th>
<th>Activity status</th>
<th>Performance standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivision activities</td>
<td>RD</td>
<td>a. Subdivision performance standards</td>
</tr>
</tbody>
</table>

#### Note 30.3.5A - Other RMA considerations {PO 490.4}

1. Under Section 226(1)(e)(ii) of the Resource Management Act 1991, where an existing allotment shown on a survey plan meets all relevant provisions of the district plan and any proposed district plan, the Dunedin City Council must issue a certificate to that effect to enable the Registrar-General of Land to issue a certificate of title for that separate allotment.

### Rule 30.3.6 Transition to the Industrial Port Zone

On receipt of written notice from the Port of Otago to Dunedin City Council confirming that all or part of the land within the Port Zone is surplus to the requirements of the Port of Otago, the provisions of the Port Zone will no longer apply to that parcel of land and the provisions of the Industrial Port Zone will apply in full.
Rule 30.4 Notification

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

Rule 30.5 Land Use Performance Standards

30.5.1 Electrical Interference

Land use activities must comply with Rule 9.3.2.

30.5.2 Light Spill

Land use activities must comply with Rule 9.3.5.

30.5.3 Minimum Vehicle Loading

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

<table>
<thead>
<tr>
<th>Activity {Trans cl.16}</th>
<th>Minimum vehicle loading {Trans cl.16}</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Industry {Port cl.16}</td>
<td>Industry activity on all sites must provide one {Trans cl.16} loading space, {Trans cl.16} to accommodate an 8m rigid truck (see Figure 6.14 J 6B.10 {Trans cl.16}).</td>
</tr>
</tbody>
</table>

b. Required vehicle loading must be designed and constructed to comply with Rule 6.6.2. {Trans cl.16}

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

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

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

1. For all port activity, the Port Operator The operator of the port {Port cl.16} at Port Chalmers must:

   a. develop a noise management and noise mitigation plan for Port Chalmers to provide for noise minimisation, mitigation of the effects of port noise and community liaison;
   
   b. investigate and adopt the best practicable option to minimise port noise emissions, including specific measures to reduce the occurrence of loud, single noise events (including those associated with handling containers and logs): {Port 516.1}
   
   c. produce and, at all times, operate in accordance with a port noise management plan, which must include, but is not limited to, the matters set out in Appendix 30A;
   
   d. implement and annually update {Port 391.2} a port noise mitigation plan for the purchase or acoustic treatment of noise affected properties, which must include, but is not limited to, the matters set out in Appendix 30B; and
   
   e. establish, maintain and participate in a port noise liaison committee, which must operate in accordance with the requirements set out in Appendix 30C.

2. The measurement of port noise must be in accordance with NZS6801:2008 Acoustics – Measurement of Environmental Sound, and assessment must be in accordance with NZS6809:1999 Acoustics – Port Noise Management and Land Use Planning, provided that: {Port 391.2 and 516.1}

   a. subject to Rule 9.3.6.6 a., the rating level described in clause 7.3 of NZS6809:1999 Acoustics – Port Noise Management and Land Use Planning must be determined for the sole purpose of defining any Leq (15 min) sound level, required for the purposes of Appendices 30A and 30B; and {Port 391.2}

   b. adjustments for any special audible characteristics to any Leq (15 min) made in accordance with clause
7.3 and A6 of NZS6809:1999 must, except for audible warning devices, not apply to noise from log and container handling activities. \(\text{(Port 516.1)}\)

3. For the purpose of comparison with noise criteria specified in Appendix 30B the following apply: \(\text{(Port 391.2)}\)
   a. in calculating any \(L_{dn}\) (5 day average), one ship visit of up to five days duration, must be deemed to be one occasion; and \(\text{(Port 391.2)}\)
   b. in assessing any \(L_{eq}\) (15 min) sound level between 10pm and 7am the following day, one ship visit of up to five days duration must be deemed to be one occasion. \(\text{(Port 391.2)}\)

4. Port activity that does not comply with contravenes \(\text{(PO cl.16)}\) the performance standard for Port Noise Management \(\text{(Port 391.2)}\) is a non-complying activity.

Note: Industry must comply with Rule 9.3.6. \(\text{(Port cl.16)}\)

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

Industry must comply with Rule 9.3.6. \(\text{(Port cl.16')}\)

¹ Port cl.16: To clarify that Industry must comply with Rule 9.3.6, instead of relying on rule reference in activity status table and to align with standard drafting protocol, no substantive change to rules.
Rule 30.6 Development Performance Standards {was "Development Activities Performance Standards" - Port cl.16}

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

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

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

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

30.6.3 Location of Outdoor Storage

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

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

1. The maximum height of new buildings and structures activities, additions and alterations, and outdoor storage, including the temporary storage of shipping containers, must not exceed 30m above ground level, except:
   a. in the Boiler Point and Back Beach height mapped area the maximum height is 15m;
   b. quayside and container cranes, and light towers are exempt from the maximum height limit; and
c. rooftop structures are exempt from the performance standard for height provided they do not exceed the maximum height limit for all other buildings and structures by more than one third of that limit or 5m, whichever is the lesser.

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

Boiler Point and Back Beach Height Mapped Area
30.6.5 Number, Location and Design of Ancillary Signs

30.6.5.1 General

a. Signs must comply with the following standards, except the following signs are exempt from these standards:
   i. signs that are not visible from outside the Port Zone;
   ii. ‘regulatory signs’ (requiring or prohibiting specified actions), ‘warning signs’ (informing of hazards or of other features requiring a safe response), or ‘directional signs’ (identifying the location of, or direction to destinations, routes, building entrances and vehicle accesses) signs; and *CMU 271.18 and others*
   iii. ‘building names’ *Port cl.16* (excluding commercial sponsorship names).

b. Signs located on or *PO cl.16* above the footpath must comply with Rule 6.7.2.

c. Signs must comply with Rule 6.7.3 where visible from a road.

d. Signs must not be illuminated or digital.

e. Signs higher than 4m above ground level must only display the business name or major facility name.

f. Signs other than those specified in rules 30.6.5.2 and 30.6.5.3 are not allowed. *Port cl.16*

g. Signs that contravene the performance standard for number, location and design of ancillary signs are restricted discretionary activities. *PO cl.16*

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

30.6.5.2 Signs attached to buildings

a. The height, above ground level, at the highest point of any sign, attached to a building is 8m.

b. Signs must not be attached to roofs.

c. Signs must not project higher than the lowest point of the roof, except where mounted against a parapet or gable end.

d. Signs attached flat against a building must:
   i. not cumulatively exceed 15% of the total wall area (excluding windows) that face the street frontage, or 8m², whichever is lesser; and
   ii. if attached to a verandah fascia, must not exceed a height of 500mm, or the height of a verandah fascia, whichever is greater.

e. If attached on the underside of a verandah or protruding from a building façade, signs must:
   i. where attached to the façade of a building, not protrude more than 1.5m from the façade;
   ii. have a maximum area per display face of 2m²;
   iii. have a maximum of 2 display faces per sign; and
   iv. not exceed 1 sign per 15m of street frontage and a maximum of 3 signs per building.

30.6.5.3 Freestanding signs

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

b. The maximum dimensions of freestanding signs are:
   i. maximum height of 8m for permanently fixed freestanding signs;
ii. maximum height of 4m for portable freestanding signs;

iii. maximum area of 16m² per display face for permanently fixed freestanding signs;

iv. maximum area of 8m² per display face for portable freestanding signs;

v. maximum width of 2m; and

vi. maximum depth of 400mm {PO cl.16}.

c. Freestanding signs must not:

i. obstruct driveways, parking or loading areas; and not obstruct parking, loading and access areas; and {PO cl.16}

ii. be positioned entirely within the site boundaries.

Note 30.6A—Other relevant District Plan provisions {PO cl.16¹}

1. Commercial advertising is a non-complying land use activity in all zones except the Airport Zone. {PO cl.16}

2. See Section 3 Public Amenities for the rules related to public noticeboards. {PO cl.16}

3. See Section 4 Temporary Activities for the rules related to temporary signs. {PO cl.16}

¹ PO cl.16: Deleted as definition of “Signs” amended to clarify how different signs are managed in the Plan.

Note 30.6.5B - Other requirements outside of the District Plan

1. For additional restrictions that may apply to signs, see also:
   b. Dunedin City Council Commercial Use of Footpaths Policy
   c. Dunedin City Council Roading Bylaw
   d. Dunedin City Council Traffic and Parking Bylaw

30.6.6 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

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

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

¹ Port cl.16: As a clause 16 amendment, this content has been moved to 30.6.3. This is not a substantive change.
Rule 30.7 Subdivision Performance Standards

Subdivision activities must comply with Rule 19.7.

Rule 30.8 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 30.8.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.

2. Rules 30.8.2 - 30.8.5:
   a. list the matters Council will restrict its discretion to; and
   b. provide guidance on how consent applications will be assessed, including:
      i. relevant objectives and policies, with respect to s104(1)(b)(vi);
      ii. potential circumstances that may support a consent application;
      iii. general assessment guidance; and
      iv. conditions that may be imposed.

3. Rules 30.8.2 - 30.8.5 apply as follows: (Port cl.16)
   a. Rule 30.8.2 applies to all performance standard contraventions;
   b. Rule 30.8.3 applies to land use performance standard contraventions;
   c. Rule 30.8.4 applies to development performance standard contraventions; and
   d. Rule 30.8.5 applies to subdivision performance standard contraventions. (Port cl.16)

30.8.2 Assessment of all performance standard contraventions

<table>
<thead>
<tr>
<th>Performance standard</th>
<th>Guidance on the assessment of resource consents</th>
</tr>
</thead>
<tbody>
<tr>
<td>All performance standard contraventions</td>
<td>Potential circumstances that may support a consent application include:</td>
</tr>
<tr>
<td></td>
<td>a. The degree of non-compliance with the performance standard is minor.</td>
</tr>
<tr>
<td></td>
<td>General assessment guidance:</td>
</tr>
<tr>
<td></td>
<td>b. Where more than one standard is contravened, the combined effects of the contraventions should be considered.</td>
</tr>
</tbody>
</table>

30.8.3 Assessment of land use performance standard contraventions

<table>
<thead>
<tr>
<th>Performance standard</th>
<th>Matters of discretion</th>
<th>Guidance on the assessment of resource consents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electrical interference</td>
<td>a. Effects on health and safety</td>
<td>See Rule 9.4</td>
</tr>
<tr>
<td>Minimum vehicle loading</td>
<td>a. Effects on the safety and efficiency of the transport network</td>
<td>See Rule 6.9</td>
</tr>
</tbody>
</table>
### 30.8.4 Assessment of development performance standard contraventions

<table>
<thead>
<tr>
<th>Performance standard</th>
<th>Matters of discretion</th>
<th>Guidance on the assessment of resource consents</th>
</tr>
</thead>
</table>
| 1. Earthworks standards: \(\text{EW cl.16')}\n  - Batter gradient \(\text{EW cl.16')}\) | a. Effects on the stability of land, buildings and structures \(\text{EW cl.16')}\) | Relevant objectives and policies: \(\text{EW cl.16')}\)
  i. Objective 30.2.3 \(\text{EW cl.16')}\)
  ii. Earthworks and associated retaining structures are located and designed to avoid adverse effects on the stability of land, buildings, and structures by using a batter gradient that will be stable over time (Policy 30.2.3.1.b): \(\text{EW cl.16')}\)

Conditions that may be imposed include, but are not limited to:
  iii. Maximum slopes of cut and fill batters: \(\text{EW cl.16')}\)
  iv. Time limits for retaining wall installation to avoid leaving a cut slope unsupported for an extended period: \(\text{EW cl.16')}\)
  v. Temporary shoring requirements to maintain stability before a wall is constructed: \(\text{EW cl.16')}\)
  vi. Supervision and monitoring requirements for retaining wall construction and standard earthworks construction: \(\text{EW cl.16')}\)

| 2. Earthworks standards: \(\text{EW cl.16')}\)  
  - Setback from property boundary, buildings, structures and cliffs \(\text{EW cl.16')}\) | a. Effects on the stability of land, buildings and structures \(\text{EW cl.16')}\) | Relevant objectives and policies: \(\text{EW cl.16')}\)
  i. Objective 30.2.3 \(\text{EW cl.16')}\)
  ii. Earthworks and associated retaining structures are designed and located to avoid adverse effects on the stability of land, buildings, and structures by being set back an adequate distance from property boundaries, buildings and cliffs (Policy 30.2.3.1.a): \(\text{EW cl.16')}\)

| 3. Earthworks standards: \(\text{EW cl.16')}\)  
  - Setback from network utilities \(\text{EW cl.16')}\)  
  - Setback from network utilities \(\text{EW cl.16')}\) | a. Effects on efficient and effective operation of network utilities \(\text{EW cl.16')}\)  
  b. Effects on health and safety \(\text{EW cl.16')}\) | See Rule 5.7 \(\text{EW cl.16')}\) |
### 30.8.4 Assessment of development performance standard contraventions

<table>
<thead>
<tr>
<th>Performance standard</th>
<th>Matters of discretion</th>
<th>Guidance on the assessment of resource consents</th>
</tr>
</thead>
</table>
| **4.** Earthworks standards: *(EW cl.16)*  
* Sediment control *(EW cl.16)* | a. Effects on surrounding sites *(EW cl.16)* | **Relevant objectives and policies: (EW cl.16)*  
i. Objective 30.2.3 *(EW cl.16)*  
ii. Earthworks and any associated retaining structures are designed and located to minimise adverse effects on surrounding sites and the wider area by managing earthworks to avoid sediment run-off, including on to any property, or into any stormwater pipes, drains, channels or soakage systems (Policy 30.2.3.2.b): *(EW cl.16)* |
|                      | b. Effects on biodiversity values and natural character of riparian margins and coast *(EW cl.16)* | See Rule 10.4 *(EW cl.16)* |
|                      | e. Effects on the efficiency and/or affordability of infrastructure *(EW cl.16)* | See Rule 9.4 *(EW cl.16)* |
| **5.** *(PHS 85.1)*  
Hazardous substances quantity limits and storage requirements *(PHS 85.1)* | a. Effects on health and safety *(PHS 85.1)* | See Rule 9.4 *(PHS 85.1)* |
|                      | b. Risk from natural hazards *(PHS 85.1)* | See Rule 11.4 *(PHS 85.1)* |
| **6.** Maximum height | a. Effects on amenity of surrounding residential zone | **Relevant objectives and policies:**  
i. Objective 30.2.2  
ii. Buildings, structures and outdoor storage, including shipping containers, are of a height that avoids or mitigates significant adverse effects on visual amenity in Port Chalmers and Carey’s Bay as far as practicable (Policy 30.2.2.1). |
| **7.** Number, location and design of ancillary signs | a. Effects on amenity of surrounding zones | **Relevant objectives and policies:**  
i. Objective 30.2.2  
ii. Ancillary signs are located and designed to maintain streetscape amenity including by being of an appropriate size and number to convey information about the name, location and nature of the activity on-site to passing pedestrians and vehicles and will not be oversized or too numerous for what is necessary for that purpose (Policy 30.2.2.3). |
|                      | b. Effects on the safety and efficiency of the transport network | See Rule 6.9 |
### 30.8.4 Assessment of development performance standard contraventions

<table>
<thead>
<tr>
<th>Performance standard</th>
<th>Matters of discretion</th>
<th>Guidance on the assessment of resource consents</th>
</tr>
</thead>
<tbody>
<tr>
<td>8.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| • Securing of outdoor storage {Port cl.16} | a. Effects on amenity of surrounding zones | Relevant objectives and policies:  
  i. Objective 30.2.2  
  ii. Fertiliser, woodchips and other materials are stored in a location and manner and in an area {Port 737.26} where they will not become windblown and will not contaminate any off-site areas (Policy 30.2.2.2). {Port 737.26} |
| • Location of outdoor storage | | |
| 9. Parking, loading and access standards {Trans cl.16²} | a. Effects on the safety and efficiency of the transport network {Trans cl.16²} | See Rule 6.9 {Trans cl.16²} |

---

1 **EW cl.16:** Earthworks provisions have been moved to Section 8A. Any amendments to provisions as a result of submissions are shown there.

2 **Trans cl.16:** Under Transportation section assessment rules (Rule 6.9.5.1), 'effects on the safety and efficiency of the transport network' is a matter of discretion for contraventions of parking, loading and access standards. However, this matter of discretion was inadvertently omitted from notified Section 30 assessment rules. The correction of this error, via the addition of Rule 30.8.4.9, does not result in a substantive change to the effect of provisions.

### 30.8.5 Assessment of subdivision performance standard contraventions

<table>
<thead>
<tr>
<th>Performance standard</th>
<th>Guidance on the assessment of resource consents</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Subdivision performance standards</td>
<td>See Rule 19.9</td>
</tr>
</tbody>
</table>
Rule 30.9 Assessment of Restricted Discretionary Activities

Rule 30.9.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.

2. Rule 30.9.2 and 30.9.3 \(\text{(EW cl.16)}\):
   a. lists the matters Council will restrict its discretion to; and
   b. provides guidance on how a consent application will be assessed, including:
      i. relevant objectives and policies, with respect to s104(1)(b)(vi);
      ii. potential circumstances that may support a consent application;
      iii. general assessment guidance; and
      iv. conditions that may be imposed.

3. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in the Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

4. Where a restricted discretionary activity does not meet a performance standard the following occurs:
   a. if the contravention of the performance standard defaults to restricted discretionary (which is the case, unless otherwise indicated in the performance standard) \(\text{(PO cl.16)}\) then:
      i. the activity, as a whole, will be treated as restricted discretionary; and
      ii. the matters of discretion are expanded to include the areas of non-compliance with the performance standard; and
      iii. the performance standard contravention will be assessed as indicated in Section 30.8; and
      iv. the matters of discretion in this section will be assessed as indicated.
   b. if the contravention of the performance standard defaults to discretionary then:
      i. the activity, as a whole, will be treated as discretionary; and
      ii. the performance standard contravention will be assessed as indicated in Section 30.10; and
      iii. the assessment guidance in this section will also be considered.
   c. if the contravention of the performance standard defaults to non-complying then:
      i. the activity, as a whole, will be non-complying; and
      ii. the performance standard contravention will be assessed as indicated in Section 30.11; and
      iii. the assessment guidance in this section will also be considered.
## 30.9.2 Assessment of restricted discretionary development activities

<table>
<thead>
<tr>
<th>Activity</th>
<th>Matters of discretion</th>
<th>Guidance on the assessment of resource consents</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Effects on visual amenity and character (EW cl.16')</td>
<td>Relevant objectives and policies: (EW cl.16')</td>
<td></td>
</tr>
<tr>
<td>b. Effects on the amenity of surrounding properties (EW cl.16')</td>
<td>i. Objective 30.2.3 (EW cl.16')</td>
<td></td>
</tr>
<tr>
<td></td>
<td>ii. Adverse effects on visual amenity and character will be avoided or, if avoidance is not possible, adequately mitigated (Policy 30.2.3.3.a): (EW cl.16')</td>
<td></td>
</tr>
<tr>
<td></td>
<td>iii. Adverse effects on the amenity of surrounding properties, including changes to drainage patterns, will be avoided or, if avoidance is not possible, adequately mitigated (Policy 30.2.3.3.b): (EW cl.16')</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Potential circumstances that may support a consent application include: (EW cl.16')</td>
<td></td>
</tr>
<tr>
<td></td>
<td>iv. There is no, or only minimal, alteration to the natural landform: (EW cl.16')</td>
<td></td>
</tr>
<tr>
<td></td>
<td>v. Any cut or fill will be restored or treated to resemble natural landforms: (EW cl.16')</td>
<td></td>
</tr>
<tr>
<td></td>
<td>vi. The earthworks will not remove or affect existing vegetation or landscaping: (EW cl.16')</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Conditions that may be imposed include, but are not limited to: (EW cl.16')</td>
<td></td>
</tr>
<tr>
<td></td>
<td>vii. Measures to minimise visual effects, e.g. requirements for revegetation and/or landscaping: (EW cl.16')</td>
<td></td>
</tr>
<tr>
<td></td>
<td>viii. Maximum slopes of cut and fill batters: (EW cl.16')</td>
<td></td>
</tr>
<tr>
<td></td>
<td>ix. Measures to divert surface water and rain away from, or prevent from discharging over, batter faces and other areas of bare earth: (EW cl.16')</td>
<td></td>
</tr>
<tr>
<td></td>
<td>x. Measures to ensure there are no adverse effects from changes to drainage patterns on surrounding properties: (EW cl.16')</td>
<td></td>
</tr>
<tr>
<td></td>
<td>xi. Requirement to de-compact soils; to take other remedial action to ensure the natural absorption capacity of the soils is not reduced; or to use other mitigation measures to ensure the overall absorption of rain water on site is not diminished: (EW cl.16')</td>
<td></td>
</tr>
</tbody>
</table>
## 30.9.2 Assessment of restricted discretionary development activities

<table>
<thead>
<tr>
<th>Activity</th>
<th>Matters of discretion</th>
<th>Guidance on the assessment of resource consents</th>
</tr>
</thead>
<tbody>
<tr>
<td>c. Effects on the stability of land, buildings, and structures {EW cl.16'}</td>
<td>Relevant objectives and policies: {EW cl.16'}</td>
<td></td>
</tr>
<tr>
<td></td>
<td>i. Objective 30.2.3  {EW cl.16'}</td>
<td></td>
</tr>
<tr>
<td></td>
<td>ii. Adverse effects on the stability of land, buildings, and structures will be avoided or, if avoidance is not possible, adequately mitigated (Policy 30.2.3.3.e): {EW cl.16'}</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Potential circumstances that may support a consent application: {EW cl.16'}</td>
<td></td>
</tr>
<tr>
<td></td>
<td>iii. A geotechnical report confirms the existing ground is suitably stable for the proposed works, and proposed works will not create instability risks for surrounding land, buildings, or structures (see Special Information Requirements – Rule 30.12.1): {EW cl.16'}</td>
<td></td>
</tr>
<tr>
<td></td>
<td>iv. Excavation, fill and retaining structures will be designed, and the work undertaken, in accordance with best practice engineering standards {EW cl.16'}</td>
<td></td>
</tr>
</tbody>
</table>

2. Earthworks—large scale (that exceed scale thresholds within 5m of a water body or MHWS) {EW cl.16'}

<table>
<thead>
<tr>
<th>Earthworks—large scale (that exceed scale thresholds within 5m of a water body or MHWS) {EW cl.16'}</th>
<th>a. Effects on biodiversity and natural character of riparian margins and the coast {EW cl.16'}</th>
<th>b. Effects on public access {EW cl.16'}</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>See Rule 10.5 {EW cl.16'}</td>
<td></td>
</tr>
</tbody>
</table>

¹ EW cl.16: Earthworks provisions have been moved to Section 8A. Any amendments to provisions as a result of submissions are shown there.

## 30.9.3 Assessment of restricted discretionary subdivision activities

<table>
<thead>
<tr>
<th>Activity</th>
<th>Matters of discretion</th>
<th>Guidance on the assessment of resource consents</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. All subdivision activities</td>
<td>a. Effects on the efficient and effective operation of the pPort at Port Chalmers</td>
<td>Relevant objectives and policies:</td>
</tr>
<tr>
<td></td>
<td>i. Objective 30.2.1; Strategic Objective 2.3.1</td>
<td></td>
</tr>
<tr>
<td></td>
<td>ii. Subdivision The subdivision {Port cl.16} is necessary for</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1. the operation of the pPort at Port Chalmers or;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2. the disposal of surplus land in accordance with Policy policies 2.3.1.4 and {Port cl.16} 2.3.1.6, in accordance with and {Port cl.16} the objectives and policies of the Industrial Port Zone (Policy 30.2.1.4).</td>
<td></td>
</tr>
<tr>
<td></td>
<td>See Rule 19.10</td>
<td></td>
</tr>
</tbody>
</table>
Rule 30.10 Assessment of Discretionary Activities

Rule 30.10.1 Introduction
1. Discretionary activities will be assessed in accordance with section 104 and 104B of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rule 30.10.2 provides guidance on how a consent application for the listed discretionary activities will be assessed, including:
   a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
   b. potential circumstances that may support a consent application;
   c. general assessment guidance, including any effects that will be considered as a priority; and
   d. conditions that may be imposed.
3. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

30.10.2 Assessment of discretionary performance standard contraventions

<table>
<thead>
<tr>
<th>Performance standard</th>
<th>Guidance on the assessment of resource consents</th>
</tr>
</thead>
</table>
| 1. Noise from industry *(Port cl.16)* - where the limit is exceeded by less than *(Port cl.16)* 5dB LAeq (15min) *(Rule 9.3.6 Noise)* *(Port cl.16)* | Relevant guidance from other sections (priority considerations):
   a. See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety. |
| Light spill - where the limit is exceeded by 25% or less                               |                                                 |
Rule 30.11 Assessment of Non-complying Activities

Rule 30.11.1 Introduction

1. Non-complying activities will be assessed in accordance with section 104, 104B and 104D of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.

2. Rules 30.11.2 and 30.11.3 provide guidance on how a consent application for the listed non-complying activities will be assessed, including:
   a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
   b. general assessment guidance, including any effects that will be considered as a priority.

3. Rules 30.11.2 and 30.11.3 apply as follows: {Port cl.16}
   a. Rule 30.11.2 applies to non-complying activities; and
   b. Rule 30.11.3 applies to non-complying performance standard contraventions. {Port cl.16}

4. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.
### 30.11.2 Assessment of non-complying activities

<table>
<thead>
<tr>
<th>Activity</th>
<th>Guidance on the assessment of resource consents</th>
</tr>
</thead>
</table>
| 1. All non-complying activities | *Relevant objectives and policies (priority considerations):*  
   a. The activity does not detract from, or preferably contributes to, the strategic directions objectives, including, but not limited to, those related to:  
      i. Objective 2.3.1  
   b. The activity supports the purpose of the zone as outlined in objectives *(Port cl.16)* 30.2.1 and 30.2.2.  
   c. In assessing the significance of effects, consideration will be given to:  
      i. both short and long term effects, including effects in combination with other activities; and  
      ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent.  
   Potential circumstances that may support a consent application include:  
   d. the establishment of the activity is related to the operation of the pPort and will not conflict with the ability of the pPort to operate efficiently and effectively.  
   Relevant guidance from other sections (priority considerations):  
   e. See Section 6.12 for guidance on the assessment of resource consents in relation to objectives 6.2.2 and 6.2.3, and effects related to accessibility and the safety and efficiency of the transport network and its affordability to the public. *(Trans cl.16)*  
   f. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety. *(PHS cl.16)*  
   g. See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on cultural values of Manawhenua. *(MW 1071.109)* |
| 2. Cemeteries  
  Crematoriums  
  Landfills | *Relevant guidance from other sections (priority considerations):*  
   a. See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on the cultural values of Manawhenua. |
| 3. Commercial advertising in all zones *(PO cl.16)* | *Relevant objectives and policies (priority considerations):*  
   a. Objective 2.4.1  
   b. Policy 2.4.1.6.c |

¹ *Trans cl.16:* This amendment adds a cross-reference to relevant assessment rules in the transportation section, for all non-complying activities. This does not change the effect of provisions.
### 30.11.3 Assessment of non-complying performance standard contraventions

<table>
<thead>
<tr>
<th>Performance standard</th>
<th>Guidance on the assessment of resource consents</th>
</tr>
</thead>
</table>
| 1. Light spill - where the limit is exceeded by greater than 25%                     | Relevant guidance from other sections (priority considerations):  
  a. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.                                                                                                     |
| 2. • Noise from industry **(Port cl.16)** - where the limit is exceeded by 5dB LAeq (15 min) or more (Rule 9.3.76) **(Port cl.16)**  
  • Hazardous substances quantity limits and storage requirements (Rule 9.3.4.2) **(PHS 85.1)** | Relevant guidance from other sections (priority considerations):  
  a. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.                                                                                                     |
| 3. Port Noise Management **(Port 391.2)**                                            | Relevant objectives and policies (priority considerations):  
  Objective 30.2.2, Policy 30.2.2.4                                                                                                                                                    |
Rule 30.12 Special Information Requirements \{Confirmed to be deleted - EW cl.16\}

30.12.1 Geotechnical investigation report \{EW cl.16\}

1. A geotechnical investigation report may be requested by Council for earthworks of a large scale and/or where the earthworks are proposed: \{EW cl.16\}
   a. on a site with a slope angle between 15° (3.7h:1v slope ratio, or 27% slope grade) and 26° (2h:1v slope ratio, or 50% slope grade); \{EW cl.16\}
   b. on a site identified as hazard-prone in Council's Hazard Information Management System; or \{EW cl.16\}
   c. on any other site that the Council, with good cause, suspects to be hazard-prone. \{EW cl.16\}

2. A geotechnical investigation report must be provided for earthworks on all sites with a slope greater than a 26° angle (2h:1v slope ratio, or 50% slope grade). \{EW cl.16\}

3. All requested geotechnical investigation reports must be prepared by a suitably qualified expert who is experienced in the practice of geotechnical engineering and registered under the Chartered Professional Engineers Act of New Zealand 2002 and who has professional indemnity insurance. \{EW cl.16\}

4. The geotechnical investigation report must address the following factors: \{EW cl.16\}
   a. special design or construction requirements; \{EW cl.16\}
   b. special foundation requirements; \{EW cl.16\}
   c. services; \{EW cl.16\}
   d. access; \{EW cl.16\}
   e. effluent disposal; \{EW cl.16\}
   f. non-engineered fills; and \{EW cl.16\}
   g. a statement of professional opinion as to the suitability of the land for the proposed development. \{EW cl.16\}

\^ EW cl.16: Earthworks provisions have been moved to Section 8A. Any amendments to provisions as a result of submissions are shown there.
Appendices

The following must be observed in relation to any measurements or assessments of port noise required by these Appendices: *(Port 391.2)*

1. Unless stated otherwise, port noise must be measured in accordance with NZS 6801:2008 Acoustics – Measurement of Environmental Sound and assessed in accordance with NZS 6809:1999 Acoustics – Port Noise Management and Land Use Planning, provided that: *(Port 391.2)*
   a. subject to Rule 9.3.6.6.a, the rating level described in clause 7.3 of NZS6809:1999 Acoustics - Port Noise Management and Land Use Planning must be determined for the sole purpose of defining any Leq (15 min) sound level, required for the purposes of Appendices 30A and 30B, and *(Port 391.2)*
   b. adjustments for any special audible characteristics to any Leq (15 min) made in accordance with clause 7.3 and A6 of NZS6809:1999 exclude audible warning devices. *(Port 391.2)*

2. For the purpose of comparison with noise criteria specified in Appendix 30B the following apply: *(Port 391.2)*
   a. in calculating any Ldn (5 day average), one ship visit of up to five days duration will be deemed to be one occasion; and *(Port 391.2)*
   b. in assessing any Leq (15 min) sound level between 10pm and 7am the following day, one ship visit of up to five days duration will be deemed to be one occasion. *(Port 391.2)*

Appendix 30A. Port Noise Management Plan

**30A.1 Minimum port noise management plan provisions**

The Port Noise Management Plan required by Rule 30.5.4 must contain the following:

1. Port Noise Management Plan objectives;
2. detailed procedures for the implementation of Rule 30.5.4, including the Port Noise Mitigation Plan outlined in Appendix 30B and the establishment and maintenance of a Port Noise Liaison Committee outlined in Appendix 30C;
3. a list of Port Noise Liaison Committee functions;
4. procedures for recommendations of the Port Noise Liaison Committee to be considered and determined by the Port Operator;
5. noise modelling, noise monitoring, auditing and reporting procedures;
6. complaint handling procedures;
7. procedures for achieving noise reduction through port operational procedures and staff and contractor training; and
8. procedures for alterations to, and the annual update of, *(Port 391.2)* the Port Noise Management Plan.

**30A.2 (Port cl.16) Minimum monitoring and reporting requirements**

1. The Port Operator must maintain, at its expense, sound level monitoring equipment to ensure the continuous measurement of port noise emanating from port related activities occurs *(Port cl.16)* 24 hours a day and seven days a week.
2. The Port Operator must provide the results of sound level monitoring to the *(Port cl.16)* Council and the Port Noise Liaison Committee in a summary form showing Leq, calculated Ldn sound exposure and all attended Lmax levels not less than four times a year. This monitoring must highlight significant port noise emissions and correlate these with port activity and wind speed and wind direction data.
   1. highlight significant port noise emissions and correlate these with port activity and wind speed and wind...
2. include attended Lmax readings taken during night time at sites in residential zones (including within Careys Bay) while container handling is taking place at Port Chalmers. These results must be presented as a continuous graphical record of 15 minute samples of dBA levels recorded and presented on a 1 second by 1 second basis and include annotations indicating the types of port activities observed to be causing the maxima shown on the graphs. \textit{(Port 391.2)}

3. When sound level monitoring indicates that port noise may be exceeding 65 dBA Ldn (5 day average) or 65dBA Leq (15 min, 10pm - 7am) at noise affected properties that are not shown on the Port Noise Contour Map as eligible for mitigation under Appendix 30B.1, the exceedance must be recorded, investigated and reported to the Port Noise Liaison Committee. The investigation must identify as far as possible those noise affected properties receiving port noise at or above such levels.

4. The Port Operator must produce and include in the Port Noise Management Plan a port noise contour map based on a current busy 5 day operating scenario. The contour map must be updated at least on an annual basis or when a change to port operations is likely to affect the levels of port noise received in surrounding parts of (PHS cl.16) the Township and Settlement, Rural Residential 2, Recreation, Industrial, Port Chalmers (PHS cl.16) Principal Centre and or the Hills Slopes Rural zones. Port noise contours must be modelled at 1dB intervals between 55Ldn and 70Ldn.

5. To ensure the accuracy of the Port Noise Contour Map, the Port Operator must perform field verification of calculated sound exposure levels and assessed Leq (15 min) levels of port noise at the agreed monitoring points identified in the Port Noise Management Plan.

6. Those noise affected properties confirmed as eligible for mitigation under Appendix 30B.1 must be identified on the Port Noise Contour Map.

7. The Port Operator must maintain an acoustic certificate register. A copy of the register and acoustic certificates for noise affected properties must be supplied to the \textit{(Port cl.16)} Council. Copies of the register and acoustic certificates must also be held at the offices of the Port Operator and the Dunedin City Council and made available to members of the public on request.

8. The Port Operator must make available to the Port Noise Liaison Committee or the \textit{(Port cl.16)} Council on request all information the Port Operator has as to noise and meteorological conditions.

9. When a noise complaint is received, the Port Operator will immediately advise the Dunedin City Council (if the complaint is not received throughout the Dunedin City Council).

10. The Port Operator must maintain a register of noise complaints and report the details of complaints and any action taken to investigate and resolve complaints to the Port Noise Liaison Committee at the earliest opportunity.

11. Copies of the Port Noise Management Plan are to be held at the offices of the Port Operator and the Dunedin City Council and on their respective websites, \textit{(Port 391.2)} and made available to members of the public on request.
Appendix 30B. Port Noise Mitigation Plan

30B.1 Mitigation for noise affected properties 65dBA and above

The Port Operator must offer to purchase or provide acoustic treatment for noise affected properties which receive, at any point within their boundary, levels of port noise equal to or greater than an assessed 65 dBA Ldn (5 day average) or an assessed 65 dBA Leq (15 min, 10pm –7am) on more than three occasions (more than 24 hours apart) during any rolling 12 month period. The conditions and standards in 9.3.1.2 to 9.3.1.4 apply to the offer to purchase or provide acoustic treatment. {Port 737.35}

30B.1.2 Owner to decide

The owner of each such noise affected property must have the right to elect whether to accept either purchase or acoustic treatment, and there is no time limit on the owner's acceptance of the offer.

30B.1.3 Purchase

The fair market value of a noise affected property must be determined as if the property was situated in Port Chalmers, excluding the effect of port operation; plus an additional compensatory payment of $1,000 for each year, up to 30 December 2003, that the owner was in prior occupation of the property. The minimum additional payment is to be $2,000, up to a maximum of $15,000, with adjustment for inflation to be in accordance with the method specified in the Port Noise Mitigation Plan.

30B.1.4 Acoustic treatment

Where acoustic treatment is provided, it must be done in accordance with rules 9.3.1.2, 9.3.1.3, and 9.3.1.5. {Port 737.35}

Acoustic treatment of noise affected properties must be carried out in accordance with procedures specified in the Port Noise Mitigation Plan up to a limit specified in the Port Noise Mitigation Plan.

Where the assessed costs of acoustic treatment exceed the limit specified in the Port Noise Mitigation Plan, the Port Operator must advise the property owner of the costs of acoustic treatment and offer the property owner the option of making up the difference in the costs of acoustic treatment to enable the Port Operator to obtain an acoustic certificate.

If port noise received by a noise affected property which has received acoustic treatment exceeds the certified level of port noise for that property, then the Port Operator must offer to purchase the affected property notwithstanding the previous election of acoustic treatment.

30B.1.5 Residential use of properties purchased by the Port Operator

Noise affected properties purchased under this provision may not be used for residential purposes unless they receive acoustic treatment.

30B.2 Mitigation for noise affected properties 60dBA and above

The Port Operator must contribute to the costs of acoustic treatment for noise affected properties or may offer to purchase noise affected properties which are shown on the current Port Noise Contour Map as receiving at any point within their boundary port noise levels equal to or greater than 60 dBA Ldn (5 day average). The conditions and standards in 9.3.1.2 to 9.3.1.4 apply to any offer to provide acoustic treatment. {Port 737.36}

30B.2.1 Purchase

The Port Operator, on application by the owner of a noise affected property, must consider and decide whether to offer to purchase a noise affected property. The purchase will be on the basis of a "willing buyer/willing seller" and no additional compensatory payments will be necessary.
30B.2.2 Acoustic treatment

Where acoustic treatment is provided it must be done in accordance with rules 9.3.1.2, 9.3.1.3, and 9.3.1.5. *(Port 737.36)*

The Port Noise Liaison Committee, on a case by case basis, must provide a contribution to the costs of acoustic treatment utilising its annual mitigation budget. Acoustic treatment of noise affected properties must be carried out in accordance with procedures specified in the Port Noise Mitigation Plan, and the liaison committee will determine the level of the contribution up to a limit specified in the Port Noise Mitigation Plan.

### 30B.3 Mitigation for noise affected properties 55dBA to 60dBA

The Port Noise Liaison Committee will provide technical advice to noise affected properties.

In special circumstances the Port Noise Liaison Committee, utilising its annual mitigation budget, may offer to contribute to the costs of acoustic treatment for noise affected properties which are shown on the current Port Noise Contour Map as receiving, at any point within their boundary, port noise levels equal to or greater than 55 dBA Ldn (5 day average). The conditions and standards rules *(Port cl.16)* in 30B.3.1 to 30B.3.2, 10.2.3.1 to 10.2.3.2 *(Port 737.37)* apply to the provision of technical advice or an offer to provide acoustic treatment.

30B.3.1 Technical advice

An annual update of noise modelling information is to be made available to property owners.

An annual summary of the activities of the Port Noise Liaison Committee taken from the minutes of the liaison committee meetings is to be provided to property owners.

30B.3.2 Acoustic treatment

Acoustic treatment of noise affected properties must be carried out in accordance with procedures specified in the Port Noise Mitigation Plan.

Where the contribution to the costs of acoustic treatment is to be provided it must be up to a limit specified in the Port Noise Mitigation Plan.
Appendix 30C. Port Noise Liaison Committee

1. The Port Noise Liaison Committee required under Rule 30.5.4 must include an independent chair who is paid for by Port Otago Limited and {Port 391.2} must comprise, but is not be {Port cl.16} limited to, members appointed by the following organisations:
   a. Port Operator
   b. Otago Regional Council
   c. Dunedin City Council
   d. Carey's Bay Association
   e. Chalmers Community Board¹

2. General duty to committee: The Port Operator must implement, to the extent reasonably possible, all recommendations of the Port Noise Liaison Committee that can be implemented within budget and without compromising the efficiency, safety and competitiveness of port operations.

3. Role of the Port Noise Liaison Committee: The Port Noise Liaison Committee must consider all noise issues arising from the port operation and carry out the functions identified in the Port Noise Management Plan and mitigation functions identified in Appendix 30B.

4. Port Noise Liaison Committee resourcing: The Port Operator must provide for the implementation and maintenance of the Port Noise Liaison Committee as follows:
   a. The Port Operator must provide secretarial and logistic support for the Port Noise Liaison Committee.
   b. The Port Operator must arrange for the Port Noise Liaison Committee to meet on not less than four occasions a year and must identify procedures in the Port Noise Management Plan for calling an emergency meeting of the committee.
   c. The Port Operator must provide an annual budget for noise mitigation that reasonably provides for the Port Noise Liaison Committee.
   d. The Port Operator must make copies of the minutes of the Port Noise Liaison Committee available on its website, and must supply copies on request, {Port 391.2}

¹The board will be responsible for appointing resident representatives from areas of Port Chalmers, other than Carey's Bay, affected by port noise.