

## **D. Management Zones**

### **15. Residential Zones**

#### **15.1 Introduction**

Dunedin's residential environments are diverse in character and include a range of housing types ranging from apartments to stand-alone residential buildings. This diversity stems from the prior zoning regimes and will continue through the approaches proposed in the Second Generation Plan (2GP).

These residential environments are an important resource for the city and contribute to the social, economic, and cultural well-being of people. The types and condition of housing, and the services available to it are important considerations in determining the distribution of resources and providing attractive residential environments. Developing residential environments that maintain and improve people's enjoyment of residential amenity is key.

In achieving this, of importance is the development of an urban form that ensures that Dunedin remains compact, with resilient townships, and sustainably managed urban expansion. The city has a limited amount of residential land, and so to facilitate a more compact form, it needs to be ensured that development is undertaken in a suitable manner. Also, changing demographics, including an aging population and an increase in single person households, has led to a requirement for greater flexibility in the size and type of dwelling options available throughout Dunedin.

Inappropriate land use, subdivision, and development in residential areas can adversely affect the character and amenity of Dunedin's residential environments and is a major concern. Furthermore, commercial activities that do not support the day-to-day living of residents and which detract from residential character and amenity need to be avoided.

In response to these issues, the 2GP proposes to encourage the development of attractive, safe and compact residential environments through controlling matters including the siting of appropriate activities in residential zones, the design, location and scale of land use activities and buildings, the avoidance of certain activities in sensitive locations, and impacts on the efficiency and affordability of infrastructure, services, and the transport network.

This management approach proposed in the 2GP will result in residential zones that support the needs of residents, provide a range of housing types and sizes; maintain and improve amenity values; enhanced streetscapes; maintain and enhance efficient and affordable water and waste infrastructure networks; enable land use activities that are accessible by a range of travel methods, and contribute to compact living environments.

In addition to the various residential zones, it is noted that hazard and heritage overlays apply to parts of Dunedin's residential environment. The various residential zones proposed in the 2GP are briefly described below.

##### **15.1.1 Zone descriptions**

###### **15.1.1.1 General Residential 1**

The General Residential 1 Zone covers the city's hill suburbs and valleys of the main urban area of Dunedin and Mosgiel and is characterised by low density suburban residential living.

###### **15.1.1.2 General Residential 2**

The General Residential 2 Zone covers defined areas within the city's suburbs of the main urban area of Dunedin and Mosgiel. It is characterised by existing or proposed medium density suburban residential living and provides for a range of housing choices throughout the suburban area. Within this zone, the rules differ between those existing and proposed new medium density areas on recognition of the existing or surrounding built form.

### **15.1.1.3 Inner City Residential**

The Inner City Residential Zone covers the residential area near the campus and between the town belt and the central business district. It is characterised by existing or proposed medium density residential living and provides for a range of housing choices close to the central area of Dunedin. With good access to public transport and facilities this environment supports opportunities for higher densities of development than other areas of the City which also allows for different forms of development. Within this environment particular areas that contain dwellings with high heritage characteristics are identified as residential heritage precincts and will have additional rules to protect heritage values.

### **15.1.1.4 Low Density Residential**

The Low Density Residential Zone is a smaller subset of the main urban Dunedin suburban environment, and has slightly larger sites than the General Residential 1 Zone. It is characterised by a more spacious and open suburban environment.

### **15.1.1.5 Large Lot Residential 1**

The Large Lot Residential 1 Zone includes a small number of residential areas which needed to be developed at a lower density to maintain bush or open areas, or because of land instability issues.

### **15.1.1.6 Large Lot Residential 2**

The Large Lot Residential 2 Zone includes a small number of residential areas that needed to be developed at a lower density, with large sites, either to maintain bush or open areas, because of land instability issues, or to maintain the amenity values of the surrounding area.

### **15.1.1.7 Township and Settlement**

The Township and Settlement Zone is a mix of larger residential settlements supported by a commercial area, and smaller residential areas that are not attached to a commercial centre and are generally located between townships, particularly along the coast. These areas are characterised by low density environments, and provide for further sites where fully serviced by DCC infrastructure, and development on larger sites that are not fully serviced by DCC infrastructure.

## 15.2 Objectives and Policies

Objective 15.2.1	
Residential zones are primarily reserved for residential activities and only provide for a limited number of compatible activities, including: visitor accommodation, community activities, major facilities, and commercial activities that support the day-to-day needs of residents.	
Policy 15.2.1.1	Provide for a range of residential and community activities, where the effects of these activities can be managed in line with objectives 15.2.2, 15.2.3, 15.2.4, and 15.2.5 and their policies.
Policy 15.2.1.2	Provide for a limited range of commercial activities, including dairies, registered health practitioners, training and education, and visitor accommodation where the effects of these activities can be managed in line with objectives 15.2.3 and 15.2.4, and their policies.
Policy 15.2.1.3	Limit the size of working from home and dairies in residential zones to a size that: <ol style="list-style-type: none"> <li>is compatible with the character and amenity of the residential zone; and</li> <li>does not detract from the vibrancy and functioning of the centres hierarchy.</li> </ol>
Policy 15.2.1.4	Require activities ancillary to visitor accommodation to be located and designed to cater to patrons of the primary activity rather than the general public.
Policy 15.2.1.5	Avoid commercial activities, other than those expressly provided for, from locating in residential zones, unless: <ol style="list-style-type: none"> <li>the activity will not detract from the vibrancy and functioning of the centre's hierarchy; and</li> <li>the <u>site</u> is adjacent to a centre and it provides a logical extension to a centre; and</li> <li>the centre is at, or very close to, capacity; and</li> <li>the site development is done in accordance with the performance standards of the street typology (if relevant) of the adjacent centre zoned sites; and</li> <li>the development maximises opportunities for integration with the centre; or</li> <li>if the <u>site</u> is in the township and settlement zone:               <ol style="list-style-type: none"> <li>the commercial activity would have significant positive effects in terms of supporting the needs of the community and visitors to the area; and</li> <li>the activity is unable to be located in, or adjacent to, the nearest centre, or no centre exists within the relevant township or settlement; and</li> <li>the location is appropriate for the proposed activity; and</li> <li>any adverse effects from noise, vehicle movements, and on-street parking supply can be avoided or, if avoidance is not possible, adequately mitigated.</li> </ol> </li> </ol>
Policy 15.2.1.6	Avoid industrial activities, rural activities, and major facilities other than those expressly provided for, sport and recreation that involves motor vehicles, and any other activities not compatible with the character and amenity of the residential zone.

### Objective 15.2.2

Residential activities, development, and subdivision activities provide high quality on-site amenity for residents.

Policy 15.2.2.1	Require residential development to achieve a high quality of on-site amenity by: <ol style="list-style-type: none"> <li>providing functional, sunny, and accessible outdoor living spaces that allow enough space for on-site food production, leisure, and recreation;</li> <li>having adequate separation distances between residential buildings;</li> <li>retaining adequate open space uncluttered by buildings; and</li> <li>having adequate space available for service areas.</li> </ol>
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### Objective 15.2.3

Activities in residential zones maintain a good level of amenity on surrounding residential properties and public spaces.

Policy 15.2.3.1	Require buildings and structures to be of a height and setback from boundaries that ensures there are no more than minor effects on the sunlight access of current and future residential buildings and their outdoor living spaces.
Policy 15.2.3.2	Require working from home, dairies, training and education, and community and leisure - small scale, to operate in a way (including hours of operation), that avoids or, if avoidance is not possible, adequately mitigates, noise or other adverse effects on the amenity of surrounding residential properties.
Policy 15.2.3.3	Require buildings and structures in the inner city residential zone to be of a height and setback from boundaries that: <ol style="list-style-type: none"> <li>enables a high quality, medium density form of development that is consistent with the existing streetscape character of the zone; and</li> <li>ensures a reasonable level of outdoor amenity by minimising adverse effects on sunlight access on outdoor spaces at the rear of sites.</li> </ol>
Policy 15.2.3.4	Only allow schools, early childhood education, community and leisure - large scale, sport and recreation, registered health practitioners, training and education, visitor accommodation, supported living facilities and stand-alone car parking where they are designed and located to avoid or, if avoidance is not possible, adequately mitigate, adverse effects on the amenity of surrounding residential properties.
Policy 15.2.3.5	Only allow cemeteries where they are designed and located: <ol style="list-style-type: none"> <li>to avoid or, if avoidance is not possible, adequately mitigate, adverse effects on the amenity of surrounding residential properties; and</li> <li>to avoid reverse sensitivity from surrounding permitted activities.</li> </ol>
Policy 15.2.3.6	Avoid sport and recreation that involves motor vehicles unless the adverse effects on the amenity of surrounding properties will be no more than minor.

#### Objective 15.2.4

Subdivision activities and development maintain or enhance the amenity of the streetscape, and reflect the current or intended future character of the neighbourhood.

Policy 15.2.4.1	Require development to maintain or enhance streetscape amenity by ensuring: <ul style="list-style-type: none"> <li>a. garages, carports and car parking do not dominate the street;</li> <li>b. there are adequate areas free from buildings or hard surfacing;</li> <li>c. buildings' height, boundary setbacks, and scale reflect the existing or intended future residential character;</li> <li>d. shared service areas are not visible from ground level from outside the site; and</li> <li>e. outdoor storage is managed in a way that does not result in unreasonable visual amenity effects or create nuisance effects.</li> </ul>
Policy 15.2.4.2	Require residential activity to be at a density that reflects the existing residential character or intended future character of the zone.
Policy 15.2.4.3	Limit the size of family flats to a size that: <ul style="list-style-type: none"> <li>a. reflects their purpose as providing a second residential unit for people related to residents of the main residential unit; and</li> <li>b. minimise any adverse effects on the amenity and character of the neighbourhood.</li> </ul>
Policy 15.2.4.4	Require fences to be of a height and design that contributes positively to the streetscape amenity and character of the neighbourhood.
Policy 15.2.4.5	Require ancillary signs to be located and designed to maintain residential 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 15.2.4.6	Only allow subdivision activities where the subdivision is designed to ensure any future land use and development will: <ul style="list-style-type: none"> <li>a. maintain the amenity of the streetscape</li> <li>b. reflect the current or future intended character of the neighbourhood;</li> <li>c. provide for development to occur without unreasonable earthworks or engineering requirements; and</li> <li>d. provide for quality housing.</li> </ul>
Policy 15.2.4.7	Only allow schools, early childhood education, community and leisure - large scale, sport and recreation, registered health practitioners, training and education, visitor accommodation, supported living facilities, restaurants or retail ancillary to sport and recreation, and stand-alone car parking where they are designed and located to avoid or, if avoidance is not possible, adequately mitigate, adverse effects on streetscape amenity.

### Objective 15.2.5

Earthworks necessary for permitted or approved land use and development are enabled, while avoiding, or adequately mitigating, any adverse effects on:

- a. visual amenity and character;
- b. the stability of land, buildings, and structures; and
- c. surrounding properties.

Policy 15.2.5.1	Require earthworks, and associated retaining structures, to be designed and located to avoid adverse effects on the stability of land, buildings, and structures by: <ol style="list-style-type: none"> <li>a. being set back an adequate distance from property boundaries, buildings, structures and cliffs; and</li> <li>b. using a batter gradient that will be stable over time.</li> </ol>
Policy 15.2.5.2	Require earthworks and any associated retaining structures to be designed and located to minimise adverse effects on surrounding sites and the wider area, including by: <ol style="list-style-type: none"> <li>a. limiting the scale of earthworks that are provided for as a permitted activity; and</li> <li>b. requiring earthworks to avoid sediment run-off, including onto any property, or into any stormwater pipes, drains, channels or soakage systems.</li> </ol>
Policy 15.2.5.3	Only allow earthworks that exceed the scale thresholds (earthworks - large scale) and any associated retaining structures, where all of the following effects will be avoided or, if avoidance is not possible, adequately mitigated: <ol style="list-style-type: none"> <li>a. adverse effects on visual amenity and character;</li> <li>b. adverse effects on the amenity of surrounding properties, including from changes to drainage patterns; and</li> <li>c. adverse effects on the stability of land, buildings, and structures.</li> </ol>

## Rules

### Rule 15.3 Activity Status

#### 15.3.1 Rule location

The activity status tables in Rules 15.3.3 to 15.3.6 specify the activity status of land use activities, development activities, and subdivision activities in the residential 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)
3. Network Utilities and Energy Generation (Section 5)
4. Transportation Activities (Section 6)
5. Scheduled Trees (Section 7)
6. Natural Hazard Mitigation (Section 8)

#### 15.3.2 Activity status introduction

1. The activity status tables in Rules 15.3.3 - 15.3.5 show the activity status of activities in the residential 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 1.6 outline the hierarchy of categories, activities and sub-activities.
3. Permitted land use activities do not automatically provide for any related development activities. Therefore, the activity status of any associated development activities should also be checked.
4. Where a new land use activity requires a resource consent, all associated development activities will be considered and assessed as part of the resource consent even if the development otherwise meets the development performance standards listed in the Plan.
5. The nested table in Section 1.6 is 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 table, 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 sensitive activities, potentially sensitive activities or 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 hazard 2 overlay zones, the activity status rules in 15.3.6 apply to the following activities:
  - a. new sensitive activities and potentially sensitive activities, and
  - b. some new buildings.
8. Where the activity status in Rule 15.3.6 differs from that in Rules 15.3.3 - 15.3.5, the most restrictive activity status always applies.
9. In addition to the rules in Rule 15.3.6, performance standards for development activities within hazard overlay zones are included in Rules 15.3.4.
10. Activities in a hazard overlay zone must comply with all of the rules in Rules 15.3.3 - 15.3.6.

#### *Performance Standards*

11. Performance standards are listed in the far right column of the activity status tables.



12. Performance standards apply to permitted, controlled, and restricted discretionary activities.
13. If a permitted or controlled activity does not meet one or more performance standards, then the activity status of the activity will become restricted discretionary, unless otherwise indicated by the relevant performance standard rule.
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.

## Legend

Acronym	Activity status
—	No additional provisions apply or not relevant
P	Permitted activity
C	Controlled activity
RD	Restricted discretionary activity
D	Discretionary activity
NC	Non-complying activity
Acronym	Zone/overlay zone name
GR1	General Residential 1 Zone
GR2	General Residential 2 Zone
ICR	Inner City Residential Zone
LDR	Low Density Residential Zone
LLR1	Large Lot Residential 1 Zone
LLR2	Large Lot Residential 2 Zone
TS	Township and Settlement Zone
RHP	Residential Heritage Precinct
ASCV	Scheduled Area of Significant Conservation Value
Haz1	Hazard 1 Overlay Zones
Haz2	Hazard 2 Overlay Zones
Haz3	Hazard 3 Overlay Zones



### 15.3.3 Activity status table - land use activities

1.	Performance standards that apply to all land use activities		a. Acoustic insulation (noise sensitive activities only) b. Electrical interference c. Light spill d. Noise e. Setback from national grid (sensitive activities only)
Residential activities		Activity status	Performance standards
2.	Supported living facilities	RD	a. Minimum car parking b. Outdoor living space c. Service areas
3.	Standard residential	P	a. Density b. Minimum car parking c. Outdoor living space d. Service areas
4.	Working from home	P	a. Hours of operation b. Maximum gross floor area c. Minimum car parking
Community activities		Activity status	Performance standards
5.	Community and leisure - small scale	P	a. Minimum car parking b. Hours of operation
6.	Community and leisure - large scale	RD	a. Minimum car parking b. Hours of operation
7.	Conservation	P	
8.	Early childhood education - small scale	RD	a. Minimum car parking
9.	Early childhood education - large scale	D	
10.	Sport and recreation that involves motor vehicles	NC	
11.	All other sport and recreation activities	D	
Commercial activities		Activity status	Performance standards
12.	Ancillary licensed premises	Same status as underlying activity	
13.	Dairies	RD	a. Hours of operation b. Maximum gross floor area
14.	Registered health practitioners	D	

15.	Restaurants, or retail, ancillary to sport and recreation	D	
16.	Restaurants, retail, or conference, meeting and function activity, ancillary to visitor accommodation	RD	a. Location
17.	Stand-alone car parking	D	
18.	Training and education	RD	a. Hours of operation b. Minimum car parking
19.	Visitor accommodation in the George Street North Residential Heritage Precinct	P	a. Density b. Minimum car parking
20.	Visitor accommodation, other than in George Street North Residential Heritage Precinct	RD	a. Density b. Minimum car parking c. Minimum vehicle loading
21.	All other activities in the commercial activities category	NC	
Major facility activities		Activity status	Performance standards
22.	Cemeteries	RD	
23.	Schools	D	
24.	All other activities in the major facility activities category	NC	
Rural activities		Activity status	Performance standards
25.	Grazing	P	
26.	All other activities in the rural activities category	NC	
Industrial activities		Activity status	Performance standards
27.	All activities in the industrial activities category	NC	

### 15.3.4 Activity status table - development activities

1.	Performance standards that apply to all development activities		<ul style="list-style-type: none"> <li>a. Hazard overlay zones development standards</li> <li>b. Maximum building site coverage and impermeable surfaces</li> <li>c. Setback from coast and water bodies</li> <li>d. Setback from national grid</li> <li>e. Setback from scheduled tree</li> <li>f. Structure plans</li> </ul>
2.	Performance standards that apply to all buildings and structures activities		<ul style="list-style-type: none"> <li>a. Boundary setbacks</li> <li>b. Building length</li> <li>c. Fire fighting</li> <li>d. Height in relation to boundary</li> <li>e. Maximum height</li> <li>f. Number, location and design of ancillary signs</li> </ul>
Buildings and structures activities not in a residential heritage precinct <b>or</b> in a residential heritage precinct but <b>not</b> visible from an adjoining public place (excluding activities affecting a protected part of a scheduled heritage building or scheduled heritage structure - See rows 19-24)		Activity status	Performance standards
3.	New buildings, and additions and alterations to buildings, that result in a building that is less than or equal to 300m <sup>2</sup>	P	
4.	New buildings, and additions and alterations that result in a building, that is greater than 300m <sup>2</sup>	RD	
5.	Fences	P	a. Fence height and design
6.	All other structures	P	
Buildings and structures activities in a residential heritage precinct that are visible from an adjoining public place		Activity status	Performance standards
7.	New buildings	RD	
8.	Repair and maintenance of a non character-contributing building	P	
9.	Repair and maintenance of a character-contributing building or non-protected part of a scheduled heritage building	P	a. Materials and design
10.	Earthquake strengthening or <u>restoration</u> of a character-contributing building or non-protected parts of a scheduled heritage building	P	a. Materials and design

11.	Demolition or removal for relocation of a character-contributing building or non-protected part of a scheduled heritage building	RD	
12.	Additions and alterations to a character-contributing building or non-protected part of a scheduled heritage building (other than earthquake strengthening or <u>restoration</u> )	RD	
13.	Additions and alterations to a non character-contributing building that involve: a. an increase in the footprint of more than 10m <sup>2</sup> ; or b. an increase in the height of the building by more than 2m; or c. the replacement of a pitched roof with a flat roof.	RD	
14.	All other additions and alterations to non character-contributing buildings	P	
15.	Fences	P	a. Fence height and design
16.	Retaining walls less than 1m high	P	
17.	All other structures up to 2.5m high and 2m <sup>2</sup> footprint	P	
18.	Structures greater than 2.5m high and 2m <sup>2</sup> footprint	RD	
Buildings and structures activities that affect a protected part of a scheduled heritage building or scheduled heritage structure		Activity status	Performance standards
19.	Repairs and maintenance	P	a. Materials and design
20.	<u>Restoration</u>	P	a. Materials and design
21.	Earthquake strengthening (where external features only are protected)	C	a. Materials and design
22.	All other additions and alterations	RD	
23.	Demolition	NC	
24.	Removal for relocation	RD	
Development activities on a scheduled heritage site, where visible from an adjoining public place or a public place within the heritage site		Activity status	Performance standards
25.	Structures no more than 2.5m high or 2m <sup>2</sup> footprint	P	
26.	All other structures	RD	
27.	New buildings	RD	
28.	Parking, loading and access	RD	a. Parking, loading and access standards
Site development activities in all areas (except as covered by rows 25-28 above)		Activity status	Performance standards

29.	Earthworks - small scale	P	a. Earthworks standards
30.	Earthworks - large scale	RD	a. Earthworks standards
31.	Parking, loading and access	P	a. Parking, loading and access standards b. Location and screening of car parking
32.	New parking areas, or extensions to existing parking areas <i>(that result in the creation of 50 or more new parking spaces.)</i>	RD	a. Parking, loading and access standards b. Location and screening of car parking
33.	Storage and use of hazardous substances	P	a. Hazardous substances quantity limits and storage requirements
34.	Outdoor storage	P	a. Location and screening of outdoor storage
35.	Vegetation clearance	P	a. Vegetation clearance standards (UCMA and hazard overlay zones)
36.	All other site development activities	P	

#### 15.3.5 Activity status table - subdivision activities

Subdivision activities		Activity status	Performance standards
1.	Cross lease, company lease and unit title subdivision	RD	a. Access b. Esplanade reserves and strips c. Fire fighting d. Service connections e. Shape
2.	Subdivision activities in structure plan areas	RD	a. Structure plans b. Service connections
3.	General subdivision	RD	a. Access b. Esplanade reserves and strips c. Fire fighting d. Minimum site size e. Service connections f. Shape

### 15.3.6 Change to activity status in Hazard 1, Hazard 2 and Hazard 3 Overlay Zones

Activity		a. Haz1	b. Haz2	c. Haz3
1.	Potentially sensitive activities permitted in residential zone	D	—	—
2.	Potentially sensitive activities not permitted in residential zone	NC	D	—
3.	Sensitive activities	NC	D	—
4.	In a hazard 1 (land instability) Overlay Zone, new buildings, and additions and alterations to buildings, which create more than 1m <sup>2</sup> of new ground floor area	RD	—	—
5.	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, which create more than 36m <sup>2</sup> of new ground floor area	RD	RD	—

#### Note 15.3A - Guidance on existing use rights applying to land use activities in hazard overlay zones

- For the purposes of the natural hazards provisions only, with respect to section 10 of the RMA, Council will generally consider that a land use activity is similar in character, intensity, and scale where:
  - 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
  - for a residential activity, a new building is to be used solely as a garage or shed; or
  - for all other sensitive activities and potentially sensitive activities, the ground floor area of any buildings increases by less than 100% in any consecutive 10 year period.
- However, Council will consider specific circumstances associated with the development and how this affects the character, intensity and scale of the land use activity.

#### Note 15.3B - General advice

- Papakāika activity is intended to allow descendants of the original Native Reserve grantees to live on this land. If papakāika is developed and is subsequently no longer required for the use of manawhenua in accordance with the papakāika definition, resource consent will be required to allow its use as other residential development. In this situation, the provisions that govern residential activity, including density of residential development, will apply. It is strongly recommended that the use of relocatable buildings is considered for papakāika development in order to avoid potential future problems of being unable to obtain consent for ownership or occupation of dwellings by people other than descendants of the original grantees.
- Where papakāika is on Māori Land, the provisions of the Te Ture Whenua Māori Act 1993 or subsequent legislation apply.
- New marae can only be established with the agreement of manawhenua.

#### Note 15.3C - General advice

- Under the Heritage New Zealand Pouhere Taonga Act 2014 it is an offence to modify or destroy an archaeological site without obtaining an archaeological authority from Heritage New Zealand (HNZ). This is the case regardless of whether the land on which the site is located is designated, or the activity is permitted under the District Plan or Regional Plan, or a resource or building consent has been granted.
- 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.

## Rule 15.4 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, 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;
  2. contravention of performance standard 13.3.2 'Materials and design' where the building or structure is not listed by Heritage New Zealand; and
  3. In the **Holyhead Street structure plan**, subdivision activities in accordance with the **Holyhead Street structure plan** and notations.
2. Applications for resource consent for the following activities will be publicly notified in accordance with section 95A(2) of the RMA:
  1. demolition of a protected part of a scheduled heritage building or scheduled heritage structure.
3. 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;
  2. contraventions of performance standard 13.3.2 'Materials and design' where the building or structure is listed by Heritage New Zealand; and
  3. contravention of performance standard 13.3.3 'Archaeological sites'.
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. cemeteries;
  2. all restricted discretionary activities that list 'effect on cultural values of manawhenua' as a matter for discretion; and
  3. 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 family flats as part of the permitted baseline in considering residential density effects in the residential zones.
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.
7. All other activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA.



## **Rule 15.5 Land Use Performance Standards**

### **15.5.1 Acoustic Insulation**

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

1. **port noise control mapped area;**
2. **airport noise outer control mapped area;**
3. **airport noise inner control mapped area;**
4. within 40m of the Taieri Aerodrome Zone;
5. within 40m of a state highway;
6. within 20m of an industrial zone; and
7. within 70m of a railway line.

### **15.5.2 Density**

1. Residential activities must not exceed the density limits set out in Table 15.5.2.A, except:
  - a. A single residential unit may be erected on an existing site (created before 26 September 2015) of any size not in a **no DCC reticulated wastewater mapped area** provided all other performance standards are met.
  - b. Within the **East Taieri structure plan**, up to 20% of the land used for residential purposes with in the region marked "Area A", may be developed at a density of one residential unit per 300m<sup>2</sup>.
2. For the purposes of this standard:
  - a. the calculation of habitable rooms includes rooms in family flats and sleep outs;
  - b. the calculation of minimum site area excludes access legs provided for rear sites; and
  - c. the calculation of maximum development potential only applies in the Inner City Residential and General Residential 2 Zones, and for determining whether a family flat can be developed in other zones.
3. In the General Residential 2 Zone, more than one residential unit must not be built on sites smaller than 400m<sup>2</sup>.
4. In the Inner City Residential Zone, more than one residential unit must not be built on sites smaller than 200m<sup>2</sup>.
5. Family flats must not exceed 60m<sup>2</sup> and must be ancillary to a primary residential unit on the same site.
6. More than one residential building (other than a family flat) may only be built on a site if all residential buildings are able to meet all the following performance standards if they were ever subdivided onto separate sites:
  - a. site coverage;
  - b. height in relation to boundary;
  - c. setbacks; and
  - d. access.

**Table 15.5.2.A**

Zone		i. Minimum site area for a residential unit (excluding family flats)	ii. Maximum development potential per site	iii. Number of family flats permitted per site
a.	General Residential 1 Zone	1 per 500m <sup>2</sup>	1 habitable room per 100m <sup>2</sup>	1
b.	General Residential 2 Zone not within an <b>infrastructure constraint mapped area</b> or the <b>South Dunedin mapped area</b>	N/A	1 habitable room per 45m <sup>2</sup>	0
c.	General Residential 2 Zone within an <b>infrastructure constraint mapped area</b>	N/A	1 habitable room per 100m <sup>2</sup>	0
d.	General Residential 2 Zone within the <b>South Dunedin mapped area</b>	N/A	1 habitable room per 60m <sup>2</sup>	0
e.	Inner City Residential Zone	N/A	1 habitable room per 45m <sup>2</sup>	0
f.	Low Density Residential Zone	1 per 750m <sup>2</sup>	1 habitable room per 150m <sup>2</sup>	1
g.	Large Lot Residential Zone 1	1 per 2000m <sup>2</sup>	1 habitable room per 400m <sup>2</sup>	1
h.	Large Lot Residential Zone 2	1 per 3500m <sup>2</sup>	1 habitable room per 700m <sup>2</sup>	1
i.	Township and Settlement Zone not within the <b>no DCC reticulated wastewater mapped area</b>	1 per 500m <sup>2</sup>	1 habitable room per 100m <sup>2</sup>	1
j.	Township and Settlement Zone within the <b>no DCC reticulated wastewater mapped area</b>	1 per 1000m <sup>2</sup>	1 habitable room per 200m <sup>2</sup>	1

7. Residential activity that contravenes the performance standard for density is a non-complying activity, except:
  - a. papakāika that contravenes the performance standards for density is a restricted discretionary activity;
  - b. standard residential in the General Residential 2 Zone (**infrastructure constraint mapped area**) that contravenes the performance standards for maximum development potential per site is a restricted discretionary activity, provided the maximum development potential per site of the activity proposed does not exceed 1 habitable room per 45m<sup>2</sup>;
  - c. contravention of Rule 15.5.2.6 is a restricted discretionary activity; and
  - d. residential activity on an existing site not in a **no DCC reticulated wastewater mapped area** is a restricted discretionary activity
8. Visitor accommodation must have a maximum of one visitor accommodation unit per 80m<sup>2</sup> of site area. Visitor accommodation that contravenes this standard is a non-complying activity.

### 15.5.3 Electrical Interference

Land use activities must comply with Rule 9.3.2.

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#### 15.5.5 Hours of Operation

Activity	Hours of operation
1. Working from home (excluding homestay)	7am - 7pm
2. Dairies	6am - 10pm
3. Sport and recreation, and community and leisure	Sunday - Thursday: 6am - 10.30pm Friday - Saturday: 6am - 12am (midnight)
4. Training and education	8am - 8pm

5. Working from home hours of operation do not apply to activities that:
  - a. are located entirely within a building; and
  - b. do not involve machinery operation, visitors, customers, or deliveries.
6. Flood lighting and sportsfield lighting on sites adjoining a residential zone must not operate from 10pm - 7am.
7. Special church celebrations, including Christmas midnight mass, are exempt for this standard, provided they occur no more than 3 times in a calendar year.

#### 15.5.6 Light Spill

Land use activities must comply with Rule 9.3.5.

#### 15.5.7 Location

For restaurants, retail, or conference, meeting and function activities ancillary to visitor accommodation, all customer pedestrian access must not be orientated to the street frontage.

#### 15.5.8 Maximum Gross Floor Area

Activity	Maximum gross floor area
1. Working from home	50m <sup>2</sup> (includes any internal or external area occupied for storage of materials or goods)
2. Dairies	50m <sup>2</sup>

3. Working from home or dairies that contravene the performance standard for maximum gross floor area are non-complying activities.

#### Note 15.5A - Other requirements outside of the District Plan

1. Registration must be obtained from the DCC's Environmental Health Department for any working from home activities which involve food products, hairdressing, beauty therapy or tattooing. Please contact the DCC's Environmental Health Department on 03 477 4000 or visit the DCC website [www.dunedin.govt.nz](http://www.dunedin.govt.nz) for more information.
2. Approval from DCC's Alcohol Licensing Department may be required for working from home activities that involve the sale or distribution of alcohol. Please contact the DCC on 03 477 4000 or visit the DCC website [www.dunedin.govt.nz](http://www.dunedin.govt.nz) for more information.

### 15.5.9 Minimum Car Parking

Land use activities must provide the on-site car parking as follows:

Activity	Minimum car parking rate
1. Standard residential in Inner City Residential Zone	a. 1 - 5 habitable rooms on a site: 1 parking space b. 6 - 8 habitable rooms on a site: 2 parking space c. Greater than 8 habitable rooms on a site: 2 parking spaces plus 1 space for every 4 habitable rooms (or part thereof) d. Except: i. where sites with less than 5 habitable rooms have no existing parking, no additional parking is required for additions that increase the number of habitable rooms to 5 (or fewer), provided no additional residential units are created; ii. where the provision of 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.
2. Standard residential in all other residential zones	a. 1 - 4 habitable rooms: 1 parking space b. 5 or more habitable rooms: 2 parking spaces
3. Working from home	On-site car parking must be provided for all vehicles associated with the activity
4. Supported living facilities	a. Student hostels i. hostels with 1 - 10 residents: 1 parking spaces ii. hostels with 11 - 20 residents: 2 parking spaces iii. hostels with 21 - 30 residents: 3 parking spaces iv. hostels with greater than 30 residents: 3 parking spaces plus 1 additional space for every 10 additional residents (or part thereof) b. Rest homes i. 1 parking space for every 3 beds. c. Retirement villages i. 1 parking space for every residential unit, and 1 parking space for every 3 beds for any rest home type component of the retirement village.
5. Community and leisure	1 parking space for every 5 persons the facility can accommodate at any one time
6. Visitor accommodation (other than in George Street North Residential Heritage Precinct)	1. 1 parking space per 3 guest rooms, where the activity is based upon guest rooms (e.g. hotels); 2. 1 parking space per visitor accommodation unit, where the activity is based on units (e.g. motels); and 3. 1 parking space per visitor accommodation unit on a campground.
7. Early childhood education - small scale	1 parking space per 2 full time equivalent staff members plus one parking space for parent/guardian use per 6 children the facility is licensed for.
8. Training and education	1 parking space per 30m <sup>2</sup> of gross floor area.

9. 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

10. Required parking spaces may be used for car, cycle or motorcycle parking, except for any required mobility parking spaces, which must be used for accessible car parking.
11. Parking spaces may be shared between land use activities (i.e. the same parking spaces may be used to fulfil the minimum car parking requirement for more than one land use activity), as long as the hours of operation of the land use activities do not overlap.
12. 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 standards for location of car parking.
13. For the purposes of calculating minimum car parking:
  - a. 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.
  - b. Parking loading and access areas within a building will be excluded from the assessment of gross floor area for the purpose of calculating the minimum car parking requirement.

#### **Note 15.5B - Other relevant District Plan provisions**

1. Parking areas must comply with the standards in Section 6.6: Parking, Loading and Access Performance Standards.

### **15.5.10 Minimum Vehicle Loading**

Land use activities must provide on-site vehicle loading as follows:

Activity	Minimum vehicle loading rate
1. Visitor accommodation with more than 50 visitor accommodation units (except in relation to scheduled heritage buildings in the George Street North Residential Heritage Precinct)	1 loading space to accommodate the turning circle of a coach, as shown on Figure 6.14L

#### **Note 15.5C - Other relevant District Plan provisions**

1. Vehicle loading must comply with the vehicle loading design performance standards in Section 6.6: Parking, Loading and Access Performance Standards.

### **15.5.11 Noise**

Land use activities must comply with Rule 9.3.6.

### 15.5.12 Outdoor Living Space

1. Standard residential and supported living facilities that offer individual residential units must provide a minimum of outdoor living space per residential unit as follows:

Number of habitable rooms in unit		i. Ground level units in ICR, GR2, campus zone, and retirement villages in all residential zones	ii. Ground level units in all other zones (excluding retirement villages)	iii. Minimum area of outdoor living space provided as decks, balconies or roof terraces for first floor and above units
a.	1	15m <sup>2</sup>	25m <sup>2</sup>	6m <sup>2</sup>
b.	2	15m <sup>2</sup>	25m <sup>2</sup>	10m <sup>2</sup>
c.	3	20m <sup>2</sup>	35m <sup>2</sup>	10m <sup>2</sup>
d.	More than 3 habitable rooms	20m <sup>2</sup> + 5m <sup>2</sup> per additional habitable room over 3 habitable rooms	35m <sup>2</sup> + 5m <sup>2</sup> per additional habitable room over 3 habitable rooms	10m <sup>2</sup>

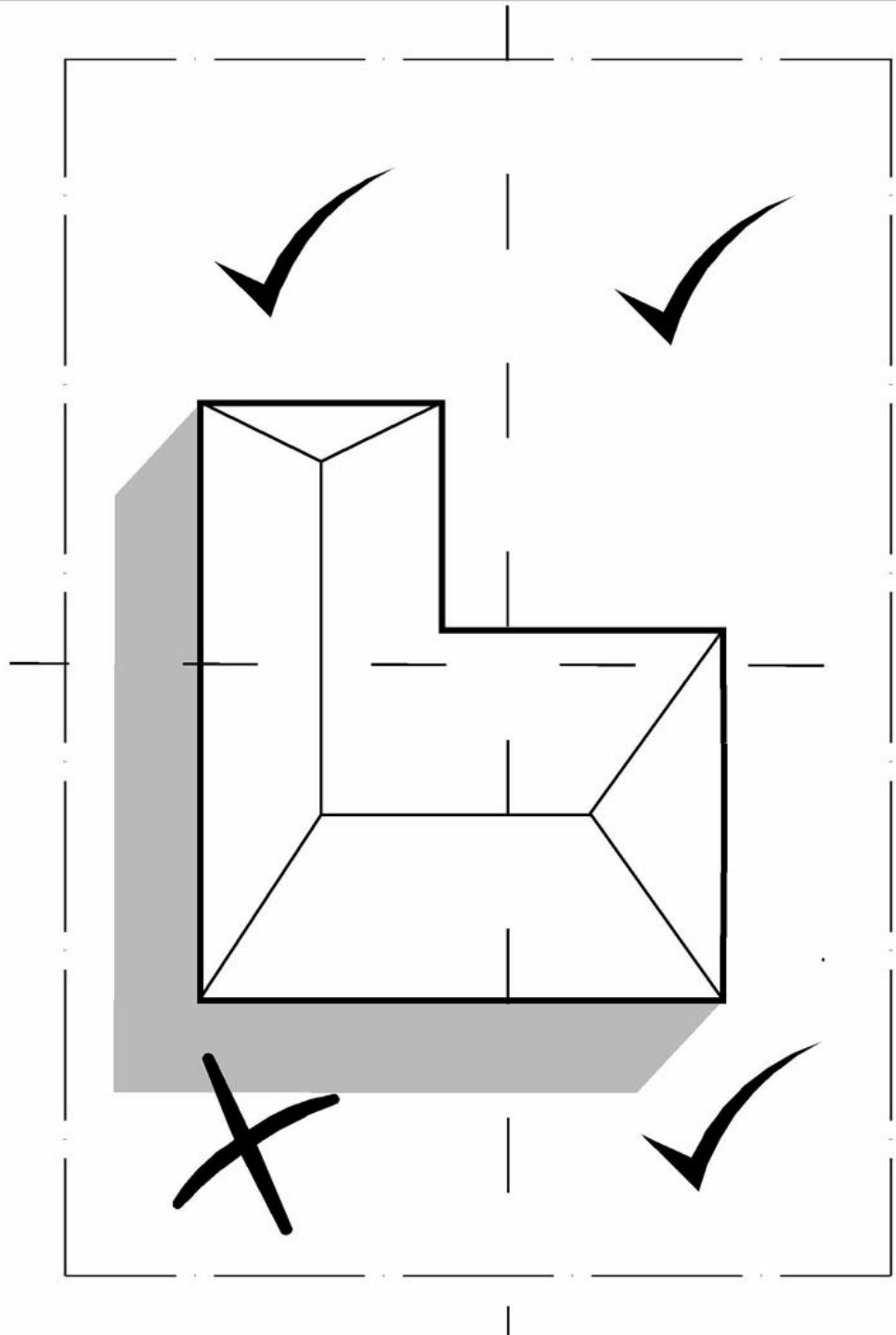
- e. For the purposes of this standard, family flats will only count toward the total number of habitable rooms on a site and will not be calculated as a separate residential unit requiring additional outdoor living space to that provided for the primary residential unit, as long as the family flat has direct access to at least 25m<sup>2</sup> of outdoor living space.
2. Outdoor living space for residential units must be for the exclusive use of the individual residential unit, except shared outdoor living space may be provided for residential units located above ground floor (first floor and above units) and for family flats.
3. For supported living facilities, such as rest homes or student hostels, which only provide bedrooms or beds for residents (not residential units), shared outdoor living space must be provided as follows:

Type of room		Minimum area of outdoor living space per bedroom
a.	Individual bedrooms	5m <sup>2</sup>
b.	Bedrooms/hospital rooms/dorms designed to accommodate 2 or more residents	10m <sup>2</sup>

4. Shared outdoor living space may be provided as a mixture of ground level green space, balconies, decks or terraces, provided at least 60% is at ground level, and each space is at least 20m<sup>2</sup>.
5. Where a facility provides a mixture of residential units and bed/bedroom only options, such as a retirement village, the outdoor living space must comply with the respective standards above based on the amount of each type of accommodation.
6. Outdoor living space must:
  - a. be clear of buildings and structures, except for pools, building eaves, pergolas, decks and terraces;
  - b. be located on the northern, eastern or western sides of residential buildings as per Figure 15.5A;
  - c. be directly accessible from a principal living area, except if provided as shared outdoor living space.;
  - d. have an average vertical grade not exceeding 1:12 degrees (vertical:horizontal) in any direction;
  - e. if provided at ground level, have dimensions no less than 3m, or if provided as a deck or roof terrace, have dimensions no less than 1.8m;

- f. must be usable for its intended purpose and not used for vehicle parking, manoeuvring, driveways, or pedestrian accessways to other residential units or properties, or other uses; and
- g. include at least one area of no smaller than 15m<sup>2</sup>.

Figure 15.5A: Location of outdoor living space



### 15.5.13 Service Areas

Residential activity with 3 or more residential units on a site must provide service areas with a minimum area of 2.5m<sup>2</sup> per residential unit. Service area requirements are in addition to outdoor living space requirements.



### 15.5.14 Setback from National Grid

Sensitive activities must comply with Rule 5.6.1.1.

## Rule 15.6 Development Performance Standards

### 15.6.1 Building Length

New buildings and additions and alterations must not result in a building with a dimension (building length) that is greater than 20m along the boundary with a road or a residential-zoned property, except along any length where the building shares the wall with the adjacent building.

### 15.6.2 Earthworks Standards

#### 15.6.2.1 Earthworks - small scale thresholds

- a. Earthworks must not exceed the following scale thresholds to be considered earthworks - small scale. Where earthworks are located in one or more of the overlay zones or mapped areas indicated, the most restrictive scale threshold applies for the purposes of determining activity status. Resource consents will be assessed against all scale thresholds that are contravened.

Zone/Area		1. Residential zones	2. UCMA, SHS	3. Within 5m of a water body <sup>1</sup> or MHWS	4. Haz1 (flood)	5. Haz2, Haz3 (flood)	6. Haz1, Haz2 (land instability)
i.	Change in ground level	1.5m	1.0m	0.5m	—	—	1.0m
ii.	Maximum area	—	50m <sup>2</sup>	25m <sup>2</sup>	—	—	—
Slope categories		Maximum volume of combined cut and fill					
iii.	Less than or equal to 12°	30m <sup>3</sup> per 100m <sup>2</sup> of site	10m <sup>3</sup>	1m <sup>3</sup>	0m <sup>3</sup> fill	20m <sup>3</sup> fill	10m <sup>3</sup> (Haz1) 20m <sup>3</sup> (Haz2)
iv.	Greater than 12° but less than or equal to 15°	25m <sup>3</sup> per 100m <sup>2</sup> of site	10m <sup>3</sup>	1m <sup>3</sup>	0m <sup>3</sup> fill	20m <sup>3</sup> fill	10m <sup>3</sup> (Haz1) 20m <sup>3</sup> (Haz2)
v.	Greater than 15° but less than or equal to 20°	15m <sup>3</sup> per 100m <sup>2</sup> of site	10m <sup>3</sup>	1m <sup>3</sup>	0m <sup>3</sup> fill	20m <sup>3</sup> fill	10m <sup>3</sup> (Haz1) 20m <sup>3</sup> (Haz2)
vi.	Greater than 20° but less than or equal to 26°	10m <sup>3</sup> per 100m <sup>2</sup> of site	10m <sup>3</sup>	1m <sup>3</sup>	0m <sup>3</sup> fill	20m <sup>3</sup> fill	10m <sup>3</sup> (Haz1) 20m <sup>3</sup> (Haz2)
vii.	Greater than 26° but less than or equal to 35°	0m <sup>3</sup> fill 5m <sup>3</sup> cut per 100m <sup>2</sup> of site	0m <sup>3</sup> fill 10m <sup>3</sup> cut	0m <sup>3</sup> fill 1m <sup>3</sup> cut	0m <sup>3</sup> fill	0m <sup>3</sup> fill	0m <sup>3</sup> fill 10m <sup>3</sup> cut (Haz1) 20m <sup>3</sup> cut (Haz2)
viii.	Greater than 35°	0m <sup>3</sup>	0m <sup>3</sup>	0m <sup>3</sup>	0m <sup>3</sup>	0m <sup>3</sup>	0m <sup>3</sup>

- ix. Where in a **swale mapped area** the maximum volume of combined cut and fill is 0m<sup>3</sup>.
- b. Where the part of the site in which the earthworks are located is in more than one slope category, the most

restrictive scale threshold applies.

- c. Scale thresholds will be calculated as the cumulative total of earthworks on any site in a two calendar-year period.
- d. Earthworks *ancillary to network utilities* activities are only required to comply with Rule 15.6.2.1.a.i - change in ground level threshold.
- e. Earthworks *ancillary to the operation, repair, and maintenance of the roading network* are exempt from the performance standard earthworks - small scale thresholds.
- f. Earthworks that exceed the earthworks - small scale thresholds are treated as earthworks - large scale, which are a restricted discretionary activity.

<sup>1</sup>See Rule 10.3.3 for how setbacks from a water body will be measured.

#### 15.6.2.2 Archaeological sites

Earthworks must comply with Rule 13.3.3.

#### 15.6.2.3 Batter gradient

Earthworks must:

- a. have a maximum cut batter gradient of 1:1 (i.e. rising 1m over a 1m distance); and
- b. have a maximum fill batter gradient of 2:1 (i.e. rising 1m over a 2m distance).

#### 15.6.2.4 Setback from property boundary, buildings, structures and cliffs

Earthworks over 400mm in height or depth must be set back from: property boundaries, foundations of buildings, structures greater than 10m<sup>2</sup>, and the top or toe of any cliff, the following minimum distances:

- a. Earthworks not supported by retaining walls:
  - i. a distance at least equal to the maximum height of the fill, as measured from the toe of the fill (see Figure 15.6A);
  - ii. a distance at least equal to 1.5 times the maximum depth of the cut, plus 300mm, as measured from the toe of the cut (see Figure 15.6A); and
  - iii. 300mm, as measured from the crest of any cut (see Figure 15.6A).
- b. Retaining walls supporting a cut or fill must be setback a distance at least equal to the height of the retaining walls (See Figure 15.6B), except:
  - i. retaining walls supporting a cut that have been granted building consent are exempt from this standard.
- c. Earthworks *ancillary to network utilities* activities and earthworks *ancillary to the operation, repair, and maintenance of the roading network* are exempt from the setback from property boundary, buildings, structures and cliffs performance standard.

Figure 15.6A: Unsupported cut and fill (elevation view)

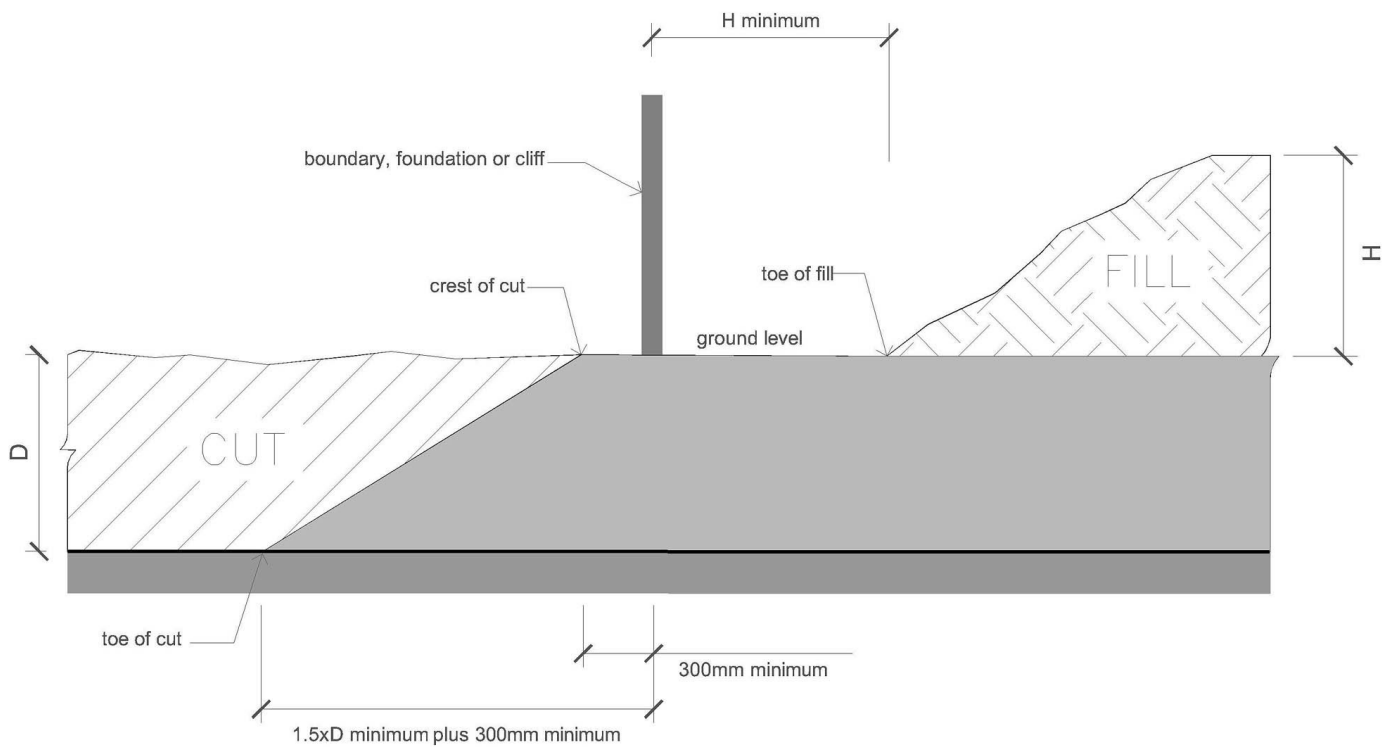
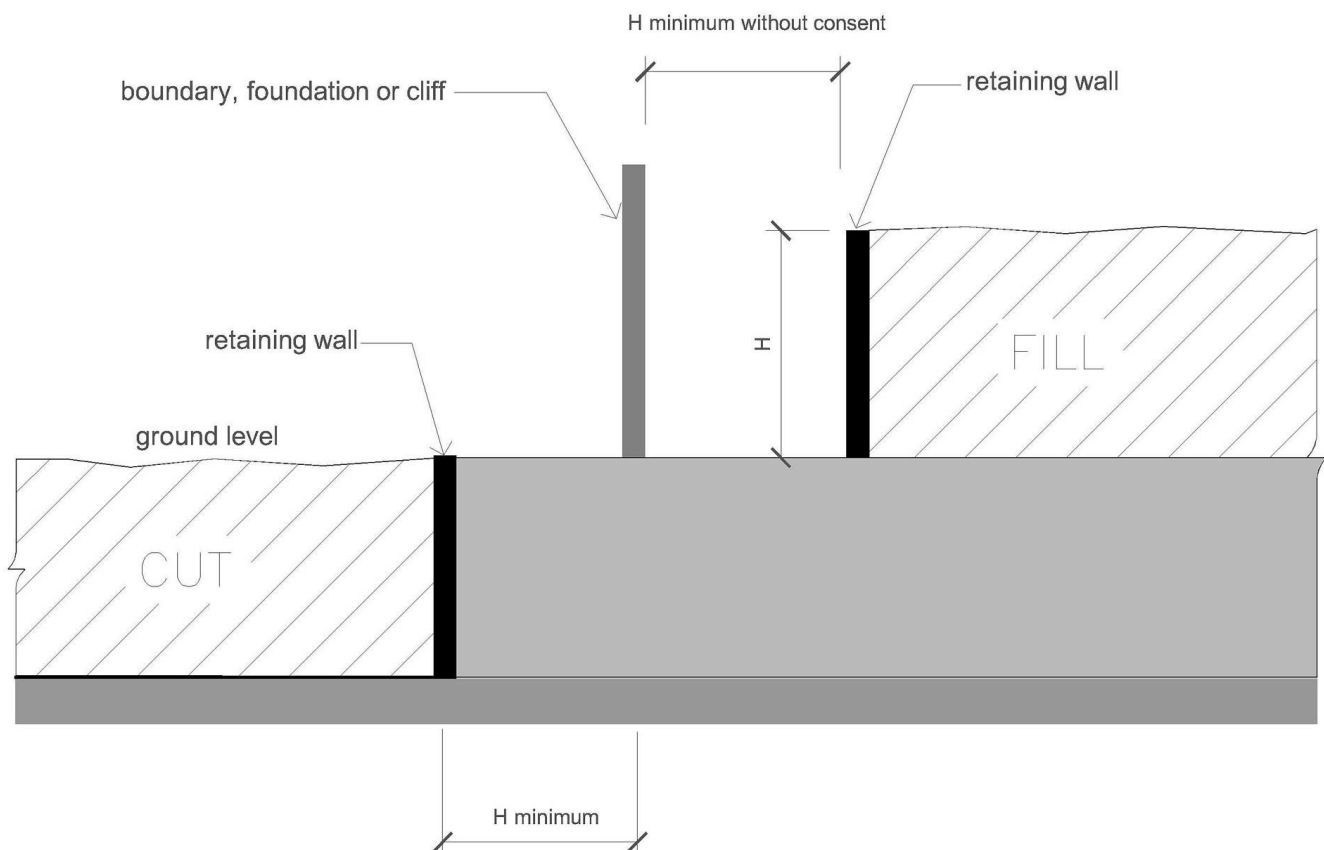


Figure 15.6B Cut and fill supported by retaining walls (elevation view)



#### 15.6.2.5 Setback from national grid (earthworks)

Earthworks must comply with Rule 5.6.1.2.

#### 15.6.2.6 Setback from network utilities

Earthworks must comply with Rule 5.6.2.

#### 15.6.2.7 Sediment control

Earthworks must be undertaken in a way that prevents sediment entering water bodies, stormwater networks or going across property boundaries.

### 15.6.3 Fence Height and Design

- Fences must not exceed the following height limits (except as provided for in 15.6.3.3 below):

Location		Maximum height
a.	Along the road boundary with a state highway	2m
b.	Along all other road boundaries	1.4m
c.	Along a side or rear boundary with a reserve in the recreation zone or residential zone.	1.4m
d.	For sites within a residential heritage precinct, along the part of a side boundary that is within the road boundary setback required by Rule 15.6.14 (see Figure 15.6C)	1.4m
e.	Along all other side and rear boundaries	2m
f.	Between residential buildings on a site	2m

- Fences along boundaries include fences that are not exactly on the boundary but are within the boundary setbacks required by Rule 15.6.14.
- Where the maximum height of a fence is 1.4m, the height of a fence may be increased to a maximum height of 2m provided that a minimum of 40% of the entire structure is visually permeable (see-through), or the portion above 1.4m height is visually permeable. Visually permeable refers to construction using trellis, lattice, wrought iron, or spaced palings (palings maximum width 150mm, spacing minimum width 25mm) or other materials that provide gaps that can be seen-through (see Figure 15.6D and Figure 15.6E).
- For the purposes of calculating maximum height, where a fence or wall is erected atop a retaining wall, the height will be calculated as the combined height measured from ground level to the top of the fence or wall.

Figure 15.6C: Side boundary fences in heritage precincts

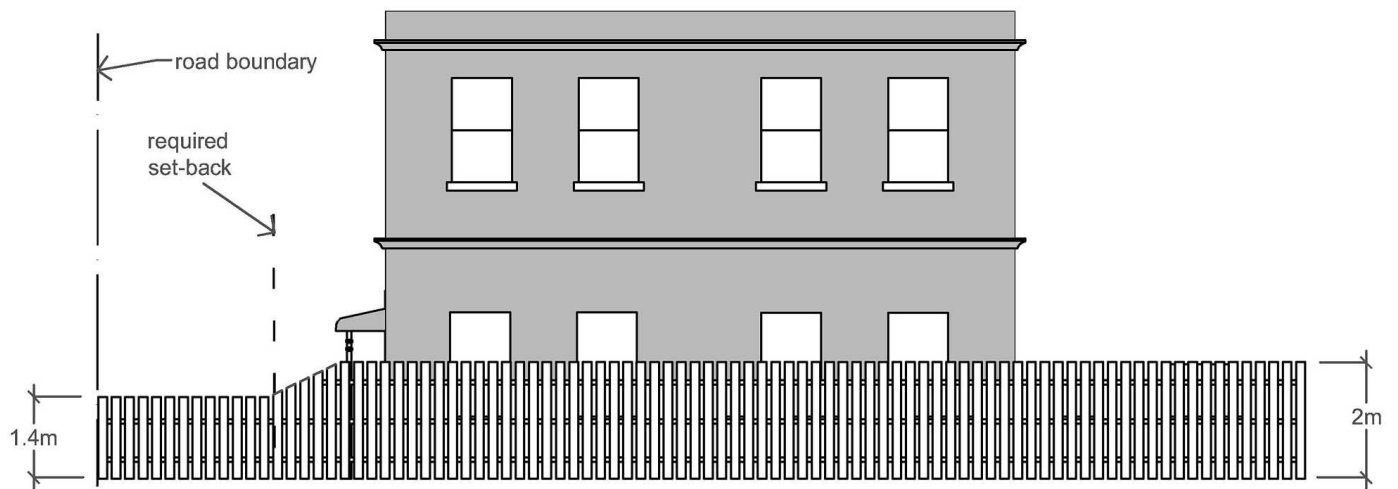


Figure 15.6D: Example of visually permeable fencing

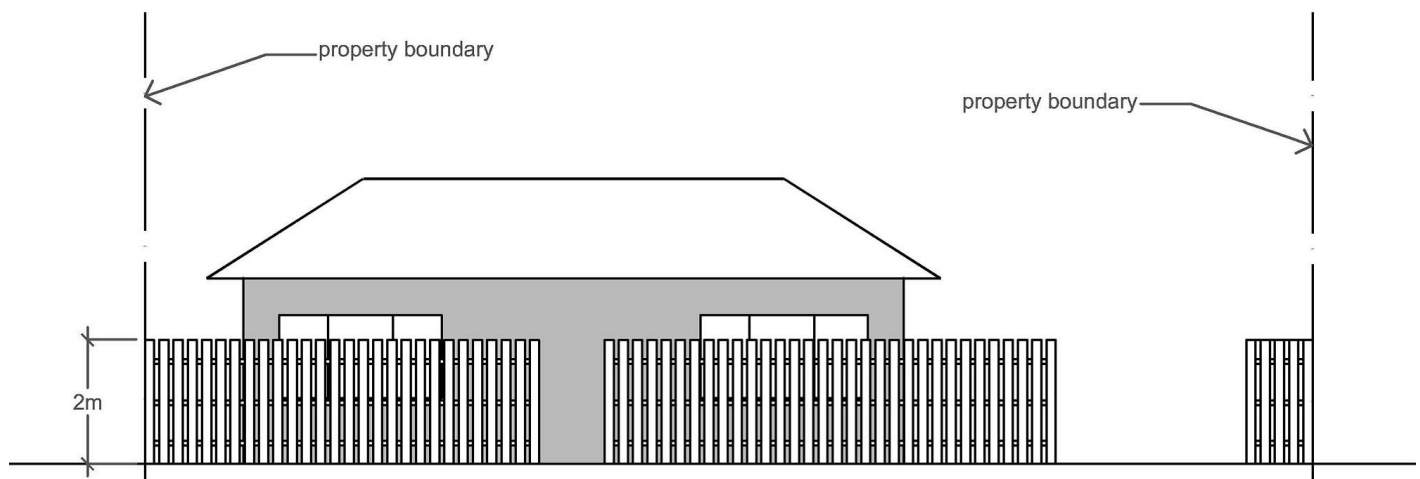
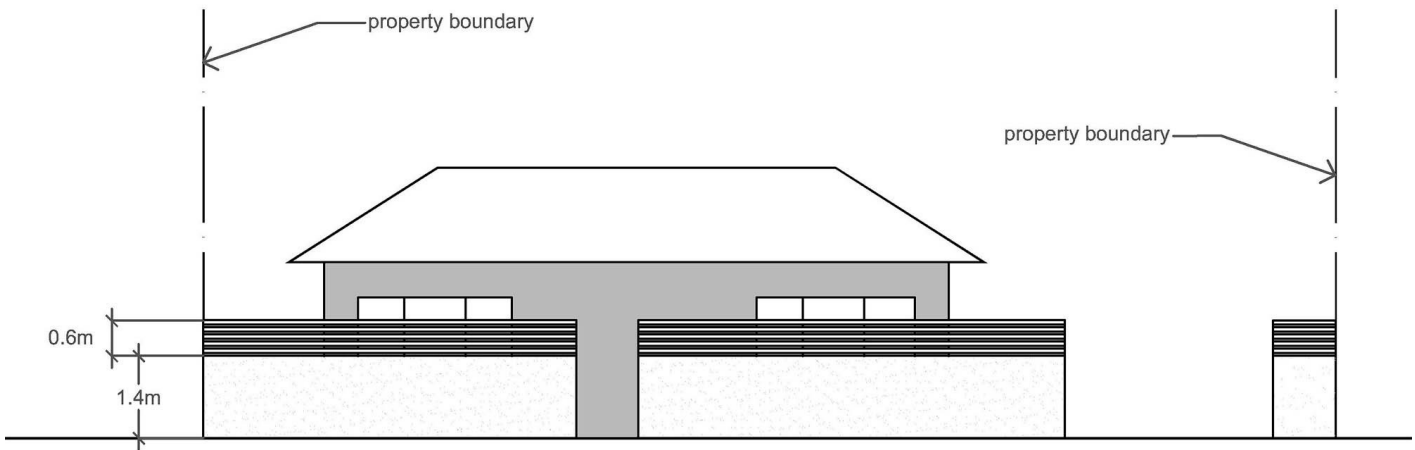


Figure 15.6E: Example of visually permeable fencing



#### 15.6.4 Fire Fighting

All new residential buildings and subdivision activities must comply with Rule 9.3.3.

#### 15.6.5 Hazard Overlay Zones Development Standards

##### 15.6.5.1 Hazard exclusion area (swale mapped area)

Development activities located in a **swale mapped area** must comply with Rule 11.3.1.1.

##### 15.6.5.2 Maximum area of vegetation clearance in the hazard overlay zones

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

##### 15.6.5.3 Minimum floor level

New buildings (including residential buildings) to be used for sensitive activities in the Hazard 1 (flood), Hazard 2 (flood), Hazard 3 (flood) or Hazard 3 (coastal) Overlay Zones must comply with Rule 11.3.3.

##### 15.6.5.4 Relocatable buildings

New buildings (including residential buildings) to be used for sensitive activities in the Hazard 3 (coastal) Overlay Zone must comply with Rule 11.3.4.

##### 15.6.5.5 Outdoor storage standard

Outdoor storage in the Hazard 1 (flood) Overlay Zone must comply with Rule 11.3.5.

#### 15.6.6 Hazardous Substances Quantity Limits and Storage Requirements

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

#### 15.6.7 Height

##### 15.6.7.1 Height in relation to boundary

- a. New buildings and additions or alterations to buildings must not protrude through a plane (see Figure 15.6F) raising at an angle of 45 degrees measured from a point:
  - i. 3m above ground level at side and rear boundaries, in the Inner City Residential Zone and General Residential 2 Zones;

- ii. 2.5m above ground level at the side and rear boundaries in all other residential zones,
- iii. except:
  - 1. in the Inner City Residential Zone, for any new buildings and additions or alterations to buildings within 13m of the road boundary, the height in relation to boundary will be measured from 6.5m above ground level at side boundaries, provided that all buildings on the remainder of the site are set back from the side boundaries by at least 2m (see Figure 15.6G);
  - 2. on boundaries adjacent to non residential zones, the height in relation to boundary of the adjacent zone applies;
  - 3. where new buildings or additions and alterations are built to a common wall, any part of a building where the height and angle of the roofline are the same as the adjoining building is exempt from this standard; and
  - 4. gable ends and dormers may protrude through the height in relation to boundary plane by a maximum of 1m (see Figure 15.6H).
- iv. Rooftop structures are exempt from the performance standard for height in relation to boundary.

#### 15.6.7.2 Maximum height

The maximum height for new buildings and structures, and additions and alterations above ground level is:

	i. Maximum height in the Inner City Residential Zone	ii. Maximum height in all other residential zones
a. Family flat (stand-alone building)	Not provided for	4.5m
b. Garages and carports in road boundary setback	3.3m	3.3m
c. All other buildings and structures within setbacks from boundaries, except as provided for in Rule 15.6.14.1	2m	2m
d. Within Lots 1-10 of the <b>Formby Street Structure Plan</b> (see Appendix 15B)	—	6m
e. Within the <b>Huriawa height restriction mapped area</b> (see mapped area below)	—	4.5m
f. All other buildings and structures	12m	9m

- g. Except, 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.
- h. Buildings or structures must not protrude through the height restriction for the Taieri Aerodrome Approach and Take-off Fans shown on the **Taieri Aerodrome Flight Fan mapped area**.



Figure 15.6F: Height in relation to boundary

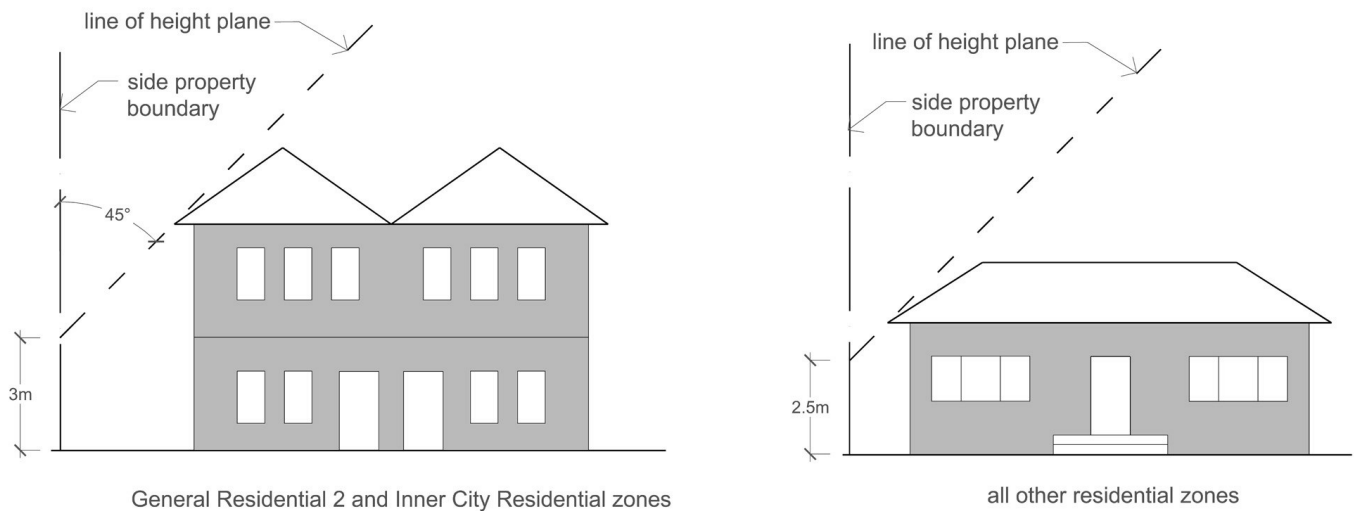


Figure 15.6G: Inner city residential zone height in relation to boundary special provision

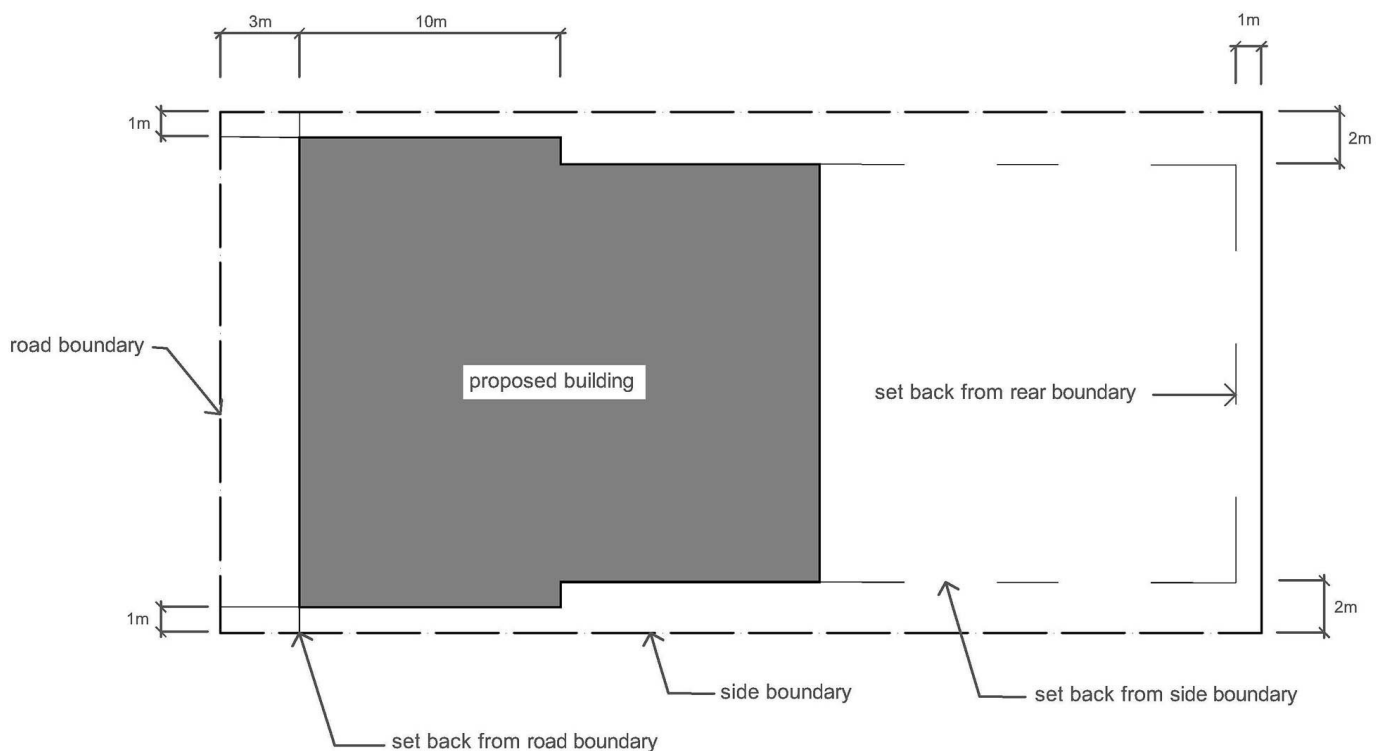
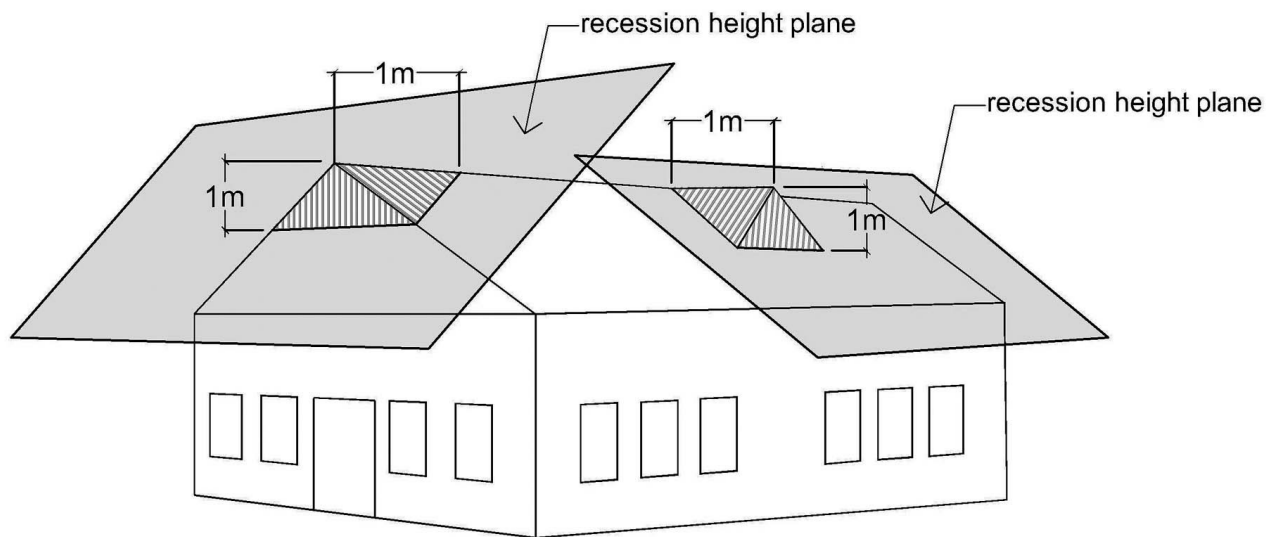


Figure 15.6H: Gable ends and dormers protruding through height plane



## Huriawa Height Restriction Mapped Area



### 15.6.8 Location and Screening of Car Parking

1. In residential heritage precincts, parking areas must not be visible from an adjoining public place, unless they are set back a minimum of 4m from the road boundary.
2. In all other residential areas, parking, loading and access areas and garages and carports must not occupy more than 50% of the area of the front yard that is part of the road boundary setback required by Rule 15.6.14.

### 15.6.9 Location and Screening of Outdoor Storage

1. Shared service areas provided for 3 or more residential units must be located or screened so they are not visible at ground level from residential activities within the site, residential activities on adjacent sites, or public places.
2. Outdoor storage, including service areas, must not encroach into required parking, loading, manoeuvring, or outdoor living areas.
3. Materials stored outside must be stored in a way that prevents them contaminating any off-site area.
4. Outdoor storage in the Hazard 1 (flood) Overlay Zone must comply with Rule 11.3.5.

### 15.6.10 Materials and Design

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

### 15.6.11 Maximum Building Site Coverage and Impermeable Surfaces

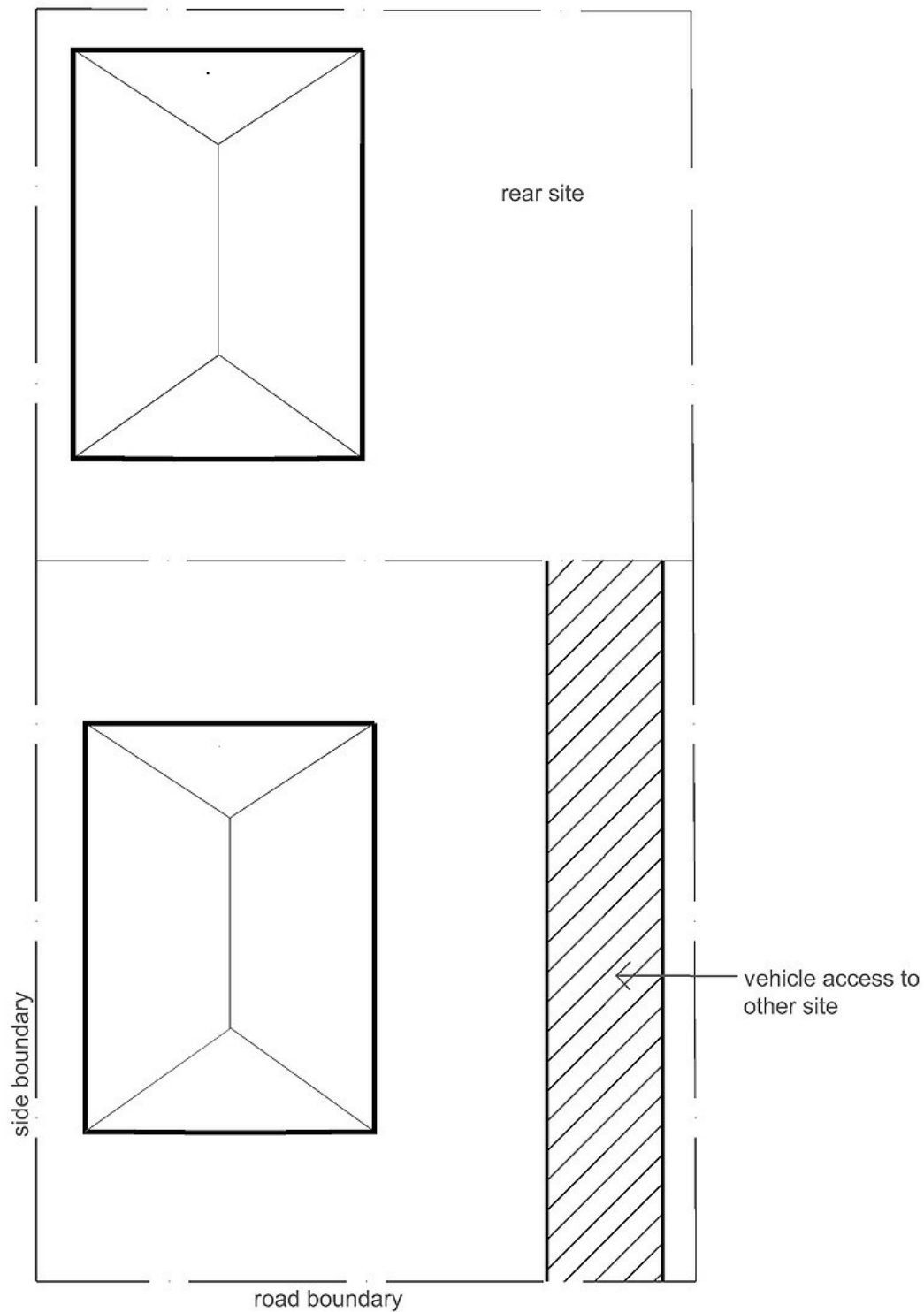
1. Development activities must not result in the maximum site coverage limits in Table 15.6.11A being exceeded.
2. Column i gives maximum site coverage, as a percentage of the site, for buildings and structures with a footprint greater than 10m<sup>2</sup>.
3. Column ii gives the maximum site coverage, as a percentage of the site, for buildings, structures with a footprint greater than 10m<sup>2</sup>, and any impermeable surfaces.

**Table 15.6.11A**

Zone		i. Maximum site coverage: buildings and structures with a footprint greater than 10m <sup>2</sup> (% of site)	ii. Maximum site coverage: buildings and structures and any impermeable surfaces (% of site)
a.	General Residential 1 Zone	40%	70%
b.	General Residential 2 Zone	50%	80%
c.	Inner City Residential Zone	60%	80%
d.	Low Density Residential Zone	35%	65%
e.	Large Lot Residential 1 and 2 Zones	30%	50%
f.	Township and Settlement Zone	40%	70%
g.	Township and Settlement Zone in a <b>no DCC reticulated wastewater mapped area</b>	30%	50%

4. For the purpose of this standard, the footprint area of buildings is measured from the external side of walls and excludes any eaves or spouting.
5. Any vehicle access that provides access to another site and access leg for rear sites will be excluded from the calculation of total site area for the purpose of calculating site coverage in column i but included in the calculation of site coverage in column ii (see Figure 15.6I).

Figure 15.6l: Site coverage calculation



## **15.6.12 Number, Location and Design of Ancillary Signs**

### **15.6.12.1 General**

- a. Signs visible from a public place must meet all of the following performance standards.
- b. Signs must also comply with:
  - i. Rule 6.7.2 where located on or above the footpath outside dairies; and
  - ii. Rule 6.7.3 where visible from a road.
- c. Signs must be ancillary signs.
- d. Signs must not be illuminated or digital.

### **15.6.12.2 All signs in residential zone**

- a. Signs must not be attached to roofs.
- b. Signs must not project higher than the lowest point of the roof, except as mounted flat against a parapet or gable end.
- c. Signs must have a maximum of 2 display faces per sign.
- d. Where attached to a building, signs must not protrude from a building façade by more than 1m.

### **15.6.12.3 All signs (ancillary to residential activities)**

- a. Maximum one sign per site, either attached to a building, freestanding or attached to a fence or retaining wall.
- b. The height, above ground level, at the highest point of any sign:
  - i. attached to a residential building, is 4m; and
  - ii. where attached to a fence, retaining wall or freestanding, is 2m.
- c. Signs must have a maximum area of 0.6m<sup>2</sup> per display face.
- d. Portable freestanding signs must not be located on the road reserve.

### **15.6.12.4 All signs (ancillary to dairies)**

- a. The height, above ground level, at the highest point of any sign attached to a building is 6m.
- b. Signs attached to a verandah fascia must not exceed a height of 0.5m, or the height of a verandah fascia, whichever is greater.
- c. The maximum area of walls up to 4m above ground level, or the bottom of a verandah, whichever is the lesser that signs may occupy is 50%.
- d. One sign with a maximum display face of 2m<sup>2</sup> is allowed per building between 4 and 6m in height above ground level.
- e. Signs attached at right angles to the façade of a building (including attached to the underside of a verandah), must not exceed:
  - i. a maximum of 2 signs per site; and
  - ii. a maximum area per display face of 1.5m<sup>2</sup>
- f. Portable freestanding signs on footpaths outside dairies must not exceed:
  - i. a maximum height of 0.9m above ground level;
  - ii. a maximum width of 0.6m; and
  - iii. a maximum of 1 portable freestanding sign per street frontage of dairy.

#### 15.6.12.5 Signs attached to buildings (ancillary to other commercial activities and community activities)

- a. Maximum 1 sign per site attached to a building.
- b. The height, above ground level, at the highest point of any sign, attached to a building is 4m.
- c. Signs must have a maximum area per display face of 1.5m<sup>2</sup>.

#### 15.6.12.6 Freestanding signs (ancillary to commercial activities and community activities)

- a. Maximum of 1 permanently fixed freestanding sign or 1 portable freestanding sign per site.
- b. Freestanding signs must be positioned entirely within site boundaries.
- c. The maximum dimensions of freestanding signs are:
  - i. maximum height of 2m;
  - ii. maximum area of 1.5m<sup>2</sup> per display face;
  - iii. maximum width of 0.6m; and
  - iv. maximum depth of 0.4m.

#### **Note 15.6A - Other relevant District Plan provisions**

1. Commercial advertising is a non-complying land use activity in all zones except 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.

#### **Note 15.6B - Other requirements outside of the District Plan**

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

### 15.6.13 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

### 15.6.14 Setbacks

#### 15.6.14.1 Boundary setbacks

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

Zone		1. Setback from any road boundary	2. Setback from side and rear boundaries	3. Setback from boundary with right of way
i.	General Residential 1 Zone	4.5m	2m	1m
ii.	General Residential 2 Zone (except for <b>Gardens, Mornington, Mosgiel, South Dunedin, and Caversham mapped areas</b> )	4.5m	2m	1m



Zone		1. Setback from any road boundary	2. Setback from side and rear boundaries	3. Setback from boundary with right of way
iii.	General Residential 2 Zone ( <b>Gardens, Mornington, Mosgiel, South Dunedin, and Caversham mapped areas</b> )	3m	1m	1m
iv.	Inner City Residential Zone	3m	1m	1m
v.	Low Density Residential Zone	4.5m	2m	1m
vi.	Large Lot Residential 1 and 2 Zones	4.5m	4m	1m
vii.	Township and Settlement Zone (except as for <b>Formby Street Structure Plan</b> )	4.5m	2m	1m
viii.	In the <b>Formby Street Structure Plan</b> , on the side or rear boundary (as relevant) on the eastern site boundary of Lots 1-10 (as shown on the <b>Formby Street Structure Plan</b> )	4.5m	10m	1m

ix. Except:

- where residential buildings are located on a site between two sites with residential buildings that do not meet the standard for setback from the road boundary, then the minimum setback may be reduced to the depth of the larger of the two existing setbacks, as shown in Figure 15.6J. Existing setbacks will be measured from the main part of residential buildings and will exclude any garages or carports within the setback from the road boundary;
- where buildings are built to the boundary and share a common wall no setback is required for the length of the buildings where joined (see Figure 15.6K);
- in all areas, except Large Lot Residential Zones, for stand-alone and attached garages and carports that: have their entry facing the road **and** are no greater than 4m high and 4.5m in width (measured as parallel to the road boundary), the setback is reduced to 0.5m from the road boundary or 1m from the edge of any formed footpath or cycleway (whichever is greatest);
- the setback from the side and rear boundary for stand-alone and attached garages and carports no greater than 3.3m high and 6m in length (measured as parallel to the boundary) is reduced to 1m; and
- decks less than 0.5m above ground level, structures less than 2m<sup>2</sup> in floor area and 2m in height, and all fences are exempt from this standard.

Figure 15.6J: Setback from road boundary consistent with neighbour

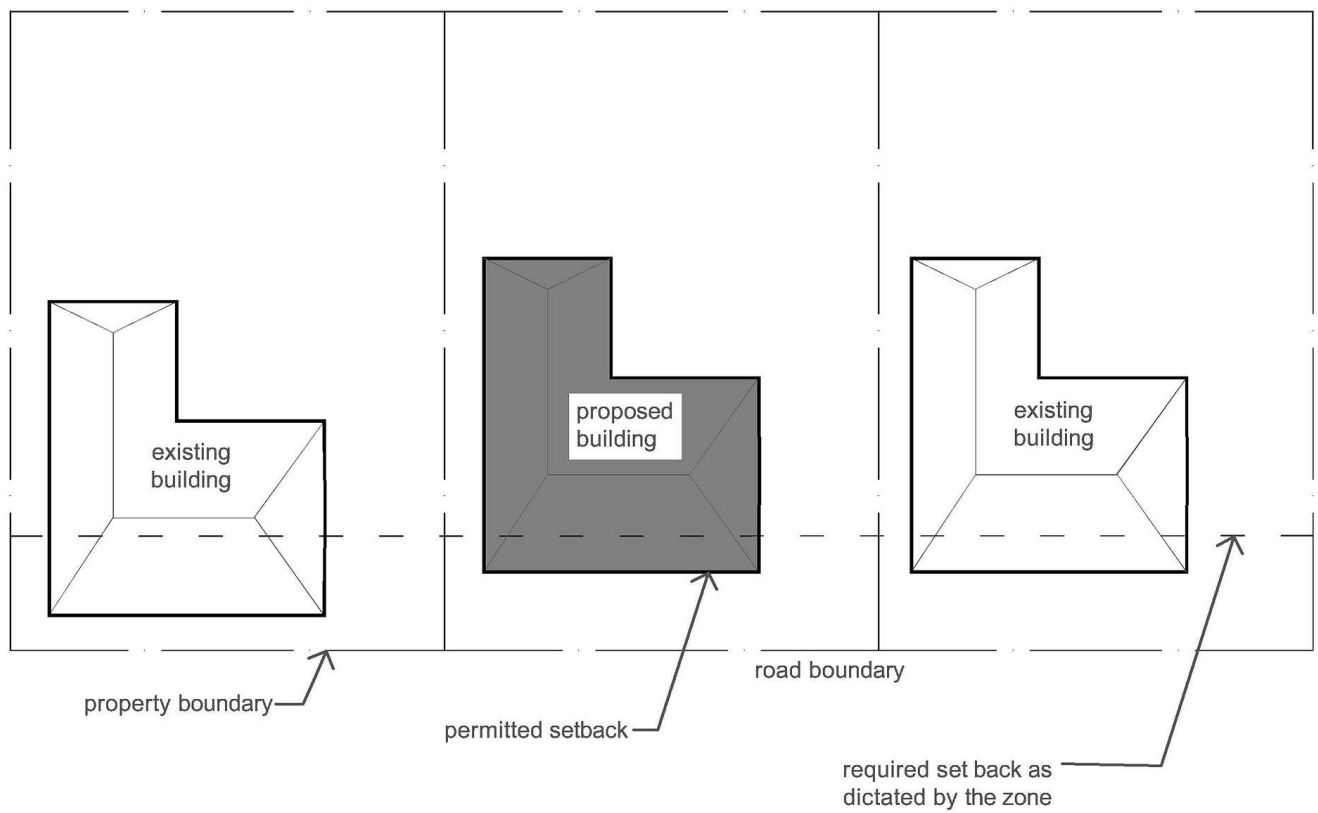
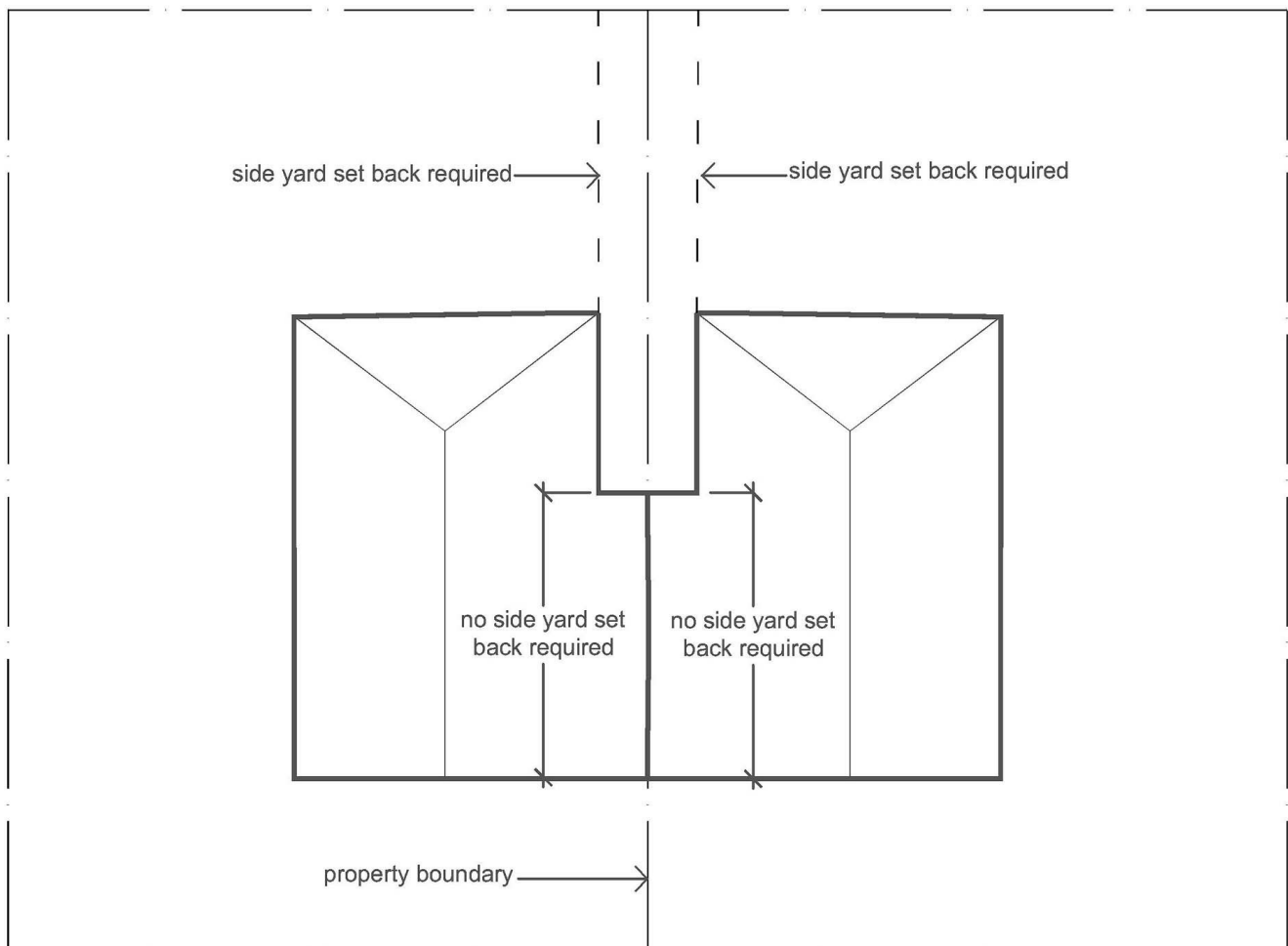


Figure 15.6K: Setbacks for buildings sharing common wall



#### 15.6.14.2 Setback from scheduled tree

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

#### 15.6.14.3 Setback from coast and water bodies

New buildings and structures, additions and alterations, earthworks - large scale, and storage and use of hazardous substances must comply with Rule 10.3.3.

#### 15.6.14.4 Setback from national grid

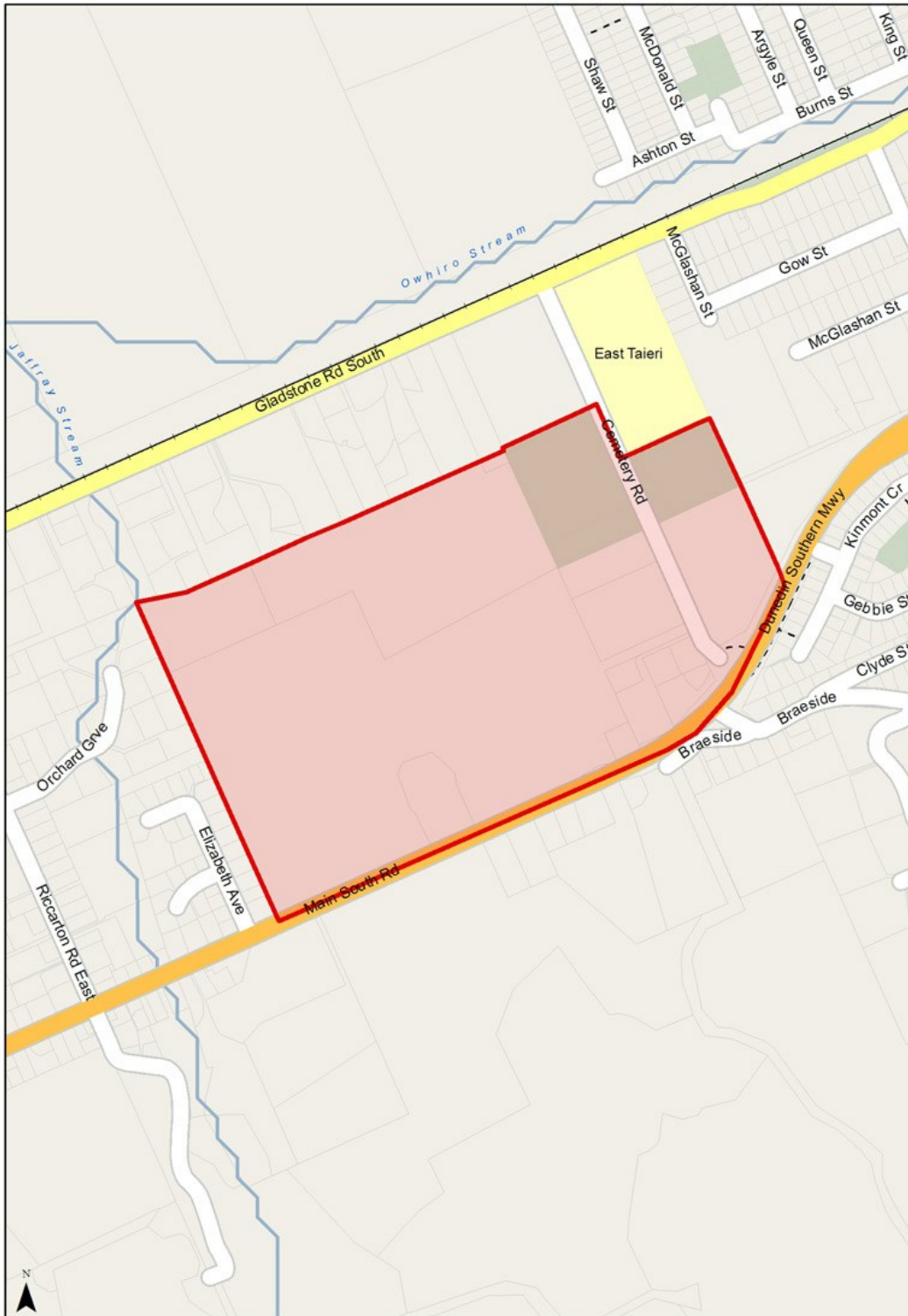
New buildings and structures, additions and alterations, and earthworks must comply with Rules 5.6.1.1 and 5.6.1.2.

### 15.6.15 Structure Plans

1. Development activities must be designed and located to ensure all of the requirements of the following structure plans can be met:
  - a. **East Taieri Structure Plan** (see Appendix 15A);
  - b. **Formby Street Structure Plan** (see Appendix 15B);
  - c. **Mosgiel East Structure Plan** (see Appendix 15C); and
  - d. **Holyhead Street Structure Plan** (see Appendix 15D).

2. Development that contravenes the performance standard for structure plans is a non-complying activity.

**East Taieri Structure Plan Mapped Area**



**Formby Street Structure Plan Mapped Area**





**Mosgiel East Structure Plan Mapped Area**



**Holyhead Street Structure Plan Mapped Area**





### 15.6.16 Vegetation Clearance Standards

1. Vegetation clearance in an **urban conservation mapped area** (UCMA) must comply with Rule 10.3.2.1.
2. Vegetation clearance in the Hazard 1 (land instability) or Hazard 2 (land instability) Overlay Zone must comply with Rule 11.3.2.

## Rule 15.7 Subdivision Performance Standards

### 15.7.1 Access

Subdivision activities must comply with Rule 6.8.1.

### 15.7.2 Esplanade Reserves and Strips

Subdivision activities must comply with Rule 10.3.1.

### 15.7.3 Fire Fighting

Subdivision activities must comply with Rule 9.3.3.

### 15.7.4 Minimum Site Size

1. The minimum site sizes for new resultant sites is:

Zone		Minimum site size
a.	General Residential 1 Zone	500m <sup>2</sup>
b.	General Residential 2 Zone <ul style="list-style-type: none"> <li>• not within an <b>infrastructure constraint mapped area</b>;</li> <li>• or within the <b>Mosgiel infrastructure constraint mapped area</b>.</li> </ul>	300m <sup>2</sup>
c.	General Residential 2 Zone within an <b>infrastructure constraint mapped area</b> , except for the <b>Mosgiel infrastructure constraint mapped area</b>	500m <sup>2</sup>
d.	Inner City Residential Zone	200m <sup>2</sup>
e.	Low Density Residential Zone	750m <sup>2</sup>
f.	Large Lot Residential 1 Zone	2000m <sup>2</sup>
g.	Large Lot Residential 2 Zone	3500m <sup>2</sup>
h.	Township and Settlement Zone	500m <sup>2</sup>
i.	Township and Settlement Zone ( <b>no DCC reticulated wastewater mapped area</b> )	1000m <sup>2</sup>

- j. Except resultant sites created and used solely for the following purposes are exempt from the minimum site size:
    - i. Scheduled ASCV or QEII covenant;
    - ii. reserve;
    - iii. access;
    - iv. utility; or
    - v. road.
2. General subdivision that does not comply with the standard for minimum site size is non-complying, except in the following circumstances where the subdivision is restricted discretionary:

1. a three-site subdivision where one resultant site is below the minimum site size and the average of the site sizes meets the minimum site size performance standard; and
2. the subdivision does not result in any resultant site being of a size that could be further subdivided in accordance with the minimum site size performance standards; and
3. the undersized resultant site is large enough to contain a building platform of at least 7m by 10m that meets the performance standards of this Plan including, but not limited to:
  1. outdoor living space;
  2. minimum car parking space;
  3. setbacks from boundaries, water bodies, significant trees, national grid transmission lines; and
  4. esplanade reserves and strips.

### **15.7.5 Service Connections**

Subdivision activities must comply with Rule 9.3.7.

### **15.7.6 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 7m by 10m that meets the performance standards of this Plan including, but not limited to:
  - a. outdoor living space;
  - b. minimum car parking;
  - c. setbacks from boundaries, water bodies, scheduled trees, national grid; and
  - d. esplanade reserves or strips.
2. Building platforms must have a slope of 12° (1:4.7 or 21%) or less and must not contain:
  - a. scheduled heritage buildings or structures; or
  - b. right-of-way easements.
3. For unreticulated areas, resultant sites must provide for a waste disposal area to be located at least 50m from any water body.
4. Sites created and used solely for the following purposes are exempt from the shape standard:
  - a. Scheduled ASCV or QEII covenant;
  - b. reserve;
  - c. access;
  - d. network utility; or
  - e. road.

### **15.7.7 Structure Plans**

1. Subdivision of land subject to a Structure Plan must be in accordance with the relevant Structure Plan as follows:
  - a. **East Taieri Structure Plan** (Appendix 15A);
  - b. **Formby Street Structure Plan** (Appendix 15B);
  - c. **Mosgiel East Structure Plan** (Appendix 15C); or
  - d. **Holyhead Street Structure Plan** (Appendix 15D).
2. Subdivision not in accordance with an approved Structure Plan is a non-complying activity.

## Rule 15.8 Assessment of Controlled Activities

### Rule 15.8.1 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 15.8.2:
  - 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) 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 15.9; 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 15.11; 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 15.12; and
    - iii. the assessment guidance in this section will also be considered.

### 15.8.2 Assessment of controlled activities

Activity		Matters of control	Guidance on the assessment of resource consents
1.	Earthquake strengthening that affects a protected part of a scheduled heritage building or scheduled heritage structure, where external features only are protected.	a. Effects on heritage values	See Rule 13.4

## **Rule 15.9 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)**

### **Rule 15.9.1 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 15.9.2 - 15.9.6:
  - 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 15.9.2 - 15.9.5 apply to performance standards in the residential zones; Rule 15.9.6 contains additional provisions that apply to performance standards in overlay zones, mapped areas, heritage precincts and on scheduled items.

### **15.9.2 Assessment of all performance standard contraventions**

Performance standard	Guidance on the assessment of resource consents
1. All performance standard contraventions	<p><i>Potential circumstances that may support a consent application include:</i></p> <ol style="list-style-type: none"> <li>a. The degree of non-compliance with the performance standard is minor.</li> <li>b. The need to meet other performance standards or topography, or other site specific factors, make meeting the standard impracticable.</li> <li>c. Non-compliance with a development performance standard would improve the design of the development in a way that would result in positive effects and better achieve the identified objectives and policies of the Plan.</li> </ol> <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> <li>d. Where more than one standard is contravened, the combined effects of the contraventions should be considered.</li> <li>e. 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 be usually placed on heritage policies.</li> </ol>

### 15.9.3 Assessment of land use performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	Density - Rule 15.5.2.6	a. Effects on on-site amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 15.2.2</li> <li>ii. Residential development achieves high quality on-site amenity for residents (Policy 15.2.2.1).</li> </ul> <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> <li>iii. Non-compliance with Rule 15.5.2.6 will be assessed based on which performance standard(s) the second residential building does not provide for compliance with, if subdivided in future. See assessment rules in relation to performance standard contraventions for: <ul style="list-style-type: none"> <li>1. site coverage;</li> <li>2. height in relation to boundary;</li> <li>3. setbacks; and</li> <li>4. access.</li> </ul> </li> </ul>
2.	Density - Papakāika	a. Effects on cultural values of manawhenua	See Rule 14.3
		b. Effects on health and safety	See Rule 9.4
		c. Effects on the safety and efficiency of the transport network	See Rule 6.9
3.	Density - standard residential in General Residential 2 Zone <b>infrastructure constraint mapped area</b>	a. Effects on efficiency and/or affordability of infrastructure	See Rule 9.4
4.	Residential activity on an existing site not in a <b>no DCC reticulated wastewater mapped area</b>	a. Effects on health and safety	See Rule 9.4
5.	Electrical interference	a. Effects on health and safety	See Rule 9.4

### 15.9.3 Assessment of land use performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
6.	Hours of operation	a. Effects on surrounding sites' residential amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 15.2.3</li> <li>ii. Working from home, dairies, training of education, and community and leisure operate in a way (including hours of operation), that avoids or, if avoidance is not possible, adequately mitigates, effects on the amenity of surrounding properties (Policy 15.2.3.2).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. The extension of hours will not result in unreasonable disturbance from vehicle headlights, deliveries/pick-ups, vehicle movements, or other noise.</li> </ul>
7.	Location	a. Effects on the vibrancy and economic and social success of the CBD and centres.	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 15.2.1</li> <li>ii. Activities ancillary to visitor accommodation are located and designed to cater to patrons of the primary activity rather than the general public (Policy 15.2.1.4).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. The ancillary activity is designed and managed so as to be unlikely to attract external customers.</li> <li>iv. There will be no external advertising on buildings facing the street, for the ancillary activity.</li> </ul>
8.	Minimum car parking	a. Effects on accessibility	See Rule 6.9
9.	Minimum vehicle loading	a. Effects on the safety and efficiency of the transport network	See Rule 6.9
10.	Outdoor living space	a. Effects on on-site amenity for residents	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 15.2.2</li> <li>ii. Residential development achieves high quality on-site amenity by providing functional, sunny, and accessible outdoor living spaces that allow enough space for on-site food production, leisure, and recreation (Policy 15.2.2.1.a).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. The property is within a short walking distance from public green space.</li> </ul>

### 15.9.3 Assessment of land use performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
11. Service areas	a. Effects on on-site amenity for residents	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 15.2.2</li> <li>ii. Adequate space is available for service areas (Policy 15.2.2.1.d).</li> </ul>

### 15.9.4 Assessment of development performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. Boundary setback	a. Effects on surrounding sites' residential amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 15.2.3</li> <li>ii. Buildings and structures are of a height and setback from boundaries that ensures no more than minor effects on the sunlight access of current and future residential buildings and their outdoor amenity spaces (Policy 15.2.3.1).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. Residential buildings on neighbouring sites receive adequate natural light and privacy.</li> </ul>
	b. Effects on neighbourhood residential character and amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 15.2.4</li> <li>ii. Development maintains or enhances streetscape amenity by ensuring buildings' height, boundary setbacks, and scale reflect existing or intended future residential character (Policy 15.2.4.1.c).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. The boundary setback is consistent with surrounding properties.</li> <li>iv. Landscaping or fences screen or soften the visual effects of buildings.</li> <li>v. The building is designed to integrate with residential buildings on the site and contribute to residential character and amenity e.g. similar materials to residential buildings, and roof pitch.</li> </ul>
2. Boundary setback (Rule 15.6.14.1.ix.3)	a. Effects on health and safety	See Rule 6.9



#### 15.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
3.	Building length	a. Effects on neighbourhood residential character and amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 15.2.4</li> <li>ii. Development maintains or enhances streetscape amenity by ensuring buildings' scale reflect existing or intended future residential character (Policy 15.2.4.1.c).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. The bulk of the building is broken up by: <ul style="list-style-type: none"> <li>1. varying building elevations;</li> <li>2. setting parts of the building back;</li> <li>3. using different textures;</li> <li>4. architectural features; or</li> <li>5. other forms of building modulation.</li> </ul> </li> <li>iv. The visual impact of the building length is screened and softened by landscaping, fencing, or other screening, which provides an attractive interface for surrounding properties.</li> <li>v. The building is set back from boundaries an adequate distance to avoid shading or visual effects on adjacent residential properties or public places.</li> <li>vi. Topography of the site mitigates the effects of the building scale on adjacent residential properties or public places.</li> </ul>
4.	Earthworks standards: <ul style="list-style-type: none"> <li>• Batter gradient</li> </ul>	a. 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 15.2.5</li> <li>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 15.2.5.1.b).</li> </ul>
5.	Earthworks standards: <ul style="list-style-type: none"> <li>• Setback from property boundary, buildings, structures and cliffs</li> </ul>	a. 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 15.2.5</li> <li>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 15.2.5.1.a).</li> </ul>
6.	Earthworks standards: <ul style="list-style-type: none"> <li>• Setback from national grid</li> <li>• Setback from network utilities</li> </ul>	a. Effects on efficient and effective operation of network utilities b. Effects on health and safety	See Rule 5.7

#### 15.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
7.	Earthworks standards: • Sediment control	a. Effects on surrounding sites	<i>Relevant objectives and policies:</i> i. Objective 15.2.5 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 15.2.5.2.b).
		b. Effects on biodiversity values and natural character of the riparian margins and the coast	See Rule 10.4
		c. Effects on efficiency and/or affordability of infrastructure	See Rule 9.4
8.	Fence height and design	a. Effects on health and safety	See Rule 9.4
		b. Effects on neighbourhood residential character and amenity	<i>Relevant objectives and policies:</i> i. Objective 15.2.4 ii. Fences are of a height and design that contributes positively to the streetscape amenity and character of the neighbourhood (Policy 15.2.4.4).  <i>Potential circumstances that may support a consent application include:</i> iii. The increased height or reduced visual permeability is necessary to meet protection requirements, to provide security, minimise noise effects from a busy road or activity, or for public well-being. iv. An attractive interface with the street is achieved. v. The fence will be screened by landscaping.
9.	Fire fighting	a. Effects on health and safety	See Rule 9.4
10.	Hazardous substances quantity limits and storage requirements	a. Effects on health and safety	See Rule 9.4

#### 15.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
11.	<ul style="list-style-type: none"> <li>Maximum height</li> <li>Height in relation to boundary</li> </ul>	a. Effects on surrounding sites' residential amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 15.2.3</li> <li>ii. Buildings and structures are of a height and setback from boundaries that ensures no more than minor effects on the sunlight access of current and future residential buildings and their outdoor living spaces (Policy 15.2.3.1).</li> </ul>
		b. Effects on neighbourhood residential character and amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 15.2.4</li> <li>ii. Development maintains or enhances streetscape amenity by ensuring buildings' height, boundary setbacks, and scale reflect existing or intended future residential character (Policy 15.2.4.1.c).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. The height and/or height in relation to boundary is consistent with surrounding properties.</li> <li>iv. Landscaping or fences screen or soften the visual effects of buildings.</li> <li>v. Natural landforms or topography (e.g. cliffs, tall trees on adjacent reserves) provide a backdrop to the building.</li> </ul>
12.	Location and screening of car parking	a. Effects on neighbourhood residential character and amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 15.2.4, 6.2.1</li> <li>ii. Garages, carports, and car parking do not dominate the street (Policy 15.2.4.1a).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. Landscaping or other features soften the impact of these activities.</li> </ul>
13.	Location and screening of outdoor storage	a. Effects on neighbourhood residential character and amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 15.2.4</li> <li>ii. Development maintains or enhances streetscape amenity by ensuring shared service areas are not visible from ground level from outside the site (Policy 15.2.4.1.d).</li> <li>iii. Development maintains or enhances streetscape amenity by ensuring outdoor storage is managed in a way that does not result in unreasonable visual amenity effects or create nuisance effects (Policy 15.2.4.1.e).</li> </ul>

#### 15.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
14.	Maximum building site coverage and impermeable surfaces	a. Effects on on-site amenity for residents	<i>Relevant objectives and policies:</i> i. Objective 15.2.2 ii. Residential development achieves high quality on-site amenity by retaining adequate open space uncluttered by buildings (Policy 15.2.2.1.c).
		b. Effects on neighbourhood residential character and amenity	<i>Relevant objectives and policies:</i> i. Objective 15.2.4 ii. Development maintains or enhances streetscape amenity and by ensuring there are adequate areas free from buildings or hard surfacing (Policy 15.2.4.1.b).
		c. Effects on efficiency and/or affordability of infrastructure	See Rule 9.4
15.	Number, location and design of ancillary signs	a. Effects on neighbourhood residential character and amenity	<i>Relevant objectives and policies:</i> i. Objective 15.2.4 ii. Ancillary signs are located and designed to maintain residential amenity by being of an appropriate size and number to convey information about the name, location and nature of the activity or site to passing pedestrians and vehicles and not oversized or too numerous for what is necessary for that purpose (Policy 15.2.4.5).
		b. Effects on the safety and efficiency of the transport network	See Rule 6.9
16.	Parking, loading and access standards	a. Effects on the safety and efficiency of the transport network	See Rule 6.9
17.	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
18.	Setback from scheduled tree	a. Effects on long term health of tree	See Rule 7.6

### 15.9.5 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 the 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.	Minimum site size (three-site subdivision where one resultant site is below the minimum site size - Rule 15.7.4.2)	a. Effects on neighbourhood residential character and amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 2.4.1</li> <li>ii. Resultant sites are of a size: <ul style="list-style-type: none"> <li>1. that provides for compliance of all relevant land use and development performance standards; and</li> <li>2. where in a structure plan area, reflects the requirements of the structure plan (Policy 2.4.1.8).</li> </ul> </li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. the adjustment of site boundaries is necessary to achieve: <ul style="list-style-type: none"> <li>1. a more balanced division of site sizes relative to an existing residential buildings size, location or access requirements;</li> <li>2. better alignment with topographical or other site development constraints; or</li> <li>3. the protection of heritage items, significant trees, indigenous vegetation, or waterways on a site.</li> </ul> </li> </ul>
5.	Service connections	a. Effects on efficiency and/or affordability of infrastructure	See Rule 9.4

### 15.9.5 Assessment of subdivision performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
6. Shape	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>a. Objective 2.4.1</li> <li>b. Subdivision is designed to ensure any future land use or development is able to meet the performance standards in the zone, or where in a structure plan area, reflects the requirements of the structure plan, 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. Scheduled ASCV; QEII covenant; or</li> <li>2. reserve; or</li> <li>3. access; or</li> <li>4. utility; or</li> <li>5. 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. outdoor living space;</li> <li>ii. minimum car parking;</li> <li>iii. boundary setbacks;</li> <li>iv. setbacks from water bodies;</li> <li>v. setback from scheduled tree;</li> <li>vi. setback from national grid; and</li> <li>vii. earthworks standards (building platform slope).</li> </ul> </li> </ul> <p><i>Conditions that may be imposed:</i></p> <ul style="list-style-type: none"> <li>d. Restrictions or conditions, including by way of consent notice, on land use or development activities allowed on the site.</li> <li>e. A building platform may be required to be registered against the title by way of consent notice.</li> </ul>	

**15.9.6 Assessment of restricted discretionary performance standard contraventions in an overlay zone, mapped area, heritage precinct or affecting a scheduled heritage item**

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. In a <b>hazard overlay zone</b> or <b>swale mapped area</b> : <ul style="list-style-type: none"> <li>Hazard overlay zones development standards</li> <li>Hazardous substances quantity limits and storage requirements</li> </ul>	a. Risk from natural hazards	See Rule 11.4
2. In an <b>urban conservation mapped area</b> : <ul style="list-style-type: none"> <li>Vegetation clearance standards</li> </ul>	a. Effects on biodiversity	See Rule 10.4
3. In a <b>Huriawa height restriction mapped area</b> : <ul style="list-style-type: none"> <li>Maximum height</li> </ul>	a. Effects on cultural values of manawhenua	See Rule 14.3
4. In a <b>heritage precinct</b> : <ul style="list-style-type: none"> <li>Fence height and design</li> <li>Materials and design</li> <li>Maximum height</li> <li>Height in relation to boundary</li> </ul>	a. Effects on heritage streetscape character	See Rule 13.5
5. In a <b>wāhi tūpuna mapped area</b> : <ul style="list-style-type: none"> <li>Esplanade reserves and strips</li> <li>Setback from coast and water bodies</li> </ul>	a. Effects on cultural values of manawhenua	See Rule 14.3
6. Affecting a <b>scheduled heritage item</b> : <ul style="list-style-type: none"> <li>Materials and design</li> </ul>	a. Effects on heritage values	See Rule 13.5
7. In the <b>Taieri Aerodrome Flight Fan mapped area</b> : Maximum height (Rule 5.6.7.2.h)	a. Effects on operation of Taieri Aerodrome	See Rule 9.4



## **Rule 15.10 Assessment of Restricted Discretionary Activities**

### **Rule 15.10.1 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 15.10.2 - 15.10.5:
  - 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 15.10.2 - 15.10.4 apply to activities in the residential zones; Rule 15.10.5 contains additional provisions that apply to activities in overlay zones, mapped areas, heritage precincts and on scheduled items.
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) 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 15.9; 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 15.11; 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 15.12; and
    - iii. the assessment guidance in this section will also be considered.
6. With respect to section 104(2), Council will not consider family flats as part of the permitted baseline in considering residential density effects in the residential zones.

#### **15.10.2 Assessment of restricted discretionary land use activities**

Activity	Matters of discretion	Guidance on the assessment of resource consents
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1. All RD land use activities, including: <ul style="list-style-type: none"> <li>• early childhood education - small scale</li> <li>• visitor accommodation (including ancillary activities),</li> <li>• activities listed below</li> </ul>	a. Effects on accessibility	See Rule 6.10
	b. Effects on the safety and efficiency of the transport network	
	c. Effects on surrounding sites' residential amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 15.2.3</li> <li>ii. Activities are designed to avoid or, if avoidance is not possible, adequately mitigate, adverse effects on the amenity of surrounding residential properties (Policy 15.2.3.4).</li> </ul> <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> <li>iii. In assessing the effects on amenity, Council will: <ul style="list-style-type: none"> <li>1. consider the effects of vehicle movements on the site as well as any significant changes to the number and nature of vehicle movements on the adjoining road, and the appropriateness of higher levels of vehicle movements based on the Road Classification Hierarchy in Appendix 6A;</li> <li>2. consider for visitor accommodation and supported living facilities whether communal outdoor gathering areas are located or screened to be minimise effects on adjacent residential properties; and</li> <li>3. consider the relevant policies for development activities, including policies 15.2.3.1, 15.2.3.3, 15.2.4.1.</li> </ul> </li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iv. Performance standards for development activities are met.</li> </ul> <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> <li>v. Conditions on signage, lighting, hours of operation.</li> <li>vi. Delivery time restrictions.</li> <li>vii. Requirements for fencing or landscaping of car parking areas to minimise adverse visual and nuisance effects from lighting and/or vehicle headlights on surrounding properties.</li> <li>viii. For early childhood education centres: <ul style="list-style-type: none"> <li>1. acoustic insulation, acoustic fencing, low noise surfaces for play areas, or other such treatments; and</li> <li>2. use of a noise management plan.</li> </ul> </li> <li>ix. For campgrounds: <ul style="list-style-type: none"> <li>1. Limits on the scale of the activity.</li> <li>2. Location of dump stations (for disposal of waste from motor homes) away from boundaries with residential properties.</li> <li>3. Restrictions on location and hours of operation of generators to minimise any effects from noise on neighbours.</li> <li>4. Road upgrades necessary to handle the amount and type of</li> </ul> </li> </ul>

### 15.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
		<p>vehicles anticipated.</p> <p>5. Location, screening, or acoustic fencing of communal outdoor living/ gathering areas.</p>
	d. Effects on streetscape amenity and character	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>i. Objective 15.2.4</p> <p>ii. Activities are designed and located to avoid or, if avoidance is not possible, adequately mitigate, adverse effects on streetscape amenity (Policy 15.2.4.7).</p> <p><i>General assessment guidance:</i></p> <p>iii. In assessing the effects on amenity, Council will:</p> <ol style="list-style-type: none"> <li>consider the effects of vehicle movements on the site as well as any significant changes to the number and nature of vehicle movements on the adjoining road, and the appropriateness of higher levels of vehicle movements based on the Road Classification Hierarchy in Appendix 6A; and</li> <li>consider the relevant policies for development activities, including Policies 15.2.3.1, 15.2.3.3, 15.2.4.1.</li> </ol> <p><i>Potential circumstances that may support a consent application include:</i></p> <p>iv. Performance standards for development activities are met.</p>
2. Cemeteries	a. Effects on surrounding sites' residential amenity.	<p><i>Relevant objectives and policies:</i></p> <p>i. Objective 15.2.3</p> <p>ii. Cemeteries are designed and located to avoid or, if avoidance is not possible, adequately mitigate, adverse effects on the amenity of surrounding sites and avoid reverse sensitivity from surrounding permitted (Policy 15.2.3.5).</p> <p><i>General assessment guidance/Conditions that may be imposed include:</i></p> <p>iii. In assessing the effects on amenity Council will consider the location of graves being a suitable distance away from boundaries and any screening or landscaping proposed. These aspects may be included as conditions of consent.</p>
	b. Effects on cultural values of manawhenua	See Rule 14.4

### 15.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
3. Restaurants, retail, conference, meeting and function <i>ancillary to visitor accommodation</i>	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 15.2.1</li> <li>ii. Activities ancillary to visitor accommodation are located and designed to cater to patrons of the primary activity rather than the general public (Policy 15.2.1.4).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. The ancillary activity is designed and managed so as to be unlikely to attract external customers.</li> <li>iv. There will be no external advertising on buildings facing the street, for the ancillary activity.</li> <li>v. Communal outdoor gathering areas are located or screened to be minimise effects on adjacent residential properties.</li> </ul> <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> <li>vi. Entrances to be located internally to the visitor accommodation.</li> <li>vii. No signs related to the ancillary activity to be visible from a public place.</li> </ul>
4. Supported living facilities	a. Effects on efficiency and/or affordability of infrastructure	See Rule 9.5

### 15.10.3 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
<p>1. New buildings or additions and alterations to buildings that result in a building that is greater than 300m<sup>2</sup></p>	<p>a. Effects on streetscape amenity and character</p>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 15.2.4</li> <li>ii. Development maintains or enhances streetscape amenity by ensuring buildings' height, boundary setbacks, and scale reflect the existing or intended future residential character (Policy 15.2.4.1.c).</li> </ul> <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> <li>iii. In assessing the effects on amenity Council will consider whether building design reflects, and is conducive with, the residential scale. The cumulative effect of buildings on the streetscape amenity will also be considered.</li> </ul> <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> <li>iv. Requirements for design features to break up the bulk of the building, for example by varying building elevations, by setting parts of the building back, use of different textures, by the use of architectural features, or modulation.</li> <li>v. The visual effects of the building is screened and softened by landscaping, fencing, or other screening, which provides an attractive interface with the street.</li> <li>vi. The building is set back from boundaries adequate distance to avoid shading or visual effects on adjacent residential properties or public places.</li> <li>vii. Topography of the site mitigates the effects of the building scale on adjacent residential properties or public places.</li> </ul>
<p>2. New parking areas, or extensions to existing parking areas (<i>that result in the creation of 50 or more new parking spaces.</i>)</p>	<p>a. Effects on the safety and efficiency of the transport network</p>	<p>See Rule 6.10</p>

### 15.10.3 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 residential zones)	<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 15.2.5</li> <li>ii. Adverse effects on visual amenity and character will be avoided or, if avoidance is not possible, adequately mitigated (Policy 15.2.5.3.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 15.2.5.3.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 effect 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>

### 15.10.3 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
	c. Effects on the stability of land, buildings, and structures	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 15.2.5</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 15.2.5.3.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 15.13.1).</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)	<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



**Table 15.10.4 Assessment of restricted discretionary subdivision activities**

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. All subdivision activities	a. Effects on neighbourhood residential character and amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 15.2.4</li> <li>ii. Subdivision is designed to ensure any future land use and development will: <ul style="list-style-type: none"> <li>1. maintain the amenity of the streetscape;</li> <li>2. maintain or compliment the character of the neighbourhood;</li> <li>3. provide for development to occur without unreasonable earthworks or engineering requirements; and</li> <li>4. provide for quality housing (Policy 15.2.4.6).</li> </ul> </li> </ul> <p><i>Design considerations that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. The layout of the subdivision takes into account solar orientation and is designed to ensure future development will facilitate a high level of passive solar gain.</li> </ul> <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> <li>iv. Building platforms registered against the title by way of consent notice.</li> </ul>
	b. Risk from natural hazards	See Rule 11.5
	c. Effects on efficiency and/or affordability of infrastructure	See Rule 9.5
	d. Effects on the safety and efficiency of the transport network	See Rule 6.10
2. All subdivision activities that involve a new road	a. Effects on the safety and efficiency of the transport network	

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

Activity	Matters of discretion	Guidance on the assessment of resource consents
<p>1. In a <b>hazard overlay zone</b>:</p> <ul style="list-style-type: none"> <li>• Earthworks - large scale (that exceed scale thresholds for a hazard (land instability) overlay zone)</li> <li>• Earthworks - large scale (that exceed scale thresholds for a hazard (flood) overlay zone)</li> <li>• Earthworks - large scale (that exceed scale thresholds for a <b>swale mapped area</b>)</li> </ul>	<p>a. Risk from natural hazards</p>	<p>See Rule 11.5</p>
<p>2. In the <b>Hazard 1 (land instability) Overlay Zone</b> (see Rule 15.3.6):</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</li> </ul>	<p>a. Risk from natural hazards</p>	<p>See Rule 11.5</p>
<p>3. In a <b>hazard 1 or 2 overlay zone</b>, other than the hazard 1 (land instability) Overlay Zone (see Rule 15.3.6):</p> <ul style="list-style-type: none"> <li>• New buildings, and additions and alteration to buildings, which create more than 36m<sup>2</sup> of new ground floor area</li> </ul>	<p>a. Risk from natural hazards</p>	<p>See Rule 11.5</p>
<p>4. In the <b>Hazard 3 (coastal) Overlay Zone</b></p> <ul style="list-style-type: none"> <li>• All subdivision activities</li> </ul>	<p>a. Risk from natural hazard</p>	<p>See Rule 11.5</p>
<p>5. In a <b>geologically sensitive mapped area (GSA)</b>:</p> <ul style="list-style-type: none"> <li>• Earthworks - large scale (that exceed underlying zone scale thresholds)</li> </ul>	<p>a. Risk from natural hazards</p>	<p>See Rule 11.5</p>
<p>6. In a <b>UCMA</b>:</p> <ul style="list-style-type: none"> <li>• Earthworks - large scale (that exceed the scale thresholds for a UCMA)</li> <li>• All subdivision activities</li> </ul>	<p>a. Effects on biodiversity</p>	<p>See Rule 10.5</p>
<p>7. In a <b>heritage precinct</b>:</p> <ul style="list-style-type: none"> <li>• All RD activities due to being in a heritage precinct</li> </ul>	<p>a. Effects on heritage streetscape character</p>	<p>See Rule 13.6</p>

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

Activity	Matters of discretion	Guidance on the assessment of resource consents
<p>8. On a <b>scheduled heritage site</b>:</p> <ul style="list-style-type: none"> <li>• Earthworks - large scale (that exceed the scale thresholds for a SHS)</li> <li>• New buildings and all other structures on a scheduled heritage site, where visible from an adjoining public place or a public place within a heritage site</li> <li>• Parking, loading and access on a scheduled heritage site, where visible from an adjoining public place or a public place within a heritage site</li> <li>• All subdivision activities</li> </ul>	<p>a. Effects on heritage values</p>	<p>See Rule 13.6</p>
<p>9. Affecting a <b>scheduled heritage building</b> or a <b>scheduled heritage structure</b>:</p> <ul style="list-style-type: none"> <li>• All other additions and alterations</li> <li>• Removal for relocation</li> <li>• All subdivision activities</li> </ul>	<p>a. Effects on heritage values</p>	<p>See Rule 13.6</p>
<p>10. In a <b>wāhi tūpuna mapped area</b>:</p> <ul style="list-style-type: none"> <li>• All subdivision activities</li> <li>• Earthworks - large scale (that exceed the scale thresholds for the residential zones)</li> </ul>	<p>a. Effects on cultural values of manawhenua</p>	<p>See Rule 14.4</p>

## Rule 15.11 Assessment of Discretionary Activities

### Rule 15.11.1 Introduction

1. Discretionary activities will be assessed in accordance with section 104 and 104B of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rules 15.11.2 - 15.11.4 provide guidance on how a consent application for the listed discretionary activities will be assessed, including:
  - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
  - b. potential circumstances that may support a consent applications;
  - c. general assessment guidance, including any effects that will be considered as a priority; and
  - d. conditions that may be imposed.
3. With respect to section 104(2), Council will not consider family flats as part of the permitted baseline in considering residential density effects in the residential zones.
4. Rules 15.11.2 - 15.11.3 apply to activities in the residential zones; Rule 15.11.4 contains additional provisions that apply to activities in overlay zones.
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.

### 15.11.2 Assessment of discretionary activities

Activity	Guidance on the assessment of resource consents
1. All discretionary activities	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> <li>a. See Section 6.11 for guidance on the assessment of resource consents in relation to Objective 6.2.2 and 6.2.3 and effects related to accessibility and the safety and efficiency of the transport network.</li> </ol> <p><i>General assessment guidance</i></p> <ol style="list-style-type: none"> <li>b. In assessing activities that are discretionary due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered.</li> </ol>

### 15.11.2 Assessment of discretionary activities

Activity	Guidance on the assessment of resource consents
<p>2. Registered health practitioners</p>	<p><i>Relevant objectives and policies (priority considerations)</i></p> <ul style="list-style-type: none"> <li>a. Objective 15.2.3</li> <li>b. Registered health practitioners are designed to avoid, or if avoidance is not possible, adequately mitigate, adverse effects on the amenity of surrounding residential properties (Policy 15.2.3.4).</li> </ul> <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> <li>c. In assessing the effects on amenity, Council will consider the effects of vehicle movements on the site as well as any significant changes to the number and nature of vehicle movement on the adjoining road, with consideration of the Road Hierarchy in Appendix 6A.</li> </ul> <p><i>Potential circumstance that may support a consent application include</i></p> <ul style="list-style-type: none"> <li>d. The scale of the facilities is appropriate to the residential environment, providing for a small number of registered health practitioners, rather than a medical centre, which should be located in a centre.</li> </ul> <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> <li>e. Delivery/pick up time restrictions.</li> <li>f. Landscaping to minimise amenity effects of lighting, vehicle headlights, or parking areas on surrounding properties.</li> <li>g. Number of registered practitioners to be employed.</li> </ul>
<p>3. • Early childhood education - large scale • Schools</p>	<p><i>Relevant objectives and policies (priority considerations)</i></p> <ul style="list-style-type: none"> <li>a. Objective 15.2.3</li> <li>b. Schools and early childhood education are designed and located to avoid or, if avoidance is not possible, adequately mitigate, adverse effects on the amenity of surrounding residential properties (Policy 15.2.3.4).</li> </ul> <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> <li>c. In assessing the effects on amenity Council will consider whether buildings and outdoor areas are designed and located to reduce noise emissions.</li> </ul> <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> <li>d. Delivery time restrictions</li> <li>e. Landscaping to minimise amenity effects of lighting, vehicle headlights or parking areas on surrounding properties.</li> <li>f. Mitigation measures to minimise noise such as insulation, acoustic fencing, low noise surfaces for play areas, or other such treatments.</li> <li>g. A noise management plan may be required.</li> </ul>

### 15.11.2 Assessment of discretionary activities

Activity	Guidance on the assessment of resource consents
<p>4. Sport and recreation (not involving the use of motor vehicles)</p>	<p><i>Relevant objectives and policies (priority considerations)</i></p> <ul style="list-style-type: none"> <li>a. Objective 15.2.3</li> <li>b. Sport and recreation is designed and located to avoid or, if avoidance is not possible, adequately mitigate, adverse effects on the amenity of surrounding residential properties(Policy 15.2.3.4).</li> </ul> <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> <li>c. In assessing the effects on amenity Council will consider whether buildings and outdoor areas are designed and located to reduce noise emissions.</li> <li>d. Amount of parking proposed is appropriate for the activity and will not result in impacts or parking pressure on the surrounding residential environment.</li> <li>e. Hours of operation proposed are appropriate for the residential environment.</li> <li>f. The scale of the facilities is appropriate to the residential environment.</li> </ul> <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> <li>g. Landscaping to minimise amenity effects of lighting, vehicle headlights or parking areas on surrounding properties.</li> <li>h. Hours of operation.</li> <li>i. Car parking requirements.</li> </ul>
<p>5. Stand-alone car parking</p>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> <li>a. Objective 15.2.3</li> <li>b. Stand-alone car parking is of a scale and is designed and operated in a way that avoids, or if avoidance is not possible, adequately mitigates, adverse effects on the amenity of surrounding residential properties (Policy 15.2.3.4).</li> </ul> <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> <li>c. In assessing the effects on the amenity of surrounding residential properties, Council will consider the effects of vehicle movements on the site as well as any significant changes to the number and nature of vehicle movement on the adjoining road, with consideration of the Road Hierarchy in Appendix 6A.</li> </ul> <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> <li>d. Requirements for fencing or landscaping of car parking areas to minimise adverse visual or nuisance effects from lighting and/ or vehicle headlights on surrounding properties.</li> </ul>

### 15.11.2 Assessment of discretionary activities

Activity	Guidance on the assessment of resource consents
6. Restaurants or retail <i>ancillary to sport and recreation</i>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> <li>Objective 15.2.4</li> <li>Sport and recreation facilities are designed and operated in a way that avoids, or if avoidance is not possible, adequately mitigates, adverse effects on streetscape amenity(Policy 15.2.4.7).</li> </ol> <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> <li>The ancillary activity is designed and managed so as to be unlikely to attract external customers.</li> <li>There will be no external advertising on buildings facing the street, for the ancillary activity.</li> </ol>

### 15.11.3 Assessment of discretionary performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. <ul style="list-style-type: none"> <li>Acoustic insulation</li> <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>	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.

### 15.11.4 Assessment of discretionary activities in an overlay zone

Activity	Guidance on the assessment of resource consents
1. In the hazard 1 overlay zones (see Rule 15.3.6): <ul style="list-style-type: none"> <li>Potentially sensitive activities permitted in residential zones</li> </ul>	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.
2. In the hazard 2 overlay zones (see Rule 15.3.6): <ul style="list-style-type: none"> <li>Potentially sensitive activities not permitted in residential zones</li> <li>Sensitive activities</li> </ul>	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.



## Rule 15.12 Assessment of Non-complying Activities

### Rule 15.12.1 Introduction

1. Non-complying activities will be assessed in accordance with section 104, 104B and 104D of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rules 15.12.2 - 15.12.5 provide guidance on how a consent application for the listed non-complying activities will be assessed, including:
  - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
  - b. general assessment guidance, including any effects that will be considered as a priority.
3. With respect to section 104(2), Council will not consider family flats as part of the permitted baseline in considering residential density effects in the residential zones.
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.

### 15.12.2 Assessment of all non-complying activities

Activity	Guidance on the assessment of resource consents
1. All non-complying activities	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. Objective 15.2.1</p> <p><i>General assessment guidance:</i></p> <p>b. In assessing the significance of effects, consideration will be given to:</p> <ol style="list-style-type: none"> <li>i. short to 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 grant of resource consent.</li> <li>iii. any effects otherwise managed through performance standards and consistent with all relevant objectives and policies for the zone.</li> <li>iv. Manawhenua values and the relationship between manawhenua and the natural environment is maintained, including the cultural values and traditions associated with:               <ol style="list-style-type: none"> <li>1. wāhi tūpuna; and</li> <li>2. the customary use of mahuik kai (Objective 14.2.1).</li> </ol> </li> <li>v. If located outside a <b>wāhi tūpuna mapped area</b>, Kai Tahu may advise the Council if it considers that the granting of the consent would affect the integrity of the broader environment within which the wāhi tūpuna is located, or the linkages between wāhi tūpuna</li> </ol> <p>c. 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.</p>

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

Activity	Guidance on the assessment of resource consents
1. Sport and recreation that involves motor vehicles	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> <li>a. Objectives 15.2.1, 2.2.6</li> <li>b. Policies 15.2.1.6, 2.2.6.2.f</li> </ul>
2. Commercial advertising	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> <li>a. Objective 2.4.1</li> <li>b. Policy 2.4.1.6.c</li> </ul>
3. All non-complying commercial activities	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> <li>a. Objective 15.2.1</li> <li>b. Strategic Directions - Objectives 2.4.3, 2.3.2</li> <li>c. Commercial activities, other than those expressly provided for, are avoided from locating in residential zones, unless:               <ul style="list-style-type: none"> <li>i. the activity will not detract from the vibrancy and functioning of the centre's hierarchy; and</li> <li>ii. the site is adjacent to a centre and it provides a logical extension to a centre; and</li> <li>iii. the centre is at, or very close to, capacity; and</li> <li>iv. the site development is done in accordance with the performance standards of the street typology (if relevant) of the adjacent centre zoned sites; and</li> <li>v. the development maximises opportunities for integration with the centre; or</li> <li>vi. if the site is in the Township and Settlement Zone:                   <ul style="list-style-type: none"> <li>1. the commercial activity would have significant positive effects in terms of supporting the needs of the community and visitors to the area; and</li> <li>2. the activity is unable to be located in, or adjacent to, the nearest centre, or no centre exists within the relevant township or settlement; and</li> <li>3. the location is appropriate for the proposed activity; and</li> <li>4. any adverse effects from noise, vehicle movements, and on-street parking supply can be avoided or, if avoidance is not possible, adequately mitigated (Policy 15.2.1.5).</li> </ul> </li> </ul> </li> </ul>
4. <ul style="list-style-type: none"> <li>• Crematoriums</li> <li>• Landfills</li> </ul>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> <li>a. Objective 15.2.1, Policy 15.2.1.6</li> <li>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</li> </ul>

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

Activity	Guidance on the assessment of resource consents
5. <ul style="list-style-type: none"> <li>All major facility activities (excluding crematoriums, cemeteries and schools)</li> <li>All rural activities (excluding grazing and landfills)</li> <li>All industrial activities</li> </ul>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> <li>Objective 15.2.1</li> <li>Policy 15.2.1.6</li> <li>Where in a <b>wāhi tūpuna mapped area</b>, 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</li> </ol>
6. In the hazard 1 overlay zones (see Rule 15.3.6): <ul style="list-style-type: none"> <li>Potentially sensitive activities not permitted in residential zones</li> <li>Sensitive activities</li> </ul>	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.

### 15.12.4 Assessment of non-complying development activities

Activity	Guidance on the assessment of resource consents
1. Demolition of a protected part of a scheduled heritage building or scheduled heritage structure	See Section 13.8 for guidance on the assessment of resource consents in relation to Objective 13.2.1 and effects on heritage values.

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

Performance standard	Guidance on the assessment of resource consents
1. Density	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> <li>Strategic Directions - Objectives 2.7.1 (Policies 2.7.1.1, 2.7.1.3), 2.4.2 (Policy 2.4.1.5)</li> <li>Objective 15.2.4, Policy 15.2.4.2, Policy 15.2.4.3</li> <li>See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.1 and effects related to the efficiency and affordability of infrastructure.</li> </ol>
2. <ul style="list-style-type: none"> <li>Light spill - where the limit is exceeded by greater than 25%</li> <li>Noise - where the limit is exceeded by 5dB LAeq (15 min) or more</li> <li>Hazardous substances quantity limits and storage requirements (Rule 9.3.4.2)</li> </ul>	See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.
3. Setback from national grid	See Section 5.10 for guidance on the assessment of resource consents in relation to Objective 5.2.1 and effects related to the efficient and effective operation of network utilities, and public health and safety.

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

Performance standard	Guidance on the assessment of resource consents
4. Maximum gross floor area for working from home and dairies	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> <li>a. Objectives 15.2.1, 2.4.3</li> <li>b. The size of working from home and dairies is compatible with the character and amenity of the residential zones (Policy 15.2.1.3.a).</li> <li>c. The size of working from home and dairies does not detract from the vibrancy and functioning of the centres hierarchy (Policy 15.2.1.3.b).</li> <li>d. The degree of non-compliance with the performance standard is minor.</li> <li>e. Policy 2.4.3.4</li> </ul>
5. Minimum site size	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> <li>a. Objectives 15.2.4, 9.2.1</li> <li>b. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.1 and effects related to the efficiency and affordability of infrastructure.</li> </ul>
6. Structure plans	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> <li>a. Strategic Directions - Objective 2.4.1, Policy 2.4.1.8</li> </ul>
7. Archaeological sites (earthworks)	<p>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.</p>

## **Rule 15.13 Special Information Requirements**

### **15.13.1 Geotechnical investigation report**

1. A geotechnical investigation report may be requested by Council for earthworks of a large scale and/or where the earthworks are proposed:
  - 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);
  - b. on a site identified as hazard-prone in Council's Hazard Information Management System; or
  - c. on any other site that the Council, with good cause, suspects to be hazard-prone.
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).
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.
4. The geotechnical investigation report must address the following factors:
  - a. special design or construction requirements;
  - b. special foundation requirements;
  - c. services;
  - d. access;
  - e. effluent disposal;
  - f. non-engineered fills; and
  - g. a statement of professional opinion as to the suitability of the land for the proposed development.

### **15.13.2 Papakāika - ownership and occupation**

For papakāika activity, proof that both the owner and occupier of the land fall into one of the classes listed in the definition of papakāika is required. Proof can be obtained from the Māori Land Court or the Ngāi Tahu Whakapapa Unit.

## Appendices

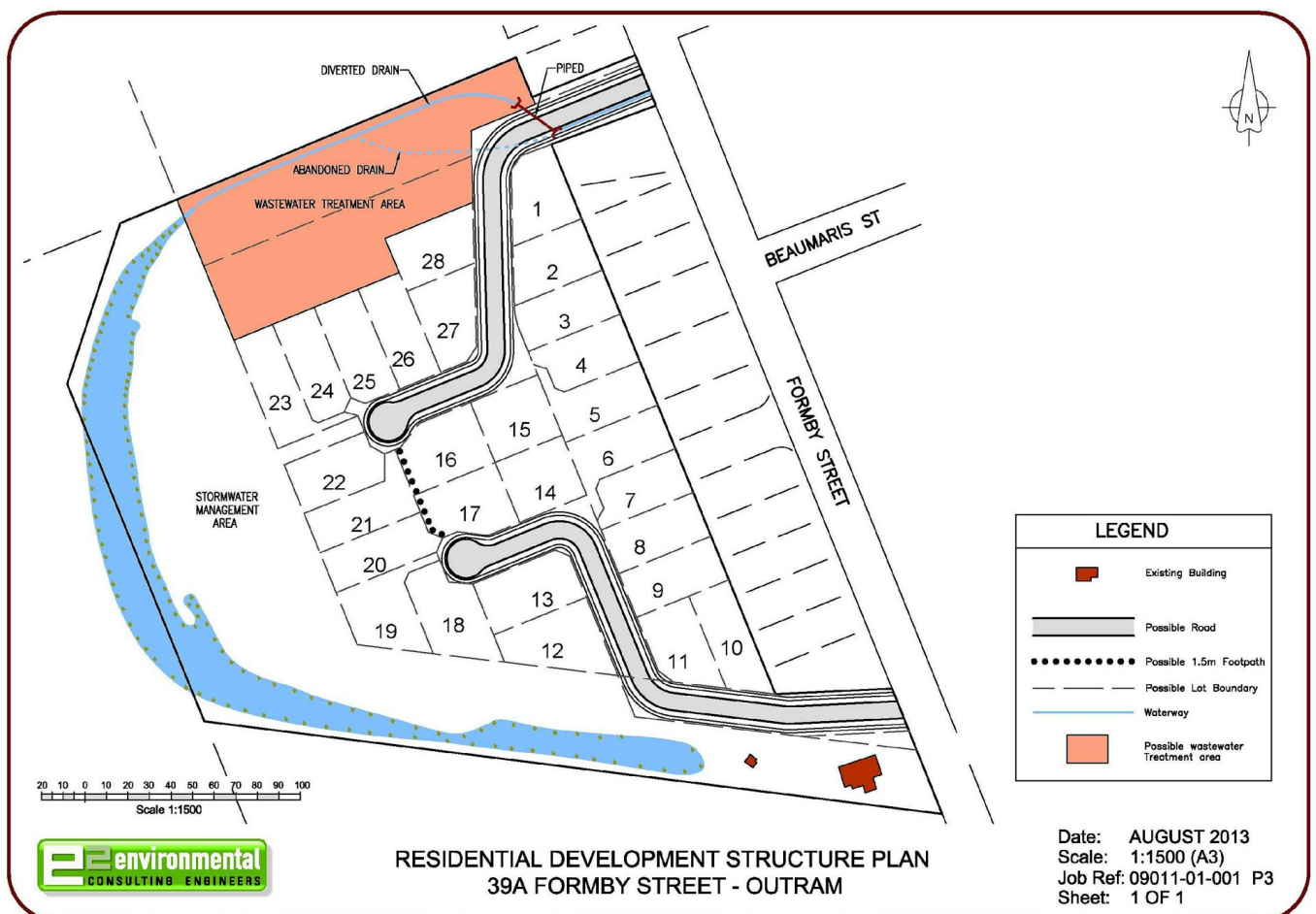
### Appendix 15B. Formby Street Structure Plan

#### Additional performance standards

##### 15B.1 Subdivision

1. Wastewater network
  - a. Proprietary wastewater treatment facility must be established in the area marked "wastewater treatment area" on the structure plan.
2. Transport network
  - a. A public pedestrian accessway with a minimum width of 1.5m must be established along the "possible 1.5m footpath" line marked on the structure plan.
  - b. The legal road width of the two cul-de-sacs must be at least 16m, with a footpath on at least one side of each of the cul-de-sacs.

Figure 15B: Formby Street Structure Plan





## Appendix 15A. East Taieri Structure Plan and Notations

### Additional performance standards

#### 15A.1 Subdivision

1. *Transport network*
  - a. Access links to Gladstone Rd, Riccarton Rd, and Cemetery Rd must be provided for full development of the site to occur.
  - b. The legal road width of collector roads must be a minimum of 20m wide, including footpaths 2m wide, and cycle lanes 1.5m wide.
  - c. The legal road width of local roads must be a minimum of 16m wide, including footpaths a minimum 1.5m wide.
2. Reserve
  - a. A 4000m<sup>2</sup> recreation reserve must be provided within the region marked 'Area A' on the structure plan. The reserve is to have road frontages of at least 20m, and the detailed location of this reserve must be shown in a resource consent application for subdivision of land in the area and vest in Council accordingly.

#### 15A.2 Development requirements or conditions of subdivision consent

1. Stormwater network
  - a. On-site stormwater systems (retention/detention and secondary flowpaths, etc.) must be designed for 1 in 100 (1%) annual exceedance probability event. A stormwater retention/detention pond to service the structure plan area must be established in the general location of the area marked "detention area" on the structure plan and developed to the satisfaction of Council.
  - b. Local stormwater reticulation systems must be designed for a 1 in 10 (10%) annual exceedance probability event.
  - c. Development within the 'specified floor level' area shown on the structure plan is to be designed to adequately address potential flooding issues, with finished floor levels equal to or greater than the floor level shown on the **Flood Minimum Floor Level mapped area**, or if not shown on that map, at least 500mm above ground level.
2. Reserve
  - a. The reserve must have a consistent boundary treatment where it adjoins residential properties, installed by the developer prior to vesting in Council. The reserve must be flattened and grassed to a standard that can be cut with a ride-on mower, and free of buildings, tree stumps, or other obstacles, prior to vesting in Council.

#### 15A.3 Information requirements

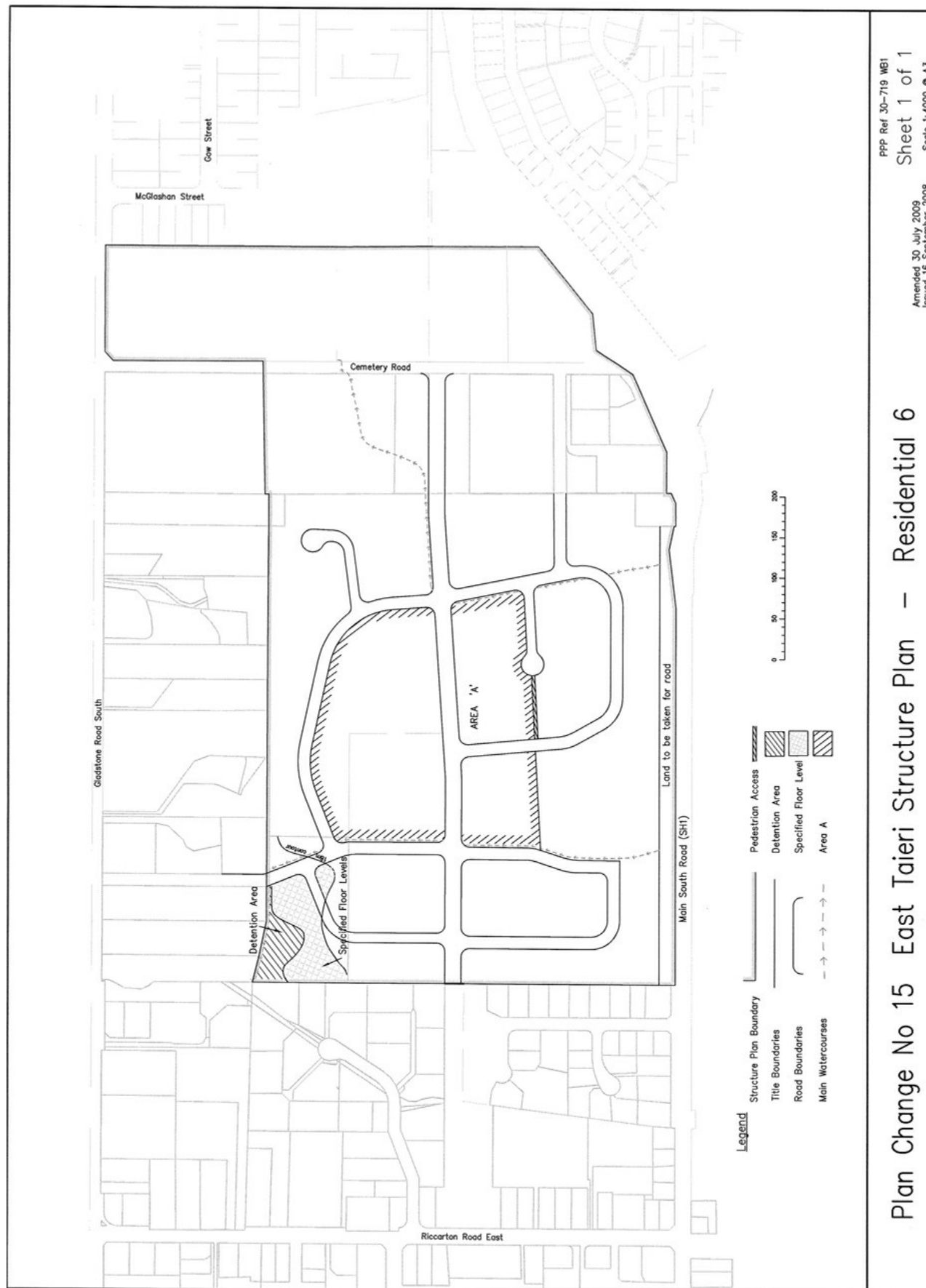
1. Subdivision applications must include an Integrated Traffic Assessment (ITA) (refer Rule 6.13.2).
2. Subdivision applications must include information outlining:
  - a. the techniques to be used to manage stormwater, and the location and extent to which these techniques are accommodated on-site; and
  - b. how the integrity of the stormwater mitigation and management measures will not be compromised during and after subdivision; and
  - c. a maintenance plan for stormwater infrastructure, including actions to be taken to ensure the on-going management and maintenance of on-site mitigation measures and the responsibilities for this; and
  - d. design details highlighting the adequacy of the proposed measures and identifying areas of greatest risk; and





- e. how subdivision within the 'specified floor level' area shown on the structure plan is to be designed to adequately address potential flooding issues.

Figure 15A: East Taieri Structure Plan



## **Appendix 15C. Mosgiel East Structure Plan and Notations**

### **Additional performance standards**

#### **15C.1 Subdivision**

1. Transport network
  1. Access points for roads must be provided as indicated in the Mosgiel East Structure Plan.
  2. The legal width of collector roads must be a minimum of 20m wide, including footpaths of a minimum 2m wide, and cycle lanes 1.5m wide.
  3. The legal width of local roads must be a minimum of 16m wide, including footpaths a minimum 1.5m wide.
2. Stormwater network
  1. The rate of stormwater discharge to the Silverstream must remain equal to or less than that of pre-development up to the 1 in 100 (1%) annual exceedance probability event.

#### **15C.2 Development requirement or condition of subdivision consent**

1. Stormwater network
  - a. Local stormwater reticulation systems must be designed for a 1 in 10 (10%) annual exceedance probability event.
  - b. On-site stormwater systems (retention/detention and secondary flowpaths, etc.) must be designed for 1 in 100 (1%) annual exceedance probability event. Stormwater retention/detention measures must be provided on-site as part of the overall development.
  - c. There must be no individual discharge of stormwater to the Silverstream or Owhiro Stream.

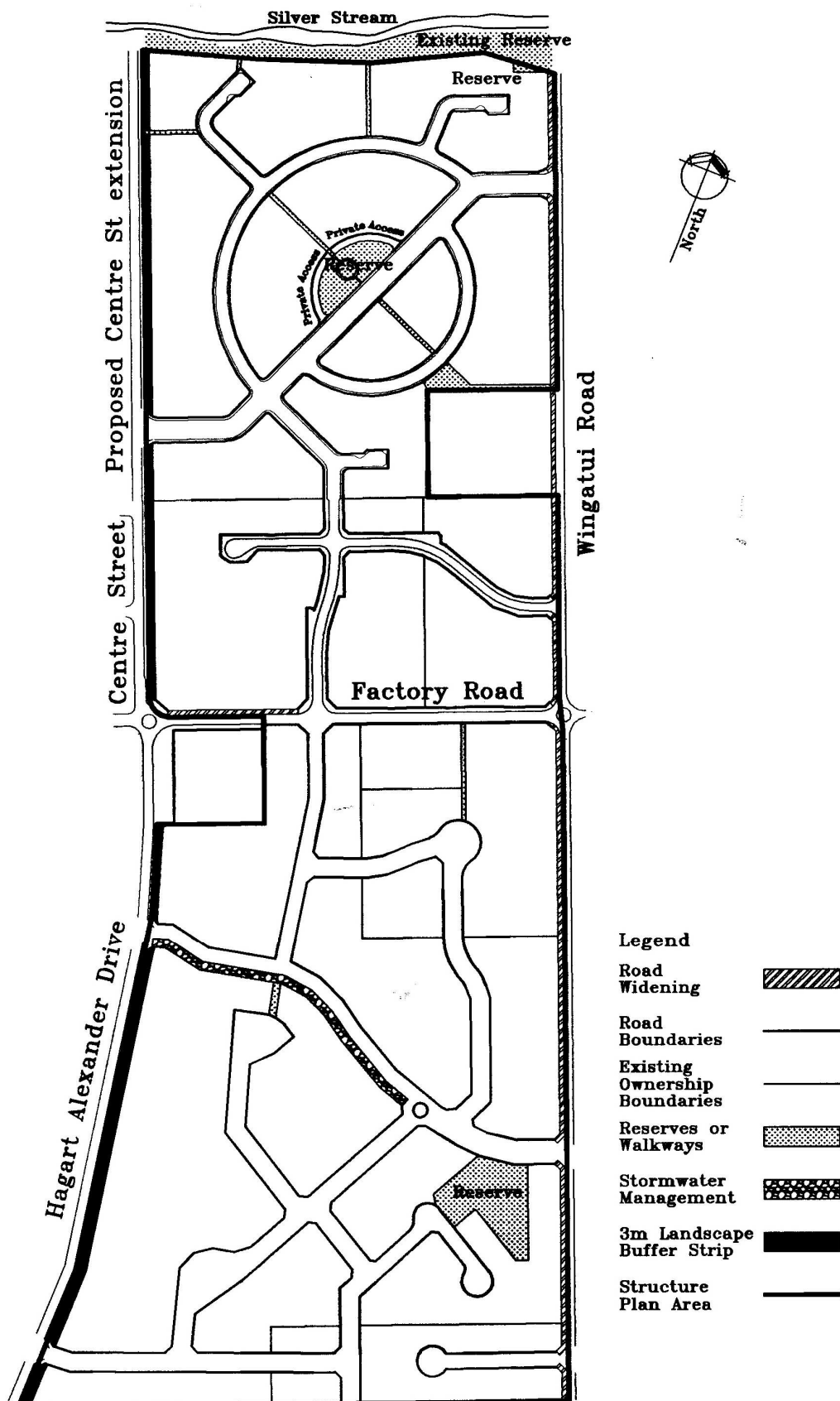
#### **15C.3 Information requirements**

1. Subdivision and land use applications must include information outlining:
  1. the techniques to be used to manage stormwater and the extent to which these techniques are accommodated on-site; and
  2. how the integrity of the stormwater mitigation and management measures will not be compromised during and after a subdivision; and
  3. a maintenance plan for stormwater infrastructure, including actions to be taken to ensure the on-going management and maintenance of on-site mitigation measures and the responsibilities for this; and
  4. design details highlighting the adequacy of the proposed measures and identifying areas of greatest risk.

Figure 15C: Mosgiel East Structure Plan



## MOSGIEL EAST STRUCTURE PLAN





## **Appendix 15D. Holyhead Street Structure Plan**

### **Additional performance standards**

#### **15D.1 Subdivision**

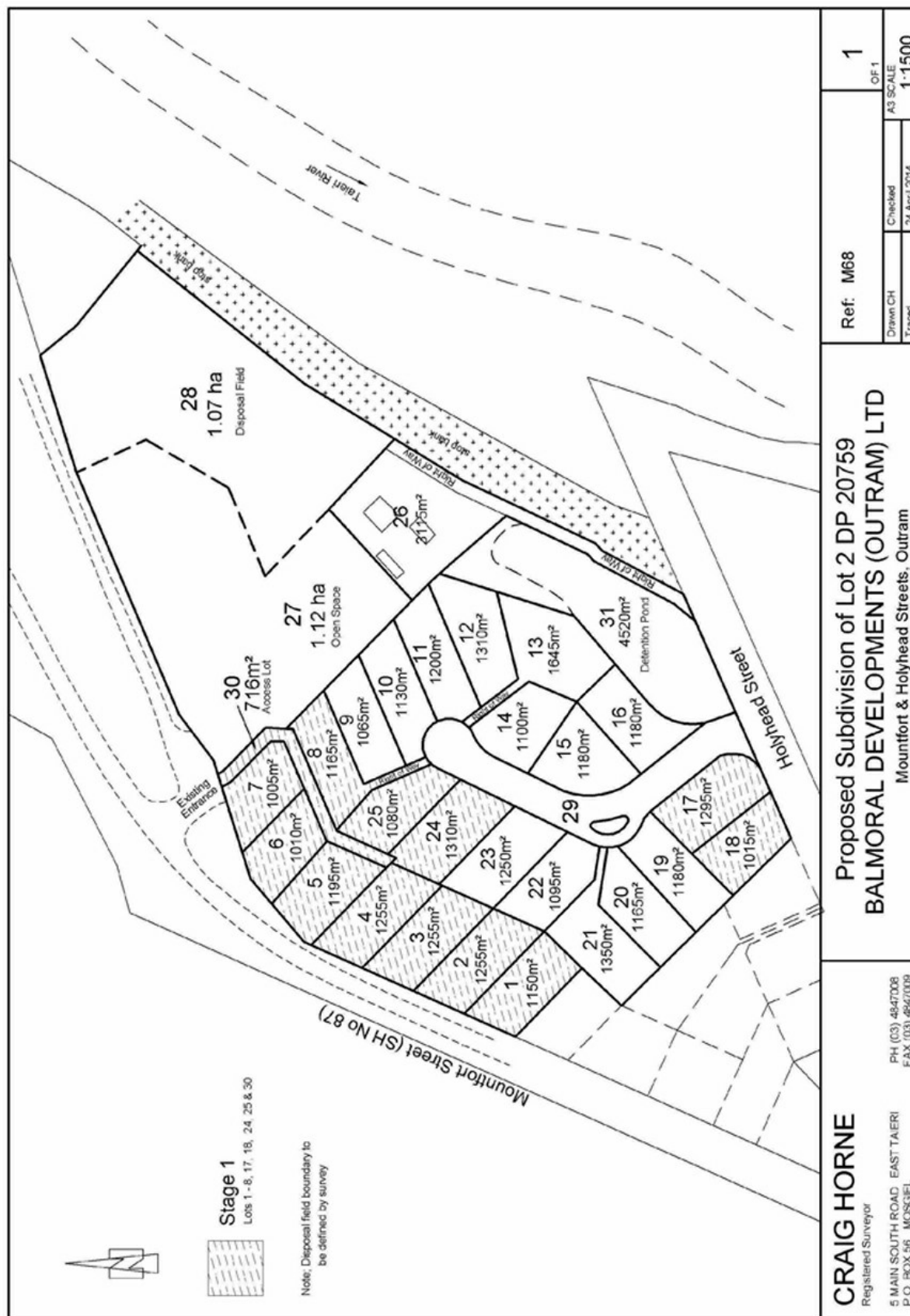
1. Staging: the subdivision may be staged with the first stage comprising some or all of lots 1-8 (inclusive), 17, 18, 24, 25 and 30 as shown on the structure plan.
2. Vehicle access to the resultant sites must be as follows:
  - a. Lots 1-4 from Montfort Street (State Highway 87);
  - b. Lots 5-7 from Montfort Street (State Highway 87) via access Lot 30;
  - c. Lots, 8, 24, and 25 initially from Montfort Street (State Highway 87) via access Lot 30, but from Holyhead Street via lot 29 once Lot 29 is formed; and
  - d. All other lots via Holyhead Street directly, or Holyhead Street via Lot 29.

#### **15D.2 Development requirement or condition of subdivision consent**

1. Vehicle access
  - a. Lot 29 must be formed as an access road either once all of Lots 1-8 (inclusive), 24 and 25 have residential development established on them, or before any residential development is established on any of Lots 9-16 (inclusive) or any of Lots 19-23 (inclusive).



Figure 15D: Holyhead Street Structure Plan



## 16. Rural Zones

### 16.1 Introduction

Dunedin's rural environment is large, at around 314,822 hectares or approximately 96% of the total land area of the city. This rural environment is highly varied, stretching from coastal lowlands north and south of the main urban part of the city, through river plains, valley systems, hill country and rolling uplands, to the inland mountain ranges at the western extent of the city.

The rural environment is dominated by pastoral farming in many areas, which contributes to the sense of openness and low density of development throughout much of Dunedin. Significant areas of indigenous vegetation and habitat for indigenous fauna are found across the city, ranging from estuarine and coast habitat through to alpine plant communities on the Rock and Pillar and Lammermoor Ranges. Plantation forestry is found mainly on the hills to the north of the Taieri Plains or in the southern coastal parts of the city.

The principle functions of the rural environment are firstly to provide for productive rural activities such as pastoral farming, livestock, horticulture and forestry and associated resource-based activities; and secondly, the provision of ecosystem services - soil, water and air resources and the setting for the vast majority of the city's indigenous vegetation and habitat for indigenous species.

The rural environment contributes significantly to Dunedin's economy through rural primary production activities such as farming and forestry, and associated processing and service activities that rely on these. Tourism is a key sector in the Dunedin economy. The rural parts of Dunedin play an important role in providing for tourism activities, not least through eco-tourism, which relies on maintaining the quality of the natural environment.

The rural environment also contains a number of outstanding and significant natural landscapes and features, along with coastal areas with natural character values.

The key issues facing the rural zone are:

- the fragmentation of rural landholdings from subdivision, which can lead to rural properties too small to be used for productive purposes. Dunedin already has a large number of small rural sites as a result of historic subdivision patterns and further pressure for rural residential (lifestyle block) activities in rural areas threatens to further fragment rural land; and
- non-productive land uses or those activities that would ordinarily be expected to locate in the urban parts of Dunedin seeking to locate in rural areas.

The following issues stem directly from these two key issues:

- the productive capacity of the rural environment can be diminished through the loss of rural land and soils resources, including the finite high class soils resource that needs to be retained for future generations;
- the spread of non-rural uses, including rural residential activities, into rural areas can have adverse effects on landscape values, rural character and amenity values; and natural environment functions and values ;
- potential conflicts between activities in the rural environment, which often arises from new activities in rural areas complaining about established productive rural activities and is known as 'reverse sensitivity';
- demand for the inefficient provision of infrastructure and services, stemming from the fact that sometimes people living on small rural blocks in close proximity to urban areas demand urban infrastructure and services, such as reticulated services or sealed roads.

In response to these issues, seven rural zones and their objectives, policies and rules manage Dunedin's rural environment in a manner that recognises its diversity. The District Plan emphasises the importance of providing for rural activities and for other activities which are reliant on or associated with the rural environment (provided effects

are managed), while acknowledging that residential uses are clearly secondary and subordinate to these activities.

The rural zones are supported by overlays relating to landscape, natural character of the coast, and natural hazards; and scheduled areas of significant indigenous vegetation and habitats of indigenous fauna.

Appendix A7 provides descriptions and rural character values for each of the seven rural zones.

## 16.2 Objectives and Policies

Objective 16.2.1	
Rural zones are reserved for productive rural activities and the protection and enhancement of the natural environment, along with certain activities that support the well-being of rural communities where these activities are most appropriately located in a rural rather than an urban environment. Residential activity in rural zones is limited to that which directly supports farming or which is associated with papakāika.	
Policy 16.2.1.1	Enable farming, grazing and conservation activity in the rural zones.
Policy 16.2.1.2	Provide for other rural activities, veterinary services, rural industry, community activities, cemeteries and crematoriums in the rural zones where the effects can be adequately managed in line with Objectives 16.2.2 and 16.2.3, 16.2.4 and their policies, and the objectives and policies of any relevant overlay zones.
Policy 16.2.1.3	Require rural ancillary retail, rural tourism and working from home, to be at a scale that: <ol style="list-style-type: none"> <li>is ancillary to and supportive of productive rural activities or conservation activity on the same property; and</li> <li>supports Objectives 2.3.2 and 2.4.3 and their policies.</li> </ol>
Policy 16.2.1.4	Only allow visitor accommodation in the rural zones where it supports a productive rural activity on the same property.
Policy 16.2.1.5	Limit residential activity, with the exception of papakāika, in the rural zones to a level (density) that supports farming activity and achieves Objectives 2.2.2, 2.3.1, 2.4.6, 16.2.2, 16.2.3 and 16.2.4 and their policies.
Policy 16.2.1.6	Require any family flat to be of a size and location in relation to the primary residential building (house) that: <ol style="list-style-type: none"> <li>reflects its use for housing a person or persons related to, dependent on, or employed by the household that lives in the primary residential building on the same site; and</li> <li>adequately discourages future pressure to subdivide the family flat.</li> </ol>
Policy 16.2.1.7	Avoid residential activity in the rural zones on a <u>site</u> that does not comply with the density standards for the zone, unless it is the result of a surplus dwelling subdivision.
Policy 16.2.1.8	Avoid supported living facilities, commercial activities, industrial activities, and major facilities, unless otherwise provided for, in the rural zones.
Policy 16.2.1.9	Avoid cross lease, company lease and unit title subdivision in the rural zones unless it does not result in an increase in development potential beyond that which might be achieved through a general subdivision.
Policy 16.2.1.10	Only allow the subdivision of a surplus dwelling where: <ol style="list-style-type: none"> <li>the subdivision meets Policies 16.2.3.8 and 16.2.4.3.a, b and d;</li> <li>the dwelling is habitable and in good condition; and</li> <li>the subdivision will not result in any additional development potential for residential activity across resultant sites than would otherwise be provided for by the minimum <u>site</u> size standard.</li> </ol>

## Objective 16.2.2

The potential for conflict between activities within the rural zones, and between activities within the rural zones and adjoining residential zones, is minimised through measures that ensure:

- a. the potential for reverse sensitivity effects from more sensitive land uses (such as residential activities) on other permitted activities in the rural zones is minimised;
- b. the residential character and amenity of adjoining residential zones is maintained; and
- c. a reasonable level of amenity for residential activities in the rural zones.

Policy 16.2.2.1	Require residential buildings to be set back an adequate distance from <u>site</u> boundaries to minimise the potential for reverse sensitivity effects from: <ol style="list-style-type: none"> <li>a. rural activities such as farming (for example, effects from noise, dust or odour); and</li> <li>b. existing factory farming, domestic animal boarding and breeding (that includes dogs), mining, landfills, wind generators - small scale and wind generators - regional scale.</li> </ol>
Policy 16.2.2.2	Require buildings that house animals to be set back from <u>site</u> boundaries an adequate distance to ensure that any adverse effects on sensitive activities on adjoining sites, such as residential activities, are avoided or, if avoidance is not possible, are no more than minor.
Policy 16.2.2.3	Require all new buildings to be located an adequate distance from <u>site</u> boundaries to ensure a good level of amenity for residential activities on adjoining sites.
Policy 16.2.2.4	Require rural ancillary retail, rural tourism, working from home, mineral exploration, and mineral prospecting to operate in a way (including hours of operations) that avoids or, if avoidance is not possible, adequately mitigates noise or adverse effects on the amenity of sensitive activities on surrounding properties.
Policy 16.2.2.5	Only allow rural tourism - large scale, rural research - large scale, community and leisure - large scale, sport and recreation, veterinary services, visitor accommodation, cemeteries, crematoriums, factory farming, domestic animal boarding and breeding (including dogs), rural industry, mining or landfills where adverse effects on the amenity of residential activities on surrounding properties will be avoided or, if avoidance is not possible, adequately mitigated.
Policy 16.2.2.6	Only allow factory farming, domestic animal boarding and breeding (including dogs), rural industry, mining, landfills or non-rural activities, other than those that are permitted in the rural zones, where the potential for reverse sensitivity effects, that may affect the ability of permitted activities to operate, will be avoided or, if avoidance is not possible, will be no more than minor.
Policy 16.2.2.7	Require forestry and tree planting to be set back an adequate distance to avoid significant effects from shading on residential buildings on surrounding properties.
Policy 16.2.2.8	Only allow cemeteries where they are designed to avoid reverse sensitivity effects on surrounding permitted or lawfully established activities by locating graves a suitable distance from <u>site</u> boundaries and providing adequate screening from surrounding activities.

### Objective 16.2.3

The rural character values and amenity of the rural zones are maintained or enhanced, elements of which include:

- a. a predominance of natural features over human made features;
- b. a high ratio of open space, low levels of artificial light, and a low density of buildings and structures;
- c. buildings that are rural in nature, scale and design, such as barns and sheds;
- d. a low density of residential activity, which is associated with rural activities;
- e. a high proportion of land containing farmed animals, pasture, crops, and forestry;
- f. significant areas of indigenous vegetation and habitats for indigenous fauna; and
- g. other elements as described in the character descriptions of each rural zone located in Appendix A7.

Policy 16.2.3.1	Require buildings, structures and network utilities to be set back from boundaries and identified ridgelines, and of a height that maintains the rural character values and visual amenity of the rural zones.
Policy 16.2.3.2	Require residential activity to be at a density that maintains the rural character values and visual amenity of the rural zones.
Policy 16.2.3.3	Require mineral exploration and mineral prospecting to restore land to at least the same standard as before the activity commenced with respect to landform and productive potential.
Policy 16.2.3.4	Only allow mining and landfills where there is reasonable certainty that land will be restored to an acceptable standard with respect to landform and productive potential.
Policy 16.2.3.5	Only allow factory farming, rural tourism - large scale, rural industry, rural research - large scale, mining and landfill activities where there are no significant adverse effects from large scale development on rural character and visual amenity.
Policy 16.2.3.6	Only allow community and leisure activities - large scale, sport and recreation, early childhood education, and visitor accommodation activities where the adverse effects of development on rural character and visual amenity are insignificant.
Policy 16.2.3.7	Require ancillary signs to be located and designed to maintain rural character and visual amenity, including by being of an appropriate size and number to convey information about the name, location and nature of the activity on-site to passing pedestrians and vehicles and not being oversized or too numerous for that purpose.
Policy 16.2.3.8	Only allow subdivision activities where the subdivision is designed to ensure any associated future land use and development will maintain or enhance the rural character and visual amenity of the rural zones.
Policy 16.2.3.9	Require activities to be designed and operated to ensure that adverse effects from light spill on rural character and amenity, and the ability of people to view the night sky, would be insignificant.

### Objective 16.2.4

The productivity of rural activities in the rural zones is maintained or enhanced.

- |                 |   |
|-----------------|---|
| Policy 16.2.4.1 | Require earthworks in a high class soils mapped area to retain soils on the site. |
|-----------------|---|



#### Objective 16.2.4

The productivity of rural activities in the rural zones is maintained or enhanced.

Policy 16.2.4.2	Avoid activities other than farming in a high class soils mapped area, unless: <ol style="list-style-type: none"> <li>the scale, size and nature of the activity on the high class soils mapped area means that any loss of current or potential future rural productivity would be insignificant; or</li> <li>for mining, the activity must locate on the part of the <u>site</u> with high class soils due to operational requirements and there are no practicable alternative locations.</li> </ol>
Policy 16.2.4.3	Only allow subdivision where the subdivision is designed to ensure any future land use and development will: <ol style="list-style-type: none"> <li>maintain or enhance the productivity of rural activities;</li> <li>maintain high class soils for farming activity, or ensure any loss is no more than minor;</li> <li>maintain land in a rural rather than rural residential land use; and</li> <li>not increase the potential for reverse sensitivity from residential activities in the rural zones.</li> </ol>
Policy 16.2.4.4	Avoid residential activity in the rural zones at a density that may, over time and cumulatively, reduce rural productivity by displacing rural activities.

#### Objective 16.2.5

Earthworks necessary for permitted or approved land use and development are enabled, while avoiding, or adequately mitigating, any adverse effects on:

- visual amenity and character;
- the stability of land, buildings, and structures; and
- surrounding properties.

Policy 16.2.5.1	Require earthworks, and associated retaining structures, to be designed and located to avoid adverse effects on the stability of land, buildings, and structures by: <ol style="list-style-type: none"> <li>being set back an adequate distance from property boundaries, buildings, structures and cliffs; and</li> <li>using a batter gradient that will be stable over time.</li> </ol>
Policy 16.2.5.2	Require earthworks and any associated retaining structures to be designed and located to minimise adverse effects on surrounding sites and the wider area, including by: <ol style="list-style-type: none"> <li>limiting the scale of earthworks that are provided for as a permitted activity; and</li> <li>requiring earthworks to avoid sediment run-off, including onto any property, or into any stormwater pipes, drains, channels or soakage systems.</li> </ol>
Policy 16.2.5.3	Only allow earthworks that exceed the scale thresholds (earthworks - large scale) and any associated retaining structures, where all of the following effects will be avoided or, if avoidance is not possible, adequately mitigated: <ol style="list-style-type: none"> <li>adverse effects on visual amenity and character;</li> <li>adverse effects on the amenity of surrounding properties, including from changes to drainage patterns; and</li> <li>adverse effects on the stability of land, buildings, and structures.</li> </ol>
Policy 16.2.5.4	Require earthworks ancillary to forestry to be carried out in accordance with industry best practice guidelines.



## Rules

### Rule 16.3 Activity Status

#### 16.3.1 Rule location

The activity status tables in Rules 16.3.3 to 16.3.6 specify the activity status of land use activities, development activities, and subdivision activities in the rural 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)
3. Network utilities and energy generation (Section 5)
4. Transportation activities (Section 6)
5. Scheduled trees (Section 7)
6. Natural hazard mitigation activities (Section 8)

#### 16.3.2 Activity Status

1. The activity status tables in Rules 16.3.3 - 16.3.5 show the activity status of activities in the rural 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 1.6 outline the hierarchy of categories, activities and sub-activities.
3. Permitted land use activities do not automatically provide for any related development activities. Therefore, the activity status of any associated development activities should also be checked.
4. Where a new land use activity requires a resource consent, all associated development activities will be considered and assessed as part of the resource consent even if the development otherwise meets the development performance standards listed in the Plan.
5. The nested table in Section 1.6 is 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 table, 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 sensitive activities, potentially sensitive activities or 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 hazard 2 overlay zones, the activity status rules in 16.3.6 apply to the following activities:
  - a. new sensitive activities and potentially sensitive activities, and
  - b. some new buildings.
8. Where the activity status in Rule 16.3.6 differs from that in Rule 16.3.3 - 16.3.5, the most restrictive activity status always applies.
9. In addition to the rules in Rule 16.3.6, performance standards for development activities within hazard overlay zones are included in Rule 16.3.4.
10. Activities in a hazard overlay zone must comply with all of the rules in 16.3.3 - 16.3.5.

#### *Performance Standards*

11. Performance standards are listed in the far right column of the activity status tables.

12. Performance standards apply to permitted, controlled, and restricted discretionary activities.
13. If a permitted or controlled activity does not meet one or more performance standards, then the activity status of the activity will become restricted discretionary, unless otherwise indicated by the relevant performance standard rule.
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).

## Legend

Acronym	Activity status
—	No additional provisions apply or not relevant
P	Permitted activity
C	Controlled activity
RD	Restricted discretionary activity
D	Discretionary activity
NC	Non-complying activity
Pr	Prohibited activity
Acronym	Zone/overlay zone name
RU	Rural Zones
ONF	Outstanding Natural Feature Overlay Zone
ONL	Outstanding Natural Landscape Overlay Zone
SNL	Significant Natural Landscape Overlay Zone
ONCC	Outstanding Natural Coastal Character Overlay Zone
HNCC	High Natural Coastal Character Overlay Zone
NCC	Natural Coastal Character Overlay Zone
Scheduled ASCV	Scheduled Area of Significant Conservation Value
Haz1	Hazard 1 Overlay Zones
Haz2	Hazard 2 Overlay Zones
Haz3	Hazard 3 Overlay Zones
GR1TZ	General Residential 1 Transition Overlay Zone

### 16.3.3 Activity status table - land use activities

1.	Performance standards that apply to all land use activities					a. Acoustic insulation (noise sensitive activities only) b. Electrical interference c. Light spill d. Noise e. Setback from national grid (sensitive activities only)
Rural activities		Activity status				Performance standards
		a. RU	b. ONL/ SNL/NCC	c. ONF/ ONCC/HNCC	d. ASCV	
2.	Domestic animal boarding and breeding <i>not including dogs</i>	P	—	NC	NC	i. Location ii. Minimum car parking
3.	Domestic animal boarding and breeding <i>including dogs</i>	RD	—	NC	NC	i. Location ii. Minimum car parking
4.	Factory farming <i>not in a GR1TZ</i>	RD	—	NC	NC	i. Minimum car parking
5.	Factory farming <i>in a GR1TZ</i>	D	—	—	—	
6.	Farming	P	—	—	NC	
7.	Forestry <i>not in a GR1TZ</i>	P	RD	NC	NC	i. Forestry and tree planting setbacks ii. Tree species
8.	Forestry <i>in a GR1TZ</i>	D	—	—	—	
9.	Grazing	P	—	—	NC	
10.	Landfills <i>not in a GR1TZ</i>	D	D	NC	NC	
11.	Landfills <i>in a GR1TZ</i>	NC	—	—	—	
12.	Mineral exploration and mineral prospecting	P	—	NC	NC	i. Hours of operation ii. Site restoration
13.	Mining <i>not in a GR1TZ</i>	D	D	NC	NC	
14.	Mining <i>in a GR1TZ</i>	NC	—	—	—	
15.	Rural ancillary retail	P	—	—	—	i. Hours of operation ii. Location iii. Maximum gross floor area iv. Minimum car parking

16.	Rural tourism - small scale	P	—	—	—	i. Hours of operation ii. Location iii. Minimum car parking
17.	Rural tourism - large scale	D	—	—	D	
18.	Rural research - small scale	P	—	—	—	i. Minimum car parking
19.	Rural research - large scale <i>outside the Invermay Farm mapped area</i>	D	—	NC	D	
20.	Rural research - large scale <i>in the Invermay Farm mapped area</i>	P	—	—	—	
Residential activities		a. RU	b. ONL/ SNL/NCC	c. ONF/ ONCC/HNCC	d. ASCV	Performance standards
21.	Papakāika <sup>1</sup>	C	—	NC	NC	i. Density ii. Separation distances
22.	Residential activities <i>within the airport noise inner control mapped area</i>	Pr	—	—	—	
23.	Standard residential	P	—	NC	NC	i. Density ii. Separation distances
24.	Supported living facilities	NC	—	NC	NC	
25.	Working from home	P	—	—	—	i. Hours of operation ii. Maximum gross floor area
Community activities		a. RU	b. ONL/ SNL/NCC	c. ONF/ ONCC/HNCC	d. ASCV	Performance standards
26.	Conservation	P	—	—	—	
27.	Community and leisure - small scale	P	—	—	—	i. Minimum car parking
28.	Community and leisure - large scale	D	—	—	D	
29.	Early childhood education	D	—	—	NC	
30.	Sport and recreation	D	—	—	D	
Commercial activities		a. RU	b. ONL/ SNL/NCC	c. ONF/ ONCC/HNCC	d. ASCV	Performance standards
31.	Ancillary licensed premises	Same status as underlying activity	—	—	—	

32.	Restaurants or retail activities <i>ancillary to sport and recreation</i>	D	—	—	D	
33.	Stand-alone car parking	P	—	—	—	
34.	Veterinary services - <i>large animal practice</i>	RD	—	NC	NC	
35.	Visitor accommodation	D	—	NC	NC	
36.	Visitor accommodation <i>within the airport noise inner control mapped area</i>	Pr	—	—	—	
37.	All other activities in the commercial activities category	NC	—	—	NC	
Industrial activities		a. RU	b. ONL/ SNL/NCC	c. ONF/ ONCC/HNCC	d. ASCV	Performance standards
38.	Rural industry	D	—	NC	NC	
39.	All other activities in the industrial activities category	NC	—	—	NC	
Major facility activities		a. RU	b. ONL/ SNL/NCC	c. ONF/ ONCC/HNCC	d. ASCV	Performance standards
40.	Cemeteries	RD	-	NC	NC	
41.	Crematoriums	RD	-	NC	NC	i. Minimum car parking
42.	All other activities in the major facility activities category	NC	-	-	NC	

#### 16.3.4 Activity status table - development activities

1.	Performance standards that apply to all development activities					i. Hazard overlay zone development standards ii. Setback from coast and water bodies iii. Setback from national grid iv. Setback from scheduled tree
2.	Performance standards that apply to all buildings and structures activities					i. Boundary setback ii. Fire fighting iii. Maximum height iv. Number, location and design of ancillary signs v. Reflectivity (landscape and natural coastal character overlays) vi. Setback from ridgeline (mapped area)
Buildings and structures activities (excluding activities affecting a protected part of a scheduled heritage building or scheduled heritage structure. See rows 8-12)		Activity status				Performance standards
		a. RU	b. ONL/ SNL/NCC	c. ONF/ ONCC/HNCC	d. ASCV	
3.	New buildings greater than 60m <sup>2</sup> on a landscape building platform	P	C	NC	—	
4.	New building or structure less than or equal to 60m <sup>2</sup> <b>or</b> additions and alterations that result in a building or structure that is less than or equal to 60m <sup>2</sup>	P	P	NC	—	i. Minimum building separation (landscape and natural coastal character overlays)
5.	New building or structure greater than 60m <sup>2</sup> <b>or</b> additions and alterations that result in a building or structure that is greater than 60m <sup>2</sup>	P	RD	NC	RD	
6.	Fences	P	—	—	—	
7.	All other buildings and structures activities	P	RD	RD	RD	

Buildings and structures activities <b>that</b> affect a protected part of a scheduled heritage building <b>or</b> a scheduled heritage structure		a. RU	b. ONL/ SNL/NCC	c. ONF/ ONCC/HNCC	d. ASCV	Performance standards
8.	Repairs and maintenance or <u>restoration</u>	P	—	—	—	i. Materials and design
9.	Earthquake strengthening <i>where external features only are protected</i>	C	—	—	—	i. Materials and design
10.	All other additions and alterations	RD	—	—	—	
11.	Demolition	NC	—	—	—	
12.	Removal for relocation	RD	—	—	—	
Development activities on a scheduled heritage site, where visible from an adjoining public place or a publicly place within the heritage site		a. RU	b. ONL/ SNL/NCC	c. ONF/ ONCC/HNCC	d. ASCV	Performance standards
13.	Structures no more than 2.5m high or 2m <sup>2</sup> footprint	P	—	—	—	
14.	New buildings, all other structures, parking, loading and access	RD	—	—	—	
Site development activities in all areas (except as covered by rows 13-14 above)		a. RU	b. ONL/ SNL/NCC	c. ONF/ ONCC/HNCC	d. ASCV	Performance standards
15.	Earthworks - small scale	P	—	—	—	i. Earthworks standards
16.	Earthworks - large scale	RD	RD	RD	RD	i. Earthworks standards
17.	Outdoor storage	P	—	—	—	
18.	New parking areas, or extensions to existing parking areas <i>(that result in the creation of 50 or more new parking spaces.)</i>	RD				i. Parking, loading and access standards
19.	Parking, loading and access	P	—	—	—	i. Parking, loading and access standards
20.	Indigenous vegetation clearance	P	P in ONL/SNL RD in NCC	P in ONF RD in ONCC/HNCC	RD	i. Vegetation clearance standards
21.	All other vegetation clearance	P	—	—	—	i. Vegetation clearance standards



22.	Storage and use of hazardous substances	P	—	—	—	i. Hazardous substances quantity limits and storage requirements
23.	Tree planting	P	—	RD	—	i. Forestry and tree planting setbacks ii. Tree species
24.	All other site development activities	P	—	—	—	

### 16.3.5 Activity status table - subdivision activities

Subdivision Activity		Activity status				Performance standards
		a. RU	b. ONL/ SNL/NCC	c. ONF/ ONCC/HNCC	d. ASCV	
1.	General subdivision	RD	RD	RD	RD	i. Access ii. Esplanade reserves and strips iii. Fire fighting iv. Minimum site size v. Shape
2.	Cross lease, company lease and unit title subdivision	NC	—	—	—	

### 16.3.6 Change to activity status in Hazard 1, Hazard 2 and Hazard 3 Overlay Zones

Activity		a. Haz1	b. Haz2	c. Haz3
1.	Potentially sensitive activities permitted in rural zones	D	—	—
2.	Potentially sensitive activities not permitted in rural zones	NC	D	—
3.	Sensitive activities	NC	D	—
4.	In a hazard 1 (land instability) Overlay Zone, new buildings, and additions and alterations to buildings, which create more than 1m <sup>2</sup> of new ground floor area	RD	—	—
5.	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, which create more than 60m <sup>2</sup> of new ground floor area	RD	RD	—

### **Note 16.3A - Guidance on existing use rights applying to land use activities in hazard overlay zones**

1. For the purposes of the natural hazards provisions only, with respect to section 10 of the RMA, 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 sensitive activities and potentially sensitive activities, the ground floor area of any buildings increases by less than 100% in any consecutive 10 year period.
2. However, Council will consider specific circumstances associated with the development and how this affects the character, intensity and scale of the land use activity.

### **Note 16.3B - General advice**

1. <sup>1</sup> Papakāika activity is intended to allow descendants of the original Native Reserve grantees to live on this land. It is not intended to allow other residential use of rural land at a higher density than provided for in the rural zones. If papakāika is developed and is subsequently no longer required for the use of manawhenua in accordance with the papakāika definition, resource consent will be required to allow its use as other residential development. In this situation, the provisions of the rural zones that govern residential activity, including density of residential development, will apply. It is strongly recommended that the use of relocatable buildings is considered for papakāika development in order to avoid potential future problems of being unable to obtain consent for ownership or occupation of dwellings by people other than descendants of the original grantees.
2. Where papakāika is on Māori Land, the provisions of the Te Ture Whenua Māori Act 1993 or subsequent legislation apply.
3. New marae can only be established with the agreement of manawhenua.

### **Note 16.3C - 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). This is the case regardless of whether the land on which the site is located is designated, or the activity is permitted under the District Plan or Regional Plan, or a resource or building consent has been granted.
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.

## Rule 16.4 Notification

1. Applications for resource consent for the following activities will be considered without the need to obtain a written approval of affected persons and will not be notified in accordance with section 95A or 95B of the Act, unless Council considers special circumstances exist in relation to the application that require public notification:
  1. papakāika (controlled activity) where the associated site development activities are permitted;
  2. 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
  3. contravention of performance standard 13.3.2 'Materials and design' where the building or structure is not listed by Heritage New Zealand.
2. With respect to resource consent applications for the following activities, Heritage New Zealand will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided:
  1. activities that affect a protected part of a scheduled heritage building, scheduled heritage structure, or a scheduled heritage site, that is listed with Heritage New Zealand;
  2. activities that contravene performance standard 13.3.2 'Materials and design' where the building or structure is listed by Heritage New Zealand; and
  3. activities that contravene performance standard 13.3.3 'Archaeological sites'.
3. Applications for resource consent for the following activities will be publicly notified in accordance with section 95A(2) of the RMA:
  1. new residential activity on a site that contravenes the performance standard for density;
  2. new residential building greater than 60m<sup>2</sup> in an Outstanding Natural Landscape (ONL);
  3. general subdivision that contravenes the performance standard for minimum site size; and
  4. demolition of a protected part of a scheduled heritage building or scheduled heritage structure.
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. cemeteries, crematoriums and landfills;
  2. all restricted discretionary activities that list 'effect on cultural values of manawhenua' as a matter for discretion; and
  3. 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 papakāika or family flats as part of the permitted baseline in considering residential density effects in the rural zones.
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.
7. All other activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA.

## Rule 16.5 Land Use Performance Standards

### 16.5.1 Acoustic Insulation

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

1. port noise control mapped area;
2. airport noise inner control mapped area;
3. airport noise outer control mapped area;
4. within 40m of the Taieri Aerodrome Zone;
5. within 40m of a state highway;
6. within 20m of an industrial zone; and
7. within 70m of a railway line.

### 16.5.2 Density

1. The maximum density of standard residential activities is as follows:

Rural Zone		i. Minimum site size - first residential activity per site	ii. Minimum site size - second residential activity per site <sup>1</sup>	iii. Minimum site size - third residential activity per site
a.	Coastal	15 ha	80 ha	120 ha
b.	High Country	100 ha	200 ha	300 ha
c.	Hill Country	100 ha	200 ha	300 ha
d.	Hill Slopes	15 ha	50 ha	75 ha
e.	Middlemarch Basin	40 ha	160 ha	240 ha
f.	Peninsula Coast	20 ha	80 ha	120 ha
g.	Taieri Plains	25 ha	80 ha	120 ha

- h. Except, papakāika may be developed at a density of:
    - i. 6 residential units, or
    - ii. 15 habitable rooms per site, whichever is the lesser.
  - i. Multiple standard residential activities (additional primary residential buildings (houses)) are only allowed on a single site where they are located no closer than 80m from other residential buildings on the same site (family flats or sleepouts are considered part of the same residential activity), except:
    - i. multiple residential units developed as part of papakāika may be located closer than 80m to each other.
2. One family flat is allowed per site in association with a standard residential activity that meets this performance standard for density, provided:
  - a. the family flat is either attached to or located in the same residential building as the primary residential unit, or is located within 30m of the primary residential building, as measured as the closest distance between any wall of the primary residential building and any wall of the family flat; and
  - b. the family flat has a maximum gross floor area of 60m<sup>2</sup>.

3. Standard residential activity that contravenes the performance standard for density is a non-complying activity, except:
  - a. papakāika that contravenes the performance standard for density is a discretionary activity; and
  - b. family flats that exceed the distance from the primary residential building (Rule 16.5.2.2.a) or maximum gross floor area (Rule 16.5.2.2.b) are a restricted discretionary activity.

### 16.5.3 Electrical Interference

Land use activities must comply with Rule 9.3.2.

### 16.5.3 Hours of Operation

Activity	Hours of operation
1. Mineral exploration and mineral prospecting	7am – 10pm
2. Rural ancillary retail	Customers must not arrive before 7am or depart after 7pm
3. Rural tourism	Visitors must not arrive before 7am or depart after 7pm
4. Working from home (excluding homestay)	Customers and deliveries must not arrive before 7am or depart after 7pm

### 16.5.4 Light Spill

1. Light spill measured 1.5m above ground level at the boundary of a site must not exceed 1 Lux between 10pm and 7am.
2. Lights must be:
  - a. cut-off or fully shielded;
  - b. and directed away from roads and any adjacent property
3. Light spill measured at the boundary of the residential zone or any site used for residential purposes between 7am and 10pm must not exceed 3 Lux.
  - a. Except this standard does not apply to light spill from the headlights of motor vehicles.
4. Activities that contravene Rules 16.5.4.1 and 16.5.4.2 are discretionary activities.
5. Activities that contravene any light spill limit in Rule 16.5.4.3 by 25% or less are discretionary activities.
6. Activities that contravene any light spill limit in Rule 16.5.4.3 by greater than 25% are non-complying activities.

### 16.5.5 Location

Domestic animal boarding and breeding, rural ancillary retail, and rural tourism, must not be accessed directly from a state highway with a speed limit of 80kmh or over.

### 16.5.6 Maximum Gross Floor Area

Activity	Maximum gross floor area
1. Rural ancillary retail	60m <sup>2</sup>
2. Working from home	100m <sup>2</sup> (applies only to area used within buildings)

3. Except the retailing of plants grown on a site is exempt from the performance standard for maximum gross floor area.

### Note 16.5A - Other requirements outside the District Plan

1. Registration must be obtained from DCC Environmental Health Department for any working from home activities which involve food products, hairdressing, beauty therapy or tattooing. Please contact the DCC's Environmental Health Department on 03 477 4000 or visit the DCC website [www.dunedin.govt.nz](http://www.dunedin.govt.nz) for more information.
2. A licence from the DCC's Alcohol Licensing Department may be required for any working from home activities involving the sale or distribution of alcohol. Please contact the DCC on 03 477 4000 or visit the DCC website [www.dunedin.govt.nz](http://www.dunedin.govt.nz) for more information.

### 16.5.7 Minimum Car Parking

The following land use activities must provide on-site car parking at the rates indicated below:

Activity	Minimum car parking
1. Rural ancillary retail	1 parking space for customers of any roadside produce stall
2. Rural tourism - small scale	1 parking space for every 5 persons the facility can accommodate at any one time
3. Rural research	1 parking space is required for each full time equivalent member of staff, when over five staff member employed on-site.
4. Factory farming	1 parking space per full time equivalent member of staff employed on-site
5. Community and leisure - small scale	1 parking space for every 5 persons the facility can accommodate at any one time
6. Crematoriums	1 parking space per 75m <sup>2</sup> of gross floor area.

7. 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

8. Where the minimum parking performance standard results in the requirement for a fractional space, any fraction under one half will be disregarded and any fraction of one half or greater will be counted as one space
9. Parking spaces may be shared between land use activities (ie the same parking spaces may be used to fulfill the minimum car parking requirement for more than one land use activity), as long as the hours of operation of the land use activities do not overlap

### Note 16.5B - Other relevant District Plan provisions

1. Parking areas must comply with the standards in Section 6.6: Parking, Loading and Access Performance Standards.

#### **16.5.8 Noise**

Land use activities must comply with Rule 9.3.6.

#### **16.5.9 Separation Distances**

1. New residential buildings must be located at least 100m from:
  - a. existing, lawfully established factory farming on a separate site;
  - b. existing, lawfully established domestic animal boarding and breeding including dogs on a separate site;
  - c. existing, lawfully established mining on a separate site;
  - d. existing, lawfully established landfill activity on a separate site; and
  - e. existing, lawfully established wind generators - community scale and wind generators - regional scale on a separate site.
2. For the purposes of this standard, separation distance is measured from the closest wall of the new residential building to the closest edge of any operational area or other part of the site being used as part of the activities listed.

#### **16.5.10 Setback from National Grid**

Sensitive activities must comply with Rule 5.6.1.1.

#### **16.5.11 Site Restoration**

Areas disturbed by mineral prospecting and mineral exploration must restore any areas disturbed to a standard not less than that existing prior to the activity commencing with respect to landform and productive potential. Restoration must be completed prior to the end of the lease, licence, or consent, whichever is earliest. Where indigenous vegetation clearance has been conducted as part of the activity, replanting of indigenous vegetation must be conducted on at least the same parts of the site as where indigenous vegetation existed prior to the activity commencing.

#### **16.5.12 Tree Species**

Forestry and tree planting must comply with Rule 10.3.4.



## Rule 16.6 Development Performance Standards

### 16.6.1 Earthworks Standards

#### 16.6.1.1 Earthworks - small scale thresholds

- a. Earthworks must not exceed the following scale thresholds to be considered earthworks - small scale. Where earthworks are located in one or more of the overlay zones or mapped areas indicated, the most restrictive scale threshold applies for the purposes of determining activity status. Resource consents will be assessed against all scale thresholds that are contravened.

Zone/Area		1. Rural zones	2. GPA, ONF, UCMA, SHS	3. ONL, ONCC, HNCC	4. SNL, NCC	5. Scheduled ASCV, or within 20m of a water body <sup>1</sup> or MHWS	6. Haz1 (Flood)	7. Haz2 & Haz3 (Flood)	8. Haz1 & Haz2 (Land Instability)
i.	Maximum change in ground level	2.0m	1.0m	1.0m	1.5m	0.5m	—	—	1.0m
ii.	Maximum area	—	50m <sup>2</sup>	100m <sup>2</sup>	200m <sup>2</sup>	25m <sup>2</sup>	—	—	—
Slope categories		Maximum volume of combined cut and fill							
iii.	Less than or equal to 12°	30m <sup>3</sup> per 100m <sup>2</sup> of site	10m <sup>3</sup>	20m <sup>3</sup>	50m <sup>3</sup>	1m <sup>3</sup>	0m <sup>3</sup> fill	20m <sup>3</sup> fill	10m <sup>3</sup> (Haz1) 20m <sup>3</sup> (Haz2)
iv.	Greater than 12° but less than or equal to 15°	25m <sup>3</sup> per 100m <sup>2</sup> of site	10m <sup>3</sup>	20m <sup>3</sup>	50m <sup>3</sup>	1m <sup>3</sup>	0m <sup>3</sup> fill	20m <sup>3</sup> fill	10m <sup>3</sup> (Haz1) 20m <sup>3</sup> (Haz2)
v.	Greater than 15° but less than or equal to 20°	15m <sup>3</sup> per 100m <sup>2</sup> of site	10m <sup>3</sup>	20m <sup>3</sup>	50m <sup>3</sup>	1m <sup>3</sup>	0m <sup>3</sup> fill	20m <sup>3</sup> fill	10m <sup>3</sup> (Haz1) 20m <sup>3</sup> (Haz2)
vi.	Greater than 20° but less than or equal to 26°	10m <sup>3</sup> per 100m <sup>2</sup> of site	10m <sup>3</sup>	20m <sup>3</sup>	50m <sup>3</sup>	1m <sup>3</sup>	0m <sup>3</sup> fill	20m <sup>3</sup> fill	10m <sup>3</sup> (Haz1) 20m <sup>3</sup> (Haz2)
vii.	Greater than 26° but less than or equal to 35°	0m <sup>3</sup> fill 5m <sup>3</sup> cut per 100m <sup>2</sup> of site	0m <sup>3</sup> fill 10m <sup>3</sup> cut	0m <sup>3</sup> fill 20m <sup>3</sup> cut	0m <sup>3</sup> fill 50m <sup>3</sup> cut	0m <sup>3</sup> fill 1m <sup>3</sup> cut	0m <sup>3</sup> fill	0m <sup>3</sup> fill	0m <sup>3</sup> fill 10m <sup>3</sup> cut (Haz1) 20m <sup>3</sup> cut (Haz2)
viii.	Greater than 35°	0m <sup>3</sup>	0m <sup>3</sup>	0m <sup>3</sup>	0m <sup>3</sup>	0m <sup>3</sup>	0m <sup>3</sup>	0m <sup>3</sup>	0m <sup>3</sup>

- ix. Where in a **swale mapped area** or **dune system mapped area** the maximum volume of combined cut and fill is 0m<sup>3</sup>.

- b. Where the part of the site in which the earthworks are located is in more than one slope category, the most restrictive scale threshold applies.
- c. Earthworks must not exceed 250mm in depth in a **groundwater protection mapped area**, except earthworks required for the foundations of buildings.
- d. Scale thresholds will be calculated as the cumulative total of earthworks on any site in a two calendar-year period, or for the rural zone, on any part of a site or property that is no closer than 1km from any other earthworks in the same two calendar-year period.
- e. Earthworks *ancillary to network utilities* activities are only required to comply with Rule 16.6.1.1.a.i - maximum change in ground level threshold.
- f. Earthworks *ancillary to the operation, repair, and maintenance of the roading network* and earthworks *ancillary to forestry* are exempt from the performance standard earthworks - small scale thresholds.
- g. Earthworks in an Scheduled ASCV as part of the formation of a track up to 1.5m wide are exempt from Rule 16.6.1.1.a.5.
- h. Earthworks in the rural zones, but not within an overlay zone or mapped area, as part of a farming activity for the construction of ofal pits, silage pits and farm landfills are exempt from Rule 16.6.1.1.a.i.1 (change in ground level) and Rule 16.6.1.1.a.8 Haz2 Land Instability (maximum volume of combined cut and fill)
- i. Earthworks that exceed the earthworks - small scale thresholds are treated as earthworks - large scale, which are a restricted discretionary activity.

<sup>1</sup>See Rule 10.3.3.7 for how setbacks from waterbodies will be measured.

#### 16.6.1.2 Archaeological sites

Earthworks must comply with Rule 13.3.3.

#### 16.6.1.3 Batter gradient

- 1. Earthworks must:
  - a. have a maximum cut batter gradient of 1:1 (i.e. rising 1m over a 1m distance); and
  - b. have a maximum fill batter gradient of 2:1 (i.e. rising 1m over a 2m distance).
- 2. Earthworks *ancillary to forestry* are exempt from the batter gradient performance standard.

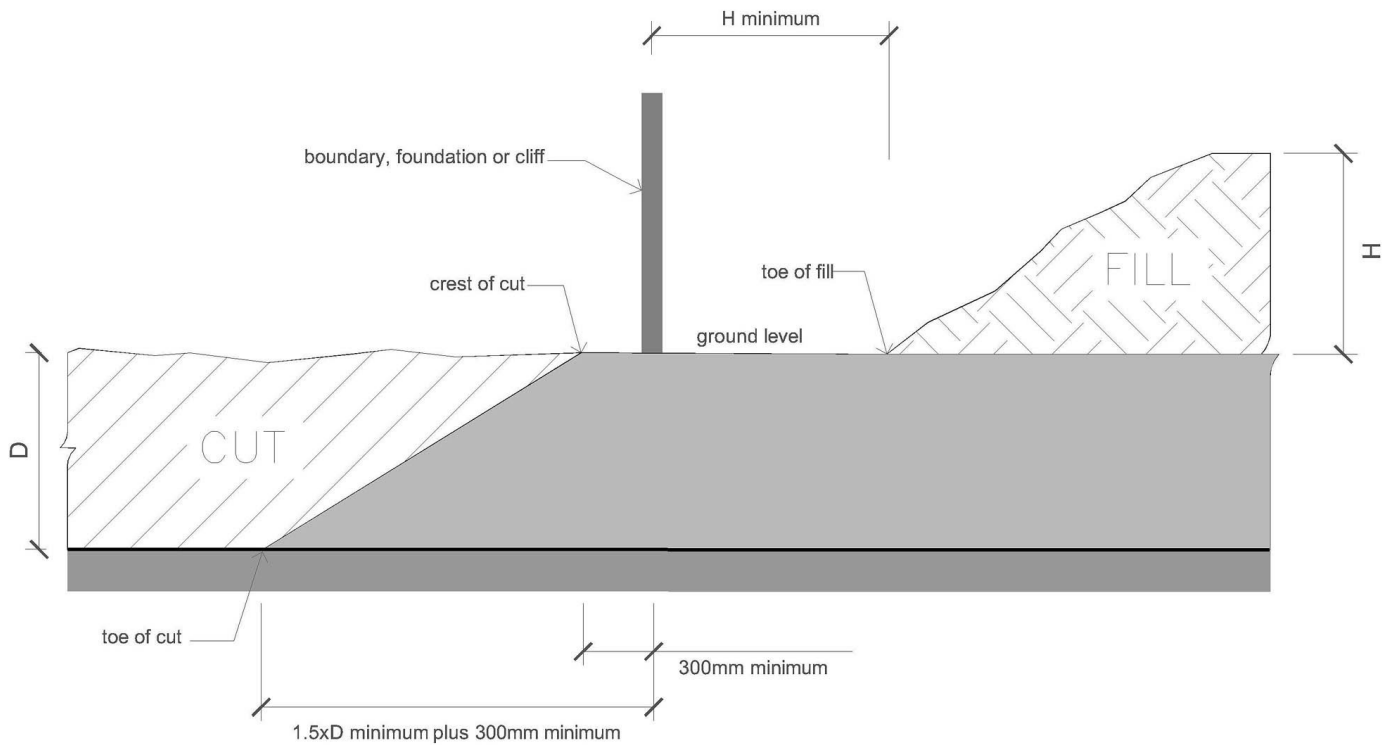
#### 16.6.1.4 Setback from property boundary, buildings, structures and cliffs

Earthworks over 600mm in height or depth must be set back from: property boundaries, foundations of buildings, structures greater than 10m<sup>2</sup>, and the top or toe of any cliff, the following minimum distances:

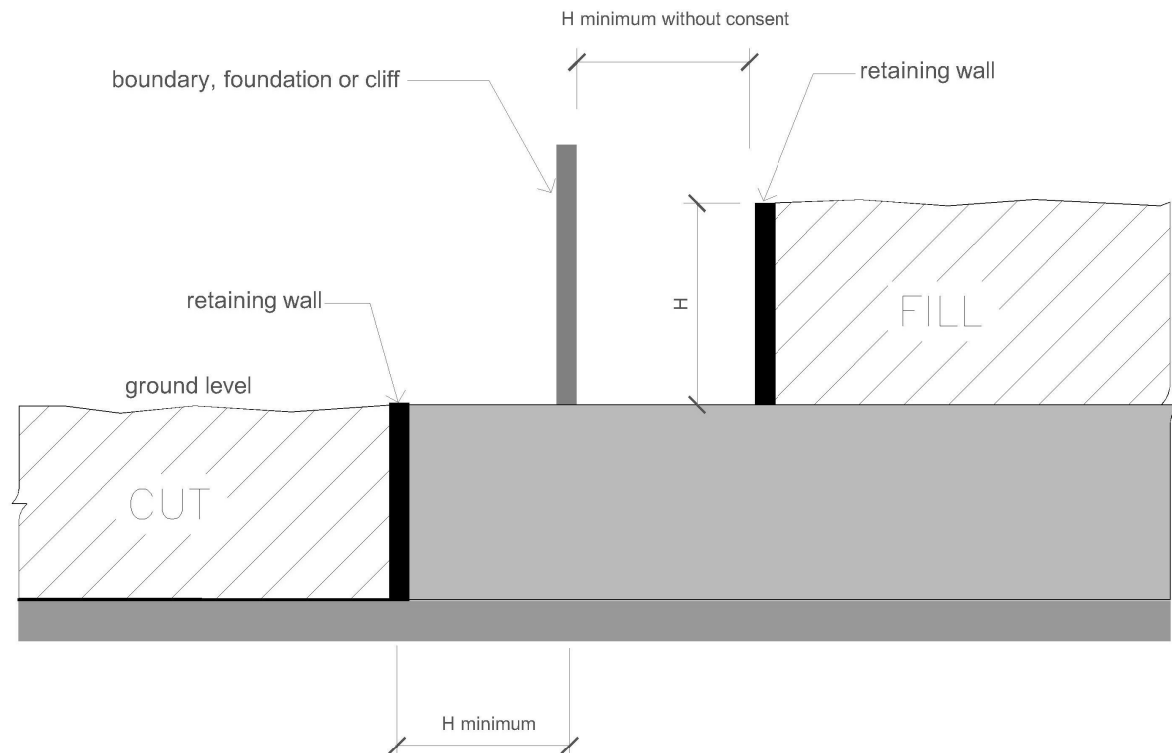
- a. Earthworks not supported by retaining walls:
  - i. a distance at least equal to the maximum height of the fill, as measured from the toe of the fill (see Figure 16.6A);
  - ii. a distance at least equal to 1.5 times the maximum depth of the cut, plus 300mm, as measured from the toe of the cut (see Figure 16.6A); and
  - iii. 300mm, as measured from the crest of any cut (see Figure 16.6A).
- b. Retaining walls supporting a cut or fill must be setback a distance at least equal to the height of the retaining walls (see Figure 16.6B), except:
  - i. retaining walls supporting a cut that have been granted building consent are exempt from this standard.
- c. Earthworks *ancillary to network utilities* activities, earthworks *ancillary to the operation, repair, and maintenance of the roading network* and earthworks *ancillary to forestry* are exempt from the setback from

property boundary, buildings, structures and cliffs performance standard.

**Figure 16.6A: Unsupported cut and fill (elevation view)**



**Figure 16.6B Cut and fill supported by retaining walls (elevation view)**



#### 16.6.1.5 Setback from national grid (earthworks)

Earthworks must comply with Rule 5.6.1.2.

#### 16.6.1.6 Setback from network utilities

Earthworks must comply with Rule 5.6.2.

#### 16.6.1.7 Sediment control

Earthworks must be undertaken in a way that prevents sediment entering water bodies, stormwater networks or going across property boundaries.

#### 16.6.1.8 Removal of high class soils

Earthworks must not remove topsoil or subsoil that is located within the **high class soils mapped area** from the site.

#### 16.6.1.9 NZ Environmental Code of Practice for Plantation Forestry

Earthworks *ancillary to forestry* must be in accordance with the New Zealand Environmental Code of Practice for Plantation Forestry 2007.

### 16.6.2 Fire Fighting

New residential buildings and subdivision activities must comply with Rule 9.3.3.

### 16.6.3 Hazard Overlay Zones Development Standards

#### 16.6.3.1 Hazard exclusion areas

- a. Development activities located in a **swale mapped area** must comply with Rule 11.3.1.1.
- b. Development activities located in a **dune system mapped area** must comply with Rule 11.3.1.2.

#### 16.6.3.2 Maximum area of vegetation clearance in the hazard overlay zones

Vegetation clearance in the Hazard 1 (land instability) Overlay Zone, Hazard 2 (land instability) Overlay Zone, or in a **dune system mapped area**, must comply with Rule 11.3.2.

#### 16.6.3.3 Minimum floor level

New buildings (including residential buildings) to be used for sensitive activities in the Hazard 1 (flood), Hazard 2 (flood), Hazard 3 (flood) or Hazard 3 (coastal) overlay zones must comply with Rule 11.3.3.

#### 16.6.3.4 Relocatable buildings

New buildings (including residential buildings) to be used for sensitive activities in the Hazard 3 (coastal) Overlay Zone must comply with Rule 11.3.4.

#### 16.6.3.5 Outdoor storage standard

Outdoor storage in the Hazard 1 (flood) Overlay Zone must comply with Rule 11.3.5.

### 16.6.4 Hazardous Substances Quantity Limits and Storage Requirements

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

### 16.6.5 Materials and Design

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

### 16.6.6 Maximum Height

New buildings and structures, and additions and alterations, must not exceed a maximum height above ground level as follows:

Activity		Rural Zones	Landscape and Natural Coastal Character Overlay Zones
1.	Roadside produce stall	3.5m	3.5m
2.	All other buildings and structures	10m	5m

3. 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.
4. Buildings or structures must not protrude through the height restriction for the Taieri Aerodrome Approach and Take-off Fans shown on the **Taieri Aerodrome Flight Fan mapped area**.

### 16.6.7 Minimum Building Separation

1. In any landscape overlay zone or in a Natural Coastal Character Overlay Zone (NCC), all new buildings (less than or equal to 60m<sup>2</sup>) must comply with Rule 10.3.5.

## **16.6.8 Number, Location and Design of Ancillary Signs**

### **16.6.8.1 General**

- a. A maximum of one sign attached to a building and one freestanding sign is allowed per site, except:
  - i. only one sign may be located in any part of a site in an ONF, ONL, SNL, ONCC, HNCC or NCC overlay zone.
- b. Signs visible from a public place must meet all of the following performance standards.
- c. Signs that only give address, occupant or place name information (not including any commercial business names) do not count toward maximum sign numbers.
- d. Signs must be ancillary signs.
- e. Signs must comply with Rule 6.7.3 where visible from a road.
- f. Signs must not be illuminated or digital.

### **16.6.8.2 Signs attached to buildings**

- a. The maximum height above ground level, at the highest point of any sign, attached to a building is 4m, except:
  - i. the maximum height is 2m in an ONF, ONL, SNL, ONCC, HNCC or NCC overlay zone.
- b. Signs must not be attached to roofs.
- c. Signs must not project higher than the lowest point of the roof, except as mounted flat against a parapet or gable end.
- d. The maximum area of signs, per display face, is 2m<sup>2</sup>, except:
  - i. the maximum area of signs, per display face, is 0.6m<sup>2</sup> in an ONF, ONCC or HNCC overlay zone; and
  - ii. the maximum area of signs, per display face, is 1m<sup>2</sup> in an ONL, SNL or NCC overlay zone.
- e. In an ONF, ONCC or HNCC overlay zone the sign must only provide information about the values of the overlay zone (refer Appendices A3 and A5).

### **16.6.8.3 Freestanding signs**

- a. Maximum dimensions of freestanding signs are:
  - i. maximum height of 4m, except:
    1. 2m in an ONF, ONL, SNL, ONCC, HNCC or NCC overlay zone;
  - ii. maximum area of 2m<sup>2</sup> per display face, except:
    1. 0.6m<sup>2</sup> per display face in an ONF, ONCC or HNCC overlay zone; and
    2. 1m<sup>2</sup> per display face in an ONL, SNL or NCC overlay zone;
  - iii. maximum of 2 display faces per sign;
  - iv. maximum width of 2m, except:
    1. 1m in an ONF, ONL, SNL, ONCC, HNCC or NCC overlay zone; and
  - v. maximum depth of 400mm.
- b. Freestanding signs must:
  - i. not obstruct parking, loading and access areas; and
  - ii. be positioned entirely within site boundaries.
- c. In an ONF, ONCC or HNCC overlay zone the sign must only provide information about the values of the overlay zone (refer Appendices A3 and A5).

#### **Note 16.6A - Other relevant District Plan provisions**

1. Commercial advertising is a non-complying land use activity in all zones except 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.

#### **Note 16.6B - Other requirements outside of the District Plan**

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

### **16.6.9 Parking, Loading and Access Standards**

Parking, loading and access must comply with Rule 6.6.

### **16.6.10 Reflectivity**

New buildings and structures (except fences), and additions and alterations, in any landscape or natural character overlay zone must comply with Rule 10.3.6.

### **16.6.11 Setbacks**

#### **16.6.11.1 Boundary setbacks**

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

<b>Activity</b>		<b>1. Minimum setback from road boundary</b>	<b>2. Minimum setback from side and rear boundaries with sites held in separate ownership</b>
a.	Residential buildings	20m	40m
b.	Buildings housing animals	20m	12m
c.	Non-residential buildings not housing animals	20m	6m
d.	Roadside produce stall	No requirement	6m
e.	All other structures	No requirement	No requirement.

- f. Except:
  - i. additions and alterations to an existing building located within the minimum setback from road boundary, provided the addition and alteration does not further increase the contravention of the setback and does not increase the height of the building;
  - ii. additions and alterations to an existing building used for residential activity located within the minimum setback from side and/or rear boundary, provided the addition and alteration does not further increase the contravention of the setback and does not increase the height of the residential building; and
  - iii. buildings associated with the University of Otago Portobello Marine Laboratory and New Zealand Marine Studies Centre, when situated on the land comprising Part section 23 (SO 7232), section 24



(SO 11431) and section 28 (SO 11431), Block VI Portobello Survey District and that Part of section 29 Block VI Survey District marked "A" on SO 22930.

#### 16.6.11.2 Forestry and tree planting setbacks

- a. Trees associated with forestry activity:
  - i. must not be planted within 30m of the boundary of any residential zone or rural residential zone;
  - ii. must not be planted within 40m of a residential building where the building exists at the time of planting; and
  - iii. must not shade a motorway or a strategic, arterial or collector road between 10am and 2pm on the shortest day of the year.
- b. Trees associated with tree planting:
  - i. must be set back, or managed, so that they maintain a minimum distance of their own height from any residential building on an adjoining site, where the building exists at the time of planting; and
  - ii. must not shade a motorway or a strategic, arterial or collector road between 10am and 2pm on the shortest day of the year.

#### 16.6.11.3: Setback from national grid

New buildings and structures, additions and alterations, and earthworks must comply with Rules 5.6.1.1 and 5.6.1.2.

#### 16.6.11.4: Setback from ridgeline

1. New buildings and structures (except fences), additions and alterations, and network utilities structures (all scales) and network utilities poles and masts - small scale must be at least 20m vertically below any **ridgeline mapped area**.
2. For the purposes of this standard, the vertical distance will be measured from the highest part of the building or structure.

#### 16.6.11.5: Setback from scheduled tree

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

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

New buildings and structures, additions and alterations, earthworks - large scale, and storage and use of hazardous substances must comply with Rule 10.3.3.

### 16.6.12 Vegetation Clearance Standards

#### 16.6.12.1 Maximum area of vegetation clearance (UCMA)

Vegetation clearance in an **urban conservation mapped area** must comply with Rule 10.3.2.1.

#### 16.6.12.2 Maximum area of indigenous vegetation clearance

Indigenous vegetation clearance must comply with Rule 10.3.2.2.

#### 16.6.12.3 Protected areas

Vegetation clearance and indigenous vegetation clearance must comply with Rule 10.3.2.3.

#### 16.6.12.4 Protected species (indigenous vegetation clearance)

Indigenous vegetation clearance must comply with Rule 10.3.2.4.

#### 16.6.12.5 Maximum area of vegetation clearance in a hazard overlay zone

Vegetation clearance in the hazard 1 (land instability), hazard 2 (land instability) overlay zones, or in a **dune system mapped area**, must comply with Rule 11.3.2.

### Rule 16.7 Subdivision Performance Standards

#### 16.7.1 Access

General subdivision must comply with Rule 6.8.1.

#### 16.7.2 Esplanade Reserves and Strips

General subdivision must comply with Rule 10.3.1.

#### 16.7.3 Fire Fighting

General subdivision must comply with Rule 9.3.3.

#### 16.7.4 Minimum Site Size

1. The minimum site size for new resultant sites is:

Rural Zone		Minimum site size
a.	Coastal	40 ha
b.	High Country	100 ha
c.	Hill Country	100 ha
d.	Hill Slopes	25 ha
e.	Middlemarch Basin	80 ha
f.	Peninsula Coast	40 ha
g.	Taieri Plains	40 ha

2. Resultant sites created and used solely for the following purposes are exempt from the minimum site size standard:
  - a. Scheduled ASCV or QEII covenant;
  - b. reserve;
  - c. access;
  - d. network utilities; or
  - e. road.
3. General subdivision that does not comply with the standard for minimum site size is non-complying, except in the following circumstances where the subdivision is restricted discretionary:
  - a. the subdivision involves the subdivision of one site into two sites, where one resultant site is below the minimum site size and contains an existing residential building greater than 100m<sup>2</sup> that was built before 26 September 2015; and
  - b. the second resultant site is:
    - i. at least the minimum site size; and
    - ii. is less than twice the minimum site size, **or** will include a covenant registered against the title, that restricts further subdivision in terms of the total number of sites that can be used for residential activity to a level that is no greater than would have otherwise been allowed had

this minimum site size standard been met for both sites.

### 16.7.5 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 8m by 15m that meets the performance standards of this Plan including, but not limited to:
  - a. all setbacks from boundaries, water bodies, scheduled trees and national grid.
2. Building platforms must have a slope of 12° (1:4.7 or 21%) or less and must not contain:
  - a. esplanade reserves or strips;
  - b. scheduled heritage buildings or structures; and
  - c. right-of-way easements.
3. For unreticulated areas, resultant sites must provide for a waste disposal area to be located at least 50m from any water body.
4. Sites created and used solely for the following purposes are exempt from the shape standard:
  - a. Scheduled ASCV or QEII covenant;
  - b. reserve;
  - c. access;
  - d. network utility; or
  - e. road.

## **Rule 16.8 Assessment of Controlled Activities**

### **Rule 16.8.1 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. Rules 16.8.2 and 16.8.3:
  - a. list the matters over which Council has reserved its control; and
  - b. provide 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) 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 16.9; 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 16.11; 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 16.12; and
    - iii. the assessment guidance in this section will also be considered.

### 16.8.2 Assessment of controlled land use activities

Activity	Matters of control	Guidance on the assessment of resource consents
1. Papakāika	<p>a. Site development, including:</p> <ul style="list-style-type: none"> <li>• design, scale, location and number of dwellings;</li> <li>• design, scale and location of other buildings, structures and site development activities;</li> <li>• disposal of stormwater and wastewater;</li> <li>• vehicle access and parking.</li> </ul>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objectives 16.2.3, 14.2.1, 9.2.2, 6.2.3.</li> <li>ii. Manawhenua are able to live in Native Reserve areas where any adverse effects can be adequately managed in line with the policies of the rural zones (Policy 14.2.1.6).</li> <li>iii. Papakāika is at a density such that wastewater and stormwater can be disposed of in such a way that adverse effects on the health of people on the <u>site</u> or on surrounding sites can be avoided or, if avoidance is not possible, would be insignificant (Policy 9.2.2.7).</li> <li>iv. There are no significant effects on the safety and efficiency of the transport network (Policy 6.2.3.14).</li> <li>v. Rural character and visual amenity of the rural zones are maintained (Policy 16.2.3.2).</li> </ul> <p><i>Conditions that may be imposed to ensure these outcomes include, but are not limited to:</i></p> <ul style="list-style-type: none"> <li>vi. requirements for wastewater disposal systems and wastewater disposal areas;</li> <li>vii. requirements for stormwater disposal;</li> <li>viii. water supply;</li> <li>ix. driveways and vehicle tracks; and</li> <li>x. number, design and location of residential units.</li> </ul> <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> <li>xi. Council will consider the information required by Rule 16.13.1 provided with any resource consent application (see Special Information Requirements - Rule 16.13.1).</li> </ul>

### 16.8.3 Assessment of controlled development activities

Activity	Matters of control	Guidance on the assessment of resource consents
1. Earthquake strengthening that affects a protected part of a scheduled heritage building or scheduled heritage structure, where external features only are protected.	a. Effects on heritage values	See Rule 13.4

### 16.8.3 Assessment of controlled development activities

Activity	Matters of control	Guidance on the assessment of resource consents
2. In the <b>NCC Overlay Zone</b> : <ul style="list-style-type: none"> <li>• New buildings greater than 60m<sup>2</sup> on a landscape building platform</li> </ul>	a. Size, design and appearance of buildings	See Rule 10.3A
3. In the <b>ONL or SNL overlay zones</b> : <ul style="list-style-type: none"> <li>• New buildings greater than 60m<sup>2</sup> on a landscape building platform</li> </ul>	a. Size, design and appearance of buildings	See Rule 10.3A

## **Rule 16.9 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)**

### **Rule 16.9.1 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 16.9.2 - 16.9.6:
  - 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 16.9.2 - 16.9.5 apply to performance standards in the rural zones; Rule 16.9.6 contains additional provisions that apply to performance standards in overlay zones, mapped areas, and on scheduled items.

### **16.9.2 Assessment of all performance standard contraventions**

Performance standard	Guidance on the assessment of resource consents
1. All performance standard contraventions	<p><i>Potential circumstances that may support a consent application include:</i></p> <ol style="list-style-type: none"> <li>a. The degree of non-compliance with the performance standard is minor.</li> <li>b. The need to meet other performance standards, or <u>site</u> specific factors including topography, make meeting the standard impracticable.</li> <li>c. The nature of activities on surrounding sites, topography of the <u>site</u> and/or surrounding sites, or other <u>site</u> specific factors make the standard irrelevant as the adverse effects that the standard is trying to manage will not occur.</li> <li>d. Non-compliance with a development performance standard would improve the design of the development in a way that would result in positive effects and better achieve the identified objectives and policies of the Plan.</li> </ol> <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> <li>e. Where more than one standard is contravened, the combined effects of the contraventions should be considered.</li> </ol>



### 16.9.3 Assessment of land use performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. Density (family flats)	a. Maintenance of land for productive rural activities	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 16.2.1</li> <li>ii. The family flat is of a size and location in relation to the primary residential building that: <ul style="list-style-type: none"> <li>1. reflects its use for housing a person or persons related to, dependent on, or employed by the household that lives in the primary residential building on the same site; and</li> <li>2. adequately discourages future pressure for subdivision of the family flat (Policy 16.2.1.6).</li> </ul> </li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. For contravention of maximum gross floor area, the extra area is required due to occupant needs.</li> <li>iv. For contravention of maximum separation distance, other mechanisms such as covenants are proposed to avoid pressure for subdivision of the family flat.</li> <li>v. The size of the residential unit will not create future pressure or expectation for it to be subdivided or be consented to operate as a second residential activity on site.</li> </ul>
	b. Effects on rural character and visual amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 16.2.3</li> <li>ii. Residential activity is at a density that maintains the rural character values and visual amenity of the rural zones (Policy 16.2.3.2).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. For contravention of maximum gross floor area, the family flat is in the same residential building as the primary residential unit.</li> <li>iv. The design of the family flat matches the design of the primary residential building.</li> <li>v. Landscaping or other forms of screening will be used to reduce the visibility of the family flat.</li> <li>vi. The family flat will not be easily viewed from outside the site.</li> </ul>
2. Electrical interference	a. Effects on health and safety	See Rule 9.4
3. Hours of operation	a. Effects on amenity of surrounding properties	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 16.2.2</li> <li>ii. Rural ancillary retail, rural tourism, working from home, mineral exploration, and mineral prospecting operate in a way (including hours of operations) that avoids or, if avoidance is not possible, adequately mitigates noise or adverse effects on the amenity of sensitive activities on surrounding properties (Policy 16.2.2.4).</li> </ul>

### 16.9.3 Assessment of land use performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
4. Location	a. Effects on the safety and efficiency of the transport network	See Rule 6.9
5. Maximum gross floor area	a. Effects on centres/retail distribution	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objectives 2.3.2, 2.4.3, 16.2.1.3</li> <li>ii. Policies 2.3.2.2 and 2.4.3.4</li> <li>iii. Rural ancillary retail, rural tourism and working from home are at a scale that is ancillary to and supportive of productive rural activities or conservation on the same property (Policy 16.2.1.3.a).</li> </ul>
6. Minimum car parking	a. Effects on the safety and efficiency of the transport network	See Rule 6.9
7. Separation distances	a. Reverse sensitivity effects	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 16.2.2</li> <li>ii. Residential buildings are set back an adequate distance from existing factory farming, domestic animal boarding and breeding (including dogs), mining, landfills, wind generators - small scale and wind generators - regional scale to minimise the potential for reverse sensitivity effects (Policy 16.2.2.1.b).</li> </ul>
8. Site restoration	a. Effects on biodiversity	See Rule 10.4
	b. Effects on rural character and visual amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 16.2.3</li> <li>ii. Land will be restored to at least the same standard as before the mineral exploration or mineral prospecting activity commenced with respect to landform and productive potential (Policy 16.2.3.3).</li> </ul>
9. Tree species	a. Effects on biodiversity	See Rule 10.4

#### 16.9.4 Assessment of all development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	Boundary setbacks	a. Effects on amenity of surrounding properties	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 16.2.2</li> <li>ii. Buildings that house animals are set back from site boundaries an adequate distance to ensure adverse effects on sensitive activities, such as residential activities, on adjoining sites are avoided or, if avoidance is not possible, are no more than minor (Policy 16.2.2.2).</li> <li>iii. New buildings are located an adequate distance from site boundaries to ensure a good level of amenity for residential activities on adjoining sites (Policy 16.2.2.3).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iv. Screening or landscaping will be used in the development to ensure a good level of amenity for residential activities on adjoining sites.</li> <li>v. Where a building used to house animals contravenes the boundary setback standard, the type and/or number of animals or the frequency of housing them mean that the potential for adverse effects from noise, odour or dust on sensitive activities on adjoining sites will be avoided or will be no more than minor.</li> </ul>
		b. Reverse sensitivity effects	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 16.2.2</li> <li>ii. Residential buildings are set back an adequate distance from site boundaries to minimise the potential for reverse sensitivity effects from rural activities (Policy 16.2.2.1.a).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. Screening or landscaping will ensure potential for reverse sensitivity effects is minimised.</li> </ul>

#### 16.9.4 Assessment of all development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
		c. Effects on rural character and visual amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 16.2.3</li> <li>ii. Buildings and structures are set back from site boundaries an adequate distance to maintain the rural character values and visual amenity of the rural zones (Policy 16.2.3.1).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. Landscaping or other forms of screening will be used to reduce the visibility of buildings or structures.</li> <li>iv. Colours and materials used in the development will blend in with the character of the surrounding rural environment, with natural finishes and low levels of reflectivity.</li> <li>v. The proposed building or structure will not obstruct any important views from public viewpoints, or cause significant obstruction of views from dwellings on surrounding sites.</li> <li>vi. The proposed building platform is low lying in relation to surrounding sites and roads and the proposed building will not be easily viewed from outside the site.</li> <li>vii. There are already existing buildings on the site in breach of the same setback.</li> <li>viii. There would be positive effects from maintaining open space through the clustering of buildings on the site.</li> </ul>
2.	Earthworks standards: • Batter gradient	a. 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 16.2.5</li> <li>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 16.2.5.1.b).</li> </ul>
3.	Earthworks standards: • Setback from property boundary, buildings, structures and cliffs	a. 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 16.2.5</li> <li>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 16.2.5.1.a).</li> </ul>
4.	Earthworks standards: • Setback from national grid • Setback from network utilities	a. Effects on efficient and effective operation of network utilities	See Rule 5.7
		b. Effects on health and safety	

#### 16.9.4 Assessment of all development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
5.	Earthworks standards: • Sediment control	a. Effects on surrounding sites	<i>Relevant objectives and policies:</i> i. Objective 16.2.5  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 16.2.5.2.b).
		b. Effects on biodiversity and natural character values of riparian margins and coast	See Rule 10.4
		c. Effects on the efficiency and/or affordability of infrastructure	See Rule 9.4
6.	Earthworks standards: • NZ Environmental Code of Practice for Plantation Forestry	a. Degree of compliance with New Zealand Code of Practice for Plantation Forestry	<i>Relevant objectives and policies:</i> i. Objective 16.2.5  ii. Earthworks ancillary to forestry are carried out in accordance with industry best practice guidelines (Policy 16.2.5.4).
7.	Hazardous substances quantity limits and storage requirements	a. Effects on health and safety	See Rule 9.4
		b. Risk from natural hazards	See Rule 11.4
8.	Fire fighting	a. Effects on health and safety	See Rule 9.4

#### 16.9.4 Assessment of all development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
9.	Forestry and tree planting setbacks	a. Effects on amenity of surrounding properties	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 16.2.2</li> <li>ii. Forestry and tree planting are set back an adequate distance from residential buildings on adjacent properties to avoid significant effects from shading (Pol 16.2.2.7).</li> </ul> <p><i>Potential circumstances or mitigation measures that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. The area to be planted is to the south of any adjoining residential zone</li> <li>iv. Slope or orientation or other topographical aspects of the sites involved mean that there will be no shading of residential buildings on an adjoining site.</li> </ul>
		b. Effects on health and safety	See Rule 9.4
		c. Effects on the safety and efficiency of the transport network	See Rule 6.9
10.	Maximum height	a. Effects on rural character and visual amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 16.2.3</li> <li>ii. Buildings are a height that maintains the rural character values and visual amenity of the rural zones (Policy 16.2.3.1).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. As for Rule 16.9.4.1.c.iii-vi</li> <li>iv. The terrain provides an adequate backdrop to the proposed building or structure and mitigates any adverse visual effects from the building or structure.</li> </ul>
11.	Number, location and design of ancillary signs	a. Effects on rural character and visual amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 16.2.3</li> <li>ii. Ancillary signs are located and designed to maintain rural character and visual amenity, including by being of an appropriate size and number to convey information about the name, location and nature of the activity on-site to passing pedestrians and vehicles and not being oversized or too numerous for that purpose (Policy 16.2.3.7).</li> </ul>
		b. Effects on the safety and efficiency of the transport network	See Rule 6.9

#### 16.9.4 Assessment of all development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
12.	Parking, loading and access standards	a. Effects on the safety and efficiency of the transport network	See Rule 6.9
13.	Setback from coast and water bodies	a. Effects on biodiversity and natural character values of riparian margins and the coast	See Rule 10.4
		b. Effects on public access	
		c. Risk from natural hazards	See Rule 11.4
14.	Setback from ridgelines	a. Effects on rural character and visual amenity	<i>Relevant objectives and policies:</i> <ol style="list-style-type: none"> <li>Objective 16.2.3</li> <li>Buildings, structures and network utilities are set back from ridgelines an adequate distance to maintain the rural character values and visual amenity of the rural zones (Policy 16.2.3.1).</li> </ol>
15.	Setback from scheduled tree	a. Effects on long term health of tree	See Rule 7.6
16.	Tree species	a. Effects on biodiversity	See Rule 10.4
17.	Vegetation clearance standards: <ul style="list-style-type: none"> <li>Maximum area of indigenous vegetation clearance</li> <li>Protected species</li> </ul>	a. Effects on biodiversity	See Rule 10.4
18.	Vegetation clearance standards: <ul style="list-style-type: none"> <li>Protected areas</li> </ul>	a. Effects on biodiversity and natural character values of riparian margins and the coast	See Rule 10.4

#### 16.9.5 Assessment of subdivision performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	Access	a. Effects on access	See Rule 6.9



#### 16.9.5 Assessment of subdivision performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
2.	Esplanade reserves and strips	a. Effects on biodiversity values and natural character of the coast and riparian margins	See Rule 10.4
		b. Effects on public access	
3.	Fire fighting	a. Effects on health and safety	See Rule 9.4
4.	Shape	<p><i>Relevant objectives and policies:</i></p> <p>a. Objective 2.4.1</p> <p>b. Subdivisions are designed to ensure future land use or development is able to meet the performance standards in the zone, or where in a structure plan area, the subdivision reflects the requirements of the structure plan, unless:</p> <ol style="list-style-type: none"> <li>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>the resultant site is required for: <ol style="list-style-type: none"> <li>Scheduled ASCV; QEII covenant; or</li> <li>reserve; or</li> <li>access; or</li> <li>network utility; or</li> <li>road (Policy 2.4.1.8).</li> </ol> </li> </ol> <p><i>General assessment guidance:</i></p> <p>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:</p> <ol style="list-style-type: none"> <li>boundary setbacks;</li> <li>setbacks from water bodies;</li> <li>earthworks standards (building platform slope).</li> <li>setback from scheduled tree; and</li> <li>setback from national grid.</li> </ol> <p><i>Conditions that may be imposed include:</i></p> <p>d. The requirements for a consent notice to be registered against the title that restricts development on the site.</p> <p>e. Restrictions or conditions, including by way of consent notice, on land use or development activities allowed on the site.</p> <p>f. A building platform may be required to be registered against the title by way of consent notice.</p>	

### 16.9.5 Assessment of subdivision performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
5. Minimum site size (surplus dwelling subdivision Rule 16.7.4.3)	a. Effects on long term maintenance of rural land for productive rural activities	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objectives 16.2.1, 16.2.3, 16.2.4</li> <li>ii. The subdivision of a surplus dwelling does not result in any additional development potential for residential activity (Policy 16.2.1.10.c).</li> <li>iii. The subdivision is designed to ensure any associated future land use and development maintains or enhances the rural character and visual amenity of the rural zones (16.2.3.8).</li> <li>iv. The subdivision is designed to ensure any future land use and development maintains or enhances the productivity of rural activities, maintains high class soils for farming activity, and does not increase the potential for reverse sensitivity from residential activities (Policy 16.2.4.3.a, b and d).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>v. A legal mechanism such as a covenant on the title of the parent property will ensure that there will be no increase in the potential for residential activity as a result of the subdivision.</li> <li>vi. The dwelling can be shown to be in a suitable condition for occupation, with recent history of use for residential activity.</li> <li>vii. The resultant site on which the surplus dwelling will be located is large enough to support on-site disposal of effluent.</li> </ul>

### 16.9.6 Assessment of restricted discretionary performance standard contraventions in an overlay zone, mapped area or affecting a scheduled item

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. In a <b>Scheduled ASCV</b> : • Tree species (Tree Planting)	a. Effects on biodiversity	See Rule 10.4
3. In the <b>ONL, SNL or ONF overlay zones</b> : • Number, location and design of ancillary signs	a. Effects on landscape values	See Rule 10.4

**16.9.6 Assessment of restricted discretionary performance standard contraventions in an overlay zone, mapped area or affecting a scheduled item**

Activity		Matters of discretion	Guidance on the assessment of resource consents
4.	<p>In the <b>ONL</b> or <b>SNL overlay zones</b>:</p> <ul style="list-style-type: none"> <li>• Maximum height</li> <li>• Reflectivity</li> <li>• Minimum building separation</li> </ul>	a. Effects on landscape values	See Rule 10.4
5.	<p>In the <b>HNCC</b>, <b>ONCC</b> or <b>NCC overlay zones</b>:</p> <ul style="list-style-type: none"> <li>• Number, location and design of ancillary signs</li> </ul>	a. Effects on natural character of the coast	See Rule 10.4
6.	<p>In the <b>NCC Overlay Zone</b>:</p> <ul style="list-style-type: none"> <li>• Reflectivity</li> <li>• Maximum height</li> <li>• Minimum building separation</li> </ul>	a. Effects on natural character of the coast	See Rule 10.4

**16.9.6 Assessment of restricted discretionary performance standard contraventions in an overlay zone, mapped area or affecting a scheduled item**

Activity		Matters of discretion	Guidance on the assessment of resource consents
7.	<p>In a <b>wāhi tūpuna mapped area</b>:</p> <ul style="list-style-type: none"> <li>• Setback from ridgelines</li> <li>• Setback from coast and water bodies</li> <li>• Vegetation clearance standards: Maximum area of vegetation clearance, Maximum area of indigenous vegetation clearance, Protected areas, Protected species</li> <li>• Esplanade reserves and strips</li> </ul>	a. Effects on cultural values of manawhenua	See Rule 14.3
8.	<p>In a <b>hazard overlay zone, swale mapped area or dune system mapped area</b>:</p> <ul style="list-style-type: none"> <li>• Hazard overlay zones development standards</li> </ul>	a. Risk from natural hazards	See Rule 11.4
9.	<p>In an <b>urban conservation mapped area</b>:</p> <ul style="list-style-type: none"> <li>• Vegetation clearance standards (Maximum area of vegetation clearance)</li> </ul>	a. Effects on biodiversity	See Rule 10.4

**16.9.6 Assessment of restricted discretionary performance standard contraventions in an overlay zone, mapped area or affecting a scheduled item**

Activity		Matters of discretion	Guidance on the assessment of resource consents
10.	<p>In the <b>Taieri Aerodrome Flight Fan mapped area</b>:</p> <ul style="list-style-type: none"> <li>Maximum height (Rule 16.6.6.4)</li> </ul>	a. Effects on operation of Taieri Aerodrome	See Rule 9.4
11.	<p>In a <b>high class soils mapped area</b>:</p> <ul style="list-style-type: none"> <li>Earthworks standards (removal of high class soils)</li> </ul>	a. Maintenance of high class soils resource	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 16.2.4</li> <li>ii. Earthworks in a <b>high class soils mapped area</b> retain soils on the site (Policy 16.2.4.1).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. The development will involve a productive rural activity.</li> <li>iv. The site design will minimise the effect of the activity on the high class soils contained on the site.</li> <li>v. The soils are being removed to enhance the productivity of another site.</li> </ul>
12.	<p>Affecting a <b>scheduled heritage item</b>:</p> <ul style="list-style-type: none"> <li>Materials and design</li> </ul>	a. Effects on heritage values (work on scheduled heritage buildings/structures)	See Rule 13.5

## Rule 16.10 Assessment of Restricted Discretionary Activities

### Rule 16.10.1 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 16.10.2 - 16.10.5:
  - 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 16.10.2 -16.10.4 apply to activities in the rural zones; Rule 16.10.5 contains additional provisions that apply to activities in overlay zones, mapped areas, and on scheduled items.
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) 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 16.9; 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 16.11; 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 16.12; and
    - iii. the assessment guidance in this section will also be considered.
6. With respect to section 104(2) of the RMA, Council will not consider family flats or papakāika as part of the permitted baseline in considering residential density effects in the rural zones.

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

Activity	Matters of discretion	Guidance on the assessment of resource consents
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### 16.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. <ul style="list-style-type: none"> <li>Cemeteries</li> <li>Crematoriums</li> </ul>	a. Effects on amenity of surrounding properties	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 16.2.2</li> <li>ii. Any adverse effects on the amenity of residential activities on surrounding properties will be avoided or, if avoidance is not possible, adequately mitigated (Policy 16.2.2.5).</li> </ul> <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> <li>iii. In assessing the effects on amenity, Council will consider the effects of vehicle movements on the <u>site</u> as well as any significant changes to the number and nature of vehicle movements on the adjoining road.</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iv. The activity will be set back a sufficient distance from its own property boundaries to avoid, or adequately mitigate, any adverse effects from noise, odour or visual impact on surrounding properties.</li> </ul>
	b. Reverse sensitivity effects	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 16.2.2</li> <li>ii. Cemeteries are designed to avoid reverse sensitivity effects on surrounding permitted or lawfully established activities by locating graves a suitable distance from <u>site</u> boundaries and providing adequate screening (Policy 16.2.2.8).</li> </ul>
	c. Maintenance of high class soils resource	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 16.2.4</li> <li>ii. Activities other than farming are avoided in a <b>high class soils mapped area</b> unless the loss of current or potential future rural productivity would be insignificant (Policy 16.2.4.2.a).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. The <u>site</u> design will ensure the effect of the activity on the high class soils contained on the site, and any impact on the potential for future use of the high class soils, is insignificant.</li> </ul>
	d. Effects on cultural values of manawhenua	See Rule 14.4
	e. Effects on the safety and efficiency of the transport network	See Rule 6.10



### 16.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
2. Domestic animal boarding and breeding (including dogs)	a. Effects on amenity of surrounding properties	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 16.2.2</li> <li>ii. Any adverse effects on the amenity of residential activities on surrounding properties will be avoided or, if avoidance is not possible, adequately mitigated (Policy 16.2.2.5).</li> </ul> <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> <li>iii. In assessing effects on the amenity of residential activities on surrounding properties, Council will consider effects from noise, traffic, odour, dust contaminants and effects.</li> <li>iv. In assessing the effects on amenity, Council will consider the effects of vehicle movements on the <u>site</u> as well as any significant changes to the number and nature of vehicle movements on the adjoining road.</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>v. The activity will be set back a sufficient distance from its own property boundaries to avoid, or adequately mitigate, any adverse effects from noise on surrounding properties.</li> <li>vi. The design and acoustic insulation of kennel buildings, dog runs and fencing will mitigate adverse effects from noise on surrounding properties.</li> <li>vii. Areas used for parking, drop-off and collection of dogs are separated from kennel buildings and dog runs an adequate distance to avoid or minimise barking triggered by the arrival or departure of customers.</li> </ul> <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> <li>viii. Restrictions on the hours of operation in terms of the arrival and departure times of customers.</li> </ul>
	b. Effects on ability of productive rural activities to operate (reverse sensitivity)	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 16.2.2</li> <li>ii. The potential for reverse sensitivity that may affect the ability of productive rural activities to operate is avoided or, if avoidance is not possible, is no more than minor (Policy 16.2.2.6).</li> </ul>
	c. Effects on the safety and efficiency of the transport network	See Rule 6.10

### 16.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
3. Factory farming	a. Effects on amenity of surrounding properties	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 16.2.2</li> <li>ii. Any adverse effects on the amenity of residential activities on surrounding properties will be avoided or, if avoidance is not possible, adequately mitigated (Policy 16.2.2.5).</li> </ul> <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> <li>iii. In assessing effects on the amenity of residential activities on surrounding properties, Council will consider effects from noise, traffic, odour, dust contaminants and effects.</li> <li>iv. In assessing the effects on amenity, Council will consider the effects of vehicle movements on the <u>site</u> as well as any significant changes to the number or nature of vehicle movements on the adjoining road.</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>v. The activity will be set back a sufficient distance from its own property boundaries to avoid or adequately mitigate any adverse effects on surrounding properties.</li> <li>vi. Management plans or other mitigation measures will be employed to avoid or mitigate the effects of odour, dust, vehicle movements and operating noise on surrounding properties.</li> </ul> <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> <li>vii. Restrictions on the hours of operation.</li> </ul>
	b. Effects on ability of productive rural activities to operate (reverse sensitivity)	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 16.2.2</li> <li>ii. The potential for reverse sensitivity that may affect the ability of productive rural activities to operate is avoided or, if avoidance is not possible, is no more than minor (Policy 16.2.2.6).</li> </ul>
	c. Effects on the safety and efficiency of the transport network	See Rule 6.10
	d. Effects on health and safety	See Rule 9.5

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

Activity	Matters of discretion	Guidance on the assessment of resource consents
4. Veterinary services - <i>large animal practice</i>	a. Effects on amenity of surrounding properties	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 16.2.2</li> <li>ii. Any adverse effects on the amenity of surrounding properties will be avoided or, if avoidance is not possible, adequately mitigated (Policy 16.2.2.5).</li> </ul> <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> <li>iii. In assessing effects on the amenity of residential activities on surrounding properties, Council will consider effects from noise, traffic, odour, dust contaminants and effects.</li> <li>iv. In assessing the effects on amenity, Council will consider the effects of vehicle movements on the <u>site</u> as well as any significant changes to the number and nature of vehicle movements on the adjoining road.</li> </ul> <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> <li>v. Restrictions on the hours of operation in terms of the arrival and departure times of customers.</li> </ul>
	b. Effects on the safety and efficiency of the transport network	See Rule 6.10
5. Development associated with restricted discretionary land use activities	a. Effects on rural character and visual amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 16.2.3</li> <li>ii. There are no significant adverse effects from development on rural character and visual amenity (Policy 16.2.3.5).</li> <li>iii. Adverse effects of development on rural character and amenity are insignificant (Policy 16.2.3.6).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iv. Landscaping or other forms of screening will be used to reduce the visibility of development from surrounding properties and public viewpoints.</li> <li>v. The development is not situated on visually prominent land.</li> <li>vi. The form, scale and materials used in buildings and structures are compatible with the character values of the rural zones as listed in Appendix A7.</li> <li>vii. Building colours and materials are chosen to blend in with the rural setting and minimise reflectivity.</li> <li>viii. Signage and entranceways are in character with the surrounding environment.</li> </ul>

### 16.10.3 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. Earthworks - large scale (that exceed the scale thresholds for the rural zones)	<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 16.2.5</li> <li>ii. Adverse effects on visual amenity and character will be avoided or, if avoidance is not possible, adequately mitigated (Policy 16.2.5.3.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 16.2.5.3.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 effect 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>

### 16.10.3 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
	c. Effects on the stability of land, buildings, and structures	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 16.2.5</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 16.2.5.3.c).</li> </ul> <p><i>Potential circumstances that may support a consent application:</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 16.13.2).</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>
2. Earthworks - large scale (that exceed scale thresholds within 20m of a water body or MHWS)	a. Effects on biodiversity and natural character of riparian margins and the coast	See Rule 10.5
	b. Effects on public access	
3. New parking areas, or extensions to existing parking areas ( <i>that result in the creation of 50 or more new parking spaces.</i> )	a. Effects on the safety and efficiency of the transport network	See Rule 6.10
	b. Effects on accessibility	

### 16.10.4 Assessment of restricted discretionary subdivision activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
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#### 16.10.4 Assessment of restricted discretionary subdivision activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. General subdivision	a. Effects on long term maintenance of rural land for productive rural activities	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 16.2.4.</li> <li>ii. The design of a subdivision ensures any future land use and development will: <ul style="list-style-type: none"> <li>1. maintain or enhance the productivity of rural activities;</li> <li>2. maintain high class soils for farming activity, or ensure any loss is no more than minor;</li> <li>3. maintain land in a rural rather than rural residential land use; and</li> <li>4. not increase the potential for reverse sensitivity from residential activities in the rural zones (Policy 16.2.4.3).</li> </ul> </li> </ul>
	b. Effects on rural character and visual amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 16.2.3.</li> <li>ii. The subdivision is designed to ensure any associated future land use and development will maintain or enhance the rural character and visual amenity of the rural zones (Policy 16.2.3.8).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. Sites are designed to respond to the topography and characteristics of the land and surrounding environment.</li> <li>iv. Building platforms are located to respond to landform and avoid significant visual effects.</li> <li>v. Driveways, vehicle tracks, utilities and services are designed and located to minimise the need for significant earthworks.</li> </ul>
	c. Effects on biodiversity and natural character values of riparian margins and coast	See Rule 10.5
	d. Effects on areas of indigenous vegetation and the habitat of indigenous fauna	
	e. Effects on public access	
	f. Risk from natural hazards	See Rule 11.5
	g. Effects on the safety and efficiency of the transport network	See Rule 6.10
	h. Effects on health	See Rule 9.5

#### 16.10.4 Assessment of restricted discretionary subdivision activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
	11. Effects on health and safety	See Rule 9.3

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

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. In the <b>ONF Overlay Zone</b> : <ul style="list-style-type: none"> <li>All other buildings and structures activities</li> <li>Tree planting</li> <li>Earthworks - large scale (that exceed scale thresholds for an ONF)</li> <li>General subdivision</li> </ul>	a. Effects on landscape values	See Rule 10.5
2. In the <b>ONL or SNL overlay zones</b> : <ul style="list-style-type: none"> <li>Forestry</li> <li>New building or structure greater than 60m<sup>2</sup> or, additions and alterations that result in a building or structure that is greater than 60m<sup>2</sup></li> <li>All other buildings and structures activities</li> <li>Earthworks - large scale (that exceed the scale thresholds for an ONL)</li> <li>General subdivision</li> </ul>	a. Effects on landscape values	See Rule 10.5
3. In the <b>ONCC or HNCC overlay zones</b> : <ul style="list-style-type: none"> <li>All other buildings and structures activities</li> <li>Tree planting</li> <li>Earthworks - large scale (that exceed scale thresholds for an ONCC or HNCC)</li> <li>Indigenous vegetation clearance</li> <li>General subdivision</li> </ul>	a. Effects on natural character of the coast	See Rule 10.5
4. In the <b>NCC Overlay Zone</b> : <ul style="list-style-type: none"> <li>Forestry</li> <li>New building or structure greater than 60m<sup>2</sup> or, additions and alterations that result in a building or structure that is greater than 60m<sup>2</sup></li> <li>All other buildings and structures activities</li> <li>Earthworks - large scale (that exceed scale thresholds for an NCC)</li> <li>Indigenous vegetation clearance</li> <li>General subdivision</li> </ul>	a. Effects on natural character of the coast	See Rule 10.5



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

Activity	Matters of discretion	Guidance on the assessment of resource consents
<p>5. In a <b>scheduled ASCV</b>:</p> <ul style="list-style-type: none"> <li>• New buildings, structures, or additions and alterations 60m<sup>2</sup> and over</li> <li>• All other buildings and structures activities</li> <li>• Earthworks - large scale (that exceed scale thresholds for a Scheduled ASCV)</li> <li>• Indigenous vegetation clearance</li> <li>• General subdivision</li> </ul>	<p>a. Effects on biodiversity</p>	<p>See Rule 10.5</p>
<p>6. In a <b>wāhi tūpuna mapped area</b> where activity is identified as a threat:</p> <ul style="list-style-type: none"> <li>• All RD Forestry</li> <li>• All RD buildings and structures</li> <li>• Earthworks - large scale that exceed any threshold</li> <li>• All RD Indigenous vegetation clearance</li> <li>• Tree planting</li> <li>• General subdivision</li> </ul>	<p>a. Effects on cultural values of manawhenua</p>	<p>See Rule 14.4</p>
<p>7. Activities affecting a <b>scheduled heritage building or scheduled heritage structure</b>:</p> <ul style="list-style-type: none"> <li>• Additions and alterations that affect a protected part of a scheduled heritage building or scheduled heritage structure</li> <li>• Removal for relocation</li> <li>• General subdivision</li> </ul>	<p>a. Effects on heritage values</p>	<p>See Rule 13.6</p>
<p>8. In a <b>scheduled heritage site</b>:</p> <ul style="list-style-type: none"> <li>• General subdivision</li> <li>• New buildings, all other structures, parking, loading and access, where visible from an adjoining public place or a publicly accessible place within the heritage site</li> </ul>	<p>a. Effects on heritage values</p>	<p>See Rule 13.6</p>
<p>9. In a <b>hazard overlay zone</b>:</p> <ul style="list-style-type: none"> <li>• General subdivision in a hazard 3 (coastal) Overlay Zone</li> <li>• Earthworks - large scale (that exceed the scale threshold for a hazard overlay zone or <b>swale or dune system mapped area</b>)</li> </ul>	<p>a. Risk from natural hazards</p>	<p>See Rule 11.5</p>

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

Activity		Matters of discretion	Guidance on the assessment of resource consents
10.	In a <b>Hazard 1 (land instability) Overlay Zone</b> (see Rule 16.3.6): <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</li> </ul>	a. Risk from natural hazards	See Rule 11.5
11.	In a <b>hazard 1 or 2 overlay zone</b> other than the hazard 1 (land instability) Overlay Zone (see Rule 16.3.6): <ul style="list-style-type: none"> <li>New buildings, and additions and alterations 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
12.	In a <b>ground water protection mapped area (GPA)</b> : <ul style="list-style-type: none"> <li>Earthworks - large scale (that exceed scale thresholds for a <b>GPA</b>)</li> </ul>	a. Effects on health and safety	See Rule 9.5
13.	In a <b>geologically sensitive mapped area (GSA)</b> : <ul style="list-style-type: none"> <li>Earthworks - large scale (that exceed underlying zone scale thresholds)</li> </ul>	a. Risk from natural hazards	See Rule 11.5

## **Rule 16.11 Assessment of Discretionary Activities**

### **Rule 16.11.1 Introduction**

1. Discretionary activities will be assessed in accordance with section 104 and 104B of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rules 16.11.2 and 16.11.3 provide guidance on how a consent application for the listed discretionary activities will be assessed, including:
  - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
  - b. potential circumstances that may support a consent applications;
  - c. general assessment guidance, including any effects that will be considered as a priority; and
  - d. conditions that may be imposed.
3. With respect to section 104(2), Council will not consider family flats or papakāika as part of the permitted baseline in considering residential density effects in the rural zones.
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.

### 16.11.2 Assessment of discretionary land use activities

Activity	Priority considerations
1. All discretionary activities	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> <li>a. Objectives 16.2.2, 16.2.3, 16.2.4.</li> <li>b. See Section 6.11 for guidance on the assessment of resource consents in relation to Objective 6.2.2 and 6.2.3 and effects related to accessibility and the safety and efficiency of the transport network.</li> <li>c. 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.</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>d. For discretionary land use activities, whether any associated development activities meet relevant performance standards, or are otherwise consistent with relevant objectives and policies for development (see Rules 20.9 for performance standard contraventions).</li> <li>e. Development is not situated on visually prominent land.</li> <li>f. The form, scale and materials used in buildings and structures are compatible with the character values of the rural zones as listed in Appendix A7.</li> <li>g. Colours and materials used in development are chosen to blend in with the rural setting and minimise reflectivity.</li> <li>h. Landscaping or other forms of screening are used to reduce the visibility of development from surrounding properties and public viewpoints.</li> </ul> <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> <li>i. In assessing the significance of effects, consideration is given to: <ul style="list-style-type: none"> <li>i. The relationship between manawhenua and the natural environment is maintained, including the cultural values and traditions associated with: <ul style="list-style-type: none"> <li>1. wāhi tūpuna; and</li> <li>2. the customary use of mahika kai (Objective 14.2.1).</li> </ul> </li> <li>ii. If located outside a <b>wāhi tūpuna mapped area</b>, Kai Tahu may advise the Council if it considers that the granting of the consent would affect the integrity of the broader environment within which the wāhi tūpuna is located, or the linkages between wāhi tūpuna.</li> </ul> </li> <li>j. In assessing activities that are discretionary due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered.</li> </ul>

### 16.11.2 Assessment of discretionary land use activities

Activity	Priority considerations
<p>2.</p> <ul style="list-style-type: none"> <li>• Rural tourism - large scale</li> <li>• Rural research - large scale</li> </ul>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> <li>a. Objectives 2.3.1, 16.2.2, 16.2.3, 16.2.4.</li> <li>b. Commercial activities in the rural zones are restricted to those that need a rural location and support rural activity (Policy 2.3.1.2.g).</li> <li>c. Adverse effects on the amenity of surrounding properties is avoided or, if avoidance is not possible, adequately mitigated (Policy 16.2.2.5).</li> <li>d. There are no significant adverse effects on rural character and visual amenity from large scale development (Policy 16.2.3.5).</li> <li>e. In a <b>Scheduled ASCV</b>, see section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and effects related to biodiversity</li> <li>f. Activities other than farming are avoided in a <b>high class soils mapped area</b> unless the loss of current or potential future rural productivity would be insignificant (Policy 16.2.4.2.a).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>g. The activity is set back a sufficient distance from its own boundaries and existing sensitive activities on surrounding sites to avoid or adequately mitigate effects.</li> </ul> <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> <li>h. Restriction on hours of operation.</li> <li>i. Restriction on maximum number of guests (rural tourism).</li> <li>j. Controls on lighting.</li> <li>k. Parking requirements.</li> </ul> <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> <li>l. In assessing effects on amenity, Council will consider the effects of vehicle movements on the <u>site</u> as well as any significant changes to the number or nature of vehicle movements on the adjoining road.</li> </ul>

### 16.11.2 Assessment of discretionary land use activities

Activity	Priority considerations
3. Rural industry	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> <li>a. Objective 16.2.2, 16.2.3, 16.2.4.</li> <li>b. There are no significant adverse effects on rural character and visual amenity from large scale development (Policy 16.2.3.5).</li> <li>c. Adverse effects on the amenity of residential activities on surrounding properties, are avoided or, if avoidance is not possible, adequately mitigated (Policy 16.2.2.5).</li> <li>d. The potential for reverse sensitivity that may affect the ability of productive rural activities to operate will be avoided or, if avoidance is not possible, will be no more than minor (Policy 16.2.2.6).</li> <li>e. Activities other than farming are avoided in a <b>high class soils mapped area</b> unless the loss of current or potential future rural productivity would be insignificant (Policy 16.2.4.2.a).</li> <li>f. See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>g. The activity will be set back a sufficient distance from its own property boundaries to avoid or adequately mitigate any adverse effects from noise, odour, dust, contaminants or visual effects on surrounding properties.</li> <li>h. High noise generating equipment is located within acoustically insulated buildings or fitted with noise reduction devices to ensure noise emissions are maintained at a reasonable level.</li> <li>i. If noise is not able to be adequately controlled at its source, noise reduction is achieved through noise barriers or bunds to ensure noise emissions are maintained at a reasonable level.</li> <li>j. Management plans or other mitigation measures will be employed to limit the effects of dust, vehicle movements and operating noise on surrounding properties.</li> </ul> <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> <li>k. Restriction on hours of operation.</li> <li>l. Controls on-site lighting.</li> <li>m. A requirement for screening of storage areas.</li> <li>n. A requirement to control dust.</li> <li>o. Provision of car parking areas.</li> </ul> <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> <li>p. In assessing effects on amenity, Council will consider the effects of vehicle movements on the <u>site</u> as well as any significant changes to the number or nature of vehicle movements on the adjoining road.</li> </ul>
4. <ul style="list-style-type: none"> <li>• Mining</li> <li>• Landfills</li> </ul>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> <li>a. Objective 16.2.2, 16.2.3, 16.2.4.</li> <li>b. Adverse effects on the amenity of residential activities on surrounding properties are avoided or, if avoidance is not possible, adequately mitigated (Policy 16.2.2.5).</li> <li>c. The potential for reverse sensitivity that may affect the ability of productive rural</li> </ul>

### 16.11.2 Assessment of discretionary land use activities

Activity	Priority considerations
	<p>activities to operate will be avoided or, if avoidance is not possible, will be no more than minor (Policy 16.2.2.6).</p> <p>d. There are no significant adverse effects on rural character and visual amenity from large scale development (Policy 16.2.3.5).</p> <p>e. Land will be restored to an acceptable standard with respect to landform and productive potential (Policy 16.2.3.4).</p> <p>f. The mining activity is located on the part of the <u>site</u> with high class soils for operational requirements and there are no practicable alternative locations (Policy 16.2.4.2.b)</p> <p>g. Where in a <b>wāhi tūpuna mapped area</b>, see section 14.5 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on the cultural values of manawhenua.</p> <p>h. Where in the <b>ONL, SNL or NCC overlay zones</b>, see section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.3 and effects related to the natural character of the coast, and Objective 10.2.5 and effects related to landscape.</p> <p>i. See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.</p> <p>j. See Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and effects related to biodiversity.</p> <p><i>Potential circumstances that may support a consent application include:</i></p> <p>k. The activity will be set back a sufficient distance from its own property boundaries to avoid or adequately mitigate any adverse effects from noise, odour, dust, contaminants or visual effects on surrounding properties.</p> <p>l. For mining sand from dunes or beaches, there will be no significant impact on the look of the area.</p> <p>m. Management plans or other mitigation measures will be used to adequately manage any adverse effects from dust, vehicle movements and operating noise on surrounding properties.</p> <p>n. There will be no adverse effects in terms of land instability.</p> <p><i>Conditions that may be imposed include:</i></p> <p>o. Controls on overall waste volumes for landfills.</p> <p>p. Restrictions on aggregate processing activity for mining.</p> <p>q. A requirement for buffer areas and bunds.</p> <p>r. For quarries, a quarry management plan addressing noise, dust and other amenity effects.</p> <p>s. A <u>site</u> restoration plan or bond.</p> <p><i>General assessment guidance:</i></p> <p>t. In assessing effects on amenity, Council will consider the effects of vehicle movements on the <u>site</u> as well as any significant changes to the number or nature of vehicle movements on the adjoining road.</p>



### 16.11.2 Assessment of discretionary land use activities

Activity	Priority considerations
<p>5.</p> <ul style="list-style-type: none"> <li>Community and leisure - large scale</li> <li>Early childhood education</li> <li>Restaurants or retail activities <i>ancillary to sport and recreation</i></li> <li>Sport and recreation</li> <li>Visitor accommodation</li> </ul>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> <li>Objective 2.3.1, 16.2.1, 16.2.2, 16.2.3, 16.2.4.</li> <li>Commercial and community activities in the rural zones are restricted to those which require a rural location and support rural activity (Policy 2.3.1.2).</li> <li>Adverse effects of development on rural character and visual amenity are insignificant (Policy 16.2.3.6).</li> <li>Visitor accommodation supports a productive rural activity on the same property (Policy 16.2.1.4).</li> <li>Adverse effects on the amenity of surrounding properties is avoided or, if avoidance is not possible, adequately mitigated (Policy 16.2.2.5).</li> <li>Activities other than farming are avoided in a <b>high class soils mapped area</b> unless the loss of current or potential future rural productivity would be insignificant (Policy 16.2.4.2.a).</li> <li>In a Scheduled ASCV, see section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and effects related to biodiversity</li> </ol> <p><i>Potential circumstances that may support a consent application include:</i></p> <ol style="list-style-type: none"> <li>The activity is set back a sufficient distance from its own boundaries and existing sensitive activities.</li> </ol> <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> <li>In assessing the effects on amenity, Council will consider the effects of vehicle movements on the <u>site</u> as well as any significant changes to the number or nature of vehicle movements on the adjoining road.</li> </ol>
<p>6. In the <b>hazard 1 overlay zones</b> (see Rule 16.3.6):</p> <ul style="list-style-type: none"> <li>Potentially sensitive activities permitted in rural zones</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.</p>
<p>7. In the <b>hazard 2 overlay zones</b> (see Rule 16.3.6):</p> <ul style="list-style-type: none"> <li>Potentially sensitive activities not permitted in rural zones</li> <li>Sensitive activities</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.</p>

### 16.11.2 Assessment of discretionary land use activities

Activity	Priority considerations
8. In a <b>General Residential 1 Transition Overlay Zone</b> : <ul style="list-style-type: none"> <li>• Factory Farming</li> <li>• Forestry</li> </ul>	See Section 12.3 for guidance on the assessment of resource consents in relation to Objective 12.2.1 and effects related to future use of land for residential activity.

### 16.11.3 Assessment of discretionary performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. <ul style="list-style-type: none"> <li>• Acoustic insulation</li> <li>• Noise - where the limit is exceeded by up to 5dB LAeq (15min)</li> </ul>	See Rule 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety
2. Density (Papakāika)	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> <li>a. Objective 16.2.3</li> <li>b. Any buildings and structures maintain the rural character values and visual amenity of the rural zones (Policy 16.2.3.1).</li> <li>c. See Section 9.6 for guidance on the assessment of resource consents in relation to Objectives 9.2.1 and 9.2.2 and effects related to efficiency and affordability of infrastructure and public health and safety.</li> <li>d. See Section 14.5 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on the cultural values of manawhenua.</li> </ul>
3. Light spill - where Rules 16.5.4.1 or 16.5.4.2 are contravened, or where the light spill limit in Rule 16.5.4.3 is exceeded by 25% or less	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>a. Objective 16.2.3</li> <li>b. Activities are designed and operated to ensure that adverse effects from light spill on rural character and amenity, and the ability of people to view the night sky, are insignificant (Policy 16.2.3.9)</li> <li>c. See Rule 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>d. It is proposed to use filtering to prevent blue or ultraviolet light</li> </ul> <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> <li>e. Duration, time and frequency of the proposed illumination</li> </ul>

## Rule 16.12 Assessment of Non-complying Activities

### Rule 16.12.1 Introduction

1. Non-complying activities will be assessed in accordance with section 104, 104B and 104D of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rules 16.12.2 - 16.12.6 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. With respect to section 104(2) of the RMA, Council will not consider family flats or papakāika as part of the permitted baseline in considering residential density effects in the rural zones.
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.

### 16.12.2 Assessment of all non-complying activities

Activities	Guidance on the assessment of resource consents
1. All non-complying activities	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> <li>a. Objectives 16.2.1, 16.2.2, 16.2.3, 16.2.4</li> <li>b. The activity does not detract from, or preferably contributes to, the strategic direction objectives, including, but not limited to, those related to:           <ol style="list-style-type: none"> <li>i. Objective 2.2.2, 2.2.3, 2.2.4, and 2.3.1</li> </ol> </li> </ol> <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> <li>c. In assessing the significance of effects, consideration will be given to:           <ol style="list-style-type: none"> <li>i. short to 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; and</li> <li>iii. Manawhenua values and the relationship between manawhenua and the natural environment is maintained, including cultural values and traditions associated with:               <ol style="list-style-type: none"> <li>1. wāhi tūpuna; and</li> <li>2. the customary use of mahika kai (Objective 14.2.1).</li> </ol> </li> <li>iv. If located outside a <b>wāhi tūpuna mapped area</b>, Kai Tahu may advise the Council if it considers that the granting of the consent would affect the integrity of the broader environment within which the wāhi tūpuna is located, or the linkages between wāhi tūpuna.</li> </ol> </li> <li>d. In assessing activities that are non-complying due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered.</li> </ol>

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

Activity	Guidance on the assessment of resource consents
1. Commercial advertising	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> <li>a. Objective 2.4.1</li> <li>b. Policy 2.4.1.6.c.</li> <li>c. Where in a Scheduled ASCV - see Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and the effects related to biodiversity.</li> </ul>
2. <ul style="list-style-type: none"> <li>• Commercial activities (other than those provided for)</li> <li>• Industrial activities (other than rural industry)</li> <li>• Major facilities activities (other than cemeteries and crematorium)</li> </ul>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> <li>a. Objective 2.3.2</li> <li>b. Objective 16.2.1</li> <li>c. Commercial activities, industrial activities and major facilities are avoided, unless otherwise provided for, in the rural zones (Policy 16.2.1.8).</li> <li>d. Where in a Scheduled ASCV - see Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and the effects related to biodiversity.</li> </ul>
3. <ul style="list-style-type: none"> <li>• Landfills</li> <li>• Cemeteries</li> <li>• Crematoriums</li> </ul>	See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and the effects related to cultural values of manawhenua.
4. In the <b>hazard 1 overlay zones</b> (see Rule 16.3.6): <ul style="list-style-type: none"> <li>• Potentially sensitive activities not permitted in rural zones.</li> <li>• Sensitive activities</li> </ul>	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.
5. <b>In a General Residential 1 Transition Overlay Zone:</b> <ul style="list-style-type: none"> <li>• Mining</li> <li>• Landfills</li> </ul>	See Section 12.3 for guidance on the assessment of resource consents in relation to Objective 12.2.1 and effects related to future use of land for residential activity.

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

Activity	Guidance on the assessment of resource consents
<p>6. <b>In a scheduled ASCV:</b></p> <ul style="list-style-type: none"> <li>• Cemeteries</li> <li>• Crematorium</li> <li>• Domestic animal boarding and breeding</li> <li>• Early childhood education</li> <li>• Factory farming</li> <li>• Farming</li> <li>• Forestry</li> <li>• Grazing</li> <li>• Landfills</li> <li>• Mineral exploration and mineral prospecting</li> <li>• Mining</li> <li>• Residential activities</li> <li>• Rural industry</li> <li>• Veterinary services - <i>large animal practice</i></li> <li>• Visitor accommodation</li> </ul>	<p>See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and the effects related to biodiversity.</p>

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

Activity	Guidance on the assessment of resource consents
<p>7. <b>In the ONF, ONCC, or HNCC overlay zones:</b></p> <ul style="list-style-type: none"> <li>• Cemeteries</li> <li>• Crematorium</li> <li>• Domestic animal boarding and breeding</li> <li>• Factory farming</li> <li>• Forestry</li> <li>• Landfills</li> <li>• Mineral exploration and mineral prospecting</li> <li>• Mining <i>not in a GR1TZ</i></li> <li>• Residential activities</li> <li>• Rural industry</li> <li>• Rural research - large scale <i>outside the Invermay Farm mapped area</i></li> <li>• Veterinary services - <i>large animal practice</i></li> <li>• Visitor accommodation</li> </ul>	<p>See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.3 and 10.2.5 and the effects related to natural character of the coast and landscape values.</p>
<p>8. <b>In a wāhi tūpuna mapped area:</b></p> <ul style="list-style-type: none"> <li>• Forestry</li> <li>• Mining</li> </ul>	<p>See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and the effects related to cultural values of manawhenua.</p>

### 16.12.4 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>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. <b>In the ONF, ONCC, HNCC overlay zones:</b></p> <ul style="list-style-type: none"> <li>• New building or structure</li> <li>• Additions and alterations</li> </ul>	<p>See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.3 and 10.2.5 and the effects related to natural character of the coast and landscape values.</p>
<p>3. <b>In a wāhi tūpuna mapped area:</b></p> <ul style="list-style-type: none"> <li>• New buildings and structures</li> <li>• Earthworks ancillary to forestry</li> </ul>	<p>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</p>

### 16.12.5 Assessment of non-complying subdivision activities

Activity	Guidance on the assessment of resource consents
1. Cross lease, company lease and unit title subdivision	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> <li>a. Objective 16.2.1</li> <li>b. The rural zones are protected from cross lease, company lease and unit title subdivision unless it does not result in an increase in development potential than would be provided for through a general subdivision (Policy 16.2.1.9).</li> </ul>

### 16.12.6 Assessment of non-complying performance standard contravention

Performance standard	Guidance on the assessment of resource consents
1. Density	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> <li>a. Objectives 16.2.1, 16.2.3, 16.2.4.</li> <li>b. Policies 16.2.1.7, 16.2.3.2, 16.2.4.4</li> <li>c. Strategic Directions: Objectives 2.2.2, 2.3.1, Policies 2.2.2.1, 2.3.1.2, 2.4.6.2</li> <li>d. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.1 and effects related to the efficiency and affordability of infrastructure.</li> </ul>
2. In a <b>dune system mapped area</b> or <b>swale mapped area</b> : <ul style="list-style-type: none"> <li>• Hazard overlay zones development standards (hazard exclusion areas)</li> </ul>	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
3. Light spill - where the limit is exceeded by greater than 25%	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>a. Objective 16.2.3</li> <li>b. Activities are designed and operated to ensure that adverse effects from light spill on rural character and amenity, and the ability of people to view the night sky, are insignificant (Policy 16.2.3.9)</li> <li>c. See Rule 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>d. It is proposed to use filtering to prevent blue or ultraviolet light</li> </ul> <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> <li>e. Duration, time and frequency of the proposed illumination</li> </ul>
4. <ul style="list-style-type: none"> <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>	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



### 16.12.6 Assessment of non-complying performance standard contravention

Performance standard	Guidance on the assessment of resource consents
5. Setback from national grid	See Section 5.10 for guidance on the assessment of resource consents in relation to Objective 5.2.1 and effects related to the efficient and effective operation of network utilities and public health and safety.
6. Minimum <u>site</u> size	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> <li>a. Objectives 2.2.2, 2.2.4, 2.3.1, 2.4.6</li> <li>b. Objectives 16.2.3, 16.2.4</li> <li>c. Areas important for food production are protected from subdivision activities that may diminish food production capacity (Policy 2.2.2.1).</li> <li>d. Subdivision activities that provide for residential activity at a rural residential or suburban scale are avoided (Policy 2.2.4.4).</li> <li>e. The productivity of farming and other activities that support the rural economy is maintained or enhanced through restricting subdivision activities that may lead to land fragmentation and create pressure for residential-oriented development (Policy 2.3.1.2).</li> <li>f. The identified character values of the rural zones are maintained (Policy 2.4.6.2).</li> <li>g. Subdivisions are designed to ensure any associated future land use and development maintain or enhance the rural character and visual amenity of the rural zones (Policy 16.2.3.8).</li> <li>h. Subdivisions are designed to ensure any future land use and development will: <ul style="list-style-type: none"> <li>i. maintain or enhance the productivity of rural activities;</li> <li>ii. maintain high class soils for farming activity, or ensure any loss is no more than minor;</li> <li>iii. maintain land in a rural rather than rural residential use; and</li> <li>iv. not increase the potential for reverse sensitivity from residential activities in the rural zones (Policy 16.2.4.3).</li> </ul> </li> <li>i. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.1 and effects related to the efficiency and affordability of infrastructure.</li> <li>j. A legal mechanism is proposed that will ensure that any proposed undersized allotment can not be used for a residential activity, and overall there is no net increase in residential development potential.</li> </ul>
7. Archaeological sites (earthworks)	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.

## **Rule 16.13 Special Information Requirements**

### **16.13.1 Papakāika - ownership and occupation**

For papakāika activity, proof that both the owner and occupier of the land fall into one of the classes listed in the definition of papakāika is required. Proof can be obtained from the Māori Land Court or the Ngāi Tahu Whakapapa Unit.

### **16.13.2 Geotechnical investigation report**

1. A geotechnical investigation report may be requested by Council for earthworks of a large scale and/or where the earthworks are proposed:
  - 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);
  - b. on a site identified as hazard-prone in Council's Hazard Information Management System; or
  - c. on any other site that the Council, with good cause, suspects to be hazard-prone.
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).
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.
4. The geotechnical investigation report must address the following factors:
  - a. special design or construction requirements;
  - b. special foundation requirements;
  - c. services;
  - d. access;
  - e. effluent disposal;
  - f. non-engineered fills; and
  - g. a statement of professional opinion as to the suitability of the land for the proposed development.

## **17. Rural Residential Zones**

### **17.1 Introduction**

A number of people seek to live in a rural setting and undertake rural activities at a small scale, such as the keeping of livestock. These small-scale rural activities are commonly known as lifestyle farming or hobby farming, and the properties on which they are undertaken are commonly known as lifestyle blocks.

Lifestyle blocks can have an adverse effect on sustainable management by removing rural land from productive use; by inflating rural land values to the detriment of more productive rural activities; or by generating reverse sensitivity effects in the rural environment resulting from people living on smaller blocks of land in proximity to productive rural activities such as farming or forestry; and by resulting in pressure to extend urban infrastructure and services into rural areas. A further issue is that there are a large number of small sites across Dunedin's rural environment which can sometimes be difficult to manage and use.

The rural residential zones have been established in response to these issues, to provide specifically for lifestyle or hobby farming activities in appropriately located parts of Dunedin's wider rural environment.

Rural residential zones allow for residential activity at a scale consistent with lifestyle or hobby farming, along with those rural and community activities that are consistent with the level of amenity expected by people living in these areas. Non-compatible activities in rural residential zones are discouraged or carefully managed in recognition that these can adversely affect the liveability and amenity of the zones.

Rural residential zones are sometimes located in areas with good quality land and versatile soils, and can contain productive rural activities such as small-scale farming. In order to sustainably manage natural and physical resources, it is important that the productive potential of these areas is maintained.

Some rural residential zones are located in areas of high landscape values, or coastal areas where retention or enhancement of the natural character values of the coast is important. These areas are covered by overlay zones with different rules applying for certain activities, such as buildings, structures and forestry.

Even where not located in landscape or coastal overlays, rural residential zones have their own level of rural or semi-rural character and amenity. Land use activities and development that detract from this character and amenity should be avoided.

#### **17.1.1 Zone Descriptions**

##### **17.1.1.1 Rural Residential 1 Zone**

The Rural Residential 1 Zone occurs in a variety of locations, often in proximity to urban areas, that cater for demand for rural residential activity in different parts of Dunedin. The Rural Residential 1 Zone is elevated in some locations and provides a highly visible rural context for nearby residential and urban areas. This applies, in particular, to the Rural Residential 1 Zone at Waitati, Sawyers Bay, Blanket Bay, St Leonards, Chain Hills, Saddle Hill, Blackhead and Scroggs Hill.

In other locations the Rural Residential 1 Zone is less elevated but still provides a rural or semi-rural context to adjacent residential areas, including at Waikouaiti, Abbotsford, Waldronville, Ocean View and Brighton.

The Rural Residential 1 Zone sometimes occurs on river plains, such as at Wingatui, Tirohanga Rd and Middlemarch. In these cases, the zone has a character that reflects the productive land on which it occurs, with an open pastoral setting. At Wingatui the Rural Residential 1 Zone has a settled and mature character, with mature trees and shelter plantings and a diverse range of rural uses including hobby farming, horse grazing and horticultural uses.

#### 17.1.1.2 Rural Residential 2 Zone

The Rural Residential 2 Zone typically occurs in coastal locations, or on hill slopes in proximity to urban areas. The Rural Residential 2 Zone recognises existing semi-developed clusters of small rural sites where there is already some rural residential activity, and provides for one residential activity per existing site.

## 17.2 Objectives and Policies

<b>Objective 17.2.1</b>	
The rural residential zones enable lifestyle blocks, hobby farms and associated residential activities as the appropriate place in the rural environment for these to occur, and provide for a limited range of other compatible activities.	
Policy 17.2.1.1	Require residential activity in the rural residential zones to be at a density enables lifestyle and hobby farms.
Policy 17.2.1.2	Enable farming, grazing and conservation in the rural residential zones.
Policy 17.2.1.3	Require rural ancillary retail and working from home to be at a scale that: <ol style="list-style-type: none"> <li>is ancillary to and supportive of productive rural activities or conservation activity on the same property, and</li> <li>supports Objectives 2.3.2 and 2.4.3 and their policies.</li> </ol>
Policy 17.2.1.4	Provide for forestry, domestic animal boarding and breeding (not including dogs), community and leisure - small scale, and veterinary services where the effects can be adequately mitigated in line with Objectives 17.2.2, 17.2.3 and 17.2.4 and their policies, and the objectives and policies of any relevant overlay zones.
Policy 17.2.1.5	Only allow rural tourism, rural research, community and leisure - large scale, early childhood education, sport and recreation, and visitor accommodation where the effects can be adequately managed in line with Objectives 17.2.2, 17.2.3 and 17.2.4 and their policies, and the objectives and policies of any relevant overlay zones.
Policy 17.2.1.6	Avoid cross lease, company lease and unit title subdivision in the rural residential zones unless it does not result in an increase in development potential beyond that which might be achieved through a general subdivision.

<b>Objective 17.2.2</b>	
Activities in rural residential zones maintain a good level of amenity on surrounding rural residential properties, residential zoned properties and public spaces.	
Policy 17.2.2.1	Require residential buildings to be set back an adequate distance from <u>site</u> boundaries to minimise the potential for reverse sensitivity effects from: <ol style="list-style-type: none"> <li>rural activities such as farming (for example, from noise, dust or odour); and</li> <li>existing forestry, factory farming, domestic animal boarding and breeding (that includes dogs), mining and landfills.</li> </ol>
Policy 17.2.2.2	Require buildings that house animals to be set back from <u>site</u> boundaries an adequate distance so that any adverse effects on adjoining residential activities are avoided or, if avoidance is not possible, are no more than minor.
Policy 17.2.2.3	Require all new buildings to be located an adequate distance from <u>site</u> boundaries to ensure a good level of amenity for residential activities on adjoining sites.
Policy 17.2.2.4	Require rural ancillary retail and working from home to operate in a way (including hours of operations) that avoids or, if avoidance is not possible, adequately mitigates noise or adverse effects on the amenity of surrounding properties.

### Objective 17.2.2

Activities in rural residential zones maintain a good level of amenity on surrounding rural residential properties, residential zoned properties and public spaces.

Policy 17.2.2.5	Only allow rural tourism, rural research, community and leisure - large scale, early childhood education, sport and recreation, veterinary services and visitor accommodation where any adverse effects on the amenity of surrounding rural residential properties are avoided or, if avoidance is not possible, adequately mitigated.
Policy 17.2.2.6	Require forestry and tree planting to be set back an adequate distance to avoid significant effects from shading on residential buildings on surrounding properties.
Policy 17.2.2.7	Only allow forestry where it can be located and designed to avoid or, if avoidance is not possible, adequately mitigate shading, noise, traffic, and other nuisance effects on sensitive activities on surrounding properties.
Policy 17.2.2.8	Require subdivisions to deliver resultant sites that can achieve a high quality of on-site amenity through being large enough and of a shape that is capable of supporting rural residential development.

### Objective 17.2.3

The character and amenity of the rural residential zones are maintained, elements of which include:

- a high presence of natural features such as trees, bush, gully systems and water bodies;
- a semi-rural level of development, with a higher proportion of open space and lower density of buildings than in urban areas; and
- land maintained and managed for farming, grazing, conservation and rural residential activities.

Policy 17.2.3.1	Require buildings and structures to be set back from boundaries and of a height that maintains the character and visual amenity of the rural residential zones.
Policy 17.2.3.2	Only allow forestry where it will be located, designed, and managed to avoid or, if avoidance is not possible, adequately mitigate adverse effects on the character and visual amenity of the rural residential zones.
Policy 17.2.3.3	Only allow rural tourism, rural research - large scale, community and leisure - large scale, early childhood education, sport and recreation, veterinary services and visitor accommodation activities where any adverse effects from development on rural residential character and visual amenity will be avoided or, if avoidance is not possible, adequately mitigated.
Policy 17.2.3.4	Require ancillary signs to be located and designed to maintain the character of the rural residential zones, including by being of an appropriate size and number to convey information about the name, location and nature of the activity on <u>site</u> to passing pedestrians and vehicles and not being oversized or too numerous for that purpose.
Policy 17.2.3.5	Only allow general subdivision where the subdivision is designed to ensure any associated future land use and development will maintain or enhance the character and amenity of the rural residential zones.

#### Objective 17.2.4

The productive potential of the rural residential zones for lifestyle blocks or hobby farms is maintained.

Policy 17.2.4.1	Require earthworks in a <b>high class soils mapped area</b> to retain soils on the site.
Policy 17.2.4.2	Only allow land use, development, or subdivision activities that may lead to land use and development, in a <b>high class soils mapped area</b> where any adverse effects on high class soils are avoided or, if avoidance is not possible, are no more than minor.
Policy 17.2.4.3	Only allow general subdivision where resultant sites are of a shape and size that will enable lifestyle blocks or hobby farms, including the keeping of livestock, and avoid use purely as large lot residential living.
Policy 17.2.4.4	Avoid further general subdivision of sites in the Rural Residential 2 Zone to maintain these sites for larger lifestyle blocks or hobby farms (small holdings).

#### Objective 17.2.5

Earthworks necessary for permitted or approved land use and development are enabled, while avoiding, or adequately mitigating, any adverse effects on:

- a. visual amenity and character;
- b. the stability of land, buildings, and structures; and
- c. surrounding properties.

Policy 17.2.5.1	Require earthworks, and associated retaining structures, to be designed and located to avoid adverse effects on the stability of land, buildings, and structures by: <ol style="list-style-type: none"> <li>a. being set back an adequate distance from property boundaries, buildings, structures and cliffs; and</li> <li>b. using a batter gradient that will be stable over time.</li> </ol>
Policy 17.2.5.2	Require earthworks and any associated retaining structures to be designed and located to minimise adverse effects on surrounding sites and the wider area, including by: <ol style="list-style-type: none"> <li>a. limiting the scale of earthworks that are provided for as a permitted activity; and</li> <li>b. requiring earthworks to avoid sediment run-off, including onto any property, or into any stormwater pipes, drains, channels or soakage systems.</li> </ol>
Policy 17.2.5.3	Only allow earthworks that exceed the scale thresholds (earthworks - large scale) and any associated retaining structures, where all of the following effects will be avoided or, if avoidance is not possible, adequately mitigated: <ol style="list-style-type: none"> <li>a. adverse effects on visual amenity and character;</li> <li>b. adverse effects on the amenity of surrounding properties, including from changes to drainage patterns; and</li> <li>c. adverse effects on the stability of land, buildings, and structures.</li> </ol>
Policy 17.2.5.4	Require earthworks ancillary to forestry to be carried out in accordance with industry best practice guidelines.



## Rules

### Rule 17.3 Activity Status

#### 17.3.1 Rule location

The activity status tables in Rules 17.3.3 to 17.3.5 specify the activity status of land use activities, development activities, and subdivision activities in the rural residential 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)
3. Network utilities and energy generation (Section 5)
4. Transportation activities (Section 6)
5. Scheduled Trees (Section 7)
6. Natural hazard mitigation activities (Section 8)

#### 17.3.2 Activity status introduction

1. The activity status tables in Rules 17.3.3 - 17.3.5 show the activity status of activities in the rural residential 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 1.6 outline the hierarchy of categories, activities and sub-activities.
3. Permitted land use activities do not automatically provide for any related development activities. Therefore, the activity status of any associated development activities should also be checked.
4. Where a new land use activity requires a resource consent, all associated development activities will be considered and assessed as part of the resource consent even if the development otherwise meets the development performance standards listed in the Plan.
5. The nested table in Section 1.6 is 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 table, 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 sensitive activities, potentially sensitive activities or least sensitive activities. The activities that are in each hazards sensitivity category are included in the definitions section and in Section 11.1.
7. In the hazard 1 or hazard 2 overlay zones, the activity statuses in Rule 17.3.6 apply for the following activities:
  - a. new sensitive activities and potentially sensitive activities, and
  - b. some new buildings.
8. Where the activity status in Rule 17.3.6 differs from that in Rules 17.3.3 - 17.3.5, the most restrictive activity status always applies.
9. In addition to the rules in Rule 17.3.6, performance standards for development activities within hazard overlay zones are included in Rules 17.3.3 - 17.3.5.
10. Activities in a hazard overlay zone must comply with all of the rules in 17.3.3 - 17.3.6.

### Performance Standards

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

### Legend

Acronym	Activity status
—	No additional provisions apply or not relevant
P	Permitted activity
C	Controlled activity
RD	Restricted discretionary activity
D	Discretionary activity
NC	Non-complying activity
Acronym	Zone/overlay name
RR	Rural Residential Zones
ONF	Outstanding Natural Feature Overlay Zone
SNL	Significant Natural Landscape Overlay Zone
HNCC	High Natural Coastal Character Overlay Zone
NCC	Natural Coastal Character Overlay Zone
Haz1	Hazard 1 Overlay Zones
Haz2	Hazard 2 Overlay Zones
Haz3	Hazard 3 Overlay Zones

### 17.3.3 Activity status table - land use activities

1.	Performance standards that apply to all land use activities				a. Acoustic insulation b. Electrical interference c. Light spill d. Noise e. Setback from national grid (sensitive activities only)
Rural activities		Activity status			Performance standards
		a. RR	b. ONF/ HNCC	c. SNL/ NCC	
2.	Domestic animal boarding and breeding not including dogs	P	NC	—	i. Location ii. Minimum car parking
3.	Farming	P	—	—	
4.	Forestry	RD	NC	RD	i. Forestry and tree planting setbacks ii. Tree species
5.	Grazing	P	—	—	
6.	Rural ancillary retail	P	—	—	i. Hours of operation ii. Location iii. Maximum gross floor area iv. Minimum car parking
7.	Rural tourism	D	—	—	
8.	Rural research	D	—	—	
9.	All other activities in the rural activities category	NC	—	—	
Residential activities		a. RR	b. ONF/ HNCC	c. SNL/ NCC	Performance standards
10.	Standard residential	P	NC	—	i. Density ii. Minimum car parking iii. Separation distances
11.	Working from home	P	—	—	i. Hours of operation ii. Maximum gross floor area
12.	All other activities in the residential activities category	NC	—	—	
Community activities		a. RR	b. ONF/ HNCC	c. SNL/ NCC	Performance standards

13.	Community and leisure - small scale	P	—	—	i. Minimum car parking
14.	Community and leisure - large scale	D	—	—	
15.	Conservation	P	—	—	
16.	Early childhood education	D	—	—	
17.	Sport and recreation	D	—	—	
Commercial activities		a. RR	b. ONF/ HNCC	c. SNL/ NCC	Performance standards
18.	Ancillary licensed premises	Same status as underlying activity	—	—	
19.	Stand-alone car parking	P	—	—	
20.	Veterinary services - <i>large animal practice</i>	RD	NC	—	
21.	Visitor accommodation	D	NC	—	
22.	All other activities in the commercial activities category	NC	—	—	
Industrial activities		a. RR	b. ONF/ HNCC	c. SNL/ NCC	Performance standards
23.	All activities in the industrial activities category	NC	—	—	
Major facility activities		a. RR	b. ONF/ HNCC	c. SNL/ NCC	Performance standards
24.	All activities in the major facility activities category	NC	—	—	

#### 17.3.4 Activity status table - development activities

1.	Performance standards that apply to all development activities				a. Hazard overlay zones development standards b. Setback from coast and water bodies c. Setback from national grid d. Setback from scheduled tree
2.	Performance standards that apply to all buildings and structures activities				a. Boundary setbacks b. Maximum height c. Number, location and design of ancillary signs d. Reflectivity (landscape and natural coastal character overlays)
Buildings and structures activities (excluding activities affecting a protected part of a scheduled heritage building or scheduled heritage structure. See rows 8-12)		a. RR	b. ONF/ HNCC	c. SNL/ NCC	Performance standards
3.	New buildings greater than 60m <sup>2</sup> on a landscape building platform	P	NC	C	i. Fire fighting
4.	New buildings or structures less than or equal to 60m <sup>2</sup> <b>or</b> additions and alterations that result in a building or structure that is less than or equal to 60m <sup>2</sup>	P	NC	—	i. Fire fighting
5.	New buildings or structures greater than 60m <sup>2</sup> <b>or</b> additions and alterations that result in a building or structure that is greater than 60m <sup>2</sup>	P	NC	RD	i. Fire fighting
6.	Fences	P	—	—	
7.	All other buildings and structures activities	P	RD	RD	
Buildings and structures activities <b>that</b> affect a protected part of a scheduled heritage building <b>or</b> scheduled heritage structure		a. RR	b. ONF/ HNCC	c. SNL/ NCC	Performance standards
8.	Repairs and maintenance or <u>restoration</u>	P	—	—	i. Materials and design

9.	Earthquake strengthening <i>where external features only are protected</i>	C	—	—	i. Materials and design
10.	All other additions and alterations	RD	—	—	
11.	Demolition	NC	—	—	
12.	Removal for relocation	RD	—	—	
Site development activities		a. RR	b. ONF/ HNCC	c. SNL / NCC	Performance standards
13.	Earthworks - small scale	P	—	—	i. Earthworks standards
14.	Earthworks - large scale	RD	RD	RD	i. Earthworks standards
15.	Outdoor storage	P	—	—	
16.	Parking, loading and access	P	—	—	i. Parking, loading and access standards
17.	New parking areas, or extensions to existing parking areas ( <i>that result in the creation of 50 or more new parking spaces.</i> )	RD	—	—	i. Parking, loading and access standards
18.	Indigenous vegetation clearance	P	P in ONF RD in HNCC	P in SNL RD in NCC	i. Vegetation clearance standards
19.	All other vegetation clearance	P	—	—	i. Vegetation clearance standards
20.	Storage and use of hazardous substances	P	—	—	i. Hazardous substances quantity limits and storage requirements
21.	Tree planting	P	RD	—	i. Forestry and tree planting setbacks ii. Tree species
22.	All other site development activities	P	—	—	

### 17.3.5 Activity status table - subdivision activities

Subdivision activities		Activity status			Performance standards
		a. RR	b. ONF/HNCC	c. SNL/NCC	
1.	General subdivision <i>creating resultant sites used solely for the purposes of a Scheduled ASCV or QEII covenant; or reserve; or access; or network utilities; or road.</i>	RD	—	—	i. Access ii. Esplanade reserves and strips
2.	All other general subdivision in the Rural Residential 1 Zone	RD	RD	RD	i. Access ii. Esplanade reserves and strips iii. Fire fighting iv. Minimum site size v. Service connections vi. Shape
3.	All other general subdivision in the Rural Residential 2 Zone	NC	—	—	
4.	Cross lease, company lease and unit title subdivision	NC	—	—	

### 17.3.6 Change to activity status in Hazard 1, Hazard 2 and Hazard 3 Overlay Zones

Activity		a. Haz1	b. Haz2	c. Haz3
1.	Potentially sensitive activities permitted in rural residential zones	D	—	—
2.	Potentially sensitive activities not permitted in rural residential zones	NC	D	—
3.	Sensitive activities	NC	D	—
4.	In a hazard 1 (land instability) Overlay Zone, new buildings, and additions and alterations to buildings, which create more than 1m <sup>2</sup> of new ground floor area	RD	—	—
5.	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, which create more than 60m <sup>2</sup> of new ground floor area	RD	RD	—



**Note 17.3A - Guidance on existing use rights applying to land use activities in hazard overlay zones**

1. For the purposes of the natural hazards provisions only, with respect to section 10 of the RMA, 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 sensitive activities and potentially sensitive activities, the ground floor area of any buildings increases by less than 100% in any consecutive 10 year period.
2. However, Council will consider specific circumstances associated with the development and how this affects the character, intensity and scale of the land use activity.

**Note 17.3B - 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). This is the case regardless of whether the land on which the site is located is designated, or the activity is permitted under the District Plan or Regional Plan, or a resource or building consent has been granted.
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.

## **Rule 17.4 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 sections 95A or 95B of the RMA, unless Council considers special circumstances exist in relation to the application that require public notification:
  1. earthquake strengthening of a scheduled heritage building or scheduled heritage structure where external features only are protected (controlled activity) and that are not listed by Heritage New Zealand; and
  2. contravention of performance standard 13.3.2 'Materials and design' where the building or structure is not listed by Heritage New Zealand.
2. Heritage New Zealand will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided with respect to applications for resource consent 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;
  2. contraventions of performance standard 13.3.2 'Materials and design' where the building or structure is listed by Heritage New Zealand; and
  3. contraventions of performance standard 13.3.3 'Archaeological sites'.
3. Applications for resource consent for the following activities will be publicly notified in accordance with section 95A(2) of the RMA:
  1. demolition of a protected part of a scheduled heritage building or scheduled heritage structure.
4. Manawhenua will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided with respect to resource consents applications for the following:
  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 family flats or papakāika as part of the permitted baseline in considering residential density effects in the rural residential zones.
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.
7. All other activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA.

## **Rule 17.5 Land Use Performance Standards**

### **17.5.1 Acoustic Insulation**

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

- a. within 40m of the Taieri Aerodrome Zone;
- b. within 40m of a state highway;
- c. within 20m of an industrial zone; and
- d. within 70m of a railway line.

### **17.5.2 Density**

1. The maximum density of standard residential activities is as follows:
  - a. In the Rural Residential 1 Zone, the minimum site size per residential activity is 2ha, except:
    - i. a single residential unit may be erected on an existing site between 1ha and 2ha created before 26 September 2015 as long as all other performance standards can be met; and
    - ii. a single residential unit may be erected on a site created by Rule 17.7.5.2 as long as all other performance standards can be met.
  - b. In the Rural Residential 1 Zone, multiple standard residential activities are only allowed on a single site where all primary residential buildings (houses) are able to meet all the relevant performance standards if they were ever subdivided into separate sites.
  - c. In the Rural Residential 2 Zone, a maximum of one residential activity per site over 1ha.
  - d. In all rural residential zones, one family flat is allowed per site in association with a standard residential activity that meets this performance standard for density, provided:
    - i. the family flat is either attached to or located in the same residential building as the primary residential unit, or is located within 30m of the primary residential building (house), as measured as the closest distance between any wall of the primary residential building and any wall of the family flat; and
    - ii. the family flat has a maximum gross floor area of 60m<sup>2</sup>.
2. Standard residential activity that contravenes this performance standard is a non-complying activity, except: standard residential activity (family flat) that contravenes Rule 17.5.2.1.d.i or ii is a restricted discretionary activity

### **17.5.3 Electrical Interference**

Land use activities must comply with Rule 9.3.2.

### **17.5.4 Hours of Operation**

1. For rural ancillary retail, customers must not arrive before 7am or depart after 7pm.
2. For working from home, customers and deliveries must not arrive before 7am or depart after 7pm. This standard does not apply to homestays.

### **17.5.5 Light Spill**

Land use activities must comply with Rule 9.3.5.

### **17.5.6 Location**

Domestic animal boarding and breeding (not including dogs) and rural ancillary retail must not be accessed directly

from a state highway with a speed limit of 80kmh or over.

### 17.5.7 Maximum Gross Floor Area

Activity	Maximum gross floor area
1. Rural ancillary retail	60m <sup>2</sup>
2. Working from home	100m <sup>2</sup> (applies only to area used within buildings)

3. The retailing of plants grown on a site is exempt from the performance standard for maximum gross floor area.

#### Note 17.5A - Other requirements outside of the District Plan

1. Registration must be obtained from DCC Environmental Health Department for any working from home activities which involve food products, hairdressing, beauty therapy or tattooing. Please contact the DCC's Environmental Health Department on 03 477 4000 or visit the DCC website [www.dunedin.govt.nz](http://www.dunedin.govt.nz) for more information.
2. A licence from DCC's Alcohol Licensing Department may be required for any working from home activities involving the sale or distribution of alcohol. Please contact the DCC on 03 477 4000 or visit the DCC website at [www.dunedin.govt.nz](http://www.dunedin.govt.nz) for more information.

### 17.5.8 Minimum Car Parking

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

Activity	Minimum number of on-site parking spaces
1. Community and leisure – small scale	1 parking space for every 5 persons the facility can accommodate at any one time
2. Rural ancillary retail	1 on-site parking space per roadside produce stall

3. 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

4. For the purpose of calculating minimum car parking:
  - a. where the minimum parking performance standard results in the requirement for a fractional space, any fraction under one half will be disregarded and any fraction of one half or greater will be counted as one space.
  - b. the same parking spaces may be counted for more than one land use activity (i.e. parking spaces may be shared between land use activities), as long as the hours of operation of the land use activities do not overlap.

**Note 17.5B - Other relevant District Plan provisions**

1. Parking areas must comply with the standards in Section 6.6: Parking, Loading and Access Performance Standards.

**17.5.9 Noise**

Land use activities must comply with Rule 9.3.6.

**17.5.10 Separation Distances**

1. New residential buildings must be located at least:
  - a. 30m from an existing, lawfully established forestry activity on a separate site;
  - b. 100m from a existing, lawfully established factory farming activity on a separate site;
  - c. 100m from a existing, lawfully established domestic animal boarding and breeding activity that includes dogs on a separate site;
  - d. 100m from an existing, lawfully established mining activity on a separate site;
  - e. 100m from an existing, lawfully established landfill activity on a separate site; and
  - f. 100m from existing, lawfully established wind generators - community scale and wind generators - regional scale on a separate site.
2. For the purpose of this standard, separation distance is measured from the closest wall of the new residential building to the closest edge of any operational area or part of the site being used for one of the activities listed.

**17.5.11 Setback from National Grid**

Sensitive activities must comply with Rule 5.6.1.1.

**17.5.12 Tree Species**

Forestry and tree planting must comply with Rule 10.3.4.

## Rule 17.6 Development Performance Standards

### 17.6.1 Earthworks Standards

#### 17.6.1.1 Earthworks - small scale thresholds

- a. Earthworks must not exceed the following scale thresholds to be considered earthworks - small scale. Where earthworks are located in one or more of the overlay zones or mapped areas indicated, the most restrictive scale threshold applies for the purposes of determining activity status. Resource consents will be assessed against all scale thresholds that are contravened.

Zone/Area		1. Rural Residential Zones	2. GPA, ONF, UCMA	3. HNCC	4. SNL, NCC	5. Within 5m of a water body <sup>1</sup> or MHWS	6. Haz1 (Flood)	7. Haz2 & Haz3 (Flood)	8. Haz1 & Haz2 (Land Instability)
i.	Change in ground level	2.0m	1m	1m	1.5m	0.5m	—	—	1.0m
ii.	Maximum area	—	50m <sup>2</sup>	100m <sup>2</sup>	200m <sup>2</sup>	25m <sup>2</sup>	—	—	—
Slope categories		Maximum volume of combined cut and fill							
iii.	Less than or equal to 12°	30m <sup>3</sup> per 100m <sup>2</sup> of site	10m <sup>3</sup>	20m <sup>3</sup>	50m <sup>3</sup>	1m <sup>3</sup>	0m <sup>3</sup> fill	20m <sup>3</sup> fill	10m <sup>3</sup> (Haz1) 20m <sup>3</sup> (Haz2)
iv.	Greater than 12° but less than or equal to 15°	25m <sup>3</sup> per 100m <sup>2</sup> of site	10m <sup>3</sup>	20m <sup>3</sup>	50m <sup>3</sup>	1m <sup>3</sup>	0m <sup>3</sup> fill	20m <sup>3</sup> fill	10m <sup>3</sup> (Haz1) 20m <sup>3</sup> (Haz2)
v.	Greater than 15° but less than or equal to 20°	15m <sup>3</sup> per 100m <sup>2</sup> of site	10m <sup>3</sup>	20m <sup>3</sup>	50m <sup>3</sup>	1m <sup>3</sup>	0m <sup>3</sup> fill	20m <sup>3</sup> fill	10m <sup>3</sup> (Haz1) 20m <sup>3</sup> (Haz2)
vi.	Greater than 20° but less than or equal to 26°	10m <sup>3</sup> per 100m <sup>2</sup> of site	10m <sup>3</sup>	20m <sup>3</sup>	50m <sup>3</sup>	1m <sup>3</sup>	0m <sup>3</sup> fill	20m <sup>3</sup> fill	10m <sup>3</sup> (Haz1) 20m <sup>3</sup> (Haz2)
vii.	Greater than 26° but less than or equal to 35°	0m <sup>3</sup> fill 5m <sup>3</sup> cut per 100m <sup>2</sup> of site	0m <sup>3</sup> fill 10m <sup>3</sup> cut	0m <sup>3</sup> fill 20m <sup>3</sup> cut	0m <sup>3</sup> fill 50m <sup>3</sup> cut	0m <sup>3</sup> fill 1m <sup>3</sup> cut	0m <sup>3</sup> fill	0m <sup>3</sup> fill	0m <sup>3</sup> fill 10m <sup>3</sup> cut (Haz1) 20m <sup>3</sup> cut (Haz2)
viii.	Greater than 35°	0m <sup>3</sup>	0m <sup>3</sup>	0m <sup>3</sup>	0m <sup>3</sup>	0m <sup>3</sup>	0m <sup>3</sup>	0m <sup>3</sup>	0m <sup>3</sup>

- ix. Where in a **swale mapped area** the maximum volume of combined cut and fill is 0m<sup>3</sup>.
- b. Where the part of the site in which the earthworks are located is in more than one slope category, the most restrictive scale threshold applies.
- c. Earthworks must not exceed 250mm in depth in a **groundwater protection mapped area**, except earthworks required for the foundations of buildings.

- d. Scale thresholds will be calculated as the cumulative total of earthworks on any site in a two calendar-year period.
- e. Earthworks *ancillary to network utilities* activities are only required to comply with Rule 17.6.1.1.a.i - change in ground level threshold.
- f. Earthworks *ancillary to the operation, repair, and maintenance of the roading network* and earthworks *ancillary to forestry* are exempt from the performance standard earthworks - small scale thresholds.
- g. Earthworks that exceed the earthworks - small scale thresholds are treated as earthworks - large scale, which are a restricted discretionary activity.

<sup>1</sup>See Rule 10.3.3 for how setbacks from waterbodies will be measured.

#### 17.6.1.2 Archaeological sites

Earthworks must comply with Rule 13.3.3.

#### 17.6.1.3 Batter gradient

- 1. Earthworks must:
  - a. have a maximum cut batter gradient of 1:1 (i.e. rising 1m over a 1m distance); and
  - b. have a maximum fill batter gradient of 2:1 (i.e. rising 1m over a 2m distance).
- 2. Earthworks *ancillary to forestry* are exempt from the batter gradient performance standard.

#### 17.6.1.4 Setback from property boundary, buildings, structures and cliffs

Earthworks over 600mm in height or depth must be set back from: property boundaries, foundations of buildings, structures greater than 10m<sup>2</sup>, and the top or toe of any cliff, the following minimum distances:

- a. Earthworks not supported by retaining walls:
  - i. a distance at least equal to the maximum height of the fill, as measured from the toe of the fill (see Figure 17.6A);
  - ii. a distance at least equal to 1.5 times the maximum depth of the cut, plus 300mm, as measured from the toe of the cut (see Figure 17.6A); and
  - iii. 300mm, as measured from the crest of any cut (see Figure 17.6A).
- b. Retaining walls supporting a cut or fill must be setback a distance at least equal to the height of the retaining walls (see Figure 17.6B), except:
  - i. retaining walls supporting a cut that have been granted building consent are exempt from this standard.
- c. Earthworks *ancillary to network utilities* activities, earthworks *ancillary to the operation, repair, and maintenance of the roading network* and earthworks *ancillary to forestry* are exempt from the setback from property boundary, buildings, structures and cliffs performance standard.



Figure 17.6A: Unsupported cut and fill (elevation view)

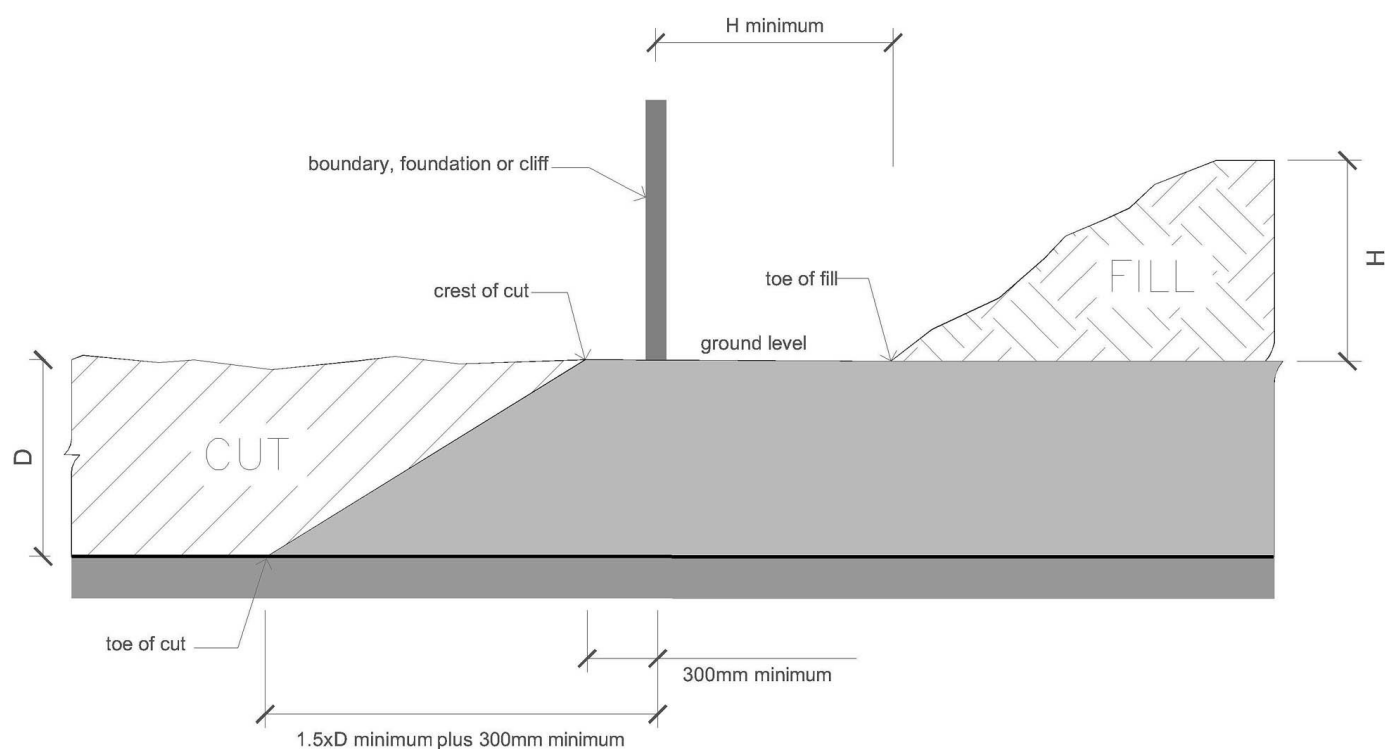
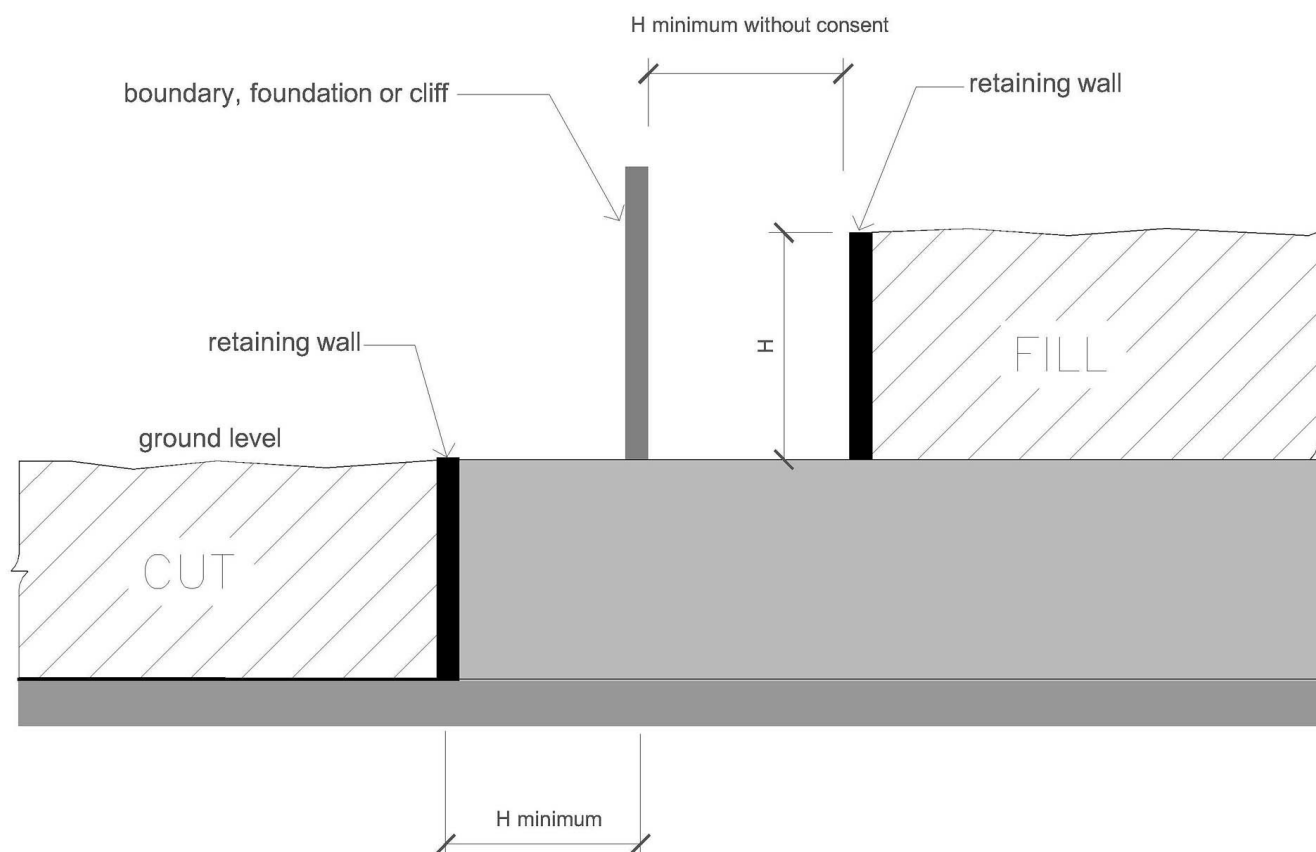


Figure 17.6B: Cut and fill supported by retaining walls (elevation view)



#### 17.6.1.5 Setback from national grid (earthworks)

Earthworks must comply with Rule 5.6.1.2.

#### 17.6.1.6 Setback from network utilities

Earthworks must comply with Rule 5.6.2.

#### 17.6.1.7 Sediment control

Earthworks must be undertaken in a way that prevents sediment entering water bodies, stormwater networks or going across property boundaries.

#### 17.6.1.8 Removal of high class soils

Earthworks must not remove topsoil or subsoil that is located within the **high class soils mapped area** from the site.

#### 17.6.1.9 NZ Environmental Code of Practice for Plantation Forestry

Earthworks *ancillary to forestry* must be in accordance with the New Zealand Environmental Code of Practice for Plantation Forestry 2007.

### 17.6.2 Fire Fighting

New residential buildings and subdivision activities must comply with Rule 9.3.3.

### 17.6.3 Hazard Overlay Zones Development Standards

#### 17.6.3.1 Hazard exclusion area

Development activities located in a **swale mapped area** must comply with Rule 11.3.1.1.

#### 17.6.3.2 Maximum area of vegetation clearance in the hazard overlay zones

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

#### 17.6.3.3 Minimum floor level

New buildings (including residential buildings) to be used for sensitive activities in the Hazard 1 (flood), Hazard 2 (flood), Hazard 3 (flood) or Hazard 3 (coastal) overlay zones must comply with Rule 11.3.3.

#### 17.6.3.4 Relocatable buildings

New buildings (including residential buildings) to be used for sensitive activities in the Hazard 3 (coastal) Overlay Zone must comply with Rule 11.3.4.

#### 17.6.3.5 Outdoor storage standard

Outdoor storage in the Hazard 1 (flood) Overlay Zone must comply with Rule 11.3.5.

### 17.6.4 Hazardous Substances Quantity Limits and Storage Requirements

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

### 17.6.5 Materials and Design

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

### 17.6.6 Maximum Height

New buildings and structures, and additions and alterations, must not exceed a maximum height above ground level as follows:

Activity	i. Rural residential zone	ii. Landscape and natural coastal character overlay zones
1. Roadside produce stall	3.5m	3.5m
2. All other buildings and structures	10m	5m

3. 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.
4. Buildings or structures must not protrude through the height restriction for the Taieri Aerodrome Approach and Take-off Fans shown on the **Taieri Aerodrome Flight Fan mapped area**.

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

#### 17.6.7.1 General

- a. A maximum of one sign attached to a building and one freestanding sign is allowed per site, except:
  - i. only one sign may be located in any part of a site in an ONF, SNL, HNCC or NCC overlay zone.
- b. Signs visible from a public place must meet all of the following performance standards.
- c. Signs must be ancillary signs.
- d. Signs must comply with Rule 6.7.3 where visible from a road.
- e. Signs must not be illuminated or digital.

#### 17.6.7.2 Signs attached to buildings

- a. The maximum height above ground level, at the highest point of any sign, is 4m, except:
  - i. the maximum height is 2m in an ONF, SNL, HNCC or NCC overlay zone.
- b. Signs must not be attached to roofs.
- c. Signs must not project higher than the lowest point of the roof, except as mounted flat against a parapet or gable end.
- d. The maximum area of signs, per display face, is 1m<sup>2</sup>, except:
  - i. the maximum area of signs, per display face, is 0.6m<sup>2</sup> in an ONF or HNCC overlay zone.
- e. In an ONF or HNCC overlay zone the sign must only provide information about the values of the overlay zone (refer Appendices A3 and A5).

#### 17.6.7.3 Freestanding signs

- a. The maximum dimensions of freestanding signs are:
  - i. maximum height of 4m, except:
    1. 2m in an ONF, SNL, HNCC or NCC overlay zone;
  - ii. maximum area of 2m<sup>2</sup> per display face, except:
    1. 0.6m<sup>2</sup> per display face in an ONF or HNCC overlay zone; and
    2. 1m<sup>2</sup> per display face in an SNL or NCC overlay zone;
  - iii. maximum of 2 display faces per sign;

- iv. maximum width of 2m, except:
  - 1. 1m in an ONF, SNL, HNCC or NCC overlay zone; and
- v. maximum depth of 400mm.
- b. Freestanding signs must:
  - i. not obstruct parking, loading or access areas; and
  - ii. be positioned entirely within site boundaries.
- c. In an ONF or HNCC overlay zone the sign must only provide information about the values of the overlay zone (refer Appendices A3 and A5).

**Note 17.6A - Other relevant District Plan provisions**

- 1. Commercial advertising is a non-complying land use activity in all zones except the Dunedin International 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.

**Note 17.6B - Other requirements outside the District Plan**

- 1. For additional restrictions that may apply to signs, see also:
  - a. New Zealand Transport Agency - Traffic control devices manual - Part 3 Advertising signs
  - b. Dunedin City Council Commercial Use of Footpaths Policy
  - c. Dunedin City Council Roadway Bylaw
  - d. Dunedin City Council Traffic and Parking Bylaw

**17.6.8 Parking, Loading and Access Standards**

Parking, loading and access must comply with Rule 6.6.

**17.6.9 Reflectivity**

New buildings and structures (except fences), and additions and alterations, in any landscape or natural character overlay zone must comply with Rule 10.3.6.

**17.6.10 Setbacks**

**17.6.10.1 Boundary setbacks**

Buildings and structures, and additions and alterations, must be set back from boundaries as follows:

Activity		i. Minimum setback from road boundary	ii. Minimum setback from side and rear boundaries with sites held in separate ownership
a.	Building used for residential activity	12m	10m
b.	Other building housing animals	12m	15m
c.	Other building not housing animals	12m	6m
d.	Roadside produce stall	No requirement	6m

Activity	i. Minimum setback from road boundary	ii. Minimum setback from side and rear boundaries with sites held in separate ownership
e. All other structures	No requirement	No requirement

#### 17.6.10.2 Forestry and tree planting setbacks

- a. Trees associated with forestry activity:
  - i. must not be planted within 30m of the boundary of any residential zone;
  - ii. must not be planted within 40m of a residential building where the building exists at the time of planting; and
  - iii. must not shade a motorway or a strategic, arterial or collector road between 10am and 2pm on the shortest day of the year.
- b. Trees associated with tree planting:
  - i. must be set back, or managed so that they maintain, a minimum distance of their own height from any residential building on an adjoining site, where the building exists at the time of planting; and
  - ii. must not shade a motorway or a strategic, arterial or collector road between 10am and 2pm on the shortest day of the year.

#### 17.6.10.4 Setback from scheduled tree

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

#### 17.6.10.5 Setback from national grid

New buildings and structures, additions and alterations, and earthworks must comply with Rules 5.6.1.1 and 5.6.1.2.

#### 17.6.10.6 Setback from coast and water bodies

New buildings and structures, additions and alterations, earthworks - large scale, and storage and use of hazardous substances must comply with Rule 10.3.3.

### 17.6.11 Vegetation Clearance Standards

#### 17.6.11.1 Maximum area of vegetation clearance (UCMA)

Vegetation clearance in an **urban conservation mapped area** must comply with Rule 10.3.2.1.

#### 17.6.11.2 Maximum area of indigenous vegetation clearance

Indigenous vegetation clearance must comply with Rule 10.3.2.2.

#### 17.6.11.3 Protected areas

Vegetation clearance and indigenous vegetation clearance must comply with Rule 10.3.2.3.

#### 17.6.11.4 Protected species (indigenous vegetation clearance)

Indigenous vegetation clearance must comply with Rule 10.3.2.4.

#### 17.6.11.5 Maximum area of vegetation clearance in the hazard overlay zones

Vegetation clearance in the hazard 1 (land instability) overlay zone and hazard 2 (land instability) overlay zone must comply with Rule 11.3.2.

## **Rule 17.7 Subdivision Performance Standards**

### **17.7.1 Access**

General subdivision must comply with Rule 6.8.1.

### **17.7.2 Esplanade Reserves and Strips**

General subdivision must comply with Rule 10.3.1.

### **17.7.3 Fire Fighting**

General subdivision must comply with Rule 9.3.3.

### **17.7.4 Service Connections**

General subdivision must comply with Rule 9.3.7.

### **17.7.5 Minimum Site Size**

1. The minimum site size for new resultant sites in the Rural Residential 1 Zone is 2ha.
2. Subdivisions that do not comply with this standard are non-complying, except in the following circumstances where the subdivision is discretionary:
  - a. all resultant sites are at least 75% of the minimum site size; and
  - b. a minimum of 50% of the resultant sites are not less than the minimum site size; and
  - c. the average area of the resultant sites is not less than the minimum site size.

### **17.7.6 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 8m by 15m that meets the performance standards of this Plan including but not limited to:
  - a. minimum car parking;
  - b. all setbacks from boundaries, water bodies, scheduled trees, and national grid.
2. Building platforms must have a slope of 12° (1:4.7 or 21%) or less and must not contain:
  - a. esplanade reserves or strips;
  - b. scheduled heritage buildings or structures; or
  - c. right-of-way easements.
3. For unreticulated areas, resultant sites must provide for a waste disposal area to be located at least 50m from any water body.
4. Sites created and used solely for the following purposes are exempt from the shape standard:
  - a. Scheduled ASCV or QEII covenant;
  - b. reserve;
  - c. access;
  - d. network utility; or
  - e. road.

## Rule 17.8 Assessment of Controlled Activities

### Rule 17.8.1 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 17.8.2:
  - 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) 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 17.9; 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 17.11; 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 17.12; and
    - iii. the assessment guidance in this section will also be considered.

### 17.8.2 Assessment of controlled activities

Activity	Matters of control	Guidance on the assessment of resource consents
1. Earthquake strengthening that affects a protected part of a scheduled heritage building or scheduled heritage structure, where external features only are protected.	a. Effects on heritage values	See Rule 13.4
2. In the <b>NCC Overlay Zone</b> : <ul style="list-style-type: none"> <li>New buildings greater than 60m<sup>2</sup> on a landscape building platform</li> </ul>	a. Size, design and appearance of buildings	See Rule 10.3A
3. In the <b>SNL Overlay Zone</b> : <ul style="list-style-type: none"> <li>New buildings greater than 60m<sup>2</sup> on a landscape building platform</li> </ul>	a. Size, design and appearance of buildings	See Rule 10.3A



## **Rule 17.9 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)**

### **Rule 17.9.1 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 17.9.2 - 17.9.6:
  - 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 17.9.2 - 17.9.5 apply to performance standards in the Rural Residential Zone; Rule 17.9.6 contains additional provisions that apply to performance standards in overlay zones and mapped areas.

### **17.9.2 Assessment of all performance standard contraventions**

Performance standard	Guidance on the assessment of resource consents
1. Performance standard contraventions	<p><i>Potential circumstances or mitigation measures that may support a consent application include:</i></p> <ol style="list-style-type: none"> <li>a. The degree of non-compliance with the performance standard is minor.</li> <li>b. The need to meet other performance standards, or <u>site</u> specific factors including topography, make meeting the standard impracticable.</li> <li>c. The nature of activities on surrounding sites, topography of the <u>site</u> and/or surrounding sites, or other <u>site</u> specific factors make the standard irrelevant as the adverse effects that the standard is trying to manage will not occur.</li> <li>d. In any landscape overlay zone, the development incorporates key design elements as set out in Appendix A3.</li> <li>e. Non-compliance with a development performance standard would improve the design of the development in a way that would result in positive effects and better achieve the identified objectives and policies of the Plan.</li> </ol> <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> <li>f. Where more than one standard is contravened, the combined effects of the contraventions should be considered</li> <li>g. In any landscape overlay zone, the assessment will consider the landscape values outlined in Appendix A3.</li> <li>h. In any natural coastal character overlay zone, the assessment will consider the natural character values outlined in Appendix A5.</li> </ol>

### 17.9.3 Assessment of land use performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	Density (family flats)	a. Effects on rural residential character and visual amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 17.2.3</li> <li>ii. The character and visual amenity of the rural residential zones is maintained (Policy 17.2.3.1).</li> </ul> <p><i>Potential circumstances or mitigation measures that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. For contravention of maximum gross floor area, the family flat shares the same residential building as the primary residential unit.</li> <li>iv. The design of the family flat matches the design of the primary residential unit.</li> <li>v. Landscaping or other forms of screening will be used to reduce the visibility of the family flat.</li> <li>vi. The family flat will not be easily viewed from outside the site.</li> <li>vii. The size of the residential unit will not create future pressure or expectation for it to be subdivided or be consented to operate as a second residential activity on site</li> </ul>
2.	Electrical interference	a. Effects on health and safety	See Rule 9.4
3.	Hours of operation	a. Effects on amenity of surrounding properties	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 17.2.2</li> <li>ii. Rural ancillary retail and working from home operate in a way (including hours of operations) that avoids or, if avoidance is not possible, adequately mitigates noise or adverse effects on the amenity of surrounding properties (Policy 17.2.2.4).</li> </ul>
4.	Location	a. Effects on the safety and efficiency of the transport network	See Rule 6.9
5.	Maximum gross floor area	a. Effects on centres/retail distribution	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objectives 2.3.2, 2.4.3, Policies 2.3.2.2 and 2.4.3.4</li> <li>ii. Objective 17.2.1</li> <li>iii. Rural ancillary retail and working from home are at a scale that is ancillary to and supportive of productive rural activities or conservation on the same property (Policy 17.2.1.3.a).</li> </ul>
6.	Minimum car parking	a. Effects on the safety and efficiency of the transport network	See Rule 6.9

### 17.9.3 Assessment of land use performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
7. Separation distances	a. Reverse sensitivity effects	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 17.2.2</li> <li>ii. Residential buildings are set back an adequate distance from existing forestry, factory farming, domestic animal boarding and breeding (including dogs), mining and landfills to minimise the potential for reverse sensitivity effects (Policy 17.2.2.1.b).</li> </ul> <p><i>Potential circumstances or mitigation measures that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. For non-compliance with separation distance from forestry, the new residential activity is located to the north of the forestry activity.</li> </ul>
8. Tree species	a. Effects on biodiversity	See Rule 10.4

### 17.9.4 Assessment of development performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. Boundary setbacks	a. Effects on on-site amenity, effects on amenity of surrounding properties	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 17.2.2</li> <li>ii. Buildings that house animals are set back from <u>site</u> boundaries an adequate distance to ensure adverse effects on adjoining residential activities are avoided or, if avoidance is not possible, are no more than minor (Policy 17.2.2.2).</li> <li>iii. New buildings are located an adequate distance from <u>site</u> boundaries to ensure a good level of amenity for residential activities on adjoining sites (Policy 17.2.2.3).</li> </ul> <p><i>Potential circumstances or mitigation measures that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iv. Screening or landscaping will be used in the development to ensure a good level of amenity for residential activities on adjoining sites.</li> <li>v. Where a building used to house animals contravenes the boundary setback standard, the type and/or number of animals or the frequency of housing them mean that the potential for adverse effects from noise, odour or dust on sensitive activities on adjoining sites will be avoided or minimised.</li> </ul>

#### 17.9.4 Assessment of development performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
	<p>b. Reverse sensitivity effects</p>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 17.2.2</li> <li>ii. Residential buildings are set back an adequate distance from <u>site</u> boundaries to minimise the potential for reverse sensitivity effects from rural activities (Policy 17.2.2.1.a).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. Screening or landscaping will ensure potential for reverse sensitivity effects is minimised.</li> </ul>
	<p>c. Effects on rural residential character and visual amenity</p>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 17.2.3</li> <li>ii. Buildings and structures are set back from <u>site</u> boundaries to maintain the character and visual amenity of the rural residential zones (Policy 17.2.3.1).</li> </ul> <p><i>Potential circumstances or mitigation measures that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. Landscaping or other forms of screening will be used to reduce the visibility of buildings or structures.</li> <li>iv. Colours and materials used in the development will blend in with the character of the surrounding rural residential environment, with natural finishes and low levels of reflectivity.</li> <li>v. The proposed building or structure will not obstruct any important views from public viewpoints, or cause significant obstruction of views from dwellings on surrounding sites.</li> <li>vi. The proposed building platform is low lying in relation to surrounding sites and roads and the proposed building will not be easily viewed from outside the site.</li> <li>vii. There are already existing buildings on the <u>site</u> in breach of the same setback.</li> <li>viii. There would be positive effects from maintaining open space through the clustering of buildings on the site.</li> </ul>
2.	<p>Earthworks standards:</p> <ul style="list-style-type: none"> <li>• Batter gradient</li> </ul>	<p>a. Effects on the stability of land, buildings and structures</p> <p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 17.2.6</li> <li>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 17.2.6.1.b).</li> </ul>

#### 17.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
3.	Earthworks standards: • Setback from property boundary, buildings, structures and cliffs	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 17.2.6 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 17.2.6.1.a).
4.	Earthworks standards: • Setback from national grid • Setback from network utilities	a. Effects on efficient and effective operation of network utilities	See Rule 5.7
		b. Effects on health and safety	
5.	Earthworks standards: • Sediment control	a. Effects on surrounding sites	<i>Relevant objectives and policies:</i> i. Objective 17.2.6 ii. Earthworks and any associated retaining structures are designed and located to minimise adverse effects on surrounding sites and the wider area by avoiding sediment run-off, including on to any property, or into any stormwater pipes, drains, channels or soakage systems (Policy 17.2.6.2.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
6.	Earthworks standards: • NZ Environmental Code of Practice for Plantation Forestry	a. Degree of compliance with New Zealand Code of Practice for Plantation Forestry	<i>Relevant objectives and policies:</i> i. Objective 17.2.6 ii. Earthworks ancillary to forestry are carried out in accordance with industry best practice guidelines (Policy 17.2.6.4).
7.	Fire fighting	a. Effects on health and safety	See Rule 9.4

#### 17.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
8.	Hazardous substances quantity limits and storage requirements	a. Effects on health and safety	See Rule 9.4
		b. Risk from natural hazards.	See Rule 11.4
9.	Forestry and tree planting setbacks	a. Effects on amenity of surrounding properties	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 17.2.2</li> <li>ii. Forestry and tree planting are set back an adequate distance to avoid significant effects from shading on residential buildings on surrounding properties (Policy 17.2.2.6).</li> <li>iii. Forestry is located and designed to avoid or, if avoidance is not possible, adequately mitigate shading, noise, traffic and other nuisance effects on surrounding properties (Policy 17.2.2.7).</li> </ul> <p><i>Potential circumstances or mitigation measures that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iv. The area to be planted is to the south of any adjoining residential zone or residential buildings on an adjoining site..</li> <li>v. Slope or orientation or other topographical aspects of the sites involved mean that there will be no shading of residential buildings on an adjoining site.</li> </ul>
		b. Effects on health and safety	See Rule 9.4
		c. Effects on the safety and efficiency of the transport network	See Rule 6.9
10.	Maximum height	a. Effects on rural residential character and visual amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 17.2.3</li> <li>ii. Buildings and structures are of a height that maintains the character and visual amenity of the rural residential zones (Policy 17.2.3.1).</li> </ul> <p><i>Potential circumstances or mitigation measures that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. As for Rule 17.9.4.1.c.iii-vi</li> <li>iv. The terrain provides an adequate backdrop to the proposed building or structure and mitigates any adverse visual effects from the building or structure.</li> </ul>

#### 17.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
11.	Number, location and design of ancillary signs	a. Effects on rural residential character and visual amenity	<i>Relevant objectives and policies:</i> i. Objective 17.2.3 ii. Ancillary signs are located and designed to maintain the character of the rural residential zones, including by being of an appropriate size and number to convey information about the name, location and nature of the activity on <u>site</u> to passing pedestrians and vehicles and not being oversized or too numerous for that purpose (Pol 17.2.3.4).
		b. Effects on the safety and efficiency of the transport network	See Rule 6.9
12.	Parking, loading and access standards	a. Effects on the safety and efficiency of the transport network	See Rule 6.9
13.	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
14.	Setback from scheduled tree	a. Effects on long term health of tree	See Rule 7.6
15.	Vegetation clearance standards: • Maximum area of indigenous vegetation clearance • Protected species	a. Effects on biodiversity	See Rule 10.4
16.	Vegetation clearance standards: • Protected areas	a. Effects on biodiversity values and natural character of the coast and riparian margins	See Rule 10.4



### 17.9.5 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 the natural character of the coast and riparian margins	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

### 17.9.5 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> <ol style="list-style-type: none"> <li>Objective 2.4.1</li> <li>Subdivision is designed to ensure any future land use or development is able to meet the performance standards in the zone, unless: <ol style="list-style-type: none"> <li>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>the resultant site is required for: <ol style="list-style-type: none"> <li>Scheduled ASCV; QEII covenant; or</li> <li>reserve; or</li> <li>access; or</li> <li>utility; or</li> <li>road (Policy 2.4.1.8).</li> </ol> </li> </ol> </li> </ol> <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> <li>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: <ol style="list-style-type: none"> <li>minimum car parking;</li> <li>boundary setbacks;</li> <li>setbacks from water bodies;</li> <li>setback from scheduled tree;</li> <li>setback from national grid; and</li> <li>earthworks standards (building platform slope).</li> </ol> </li> </ol> <p><i>Conditions that may be imposed include:</i></p> <ol style="list-style-type: none"> <li>A building platform registered against the certificate of title by way of a consent notice.</li> <li>Restrictions or conditions, including by way of consent notice, on land use or development activities allowed on the site.</li> <li>A building platform may be required to be registered against the title by way of consent notice.</li> </ol>	

### 17.9.6 Assessment of performance standard contraventions in an overlay zone, mapped area or affecting a scheduled item

Activity	Matters of discretion	Guidance on the assessment of resource consents
<ol style="list-style-type: none"> <li>In a <b>hazard overlay zone</b> or <b>swale mapped area</b>: <ul style="list-style-type: none"> <li>Hazard overlay zones development standards</li> </ul> </li> </ol>	<ol style="list-style-type: none"> <li>Risk from natural hazards</li> </ol>	See Rule 11.4

### 17.9.6 Assessment of performance standard contraventions in an overlay zone, mapped area or affecting a scheduled item

Activity	Matters of discretion	Guidance on the assessment of resource consents
2. In the <b>SNL Overlay Zone</b> : <ul style="list-style-type: none"> <li>Maximum height</li> <li>Reflectivity</li> </ul>	a. Effects on landscape values	See Rule 10.4
3. In the <b>SNL or ONF overlay zones</b> : <ul style="list-style-type: none"> <li>Number, location and design of ancillary signs</li> </ul>	a. Effects on landscape values	See Rule 10.4
4. In the <b>NCC or HNCC overlay zones</b> : <ul style="list-style-type: none"> <li>Number, location and design of ancillary signs</li> </ul>	a. Effects on natural character of the coast	See Rule 10.4
5. In the <b>NCC Overlay Zone</b> : <ul style="list-style-type: none"> <li>Maximum height</li> <li>Reflectivity</li> </ul>	a. Effects on natural character of the coast	See Rule 10.4
6. In an <b>urban conservation mapped area</b> : <ul style="list-style-type: none"> <li>Vegetation clearance standards (Maximum area of vegetation clearance)</li> </ul>	a. Effects on biodiversity	See Rule 10.4
7. In the <b>Taieri Aerodrome Flight Fan mapped area</b> : <ul style="list-style-type: none"> <li>Maximum height (Rule 17.6.6.4)</li> </ul>	a. Effects on operation of Taieri Aerodrome	See Rule 9.4
8. In a <b>high class soils mapped area</b> : <ul style="list-style-type: none"> <li>Earthworks standards (removal of high class soils)</li> </ul>	a. Maintenance of high class soils resource	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 17.2.4</li> <li>ii. Earthworks in a <b>high class soils mapped area</b> retain soils on the site (Policy 17.2.4.1).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. The development will involve a productive rural activity.</li> <li>iv. The site design will minimise the effect of the activity on the high class soils contained on the site.</li> <li>v. The soils are being removed to enhance the productivity of another site.</li> </ul>
9. Affecting a <b>scheduled heritage item</b> : <ul style="list-style-type: none"> <li>Materials and design</li> </ul>	a. Effects on heritage values (work on scheduled heritage buildings/structures)	See Rule 13.5

## **Rule 17.10 Assessment of Restricted Discretionary Activities**

### **Rule 17.10.1 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 17.10.2 - 17.10.5:
  - 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 17.10.2 - 17.10.4 apply to activities in the Rural Residential Zone; Rule 17.10.5 contains additional provisions that apply to activities in overlay zones, mapped areas, and on scheduled items.
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) 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 17.9; 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 17.11; 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 17.12; and
    - iii. the assessment guidance in this section will also be considered.
6. With respect to section 104(2) of the RMA, Council will not consider family flats or papakāika as part of the permitted baseline in considering residential density effects in the rural residential zones.

### 17.10.2 Assessment of restricted discretionary land use activities

Land use activities	Matters of discretion	Guidance on the assessment of resource consents
1. Forestry	a. Effects on amenity of surrounding properties	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 17.2.2</li> <li>ii. Forestry is located and designed to avoid or, if avoidance is not possible, adequately mitigate shading, noise, traffic and other nuisance effects on surrounding properties (Policy 17.2.2.7).</li> </ul>
	b. Effects on rural residential character and visual amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 17.2.3</li> <li>ii. Forestry is located, designed and managed to avoid or, if avoidance is not possible, adequately mitigate adverse effects on the character and visual amenity of the rural residential zones (Policy 17.2.3.2).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. The forestry is located on land that is not visually prominent.</li> <li>iv. The forestry is of a size and on-site location that will lessen visual effects.</li> <li>v. Screen planting with other species will be used to reduce visual effects.</li> </ul>
	c. Effects on the safety and efficiency of the transport network	See Rule 6.10
2. Veterinary services - large animal practice	a. Effects on amenity of surrounding properties	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 17.2.2</li> <li>ii. Any adverse effects on the amenity of surrounding rural residential properties are avoided or, if avoidance is not possible, are adequately mitigated (Policy 17.2.2.5).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. The activity is set back a sufficient distance from its own boundaries to mitigate adverse effects on surrounding residential activities.</li> </ul>
	b. Effects on the safety and efficiency of the transport network	See Rule 6.10

### 17.10.2 Assessment of restricted discretionary land use activities

Land use activities	Matters of discretion	Guidance on the assessment of resource consents
3. Development associated with restricted discretionary land use activities	a. Effects on rural residential character and visual amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 17.2.3</li> <li>ii. Any adverse effects from development on rural residential character and visual amenity will be avoided or, if avoidance is not possible, adequately mitigated (Policy 17.2.3.3).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. Landscaping or other forms of screening will be used to reduce the visibility of development from surrounding properties and public viewpoints.</li> <li>iv. Signage and entranceways are in character with the surrounding environment.</li> </ul>

### 17.10.3 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. Earthworks - large scale (that exceed the scale thresholds for the rural residential zones)	<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 17.2.5</li> <li>ii. Adverse effects on visual amenity and character will be avoided or, if avoidance is not possible, adequately mitigated (Policy 17.2.5.3.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 17.2.5.3.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 effect existing vegetation or landscaping.</li> </ul> <p><i>Conditions that may be imposed include, but are not limited to include:</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>



### 17.10.3 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
	c. Effects on the stability of land, buildings, and structures	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 17.2.5</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 17.2.6.5.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 17.13.1).</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>
2. Earthworks - large scale (that exceed scale thresholds within 5m of a water body or MHWS)	a. Effects on biodiversity and natural character of riparian margins and the coast b. Effects on public access	See Rule 10.5
3. New parking areas, or extensions to existing parking areas ( <i>that result in the creation of 50 or more new parking spaces.</i> )	a. Effects on the safety and efficiency of the transport network b. Effects on accessibility	See Rule 6.10

#### 17.10.4 Assessment of restricted discretionary subdivision activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. General subdivision	a. Effects on on-site amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 17.2.2</li> <li>ii. Subdivisions deliver sites that achieve a high quality of on-site amenity through being large enough and of a shape that is capable of supporting rural residential development (Policy 17.2.2.8).</li> </ul>
	b. Effects on rural residential character and visual amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 17.2.3</li> <li>ii. Subdivisions are designed to ensure any associated future land use and development will maintain or enhance the character and visual amenity of the rural residential zones (Policy 17.2.3.5).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. Sites are designed to respond to the topography and characteristics of the land and surrounding environment;</li> <li>iv. Building platforms are located to respond to land form and avoid significant visual effects;</li> <li>v. Driveways, network utilities and services are designed and located to minimise the need for significant earthworks.</li> </ul>
	c. Effects on long term maintenance of rural land for productive rural activities	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 17.2.4</li> <li>ii. Subdivisions are designed to ensure sites are of shape and size that enable lifestyle blocks or hobby farms, including the keeping of livestock, and avoid sites that will be used as large lot residential living (Policy 17.2.4.3).</li> </ul>
	d. Effects on biodiversity values and natural character of riparian margins and the coast	See Rule 10.5
	e. Effects on areas of indigenous vegetation and the habitats of indigenous fauna	
	f. Effects on public access	
	g. Effects on health and safety	See Rule 9.5
	h. Effects on affordability/efficiency of infrastructure	

#### 17.10.4 Assessment of restricted discretionary subdivision activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
	i. Effects on the safety and efficiency of the transport network	See Rule 6.10
	j. Risk from natural hazards	See Rule 11.5

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

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. In the <b>ONF Overlay Zone</b> : <ul style="list-style-type: none"> <li>All other buildings and structures activities</li> <li>Tree planting</li> <li>Earthworks - large scale (that exceed scale thresholds for an ONF)</li> <li>General subdivision</li> </ul>	a. Effects on landscape values	See Rule 10.5
2. In the <b>SNL Overlay Zone</b> : <ul style="list-style-type: none"> <li>Forestry</li> <li>New buildings or structures greater than 60m<sup>2</sup> or additions and alterations that result in a building or structure that is greater than 60m<sup>2</sup></li> <li>All other buildings and structures activities</li> <li>Earthworks - large scale (that exceed the scale thresholds for an SNL)</li> <li>General subdivision</li> </ul>	a. Effects on landscape values	See Rule 10.5
3. In the <b>HNCC Overlay Zone</b> : <ul style="list-style-type: none"> <li>All other buildings and structures activities</li> <li>Indigenous vegetation clearance</li> <li>Tree planting</li> <li>Earthworks - large scale (that exceed scale thresholds for an HNCC)</li> <li>General subdivision</li> </ul>	a. Effects on natural character of the coast	See Rule 10.5

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

Activity		Matters of discretion	Guidance on the assessment of resource consents
4.	<p>In the <b>NCC Overlay Zone</b>:</p> <ul style="list-style-type: none"> <li>• Forestry</li> <li>• New buildings, structures or additions and alterations 60m<sup>2</sup> and over</li> <li>• All other buildings and structures activities</li> <li>• Indigenous vegetation clearance</li> <li>• Earthworks - large scale (that exceed scale thresholds for an NCC)</li> <li>• General subdivision</li> </ul>	a. Effects on natural character of the coast	See Rule 10.5
5.	<p>In a <b>wāhi tūpuna mapped area</b> where activity is identified as a threat:</p> <ul style="list-style-type: none"> <li>• New buildings and structures</li> <li>• Earthworks - large scale</li> <li>• General subdivision</li> <li>• Forestry</li> <li>• Indigenous vegetation clearance</li> <li>• Tree planting</li> </ul>	a. Effects on cultural values of manawhenua	See Rule 14.4
6.	<p>Activities that affect a <b>scheduled heritage building, scheduled heritage structure or scheduled heritage site</b>:</p> <ul style="list-style-type: none"> <li>• All other additions and alterations that affect a protected part of a scheduled heritage building or scheduled heritage structure</li> <li>• Removal for relocation</li> <li>• General subdivision</li> </ul>	a. Effect on heritage values	See Rule 13.6
7.	<p>In a <b>hazard overlay zone</b>:</p> <ul style="list-style-type: none"> <li>• General subdivision in a hazard 3 (coastal) overlay zone</li> <li>• Earthworks - large scale (that exceed the scale threshold for a hazard overlay zone or <b>swale mapped area</b>)</li> </ul>	a. Risk from natural hazards	See Rule 11.5
8.	<p>In the <b>Hazard 1 (land instability) Overlay Zone</b> (see Rule 17.3.6):</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</li> </ul>	a. Risk from natural hazards	See Rule 11.5

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

Activity		Matters of discretion	Guidance on the assessment of resource consents
9.	In a <b>hazard 1 or 2 overlay zone</b> , other than the hazard 1 (land instability) Overlay Zone (see Rule 17.3.6): <ul style="list-style-type: none"> <li>New buildings, and additions and alterations 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
10.	In a <b>geologically sensitive mapped area (GSA)</b> : <ul style="list-style-type: none"> <li>Earthworks - large scale (that exceed underlying zone scale thresholds)</li> </ul>	a. Risk from natural hazards	See Rule 11.5
11.	In a <b>GPA</b> : <ul style="list-style-type: none"> <li>Earthworks - large scale (that exceed scale thresholds for a <b>GPA</b>)</li> </ul>	a. Effects on health and safety	See Rule 9.5
12.	In an <b>UCMA</b> : <ul style="list-style-type: none"> <li>Earthworks - large scale (that exceed scale thresholds for a UCMA)</li> </ul>	a. Effects on biodiversity	See Rule 10.5

## Rule 17.11 Assessment of Discretionary Activities

### Rule 17.11.1 Introduction

1. Discretionary activities will be assessed in accordance with section 104 and 104B of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rules 17.11.2 - 17.11.3 provide guidance on how a consent application for the listed discretionary activities will be assessed, including:
  - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
  - b. potential circumstances that may support a consent applications;
  - c. general assessment guidance, including any effects that will be considered as a priority; and
  - d. conditions that may be imposed.
3. With respect to section 104(2) of the RMA, Council will not consider family flats or papakāika as part of the permitted baseline in considering residential density effects in the rural residential zones.
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.

### 17.11.2 Assessment of discretionary activities

Activity	Guidance on the assessment of resource consents
1. All discretionary activities	In assessing activities that are discretionary due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered.
2. <ul style="list-style-type: none"> <li>• Rural tourism</li> <li>• Rural research</li> <li>• Community and leisure - large scale</li> <li>• Early childhood education</li> <li>• Sport and recreation</li> <li>• Visitor accommodation</li> </ul>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> <li>a. Objectives 17.2.2, 17.2.3, 17.2.4</li> <li>b. Any adverse effects on the amenity of surrounding rural residential properties are avoided or, if avoidance is not possible, are adequately mitigated (Policy 17.2.2.5).</li> <li>c. Any adverse effects on rural residential character and visual amenity are avoided or, if avoidance is not possible, are adequately mitigated (Policy 17.2.3.3).</li> <li>d. Where in a <b>high class soils mapped area</b>, adverse effects on high class soils are avoided or, if avoidance is not possible, adverse effects are no more than minor (Policy 17.2.4.2).</li> <li>e. See Section 6.11 for guidance on the assessment of resource consents in relation to Objective 6.2.2 and 6.2.3 and effects related to accessibility and the safety and efficiency of the transportation network.</li> </ol> <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> <li>f. In assessing effects on amenity, Council will consider the effects of vehicle movements on the <u>site</u> as well as any significant changes to the number or nature of vehicle movements on the adjoining road.</li> <li>g. For all land use activities that require consent, all associated</li> </ol>

### 17.11.2 Assessment of discretionary activities

Activity	Guidance on the assessment of resource consents
	<p>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</p> <p><i>Potential circumstances or mitigation measures that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>h. The activity is set back a sufficient distance from its own boundaries and existing sensitive activities on surrounding sites</li> <li>i. Development activities meet relevant performance standards.</li> <li>j. Development is not situated on visually prominent land.</li> <li>k. The form, scale and materials used in buildings and structures are compatible with the character and visual amenity of the rural residential zones.</li> <li>l. Colours and materials used in development are chosen to blend in with the rural residential setting and minimise reflectivity.</li> <li>m. Landscaping or other forms of screening are used to reduce the visibility of development from surrounding properties and public viewpoints.</li> </ul> <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> <li>n. Restriction on hours of operation</li> <li>o. Controls on on-site lighting</li> <li>p. A requirement for screening of storage areas</li> <li>q. A requirement to control dust</li> <li>r. Provision of car parking areas</li> </ul>
<p>3. In the <b>hazard 1 overlay zones</b> (see Rule 17.3.6):</p> <ul style="list-style-type: none"> <li>• Potentially sensitive activities permitted in rural residential zones</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.</p>
<p>4. In the <b>hazard 2 overlay zones</b> (see Rule 17.3.6):</p> <ul style="list-style-type: none"> <li>• Potentially sensitive activities not permitted in rural residential zones</li> <li>• Sensitive activities</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.</p>



### 17.11.3 Assessment of discretionary performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. <ul style="list-style-type: none"> <li>• Acoustic insulation</li> <li>• Noise - where the limit is exceeded by up to 5dB LAeq (15min)</li> <li>• Light spill - where the limit is exceeded by 25% or less</li> </ul>	See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.
2. Minimum <u>site</u> size (Rule 17.7.5.2)	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.1 and effects related to the efficiency and affordability of infrastructure.</p> <p><i>Potential circumstances or mitigation measures that may support a consent application:</i></p> <p>b. The parent <u>site</u> contains significant topographical features such as water bodies or human-made features such as roads or rail corridors which make meeting the minimum <u>site</u> size impractical.</p>

## Rule 17.12 Assessment of Non-complying Activities

### Rule 17.12.1 Introduction

1. Non-complying activities will be assessed in accordance with section 104, 104B and 104D of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rules 17.12.2 - 17.12.6 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. With respect to section 104(2) of the RMA, Council will not consider family flats or papakāika as part of the permitted baseline in considering residential density effects in the rural residential zones.
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.

### 17.12.2 Assessment of all non-complying activities

Activity	Guidance on the assessment of resource consents
1. All non-complying activities	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> <li>a. Objectives 17.2.1, 17.2.2, 17.2.3, 17.2.4</li> <li>b. The activity is consistent with the strategic directions. including but not limited to:               <ol style="list-style-type: none"> <li>i. Objective 2.2.4</li> <li>ii. Objective 2.7.1</li> </ol> </li> </ol> <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> <li>c. 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> </ol>

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

Activity	Guidance on the assessment of resource consents
1. Commercial advertising	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> <li>a. Objective 2.4.1</li> <li>b. Policy 2.4.1.6.c</li> </ol>
2. <ul style="list-style-type: none"> <li>• Cemeteries</li> <li>• Crematoriums</li> <li>• Landfills</li> </ul>	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.

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

Activity	Guidance on the assessment of resource consents
3. In the <b>ONF or HNCC overlay zones</b> : <ul style="list-style-type: none"> <li>Domestic animal boarding and breeding <i>not including dogs</i></li> <li>Forestry</li> <li>Standard residential</li> <li>Veterinary services - <i>large animal practice</i></li> <li>Visitor accommodation</li> </ul>	See Section 10.7 for guidance on the assessment of resource consents in relation to Objectives 10.2.3 and 10.2.5 and effects related to natural character of the coast and landscape values.
4. In the <b>hazard 1 overlay zones</b> (see Rule 17.3.6): <ul style="list-style-type: none"> <li>Potentially sensitive activities not permitted in rural residential zones</li> <li>Sensitive activities</li> </ul>	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.
5. In a <b>wāhi tūpuna mapped area</b> : <ul style="list-style-type: none"> <li>Forestry</li> <li>Mining</li> </ul>	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.

### 17.12.4 Assessment of non-complying development activities

Activity	Guidance on the assessment of resource consents
1. Demolition of a protected part of a scheduled heritage building or scheduled heritage structure	See Section 13.8 for guidance on the assessment of resource consents in relation to Objective 13.2.1 and effects on heritage values.
2. In the <b>ONF or HNCC overlay zones</b> : <ul style="list-style-type: none"> <li>New buildings or structures</li> <li>Additions and alterations</li> </ul>	See Section 10.7 for guidance on the assessment of resource consents in relation to Objectives 10.2.3 and 10.2.5 and effects related to natural character of the coast and landscape values.
3. In a <b>wāhi tūpuna mapped area</b> : <ul style="list-style-type: none"> <li>New buildings or structures</li> <li>Earthworks ancillary to forestry</li> </ul>	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.

### 17.12.5 Assessment of non-complying subdivision activities

Activity	Guidance on the assessment of resource consents
1. All other general subdivision in the Rural Residential 2 Zone	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> <li>a. Objective 17.2.2</li> <li>b. Further general subdivision of sites in the Rural Residential 2 Zone is avoided to maintain these sites for larger lifestyle blocks or hobby farms (small holdings) (Policy 17.2.4.4).</li> </ul>

### 17.12.5 Assessment of non-complying subdivision activities

Activity	Guidance on the assessment of resource consents
2. Cross lease, company lease and unit title subdivision	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> <li>Objective 17.2.1</li> <li>Cross lease, company lease and unit title subdivision is avoided in the rural residential zones unless it does not result in an increase in development potential beyond that which might be achieved through a general subdivision (Policy 17.2.1.6).</li> </ol>

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

Performance standard	Guidance on the assessment of resource consents
1. Density	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> <li>Objective 2.6.1, Policy 2.6.1.4</li> <li>Objective 17.2.1</li> <li>Residential activity in the rural residential zone is at a density that enables lifestyle and hobby farms (Policy 17.2.1.1).</li> <li>See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.1 and effects related to the efficiency and affordability of infrastructure.</li> </ol>
2. Setback from national grid	See Section 5.10 for guidance on the assessment of resource consents in relation to Objective 5.2.1 and effects related to the efficient and effective operation of network utilities, and public health and safety
3. <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>	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.
4. Hazard exclusion areas (hazard overlays)	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.
5. Minimum <u>site</u> size	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> <li>Objectives 2.2.4 and 2.6.1</li> <li>Policies 2.2.4.4 and 2.6.1.4</li> <li>Objective 17.2.2, 17.2.3, 17.2.4</li> <li>Policies 17.2.2.8, 17.2.3.5, 17.2.4.2, 17.2.4.3</li> <li>See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.1 and effects related to the efficiency and affordability of infrastructure.</li> </ol>

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

Performance standard	Guidance on the assessment of resource consents
6. Archaeological sites (earthworks)	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.

## Rule 17.13 Special Information Requirements

### 17.13.1 Geotechnical investigation report

1. A geotechnical investigation report may be requested by Council for earthworks of a large scale and/or where the earthworks are proposed:
  - 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);
  - b. on a site identified as hazard-prone in Council's Hazard Information Management System; or
  - c. on any other site that the Council, with good cause, suspects to be hazard-prone.
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).
3. All requested geotechnical investigation reports must be prepared by a suitable 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.
4. The geotechnical investigation report must address the following factors:
  - a. special design or construction requirements;
  - b. special foundation requirements;
  - c. services;
  - d. access;
  - e. effluent disposal;
  - f. non-engineered fills; and
  - g. a statement of professional opinion as to the suitability of the land for the proposed development.

## 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 mixed use 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) proposes to establish a commercial and mixed use zone, which is the umbrella term used to refer to all 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 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 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 Zone (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) 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 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** or **secondary pedestrian street frontage** overlay 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 streetscape character and streetscape character, respectively, of these areas.

#### **18.1.1.2 Centres**

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 centres provide hubs for social and economic activity for suburban and rural communities. Principal centres are often former pre-amalgamation town centres and are located at Green Island, Mosgiel, Port Chalmers and South Dunedin. Suburban centres are located at Caversham, Gardens, Mornington and Roslyn, and rural centres are located at Outram, Middlemarch, Waikouaiti and Waitati.

There are also neighbourhood centres, which provide for the day to day needs of individual neighbourhoods, with neighbourhood destinations centres also servicing visitor needs, and neighbourhood convenience centres also servicing the needs of passing motorists. Neighbourhood centres are located at 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. Neighbourhood convenience centres are located at Kaikorai North, Kaikorai South, North Dunedin and South Mosgiel and neighbourhood destinations centres are located at St Clair and Portobello.

**Primary pedestrian street frontage** and **secondary pedestrian street frontage** overlays are applied within these centres and the Port Chalmers centre 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, trade



related and yard based 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** applied to it.

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

The Princes, Parry and Harrow Street Zone encompasses the lower 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 York Place Zone (SSYP)**

The Smith Street 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, 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. 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 will require 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 Zone (CEC)**

The CBD Edge Commercial Zone is an area around Maclaggan, 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.

## 18.2 Objectives and Policies

Objective 18.2.1	
<p>Dunedin has a well-structured and economically and socially successful range of commercial and mixed use environments based on:</p> <ul style="list-style-type: none"> <li>a. the CBD, which is the focus for employment, retail, entertainment, leisure, visitor accommodation, and arts and culture activities;</li> <li>b. vibrant and viable principal, suburban and rural centres, which provide hubs for social and economic activity for rural, suburban and principal communities;</li> <li>c. neighbourhood centres, which provide for the day to day needs of local areas, with destinations centres also servicing visitor needs, and convenience centres also servicing the needs of passing motorists;</li> <li>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;</li> <li>e. an area around Andersons Bay Road (TR Zone), which provides for trade related retail and specific categories of high traffic generators, which are likely to be incompatible with the amenity expectations of the CBD;</li> <li>f. 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</li> <li>g. an area around Birch and Kitchener Streets and the coast (HE Zone) which provides for the continuation of the existing environment characterized 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 and residential activities.</li> </ul>	
Policy 18.2.1.1	Provide for a wide range of commercial, residential and community activities in the CBD and all centre zones in order to encourage vibrant and viable centres.
Policy 18.2.1.2	Limit general retail and office activities to the CBD Zone and principal, suburban, neighbourhood and rural centres, 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.
Policy 18.2.1.3	<p>Avoid retail and office activities outside of the commercial areas where they are provided for unless:</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 can be 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; or</li> <li>e. in the CEC Zone it is associated with campus or hospital activities.</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	Provide for bulky goods 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.

### Objective 18.2.1

Policy 18.2.1.6	Provide for trade related 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.
Policy 18.2.1.7	Limit the scale of retail ancillary to industry to a size that: <ul style="list-style-type: none"> <li>a. is clearly subordinate to and part of the operation of the primary industrial 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 activities, for example from traffic, parking, or reverse sensitivity effects.</li> </ul>
Policy 18.2.1.8	Limit the scale of activities in neighborhood and rural centres to ensure activities: <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 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	Provide for licensed premises where these are ancillary to activities that are provided for in the zone, including: <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> <li>c. except for in neighbourhood centres (see Policy 18.2.1.10).</li> </ul>
Policy 18.2.1.10	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.
Policy 18.2.1.11	Provide for hospital activity in the Cumberland Street part of the CEC Zone, to allow for the extension of Dunedin Hospital into this zone.
Policy 18.2.1.12	Limit the gross floor area of dairies in the WP, SSYP, HE, and PPH zones 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 primary pedestrian street frontage (see Policy 18.2.3.11); 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	Provide for training and education in the CBD, all centres and WP, PPH, SSYP and HE zones to enable tertiary (including campus institutions) and specialist education providers.

### Objective 18.2.1

Policy 18.2.1.17	Avoid conference, meeting and function or entertainment and exhibition outside the CBD, WP, HE and main centres (principal, suburban or rural centre) 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 outside the CBD, WP, HE or a main centre.</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>

### Objective 18.2.2

The potential for conflict between activities within the commercial and mixed use 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 is minimised 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 is minimised.

Policy 18.2.2.1	Require fencing along property boundaries that adjoin residential or school zoned properties, 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 conference, meeting and function, restaurants and entertainment and exhibition ancillary to visitor accommodation in the PPH and SSYP zones where: <ul 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 can be avoided or, if avoidance is not possible, adequately mitigated; and</li> <li>c. the potential for reverse sensitivity on any activities that are provided for, such as industrial activities, can be avoided or, if avoidance is not possible, adequately mitigated.</li> </ul>
Policy 18.2.2.3	Require development to maintain the amenity of adjoining residential, school and recreation zoned sites by: <ul style="list-style-type: none"> <li>a. requiring buildings to be of a height in relation to boundaries and setback from side boundaries that maintains a reasonable level of sunlight access to adjoining residential and recreation zoned sites; and</li> <li>b. require fencing along property boundaries which adjoin residential or school zoned properties to provide screening for the purposes of privacy and security.</li> </ul>
Policy 18.2.2.4	Only allow restaurants - drive through and service stations in zones that provide for residential activity or on sites adjoining a residential zone, where any adverse effects on the amenity of residential activities can be avoided or, if avoidance is not possible, adequately mitigated.
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 in the CEC and TR zones, and visitor accommodation in the TR Zone, because of the overall low amenity of these zones and the potential reverse sensitivity effects on the operation of activities that are provided for in these zones.
Policy 18.2.2.7	Only allow community and leisure - large scale and visitor accommodation in neighborhood centres (other than neighborhood destination centres) where the adverse effects on the amenity of surrounding residential activities can be avoided or, if avoidance is not possible, adequately mitigated.
Policy 18.2.2.8	Only allow early childhood education 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 where the adverse effects on the amenity of adjacent residential activities and the surrounding neighbourhood can be avoided or, if avoidance is not possible, adequately mitigated.

### 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 frontages.

Policy 18.2.3.1	<p>Require development to maintain or enhance streetscape amenity in all commercial and mixed use zones, by ensuring:</p> <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;</li> <li>d. building height reflects the general heights of the block; and</li> <li>e. an architecturally interesting façade through building modulation and use of glazing.</li> </ul>
Policy 18.2.3.2	<p>Require buildings along a primary pedestrian street frontage to be located, designed and operated to provide a high level of pedestrian amenity by:</p> <ul style="list-style-type: none"> <li>a. providing a continual frontage of buildings along the street, apart from pedestrian alleyways;</li> <li>b. providing a clear and direct visual connection between the street and the building interior;</li> <li>c. providing a direct physical connection to the building interior through clearly identified pedestrian entrances on the highest order pedestrian street frontage;</li> <li>d. providing shelter for pedestrians on footpaths, in the form of a verandah;</li> <li>e. being of a height that maintains existing sunlight access to footpaths and public open spaces;</li> <li>f. providing an architecturally interesting façade and human scale design, through building modulation and consistent alignment of windows;</li> <li>g. 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>h. providing customer-facing activities on the ground floor.</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 frontages.

Policy 18.2.3.3	Require buildings in a secondary pedestrian street frontage to provide a good level of pedestrian amenity by: <ul style="list-style-type: none"> <li>a. providing a regular frontage of buildings along the street, with limited interruptions for vehicle accesses;</li> <li>b. providing a clear and direct visual connection between the street and the building interior;</li> <li>c. providing an architecturally interesting façade and human scale design, through building modulation and consistent alignment of windows; and</li> <li>d. providing shelter for pedestrians at pedestrian entrances.</li> </ul>
Policy 18.2.3.4	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: <ul style="list-style-type: none"> <li>a. 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;</li> <li>b. 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>c. 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</li> <li>d. having active edges with strong visual and physical connections from the street to the inside of buildings.</li> </ul>
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</li> <li>c. ensuring building and site development incorporates the principles of CPTED.</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 primary pedestrian street frontage 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 <u>site</u> 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>



### 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 frontages.

Policy 18.2.3.10	Require industrial activities to avoid or, if avoidance is not possible, 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 primary pedestrian street frontage or secondary pedestrian street frontage.
Policy 18.2.3.11	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.

### Objective 18.2.4

Earthworks necessary for permitted or approved land use and development are enabled, while avoiding, or adequately mitigating, any adverse effects on:

- a. visual amenity and character;
- b. the stability of land, buildings, and structures; and
- c. surrounding properties.

Policy 18.2.4.1	Require earthworks, and associated retaining structures, to be designed and located to avoid adverse effects on the stability of land, buildings, and structures by: <ol style="list-style-type: none"> <li>a. being set back an adequate distance from property boundaries, buildings, structures and cliffs; and</li> <li>b. using a batter gradient that will be stable over time.</li> </ol>
Policy 18.2.4.2	Require earthworks and any associated retaining structures to be designed and located to minimise adverse effects on surrounding sites and the wider area, including by: <ol style="list-style-type: none"> <li>a. limiting the scale of earthworks that are provided for as a permitted activity; and</li> <li>b. requiring earthworks to avoid sediment run-off, including onto any property, or into any stormwater pipes, drains, channels or soakage systems.</li> </ol>
Policy 18.2.4.3	Only allow earthworks that exceed the scale thresholds (earthworks - large scale) and any associated retaining structures, where all of the following effects will be avoided or, if avoidance is not possible, adequately mitigated: <ol style="list-style-type: none"> <li>a. adverse effects on visual amenity and character;</li> <li>b. adverse effects on the amenity of surrounding properties, including from changes to drainage patterns; and</li> <li>c. adverse effects on the stability of land, buildings, and structures.</li> </ol>



## Rules

### 18.3 Activity Status

#### 18.3.1: Rule location

Activity status tables 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)
3. Network utilities and energy generation (Section 5)
4. Transportation activities (Section 6)
5. Scheduled Trees (Section 7)
6. Natural hazard mitigation activities (Section 8)

#### 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 1.6 outline the hierarchy of categories, activities and sub-activities.
3. Permitted land use activities do not automatically provide for any related development activities. Therefore, the activity status of any associated development activities should also be checked.
4. Where a new land use activity requires a resource consent, all associated development activities will be considered and assessed as part of the resource consent even if the development otherwise meets the development performance standards listed in the Plan.
5. The nested table in Section 1.6 is 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 table, 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 sensitive activities, potentially sensitive activities or 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 hazard 2 overlay zones, the activity statuses in Rule 18.3.8 apply to the following activities:
  - a. new sensitive activities, and
  - b. some new buildings.
8. Where the activity status in Rule 18.3.8 differs from that in Rule 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 rule.
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.

## Legend

Acronym	Activity status
—	No additional provisions apply or not relevant
P	Permitted activity
C	Controlled activity
RD	Restricted discretionary activity
D	Discretionary activity
NC	Non-complying activity
Acronym	Zone/overlay zone name
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 & Harrow Street Zone
SSYP	Smith Street and York Place Zone
HE	Harbourside Edge Zone
Other commercial zones	
TR	Trade Related Zone
CEC	CBD Edge Commercial Zone
Pedestrian street frontages mapped areas	
PPF	Primary Pedestrian Street Frontage

Acronym	Activity status
SPF	Secondary Pedestrian Street Frontage
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 floor area (NEC, NECC, NEDC and RC only) g. Setback from national grid (sensitive activities only)			
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
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	D	D	i. Service station standards.
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
Major facility activities		a. CBD	b. PC/SC/ RC/NEDC	c. NECC/ NEC	Performance standards
21.	Emergency services	RD	RD	RD	
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	

### 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 national grid (sensitive activities only)
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. Minimum vehicle loading (WP)
4.	Conference, meeting and function	P	NC	NC	P	i. Minimum car parking (HE)
5.	Commercial advertising	NC	NC	NC	NC	
6.	Dairies	P	P	P	P	i. Maximum gross floor area
7.	Entertainment and exhibition	P	NC	NC	P	i. Minimum car parking (HE)
8.	Food and beverage retail	D	D	NC	NC	
9.	General retail ( <i>in a scheduled heritage building</i> )	P	NC	NC	NC	i. Minimum car parking (WP) ii. Minimum vehicle loading (WP)
10.	General retail ( <i>not in a scheduled building and less than 1500m<sup>2</sup> in gross floor area</i> )	NC	NC	NC	NC	
11.	General retail ( <i>not in a scheduled building and 1500m<sup>2</sup> or more in gross floor area</i> )	P	NC	NC	NC	i. Minimum car parking ii. Minimum vehicle loading (WP only)
12.	Training and education	P	P	P	P	
13.	Office ( <i>in a scheduled heritage building</i> )	P	NC	P	NC	
14.	Office ( <i>not in a scheduled heritage building</i> )	NC	NC	NC	NC	
15.	Restaurants	P	D	D	P	i. Minimum car parking (HE)
16.	Restaurant - drive through	NC	D	NC	NC	
17.	Retail ancillary to industry	P	P	NC	P	i. Maximum gross floor area
18.	Service stations	NC	D	NC	NC	i. Service station standards

19.	Stand-alone car parking	P	P	P	P	
20.	Trade related retail	P	P	NC	NC	i. Minimum car parking (PPH) ii. Minimum vehicle loading (WP & PPH)
21.	Visitor accommodation	P	P	P	P	i. Minimum car parking ii. Acoustic insulation (new visitor accommodation activities in the WP and PPH zones only) iii. Minimum vehicle loading (WP & HE)
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) ii. Minimum vehicle loading (PPH)
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)
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
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) ii. Minimum vehicle loading (PPH & HE)
Major facility activities		a. WP	b. PPH	c. SSYP	d. HE	Performance standards
31.	Emergency services	RD	RD	RD	RD	
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	

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

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 national grid (sensitive activities only)		
Commercial activities		Activity status		Performance standards
		a. CEC	b. TR	
2.	Ancillary licensed premises	Same as activity status as underlying activity		
3.	Bulky goods retail	P	NC	i. Minimum car parking (CEC) ii. Minimum vehicle loading (CEC)
4.	Conference, meeting and function	NC	NC	
5.	Commercial advertising	NC	NC	
6.	Dairies	P	P	
7.	Entertainment and exhibition	NC	NC	
8.	Food and beverage retail (less than 1500m² in gross floor area)	NC	NC	
9.	Food and beverage retail (1500m² or more in gross floor area)	P	P	i. Minimum car parking ii. Minimum vehicle loading
10.	Office	NC	NC	
11.	General retail (less than 1500m² in gross floor area)	NC	NC	
12.	General retail (1500m² or more in gross floor area)	P	NC	i. Minimum car parking (CEC) ii. Minimum vehicle loading (CEC)
13.	Restaurants	D	D	
14.	Restaurant - drive through	RD	RD	
15.	Retail ancillary to industry	P	P	i. Maximum gross floor area
16.	Service stations	RD	RD	i. Service station standards
17.	Stand-alone car parking	P	P	
18.	Trade related retail	P	P	i. Minimum car parking (TR) ii. Minimum vehicle loading



19.	Visitor accommodation	P	NC	i. Minimum car parking (CEC) ii. Minimum vehicle loading (CEC)
20.	Yard based retail	P	P	i. Minimum car parking
Community activities		a. CEC	b. TR	Performance standards
21.	Early childhood education	NC	NC	
22.	Community and leisure - small scale	P	P	i. Minimum car parking
23.	Community and leisure - large scale	P	P	i. Minimum car parking
24.	Conservation	P	P	
25.	Sport and recreation	P	P	i. Minimum car parking
Residential activities		a. CEC	b. TR	Performance standards
26.	All activities in the residential activities category	NC	NC	
Industrial activities		a. CEC	b. TR	Performance standards
27.	All activities in the industrial activities category	P	P	i. Minimum car parking ii. Minimum vehicle loading
Major facility activities		a. CEC	b. TR	Performance standards
28.	Emergency services	RD	RD	
29.	All other activities in the major facility activities category	NC	NC	
Rural activities		a. CEC	b. TR	Performance standards
30.	All activities in the rural activities category	NC	NC	

### 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. Hazard overlay zones development standards</li> <li>c. Setback from coast and water bodies</li> <li>d. Setback from national grid</li> <li>e. Setback from scheduled tree</li> <li>f. Standards Harbourside Edge Zone (HE Zone only)</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. Maximum height</li> <li>d. Number, location and design of ancillary signs</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> </ul>
New buildings and additions and alterations to buildings within the Harbourside Edge Zone		Activity status	Performance standards
4.	New buildings and additions and alterations 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
6.	New buildings and additions and alterations to buildings	P	<ul style="list-style-type: none"> <li>a. Parking, loading and access standards (buildings that contain car parks only)</li> </ul>
7.	Fences	P	<ul style="list-style-type: none"> <li>a. Fence height and design</li> </ul>
8.	All other 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 <u>restoration</u> 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 <u>restoration</u> )	RD	a. Building colour
15.	Additions and alterations to a non character-contributing building which involve: a. an increase in the footprint to the front or side of the building of more than 10m <sup>2</sup> ; or b. an increase in the height of the building by more than 2m.	RD	a. Building colour
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 structures up to 2.5m tall and 2m <sup>2</sup> floor area	P	
19.	Structures greater than 2.5m tall and 2m <sup>2</sup> floor area	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.	<u>Restoration</u>	P	a. Materials and design
22.	Earthquake strengthening (where external features only are protected)	C	a. Materials and design

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.	Structures no more than 2.5m high or 2m <sup>2</sup> footprint	P	
27.	All other 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 - small scale	P	a. Earthworks standards
31.	Earthworks - large scale	RD	a. Earthworks standards
32.	Parking, loading and access	P	a. Parking, loading and access standards
33.	New parking areas, or extensions to existing parking areas <i>(that result in the creation of 50 or more new parking spaces)</i>	RD	a. Location and screening of 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
37.	All other site development activities	P	a. Location and screening of car parking

### 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

### 18.3.8 Activity status table - change to activity status in Hazard 1, Hazard 2 and Hazard 3 Overlay Zones

Activity		a. Haz1	b. Haz2	c. Haz3
1.	Potentially sensitive activities permitted in commercial and mixed use zones	D	—	—
2.	Potentially sensitive activities not permitted in commercial and mixed use zones	NC	D	—
3.	Sensitive activities	NC	D	—
4.	In a hazard 1 (land instability) Overlay Zone, new buildings, and additions and alterations to buildings, which create more than 1m <sup>2</sup> of new ground floor area	RD	—	—
5.	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, which create more than 60m <sup>2</sup> of new ground floor area	—	RD	—

#### Note 18.3A - Guidance on existing use rights applying to land use activities in hazard overlay zones

- For the purposes of the natural hazards provisions only, with respect to section 10 of the RMA, Council will generally consider that a land use activity is similar in character, intensity, and scale where:
  - 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
  - for a residential activity, a new building is to be used solely as a garage or shed; or
  - for all other sensitive activities and potentially sensitive activities, the ground floor area of any buildings increases by less than 100% in any consecutive 10 year period.
- However, Council will consider specific circumstances associated with the development and how this affects the character, intensity and scale of the land use activity.

#### Note 18.3B - General advice

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

## 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, unless Council considers special circumstances exist in relation to the application that require public notification:
  1. earthquake strengthening of a scheduled heritage building or scheduled heritage structure where external features only are protected (controlled activity) and that are not listed by Heritage New Zealand; and
  2. contravention of performance standard 13.3.2 'Materials and design' where the building or structure is not listed by Heritage New Zealand.
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 performance standard 13.3.2 'Materials and design' where the building or structure is listed by Heritage New Zealand.
3. Applications for resource consent for the following activities will be publicly notified in accordance with section 95A(2) of the RMA:
  1. demolition of a protected part of a scheduled heritage building or scheduled heritage structure;
  2. new driveways from a **primary pedestrian street frontage** (PPF);
  3. contraventions of performance standard '18.6.18.3 to 18.6.18.6 'Standards Habourside Edge'; 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.
7. All other activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA.

## 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.

### 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 frontages

- a. In a **primary pedestrian street frontage**, 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**, residential activities must not occupy the ground floor of buildings facing the street frontage.

#### 18.5.4.2 Location of industrial activities

Within all commercial and mixed use zones, except trade related and CBD edge commercial zones, any part of an industrial 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** or **secondary pedestrian street frontage**.

#### 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**.
- b. Activities that contravene this performance standard are a non-complying activity.

### 18.5.5 Maximum Gross Floor Area

#### 18.5.5.1 Maximum gross area

An individual land use activity must not occupy more than 50% of the gross area of a neighbourhood or rural centre.

#### 18.5.5.2 Maximum gross floor area of dairies

The maximum gross floor area for dairies is 200m<sup>2</sup> (includes any area occupied for storage).

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



Retail ancillary to industry must not occupy more than 10% of the gross floor area of the industrial activity.

### 18.5.6 Minimum Car Parking

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

Activity		Minimum parking rate
Commercial activities		
1.	All Retail ( <i>1500m<sup>2</sup> or more in gross public floor area</i> )	In CBD and CEC zones: 1 parking space per 25m <sup>2</sup> of gross public floor area
2.	All Retail ( <i>500m<sup>2</sup> or more in gross public floor area</i> )	In centres and WP zones: 1 parking space per 25m <sup>2</sup> of gross public floor area
3.	Bulky goods retail	In CEC: 1 parking space per 50m <sup>2</sup> gross public floor area
4.	Conference, meeting and function	In centres zones and HE zone: 1 parking space for every 5 persons the facility can accommodate at any one time
5.	Entertainment and exhibition ( <i>capacity for greater than 20 persons at any one time</i> )	In centres zones and HE zone: 1 parking space for every 5 persons the facility can accommodate at any one time
6.	Food and beverage retail ( <i>1500m<sup>2</sup> or more in gross public floor area</i> )	In TR zone: 1 parking space per 20m <sup>2</sup> gross public floor area
7.	Registered health practitioners	In centres zones: 2 parking spaces for every registered health practitioner
8.	Restaurants	In HE zone: 1 parking space per 30m <sup>2</sup> of gross public floor area
9.	Trade related retail	In PPH and TR zones: 1 parking space per 75m <sup>2</sup> of gross floor area
10.	Yard based retail	In PPH and TR zones: a. 1 parking space per 100m <sup>2</sup> gross public floor area (inside buildings) b. 1 parking space per 400m <sup>2</sup> of outdoor display area
11.	Visitor accommodation	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. 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)
Community activities		
12.	Community and leisure	In centres, PPH, SSYP, CEC, TRZ and HE zones: 1 parking space for every 5 persons the facility can accommodate at any one time
13.	Early childhood education - small scale	In CBD, centres and SSYP zones: a. 1 parking space per 5 full time equivalent staff members, and; b. 1 parking space for parent/guardian use per 6 children the activity is licensed for

Activity		Minimum parking rate
14.	Sport and recreation ( <i>with capacity for greater than 20 persons at any one time</i> )	In centres, PPH, SSYP, CEC, TRZ and HE zones: 1 parking space for every 5 persons the facility can accommodate at one time
Residential activities		
15.	Rest homes	In centres, SSYP, PPH and HE zones: 1 parking space for every 3 beds
16.	Retirement villages	In centres, SSYP, PPH and HE zones: 1 parking space for every residential unit
17.	Standard residential	In centres, HE, PPH and SSYP zones: a. 1 - 5 habitable rooms on a site: 1 parking space b. 6 - 8 habitable rooms on a site: 1 parking space c. Greater than 8 habitable rooms on a site: 2 parking spaces plus 1 space for every 4 habitable rooms (or part thereof) d. Except: i. where sites with less than 5 habitable rooms have no existing parking, no additional parking is required for additions that increase the number of habitable rooms to 5 (or fewer), provided no additional residential units are created; and 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.
18.	Student hostels	In centres, HE, PPH and SSYP zones: a. hostels with 1 - 10 residents: 1 parking space b. hostels with 11 - 20 residents: 2 parking spaces c. hostels with 21 - 30 residents: 3 parking spaces d. hostels with greater than 30 residents: 3 parking spaces plus 1 additional space for every 10 additional residents (or part thereof)
Industrial activities		
19.	Industry	a. In HE, CEC and PPH zones: 1 parking space per 100m <sup>2</sup> gross floor area for activities b. In TR zone: 1 parking space per 75m <sup>2</sup> gross floor area

20. 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

21. Required parking spaces may be used for car, cycle or motorcycle parking, except for any required mobility parking spaces.
22. 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.
23. Parking spaces may be shared between land use activities (i.e. the same parking spaces may be used to fulfill 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.
24. 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.
25. For activities where the minimum car parking performance standard is based on the gross floor area of a building, the following areas within the building will be excluded from the assessment of gross floor area, for the purpose of calculating the minimum car parking requirement: any parking area and associated manoeuvring space, including parking aisle and any loading area.

#### **Note 18.5A - Other relevant District Plan provisions**

1. Parking areas must comply with the standards in Section 6.6: Parking, Loading and Access Performance Standards.

### **18.5.7 Minimum Vehicle Loading**

Land use activities must provide the on-site vehicle loading and manoeuvring as follows:

Zone		Activities	Minimum vehicle loading rate
1.	CBD and centres zones	a. Retail activity ( <i>except yard based retail</i> )	i. On sites which gain direct vehicular access to strategic roads, arterial roads and urban high density corridors or have a gross floor area of 500m <sup>2</sup> or more: 1 loading space, to accommodate an 8m rigid truck (See Rule 6.14, Figure 6.14J)
		b. Visitor accommodation	i. Visitor accommodation based on guest rooms (eg hotels) for 50 or more guest rooms: 1 loading space, to accommodate a coach (See Rule 6.14, Figure 6.14J)
2.	Centres zones	a. Yard based retail	i. On sites which gain direct vehicular access to strategic roads, arterial roads and urban high density corridors, or have a gross floor area of 500m <sup>2</sup> or more: 1 loading space, to accommodate an 8m rigid truck (See Rule 6.14, Figure 6.14J).



Zone		Activities	Minimum vehicle loading rate
3.	Warehouse Precinct	a. General retail <i>(in a scheduled heritage building)</i>	i. On sites which gain direct vehicular access to strategic roads, arterial roads and urban high density corridors or have a gross floor area of 500m <sup>2</sup> or more: 1 loading space, to accommodate an 8m rigid truck (See Rule 6.14, Figure 6.14J)
		b. General retail <i>(not in a scheduled heritage building and 1500m<sup>2</sup> or more in gross floor area)</i>	
		c. Trade related retail	
		d. Food and beverage retail	
		e. Visitor accommodation	i. Visitor accommodation based on guest rooms (eg hotels) for 50 or more guest rooms: 1 loading space, to accommodate a coach (See Rule 6.14, Figure 6.14J)
		f. Bulky goods retail	i. Activities with a gross floor area of less than 1000m <sup>2</sup> : 1 loading space, to accommodate an 8m rigid truck (See Rule 6.14, Figure 6.14J); ii. Activities with a gross floor area of 1000m <sup>2</sup> or more: 1 loading space, to accommodate a B Train Truck (See Rule 6.14, Figure 6.14J).
4.	CBD Edge Commercial	a. General retail <i>(1500m<sup>2</sup> or more in gross floor area),</i>	i. On sites which gain direct vehicular access to strategic roads, arterial roads and urban high density corridors: 1 loading space, to accommodate an 8m rigid truck (See Rule 6.14, Figure 6.14J)
		b. Trade related retail	
		c. Industry	
		d. Food and beverage retail <i>(1500m<sup>2</sup> or more in gross floor area).</i>	
		e. Visitor accommodation	i. Visitor accommodation based on guest rooms (eg hotels) for 50 or more guest rooms: 1 loading space, to accommodate a coach (See Rule 6.14, Figure 6.14J)
		f. Bulky goods retail	i. Activities with a gross floor area of less than 1000m <sup>2</sup> : 1 loading space, to accommodate an 8m rigid truck (See Rule 6.14, Figure 6.14J); ii. Activities with a gross floor area of 1000m <sup>2</sup> or more: 1 loading space, to accommodate a B Train Truck (See Rule 6.14, Figure 6.14J).

Zone		Activities	Minimum vehicle loading rate
5.	Princes, Parry and Harrow Street Zone	a. Trade related retail	i. On sites which gain direct vehicular access to strategic roads, arterial roads and urban high density corridors, or have a gross floor area of 500m <sup>2</sup> or more: 1 loading space, to accommodate an 8m rigid truck (See Rule 6.14, Figure 6.14J).
		b. Yard based retail	
		c. Industry	
6.	Harbourside Edge Zone	a. Industry	i. 1 loading space, to accommodate an 8m rigid truck (See Rule 6.14, Figure 6.14J).
		b. Visitor accommodation	i. Visitor accommodation based on guest rooms (eg hotels) for 50 or more guest rooms: 1 loading space, to accommodate a coach (See Rule 6.14, Figure 6.14J)
7.	Trade related zones	a. Trade related retail	i. On sites which gain direct vehicular access to strategic roads, arterial roads and urban high density corridors, with a gross floor area of 500m <sup>2</sup> or more: 1 loading space, to accommodate an 8m rigid truck (See Rule 6.14, Figure 6.14J) ii. Activities with a gross floor area of less than 1000m <sup>2</sup> : 1 loading space, to accommodate an 8m rigid truck (See Rule 6.14, Figure 6.14J) iii. Activities with a gross floor area of 1000m <sup>2</sup> or more: 1 loading space, to accommodate an B Train Truck (See Rule 6.14, Figure 6.14J)
		b. Food and beverage retail (1500m <sup>2</sup> or more in gross floor area)	
		c. Industry	

8. Required vehicle loading must be designed and constructed to comply with Rule 6.6.2.

### 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

Sensitive 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 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 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 height of 5m within 10 years of planting;
  - g. be planted prior to occupation or completion of any relevant building(s) or site development; 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.
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.

#### **Note 18.6A - 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 or alterations to buildings, repairs and maintenance and earthquake strengthening must comply with Rule 13.3.1.

### 18.6.3 Earthworks Standards

#### 18.6.3.1 Earthworks - small scale thresholds

- a. Earthworks must not exceed the following scale thresholds to be considered earthworks - small scale. Where

earthworks are located in one or more of the overlay zones or mapped areas indicated, the most restrictive scale threshold applies for the purposes of determining activity status. Resource consents will be assessed against all scale thresholds that are contravened.

Zone/Area		1. Commercial mixed use zones	2. SHS	3. Within 5m of a water body <sup>1</sup> or MHWS	4. Haz1 (Flood)	5. Haz2 & Haz3 (Flood)	6. Haz1 & Haz2 (Land Instability)
i.	Change in ground level	1.5m	1.0m	0.5m	—	—	1.0m
ii.	Maximum area	—	50m <sup>2</sup>	25m <sup>2</sup>	—	—	—
Slope categories		Maximum volume of combined cut and fill					
iii.	Less than or equal to 12°	30m <sup>3</sup> per 100m <sup>2</sup> of site	10m <sup>3</sup>	1m <sup>3</sup>	0m <sup>3</sup> fill	20m <sup>3</sup> fill	10m <sup>3</sup> (Haz1) 20m <sup>3</sup> (Haz2)
iv.	Greater than 12 ° but less than or equal to 15°	25m <sup>3</sup> per 100m <sup>2</sup> of site	10m <sup>3</sup>	1m <sup>3</sup>	0m <sup>3</sup> fill	20m <sup>3</sup> fill	10m <sup>3</sup> (Haz1) 20m <sup>3</sup> (Haz2)
v.	Greater than 15° but less than or equal to 20°	15m <sup>3</sup> per 100m <sup>2</sup> of site	10m <sup>3</sup>	1m <sup>3</sup>	0m <sup>3</sup> fill	20m <sup>3</sup> fill	10m <sup>3</sup> (Haz1) 20m <sup>3</sup> (Haz2)
vi.	Greater than 20° but less than or equal to 26°	10m <sup>3</sup> per 100m <sup>2</sup> of site	10m <sup>3</sup>	1m <sup>3</sup>	0m <sup>3</sup> fill	20m <sup>3</sup> fill	10m <sup>3</sup> (Haz1) 20m <sup>3</sup> (Haz2)
vii.	Greater than 26° but less than or equal to 35°	0m <sup>3</sup> fill 5m <sup>3</sup> cut per 100m <sup>2</sup> of site	0m <sup>3</sup> fill 10m <sup>3</sup> cut	0m <sup>3</sup> fill 1m <sup>3</sup> cut	0m <sup>3</sup> fill 5m <sup>3</sup> cut	0m <sup>3</sup> fill 20m <sup>3</sup> cut	0m <sup>3</sup> fill 10m <sup>3</sup> cut (Haz1) 20m <sup>3</sup> cut (Haz2)
viii.	Greater than 35°	0m <sup>3</sup>	0m <sup>3</sup>	0m <sup>3</sup>	0m <sup>3</sup>	0m <sup>3</sup>	0m <sup>3</sup>

- ix. Where in a **swale mapped area** the maximum volume of combined cut and fill is 0m<sup>3</sup>.
- b. Where the part of the site in which the earthworks are located is in more than one slope category, the most restrictive scale threshold applies.
- c. Scale thresholds will be calculated as the cumulative total of earthworks on any site in a two calendar-year period.
- d. Earthworks *ancillary to network utilities* activities are only required to comply with Rule 18.6.3.1.a.i - change in ground level threshold.
- e. Earthworks *ancillary to the operation, repair, and maintenance of the roading network* are exempt from the performance standard earthworks - small scale thresholds.
- f. Earthworks that exceed the earthworks - small scale thresholds are treated as earthworks - large scale,



which are a restricted discretionary activity.

<sup>1</sup>See Rule 10.3.3 for how setbacks from waterbodies will be measured.

#### 18.6.3.2 Archaeological sites

Earthworks must comply with Rule 13.3.3.

#### 18.6.3.3 Batter gradient

Earthworks must:

- a. have a maximum cut batter gradient of 1:1 (i.e. rising 1m over a 1m distance); and
- b. have a maximum fill batter gradient of 2:1 (i.e. rising 1m over a 2m distance).

#### 18.6.3.4 Setback from property boundary, buildings, structures and cliffs

Earthworks over 600mm in height or depth must be set back from: property boundaries, foundations of buildings, structures greater than 10m<sup>2</sup>, and the top or toe of any cliff, the following minimum distances:

- a. Earthworks not supported by retaining walls:
  - i. a distance at least equal to the maximum height of the fill, as measured from the toe of the fill (see Figure 18.6A);
  - ii. a distance at least equal to 1.5 times the maximum depth of the cut, plus 300mm, as measured from the toe of the cut (see Figure 18.6A); and
  - iii. 300mm, as measured from the crest of any cut (see Figure 18.6A).
- b. Retaining walls supporting a cut or fill must be set back a distance at least equal to the height of the retaining walls (see Figure 18.6B), except:
  - i. retaining walls supporting a cut that have been granted building consent are exempt from this standard.
- c. Earthworks *ancillary to network utilities* activities and earthworks *ancillary to the operation, repair, and maintenance of the roading network* are exempt from the setback from property boundary, buildings, structures and cliffs performance standard.

Figure 18.6A: Unsupported cut and fill (elevation view)

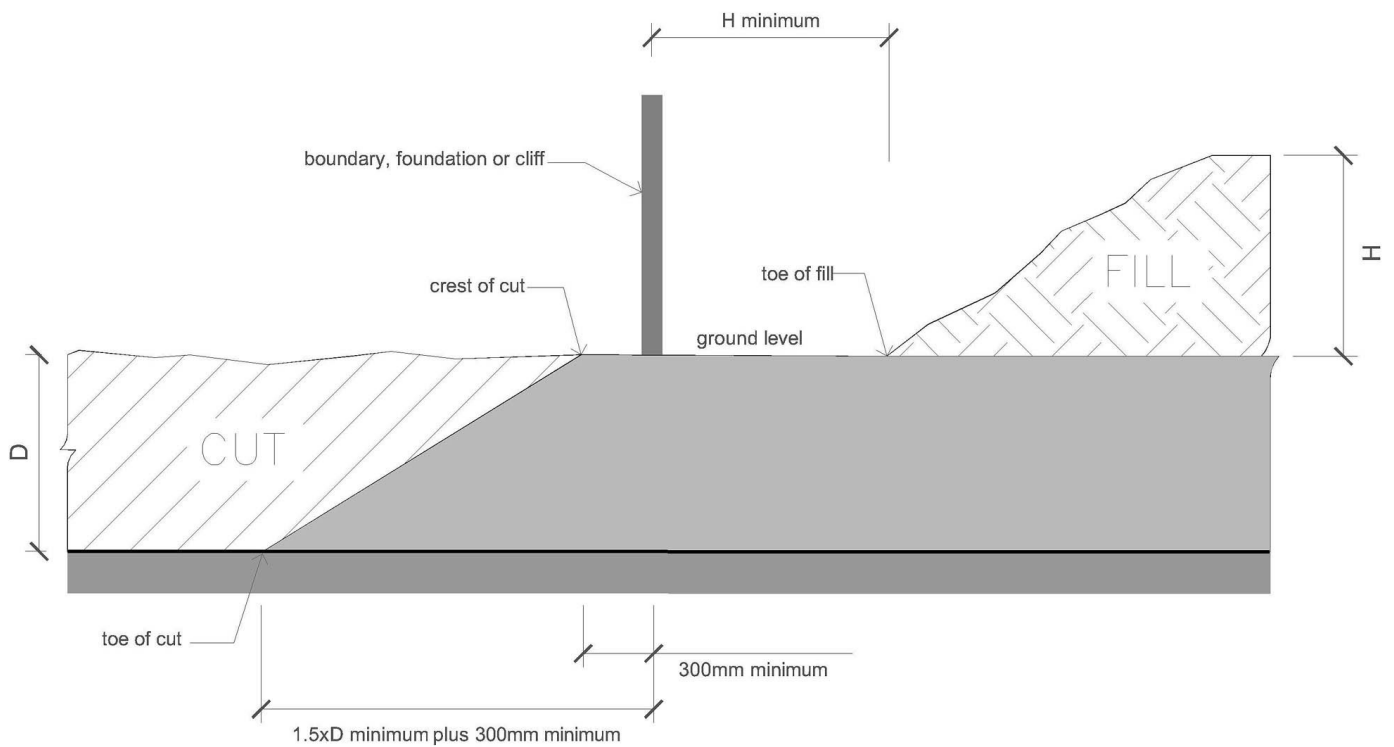
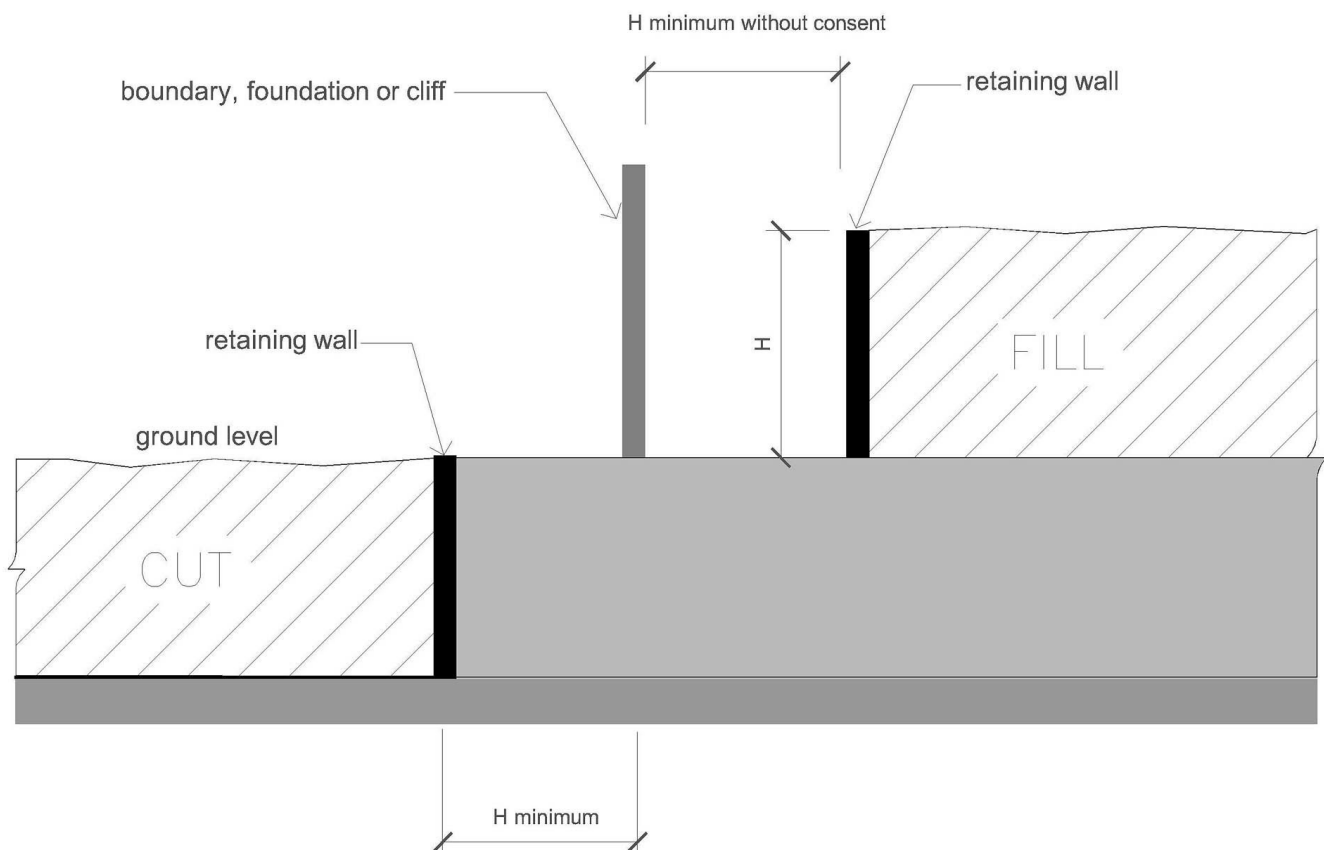


Figure 18.6B Cut and fill supported by retaining walls (elevation view)



#### 18.6.3.5 Setback from national grid (earthworks)

Earthworks must comply with Rule 5.6.1.2.

#### 18.6.3.6 Setback from network utilities

Earthworks must comply with Rule 5.6.2.

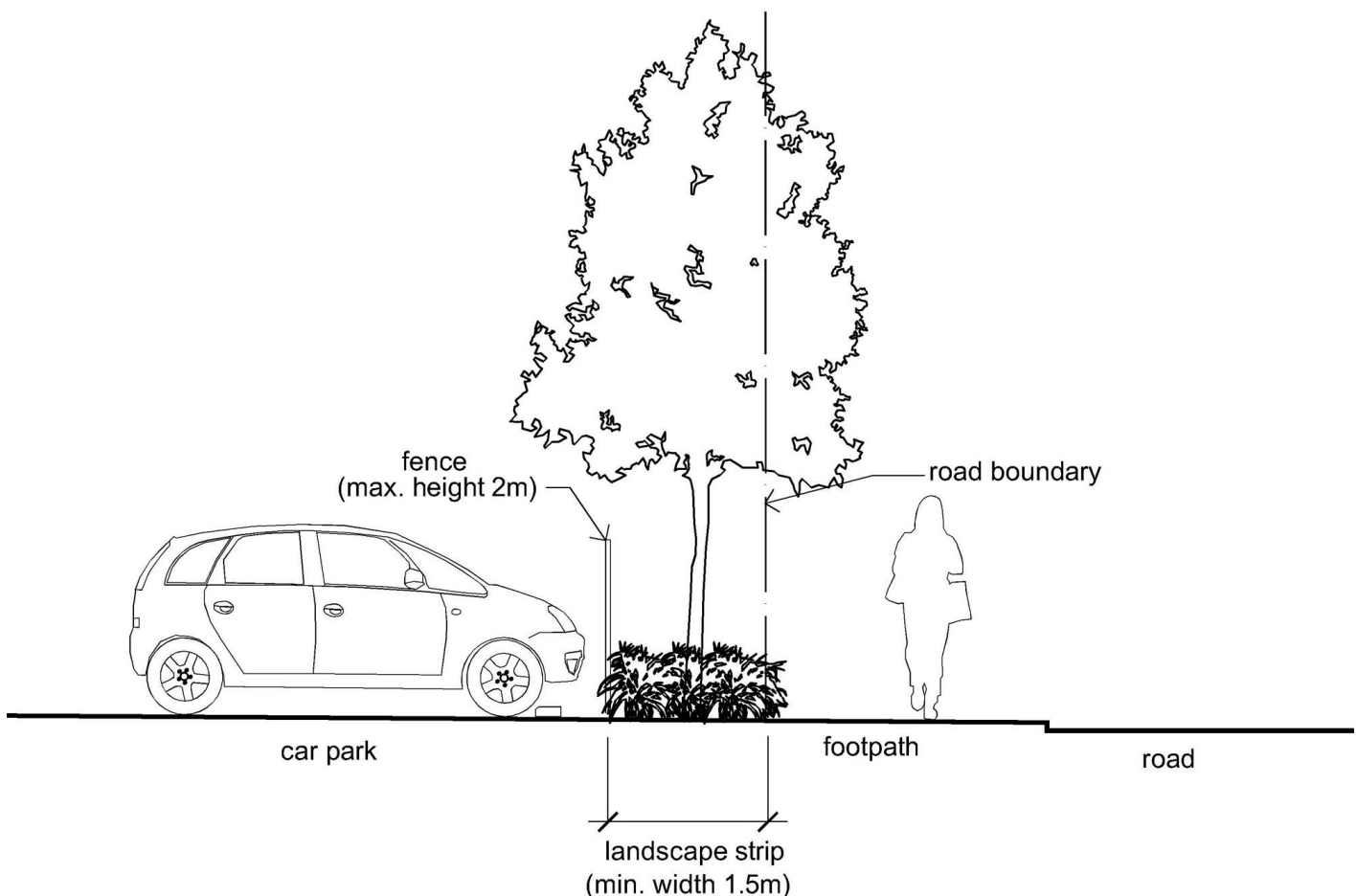
#### 18.6.3.7 Sediment control

Earthworks must be undertaken in a way that prevents sediment entering water bodies, stormwater networks or going across property boundaries.

### 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 18.6C).

Figure 18.6C Street frontage landscaping and fencing



### 18.6.5 Fire Fighting

New residential buildings and subdivision activities 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 must not protrude through a plane (see Figure 18.6D) raising at an angle of 45 degrees measured from a point:
  - i. 3m above ground level at the side or rear boundary with a Inner City Residential or General Residential 2 zone;
  - ii. 2.5m above ground level at the side or rear boundary with all other residential zones or the Recreation Zone;
  - iii. except:
    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.
    2. gable ends and dormers may protrude through the height in relation to boundary plane by a maximum of 1m (see Figure 18.6E).
  - iv. Rooftop structures are exempt from the performance standard for height in relation to boundary.

Figure 18.6D: Height in relation to boundary

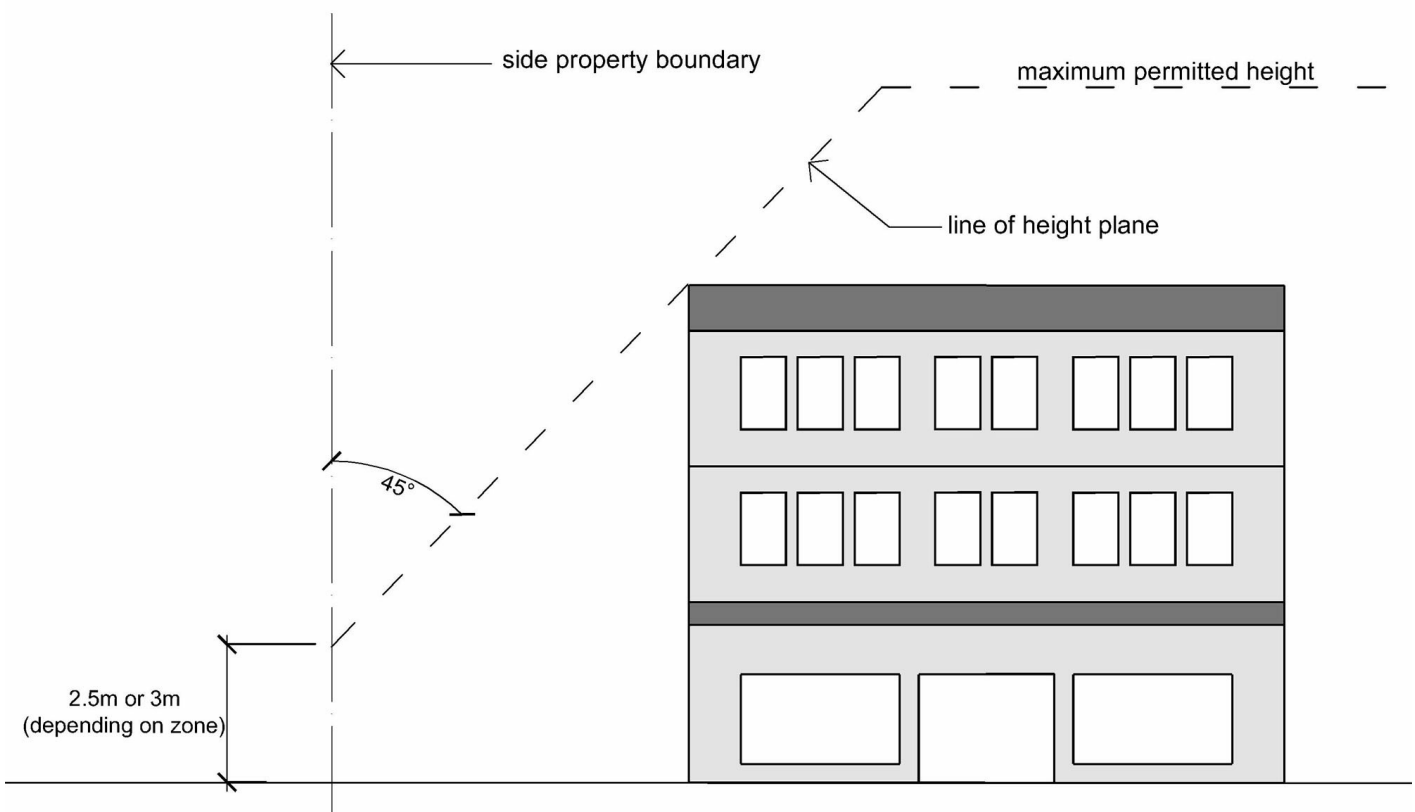
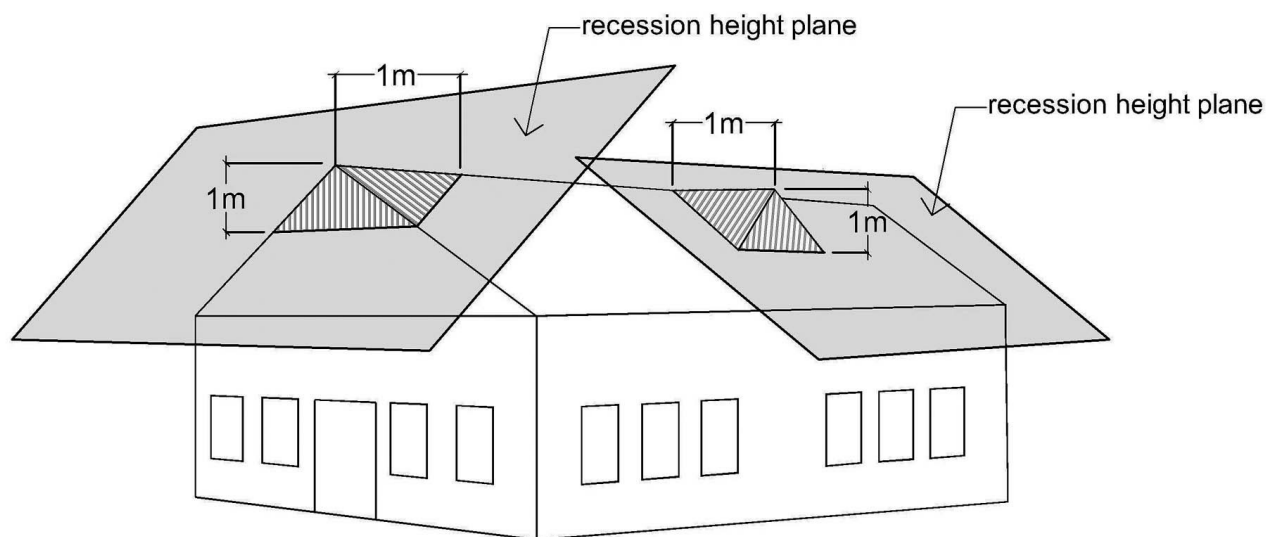


Figure 18.6E: Height in relation to boundary



#### 18.6.6.2 Height

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)
a.	Central Business District Zone (CBD)				
	i. On sites which adjoin George Street	8m	2 storeys	12m	3 storeys
	ii. On sites which do not adjoin George Street	8m	2 storeys	16m	4 storeys
b.	Warehouse Precinct Zone	8m	2 storeys	16m	4 storeys
c.	Princes, Parry and Harrow Street Zone				
	i. On sites located in the <b>PPH Zone height mapped area</b>	6m	1 storey	20m	—
	ii. On sites located outside the <b>PPH Zone height mapped area</b>	6m	1 storey	12m	—
d.	CBD Edge Commercial Zone	6m	1 storey	16m	—
e.	Smith Street and York Place Zone	8m	2 storeys	12m	3 storeys
f.	Trade Related Zone	—	—	16m	—

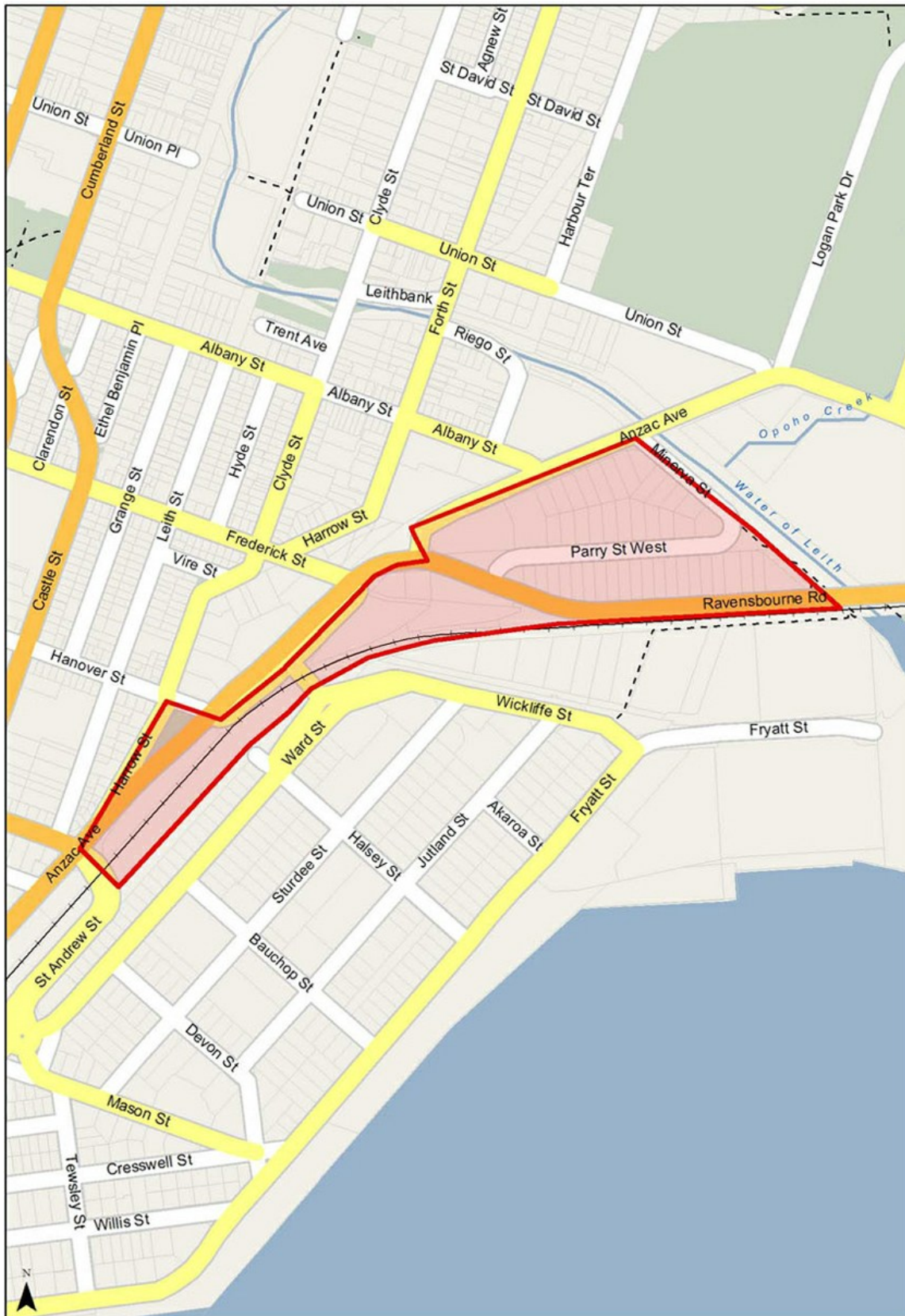
Zone/Centre		1. Minimum height of buildings (above ground level)	2. Minimum number of storeys for buildings (above ground level)	3. Maximum height of buildings and structures (above ground level)	4. Maximum number of storeys for buildings (above ground)
g.	Centres	6m	1 storey	12m	3 storeys

i. Except:

- i. Additions to scheduled heritage buildings and character-contributing buildings may exceed the maximum height limit within the Central Business District and centre 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.
- ii. 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.



**PPH Zone Height mapped area**





### **18.6.7 Hazard Overlay Zones Development Standards**

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

Development activities in the Rural Centre Zone located in a **swale mapped area** must comply with Rule 11.3.1.1.

#### **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**

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.

#### **18.6.7.4 Relocatable buildings**

New buildings (including residential buildings) to be used for sensitive activities in the Hazard 3 (coastal) Overlay Zone must comply with Rule 11.3.4.

### **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 within a heritage precinct (except View Street Heritage Precinct) or that contains a **primary pedestrian street frontage**, must locate behind or within a building that meets Rule 18.5.4.1.
2. In all other locations, any parking areas (including stand-alone car parking) 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.
3. Parking areas that contravene this performance standard are a non-complying activity.

### **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.

### **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, must comply with Rule 13.3.2.

### **18.6.12 Minimum Glazing and Building Modulation**

Buildings which face street frontage

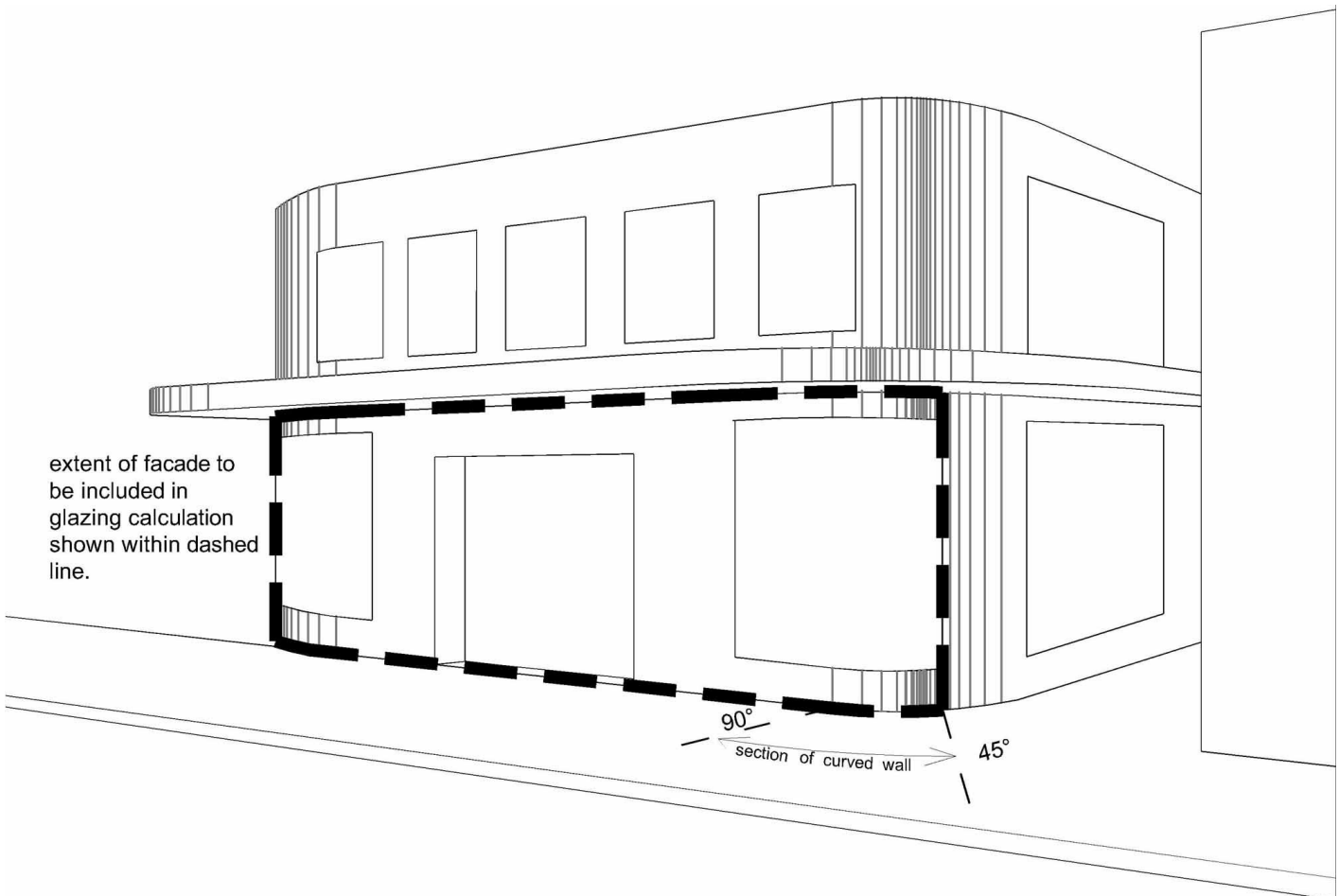
1. The minimum building modulation and minimum glazing requirements for any parts of a new building or additions and alterations to a building which face, and are visible from, the following street frontages, is as

follows:

Street frontage		i. Floor level		ii. Maximum distance between building modulation elements	iii. Minimum glazing
a.	Primary pedestrian street frontage	1.	Ground floor	10m	60%
		2.	Upper floors	10m	30%
b.	Secondary pedestrian street frontage	1.	Ground floor	15m	30%
		2.	Upper floors	15m	20%
c.	Other street frontage	1.	All floors	20m, or	20%

2. 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).
3. Ground floor glazing within the **primary pedestrian street frontage** 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.
4. This standard does not apply to scheduled heritage buildings or within the Trade Related Zone.

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



### 18.6.13 Minimum Ground Floor to Ceiling Height

New buildings and additions and alterations to buildings adjacent to a **primary pedestrian street frontage** 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**.

### 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.
- b. Signs located on or above the footpath must comply with:
  - i. Rule 6.7.2 where located on or above the footpath; and
  - ii. Rule 6.7.3 where visible from the road.
- c. Signs must be ancillary signs.
- d. Signs must not be illuminated or digital within pedestrian street frontages, heritage precincts and the Harbourside Edge Zone.
- e. Signs higher than 4m above ground level must only display the business name.

#### 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 frontages, 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 frontages, 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 frontages, heritage precincts and the Harbourside Edge Zone; 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 frontages, heritage precinct or in the Harbourside Edge Zone;
  - 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 frontages, 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 frontages, 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 frontages, heritage precinct or in the Harbourside Edge Zone; and
  - ii. CBD and centres (outside pedestrian street frontages 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.

- 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 frontages, heritage precincts or the Harbourside Edge Zone; and
  - ii. 2 per site or 1 per 50m of street frontage, whichever is the lesser, for freestanding signs, and 1 per 15m of street frontage for portable freestanding signs in all other locations.
- b. The maximum dimensions of freestanding signs are:
  - i. In pedestrian street frontages, heritage precincts or the Harbourside Edge Zone:
    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.
  - ii. In trade related zones:
    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:
    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
  - ii. be positioned entirely within site boundaries, except:
    1. flag signs within the CBD and centres zones (outside pedestrian street frontages 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.

Figure 18.6G: Signs in pedestrian street frontages, heritage precincts and Harbourside Edge Zone

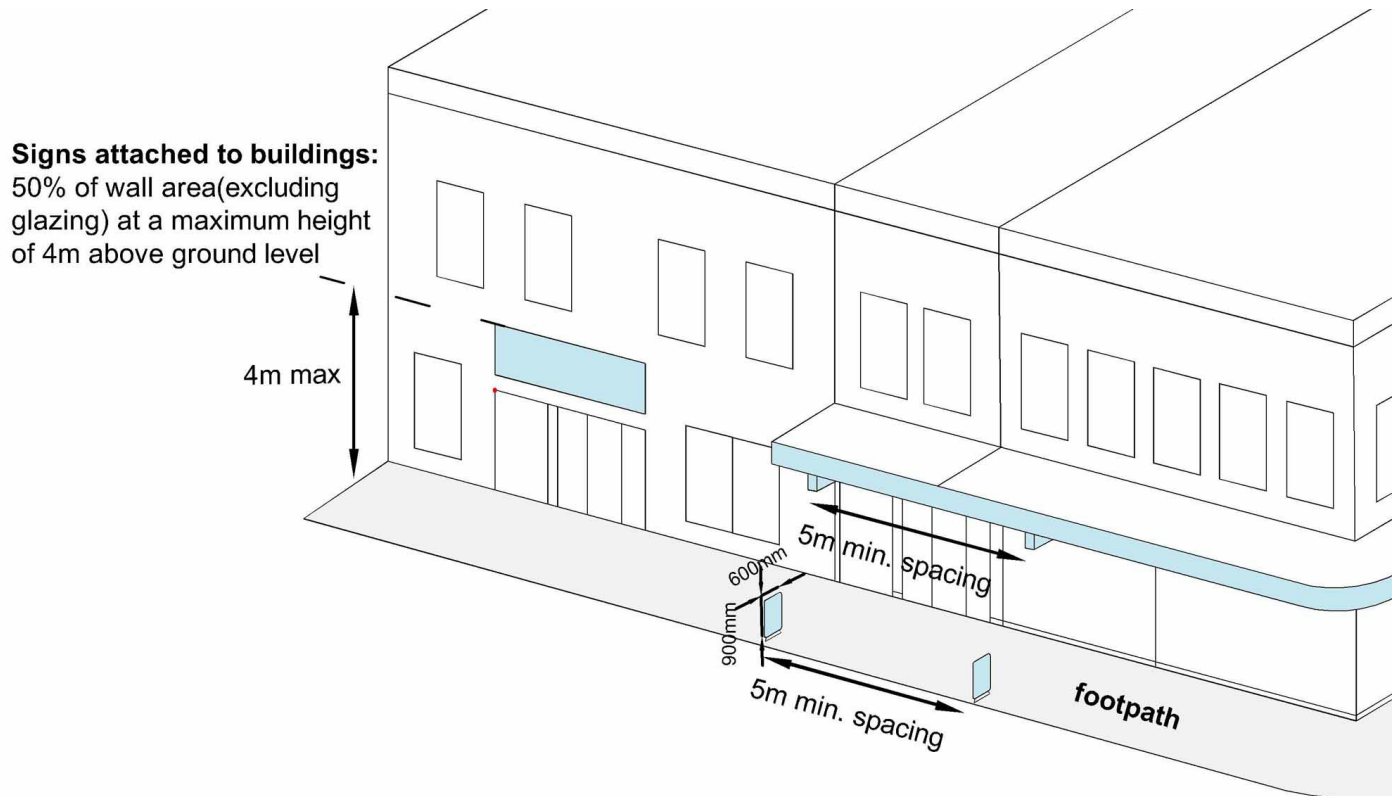


Figure 18.6H: Signs in pedestrian street frontages, heritage precincts and Harbourside Edge Zone

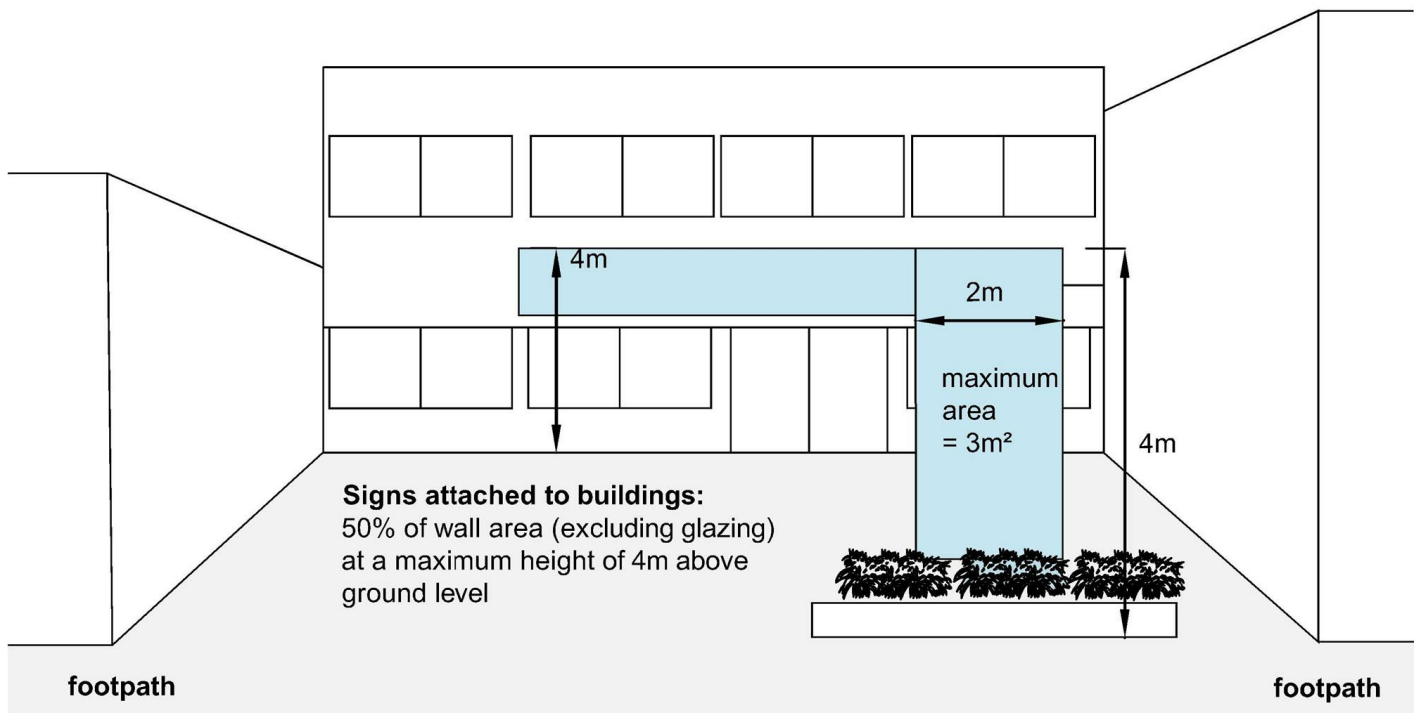
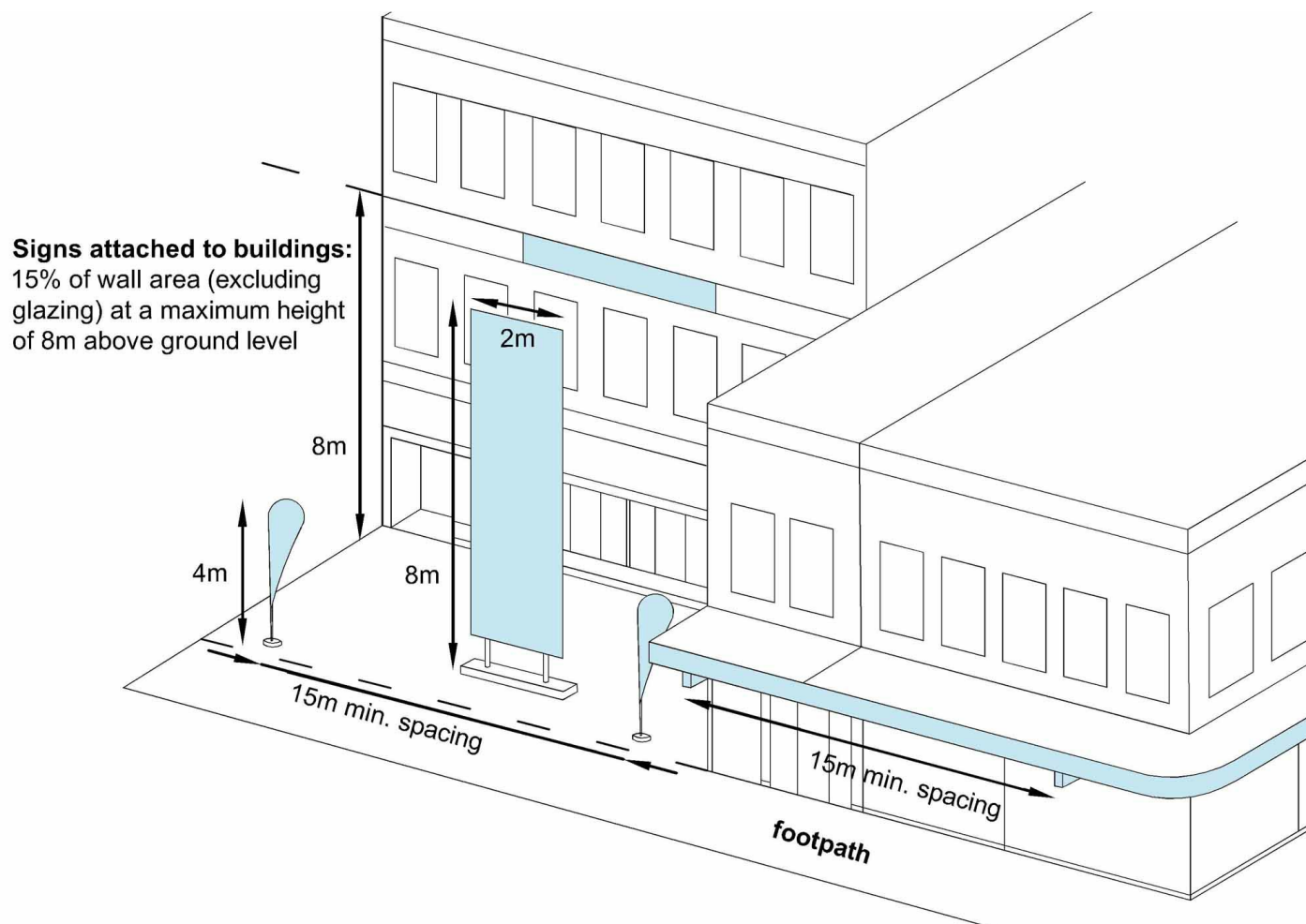




Figure 18.6I: Signs in the Trade Related Zone



**Note 18.6B - 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.

**Note 18.6C - Other requirements outside the District Plan**

1. For additional restrictions that may apply to signs, see also:
  - a. New Zealand Transport Agency - Traffic control devices manual - Part 3 Advertising signs
  - 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.

**18.6.15 Parking, Loading and Access Standards**

- a. Parking, loading and access must comply with Rule 6.6.
- b. New vehicle accesses are not allowed on any **primary pedestrian street frontage**.
- c. Contravention of performance standard 18.6.15b is a non-complying activity.



### 18.6.16 Pedestrian Entrances

For new buildings and additions and alterations to buildings built adjacent to a **primary pedestrian street frontage** or **secondary pedestrian street frontage**:

- a. the principal pedestrian entrance must be located on the pedestrian street frontage; and
- b. if a building is adjacent to both a **primary pedestrian street frontage** and a **secondary pedestrian street frontage**, the principal pedestrian entrance must be located on the **primary pedestrian street frontage**.

### 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**, for the entire length of the **primary pedestrian street frontage**, 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
  - 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).
- 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** for 60% of the length of the **secondary pedestrian street frontage**, 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**, 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.

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

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.

#### 18.6.17.3: Setback from scheduled tree

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

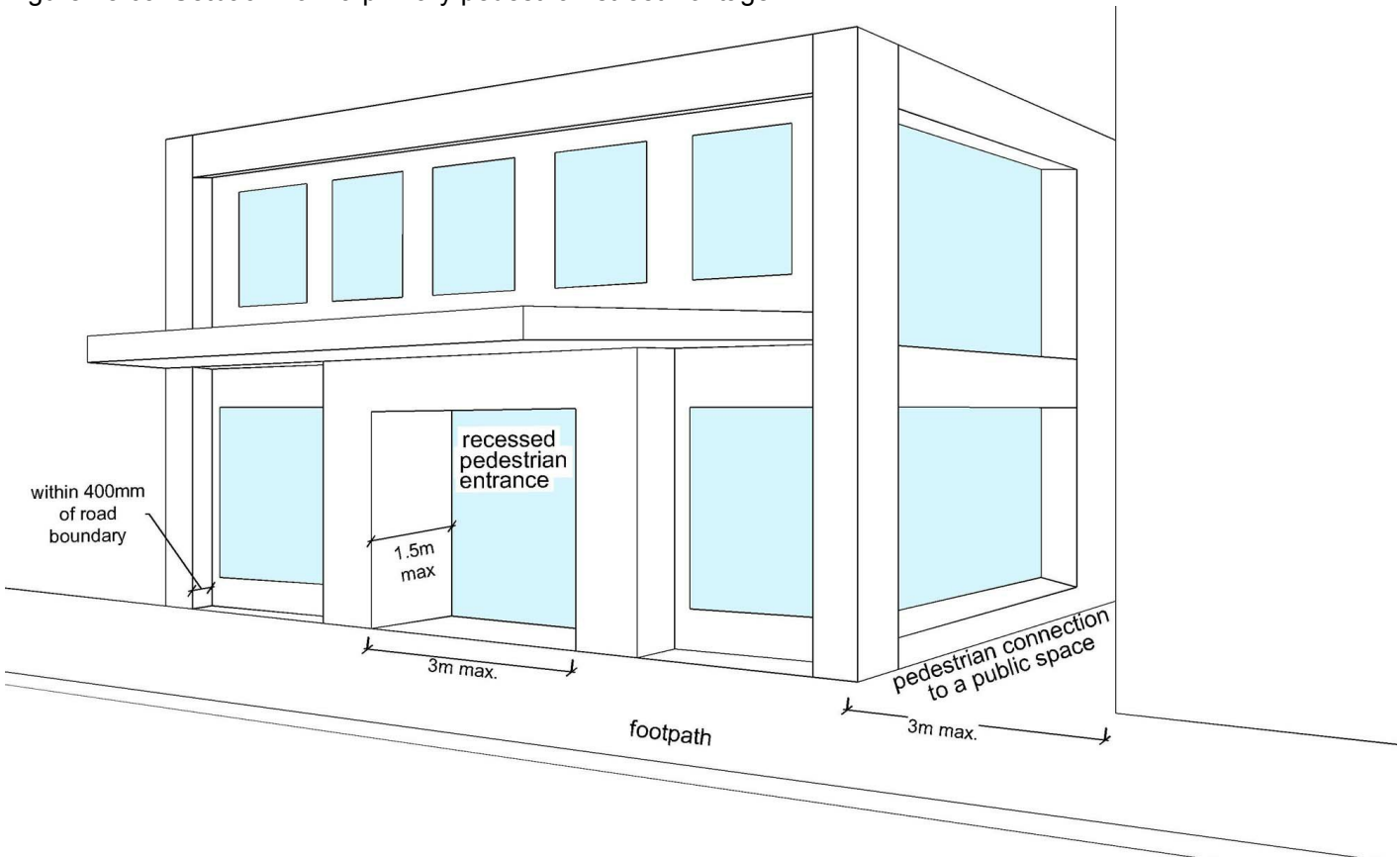
#### 18.6.17.4: Setback from coast and water bodies

New buildings and structures, additions, alterations and earthworks - large scale, and storage and use of hazardous substances must comply with Rule 10.3.3.

#### 18.6.17.5 Setback from national grid

New buildings and structures, additions and alterations, and earthworks must comply with Rules 5.6.1.1 and 5.6.1.2.

Figure 18.6J: Setback from a primary pedestrian street frontage



### 18.6.18 Standards Harbourside Edge

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.
2. Buildings must:
  - a. along Birch Street have a minimum height of 6m and maximum height of 20m
  - b. along Kitchener Street have a minimum height of 6m and a maximum height of 16m.
3. Buildings must be designed to provide free and unfettered public access (via pedestrian accessways) through sites from Birch and Kitchener streets to the public walkway required in Rule 18.6.18.5. The public accessways:
  - a. must be within 5m of the locations shown green in the **harbourside edge public walkway and access mapped area**.
  - b. must be available, for public use at a minimum, between the hours of 8am and 10pm; and
  - c. may be either external or internal to (through) buildings.
4. Buildings must be setback from the harbour edge an adequate distance to provide for the public walkway required by Rule 18.6.18.5.
5. Prior to the occupation of any new building, a public walkway of a minimum width of 5m must be constructed either:
  - a. along the wharf, if it is upgraded to a safe standard; or
  - b. along the land immediately adjacent to the harbour.
6. The public walkway required by Rule 18.6.18.5 must:



- a. be for the length shown red in the **harbourside edge public walkway and access mapped area**;
  - b. be free of buildings or structures;
  - c. not be used by vehicles;
  - d. be constructed with an asphalt finish or of the same materials as the adjoining sections of walkway, if already constructed; and
  - e. be lit to the Lighting for roads and public spaces AS/NZS 1158.3.1:2005, P4 Standard.
7. Activities that contravene rules 18.6.18.1 and 18.6.18.2 are a discretionary activity.
8. Activities that contravene rules 18.6.18.3 to 18.6.18.6 are a non-complying activity.

### Harbourside Edge Public Walkway and Access mapped area



### 18.6.19 Verandahs

1. Buildings along a **primary pedestrian street frontage** must have a verandah that:
  - a. extends the full length of building frontage along the primary pedestrian frontage 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**.
2. Along a **secondary pedestrian street frontage**, 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.

## **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; and
  - c. esplanade reserves or strips.
2. Building platforms must have a slope of 12° (1:4.7 or 21%) or less and must not contain:
  - a. scheduled heritage buildings or structures; or
  - b. right-of-way easements.
3. For unreticulated areas, resultant sites must provide for a waste disposal area to be located at least 50m from any water body.
4. Sites created and used solely for the following purposes are exempt from the shape standard:
  - a. Scheduled ASCV or QEII covenant;
  - b. reserve;
  - c. access;
  - d. network utility; or
  - e. road.

## 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) 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
1. Earthquake strengthening that affects a protected part of a scheduled heritage building or scheduled heritage structure, where external features only are protected.	a. Effects on heritage values	See Rule 13.4



## **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:
  1. list the matters Council will restrict its discretion to; and
  2. provide guidance on how consent applications will be assessed, including:
    1. relevant objectives and policies, with respect to s104(1)(b)(vi);
    2. potential circumstances that may support a consent application;
    3. general assessment guidance; and
    4. conditions that may be imposed.
3. Rules 18.9.2 - 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 frontages, overlay zones, heritage precincts, and affecting a scheduled item.

### 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> <ul style="list-style-type: none"> <li>a. The degree of non-compliance with the performance standard is minor.</li> <li>b. 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>c. Non-compliance with a development performance standard would improve the design of the development in a way that would result in positive effects and better achieve the identified objectives and policies of the Plan.</li> <li>d. There are positive effects on heritage values related to better site design outcomes achieved through not meeting the performance standards.</li> </ul> <p><i>General assessment criteria:</i></p> <ul style="list-style-type: none"> <li>e. Where more than one standard is contravened, the combined effects of the contraventions should be considered.</li> <li>f. In balancing consideration of the objectives and policies related to the maintenance of heritage values or heritage precinct streetscape character and those related to general amenity, greater weight will usually be placed on heritage policies.</li> </ul>

### 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 (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> <ul style="list-style-type: none"> <li>i. Objective 18.2.1</li> <li>ii. Activities in neighbourhood and rural centres: <ul style="list-style-type: none"> <li>1. are not destination retail activities designed to attract customers from across suburbs, which are more appropriately located in the CBD or other central city commercial zones, and</li> <li>2. 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> </ul> </li> </ul>

### 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 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	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. The scale 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 industrial activity; and</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 (Policy 18.2.1.7).</li> </ul> </li> </ul>
		b. Effects on ability of other commercial and industrial activities to operate	
5.	Minimum car parking	a. Effects on accessibility	See Rule 6.9
		b. Effects on the safety and efficiency of the transport network	
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

#### 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 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. Development maintains the amenity of adjoining residential, schools and recreation zoned sites by having: <ul style="list-style-type: none"> <li>1. buildings of a height in relation to boundaries and setback from side boundaries that maintains a reasonable level of sunlight access to adjoining residential and recreation zoned sites; and</li> <li>2. fencing along property boundaries which adjoin residential or school zoned properties to provide screening for the purposes of privacy and security (Policy 18.2.2.3).</li> </ul> </li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. 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>iv. Access to sunlight on surrounding recreation areas is maintained or any reduction is minor.</li> <li>v. 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>
3.	<p>Earthworks standards:</p> <ul style="list-style-type: none"> <li>• Batter gradient</li> </ul>	a. 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. 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).</li> </ul>

#### 18.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
4.	Earthworks standards: • Setback from property boundary, buildings, structures and cliffs	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	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	a. Effects on surrounding sites b. Effects on biodiversity values and natural character of riparian margins and the coast c. Effects on the efficiency and/or affordability of infrastructure	<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(Policy 18.2.4.2.b).
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 b. Risk from natural hazards	See Rule 9.4 See Rule 11.4

#### 18.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
10.	Height	a. Effects on streetscape amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 2.4.3</li> <li>ii. Objective 18.2.3</li> <li>iii. Development maintains or enhances streetscape amenity by ensuring building height reflects the general heights of the block (Policy 18.2.3.1.d).</li> </ul>
11.	Location and screening of outdoor storage	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 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).</li> </ul>
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	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. 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>
		b. Effects on the safety and efficiency of the transport network	See Rule 6.9
14.	Parking, loading and access standards	a. Effects on accessibility	See Rule 6.9
		b. Effects on the safety and efficiency of the transport network	

#### 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

#### 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 area, reflects the requirements of the structure plan, 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. Scheduled ASCV; QEII covenant; or</li> <li>2. reserve; or</li> <li>3. access; or</li> <li>4. utility; or</li> <li>5. 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);</li> <li>v. setbacks from water bodies; and</li> <li>vi. setback from national grid.</li> </ul> </li> </ul> <p><i>Conditions that may be imposed:</i></p> <ul style="list-style-type: none"> <li>d. Restrictions or conditions, including by way of consent notice, on land use or development activities allowed on the site.</li> <li>e. 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, overlay zone, 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</b> : <ul style="list-style-type: none"> <li>• Materials and design</li> </ul>	a. Effects on heritage values	See Rule 13.5

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

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
2.	In a <b>hazard overlay zone</b> or <b>swale mapped area</b> : <ul style="list-style-type: none"> <li>Hazard overlay zones development standards</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</li> <li>Number, location and design of ancillary signs</li> </ul>	a. Effects on heritage streetscape character	See Rule 13.5
4.	In a <b>pedestrian street frontage</b> : <ul style="list-style-type: none"> <li>Location of industrial activities</li> </ul>	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. Industrial activities avoid or, if avoidance is not possible, 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</b> or <b>secondary pedestrian street frontage</b> (Policy 18.2.3.10).</li> </ul>

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

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
<p>5. In a <b>primary pedestrian street frontage</b>:</p> <ul style="list-style-type: none"> <li>• Location of activities within <b>pedestrian street frontages</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</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> </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, overlay zone, heritage precinct, or affecting a scheduled item**

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
<p>6. In a <b>secondary pedestrian street frontage</b>:</p> <ul style="list-style-type: none"> <li>• Location of activities within <b>pedestrian street frontages</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>

## **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 - 18.10.4 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.
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) 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 all restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. All high trip generating activities, including: <ul style="list-style-type: none"> <li>• Restaurants drive-through (CEC, TR)</li> <li>• Service stations (CEC, TR)</li> <li>• Emergency services (CEC, TR, CBD, centres, WP, PPH, SSYP, HE)</li> <li>• Early childhood education - large scale (CBD, centres, WP, PPH, SSYP, HE)</li> </ul>	a. Effects on the safety and efficiency of transport network b. Effects on accessibility	See Rule 6.10
2. Early childhood education (CBD, centres, WP, PPH, SSYP, HE)	a. Effects on ability of commercial activities to operate	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 18.2.2</li> <li>ii. Early childhood education 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).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. Performance standards for development activities are met.</li> <li>iv. Outdoor play areas are protected from external noise through acoustic fencing or other building design measures that reduce the noise received in play areas.</li> </ul>

### 18.10.2 Assessment of all 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 (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):</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):</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 can be avoided or, if avoidance is not possible, adequately mitigated (Policy 18.2.2.2.b).</li> </ol> <i>Potential circumstances that may support a consent application</i> <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 can be avoided, or if avoidance is not possible, adequately mitigated.</li> </ol>
	c. Potential for reverse sensitivity effects	<i>Relevant objectives and policies (priority considerations):</i> <ol style="list-style-type: none"> <li>Objective 18.2.2</li> <li>The potential for reverse sensitivity on any activities that are provided for, such as industrial activities, can be avoided or, if avoidance is not possible, 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
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	<i>Relevant objectives and policies:</i> <ol style="list-style-type: none"> <li>Objective 18.2.2</li> <li>Any adverse activities on the amenity of surrounding residential activities are avoided or, if avoidance is not possible, adequately mitigated (Policy 18.2.2.7).</li> </ol> <i>Potential circumstances that may support a consent application include:</i> <ol style="list-style-type: none"> <li>Communal outdoor living / gathering areas are located or screened from surrounding properties.</li> <li>Performance standards for development activities are met.</li> </ol>



### 18.10.3 Assessment of all 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	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;</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; and</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> </ul> <p><i>Conditions that may be imposed include:</i></p> <p>Council may place condition on aspects of building design including:</p> <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>
2. New parking areas, or extensions to existing parking areas ( <i>that result in the creation of 50 or more new parking spaces.</i> )	a. Effects on the safety and efficiency of the transport network	See Rule 6.10

### 18.10.3 Assessment of all 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 mixed use zones)	<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 all restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
	c. Effects on the stability of land, buildings, and structures	<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)	a. Effects on biodiversity and natural character of riparian margins and the coast b. Effects on public access	See Rule 10.5

### 18.10.4 Assessment of all 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</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</li> <li>Earthworks - large scale (that exceed scale thresholds for a SHS)</li> <li>Subdivision activities</li> </ul>	a. Effects on heritage values	See Rule 13.6
3. In a <b>hazard overlay zone</b> : <ul style="list-style-type: none"> <li>Earthworks - large scale (that exceed scale thresholds for a hazard (land instability) overlay zone)</li> <li>Earthworks - large scale (that exceed scale thresholds for a hazard (flood) overlay zone)</li> <li>Earthworks - large scale (that exceed scale thresholds for a <b>swale mapped area</b>)</li> <li>Subdivision activities in a hazard 3 (Coastal) Overlay Zone</li> </ul>	a. Risk from natural hazards	See Rule 11.5
4. In the <b>Hazard 1 (land instability) Overlay Zone</b> (see Rule 18.3.8): <ul style="list-style-type: none"> <li>New buildings, and additions and alteration to buildings, which create more than 1m<sup>2</sup> of new ground floor area</li> </ul>	a. Risk from natural hazards	See Rule 11.5
5. In the <b>hazard 1 or 2 overlay zones</b> , other than the hazard 1 (land instability) Overlay Zone (see Rule 18.3.8): <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. In a <b>geologically sensitive mapped area (GSA)</b> : <ul style="list-style-type: none"> <li>Earthworks - large scale (that exceed underlying zone scale thresholds)</li> </ul>	a. 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
<p>7. In a <b>wāhi tūpuna mapped area</b>:</p> <ul style="list-style-type: none"> <li>• Earthworks - large scale (that exceed the scale thresholds for the commercial mixed use zones)</li> </ul>	<p>a. Effects on cultural values of manawhenua</p>	<p>See Rule 14.4</p>

## **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 applications;
  - 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 to activities in the commercial and mixed use zones; Rule 18.11.5 contains additional provisions that apply to activities in an overlay zone.
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 discretionary activities

Activity	Guidance on the assessment of resource consents
1. All discretionary activities	<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> <li>iii. Objective 14.2.1</li> <li>iv. Objective 18.2.3</li> <li>v. 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>1. the level of pedestrian streetscape amenity expected for the location in a <b>primary pedestrian street frontage</b> and <b>secondary pedestrian street frontage</b></li> <li>2. the higher level of urban neighbourhood amenity anticipated in the HE, SSYP and WP zones (18.2.3.9).</li> </ul> </li> </ul> </li> </ul> <p><i>Potential circumstances that may support a consent application:</i></p> <ul style="list-style-type: none"> <li>b. 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 18.8. for performance standard contraventions).</li> <li>c. 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>d. 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>e. 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.</li> <li>f. In assessing activities that are discretionary due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered.</li> </ul>



### 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> <ul style="list-style-type: none"> <li>a. Objective 18.2.1</li> <li>b. Adverse effects on the character and amenity of adjacent residential activities and the surrounding neighbourhood are avoided or, if avoidance is not possible, adequately mitigated (Policy 18.2.1.10).</li> </ul> <p><i>Potential circumstances that may support a consent application:</i></p> <ul style="list-style-type: none"> <li>c. The scale and nature of the activity, including hours of operation, 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.</li> </ul>
2. Restaurants (PPH, SSYP, CEC, TR)	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> <li>a. Objective 18.2.1</li> <li>b. 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>i. it is unlikely to contribute to the vibrancy and vitality of those zones; and</li> <li>ii. it has specific operational requirements that do not fit with those locations (Policy 18.2.1.18).</li> </ul> </li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>c. The restaurant is a take-away only restaurant that requires easily accessible short term parking.</li> </ul>
3. Food and beverage retail (WP and PPH)	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> <li>a. Objective 18.2.1</li> <li>b. 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> </ul>
4. Restaurant - drive through and service stations (PPH and Centres)	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> <li>a. Objective 18.2.2</li> <li>b. Objective 18.2.3</li> <li>c. Adverse effects on the amenity of residential activities are avoided or, if avoidance is not possible, adequately mitigated (Policy 18.2.2.4).</li> <li>d. The drive-through component of restaurant - drive through and service stations will not be visible or accessed from a pedestrian street frontage (Policy 18.2.3.11).</li> </ul>
5. Development associated with discretionary land use activities	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> <li>a. Objective 18.2.3</li> <li>b. Policies 18.2.3.1 - 18.2.3.7</li> </ul>

#### 18.11.4 Assessment of discretionary performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. Acoustic insulation	See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.
2. <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>	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.
3. Standards Harbourside Edge: <ul style="list-style-type: none"> <li>Rule 18.6.18.1</li> <li>Rule 18.6.18.2</li> </ul>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. Objective 18.2.3</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:</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;</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;</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</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).</li> </ul>

#### 18.11.5 Assessment of discretionary activities in an overlay zone

Activity	Guidance on the assessment of resource consents
1. In the <b>hazard 1 overlay zones</b> (see Rule 18.3.8): <ul style="list-style-type: none"> <li>Potentially sensitive activities permitted in commercial and mixed use zones</li> </ul>	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.
2. In the <b>hazard 2 overlay zones</b> (see Rule 18.3.8): <ul style="list-style-type: none"> <li>Potentially sensitive activities not permitted in commercial and mixed use zones</li> <li>Sensitive activities</li> </ul>	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.

## **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. 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 non-complying activities

Activity	Guidance on the assessment of resource consents
1. All non-complying activities	<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. The relationship between manawhenua and the natural environment is maintained, including the cultural values and traditions associated with: <ul style="list-style-type: none"> <li>i. wāhi tūpuna; and</li> <li>ii. the customary use of mahika kai (Objective 14.2.1)</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, 18.2.3 &amp; 18.2.4.</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>

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

Activity	Guidance on the assessment of resource consents
1. Commercial advertising	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> <li>a. Objective 2.4.1</li> <li>b. Policy 2.4.1.6.c</li> </ul>
2. Crematoriums	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> <li>a. Objective 18.2.2, Policy 18.2.2.5</li> <li>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.</li> </ul>

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

Activity	Guidance on the assessment of resource consents
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. Objective 18.2.3, Policy 18.2.3.11 (along pedestrian frontages)
6. Conference, meeting and function, entertainment and exhibition outside of CBD and centres	<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 and TR)</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>	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)	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 18.2.1, Policy 18.2.1.3

### 18.12.4 Assessment of non-complying development activities

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

### 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>	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. Setback from national grid	See Section 5.10 for guidance on the assessment of resource consents in relation to Objective 5.2.1 and effects related to the efficient and effective operation of network utilities and public health and safety.
3. Location and screening of car parking	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 18.2.3 b. Policies 18.2.3.8 and 18.2.3.9
4. Standards Harbourside Edge Zone (Rule 18.6.18.3 to Rule 18.6.18.6)	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 18.2.3 b. Policy 18.2.3.5
5. Archaeological sites (earthworks)	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)	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 18.2.1 b. Policy 18.2.1.15
7. In a <b>primary pedestrian street frontage</b> : <ul style="list-style-type: none"> <li>• Access to loading areas (Rule 6.6.2.5.b)</li> </ul>	See Rule 6.12

## **Rule 18.13 Special Information Requirements**

### **18.13.1 Geotechnical investigation report**

1. A geotechnical investigation report may be requested by Council for earthworks of a large scale and/or where the earthworks are proposed:
  - 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);
  - b. on a site identified as hazard-prone in Council's Hazard Information Management System; or
  - c. on any other site that the Council, with good cause, suspects to be hazard-prone.
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).
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.
4. The geotechnical investigation report must address the following factors:
  - a. special design or construction requirements;
  - b. special foundation requirements;
  - c. services;
  - d. access;
  - e. effluent disposal;
  - f. non-engineered fills; and
  - g. a statement of professional opinion as to the suitability of the land for the proposed development.



## 19. Industrial Zones

### 19.1 Introduction

Industrial activities make an important contribution to the economic well-being of Dunedin. In order to be able to operate effectively, industrial activities have particular requirements including adequate land and access to raw materials and markets. However, these activities can create off-site effects such as noise, smell, and heavy traffic movements that need to be managed under the RMA.

Industrial zoned land is spread throughout the City, including in the following areas:

- Ravensbourne Road;
- State Highway 88;
- Dunedin Wharf (inner city Port);
- Strathallan Street, Portobello Road, Portsmouth Drive
- Hillside Road
- Kaikorai Valley Road and Donald Street
- Burnside Corner
- Fairfield
- Abbotsford
- Mosgiel

The inner city Port area has been included as an industrial zone. This reflects the decision to zone the Port at Port Chalmers as a Major Facility, and the mix of industrial and port activities in the inner city Port area.

The key resource management issues that are being experienced or are anticipated in industrial zones are:

- Reverse sensitivity due to off-site effects such as noise, odour (managed by Otago Regional Council), heavy traffic movements, and the interaction between industrial activities and adjacent activities also needs to be managed under the RMA. Often the extent of these effects is such that physical separation is required between industrial activities and more sensitive activities.
- Threats to the availability and affordability of industrial land from the encroachment of non industrial activities (particularly retail and residential activities) into industrial zoned land. An example of this is the development of the former industrial zoned land adjoining Andersons Bay Road into large format retail, car yards and other commercial activities. The use of industrial zoned land for retail and residential activities reduces the availability, and increases the value, of industrial zoned land and consequently reduces the potential for industrial activities to be able to successfully operate in these locations. Such encroachment also exacerbates potential reverse sensitivity issues. For this reason, one of the primary focusses of the Industrial Zone is the protection of industrial zoned land for industrial activities.

In response to these issues, the Second Generation Plan (2GP) provisions propose to protect the existing clusters of industrial zoning, including areas near the centre city in order to take advantage of economies of scale and connectivity, while identifying new industrial land in strategic locations.

The 2GP provides for all industrial activities to occur in the Industrial Zone, including industry, industrial ancillary tourism, and rural industry. A range of activities that are unlikely to create reverse sensitivity issues or compete with industrial activities for land are also provided for in the Industrial Zone. These activities include port, yard based retail, retail ancillary to industry (with maximum gross floor area requirement), and standalone parking activities. Industry is also broadly defined and includes service activity (repairs and maintenance), transport depots, and laboratories.

Lastly, land that is currently zoned rural but is suitable for future industrial development has been identified in the 2GP and the inclusion of a rule that will trigger a change from rural to industrial applied to this land.

## 19.2 Objectives and Policies

<b>Objective 19.2.1</b>	
The industrial zones enable and protect the ability of industrial and port activities to establish and operate by only providing for a very limited range of specified non-industrial or non-port activities to establish and operate.	
Policy 19.2.1.1	Provide for the establishment and operation of industrial and port activity, industrial ancillary tourism activity and industrial ancillary retail activity in the industrial zones.
Policy 19.2.1.2	Enable farming and grazing in the Dukes Road North industrial area.
Policy 19.2.1.3	Avoid the establishment of non-industrial or non-port activities, other than those expressly provided for in the industrial zones, unless they would have significant positive effects on the successful operation of surrounding industrial or port activities.
Policy 19.2.1.4	Provide for yard based retail activity, service stations and emergency services to locate in the industrial zones in recognition that: <ul style="list-style-type: none"> <li>a. these activities often require a built form that cannot meet the requirements within the CBD and centres; and</li> <li>b. they are unlikely to be incompatible with industrial or port activities due to reverse sensitivity; and</li> <li>c. they are unlikely to be significant competing uses of land in an industrial and port zoned area.</li> </ul>
Policy 19.2.1.5	Only allow retail ancillary to industry where it is of a size that: <ul style="list-style-type: none"> <li>a. is clearly subordinate to and part of the operation of the primary industrial activity; and</li> <li>b. does not conflict with objectives 2.3.1, 2.3.2 and 2.4.3; and</li> <li>c. does not create adverse effects on other industrial activities, for example from traffic, parking or reverse sensitivity effects.</li> </ul>
Policy 19.2.1.6	Only allow restaurants and ancillary licensed premises which are designed and operated to service the workers engaged in or associated with industrial or port activities in the area, and are unlikely to attract significant patronage outside of this purpose.
Policy 19.2.1.7	Only allow community and leisure, and sport and recreation, to locate in the industrial zones where these activities have specific operational requirements that mean it is not practical to locate in a recreation, residential or commercial mixed use zone.
Policy 19.2.1.8	Provide for crematoriums to locate in the industrial zones due to the high degree of cultural and social sensitivity to their operation, and the lack of residential activity in this zone.
Policy 19.2.1.9	Avoid residential activity due to its high potential for reverse sensitivity to industrial or port activities, unless it would have significant positive effects on the successful operation of surrounding industrial or port activities.
Policy 19.2.1.10	Avoid retail activity (excluding retail ancillary to industrial activities and yard based retail activities) due to its high potential to be a significant competing use of land primarily zoned for industrial or port uses, unless it would have significant positive effects on the successful operation of surrounding industrial or port activities.
<b>Objective 19.2.2</b>	

### Objective 19.2.2

Development and activities are designed and operated so that:

- a. a reasonable level of amenity is maintained within the industrial zones;
- b. any adverse effects on the amenity of adjoining residential, school or recreation zones are minimised;
- c. a high standard of amenity along identified an amenity route mapped area is maintained; and
- d. the potential for reverse sensitivity effects on industrial and port activities, from activities that are provided for within the industrial zones, is minimised.

Policy 19.2.2.1	Require buildings to be set back an adequate distance from boundaries which adjoin residential or recreation zoned sites to maintain adequate sunlight access to these sites.
Policy 19.2.2.2	Require development along an amenity route mapped area to provide a high level of streetscape amenity by: <ul style="list-style-type: none"> <li>a. providing landscaping of a height and density adequate to maintain or enhance the amenity of the route and to screen industrial activities and development; and</li> <li>b. setting back buildings an adequate distance to allow this landscaping.</li> </ul>
Policy 19.2.2.3	Require fencing along boundaries that adjoin residential or school zoned sites to be of an adequate height and design to provide screening and security.
Policy 19.2.2.4	Require materials stored outside, including those which may become airborne due to wind, to be stored in a way that prevents materials escaping and contaminating any off-site area.
Policy 19.2.2.5	Require buildings and structures to be of a height that: <ul style="list-style-type: none"> <li>a. is similar to the existing height of buildings of the industrial and industrial port zones;</li> <li>b. avoids significant adverse effects on views from the central city and Dunedin's inner hill suburbs across the upper harbour toward the Otago Peninsula; and</li> <li>c. minimises, as far as practicable, shading and wind tunnelling effects on school, residential, and recreation zoned sites.</li> </ul>
Policy 19.2.2.6	Only allow buildings and structures to exceed the maximum height limit where: <ul style="list-style-type: none"> <li>a. the height is essential to the operation of an industrial activity; and</li> <li>b. all practicable measures have been taken to avoid or minimise the visual effects of the height limit exceedance.</li> </ul>
Policy 19.2.2.7	Require ancillary signs to be of an appropriate size and number to convey information about the name, location and nature of the business to passing vehicles or pedestrians, and not oversized or too numerous for that purpose.
Policy 19.2.2.8	Only allow activities other than industrial activities in the industrial zones where: <ul style="list-style-type: none"> <li>a. the potential for reverse sensitivity, that may affect the ability of industrial activities to operate, will be avoided or, if avoidance is not possible, will be no more than minor.</li> </ul>
Policy 19.2.2.9	Only allow crematoriums where they are located to avoid significant adverse effects on the amenity of surrounding residential, school and recreation zoned sites.

### Objective 19.2.3

Earthworks necessary for permitted or approved land use and development are enabled, while avoiding, or adequately mitigating, any adverse effects on:

- a. visual amenity and character;
- b. the stability of land, buildings, and structures; and
- c. surrounding properties.

Policy 19.2.3.1	Require earthworks, and associated retaining structures, to be designed and located to avoid adverse effects on the stability of land, buildings, and structures by: <ol style="list-style-type: none"> <li>a. being set back an adequate distance from property boundaries, buildings, structures and cliffs; and</li> <li>b. using a batter gradient that will be stable over time.</li> </ol>
Policy 19.2.3.2	Require earthworks and any associated retaining structures to be designed and located to minimise adverse effects on surrounding sites and the wider area, including by: <ol style="list-style-type: none"> <li>a. limiting the scale of earthworks that are provided for as a permitted activity; and</li> <li>b. requiring earthworks to avoid sediment run-off, including onto any property, or into any stormwater pipes, drains, channels or soakage systems.</li> </ol>
Policy 19.2.3.3	Only allow earthworks that exceed the scale thresholds (earthworks - large scale) and any associated retaining structures, where all of the following effects will be avoided or, if avoidance is not possible, adequately mitigated: <ol style="list-style-type: none"> <li>a. adverse effects on visual amenity and character;</li> <li>b. adverse effects on the amenity of surrounding properties, including from changes to drainage patterns; and</li> <li>c. adverse effects on the stability of land, buildings, and structures.</li> </ol>

## Rules

### Rule 19.3 Activity Status

#### 19.3.1 Rule location

The activity status tables in Rules 19.3.3 - 19.3.6 specify the activity status of land use activities, development activities, and subdivision activities in the industrial 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)
3. Network utilities and energy generation (Section 5)
4. Transportation activities (Section 6)
5. Scheduled Trees (Section 7)
6. Natural hazard mitigation activities (Section 8)

#### 19.3.2 Activity status introduction

1. The tables in Rules 19.3.3 to 19.3.5 show the activity status of activities in the industrial 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 1.6 outline the hierarchy of categories, activities and sub-activities.
3. Permitted land use activities do not automatically provide for any related development activities. Therefore, the activity status of any associated development activities should also be checked.
4. Where a new land use activity requires a resource consent, all associated development activities will be considered and assessed as part of the resource consent even if the development otherwise meets the development performance standards listed in the Plan.
5. The nested table in Section 1.6 is 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 table, the activity status will be non-complying if the activity status of "all" or "all other" activities in the most closely related category is non-complying, otherwise it will be discretionary.

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

6. For the purpose of the hazards provisions, activities are categorised as sensitive activities, potentially sensitive activities or least sensitive activities. The activities that are in each hazards sensitivity category are included in the definitions section and in Section 11.1.
7. In the hazard 1 or hazard 2 overlay zones, the activity statuses in Rule 19.3.6 apply to the following activities:
  - a. new sensitive activities and potentially sensitive activities, and
  - b. some new buildings.
8. Where the activity status in Rule 19.3.6 differs from that in Rule 19.3.3 - 19.3.5, the most restrictive activity status always applies.
9. In addition to the rules in Rule 19.3.6, performance standards for development activities within hazard overlay zones are included in Rule 19.3.3 - 19.3.5.
10. Activities in a hazard overlay zone must comply with all of the rules in 19.3.3 - 19.3.6.

### Performance Standards

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

### Legend

Acronym	Activity status
—	No change to activity status or not relevant (intersect does not exist)
P	Permitted activity
C	Controlled activity
RD	Restricted discretionary activity
D	Discretionary activity
NC	Non-complying activity
Acronym	Industrial zone/overlay name
Ind	Industrial Zone
IP	Industrial Port Zone
Acronym	Hazard overlay zones names
Haz1	Hazard 1 Overlay Zones
Haz2	Hazard 2 Overlay Zones
Haz3	Hazard 3 Overlay Zones

### 19.3.3 Activity status table - land use activities

1.	Performance standards that apply to all land use activities	a. Acoustic insulation b. Electrical interference c. Light spill d. Noise e. Setback from national grid (sensitive activities only)		
Industrial activities		Activity status		Performance standards
		a. Ind	b. IP	
2.	Industry	P	P	i. Minimum car parking ii. Minimum vehicle loading
3.	Industrial ancillary tourism	P	P	i. Minimum car parking ii. Minimum vehicle loading
4.	Rural industry	P	P	i. Minimum car parking
Major facility activities		a. Ind	b. IP	Performance standards
5.	Crematoriums	RD	RD	i. Minimum car parking
6.	Emergency services	RD	RD	
7.	Port	P	P	
8.	All other activities in the major facility activities category	NC	NC	
Commercial activities		a. Ind	b. IP	Performance standards
9.	Ancillary licensed premises	RD	RD	i. Minimum car parking
10.	Yard based retail	P	P	i. Minimum car parking
11.	Retail ancillary to industry	P	P	i. Maximum gross floor area ii. Minimum car parking
12.	Service stations	RD	RD	i. Service station design standards
13.	Restaurants	P	P	i. Hours of operation ii. Maximum gross floor area iii. Minimum car parking
14.	Stand-alone car parking	P	P	
15.	Commercial advertising	NC	NC	
16.	All other activities in the commercial activities category	NC	NC	
Community activities		a. Ind	b. IP	Performance standards
17.	Community and leisure - small scale	RD	RD	



18.	Community and leisure - large scale	RD	RD	
19.	Sport and recreation	RD	RD	
20.	Conservation	P	P	
21.	Early childhood education	NC	NC	
Rural activities		a. Ind	b. IP	Performance standards
22.	Farming <i>in Dukes Road North</i>	P	—	
23.	Farming <i>in all other areas</i>	NC	NC	
24.	Grazing <i>in Dukes Road North</i>	P	—	
25.	All other activities in the rural activities category	NC	NC	
Residential activities		a. Ind	b. IP	Performance standards
26.	All activities in the residential activities category	NC	NC	

#### 19.3.4 Activity status table - development activities

1.	Performance standards that apply to all development activities	a. Boundary treatments b. Setback from coast and water bodies c. Setback from national grid d. Setback from scheduled tree e. Hazard overlay zones development standards		
2.	Performance standards that apply to all new buildings and structures activities	a. Boundary setbacks b. Fire fighting c. Maximum height d. Number, location and design of ancillary signs		
Buildings and structures activities (excluding activities affecting a protected part of a scheduled heritage building or scheduled heritage structure - See rows 4 - 8)		Activity status		Performance standards
		a. Ind	b. IP	
3.	Buildings and structures activities	P	P	
Buildings and structures activities that affect a protected part of a scheduled heritage building or scheduled heritage structure		a. Ind	b. IP	Performance standards
4.	Repairs and maintenance or <u>restoration</u>	P	P	i. Materials and design
5.	Earthquake strengthening <i>where external features only are protected</i>	C	C	i. Materials and design
6.	All other additions and alterations	RD	RD	

7.	Demolition	NC	NC	
8.	Removal for relocation	RD	RD	
Development activities on a scheduled heritage site, where visible from an adjoining public place or a public place within the heritage site		a. Ind	b. IP	
9.	Structures no more than 2.5m high or 2m <sup>2</sup> footprint	P	P	
10.	All other structures	RD	RD	
11.	New buildings	RD	RD	
12.	Parking, loading and access	RD	RD	i. Parking, loading and access standards
Site development activities in all areas (except as covered by rows 9 - 12 above)		a. Ind	b. IP	Performance standards
13.	Parking, loading and access	P	P	i. Parking, loading and access standards ii. Boundary treatments
14.	New parking areas, or extensions to existing parking areas ( <i>that result in the creation of 50 or more new parking spaces.</i> )	RD	RD	i. Parking, loading and access standards ii. Boundary treatments
15.	Outdoor storage	P	P	i. Maximum height ii. Securing of outdoor storage
16.	Storage and use of hazardous substances	P	P	i. Hazardous substances quantity limits and storage requirements
17.	Vegetation clearance	P	P	i. Vegetation clearance standards
18.	Earthworks - small scale	P	P	i. Earthworks standards
19.	Earthworks - large scale	RD	RD	i. Earthworks standards
20.	All other site development activities	P	P	

### 19.3.5 Activity status table - subdivision activities

Subdivision activities		Activity status		Performance standards
		a. Ind	b. IP	
1.	Subdivision activities	RD	RD	i. Access ii. Esplanade reserves and strips iii. Fire fighting iv. Service connections v. Shape

### 19.3.6 Change to activity status in Hazard 1, Hazard 2 and Hazard 3 Overlay Zones

Activity		a. Haz1	b. Haz2	c. Haz3
1.	Potentially sensitive activities permitted in the industrial zones	D	—	—
2.	Potentially sensitive activities not permitted in industrial zones	NC	D	—
3.	Sensitive activities	NC	D	—
4.	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, which create more than 60m <sup>2</sup> of new ground floor area	RD	RD	—

#### Note 19.3A - Guidance on existing use rights applying to land use activities in hazard overlay zones

1. For the purposes of the natural hazards provisions only, with respect to section 10 of the RMA, 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 sensitive activities and potentially sensitive activities, the ground floor area of any buildings increases by less than 100% in any consecutive 10 year period.
2. However, Council will consider specific circumstances associated with the development and how this affects the character, intensity and scale of the land use activity.

#### Note 19.3B - 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). This is the case regardless of whether the land on which the site is located is designated, or the activity is permitted under the District Plan or Regional Plan, or a resource or building consent has been granted.
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.

## Rule 19.4 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, unless Council considers special circumstances exist in relation to the application that require public notification:
  1. earthquake strengthening of a scheduled heritage building or scheduled heritage structure where external features only are protected (controlled activity) and that are not listed by Heritage New Zealand; and
  2. contravention of performance standard 13.3.2 'Materials and design' where the building or structure is not listed by Heritage New Zealand.
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;
  2. contraventions of performance standard 13.3.2 'Materials and design' where the building or structure is listed by Heritage New Zealand; and
  3. contravention of performance standard 13.3.3 'Archaeological sites'.
3. Applications for resource consent for the following activities will be publicly notified in accordance with section 95A(2) of the RMA, unless Council considers special circumstances exist in relation to the application:
  1. demolition of a protected part of a scheduled heritage building or scheduled heritage structure.
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. crematoriums;
  2. all restricted discretionary activities that list 'effect on cultural values of manawhenua' as a matter for discretion; and
  3. 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), Council will not use the performance standard for maximum height as a permitted baseline in considering the effects of any development activity associated with a discretionary or non-complying activity in the industrial zones.
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.
7. All other activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA.

## Rule 19.5 Land Use Performance Standards

### 19.5.1 Acoustic Insulation

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

- port noise control mapped area;
- within 40m of a state highway;
- within 40m of the Taieri Aerodrome Zone; and
- within 70m of a railway line.

### 19.5.2 Electrical Interference

Land use activities must comply with Rule 9.3.2.

### 19.5.3 Hours of Operation

Restaurants must not be open before 6am or after 6pm.

### 19.5.4 Light Spill

Land use activities must comply with Rule 9.3.5.

### 19.5.5 Maximum Gross Floor Area

- The gross floor area used for retail ancillary to industry activity must not exceed 10% of the total floor space of the premises.
- The maximum gross floor area of a restaurant is 50m<sup>2</sup>.
- Any retail ancillary to an industry activity that contravenes the performance standard for maximum gross floor area is a non-complying activity.

### 19.5.6 Minimum Car Parking

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

Activity		Minimum car parking rate
1.	Industry (including rural industry)	1 parking space per 100m <sup>2</sup> gross floor area.
2.	Industrial ancillary tourism	<ol style="list-style-type: none"> <li>1 parking space for every 5 persons the facility can accommodate at any one time, and</li> <li>1 coach parking space for facilities that can accommodate more than 50 people at one time (see Figure 6.14L)</li> </ol>
3.	Retail ancillary to industry	1 parking space per 35m <sup>2</sup> of retail floor area
4.	Yard based retail	1 parking space per 100m <sup>2</sup> of gross floor area and 1 per 400m <sup>2</sup> of yard display area.
5.	Restaurants	1 parking space per 35m <sup>2</sup> of gross floor area.
6.	Crematoriums	1 parking space per 75m <sup>2</sup> gross floor area.

- 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
---	--

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

8. Required parking spaces must be designed and constructed to comply with Rule 6.6.1.
9. Required parking spaces may be used for car, cycle or motorcycle parking, except for any required mobility parking spaces.
10. 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.
11. Where the minimum parking performance standard results in the requirement for a fractional space, any fraction under one half will be disregarded and any fraction of one half or greater will be counted as one space

#### **Note 19.5B - Other relevant District Plan provisions**

1. Parking areas must comply with the standards in Section 6.6: Parking, Loading and Access Performance Standards.

### **19.5.7 Minimum Vehicle Loading**

Land use activities must provide the on-site vehicle loading and maneuvering as follows:

Activity		Minimum vehicle loading rate
1.	Industry	1 loading space to accommodate an 8m rigid truck (see Figure 6.14J).
2.	Industrial ancillary tourism	1 loading space to accommodate a coach on any <u>site</u> greater than 400m <sup>2</sup> which has a vehicle crossing onto a rural highway or urban connector (see Figure 6.14L).

3. Required vehicle loading must be designed and constructed to comply with Rule 6.6.2.

### **19.5.8 Noise**

Land use activities must comply with Rule 9.3.6.

### **19.5.9 Service Station Standards**

Service stations must comply with Rule 6.7.1.

### **19.5.10 Setback from National Grid**

Sensitive activities must comply with Rule 5.6.1.1.

## Rule 19.6 Development Performance Standards

### 19.6.1 Boundary Treatments

1. Where a building is not built to the street frontage, a landscaping area with a minimum width of 1.5m must be provided along the full length of any road frontage that is identified as an **amenity route mapped area** (except for where vehicle access is provided). Landscaping areas must:
  - a. be planted with a mix of trees and shrubs and/or ground cover plants that achieves a total coverage of the ground area in planting (when mature), except for 10% of the area, which may be used for pedestrian paths;
  - b. have an average of one tree for every 5m of frontage;
  - c. not have more than 10% cover in impermeable surfaces (for pedestrian paths);
  - d. be designed to allow surface water run-off from surrounding areas to enter;
  - e. be protected by a physical barrier that prevents cars from accidentally driving into or 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 height of 5m within 10 years of planting;
  - g. be planted prior to occupation or completion of any relevant building(s) or site development; and
  - h. be maintained to a high standard, which means trees and under-planting are healthy and areas are regularly cleared of rubbish and weeds.
2. Any road boundary fences provided must be placed on the property side of any required road frontage landscaping.
3. Fencing must be provided along any boundaries which adjoin a residential or school zoned property. Fencing must:
  - a. be constructed from solid timber paling;
  - b. have vertical palings which are butted together;
  - c. only have palings visible from the residential zone; and
  - d. be a minimum of 1.8m high.

#### Note 19.6A - 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.

### 19.6.2 Earthworks Standards

#### 19.6.2.1 Earthworks - small scale thresholds

- a. Earthworks must not exceed the following scale thresholds to be considered earthworks - small scale. Where earthworks are located in one or more of the overlay zones or mapped areas indicated, the most restrictive scale threshold applies for the purposes of determining activity status. Resource consents will be assessed against all scale thresholds that are contravened.

Zone/Area	1. Industrial zones	2. GPA, SHS	3. Within 5m of a water body <sup>1</sup> or MHWS	4. Haz1 (Flood)	5. Haz2 & Haz3 (Flood)	6. Haz1 & Haz2 (Land Instability)



Zone/Area		1. Industrial zones	2. GPA, SHS	3. Within 5m of a water body <sup>1</sup> or MHWS	4. Haz1 (Flood)	5. Haz2 & Haz3 (Flood)	6. Haz1 & Haz2 (Land Instability)
i.	Change in ground level	1.5m	1.0m	0.5m	—	—	1.0m
ii.	Maximum area	—	50m <sup>2</sup>	25m <sup>2</sup>	—	—	—
Slope categories		Maximum volume of combined cut and fill					
iii.	Less than or equal to 12°	30m <sup>3</sup> per 100m <sup>2</sup> of site	10m <sup>3</sup>	1m <sup>3</sup>	0m <sup>2</sup> fill	20m <sup>3</sup> fill	10m <sup>3</sup> (Haz1) 20m <sup>3</sup> (Haz2)
iv.	Greater than 12° but less than or equal to 15°	25m <sup>3</sup> per 100m <sup>2</sup> of site	10m <sup>3</sup>	1m <sup>3</sup>	0m <sup>2</sup> fill	20m <sup>3</sup> fill	10m <sup>3</sup> (Haz1) 20m <sup>3</sup> (Haz2)
v.	Greater than 15° but less than or equal to 20°	15m <sup>3</sup> per 100m <sup>2</sup> of site	10m <sup>3</sup>	1m <sup>3</sup>	0m <sup>2</sup> fill	20m <sup>3</sup> fill	10m <sup>3</sup> (Haz1) 20m <sup>3</sup> (Haz2)
vi.	Greater than 20° but less than or equal to 26°	10m <sup>3</sup> per 100m <sup>2</sup> of site	10m <sup>3</sup>	1m <sup>3</sup>	0m <sup>2</sup> fill	20m <sup>3</sup> fill	10m <sup>3</sup> (Haz1) 20m <sup>3</sup> (Haz2)
vii.	Greater than 26° but less than or equal to 35°	0m <sup>3</sup> fill 5m <sup>3</sup> cut per 100m <sup>2</sup> of site	0m <sup>3</sup> fill 10m <sup>3</sup> cut	0m <sup>3</sup> fill 1m <sup>3</sup> cut	0m <sup>3</sup> fill	0m <sup>3</sup> fill	0m <sup>3</sup> fill 10m <sup>3</sup> cut (Haz1) 20m <sup>3</sup> cut (Haz2)
viii.	Greater than 35°	0m <sup>3</sup>	0m <sup>3</sup>	0m <sup>3</sup>	0m <sup>3</sup>	0m <sup>3</sup>	0m <sup>3</sup>

- ix. Where in a **swale mapped area** the maximum volume of combined cut and fill is 0m<sup>3</sup>.
- b. Where the part of the site in which the earthworks are located is in more than one slope category, the most restrictive scale threshold applies.
- c. Earthworks must not exceed 250mm in depth in a **groundwater protection mapped area**, except earthworks required for the foundations of buildings.
- d. Scale thresholds will be calculated as the cumulative total of earthworks on any site in a two calendar-year period.
- e. Earthworks *ancillary to network utilities* activities are only required to comply with Rule 19.6.2.1.a.i - change in ground level threshold.
- f. Earthworks *ancillary to the operation, repair, and maintenance of the roading network* are exempt from the performance standard earthworks - small scale thresholds.
- g. Earthworks that exceed the earthworks - small scale thresholds are treated as earthworks - large scale,

which are a restricted discretionary activity.

<sup>1</sup>See Rule 10.3.3 for how setbacks from waterbodies will be measured.

#### 19.6.2.2 Archaeological sites

Earthworks must comply with Rule 13.3.3.

#### 19.6.2.3 Batter gradient

Earthworks must:

- a. have a maximum cut batter gradient of 1:1 (i.e. rising 1m over a 1m distance); and
- b. have a maximum fill batter gradient of 2:1 (i.e. rising 1m over a 2m distance).

#### 19.6.2.4 Setback from property boundary, buildings, structures and cliffs

Earthworks over 600mm in height or depth must be set back from: property boundaries, foundations of buildings, structures greater than 10m<sup>2</sup>, and the top or toe of any cliff, the following minimum distances:

- a. Earthworks not supported by retaining walls:
  - i. a distance at least equal to the maximum height of the fill, as measured from the toe of the fill (see Figure 19.6A);
  - ii. a distance at least equal to 1.5 times the maximum depth of the cut, plus 300mm, as measured from the toe of the cut (see Figure 19.6A); and
  - iii. 300mm, as measured from the crest of any cut (see Figure 19.6A).
- b. Retaining walls supporting a cut or fill must be setback a distance at least equal to the height of the retaining walls (see Figure 19.6B), except:
  - i. retaining walls supporting a cut that have been granted building consent are exempt from this standard.
- c. Earthworks *ancillary to network utilities* activities and earthworks *ancillary to the operation, repair, and maintenance of the roading network* are exempt from the setback from property boundary, buildings, structures and cliffs performance standard.

Figure 19.6A: Unsupported cut and fill (elevation view)

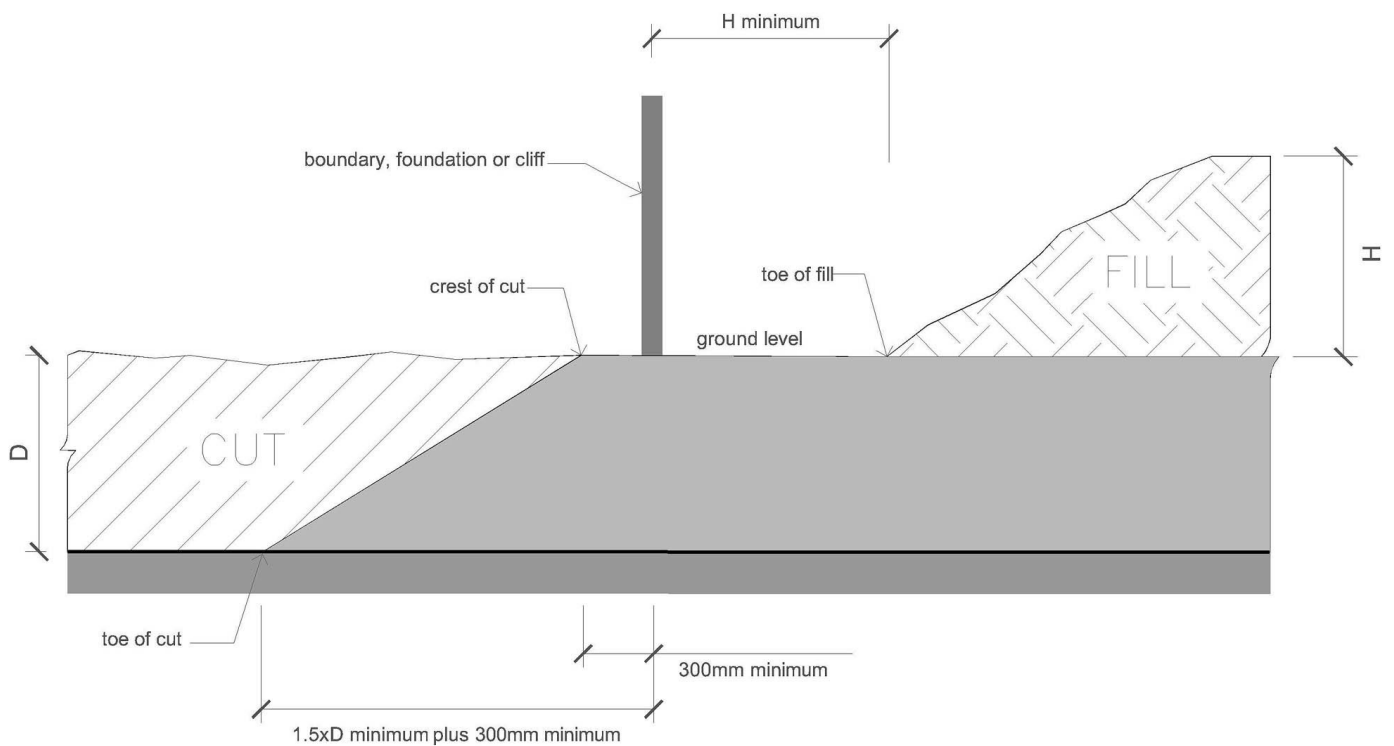
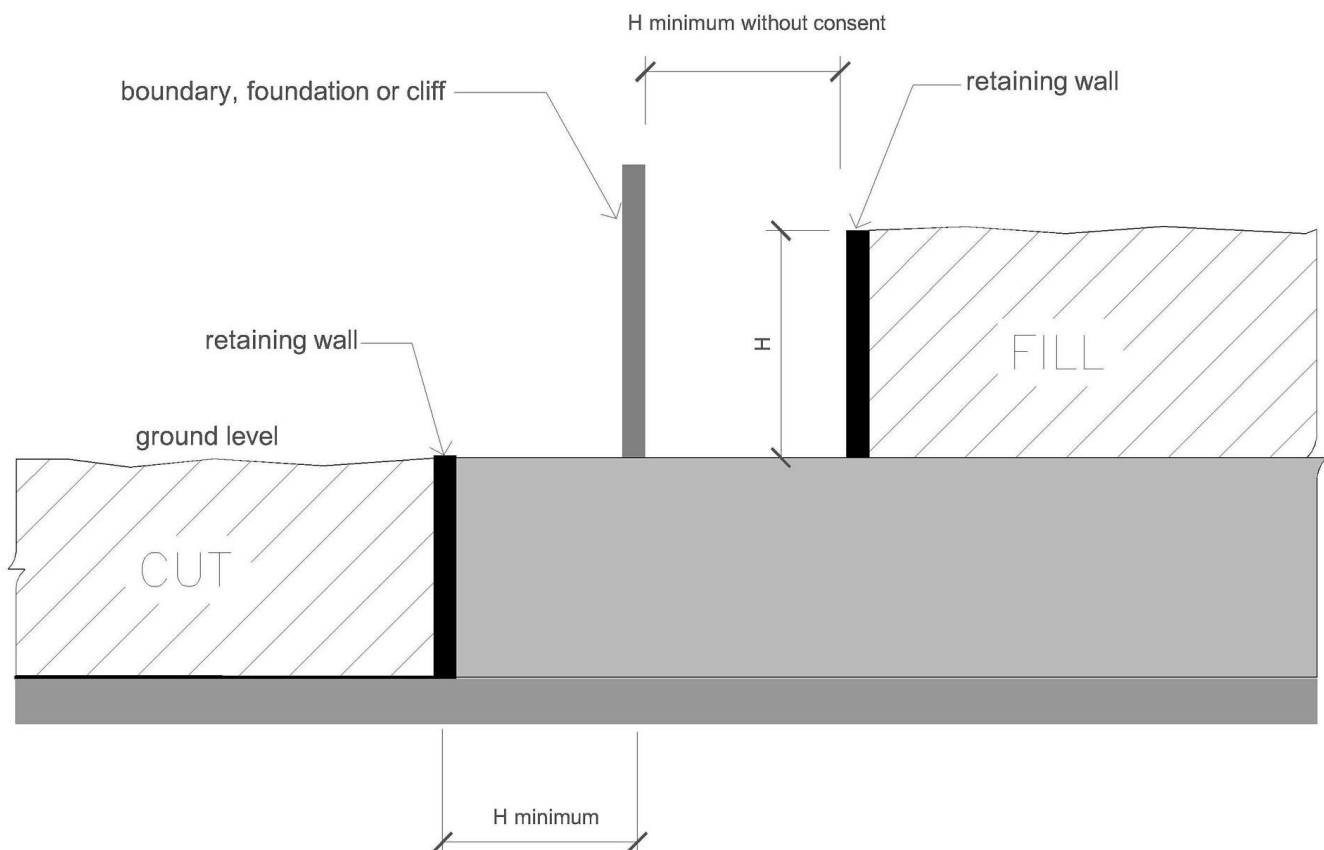


Figure 19.6B: Cut and fill supported by retaining walls (elevation view)



#### 19.6.2.5 Setback from national grid (earthworks)

Earthworks must comply with Rule 5.6.1.2.

#### 19.6.2.6 Setback from network utilities

Earthworks must comply with Rule 5.6.2.

#### 19.6.2.7 Sediment control

Earthworks must be undertaken in a way that prevents sediment entering water bodies, stormwater networks or going across property boundaries.

### 19.6.3 Fire Fighting

New residential buildings and subdivision activities must comply with Rule 9.3.3.

### 19.6.4 Hazard Overlay Zones Development Standards

#### 19.6.4.1 Hazard exclusion area

Development activities located in a **swale mapped area** must comply with Rule 11.3.1.1.

#### 19.6.4.2 Maximum area of vegetation clearance in the hazard overlay zones

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

#### 19.6.4.3 Minimum floor level

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.

#### 19.6.4.4 Relocatable buildings

New buildings (including residential buildings) to be used for sensitive activities in the Hazard 3 (coastal) Overlay Zone must comply with Rule 11.3.4.

### 19.6.5 Hazardous Substances Quantity Limits and Storage Requirements

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

### 19.6.6 Height

#### 19.6.6.1 Height in relation to boundary

- a. New buildings and additions or alterations to buildings must not protrude through a plane (see Figure 19.6C) raising at an angle of 45 degrees measured from a point:
  - i. 3m above ground level at the side or rear boundary with an Inner City Residential Zone or General Residential 2 Zone;
  - ii. 2.5m above ground level at the side or rear boundary with all other residential zones or a recreation zone;
  - iii. except, gable ends and dormers may protrude through the height in relation to boundary plane by a maximum of 1m (see Figure 19.6D).
- b. Rooftop structures are exempt from the performance standard for height in relation to boundary.

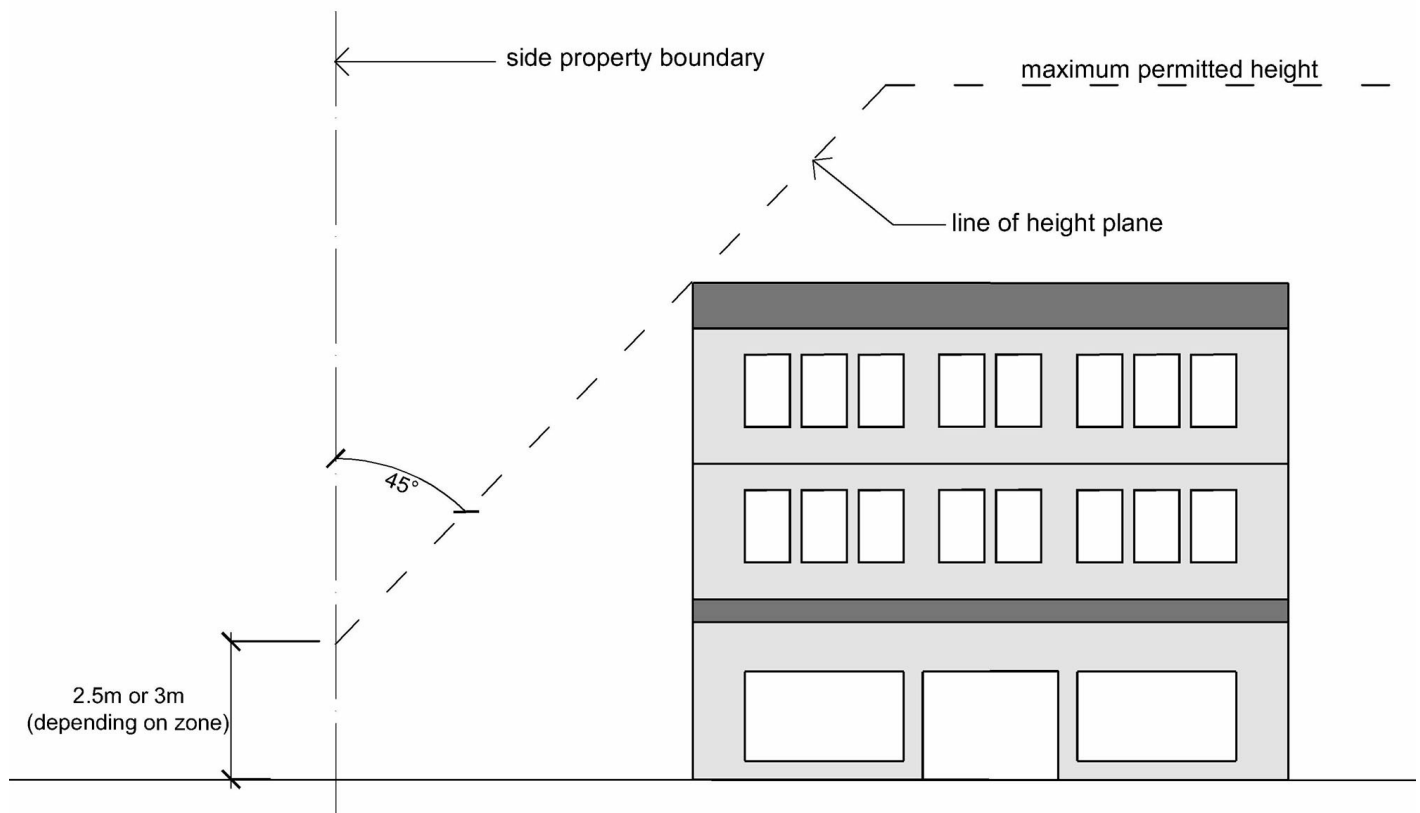
#### 19.6.6.2 Maximum height

The maximum height of new buildings and structures, additions and alterations, and outdoor storage, including the temporary storage of shipping containers must not exceed the following above ground level:

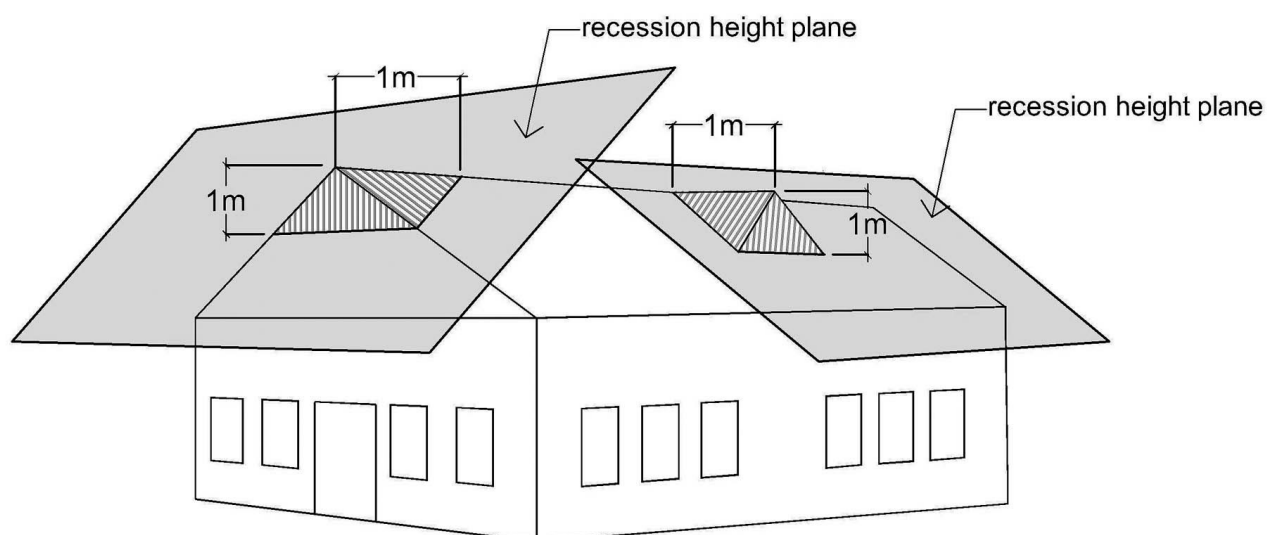
Height area		Maximum height
a.	Industrial Port Zone	25m
b.	<b>Cadbury height mapped area</b>	28m
c.	<b>Ravensbourne height mapped area</b>	20m
d.	All other areas in the Industrial Zone	18m

- e. Except, rooftop structures are exempt from the performance standard for height provided they do not exceed the maximum height limit for all other building and structures by 5m.
- f. Buildings or structures must not protrude through the height restriction for the Taieri Aerodrome Approach and Take-off Fans shown on the **Taieri Aerodrome Flight Fan mapped area**.

**Figure 19.6C: Height in relation to boundary**



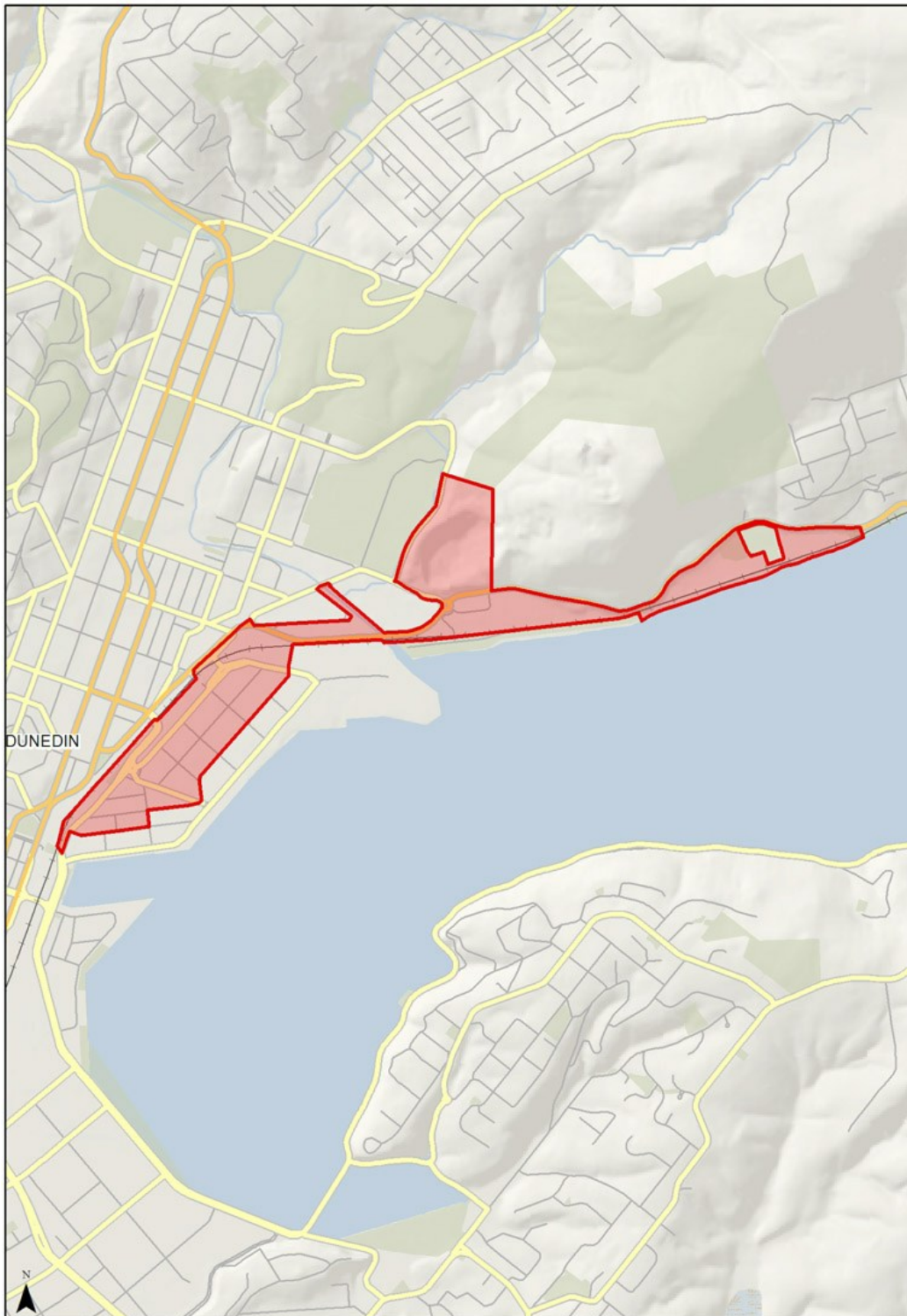
**Figure 19.6D: Height in relation to boundary**





[illegible]

## Ravensbourne Height Mapped Area



### 19.6.7 Materials and Design

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

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

#### 19.6.8.1 General

- a. Signs visible from a public place must meet all of the following performance standards.

- b. Signs must also comply with:
  - i. Rule 6.7.2 where located above the footpath; and
  - ii. Rule 6.7.3 where visible from a road.
- c. Signs must be ancillary signs.
- d. Signs higher than 4m above ground level must only display the business name.

#### 19.6.8.2 Signs attached to buildings

- a. The height, above ground level, at the highest point of any sign attached to a building is 8m.
- b. Signs must not be attached to roofs.
- c. Signs must not project higher than the lowest point of the roof, except where mounted against a parapet or gable end.
- d. Signs attached flat against a building:
  - i. must not cumulatively exceed 15% of the total wall area (excluding windows) that face the street frontage, or 8m<sup>2</sup>, 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 2m<sup>2</sup>;
  - iii. have a maximum of 2 display faces;
  - iv. not exceed 1 sign per 15m of street frontage, for a site with a single premise, or 1 per 7.5m, for a site with multiple premises; and
  - v. not exceed a total of 3 signs per building.

#### 19.6.8.3 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. 1 per 15m of street frontage 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 16m<sup>2</sup> per display face for permanently fixed freestanding signs;
  - iv. maximum area of 8m<sup>2</sup> per display face for portable freestanding signs;
  - v. maximum width of 2m; and
  - vi. maximum depth of 400m.
- c. Portable freestanding signs must not be located on the road reserve.
- d. Freestanding signs must:
  - i. not obstruct driveways, parking or loading areas; and
  - ii. be positioned entirely within site boundaries, except:
    - 1. a flag sign, 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.

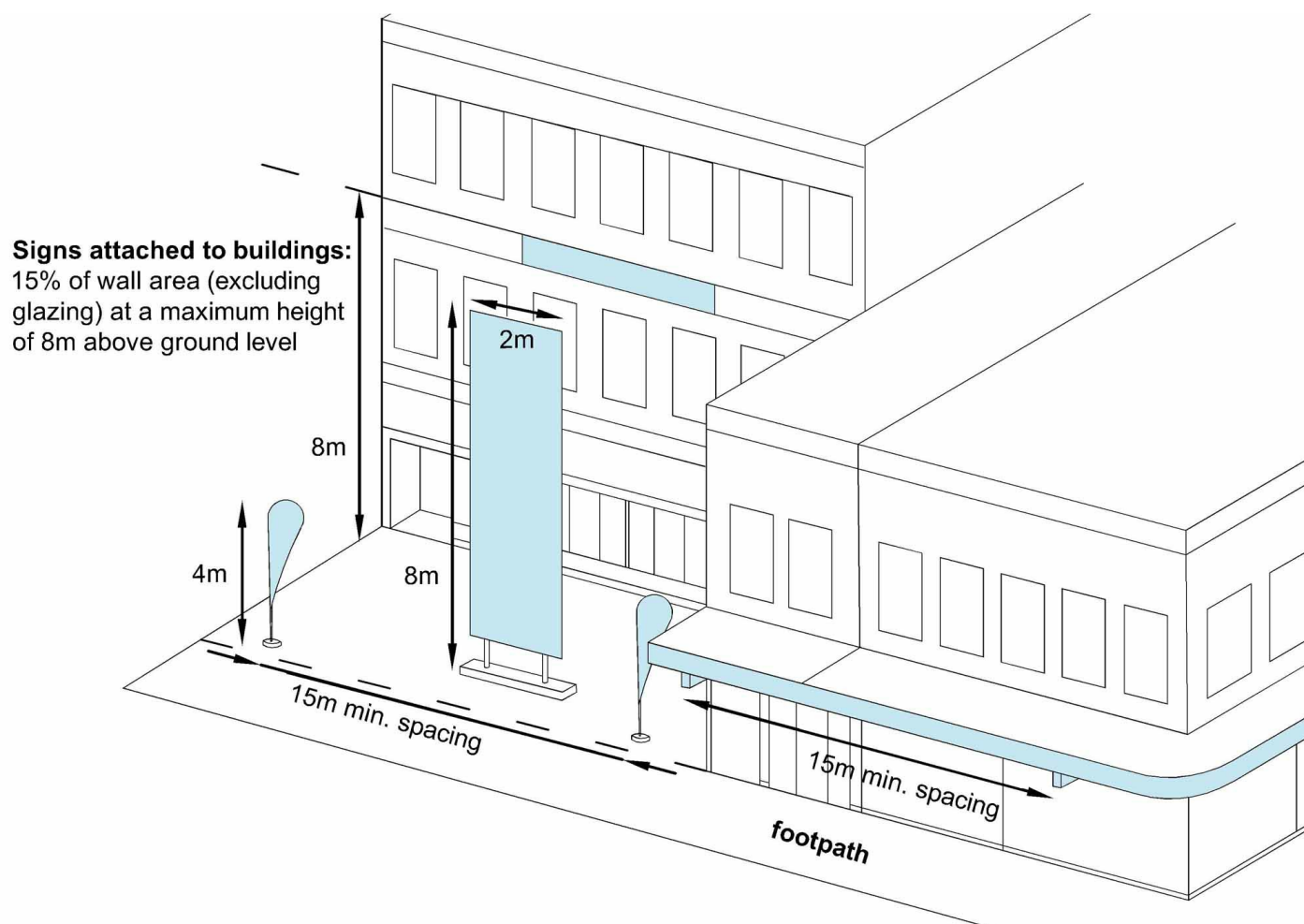
**Note 19.6B - Other relevant District Plan provisions**

1. Commercial advertising is a non-complying land use activity in all zones except 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.

**Note 19.6C - Other requirements outside the District Plan**

1. For additional restrictions that may apply to signs, see also:
  - a. New Zealand Transport Agency - Traffic control devices manual - Part 3 Advertising signs
  - b. Dunedin City Council Commercial use of Footpaths Policy
  - c. Dunedin City Council Roadway Bylaw
  - d. Dunedin City Council Traffic and Parking Bylaw

Image 19.6E: Signs in industrial zones





### 19.6.9 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

### 19.6.10 Securing of Outdoor Storage

1. Materials stored outside must be stored in a way that prevents them contaminating any off-site area.
2. Outdoor storage must not encroach into required parking, loading or landscaping areas.

### 19.6.11 Setbacks

#### 19.6.11.1 Boundary setbacks

New buildings and structures, and additions and alterations to buildings and structures must have a minimum setback as follows:

Location	Setback distance
a. From a boundary which adjoins a residential or recreation zone	5m
b. From any boundary along an <b>amenity route mapped area</b>	10.5m

- c. Except, fences and ancillary signs are exempt from this standard.

#### 19.6.11.2 Setback from scheduled tree

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

#### 19.6.11.3 Setback from national grid

New buildings and structures, additions and alterations, and earthworks must comply with Rules 5.6.1.1 and 5.6.1.2.

#### 19.6.11.4 Setback from coast and water bodies

New buildings and structures, additions and alterations, earthworks - large scale, and storage and use of hazardous substances must comply with Rule 10.3.3.

### 19.6.12 Vegetation Clearance Standards

1. Vegetation clearance in an **urban conservation mapped area** (UCMA) must comply with Rule 10.3.2.1.
2. Vegetation clearance in the Hazard 1 (land instability) and Hazard 2 (land instability) Overlay Zones must comply with Rule 11.3.2.

## Rule 19.7 Subdivision Performance Standards

### 19.7.1 Access

Subdivision activities must comply with Rule 6.8.1.

### 19.7.2 Esplanade Reserves and Strips

Subdivision activities must comply with Rule 10.3.1.

### 19.7.3 Fire Fighting

Subdivision activities must comply with Rule 9.3.3.

#### **19.7.4 Service Connections**

Subdivision activities must comply with Rule 9.3.7.

#### **19.7.5 Shape**

1. Each resultant site must be of a size that is large enough to ensure the following performance standards can be met:
  - a. minimum car parking;
  - b. setbacks from boundaries, water bodies, scheduled trees, national grid; and
  - c. esplanade reserves or strips.
2. Building platforms must have a slope of 12° (1:4.7 or 21%) or less and must not contain:
  - a. scheduled heritage buildings or structures; or
  - b. right-of-way easements.
3. For unreticulated areas, resultant sites must provide for a waste disposal area to be located at least 50m from any water body.
4. Sites created and used solely for the following purposes are exempt from the shape standard:
  - a. Scheduled ASCV or QEII covenant;
  - b. reserve;
  - c. access;
  - d. network utility; or
  - e. road.

## Rule 19.8 Assessment of Controlled Activities

### Rule 19.8.1 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 19.8.2:
  - 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) 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 19.9; 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 19.11; 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 19.12; and
    - iii. the assessment guidance in this section will also be considered.

### 19.8.2 Assessment of controlled development activities

Activity	Matters of control	Guidance on the assessment of resource consents
1. Earthquake strengthening that affects a protected part of a scheduled heritage building or scheduled heritage structure, where external features only are protected	a. Effects on heritage values	See Rule 13.4



## **Rule 19.9 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)**

### **Rule 19.9.1 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 19.9.2 - 19.9.6:
  - 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 19.9.2 - 19.9.5 apply to performance standards in the industrial zones; Rule 19.9.6 contains additional provisions that apply to performance standards in mapped areas and scheduled items.

### **19.9.2 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>a. The degree of non-compliance with the performance standard is minor.</li> <li>b. Compliance with the performance standard would be impracticable or create health and safety issues.</li> <li>c. The need to meet other performance standards, or other <u>site</u> specific factors including topography, make meeting the standard impracticable.</li> <li>d. Topography or other <u>site</u> specific factors make the standard irrelevant as the adverse effects that the standard is trying to manage will not occur.</li> <li>e. Non-compliance with the development performance standard would improve the design of the development in a way that would result in positive effects and better achieve identified objectives and policies of the Plan.</li> <li>f. The contravention is necessary for the industrial activity to operate or would have significant positive effects on its operation.</li> </ol> <p><i>General assessment criteria:</i></p> <ol style="list-style-type: none"> <li>g. Where more than one standard is contravened, the combined effects of the contraventions should be considered.</li> </ol>

### 19.9.3 Assessment of land use performance standards

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. <ul style="list-style-type: none"> <li>Hours of operation</li> <li>Maximum gross floor area</li> </ul>	a. Effects on the ability of industrial activities to operate (reverse sensitivity effects)	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 19.2.1</li> <li>ii. The restaurant is designed and operated to service workers engaged in or associated with industrial activities in area, and is unlikely to attract significant patronage outside of this purpose (Policy 19.2.1.6).</li> </ul>
3. <ul style="list-style-type: none"> <li>Minimum car parking</li> <li>Minimum vehicle loading</li> <li>Service station standards</li> </ul>	a. Effects on transport network	See Rule 6.9

### 19.9.4 Assessment of development performance standards

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. Boundary setbacks (boundaries adjoining residential or recreation zoned sites)	a. Effects on the character and amenity of sensitive surrounding sites	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 19.2.2</li> <li>ii. Buildings are set back an adequate distance from boundaries which adjoin residential or recreation zoned sites to maintain adequate sunlight access to these sites (Policy 19.2.2.1).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. The topography of the area means adequate sunlight access will be maintained to the adjacent sites.</li> <li>iv. The affected part of the adjacent <u>site</u> is not utilised by, and will not be used in the future, for a sensitive use.</li> </ul>
2. Boundary treatments (fencing)	a. Effects on the character and amenity of sensitive surrounding sites	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 19.2.2</li> <li>ii. Fencing along the boundaries that adjoin residential sites in the residential zone or sites in the school zone is of an adequate height and design so that it provides screening and security (Policy 19.2.2.3).</li> </ul>

#### 19.9.4 Assessment of development performance standards

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
3.	Earthworks standards: • Batter gradient	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 19.2.3 ii. Earthworks and associated retaining structures are designed and located to avoid adverse effects on the stability of land, buildings, and structures by using a batter gradient that will be stable over time (Policy 19.2.3.1.b).
4.	Earthworks standards: • Setback from property boundary, buildings, structures and cliffs	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 19.2.3 ii. Earthworks and associated retaining structures are designed and located to avoid adverse effects on the stability of land, buildings, and structures by being set back an adequate distance from property boundaries, buildings and cliffs (Policy 19.2.3.1.a).
5.	Earthworks standards: • Setback from national grid • Setback from network utilities	a. Effects on efficient and effective operation of network utilities	See Rule 5.7
		b. Effects on health and safety	
6.	Earthworks standards: • Sediment control	a. Effects on surrounding sites	<i>Relevant objectives and policies:</i> i. Objective 19.2.3 ii. Earthworks and any associated retaining structures are designed and located to minimise adverse effects on surrounding sites and the wider area by managing earthworks to avoid sediment run-off, including on to any property, or into any stormwater pipes, drains, channels or soakage systems (Policy 19.2.3.2.b).
		b. Effects on biodiversity values and natural character of the coast and riparian margins	See Rule 10.4
		c. Effects on the efficiency and/or affordability of infrastructure	See Rule 9.4
7.	Fire fighting	a. Effects on health and safety	See Rule 9.4

#### 19.9.4 Assessment of development performance standards

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
8.	Hazardous substances quantity limits and storage requirements	a. Effects on health and safety	See Rule 9.4
		b. Risk from natural hazards.	See Rule 11.4
9.	Maximum height	a. Effects on heightscape of industrial zones	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 19.2.2</li> <li>ii. Buildings and structures reflect the existing heightscape of the industrial zones (Policy 19.2.2.5a).</li> </ul>
		b. Effects on important view shafts	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 2.4.1, Policy 2.4.1.4</li> <li>ii. Objective 19.2.2</li> <li>iii. Buildings and structures are of a height that avoids significant adverse effects on views from the central city and Dunedin's inner hill suburbs, across the upper harbour toward the Otago Peninsula (Policy 19.2.2.5.b).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iv. Adverse effects are adequately mitigated by: <ul style="list-style-type: none"> <li>1. natural landforms and features (e.g. cliffs, tall trees on adjacent reserves) that provide a backdrop to the building;</li> <li>2. the topography of the site;</li> <li>3. building design; or</li> <li>4. other neighbouring buildings.</li> </ul> </li> </ul>
		c. Wind tunnelling and shading effects	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 19.2.2</li> <li>ii. Buildings and structures are of a height that minimises, as far as practicable, shading and wind tunneling effects on school, residential, and recreation zoned sites (Policy 19.2.2.5.c).</li> </ul>
		d. Effects on industrial activities	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 19.2.2</li> <li>ii. The height is essential to the operation of an industrial activity; and all practicable measures have been taken to avoid or minimise the visual effects of the height limit exceedance (Policy 19.2.2.6).</li> </ul>
		e. Effects on operation of Taieri Aerodrome	See Rule 33.9

#### 19.9.4 Assessment of development performance standards

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
10.	Number, location and design of ancillary signs	a. Effects on character and streetscape amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 19.2.2</li> <li>ii. Signs are of an appropriate size and number to convey information about the name, location and nature of the business to passing vehicles or pedestrians and not oversized or too numerous for that purpose (Policy 19.2.2.7).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. Signs will not be visible from outside the zone.</li> </ul>
		b. Effects on the safety and efficiency of the transport network	See Rule 6.9
11.	Parking, loading and access standards	a. Effects on transport network	See Rule 6.9
12.	Securing of outdoor storage	a. Effects on amenity of surrounding sites	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 19.2.2</li> <li>ii. Materials stored outside, including those which may become airborne due to wind, are stored in way that prevents materials escaping and contaminating any off-site area (Policy 19.2.2.4).</li> </ul>
13.	Setback from coast and water bodies	a. Effects on biodiversity values and natural character of the coast and riparian margins	See Rule 10.4
		b. Effects on public access	See Rule 6.9
		c. Risk from natural hazards	See Rule 11.4
14.	Setback from scheduled tree	a. Effects on long term health of tree	See Rule 7.6

#### 19.9.5 Assessment of subdivision performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	Access	a. Effects on the safety and efficiency of the transport network	See Rule 6.9

### 19.9.5 Assessment of subdivision performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
2.	Esplanade reserves and strips	a. Effects on biodiversity values and natural character of the coast and riparian margins	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	1. Effects on affordability and efficiency of infrastructure	See Rule 9.4

### 19.9.5 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. Objectives 2.4.1</li> <li>b. Subdivisions are designed to ensure any future land use or development is able to meet the performance standards in the zone, or where in a structure plan area, reflects the requirements of the structure plan, 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. Scheduled ASCV; QEII covenant; or</li> <li>2. reserve; or</li> <li>3. access; or</li> <li>4. utility; or</li> <li>5. 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. boundary setbacks;</li> <li>ii. setbacks from water bodies;</li> <li>iii. setback from scheduled tree;</li> <li>iv. setback from national grid; and</li> <li>v. earthworks standards (building platform slope).</li> </ul> </li> </ul> <p><i>Conditions that may be imposed:</i></p> <ul style="list-style-type: none"> <li>d. Restrictions or conditions, including by way of consent notice, on land use or development activities allowed on the site.</li> <li>e. A building platform may be required to be registered against the title by way of consent notice.</li> </ul>	



### 19.9.6 Assessment of restricted discretionary activities in a mapped area or affecting a scheduled item

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. In an <b>amenity route mapped area</b> : <ul style="list-style-type: none"> <li>Boundary setbacks</li> <li>Boundary treatments - landscaping</li> </ul>	a. Effects on streetscape amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 19.2.2</li> <li>ii. Development along an <b>amenity route mapped area</b> to provide a high level of streetscape amenity (Policy 19.2.2.2).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. There are positive effects on streetscape amenity related to better building or <u>site</u> design outcomes achieved through not meeting the performance standard.</li> </ul>
2. In a <b>hazard overlay zone or swale mapped area</b> : <ul style="list-style-type: none"> <li>Hazard overlay zones development standards</li> </ul>	a. Risk from natural hazards	See Rule 11.4
3. Affecting a <b>scheduled heritage item</b> : <ul style="list-style-type: none"> <li>Materials and design</li> </ul>	a. Effects on heritage values	See Rule 13.5
4. In the <b>Taieri Aerodrome Flight Fan mapped area</b> : <ul style="list-style-type: none"> <li>Maximum height (Rule 9.6.6.2.f)</li> </ul>	a. Effects on operation of Taieri Aerodrome	See Rule 9.4

## Rule 19.10 Assessment of Restricted Discretionary Activities

### Rule 19.10.1 Introduction

- 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.
- Rules 19.10.2 - 19.10.6:
  - list the matters Council will restrict its discretion to; and
  - provide guidance on how a consent application will be assessed, including:
    - relevant objectives and policies, with respect to s104(1)(b)(vi);
    - potential circumstances that may support a consent application;
    - general assessment guidance; and
    - conditions that may be imposed.

3. Rules 19.10.2 - 19.10.5 apply to activities in the industrial zones; Rule 19.10.6 contains additional provisions that apply to activities in overlay zones, mapped areas, and on scheduled items.
4. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in the Plan. Conditions on development activities may be used to minimize 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) 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 19.9; 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 19.11; 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 19.12; and
    - iii. the assessment guidance in this section will also be considered.

#### 19.10.2 Assessment of all restricted discretionary activities

Activity	Guidance on the assessment of resource consents
1. All restricted discretionary activities	<p><i>Potential circumstances that may support a consent application include:</i></p> <ol style="list-style-type: none"> <li>a. For restricted discretionary land use activities, whether any associated buildings or structures meet relevant development performance standards.</li> </ol> <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> <li>b. 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.</li> </ol>

### 19.10.3 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. <ul style="list-style-type: none"> <li>Emergency services</li> <li>Service stations</li> </ul>	a. Effects on the safety and efficiency of the transport network	See Rule 6.10
2. Crematoriums	a. Effects on cultural values of manawhenua	See Rule 14.4
	b. Effects on industrial activities	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 19.2.2</li> <li>ii. The potential for reverse sensitivity, that may affect the ability of industrial activities to operate, will be avoided or, if avoidance is not possible, will be no more than minor (Policy 19.2.2.8).</li> </ul>
	c. Effects on amenity of surrounding sites	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 19.2.2</li> <li>ii. Crematoriums are located to avoid significant adverse effects on the amenity of surrounding residential, school and recreation zoned sites (Policy 19.2.2.9).</li> </ul>
3. <ul style="list-style-type: none"> <li>Community and leisure - small scale</li> <li>Community and leisure - large scale</li> <li>Sport and recreation</li> </ul>	a. Effects on industrial activities	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 19.2.2</li> <li>ii. The potential for reverse sensitivity, that may affect the ability of industrial activities to operate, will be avoided or, if avoidance is not possible, will be no more than minor (Policy 19.2.2.8).</li> <li>iii. Community and leisure, and sport and recreation activities have specific operational requirements when located in the industrial zones that mean it is not practical to locate in a recreation, residential or commercial mixed use zone (Policy 19.2.1.7).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iv. The scale of the activity is such that it will not result in a more than minor long term loss of land for industrial or port activities within a particular area, either on its own, or cumulatively with other non-industrial or port activities in that area.</li> <li>v. The number of people involved in the activity, hours of operation, noise is such that the activity will not have significant adverse effects on the amenity of surrounding residential, school and recreation zones.</li> </ul>

### 19.10.3 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
4. Ancillary licensed premises	a. Effects on industrial activities	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 19.2.1</li> <li>ii. Restaurants and ancillary licensed premises are designed and operated to service the workers engaged in or associated with industrial or port activities in the area, and are unlikely to attract significant patronage outside of this purpose (Policy 19.2.1.6).</li> <li>iii. Retail ancillary to industry is of a size that it: <ul style="list-style-type: none"> <li>i. is clearly subordinate to and part of the operation of the primary industrial activity; and</li> <li>ii. does not conflict with objectives 2.3.1, 2.3.2 and 2.4.3; and</li> <li>iii. does not create adverse effects on other industrial activities, for example from traffic, parking or reverse sensitivity effects (Policy 19.2.1.5).</li> </ul> </li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iv. The number of people involved in the activity, hours of operation, noise is such that the activity will not have significant adverse effects on the amenity of surrounding residential, school and recreation zones.</li> </ul>

#### 19.10.4 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. Earthworks - large scale (that exceed the scale thresholds for the industrial zones)	<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 19.2.3</li> <li>ii. Adverse effects on visual amenity and character will be avoided or, if avoidance is not possible, adequately mitigated (Policy 19.2.3.3.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 19.2.3.3.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 effect 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>

#### 19.10.4 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
	c. Effects on the stability of land, buildings and structures	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 19.2.3</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 19.2.3.3.c).</li> </ul> <p><i>Potential circumstances that may support a consent application:</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 19.13.1).</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>
2. Earthworks - large scale (that exceed scale thresholds within 5m of a water body or MHWS)	a. Effects on biodiversity and natural character of riparian margins and the coast	See Rule 10.5
	b. Effects on public access	
3. New parking areas, or extensions to existing parking areas ( <i>that result in the creation of 50 or more new parking spaces.</i> )	a. Effects on the safety and efficiency of the transport network	See Rule 6.10

#### 19.10.5 Assessment of restricted discretionary subdivision activities

Subdivision activities	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. Effects on health and safety	See Rule 9.5
	c. Effects on affordability and efficiency of infrastructure	
	d. Risk from natural hazards	See Rule 11.5

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

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. In the <b>hazard overlay zones</b> : <ul style="list-style-type: none"> <li>• Earthworks - large scale (that exceed scale thresholds for a hazard (land instability) overlay zone)</li> <li>• Earthworks - large scale (that exceed scale thresholds for a hazard (flood) overlay zone)</li> <li>• Earthworks - large scale (that exceed scale thresholds for a <b>swale mapped area</b>)</li> <li>• Subdivision activities in a hazard 3 (Coastal) Overlay Zone</li> </ul>	a. Risk from natural hazards	See Rule 11.5
2. In the <b>hazard 1 or hazard 2 overlay zones</b> , other than the hazard 1 (land instability) Overlay Zone (see Rule 19.3.6): <ul style="list-style-type: none"> <li>• New buildings, and additions and alterations 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



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

Activity	Matters of discretion	Guidance on the assessment of resource consents
3. Affecting a <b>scheduled heritage item</b> : <ul style="list-style-type: none"> <li>• All other additions and alterations, and removal for relocation that affect a protected part of a scheduled heritage building or a scheduled heritage structure.</li> <li>• New buildings, all other structures, driveways, and parking, loading and access on a scheduled heritage site, where visible from an adjoining public place or a public place within a heritage site.</li> <li>• Earthworks - large scale (that exceed scale thresholds for a SHS)</li> <li>• Subdivision activities in a scheduled heritage site</li> </ul>	a. Effects on heritage values	See Rule 13.6
4. In a <b>geologically sensitive mapped area (GSA)</b> : <ul style="list-style-type: none"> <li>• Earthworks - large scale (that exceed underlying zone scale thresholds)</li> </ul>	a. Risk from natural hazards	See Rule 11.5
5. In a <b>GPA</b> : <ul style="list-style-type: none"> <li>• Earthworks - large scale (that exceed scale thresholds for a <b>GPA</b>)</li> </ul>	a. Effects on health and safety	See Rule 9.5

## Rule 19.11 Assessment of Discretionary Activities

### Rule 19.11.1 Introduction

- 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.
- With respect to section 104(2) of the RMA, Council will not consider the performance standard for maximum height in the industrial zones as part of the permitted baseline in considering the effects of discretionary activities.
- Rules 19.11.2 - 19.11.4 provide guidance on how a consent application for the listed discretionary activities will be assessed, including:
  - relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
  - potential circumstances that may support a consent applications;
  - general assessment guidance, including any effects that will be considered as a priority; and
  - conditions that may be imposed.
- 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.

### 19.11.2 Assessment of all discretionary activities

Activity	Guidance on the assessment of resource consents
1. All discretionary activities	<p><i>Potential circumstances that may support a consent application include:</i></p> <ol style="list-style-type: none"> <li>For discretionary land use activities, whether any associated buildings or structures meet relevant development performance standards, or otherwise achieve the relevant policies for development (see Rule 19.9 for performance standard contraventions).</li> <li>All relevant land use performance standards are met, including noise and light spill standards.</li> </ol> <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> <li>In assessing the significance of effects, consideration will be given to: <ol style="list-style-type: none"> <li>both short and long term effects, including effects in combination with other activities</li> <li>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> </ol> </li> <li>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.</li> <li>In assessing activities that are discretionary due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered.</li> </ol>

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

Activity	Guidance on the assessment of resource consents
1. In the <b>hazard 1 overlay zones</b> (see rule 19.3.6): <ul style="list-style-type: none"> <li>Potentially sensitive activities permitted in Industrial Zone</li> </ul>	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.
2. In the <b>hazard 2 overlay zones</b> (see rule 19.3.6): <ul style="list-style-type: none"> <li>Potentially sensitive activities not permitted in Industrial Zone</li> <li>Sensitive activities</li> </ul>	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.

#### 19.11.4 Assessment of discretionary performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. <ul style="list-style-type: none"> <li>• Acoustic insulation</li> <li>• Noise - where the limit is exceeded by up to 5dB LAeq (15min)</li> <li>• Light spill - where the limit is exceeded by 25% or less</li> </ul>	See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and the effects on public health and safety.

## **Rule 19.12 Assessment of Non-complying Activities**

### **Rule 19.12.1 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) of the RMA, Council will not consider the maximum height performance standard in the industrial zones as part of the permitted baseline in considering the effects of non-complying activities.
3. Rules 19.12.2 - 19.12.5 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. 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.

### 19.12.2 Assessment of all non-complying activities

Activity	Assessment Matters
1. All non-complying activities	<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. land that is important for economic and social prosperity, including industrial areas, major facilities, and key transportation routes, and productive rural land, is protected from less productive competing uses or incompatible uses (Objective 2.3.1).</li> </ul> </li> <li>b. The activity supports the purpose of the zone as outlined in (Objectives 2.3.1 and (19.2.1</li> <li>c. The establishment of non-industrial or non-port activities in the industrial zones, other than those expressly provided for, is avoided, unless they would have significant positive effects on the successful operation of surrounding industrial or port activities (Policy 19.2.1.3).</li> </ul> <p><i>Potential circumstances that may support a consent application should include:</i></p> <ul style="list-style-type: none"> <li>d. There are significant positive effects on the operation of industrial or port activities.</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>

### 19.12.3 Assessment of non-complying land use and development activities

Activity	Guidance on the assessment of resource consents
1. Commercial advertising	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> <li>a. Objective 2.4.1</li> <li>b. Policy 2.4.1.6.c</li> </ul>
2. In the <b>hazard 1 overlay zones</b> (see Rule 19.3.6): <ul style="list-style-type: none"> <li>• Potentially sensitive activities not permitted in Industrial Zone</li> <li>• Sensitive activities</li> </ul>	See Section 11.7 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and the effects related to the risk from natural hazards.

### 19.12.3 Assessment of non-complying land use and development activities

Activity	Guidance on the assessment of resource consents
3. <ul style="list-style-type: none"> <li>• Cemeteries</li> <li>• Landfills</li> </ul>	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.
4. Demolition of a protected part of a scheduled heritage building or scheduled heritage structure.	See Section 13.8 for guidance on the assessment of resource consents in relation to Objective 13.2.1 and effects on heritage values.

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

Performance standard	Assessment matters
1. <ul style="list-style-type: none"> <li>• Light spill - where the limit is exceeded by greater than 25%</li> <li>• Noise - where the limit is exceeded by 5dB LAeq (15 min) or more</li> <li>• Hazardous substances quantity limits and storage requirements (Rule 9.3.4.2)</li> </ul>	See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and the effects related to public health and safety.
2. Setback from national grid	See Section 5.10 for guidance on the assessment of resource consents in relation to Objective 5.2.1 and effects related to the efficient and effective operation of network utilities and public health and safety.
3. Hazard overlay development standards: <ul style="list-style-type: none"> <li>• hazard exclusion areas</li> </ul>	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.
4. Maximum gross floor area (retail ancillary to industrial)	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> <li>a. Objectives 2.3.1 and 19.2.1</li> <li>b. Retail ancillary to industry is of a size that is clearly subordinate to and part of the operation of the primary industrial activity; and does not conflict with objectives 2.3.1, 2.3.2 and 2.4.3; and does not create adverse effects on other industrial activities, for example from traffic, parking or reverse sensitivity effects (Policy 19.2.1.5).</li> </ul>
5. Archaeological sites (earthworks)	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.

## **Rule 19.13 Special Information Requirements**

### **19.13.1 Geotechnical investigation report**

1. A geotechnical investigation report may be requested by Council for earthworks of a large scale and/or where the earthworks are proposed:
  - 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);
  - b. on a site identified as hazard-prone in Council's Hazard Information Management System; or
  - c. on any other site that the Council, with good cause, suspects to be hazard-prone.
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).
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.
4. The geotechnical investigation report must address the following factors:
  - a. special design or construction requirements;
  - b. special foundation requirements;
  - c. services;
  - d. access;
  - e. effluent disposal;
  - f. non-engineered fills; and
  - g. a statement of professional opinion as to the suitability of the land for the proposed development.



## 20. Recreation Zone

### 20.1 Introduction

Public reserve and recreational areas are interspersed among other environments within the city. The protection and provision of these areas and facilities is important for the health and well-being of the community and to contribute to amenity values.

The key resource management issues relating to public reserves and recreation areas are:

- The current District Plan applies the surrounding zone to recreational areas, which means the development on such sites is subject to the rules of the zone in which they are located, which does not enable consideration of the effects of the recreation activity or development on other users or surrounding neighbours. The lack of identification of recreation areas in the current District Plan results in uncertainty for surrounding properties in regard to what development might occur on adjacent recreational areas. The current situation may also result in activities being undertaken on land adjacent to recreation areas and facilities without full consideration of the effects on the recreation area.
- Activities and developments in recreation areas can have adverse effects on the surrounding environment. For example, large scale buildings and structures, parking and traffic effects, and nuisance-related effects such as noise or glare from lighting can impact on the amenity of surrounding residential properties. As these areas and facilities are not identified in the current District Plan, there is no provision for the types of activities or developments that are anticipated and appropriate in these areas and the effects are only assessed within the context of the surrounding environment rules. This means that the positive effects of activities or development cannot be taken into account.
- Many recreation areas provide important green space for the city. As such, limiting the types and scale of activities and development that occurs on them is necessary to ensure that they are available for a range of uses (including casual public use), and that green space is not consumed by inappropriate activities or development.
- Commercial food, beverage, and retail activities provided in association with recreation facilities could threaten the vitality of centres if provided in a way or at a scale that would compete with activities in the centres. Such activities occurring outside the commercial centres also have the potential to impact on neighbours.

In response to the issues, the Second Generation Plan (2GP) proposes to provide for these areas through a specific Recreation Zone. The areas covered by the zone are primarily sports fields, large urban bush reserves, and coastal reserves.

The provisions proposed in the 2GP recognise the values of these different areas included in the Recreation Zone; enabling and appropriate level of use and development in the different areas; and control the effects of the activities that take place on them. As such, recreational activity is enabled in an efficient manner and certainty as to what can occur on these areas is provided to both the recreational bodies and to adjacent land owners.

Other recreation areas not incorporated in this zone are:

- a. Small pocket parks, such as neighbourhood playgrounds, and small reserve areas in commercial centres or the inner city, which retain the zoning of the surrounding environment.
- b. Some of the major facilities on recreation areas (such as Moana Pool), which are managed through the major facilities zones.
- c. Open space and recreation areas in the rural environment, which are generally zoned the same as the surrounding environment (i.e. rural zones). These areas are primarily used for conservation, protection of biodiversity and landscapes, and to provide for walking and biking tracks.

## 20.2 Objectives and Policies

<b>Objective 20.2.1</b>	
The Recreation Zone provides opportunities for a wide range of recreational, sporting, community, and cultural activities.	
Policy 20.2.1.1	Enable sport and recreation, community and leisure activities, and restaurant and retail ancillary to sport and recreation.
Policy 20.2.1.2	Enable rural activities in the form of grazing and forestry.
Policy 20.2.1.3	Provide for a wide range of community activities, cemeteries, and campgrounds, where these activities are designed and operated to meet Objective 20.2.2 and its policies.
Policy 20.2.1.4	Avoid industrial, residential, commercial, rural, and major facilities activities, unless otherwise provided for in the Recreation Zone.

<b>Objective 20.2.2</b>	
Land use, development and subdivision activities: support the efficient and effective operation of the recreation area; maintain a high standard of on-site amenity for users of the recreation area; and maintain or enhance neighbourhood amenity and the amenity of any surrounding residential properties.	
Policy 20.2.2.1	Require development to maintain or enhance on-site amenity for recreation area users, neighbourhood amenity, and the amenity of any surrounding residential properties by ensuring: <ul style="list-style-type: none"> <li>a. there are adequate areas free from buildings or hard surfacing;</li> <li>b. the height, boundary setbacks, height in relation to boundary, and scale of buildings and structures is appropriate to the recreation area and in keeping with the scale of buildings in surrounding residential environments;</li> <li>c. service areas for campgrounds or restaurants ancillary to sport and recreation, are not visible from ground level from outside the site;</li> <li>d. communal outdoor gathering areas are designed and located to avoid overlooking and disturbing surrounding residential properties;</li> <li>e. parking areas are designed or located to minimise light spill from vehicles on surrounding residential properties; and</li> <li>f. outdoor storage is managed in a way that does not result in unreasonable visual amenity effects or nuisance effects.</li> </ul>
Policy 20.2.2.2	Require boundary fences to be of a height and design that contributes positively to streetscape amenity and character of the neighbourhood and recreation area.
Policy 20.2.2.3	Require ancillary signs to be located and designed to maintain on-site amenity, and surrounding streetscape and residential amenity by: <ul style="list-style-type: none"> <li>a. being of an appropriate size, design, and number to convey information about the name and nature of the club, organisation, or reserve, and not oversized or too numerous than what is necessary for that purpose; and</li> <li>b. limiting commercial sponsorship signs ancillary to sport and recreation to be temporary or enclosed within the site.</li> </ul>
Policy 20.2.2.4	Require forestry and tree planting to be set back an adequate distance to avoid significant effects from shading on residential buildings on adjacent properties.

### Objective 20.2.2

Land use, development and subdivision activities: support the efficient and effective operation of the recreation area; maintain a high standard of on-site amenity for users of the recreation area; and maintain or enhance neighbourhood amenity and the amenity of any surrounding residential properties.

Policy 20.2.2.5	Require retail, restaurants, and conference, meeting and function ancillary to sport and recreation, and ancillary licensed premises, to operate in a way (including hours of operation) that avoids, or if avoidance is not possible, adequately mitigates, noise or other adverse effects on the amenity of surrounding residential properties.
Policy 20.2.2.6	Only allow sport and recreation that involves motor vehicles, where there will be no, or only minimal, adverse effects on: <ul style="list-style-type: none"> <li>a. any surrounding residential properties; and</li> <li>b. other recreation area users.</li> </ul>
Policy 20.2.2.7	Only allow campgrounds where any adverse effects, including from noise, dust or loss of privacy, on surrounding residential properties and other recreation area users, can be avoided or if avoidance is not possible, is adequately mitigated.
Policy 20.2.2.8	Only allow cemeteries, where they are designed and located: <ul style="list-style-type: none"> <li>a. to avoid or, if avoidance is not possible, adequately mitigate, adverse effects on the amenity of surrounding residential properties; and</li> <li>b. to minimise the potential for reverse sensitivity from surrounding permitted activities that may affect the ability of the cemetery to operate.</li> </ul>
Policy 20.2.2.9	Only allow mining where: <ul style="list-style-type: none"> <li>a. there is a reasonable certainty that land will be restored to a standard that will minimise the long term visual effects; and</li> <li>b. any adverse effects, including from noise or dust, on surrounding residential properties or other recreation area users, can be avoided or if avoidance is not possible, is adequately mitigated.</li> </ul>
Policy 20.2.2.10	Only allow new buildings or additions and alterations to buildings that will result in gross floor area greater than 350m <sup>2</sup> and/ or has any wall longer than 20m where any adverse effects on on-site amenity, surrounding properties, and neighbourhood amenity, can be avoided, or if avoidance not possible, adequately mitigated.
Policy 20.2.2.11	Only allow subdivision activities where: <ul style="list-style-type: none"> <li>a. the subdivision does not adversely affect the efficient and effective operation of the recreation area.</li> </ul>
Policy 20.2.2.12	Only allow early childhood education where designed and located to avoid or, if avoidance is not possible, adequately mitigate adverse effects on: <ul style="list-style-type: none"> <li>a. the amenity of surrounding residential properties; and</li> <li>b. other recreation area users.</li> </ul>
Policy 20.2.2.13	Only allow stand-alone car parking where it is the secondary use of a car parking area required for an activity provided for in the recreation area, at times when that parking is not needed for that activity or otherwise needed to facilitate public use of the recreation area.

### Objective 20.2.3

Earthworks necessary for permitted or approved land use and development are enabled, while avoiding, or adequately mitigating, any adverse effects on:

- a. visual amenity and character;
- b. the stability of land, buildings, and structures; and
- c. surrounding properties.

Policy 20.2.3.1	Require earthworks, and associated retaining structures, to be designed and located to avoid adverse effects on the stability of land, buildings, and structures by: <ol style="list-style-type: none"> <li>a. being set back an adequate distance from property boundaries, buildings, structures and cliffs; and</li> <li>b. using a batter gradient that will be stable over time.</li> </ol>
Policy 20.2.3.2	Require earthworks and any associated retaining structures to be designed and located to minimise adverse effects on surrounding sites and the wider area, including by: <ol style="list-style-type: none"> <li>a. limiting the scale of earthworks that are provided for as a permitted activity; and</li> <li>b. requiring earthworks to avoid sediment run-off, including onto any property, or into any stormwater pipes, drains, channels or soakage systems.</li> </ol>
Policy 20.2.3.3	Only allow earthworks that exceed the scale thresholds (earthworks - large scale) and any associated retaining structures, where all of the following effects will be avoided or, if avoidance is not possible, adequately mitigated: <ol style="list-style-type: none"> <li>a. adverse effects on visual amenity and character;</li> <li>b. adverse effects on the amenity of surrounding properties, including from changes to drainage patterns; and</li> <li>c. adverse effects on the stability of land, buildings, and structures.</li> </ol>
Policy 20.2.3.4	Require earthworks ancillary to forestry to be carried out in accordance with industry best practice guidelines.

## Rules

### Rule 20.3 Activity Status

#### 20.3.1 Rule location

The activity status tables in Rules 20.3.3 to 20.3.6 specify the activity status of land use activities, development activities, and subdivision activities in the residential 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)
3. Network utilities and energy generation (Section 5)
4. Transportation activities (Section 6)
5. Scheduled Trees (Section 7)
6. Natural hazard mitigation activities (Section 8)

#### 20.3.2 Activity status introduction

1. The activity status tables in Rules 20.3.3 - 20.3.6 show the activity status of activities in the Recreation Zone and the overlay zones indicated, provided any performance standards shown in the far right column are met.
2. Activities are split into three types: a. land use activities, b. development activities, c. subdivision activities. Within these types, activities are split into categories. The nested tables in Section 1.6 outline the hierarchy of categories, activities and sub-activities.
3. Permitted land use activities do not automatically provide for any related development activities. Therefore, the activity status of any associated development activities should also be checked.
4. Where a new land use activity requires a resource consent, all associated development activities will be considered and assessed as part of the resource consent even if the development otherwise meets the development performance standards listed in the Plan.
5. The nested table in Section 1.6 is 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 table, 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 sensitive activities, potentially sensitive activities or least sensitive activities. The activities that are in each hazards sensitivity category are included in the definitions section and in Section 11.1.
7. In the hazard 1 or hazard 2 overlay zones, the activity statuses in Rule 20.3.6 apply to the following activities:
  - a. new sensitive activities and potentially sensitive activities, and
  - b. some new buildings.
8. Where the activity status in Rule 20.3.6 differs from that in Rule 20.3.3 - 20.3.5, the most restrictive activity status always applies.
9. In addition to the rules in Rule 20.3.6, performance standards for development activities within hazard overlay zones are included in Rule 20.3.3- 20.3.5.
10. Activities in a hazard overlay zone must comply with all of the rules in 20.3.3 - 20.3.6.

#### *Performance Standards*

11. Performance standards are listed in the far right column of the activity status tables.

12. Performance standards apply to permitted, controlled, and restricted discretionary activities.
13. If a permitted or controlled activity does not meet one or more performance standards, then the activity status of the activity will become restricted discretionary, unless otherwise indicated by the relevant performance standard rule.
14. If a controlled or restricted discretionary activity does not meet one or more performance standards, then the activity status is restricted discretionary, unless otherwise indicated in the performance standard.

## Legend

Acronym	Activity status
—	No additional provisions apply or not relevant
P	Permitted activity
C	Controlled activity
RD	Restricted discretionary activity
D	Discretionary activity
NC	Non-complying activity
Acronym	Zone/overlay zone name
Rec	Recreation Zone
NCC	Natural Coastal Character Overlay Zone
Scheduled ASCV	Scheduled Area of Significant Conservation Value
UCMA	Urban Conservation Mapped Area
SHS	Scheduled Heritage Site
Haz1	Hazard 1 Overlay Zones
Haz2	Hazard 2 Overlay Zones
Haz3	Hazard 3 Overlay Zones

### 20.3.3 Activity status table - land use activities

1.	Performance standards that apply to all land use activities	a. Acoustic insulation (noise sensitive activities only) b. Electrical interference c. Light spill d. Noise e. Setback from national grid (sensitive activities only)			
Community activities		Activity status			Performance standards
		a. Rec	b. NCC	c. ASCV	
2.	Community and leisure - small scale	P	—	—	i. Minimum car parking
3.	Community and leisure - large scale	RD	—	—	i. Minimum car parking

4.	Conservation	P	—	—	
5.	Early childhood education - small scale	RD	—	—	
6.	Early childhood education - large scale	D	—	—	
7.	Sport and recreation that involves motor vehicles	D	—	D	
8.	All other sport and recreation	P	—	D	i. Hours of operation ii. Minimum car parking
Commercial activities		a. Rec	b. NCC	c. ASCV	Performance standards
9.	Ancillary licensed premises	RD	—	—	i. Hours of operation
10.	Conference, meeting, and function <i>activity ancillary to sport and recreation</i>	P	—	D	i. Scale of operation
11.	Campgrounds	RD	—	NC	i. Minimum car parking
12.	Restaurants <i>ancillary to sport and recreation</i>	P	—	D	i. Hours of operation
13.	Retail activities <i>ancillary to sport and recreation</i>	P	—	D	
14.	Stand-alone car parking	RD	—	NC	
15.	All other activities in the commercial activities category	NC	—	NC	
Rural activities		a. Rec	b. NCC	c. ASCV	Performance standards
16.	Forestry	P	RD	NC	i. Forestry and tree planting setbacks ii. Tree species
17.	Grazing	P	—	NC	
18.	Mining	D	D	NC	
19.	All other activities in the rural activities category	NC	—	NC	
Industrial activities		a. Rec	b. NCC	c. ASCV	Performance standards
20.	All activities in the industrial activities category	NC	—	NC	
Residential activities		a. Rec	b. NCC	c. ASCV	Performance standards
21.	All activities in the residential activities category	NC	—	NC	
Major facility activities		a. Rec	b. NCC	c. ASCV	Performance standards
22.	Cemeteries	RD	—	NC	
23.	All other activities in the major facility activities category	NC	—	NC	



### 20.3.4 Activity status table - development activities

1.	Performance standards that apply to all development activities	a. Hazard overlay zones development standards b. Setback from coast and water bodies c. Setback from national grid d. Setback from scheduled tree		
2.	Performance standards that apply to all buildings and structures activities	a. Boundary setbacks b. Fire fighting c. Height in relation to boundary d. Maximum height e. Number, location and design of ancillary signs		
Buildings and structures activities (excluding activities affecting a protected part of a scheduled heritage building or a scheduled heritage structure. See Rows 8 - 12)		Activity status		
		a. Rec	b. NCC	c. ASCV
3.	New buildings or additions and alterations <i>that result in a building that is less than or equal to 60m<sup>2</sup></i>	P	—	—
4.	New buildings or additions and alterations <i>that result in a building that is greater than 60m<sup>2</sup> and less than or equal to 350m<sup>2</sup> and/or has any wall longer than 20m</i>	P	RD	RD
5.	New buildings or additions and alterations <i>that result in a building that is greater than 350m<sup>2</sup> and/or has any wall longer than 20m</i>	RD	—	—
6.	Fences	P	—	—
7.	All other buildings and structures activities	P	—	—
Buildings and structures activities <b>that</b> affect a protected part of a scheduled heritage building <b>or</b> scheduled heritage structure		a. Rec	b. NCC	c. ASCV
8.	Repairs and maintenance, or <u>restoration</u>	P	—	—
9.	Earthquake strengthening <i>where external features only are protected</i>	C	—	—
10.	All other additions and alterations	RD	—	—
11.	Demolition	NC	—	—
12.	Removal for relocation	RD	—	—
<u>Development activities on a scheduled heritage site, where visible from an adjoining public place or a public place within the heritage site</u>		a. Rec	b. NCC	c. ASCV
		Performance standards		

13.	Structures <i>no more than 2.5m high and 2m<sup>2</sup> footprint</i>	P	—	—	
14.	New buildings and all other structures, and parking, loading and access	RD	—	—	
Site development activities in all areas (except as covered by Rows 13 - 14 above)		a. Rec	b. NCC	c. ASCV	Performance standards
15.	Earthworks - small scale	P	—	—	i. Earthworks standards
16.	Earthworks - large scale	RD	RD	RD	i. Earthworks standards
17.	Outdoor storage	P	—	—	i. Location and screening of outdoor storage
18.	Vegetation clearance	P	—	—	i. Vegetation clearance standards
19.	Indigenous vegetation clearance	P	RD	RD	i. Vegetation clearance standards
20.	Parking, loading and access	P	—	—	i. Parking, loading and access standards ii. Location and screening of car parking
21.	New parking areas, or extensions to existing parking areas ( <i>that result in the creation of 50 or more new parking spaces.</i> )	RD	—	—	i. Parking, loading and access standards ii. Location and screening of car parking
22.	Storage and use of hazardous substances	P	—	—	i. Hazardous substances quantity limits and storage requirements
23.	Tree planting	P	—	—	i. Tree species ii. Forestry and tree planting setbacks
24.	All other site development activities	P	—	—	

### 20.3.5 Activity status table - subdivision activities

Subdivision activities		Activity status			c. Performance standards
		a. Rec	b. NCC	c. ASCV	
1.	General subdivision	RD	RD	RD	i. Access ii. Esplanade reserves and strips iii. Fire fighting iv. Service connections v. Shape
2.	Cross lease, company lease and unit title subdivision	NC	—	—	

### 20.3.6 Change to activity status in Hazard 1, Hazard 2 and Hazard 3 Overlay Zones

Activity		a. Haz1	b. Haz2	c. Haz3
1.	Potentially sensitive activities permitted in Recreation Zone	D	—	—
2.	Potentially sensitive activities not permitted in Recreation Zone	NC	D	—
3.	Sensitive activities	NC	D	—
4.	In a hazard 1 (land instability) Overlay Zone, new buildings, and additions and alterations to buildings, which create more than 1m <sup>2</sup> of new ground floor area	RD	—	—
5.	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, which create more than 60m <sup>2</sup> of new ground floor area	RD	RD	—

#### Note 20.3A - Guidance on existing use rights applying to land use activities in hazard overlay zones

- For the purposes of the natural hazards provisions only, with respect to section 10 of the RMA, Council will generally consider that a land use activity is similar in character, intensity, and scale where:
  - 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
  - for a residential activity, a new building is to be used solely as a garage or shed; or
  - for all other sensitive activities and potentially sensitive activities, the ground floor area of any buildings increases by less than 100% in any consecutive 10 year period.
- However, Council will consider specific circumstances associated with the development and how this affects the character, intensity and scale of the land use activity.

#### Note 20.3B - General advice

- Under the Heritage New Zealand Pouhere Taonga Act 2014 it is an offence to modify or destroy an archaeological site without obtaining an archaeological authority from Heritage New Zealand (HNZ). This is the case regardless of whether the land on which the site is located is designated, or the activity is permitted under the District Plan or Regional Plan, or a resource or building consent has been granted.

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.

## Rule 20.4 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, unless Council considers special circumstances exist in relation to the application that require public notification:
  1. earthquake strengthening of a scheduled heritage building or scheduled heritage structure where external features only are protected (controlled activity) and that are not listed by Heritage New Zealand; and
  2. contravention of performance standard 13.3.2 'Materials and design' where the building or structure is not listed by Heritage New Zealand.
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;
  2. contraventions of performance standard 13.3.2 'Materials and design' where the building or structure is listed by Heritage New Zealand; and
  3. contravention of performance standard 13.3.3 'Archaeological sites'.
3. Applications for resource consent for the following activities will be publicly notified in accordance with section 95A of the RMA, unless Council considers special circumstances exist in relation to the application:
  1. demolition of a protected part of a scheduled heritage building or scheduled heritage structure;
  2. all commercial activities (including commercial advertising); and
  3. all industrial activities.
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. cemeteries;
  2. all restricted discretionary activities that list 'effect on cultural values of manawhenua' as a matter for discretion; and
  3. discretionary and non-complying activities in a **wāhi tūpuna mapped area** where the activity is identified as a threat in Appendix A4.
5. In accordance with section 95B of the RMA, where an application is not publicly notified, Council will give limited notification to all affected persons.
6. All other activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA.

## **Rules 20.5 Land Use Performance Standards**

### **20.5.1 Acoustic Insulation**

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

1. port noise control mapped area;
2. within 40m of a state highway;
3. within 20m of an Industrial Zone; and
4. within 70m of a railway line.

### **20.5.2 Electrical Interference**

Land use activities must comply with Rule 9.3.2.

### **20.5.3 Scale of Operation**

#### **20.5.3.1 Hours of operation**

- a. Sport and recreation, activities that are ancillary to sport and recreation (retail; restaurant; and conference, meeting and function), and ancillary licensed premises must operate within the following hours:

Days of week		Hours of operation
i.	Sunday - Thursday	7am - 10.30pm
ii.	Friday - Saturday	7am - 12am (midnight)

- b. Sportsfield lighting on sites adjacent to a residential zone must not operate from 10pm - 7am.

#### **20.5.3.2 Scale of activities**

- a. Conference, meeting and function ancillary to sport and recreation must not exceed an attendance rate of 25 people at any one time, or, for a maximum of 10 days per calendar year, an attendance rate of up to 50 people.
- b. Conference, meeting and function activities that contravene this performance standard are a discretionary activity.

#### **Note 20.5A - Other requirements outside of the District Plan**

1. Activities that involve the sale or provision of alcohol, or contain a social area that could be used for this purpose, may require a licence. Contact the DCC's Alcohol Licensing Department on 03 477 4000 or visit the DCC website [www.dunedin.govt.nz](http://www.dunedin.govt.nz) for more information.
2. Land owner consent from the DCC's Parks, Recreation and Aquatic Group Department is required for activities or development on recreation areas in addition to any permission or consent granted under the District Plan. Additional controls may apply under the Reserves Act 1977 or any Management Plan for the Area. Please contact customer services on 03 477 4000 or visit the DCC website [www.dunedin.govt.nz](http://www.dunedin.govt.nz) for more information.

### **20.5.4 Light Spill**

Land use activities must comply with Rule 9.3.5.

### 20.5.5 Minimum Car Parking

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

Activity	Minimum car parking rate
1. Community and leisure	1 parking space for every 5 persons the facility can accommodate at any one time
2. Sport and recreation	1 parking space for every 5 persons that the facility can accommodate at any one time.
3. Campgrounds	1 parking space for every visitor accommodation unit

4. 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

5. Required parking spaces may be used for car, cycle or motorcycle parking, except for any required mobility parking spaces, which must be used for mobility parking.
6. Parking spaces may be shared between land use activities (ie the same parking spaces may be used to fulfill the minimum car parking requirement for more than one land use activity), as long as the hours of operation of the land use activities do not overlap.
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.

#### Note 20.5B - Other relevant District Plan provisions

1. Parking areas must comply with the standards in Section 6.6: Parking, Loading and Access Performance Standards.

### 20.5.6 Noise

Land use activities must comply with Rule 9.3.6.

### 20.5.7 Setback from National Grid

Sensitive activities must comply with Rule 5.6.1.

### 20.5.8 Tree Species

Forestry and tree planting must comply with Rule 10.3.4.

## Rule 20.6 Development Performance Standards

### 20.6.1 Earthworks Standards

#### 20.6.1.1 Earthworks - small scale thresholds

- a. Earthworks must not exceed the following scale thresholds to be considered earthworks - small scale. Where earthworks are located in one or more of the overlay zones or mapped areas indicated, the most restrictive scale threshold applies for the purposes of determining activity status. Resource consents will be assessed against all scale thresholds that are contravened.

Zone/Area		1. Recreation Zone	2. UCMA, SHS	3. NCC	4. Scheduled ASCV, or within 5m of a water body <sup>1</sup> MHWS	5. Haz1 (Flood)	6. Haz2 & Haz3 (Flood)	7. Haz1 & Haz2 (Land Instability)
i.	Change in ground level	1.5m	1m	1.5m	0.5m	—	—	1m
ii.	Maximum area	—	50m <sup>2</sup>	200m <sup>2</sup>	25m <sup>2</sup>	—	—	—
Slope categories		Maximum volume of combined cut and fill						
iii.	Less than or equal to 12°	30m <sup>3</sup> per 100m <sup>2</sup> of site	10m <sup>3</sup>	50m <sup>3</sup>	1m <sup>3</sup>	0m <sup>3</sup> fill	20m <sup>3</sup> fill	10m <sup>3</sup> (Haz1) 20m <sup>3</sup> (Haz2)
iv.	Greater than 12° but less than or equal to 15°	25m <sup>3</sup> per 100m <sup>2</sup> of site	10m <sup>3</sup>	50m <sup>3</sup>	1m <sup>3</sup>	0m <sup>3</sup> fill	20m <sup>3</sup> fill	10m <sup>3</sup> (Haz1) 20m <sup>3</sup> (Haz2)
v.	Greater than 15° but less than or equal to 20°	15m <sup>3</sup> per 100m <sup>2</sup> of site	10m <sup>3</sup>	50m <sup>3</sup>	1m <sup>3</sup>	0m <sup>3</sup> fill	20m <sup>3</sup> fill	10m <sup>3</sup> (Haz1) 20m <sup>3</sup> (Haz2)
vi.	Greater than 20° but less than or equal to 26°	10m <sup>3</sup> per 100m <sup>2</sup> of site	10m <sup>3</sup>	50m <sup>3</sup>	1m <sup>3</sup>	0m <sup>3</sup> fill	20m <sup>3</sup> fill	10m <sup>3</sup> (Haz1) 20m <sup>3</sup> (Haz2)
vii.	Greater than 26° but less than or equal to 35°	0m <sup>3</sup> fill 5m <sup>3</sup> cut per 100m <sup>2</sup> of site	0m <sup>3</sup> fill 10m <sup>3</sup> cut	0m <sup>3</sup> fill 50m <sup>3</sup> cut	0m <sup>3</sup> fill 1m <sup>3</sup> cut	0m <sup>3</sup> fill	0m <sup>3</sup> fill	0m <sup>3</sup> fill 10m <sup>3</sup> cut (Haz1) 20m <sup>3</sup> cut (Haz2)
viii.	Greater than 35°	0m <sup>3</sup>	0m <sup>3</sup>	0m <sup>3</sup>	0m <sup>3</sup>	0m <sup>3</sup>	0m <sup>3</sup>	0m <sup>3</sup>

- ix. Where in a **swale mapped area** or **dune system mapped area** the maximum volume of combined cut and fill is 0m<sup>3</sup>.
- b. Where the part of the site in which the earthworks are located is in more than one slope category, the most



restrictive scale threshold applies.

- c. Scale thresholds will be calculated as the cumulative total of earthworks on any site in a two calendar-year period.
- d. Earthworks *ancillary to network utilities* activities are only required to comply with 20.6.1.1.a.i change in ground level threshold.
- e. Earthworks *ancillary to the operation, repair, and maintenance of the roading network* and earthworks *ancillary to forestry* are exempt from the performance standard earthworks - small scale thresholds.
- f. Earthworks in a Scheduled ASCV as part of the formation of a track up to 1.5m wide are exempt from Rule 20.6.1.1.a.4.
- g. Earthworks that exceed the earthworks - small scale thresholds are treated as earthworks - large scale, which are a restricted discretionary activity.

<sup>1</sup>See Rule 10.3.3 for how setbacks from waterbodies will be measured.

#### 20.6.1.2 Archaeological sites

Earthworks must comply with Rule 13.3.3.

#### 20.6.1.3 Batter gradient

- 1. Earthworks must:
  - a. have a maximum cut batter gradient of 1:1 (i.e. rising 1m over a 1m distance); and
  - b. have a maximum fill batter gradient of 2:1 (i.e. rising 1m over a 2m distance).
- 2. Earthworks *ancillary to forestry* are exempt from the batter gradient performance standard.

#### 20.6.1.4 Setback from property boundary, buildings, structures and cliffs

Earthworks over 600mm in height or depth must be set back from: property boundaries, foundations of buildings, structures greater than 10m<sup>2</sup>, and the top or toe of any cliff, the following minimum distances:

- a. Earthworks not supported by retaining walls:
  - i. a distance at least equal to the maximum height of the fill, as measured from the toe of the fill (see Figure 20.6A);
  - ii. a distance at least equal to 1.5 times the maximum depth of the cut, plus 300mm, as measured from the toe of the cut (see Figure 20.6A); and
  - iii. 300mm, as measured from the crest of any cut (see Figure 20.6A).
- b. Retaining walls supporting a cut or fill must be setback a distance at least equal to the height of the retaining walls (see Figure 20.6B), except:
  - i. retaining walls supporting a cut that have been granted building consent are exempt from this standard.
- c. Earthworks *ancillary to network utilities* activities, earthworks *ancillary to the operation, repair, and maintenance of the roading network* and earthworks *ancillary to forestry* are exempt from the setback from property boundary, buildings, structures and cliffs performance standard.

Figure 20.6A: Unsupported cut and fill (elevation view)

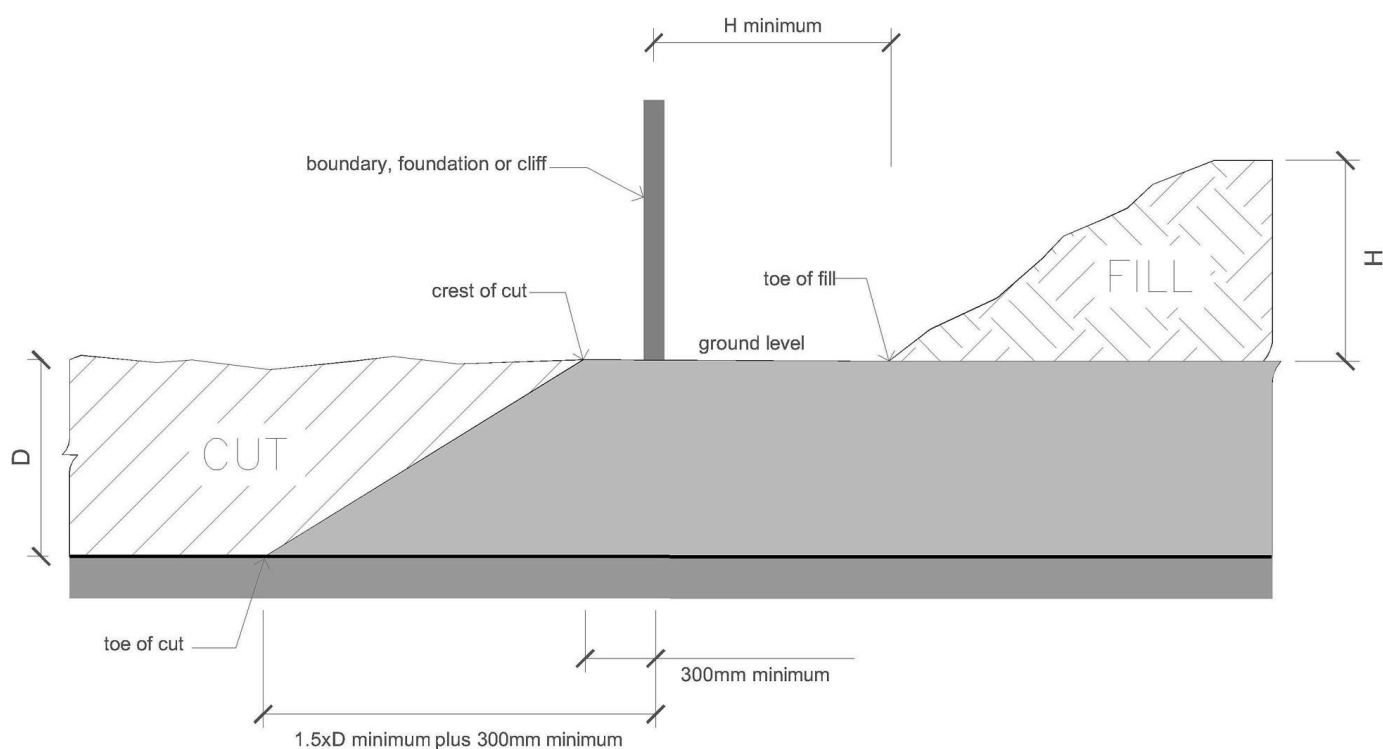
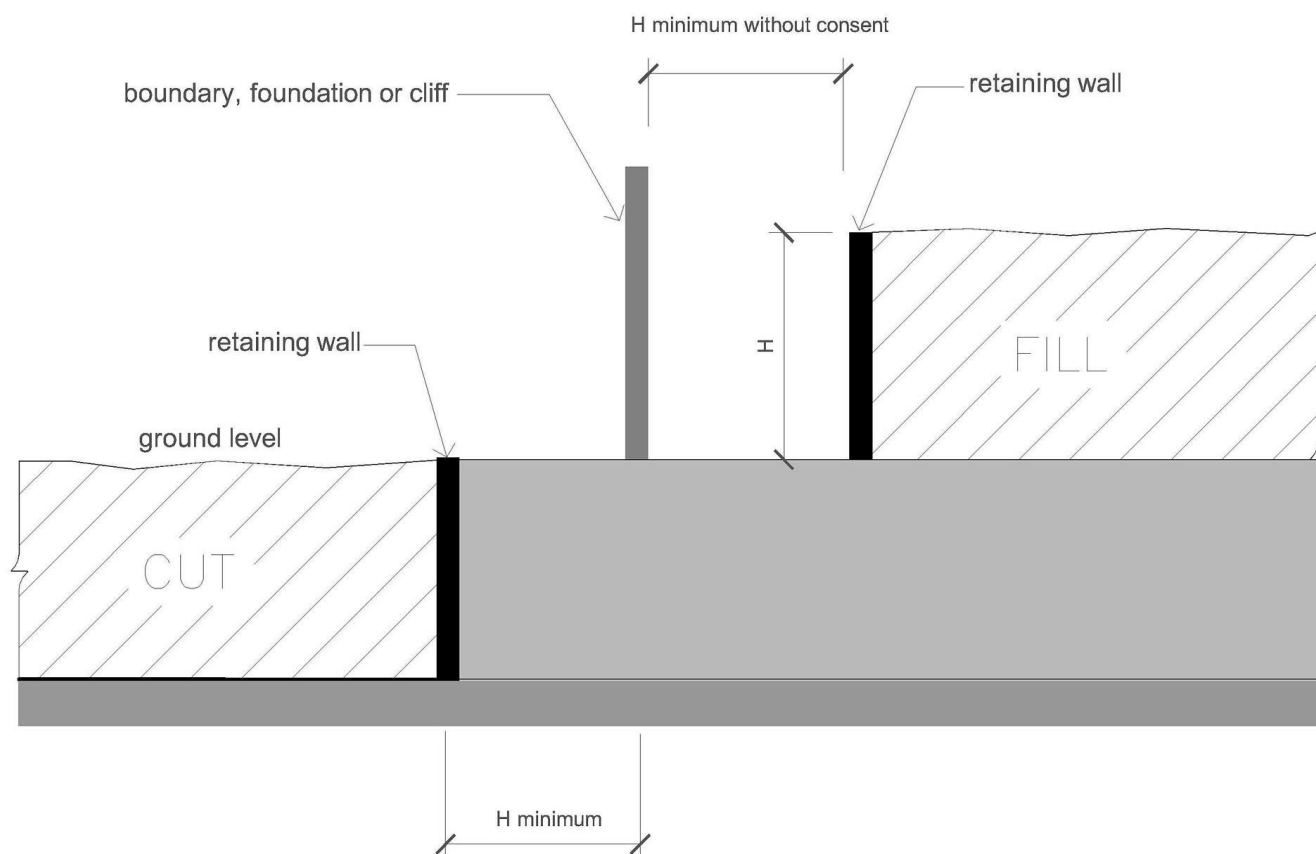


Figure 20.6B: Cut and fill supported by retaining walls (elevation view)



#### 20.6.1.5 Setback from national grid (earthworks)

Earthworks must comply with Rule 5.6.1.2.

#### 20.6.1.6 Setback from network utilities

Earthworks must comply with Rule 5.6.2.

#### 20.6.1.7 Sediment control

Earthworks must be undertaken in a way that prevents sediment entering water bodies, stormwater networks or going across property boundaries.

#### 20.6.1.8 NZ Environmental Code of Practice for Plantation Forestry

Earthworks *ancillary to forestry* must be in accordance with the New Zealand Environmental Code of Practice for Plantation Forestry 2007.

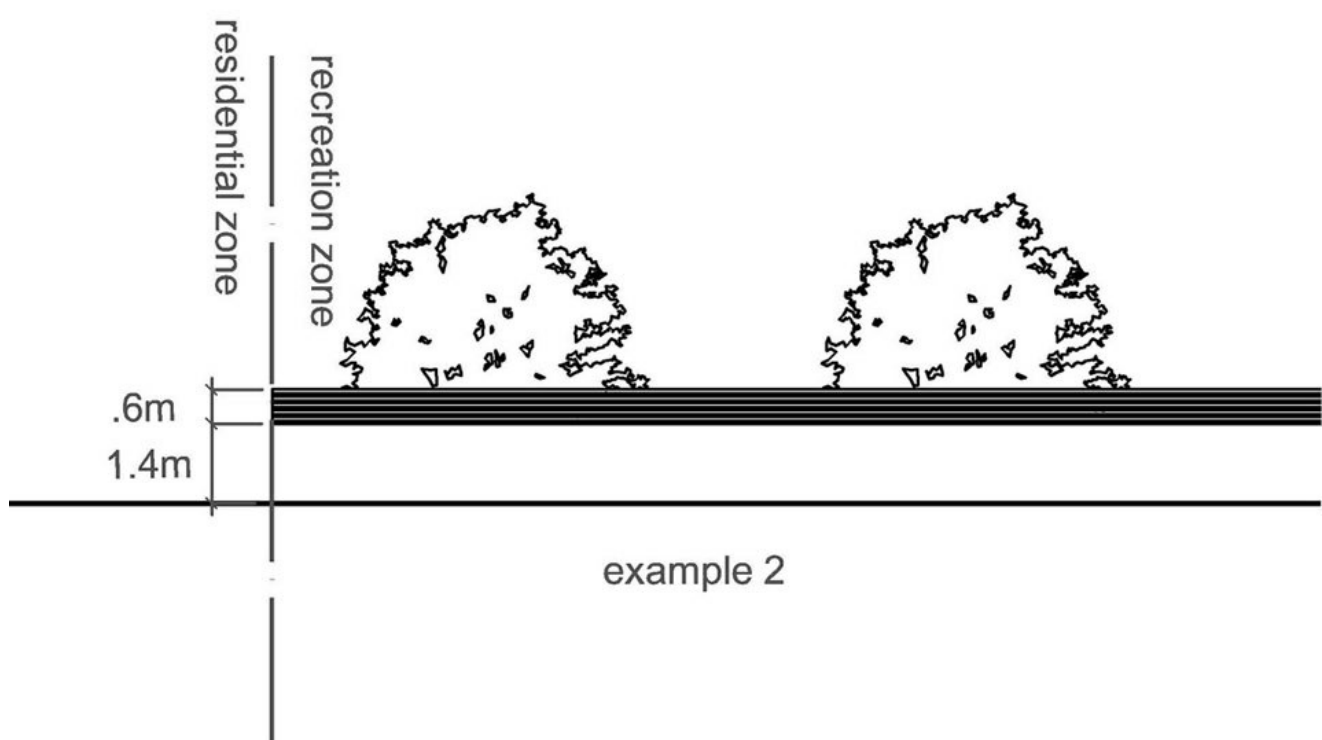
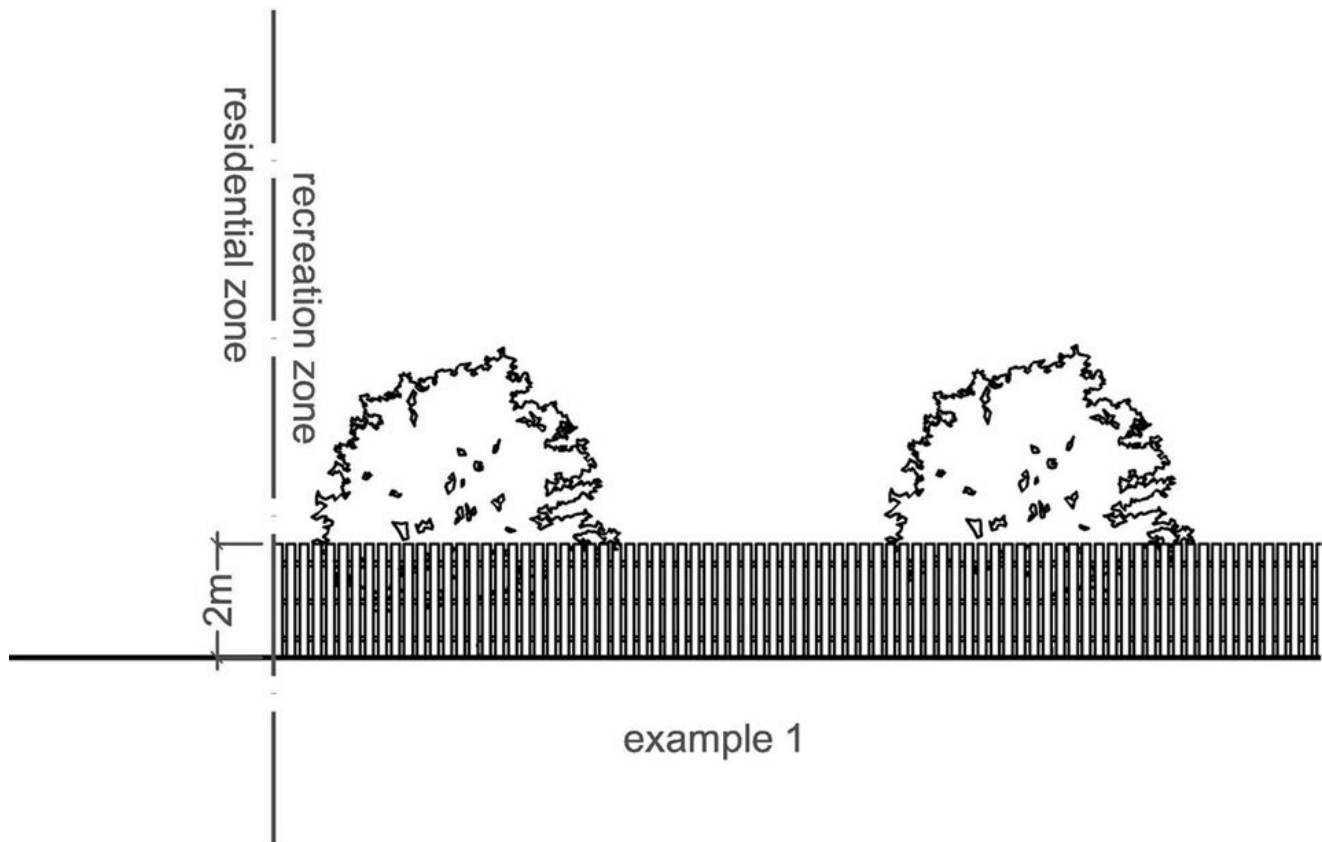
### 20.6.2 Fence Height and Design

1. Fences must not exceed the following height limits, except as provided in Rule 20.6.2.3 below:

Location		Maximum height
a.	Along the road boundary with a state highway	2m
b.	Along all other road boundaries	1.4m
c.	Along a side or rear boundary with a residential zone	1.4m
d.	Along all other side and rear boundaries	2m

2. Fences along boundaries include fences that are not exactly on the boundary but are within the boundary setbacks required by Rule 20.6.12.1.
3. Where the maximum height of a fence is 1.4m, the height of a fence may be increased to a maximum height of 2m provided that a minimum of 40% of the entire structure is visually permeable (see-through), or the portion above 1.4m height is visually permeable. Visually permeable refers to construction using trellis, lattice, wrought iron, or spaced palings (palings maximum width 150mm, spacing minimum width 25mm) or other materials that provide gaps that can be seen-through (see examples in Figure 20.6C).
4. For the purposes of calculating maximum height, where a fence or wall is erected atop a retaining wall, the height will be calculated as the combined height measured from ground level to the top of the fence or wall.

Figure 20.6C: Example of visually permeable fencing



### 20.6.3 Fire Fighting

New residential buildings and subdivision activities must comply with Rule 9.3.3.

### 20.6.4 Hazard Overlay Zones Development Standards

#### 20.6.4.1 Hazard exclusion areas

- Development activities located in a **swale mapped area** must comply with Rule 11.3.1.1.
- Development activities located in a **dune system mapped area** must comply with Rule 11.3.1.2.

#### 20.6.4.2 Maximum area of vegetation clearance in the hazard overlay zones

Vegetation clearance in the Hazard 1 (land instability) Overlay Zone, Hazard 2 (land instability) Overlay Zone, or in a **dune system mapped area**, must comply with Rule 11.3.2.

#### 20.6.4.3 Minimum floor level

New buildings (including residential buildings) to be used for sensitive activities in the Hazard 1 (flood), Hazard 2 (flood), Hazard 3 (flood) or Hazard 3 (coastal) Overlay Zones must comply with Rule 11.3.3.

#### 20.6.4.4 Relocatable buildings

New buildings (including residential buildings) to be used for sensitive activities in the Hazard 3 (coastal) Overlay Zone must comply with Rule 11.3.4.

#### 20.6.4.5 Outdoor storage standard

Outdoor storage in the Hazard 1 (flood) Overlay Zone must comply with Rule 11.3.5.

### 20.6.5 Hazardous Substances Quantity Limits and Storage Requirements

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

### 20.6.6 Height

#### 20.6.6.1 Height in relation to boundary

- New buildings and additions and alterations to buildings must not protrude through a plane (see Figure 20.6E) raising at an angle of 45 degrees measured from a point 2.5m above ground level at the boundary of the Recreation Zone.
- Except sports field fences which are 100% permeable and required to be tall for the purposes of public safety (e.g wire netting fences around softball fields), sports field lighting, and goal posts.
- Rooftop structures are exempt from the performance standard for height in relation to boundary

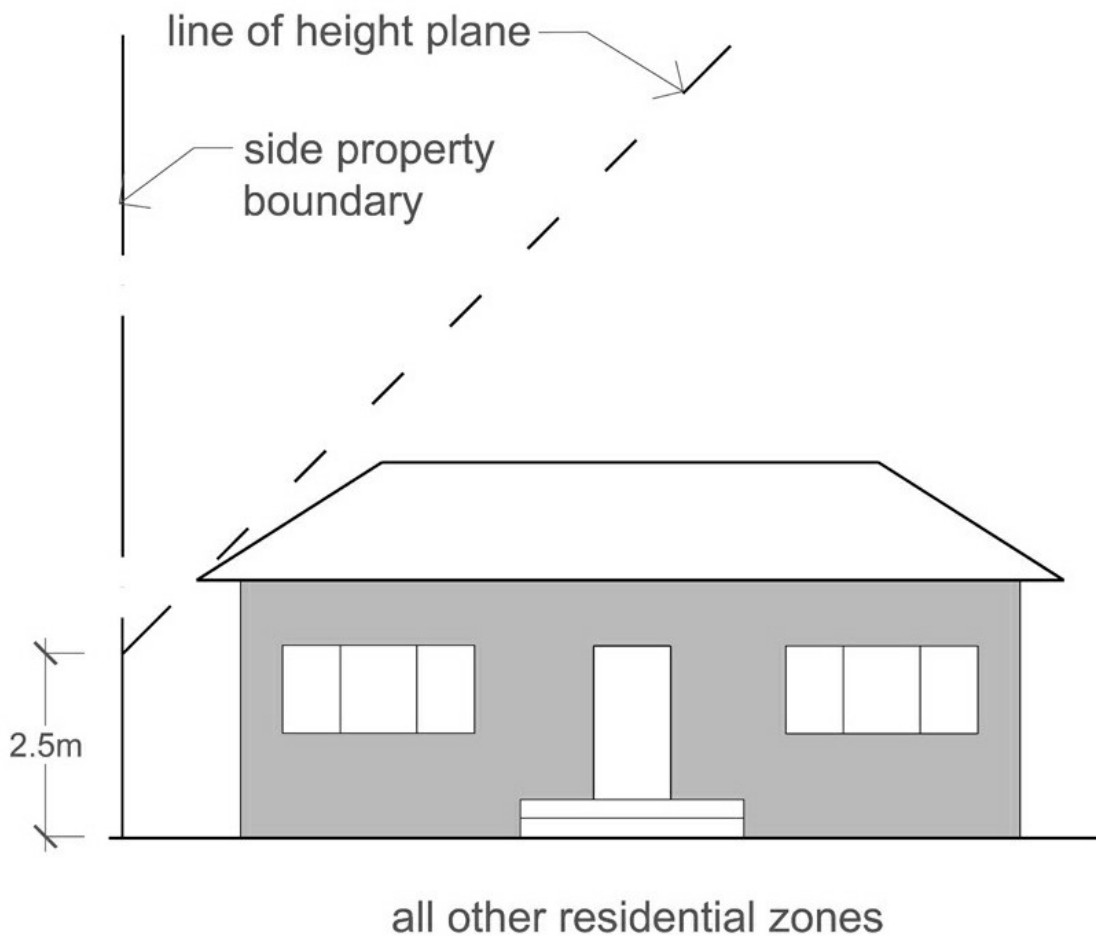
#### 20.6.6.2 Maximum Height

The maximum height for new buildings and structures, and additions and alterations, must not exceed the following above ground level:

Activity		Recreation Zone	Natural Coastal Character Overlay Zone (NCC)
a.	Goal posts and sports field lighting	22m	22m
b.	All other buildings and structures	9m	5m

- 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.

Figure 20.6E: Height in relation to boundary



#### 20.6.7 Location and Screening of Car Parking

Parking areas adjacent to a residential zone must, on that boundary, have a solid fence, or dense landscaping at least 1.4m high, that is capable of blocking light from headlights of motor vehicles.

#### 20.6.8 Location and Screening of Outdoor Storage

1. Service areas must be located or screened so that they are not visible at ground level from adjacent residential zoned properties or roads.
2. Outdoor storage, including service areas, must not encroach into required parking, loading and access areas.
3. Outdoor storage must be managed in a way that does not result in unreasonable visual amenity effects or nuisance effects.
4. Materials stored outside must be stored in a way that prevents them contaminating any off-site area.
5. Outdoor storage in the Hazard 1 (flood) Overlay Zone must comply with Rule 11.3.5.

#### 20.6.9 Materials and Design

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

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

##### 20.6.10.1 General

- a. Signs visible from a public place must meet all of the following performance standards.

- b. Signs must also comply with:
  - i. Rule 6.7.2 where located on or above the footpath outside dairies; and
  - ii. Rule 6.7.3 where visible from a road.
- c. Signs must be ancillary signs.
- d. Signs must not be illuminated or digital.

**20.6.10.2 Performance standards that apply to all ancillary signs, except commercial sponsorship signs:**

- a. Ancillary signs must only display the name, and logo of the relevant land use activity or organisation (e.g. DCC), locational, directional or informative information relevant to the area, or rules of the area or use of the area;
- b. Ancillary signs that promote or advertise retail, restaurants, or conference, meeting and function activities ancillary to sport and recreation must not be visible from a public place outside the recreation area.

**20.6.10.3 Signs attached to buildings:**

- a. any signs displaying the club/s name on clubrooms must not exceed a maximum total area of 5m<sup>2</sup> per building face;
- b. the maximum number of permanent commercial sponsorship signs is one sign for the naming rights sponsor of the sport and recreation activity (club), with a maximum area of 3m<sup>2</sup>, except: for clubs that operate in an enclosed area that is only open to members, apart from during events, there is no maximum number of commercial sponsorship signs, provided those signs are not visible from outside of the enclosed area;
- c. other signs must not exceed a total maximum area of 1m<sup>2</sup> per building face;
- d. signs must remain entirely within the visual profile of the building or structure; and
- e. signs must not project higher than the lowest point of the roof, except as mounted flat against a parapet or gable end.

**20.6.10.4 Freestanding signs**

- a. must not exceed a maximum total area of all display faces of 3m<sup>2</sup>; and each display face must not exceed 1.5m<sup>2</sup> in area;
- b. must not exceed a maximum height above ground level of 4m; and
- c. must be positioned within the site boundaries and located so they do not obstruct any parking, loading or access areas.

**20.6.10.5 Portable freestanding signs:**

- a. Commercial sponsorship signs erected for matches, competitions, or events must not be displayed for more than one day before the competition/event, and must be removed within one day of completion of the competition/event.
- b. Any other portable signs must not exceed one sign per activity, and 0.9m in height and 0.6m in width.
- c. Signs must be positioned within site boundaries.

**Note 20.6A - Other relevant District Plan provisions**

1. Commercial advertising is a non-complying land use activity in all zones except 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.



#### **Note 20.6B - Other requirements outside of the District Plan**

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

### **20.6.11 Parking, Loading and Access Standards**

Parking, loading and access must comply with Rule 6.6.

### **20.6.12 Setbacks**

#### **20.6.12.1 Boundary Setbacks**

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

- a. 4.5m from the road boundary; and
- b. 2m from side and rear boundaries;
- c. Jetties, boat ramps, wharves, fences, and ancillary signs are exempt from this standard.

Communal outdoor gathering areas, including decks at or above ground level, must be setback 10m from a residential zone.

#### **20.6.12.2 Forestry and tree planting setbacks**

- a. Trees associated with forestry activity:
  - i. must not be planted within 30m of the boundary of any residential zone or rural residential zone; and
  - ii. must not be planted within 40m of a residential building where the building exists at the time of planting; and
  - iii. must not shade a motorway or a strategic, arterial or collector road between 10am and 2pm on the shortest day of the year.
- b. Trees associated with tree planting:
  - i. must be set back, or managed so that they maintain, a minimum distance of their own height from any residential building on an adjacent site, where the building exists at the time of planting; and
  - ii. must not shade a motorway or a strategic, arterial or collector road between 10am and 2pm on the shortest day of the year.

#### **20.6.12.3 Setback from coast and water bodies**

New buildings and structures, additions and alterations, earthworks - large scale, and storage and use of hazardous substances must comply with Rule 10.3.3.

#### **20.6.12.4 Setback from national grid**

New buildings and structures, additions and alterations, and earthworks must comply with Rule 5.6.1.

#### **20.6.12.5 Setback from scheduled tree**

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

### **20.6.13 Vegetation Clearance Standards**

#### **20.6.13.1 Maximum area of vegetation clearance (UCMA)**

Vegetation clearance in an **urban conservation mapped area** must comply with Rule 10.3.2.1.

#### **20.6.13.2 Protected areas**

Vegetation clearance and indigenous vegetation clearance must comply with Rule 10.3.2.3.

#### **20.6.13.3 Protected species (indigenous vegetation clearance)**

Indigenous vegetation clearance must comply with Rule 10.3.2.4.

#### **20.6.13.4 Maximum area of vegetation clearance in the hazard overlay zones**

Vegetation clearance in the hazard 1 (land instability), hazard 2 (land instability) overlay zones, or in a **dune system mapped area**, must comply with Rule 11.3.2.

## **Rule 20.7 Subdivision Performance Standards**

### **20.7.1 Access**

General subdivision must comply with Rule 6.8.1.

### **20.7.2 Esplanade Reserves and Strips**

General subdivision must comply with Rule 10.3.1.

### **20.7.3 Fire Fighting**

General subdivision must comply with Rule 9.3.3.

### **20.7.4 Service Connections**

General subdivision must comply with Rule 9.3.7.

### **20.7.5 Shape**

1. Each resultant site must be of a size and shape that is large enough to allow for:
  - a. setbacks from boundaries, water bodies, scheduled trees, national grid transmission lines; and
  - b. esplanade reserve or strip areas.
2. Resultant sites created and used solely for the following purposes are exempt from the shape standard:
  - a. Scheduled ASCV or QEII covenant;
  - b. reserve;
  - c. access;
  - d. network utility; or
  - e. road.

## Rule 20.8 Assessment of Controlled Activities

### Rule 20.8.1 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 20.8.2:
  - 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) 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 20.9; 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 20.11; 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 20.12; and
    - iii. the assessment guidance in this section will also be considered.

### 20.8.2 Assessment of controlled activities

Activity	Matters of control	Guidance on the assessment of resource consents
1. Earthquake strengthening that affects a protected part of a scheduled heritage building or scheduled heritage structure, where external features only are protected.	a. Effects on heritage values	See Rule 13.4

## **Rule 20.9 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)**

### **Rule 20.9.1 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 20.9.2 - 20.9.6:
  - 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 20.9.2 - 20.9.5 apply to performance standards in the Recreation Zone; Rule 20.9.6 contains additional provisions that apply to performance standards in overlay zones, mapped areas, and on scheduled items.

### **20.9.2 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>a. The degree of non-compliance with the performance standard is minor.</li> <li>b. The need to meet other performance standards, or other site specific factor including topography, make meeting the standard impracticable.</li> <li>c. Topography or other site specific factors make the standard irrelevant as the adverse effects that the standard is trying to manage will not occur.</li> <li>d. Non-compliance with a development performance standard would improve the design of the development in a way that would result in positive effects and better achieve the identified objectives and policies of the Plan.</li> </ol> <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> <li>e. Where more than one standard is contravened, the combined effects of the contraventions should be considered.</li> </ol>

### **20.9.3 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

### 20.9.3 Assessment of land use performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
2. Hours of operation	a. Effects on surrounding sites' amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 20.2.2</li> <li>ii. Retail, restaurant, and conference, meeting and function activities ancillary to sport and recreation operate in a way that avoids, or if avoidance is not possible, adequately mitigates adverse effects on surrounding properties (Policy 20.2.2.5).</li> </ul> <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> <li>iii. In assessing effects on amenity, Council will consider the location of the building on the site in relation to adjacent residential buildings, and the location of the site and access in the context of the wider environment, considering effects of vehicle movements, vehicle headlights and noise.</li> </ul>
3. Minimum car parking	a. Effects on the safety and efficiency of the transport network	See Rule 6.9
4. Tree species	a. Effects on biodiversity	See Rule 10.4

### 20.9.4 Assessment of development performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. Boundary setbacks	a. Effects on on-site amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 20.2.2</li> <li>ii. Development maintains or enhances on-site amenity for recreation area users (Policy 20.2.2.1.b).</li> </ul>
	b. Effects on surrounding sites' amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 20.2.2</li> <li>ii. Development maintains or enhances neighborhood amenity, and the amenity of any surrounding residential properties (Policy 20.2.2.1.b).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. Access to sunlight to the outdoor living space(s) and windows of bedrooms and living areas of adjacent residential building is maintained or any reduction is minor.</li> </ul>
2. Earthworks standards: • Batter gradient	a. 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 20.2.3</li> <li>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 20.2.3.1.b).</li> </ul>

#### 20.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
3.	Earthworks standards: <ul style="list-style-type: none"> <li>Setback from property boundary, buildings, structures and cliffs</li> </ul>	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 20.2.3 ii. Earthworks and associated retaining structures are designed and located to avoid adverse effects on the stability of land, buildings, and structures by being set back an adequate distance from property boundaries, buildings and cliffs (Policy 20.2.3.1.a).
4.	Earthworks standards: <ul style="list-style-type: none"> <li>Setback from national grid</li> <li>Setback from network utilities</li> </ul>	a. Effects on efficient and effective operation of network utilities b. Effects on health and safety	See Rule 5.7
5.	Earthworks standards: <ul style="list-style-type: none"> <li>Sediment control</li> </ul>	a. Effects on surrounding sites	<i>Relevant objectives and policies:</i> i. Objective 20.2.3 ii. Earthworks and any associated retaining structures are designed and located to minimise adverse effects on surrounding sites and the wider area by managing earthworks to avoid sediment run-off, including on to any property, or into any stormwater pipes, drains, channels or soakage systems (Policy 20.2.3.2.b).
		b. Effects on biodiversity and natural character of riparian margins and the coast	See Rule 10.4
		c. Effects on the efficiency and/or affordability of infrastructure	See Rule 9.4
6.	Earthworks standards: <ul style="list-style-type: none"> <li>NZ Environmental Code of Practice for Plantation Forestry</li> </ul>	a. Degree of compliance with New Zealand Code of Practice for Plantation Forestry	<i>Relevant objectives and policies:</i> i. Objective 20.2.3 ii. Earthworks ancillary to forestry are carried out in accordance with industry best practice guidelines (Policy 20.2.3.4).

#### 20.9.4 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 neighbourhood amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 20.2.2</li> <li>ii. Boundary fences are of a height and design that contributes positively to the amenity and character of the neighbourhood and recreation area (Policy 20.2.2.2).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. The increased height or reduced visual permeability is necessary to meet protection requirements, to provide security, minimise noise effects from a busy road or activity, or for public well-being.</li> <li>iv. Existing vegetation or proposed landscaping will screen fences from public places.</li> <li>v. For side and rear boundaries, the fence is on a boundary that is not generally accessible or visible from open areas of the recreation area, e.g. on a boundary in a dense bush area.</li> </ul>
		b. Effects on health and safety	See Rule 9.4
8.	Fire fighting	a. Effects on health and safety	See Rule 9.4
9.	Forestry and tree planting setbacks	a. Effects on surrounding sites' amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 20.2.2</li> <li>ii. Forestry and tree planting is set back an adequate distance to avoid significant effects from shading on residential buildings on adjacent properties (Policy 20.2.2.4).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. The area to be planted is to the south of any adjacent residential or rural residential zone.</li> <li>iv. Slope or orientation or other topographical aspects of the sites involved mean that there will be no shading of a residential building on an adjoining site.</li> </ul>
		b. Effects on health and safety	See Rule 9.4
		c. Effects on the safety and efficiency of the transport network	See Rule 6.9



#### 20.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
10.	Hazardous substances quantity limits and storage requirements	a. Effects on health and safety	See Rule 9.4
11.	Height in relation to boundary	a. Effects on surrounding sites' amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 20.2.2</li> <li>ii. Development maintains or enhance neighbourhood amenity, and the amenity of any surrounding residential properties (Policy 20.2.2.1.b).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. Access to sunlight to the outdoor living space(s) and windows of bedrooms and living areas of adjacent residential buildings is maintained or any reduction is minor.</li> </ul>
12.	Maximum height	a. Effects on on-site amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 20.2.2</li> <li>ii. Development maintains or enhances on-site amenity for recreation area users (Policy 20.2.2.1.b).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. Better use of public space and retention of open space within the site can be achieved.</li> <li>iv. Greater height is required to meet specialised recreational needs.</li> </ul>
		b. Effects on surrounding sites' amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 20.2.2</li> <li>ii. Development maintains or enhances neighbourhood amenity, and the amenity of any surrounding residential properties and is in keeping with the scale of buildings in the surrounding residential environment (Policy 20.2.2.1.b).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. Access to sunlight to the outdoor living space(s) and windows of bedrooms and living areas of adjacent residential buildings is maintained or any reduction is minor.</li> <li>iv. Landscaping or fences screen or soften the visual effects of buildings.</li> <li>v. Natural landforms or topography (e.g. cliffs or tall trees) provide a backdrop to the building.</li> </ul>

#### 20.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
13.	Location and screening of car parking	a. Effects on surrounding sites' amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 20.2.2</li> <li>ii. Parking areas are designed or located to minimise light spill from vehicles on surrounding resident properties (Policy 20.2.2.1.e).</li> </ul> <p><i>Conditions that may be imposed:</i></p> <ul style="list-style-type: none"> <li>iii. Landscaping</li> </ul>
14.	Location and screening of outdoor storage	a. Effects on neighbourhood amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 20.2.2</li> <li>ii. Service areas are not visible from ground level from outside the site (Policy 20.2.2.1.c).</li> <li>iii. Outdoor storage is managed in a way that does not result in unreasonable visual amenity effects or nuisance effects (Policy 20.2.2.1.f).</li> </ul> <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> <li>iv. Landscaping to minimise adverse visual and nuisance effects from lighting, vehicle headlights, or car parking areas on surrounding properties.</li> </ul>
15.	Number, location, and design of ancillary signs	a. Effects on on-site amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 20.2.2</li> </ul>
		b. Effects on neighbourhood amenity	<ul style="list-style-type: none"> <li>ii. Ancillary signs are located and designed to maintain or enhance on-site amenity, and surrounding streetscape and residential amenity, and by being of an appropriate number, design, and number to convey information about the name and nature of the club, organisation, or reserve, and not oversized or too numerous than what is necessary for that purpose (Policy 20.2.2.3.a).</li> <li>iii. Commercial sponsorship signs ancillary to sport and recreation are managed and/or temporary in nature to maintain on-site amenity and surrounding streetscape and residential amenity (Policy 20.2.2.3.b).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iv. The number and location of signs will not result in more than minor cumulative visual effects.</li> </ul>
		c. Effects on the safety and efficiency of the transport network	See Rule 6.9
16.	Parking loading and access standards	a. Effects on safety and efficiency of the transport network	See Rule 6.9

#### 20.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
17.	Screening of outdoor gathering areas	a. Effects on surrounding sites' amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 20.2.2</li> <li>ii. Buildings are designed and located to avoid communal outdoor gathering areas, including decks, overlooking or disturbing surrounding properties or effect residential amenity (Policy 20.2.2.1.d).</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 gathering areas will not be close to, or overlooking, residential buildings or outdoor living areas.</li> </ul> <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> <li>iv. Landscaping to minimise adverse visual and nuisance effects from lighting, and noise on surrounding properties.</li> <li>v. Conditions may be imposed to minimise noise through the use of acoustic fencing or other treatments.</li> </ul>
18.	Setback from coast and water bodies	a. Effects on biodiversity and natural character values of riparian margins and the coast	See Rule 10.4
		b. Effects on public access	See Rule 10.4
		c. Risk from natural hazards	See Rule 11.4
19.	Setback from scheduled tree	a. Effects on long term health of tree	See Rule 7.6
20.	Vegetation clearance standards (Protected areas)	a. Effects on biodiversity and natural character values of riparian margins and the coast	See Rule 10.4
21.	Vegetation clearance standards: <ul style="list-style-type: none"> <li>• Protected species (indigenous vegetation clearance)</li> </ul>	a. Effects on biodiversity	See Rule 10.4

#### 20.9.5 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
		b. Effects on safety and efficiency of the transport network	
2.	Esplanade reserves and strips	a. Effects on biodiversity and natural character values of riparian margins and 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

### 20.9.5 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> <ol style="list-style-type: none"> <li>Objectives 2.4.1</li> <li>Subdivisions are designed to ensure any future land use or development is able to meet the performance standards in the zone, or where in a structure plan area, reflects the requirements of the structure plan, unless: <ol style="list-style-type: none"> <li>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>the resultant site is required for: <ol style="list-style-type: none"> <li>Scheduled ASCV; QEII covenant;</li> <li>reserve;</li> <li>access;</li> <li>utility; or</li> <li>road (Policy 2.4.1.8).</li> </ol> </li> </ol> </li> </ol> <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> <li>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: <ol style="list-style-type: none"> <li>boundary setbacks;</li> <li>setbacks from water bodies;</li> <li>setback from scheduled tree; and</li> <li>setback from national grid.</li> </ol> </li> </ol> <p><i>Conditions that may be imposed:</i></p> <ol style="list-style-type: none"> <li>Restrictions or conditions, including by way of consent notice, on land use or development activities allowed on the site.</li> <li>A building platform may be required to be registered against the title by way of consent notice.</li> </ol>	

### 20.9.6 Assessment of performance standard contraventions in overlay zones, mapped areas, or affecting scheduled items

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. In a <b>hazard overlay zone, swale mapped area or dune system mapped area</b> : <ul style="list-style-type: none"> <li>Hazard overlay zones development standards</li> </ul>	<ol style="list-style-type: none"> <li>Risk from natural hazards</li> </ol>	See Rule 11.4

### 20.9.6 Assessment of performance standard contraventions in overlay zones, mapped areas, or affecting scheduled items

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
2.	In the <b>NCC Overlay Zone:</b> <ul style="list-style-type: none"> <li>Maximum height</li> </ul>	a. Effects on natural character of the coast	See Rule 10.4
3.	On a <b>Scheduled Heritage Building</b> or <b>Scheduled Heritage Structure:</b> <ul style="list-style-type: none"> <li>Material and design</li> </ul>	a. Effects on heritage values	See Rule 13.5
4.	In an <b>UCMA:</b> <ul style="list-style-type: none"> <li>Vegetation clearance standards (Maximum area of vegetation clearance)</li> </ul>	a. Effects on biodiversity	See Rule 10.4
5.	In a <b>wāhi tūpuna mapped area:</b> <ul style="list-style-type: none"> <li>Setback from coast and water bodies</li> <li>Esplanade reserves and strips</li> <li>Maximum area (indigenous vegetation clearance)</li> <li>Protected areas</li> <li>Protected species</li> </ul>	a. Effects on cultural values of manawhenua	See Rule 14.3

## **Rule 20.10 Assessment of Restricted Discretionary Activities**

### **Rule 20.10.1 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 20.10.2 - 20.10.5:
  - 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 20.10.2 - 20.10.4 apply to activities in the Recreation Zone; Rule 20.10.5 contains additional provisions that apply to activities in overlay zones, mapped areas, and on scheduled items.
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) 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 20.9; 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 20.11; 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 20.12; and
    - iii. the assessment guidance in this section will also be considered.



### 20.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
<p>1. All restricted discretionary land use activities, including:</p> <ul style="list-style-type: none"> <li>• community and leisure - large scale</li> <li>• activities listed below.</li> </ul>	<p>a. Effects on safety and efficiency of the transport network</p>	<p>See Rule 6.10</p>
<p>2. Campgrounds</p>	<p>a. Effects on surrounding sites' amenity</p>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 20.2.2</li> <li>ii. Campgrounds are designed so any adverse effects, including from noise or dust, or loss of privacy, on surrounding residential properties and other recreation area users, can be avoided or, if avoidance is not possible, is adequately mitigated (Policy 20.2.2.7).</li> <li>iii. Campgrounds are designed so service areas are not visible from ground level from outside the site (Policy 20.2.2.1.c).</li> <li>iv. Outdoor storage is managed in a way that does not result in unreasonable visual amenity effects or create nuisance effects (Policy 20.2.2.1.f).</li> </ul> <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> <li>v. Limits on the scale of the activity.</li> <li>vi. Location of dump stations (for disposal of waste from motor homes) away from boundaries with residential properties.</li> <li>vii. Restrictions on location and hours of operation of generators to minimise any effects from noise on neighbours.</li> <li>viii. Road upgrades necessary to handle the amount and type of vehicles anticipated.</li> <li>ix. Location, screening, or acoustic fencing of communal outdoor gathering areas.</li> </ul>

### 20.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
3. Cemeteries	a. Effects on cultural values of manawhenua	See Rule 14.4
	b. Effects on surrounding sites' amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 20.2.2</li> <li>ii. Cemeteries are designed and located to: <ul style="list-style-type: none"> <li>1. avoid, or if avoidance is not possible, adequately mitigate, adverse effects on the amenity of surrounding sites; and</li> <li>2. minimise the potential for reverse sensitivity that may affect the ability of the cemetery to operate from surrounding permitted activities (Policy 20.2.2.8).</li> </ul> </li> </ul> <p><i>General assessment guidance/Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> <li>iii. In assessing the effects on amenity, Council will consider whether graves will be located a suitable distance away from boundaries and whether any screening or landscaping proposed will be adequate. These aspects may be included as conditions of consent.</li> </ul>

## 20.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
4. Early childhood education - small scale	a. Effects on surrounding sites' amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 20.2.2</li> <li>ii. Early childhood education facilities are designed and located to avoid or, if avoidance is not possible, adequately mitigate adverse effects on the amenity of surrounding residential properties (Policy 20.2.2.12.a).</li> </ul> <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> <li>iii. In assessing the effects on amenity, Council will consider whether buildings and outdoor areas are designed and located to reduce noise emissions.</li> </ul> <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> <li>iv. Delivery time restrictions.</li> <li>v. Landscaping to minimise amenity effects of lighting, or parking areas on surrounding properties. Mitigation measures to minimise noise such as insulation, acoustic fencing, low noise surfaces for play areas, or other such treatments.</li> <li>vi. A noise management plan may be required.</li> </ul>
	b. Effects on on-site amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 20.2.2</li> <li>ii. Early childhood education facilities are designed and located to avoid or, if avoidance is not possible, adequately mitigate adverse effects for other recreation area users (Policy 20.2.2.12.b).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. Any loss of open space that would otherwise be available to the public, is minimal.</li> <li>iv. The activity will support a recreation activity on the site.</li> </ul> <p><i>General assessment guidance include:</i></p> <ul style="list-style-type: none"> <li>v. In assessing the effects on amenity, Council will consider whether: <ul style="list-style-type: none"> <li>i. noise emissions reduction measures should be require</li> <li>ii. the scale of the activity is suitable for the site.</li> </ul> </li> </ul>

## 20.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
5. Stand-alone car parking	a. Effects on on-site amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 20.2.2</li> <li>ii. Stand-alone car parking is only allowed where it is the secondary use of a parking area required for an activity provided for in the recreation area, when not required for the primary purpose of the area, and where that parking is not needed to facilitate public use of the recreation area (Policy 20.2.2.13).</li> </ul> <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> <li>iii. Limits on the number of parking spaces that can be used for stand-alone parking to ensure car parks are still available for public use.</li> <li>iv. Limits on the hours parking spaces can be used for stand-alone car parking to ensure conflicts with the primary use of the site do not occur.</li> </ul>
6. Ancillary licensed premises	a. Effects on surrounding sites' amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 20.2.2</li> <li>ii. Ancillary licensed premises operate in a way that avoids or, if avoidance is not possible, adequately mitigates, noise or other adverse effects on the amenity of surrounding residential properties (Policy 20.2.2.5).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. The intensity and scale of the activity will not result in increased vehicle or pedestrian movement at unreasonable hours or undesirable activities that would create a disturbance for surrounding residential properties; and</li> <li>iv. effects of the activity will be contained within the recreation area.</li> </ul>

### 20.10.3 Assessment of restricted discretionary development activities

Development activities	Matters of discretion	Guidance on the assessment of resource consents
1. New buildings or additions and alterations that result in a building greater than 350m <sup>2</sup> GFA and/or has any wall longer than 20m.	<p>a. Effects on on-site amenity</p> <p>b. Effects on surrounding sites' amenity</p> <p>c. Effects on neighbourhood amenity</p>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 20.2.2</li> <li>ii. New buildings or additions and alterations to buildings avoid adverse effects on on-site amenity, or if avoidance is not possible, effects are adequately mitigated (Policy 20.2.2.10).</li> <li>iii. Development maintains or enhances on-site amenity for recreation area users, neighbourhood amenity and the amenity of any surrounding residential properties by ensuring the scale of buildings and structures is appropriate to the recreation area and in keeping with the scale of buildings in surrounding residential environments (Policy 20.2.2.1.b).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iv. The visual effect of the building length is screened and softened by landscaping, fencing, or other screening.</li> <li>v. The building is set back from boundaries an adequate distance to avoid shading or visual effects on adjacent residential properties or public places.</li> <li>vi. Topography of the site mitigates the effects of the building scale on adjacent residential properties or public places.</li> <li>vii. The building will not result in removal of important trees or other vegetation.</li> <li>viii. The building will not visually dominate the site or result in unacceptable loss of open space available for users of the recreation area</li> <li>ix. The building enhances opportunities for use of the recreation area for its purpose.</li> <li>x. The building is attractive and has appropriate building modulation such as through:               <ul style="list-style-type: none"> <li>1. varying building elevations;</li> <li>2. setting parts of the building back;</li> <li>3. using different textures;</li> <li>4. architectural features; or</li> <li>5. other forms of building modulation.</li> </ul> </li> </ul>

### 20.10.3 Assessment of restricted discretionary development activities

Development activities	Matters of discretion	Guidance on the assessment of resource consents
2. Earthworks - large scale (that exceed the scale thresholds for the recreation zones)	<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 20.2.3</li> <li>ii. Adverse effects on visual amenity and character will be avoided or, if avoidance is not possible, adequately mitigated (Policy 20.2.3.3.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 20.2.3.3.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 effect 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>

### 20.10.3 Assessment of restricted discretionary development activities

Development activities		Matters of discretion	Guidance on the assessment of resource consents
		c. 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 20.2.3</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 20.2.3.3.c).</li> </ul> <p><i>Potential circumstances that may support a consent application:</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 20.13.1).</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>
3.	Earthworks - large scale (that exceed scale thresholds within 5m of a water body or MHWS)	a. Effects on biodiversity and natural character of riparian margins and the coast	See Rule 10.5
		b. Effects on public access	
4.	New parking areas, or extensions to existing parking areas ( <i>that result in the creation of 50 or more new parking spaces.</i> )	a. Effects on safety and efficiency of the transport network	See Rule 6.10
		b. Effects on accessibility	



#### 20.10.4 Assessment of restricted discretionary subdivision activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
1.	General subdivision	a. Effects on the efficient and effective operation of the recreation area	<i>Relevant objectives and policies:</i> i. Objective 20.2.2 ii. the subdivision does not adversely affect the efficient and effective operation of the recreation area (Policy 20.2.2.11).
		b. Effects on safety and efficiency of the transport network	See Rule 6.10
		c. Effects on health and safety	See Rule 9.5
		d. Effects on biodiversity and natural character of riparian margins and the coast	See Rule 10.5
		e. Effects on areas of indigenous vegetation and the habitat of indigenous fauna	
		f. Effects on public access	
		g. Risk from natural hazards	See Rule 11.5

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

Activity		Matters of discretion	Guidance on the assessment of resource consents
1.	In a <b>GPA mapped area</b> : • Earthworks - large scale (that exceed the scale thresholds for a GPA)	a. Effects on health and safety	See Rule 9.5
2.	In a <b>hazard overlay zone</b> : • Earthworks (that exceed the scale threshold for a hazard overlay zone or a <b>swale or dune system mapped area</b> )	a. Risk from natural hazards	See Rule 11.5
3.	In the <b>Hazard 1 (land instability) Overlay Zone</b> (see Rule 20.3.6): • New buildings, and additions and alterations to buildings, which create more than 1m <sup>2</sup> of new ground floor area	a. Risk from natural hazards	See Rule 11.5

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

Activity		Matters of discretion	Guidance on the assessment of resource consents
4.	In a <b>Hazard 1 or 2 overlay zone</b> , other than the hazard 1 (land instability) Overlay Zone (see Rule 20.3.6): <ul style="list-style-type: none"> <li>New buildings, and additions and alterations 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
5.	In a <b>geologically sensitive mapped area (GSA)</b> : <ul style="list-style-type: none"> <li>Earthworks - large scale (that exceed underlying zone scale thresholds)</li> </ul>	a. Risk from natural hazards	See Rule 11.5
6.	In the <b>NCC Overlay Zone</b> : <ul style="list-style-type: none"> <li>Forestry</li> <li>New buildings or additions and alterations that result in a building greater than 60m<sup>2</sup> GFA and/or has any wall longer than 20m</li> <li>Earthworks - large scale (that exceed scale thresholds for an NCC)</li> <li>Indigenous vegetation clearance</li> <li>General subdivision</li> </ul>	a. Effects on natural character of the coast	See Rule 10.5
7.	On a <b>Scheduled ASCV</b> : <ul style="list-style-type: none"> <li>New buildings or additions and alterations that result in a building greater than 60m<sup>2</sup> GFA and/or has any wall longer than 20m</li> <li>General subdivision</li> <li>Earthworks - large scale (that exceed scale thresholds for a Scheduled ASCV)</li> <li>Indigenous vegetation clearance</li> </ul>	a. Effects on biodiversity	See Rule 10.5
8.	Activities affecting a <b>scheduled heritage item</b> : <ul style="list-style-type: none"> <li>Additions and alterations that affect a protected part of a scheduled heritage building or scheduled heritage structure</li> <li>Removal for relocation of a scheduled heritage building or scheduled heritage structure</li> <li>New buildings, all other structures, parking, loading and access on a scheduled heritage site, visible from an adjoining public place or a publicly accessible place within the heritage site</li> <li>Earthworks - large scale (that exceed the scale thresholds for a scheduled heritage site)</li> <li>General subdivision</li> </ul>	a. Effect on heritage values	See Rule 13.6

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

Activity		Matters of discretion	Guidance on the assessment of resource consents
9.	In an <b>UCMA</b> : <ul style="list-style-type: none"> <li>Earthworks - large scale (that exceed the scale threshold for a UCMA)</li> </ul>	a. Effects on biodiversity	See Rule 10.5
10.	In a <b>wāhi tūpuna mapped area</b> where activity is identified as a threat, including: <ul style="list-style-type: none"> <li>All RD forestry</li> <li>All RD buildings and structures, additions and alterations up to 60m<sup>2</sup></li> <li>Earthworks - large scale that exceed any scale threshold</li> <li>All RD indigenous vegetation clearance</li> </ul>	a. Effects on cultural values of manawhenua	See Rule 14.4

## **Rule 20.11 Assessment of Discretionary Activities**

### **Rule 20.11.1 Introduction**

1. Discretionary activities will be assessed in accordance with section 104 and 104B of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rules 20.11.2 - 20.11.3 provide guidance on how a consent application for the listed discretionary activities will be assessed, including:
  - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
  - b. potential circumstances that may support a consent applications;
  - 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.

## 20.11.2 Assessment of discretionary land use activities

Activity	Guidance on the assessment of resource consents
1. All discretionary activities	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. Objectives 20.2.1 and 20.2.2</p> <p><i>Potential circumstances that may support a consent application include:</i></p> <p>b. For discretionary land use activities, whether any associated development activities meet relevant performance standards, or are otherwise consistent with relevant objectives and policies for development (see Rules 20.9 for performance standard contraventions).</p> <p>c. For discretionary land use activities, whether relevant land use performance standards are met, including noise and light spill standards.</p> <p><i>General assessment guidance:</i></p> <p>d. 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.</p> <p>e. In assessing activities that are discretionary due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered.</p> <p>f. In assessing the significance of effects, consideration will be given to:</p> <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 grant of resource consent.</li> <li>iii. Manawhenua values and the relationship between manawhenua and the natural environment is maintained, including cultural values and traditions associated with: <ul style="list-style-type: none"> <li>1. wāhi tūpuna; and</li> <li>2. the customary use of mahika kai (Objective 14.2.1).</li> </ul> </li> <li>iv. If located outside a <b>wāhi tūpuna mapped area</b>, Kai Tahu may advise the Council if it considers that the granting of the consent would affect the integrity of the broader environment within which the wāhi tūpuna is located, or the linkages between wāhi tūpuna.</li> </ul>

### 20.11.2 Assessment of discretionary land use activities

Activity	Guidance on the assessment of resource consents
<p>2. Early childhood education - large scale</p>	<p><i>Relevant objectives and policies (priority considerations)</i></p> <ul style="list-style-type: none"> <li>a. Objective 20.2.2</li> <li>b. Early childhood education facilities are designed and located to avoid or, if avoidance is not possible, adequately mitigates adverse effects on the amenity of surrounding residential properties or other recreation area users (Policy 20.2.2.12).</li> <li>c. See Section 6.11 for guidance on the assessment of resource consents in relation to Objective 6.2.2 and 6.2.3 and effects related to accessibility and the safety and efficiency of the transport network.</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>d. The activity will not result in a loss of open space that would otherwise be available to the public.</li> <li>e. The activity is provided to support a recreation activity on the site.</li> </ul> <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> <li>f. In assessing the effects on amenity Council will consider whether buildings and outdoor areas are designed and located to reduce noise emissions.</li> <li>g. The scale of the activity is suitable for the site.</li> </ul> <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> <li>h. Delivery time restrictions.</li> <li>i. Landscaping to minimise amenity effects of lighting, vehicle headlights or parking areas on surrounding properties.</li> <li>j. Mitigation measures to minimise noise such as insulation, acoustic fencing, low noise surfaces for play areas, or other such treatments.</li> <li>k. A noise management plan.</li> </ul>

### 20.11.2 Assessment of discretionary land use activities

Activity	Guidance on the assessment of resource consents
3. Mining	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> <li>a. Objective 20.2.2</li> <li>b. Mining is only allowed where there is reasonable certainty that land will be restored a standard that will minimise the long term visual effect (Policy 20.2.2.9.a).</li> <li>c. Any adverse effects on the amenity of the site for recreation users or on surrounding residential properties from noise or dust can be avoided or, if avoidance is not possible, adequately mitigated (Policy 20.2.2.9.b).</li> <li>d. Where in a <b>wāhi tūpuna mapped area</b>, see Section 14.5 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on the cultural values of manawhenua.</li> <li>e. Where in the <b>NCC Overlay Zone</b>, see Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.3 and effects related to the natural character of the coast.</li> <li>f. See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.</li> <li>g. See Section 10.4 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and effects on biodiversity.</li> <li>h. See Section 6.11 for guidance on the assessment of resource consents in relation to Objective 6.2.2 and 6.2.3 and effects related to accessibility and the safety and efficiency of the transport network.</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>i. The site will be restored to the satisfaction of the landowner.</li> <li>j. The site will be restored to its original or better condition at the completion of the activity or, for mining sand from dunes or beaches, there will be no significant effect on the look of the area.</li> <li>k. For mining sand from dunes or beaches, there will be no significant effect on the look of the area.</li> <li>l. The activity will not result in the creation of significant dust and noise.</li> <li>m. The stability of the area, or surrounding areas will not be undermined or affected.</li> </ul>



### 20.11.2 Assessment of discretionary land use activities

Activity	Guidance on the assessment of resource consents
<p>4. Sport and recreation that involves motor vehicles</p>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> <li>a. Objective 20.2.2</li> <li>b. Sport and recreation that involves motor vehicles has no, or only minimal, adverse effects on: <ul style="list-style-type: none"> <li>i. surrounding residential properties; and</li> <li>ii. other recreation area users (Policy 20.2.2.6).</li> </ul> </li> <li>c. Where in a <b>Scheduled ASCV</b> - See Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and effects related to biodiversity.</li> <li>d. See Section 6.11 for guidance on the assessment of resource consents in relation to Objective 6.2.2 and 6.2.3 and effects related to accessibility and the safety and efficiency of the transport network.</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>e. There is sensitivity to the ecological values, scale, character, and use of the recreation area.</li> <li>f. Existing trees and desirable vegetation is retained.</li> </ul>
<p>5. In a <b>Scheduled ASCV</b>:</p> <ul style="list-style-type: none"> <li>• Sport and recreation (including ancillary activities) otherwise permitted in recreation zone</li> </ul>	<p>See Section 10.6 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and effects related to biodiversity.</p>
<p>6. In the <b>hazard 1 overlay zones</b> (see Rule 16.3.6):</p> <ul style="list-style-type: none"> <li>• Potentially sensitive activities permitted in recreation zone</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.</p>
<p>7. In the <b>hazard 2 overlay zones</b> (see Rule 16.3.6):</p> <ul style="list-style-type: none"> <li>• Potentially sensitive activities not permitted in recreation zone</li> <li>• Sensitive activities</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.</p>

### 20.11.3 Assessment of discretionary performance standard contraventions

Activity	Guidance on the assessment of resource consents
<p>1. Scale of operation (scale of activities)</p>	<p><i>Relevant objectives and policies (Priority considerations):</i></p> <ul style="list-style-type: none"> <li>a. Objective 20.2.2</li> <li>b. Conference, meeting, and function ancillary to sport and recreation operate in a way that avoids or, if avoidance is not possible, adequately mitigates, noise or adverse effects on the amenity of surrounding residential properties (Policy 20.2.2.5).</li> </ul> <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> <li>c. The activity should not be used for large conference, meeting or function activities or at a frequency that exceeds the performance standards by a significant amount. Consideration needs to be given to the suitability of the activity in relation to the surrounding land uses, or other uses of the recreation area that are likely to occur at the same time, where conflicts in the use of the recreation area may occur.</li> <li>d. The activity should not be of such a scale that it becomes a dominant, rather than ancillary, use of a building or car parking which should primarily be for recreation purposes.</li> <li>e. Consideration of whether the proposed activities are likely to create a disturbance or disruption to other users of the recreation area.</li> </ul>
<p>2.</p> <ul style="list-style-type: none"> <li>• Acoustic insulation</li> <li>• Noise - where the limit is exceeded by up to 5bD LAeq (15 min)</li> <li>• Light spill - where the limit is exceeded by 25% or less</li> </ul>	<p>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>

## **Rule 20.12 Assessment of Non-complying Activities**

### **Rule 20.12.1 Introduction**

1. Non-complying activities will be assessed in accordance with section 104, 104B and 104D of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rules 20.12.2 - 20.12.5 provide guidance on how a consent application for the listed non-complying activities will be assessed, including:
  - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
  - b. general assessment guidance, including any effects that will be considered as a priority.
3. 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.

### 20.12.2 Assessment of all non-complying activities

Activity	Guidance on the assessment of resource consents
1. All non-complying activities	<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 direction objectives, including, but not limited to, those related to: <ul style="list-style-type: none"> <li>i. Objective 2.3.3 and 2.4.1</li> </ul> </li> <li>b. The activity supports the purpose of the zone as outlined in Objective 20.2.1.</li> </ul> <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> <li>c. 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 grant of resource consent;</li> <li>iii. any effects otherwise managed through performance standards and consistent with all relevant objectives and policies for the zone;</li> <li>iv. Manawhenua values and the relationship between manawhenua and the natural environment is maintained, including cultural values and traditions associated with: <ul style="list-style-type: none"> <li>1. wāhi tūpuna; and</li> <li>2. the customary use of mahika kai (Objective 14.2.1).</li> </ul> </li> <li>v. If located outside a <b>wāhi tūpuna mapped area</b>, Kai Tahu may advise the Council if it considers that the granting of the consent would affect the integrity of the broader environment within which the wāhi tūpuna is located, or the linkages between wāhi tūpuna.</li> </ul> </li> <li>d. In assessing activities that are non-complying due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered.</li> </ul>

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

Activity	Guidance on the assessment of resource consents
1. Commercial advertising	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> <li>a. Objective 2.4.1</li> <li>b. Policy 2.4.1.6.c</li> <li>c. Where in a Scheduled ASCV - See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and the effects related to biodiversity.</li> </ul>

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

Activity	Guidance on the assessment of resource consents
<p>2.</p> <ul style="list-style-type: none"> <li>Commercial activities (except commercial advertising, campgrounds)</li> <li>Industrial activities</li> <li>Major facilities activities (except cemeteries and crematoriums)</li> <li>Rural activities (except grazing, forestry, and landfills)</li> </ul>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> <li>a. Objective 20.2.1</li> <li>b. Policy 20.2.1.4</li> <li>c. Where in a Scheduled ASCV - Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and the effects related to biodiversity.</li> </ul>
<p>3.</p> <ul style="list-style-type: none"> <li>Crematoriums</li> <li>Landfills</li> </ul>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> <li>a. Objective 20.2.1</li> <li>b. Policy 20.2.1.4</li> <li>c. See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and the effects on the cultural values of manawhenua.</li> <li>d. Where in a Scheduled ASCV - See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and the effects related to biodiversity.</li> </ul>
<p>4. Cemeteries</p>	<p>See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and the effects on cultural values of manawhenua.</p>
<p>5. Residential</p>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> <li>a. Objective 20.2.1</li> <li>b. Policy 20.2.1.4</li> <li>c. Where in a Scheduled ASCV - Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and the effects related to biodiversity.</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>d. An on-site residence is essential for management of the recreation area and approval has been granted under the Reserves Act 1977; and</li> <li>e. The location, design, and scale of the residence is appropriate to minimise effects on the recreation area, recreation users, surrounding sites, and neighbourhood amenity.</li> </ul>
<p>6. In the <b>hazard 1 overlay zones</b> (see Rule 20.3.6):</p> <ul style="list-style-type: none"> <li>Potentially sensitive activities not permitted in Recreation Zone</li> <li>Sensitive activities</li> </ul>	<p>See Section 11.7 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and the effects related to the risk from natural hazards.</p>

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

Activity	Guidance on the assessment of resource consents
7. In a <b>Scheduled ASCV</b> : <ul style="list-style-type: none"> <li>• Campgrounds</li> <li>• Cemeteries</li> <li>• Stand alone car parking</li> </ul>	See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and the effects related to biodiversity.

### 20.12.4 Assessment of non-complying development and subdivision activities

Activity	Guidance on the assessment of resource consents
1. Demolition of a protected part of a scheduled heritage building or scheduled heritage structure	See Section 13.8 for guidance on the assessment of resource consents in relation to Objective 13.2.1 and the effects on heritage values.
2. Cross lease, company lease and unit title subdivision	<i>Relevant objectives and policies (priority considerations):</i> <ol style="list-style-type: none"> <li>Objective 20.2.2</li> <li>Policy 20.2.2.11</li> </ol>

### 20.12.5 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>	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. Setback from national grid	See Section 5.10 for guidance on the assessment of resource consents in relation to Objective 5.2.1 and effects related to the efficient and effective operation of network utilities and public health and safety.
3. Hazard overlay zones development standards: <ul style="list-style-type: none"> <li>• Hazard exclusion areas</li> </ul>	See Section 11.7 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and the effects related to the risk from natural hazards.
4. Archaeological sites (earthworks)	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.

## **Rule 20.13 Special Information Requirements**

### **20.13.1 Geotechnical investigation report**

1. A geotechnical investigation report may be requested by Council for earthworks of a large scale and/or where the earthworks are proposed:
  - 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);
  - b. on a site identified as hazard-prone in Council's Hazard Information Management System; or
  - c. on any other site that the Council, with good cause, suspects to be hazard-prone.
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).
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.
4. The geotechnical investigation report must address the following factors:
  - a. special design or construction requirements;
  - b. special foundation requirements;
  - c. services;
  - d. access;
  - e. effluent disposal;
  - f. non-engineered fills; and
  - g. a statement of professional opinion as to the suitability of the land for the proposed development.



